

**CIVICS: TEXAS
AND
FEDERAL**



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CIVICS:

Texas and Federal

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Let reverence of the law be breathed by every mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries and colleges; let it be written in primers, spelling books and almanacs; let it be preached from pulpits and proclaimed in legislative halls, and enforced in courts of justice; in short, let it become the political religion of the nation.

—Abraham Lincoln

PREFACE.

FROM the state viewpoint education is fostered to develop good citizens and thus to insure to all the people of the Nation security in their personal and property rights.

A knowledge of our government and of the conditions that produced our constitutions and laws helps to make good citizens and is the best safeguard to our State.

As the States are sovereign in our government, a citizen feels the influence of the laws of his State in his every-day life, while that of the National laws is more remote. For this reason the young citizen should first familiarize himself with the government of his own State in his study of civics, and then the study of National government will be natural and easy.

In studying the civic affairs of Texas the student realizes that no other commonwealth has such a varied and interesting history. Through every stage of it Texas has been blessed with patriots who cared more for right principles and righteous government than for material prosperity.

Texas took active part in throwing off Spanish rule and oppression in Mexico, and in the establishment of the Mexican Republic. In this republic, Texas loyally supported Mexico till republicanism in the nation was only a name. But when men's rights were disregarded by Mexico's tyrannical dictator, Texans took up arms for citizen rights, won Texan independence from Mexico, and established the Republic of Texas by as marked valor as was shown at Thermopylae.

Realizing her intimate relation to the United States, Texas voluntarily changed from a Republic to a State of the American Union, and later, joining the cause of

the Southern Confederacy, she fought valorously as long as there was a vestige of hope for the success of that cause. It is a notable fact that the last battle of the Civil War was fought on Texas soil—on the Palmetto Rancho—the Confederates winning the victory on May 13, 1865, not yet having heard of the surrender of Lee at Appomattox.

In this book on Texas civics the evolution of the State government will be presented in the light of Texas history and Texas constitutional development. Such essentials of each Texas constitution will be presented as gave a basis for subsequent constitutional changes. The civil government of the State will be considered in an analysis of the present constitution and the legal requirements that arose therefrom.

The county is recognized as the unit in our State government and it is treated fully in its local importance and in its essential relation to the State government. The function of the State officials and of the public institutions is discussed. The relation of the State to the Federal government is explained, and all sections of the Federal constitution that have specific bearing on our State government are plainly presented.

Suffrage and elections, trial proceedings, cities and towns, revenue and taxation, public education and political party management, are carefully treated. To this is added an analytical presentation of the Federal constitution showing the function of the Federal government.

THE AUTHORS.

June 10, 1912.

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STATE GOVERNMENT

INTRODUCTION

GOVERNMENT AND ITS DEVELOPMENT

The Most Primitive Peoples.—Travelers who have penetrated to the almost inaccessible parts of Australia and Central Africa tell of meeting in those remote regions tribes of savages that attack every one they come in contact with who does not belong to their own tribe. These tribes are exceedingly primitive in their mode of life, relying on spears, boomerangs, and like weapons for their defense. They live in huts and subsist largely on the fruits that grow wild around them. They recognize no law except tribal custom, and no government except the leadership of their chieftains. They are the most



Courtesy of Silver, Burdett & Co.

Primitive Inhabitants of Australia, Called "Black Fellows." They Are Not Negroes. The Man Nearest the Boy Has Boomerangs in His Hands.

barbarous, uncivilized people in the world. Between

them and their primitive conditions and the people of our own great country, with all its splendor and enlightenment, is a tremendous gap. Every step of the way between is marked by a steady growth in civilization and by government constantly becoming more complex.

The Policy of Exclusiveness.—In the past many countries shut themselves off from the rest of the world by laws forbidding foreigners coming into them. China even went so far in her policy of exclusiveness as to



Courtesy of Dallas News.

The Great Wall of China.

build a great wall to keep out her warlike neighbors. Japan, until Commodore Perry, with a United States fleet, forced an entrance into the harbor of Tokyo in 1854, was a land unknown to the civilized world. Nothing was known of these great countries except exaggerated tales brought back by the few adventurers who under the guise of natives succeeded in visiting them. Even today, in a remote part of the Himalaya Plateau, in Central Asia, one little government, that of Tibet, still refuses entrance to foreigners, and a recent English exploring expedition was conducted with very great peril.

When such countries first began to admit foreigners it was solely to enable the merchants to exchange the wares of their own people for the products of other countries. At first a few ports, called **treaty ports**, were agreed upon as places to which the foreigners might come, and they were not allowed to journey inland, or to visit other ports. There was no desire on the part of these nations to cultivate friendly relations with their more civilized neighbors, so nothing was done to facilitate intercourse. For example, when other countries were connected by postal service, and the mails came and went with regularity, the only means of transmitting letters to or from the treaty ports was by giving them to friendly sea captains or getting them in the private mail sacks of the representatives of the treaty nations living there.

How the Need of Government Arises.—Amongst the nomadic tribes of Bedouins in Western Asia that move with their flocks and herds from one feeding ground to another, just as was the case amongst the tribes of Indians that once roamed over our own country, there is need of few laws. The interests of all the members of the tribe are the same, property is largely held in

common, the wants of the individual are few. But when such a tribe becomes settled in one place, each member of the tribe soon begins to acquire property for himself, and there arises a natural desire to hold it securely and peacefully so as to enjoy it. This leads to a demand for laws. **Laws** are rules of conduct obligatory upon all and usually carrying fixed penalties to be imposed on those guilty of failure to obey them. But as these laws must be enforced fairly toward all members of the tribe to be any protection, there follows a demand for an organized government with means and power to enforce the laws.

Kinds of Governments.—While it is probable that all government had the same simple beginning, history



Courtesy of Dallas News.

A Public Park in San Antonio.

teaches us that at an early date most of the different peoples had lost their right to make their own laws and to govern themselves. It is likely that this came about through some chieftain or wealthy man being able to assume, by means of his strength, the right to make and

enforce the laws, and to transmit at his death that power to one of his heirs. Thus might be laid the foundation of a long line of rulers all belonging to the same family. The present King of England can trace his line back nearly nine hundred years to William the Conqueror.

There are two kinds of governments—monarchies and republics. A **monarchy** is a government ruled by a single person, called the **monarch** or **sovereign**. At his death the throne descends to his eldest son, or, in case he has no sons, then to some other member of his family as provided by law or custom.

A monarchy in which there are no limitations on the powers of the monarch is called an **absolute monarchy**. Until recently China, Turkey, and Russia were absolute monarchies, but it is doubtful whether there is any absolute monarchy today. A monarchy in which the powers of the monarch are limited by a constitution is called a **limited monarchy**. Germany and Italy are limited monarchies. King, emperor, sultan, czar, shah, and mikado are different names for monarchs.

A **republic** is a government in which the supreme power rests in all, or in a considerable part of the adult citizens, and is exercised by representatives elected by them and responsible to them. The ruler is elected for a fixed term of years and is known as the President. The United States of America, France, Switzerland, Mexico, China, and most of the countries of Central and South America are republics.

Government Becomes Complex as Civilization Advances.—As countries advance in civilization their relations with other countries become closer, wars become less frequent, cities become larger and more numerous, life becomes more complex, and the demands on the government become more varied and far-reaching.



A Farm Home Near Krum, Texas.

Let us compare life in a rural community with that in a city. In the country, people are scattered, being engaged in work on

farms; consequently, there is little likelihood of disagreements arising among them, and it takes few officers to enforce the laws. In the cities many people live and labor close to one another, the struggle for existence is keener, and there are many opportunities for disagreement. Some of those disagreeing may attempt to resort to force to maintain their views, or rights. Many officers are needed to see that they do not break the law and interfere with the rights of others. In the country each farmer can easily provide his own water supply by means of springs or wells, and, surrounded by broad fields, he can dispose of the garbage and sewage from his house without the aid of his neighbor and without endangering the health of others. But in the cities, where thousands of people often live in an area that would only make one farm, it is essential either to sink very deep wells or to bring the water supply from rivers, or lakes, at a considerable distance from the city; it is also necessary to provide sewage systems to carry off the sewage, and garbage wagons to collect the garbage from the homes, as a means of guarding against disease. Parks must also be furnished that the people may have "breathing spots." Fire departments are needed to keep fires from destroying large amounts of property. It is impossible for each

resident to furnish these things for himself, independently of his neighbor. Hence, in cities, the government provides them, and many other things, for the comfort, health and happiness of all the people, just as in the country it builds the roads and the bridges for their convenience. To do all these things requires many



officials, many special laws, and a much more complicated or highly organized government.

This Street in New York City Is Less Than One-half Mile Long, and With the Buildings on Both Sides Covers 17 Acres. 2,165 Families, Including 12,015 People, Live on It.



GALVESTON'S GREAT CAUSEWAY
2 MILES LONG, COST OVER \$2,000,000

THE OLD AND THE NEW

OLD R.R. TRESTLE

The Causeway Connecting Galveston Island With the Main Land.

THOUGHT QUESTIONS

1. What phase of government prevails among primitive tribes?
2. How is leadership determined and maintained among the primitive peoples?
3. As civilization advances what is the tendency of government?
4. What was the policy of the Orientals towards Europeans previous to the nineteenth century?
5. How was national exclusiveness first overcome?
6. Who invade a country first—traders or missionaries?
7. Compare the need for laws of the Bedouin and of the Anglo-Saxon.
8. What is a law?
9. Compare the selection of a monarch and of a president.
10. Trace the influence of the "war spirit" in the selection of the first ruler of England, and of the United States.
11. In a government sense, compare (1) a president and a monarch; (2) a republic and a monarchy.
12. What is the prevailing type of governments in America? Give some reason for the prevalence of this type.
13. Why is a farmer subject to fewer laws than a person living in a city?
14. Distinguish between a special and a general law.

CHAPTER I

THE EARLY GOVERNMENT OF TEXAS

Under Spanish Domination.—The early history of Texas is interwoven with that of Mexico, as Texas was part of that country until her secession in 1836. In 1727, Texas, under the name of New Philipenas, became a province of Spain and was allowed almost entire control of her governmental affairs. The long rivalry between France and Spain over the ownership of Mexico was ended, in 1763, by the cession of the Louisiana Territory to Spain by France, as a protective measure against England, their common enemy. In 1801 the Louisiana Territory was secretly ceded back to France, and two years later, France sold it to the United States. This sale involved Spain and the United States in a boundary line difficulty, which was adjusted, in 1819, by a treaty, by the terms of which the United States purchased Florida and surrendered all claims to any Spanish territory west of the Sabine River.

The Mexican Revolution.—The Mexicans had attempted to throw off Spanish rule in 1812, and were in a revolutionary state till success crowned their efforts in 1821. On February 24th of that year the Federal leaders established a limited constitutional government with de Iturbide (dā ē tōōr bē' thā) as President. With a desire to become an absolute ruler, de Iturbide soon had himself proclaimed Emperor, and thereafter exercised arbitrary rule over his people. The Mexicans, having thrown off Spanish despotism, would not endure the tyranny of a self-proclaimed Emperor. In their revolution of 1823-1824 they dethroned de Iturbide, and by the Constitution Act of 1824, changed their empire into

a republic, called the "Federal States of the Republic of Mexico." Texas remained true to this constitutional government as long as her interests were recognized by Mexico.

Union of Texas and Coahuila.—Previous to the Constitution of 1824 Texas had been a separate province. Under this act the provinces of Texas and Coahuila (kō ä wē'lä) were united as the "State of Texas and Coahuila," but a provision was inserted guaranteeing separate statehood to Texas as soon as her population justified a separate government. The "State of Texas and Coahuila," on March 11, 1827, adopted a constitution in conformity with the Mexican Federacy Constitution of 1824. Under the Constitution of the Mexican Federacy, the right to legislate on all subjects relating to the Federacy was conceded to the General Congress, and legislation on all subjects relating to the internal government of the states was left to the individual states.

The State Congress.—The legislative power of the "State of Texas and Coahuila" was vested in a Congress composed of twelve deputies and six substitute deputies, who were elected by popular vote. The number of deputies was to be increased on a basis of population. This Congress met annually. In addition to the power to enact laws, Congress had the power to interpret its own enactments. A deputation of three members was chosen at the beginning of the annual sessions of Congress and was empowered to call extra sessions, and to adopt needful temporary measures subject to the action of Congress when next in session.

The Executive Power.—The executive power was vested in the governor and vice governor. Each was elected by the people for a term of four years. The governor was assisted by a council of five members. In each of the three divisions of the State there was a depart-

ment chief of police who helped to administer the government under the direction of the governor.

Municipal Government.—In each town there was established an ayuntamiento (*ā yōon tā myān'tō*) consisting of an alcalde (*äl käl'dā*), a *sindico* (*sēn dē'kō*) and *regidores* (*rā hē thō' rās*). A city council of a Texas city would be an administrative body similar to the old Mexican ayuntamiento, except that it would lack the police power that was vested in that body. A mayor, with the further functions of a judge, would be a typical alcalde; aldermen, with the additional powers and duties of the police, would be typical *regidores*; and the corporation clerk, or city secretary, would take the place of a *sindico*.

State Religion.—Under the constitution, Roman Catholicism was made the state religion and was given state support. Worship in any other church was prohibited.

Administration of Justice.—Trial by jury was enjoined in grave offenses, but minor offenses were adjusted by the alcalde, and penalties were imposed by him according to law. Civil cases were adjusted by arbitration. The Supreme Court of the "State of Texas and Coahuila," consisting of three chambers, was established at Coahuila, the capital.

Education.—Higher education, as well as primary education, was provided for in the constitution of the "State of Texas and Coahuila," but nothing was done to establish schools. Failure to do this was one of the Texans' grievances against Mexico.

Texas Discontent.—Under liberal colonization laws the development of Texas was rapid, but her interests were jeopardized by her union with Coahuila for governmental purposes. These two territorial divisions of the Republic had no interests in common. The citizenship

of Coahuila was Mexican, while that of Texas was from the United States. The meeting of Congress and the sitting of the Supreme Court at Coahuila caused much discontent in Texas. Three-fourths of the Congressmen were from what was originally the State of Coahuila. This disproportionate representation in the State Congress caused legislation adverse to Texan interests. The laws enacted by Congress were published in the Mexican language, and this contributed to their unintentional violation by Texans, for the reason that most of them could not read Spanish. Texas had been promised a separate State government as soon as her popula-



Courtesy of Mrs. L. W. Greathouse.

Oak Trees at Columbia, Under Which the First Texas Congress Met in 1836.

tion justified it. In order to secure a fulfillment of this promise, conventions of Texans held at San Felipe (sān fā lē'pā) in 1832 and 1833 demanded of Mexico the redress of the Texan grievances relating to governmental discrimination, but the revolutionary condition of Mex-

ico at the time prevented favorable action, even had Mexico been disposed to grant it. Mexico's failure to act caused the Texans to revolt.

General Consultation of 1835.—A convention was called to meet at San Felipe on October 16, 1835. For want of a quorum the convention adjourned to November 1st and then to November 3d, when the convention, or consultation, as it was called, issued a formal **declaration of purpose**, organized a provisional government, and provided for the organization and maintenance of an army.

THOUGHT QUESTIONS

1. Why did France cede "The Louisiana Territory" to Spain?
2. Why was the treaty of 1819 so bitterly denounced by many thoughtful Americans?
3. Why was de Iturbide despised by Mexicans?
4. Were Texans loyal to the Republic of Mexico?
5. Under what pledges did Texans acquiesce in the Union of Texas and Coahuila?
6. Under the Mexican Federacy what legislative compromise was effected between the Federacy and the separate States?
7. What power had the Mexican Congress that is not consistent with the generally accepted "powers of Congress?"
8. Compare municipal government in the State of Texas and Coahuila with that in Texas.
9. Was there ever a **state religion** in Texas?
10. Under what conditions was a "jury trial" admissible under the Federacy?
11. What were the objections of Texas to a continuous union with Coahuila?
12. What was a Consultation?

CHAPTER II

THE REPUBLIC OF TEXAS

Declaration of Independence.—In their formal declaration of independence made at Washington, March 2, 1836, Texans advised the settlement of all questions at issue by the sword.

The Unanimous

DECLARATION OF INDEPENDENCE

Made by the

DELEGATES OF THE PEOPLE OF TEXAS.

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

***To the Teacher.**—Let the class spend one or two recitation periods reading and discussing the Declaration of Independence.

crisis, the first law of nature, the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles and take their political affairs into their own hands in extreme cases—enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish such government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

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

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

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

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain) and, although, it is an axiom, in political science, that unless a people are educated and enlightened it is idle to expect

the continuance of civil liberty, or the capacity for self-government.

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

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

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

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

It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interests of its human functionaries rather than the glory of the true and living God.

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

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

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

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

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

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

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

Adoption of the Constitution.—The same convention, March 16, 1836, adopted the Constitution of the Republic of Texas, which was ratified by a popular vote on September 1st of the same year.

War With Mexico.—Santa Anna sought to enforce Mexico's claim, but his army was defeated and he him-



THE SURRENDER OF SANTA ANNA.

The Original of This Picture—a Beautiful Painting—Hangs Opposite the Entrance to the Governor's Office in the State Capitol.

self was made prisoner at San Jacinto, April 21, 1836. He signed a treaty of peace between Mexico and Texas

May 14, 1836, and was liberated shortly afterwards and given safe conduct back to Mexico. In addition to this treaty of peace Santa Anna also signed a secret treaty, in which he pledged himself to use his influence in Mexico for the recognition of Texas independence by his Nation. Mexico repudiated this treaty of peace signed by Santa Anna, and he even influenced her to do it.

Texas Admitted Into the Union.—Mexican oppressions and depredations were soon renewed, and became so continued and flagrant that sentiment in behalf of the young Republic was aroused in the United States. That country had been the first to recognize Texas, as an independent nation, being bound to her by ties of kinship, since most of the Texas colonists had come from beyond the Sabine River. A demand arose for the annexation of Texas, which was consummated in 1846, the movement meeting with little opposition except from the anti-slavery element north of the "Mason and Dixon line." When Texas was admitted into the Union as a State, such changes were made in her Constitution as were necessary to meet the new conditions; for example, all provisions were omitted relating to the exercise of national powers, as they belonged to the Federal Government.

THOUGHT QUESTIONS

1. When and where was the Texas Declaration of Independence signed?
2. What is a treaty?
3. When was the treaty signed that established the independence of Texas?
4. When was the constitution of the Republic of Texas adopted?
5. When was Texas admitted into the Union?
6. When was the first constitution of Texas adopted?
7. When was the last constitution of Texas adopted?

CHAPTER III

THE TEXAS CONSTITUTION OF 1876

Reconstruction in Texas.—Texans had suffered many indignities and had been deprived of their natural and of their civil rights under the Constitution of 1869. This Constitution had been prepared under the direction of the United States military commander in Texas and was adopted by the people of the State in an effort to meet the conditions of Reconstruction. Remembering their indignities and deprivations, they expressly stated in the present Constitution (adopted in 1876) a long list of rights, already acknowledged by the Federal Constitution, rather than risk the chance that those rights, retained by every State of the Union, might some time not be recognized.



Courtesy of Dallas News.

The Birth-place of the Republic of Texas. The Capitol at Columbia, Built in 1836.

The Bill of Rights.—The most important of these rights, stated in the “Bill of Rights,” (Article I of the Constitution), are mentioned below:

- a. Texas is an independent State, subject only to the United States Constitution.
- b. Unimpaired local self-government must be preserved.

c. All political power is vested in the people, and all governments are founded by the people, and for the people.

d. A republican form of government must be maintained.

e. The right to alter or reform the government is reserved to the people.

f. Equal civil rights are guaranteed to all, and special privileges allowed to none.

g. Religious tests, except a belief in a Supreme Being, cannot be required as a test for suffrage, for office holding, or in judicial proceedings.

h. No religious denomination shall be favored or discriminated against, except that the State reserves the right to protect society against every form of worship that has an immoral tendency.

i. Freedom of speech, and of the press is guaranteed to all, subject only to laws framed to prevent slander and libel. **Slander** is the crime of uttering reports that tend to injure the reputation of another; while **libel** is the crime of printing such reports.

j. Security of person and property from search or seizure, except by legal process is guaranteed to all. This prevents officers from searching us or our homes without warrants issued by competent authorities based upon sworn charges, or of arresting us without similar warrants. An officer, however, may arrest without a warrant anyone caught in the act of breaking the law.

k. Everyone indicted for a crime is entitled to a speedy and impartial trial in open court, with the compulsory attendance of witnesses; and to the employment of a lawyer for his defense, at the expense of the State if he is without means to provide one.

l. Excessive bail shall not be required, nor unusual fines or penalties affixed. **Bail** is security given to the State that one arrested for crime, if set free, will appear for trial on the appointed day.

m. A second trial, after a verdict in a criminal case, is prohibited, except on the proper demand of the defendant.

n. Every person shall be exempt from imprisonment for debt; from arrest under **ex post facto** laws, i. e., laws made after the crime is committed; from **bills of attainder**, i. e., taking away one's right to vote and hold office; from banishment without the State; from out-lawing; and from the suspension of the writ of **habeas corpus**, a writ which gives one the right to be brought at once before a court to show why he is being kept under arrest.

o. Property rights shall be maintained inviolate, except that by the "right of domain," the State has the power to appropriate any property for public use by giving reasonable compensation to the owner.

p. Homes and other realty shall be free from military occupancy, except in time of war, and then only under prescribed regulations.

q. Perpetuities, monopolies, or a law of **primogeniture**, i. e., giving to one's oldest son the exclusive right to inherit his father's estate, shall not be permitted.

r. The right of peaceable assembly, of petition, of address, or of remonstrance, shall never be denied to citizens of the State.

s. The military forces shall always be subject to the civil authority of the State, and the suspension of laws shall never be permitted except by act of the Legislature.

t. The right to bear arms to protect one's self shall not be prohibited, but it may be regulated by law. The Legislature has made it unlawful to carry concealed arms.

The Bill of Rights of the Constitution of 1876 is materially different from that of the Constitution of 1869.

THOUGHT QUESTIONS

1. What is the significance of "Texas Under Six Flags?" Name the flags in order.

2. How many Constitutions has the State of Texas had?

3. What is the significance of "Reconstruction" in Texas?

4. Why has the Texas Constitution so many enumerated "rights?"

5. Name the five "rights" that you consider most important, and give your reasons.

6. What is meant by local self-government?

7. What are civil rights?

8. What is meant by freedom of speech? Of the press?

9. What is a search warrant?

10. What is the "right of domain?" Illustrate.

11. What is meant by "martial law?" Under what circumstances is martial law justifiable?

12. What is meant by "concealed arms?"

CHAPTER IV

THE THREE BRANCHES OF GOVERNMENT

The Three Branches.—In all republics and limited monarchies there are three branches to the government. Each is as free from and independent of the others as is consistent with the stability and safety of the government. These three branches are the **legislative**, or law-making; **the executive**, or law-enforcing; and the **judicial**, or law-interpreting. In Texas the legislative branch consists of the Senate and House of Representatives; the executive branch consists of the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, superintendent of public instruction, commissioner of the general land office, commissioner of agriculture, three railroad commissioners, and the various minor officers appointed by the governor; the judicial branch consists of the Supreme Court and the various inferior courts.

Government by the People.—It is the theory of our government that the laws are representatively made by the people and for the people. If all the people were allowed to assemble to help to make the laws we would have a **pure democracy**, but in no country and at no time was this right ever conferred on all the people. Even under the most liberal suffrage laws, children have been excluded from such democratic assemblies. In most states of the United States, and in most foreign countries, women are also excluded. It is impracticable for all the qualified voters of even a little state like Rhode Island, much less so for those of an enormous one like Texas, to assemble to enact laws for their State. It results, therefore, that we are governed by representatives, that is, the power to enact laws is delegated to representatives chosen for that purpose by the qualified voters.

Importance of the Legislative Branch.—Persons sometimes think that we have all the laws that we need, and that the legislative branch of the government has little work to do. But this is a false notion, for as a people advance in social, moral, and political knowledge; as their environment changes; and as their ability to discover and appropriate the latent riches of nature in their soil, and in their mineral and water resources, increases, new conditions arise which must be adjusted by new laws that will conserve the interests of the people of the whole commonwealth. Hence, the legislative branch of government is a necessity, and it is the duty of the representatives of the people to study the social and commercial conditions of their state, and the relation of their state to other states; and then to make laws that will best promote the present and future welfare of the people they represent.

The Executive Branch.—As our laws are mainly compromises of our social interests and inhibitions of our natural rights, there is a tendency on the part of the citizens to violate them. To prevent this there is need for a department that will enforce the laws impartially. This department constitutes the executive branch of the government. Upon the success attending its efforts depends the dignity of the State, and the happiness of the people.

We are all familiar with recent events in Mexico, and know the evil consequences arising there from a weak enforcement of the law. Our constitution and laws aim to give the executive branch all the power essential to a swift and firm enforcement of law under all conditions. This branch should never question the justice or constitutionality of a law, but should enforce all laws impartially. The quickest way to get rid of a bad law, if it is one that the people will recognize as

contrary to their best interests, is to enforce it so that the people may learn what it is and see to it that their representatives repeal it.

The Judicial Branch.—It is the work of this branch of government to interpret and apply the laws passed by the legislative branch; to investigate facts and alleged illegal acts. This is done by means of **law suits**, in which is involved the conformity of individual acts with the law, or the conformity of the law with the spirit of the Constitution of the State, and of common law principles. This branch alone has the right to declare laws unconstitutional, and until it has so spoken it is the duty of the executive department to enforce them, and of good citizens to obey them.

THOUGHT QUESTIONS

1. In what respect did the states of the Mexican Federation lack the advantages of the "three branches of government?" The American colonies under the Articles of Confederation?
2. Should an unjust law be obeyed? Why?
3. Should an unimportant law be obeyed? Why?
4. Does "ignorance of the law" excuse anyone from its penalties? Why?
5. Name some Texas laws that are frequently violated with impunity. What should be done under such circumstances?

CHAPTER V

THE TEXAS LEGISLATURE

How Constituted.—The legislative power of Texas is vested in a Senate and House of Representatives, which together are styled “The Legislature of the State of Texas.” This method, as a State choice, is in conformity with the Constitution of the United States, which provides that Congress shall consist of two houses. Senators represent a larger constituency, as generally apportioned, than do the members of the House of Representatives, or the “lower house,” as it is frequently called. This tends to delocalize legislation and is a check against hasty or passionate acts, but disadvantages sometimes arise.

The Legislature of Texas holds regular biennial sessions, beginning on the second Tuesday in January of odd numbered years, and may meet in special sessions at the call of the governor. A special session can not last more than thirty days.

Membership in the Senate.—The Texas Senate consists of thirty-one members, whose term of office is four years. The State is divided into thirty-one senatorial districts, none of which can contain less than one county. When a district contains more than one county the counties must be contiguous. After each federal census the State must be redistricted by the Legislature. When the State is redistricted a new Senate is elected. Members of the Senate are divided by lot into two classes. The terms of one class expire in two years; those of the other class in four years. Since after this all the senators are elected for four-year terms, it results that the members of the first class have a two-year term following a new apportionment, and those of the other class a two-year term preceding the next apportionment.



Courtesy of Dallas News.

Senate Chamber.

State Senatorial Districts.—

1. Bowie, Cass, Marion, Morris.
2. Red River, Titus, Franklin, Hopkins, Delta.
3. Lamar, Fannin.
4. Cooke, Grayson.
5. Collin, Hunt, Rains.
6. Dallas, Rockwall.
7. Van Zandt, Smith, Wood, Camp, Upshur.
8. Gregg, Rusk, Harrison, Pannola, Shelby.
9. Navarro, Kaufman, Henderson.
10. Ellis, Johnson, Hill.
11. McLennan, Falls, Milam.
12. Freestone, Limestone, Robertson, Brazos.
13. Anderson, Cherokee, Houston, Trinity, Angelina.
14. Newton, Jasper, Orange, Jefferson, Hardin, Tyler, Sabine, San Augustine, Nacogdoches, Liberty.
15. San Jacinto, Montgomery, Walker, Grimes, Madison, Leon, Polk.
16. Harris, Waller, Fort Bend.
17. Wharton, Matagorda, Brazoria, Galveston, Chambers.
18. Austin, Fayette, Colorado, Lavaca.
19. Washington, Burleson, Lee, Bastrop.
20. Lampasas, Williamson, Burnett, Travis.
21. Blanco, Hays, Comal, Caldwell, Gonzales, Guadalupe.
22. Aransas, Atascosa, Bee, Brooks, Calhoun, De Witt, Frio, Goliad, Jackson, Jim Wells, Karnes, Live Oak, Refugio, Victoria, Wilson.
23. Cameron, Dimmitt, Duval, Hidalgo, La Salle, McMullen, Nueces, San Patricio, Starr, Webb, Willacy, Zapata.
24. Bandera, Bexar, Gillespie, Kendall, Kerr.

25. Brewster, Coke, Crockett, Culberson, Edwards, El Paso, Irion, Jeff Davis, Kimble, Kinney, Mason, Maverick, Medina, Menard, Pecos, Presidio, Reagan, Reeves, Schleicher, Sterling, Sutton, Terrell, Tom Green, Uvalde, Val Verde, Zavalla.
26. Brown, Coleman, Comanche, Concho, Erath, Llano, McCulloch, Mills, Runnels, San Saba.
27. Bell, Bosque, Coryell, Hamilton.
28. Andrews, Borden, Callahan, Crane, Dawson, Eastland, Ector, Fisher, Gaines, Garza, Glasscock, Haskell, Howard, Jones, Kent, Loving, Lynn, Martin, Midland, Mitchell, Nolan, Palo Pinto, Scurry, Shackelford, Stephens, Stonewall, Taylor, Terry, Upton, Ward, Winkler, Yoakum.
29. Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Jack, King, Knox, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Throckmorton, Wheeler, Wichita, Wilbarger, Young.
30. Hood, Parker, Somervell, Tarrant.
31. Denton, Montague, Wise.

Qualifications of Senators.—In order to be eligible to the office of senator one must possess the following qualifications:

- a. Must be at least 26 years of age.
- b. Must be a male citizen of the United States.
- c. Must be a qualified voter in Texas.
- d. Must be a resident of Texas for the five years next preceding his election.
- e. Must be a resident of his district for one year next preceding his election.

The salary of a senator is fixed by law and at present is five dollars a day for the first sixty days of the session, and after that not to exceed two dollars a day for the remainder of the session. Senators are also entitled to their traveling expenses, going to and returning from the capital once during the session. This is called **mileage** and is computed on the basis of twenty cents for each mile actually traveled.

Membership in the House of Representatives.—The Texas House of Representatives in 1913 consisted of 142 members. Under the constitution the number is variable, but can never exceed 150. The term of office is two

years. An entirely new House of Representatives is elected every even year. Representatives are apportioned among the counties according to their population as shown by the last federal census. The ratio of representation is obtained by dividing the population of the state by 150. Each county is entitled to as many representatives as this ratio is contained in its population. A county that lacks enough people to entitle it to a representative of its own is attached to one or more contiguous



Courtesy of Dallas News.

Hall of House of Representatives.

counties, forming a joint district. When a county is entitled to a fractional representative in addition to one or more full representatives, it may be joined with enough contiguous counties entitled to fractional representatives to entitle them together to be formed into an additional district, called a **floterial district**. The representative

sent by such a district is known as a "floater." There are twenty-three flatorial districts.

State Representative Districts.—The Thirty-second Legislature divided the State into 127 State Representative Districts. The following table shows what counties each of them contains. F indicates a flatorial district; and a star (*), the county as a part of a flatorial district. When a district has more than one representative the number is shown in parenthesis:

- | | |
|---|--|
| 1. Bowie. | 43. (F) Collin(*), Grayson(*). |
| 2. Cass. | 44. Dallas (4). |
| 3. (F) Bowie(*), Cass(*), Marion(*). | 45. Kaufman. |
| 4. Harrison. | 46. Denton. |
| 5. Panola. | 47. (F) Dallas(*), Kaufman(*). |
| 6. Rusk. | 48. Cook. |
| 7. Nacogdoches. | 49. Montague. |
| 8. Shelby. | 50. Wise. |
| 9. Sabine, Newton. | 51. Parker. |
| 10. San Augustine, Angelina. | 52. Tarrant (3). |
| 11. San Jacinto. | 53. Johnson. |
| 12. Hardin, Liberty. | 54. (F) Tarrant(*), Denton(*). |
| 13. Jefferson. | 55. Ellis (2). |
| 14. (F) Jefferson(*), Liberty(*), Orange. | 56. Hill. |
| 15. Harris (4). | 57. Navarro. |
| 16. Galveston. | 58. (F) Freestone(*), Navarro(*). |
| 17. (F) Galveston(*), Chambers. | 59. (F) Hill(*), Navarro(*). |
| 18. Fort Bend, Waller. | 60. Limestone. |
| 19. Brazoria, Matagorda. | 61. McLennan (2). |
| 20. Walker, Trinity. | 62. Falls. |
| 21. Montgomery, Grimes. | 63. (F) McLennan(*), Limestone(*), Falls(*). |
| 22. (F) Grimes(*), Brazos. | 64. Robertson. |
| 23. Madison, Leon. | 65. Milam. |
| 24. Houston. | 66. Bell. |
| 25. Anderson. | 67. (F) Bell(*), Milam(*). |
| 26. Cherokee. | 68. Burleson, Lee. |
| 27. Smith. | 69. Washington. |
| 28. (F) Smith(*), Henderson. | 70. Fayette. |
| 29. Van Zandt. | 71. Austin, Colorado. |
| 30. Wood, Rains. | 72. Lavaca. |
| 31. Camp, Upshur. | 73. Wharton, Jackson. |
| 32. Titus, Morris. | 74. Victoria, Goliad, Calhoun. |
| 33. Red River. | 75. Aransas, Refugio, San Patricio, Bee, Live Oak. |
| 34. Hopkins. | 76. Duval, Nueces, Jim Wells. |
| 35. (F) Hopkins(*), Delta, Franklin. | 77. Willacy, Cameron. |
| 36. Lamar. | 78. Starr, Hidalgo, Brooks. |
| 37. Fannin. | 79. Webb, Zapata. |
| 38. (F) Lamar(*), Fannin(*). | 80. Frio, Atascosa, McMullen, LaSalle. |
| 39. Hunt. | 81. Karnes, DeWitt. |
| 40. (F) Hunt(*), Rockwall. | 82. Gonzales. |
| 41. Collin. | 83. Guadalupe. |
| 42. Grayson, (2). | 84. (F) Wilson, Karnes(*). |

- | | |
|--|--|
| 85. Bexar (4). | 115. Sutton, Kimble, Kerr, Banderera, Edwards, Crockett, Mason, Menard. |
| 86. Caldwell. | 116. Uvalde, Medina, Zavalla, Dimmit. |
| 87. Llano, Gillespie, Blanco, Kendall. | 117. Maverick, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis. |
| 88. Hays, Comal. | 118. El Paso. |
| 89. Travis (2). | 119. (F) El Paso(*), Culberson. |
| 90. Bastrop. | 120. Midland, Ector, Winkler Loving, Martin, Howard, Reeves, Pecos, Ward, Crane, Upton, Reagan, Glasscock. |
| 91. Williamson. | 121. Mitchell, Nolan, Fisher. |
| 92. (F) Williamson(*), Burnett. | 122. Briscoe, Floyd, Crosby, Garza, Borden, Dawson, Gaines, Andrews, Yoakum, Terry, Lynn, Lubbock, Hockley, Cochran. |
| 93. Coryell, Lampasas. | 123. Bailey, Lamb, Hale, Swisher, Castro, Palmer, Deaf Smith, Randall, Armstrong. |
| 94. Mills, Hamilton. | 124. Donley, Collingsworth, Gray, Wheeler, Hemphill, Roberts, Lipscomb, Ochiltree. |
| 95. (F) Johnson(*), Bosque. | 125. Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Oldham, Hartley, Dallam. |
| 96. Erath. | 126. (F) Harrison(*), Gregg. |
| 97. (F) Hood, Somervell, Erath(*). | 127. (F) Burleson(*), Lee(*), Fayette(*), Waller(*), Fort Bend(*), Austin(*), Colorado(*). |
| 98. Palo Pinto, Stevens. | |
| 99. Young, Jack. | |
| 100. Clay, Archer. | |
| 101. Wichita, Wilbarger. | |
| 102. Baylor, Throckmorton, Haskell. | |
| 103. Hardeman, Foard, Knox. | |
| 104. Cottle, Motley, Childress, Hall. | |
| 105. Dickens, Kent, King, Stonewall, Scurry. | |
| 106. Jones, Shackelford. | |
| 107. Taylor. | |
| 108. Callahan, Eastland. | |
| 109. Comanche. | |
| 110. (F) Brown, Callahan(*). | |
| 111. Coke, Runnels. | |
| 112. Coleman, Concho. | |
| 113. Sterling, Irion, Tom Green, Schleicher. | |
| 114. McCulloch, San Saba. | |

Qualifications of Representatives.—In order to be eligible to the office of representative one must possess the following qualifications:

- a. Must be at least 21 years of age.
- b. Must be a male citizen of the United States.
- c. Must be a qualified voter in Texas.
- d. Must be a resident of Texas for the five years next preceding his election.
- e. Must be a resident of his district for one year next preceding his election.

The salary and mileage of a representative are the same as that of a senator.

Privileges of Legislators.—The Constitution throws the following safeguards around the person of the mem-

bers of both houses, in the interest of the people they represent:

a. Members are privileged from arrest during the sessions of the Legislature, and while going to or from the capital, except on serious criminal charges. Were it not for this provision a legislator might be arrested on some trivial or even false charge and thus kept from his seat by his political enemies, for the purpose of aiding or thwarting the passage of some particular measure.

b. Members can not be imprisoned for more than 48 hours for violating any legislative rule. When members violate such rules they may be called to "the bar of the house" of which they are members and punished. This provision prevents their being excluded from their seats long enough to cause serious injury to the interests of their constituents.

c. Members can not be held responsible, out of their legislative hall, for words uttered in debate in it. Proper legislation demands a full discussion of all questions under consideration. Members should be free from all kinds of intimidation and from fear of outside accountability for their utterances in debate on legislative measures.

Prohibitions on Legislators.—The Constitution enforces the following prohibitions on those who are members of either house, and on those who seek to become members:

a. No member can hold a civil office which carries a salary or fees during his legislative term. This prevents him from having distracting official interests.

b. No member can be elected or appointed to a civil office or place of profit, which was created, or the emoluments of which were increased, during his legislative term. This prevents the legislators from increasing their own salaries or mileage.

c. No member can vote for a fellow member to fill any place of legislative appointment except as specified in the Constitution.

d. No member can be interested in any contract with the State, or in a contract authorized by any law enacted during his legislative term.

e. No member can vote on any bill in which he has a personal interest. Furthermore, he must disclose his personal or private interests in such bills, to the house of which he is a member.

f. No person who has handled public funds can serve as a member of the Legislature, until he has made a full legal settlement for all such funds.

g. No member can remove his residence from the district which he represents without vacating his seat in the Legislature. In order to understand the needs and interests of a locality one must reside there.

The Practice of Lobbying.—During recent years it has become the practice of many large corporations, whose interests will be most affected by possible legislation, to send attorneys to the capital to watch legislation, while the Legislature is in session. These men are supposed to have expert knowledge of the laws affecting their particular industries, and thus to be in a position to advise with the legislators, and to influence the reports of committees. Such men are called **lobbyists** because they frequent the lobbies of the Senate and House of Representatives. Lobbying sometimes becomes offensive to the legislators and may be an insidious source of corruption. In Texas it is a crime for lobbyists to privately solicit the vote of a member of the Legislature, or to privately endeavor to exercise any influence over him, or to offer anything of value to him to influence his action on any bill that is pending, or that may be introduced later. The penalty is a fine of from \$200 to \$2000, and to this may be added a penitentiary sentence of from six months to two years.

THOUGHT QUESTIONS

1. What legislation can be effected in a special session of the Legislature?
2. Give the number of your senatorial and of your representative district. Who is your State senator? Your representative in the Legislature?
3. What is a flatorial district? How many are there?
4. How often must Texas be redistricted?
5. What is meant by classifying senators by lot?
6. What is mileage?
7. How often is a new Senate elected? A new House of Representatives?
8. What is the present number of senators? Of representatives?
9. Why should senators and representatives be selected from their respective districts?
10. Debate the question—"Should a Representative Always Obey the Known Wishes of His Constituents?"
11. What is lobbying?

CHAPTER VI

POWERS OF THE LEGISLATURE

Prerogatives Common to Both Houses.—Both houses have certain prerogatives in common, the most important of which are as follows:

a. They shall elect their own officers, with the exception that the lieutenant governor is *ex-officio* president of the Senate. The presiding officer of the House of Representatives is called the **speaker**. The other important officers are the clerks, sergeants at arms, and chaplains. The Senate elects a **president pro tempore**, who presides when the lieutenant governor is absent.

b. Each house may proceed with the business before it whenever it has a quorum present. The presence of a quorum is shown by calling the roll. It takes two-thirds of the entire membership to make a **quorum**. When a quorum is not present a minority may adjourn the house from day to day, and may order the sergeant at arms to arrest the absentees and bring them in. This prevents a few members from making a quorum impossible, by absenting themselves and thus interfering with legislation to which they are opposed. The sergeant at arms may arrest absentees anywhere in the State.

c. Each house may make its own rules.

d. Each house, by a two-thirds vote, may punish or expel its own members for the violation of its rules, but a member can not be expelled twice for the same offense. He may have been expelled for party purposes or for personal reasons, but if at the election called to fill the vacancy he is re-elected by his constituents, he can not be molested again for the same offense.

e. Each house must keep and publish a journal of its proceedings.

f. Each house shall hold open sessions, except that either house may meet in secret, or **executive session**, for

the transaction of certain business; also, when the public safety demands it.

g. The two houses are coördinate in all matters of general legislation. Any bill may originate in either house, except one that provides for raising revenues. All revenue bills must originate in the House of Representatives, for the reason that the members of that house are more closely in touch with their constituents than are the senators with theirs. The Senate, however, may amend revenue bills. In regular sessions the Legislature may legislate on any matters permitted by the Constitution, but in special sessions it can only legislate on such matters as are specifically referred to it by the governor.

h. Each house can adjourn for three days without the consent of the other house, and with its consent can adjourn at any time temporarily, or *sine die* (sī'nē dī'ē), i. e., without setting a day for the next meeting.

Contested Seats.—Under the Constitution each house is a judge of the qualifications of its own members, subject only to the restrictions and requirements of the Constitution. This prevents any man taking his seat when not possessed of all the constitutional requirements for membership, even though elected by his constituents. It also enables the house to refuse admission to any one elected by corrupt means. Often, however, two men appear from the same district and each claims to be the legally elected member. This is called a **contested election**. In contested elections the presiding officer of the house to which they claim election must be furnished with a copy of the "Notice of Contest," a statement of the claims of each contestant, the precinct roll lists of the district from which they come, and, if possible, written testimony secured to substantiate their claims. Im-

mediately after the organization of the Legislature the "contest" papers are opened by the presiding officer of the house to which they claim election and are referred to the "Committee on Privileges and Elections." This committee then holds a preliminary trial and reports to the house. The house then fixes a day for action on the committee's recommendation. It may seat either of the claimants to membership, or it may declare the election void. If the election is declared void the governor appoints some one from the district to fill the place until a new election can be held.

Impeachment Proceedings.—Any elective state official, or a judge of one of the higher courts, who is guilty of wrongdoing, may be removed from office by impeachment proceedings. An **impeachment** is an accusation of wrongdoing, and it is followed at once by a trial. It is the most serious proceeding that occurs in the legislative halls, as it always involves the honor, the reputation, and the political fortunes of a citizen, as well as the protection of the State from corrupt practices, from offensive conduct, or from oppression on the part of an office holder. All impeachments of state officers must be made by the House of Representatives, and must be tried by the Senate. Two-thirds of the thirty-one senators elected must vote for conviction in order to convict. A verdict in impeachment cases can only extend to removal from office and to disqualification for any office of honor, trust, or profit, in Texas. While an officer is under impeachment he is removed temporarily from office and his place is filled by the governor with a provisional appointee.

Amending the Constitution.—It is very important that the Constitution of the State shall not be changed hastily. In order to protect it from this the assistance of both the Legislature and the qualified voters of the

State is needed before it can be amended. It is interesting to know that between the time of its adoption in 1876 and June 1, 1912, the Constitution has been amended in thirty-two sections. In four cases amendments were amended. When it is desired to amend the Constitution the amendment must be proposed at a regular session of the Legislature by a two-thirds vote of all the members of both houses. The Legislature then fixes a day on which the qualified voters of the State shall vote on the proposed amendment. Prior to this election the amendment must be published once a week for four weeks, commencing at least three months before the election, in one newspaper in each county, in order that the voters may have time to study it and thus be able to vote intelligently. If the amendment receives a majority of all the votes cast in the election it becomes a part of the Constitution, and the governor issues a proclamation to that effect.

Limitations on Legislation.—The Constitution prescribes many limitations on the power of the Legislature, but only the most important will be discussed here.

a. "The Legislature shall not have the right to levy taxes or to impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government."

This prevents the accumulation of "a treasury surplus." Some politicians, who might shrink at a dishonest act in their private affairs, have been tempted in state and national affairs to embark their government in undertakings involving the expenditure of vast sums of money, that they might profit by commissions from the contractors. This is known as "graft" or "jobbery." Without a treasury surplus graft is not so easily accomplished.

b. "No debt shall be created by or on behalf of the State except to supply casual deficiencies of the 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."

Few States in the Union are without bonded indebtedness. Many are so bonded that to pay the interest is a heavy tax burden in itself. When we learn that Virginia has a bonded indebtedness of \$24,986,959, Massachusetts of \$81,077,752, Louisiana of \$11,108,300, and Texas of only \$3,977,500, we appreciate this feature of our Constitution.

c. "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 credit of the State in any manner whatsoever, for the payment of liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever."

Some States have lent their credit to railways and later have been compelled to pay their bonded indebtedness. This is impossible in Texas.

d. "The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporation whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1900, and their widows in indigent circumstances, and who have been bona fide residents of the State of Texas since January 1, 1900, and who were married to such soldiers and sailors anterior to January 1, 1900; to indigent and disabled soldiers, who under special laws of the State of Texas, during the war between the States served for a period of at least six months in organizations for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia of the State of Texas, who were in active service for a period of at least six months during the war between the States, to the widows of such soldiers who are in indigent circumstances, and who were married to such soldiers prior to January 1, 1900, provided that the word 'widow' in the preceding lines of this section shall not apply to women born since 1861, and also to grant aid for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows, and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided, the Legislature may provide for husband and wife to remain together in the home.

"The Legislature shall have the power to levy and collect, in

addition to all other taxes heretofore permitted by the constitution of Texas, a State ad valorem tax on property not exceeding 5 cents on the \$100 valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas and for the widows of such soldiers serving in said armies, navies, organizations, or militia."

The brave soldier is revered by Texans, regardless of the flag under which he served. Every law passed by Congress granting pensions to deserving Union soldiers in the "War between the States" has received the full endorsement of Texans. Texas expends \$500,000 in pen-

sions to over 11,500 Confederate veterans.

She has established at Austin a home for needy Confederate veterans, and also another for the indigent widows and wives of Confederate veterans. Under this constitutional provision our



The Home for Confederate Veterans, Austin.

State has also

been able to render help to her suffering citizens, in time of drouth, in the Indianola storm, in the Galveston flood, in the great Brazos overflows, and in the devastating Coast storms of past years.

e. "No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated."

It would be eminently unfair to pass laws regulating the affairs of particular cities, towns, counties, etc., locating or changing county seats, changing the names of persons or places, etc., without allowing those interested to be heard for or against the proposed laws.

The formation of a school district by the Legislature is an exception. See Article VII, Section 3.

f. "The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the Seat of Government."



Second Capitol of Texas, Austin, Burned in 1881.

In case of emergencies, such as danger from pestilence, or from a hostile army in time of war, the Legislature can change its place of meeting temporarily. The fol-

lowing are the places that have been the capital of Texas:

San Felipe de Austin, near what is now Sealy in Austin county, was made the capital of Austin's Colony in 1823. The Conventions of 1832 and 1833, the Consultation, and the Provisional Government held their sessions there.

- Washington in Washington county
 - Harrisburg in Harris county
 - Galveston
 - Velasco and Quintana in Brazoria county
 - Columbia in Brazoria county
 - Houston in 1837
 - Austin in 1839
 - Houston in 1842
 - Washington in 1842
 - Austin in 1845
- } in 1836

Texas has built a magnificent capitol building at Austin in which the Legislature holds its sessions, the Supreme Court has its chamber, and most of the executive officers have their offices. This building was begun in 1883, and was dedicated in May, 1888. It is the only capitol building in the United States which did not re-



The Texas Capitol, Austin.

quire the creation of bonded indebtedness to build. It was paid for with 3,050,000 acres of public land.

g. "The Legislature shall, in no case, have power to issue 'Treasury Warrants,' 'Treasury Notes,' or paper of any description intended to circulate as money."

Profiting by the financial errors of other States in the issuance of state money, Texas has maintained her financial integrity.

Legal Holidays.—A day fixed by law for the suspension of business is called a **legal holiday**. Each State has appointed certain days in the year as legal holidays.

There is no national holiday for the reason that the Congress of the United States has no power to appoint one. In Texas the legal holidays are as follows:

January 1, New Year's Day.

February 22, Washington's Birthday.

March 2, Anniversary of Texas Independence.

April 21, Anniversary of the Battle of San Jacinto.

June 3, Jefferson Davis's Birthday.

July 4, Independence Day.

July (Fourth Saturday), Primary Election Day.

September (First Monday), Labor Day.

October 12, Columbus Day.

November, of even numbered years (First Tuesday), General Election Day.

November (Last Thursday), Thanksgiving Day.

December 25, Christmas Day.

THOUGHT QUESTIONS

1. What is meant by an ex-officio officer?
2. What is meant by an officer *pro tempore*?
3. What is meant by a quorum? A minority?
4. What constitutes a quorum in the Legislature?
5. Name some of the duties of the sergeant at arms. The chaplain.
6. What is the Journal of the house? Why published?
7. Under what circumstances may a Journal of legislative proceedings remain unpublished?
8. What is an open session? Why so generally demanded?
9. What is an executive session? Why sometimes necessary?
10. What is meant by "Committee of the Whole?" What is necessary to make its actions effective?
11. Why should revenue bills originate in the lower house?
12. What is a "contested seat?" How are legislative contests settled?
13. What is an impeachment? Who impeaches? Who tries the cases of impeachment? What penalty can be inflicted upon those convicted in impeachment trials?
14. State in full the manner of amending the Constitution of Texas.
15. For which holiday does the governor issue a proclamation?

CHAPTER VII

HOW LAWS ARE MADE

How the Bill Originates.—The story that a law can tell is very interesting. The idea of the law may originate with people outside of the Legislature. In that event, very likely they will prepare a bill embodying their ideas as to what the law should be, and then ask some representative or senator to introduce it. A proposed law is called a **bill** while it is being considered by the Legislature, and until it is passed and has become effective. As soon as the bill is introduced it is referred by the presiding officer to an appropriate committee. Each house has many standing committees, such as judiciary, labor, education, rules, privileges and elections, public health, state affairs, judicial districts, etc. Each committee is supposed to be composed of members specially fitted to discuss critically such measures as come before it, and to formulate wise recommendations.

The Bill Itself.—It is very important that it be drawn properly, otherwise after it is passed and it is too late to make corrections, it may be found to be deficient in some essential of a constitutional law. All bills must begin with the “enacting clause” which reads, “Be it enacted by the Legislature of the State of Texas.” No bill, except an appropriation bill, can contain more than one subject and that must be clearly stated in the title. Any bill may, however, contain several items.

In the Hands of the Committee.—It is here that the bill has its hardest time. Many committees are very busy so that it often happens that they cannot consider bills referred to them. Again, the members of the committee may be hostile to the proposed law and purposely

refuse to consider it. In such cases the bills are said to "die in the committee." Sometimes several bills on the same subject are introduced by different members. In this case it is likely the committee will prepare a new bill containing the best features of all of them. In any event the committee is expected to investigate carefully the need of the law, and the constitutionality of the bill. It may procure information either privately or through public hearings. Finally, after the committee considers the bill carefully it will report to the house and recommend that it do or do not become a law. This bill is then printed and a copy of it is placed on the desk of each member. Sometimes some of the members of the committee cannot agree with the recommendations of the majority, and there is a **minority report** signed by them. This minority report must be considered by the house along with the committee's report.

The Bill is Up for Passage.—After the committee's report is read the bill is placed on the calendar and comes up for passage. It must be read before the house on three different days, and those members desiring to discuss it must be allowed to do so. It may be amended, provided a majority of the members present think it should be, but no amendment may change its original purpose. Under imperative necessity, by a four-fifths "yea and nay" vote, it may be read all three times in one day, so as to hasten its passage. If a majority vote for the bill on its second reading it is sent to the engrossing clerk, who copies it neatly without erasures, interlineations, or corrections. After being engrossed the bill is ready for its third reading, and for final passage or rejection. If passed, it is then sent to the other house.

In the Other House.—There it is referred to a committee, and when reported by this committee, comes up for passage. It must be read three times and must be

open to debate as in the house where it originated. Should it be amended and passed in this house, it must be sent back to the other house in order that the bill as amended may be concurred in. If the two houses can not agree it is customary for them to appoint a temporary committee, composed of members from each, called a **free conference committee**. This committee generally is able to agree on a compromise and the bill as agreed to by them is reported back to both houses, where it is either passed or rejected.

The Legislature's Last Act.—After being passed by both houses it goes to the enrolling clerk of the house where it originated, and is copied carefully on parchment. This enrolled bill is signed first by the presiding officer of the house where it originated, and then by the presiding officer of the other house. This official signing must be done while the house is in session, and the act must be recorded in the Journal. Very often bills, passed by both houses near the end of a session of the Legislature, die because it is impossible to get them enrolled in time for official signing in the houses, or to get a quorum for their official signing.

In the Hands of the Governor.—After the enrolled bill is signed by the presiding officers of both houses, the chairman of the enrolling committee carries it to the governor for his consideration. If he approves the bill he will sign it and it will become a law. If he disapproves the bill he writes his disapproval specifically and sends the bill back to the house where it originated. This formal disapproval of the bill by the governor is called a **veto**. Veto is a Latin word which means "I forbid." If the governor does not approve or veto a bill within ten days, Sundays excepted, from the time he receives it, it becomes a law without his signature.

As a safeguard against the action of a Legislature that

S.B. 710 80

An Act,

to provide that purchasers of free school lands in certain counties may, in the event of default of party, acquire title to same, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. One who has heretofore bought or who may hereafter buy public free school land on condition of settlement and occupation in the Counties of Anderson, Bexar, Borden, Comanche, Concho, Crockett, Dawson, DeWitt, Elberton, Garza, Gillespie, Hamilton, Harris, Hill, Jasper, Johnson, Kaufman, Kent, Kinney, Lampasas, Leon, Lipscomb, Llano, Lubbock, Lynn, Midland, Motley, Nolan, Pecos, Reagan, Reeves, Roberts, Rockwall, Tarrant, Terrell, Tompkins, Van Housen, and Wichita. If any part of the year from date of award of any portion of said land to him shall be in accordance with the provisions of Article 4218 K, Revised Civil Statutes of 1895, but such assignees shall complete the residence thereon as provided in Section 6 of the Land Sales Act of 1907 approved May 6th 1907.

Section 2. The fact there are numerous persons who have bought parcels of sections in the Counties affected by this Act and that they cannot depend upon other parties to pay the interest on money they have advanced to perfect and cannot get a patent on pieces of sections creates an emergency and by imperative public necessity that the Constitution of this State requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage.

W. P. Fairbairn
President of the Senate

John Rayburn
Speaker House of Representatives

I hereby certify that Senate Bill No 80 passed the Senate on the 24th day of February, 1911 by the following yeas & nays. On March 6, 1911, the Senate concurred in House amendments by a vote of yeas 25 Nays, 0.

Clude B. Smith
Secretary of the Senate

I hereby certify that Senate Bill No 80 passed the House with amendments, on March 2, 1911 by a vote of yeas 94 Nays 4.

Approved
March 17, 1911

Robert Parker
O. B. Colquitt
Governor Chief Clerk House of Representatives

Received in the Executive Office, March 17 day of March 1911
at 3 o'clock and 30 minutes P.
J. B. ... D. C. McDonald
Private Secretary

is not in sympathy with a governor, a bill that is passed within the last ten days before adjournment does not require the governor's approval or veto within ten days after its passage. The governor may prevent such a bill from becoming a law by filing it, with his objections, with the secretary of state, and then proclaiming his objections to the bill within twenty days after the adjournment of the Legislature. In New York the governor may also veto one or more items in a bill and then approve the rest of the bill. This gives him the power of amendment to no small degree. In Texas and in most of the new states the governor can veto one or more items of an appropriation bill and approve the rest.

Passing a Vetoed Bill.—The veto power of the governor serves as a check to partisan or hasty legislation, and prevents bills with errors and constitutional encroachments from becoming laws. Sometimes, however, the Legislature still insists on having a vetoed bill become a law, and then it can do so if both houses, after considering the governor's objections, pass the bill over his veto by a two-thirds vote. The governors of all States except Rhode Island and North Carolina have the power to veto bills. It is a power seldom used. In England, where the king possesses it, no Act of Parliament has been vetoed in two hundred years.

What Becomes of Approved Bills.—When the governor has approved a bill he sends the parchment copy received from the Legislature, with his signature attached, to the secretary of state, who files it in the state archives, which are kept carefully in his office. It will become effective ninety days after the adjournment of the Legislature, unless it has been passed with the so-called "**emergency clause.**" When this clause is attached to a bill, and the bill is passed by a two-thirds roll call vote of the members present of each house, it becomes

effective when signed by the governor. The ninety days' time is given for the adjustment of the existing civil and social conditions to accord with the new requirements.

THOUGHT QUESTIONS

1. What is a bill? A law?
2. What is an enacting clause?
3. What is a minority report?
4. What is a conference committee?
5. What is meant by placing a bill on the calendar?
6. What is meant by engrossing a bill? When is it engrossed?
7. What is meant by enrolling a bill? When is it enrolled?
8. What is a veto? State the conditions necessary to pass a bill over the governor's veto. Under what conditions can a governor veto items in a bill?
9. Under what conditions may a bill become a law without the governor's signature?
10. How may the governor prevent a bill that was passed during the last ten days of the legislative session from becoming a law?
11. What States do not allow their governors to veto laws?
12. What is an emergency clause? Under what conditions may an emergency clause be inserted in a bill?

CHAPTER VIII

THE EXECUTIVE BRANCH

The Principal Officers and How Chosen.—The executive power of the State of Texas is vested in the governor, who is called the chief executive officer; the lieutenant governor, secretary of state, comptroller of public accounts, treasurer, commissioner of the general land office, attorney general, superintendent of public instruction, commissioner of agriculture and three railroad commissioners. The secretary of state is appointed by the governor, with the consent of the Senate. The other executive officers are elected by the qualified voters at the general election.

Their Salaries.—The annual salaries of state officials are fixed either by the Constitution or by the Legislature, and are as follows:

Governor, \$4000.

Railroad Commissioners, \$4000.

Comptroller of Public Accounts, \$2500.

Treasurer, \$2500.

Land Commissioner, \$2500.

Superintendent of Public Instruction, \$2500.

Commissioner of Agriculture, \$2500.

Secretary of State, \$2000.

Attorney General, \$2000, and fees not to exceed \$2000.



The Governor's Mansion.

The lieutenant governor, while acting as president of the Senate, receives the same salary and mileage as is paid a senator; and while acting as governor he receives the same salary as the governor would have received for the same

time. In addition to his salary the governor has the free use of the Governor's Mansion, with its fixtures and furniture, and the use of the grounds surrounding the Mansion. The Legislature also makes provision for the proper care and adornment of the Mansion and grounds at the expense of the State.

Their Tenure of Office.—The secretary of state serves during the term of the governor. The railroad commissioners are elected for a term of six years, one being elected at each general election. All the other executive officers are elected for terms of two years. If for any reason their successors do not qualify for office by taking the oath during the first week after the organization of the Legislature, when their terms begin, then the old officials hold over until they do qualify. It is an unwritten law of the Democratic Party in Texas that a faithful state official is entitled to four years of service. Third terms are not popular and thus far no governor has ever offered for more than two terms. In Texas, as in most States, the elective executive officers of the State can be removed from office only by impeachment proceedings.

THOUGHT QUESTIONS

1. What is meant by **tenure of office**?
2. What are the advantages of short official terms?
3. What are the advantages of long official terms?
4. What are the advantages of a non-re-election policy?
5. Why does the State take care of the Executive Mansion and grounds?
6. As a matter of policy, why is it best to have the Governor appoint the Secretary of State?
7. Why was the term of office of railroad commissioner made six years?
8. What is meant by **qualifying for office**?
9. When do state officials qualify?
10. When do county officials qualify?

CHAPTER IX

THE GOVERNOR

Necessary Qualifications.—For any one to become governor of the State of Texas he must be possessed of the following qualifications :

- a. Must be a male citizen of the United States.
- b. Must be at least 30 years of age.
- c. Must have resided in Texas at least five years immediately preceding his election.

His Inauguration.—The inauguration of a newly elected governor into office is a very important event. It occurs on the first Tuesday after the organization of the Legislature, in the January following the general election. At noon on this day, in the hall of the House of Representatives, in the presence of the Legislature, the judges of the Supreme Court, and many citizens of the State, the governor repeats solemnly the oath of office as it is administered to him by the chief justice of the Supreme Court. He then kisses a copy of the Bible as a sign of his intention to be bound by his oath. The ceremony ends with an address by the newly inaugurated governor, in which he discusses questions of political interest to the State and outlines his views and intentions. The oath to which the governor subscribes is as follows :

“I, _____, do solemnly swear, (or affirm), that I will faithfully and impartially perform all duties incumbent upon me as governor, 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 the Constitution of this State, 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 ordered, advised, or assisted any person thus offending; and I further-

more solemnly swear, (or affirm), that I have not, directly or indirectly, paid, offered or promised to pay, contributed nor promised to contribute, any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected: So help me God."

Commander of State Militia.—In order to have a strong government the chief executive must possess power to enforce the laws, even when a considerable part of the citizens are opposed to them and disposed to resist them by force. The military forces of a State are called the **state militia**. In 1912 the Texas State Militia, or the Texas National Guard, as it is called, was composed of three regiments and one separate battalion of infantry, four troops of cavalry, one company of field artillery, and one company of coast artillery, including in all 215 officers and 2510 enlisted men. It is scattered over the State by companies, so as to be convenient for service. The governor is commander-in-chief of the National Guard, except when it is in the active service of the United States. He may call it out when necessary to execute the laws of the State, to suppress insurrection, to repel invasion, and to protect the frontier. He has the power to send it to any county in the State solely on his own responsibility, but in practice he does not do so until a formal request for its help is received from the sheriff. The governor is represented in the command of the National Guard by the adjutant general, who is the active commander.

His Appointive Power.—You have learned that the governor appoints the secretary of state. He also appoints many other officers of the State, and as many notaries public as he thinks necessary, subject to the consent of the Senate. In addition, he fills vacancies that may arise in state or district offices. If these appointments are made while the Senate is in session he

sends the names of his appointees to it. If they are not confirmed by a two-thirds vote of the senators present, the governor submits the names of other appointees for the places. If the Senate fails to confirm the governor's successive appointments before its final adjournment, he then fills the positions with eligible appointees whose names have not been rejected by it. Appointments made while the Senate is not in session are called **recess appointments** and must be confirmed by the Senate during the first ten days of the next session, or new appointments must be made. The principal officers appointed by the governor are as follows:

- Secretary of State.
- Adjutant General.
- Assistant Attorney General.
- State Revenue Agent.
- State Health Officer.
- Dairy, Food and Drug Commissioner.
- Commissioner of Insurance and Banking.
- State Tax Commissioner.
- Factory Inspector.
- Labor Commissioner.
- State Pension Commissioner.
- State Mining Inspector.
- State Levee and Drainage Commissioner.
- State Purchasing Agent.
- Game, Fish and Oyster Commissioner.
- Superintendent of Public Buildings and Grounds.

The members of all the following boards are appointed by the governor with the consent of the Senate, and serve for a term of two years. The number in parenthesis indicates the number of members:

- Board of Regents of the State University (8).
- Board of Directors of the Agricultural and Mechanical College and the Prairie View Normal College (8).
- Board of Regents of the College of Industrial Arts (7).
- Board of Regents of the State Normal Schools (5).
- Board of Trustees of each of the three Insane Asylums (3).
- Board of Trustees of the State Blind Institute for Whites (5).
- Board of Trustees of the State Deaf, Dumb, and Blind Institute for Negroes (5).

Board of Trustees of the State Deaf and Dumb Institute for Whites (5).

Board of Managers of the State Orphans' Home (5).

Board of Trustees of the State Epileptic Colony (5).

Board of Managers of the Confederate Home (5).

Board of State Penitentiary Commissioners (3).

Board of Managers of Institute for Delinquent Juveniles (4).

Board of Pardon Advisers (2).

State Board of Health (6).

Anti-Tuberculosis Commission (5).

State Board of Pharmacy Examiners (5).

State Board of Medical Examiners (11).

State Board of Dental Examiners (6).

State Board of Examiners of Trained Nurses (5).

State Fire Rating Board (2).

State Mining Board (7).

State Live Stock Sanitary Commission (3).

State Board of Veterinary Examiners (7).

State Library and Historical Commission (5).

What Are Commissions.—When the governor appoints some one to office he sends to him a document stating the office to which he has been appointed. This is called his **commission**. All commissions are signed by the governor and attested by the secretary of state. They are also sealed with the seal of the State of Texas. This seal consists of a five-pointed star within a wreath of live oak and olive leaves, and is affixed only to official documents to show their legality. The governor also issues commissions to all county, district and state elective officers.

The Pardon Power.—The power to grant pardons and reprieves is one of the most important that is vested in the governor. Often there may be extenuating circumstances surrounding one convicted of a crime, or evidence may be discovered after he has been sentenced that tends to prove him to be innocent. In such cases, upon a formal petition signed by the friends of the convicted man, the governor may review the case and decide to grant a pardon. Again, a man may be sentenced to die for a crime and the governor may be convinced that if the execution of the sentence is deferred, by the

IN THE NAME AND BY THE AUTHORITY OF



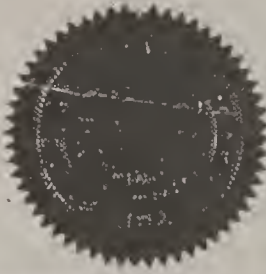
The State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING:

B. S. White
I, *B. S. White*, of the County of *Trinity*, has been appointed by the Governor of the State of Texas, by and with the advice and consent of two-thirds of the Senate, and has duly qualified by taking the prescribed oath and giving bond:

Now, Therefore, know ye, that I, O. B. COLQUITT, Governor of the State of Texas, do by virtue of the authority vested in me by the Constitution and Laws of said State, commission the said *B. S. White*, Commissioner of *Education* of *Trinity* in said State of Texas, giving and hereby granting to him the said *B. S. White* all rights, privileges, and emoluments appermining to said office, for and during the term prescribed by law.

In Testimony Whereof, I have hereto signed my name, and caused the seal of the State to be affixed, at the City of Austin, the *23rd* day of *January* in the year of our Lord one thousand nine hundred and eleven and the Independence of the United States of America the one hundred and thirty *fourth*, and of Texas the seventy *fourth*.



BY THE GOVERNOR: *O. B. Colquitt*
Secretary of State: *[Signature]*
Governor of Texas

A Commission.

granting of a **reprieve**, or order suspending it temporarily, the accused may be able, by newly secured evidence, etc., to prove himself innocent. The governor can not grant pardons in cases of impeachment, and only with the consent of the Senate in cases of treason. Since 1893 the governor has been assisted in his work of pardon matters by a Board of Pardon Advisers, consisting of two members, who assist him in his investigations and advise with him. But the governor may by virtue of his vested power, grant pardons, or reprieves, or commute sentences without reference to the Board of Pardon Advisers.

Other Powers and Duties of the Governor.—He is responsible for the faithful execution of all the laws of the state. He conducts personally all correspondence and official business between the State of Texas and the United States. At the opening of each session of the Legislature he sends to it a message containing:

- a. A statement of the condition of the State.
- b. Recommendations of needed legislation.
- c. An estimate of the money to be raised by taxation for all purposes.
- d. An account of all the money received and paid out by him from the public funds subject to his order, accompanied by vouchers.

At the close of his term of office he sends a message to the Legislature summarizing the work of the government during his administration. He can convene the Legislature on extraordinary occasions at the seat of government, or at another place, if a public enemy or disease makes it advisable for it to meet elsewhere. The proclamation must state the specific legislation desired. After this special legislation is effected the governor may request other needed legislation at this called session. He must examine critically all bills, all concurrent resolutions, orders or motions passed by the Legislature, except motions on adjournment, and approve or

veto each of them separately. He must inspect the accounts of all moneys received and expended, as kept by all officers of the state and managers of state institutions, and must secure semi-annual reports from these officials.

The Texas Rangers.—Texas has been critically situated in the past, having hostile Indians and depredating Mexicans almost surrounding her. To meet the conditions peculiar to our State in its early days, a state police force known as the Texas Rangers, was organized. These rangers are directly under the control of the governor, and are composed of fearless men, skilled and quick with revolver and rifle, and expert in trailing and capturing, or killing desperadoes and “crooks,” or in circumventing their wiles. They work under special orders, having jurisdiction throughout the State, arrest the lawless without warrant, execute orders decisively and fearlessly, and prove serviceable to the State in critical times. The Texas Rangers consist of two companies, each of which is composed of a captain and six men. Their headquarters are at Ysleta and Kenedy.

The Governor's Responsibility.—The governor is presumed to represent the State as a unity. To the public eye he is “The Executive” and the public is disposed to hold him responsible for the condition of the State. But as the executive power is divided among many officers, the public sometimes wrongfully holds the governor wholly responsible for the administration of the affairs of the State. He often can not control the acts of his chief associates. They hold themselves answerable to their **constituents**, that is, to the voters, who elect them to their offices, rather than to the chief executive. They can not be removed from office by the governor. While this is true, still the governor is the chief executive in truth and in fact. When occasion requires some one to welcome a prominent visitor on behalf of the

State it is the governor who does it; when it is necessary for some one to speak for the State it is the governor who comes to the front; and when an emergency arises requiring some one to assume authority it is the governor who rises to the occasion. In him rests the dignity of the State.

THOUGHT QUESTIONS

1. In an oath of office, and in judicial proceedings, what is the difference between **swearing** and **affirming**? Under what circumstances is affirming admissible?
2. What is meant by a "second" in reference to dueling?
3. Distinguish between army and militia.
4. What is a notary public? Name one.
5. What are recess appointments? How long are they in force?
6. What restriction is placed upon the governor in reference to his recess appointments?
7. What are the duties of the Board of Pardon Advisers?
8. What is meant by a pardon? A reprieve? A commutation?
9. Is a convict's citizenship restored by a pardon? By serving his full time?
10. What is a governor's message? How is it delivered?
11. What is a Texas Ranger? Compare him with a sheriff.

CHAPTER X

OTHER EXECUTIVE OFFICERS

The Lieutenant Governor.—Nearly all associations, civic or social, that have a chief executive, provide for a **vice executive** to act in his place when, for any reason, he can not fulfill the duties of his office. All the States except Arkansas, Delaware, Georgia, Maine, Maryland, New Hampshire, New Jersey, Oregon, Tennessee and West Virginia elect lieutenant governors. In Texas the lieutenant governor acts as governor whenever the executive office is temporarily vacated by reason of the sickness of the governor, of his absence from the State, or of his suspension from office during impeachment proceedings. In the event of the death of the governor, of his resignation, or of his removal from office, the lieutenant governor fills the unexpired term. If for any reason he is unable to act as governor, then the president **pro tempore** of the Senate becomes **acting governor**. Since all the powers and duties of the office of governor may devolve upon the lieutenant governor, he must possess all the qualifications demanded of the governor. When presiding over the Senate he has no vote except in the case of a "tie vote," when he casts the deciding vote. Like all legislative bodies, the Senate sometimes goes into the "committee of the whole" to discuss matters more freely than it can when bound by its rules governing the recognition of members and debate. In the committee of the whole the lieutenant governor has the right to debate and to vote on all questions that arise. The action of the committee of the whole is not binding until confirmed by the Senate in regular session.

Secretary of State.—As the duties of the secretary of



THE STATE ARCHIVES.
The Man in the Foreground Is Holding One of
the Oldest Records.

state are so intimately connected with those of the governor, the Constitution gives the chief executive the right to appoint the secretary of state, subject to confirmation by the Senate. The secretary of state is custodian of the state archives, consisting of books, maps,

parchments, documents, records and other state papers, and of the Seal of the State. His principal duties are as follows:

a. He must attest with his signature and the seal of the State all commissions given by the governor, and all proclamations and other documents issued under direction of the governor.

b. He must issue charters to corporations under regulations prescribed by the Legislature.

c. He must transmit any information pertaining to his office to the Legislature upon its demand.

d. He must allow any of the records in his office to be inspected by anyone desirous of doing so for legitimate purposes; and must furnish attested copies of any of them on receipt of regular fees established by the law.

e. He must keep a record of all the official acts and proceedings of the governor.

f. He must publish attested copies of all recently enacted laws that the public may become familiar with them.

g. He must publish and distribute to the State officers, to the principal county officers, and to the judicial officers of the State copies of the acts of each Legislature, and also copies of digests of the statutes; and he must distribute to the State officials and to the State courts copies of the decisions of the Supreme Court, and of the courts of appeals; and he must furnish printed journals of the proceedings of both branches of the Legislature to the governor, to the heads of all the executive departments, and to the county judges.

h. He must receive all State election returns and transmit them to the Legislature when it convenes.

State Superintendent of Public Instruction.—The State Superintendent has general supervision of the public school system of the State. He is ex-officio president of the State Normal School Board of Regents, and ex-officio secretary of the State Board of Education. The State Superintendent publishes and administers school law, delivers abstract of apportionment of school funds, advises school officers and addresses educational gatherings, cancels certificates for cause and prescribes regulations for summer normals. His duties are further considered in the chapter on Public Education. His term of office is two years, and his annual salary is \$2,500.

Comptroller of Public Accounts.—This officer is really the bookkeeper for the State, and in his office is kept a record of all moneys, lands, and other property belonging to the State, and of all debts owed to it, and also of all bonds, liens, mortgages, etc., in which the State is interested. His principal duties are as follows:

a. He superintends all the fiscal affairs of the State and keeps a record of all accounts in which it is interested.

b. He examines, and approves all claims against the State that are warranted by law, and keeps an index of them.

c. He draws warrants on the treasurer for the payment of all moneys authorized by law, specifying the specific appropriation of funds from which they are to be paid. Each warrant is numbered consecutively, starting with No. 1 at the beginning of each

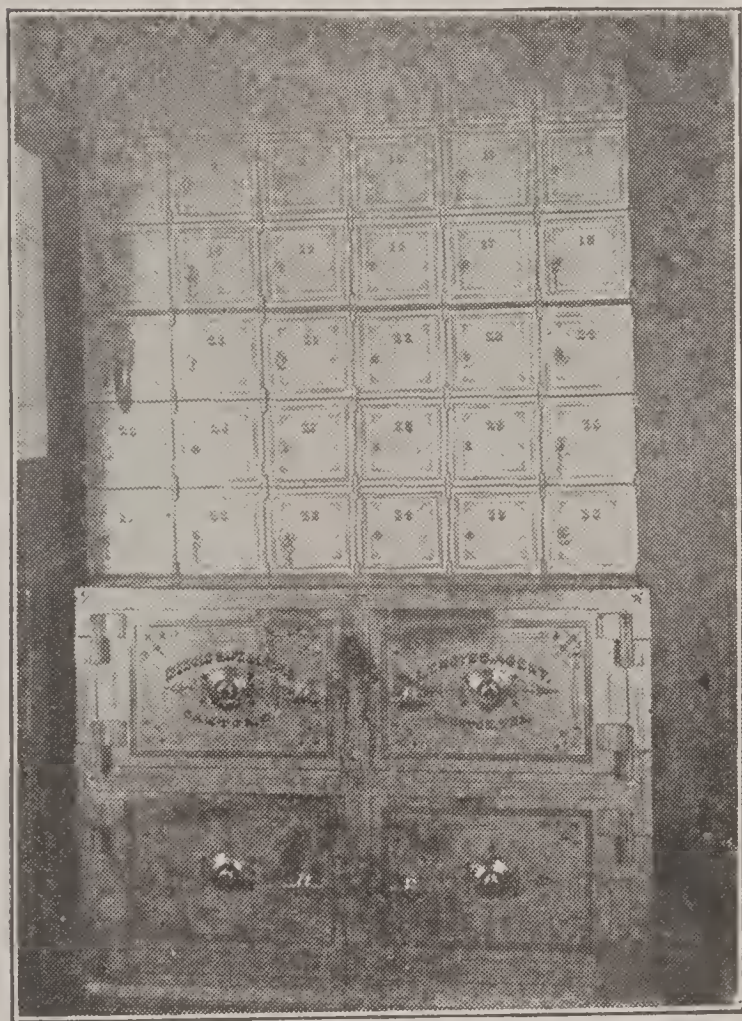
fiscal year. The State's fiscal year begins September 1 and ends August 31.

d. He prescribes forms to be used in the collection of the State revenues and from time to time issues instructions to assessors and collectors.

e. Annually, on the first Monday of November he furnishes the governor a detailed statement of all the funds belonging to the State, with the receipts and disbursements for the preceding year, and also a specific estimate of the appropriations needed for the coming year, showing the means of meeting the proposed expenditures.

The Treasurer.—It is the duty of the treasurer to

keep safely all moneys belonging to the State, and to disburse them only on warrants signed by the comptroller of public accounts. Often there are hundreds of thousands of dollars on deposit in the great steel vaults in the treasurer's office. These vaults are carefully guarded both day and night to prevent loss by theft.



Vaults in the State Treasurer's Office.
In Them Are Kept the Money and Bonds
in the Custody of the Treasurer.

The treasurer himself is under a bond of \$75,000, guaranteeing the safekeeping of the state funds and the making of all disbursements according to law. All the employees in his office who touch

the State's money are also under bond. On the first Monday of November in each year the treasurer submits to the governor an exact statement of the condition of the state treasury. Upon demand he must exhibit to the Legislature, or to a legislative committee, all the books, vouchers, and papers belonging to his office. He is also the custodian of all bonds in which the school funds of the State are invested.

The Railroad Commission.—In 1854 the first mile of railroad was built in Texas. The building of railroads was very slow at first, owing to the few settlers in many sections of the State. In 1860 the total mileage was 393 miles; in 1870 it had only increased to 711 miles; and in 1880 was 3,244 miles. Since 1880 railroads have been built with so great rapidity that in 1911 there were 14,296 miles of main lines in the State. That year saw more new miles built than were constructed during the ten years from 1860 to 1870. At first the railroads did not need any more oversight on the part of the State than is given ordinary corporations, but by 1891 they had become so powerful, and so arbitrary in their dealings with the public, as to make necessary special officers to see that they did not ignore the rights of the people. In that year the Legislature created the Railroad Commission, consisting of three members. The railroads fought the creation of the commission, but at last the Supreme Court of the United States decided that the people of the State had the right to establish it for their protection. In 1894 the Constitution was amended making the commissioners executive officers of the State, so that there could be no question as to their authority. The Texas Railroad Commission is regarded throughout the United States as a model agency for the adjustment of troubles arising between railroads and the public, and its decisions have had the

general approval of fair-minded people. Texas is unique among the States in requiring all railroads operating within her borders to be Texas corporations. Thus they are more amenable to her laws than they would be if **foreign corporations**, i. e., corporations having their general offices in other States. The principal duties of the Railroad Commission are as follows:

a. It compiles information concerning the construction, cost, rolling stock, equipment, stocks and bonds, operating expenses, volume of business, income and rates of all the railroads in Texas.

b. It regulates freight and passenger rates, and corrects abuses and prevents discriminations and extortion, affecting shippers and passengers.

c. It investigates reported abuses and wrongdoing by railroads and imposes penalties for the same. When the railroads do not pay the penalties assessed against them it orders suits to be brought in the courts to compel them to do so.

d. It makes rules requiring railroads to post fixed tariff rates, to maintain train schedules, to furnish comfortable depots, and to adopt rules for the operation of their trains so as to conserve the safety of passengers and freight.

e. It regulates the issuance of all bonds by railroad companies and thus protects the people from the over-capitalization of a railroad.

Commissioner of Agriculture.—The work of this officer is well indicated by his title, which is “Commissioner of Agriculture.” He has mineralogical and zoölogical surveys of the State made and publishes reports of them from time to time. He keeps a State Cabinet of specimens of minerals, coal, stones, and useful substances obtained from Texas lands or waters, and also of all natural history specimens peculiar to the State. He has analyses and assays made of mineral deposits belonging to the State; and also of those belonging to private parties for fees established by law. He is an ex-officio member of the Board of Directors of the Agricultural and Mechanical College, and is expected to keep informed of the practical experiments made by it and to compile records of them, and to keep in communication with the United

States Department of Agriculture, and to file carefully all documents obtained from it. From this data, together with that secured from the county assessors, he publishes information that may advance the agricultural interests of Texas. The importance of this officer in the help that he may be to the material prosperity of the State is easily realized when we learn that the value of her twelve principal agricultural crops in 1910 was \$476,711,944, and of her mineral productions in 1909 was \$17,217,807.

Principal Agricultural Crops, 1910.	Principal Mineral Products, 1909.
Cotton and Cotton Seed	Petroleum
.....\$265,955,944	.....\$6,793,050
Corn	Clay
.....114,206,000	.....3,148,463
Truck	Coal
.....30,000,000	.....3,141,945
Wheat	Asphalt
.....18,404,000	.....857,204
Hay and Forage..	Portland Cement
.....13,900,000	.....808,997
Oats	Salt
.....11,443,000	.....260,286
Rice	Sand and Gravel
.....5,940,000	.....246,365
Sugar Cane	Lime
.....4,360,000	.....244,845
Kaffir Corn and	Silver
Milo Maize .....	.....212,200
.....3,900,000	Quicksilver
Potatoes .....	.....194,084
.....3,336,000	Mineral Waters
	.....98,499

State Revenue Agent.—He is subject to the direction of the governor and travels at the expense of the State in the discharge of his duties. It is his duty to investigate the books and accounts of all officials concerned in the assessment and collection of taxes, and also of those receiving and disbursing public funds. He enforces the collection of all license fees and revenues due the State. Frequently counties are careless in not requiring such concerns as circuses to pay the required license fees, or corporations are not properly assessed by the local authorities. It is the work of the state revenue agent to bring suit to recover for the State all revenues due it which are not being collected as required by law. At the request of the governor, he audits the financial accounts of the various state institutions.

In order to perform the duties of his office, he has free access to the books and records of all persons, all corporations, and all institutions required to pay occupation taxes, or license fees to the State, or who are suspected of making false renditions to the tax assessors.

The Attorney General.—He is the chief law officer of the State. His principal duties are as follows:

a. To represent the State in all suits and pleas in the Supreme Court to which it may be a party.

b. To inquire into the charters of all private corporations, and to take such steps as are necessary to prevent such corporations from collecting taxes, tolls, freight, etc., not authorized by law.

c. To seek the judicial forfeiture of the charters of Texas corporations violating the State laws, and to prevent similar foreign corporations from doing business in Texas.

d. To give legal advice in writing to the governor and other executive officers when it is requested by them.

e. Upon their request, to counsel and advise county and district attorneys in actions wherein the State is interested.

f. To assist in representing the interests of the State in district or other lower courts on request of the governor, or upon his own desire.

g. To inspect the accounts of all charged with the collection, keeping, and disbursement of State moneys, and to protect the State's interests therein.

h. To see to the purchase of property for the State, and to execute all necessary legal papers in connection with it.

Commissioner of Insurance and Banking.—No insurance company can solicit business in Texas until it has been licensed to do business in the State. Before this is done the commissioner of insurance and banking examines its books and records to make sure that it is doing a legitimate business and is able to carry out its contracts. In order to do business in the State a company must deposit certain securities with this department, and in addition invest a part of its reserve in Texas bonds or mortgages. On June 1, 1911, there were 664 state banks in Texas. All of them are under the control of this department. A corps of examiners is

kept busy checking their books to make sure that they are complying with the law, and that people are safe in entrusting their money to them. Whenever any of them are found insecure they are closed by order of the commissioner.

Guarantee of Bank Deposits.—Texas was one of the first States in the United States to pass a law protecting depositors in state banks from the loss of their money through the failure of the banks. Under this law every state bank must protect its depositors, either by availing itself of the “depositors’ guaranty fund,” or by the depositors’ bond security system. Under the depositors’ guaranty plan a bank pays to the State Banking Board, annually, a small per cent of its daily average deposits for the preceding year, with which to create a fund to secure depositors in state guaranty banks against loss in case of the failure of any of the banks. After this fund has reached the sum of two million dollars the bank ceases to make any further payments until the fund is depleted by paying losses. By the plan of the depositors’ bond security system, a bank files, annually, on January first, with the commissioner of insurance and banking, for and on behalf of all the depositors of the bank, an insurance policy or an indemnity bond in an amount equal to its capital stock. Should a failure occur the State uses this money to pay the depositors in full.

Library Commission.—The State Library is under a Commission appointed by the governor. It is a part of this Commission’s duty to obtain all information possible regarding the history of the State, and to file it for convenient reference; and also to preserve carefully all historical records, mementos, antiquities, and works of art relating to Texas history, that may come into the State’s possession.



Courtesy of Dallas News.

Interior of the State Library, Austin.

THOUGHT QUESTIONS

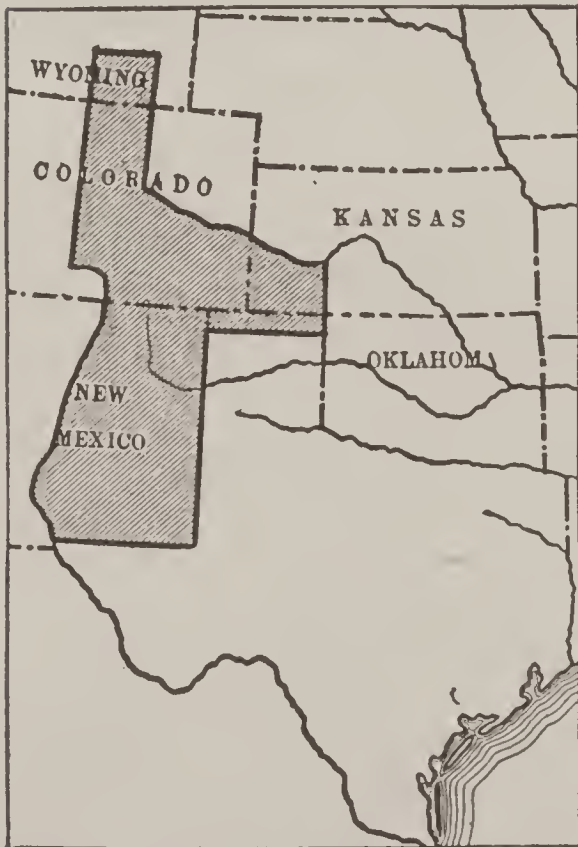
1. What States do not have lieutenant governors?
2. What is a tie vote? Does the lieutenant governor have a vote in case of a tie?
3. Does the president *pro tempore* of the Senate have a vote in case of a tie?
4. Is the action of a "committee of the whole" binding on the house constituting the committee?
5. Define archives. State the particulars of the "Texas Archive War."
6. What is an attested copy of a document?
7. What is meant by **election returns**?
8. To whom must election returns be made?
9. What is a commission?
10. What are tariff rates, train schedules, and over-capitalization, as railroad terms?
11. Explain the two systems by which the depositors in State banks are protected against the loss of their deposits.
12. What state bank do you know? Which plan of guaranteeing deposits does it employ?

CHAPTER XI

STATE LANDS

The Public Domain.—Whenever a government is established all the land within its boundaries, not owned by private parties whose titles are respected, becomes the property of the government, and is called the **public domain**. While Texas was a Spanish possession a few large grants of land were made to those in favor with the king. Between 1821 and 1835 Mexico made a determined effort to settle the country with people from the United States, by entering into contracts with promoters to give a certain amount of land for every family settled in the province. The first grant was made to Moses

Austin. It is known that 9,249 families were contracted to be settled in Texas under these grants and that some of the settlers received as much as 4,605 acres of land. When Texas became independent the public domain included about 211,646,080 acres. In 1850 Texas sold 67,000,000 acres, lying in what is now New Mexico, to the United States for ten million dollars. During the days of the Republic Texas had no money with which to carry on



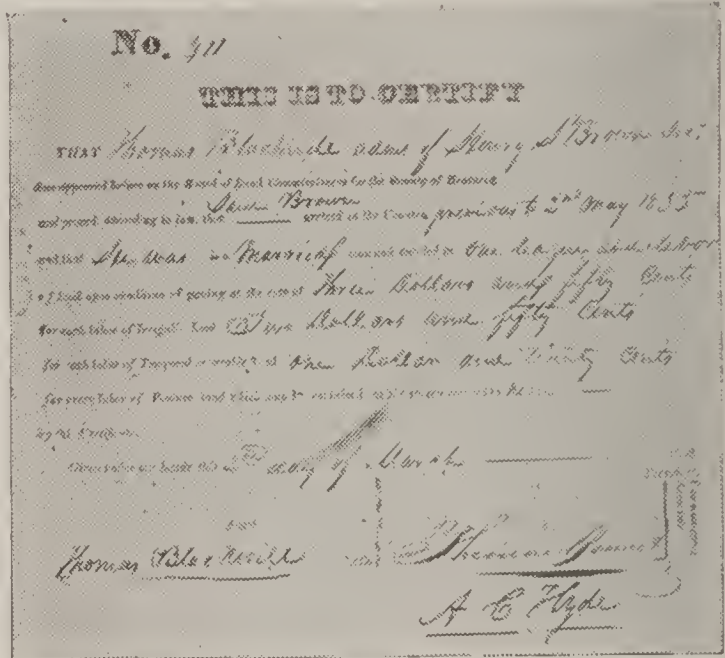
Courtesy of Baker, Potts & Ramsdell.
The Land Cession of 1850.

the government and to pay the loans advanced to her during the Revolution. To raise money "land certificates," or scrip, good for 320 acres and 640 acres each, were sold by agents throughout the United States. This land brought fifty cents an acre. Scrip for 1,329,200 acres was sold.

Land was also given to the soldiers who had served in the "War of Independence," and to the heirs of those who lost their lives in the Alamo and in the various battles fought with the Mexicans. The Republic also gave lands to immigrants and 27,000 acres for a national highway that was never constructed, and set aside thousands of acres for the cause of education in the counties and for a state university. When Texas entered the Union, unlike the other States, she retained full control of all her public domain. Since that time she has used her lands to encourage railroad building, manufacturing enterprises, irrigation projects, in making rivers navigable, and for building the State Capitol. Best of all, she has given 52,000,000 acres, or approximately one-third the present area of the State for the cause of education. It was her intention that all the counties should receive the same amount of land for their common school fund, but several have received no land.

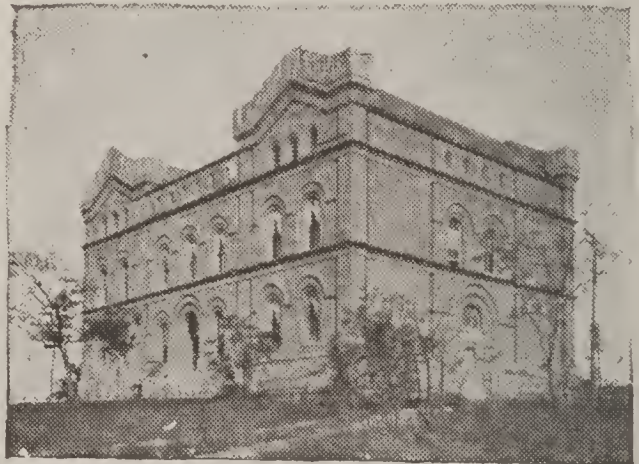
Texas Land Measure.—As the public domain belonged originally to Spain, it came to pass that Spanish land measures were used in the earliest grants and surveys. In place of feet and miles the Spaniards used **varas** and **leagues**. When Texas became a republic the vara was continued as the unit in measuring lands. The vara in Texas is equal to 33 1-3 inches and the league to 2.63 miles. The law requires the use of the Spanish measures by surveyors in their field notes.

Commissioner of the General Land Office.—On December 22, 1836, a general land office was established. Each claimant of public land located his land and filed a description of it, as best he could, with this Land Office. Of course there was much overlapping of claims which has led to many lawsuits, some of which are still in progress. Remembering that nearly all the land of our State was a part of the public domain and passed from the State to



Land Certificate Issued by the
Republic of Texas.

private individuals in the form of land grants, the importance of the Commissioner of the General Land Office is apparent. He keeps a register and description of all land titles that have emanated from the State, and a record of all land certificates and patents. He countersigns all land patents signed by the governor and issued in the name and by the authority of the State to purchasers of State lands. He causes the lands belonging to the State to be



The General Land Office.

surveyed and mapped. He represents the State in adjusting conflicting land claims, where some private party claims land that he thinks belongs to the State; and he secures, through the courts, the forfeiture of spurious and annulled land claims. He reports annually to the governor the condition of the General Land Office, with a detailed statement of all moneys received and paid out by it.

THOUGHT QUESTIONS

1. Define public domain.
2. What advantage has Texas over any other State in the Union in the matter of public domain?
3. Was it a wise policy for Texas to sell her lands at a low price?
4. What is meant by Spanish grants?
5. Are Texas land titles good?
6. What system of land measurement prevails in Central, South, and East Texas?
7. What is meant by agricultural lands? Grazing lands? Mineral lands?
8. Does Texas now dispose of the mineral rights when she sells her mineral lands by the section?
9. Is Texas justifiable in her action in disposing of mineral lands?
10. What are the "school lands?"

CHAPTER XII

THE JUDICIAL BRANCH

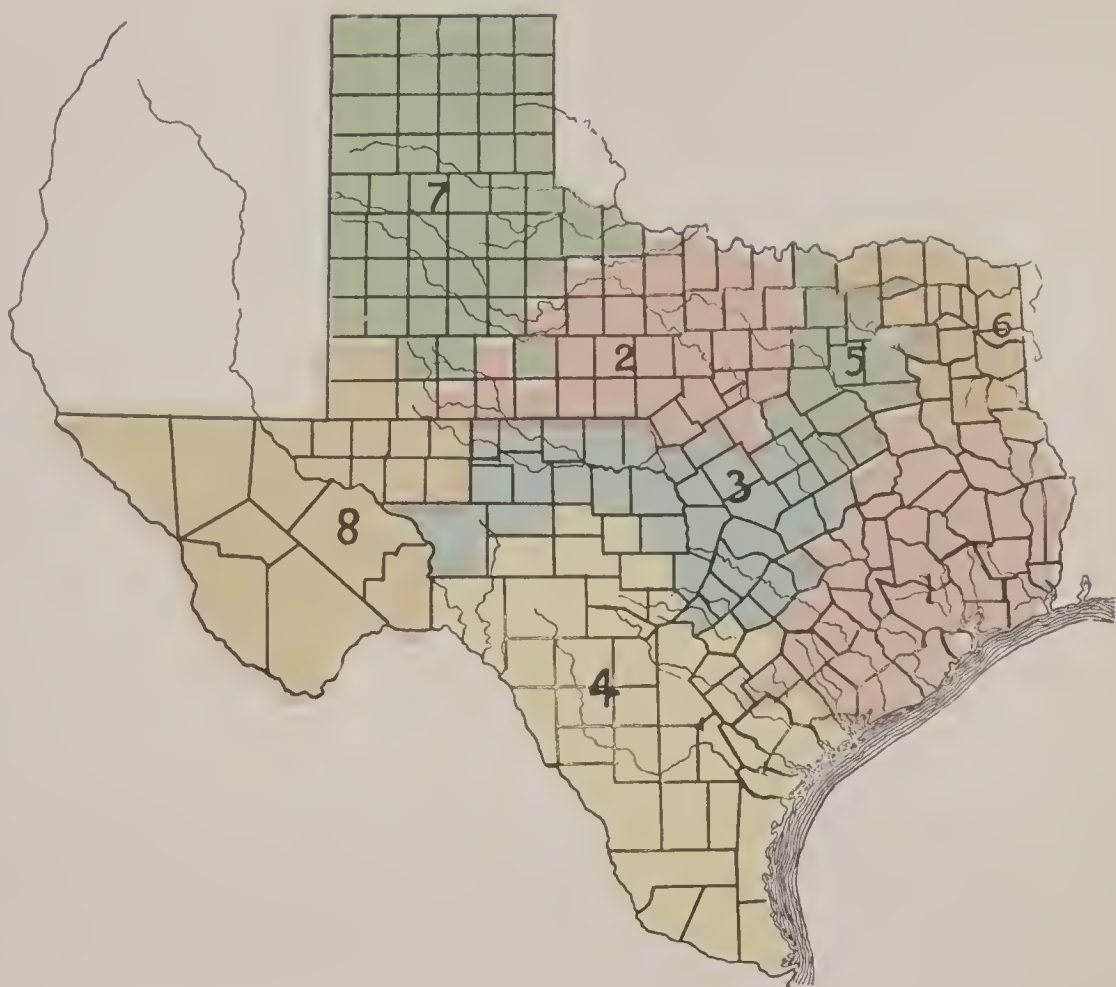
The State Judiciary.—This is composed of many courts, divided into groups known respectively as the higher courts and the lower courts. The **higher courts** are the Supreme Court, the Court of Criminal Appeals, and eight courts of civil appeals. The **lower courts** are the district courts, county courts, commissioners' courts, municipal or corporation courts, and justice of the peace courts. The Legislature may establish other courts if deemed necessary, and may prescribe how they shall be organized, and define their jurisdiction. It has never exercised this power in the establishment of any state courts, other than county courts at law and county criminal district courts. Their establishment was demanded to expedite the trial of cases in congested counties. The Legislature defines their jurisdiction, and where their jurisdiction is in conflict with the county or the district courts heretofore given in the counties involved, the jurisdiction is taken from the county or the district courts.

Qualifications of Judges.—In order to be eligible to the position of judge of any of the higher courts one must possess the following qualifications:

- a. He must be a male citizen of the United States and of Texas.
- b. He must be at least thirty years of age.
- c. He must have been a practicing lawyer or judge of a court in Texas for at least seven years.

In order to be eligible to the office of district judge one must possess the following qualifications:

- a. He must be a male citizen of the United States and of Texas.
- b. He must have been a practicing lawyer or judge of a court in Texas for at least two years immediately preceding his election.
- c. He must have been a resident of his district for at least two years immediately preceding his election.



SUPREME JUDICIAL DISTRICTS

In order to be eligible to a county judgeship one must possess the following qualifications:

- a. He must be a male citizen of the United States and of Texas.
- b. He must be a resident voter of his county.
- c. He must be well informed in the laws of Texas.

The Supreme Court.—This court heads the judiciary system of the State. It consists of a chief justice and two associate justices, each of whom is elected for six years by the qualified voters of the State. The term of office of one justice expires every two years. The justices receive a salary of \$4000 a year. This court is in session at Austin from October to June of each year. It is the court of last appeal for all cases involving civil and constitutional law, but it does not hear appeals in cases involving only criminal law.

The Court of Criminal Appeals.—This court consists of a chief justice and two associate judges, each of whom is elected for six years by the qualified voters of the State. The term of office of one of them expires every two years. Each of them receives a salary of \$4000 a year. This is the last court to which anyone convicted of a crime under the laws of the State can appeal. This court sits at Austin from October to June of each year.

The Courts of Civil Appeals.—The State is divided into eight supreme judicial districts. In each of them there is a court of civil appeals, located so as to be convenient for the people of its district. These courts meet at the following places:

First District	Galveston.
Second District	Ft. Worth.
Third District	Austin.
Fourth District	San Antonio.
Fifth District	Dallas.
Sixth District	Texarkana.
Seventh District	Amarillo.
Eighth District	El Paso.

Each court consists of a chief justice and two associate justices, who are elected for terms of six years by the qualified voters of its supreme judicial district. The term of one judge expires every two years. Vacancies in these courts are filled by appointees of the governor until the next regular election, when judges are elected for the unexpired terms. The judges of the courts of civil appeals receive a salary of \$3500 a year. The courts of civil appeals sit from October to June of each year. They can only hear cases appealed to them from the county courts and the district courts within their respective supreme judicial districts. Appeals are taken from their decisions to the Supreme Court. Decisions of the Courts of Civil Appeals are final in several classes of cases.

Removal of Judges by Address.—A judge of any of the higher courts, guilty of offenses less serious than those for which he can be impeached, such as wilful neglect of duty, incompetency, habitual drunkenness, or of oppression in office, is removed from office by **address**. To do this both branches of the Legislature, by a two-thirds vote, must pass a resolution, or address, to the governor stating the cause for the removal. The governor will then appoint his successor to serve until the position is filled by election. The Supreme Court may remove any district judge for the same causes. Before a judge is removed by address, or by the Supreme Court, he must be given notice of the proposed action, and must be given a hearing at which he is entitled to all the privileges usually accorded a defendant in criminal trials.

The District Courts.—In 1912 Texas had seventy-three district courts. Each is presided over by a judge elected by the voters of his district for a term of four years. The salary of a district judge is \$3000 a year.

Should a district judge remove his residence from his district his office becomes vacant and is filled by the governor. He must hold at least two terms of his court annually, in each county in his district. District courts have jurisdiction in civil cases, such as land suits, divorce cases, slander and libel cases, and in cases in which the amount of money involved is more than \$1000. They also hear criminal cases of the grade of felonies, i. e., punishable by death or imprisonment in the penitentiary. They try suits in which the State seeks to recover penalties, forfeitures, etc. They try city and county officials for misconduct in office. They settle all contested elections of county officers. They hear appeals from the county courts in their districts in probate matters.

County Courts.—There is one county court in each organized county, presided over by the county judge, who holds office for two years and receives as a compensation for his services such fees and perquisites as the law allows. He must hold his court quarterly at the county seat, and oftener if the commissioners' court orders him to do so. Should a vacancy occur in the county court it is filled by the commissioners' court. The county court has jurisdiction in civil cases as follows:

a. All cases involving amounts between \$200 and \$500, exclusive of interest. This does not include suits for the enforcement of liens upon lands. Such cases must be tried in the district court.

b. In cases involving amounts from \$500 to \$1,000, the county court has concurrent jurisdiction with the district courts.

c. In all cases appealed from the justice of peace courts.

d. In all probate matters.

e. In all proceedings in the exercise of the right of eminent domain to condemn property for public purposes.

It has jurisdiction in criminal cases as follows:

a. All cases appealed from justice of peace courts.

b. All cases of misdemeanors, i. e., petty offenses punishable by fine, sentence to jail, or to work on the roads.

Appeals from a county court are taken, in civil cases,

to the court of civil appeals of its supreme judicial district; in criminal cases, to the Court of Criminal Appeals; and in probate matters to the district court for that county. County courts have final jurisdiction in civil cases involving less than one hundred dollars.

The County Judge as Probate Judge.—When a person owning property dies the law provides for the settlement of his estate. If he left a **will**, i. e., a document properly drawn stating to whom he wishes his property to go after his death, this will is **probated** or “proved,” before the county judge. If he left no will then the county judge appoints some one, called an **administrator**, to settle his estate under the direction of his court. He requires of the executors of wills and administrators of estates that come under his jurisdiction a strict accounting for their acts, and attends personally to the settlement, partition, and distribution of these estates. He appoints guardians for the children to whom property is left by the death of a parent. These must administer this property for the children’s benefit until they reach the legal age, i. e., twenty-one years. He also appoints guardians for idiots, lunatics, and common drunkards possessed of property, in order that their property may be cared for properly.

Justice of the Peace Courts.—Each organized county is divided into not less than four nor more than eight justice precincts, from each of which one justice of the peace is elected by the qualified voters. If a precinct has within it a city of 8000 or more inhabitants it must elect two justices of the peace. A justice of the peace must be a qualified voter of his precinct and serves for two years. A vacancy in this office is filled by the commissioners’ court. A justice of the peace is entitled to such fees as the law prescribes. He holds a session once a month to try civil cases. At all times he must be

ready to try criminal cases, and also to hold the examining trials of those accused of felonies. Examining trials are to determine whether the accused person shall be held under arrest to await the action of the grand jury, and if so, whether the charge against him is bailable, and what amount of bail shall be demanded before releasing him from custody. Each justice of the peace has a constable in his precinct to execute the commands of his court, just as the sheriff does those of the commissioners' court and the district court. Justice of the peace courts have jurisdiction as follows:

- a. In criminal cases when the fine may not be more than \$200.
- b. In civil cases in which the amount in controversy is not more than \$200, not including interest, except that suit for payment of a vendor's lien note cannot be brought in this court even though the amount in controversy may be less than \$200.

Any one to be tried for a crime or misdemeanor may demand a jury of six persons; or either of the parties to a civil suit may demand a jury of six persons, upon the payment of three dollars. All criminal cases, and civil cases where the amount in dispute is more than twenty dollars, may be appealed to the county court.

Who Represents the State.—In the county and justice of the peace courts the State is represented by the county attorney. In some judicial districts district attorneys are elected by the voters of the entire district to represent the State in the district courts, but districts seldom elect district attorneys unless they are composed of several counties. If they do not elect a district attorney then the county attorneys represent the State in the district court when it meets in their respective counties. There are seventy-three judicial district courts in Texas, but in many instances one district attorney represents the State in several of them, as is the case of the four district courts in Bexar County. In the Supreme Court, Court of Criminal Appeals, and the courts of civil ap-

peals, the State is represented by the attorney general and his assistants.

Clerks of the Courts.—Courts in which complete records of all proceedings, orders, and findings are kept by a clerk, and in which all formal documents are issued under seal, are called **courts of record**. A copy of the record of a case in a court is called a **transcript**. The records of a court are kept by a court attendant, called the **clerk of the court**. All the higher courts appoint their clerks, and can remove them for failure to discharge the duties of their office. The terms of office of the clerks of the Supreme Court and the Court of Criminal Appeals is four years, and of the clerks of the courts of civil appeals is two years. The clerks of the district courts and county courts are elected by the qualified voters in their respective districts or counties at the general election, and serve for two years.

THOUGHT QUESTIONS

1. What are the two classes of Texas courts?
2. How many judges must concur to secure a decision when the court consists of three judges?
3. What is meant by **original** jurisdiction? **Appellate** jurisdiction? **Exclusive** jurisdiction? **Concurrent** jurisdiction?
4. Under what conditions can a criminal case be carried to the Supreme Court?
5. How many courts of civil appeals has Texas?
6. Have courts of civil appeals any original jurisdiction?
7. May a county have more than one district court?
8. What court tries felony cases?
9. What court tries cases of malfeasance in office?
10. What court tries land cases?
11. What court has jurisdiction over probate matters?
12. What court has jurisdiction over election contests?
13. Explain the terms probate judge, administrator, guardian, probated will, estate partition.
14. What is meant by an examining trial? Bailable case?
15. What is a misdemeanor? A felony? Give an example of each.
16. What is assault? Burglary? Arson? Robbery? Highway robbery? Manslaughter? Murder? Assassination?
17. What is a court of record? A transcript?

CHAPTER XIII

THE WORK OF THE COURTS

The Jury System.—Going back in English history we find that whenever a death occurred under suspicious circumstances it was the duty of an officer called the **coroner**, or **crowner**, because he was originally appointed by the king and was his direct representative in the county, to investigate the cause of death. In this work he was assisted by twelve **jurors**, i. e., sworn men chosen by him. If there was evidence of a crime having been committed the coroner could have the person charged with it arrested and brought to trial. This was the origin of our jury system, which now includes two distinct kinds of juries—grand juries and petit (pět'ý) juries.

The Grand Jury.—This consists of twelve men who are intelligent and able to read and write, and of good reputation, and who have never been convicted of any felony, or been under any indictment or other legal accusation for theft or for a felony, and who are qualified voters and freeholders. They are selected by jury commissioners appointed by the district judge. They are required to take the following oath, which is administered by the judge or the clerk of the court:

“You solemnly swear that you will diligently inquire into and true presentment make of all such matters and things as shall be given you in charge; the State’s counsel, your fellow’s, and your own you shall keep secret, unless required to disclose the same in the course of judicial proceedings in which the truth or falsity of evidence given in the Grand Jury Room in a criminal case shall be under investigation. You shall present no person from envy, hatred, or malice; neither shall you leave any person unrepresented for love, fear, favor, affection, or hope of reward; but you shall present things truly as they are to your knowledge, according to the best of your understanding, so help you God.”

After the grand jury is sworn, the judge appoints one

of its members foreman and then gives it special instructions for its guidance. In case of some flagrant violation of the law the judge may afterwards call a meeting of the grand jury to receive special instructions with reference to it. The case or cases thus brought to its notice must be acted upon specifically in special sessions and decisions rendered. In ordinary procedure the cases passed upon by the justice of peace courts in preliminary trials, and then held under bail for a grand jury hearing, are disposed of first; next those matters contained in the judge's instructions are considered; and finally such matters of law violation as are brought to its attention by citizens, or by the prosecuting attorney, or that have come to the personal knowledge of separate jurors. The sessions are secret, although the prosecuting attorney may assist in examining witnesses. All witnesses are placed under oath and thus made subject to penalties that the law prescribes for **perjury**, i. e., swearing to a lie. The grand jury has the power to commit to jail witnesses who refuse to answer questions that are legally proper. Upon the vote of nine grand jurors who believe in the guilt of a person, and who also believe that sufficient evidence is obtainable to secure his conviction in the trial court, an **indictment**, i. e., a bill charging him with a specific offence, is drawn up and signed by the foreman. All indictments found are presented to the judge in open court. They are then filed by the clerk and warrants are issued for the arrest of those accused. If the indictment charges a crime of felony grade the accused must be tried by a petit jury in the district court. If the crime is of misdemeanor grade over which a county court has jurisdiction, the indictment is filed with that court in the county where the crime was committed.

The Petit Jury.—Under the Constitution the Legisla-

ture has the power to regulate the right of trial by jury. Misdemeanors may be prosecuted on indictment, information, or complaint; but felony cases can be tried only after an indictment by a grand jury, and must be tried by a **petit jury**, i. e., a jury of twelve men, who should be free from prejudice and carefully chosen so as to safeguard all the rights of the accused and of the State.

In Criminal Cases.—In all criminal cases in all the trial courts of Texas, whether city, county, or State, the one accused has the right of a trial by jury. He also has the right of a lawyer to defend him, and to compel the attendance of all necessary witnesses. If he is in poverty this right will be accorded him at public expense. In misdemeanor cases he may waive his right to a jury trial, and submit his case to the judge. In felony cases the jury trial can not be dispensed with, even at his request. Should he plead guilty the plea must go to the jury and a written verdict of “guilty” must be returned by that body. A petit jury in criminal cases can find only two verdicts—“guilty” or “not guilty.” Either verdict must be by unanimous vote of the jurors. If the jurymen can not agree upon a verdict, the jury is dismissed by the judge and a new trial is ordered. If the verdict be “guilty” the judge then, or at some future time, pronounces sentence upon the person tried. In misdemeanor cases that are punishable with fines the convicted person has the costs of trying the case added to the fine assessed, and if he can not pay this amount he is sent to jail for a specified length of time, or is required to work for the county until the fine and costs are paid by his work. In this way many counties keep their roads in repair.

The Right of Appeal.—If the convicted person thinks that the trial was unfair in any material way, he may ask the court for a new trial. If a new trial is re-

fused he may then appeal his case to the Court of Criminal Appeals. If the court affirms the judgment of the lower court its decision is final and the sentence of the judge becomes effective. But if the Court of Criminal Appeals reverses the decision of the lower court it may dismiss the case, or it may remand it to the original trial court for a new trial. The State has no appeal in criminal cases, though the verdict of "not guilty" may have been flagrantly at variance with the law and evidence as produced in court. Even if the jury was bribed to return a verdict of "not guilty," the acquittal must stand.

In Civil Cases.—In suits and other civil cases, the party who brings the case is called the **plaintiff**, and the one against whom it is brought is called the **defendant**. In all civil cases in the district court the defendant has the right of a jury trial upon the payment of five dollars, and in the county courts or justice of the peace courts, upon the payment of three dollars. If he is in poverty, a jury trial must be accorded him without charge. The plaintiff in civil cases may also demand a jury trial under the same conditions. In such cases the judge or the jury decides whether the plaintiff is right in his claim, and if so, renders judgment in his favor, determining what his redress shall be. The party losing a civil case must pay all the costs of the trial. Appeals may be taken by either party to the next higher court that has jurisdiction over civil cases.

THOUGHT QUESTIONS

1. What is the coroner's duty now? Does he ever summon a jury?
2. Explain the terms indictment, plaintiff, defendant, warrant.
3. Is every false statement of a witness under oath perjury?
4. Does a plea of guilty by one on trial end the trial?
5. What is a confession?
6. Find out who may be chosen to serve on the jury.
7. Trace a civil case on appeal from the lowest court to the highest.

CHAPTER XIV

SOME POWERS OF JUDGES AND COURTS.

Contempt of Court.—Each court has power to punish any person guilty of its contempt as follows:

Justice of the Peace Courts.—Fine not to exceed \$25; imprisonment not to exceed one day.

County Courts.—Fine not to exceed \$100; imprisonment not to exceed three days.

District Courts.—Fine not to exceed \$100; imprisonment not to exceed three days.

Civil Courts of Appeal.—Fine not to exceed \$1,000; imprisonment not to exceed twenty days.

Criminal Court of Appeals.—Fine not to exceed \$1,000; imprisonment not to exceed twenty days.

Supreme Court.—Fine not to exceed \$1,000; imprisonment not to exceed twenty days.

One may come in contempt by failure to obey the processes and writs of the court, or by contemptuous language used in its presence, or by public criticism of its decisions while cases are pending before it.

Writs.—Each court has power to issue all writs necessary to the enforcement of its jurisdiction. Writs are written orders, directing or commanding something to be done or not to be done. Writs that are intended to correct or remedy a state of facts not consistent with law or justice are called **remedial writs**. Writs issuing from justice of the peace courts are served by constables. Those issuing from higher courts are served by sheriffs and their deputies.

Remedial Writs.—The principal remedial writs are as follows:

a. **Habeas Corpus.**—This is the oldest writ we have. From 1215, when the barons and common people wrung from King John in the Runnymede Meadows, on the banks of the Thames River, the Magna Charta (kär'tà), it has been a principle of English law that a prisoner could demand from a court this writ. It compels those restraining his liberty to produce him before the court, so that it may determine whether he is being restrained illegally. Wherever Englishmen have established

colonies they have established the writ of habeas corpus, as the basis of their personal liberty laws.

b. **Mandamus.**—A writ commanding some specific act of obedience on the part of a person, corporation, or inferior court.

c. **Injunction.**—A writ that prohibits a person or corporation from doing some specific act. The granting of injunctions, alleged to have been unnecessary, has brought much criticism on the courts, and efforts are being made in Congress, as well as in the States, to curtail this power of judges. There are two kinds of injunctions—temporary and permanent. A **temporary injunction** is one issued to prevent an act from being done, until the court can hear both parties, when the injunction may either be made permanent or be removed.

d. **Attachment.**—A writ commanding the taking into custody of the law of some person or his property.

e. **Garnishment.**—A writ commanding a third party to appear in court and show what effects are in his possession, or what amount he is indebted to a defendant.

f. **Execution.**—A writ to put in force a sentence that has been imposed, to put into effect a decision in some civil case.

g. **Sequestration.**—A writ authorizing taking into custody of the court real and personal property in possession of a defendant, pending litigation, and holding it until the rights thereto are determined by the court.

h. **Supersedeas.**—A writ containing a command to an inferior court to stay the proceedings in a specific case, until it can be heard by the higher court.

i. **Quo warranto.**—A writ commanding an officer, or other person, or corporation, to show by what authority an office or claim is held, or a power exercised.

j. **Certiorari** (sûr shĭ ō rā'ri).—A writ directing an inferior court to certify the record of a case tried before it to a higher court for judicial review.

Other Writs.—Other writs that may issue from a court are as follows:

a. **Writ of Arrest.**—When a person wishes to have any one arrested for some offence he goes before a court and swears to the charge. Then the court issues a writ commanding the arrest of the person accused. Arrests can be made by policemen only within their cities, but by sheriffs and their deputies anywhere within the county. If the accused escapes without the State he can only be arrested by the officers of the State where he may be. The governor of Texas will then make a request of the governor of the other State that he be returned to Texas for trial. This is called a **requisition** and is usually honored.

b. **Writ of Election**—A writ ordering an election for a certain purpose, on a certain day, and at specified places.

c. **Subpoena** (pĕ'nā).—This writ commands the appearance

of a person at court, on a particular day, to testify in some case to be tried at that time, or to qualify as a juror.

Marriages.—Before two people can be married in accordance with Texas statutes, they must secure a license from the county clerk. This license can not be granted when the male is under sixteen years of age and the female under fourteen years of age. Males under twenty-one years and females under eighteen years must have the written consent of their parents, or guardians, before the county clerk will issue a license. If he is in doubt as to the applicants being of sufficient age he may demand a certificate from the parents or guardians stating their age. After the license is procured the marriage ceremony may be performed by a judge of any of the lower courts or by a mayor. All regular licensed or ordained ministers of the Gospel, and Jewish rabbis may also perform the ceremony.

THOUGHT QUESTIONS

1. What is contempt of court? Illustrate.
2. What is meant by an examining trial before a justice of the peace?
3. If a person accused of a crime is released after an examining trial, can he be indicted and tried for the offense afterward?
4. What is a remedial writ?
5. If an accused person is released under a habeas corpus trial, is he thereby deemed innocent?
6. Explain a mandamus proceeding.
7. Can a person be mandamusd to do, as well as not to do, a specific act?
8. What is the objection to having a writ of injunction granted by a judge whose court is in another part of the State?
9. Can wages due a workman be garnisheed for debt?
10. Under what circumstances can a sheriff arrest a person without a warrant?
11. Under what circumstances can a private citizen arrest a person?
12. What is a requisition?
13. Under what circumstances is a governor justified in refusing to grant requisition papers?
14. Can a man be punished for not appearing at court after a subpoena has been served upon him?

CHAPTER XV

PARTY ORGANIZATION

Origin of Political Parties.—Political parties are the natural outgrowth of popular suffrage. Every good citizen desires the wisest solution of all public questions. This desire brings about the agitation and discussion of such questions. These discussions tend to educate all and to cause persons of similar views to associate together to secure laws in accordance with their views. A formal union of all persons who hold similar views on certain public questions constitutes a **party**. In most governments at least two views as to the nature of the government are found to exist. One view is in support of as strong a central government as is consistent with local and individual interests; the other view is in support of as great liberty in local affairs as is consistent with the unity and safety of the general government. The advocates of these respective views constitute the two great parties of modern nations. In the United States these parties are known as **Republican** and **Democratic** respectively. A compromise between the views of these parties gives reasonable satisfaction to the masses, so the two great parties in our State and in our Nation, by mutual concessions, have given us a safe and conservatively progressive government. If popular demands are not recognized by either of these great parties, a third party comes into existence to incorporate those demands into laws. When the mission of this third party is accomplished, it either becomes disorganized and ceases to exist, or it takes the place of one of the other parties.

How a Party is Organized.—In order to have permanent success at the polls a party must have a permanent organization. The better this organization is the more

successful the party will be. It is largely due to its close organization that "Tammany Hall," as the Democratic party in New York City is called, is able to control not only local politics, but frequently the State at large.

The strength of a party rests in its permanent committees. Each party has a national committee for the country at large, a state committee for each State, and also committees for each county, city, and town. A few months before an election is to take place these committees call **primaries**, that is, they summon the qualified voters of their party to meet on a specified day at the voting places in their respective wards or precincts to choose delegates to attend the state convention, or the county convention, as the case may be. These committees make all the rules governing the holding of the primaries, determine the number and the distribution of the delegates, and decide between contesting delegates. These delegates are supposed to do the will of the voters who chose them as their representatives. It is very important that every voter vote in the primary of his party, because if his party happens to be strong enough to win at the regular election, this will be his only chance to help place honest, well qualified men in office. When the general election is held, if he votes his party's ticket, he will have to vote for the candidates that were nominated in the convention.

A Nominating Convention.—In Texas the conventions are generally held in the months of July and August following the primaries. On the day set by the committee the delegates assemble at some city chosen for the purpose. If it is a state convention there will be hundreds of delegates representing every section of the State, the larger places having more of them than the smaller ones do. This convention will be called to order by the chairman of the executive committee, temporary officers

will be chosen, and various committees will be appointed to prepare resolutions and to report on various matters to the convention. Prominent members of the party will make speeches, and there will be much enthusiasm and frequently disagreement as to party policy. Finally, after the other business has been disposed of, the delegates will proceed to nominate men for the different offices. Often many ballots are required before any one man secures the necessary number of votes to be nominated for a particular office. Before adjourning, the convention will select a new permanent committee to serve until the organization of the next convention. In conventions like this, delegates to higher conventions are chosen, county and state officers are nominated, and party principles and policies are decided upon. In Texas, the Democratic party chooses all its candidates for office, and passes upon all party questions, in a primary. Later the delegates to the state convention, by their ballots, register the will of their party as expressed in the primary. It is because of this that we know as soon as the primary is concluded who the Democratic candidates are to be. Such a primary is conducted like a general election, and is regulated by law.

THOUGHT QUESTIONS

1. What is meant by a political party?
2. What two political parties have existed from the foundation of our government?
3. What two men were the formulators of the doctrines of these two parties?
4. On what two points have these parties always differed?
5. State what you can about party organization.
6. What is meant by a party primary? A primary election?
7. Does a party primary election in Texas have most of the safeguards of a regular election?
8. What is meant by a presidential year?
9. Trace the procedure of the Democratic Party in Texas from the presidential primary convention to the national presidential nominating convention.

CHAPTER XVI

SUFFRAGE

Importance of Suffrage.—Suffrage, or the right to vote, is the most cherished and the most important of all civil rights. The abridgement of this right in Texas after the Civil War was the source of many of the evils of that period. A majority of the best qualified voters were disfranchised because they had fought in the Confederate Army, and the right to vote was suddenly extended to the enfranchised slaves. During the "Reconstruction Period" many of the worthiest citizens of Texas were not permitted to hold office because they could not conscientiously subscribe to the "Iron Clad Oath," which was as follows:

"I do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile thereto, and I do further swear that, to the best of my ability, I will defend and support the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully perform the duties of the office on which I am about to enter, so help me God."

The voter's oath was similar to the above. When suffrage is restricted to intelligent, patriotic citizens the State conserves its best interests. When it is extended to illiterate and unthinking citizens, if they be very numerous, the State endangers its institutions proportionately. If it were possible to do so, the right to vote should be restricted to the intelligent and upright citizen, who would never fail to cast his vote in the

best interest of his community, and state, and nation, unbiased by party claims or personal solicitation. Any attempt to influence a voter at the polls should be resented by him as a reflection on his intelligence or on his integrity.

Qualifications of Voters.—Under the Constitution of the United States the qualifications of voters are left to the determination of the several States, subject only to the provisions of the Fifteenth Amendment to the Constitution, which declares that no person who would otherwise be eligible to vote shall be deprived of the right “on account of race, color, or previous condition of servitude.” This amendment was made purposely to give to negroes the right to vote. It was a dangerous expedient that sought to protect the negro in his new-born civil rights; for experience has shown that he has often been used by demagogues to maintain their political machines against the best interests of the people at large. The Fourteenth Amendment to the Constitution has an indirect influence on suffrage, as it enables Congress to deprive a State of a part of its representation in Congress, in the ratio which the number of male citizens of voting age deprived of suffrage bears to the whole number of male citizens that have reached the age of twenty-one. Were it not for this amendment many men could be disfranchised by States on an educational, or on a property basis.

Suffrage in Bond Elections.—In Texas and in several other States only resident taxpaying voters can vote in a municipal election to authorize bonds, or to determine the expenditure of money.

Woman Suffrage.—In most States only male citizens are allowed to vote, but in California, Colorado, Iowa, Utah, Washington, Arizona, Kansas, Oregon, Wyoming and Idaho women have been given suffrage and can vote

in all State elections. They are also eligible to hold office, and have even been candidates for the offices of governor and congressman, though as yet none has been elected to either of them. Kansas and a few other States grant to women municipal suffrage and the right to hold office, even though they do not enjoy state suffrage. In Texas, women are eligible to certain offices, but can not vote. In twenty-nine States women can vote in school elections. In Iowa, Louisiana, Michigan, Minnesota, Montana, and New York, they can vote on tax questions, provided they are taxpayers.

Foreign Born Citizens.—Chinamen, Sandwich Islanders and Burmese can not vote in any State, for they can not take the initial steps towards naturalization. They are prohibited by Act of Congress from taking out "intention papers," and no foreigner can vote in any State, until he signifies his intention of becoming a citizen of this country by taking out these papers. But descendants of these people, born in the United States, having proper qualifications to vote in the State of their residence, can vote in that State, if their parents make this country their home; thus, a Chinaman, born in San Francisco, whose parents live in the United States but are still citizens of China, can vote in California.

Poll Tax Receipts Necessary.—No one in Texas against whom a poll tax is assessed is allowed to vote, unless he has a poll tax receipt valid for that year. The receipt must show the tax to have been paid before the first day of February in the year in which he offers to vote. A poll tax is assessed only against those qualified to vote. Voters over 60 years of age, or who have lost a hand or foot, or who are deaf and dumb or blind, are exempt from a poll tax, but they must have properly signed exemption certificates before they can vote.

Who May Become Voters.—People born in the United

States, or in foreign countries, if their parents are citizens of the United States, who move to Texas, may vote if they possess the following qualifications:

- a. Male, twenty-one years of age.
- b. Reside in Texas one year next preceding the date of election; in the county six months next preceding the date of election.
- c. Must have a receipt showing that the poll tax was paid before the first of February of that year, or an exemption certificate.

People born in foreign countries of foreign parentage, who come to Texas, may vote if they possess the following qualifications:

1. Male, twenty-one years of age.
2. Possess "declaration of intention papers" under the United States naturalization laws, issued at least six months before the date of election.
3. Reside in Texas one year next preceding the date of election; in his county six months next preceding the date of election.
4. Must have a receipt showing that the poll tax was paid before the first day of February of that year, or an exemption certificate.

Disqualifications for Suffrage.—Under the laws of Texas suffrage is refused to certain citizens, because of the following disqualifications:

- a. Idiocy and lunacy.
- b. County support as a pauper.
- c. During term of service in United States Army or Navy.
- d. Participation in a duel as principal or accessory.
- e. Conviction of bribery, or of attempt at bribery.
- f. Conviction of perjury, forgery, or other high crimes.

THOUGHT QUESTIONS

1. Define suffrage.
2. Who can vote in Texas?
3. Who cannot vote in Texas?
4. Why was it impossible for many of the worthiest Texans to take the iron-clad oath?
5. Upon what grounds should suffrage be restricted?
6. Debate: Should women be allowed to vote?
7. How soon may a male adult foreigner vote after landing in Texas?

CHAPTER XVII

ELECTIONS

When Held.—General elections are held biennially on the first Tuesday after the first Monday in November in every even year. The polls are kept open from eight o'clock in the morning until six o'clock in the evening.

Where Held.—For election purposes the commissioners' court divides the county into a convenient number of election districts, called **precincts**, and numbers them. The same court appoints a presiding judge for each precinct to preside at all elections during the two years' term for which he was appointed. If this judge fails to appear at the time for the polls to be thrown open, the assembled voters may select from their number a presiding officer. The presiding judge appoints two judges and two clerks to assist in receiving and counting the ballots. These judges are selected from different political parties if practicable. Each of these election officers must be a qualified voter. In Texas all voting must be done by secret ballot. Incorporated cities are divided into districts called **wards**. A ward constitutes an election precinct. The ballot is made secret in cities by allowing no electioneering or loitering within one hundred feet of the place of voting; and by erecting booths in which the voters may prepare their ballots privately.

Registration of Voters.—In many States all persons who wish to vote at a coming election must register their names before the election, showing where they live and proving that they have a right to vote. After registration one can only vote at the polling place in the precinct, or voting district, where he lives. This registration prevents dishonest voters from voting in more

than one precinct. In villages and rural precincts registration is unnecessary because the election officers will know personally all the voters. Poll tax receipts and exemption certificates render registration unnecessary in the cities of Texas.

How the Election is Held.—When a citizen wishes to vote he goes to the polling place in his precinct where he presents his poll tax receipt or exemption certificate to a clerk, who records the vote on a list of the qualified



Voting in the Democratic Primary Election, July 27, 1912.

voters of that precinct. This make it impossible for a dishonest man to “repeat” or vote twice, and prevents what is often termed “stuffing the ballot box.” Then the presiding election officer takes a folded ballot and gives it to him. The voter retires to a booth and arranges his ballot by marking it to indicate the names of the candidates that he desires to vote for, refolds the bal-

lot and returns it to the judges, who number it and deposit in the ballot box. At the request of an illiterate voter, one of the judges will enter the booth with him, read the ballot to him, and show him how to vote his choice. When the hour for closing the polls arrives the ballots are taken from the ballot box by the judge of the election, and the votes are counted. As the ballots are counted they are placed in another locked ballot box. After all the votes have been counted the box containing the ballots, together with a poll tally list, is sealed and returned to the county clerk within ten days. The ballots are kept one year, unless legally demanded in election contest cases. After the vote is counted, "returns" are made to the county judge, and he in turn makes returns to the secretary of state, if it be an election for state or national officers. The results of the election are officially declared by the officials to whom the "returns" are finally made. How any voter casts his vote can only be determined by comparing the number on the ballot with the same number on the list of voters. This can be done only by the officers of the election when counting the ballots, and to do it is a criminal offense.

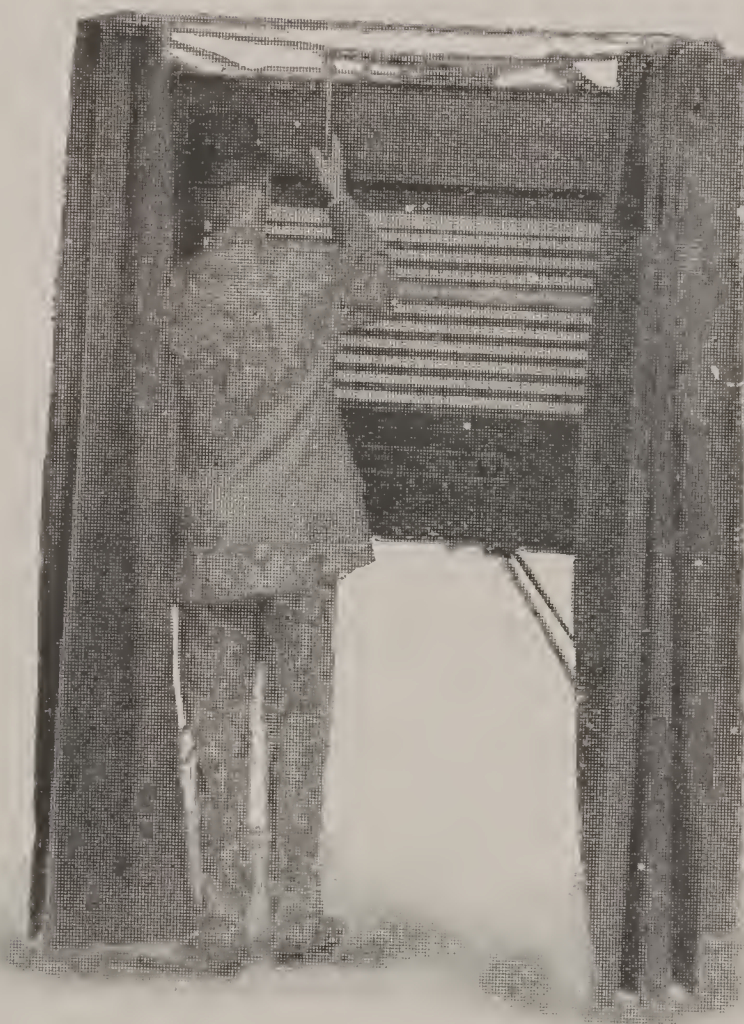
The Australian Ballot.—In the cities of Texas, as well as in most States, the Australian ballot is used. It is so-called because it originated in Australia. In this ballot there is a column for the candidates of each party, so that there can be no confusing the voter as to who the candidates of a particular party are. Sample ballots are posted before the election so that all may be familiar with them and know who the candidates are. Recently the use of voting machines has been made lawful in many States and it is probable that one of these days we shall register our vote on the same principle on which a cash register operates.

Canvassing the Election Returns.—The commission-

OFFICIAL BALLOT	Democratic Party	Republican Party	Prohibition Party	Socialist Party	Socialist Labor Party	Other Candidates
	<p>For Governor: D. B. COMPTON</p> <p>For Lieutenant Governor: S. B. SHERWOOD</p> <p>For Commissioner of Public Accounts: W. B. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p>	<p>For Governor: J. M. WALKER</p> <p>For Lieutenant Governor: J. M. WALKER</p> <p>For Commissioner of Public Accounts: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p>	<p>For Governor: J. M. WALKER</p> <p>For Lieutenant Governor: J. M. WALKER</p> <p>For Commissioner of Public Accounts: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p>	<p>For Governor: J. M. WALKER</p> <p>For Lieutenant Governor: J. M. WALKER</p> <p>For Commissioner of Public Accounts: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p>	<p>For Governor: J. M. WALKER</p> <p>For Lieutenant Governor: J. M. WALKER</p> <p>For Commissioner of Public Accounts: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p>	<p>For Governor: J. M. WALKER</p> <p>For Lieutenant Governor: J. M. WALKER</p> <p>For Commissioner of Public Accounts: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p> <p>For State Treasurer: J. M. WALKER</p> <p>For State Auditor: J. M. WALKER</p> <p>For State Engineer: J. M. WALKER</p> <p>For State Geologist: J. M. WALKER</p> <p>For State Librarian: J. M. WALKER</p> <p>For State Printer: J. M. WALKER</p> <p>For State Surveyor: J. M. WALKER</p> <p>For State Tax Collector: J. M. WALKER</p>

AN AUSTRALIAN BALLOT.

This Ballot Was Used in the General Election of 1910. The Voter Drew a Line Through the Ticket or the Names He Rejected, and Left His Choice Unmarked. If None of the Candidates Were Satisfactory He Wrote Other Names in the Right Hand Column.



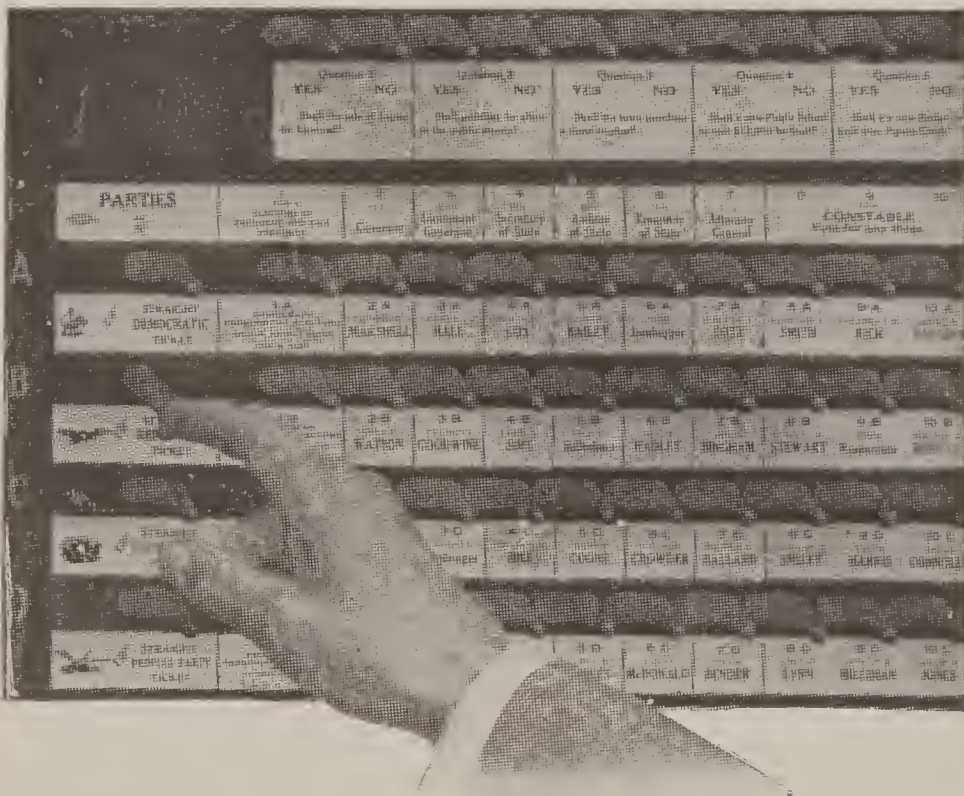
Courtesy of Empire Voting Machine Company.

A VOTING MACHINE.

Before the Man Can Unlock the Keys to Register His Vote He Must Close the Curtains. The Man in the Picture is About to do it. With These Machines the Ballot is Absolutely Secret.

ers' court must convene on the first Monday after an election or as soon after as possible, and canvass all the results in the county, and give a notification of election to all who have been elected to county offices. The votes for state and national offices are listed in duplicate, one list being sent to the secretary of state and the other to the county clerk. Within forty days after receiving these returns, the secretary of state, in the presence of the governor and attorney general, must canvass

the vote of the entire State, and then the governor delivers certificates of election to those legally elected. Election returns for district offices are made within thirty days by the county judge to another legally designated county judge in the district, who canvasses them and certifies the result of the election. A tie vote renders void the election of any official.



VOTING WITH A VOTING MACHINE.

By Pressing the Lever Marked "Straight Republican Ticket," the Man Votes for all the Republican Candidates. By Not Pressing the "Straight Party" Lever He Can Vote for One Candidate for Each Office, Chosen From Any of the Parties.

How a Contest is Settled.—Contested elections for county offices are heard by a district judge in the same county; for the office of district attorney, by the district judge in the county where the certificate of election was issued; for the office of district judge, by the district court in a county adjoining that in which the certificate

of election was issued; for the office of chief or associate justice of the Supreme Court or of judge of the Court of Criminal Appeals, by a district court at Austin; for the office of chief justice of the Court of Civil Appeals, or associate justice of any supreme judicial district court, by the district court in the county where the Court of Civil Appeals is sitting. Contest notices in these cases must be served within thirty days after "return day." Contested elections for any of the state offices are settled by a joint session of the Legislature.

Who Are Eligible to Office.—In order to be eligible to hold any county or state office in Texas, one must have resided in the State twelve months, and been a bona fide resident of the county from which he offers himself as a candidate, for six months. In addition, of course, a man must possess the right of suffrage. Adult women are eligible to a few offices.

Disqualifications for Holding Office.—Under the laws of Texas citizens are disqualified for holding office for the following causes:

- a. Conviction of bribery, perjury, forgery, or other high crimes.
- b. Participation in a duel either as principal or accessory.
- c. Giving or offering a bribe to secure election or appointment to office.

THOUGHT QUESTIONS

1. When are the general elections held?
2. Does a city voter, not under exemption privileges, have to hold two poll tax receipts to vote?
3. What name is given to voting districts in a county? In a city?
4. Can persons electioneer near the polls?
5. How may an illiterate voter have his ticket marked to suit his desires as a voter?
6. Give the procedure of a voter after he reaches the polls.
7. To whom are the election returns made? To whom do these officers make returns?
8. What is the result of a tie vote in an election?
9. In what voting precinct do you live?

CHAPTER XVIII

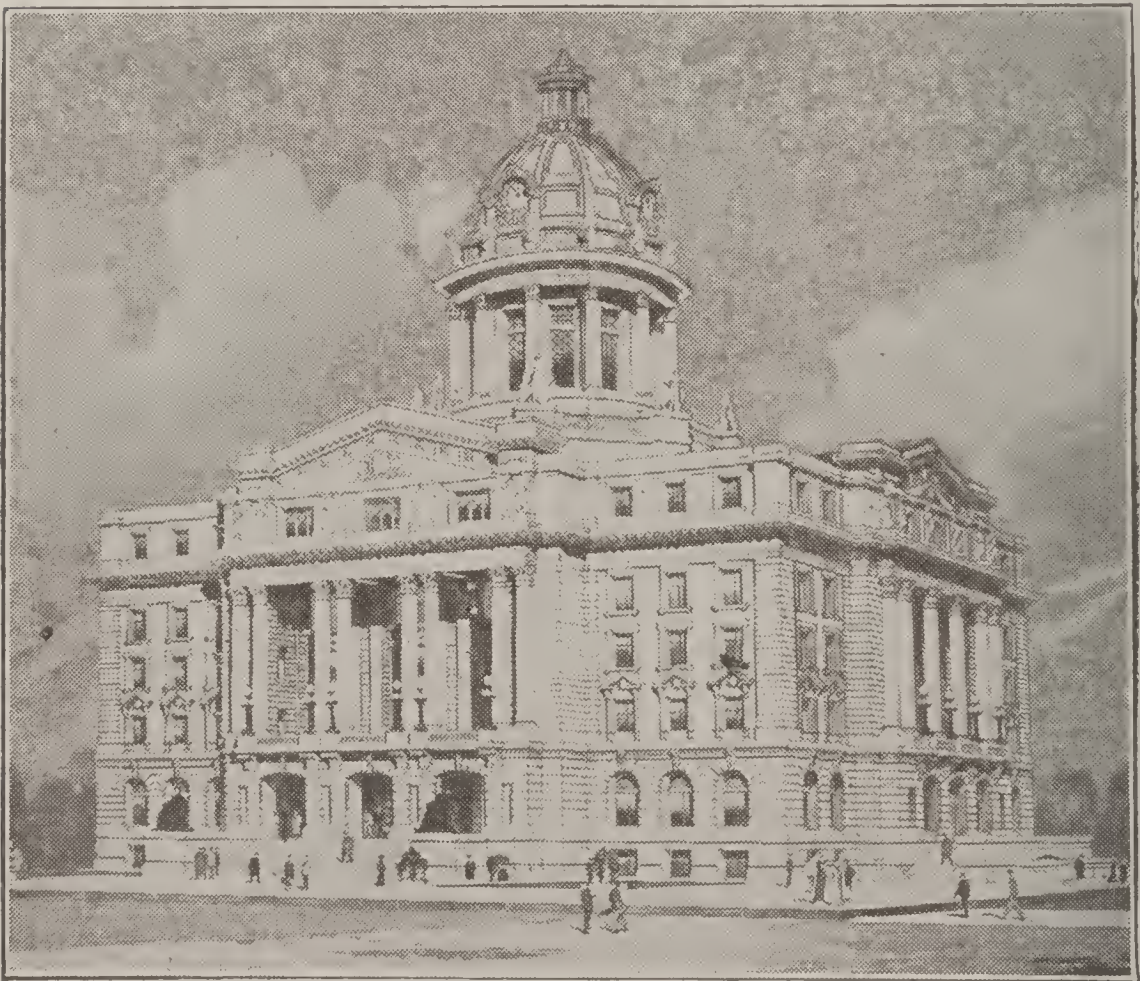
THE COUNTY

Origin of Counties.—Nearly two thousand years ago the Island of Britain was conquered by the Angles, Saxons, and Jutes, fierce tribes of sea rovers that came from along the coast of Germany. These tribes moved over to Britain and settled side by side. Each had its leader called the earldorman, or elder man. After a while the different tribes, as well as the land they occupied, came to be called “shires.” The weaker shires were conquered by the stronger ones and combined with them to make little kingdoms, and finally all these kingdoms were united, after hard fighting, to form the Kingdom of England. Each shire became a “share” in the Kingdom, and it is very interesting to know that these “shares” were for hundreds of years almost as independent as are the different States belonging to the United States. After the French invaded England and defeated the English army at the Battle of Hastings, William the Conqueror, who was a Frenchman, became King of England. French names were substituted for the old English names and the shires became counties, because they were similar to small districts in France that were governed by officers called “counts.” Ever since that time England has been divided into counties, and so it was natural that Englishmen settling in America should divide the colonies, and later the States, into counties.

Counties in Texas.—Our State is divided into 249 counties, but the number of counties and the boundaries

and collected, the elections for state officials are held, the records as to land ownership are kept, etc. By the union of adjoining counties congressional districts are formed for the election of congressmen; representative districts, for the election of state representatives; senatorial districts, for the election of state senators; and judicial districts, for the election of various state judges. The county is also divided into as many districts as there are county commissioners; into as many precincts as there are justices of the peace; and into as many school districts as are needed for the control of the public schools.

The County Seat.—Each county must have a capital or county seat. At the county seat there is a building,



Harris County Court House, Houston.

called the court house, where the county officials have their offices and where the county records are kept. The district, the county, and the commissioners' courts must be held at the county seat. The location of a county seat is determined by an election. It may be located at any place within five miles of the geographical center of the county by a majority vote, or at any place more than five miles from the center of the county by a two-thirds vote.

Removal of County Seats.—County seats may be changed by the qualified voters in an election held for that purpose:

a. By a majority vote, if the removal is to be from a place more than five miles from the center of the county to one nearer the center.

b. By a two-thirds majority vote, if the removal is to be to a place not nearer the center of the county.

An election for the removal of a county seat may be ordered by the county judge, or by the commissioners' court, as follows:

a. On petition of 100 resident voters owning homes in the county, provided it has been established less than ten years.

b. On petition of 200 resident voters owning homes in the county, provided it has been established between ten and forty years.

c. On petition of a majority of the resident voters who own homes in the county, provided it has been established forty years or more.

After an election has been held on the question of moving the county seat no other election can be held for the same purpose within five years.

County Elections.—The regular county elections are held biennially on the first Tuesday after the first Monday in November of each even year. At these elections all the county officials are chosen and they serve for a term of two years. The principal county officials are the county judge, the county commissioners, the sheriff, the treasurer, the assessor, the collector, the attorney, the sur-

veyor, the clerk or recorder, and the superintendent of schools. Each county officer takes the oath prescribed by law, and gives a bond guaranteeing the faithful performance of the duties of his office. Vacancies in county offices are filled by the commissioners' court.

THOUGHT QUESTIONS.

1. What is the county in government?
2. What is the probable derivation of the term county?
3. How many counties are there in Texas?
4. By what authority are counties organized?
5. What must be the minimum area of a new county?
6. Is a Texas county a political unit?
7. How is a county seat determined?
8. Who administers the oath to county officers?
9. What county offices may a woman hold?

CHAPTER XIX

DUTIES OF COUNTY OFFICERS

The County Commissioners.—Each organized county is divided into four commissioners' districts. The qualified voters of each district elect one of their resident voters as a county commissioner for a term of two years. These four commissioners, together with the county judge, compose the **commissioners' court**. The commissioners receive a salary of three dollars a day while holding court, but they can not draw pay for holding more than one special term of court each month. Should a vacancy occur in the commissioners' court it is filled by an appointee of the county judge, until the next regular election, when some one is elected for the unexpired term.

The Commissioners' Court.—The county judge presides over the commissioners' court. This court holds regular terms in the county court house, commencing the second Monday in February, May, August and November, and may hold special sessions at the call of the county judge, or of three commissioners. A quorum consists of the county judge and two commissioners, or of the four commissioners. The commissioners' court is really the business board of the county. It provides all public buildings; establishes and maintains county roads and builds bridges; provides for the care of paupers; divides the county into commissioner, justice, and election precincts; appoints election officers and canvasses election returns; fills vacancies in all county offices; makes contracts and settlements with persons having business with the county; levies all county taxes and acts as a board of equalization; provides for the pro-

tection, preservation and disposition of school lands belonging to the county.

The Sheriff.—It is the duty of the sheriff to execute the laws of the State in his county, and in doing so he has almost unlimited power. He appoints as many deputies, or assistants, as are needed, and is responsible for their acts. He attends the commissioners' court, the county court, and the district court when sitting in his county, and executes all their commands in the form of **writs, notices**, etc. He serves subpoenas on witnesses and jurors. He is responsible for the custody and safe keeping of all prisoners arrested by him or his deputies, or turned over to him by constables, city police, and others. It is he who must inflict the death penalty on those sentenced to be hanged for murder. He has power to make arrests upon informal information, and also upon a belief that the law is being violated. In enforcing the law and preserving the peace, and in serving writs and processes under hazardous conditions, he may call to his aid any persons, who constitute what is known as his **posse**, and a refusal to aid him is an offense under the law. Whenever he can not enforce the law and preserve the peace with his own posse, he may call on the governor for the aid of the militia.

The County Attorney.—He is the law officer of the county and represents the State in the county court and the justice of the peace courts. He must counsel all county officials as to their duties and give them opinions on legal questions arising from the duties of their offices. With the consent of, or on the request of, the attorney general, he may buy or sell property for the State, but the attorney general executes all legal papers in connection with the transaction. He may sell property bought at public auction, held to satisfy judgments in favor of the county, and the county commissioners'

court shall execute deeds for it to the purchasers in the name of the county. He must institute proceedings against officers delinquent in their duties, especially with reference to public moneys. He must discharge such other duties pertaining to his office as the statutes require. He may appoint such assistants as he deems necessary and compensate them as provided by law.

The County Clerk—This county officer is the one with whom the average citizen has most frequent business. He issues marriage licenses, liquor licenses in those counties that allow the sale of intoxicating drinks, and hunters' licenses. He collects the fines imposed by the county court and pays them to the county treasurer. He is the recorder of deeds for the county. The law requires every deed and mortgage affecting land in the county to be recorded in his office so that it may be known who owns, or has any interest in the property. This prevents a dishonest man from selling the same property twice, or of borrowing money on it claiming that it is free from any previous incumbrance. A statement showing all records affecting a piece of property is called an **abstract**. Before buying real estate one should always demand from the seller an abstract, so as to know that the title is clear and that he has a right to sell the property.

The County Treasurer.—He receives all moneys belonging to the county, and pays out the same only as required and directed by the commissioners' court, or on an order called a **warrant** signed by some officer authorized by law to issue warrants. He must keep a true account of all receipts and disbursements, and also one of all debts due the county, and must render a detailed report to the commissioners' court. He must examine the accounts of the clerks of the courts, of the sheriff, of the justices of the peace, of the constables, and of the

tax collector of the county, and report his findings to the commissioners' court.

The County Assessor.—This officer lists all taxable property within the county, and secures a market valuation of the same from the owners under oath, when possible. This sworn valuation is subject to change by the commissioners' court sitting as a board of equalization. The assessor reports to the comptroller of public accounts at Austin the value of all taxable property in the county, in order that the state tax rate may be fixed. Assessments are made annually between the first day of January and the first day of July, and are supposed to include all property liable for taxation on January first.

The County Auditor.—The law requires the appointment of a county auditor for any county containing a city of 25,000 inhabitants, or having an aggregate population of 40,000, the appointment to be made at a special meeting of the judges of the county and district courts, or courts having jurisdiction in the county, the meeting being called by the county judge. Any experienced book-keeper is eligible to the position. The auditor must keep a set of books that show the accounts of all county officers, and must check up their books and accounts every three months. He reports to the commissioners' court. The books of the county officials are open to him at all times. It is his duty to see that all laws pertaining to the collection of taxes, licenses, fees, costs, etc., are enforced.

The County Collector.—In all counties having a population of 10,000 or more by the last United States Census, a collector of taxes must be elected. In counties of less than 10,000 population the sheriff acts as collector of taxes. The county collector receives from the assessor books called the **assessment rolls**, after they have been approved by the commissioners' court. These show how

much tax each person is to pay. The law requires him to be in his office in readiness to begin the collection of taxes, on the first day of October of each year, or as soon thereafter as possible. It is also his duty to meet the taxpayers in each precinct, at a certain place on a certain day, previously announced, to collect their taxes. Each taxpayer failing to pay his taxes at this precinct collection is required to pay them at the collector's office, on or before the thirty-first day of January. If taxes are not paid by that time they are recorded as **delinquent**, and additional amounts called **penalties** are added to them. If the tax remains unpaid the property on which it is due can be sold to satisfy the tax and the penalty. However, the property may be redeemed by the original owner at any time during two years from the date of sale. The collector pays the state taxes that he collects to the state treasurer, and the county taxes to the county treasurer.

The County Surveyor.—It is his duty to survey lands involved in suits when ordered by the court; to survey public lands under the direction of the Commissioner of the General Land Office, and to forward a report of the survey to the General Land Office at Austin. He must also survey land for individuals upon the payment of fees established by law. The lines thus run become the legal lines, unless a future county surveyor discovers errors in them.

County Superintendent of Schools.—Every county having 3000 or more **scholastics**, i. e., children between 7 and 17 years of age, must elect a county superintendent of schools. A county having less than 3000 scholastics may have a county superintendent, if a majority of the taxpaying voters express a desire for one, at an election called by the commissioners' court to vote upon the proposition. In counties having no superintendent the

county judge is ex-officio superintendent. The county superintendent of schools is, by virtue of his office, secretary of the board of county school trustees. He is general supervisor of the schools of all common school districts and of independent school districts having fewer than 150 scholastics, and assists the county board of education in formulating a course of study in conformity with the course of study as outlined by the state superintendent. He assists the county board of education in apportioning the school funds to the various school districts of the county under his supervision, and also in consolidating the common school districts for the purpose of the establishment of rural high schools. He must approve all contracts between trustees and teachers of all schools under his supervision, and oversee the taking of the census of all scholastics in the county. He holds annually a county teachers' institute, which lasts five days, and makes a record of the attendance and of the work of all teachers attending it. He appoints two teachers as a board of examiners for the county, whose duty it is to examine teachers; and he appoints trustees to vacancies in any rural school board, to serve until the next annual election. He makes all necessary transfers of scholastics from one school district to another, advises with teachers in the management of schools, and spends four days of each week in the schools of the county while they are in session, if practicable, and lectures frequently in the interest of education.

The Board of Equalization.—The commissioners' court convenes on the second Monday of June, or not later than July first of each year, and sits as a board of equalization. The assessor submits his assessment rolls to this board, and it examines them to see that all property is rendered for taxation at a fair market value. If the rendered value of any property seems too high or

too low, the board may change the valuation. But an assessment can not be raised until the person who rendered the property is notified to appear before the board to defend his own interests. This board classifies lands into improved and unimproved, subdivides each class into three divisions as to quality and finally approves the assessment rolls, which are returned to the assessor.

THOUGHT QUESTIONS

1. Can a man be forced to become a member of a sheriff's posse?
2. If a sheriff can not maintain order and enforce the law with the assistance of his deputies and posse, whom can he call to his aid?
3. Who prosecutes all cases in criminal courts?
4. Who is the recorder of deeds for the county?
5. What is meant by "full rendition?"
6. Who compose the county board of equalization? What are the duties of this board?
7. Name six Texas counties that have auditors.
8. Name a county in which the sheriff acts as collector of taxes.
9. What constitutes delinquent taxes? How can the taxes finally be collected?

CHAPTER XX

CITIES AND TOWNS

Origin of Cities.—In olden times when people were continually engaged in war and fighting was an everyday affair many families would make their homes in fertile valleys, overtowered by steep and lofty hills or mountains. On these eminences they would build fortresses or castles as places of refuge in case of attack,



The Castle of Schonburg, Overtowering the City of Oberwesel. This Castle Is Now in Ruins.

and as safe locations for temples where they worshipped. Sometimes, as in Germany and France, a castle would belong to a strong and rich man, called a baron or lord, who would give to

the families living in the valley below protection in exchange for their services in cultivating the soil. In such cases the members of the families were called his **vassals**. The places where these families lived close together were known as **cities**, and the people who lived in the cities were called **citizens**. In Texas, where enough people make their homes in a community to give it a name of its own, the place is called a town, in order to contrast it with the country or with rural communities. People who live in towns

find new relations arising and new demands necessary for comfort and health. They soon realize that the general laws of their State are no longer sufficient to meet the requirements of the new conditions caused by many people living as close neighbors. They feel the need of special laws and a special form of governmental organization that will benefit them, and which, at the same time, will not interfere with the rights of their country neighbors. Texas, like all other States, recognizes the need of such laws and such an organization, and provides a way for towns to become incorporated and to be made cities.

Growth of Texas Cities.—In 1910 Texas had a population of 3,896,542 people and ranked as the fifth State in the United States in point of population. Of these people 938,104 lived in cities and towns. In 1900 only 17.10 per cent of all the people of the State lived in cities having a population of 2,500 or more, but in 1910 this percentage had increased to 24.10 per cent. This shows that in Texas, just as in other States, the people are moving to the cities. This movement is due in part to the fact that those living in towns have more advantages than do those living in the country; but with good roads, rural mail delivery, consolidated schools, improved farm houses, and more scientific farming, it is expected that this movement towards the city will be checked, and that people will actually move from the city into the country, where the same money always enables one to live better than it will in a city.

Incorporation of Towns and Cities.—Upon the petition of twenty or more resident voters, any town of more than 500 and less than 10,000 population may have an election ordered by the county judge, to decide whether or not the place shall be incorporated. The judge must order this election and if a majority of the voters favor

incorporation he causes an entry to that effect to be made in the records of the commissioners' court, and then orders an election for a mayor, a marshal, and five aldermen, who assume control of the affairs of the town immediately after taking the "oath of office." The mayor and board of aldermen constitute the city council. Any incorporated town of 1000 or more population may incorporate as a city under the general laws of Texas, by a two-thirds vote of its aldermen. An attested copy of the proceedings of incorporation must be filed and recorded in the office of the clerk of the county in which the city is situated. Upon the petition of fifty or more resident voters, an unincorporated town of 1000 or more population may have an election ordered by the county judge, to decide whether or not the town shall be incorporated as a city. The officials of a city are a mayor, treasurer, assessor and collector, secretary, city attorney, marshal, city engineer, and such others as may be needed. When a city reaches a population of 10,000 or more its interests frequently demand that it shall enjoy special privileges not needed by other cities. In such a case the city applies to the Legislature for a special charter. It submits a copy of the desired charter and in this charter the various privileges sought are set forth. The Legislature may pass an act granting the charter, or it may decide to grant it, provided a referendum vote of the citizens of the city shows that they really wish it. A referendum vote prevents a few officials from securing a special charter opposed to the interests of the majority of the citizens. The officials of a city with a special charter and their duties are designated in the charter. They are practically the same as in cities incorporated under the general laws, but a large city necessarily demands many minor officials, such as a chief of police, a chief of the fire

department, city electrician, health officer, pound keeper, street inspector, building inspector, etc.

How New Territory Is Added.—Frequently, as a city grows, people doing business in it build their homes beyond the city limits. In time these suburbs grow so that it is hard to tell where the city ends and the suburbs begin. People living in the suburbs do not enjoy the privileges of those living within the city, such as police and fire protection, right to attend the city schools without paying tuition, etc. By and by they will begin to talk about annexation. The law allows any adjoining territory, not more than one-half mile wide, to be annexed to a city by an ordinance of the city council, after an affidavit has been made by three resident voters of the territory, that a majority of those qualified to vote in it have voted in favor of annexation.

Withdrawal From City.—It sometimes happens that people living in a section of a city become dissatisfied with the government of the city, or with the distribution of improvements, and desire to withdraw from it. Upon the petition of fifty qualified voters living in the territory that wishes to withdraw, the mayor must call an election to determine the will of the qualified voters in this territory. If a two-thirds majority of those voting on the question vote to withdraw, and, if after the withdrawal, a square mile of territory will remain in the city, withdrawal is allowed and the boundary lines of the city are changed accordingly. If there are outstanding bonds, the part withdrawing must continue to bear its pro rata part of the bond tax until the bonds are paid.

Wards in a City.—The city council generally divides the city into districts, called **wards**. These wards are supposed to contain about the same population. All the people in a particular ward usually vote at the same polling place. Aldermen and members of the school



Plan of Houston, Showing How the City is Divided Into Wards.

board are sometimes elected by wards, but experience has proved it to be best that all city officers be elected by the voters of the entire city. The city council may change the number of wards, and their boundaries, whenever it deems it wise to do so, but such changes shall not be made later than three months before any election.

City Elections.—All regular city elections are held on the first Tuesday in April of each year. All voters in a city election must be qualified state voters, and must have been residents of the city for six months preceding the date of election. In addition to having a valid state

and county poll tax receipt or exemption certificate, each voter in many cities must also have a city poll tax receipt or exemption certificate. Each ward is a voting precinct, and a polling place with necessary equipment and election officers must be provided for it. Each voter may vote for all the city officers to be elected. The returns are made to, and the results are declared by the city council. The official term of all elective city officers is two years. There are two aldermen from each ward and they are so classed that one is elected each year.

Who is Eligible to Office.—The mayor must be a qualified city voter and must have been a resident of the city for twelve months next preceding the date of election. An alderman, in addition to the qualifications for the office of mayor, must also have been a resident of his ward for six months next preceding the date of the election. All other elective officers must be qualified voters of the city and able to discharge the duties of their respective offices.

THOUGHT QUESTIONS

1. Is it the tendency of the people to move to the city or from it? Why?
2. What is meant by the incorporation of a city or town?
3. What is a city charter?
4. What power grants city charters?
5. How can a suburban section become annexed to a city?
6. When are general elections held in cities?
7. Can a portion of a city secede? How?
8. Is every city voter also a state voter?
9. In what city elections are some city voters not allowed to vote?
10. Can a non-voter hold an elective city office?

CHAPTER XXI

DUTIES OF CITY OFFICERS

The Mayor.—The mayor is the chief executive officer of the city. He should be active in the enforcement of all ordinances, and should inspect diligently the work and conduct of all subordinate officers. He presides at all the regular and called meetings of the city council,



City Hall, Fort Worth, Where Most of the City Officials Have Their Offices.

and communicates to it in the form of written messages such information and recommendations as he deems important for the welfare of the city. He has legislative power by virtue of his right to cast the deciding vote in the case of a "tie vote" in the board of aldermen, and

by his veto power, over the ordinances passed by it. He appoints the regular committees of the city council, designating the chairman of each. With the consent of the council he also appoints all the city officials not elected by the voters, and fills all vacancies, except those of mayor and aldermen. A vacancy in the office of mayor or alderman must be filled by a special election. He signs all warrants drawn on the treasurer when they are legally authorized and properly drawn. He may, by proclamation, close saloons on occasions when he deems the good and safety of the public demand it. He may summon any number of citizens to suppress disturbances and riots. In cities having no recorder's or police court the mayor has the power to administer oaths, and sits as a trial judge in the trial of persons charged with the violation of a city ordinance.

The City Council.—The city council is composed of the mayor and aldermen, and has legislative and administrative power in accordance with the provisions of the city charter and the general laws of the State. The most important powers of the city council are:

- a. To levy and collect taxes.
- b. To borrow money upon the credit of the city, and when authorized by the citizens, to issue bonds payable at some definite future time.
- c. To grant public franchises to street railway companies, to electric light and power companies, to gas companies, to telephone and telegraph companies, etc., and to regulate these companies within the city limits.
- d. To prescribe sanitary regulations as to sewage, local quarantine, pure foods and drinks, etc.
- e. To pass and enforce ordinances requiring people to prevent their stock from running at large in the streets.
- f. To have streets, alleys, and sidewalks improved according to prescribed plans, and to condemn private property in order to open streets, or to establish parks, etc.
- g. To license peddlers, billiard halls, theatres, circuses, moving picture shows, etc.
- h. To make and enforce police regulations.
- i. To fix "fire limits" and to prescribe the character of buildings to be constructed within and without these fire limits.

j. To organize, maintain, and regulate "fire companies."

k. To appoint all officers necessary to make the city ordinances effective, to prescribe the duties of these officers, and to fix their salaries.

l. To fix penalties for the violation of city ordinances.

The Marshal.—The marshal of a city is the chief of police. In the prevention and suppression of crime he possesses the same power and authority in his city as does the sheriff of the county. Not only is it his duty to enforce the laws of the State, but also the ordinances enacted by the council of his city. For the purpose of knowing how they are complying with the terms of their licenses, he has free entrance into all licensed public places, and may close them temporarily if he deems it essential to the public good. He, or his deputy, attends upon the mayor's or recorder's court while it is in session, and is bound to execute promptly all writs and processes issued by this court.

The Secretary.—The city secretary attends all the meetings of the council and keeps accurate minutes of the proceedings in a record book, and engrosses and enrolls all the laws, resolutions, and ordinances of the council. He is the custodian of all the books, records, papers, documents, and files of the council. He keeps the corporate seal, and signs and seals all formal papers and warrants, and all commissions of city officers, and all city licenses issued by the mayor, keeping a register of these commissions and licenses. He acts as the general city accountant, keeping regular accounts of all receipts and expenditures in special books for that purpose. He keeps a systematic register of all bonds and facts relating to them, as well as of all city contracts.

The Treasurer.—He is the custodian of all city funds. He is authorized to pay out money only on the presentation of properly signed warrants. He must keep an accurate account of all receipts and expenditures, and must

make quarterly and annual statements to the city council. If he also acts as school treasurer he must make monthly statements of the condition of the school funds to the board of school trustees, and an annual statement to the state superintendent of schools. It is his duty to publish a semi-annual statement of the financial condition of the city in order that all citizens may be informed. Since the law requires that all city funds and all school funds shall be kept in the bank that bids the highest rate of interest on the average daily balances to the city's credit, one of the officials of the bank securing the deposits is generally appointed city treasurer. When a bank official is appointed treasurer he serves for a nominal salary. This bank must give the city a bond guaranteeing the safe keeping of all its funds deposited with it.

The City Attorney.—The city attorney is the legal adviser of the city council and of all city officers. He prepares ordinances at the request of the council. He acts as prosecutor in the mayor's or recorder's court, and defends the city's interests in all suits brought against the city in the county and district courts. He brings suit in the proper courts to enforce the city's claims and legal rights.

Assessor and Collector.—It is the duty of the assessor and collector to assess or list all the property in the city that is liable for taxation. Once each year all persons owning such property are supposed to go to his office and render under oath a full statement of all their property. He reports to the city council the taxable value of the city, and after the council fixes the tax rate, he proceeds to collect the city taxes. He pays over all taxes collected to the city treasurer. If taxes are not collected by final date fixed by ordinance, they become delinquent and penalties are assessed, amounting to at least ten per cent and costs.

The Recorder.—In some cities the mayor has too much work to do to act as judge of the corporation court, so an official, called the city recorder, is elected for that purpose. He has jurisdiction in cases involving misdemeanors and violations of the city ordinances; and his court is considered always open for the trial of city cases, that is, it does not close for long recesses in the summer as do other courts. In the recorder's court one is usually given trial on the day of his arrest, or on the following day. The recorder is ex-officio justice of the peace in petty criminal matters, and all trials in his court must be held in accordance with the rules for trials in the courts of justices of the peace. He has no jurisdiction in civil matters. He can compel the attendance of witnesses, and can punish all guilty of "contempt of his court" by fines or imprisonment. As in justice of the peace courts, at the request of any defendant, a case must be tried by a jury of six, and the penalty must be assessed by this jury in accordance with the ordinances and the facts.

The Board of Equalization.—This board is appointed by the city council soon after its organization, and the time is set for it to meet to equalize the assessed valuations as made by the city assessor. The members of the board must be resident tax-paying voters of the city. The duties of the board and the methods employed by it are like those of the county board.

Government by Commission.—On September 8, 1900, Galveston was visited by the worst hurricane that ever struck the coast of our country. It was followed by the destruction of thousands of buildings, the drowning of about 6,000 men, women, and children, and a property loss estimated at \$20,000,000. It was essential that Galveston, in her efforts to recover from this terrible blow, should have greater economy in the management of her

affairs than any other city in the United States. Her citizens evolved a new form of government that aimed to conduct the affairs of the city with the same care and thoughtfulness that the best managed private business concern would exercise. It was named the **commission form of government**, and proved so successful in the economies that it introduced and the good clean government that it gave the city, that it has spread to all parts of the State and to many other States. Among the Texas cities that have the commission form of government are Galveston, Houston, Dallas, El Paso, Denison, Austin, and Fort Worth. No place that has adopted it has returned to the older form of government. This is the best argument in its favor.

The City Commission.—In this form of government the city is governed by a city commission. The city commission consists of a mayor and usually four commissioners, elected **at large**, by the qualified voters of the city, that is, without reference to ward divisions. In most cities having this form of government, all other city officials are appointed by this commission and serve at its will. The commission enacts all the city ordinances and enforces them through officers appointed for the purpose. For the practical management of the city, its affairs are divided into as many departments as there are commissioners, and each commissioner is placed in charge of one of those departments. His management of this department is always subject to the review of the entire commission. This arrangement gives each commissioner an opportunity to study and to understand all the needs and requirements of his particular department, and results in securing honest and faithful service from the employees of the department. The commissioners are elected principally because of their business ability, and are paid adequate salaries to justify them in devoting suf-

ficient time to the affairs of the city. The business of the city is thus placed upon the basis of a purely commercial enterprise, and is conducted with a dispatch and an economy not approached in the old system, where the aldermen are elected by wards largely because they are shrewd politicians. In some city charters a provision has been inserted requiring the commissioners to devote their entire time to official duties, and to give up all other regular business engagements. Such a provision would often operate to exclude the men who would be best qualified to administer the business of the city most wisely.

THOUGHT QUESTIONS

1. What is a franchise? An exclusive franchise?
2. Can a city grant an exclusive franchise to a corporation or individual?
3. What is meant by condemnation of private property?
4. Under what conditions may a city condemn private property?
5. What are the duties of a city recorder?
6. What cases come into the recorder's court?
7. What is the commission form of government?
8. What are its advantages over the regular form of city government?
9. What was the first city to formulate and adopt a commission form of government?
10. Has the commission form of government been satisfactory in the Texas cities that have adopted it?

CHAPTER XXII

EFFORTS TO IMPROVE GOVERNMENT

Why Necessary.—Government by political parties always has resulted in producing men whose whole lives have been spent in holding political offices, or in seeking to control their parties for personal advantages. It is natural that such men should get together when they happen to be members of the same party. By a process of trading, and by working together, they are enabled to so manipulate things that they control the acts of their party, and prevent others from exercising any real influence in shaping its policies. Such a band of men is frequently known as a **machine**, for the reason that they all know their work so well, and do it so quietly and so regularly. Each individual member of the machine has a following that can be counted upon to vote as “the boss” wishes, and the combination of all these votes is sufficient to enable the machine to control the election. The bosses hold their influence partly because of patronage in the form of “jobs” that they have at their disposal, partly because they are likable men, and partly because at the time of election they often have large sums of money to use for campaign purposes.

Restriction of Campaign Expenses.—In an effort to purify the elections and to prevent the bosses from spending money improperly to induce voters to vote for their candidates, many States have passed “corrupt practices acts,” which require the successful candidates to file statements made under oath, with the secretary of state, county clerk, or city secretary, showing just how much money they expended in the campaign and for what purposes. In Texas such statements must be filed

with the county judge within ten days after the election. Some people think that a list of those contributing to campaign funds, and the amounts contributed, should be made public before the election, so that it may be known who is really "backing" the different candidates. This would probably keep corporations from trying to help elect men to office.

The Initiative.—This is the plan adopted by several States and by some cities by which a specified percentage of the qualified voters may propose a law or a change in a law. An election is called to vote on the initiated bill, and if the required number of votes is cast in its favor the proposed law is declared "passed" and goes into effect. People often demand certain laws and their wishes are ignored by their legislatures and city councils. The bosses often prevent legislation that is demanded by the people by having bills "killed in committees." The initiative plan forces action upon measures proposed by the people. Knowledge that the people have this power makes the representatives and the aldermen more subservient to the wishes of their constituents. One objection to the initiative plan is that the proposed law must be adopted or rejected in the form in which it is initiated. On the other hand, if it were considered by a legislative body, there would be opportunity for a free discussion of the law, all interests could be heard for or against it, and it could be amended before being finally adopted.

The Referendum.—This is the plan which requires that the qualified voters shall vote upon certain laws that have been enacted by the Legislature, or city council, before these laws may take effect. A regular election is held and if a majority of those voting on the measure vote against it the law can not go into effect. The application of the referendum to ordinary legislation is an

innovation in our form of government, but some fundamental matters have always been referred to the vote of the people. The Constitution of the United States, the constitution of all States, all the constitutional amendments, and most city charters have been referred to the voters before they became effective.

The Recall.—The recall is the plan by which a public officer may be removed from office by the vote of the people before his term has expired. To displace an officer by the recall a certain specified percentage of the qualified voters sign a petition for a new election. The name of the official to be recalled and that of an opponent are placed upon the ballot, and if the official does not receive a plurality vote he must retire from office, and his successful opponent succeeds him.

THOUGHT QUESTIONS

1. What is a political party?
2. Name four political parties and state the prominent doctrines of each.
3. What is meant by "machine politics?"
4. What is meant by "political boss?"
5. What is a primary election?
6. Why is more importance attached to a primary election in Texas than to a general election?
7. Distinguish between a majority and a plurality vote.
8. What is the legal requirement in Texas concerning campaign expenses?
9. Why was election day made a holiday in Texas?
10. Is a state primary conducted in the same manner as a State election?

CHAPTER XXIII

PUBLIC REVENUES

Why Taxation is Necessary.—In order for the individual citizen to be successful he must live under the protection of a good, stable government. In Central America, and more recently in Mexico, revolutions are of frequent occurrence, with the result that people possessed of property are in constant danger of having it taken away from them. Factories and mills are forced to shut down, mines and railroads to stop operating, and people to leave the country in order to find safety for themselves and their families. In these countries there is no general prosperity, and even the money shows depreciation. A Mexican silver dollar is worth only about 49 cents on this side of the Rio Grande River. On the other hand, a good government gives positive value to all property within its borders, facilitates the acquisition of property, makes one secure in the possession of it, and insures the right of sale and exchange. While government makes possible the accumulation of wealth, it can not produce wealth to support itself. In 1910 the State of Texas required \$4,380,043 to pay its expenses. The Thirty-Second Legislature that met in 1911 appropriated over ten million dollars to be spent during the years of 1912 and 1913. This money is used to pay the salaries of public officials, to provide public buildings, and to pay the expenses incident to running the government. As the State has no way to produce wealth, this money must be paid by its citizens. Money paid to the government is called a **tax**. Good citizens enjoying a good government pay their taxes cheerfully, realizing that without these taxes the government could not exist. The fundamental principles underlying taxation are as follows:

a. All persons should contribute to the support of the government in proportion to the amount of wealth they respectively enjoy under its protection.

b. The amount of the tax to be paid should be certain, while the times and the manner of payment should be made known clearly to every tax payer.

c. Times and places for payment most suitable to the majority of the citizens should be selected.

d. Taxes should be as light as is consistent with efficient government, and should be collected annually.

Reconstruction and Taxation.—Under the “Reconstruction” Constitutions of 1866 and 1869 taxes became burdensome and public expenditures were prodigal, if not criminal. Finally, driven to desperation by the unwarranted extravagancies of the government, by burdensome taxation, and by flagrant violations of their rights as citizens, representative Texans of both great political parties met in the famous “Tax-payers Convention of 1872.” This convention proclaimed to the world with unquestionable proofs the unwarranted conditions that existed, and its plea for civil government, economically administered, was heard and acted upon by loyal Texans. As a result of the work of that convention the present Constitution of Texas was drafted.

Taxation is Limited.—To guard against any repetition of abuses in taxation the Constitution fixes the limitation so low that it has been prejudicial to some Texan interests. Progress sometimes demands a high rate of taxation. Cultured communities and progressive cities sometimes desire to tax themselves more for schools and public improvements than the Constitution allows. While this is true, yet these restrictions have saved Texas from some of the misfortunes and hard times following the improper issuance of bonds and the excessive taxes of some of her sister States. Texas has the lowest rate of taxation of any State in the Union. The following is the maximum tax rate per \$100, assessed valuation, under the Constitution and statutes:

State tax, inclusive of the tax necessary to pay the public debt and to provide for the public free schools..	\$.35
City or County tax, for city or county purposes.....	.25
City or County tax, for roads and bridges.....	.15
County tax, to pay jurors.....	.15
City or County tax, for the erection of public buildings, streets, sewers, water works and other permanent improvements .....	.25
County tax, for roads, provided a majority of the qualified voters owning property in the county, who vote at the election held for that purpose, favor it.....	.15

Taxable Property.—All property, real or personal, except that which is legally exempt, is subject to taxation, and the law requires that it be rendered at its full market value on a blank furnished by the assessor for the purpose. The person or persons legally accountable for the property must swear to the accuracy and completeness of the rendition. If a person renders his property fraudulently he is guilty of **perjury**, and upon conviction, is liable to be sentenced to the penitentiary for a term of from five to ten years. **Real property** includes all land, the buildings and improvements on the same, and all mines, quarries, minerals, fossils, oil and gas, on or under the land so far as can be ascertained. Personal property includes furniture, clothing, jewelry, merchandise, farm products, live stock, all money, stocks, bonds, notes and other evidences of debt, owned by the citizens of the State, wherever located. The following property is exempt from taxation:

- a. All schoolhouses and churches with their lands and furnishings; all colleges and universities with their equipment, lands, and endowments, provided such property is used exclusively for educational purposes.
- b. All cemetery lands not held for profit.
- c. All property belonging to the United States, or to the state, county, or city.
- d. All buildings and grounds used exclusively for charitable purposes.
- e. All public libraries and museums.
- f. Household and kitchen furniture to the value of \$250.
- g. All annual pensions granted by the State.

h. All farm products in possession of the producers, and all family supplies on hand for use in the home or on the farm.

The Somers' System of Valuation.—It frequently happens that the assessment of property is not made equitably. The real estate of prominent citizens is sometimes valued at a smaller per cent of its market value than that of less influential citizens. Any inequitable method of assessment interferes with a fair distribution of the public expenses. Houston in 1911, and Beaumont in 1912 adopted the Somers' Unit System of Realty Valuation. This system had its origin in St. Paul, Minn., and has been adopted by a number of the most progressive cities in the United States. A committee of real estate experts decides on a fair selling price by the front foot of a lot in the middle of each block in the city. Every block is visited by the committee so that errors may be corrected on the ground. After this, by a process of mathematical calculations, a fair selling price for every lot in the block can be arrived at. Distance from street corners and electric cars, the situation of the lots as to height, slope, etc., and the improvements that the street possesses, are factors that affect all lots in a fixed ratio. In order to encourage improvements on lots, all buildings placed on them are assessed at only twenty-five per cent of their cost. This is arrived at by measuring each building and then figuring out its cost, in much the same way that contractors and builders do. The result at Houston and Beaumont has been that the taxes on homes have decreased, and that those on vacant lots in the best parts of the city have increased. Many of these lots had been assessed at very low prices before, although their owners were declining to sell them, and were holding them for the greatly increased prices that they expected to realize in the future. Now the tendency is

either to sell or to improve lots heretofore held for speculative purposes.

Poll Taxes.—A poll tax is a tax assessed at a fixed amount against all men between the ages of 21 and 60. Indians who do not pay a property tax, people who are deaf and dumb, and those who have lost a leg or an arm are exempt from poll taxes. The state and county poll tax is \$1.75. Of this amount one dollar goes to the available school fund, fifty cents to the general fund of the State, and twenty-five cents to the general fund of the county. In 1911-12 there were 541,362 poll tax receipts issued in Texas. Those living in some cities pay one dollar additional as a city poll tax.

Occupation Tax.—Specific taxes may be levied on occupations not of an agricultural or mechanical nature. Auctioneers, pawn brokers, peddlers, theatrical companies, circuses, saloon keepers, proprietors of billiard halls, etc., pay occupation taxes. Charity concerts, lectures in the interest of science or social organizations, and museums or fairs exhibiting Texas products exclusively, are exempt from occupation taxes.

Inheritance Tax.—Texas levies an inheritance tax on all property above a certain value acquired through inheritance. This tax, however, is not levied on property inherited from parents, husband or wife, or children, or by charitable institutions. Brothers, sisters, grandparents, nephews, and nieces, must pay a tax of two per cent on inheritances valued at from \$2000 to \$10,000; and above that the rate increases with the inheritance. Aunts, uncles, and cousins must pay the same taxes, except that they begin with inheritances of \$1000 instead of \$2000. A person of no kinship inheriting property must pay an inheritance tax of four per cent on all inheritances of \$500 or more.

Homesteads.—The home is not only the basal unit of

society, but of the State and Nation as well. With the ownership of a home place, no matter how modest it may be, one becomes a better citizen than he would be without it. Even in the days of the Republic, Texas encouraged the ownership of home places by granting 160 acres of land to heads of families, upon the condition of a three years' residence in good faith. The Constitution of Texas protects the homestead of a family from forced sale to satisfy debts. In many States writs of execution may be issued against homesteads like other property. In cities and towns a homestead consists of a lot valued at not more than five thousand dollars with the house and other buildings on it, regardless of their value. In the country it consists of not more than two hundred acres of land with all the improvements on it. A homestead can be levied on and sold only for delinquent taxes, or for part of the original purchase price, or for labor and material used in the construction of the improvements. Money can not be borrowed on a homestead. It can only be sold with the consent of both husband and wife. In case of the death of the husband or wife, the homestead becomes the property of the other. If both husband and wife die, the homestead becomes the property of the children and is not subject to any debts of the parents. The homestead is better safeguarded in Texas than in any other State in the Union.

THOUGHT QUESTIONS

1. State the four fundamental principles underlying equitable taxation.
2. Why was the convention of 1872 called the "tax payers convention?"
3. What is the Somers' System of valuation?
4. Define property tax. Occupation tax.
5. What is the maximum tax rate in Texas?
6. What property of every home is exempt from taxation?
7. What property of the farmer is exempt from taxation?
8. What cemetery lands are taxed?

CHAPTER XXIV

PUBLIC EDUCATION

Essential in a Republic.—Under a republican form of government a system of free common schools is a necessity. Government by the people is impossible without an intelligent citizenship. As a matter of self-preservation the State must educate its children and prepare them for the duties and responsibilities of citizenship. While private schools often do valuable work, their privileges are naturally limited to a favored few, and the State can not rely on them to educate its future citizens. The bulwark of the Nation is its free schools, and the best investment a State can make is to endow liberally and support generously its whole public school system. The founders of our State recognized the importance of popular education and, although harassed by burdens and ill-provided with the comforts of life, they laid the corner stone of what ought to become the best system of public schools ever established by any State or Nation.

Provisions Made Under Mexican Supremacy.—The Constitution of the Republic of Mexico, under which Texas and Coahuila constituted one of the States of that Republic, contained provisions for public education, and the Constitution of the State of Coahuila and Texas committed the people of that State to the establishment and support of public schools. In 1833 a grant of land was made by the government to the Department of Nacogdoches, and the products of this land were to be used exclusively for the support of primary schools. This humble beginning established a precedent in Texas for state support of public schools. In their "Declaration of Independence" the people of Texas de-

clared that the Republic of Mexico, although possessed of boundless resources, had failed to establish any system of public education.

Provisions Made by the Republic.—The Constitution of the Republic of Texas committed the people of that republic to the organization and support of a system of public free schools. An act, approved in 1839, set aside three leagues of land for each county then organized or that might be organized in the future, for the purpose of establishing primary schools or academies, and directed that a tract of fifty leagues of land be set aside for the establishment and endowment of two colleges or universities, to be created at some later time. One was to be for young men and the other for young women.

Provisions Under Statehood.—The first Constitution of the State, adopted in 1845, recommitted the people of Texas to the support of the public schools, and directed that one-tenth of the annual revenues derived from taxation should be set apart by the Legislature as a perpetual fund for the support of the free public schools. From time to time small grants of land were made to the perpetual school fund by legislative enactment, and in 1850 the comptroller of public accounts was directed to issue bonds to the amount of \$36,000, and to place the money derived from their sale to the credit of this fund. In 1854 the Legislature ordered two million dollars worth of United States bonds then in the state treasury to be placed to the credit of that same fund, and in 1866, by amendment to the Constitution, the sections of land alternating with those given to the railroads and other corporations were donated to the public school fund, and provision was made for the assessment and collection of state and county taxes for school purposes. As a result of the far-sightedness and liberality of the builders of our State the perpetual school fund has received

land grants to the extent of about forty-five million acres, and donations of over three million dollars in bonds from the State. It was estimated on September 1, 1911, that Texas had a perpetual school fund valued at about \$72,000,000.

State School Funds.—These consist of three classes—the perpetual, the permanent, and the available. The **perpetual school fund** is composed of all funds, bonds, lands, and other property set apart and appropriated for the support of the public schools. The income only from the perpetual school fund can be spent, and the fund itself must always remain intact. The **permanent school fund** is that part of the perpetual school fund that is interest bearing, and consists of bonds, notes, etc. It is derived largely from the sale of school lands belonging to the perpetual school fund. The **available school fund** consists of all the money available for the maintenance of the schools. It is derived principally from the income of the permanent school fund, special appropriations of the Legislature, a state tax not to exceed twenty cents on each \$100 valuation, one-fourth of the occupation taxes, and the state poll tax receipts. In 1912-13 it was large enough to pay \$6.85 for the education of every one of the 1,017,133 scholastics in the State.

County Available School Funds.—The total amount of land set aside for county school purposes approximates 4,229,166 acres. The income derived from this land, from bonds purchased with county school funds, and from various other sources, constitutes the county available school fund.

District Available School Fund.—This consists of money derived from a special tax at a rate not to exceed fifty cents on each \$100 valuation, of tuition charges paid by children not living in the district or who are over or under school age, and of money received from

the lease of school property. The district available school fund in 1912-13 amounted to over six million dollars.

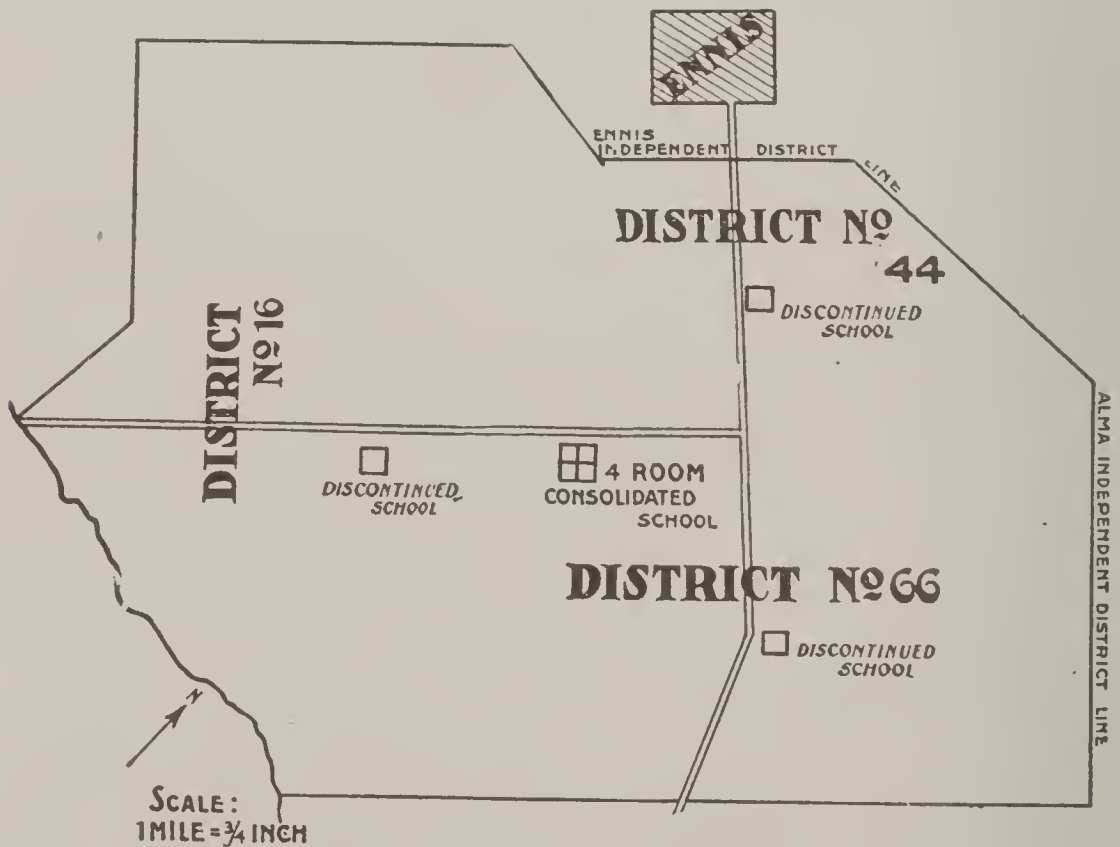
Building Funds.—A building fund, i. e., one that can be used for erecting school buildings, can be raised by a bond issue authorized by a majority vote of the tax-paying voters of a school district or of a city. The payment of these bonds, when due, must be provided for by an annual tax. This tax must be sufficient to meet the interest on them, and to provide a **sinking fund** sufficient to pay off all the bonds at maturity. This tax can never exceed twenty-five cents on each \$100 valuation of property situated in the school district or city.

School Districts.—There are two classes of school districts—the common school district and the independent school district. **Common school districts** are established by the county commissioners' court, which also fixes their boundaries. In 1912 there were approximately 7,900 common school districts in Texas. There are three kinds of **independent school districts**. One, an incorporation for school purposes only, which may be established under the general law or by special act of the Legislature. Such an independent school district may have a territory not exceeding twenty-five square miles, and must contain a town of not less than two hundred inhabitants. The second kind of independent school district consists of a city which has assumed full control of the public schools within its limits. The law also permits institutions, such as the orphan homes of the various denominations and of fraternal orders, having charge of children of school age to organize as independent school districts, even though they are situated inside of other independent districts. Such school districts are created by the State Board of Education, with boundaries limited to their own grounds. In 1912 there

were about seven hundred independent school districts in Texas.

Common school districts and independent school districts of less than 150 scholastic population are under the direct supervision of the county superintendent, and receive their share of the state available fund through the county officials. The other independent school districts receive their share direct from the state officials.

Rural High Schools.—Texas will always be an agricultural state, with the greater part of its people living in the country. Boys and girls living on the farm are entitled to the same educational advantages as are those living in the towns. To assist in this the Legislature in 1911 passed a law providing for the establishment of



Consolidated School District in Ellis County.

rural high schools. It also appropriated \$50,000 to be used in helping to inaugurate departments of agriculture,

manual training, and domestic science in these high schools, as well as in those of the independent districts. With the consolidation of common school districts and the transporting of pupils, well equipped schools of from four to six teachers can easily take the place of the little one-teacher schools. It costs about one cent more a day to educate a child in the town schools than it does in the rural schools, consequently the most that is needed to bring about an equalization in school opportunities is the consolidation of the rural schools, into schools of sufficient size to enable enough teachers to be employed, that each may have time to do as good work as is done in the towns. The rural high school law will help accomplish this by tending to make the work of such schools, so much better and more practical than can be that of the small schools, that parents will demand consolidation. In many states, like Indiana, North Carolina, and Louisiana, wonderful improvements have been made in the rural schools by these means during the past few years. There are three kinds of rural high schools known as those of the **first class**, **second class**, and **third class**, according as they maintain four years of work, three years of work, or two years of work, above the seventh grade of the elementary school. The first and second classes must employ at least two teachers holding first grade state certificates and must maintain a term of eight months. The third class must employ at least one teacher holding a first grade state certificate and must maintain a term of seven months.

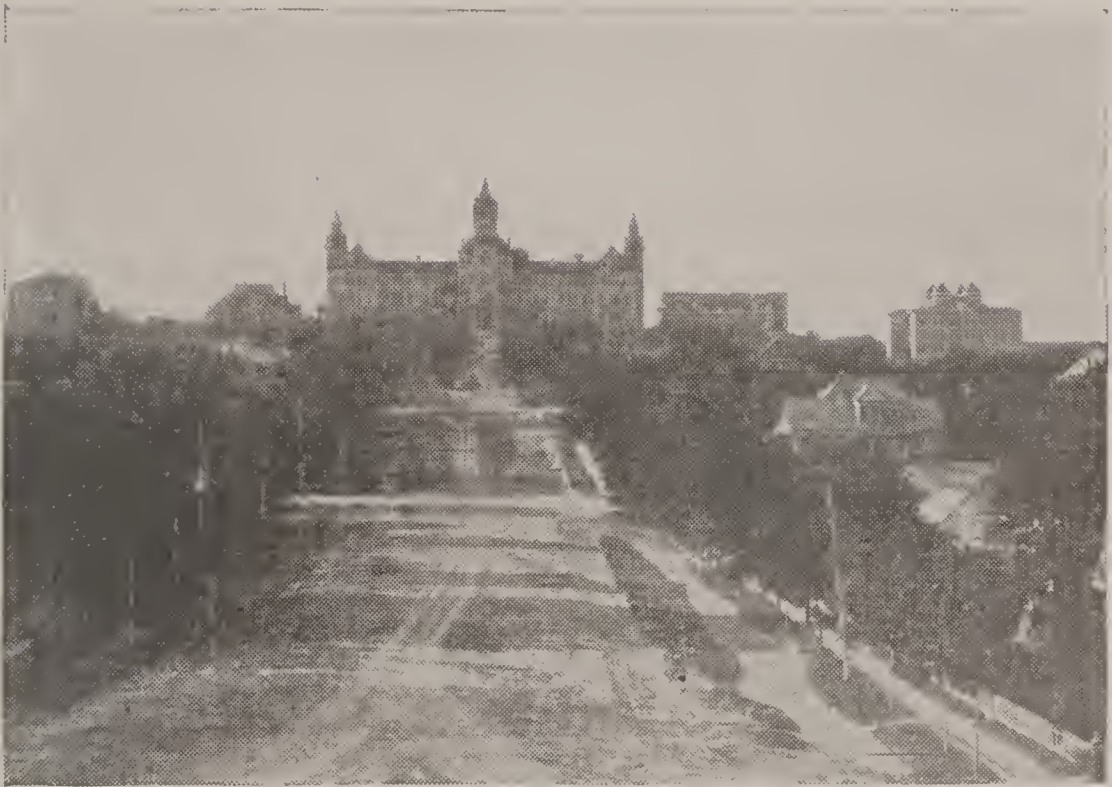
Higher Institutions of Learning.—In addition to the rural high schools and city high schools the State has provided a thoroughly coördinated system of more advanced schools, consisting of the State University at Austin, the Agricultural and Mechanical College near Bryan, the College of Industrial Arts for Women at

Denton, and four State Normal Schools. These normals are located at Huntsville, Denton, San Marcos, and Canyon. It also maintains the Prairie View State Normal and Industrial College for Negroes at Prairie View, in Waller County. The Medical Department of the University of Texas is located at Galveston. The oldest of



Bird's Eye View of the Agricultural and Mechanical College,
Showing the Cadet Corps Marching to Dinner.

all these institutions is the Agricultural and Mechanical College, which owes its origin to an Act of Congress passed in 1862, by which Texas was entitled to 180,000 acres of public land, provided she established within five years a college in which should be taught military science, agriculture, and the mechanic arts. This college opened in 1876. The University of Texas is the largest school in the entire South and compares favorably with any state university in the United States. All of these institutions are under the control of boards of regents, who elect their faculties and determine their policies. These boards of regents are appointed by the governor.



A Bird's Eye View of the Campus of the University of Texas,
Showing the Principal Buildings.

THOUGHT QUESTIONS

1. Upon what principle is a wealthy man without children compelled to pay a school tax?
2. Why is a public school system necessary to perpetuate a republican form of government?
3. When was this principle first recognized by Texans?
4. Explain what is meant by the perpetual school fund? The permanent school fund? The available school fund?
5. Which of these funds can never be decreased?
6. What is a maintenance school fund? A building fund? A sinking fund?
7. What advantage is gained by organizing an independent school district where admissible?
8. Under what conditions may a school be organized within an organized district, and be managed and supported independently of the district?
9. How is a rural high school organized?
10. What is the function of state normals? Under what control are they?

CHAPTER XXV

HOW OUR SCHOOLS ARE CONTROLLED

The School System.—It matters not into what part of the State we may go we find a school waiting for us. When we enter any of the schools of the common school districts we find that the teachers are following the



Courtesy of Dallas News.

Main Building of the College of Industrial Arts, Denton.

same course of study, and are using the same text books. This is not true in many states, with the result that when people move from one district to another their children are often put back in their classes, and are required to buy an entirely new set of books. The schools of Texas are organized into a good system that is the biggest part of the machinery of the State. In 1912 there were 21,000 people teaching in the public schools of

Texas, and the total expenditures for the schools amounted to more than twice all the appropriations made by the Legislature, to carry on every other department of the government for the following year. The schools do not receive the attention that they merit because they do their work so quietly.

State Superintendent of Public Instruction.—At the head of this great system of schools is the state superintendent of public instruction. It is his duty to study the schools of the State and to suggest their needs to the governor and Legislature. He travels to all parts of the State in the cause of better schools and advises with school officers. He represents the school system of the State in its relations to other states. He provides for the examination of teachers and grants certificates to teach to those who have the requisite qualifications. He hears appeals on questions of school law from the decisions of boards of education in counties, cities, and independent districts. He prepares courses of study for use in the common school districts and in rural high schools. Through his office the state available school fund is apportioned to the counties, cities, and independent districts. He approves all reports of receipts and disbursements of the school funds of the counties and independent districts.

The State Board of Education.—This board consists of the governor, secretary of state, and comptroller of public accounts. The state superintendent is ex-officio secretary. It hears appeals from the decisions of the state superintendent of public instruction in matters of school law. It has charge of investing the permanent school fund. It determines each year what the state available school fund is, and by dividing this amount by the number of scholastics in the State during the preceding May, when the school census was taken, it fixes the annual apportionment of the school fund for that year.



The State Normal Schools

The Rural Schools.—The schools in the common school districts are under the immediate control of local boards of trustees. But in each county there is a county board of education, consisting of five members, elected at the general school trustee election on the first Saturday in April, for a term of two years. These members are so classed by lot that two are elected one year and three the next. They must be resident taxpaying voters in their respective precincts. The county board has general supervision over the schools of the county. It classifies them into primary, intermediate, and high schools, prescribes courses of study, apportions the state and county funds, and may consolidate common school districts for the purpose of organizing rural high schools. It may also arrange to give free tuition to eligible high school pupils in nearby high schools.

City and Independent District Schools.—Independent district, and city schools are under the control of local boards of trustees, usually consisting of seven members whose term of office is two years, and who are classed so that the terms of four expire one year and those of the other three the next year. In most cases they are elected on the first Saturday in May. Houston and a few other cities have their school boards appointed by the city commission, or by the city council. Members of all school boards must be able to read and write intelligently in the English language, and to read, comprehend, and interpret the school laws of Texas. Women are eligible to election to the board of trustees in cities or independent districts. The board of trustees elects for one or two years a qualified educator to serve as the superintendent of the schools, under such regulations as it may prescribe.

Our Teachers.—The character of a school is due very largely to the teachers. It is therefore necessary to

throw such safeguards around the teacher's profession that only competent persons may be employed as teachers. All persons teaching in the public schools of Texas must hold certificates valid in the places where they teach. City superintendents and teachers of such special subjects as foreign languages, stenography and typewriting, domestic science, manual training, writing, drawing, and music, need not hold certificates.

Teachers' Certificates.—The State grants several different kinds of certificates to those wishing to teach in its schools. Those that are valid for four and six years are called temporary certificates. There are two kinds of permanent certificates—permanent and permanent primary. **Permanent certificates** indicate a proficiency in



Bird's Eye View of Prairie View State Normal and Industrial College.

all high school subjects, except foreign languages, and entitle the holders to teach in any elementary or high school. **Permanent primary certificates** indicate proficiency in the elementary branches and entitle the holders to teach in any elementary school. In order to receive a permanent certificate one must make an average grade of 85 per cent in his examination. There are certificates granted for a limited period of time, known as first grade certificates and second grade certificates. **First grade certificates** indicate a proficiency in high school mathematics, history, English, civics, and the

sciences as well as in the elementary branches and entitle the holders to teach in rural and city high schools and in the elementary grades. **Second grade certificates** indicate proficiency in the elementary branches, including agriculture, and entitle the holders to teach in the elementary schools. In order to receive a first grade or a second grade certificate the applicant must make in his examination not less than 50 per cent in any subject, and a general average of 75 per cent or more.

How the Examinations Are Held.—In each county there is a county board of examiners consisting of two teachers holding first or higher grade certificates. They are appointed by the county superintendent and hold office subject to his pleasure. On the first Friday and Saturday of June, September, and December, and at such other times as may be appointed by the state superintendent, this board holds teachers' examinations. The questions are prepared under the direction of the state superintendent of public instruction and are sent in sealed packages to the county superintendent. In the presence of those wishing to take the examinations the examiners break the seals and take out the questions, which are then distributed to the applicants. Any person over 16 years of age who is recommended by the county superintendent and who pays a fee of two dollars may take these examinations. The papers of those seeking second grade certificates, good only in the county, are examined and graded by the county examiners. Those who make the grades required by law are granted certificates by the county superintendent on the recommendation of the county examiners. The papers of all applicants for first grade or permanent certificates, or for second grade state certificates, must be sent to the State Department of Education to be graded by the State Board of Examiners. Those who pass this examination receive their certificates from the state superintendent of public instruction. In

1911 nearly 70 per cent of all the teachers in the State held state certificates.

State Board of Examiners.—This board consists of three or more competent teachers of Texas appointed by the state superintendent of public instruction to serve during his pleasure. It grades the examination papers forwarded by county superintendents. The state superintendent follows the recommendations of this board in the matter of granting certificates to the applicants. It also determines what colleges are of sufficient standing to warrant granting state certificates to their graduates without examination.

Certificates Issued Without Examination.—Students who complete certain prescribed work in the University of Texas, the College of Industrial Arts, and the State Normal Schools of Texas, and of certain other colleges and universities recognized as first class by the State Board of Examiners, may receive from the State Department of Education teachers' certificates. Graduates of Peabody College for Teachers at Nashville, Tenn., can have their diplomas recorded in the State Department of Education and receive from it a permanent certificate. Graduates of certain colleges in other States, and holders of permanent certificates of the highest rank issued by other States, may also receive certificates from the state superintendent of public instruction, good in Texas.

Summer Normal Institutes.—In order to assist those wishing to secure certificates to teach, or to review certain branches under competent instructors, summer normal institutes are held in various parts of the state. Regulations are prescribed by the state superintendent of public instruction, and those institutes that conform to them are recognized by him. At the close of all recognized summer normal institutes, state examinations are held, and all the papers of the applicants are sent to

Austin, where they are examined and graded by a special board of examiners appointed for that purpose by the state superintendent, certificates being issued by the state superintendent of public instruction to successful applicants. The number of members of the Summer Normal Board of Examiners varies from twenty to thirty. They are appointed annually and their terms expire when they have graded all the papers that come to them from the summer normals. They are generally in session about six weeks and grade from five to eight thousand sets of papers.

THOUGHT QUESTIONS

1. How are our schools controlled?
2. Who formulates a course of study for the common schools?
For rural high schools?
3. How is practical uniformity secured in courses of study?
4. How may pupils living near a rural high school, but not residents of the high school district, obtain free tuition in it? How may pupils living near a city high school obtain free tuition in it?
5. Can a woman become a trustee of a common school district?
6. Can a woman become a member of a board of county school trustees? Why not?
7. Why has Texas favored Peabody Normal graduates more than those of many other normals outside this State?

CHAPTER XXVI

THE STATE AND ITS UNFORTUNATES

Inhuman Conditions That Once Prevailed.—The care shown its unfortunate citizens by a State is a measure of its enlightenment. We remember reading in our history how Georgia was first settled as an asylum for the poor debtors in English jails. In those days, when a person could not pay his bills, he was put in jail and kept there until his friends were able to pay them, which was often for years. It was not until 1861 that imprisonment for debt ceased in England. In colonial days, there are records of cases where people, guilty of what we would now term petty misdemeanors, had their ears cropped, their tongues slit, their foreheads branded, and for many crimes were put to death. Until recent years, in some of the States, the insane were confined in the prisons along with the worst criminals. The blind and the deaf and dumb, idiots, and orphans, were left to depend on alms begged from those who passed by, or to the charity of their more fortunate neighbors. Texas was fortunate in entering on her career as a State, late enough to profit by the mistakes of the older States, and so to escape blotting her history with such acts of inhumanity. She has always taken an advanced position in the care of her unfortunates.

Hospital for the Insane.—In 1856 the Legislature appropriated one hundred thousand acres of public land for a hospital for the insane, and the following year the first institution of its kind in Texas was opened at Austin. Since then hospitals for the insane have been established at Terrell and at San Antonio. In 1912 the cost of operating these institutions was nearly \$900,000, and over five thousand patients were cared for.

The Deaf and Dumb.—At the same time that the Legislature made its appropriation of land for a hospital for the insane, it appropriated an equal amount for an institute for the deaf and dumb, and located it at Austin. In reality there are two institutes, one for white youths,



The Deaf and Dumb Institute.

which had 447 inmates in 1911, and one for colored youths, with 104 inmates. In these institutes, by a slow, painstaking process, the children are taught to understand what those about them are saying, by watching the motion of their lips, and to talk with the aid of finger signs. When they leave the institutes they are self-supporting and prepared to creditably care for themselves.

The Blind.—The State School for the Blind at Austin has been in operation since 1857. In 1911 it enrolled 228 white children. The blind colored children are cared for at the Colored Deaf and Dumb Institute. In the blind school, children who have never seen a ray of light are taught to read by means of books with raised letters that they feel with their fingers, and to write on the typewriter. They learn to play the piano and other musical instruments. They are taught various useful trades,

such as broom making, basketry, and knitting, by which they are enabled to earn a living when they complete their course and leave the school.



Broom-Making at the Blind Institute for Whites. All Persons in the Picture, Including the Teacher, Are Totally Blind.

The Orphans' Home.---The State maintains at Corsicana a home for its children who have lost both parents. This was also built with a grant of one hundred thousand acres of public land. At this home in 1911 Texas was raising and educating 301 children. Before leaving the home each child learns some trade, such as stenography, dressmaking, millinery, etc., in order that he may be able to support himself and become a useful citizen.

Other State Institutions.---At Abilene, Texas maintains a hospital for her epileptics, where in 1911 there were 540 inmates. She has also established a state sanitarium for those afflicted with tuberculosis, being one of the first states in the Union to take this step. It is ex-

pected that this institution, which is located at Carlsbad, near San Angelo, will reduce the death rate considerably as a result of caring for consumptives in a hospital where they can be surrounded with every condition conducive to a recovery. It is a well known fact that consumption in its first stages can be so treated as to be cured. At Gatesville there is an institution for training boys who are guilty of petty crimes and misdemeanors. Also boys under the age of 16 years convicted of felonies are sent to this institution. Many of those sent there become good, useful citizens as the result of the training received.

The State Penitentiaries.—Texas owns two penitentiaries, one at Huntsville and the other at Rusk. However, only a part of her 3500 convicts, in 1911, were at these penitentiaries. Formerly, many of them were leased to contractors, who paid the State a certain price for their labor and then got out of them all the work that was possible. Beginning with 1912, all convicts are being worked for the State's benefit. Texas now owns several large farms, aggregating many thousand acres, and it is on them that most of the State convicts are worked. The change from the leasing system to the present one was one of the most commendable steps that has ever been taken in connection with the care of the State's unfortunate citizens, and deserves the fullest approval of every good citizen.

THOUGHT QUESTIONS

1. What is a penal institution? An eleemosynary institution? A school for delinquents? A school for defectives?
2. What is a hospital? Locate one.
3. What is a sanitarium? Locate one.
4. Where is the State Epileptic Colony?
5. What is an orphans' home?
6. Locate an orphans' home supported by the State.
7. Locate an orphans' home supported by a secret order.
8. Locate an orphans' home supported by a church.
9. What commendable changes have been made in the treatment of convicts?
10. Locate the penitentiaries of Texas.

CHAPTER XXVII

SOME CIVIC PROBLEMS

Monopolies and Trusts.—The growth of manufacturing in this country resulted in such keen competition that often the products were sold with little profit to the manufacturers. To remedy this evil a plan of combining was devised. When a number of firms and corporations, engaged in the same business, enter into an agreement for the purpose of regulating the supply and price of commodities, they are said to form a **trust**. Sometimes a holding corporation is formed for the purpose of taking over a controlling interest in each separate firm or corporation. In other cases there is only an understanding between the different parties; this is known as a “gentleman’s agreement.” The advantages of a trust are that it does away with ruinous competition and effects many economies in the conduct of the separate businesses, but these advantages seldom reach the consumers. It is easy for a trust to become a menace to society by driving out of business smaller and weaker competitors. It thus monopolizes some trade or industry, and is enabled thereby to raise prices arbitrarily. This is accomplished by acts in restraint of trade, such as refusing to sell its products to those who decline to agree not to handle those of competitors, or by refusing to buy raw materials except at prices established by itself. Both the Federal government and separate States have passed anti-trust laws. The Texas laws are among the most stringent and have resulted in ousting from the State several trusts, and in the collection of large fines.

Public Health.—During the past few years this question has received much attention, and many helpful laws have been enacted. The more thickly settled a com-

munity is, the more difficult it is to guard the health of its citizens. The enforcement of the various health laws is in charge of the State Board of Health and the State Health Officer. Every county and city has similar officials who make health regulations for the safeguard of its own citizens. Before entering the public schools of some cities, all children are required to be vaccinated as a protection from small-pox. In case of an epidemic of some contagious disease like scarlet fever, diphtheria, measles, meningitis, etc., the health authorities may close the schools, churches, and theatres, and even quarantine against all other places. To attempt to evade such a quarantine is a very serious offense. The law requires that all cases of contagious diseases shall be reported promptly to the health authorities. This enables them to quarantine the buildings where the infected are and to prevent a spread of the disease. Because of the mild and dry climate that abounds in parts of the State, many persons suffering with consumption go there for relief. Some of these consumptives are restored to health, while others have their lives prolonged for years. To protect those who come in contact with these consumptives the law requires all railway cars to be disinfected frequently, forbids sweeping in them without the use of something to prevent dust, and forbids the use of common drinking cups in public places, and spitting on sidewalks, or on the floors of cars, public buildings, etc. Knowing that the mosquito is the cause of the spread of malaria and yellow fever, and the house fly of typhoid fever and possibly other diseases, special efforts are now being made to get rid of these insects. Every citizen owes it to his own health to coöperate with the health officers in destroying them, and especially their breeding places.

Pure Foods.—Desire for larger profits leads to placing on the market many adulterated, misbranded, or

impure foods. Veal is canned and sold as chicken, beef sausage is offered as "all pork," apple parings are mixed with strawberries to make "pure strawberry preserves," milk is kept sweet by the use of preservatives, tomato catsup is colored with artificial colors, and even grain and flour and sugar are adulterated. Conditions became so bad in 1906 that the Congress of the United States passed the "Pure Food Law." Since then Texas and most of the other States have enacted similar laws



Laboratory of the Dairy, Food, and Drug Commissioner, Where Foods Are Tested for Impurities and Misbranding.

with very beneficial results. The enforcement of the pure food laws of our State is in charge of the Dairy, Food, and Drug Commissioner. He and his assistants travel over the State, visiting stores, dairies, bakeries, and food manufactories, and they secure samples of articles suspected of being sold in violation of the law. At the Capi-

tal they have laboratories where they examine these samples and, if found impure, misbranded, or adulterated, they prosecute the dealers or manufacturers. They also co-operate with the local authorities in seeing that the legal standards of purity, quantity, and cleanliness are maintained. As a result of their work and that of similar officers employed by the National Government, we know what we are getting when we buy articles of food, and we are protected from diseases caused by foods unfit to eat.

The Liquor Question.—Formerly, intoxicating liquors were sold by nearly every general merchant and grocer, just as molasses or vinegar are nowadays; and bars, or tap rooms, were found in every inn. In those days there was little agitation of the liquor question, and even the clergy used liquors in moderation. With the establishment of the saloon and a tendency on the part of many to drink liquors to excess, the control of the liquor business has become a perplexing civic problem. In general, there are three methods of regulating it: the **tax license system**, by which saloons may be licensed in the towns and cities under prescribed conditions; the **local option system**, under which towns, counties, or precincts may, by popular vote, prohibit the sale of liquors within their borders; and **state-wide prohibition**, under which the manufacture as well as the sale of intoxicants is prohibited throughout the whole State. Under the tax license system the fee for a license varies greatly. In Wisconsin it is as low as \$100, and in New York as high as \$1500. Most of the States have local option. When a county votes “dry” the sale of liquor in all towns situated in it is forbidden, even though they may favor saloons. If the county goes “wet,” separate precincts and towns may forbid saloons. As a rule no saloon is permitted near school

houses, churches, or parks, and the number of licenses granted is limited. All saloons are required to close at midnight. No liquors can be sold on Sundays, or on election days; and never to minors nor to habitual drunkards. Tennessee, Georgia, Kansas, Maine, Mississippi, North Carolina, North Dakota, West Virginia, and Oklahoma, have state-wide prohibition. In these states the manufacture of liquor is prohibited by law, but the actual sale depends much upon the public sentiment in the different cities. If sentiment is in favor of prohibition the law is enforced, but if it is opposed to prohibition the law is more or less evaded. Texas has, at different times, attempted to secure state-wide prohibition both by constitutional amendment and by statute, but all these attempts have failed. In general, the rural population and the small towns favor prohibition, while the cities favor the high license system. It is estimated that about one-half of the United States is now under prohibition laws.

The Good Roads Movement.—In the early days of our Republic roads were built by the National Government to facilitate the carrying of the mails and commerce between the States. But many years ago the building of roads was left to local authorities, or to private companies. As a rule the public roads were not well made and they were indifferently kept. On the other hand the “turnpike” or toll roads, built by private concerns, were well constructed and always kept in good condition. But every few miles there were gates and toll houses and all travelers using them were required to pay tolls. This collection of tolls caused much discontent. During recent years the counties have taken over nearly all the toll roads and bridges, and made them free. Today there are about 140,000 miles of public roads in Texas, but not more than 6,300 miles can be classed as excellent. These roads have been surfaced

with shell, gravel, macadam, asphalt rock, crushed rock, or sand clay, and cost, on an average, two thousand dollars a mile for their construction. As we have learned, the Constitution allows a special tax of fifteen cents on the



Courtesy of Dallas News.

A Good Road in Grayson County.

\$100 for road building. The general use of the automobile has impressed on the people everywhere the need of good roads. Not only have many roads been impassable for automobiles at all seasons of the year, but they have even been impassable for any kind of traffic at certain seasons. People have learned that better roads mean that the farm-

er can haul much heavier loads to market with the same teams and thus reduce the cost of transportation; that the value of land is increased through its being made more easily accessible; and that they aid in the settlement of the country by making possible consolidated schools and free mail delivery. Many Texas counties



Courtesy of Dallas News.

A Split Log Drag.

and precincts have voted bonds for good roads—in fact, up to January, 1912, bonds for over ten million dollars had been issued for this purpose. The roads are built, either through the labor of convicts, or by

the employment of modern machinery. After being built, they need to be kept in repair. Many counties use the split-log drag, which can be made at a few dollars cost, and can be operated at a cost of about five dollars a day.

THOUGHT QUESTIONS

1. What is a monopoly?
2. What is a trust? Are there any "good trusts?"
3. What is a "gentleman's agreement?"
4. What is meant by raw material?
5. What State has the most stringent anti-trust laws?
6. Do anti-trust laws temporarily harm a State? How?
7. Name some of the duties of a health officer.
8. Name four contagious diseases.
9. How can the spread of contagious diseases be checked?
10. State how a consumptive may be cured.

11. What precautions should always be taken where there are cases of tuberculosis?
12. What is meant by quarantining a place?
13. Why should you not use a drinking cup used by another person?
14. What causes the spread of malaria?
15. What causes the spread of typhoid fever?
16. How can these evil agencies be destroyed?
17. State a few pure food laws.
18. Name a few foods frequently adulterated.
19. What is meant by local option?
20. What is meant by a dry town? A wet town?
21. Why do we have a law to close saloons on election days?
22. How many times has Texas voted on State-wide prohibition?
23. What are the advantages of a consolidated school?
24. How do good roads help make good schools?

CONSTITUTION

OF THE

STATE OF TEXAS

ADOPTED BY THE CONSTITUTIONAL CONVENTION CONVENEED AT AUSTIN,
SEPTEMBER 6, 1875, AND RATIFIED BY THE PEOPLE,
FEBRUARY 15, 1876

PREAMBLE.

Humbly invoking the blessings 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 of any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments provided he 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 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 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 society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary 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 officers or men 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 fact, 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, 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.

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 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 held to answer for a criminal offense, 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 bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 12. The writ of **habeas corpus** is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

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 done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SEC. 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense 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 of 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 person shall be outlawed; nor shall any person be transported out of the State for any offense committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy 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 bear 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 at all times 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 powers of government for redress of grievances or other 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.

SEC. 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.

SEC. 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 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, or at any apportionment thereafter, the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for every fifteen thousand inhabitants; **provided**, the number of Representatives shall never exceed one hundred and fifty.

SEC. 3. The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that 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, and 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 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 in any case of absence or disability of that officer, and whenever the said 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; and 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 compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 11. 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 offense.

SEC. 12. 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, at any one time, exceed forty-eight hours.

SEC. 16. The sessions of each House shall be open, except the Senate, when in executive session.

SEC. 17. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. 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; no member of either House 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; and no member of either House shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature 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.

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 any 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 who may have been otherwise intrusted 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, 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 public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two 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, as ascertained by the most recent United States census, by the number of members 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 one 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.

PROCEEDINGS.

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 when passed by such House, may be amended, altered, or rejected by the other.

SEC. 32. No bill shall have the force of law until it has been read on three several days in each House, and free discussion allowed 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.

SEC. 36. 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 considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to 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, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting, and publishing the laws, civil and criminal; and a like revision, digest, 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 Sections 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 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, when the same shall not 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 vested in the courts, to 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, establishing 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 the revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debts; 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 credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporation whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1900, and their widows in indigent circumstances, and who have been bona fide residents of the State of Texas since January 1, 1900, and who were married to such soldiers and sailors anterior to January 1, 1900; to indigent and disabled soldiers, who under special laws of the State of Texas, during the war between the States, served for a period of at least six months in organizations for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia of the State of Texas, who were in active service for a period of at least six months during the war between the States, to the widows of such soldiers who are in indigent circumstances, and who were married to such soldiers prior to January 1, 1900, provided that the word "widow" in the preceding lines of this section shall not apply to women born since 1861, and also to grant aid for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows, and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided, the Legislature may provide for husband and wife to remain together in the home.

The Legislature shall have the power to levy and collect, in addition to all other taxes heretofore permitted by the constitution of Texas, a State ad valorem tax on property not exceeding 5 cents on the \$100 valuation for the purpose of creating a

special fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas and for the widows of such soldiers serving in said armies, navies, organizations, or militia. •—Amendment to Art. III, Section 51, Adopted Nov. 5, 1912.

SEC. 52. The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company, **provided**, however, that under legislative provisions any county, any political subdivision of a county, any number of adjoining counties, or any political subdivision of the State, or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include towns, villages or municipal corporations, upon a vote of a two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city, or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect such taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as they may authorize the same, for the following purposes, to-wit:

(a) The improvement of rivers, creeks and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

(b) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

(c) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof. Amendment adopted Nov. 8, 1904.

SEC. 53. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra 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 created against any county or municipality of the State, under any agreement or contract, made without authority of law.

SEC. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in any wise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any county, or other municipal corporation therein.

SEC. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

The creation, extension, or impairing of liens;

Regulating the affairs of counties, cities, towns, wards, or school districts;

Changing the name of persons or places; changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering, or maintaining of roads, highways, streets, or alleys;

Relating to ferries and bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets, or alleys;

Relating to cemeteries, graveyards, or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns, or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables;
 Regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes;
 Fixing the rate of interest;
 Affecting the estates of minors, or persons under disability;
 Remitting fines, penalties, and forfeitures, and refunding moneys legally paid into the treasury;
 Exempting property from taxation;
 Regulating labor, trade, mining, and manufacturing;
 Declaring any named person of age;
 Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;
 Giving effect to informal or invalid wills or deeds;
 Summoning or impaneling grand or petit juries;
 For limitation of civil or criminal actions;
 For incorporating railroads or other work of internal improvements;
 And in all other cases where a general law can be made applicable, no local or special law shall be enacted; **provided**, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of the State in certain localities.

SEC. 57. No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the Seat of Government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Governor, who shall be the chief Executive Officer of the State, a Lieutenant-governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney-general.

SEC. 2. All the above officers of the Executive Department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. The returns of every election for said Executive Officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the Seat of Government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives, as soon as the Speaker shall be chosen; and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both Houses of the Legislature. The person, voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both Houses of the Legislature. Contested elections for either of said offices shall be determined by both Houses of the Legislature in joint session.

SEC. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the Governor's mansion, fixtures, and furniture.

SEC. 6. During the time he holds the office of Governor he shall not hold any other office, civil, military, or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward, or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is Governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions, and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature at the Seat of Government, or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

SEC. 9. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed; and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment, and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason, and to this end he may respite a sentence therefor, until the close of the succeeding session of the Legislature; provided, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment, or pardon, he shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate; but may appoint some other person to fill the vacancy until the next session of the Senate, or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. During the session of the Legislature the Governor shall reside where its sessions are held, and at all other times at the Seat of Government, except when, by act of Legislature, he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor for his approval. If he approves he shall sign it; but if he disapprove it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered; and if approved by two-thirds of the members 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 and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor with his objections 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 Legislature, by its adjournment, prevent its return; in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof by public proclamation, within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each House, the same shall be part of the law, notwithstanding the ob-

provisions, and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a Lieutenant-governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office the same time, and possess the same qualifications. 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 shall 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 be removed.

SEC. 17. If, during the vacancy in the office of Governor, the Lieutenant-governor should 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, while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government, as Governor, he shall receive in like manner 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.

SEC. 18. The Lieutenant-governor or President of the Senate succeeding to the office of Governor shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

SEC. 19. There shall be a Seal of the State, which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The Seal of the State shall be a star of five points, encircled by olive and live-oak branches, and the words, "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. 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 who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws, and 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. He shall receive for his services an annual salary of two thousand dollars, and no more.

SEC. 22. The Attorney-general shall hold his office for two years, and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight, or wharfage, not authorized by law. He shall whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other Executive Officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the Seat of Government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; **provided**, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the State during his continuance in office; and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs, or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State treasury.

jections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. 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, shall be approved by him; or, being disapproved, shall be repassed by both Houses; and all the rules,

SEC. 24. An account shall be kept by the officers of the Executive Department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may, at any time require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management, and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers, and public funds; and any officer or manager who, at any time, shall wilfully make a false report, or give false information, shall be guilty of perjury, and so adjudged and punished accordingly, and removed from office.

SEC. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial powers of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Court of Criminal Appeals, in District Courts, in County Courts, in Commissioners' Courts, in Courts of Justices of the Peace, and in such other Courts as may be provided by law. The Criminal District Court of Galveston and Harris counties shall continue with the district jurisdiction, and organization now existing by law until otherwise provided by law. The Legislature may establish such other courts as it may deem necessary, and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court, or such lawyer and judge together, at least seven years. Said Chief Justice and Associate Justices shall be elected by the qualified voters of the State at a general election, shall hold their offices six years or until their successors are elected and qualified, and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of Chief Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their term of office under the present Constitution, and until their successors are elected and qualified.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases in which the Courts of Civil Appeals have appellate jurisdiction, under such restrictions and regulations as the Legislature may prescribe. Until otherwise provided by law, the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases in the Courts of Civil Appeals in which the judges of any Court of Civil Appeals may disagree, or where the several Courts of Civil Appeals may hold differently on the same question of law, or where a statute of the State is held void. The Supreme Court and the justices thereof shall

have power to issue writs of **habeas corpus** as may be prescribed by law, and under such regulations as may be prescribed by law the said courts and the justices thereof may issue the writs of **mandamus**, **procedendo**, **certiorari**, and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of **quo warranto** and **mandamus** in such cases as may be specified, except as against the Governor of the State. The Supreme Court shall also have power, upon affidavit or otherwise, as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the capital of the State. The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause, entered of record on the minutes of said court, who shall receive such compensation as the Legislature may provide.

SEC. 4. The Court of Criminal Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court; said judges shall have the same qualifications and receive the same salaries as the judges of the Supreme Court. They shall be elected by the qualified voters of the State at a general election, and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the Court of Criminal Appeals, the Governor shall fill such vacancy by appointment for the unexpired term. The judges of the Court of Appeals who may be in office at the time when this amendment takes effect shall continue in office until the expiration of their term of office under the present Constitution and laws as judges of the Court of Criminal Appeals.

SEC. 5. The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The Court of Criminal Appeals and the judges thereof shall have the power to issue the writ of **habeas corpus**, and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Criminal Appeals shall sit for the transaction of business from the first Monday in October to the last Saturday of June in each year, at the State capital and two other places (or the capital city), if the Legislature shall hereafter so provide. The Court of Criminal Appeals shall appoint a clerk at such place at which it may sit, and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years unless sooner removed by the court for good cause, entered of record on the minutes of said court.

SEC. 6. The Legislature shall, as soon as practicable after the adoption of this amendment, divide the State into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law; **provided**, that the decision of such courts shall be conclusive of all questions of fact brought before them on appeal or error. Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk, in the same manner as the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law. Until the organization of the Courts of Civil Appeals and Criminal Appeals, as herein provided for, the jurisdiction, power, and organization and location of the Supreme Court, the Court of Appeals, and the Commission of Appeals shall continue as they were before the adoption of this amendment. All civil cases which may be pending in the Court of Appeals shall, as soon as practicable after the organization of the Courts of Civil Appeals, be certified to and the records thereof transmitted to the proper Courts of Civil Appeals,

to be decided by said courts. At the first session of the Supreme Court, the Court of Criminal Appeals, and such of the Courts of Civil Appeals which may be hereafter created under this Article after the first election of the judges of such courts under this amendment, the terms of office of the judges of each court shall be divided into three classes, and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices for two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified; and thereafter each of the said judges shall hold their office for six years, as provided by this Constitution.

SEC. 7. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State; who shall have been a practicing lawyer of this State or a judge of a court in this State for four years next preceding his election; who shall have resided in the district in which he was elected for two years next preceding his election; who shall reside in his district during his term of office; who shall hold his office for the period of four years, and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The Legislature shall have power by general or special laws, to authorize the holding of special terms of the court, or the holding of more than two terms in any county, for the dispatch of business. The Legislature shall also provide for the holding of District Court when the judge thereof is absent, or is from any cause disabled or disqualified from presiding. The District Judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

SEC. 8. The District Court shall have original jurisdiction of all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration, or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints, or pleas whatever without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars, exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of **habeas corpus**, **mandamus**, injunction, and **certiorari**, and all writs necessary to enforce their jurisdiction. The District Court shall have appellate jurisdiction and general control in probate matters over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners' Court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

Amendments of Sections 1, 2, 3, 4, 5, 6, 7, 8, (Art. V), declared adopted September 22, 1891.

SEC. 9. There shall be a clerk for the District Court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the District Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

SEC. 11. No judge shall sit in any case wherein he may be interested, or when either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall

have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, 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 such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the District Judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled as may be prescribed by law.

SEC. 12. All judges of courts of this State [shall], by virtue of their office, 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 shall conclude "against the peace and dignity of the State."

Amendment of Sections 11 and 12, (Art. V), declared adopted September 22, 1891.

SEC. 13. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony, in the District Courts, nine members of the jury, concurring, may render a verdict; but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; **provided**, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The judicial districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for two years; and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The County Court shall have original jurisdiction of all misdemeanors, of which exclusive original jurisdiction is not given to the Justice's Courts, as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the District Court, when the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars, exclusive of interest; but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which Justice's Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty-dollars, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from Justice's Courts, there shall be a trial *de novo* in the County Court, and appeals may be prosecuted from the final judgment rendered in such cases by the County Court, as well as all cases, civil and criminal, of which the County Court has exclusive or concurrent or original jurisdiction (of civil appeals) in civil cases to the Court of Civil Appeals, and in such criminal cases to the Court of Criminal Appeals, with such exceptions and under such regulations as may be prescribed by law. The County Court shall have the general jurisdiction of a Probate Court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons **non compos mentis**, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons **non compos mentis**, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons, and to apprentice minors, as provided by law; and the County Court, or judge thereof, shall have power to issue writs of injunction, **mandamus**, and all writs necessary to the enforcement of the jurisdiction of said court; and to issue writs of **habeas corpus** in cases where the offense charged is within the jurisdiction of the County Court, or any other court or tribunal inferior to said court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law; and in

such counties appeals from Justice's Courts and other inferior courts and tribunals, in criminal cases, shall be to the Criminal District Court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Court to the Court of Criminal Appeals. When the judge of the County Court is disqualified in any case pending in the County Court, the parties interested may by consent appoint a proper person to try said case, or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

Amendment of Section 16, (Art. V.), declared adopted September 22, 1891.

SEC. 17. The County Court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term-time or vacation, as may be provided by law; and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the County Attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the County or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in this State, now or hereafter existing, shall be divided from time to time, for the convenience of the people into precincts, not less than four and not more than eight. The present County Courts shall make the first division. Subsequent divisions shall be made by the Commissioners' Court, provided for by this Constitution. In each such precinct there shall be elected, at each biennial election, one Justice of the Peace and one Constable, each of whom shall hold his office for two years, and until his successor shall be elected and qualified; **provided**, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected, by the qualified voters thereof, one County Commissioner, who shall hold his office for two years, and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge, as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of this State, as may be hereafter prescribed.

SEC. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justice's Courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations, as may be prescribed by law. And the Justices of the Peace shall be **ex-officio** notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for two years, who shall be Clerk of the County and Commissioners' Courts and Recorder of the county, whose duties, perquisites, and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners' Court, until the next general election for county and State officers; **provided**, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of District and County Clerks.

SEC. 21. A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of two years. In case of vacancy, the Commissioners' Court of the county shall have power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts

as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys; **provided**, District Attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions, and perquisites as may be provided by law. County Attorneys shall receive as compensation only such fees, commissions, and perquisites as may be prescribed by law.

SEC. 22. The Legislature shall have power, by local or general law, to increase, diminish, or change the civil and criminal jurisdiction of County Courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners' Court until the next general election for county or State officers.

SEC. 24. County Judges, County Attorneys, Clerks of the District and County Courts, Justices of the Peace, Constables, and other county officers, may be removed by the judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The Supreme Court shall have power to make and establish rules of procedure, not inconsistent with the laws of the State, for the government of said court, and other courts of this State, to expedite the dispatch of business therein.

Amendment of Section 25, (Art. V), declared adopted September 22, 1891.

SEC. 26. The State shall have no right of appeal in criminal cases.

SEC. 27. The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in District Courts, over which jurisdiction is given by this Constitution to the County Courts, or other inferior courts, to such County or inferior courts, and for the trial or disposition of all such causes by such County or other inferior courts.

SEC. 28. Vacancies in the office of judges of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, and District Courts, shall be filled by the Governor until the next succeeding general election; and vacancies in the office of County Judge, and Justices of the Peace, shall be filled by the Commissioners' Court, until the next general election for such offices.

Amendment of Section 28, (Art. V), declared adopted September 22, 1891.

SEC. 29. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; **provided**, the Commissioners' Court of any county having fixed the time and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term-time or vacation, under such regulations as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is, or may be, provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the County Court shall be held on the first Mondays in February, May, August, and November, and may remain in session three weeks.

Amendment of Section 29, (Art. V), declared adopted September 25, 1883.

ARTICLE VI.

SUFFRAGE.

SECTION 1. The following classes of persons shall not be allowed to vote in this State, to-wit:

First.—Persons under twenty-one years of age.

Second.—Idiots and lunatics.

Third.—All paupers supported by any county.

Fourth.—All persons convicted of any felony, subject to such exceptions as the Legislature may make.

Fifth.—All soldiers, marines, and seamen employed in the service of the army or navy of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election, and the last six

months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; **provided**, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes.

SEC. 3. All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective offices; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; **provided**, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.

Amendment of Sec. 4, (Art. VI), declared adopted September 22, 1891.

SEC. 5. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

ARTICLE VII.

EDUCATION.—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands, and other property heretofore set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made, to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.

SEC. 3. One-fourth of the revenue derived from the State occupation taxes and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years shall be set apart annually for the benefit of the public free schools, and in addition thereto there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year, and the legislature may also provide for the formation of school districts by general or special law, without the local notice required in other cases of special legislation, and all such school districts, whether created by general or special law, may embrace parts of two or more counties. And the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties. And the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and the erection and equipment of school buildings therein, provided that a majority of the qualified property tax-paying voters of the district voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year fifty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 3a. Every school district heretofore formed, whether formed under the general law or by special act, and whether the territory embraced within its boundaries lies wholly within a single county or partly in two or more counties, is hereby declared to be, and from its formation to have been, a valid and lawful district.

All bonds heretofore issued by any such districts which have been approved by the Attorney General and registered by the Comptroller are hereby declared to be, and at the time of their issuance to have been, issued in conformity with the Constitution and laws of this State, and any and all such bonds are hereby in all things validated and declared to be valid and binding obligations upon the district or districts issuing the same.

Each such district is hereby authorized to, and shall, annually levy and collect an ad valorem tax sufficient to pay the interest on all such bonds and to provide a sinking fund sufficient to redeem the same at maturity, not to exceed such a rate as may be provided by law under other provisions of this Constitution.

And all trustees heretofore elected in districts made up of more than one county are hereby declared to have been duly elected, and shall be and are hereby named as trustees of their respective districts, with power to levy the taxes herein authorized until their successors shall be duly elected and qualified as is or may be provided by law.

Third Amendment of Section 3, (Art. VII), declared adopted September 24, 1909.

SEC. 4. The land herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales and of those heretofore made as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the Board of Education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in such manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for educational purposes are of right the property of said counties, respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in their prior right of purchasing the same, to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof when sold shall be held by said counties alone as a trust for the benefit of public schools therein, said proceeds to be invested in bonds of the United States, the State of Texas or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon and other revenue, except the principal, shall be available fund.

Amendment of Section 6, (Art. VII), declared adopted September 25, 1883.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The Governor, Comptroller and Secretary of State shall constitute a Board of Education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance, and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for the sale and investment of school lands in Section 4 of this Article.

UNIVERSITY.

SEC. 10. The Legislature shall, as soon as practicable, establish, organize, and provide for the maintenance, support, and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made and all grants, donations, and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sums belonging to the fund, as may now be in the treasury) shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section: **provided**, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times, and on such terms, as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; **provided**, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance, and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner, as is provided for the sale and investment of the permanent university fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; **provided**, that two hundred and fifty dollars' worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation; and **provided** further, that the occupation tax levied by any county, city, or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax, but the Legislature may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools, also the endowment funds of such institutions of learning and religion not used with a view to profit

and when the same are invested in bonds or mortgages or in land or other property which has been and shall hereafter be bought in by such institution under foreclosure sales made to satisfy or protect such bonds or mortgages; that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer; and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned shall be null and void.

Amendment of Section 2, (Art. VIII), adopted November 6, 1906.

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation; and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. 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 by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assembling of the Sixteenth Legislature.

SEC. 7. The Legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may, or ought to, come into the treasury; and shall make it penal for any person or persons to borrow, withhold, or in any manner to divert from its purpose any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the road-bed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city, or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25th, 1883, and for the erection of public buildings, streets, sewers, water works and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation, in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; **Provided**, that a majority of the qualified property tax-paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county.

And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

Second Amendment of Section 9, (Art. VIII), adopted November 6, 1906.

SEC. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city, or town from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city, or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be assessed for taxation, and the taxes paid in the county where situated, but the Legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands

lying in the territory, not laid off into counties, shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

SEC. 13. Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; **provided**, that the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years, and until his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent tax-payer, shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected to hold office for two years, and until his successor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the County Commissioners' Court to constitute a board of equalization); and may also provide for the classification of all lands, with reference to their value in the several counties.

SEC. 19. Farm products in the hands of the producer, and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elect to both Houses of the Legislature.

Amendment declared adopted October 14, 1879.

ARTICLE IX

COUNTIES.

SECTION 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First.—In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land-surveying purposes, to the most convenient organized county or counties.

Second.—Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each House of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles, by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third.—No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors

of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed, except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the Commissioner of the General Land Office.

ARTICLE X.

RAILROADS.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishment of these objects and purposes may provide and establish all requisite means and agencies, invested with such powers as may be deemed adequate and advisable.

Amendment of Section 2. (Art. X), declared adopted December 10, 1890.

SEC. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the Comptroller or Governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers, or managers of any railroad corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. No railroad hereafter constructed in this State shall pass within a

distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills, or mountains; **provided**, such town or its citizens shall grant the right of way through its limits, and sufficient ground for ordinary depot purposes.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. The several counties of this State are hereby recognized as legal subdivisions of the State.

SEC. 2. The construction of jails, court-houses, and bridges, and the establishment of county poorhouses and farms, and the laying out, construction, and repairing of county roads shall be provided for by general laws.

SEC. 3. No county, city, or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. Cities and towns having a population of five thousand inhabitants, or less, may be chartered alone by general law. They may levy, assess, and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent., and shall be collectible only in current money. And all licenses and occupation taxes levied, and all fines, forfeitures, penalties, and other dues accruing to cities and towns, shall be collectible only in current money.

SEC. 5. Cities having more than 5,000 inhabitants may by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the constitution of the State, or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed $2\frac{1}{2}$ per cent of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least 2 per cent thereon; and provided further, that no city charter shall be altered, amended or repealed oftener than every two years.—Amendment of Section 5, (Art. XI), adopted Nov. 5, 1912.

SEC. 6. Counties, cities, and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess, and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed, and collected for current expenses of municipal government, and shall when levied specify in the act of levying the purpose thereof; and such taxes may be paid in the coupons, bonds, or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the tax-payers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of sea-walls, breakwaters, or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county, unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent, as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the Gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea-walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed, or to be constructed, in any locality.

SEC. 9. The property of counties, cities, and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds, and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; **provided**, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if at an election held for that purpose, two-thirds of the tax-payers of such city or town shall vote for such tax.

ARTICLE XII.

PRIVATE CORPORATIONS.

SECTION 1. No private corporations shall be created except by general laws.

SEC. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders

SEC. 3. The right to authorize and regulate freights, tolls, wharfage, or fares levied and collected or proposed to be levied and collected by individuals, companies, or corporations, for the use of highways, landings, wharves, bridges, and ferries, devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney-general and District or County Attorneys, in the name and behalf of the State, to prevent and punish the demanding or collection of any and all charges as freight, wharfage, fares, or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls, or wharfage shall at all times be subject to amendment, modification, or repeal by the Legislature.

SEC. 6. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. Nothing in this Article shall be construed to divest or affect rights guaranteed by any existing grant or statute of this State, or of the Republic of

ARTICLE XIII.

SPANISH AND MEXICAN LAND TITLES.

SECTION 1. All fines, penalties, forfeitures, and escheats, which have heretofore accrued to the Republic and State of Texas, under their constitutions and laws, shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited, and for giving effect to escheats; and all such rights of forfeiture and escheats to the State shall, *ipso facto*, inure to the protection of the innocent holders of junior titles, as provided in Sections 2, 3, and 4. of this Article.

SEC. 2. Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record, or not duly archived in the General Land Office, or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived, or recorded, or occupied as aforesaid, has been, or ever shall be released or waived, but actual performance of all such conditions shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. Non-payment of taxes on any claim of title to land, dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Section 2, by the person or persons so claiming, or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution, shall be held

to be a presumption that the right thereto has reverted to the State, and that said claim is a state demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county, and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. No claim of title or right to land, which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not effect such rights or presumptions as arise from actual possession. By the words, "duly recorded," as used in Sections 2 and 4 of this Article, it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. All claims, locations, surveys, grants, and titles, of any kind, which are declared null and void by the Constitution of the Republic or State of Texas, are, and the same shall remain forever, null and void.

SEC. 6. The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4, and 5 of this Article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND OFFICE.

SEC. 1. There shall be one General Land Office in the State, which shall be at the Seat of Government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land certificates barred by Section 4, Article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; **provided**, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed, or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First.—That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second.—That no land certificate shall be issued to such company until they have equipped, constructed, and in running order at least ten miles of road; and on failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this section.

SEC. 4. No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. All lands heretofore or hereafter granted to railway companies, where

the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State and subject to pre-emption, location, and survey, as other vacant lands. All lands heretofore granted to said railroad companies, to which no forfeiture was attached on their failure to alienate, are not included in the foregoing clause; but in all such last-named cases it shall be the duty of the Attorney-general, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the Seat of Government is situated, to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location, and survey.

SEC. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upward shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. Persons residing between the Nueces River and the Rio Grande, and owning grants of land which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by acts of the Legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys, and the plots thereof, and to return their field notes to the General Land Office; and all claimants failing to do so shall be forever barred; **provided**, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV

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, Treasurer, Commissioner of the General Land Office, Comptroller, and the Judges of the Supreme Court, Court of Appeals, and District Court, shall be tried by the Senate.

SEC. 3. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, 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. A party convicted on impeachment shall also 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 Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. Any Judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conducts are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented to writing upon the oaths, taken before some Judge of a Court of Record, of not less

than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses.

The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS.

SEC. 8. The Judges of the Supreme Court, Court of Appeals, and District Courts, shall be removed by the Governor on the address of two-thirds of each House of the Legislature, for willful neglect of duty, incompetency, habitual drunkenness, oppression in office, 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 defense 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.

ARTICLE XVI.

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 (——) do solemnly swear (or affirm), that I will faithfully and impartially discharge and perform all the duties incumbent upon 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 the Constitution of this State, 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. And I furthermore solemnly swear (or affirm), that I have not directly, nor indirectly paid, offered, or promised to pay, contributed nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or if the office is one of appointment, to secure my appointment). So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The Legislature shall make provisions whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs, shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. 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 this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. Every person shall be disqualified from holding any office of profit or trust in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. The Legislature shall, in no case, have power to issue "Treasury

Warrants." "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the State may provide, in such manner as may be prescribed by law, a manual-labor poorhouse and farm, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants.

SEC. 9. Absence on business of the 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.

SEC. 10. The Legislature shall 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. 11. All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum.

Amendment of Section 11, (Art. XVI), declared adopted September 22, 1891.

SEC. 12. 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.

SEC. 13. 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. 14. 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 as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward 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's separate property.

SEC. 16. The Legislature shall, by general laws, authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of State supervision, regulation, and control of such bodies which will adequately protect and secure the depositors and creditors thereof.

Each shareholder of such corporate body incorporated in this State, so long as he owns shares therein, and for twelve months after the date of any bona-fide transfer thereof shall be personally liable for all debts of such corporate body existing at the date of such transfer, to an amount additional to the par value of such shares so owned or transferred, equal to the par value of such shares so owned or transferred.

No such corporate body shall be chartered until all of the authorized capital stock has been subscribed and paid for in full in cash. Such body corporate shall not be authorized to engage in business at more than one place, which shall be designated in its charter.

No foreign corporation, other than the National banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

Amendment of Section 16, (Art. XVI), adopted November 8, 1904

SEC. 17. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action which have been acquired under the Constitution and laws of the Republic and State shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the Constitution of the Republic and State, be re-invested, renewed, or re-instated by this Constitution; but the same shall remain precisely in the situation in which they were before the adoption of this Constitution, unless otherwise herein provided; and provided further, that no cause of action heretofore barred shall be revived.

SEC. 19. The Legislature shall prescribe by law the qualifications of grand and petit jurors.

SEC. 20. The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town, or city (or such subdivision of a county as may be designated by the Commissioners' Court of said county) may, by a majority vote, determine, from time to time, whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

Amendment of Section 20, (Art. XVI), declared adopted September 22, 1891.

SEC. 21. All stationery and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper, and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished, and the printing and binding of the laws, journals, and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the Legislature, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contracts; and all such contracts shall be subject to approval of the Governor, Secretary of State and Comptroller.

SEC. 22. The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State, or counties, as may be needed to meet the wants of the people.

SEC. 23. The Legislature may pass laws for the regulation of live stock and the protection to stock-raisers in the stock-raising portion of the State, and exempt from the operation of such laws other portions, sections, or counties; and shall have power to pass general and special laws for the inspection of cattle, stock, and hides, and for the regulation of brands; **provided**, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them, before it shall go into effect.

SEC. 24. The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service of or to any cotton, grain, or any other produce or article of commerce in this State, paid, or allowed, or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent, or middle-man of any kind, not the true and absolute owner thereof, are forever prohibited, and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive, or contract for or respecting the same.

SEC. 26. Every person, corporation, or company that may commit a homicide, through willful act, or omission, or gross neglect, shall be responsible, in exemplary damages, to the surviving husband, wife, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject to garnishment.

SEC. 29. The Legislature shall provide by law for defining and punishing barratry.

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years; **provided**, that when a railroad commission is created by law it shall be composed of three commissioners, who shall be elected by the people at a general election for State officers, and their terms of office shall be six years; **provided**, railroad commissioners first elected after this Amendment goes into effect, shall hold office as follows: One shall serve two years, and one four years, and one six years, their terms to be decided by lot immediately after they shall have qualified. And one railroad commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election.

Amendment of Section 30, (Art. XVI), declared adopted December 22, 1894.

SEC. 30A. The Legislature may provide by law that the members of the board of regents of the State university and boards of trustees or managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one-third of the members of such board to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section.—This Amendment adopted Nov. 5, 1912.

SEC. 31. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any school of medicine.

SEC. 32. The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.

SEC. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury in favor of any person for salary or compensation as agent, officer, or appointee, who holds at the same time any other office or position of honor, trust, or profit under this State or the United States, except as prescribed in this Constitution.

SEC. 34. The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State, necessary for the erection of forts, barracks, arsenals, and military stations, or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

SEC. 35. The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 36. The Legislature shall, at its first session, provide for the payment, or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools, by the State, for service rendered prior to the first day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such districts to January, 1876.

SEC. 37. Mechanics, artisans, and material men, of every class, shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics, and History, whose term of office, duties, and salary shall be prescribed by law.

SEC. 39. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, printing and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public, and Postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand, and receive any such money or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery, within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. The Legislature may establish an Inebriate Asylum for the cure of drunkenness and reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved, or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. The Legislature shall prescribe the duties, and provide for the election by the qualified voters of each county in this State, of a County Treasurer, and a County Surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the Legislature to provide for collecting, arranging, and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United States, or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby protected from forced sale for the payment of all debts, except for the purchase-money thereof, or a part of such purchase-money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife, given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase-money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed, or other lien shall have been created by the husband alone, or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town, or village shall consist of lot, or lots, not to exceed in value five thousand dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; **provided**, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of a family; **provided also**, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

SEC. 54. It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers, in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the first of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas; and to the surviving widows continuing unmarried of such soldiers and signers; **provided**, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the County Court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

SEC. 58. The board of prison commissioners charged by law with the control and management of the State prisons, shall be composed of three members appointed by the governor, by and with the consent of the Senate, and whose terms of office shall be six years, or until their successors are appointed and qualified; **provided**, that the terms of office of the board of prison commissioners first appointed after the adoption of this amendment shall begin on January 20 of the year following the

adoption of this amendment, and shall hold office as follows: One shall serve two years, one four years, and one six years. Their terms to be decided by lot after they shall have qualified, and one prison commissioner shall be appointed every two years thereafter. In case of a vacancy in said office the governor of this State shall fill said vacancy by appointment for the unexpired term thereof.—Amendment Adopted Nov. 5, 1912.

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

SECTION 1. The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each House, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county, in which a newspaper may be published, and it shall be the duty of the several returning officers of said election to open a poll for, and make returns to the Secretary of State, of the number of legal votes cast at said election for and against said amendments; 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 have been cast in favor of any amendment, the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

THE STATE.

What constitutes a state?

Not high-raised battlement, or labored mound,
Thick wall or moated gate;

Not cities proud with spires and turrets crowned;
Not bays and broad armed ports,

Where, laughing at the storm, rich navies ride;

Not starred and spangled courts,

Where low-browed baseness wafts perfume to pride.

No,—men, high-minded men,

With powers as far above dull brutes endued
In forest, brake, or den,

As beasts excel cold rocks and brambles rude—
Men who their duties know,

But know their rights, and, knowing, dare maintain,
Prevent the long-aimed blow,

And crush the tyrant while they rend the chain;
These constitute a state;

And sovereign law, that state's collected will,
O'er thrones and globes elate

Sits empress, crowning good, repressing ill.

—Sir William Jones.

FEDERAL GOVERNMENT

CHAPTER I

GOVERNMENT BEFORE 1789

The Federal Government.—We have learned that the purpose of government is to insure to all citizens the enjoyment of their rights, and that laws are made to prevent encroachments on those rights by the selfish members of society. We have studied the government of our State in its close relation to our daily lives and have learned how we consequently feel its restraining and protecting influence in all our social and business relationships. We are now going to study the government of our Nation and to learn the relation that it bears to the citizen and to his State. Our Nation, the full name of which is the United States of America, is a republic composed of forty-eight states bound together by a constitution to which each has given its assent. The government of the Nation is generally spoken of as the “Federal Government.”

The English Colonies.—The settlement of the English colonies in America was such that all thirteen of them were entirely separate and distinct from one another. They differed in social ideals and civil aims. Thanks to a common mother country, they enjoyed the same language, the same literature, and similar notions of government and of rights of citizens. There were three distinct types of colonial governments, named from their leading characteristics—**charter colonies, proprietary colonies, and royal colonies.**

Charter Colonies.—A charter colony received from the king, or from some mercantile company acting under

royal authority, a written document called a **charter**, granting specific commercial and political privileges. Often one charter would be surrendered and another would be granted. At the time of the Revolution the charter colonies were Massachusetts, Rhode Island, and Connecticut.

Proprietary Colonies.—Sometimes the king would grant a large tract of land to some person for the purpose of colonization. With such a grant would go the right to name the governor and to prescribe the nature of the government. The government established for these colonies was called a proprietary government. Maryland, Pennsylvania, and Delaware were proprietary colonies, and were governed for many years by proprietors who had their homes in England.

Royal Colonies.—The form of colonial government favored by the English kings was that known as a royal colony. Such colonies were under the control of the crown, which appointed resident governors to carry out its wishes. These governors were assisted by a council, the membership of which was subject to the approval of the king. All laws passed by the legislatures of royal colonies had to receive the assent of the king, or of his governors. In later colonial days several charter colonies were forced to surrender their charters and to become royal colonies. At the time of the Revolution, New York, Virginia, New Hampshire, New Jersey, North Carolina, South Carolina, and Georgia were royal colonies.

Union Among the Colonies.—Owing to the fact that each was a separate colony, and to the difficulties attending travel, there was little intercourse between the colonies. Events in Connecticut had small interest for the people in New York, while the Carolinas and Georgia were practically more remote than England herself. It

was only when some common danger confronted the colonies that the idea of union occurred to them. From 1643-1684 the New England colonies were united in a loose confederacy for their defense against the Indians; but when at last King William was dead and the Indian villages had been destroyed, there was no further work for this confederacy and it was dissolved. In 1754, as the war clouds of the last French and Indian War began to darken the horizon, a congress of twenty-five representatives from seven colonies was held at Albany. After making a treaty with the Iroquois Indians, Franklin's

plan for a permanent union was adopted and submitted to the legislatures of the different colonies for ratification. They all rejected it on the ground that there



The Houses of Parliament, Where the House of Lords and the House of Commons Meet.

was no need of a union. Again, after the British Parliament had passed the "Stamp Act" taxing the colonies without their representation, another congress met. It adopted a declaration of the rights claimed as the common heritage of Englishmen, insisting that their legally constituted assemblies had the sole right of laying taxes. It demanded a repeal of the "Stamp Act." It sent a formal address to the king and to the House of Lords, and a petition to the House of Commons. An-

other effort was made by that congress to unite the colonies, but nothing came of it.

The First Continental Congress.—In 1774 the so-called “First Continental Congress” convened at Philadelphia, brought about by the tyranny of the British government which had exasperated the colonists beyond endurance. This congress, composed of delegates from



Carpenter's Hall, Philadelphia,
Where the First Continental Congress Met in 1774.

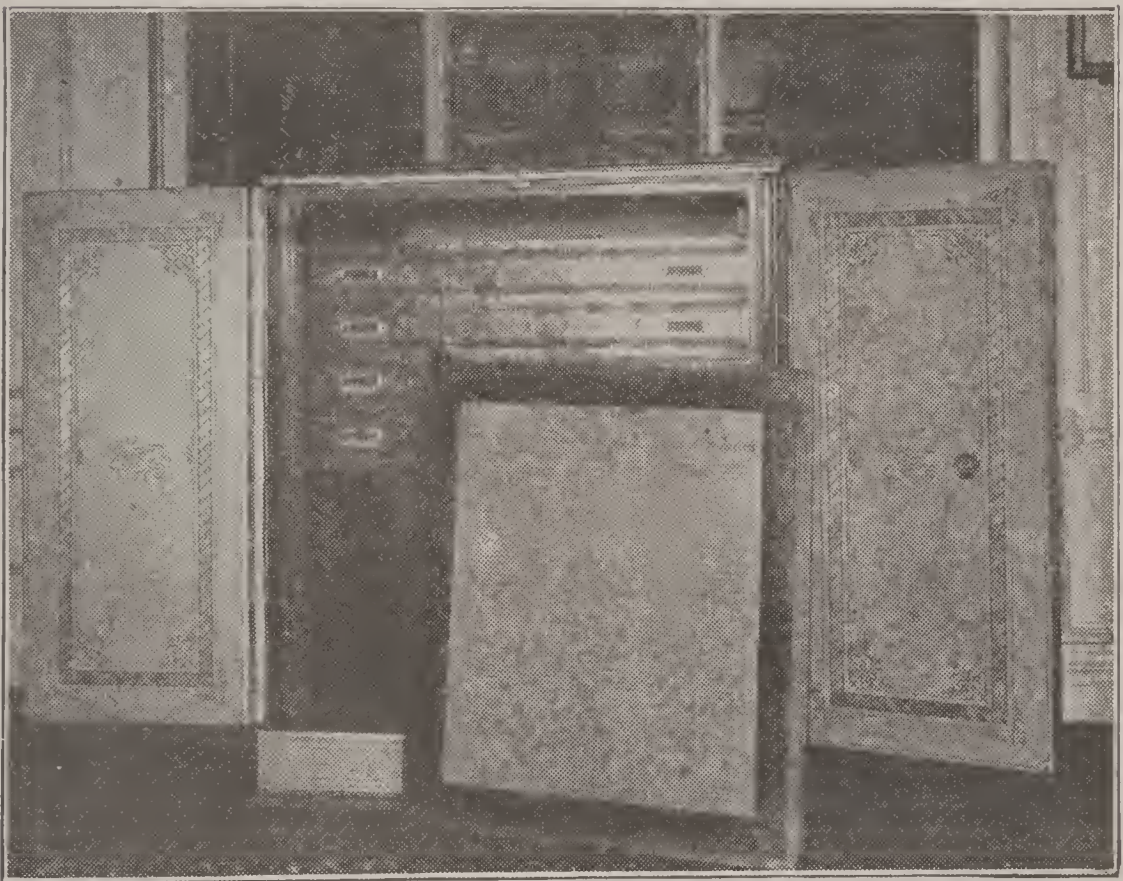
all the colonies except Georgia, prepared remonstrances that were dispatched to King George III. It also drafted a statement addressed to the people of Great Britain setting forth the wrongs that the colonists, as “Englishmen living beyond the seas,” wished redressed. It bound the colonies by a pledge to import no more goods from England nor her other colonies, until the obnoxious Acts of

Parliament should be repealed, and then adjourned with the understanding that another congress should meet in May, 1775, unless the causes of the grievances should be removed.

The Second Continental Congress.—England not only disregarded the demands of the Continental Congress, but began to take steps to enforce the Acts of Parlia-

ment with the help of her armies. The Battle of Lexington convinced the colonies that they must choose between abject submission and armed resistance. When the Second Continental Congress met, representatives from all the colonies were in attendance. Although it really had only advisory power, it began to assume executive authority, as the representative of the individual colonies. An army was organized and George Washington was placed in command of it.

The Declaration of Independence.—Congress appointed a committee to draft a declaration of the grievances of the colonies, and on July 2, 1776, it passed the following resolution, introduced by Richard Henry Lee, one of the delegates from Virginia:



The Original Declaration of Independence. This is Preserved in the Safe, Shown in the Picture, in the Library of the Department of State. So Precious is the Document that this Safe Has Only Been Opened Once Since 1902.

Resolved—That these United States 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 States of Great Britain is, and ought to be, totally dissolved.

This was followed on July fourth by the Declaration of Independence.

*THE DECLARATION OF INDEPENDENCE.

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 to 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 shown, 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

* To the Teacher.—Have your pupils read and discuss this in class.

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 meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration 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 legislature.

He has effected 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 benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring 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 complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and 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 executed domestic insurrections amongst us, and has endeavored 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 attention 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 consanguinity. We must, therefore, acquiesce in the ne-

cessity 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.

Government by Congress.—A state of revolution now existed and it was necessary to force Great Britain to recognize the independence that the colonists claimed for themselves. Some central government being necessary, Congress organized a provisional government which was conducted by committees. There were committees on military affairs, Indian affairs, foreign relations, and finance. It provided for a postal service between the States, and issued large quantities of paper money known

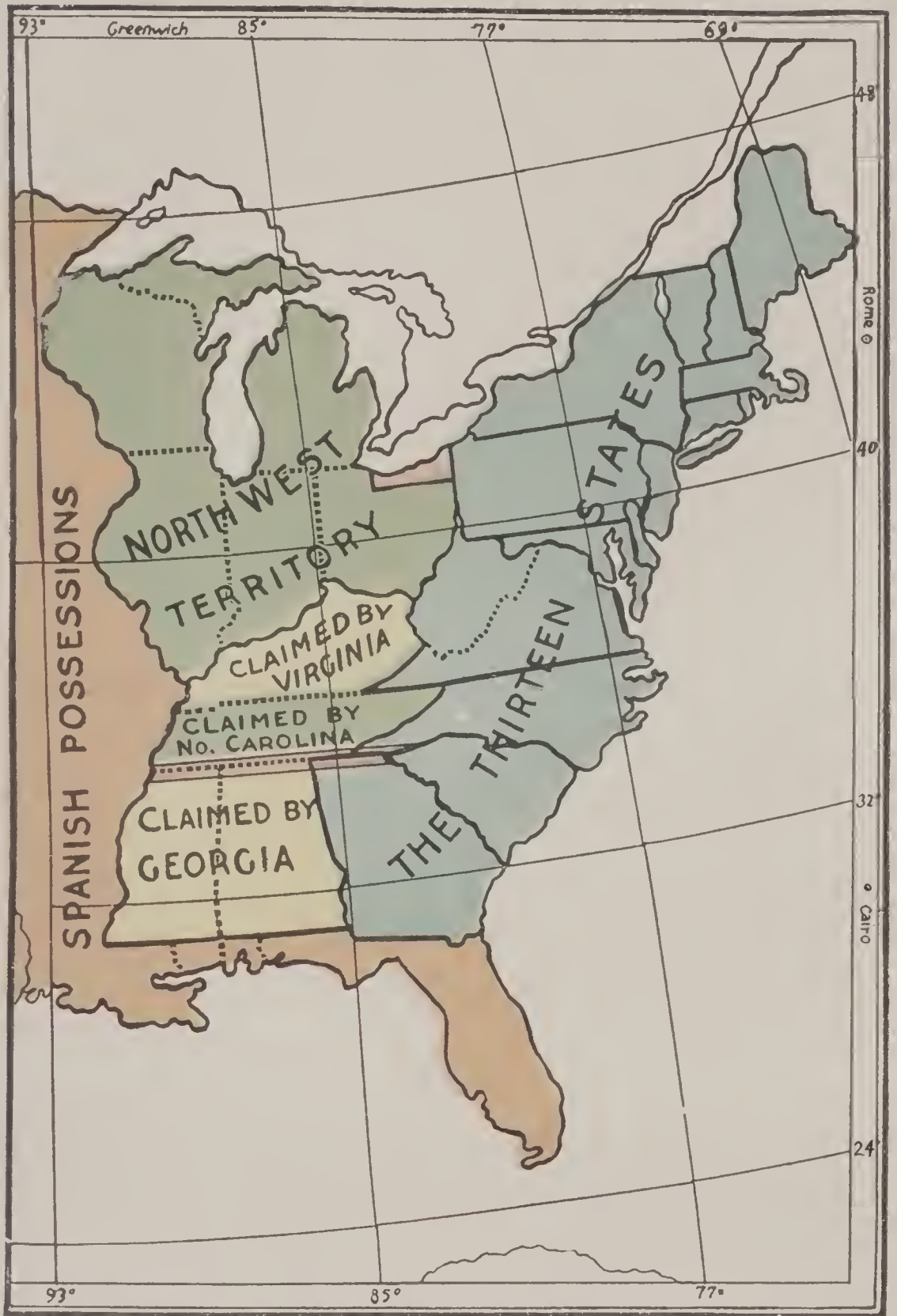
as "Continental Currency" with which to carry on the government. Finally, in 1777, it adopted the "Articles of Confederation" which pro-



Courtesy of Silver, Burdett and Company.
Continental Currency.

vided for a perpetual union of the States. In order to become effective the "Articles" had to be ratified by all thirteen States. Maryland would not give her consent to them until all the vacant lands between the western slope of the Appalachian Mountains and the Mississippi River should become the property of the whole Confederacy. When finally New York and Virginia had ceded to the Confederacy their claims to this "Northwest Territory," Maryland, on March 1, 1781, ratified the "Articles" and allowed the United States of America to become a fact.

Government Under the Confederation.—The government was exercised by Congress. Each State sent to Congress from two to seven delegates, but it had only one vote. Nine votes were required to pass any measure of importance. One delegate was elected president, but his power was not much greater than that of the others, even though he was surrounded with considerable dignity. When Congress was not in session the government was administered by the "Committee of the States" consisting of one delegate from each State, but the power of this committee was very much limited. Congress could declare war, but it had no means with which to wage it; it could make peace, but it had no power to compel the individual States to observe it; it could appropriate money, but it could not levy and collect taxes from the people of the States. It had to content itself with making levies on the individual States which it had no power to enforce. As a rule it received only a small part of these levies. There were no federal courts, and no federal officers to execute the commands of Congress. After the Revolution was ended and England had made a treaty by which she recognized the independence of her former colonies, interest in the Confederacy grew lax. Each State established custom houses and levied duties against the other



THE UNITED STATES IN 1786

When Connecticut ceded her western claim she reserved the small tract along Lake Erie, shown in red, for the benefit of her schools. It was known as the "Western Reserve." South Carolina claimed the narrow strip, shown in red, between the claims of North Carolina and Georgia. By 1802 all the States had ceded their claims to the United States.

States, or even refused to admit their produce altogether. Several of them nearly went to war over their boundaries. A state of lawlessness prevailed within the Confederacy, and the States seemed in imminent danger of being seized by England or France. In fact, although bound to do so by the terms of her treaty, England did not remove her soldiers from several frontier forts. Several of the States discussed secession from the Confederacy, and the principal thing that prevented them from seceding was that they would lose their interest in the public lands of the Northwest Territory.

THOUGHT QUESTIONS

1. What is government? Why is it necessary?
2. What kind of a government is the United States?
3. How many English colonies were there in America before 1776?
4. Describe the three types of English colonies in America, and give examples of each.
5. What conditions brought these colonies into a union?
6. Did the colonists desire to disavow allegiance to England?
7. What were the acts of England that impelled the colonists to rebel?
8. When did the colonists declare their independence?
9. What kind of government did the continental Congress organize to manage affairs during the Revolution?
10. Briefly outline the government under the Articles of Confederation.
11. How was the government administered while Congress was not in session?
12. What were the weak points in the Articles of Confederation?
13. What provisions of the treaty of peace did England violate?
14. What prevented the disunion of the States between 1783 and 1787?
15. To what State did Maine belong in 1786? Vermont? Kentucky?

CHAPTER II

MAKING THE FEDERAL CONSTITUTION

The Annapolis Convention.—Under the “Articles of Confederation” each State could levy duties and imposts to suit itself and had full control of commerce within its territory. This resulted in much confusion and in frequent clashes between citizens of adjoining States. Virginia and Maryland were continually in trouble over the Potomac River and Chesapeake Bay. In an effort to adjust these difficulties commissioners representing Virginia and Maryland met at Alexandria, Va., in May, 1785. As a result of this meeting the Virginia Legislature invited delegates from all the States to meet at Annapolis, Md., in September, 1786. Only five States sent delegates to this convention. These delegates discussed ways of adjusting the trade regulations of the different States so as to effect uniformity. In these discussions it became evident that all the States realized the weakness of the Confederation and felt that some of its defects could be corrected without endangering the independence of the individual States, but nothing could be accomplished until delegates from all the States were present. The convention, therefore, passed a resolution written by Alexander Hamilton, suggesting to Congress that it call a convention of delegates from all the States “to devise such further provisions as might appear necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union.”

The Constitutional Convention.—In May, 1787, a convention of delegates from all the States except Rhode Island, met at the old State House in Philadelphia and remained in continuous session until September 17,



INDEPENDENCE HALL, PHILADELPHIA.
Where the Constitutional Convention Met and Framed the
Constitution.

1787. This convention was composed of fifty-five delegates, including such men as George Washington, Alexander Hamilton, Benjamin Franklin, and James Madison. The credentials of the delegates authorized them to "revise and amend" the Articles of Confederation, but nothing was said about drafting a new constitution. It soon developed that it was impossible to "revise and amend," and the delegates gave their attention to framing a constitution that would prove acceptable to the States. Two widely different ideas as to what the government should be were developed in this convention. One party favored a strong central government with a corresponding lessening of the independence of the individual States. The other party was in favor of preserving to the States all

their sovereign rights, but granting to Congress power to raise revenue, to regulate commerce, and to compel the States to obey its legal "acts."

Procedure of the Convention.—James Madison presented a plan embodying the ideas of those favoring a strong central government. This was known as the "Virginia Plan," and after many stormy debates it was adopted as the basis of the new government. It was then taken up article by article and discussed at length. In the course of its labors the convention agreed to three important compromises. By the first, the House of Representatives was to be composed of members distributed among the States in proportion to their population, and the Senate, of two members from each State regardless of its population. In determining the population of a State, the Southern States demanded that their slaves should be counted the same as freemen. The North opposed this, and a second compromise was effected by which five slaves were counted as three freemen. The third compromise was over commerce. Some of the States wished to have the importation of slaves stopped, but Georgia and South Carolina demanded that it be continued. It was desired by many that Congress should have full control of foreign commerce, but it was feared by several that this would result in laws prohibiting the slave trade. The result was a compromise by which Congress was given control of both foreign and interstate commerce, but was forbidden to pass any act prohibiting the importation of slaves prior to 1808.

Signing the Constitution.—Finally the morning of September 17th arrived and the convention met for the last time. Franklin arose to read a final speech which he had prepared carefully, but he was so feeble that he was compelled to hand it to another dele-

gate who read it for him. A part of this speech was as follows:

“Mr. President:—I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. * * * * *

In these sentiments, sir, I agree to this Constitution, with all its faults, if they are such; because I think a general government necessary for us, and there is no form of government, but what may be a blessing to the people if well administered; and I believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. For, when



Photograph by Rau.

The Room in Independence Hall, Philadelphia, Where the Constitutional Convention Held Its Sessions. On the Platform Can Be Seen the Chair and Desk Used by Washington.

you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? * * * * *

Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us, in returning to our constituents, were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations, as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion—on the general opinion of the goodness of the government, as well as of the wisdom and integrity of its governors. I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

On the whole, sir, I cannot help expressing a wish that every member of the Convention, who may still have objections to it, would with me, on this occasion, doubt a little of his own infallibility, and, to make manifest our unanimity, put his name to this instrument."

After that Franklin moved the adoption of the Constitution, and the delegates, as their States were called, proceeded to sign the engrossed copy of it that was to be sent to Congress. Thirteen of the delegates had gone home, and three refused to sign it, thinking that it gave too much power to the Federal Government, so only thirty-nine signatures were affixed.

Ratification of the Constitution.—Article VII in the Constitution provided that ratification by nine States should be sufficient to establish the government. If the other States did not ratify it they would remain without the Union and lose all their rights to any

part in its affairs. Delaware was the first State to ratify it and Rhode Island the last. It was ratified by the States on the dates shown below:

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 26, 1788.
New York, July 26, 1788.
North Carolina, November 21, 1789.
Rhode Island, May 29, 1790.

The New Government.—After nine States had ratified the Constitution, Congress proceeded to prepare for the new government. A bill was passed providing that on the first Wednesday in January the qualified voters should select presidential electors, and that on



From an Old Engraving.

Inauguration of Washington as the First President of the United States, at the City Hall, New York, April 30, 1789.

the first Wednesday in February these electors should meet at their respective State capitals and cast their votes for President. Certified copies of these votes were sent to the Senate and on April 6, 1789, they were opened and counted in the presence of the new Congress. George Washington was declared elected, and on April 30, 1789, was inaugurated at New York as the first President of the United States of America.

THOUGHT QUESTIONS

1. How did Virginia and Maryland attempt to reconcile their differences?
2. What was the result of the Annapolis Convention?
3. Who was the leading man in influencing a closer union of the Federated States?
4. What State was the most active in talking disunion?
5. When and where did the convention meet that formed the present Constitution?
6. What were the three great compromises in the Constitution?
7. How many States were required to ratify the Constitution to make it effective?
8. North Carolina ratified the Constitution in 1789, and Rhode Island in 1790. What would have been the result if these two States had not ratified the Constitution?
9. When and where was the first President inaugurated?
10. What was the "Ordinance of 1787?" Why is it said to be the greatest piece of legislation in American history?

CHAPTER III

THE BILL OF RIGHTS

The Preamble to the Constitution.—The framers of the Constitution began it with a few introductory words stating its purposes and giving the source of its authority. These introductory words are called “The Preamble,” and are as follows:

“We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, 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.”

Opposition to the Constitution.—We have learned that several of the States were slow about ratifying the Constitution—in fact, when the government began, North Carolina and Rhode Island were not a part of the Nation. In most of the States there was a fierce fight over the ratification. Men, remembering the tyranny of George III, were afraid of a strong national government in which the individual State would be only a small factor. In Virginia, Patrick Henry criticized severely the beginning of “The Preamble,” wanting to know by what right the framers had written “We, the people” instead of “We, the States.” In Pennsylvania the fight was so bitter that even such patriots as Washington and Franklin were held up to ridicule, one as “a fool by nature,” and the other as “a fool by old age.” When Massachusetts, South Carolina, New Hampshire, Virginia, and New York, did ratify the Constitution they recommended various amendments which they regarded “as necessary to remove the fears and allay the apprehensions of the people.”

Congress and the Amendments.—When the First Congress met, over a hundred amendments, many of them duplicates, had been referred to it by the States. The House of Representatives reduced this number to seventeen and the Senate eliminated five of them, so that only twelve were finally sent to the States for ratification. Ten of these twelve amendments were ratified and became a part of the Constitution on December 15, 1791. The first eight constitute the so-called “Bill of Rights” guaranteeing the rights of every citizen.

Personal Freedom.—

“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.” (Amendment I.)

Many of the early settlers of our country had suffered persecutions on account of their religious beliefs before leaving England and, to some extent, after settling in America. Hence religious freedom was the first right made secure. Under the Constitution one can worship as he pleases, provided his form of worship does not directly harm his fellow man or tend to immorality. In many countries, to criticise the ruler in a public speech, is a crime for which one may be imprisoned. In Russia and some other countries all newspapers and books must be submitted to a public censor for approval before publication. Sometimes parts of newspapers or books coming from other countries are blotted out with black ink by the censors, before they are allowed to be publicly distributed. In our country one may say or write what he pleases in criticism of public officials and their policies, provided his utterances are not treasonable. He may not, however, according to law, injure their reputation by slander or

libel. If citizens desire any change of policy on the part of the government, it is their privilege to assemble to declare their views or to express their demands. Neither Congress, nor any official of the government, can refuse to receive a petition from the people.

The Italians themselves are by no means blind to the disastrous consequences of the African war, and even an Italian general, who knows what war in Tripoli means and is styled "the hero of Bengazi," inveighs strongly against "the blunder," "the obvious folly" of an advance into the interior. General Ameglio writes in an open letter address to a brother officer, the Commandant Limo, and published in the Italian press, giving five reasons against any attempt to seize upon African territory:

"1. Because there is no clearly defined object in such a conquest.

"2. Because we are merely becoming the laughing-stock of the Turks.

"3. Because the difficulties of a successful campaign are in Africa many in number and serious in character.

"4. Because humanity forbids us to sacrifice the lives of our soldiers in attacking a population which represents neither the political nor religious center of Islam.

"5. Because of the heavy financial expense we are incurring by this enterprise."



An Article in an American Magazine Censored by the Turkish Authorities, Because of Objectionable Statements in Reference to the Turko-Italian War.

Right to Bear Arms.—

"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." (Amendment II.)

Unlike most countries the United States does not keep a large standing army. The law allows an army of not more than one hundred thousand men. Not only is an army a great expense to the nation, but it also deprives the country of the benefit of the labor of its most active young men during several of the best years of their

lives. Each State has a national guard which in time of war becomes a part of the army. Also every able-bodied male citizen, between the ages of 18 and 45 years, is liable to military service when the country needs him. The right to bear arms may be regulated by law; for instance, in all of the States it is unlawful for any private citizen to carry concealed weapons, except by official permission.

Rights of the Home.—

“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.” (Amendment III.)

The privacy of the home in colonial days had been ruthlessly disregarded by the British soldiers, and often the family supply of food had been forcibly taken by them without paying for it. Such invasions of the home were strongly guarded against in this amendment. It rightly requires the care of soldiers in times of war, but the privilege was safeguarded against abuse by requiring it to be exercised as prescribed by law.

Searches and Seizures.—

“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 person or things to be seized.” (Amendment IV.)

This amendment protects people against injustice by specifically forbidding arrests, house-searching, or taking of property, without a legal warrant sworn out in good faith, naming the person, the house to be searched, and the property to be seized.

Rights in Trials.—

“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 in public danger; nor shall any person be subject for the same offense 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." (Amendment V.)

"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." (Amendment VI.)

"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." (Amendment VII.)

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." (Amendment VIII.)

In some countries people may be arrested simply upon suspicion, or to satisfy the vengeance of some official. They are frequently put in prison and kept there for a long time without being granted a trial. Sometimes they do not even know why they were arrested. When they are given trials these are often farces, for they do not have the right of witnesses, counsel, or a jury. In case of conviction they have no right of appeal, nor the right of a new trial, even though the first trial was surrounded with every mark of unfairness. These amendments were demanded to prevent any such conditions ever occurring in the United States. Under our system of laws, a person accused of crime is presumed to be innocent until the State has proved him to be guilty. His rights are so carefully guarded that often "not guilty" is the verdict when "guilty as charged" is the sentiment of all the jurors; but the proof is not sufficient or a technical point is in his favor. The theory of our trials is that,

“It is better that the guilty escape than that the innocent suffer.” Anyone accused of crimes by the Federal Government is entitled to the same rights as is one accused by an individual State. You have already learned that these rights are:

- a. An investigation by the grand jury and a formal indictment.
- b. A speedy trial in the State and district where the crime is committed.
- c. Trial by an impartial petit jury.
- d. To be confronted by the witnesses against him.
- e. Compulsory attendance of witnesses in his favor.
- f. Privilege of testifying in his own behalf.
- g. Privilege of a lawyer for his defense.
- h. Conviction only by unanimous vote of the petit jury.
- i. A new trial under certain conditions.

He is protected against:

- a. Wrongful imprisonment—by the writ of habeas corpus.
- b. Excessive bail.
- c. Being compelled to testify against himself.
- d. Excessive fines or excessive imprisonment.
- e. Cruel or unusual punishments.
- f. A second trial for the same crime after having been found “not guilty” in the first trial.

Under the exigencies of war and military life slow court trials can not safeguard the interests of the Nation; so speedier trials by court-martial, or military courts, are substituted. Even in such trials, however, the rights of the accused are protected. These amendments also protect us in the enjoyment of our property. Private property can not be taken except by due process of law. If property is needed for public use it may be taken under the **right of eminent domain**, but a fair price must be given for it. If the owner is not satisfied with this price, the matter may be settled by an impartial jury. In time of war, property taken from friends is paid for; that taken from enemies is confiscated, as the Southern States learned to their sorrow in the Civil War.

Reserved State Rights.—

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” (Amendment IX.)

“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.” (Amendment X.)

Not all the rights of the States or the people could be enumerated in the Constitution. This amendment reserves to them all unnamed rights not in conflict with the delegated or implied powers of the Federal Government.

THOUGHT QUESTIONS

1. What is a preamble?
2. What is a “bill of rights?”
3. How many amendments were sent to the States for ratification by the First Congress?
4. How many of these were ratified?
5. Why are the first eight amendments called the “bill of rights?” What is the purpose of the Ninth Amendment? Of the Tenth?
6. Who was the leader of the Federalist party? Of the Democratic-Republican party?
7. What is the so-called “elastic clause” of the Constitution and why is it so called?
8. Who were the “strict constructionists?” The “liberal constructionists?” What political parties now represent them?
9. What are personal rights? Political rights? Civil rights?
10. Enumerate the rights of a person on trial.
11. What is meant by being “placed twice in jeopardy of life or limb?”
12. Under what conditions can the writ of habeas corpus be suspended?
13. Who can suspend the writ of habeas corpus when conditions demand it?

CHAPTER IV

THE HOUSE OF REPRESENTATIVES

The Three Branches of Government.—We have learned that there are three branches to the government of our State, and that the powers and duties of each are so clearly defined by the Constitution of Texas, that there can be no conflict of authority between them. There are also three branches to the Federal Government. Just as in our state government they are the **legislative**, or law-making; the **executive**, or law-enforcing; and the **judicial**, or law-interpreting.

A Congress of Two Houses.—

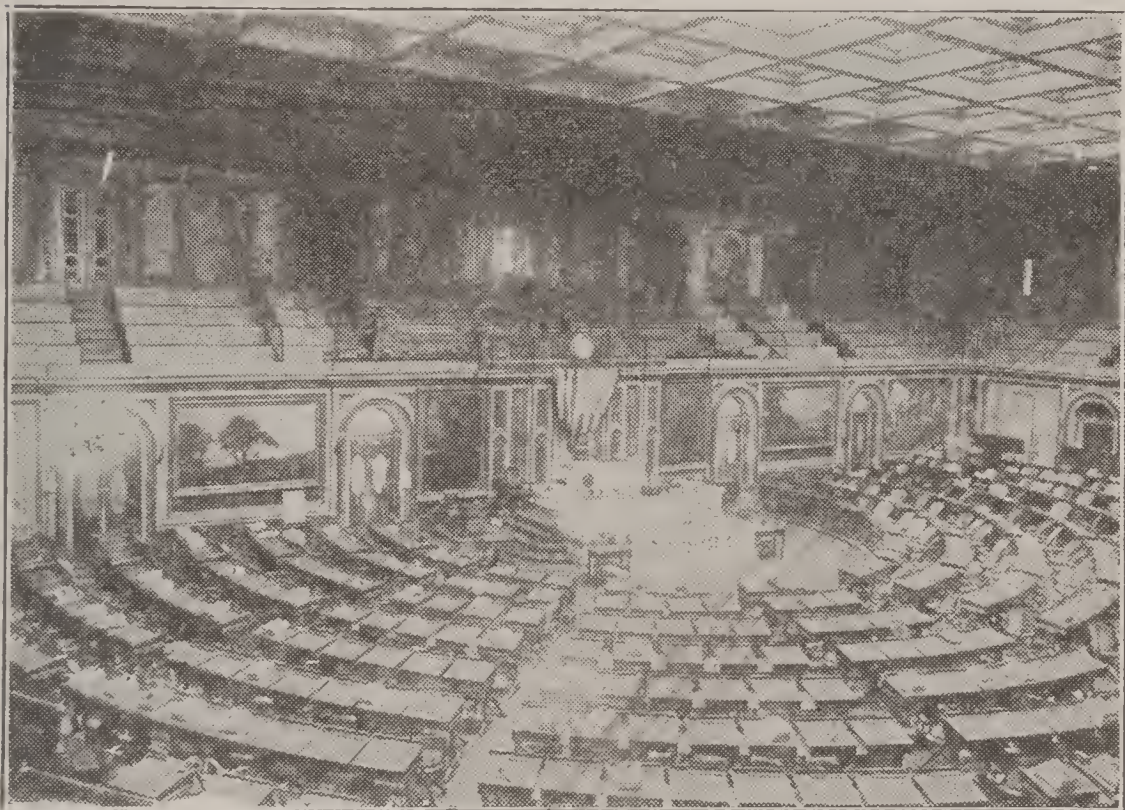
“All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” (Art. I. Section 1.)

The English Parliament was composed of the House of Lords and the House of Commons. All the colonies, except Pennsylvania and Georgia, had modeled their assemblies after Parliament and had provided two houses. It was natural, therefore, for the Constitution to provide that Congress should consist of two houses. In England the House of Lords with its slow procedure had served as a check on hasty legislation sent up to it by the more easily agitated House of Commons. Likewise it was expected that the Senate, representing the States as units, would serve as a check on the House of Representatives, which was already responsible to the people.

The House of Representatives.—

“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.” (Art. I. Section 2.)

As the members of the House of Representatives are the direct representatives of the people their terms are short—only two years. Were they elected for long terms, the sentiment of their constituents might change



Courtesy of the Hon. Champ Clark.

Hall of the House of Representatives.

before their terms expired and they might no longer truly represent it. The **electors** are the qualified voters. We have already learned who are qualified voters in Texas.* The Federal Government has no power to dictate to any State as to who shall or shall not vote in congressional elections, provided the State does not violate the Fifteenth Amendment, which reads:

“The right of a citizen 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 conditions of servitude.”

When the Representatives Are Elected.—

“The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State

*See State Government, Page 94.

by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." (Art. I. Section 4.)

Congress has passed a law requiring all the representatives to be elected on the first Tuesday after the first Monday in November of the even numbered years. Oregon, Vermont, and Maine, were exempted from this law, as they had fixed the time for electing their representatives in their constitutions.

Qualifications of Representatives.—

"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 the State in which he shall be chosen." (Art. I. Section 2.)

Congress requires of each State that its Legislature shall divide it into as many congressional districts, of approximately equal population, as it is entitled to members in the House of Representatives. Whenever this number is changed the State is expected to be redistricted. There are sixteen such districts in Texas and each elects a congressman. In 1912 our State also had two **congressmen at large**, who are elected by the voters of the whole State, for the reason that the Legislature did not redistrict after the new apportionment made in 1911. Custom demands that a congressman shall live in the district that he represents, in order that he may be familiar with its needs and the wishes of his constituents.

Congressional Districts.—They are composed of contiguous counties, and must have approximately the same population. In Texas they are as follows:

First: Bowie, Camp, Cass,
Delta, Franklin, Hopkins,
Lamar, Marion, Morris, Red
River, Titus.

Second: Angelina, Cherokee,
Hardin, Harrison, Jasper,
Jefferson, Nacogdoches,

Newton, Orange, Panola,
Sabine, San Augustine, Shel-
by, Tyler.

Third: Gregg, Henderson,
Kaufman, Rusk, Smith, Up-
shur, Van Zandt, Wood.

Fourth: Collin, Fannin,
Grayson, Hunt, Rains.

- Fifth: Bosque, Dallas, Ellis, Hill, Rockwall.
- Sixth: Brazos, Freestone, Limestone, Milam, Navarro, Robertson.
- Seventh: Anderson, Chambers, Galveston, Houston, Liberty, Polk, San Jacinto, Trinity.
- Eighth: Austin, Fort Bend, Grimes, Harris, Leon, Madison, Montgomery, Waller, Walker.
- Ninth: Aransas, Brazoria, Calhoun, Colorado, De Witt, Fayette, Goliad, Gonzales, Jackson, Karnes, Lavaca, Matagorda, Refugio, Victoria, Wharton.
- Tenth: Bastrop, Burleson, Caldwell, Hays, Travis, Washington, Williamson.
- Eleventh: Bell, Coryell, Falls, Hamilton, McLennan.
- Twelfth: Comanche, Erath, Hood, Johnson, Parker, Somerville, Tarrant.
- Thirteenth: Archer, Armstrong, Bailey, Baylor, Biscoe, Carson, Castro, Childress, Clay, Collingsworth, Cooke, Cottle, Dallam, Deaf Smith, Denton, Dickens, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Jack, Knox, Lamb, Lipscomb, Montague, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Throckmorton, Wheeler, Wichita, Wilbarger, Wise, Young.
- Fourteenth: Bexar, Blanco, Brown, Burnett, Coleman, Comal, Gillespie, Kendall, Kerr, Lampasas, Llano, McCulloch, Mason, Mills, San Saba.
- Fifteenth: Atascosa, Bandera, Bee, Brooks, Cameron, Dimmit, Duval, Frio, Guadalupe, Hidalgo, Jim Wells, Kinney, LaSalle, Live Oak, Maverick, McMullen, Medina, Nueces, San Patricio, Starr, Terrell, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, Zavalla.
- Sixteenth: Andrews, Borden, Brewster, Callahan, Cochran, Coke, Concho, Crane, Crockett, Crosby, Culberson, Dawson, Eastland, Ector, Edwards, El Paso, Fisher, Gaines, Garza, Glasscock, Haskell, Hockley, Howard, Irion, Jeff Davis, Jones, Kent, Kimble, King, Loving, Lubbock, Lynn, Martin, Menard, Midland, Mitchell, Nolan, Palo Pinto, Pecos, Presidio, Reagan, Reeves, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terry, Tom Green, Upton, Ward, Winkler, Yoakum.

Gerrymandering.—Congressional districts should be compact, but in creating them Legislatures sometimes make them very irregular in shape, in an effort to favor

certain men or parties in Congressional elections. They do this by including in the districts such counties as are



From an Old Wood Cut.
The Original Gerrymander.

friendly to them, and omitting others known to be unfriendly. This is called "gerrymandering." When Elbridge Gerry was governor of Massachusetts that State was redistricted, and one district near Boston was shaped like the lizard known as the salamander. Because of the part that Governor Gerry took in the redistricting, the making of such irregular

shaped districts has been known ever since as "gerrymandering."

Apportionment of Representatives.—

"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 services for a term of years, and excluding Indians not taxed, three-fifths of all other persons. 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 choose 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." (Art. I. Section 1.)

A part of this clause was rendered void by the adoption, in 1865, of the Thirteenth Amendment, abolishing slavery. After that, negroes were counted the same as other "free persons." In 1910 the number of Indians living on "reservations" in the different Western States

was 129,518. These Indians are not included in the population of the States to arrive at their representation in Congress. The Fourteenth Amendment, adopted in 1868, changed the first part of this clause to read as follows:

“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 States, being twenty-one years of age, 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 in such State.”

There has never been any reduction in the representation of any State because it has passed laws limiting its suffrage, but the question is sometimes agitated in Congress. The House of Representatives is now composed of 435 members, distributed as follows:

Alabama	10	Missouri	16
Arizona	1	Montana	2
Arkansas	7	Nebraska	6
California	11	Nevada	1
Colorado	4	New Hampshire	2
Connecticut	5	New Jersey	12
Delaware	1	New Mexico	1
Florida	4	New York	43
Georgia	12	North Carolina	10
Idaho	2	North Dakota	3
Illinois	27	Ohio	22
Indiana	13	Oklahoma	8
Iowa	11	Oregon	3
Kansas	8	Pennsylvania	36
Kentucky	11	Rhode Island	3
Louisiana	8	South Carolina	7
Maine	4	South Dakota	3
Maryland	6	Tennessee	10
Massachusetts	16	Texas	18
Michigan	13	Utah	2
Minnesota	10	Vermont	2
Mississippi	8	Virginia	10

Washington	5	Wisconsin	11
West Virginia	6	Wyoming	1

The number of representatives to which a State is entitled is found by dividing its population, as shown by the last census, by the ratio of apportionment, which for 1913-1923 is 212,407. This number can not be changed until after another census is taken. Every State, no matter how small it may be, is entitled to at least one representative.

The Census.—Once in ten years the Federal Government causes a count to be made of all people living in the United States and its possessions. This count is known as the **census**. The first census was taken in 1790, and the next one will occur in 1920. The census is taken under the direction of an official called the “Director of the Census.” The census of 1910 showed that the population of the United States on April fifteenth was 91,972,266, exclusive of Alaska and the Insular Possessions. It cost the government over thirteen million dollars to take this census. It is months after the census is taken before the Census Bureau is able to complete the count and to report the population of the entire country. Besides enumerating the population, the Census Bureau collects statistics annually regarding agricultural products, manufactures, and commerce.

How Territories Are Represented.—Each organized Territory is permitted to send a delegate to Congress who is given a seat in the House of Representatives. He is allowed to speak on any question that affects his Territory, but has no vote. In 1912 the organized Territories were Alaska and Hawaii. Porto Rico is allowed one commissioner and the Philippine Islands two commissioners, by Special Act of Congress. These commissioners do not have seats in the House of Representatives as do the delegates, but they do look after the interests of those insular possessions.

How Vacancies Are Filled.—

“When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.” (Art. I. Section 2.)

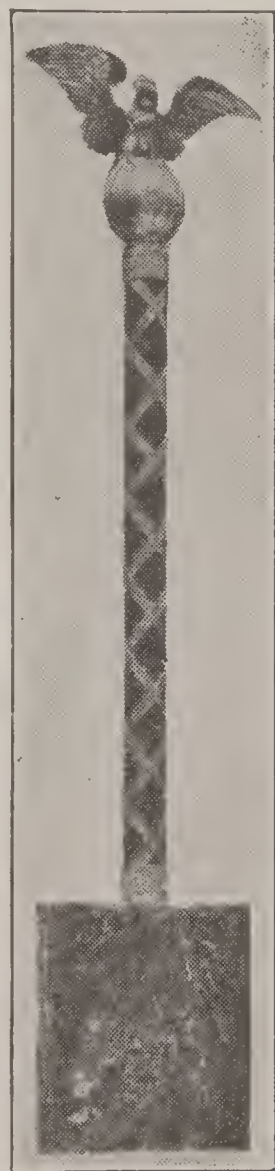
Should one of our representatives die, remove his home from the State, or be expelled from office, the governor would call a special election in his district to fill his place for the unexpired term.

The Speaker.—

“The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.” (Art. I. Section 2.)

The presiding officer of the House of Representatives is called the **Speaker**. This title was borrowed from the House of Commons. Originally it was the duty of that officer to present the bills passed by the House of Commons to the king, for the royal approval, hence, he came to be called “the Speaker.”

The Other Officers.—They are the clerk, sergeant at arms, chaplain, postmaster, doorkeeper, and librarian. Each of them, except the chaplain, has several assistants. By custom, each of the two leading political parties is given the privilege of naming a part of these officers. Generally, each party holds a **caucus**, or meeting of all the members belonging to it, and selects its candidates for the offices allotted to it. The names of these candidates are then presented to the House, and the officers are elected. None of them are members of



The Mace.

Congress. The **clerk** keeps a record of all the proceedings of the House, is the custodian of all the bills, and certifies the passage of bills. The **sergeant at arms** is the "house policeman." He preserves order, and compels the attendance of absent members under orders of the Speaker. The symbol of his authority is the **mace**, before which the most unruly member yields. The **door-keeper** guards the entrance to the floor of the chamber where the House meets, and is in charge of the galleries to which the public are admitted for the purpose of listening to the proceedings. The postmaster takes charge of the members' mail; and the chaplain opens each daily session with prayer.

THOUGHT QUESTIONS

1. What are the three branches of government?
2. In whom or what is each branch vested?
3. What electors vote for representatives?
4. What is meant by the most numerous branch of the Legislature?
5. Is the Legislature of each State composed of two houses?
6. What three States at first had but one House in their Legislatures?
7. How often are States divided into congressional districts? Can the number of representatives be reduced before the next federal census? For what cause?
8. What is meant by **gerrymandering**?
9. What three things must be observed by States in forming congressional districts?
10. Under what conditions are representatives elected at large?
11. Must a representative reside in the district he represents?
12. Why does a Legislature "request" its representatives, and "instruct" its senators, to vote for or against a particular measure?
13. If an ineligible person receives a majority of the vote for representative, does his opponent become representative?
14. What is the present representative ratio?
15. How many representatives has Texas?
16. Who is the representative from your congressional district?
17. How often is the House of Representatives organized?

CHAPTER V

THE SENATE

Composition of the Senate.—

“The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote.” (Art. I. Section 3.)

As we have learned, it was part of the “First Great Compromise” agreed to by the Constitutional Convention, that all States should have equal representation in the Senate. In order to make this right more secure, the smaller States insisted on a clause in the Constitution guaranteeing it for all time, as follows:

“No State, without its consent, shall be deprived of its equal suffrage in the Senate.” (Art. V.)

There are ninety-six senators. Frequently the senators from a State do not hold the same views and sometimes they belong to opposing political parties.

The Election of Senators.—Senators are elected by the Legislatures of their respective States for terms of six years. In Texas, and in some other States, candidates for the Senate are voted on in the primary, and it is supposed that the one chosen by the voters will be elected by the Legislature. If a majority of the legislators should not be instructed for any one candidate by the primary election in their respective districts, a mere plurality of all the votes in the primary might be disregarded. Congress has recently passed a resolution proposing to the States an amendment to the Constitution that provides for the election of senators by the direct vote of the voters of the several States.

How the Legislature Elects a Senator.—In 1866, Congress passed a law requiring the Legislature of each State at its session next preceding the expiration of the term of either of the Senators from that State, to pro-

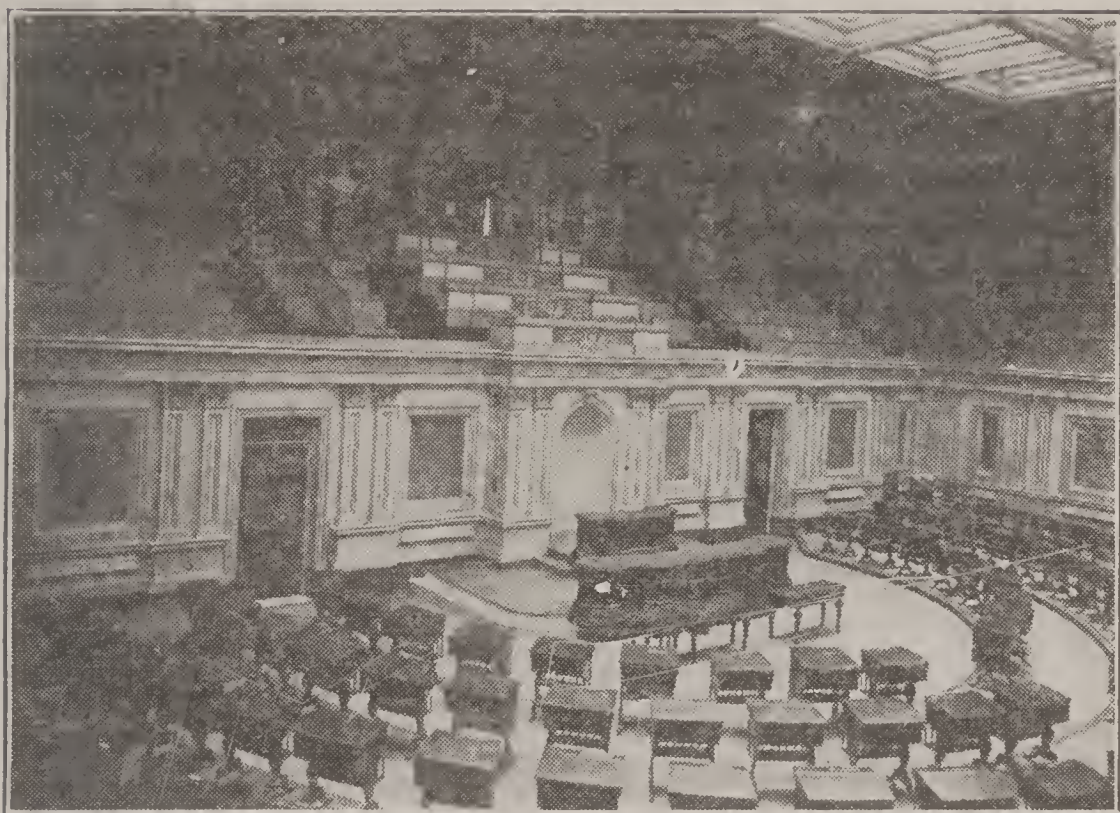
ceed to elect a senator on the second Tuesday after its organization. On this day each house votes separately for a senator. At noon the next day they hold a joint session and each house declares the result of its vote on the previous day. If any candidate has received in each house a majority of all the votes he is declared the "Senator-elect." If no candidate received in both houses a majority of the votes cast on the previous day, then the two houses, in joint session, take a vote. If still no candidate receives a majority of all the votes cast, then a joint vote must be taken at noon on each succeeding day of the session, until someone does, when he becomes the senator-elect.

Classification of Senators.—

"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." (Art. 1. Section 3.)

The Senate is a "continuous body," as the terms of only one-third its members expire at one time, i. e., at noon on March fourth of the odd numbered years. In the first meeting of the Senate in 1789, the twenty senators of the ten States then in the Union were divided into three classes by lot, and in such a way that no two senators from the same State would be in the same class. The first and second classes had seven senators each, and the third class had six. Since then, as senators from new States take their seats, they are placed in these classes consecutively. When Texas entered the Union her senators entered the first and second classes.

The term of the first class expires in 1917, and that of the second class in 1913.



The Senate Chamber.

How Vacancies Are Filled.—Should a vacancy occur in a senatorship the Legislature of that State elects some one to fill the unexpired term. If the Legislature is not in session, the governor appoints some one to fill the vacancy until it meets again, when it will proceed to elect a senator in the usual way.

Qualifications of Senators.—

“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.” (Art. I. Section 3.)

We have learned that in order to be eligible to membership in the House of Representatives one must be twenty-five years of age and seven years a citizen of the United States. Why does the Constitution require so

much more of Senators? The Senate moves more slowly and deliberately than does the "lower house." Its work is supposed to demand more wisdom and dignity than does theirs, and as wisdom and dignity increase with age and responsibility, more in the way of qualifications is demanded of a senator than of a representative.

The Officers of the Senate.—

"The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

"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 United States." (Art. I. Section 3.)

The Vice President is not a member of the Senate, hence he can not speak on questions under consideration, nor can he vote except to break a tie. When for any reason the Vice President is absent, the president pro tempore presides. The other officers of the Senate are similar to those in the House of Representatives. Sessions of the Senate are always marked with more decorum than are those of the "lower house."

THOUGHT QUESTIONS

1. Why were two senators apportioned to each State?
2. Can the Constitution be amended so as to apportion senators to each State according to population? Give reasons for your answer.
3. Who are the United States Senators from Texas? To which Senatorial classes do they belong?
4. How many senators are there in Congress.
5. State the procedure in electing United States Senators.
6. How are vacancies filled?
7. If a Legislature has had the opportunity to elect a senator to fill a vacancy and does not do so, who can appoint one for the place?
8. What amendment relating to senatorial elections has been greatly desired by many citizens?
9. How were the first elected senators classified?

CHAPTER VI

THE PROCEDURE IN CONGRESS

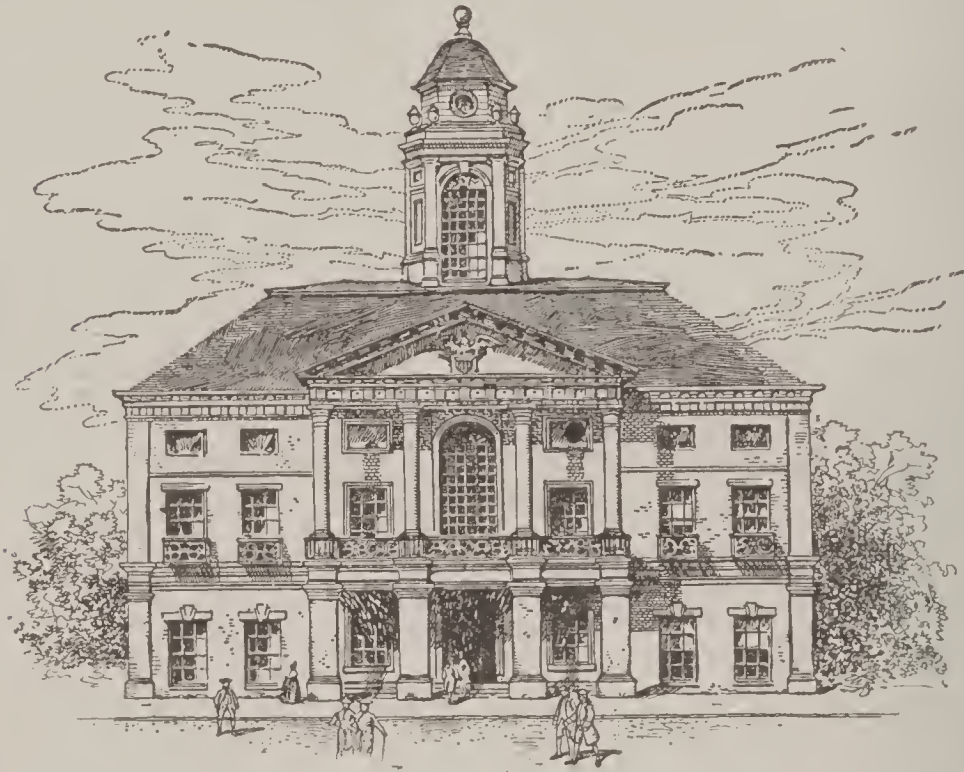
The First Congress.—In the resolution providing for the organization of the new government, under the recently adopted Constitution, the “First Congress” was summoned to meet on the first Wednesday in March, 1789. Owing to difficulties attending travel in those days a quorum of both houses was not secured until April sixth. By Act of Congress, it was provided that the terms of all representatives, and of all senators of the first class, should expire March 4, 1791, and that thereafter a new Congress should assume office at noon on March fourth of every odd numbered year. The Congress that comes into office on March 4, 1913, will be known, therefore, as the “Sixty-third Congress.”

Sessions of Congress.—

“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.” (Art. I. Section 4.)

Each Congress holds two regular sessions. The first, which begins in December of odd numbered years, is known as the “long session,” for it generally continues until late in the following spring or even until fall. The second session begins in December of the even numbered years and must end by noon of March fourth following, when a new Congress comes into existence. Special sessions may be called by the President when in his judgment public necessity demands them. He may also convene the Senate alone in special session to confirm appointments or to ratify treaties. It is customary for a retiring President to convene the Senate in special session, immediately before the inauguration of his successor, for the purpose of confirming the cabinet and other important appointees of the new President.

Where Congress Meets.—Congress held its first session in the old City Hall in New York. From 1799 until 1800 it met in the old Capitol Building in Philadelphia. Congress did not forget how its predecessor, the



Courtesy of Silver, Burdett & Co.

Old City Hall, New York, Where the First Congress Met.

Continental Congress, was turned out of its meeting place in Philadelphia, and very early took steps to provide a permanent capitol building. As the States of the South wished the capital south of the Potomac, and those of the North wished it north of that river, the matter was compromised by Virginia and Maryland ceding to the government a district ten miles square, situated on both banks of the Potomac. Later the part south of the river was returned to Virginia. This district is known as the "District of Columbia." Citizens of the District of Columbia belong to no State, and have no vote in presidential and congressional elections—in fact no elections occur within it. Most of the District lies within

the City of Washington. The building where Congress meets is called the United States Capitol. In an emergency, such as the presence of a hostile army near by, or pestilence within the city, the President can change the place of meeting temporarily. This has never been done.



The United States Capitol.

Organization of a New Congress.—The first Monday in December of odd numbered years is a busy time in Washington. At noon on that day a new Congress assembles. The “members elect” of the House of Representatives are there with “certificates of election” given to them under the seal of their respective States and addressed to the House of Representatives. One-third of the senators are also armed with similar certificates signed by the governors of their respective States and addressed to the President of the Senate. The clerk of

the previous House of Representatives calls that body to order. Then the roll of all the representatives-elect is called. This roll has been prepared from the certificates of election which have been filed with the clerk. If it shows a **quorum**, i. e., a majority of all members, to be present, the House proceeds to elect its Speaker. The members of the political party in the majority in the House have held a caucus previously and determined who shall hold this and other offices. As soon as the Speaker is elected, the oath of office is administered to him by the representative who has been in Congress longest. Then he takes the gavel, which is his emblem of authority. The roll of the House is called again, and the representatives rise and the Speaker administers the oath of office to them. As only one-third of the members of the Senate are newly elected, that body is a "continuous" one and does not have to be organized. At the beginning of each Congress, however, it elects a president pro tempore and other officers. Each new senator is presented to the Senate by the other senator from his State. In groups of four they proceed to a position in front of the presiding officer where the oath of office is administered to the new senators.

The Oath of Office.—All senators, representatives, and delegates from the Territories, must take the following oath:

I () do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The Halls of Congress.—The Senate holds its meetings in the Senate Chamber and the House of Representatives in the Hall of Representatives. These enormous rooms are situated in opposite wings of the Capi-

tol. In each of them there are long circular rows of desks facing the presiding officer. Each member is allotted one of these desks. The members of the majority generally sit together on one side of the chamber, and those of the minority on the other side. The government also furnishes each member an office outside of the Capitol, where he may work when not attending meetings of Congress.

Communications From the President.—After the House of Representatives is organized it sends a committee to inform the Senate of the fact. It also appoints a committee to act with one from the Senate in notifying the President that Congress is organized and ready to receive any communication he may desire to send it. In the early days of our government it was customary for the President to deliver an address in person to Congress. Since the time of Jefferson the communications of the President have been in the form of “messages” which are read in both houses.

Committees of Congress.—The work of making laws is really done by committees of Congress, just as we have learned that state laws are really made by the committees of the Legislature. Formerly, the Speaker appointed the committees of the House of Representatives, but now they are chosen by the “Committee on Ways and Means,” which is elected by the House itself. The Senate appoints its committees. There are a great many committees covering every kind of legislation that can be enacted by Congress. Some of them are small and others large. They are always so composed that the chairman and a majority of the members belong to the political party in the majority. To them are referred the bills introduced by members. They study them, hold public hearings, and recommend such legislation as meets their approval. The minority members of a

committee have little influence in shaping its recommendations, but sometimes make minority reports, which must be given consideration.

How the Voting is Done.—A majority vote will pass any bill, but a two-thirds vote is required to pass one over the veto of the President. There are three methods of voting in the House of Representatives: by **acclamation**, or “aye” and “no” vote, when the presiding officer puts the question and all favoring the same say “aye” and all opposing say “no”; by **division**, when all favoring the measure rise, file between the two tellers, who stand near the Speaker’s desk, and are counted, and then all opposing do the same; by **“yea and nay”** vote when, upon roll call, each member as his name is called votes “yea” or “nay,” and his vote is recorded in the Journal. A “yea and nay” vote must be taken whenever one-fifth of the members present demand it. It is always taken on important questions, so that each member’s constituents may know how he voted and that he may be held accountable for his vote. In the Senate all votes are taken by the “yea and nay” method.

How Laws Are Made by Congress.—Congress enacts laws in much the same way that our State Legislature does. The bill is introduced by some member. In the House of Representatives this is done by putting it in a basket on the clerk’s desk; and in the Senate, by the senator’s rising and asking permission to introduce it. All bills are numbered consecutively in the order that they are introduced. The bill is then referred to the appropriate committee. As over thirty thousand bills were introduced in the House during the “Sixty-first Congress,” it follows that only a small part of them could receive consideration. Many are “killed in the committee.” After the committee has reported a bill back to the house, it is put on the calendar and may

come up for passage. Before being passed it is read three times—the first time by title, the second time in full, and the third time by title. It may then be debated. In the House of Representatives debate is limited, for the Committee on Rules generally brings in a rule that the bill shall be voted upon at a specified time; but in the Senate every member is allowed to speak on a bill as long as he wishes. The House is so large that if everyone was allowed to speak whenever he wished to do so, there would be no time to transact business. To prevent this, members are only recognized by the Speaker when previous arrangements have been made with him, with the exception that for a short time on Wednesdays, any member may secure recognition to speak on any bill on the calendar. After the bill is passed in one house it goes to the other. Should it be amended there it will have to be returned to the original house in order that the amendments may be concurred in. If that house refuses to do this, the bill is dead, unless a conference committee, composed of members of both houses, agrees on a compromise. Any compromise agreed to by this committee is usually accepted by both houses.

Filibustering.—Sometimes the minority tries to defeat a bill, or at least to force some amendments, by a “filibuster.” This consists in all sorts of dilatory tactics, such as debating it as long as possible, offering many amendments, motions to adjourn, which always take precedence, and demanding a roll call on every vote. To call the roll of the 435 members of the House is a slow, tedious task which consumes thirty minutes or more. In the House of Representatives filibusters are not very successful, owing to the power of the Speaker; but in the Senate they sometimes accomplish something. In a filibuster a single senator has been known to talk

all the afternoon and then all night, hoping to wear out the Senate until it would yield some legislative point.

How Bills Become Laws.—

“Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves 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.

“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.” (Art. I. Section 7.)

All bills, orders and resolutions, excepting on the question of adjournment, that are passed by both houses of Congress, must be sent to the President for his approval. If he approves a bill he will sign it and it then becomes a law. If, on the other hand, he deems it to be against the best interests of the Nation, or in violation of the Constitution, he will return it to Congress with a veto message. Should it now pass both houses by a two-thirds vote it will become a law in spite of the President's veto. If the President fails to sign the bill within ten days, Sundays excepted, after it is sent to him, it becomes a law without his approval, provided



President Taft, in his office at the White House, signing the bill admitting Arizona as the Forty-eighth State.

Congress does not adjourn before the expiration of the ten days. Bills which are sent to the President during the last ten days of a session of Congress may fail to become laws though he neither signs nor vetoes them. The failure of bills in this way is termed a "pocket veto."

THOUGHT QUESTIONS

1. When and where was the First Congress organized under the present Constitution?
2. What is the number of the present Congress?
3. Upon what day does Congress annually begin its regular session?
4. What is meant by the "short session?" The "long session?"
5. What is the maximum length of the "short session?" The "long session?"
6. Where does Congress meet?
7. Under what conditions can the President temporarily change the place of meeting? Has he ever done it?

8. Tell how a new Congress is organized. When is the next new Congress organized?
9. What is the procedure in getting a bill before Congress for action?
10. What is meant by a "minority report?"
11. Describe the three methods of voting in the House of Representatives.
12. How may the House be forced to take a "yea and nay" vote?
13. What is the object of a "yea and nay" vote?
14. When is a bill said to be "killed in the committee?"
15. What is meant by placing a bill on the calendar?"
16. What is a "conference committee?"
17. State the steps in enacting a law.
18. What is a "pocket veto?"
19. What constitutes a legislative day?
20. What is meant by filibustering?

CHAPTER VII

POWERS OF THE SEPARATE HOUSES

Eligibility of Members.—

“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.” (Art. I. Section 5.)

We have learned that each branch of the State Legislature is the judge of the eligibility of its members. The same thing is true with Congress. Even though a member is armed with a certificate of election from the authorities of his State, that does not prevent an investigation of his eligibility to membership. If after a careful public hearing by a committee of the house to which he claims election, it is found that he does not possess the necessary qualifications, or that he obtained his election through fraud or by unlawful means, or that he was not entitled to the certificate of election, he will be refused admittance or be unseated. Contested elections are often settled by strictly partisan votes, consequently some advocate that the Supreme Court should decide such cases.

A Quorum.—According to the Constitution a majority of the members of either house must be present in its chamber to enable it to transact business. This majority constitutes a quorum. In the House of Representatives fifteen members and the Speaker can order the arrest of absentees. This is known as a “Call of the House.” It is the duty of the sergeant at arms to send after the absent members and to compel them to attend. Formerly the presence of a quorum was indicated by the number of votes cast on a question. Frequently there would be a majority of the members in the House, but enough would decline to vote to “break the quorum,” and thus prevent the transaction of busi-

ness. But now a quorum is determined by counting all the members present. This is done by closing the doors and calling the roll. The names of those absent without excuse are noted and given to the sergeant at arms, who summons them in person or by messenger.

Rules of Procedure.—

“Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

“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.” (Art. I. Section 5.)

When members violate the rules of their house they are censured by resolutions; or if the offense is sufficiently serious, they are called to the “bar of the house” for trial by their colleagues. In each house a corps of stenographers report every word uttered. The “Congressional Record” is a journal published every day that Congress is in session. It contains a verbatim report of every speech made in all public sessions. Frequently permission is given to Congressmen to publish in the “Record” speeches that they have not delivered, but which they have written for the benefit of their constituents. This is called “speaking to Buncombe,” for the reason that it is supposed to have originated many years ago with the member representing Buncombe County, North Carolina. Many copies of the “Congressional Record” are sent to all parts of the country that the people may know what their representatives are doing.

Adjournment.—

“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.” (Art. I. Section 5.)

The Constitution grants the President power to adjourn Congress, when there is disagreement between the

two houses with respect to the time of adjournment. This power has never been exercised.

Salaries of Members.—

“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.” (Art. I. Section 6.)

The salary of members of each house is fixed by Congress. Congress may raise these salaries to take effect



Photograph by Clinedins'.

Office of the Sergeant at Arms where the Representatives receive their Salaries. Notice the Photographs of the Members on the Wall,

at the beginning of that Congress, at the time of passing the measure, or at any desired future time. Representatives and Senators receive \$7500 a year. They are also allowed twenty cents a mile for every mile traveled in going to and returning home from a session of Congress. In addition each member is allowed a fixed amount for a clerk, and for such supplies as newspapers, stationery, etc. He is also allowed to send through the mails all his official correspondence free of postage. This is known as "franking." The Speaker of the House of Representatives and the President pro tempore of the Senate receive a salary of \$12,000.

Immunities of Members.—

"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." (Art. I. Section 6.)

Members of Congress enjoy the same privilege as to freedom from arrest, and freedom from being questioned outside of their legislative halls for anything that they may say within them, that members of our State Legislature do.* This feature of our Constitution was copied from old English laws protecting the members of the House of Commons. These exemptions were deemed necessary to preserve the full representation of each State and to give perfect freedom in the discussion of all public measures.

Disqualification of Members.—

"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." (Art. I. Section 6.)

*See State Government, Page 31.

The framers of the Constitution were afraid that the Federal Government would have too much influence in Congress if any of its office holders were allowed to be members. In this clause they discarded English precedent, for the members of the British Cabinet are also members of Parliament. High officials of our government may, however, influence Congress by appearing before its committees and giving advice.

Revenue Bills.—

“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.” (Art. I. Section 7.)

This clause carries us back to England again. We remember that one of the causes of the Declaration of Independence was that Parliament imposed taxes on the colonists without their being represented. It was a principle of English law that the people who had to pay the taxes should levy them through their representatives. The House of Commons originated revenue bills and the House of Lords amended or concurred in them. This plan worked so well in England that it was made a part of our Constitution. As bills for raising revenue are of greater interest to the people than any others, and as representatives are supposed to voice the sentiments of their constituents, these bills very properly originate in the “lower house.” By custom, too, general appropriation bills also originate there and are amended in the Senate.

THOUGHT QUESTIONS

1. What constitutes a quorum?
2. How is a quorum determined in the House of Representatives?
3. Can the sergeant at arms arrest a representative if he should find him at his home in Texas?
4. Can either house punish, for cause, persons who are not members of it?
5. Where do revenue bills originate?
6. State the immunities of members of Congress, and give a reason for each.

CHAPTER VIII

FEDERAL TAXATION

Importance of Taxation.—

“The Congress shall have power:

“To lay and collect taxes, duties, imposts and excise, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.” (Art. I. Section 8.)

As we learned in studying the government of our State, the expenses of the government must be borne by the people enjoying its protection in their personal, property, social, and political rights. The equitable apportionment of these expenses in the form of taxes is a vital phase of government. The Articles of Confederation had failed mainly because they did not confer on Congress the power to levy and collect taxes. The framers of the Constitution recognized the importance of this function of government, and the power of Congress to enact equitable taxation laws was the first of the eighteen specified powers given to it.

Kinds of Taxes.—There are two kinds of taxes—direct taxes and indirect taxes. **Direct taxes** are levied on the individual who it is intended shall pay them. They are either **poll taxes** imposed at so much a head, or **property taxes** levied on property at a specified rate. **Indirect taxes** are such as are levied on individuals with the expectation that they will make others pay them by an indirect process. They are known as **duties** or **imposts** when levied on goods brought into the country from foreign countries, and **excises** or **internal revenue taxes** when imposed on the manufacture and sale of certain articles, or on licenses to carry on certain businesses.

Direct Taxes.—

“Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.” (Art. I. Section 2.)

“No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.” (Art. I. Section 9.)

We do not have any direct taxes today, as they would fall very inequitably on the States. California and North Carolina would have to pay about equal amounts, and yet the wealth of California in 1911 was four times that of North Carolina. They have only been enacted three times in the history of our country. The last time was during the Civil War.

Income Taxes.—These are taxes levied on a man’s income. They are now considered by the Supreme Court as direct taxes. During the Civil War Congress levied such taxes. They were graduated so that the rate was in proportion to the income. In 1862 the rates were as follows:

Below \$600	exempt.
\$600-\$5,000	5%
\$5,000-\$10,000	7½%
Above \$10,000	10%

As the Supreme Court has declared them unconstitutional, unless apportioned as direct taxes, Congress submitted to the States, in 1909, an amendment to the Constitution authorizing them. It is as follows:

“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.”

The Legislatures of thirty-six States have ratified this amendment and it has become a law, binding upon all of the States, although several States have refused to ratify it.

Duties and Their Collection.—In 1911 the United States collected over three hundred million dollars in duties or “customs” levied on articles imported from other countries. Congress provides in a “tariff law” what duty each article, that is dutiable, shall pay. There are two kinds of duties—specific and ad valorem. A

specific duty is a specified sum levied on a particular article by the pound, yard, dozen, etc. An **ad valorem duty** is one levied on an article at a specific percentage of its value. The following table shows the duties on some common articles:

- Gloves, \$1.25 to \$5.80 a dozen.
- Toys, 35 per cent ad valorem.
- Books, 25 per cent ad valorem.
- Champagne, \$9.60 a dozen quarts.
- Lemons, 1½c a pound.
- Candy, 50 per cent ad valorem.
- Shingles, 50c a 1,000.
- Coal, 45c a ton.
- Boots and shoes, 15 per cent ad valorem.
- Woolen clothing, 44c a pound and 60 per cent ad valorem.
- Woolen carpets, 10c a square foot and 40 per cent ad valorem.
- Silk wearing apparel, 60 per cent ad valorem.
- Cigars, \$4.50 a pound and 25 per cent ad valorem.
- Potatoes, 25c a bushel.



Ferry Landing at Brownsville. This ferry plies between Brownsville, Texas, and Matamoros, Mexico. The house at the right is where the United States Immigration Officers examine people crossing over from Mexico, and the one at the left is where the United States Customs Officers inspect their baggage.

At all important places along the frontier of the country there are stationed officers whose duty it is to collect the customs. They are called "collectors of customs," and they are assisted by inspectors, who examine all goods coming into the country. The places where these officials are stationed are known as **ports of entry**, and in each of them there is a **custom house** where the duties are collected. Any one coming into the country



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Examination of Baggage at the Pier of one of the Transatlantic Steamship Lines in New York.

must open his baggage when he reaches a port of entry so that it may be inspected. If he has anything that is dutiable he must **declare** it under oath. To fail to declare such articles makes one guilty of smuggling, which is the crime of trying to import articles without paying the duty on them. The smuggled goods are seized, and the offender is subject to fine, or imprisonment, or both.

The Internal Revenue.—In 1911 the excises collected by the government amounted to \$322,000,000. The country is divided into sixty internal revenue districts, each of which is in charge of a “collector.” These taxes are levied on manufacturers of and dealers in liquors, tobacco, oleomargarine, playing cards, etc. During the Spanish-American war, telegrams, bank checks, and legal documents were also taxed. Most of the internal revenue is paid by means of stamps affixed to the whisky barrel, cigar box, playing cards, etc. “Moonshiners,” with whom the Government has so much trouble in the mountains of North Carolina, Tennessee, Kentucky, etc., are men who make whisky and sell it without paying the tax. Corporations are also compelled to pay a tax of one per cent of their net profits.

Political Parties and Taxation.—It is natural that so important a function of government as taxation should cause much difference of opinion. Ever since the government was organized, there have been some who believed in raising the revenue by direct taxes and others who advocated the advantages of indirect taxes. Those who favor indirect taxation are classified as believers in “High Protection” when they favor duties made so high that imports are practically prohibited; and in a “Tariff for Revenue Only,” when they favor only such duties as are necessary to provide funds for the expenses of the government. The Republican Party is the champion of “high protection” and the Democratic Party of a “tariff for revenue only.” Owing to the constantly increasing cost of living the people are demanding lower duties on the necessities of life. So it is not unlikely that this country will have eventually a tariff for revenue only.

THOUGHT QUESTIONS

1. What is a tax?
2. What are the two kinds of taxes? Illustrate each.
3. Give reasons for and against the justice of a poll tax.
4. What is an income tax?
5. Has an income tax ever been collected in the United States?
6. Why was the last income tax law declared unconstitutional?
7. An income tax amendment was before the States for adoption from 1909 to 1913. Has it been adopted?
8. What is a tariff? Internal revenue?
9. What is an inheritance tax?
10. What is the difference between a tax and a license?
11. What is a specific duty? An ad valorem duty?
12. What are the three penalties that may be imposed on any one who conceals dutiable goods?
13. Upon what is the internal revenue collected?
14. What is a protective tariff?
15. What is meant by "tariff for revenue only?"
16. The average citizen pays a much greater indirect tax than direct tax. Prove the statement.
17. What is meant by free trade?

CHAPTER IX

OTHER POWERS OF CONGRESS

To Borrow Money.—

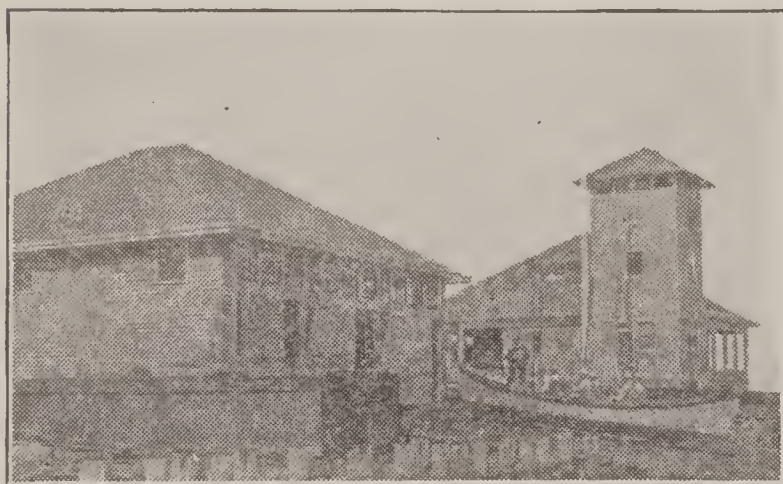
“To borrow money on the credit of the United States.” (Art. I. Section 8.)

When the United States borrows money it gives as security a bond bearing a specified rate of interest. It is stated in each bond just when it falls due, though some of them are redeemable before their maturity, at the option of the government. On November 1, 1911, the bonded indebtedness of the United States was \$963,349,390.

Regulating Commerce.—

“To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” (Art. I. Section 8.)

We have learned that to regulate commerce was one of the principal reasons for calling the convention that

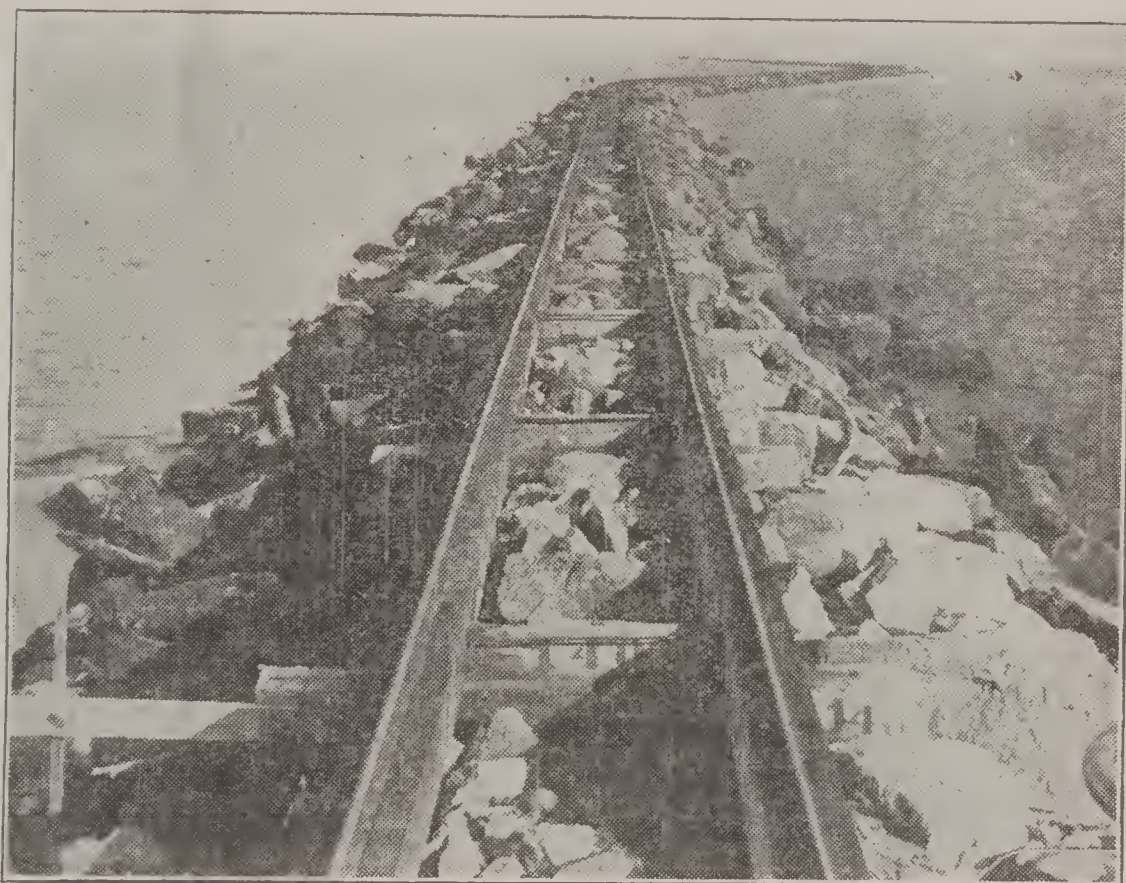


Life Saving Station, Galveston, showing the Life Boat about to be launched.

eventually framed the Constitution. It is by virtue of this clause that Congress provides life saving stations and light houses along the coast to protect navigation; that it

appropriates money to dredge rivers, deepen harbors, and build jetties; that it creates boards to examine and license pilots and engineers, and to inspect all kinds of vessels carrying passengers to see that they are provided with sufficient life preservers and life boats

and that they comply with other requirements of the law. Congress has established "Indian reservations," and prohibits the sale of liquors to those living on them. It has passed many laws affecting interstate commerce



One of the Jetties That Extends Far Out Into the Gulf of Mexico and Keeps the Sand From Filling Up Galveston Harbor. The Jetties Confine the Current to a Narrow Channel and the Sand Is Swept Out to Sea.

and has the right to deny the privilege of shipping goods beyond the limits of the States where they are produced, to any person or corporation violating these laws. In this way many trusts have been broken up, the pure food laws are enforced, and the inspection of all meats and packing house products is required.

The Interstate Commerce Commission.—In order to control the railway, telegraph and telephone companies, the pipe lines through which oil is transported, and the

express and sleeping car companies, Congress created this Commission. It consists of seven members, each of whom receives a salary of \$10,000 a year. It has power to hear complaints against the railroads, to correct abuses, to prevent pooling and raising rates, and to force them to publish and maintain fixed rates so as to prevent discrimination, to see that they do not violate the anti-pass law or the law regulating the hours of labor of railway employes, to see that they comply with all safety device laws, and to investigate accidents occurring on them. The Interstate Commerce Commission has no power over railroads that operate wholly within a single State.

Requirements of Sea Captains.—Every vessel that sails the sea, either to carry passengers or freight, must fly the flag of some nation. When it is ready to sail on its first voyage it is **registered** with the government whose flag it flies. It frequently happens that sailing vessels and “tramp steamers,” i. e., ones that have no regular sailings but go wherever their cargo requires, reach their home ports only at intervals of years. Vessels of any nation that come from foreign ports may enter the ports of the United States and discharge their cargoes, and take on others designed for any foreign ports. But only vessels registered in this country can engage in **domestic commerce**, i. e., ply between our own ports. Because of this, Canadian vessels sailing on the Great Lakes and the St. Lawrence River can not carry passengers and freight between two places in the United States. When a vessel coming from a foreign port enters one of our harbors it stops at the **quarantine station** where a federal health officer boards it. If it be found free from contagious diseases it is allowed to proceed to its wharf. There it is met by immigration officers and the inspectors of customs. Every **alien**,

i. e., foreigner entering the United States to make it his home, must pay a tax of four dollars, and besides, must be free from certain diseases, and provided with sufficient means so as not to be likely to become dependent on charity. It is the work of the immigration officers to enforce these regulations. As soon as his vessel arrives at the wharf the captain must go to the custom



Custom House, Galveston.

house and **enter** her, which consists in reporting to the collector of customs, filing a statement of the cargo, etc. When a vessel is ready to sail, her captain applies to the custom house for **clearance papers**. These show that the harbor fees have been paid and that permission has been granted to the vessel to sail for a specified port.

Naturalization.—

“To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.” (Art. I. Section 8.)

Naturalization is the formal procedure of giving American citizenship to foreigners. Foreigners may be naturalized collectively or individually. When foreign territory is annexed to the United States all its inhabitants, except semi-civilized tribes, become American citizens immediately. The annexation of Texas, the Louisiana Territory, and Hawaii, are good illustrations of collective naturalization. Negroes in the slave holding States had not been regarded as citizens prior to the adoption of the Fourteenth Amendment. This amendment naturalized all the former slaves collectively:

“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.” (Amendment XIV.)

Since the organization of the government over twenty-nine million immigrants have been admitted to this country and they are still coming in large numbers. In 1911, 878,587 were allowed to enter. Most of these immigrants eventually become citizens by individual naturalization. The mode of procedure is as follows:

a. The applicant must declare upon oath in a court of record, his intention to become a citizen of the United States, and renounce allegiance to any foreign ruler. The clerk of the court then gives him a certificate certifying to this declaration. This “declaration of intention” can be made as soon as he arrives in the country.

b. Not less than two years after this declaration, and not less than five years after he becomes a continuous resident of the United States, and not less than one year after he becomes a resident in the State or Territory in which he then resides, he must prove to a court of record by a competent witness, that he has complied with these requirements as to residence; that he has maintained a good character; and that he has been loyal to the government of the State and Nation.

c. He must swear allegiance to the United States and renounce allegiance to his former ruler and Nation, and also renounce any title of nobility he may have held in his former country.

d. A record is then made of these proceedings and a certifi-

cate is given him certifying his compliance with all requirements of the naturalization laws and declaring him a citizen of the United States.

Foreigners who have served in the army of the United States one year and received an honorable discharge,

may become citizens on application, without any previous declaration of intention. When an alien becomes a citizen his wife and minor children living with him also become citizens. An alien who has resided in the United States three years next preceding his arriving at the age of twenty-one years can



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Immigrants leaving Ellis Island for New York City, after being passed by the Immigration Officers.

become a citizen after a residence of two more years. The children born in this country of unnaturalized foreign parents are citizens of the United States. This applies to Chinese children even though their parents are excluded from the privilege of becoming citizens. Only foreign born persons of the white and the African races can be naturalized. The inhabitants of the Philippines and of Porto Rico are entitled to

the protection of our government but not to the privilege of citizenship, until those possessions are organized as Territories or admitted as States. No alien can vote in any State until he has secured his "declaration of intention" certificate.

In order to protect the Nation from unfriendly resident foreigners, seeking citizen rights in order to influence governmental policies, Congress, in 1798, passed a new naturalization act, making a residence of fourteen years necessary before the granting of full citizenship to foreigners. This act was changed to a five-year requirement by Congress in 1802.

Bankruptcy.—When a person can not pay his debts he is said to be **insolvent**. An insolvent person or corporation, except a bank, insurance company, or municipal railway, that owes debts amounting to \$1,000 or more, and has defaulted in payments, may be adjudged **bankrupt**. Commercial honesty demands that a bankrupt's property be divided equitably among his creditors. As most bankrupts have creditors in several States, the bankruptcy laws should be uniform. This can not be secured through the action of the individual States. Congress, therefore, was given the power to enact bankruptcy laws. The insolvent (of his own accord) may file with the court a list of his assets and debts and ask to be adjudged a **voluntary bankrupt**; or his creditors may allege that he cannot pay his debts and ask that he be adjudged an **involuntary bankrupt**, to prevent him from defrauding them. If after an investigation, the court believes that he is insolvent, it will appoint a trustee to sell his property and to distribute the proceeds among the creditors. Before any money can be paid to the creditors the proceeds must be used to pay

- 1st. All unpaid taxes.
- 2nd. The cost of bankruptcy.
- 3rd. Wages due workmen.

The purpose of bankruptcy is to release a bankrupt from his debts so that he may be encouraged to begin saving money again. If he felt that any property he might acquire would be seized to pay old debts, he might become discouraged and cease all earnest effort to save money. Therefore, within twelve months from the time he was adjudged a bankrupt, the court may release him from bankruptcy and give him a fresh start in life. In Texas, in addition to the ordinary allowance for temporary living expenses, the homestead of the bankrupt is free from the claims of his creditors.

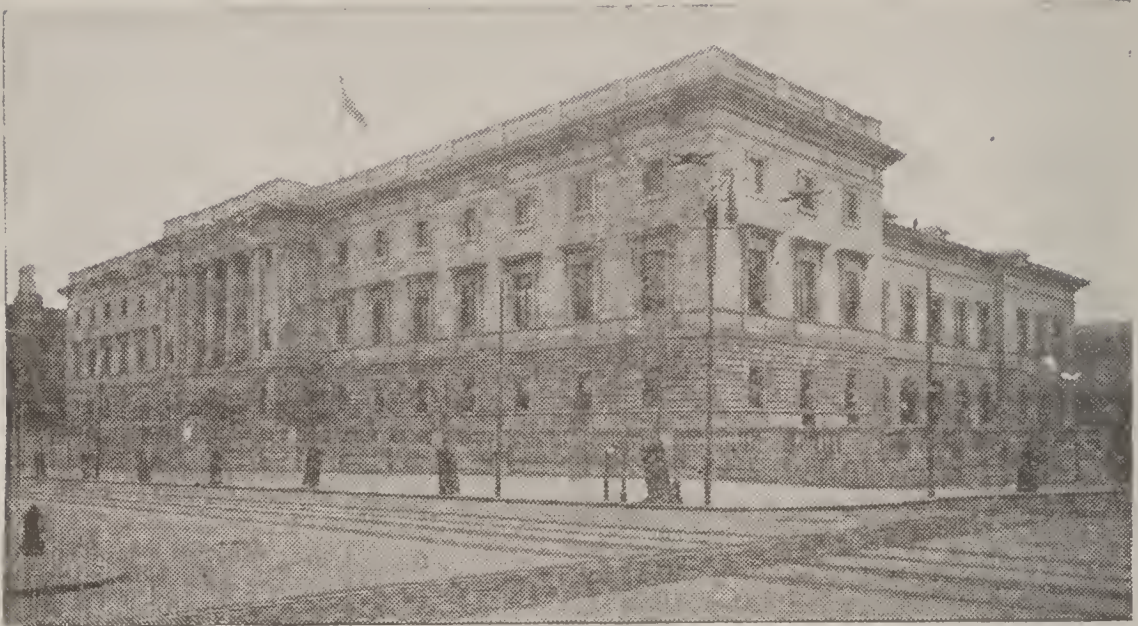
To Coin Money.—

“To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.” (Art. I. Section 8.)

When a person goes from one country to another he has to suffer the inconvenience of changing money, as well as considerable loss. At the time the Constitutional Convention met, many different kinds of coins and paper money were in use in the different States. This tended to hamper trade. In order that the same coins might have the same value in all the States this power was given to Congress. The coins of the United States are:

Gold.	Silver.
Double Eagle .....(\$20.00)	One Dollar .....(\$1.00)
Eagle .....(\$10.00)	Half Dollar .....(\$ .50)
Half Eagle(\$ 5.00)	Quarter Dollar .....(\$ .25)
Quarter Eagle(\$ 2.50)	Dime .....(\$ .10)
Subsidiary Coins: Nickels (\$.05), and One-Cent pieces.	

All gold coins and silver dollars are legal tender, in payment of all debts. If the debt is ten dollars or less it can be paid in half dollars, quarter dollars, or dimes. Debts of 25 cents or less can be paid in nickels or in one-cent pieces. The places where coins are made are called mints. The United States maintains mints at Philadelphia, New Orleans, Denver, and San Francisco. A mint will coin for any citizen all the gold that



Photograph by Rau.

The New United States Mint, Philadelphia.

he sends to it, only charging him for the alloy used to harden the coins. This is known as **free coinage** of gold. The alloy in gold and silver coin is copper, and makes up one-tenth of their weight. The government also issues paper money called **currency**. This consists of gold and silver certificates, U. S. treasury notes, and national bank notes. There is kept in the treasury enough gold or silver to make coins sufficient to redeem every outstanding gold and silver certificate, hence their name. The total stock of money in the country on October 2, 1911, was \$3,598,315,046.

National Banks.—National banks are created and regulated by laws passed by Congress. They are under the direction of the Comptroller of the Currency. They are safeguarded through systematic inspection by bank examiners. By depositing U. S. bonds with the treasurer of the United States, national banks are allowed to issue bank notes to an amount equal to one hundred per cent. of the par value of these bonds, but the Government requires that banks deposit with the treasurer of the United States five per cent. of these bank notes as a redemption fund. Should a national bank

fail, the government at once redeems all the bank's outstanding notes, using these bonds to reimburse itself. There were 7,163 national banks in the United States on September 1, 1911.

Weights and Measures.—Congress has never fully exercised its power to establish a uniform system of weights and measures. The English system of pounds, yards, gallons, and bushels, is in common use throughout the country, and has been adopted by Congress for use in the custom houses. At Washington, there is kept a very delicate set of these weights and measures, and duplicates of them are furnished to each of the States. In this way, uniformity is maintained throughout the entire country. Congress has also legalized the use of the metric system of weights and measures. It is widely used in many other countries.

Counterfeiting.—

“To provide for the punishment of counterfeiting the securities and current coin of the United States.” (Art. I. Section 8.)

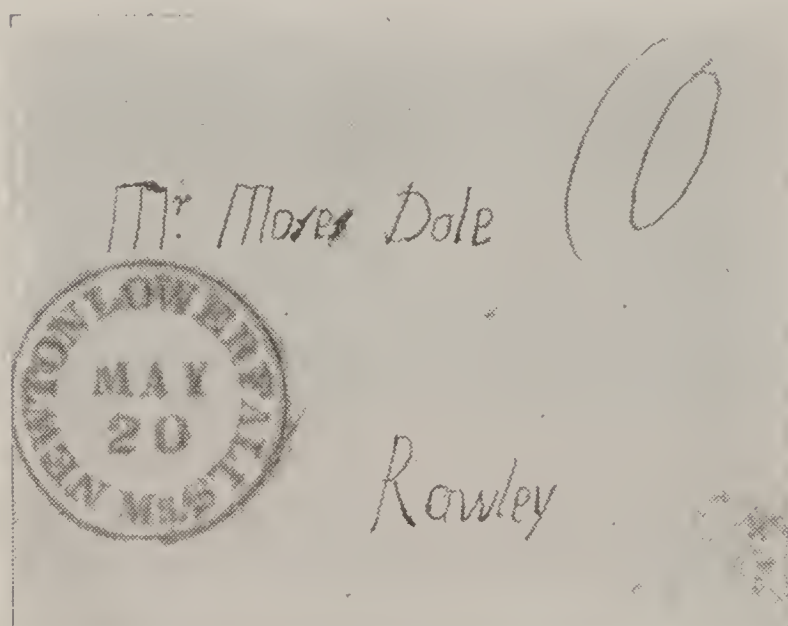
Counterfeiting is the crime of imitating any of the coins or securities of the United States, with a view to passing them as original, and thus defrauding the government. As the innocent possessor of counterfeit coins and securities is the loser, it is essential that the laws against counterfeiting should be stringent, and that the officers should be alert and active in ferreting out and punishing those violating them. As a matter of fact, they are the best enforced of all our federal laws.

To Establish Post Offices.—

“To establish post offices and post roads.” (Art. I. Section 8.)

We have learned that the Continental Congress provided for carrying the mails. Before that they were carried at irregular intervals by postmen, who waited until they collected enough letters to make the trip profitable. In 1843 the postage on a single sheet of paper

for any distance less than thirty miles was six cents, and it cost twenty-five cents to send a letter from Boston to Philadelphia. Postage stamps were first used in



A Letter Mailed Before the Days of Postage Stamps. The Postmaster Wrote on It the Amount of Postage Paid. It Cost Ten Cents to Carry This Letter About Fifty Miles.

1847. Today the postal system is the most complex and extensive of all government undertakings. It affects personally our entire people, bringing those living in far distant States

into closer relations. The 59,237 post offices, in 1911,

were under the supervision of the Postmaster General, assisted by thousands of officials. The postmasters of 7994 of these postoffices are



Post Office, San Antonio.

appointed by the President on the advice of the congressmen in whose districts they are located, or of prominent members of the political party to which the President belongs. The

postmasters of the smaller places are appointed by the postmaster general. Every road on which the mails are being carried is a **post road** and is under the control of the Federal Government whenever the passage of mails is involved. For this reason the mail trains are operated on a railway, even when the employees are on a strike and have tied up all other traffic. In 1897, the first rural free delivery mail routes were established, but since then they have increased in number until there are over forty thousand of them. In order to have the benefit of rural free delivery, the Government requires that the roads shall be kept in such condition that the mail carriers can travel them without difficulty throughout the year.

The Parcels Post.—In many foreign countries parcels of any kind and of any reasonable weight are carried in the mails at very low rates. This is known as the **parcels post** and takes the place very largely of express companies. In the United States, parcels weighing not over eleven pounds can be forwarded by mail to many foreign countries at a cost of only twelve cents a pound. In 1912 Congress passed a law establishing a **parcels post** for the benefit of people living in this country. The United States is divided into zones, or districts, and the rates charged vary according to the distance the package is carried.

Postal Savings Banks.—In 1910, Congress passed a law providing that the post offices might care for the savings of their patrons. This has been a part of the work of the post offices of several European countries for years and has encouraged thrift on the part of those who would otherwise not be likely to save their earnings. Postal savings departments are being added to many post offices each year. Money deposited receives two per cent. interest, payable semi-annually. The government lends this money to national banks

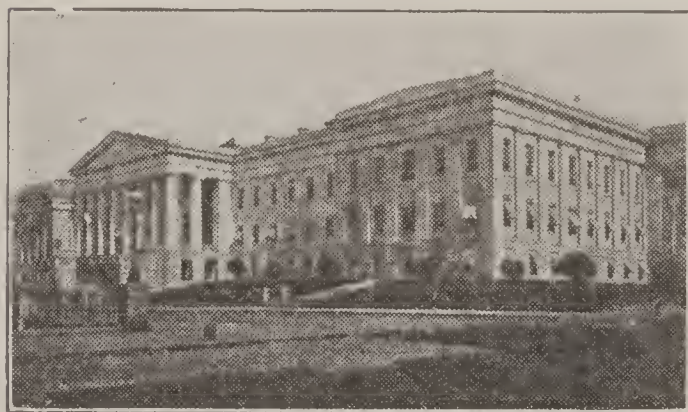
located in the same district where it is deposited, and is paid by them $2\frac{1}{4}$ per cent. interest. Postal savings banks are popular with many people because their deposits are absolutely safe from loss.

Patents and Copyrights.—

“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.” (Art. I. Section 8.)

Patents and copyrights are documents by which inventors and authors are given exclusive control of the sale of their inventions or books for a sufficient period of time to remunerate them for the labor, genius, and money they have put into them. Some men spend many years and much money in making inventions, or in writing books. If they were not protected in the exclusive right to their sale, there would be no material incentive to produce new books, or new inventions, which are often of great value to the world.

How to Procure a Patent.—When a person has invented some article which he wishes to patent, he sends a full description of it, often accompanied by a model or drawings, to the Patent Office at Washington. In



The Patent Office.

his application he makes oath to the statement that he believes himself to be the first inventor of this particular article, and sets forth what new features it possesses. The Patent Office then investigates

his claims, and if it finds that the invention is new, it grants him a patent. Patents give inventors the exclusive right to manufacture and sell their inventions for a period of seventeen years. They may be renewed for seven years.

The Patent Office charges \$15 for filing an application for a patent, and \$20 for issuing a patent. When an inventor wishes to protect an invention on which he is working, he files a **caveat** (kā'vē āt), which grants him one year of protection in which to complete his invention.

How to Secure a Copyright.—The Copyright Office is located in the Library of Congress. It is in charge of the Registrar of Copyrights. Books, periodicals, and newspapers, lectures and sermons for oral delivery, music, maps, photographs, and works of art may be copyrighted. To secure a copyright, one must file with the Copyright Office, on or before the day of publication, a printed copy of the title of what he wishes copyrighted. As soon as the book, periodical, map, etc., is published two copies of the best edition must be filed with the Librarian of Congress. On every copy printed must be a notice reading "Copyrighted (year of publication) by (name of person)." The fee for granting copyrights is one dollar. They give the authors exclusive right to publish and sell their productions for a period of twenty-eight years, and may be extended fourteen years. Books printed in the English language are granted copyrights, only when the typesetting, printing, and binding, was done in the United States.

The Library of Congress.—This great library had its beginning in 1800, but was destroyed by fire at the time of the burning of the Capitol in 1814. Since then it has grown steadily until it is the third finest in the world. It is housed in one of the largest and most beautiful buildings in Washington. Its floor space is equal to about eight acres and it has nearly fifty-six miles of book shelves. In 1911, it contained nearly 1,900,000 books and pamphlets. It is connected with the Capitol, a quarter of a mile away, by a tunnel. So rapidly are books carried through this tunnel that in three minutes



The Congressional Library.

from the time the request is received at the Library, the books are delivered on the desks of the members of Congress.

To Establish Courts.—

“To constitute tribunals inferior to the Supreme Court.” (Art. I. Section 8.)

It was impossible for the Supreme Court to hear all federal cases, even when the government was first inaugurated, so Congress passed an act in 1789, providing for district courts and circuit courts. Since then other courts have been created as the work of the government became more complex. We shall learn more about them in Chapter XIV.

To Punish Piracy and Other Crimes.—

“To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.” (Art. I. Section 8.)

When our government was organized, **piracy**, or the crime of robbery on the high seas, was still practiced in some parts of the world by villainous men, who sailed in vessels flying no nation’s flag. The jurisdiction of a State only extends to low-water mark. For three miles

beyond that the Nation exercises jurisdiction. In order that there might be some provision for punishing pirates captured on the high seas, this power was vested in Congress. After 1820, any American citizen, or American vessel, engaging in the slave trade was declared guilty of piracy. Piracy has always been punishable with death. Any one who commits a crime on a vessel that flies our flag is tried in United States courts, unless that vessel happens to be in waters under the jurisdiction of some State, or of some foreign nation.

To Declare War.—

“To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.” (Art. I. Section 8.)

Whether Congress or the President should have the right to declare war was one of the hard questions for the Constitutional Convention to decide. In European countries the ruler generally has this right. As in our country the government is vested in the people, this right was finally given to Congress. War was declared against England in 1812, and against Spain in 1898, but the Mexican War was brought on without any declaration. In time of war, it was formerly customary to grant authority to private vessels to roam the high seas for the purpose of preying on the commerce of the enemy. The authority given these vessels, or **privateers**, is known as a **letter of marque**. Without it, the men sailing these vessels would be treated as pirates, if captured. President McKinley refused to grant letters of marque during the Spanish-American war, and the nations of Europe have agreed to abolish privateering.

Contraband of War.—No private vessels can carry articles needed to wage war, such as arms, munitions, mules and horses, and in some cases even provisions, to any nation engaged in war. Such articles are known as **contrabands of war** and any vessel carrying them is lia-

ble to be seized, regardless of what flag it flies, if caught by the warships of the opposing nation. Such seizures can not be made in the harbors of neutral nations. The contraband articles are confiscated and then the vessel is released, unless it belongs to the owner of the contraband goods.

To Maintain an Army and Navy.—

“To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

“To provide and maintain a navy.

“To make rules for the government and regulation of the land and naval forces.” (Art. I. Section 8.)

We have already learned that the United States maintains a standing army. The President is commander in



Courtesy of the Secretary of Navy.

BATTLESHIP "TEXAS."

Launched May 19, 1912, at Newport News, Va. Length 573 Ft., Breadth 95 Ft. 2½ In. Average Depth Below Water Line 28 Ft. 6 In. Speed 21 Knots an Hour (About 24 Miles). Cost \$5,830,000, Exclusive of Armament and Equipment. Manned With 63 Officers and 1009 Men.

chief of the army and navy, but the actual control of both is vested in various officers trained for the purpose. Congress has passed regulations providing for the organization of the army and navy, prescribing the tactics to be used in drills, defining the various offenses against the military and naval laws, and providing for the organization of courts-martial to try all those charged with violating these laws. The United States is the third naval power in the world, her navy being

excelled only by those of Great Britain and Germany. In 1911 it cost \$280,073,620 to maintain the army and navy.

To Provide for a Militia.—

“To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

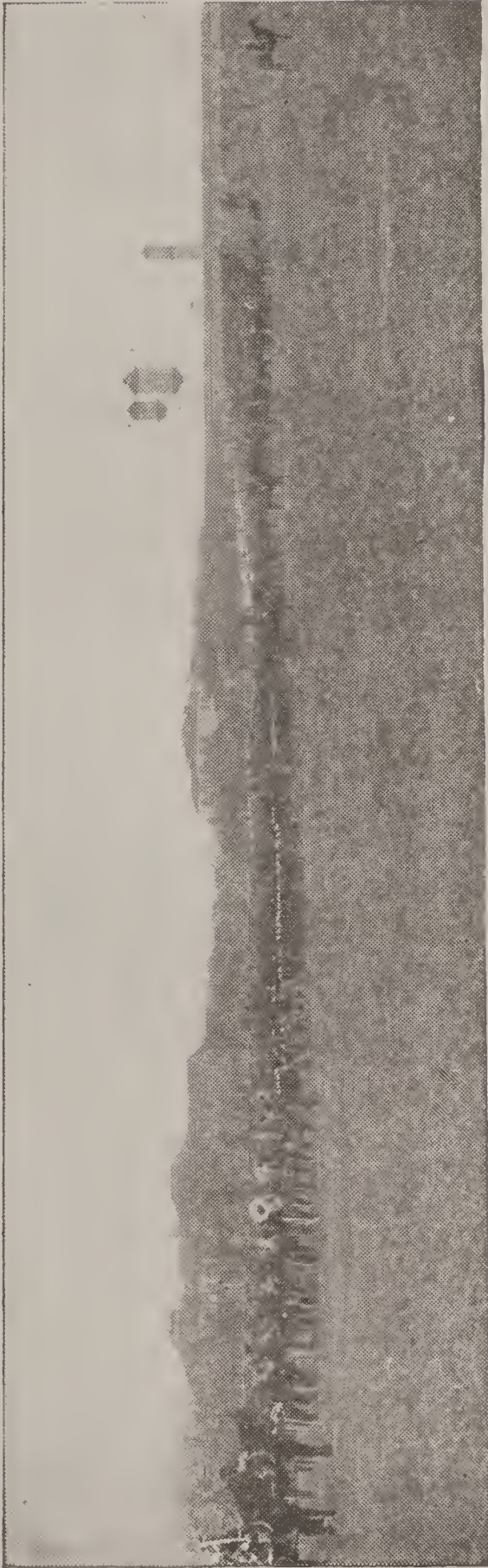
“To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.” (Art. I. Section 8.)

As stated in State Government, Texas has an organized militia of which the governor is commander in chief. Every other State has a similar militia. In addition to the organized militia, every able-bodied man between the ages of eighteen and forty-five years belongs to the **reserve** or **unorganized militia**, and is liable to be drafted for service in time of war. In 1911, the organized militia consisted of 121,803 officers and men, and the reserve militia of 14,752,293. As the militia is liable to be called into the service of the Nation, it is organized, armed, and disciplined as directed by Congress. Whenever it enters the service of the United States it ceases to be under the control of state authorities. In time of war or other emergency, Congress may call on the States to furnish such part of their organized or reserve militia as is needed by the Government.

Federal Territory—

“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, dockyards, and other needful buildings; and

“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.” (Art. I. Section 8.)



Fort Sam Houston, San Antonio, Texas, Showing a Drill in Progress on the Parade Ground.

We have already learned how the District of Columbia was secured and that no elections of any kind are held there. The District is governed by a Commission appointed by the President with the consent of the Senate. All local legislation must be enacted by Congress, but in practice, the Commission is allowed to originate the bills. One-half of the expense of the District is borne by the Federal Government, and the other half is raised by means of a "District tax." Many federal office holders living in the District maintain their legal residences in the States from which they came, and thus are able to retain the right to vote at their places of legal residence.

Whenever the United States wishes to acquire property for forts, light houses, or other public works, it is necessary for the State in which the property is situated to cede it to the Federal Government. Any people living on these reservations lose their citizenship in the State and are freed from all State taxes. Crimes committed on these reservations must be tried in United States courts. In order that those breaking the laws of the State may not find an asylum there, the States, in ceding this property, usually reserve the right to serve warrants there for crimes committed in territory under their jurisdiction.

THOUGHT QUESTIONS

1. How does the United States borrow money?
2. What is meant by interstate commerce?
3. What corporations are subject to the Interstate Commerce Commission?
4. What do most nations require of those in control of passenger carrying vessels?
5. Does the United States exercise this control over all passenger carrying vessels on rivers?
6. What is a port?
7. What is meant by a port of entry?
8. What is meant by high seas?
9. Why are quarantine stations established near all ports of entry?
10. What is a pilot and what are his duties?
11. What is naturalization?
12. Who can not become citizens of the United States?
13. What is meant by personal naturalization? Illustrate.
14. What is meant by collective naturalization? Illustrate.
15. Why should one year's service in the United States army entitle a foreigner to United States citizenship?
16. Is it possible for an alien to vote before he is a citizen of the United States? Explain.
17. Can an alien who has formally declared his intention to become a citizen have the protection of the United States?
18. Why do aliens generally become naturalized before visiting their old homes in their native countries?
19. What is insolvency? Bankruptcy?
20. What are the advantages of a bankruptcy law?
21. What is voluntary bankruptcy?

22. What is involuntary bankruptcy?
23. What is meant by a "composition settlement" with an insolvent person or firm?
24. What particular exemption of property can be claimed by a Texas bankrupt?
25. What is money?
26. What is legal tender?
27. Where is the nearest mint located?
28. What are the three kinds of paper currency?
29. What banks are allowed to issue money under United States supervision?
30. Why is a bank note perfectly safe currency?
31. What is a silver certificate? What gives it currency value?
32. Can a person take silver to a mint and have it coined?
33. Can a person take gold to a mint and have it coined?
34. Name the subsidiary coins in use.
35. What is the maximum debt paying power of a penny?
36. Has Congress ever established uniform weights and measures?
37. To what extent has the metric system been established?
38. What is counterfeiting?
39. Is a gold dollar of legal fineness, form and weight, coined by an individual, a counterfeit?
40. Can a coin be made into an article of jewelry?
41. Is an underweight coin legal tender?
42. When a coin is known to be much deficient in weight, what can the possessor do to save loss?
43. What can be done with mutilated paper currency to save a loss to the possessor?
44. What is a post road? A parcels post system?
45. What is a rural free delivery route?
46. What is a star route?
47. What is a postal savings bank?
48. What is the particular value of a postal savings bank?
49. What is meant by special delivery?
50. Does the government make good the loss of a registered package?
51. Does the government guarantee against loss in postal money orders?
52. Give the necessary steps for procuring a copyright.
53. Give the necessary steps for procuring a patent.
54. Of what value is a patent? A copyright?
55. What can be copyrighted?
56. What is a privateer?
57. Do the leading nations today regard the granting of letters of marque and reprisal with favor? Why not?
58. What kinds of property are regarded as contrabands of war?

59. What is a navy?
60. What is a standing army?
61. What is the militia?
62. Where is the power to declare war vested?
63. How many times and when has the United States declared war?
64. What is a battleship? A cruiser? A torpedo boat?
65. What is a court martial? Who can be tried by court martial?
66. How are organized territories governed?

CHAPTER X

RESTRICTIONS IMPOSED BY THE CONSTITUTION

Importation of Slaves.—

“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.” (Art. I. Section 9.)

We have already learned that by the “Third Great Compromise” the Constitutional Convention agreed that the importation of slaves should not be interfered with by Congress prior to 1808. This is the clause inserted in the Constitution to make that compromise effective. Before 1808, all the Southern States of their own accord had enacted laws prohibiting the importation of slaves. In 1807, Congress passed an act to take effect on January 1, 1808, forbidding the importation of slaves into any part of the United States and prescribing severe penalties for its violation.

Personal Liberty.—

“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.

“No bill of attainder or *ex post facto* law shall be passed.” (Art. I. Section 9.)

A **bill of attainder** is a legislative act that takes away the civil rights of a person without a trial in court. Formerly, it followed automatically any conviction for a felony or treason. It effected a forfeiture of the guilty one’s estate, made it impossible for him either to inherit or transmit property, and prevented him from suing, or testifying in court. Parliament not only claimed but exercised the right of enacting bills of attainder, and

some of the colonists had experienced them as acts of resentment. An **ex post facto** law is one that makes a crime out of some act that was not a violation of law at the time it was committed, or that increases the penalty for the violation of a law.

Commerce.—

“No tax or duty shall be laid on articles exported from any State.

“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.” (Art. I, Section 9.)

Public Funds.—

“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.” (Art. I, Section 9.)

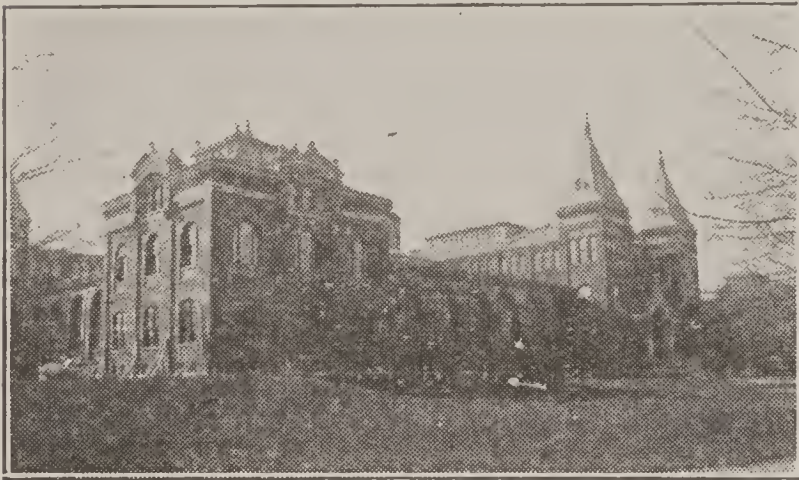
We have learned that in Texas no money can be paid out of the state treasury except in accordance with an appropriation made by the Legislature. In the same way no money can be paid out of the federal treasury except in accordance with an appropriation made by Congress. In the Treasury Department at Washington there are many auditors who compare every warrant drawn on the public funds with the law making the appropriations, and unless every particular is according to law the warrant is refused payment. In this connection it is interesting to know that the President is the only employee of the government who does not have to sign the pay roll when he receives his salary. The total disbursements in 1911 for running the government were \$654,137,998. Each Congress passes one appropriation bill covering the expenditures of the government for two years.

Titles of Nobility.—

“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 pres-

ent, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State." (Art. I. Section 9.)

The theory of our government is that all men are created equal. In European countries where titles of nobility abound, there is a broad gap between the social privileges of a titled person and of one not possessed of a title. The feeling against titles was so strong that, in 1809, an amendment to the Constitution was proposed by Congress to the States, to the effect that any citizen of the United States accepting a title of nobility or a



The National Museum.

gift from a foreign ruler, without the consent of Congress, should forfeit his citizenship. Officials of the government often receive gifts from foreign gov-

ernments. In some cases Congress allows them to keep them, but generally they are deposited in the National Museum. This great museum is located at Washington.

Restrictions on the States.—

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything 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.

"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 United States; and all such laws shall be subject to the revision and control of the Congress.

“No State shall, without the consent of Congress, lay any duty on 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.” (Art. I. Section 10.)

If Congress and the States could both do the same things, and if they had equal jurisdiction, there would be great confusion, and no one would know to which one he should yield. The Constitution defines very clearly the powers of each. Whenever there is any uncertainty the matter is decided by the Supreme Court of the United States.

Bills of Credit.—This is another name for currency. In Colonial times each colony could issue paper money and much of it was put in circulation. Generally, the further that one got from the colony that had issued this money, the less it was worth. Much suffering was caused through the issue of such money. The framers of the Constitution protected the country from that evil.

Contracts.—A contract is an agreement between two or more persons either to do or not to do some specified thing. Frequently one party to the contract fulfills his part of it long before the other does. If the State could pass laws setting aside contracts already made and partly carried out great injustice would be done. In the colonies this did happen, and precautions were taken to write a clause into the Constitution, prohibiting the States from passing laws impairing the obligations of contracts. No contract is legal that provides for the doing of some illegal thing. Contracts made with children or minors, except for the necessaries of life, can not be enforced. Contracts secured through force or fraud are void.

THOUGHT QUESTIONS

1. Did any State desire to encourage slave importation?
2. Has the United States ever taken a citizen's property without paying for it?
3. If an ex post facto law lessens or removes a penalty, does it apply immediately to cases affected by it?
4. Under what conditions may a United States official retain gifts made to him by foreign rulers?
5. Under what conditions may a State impose a duty? Illustrate.
6. Why is a State prohibited from issuing bills of credit?
7. State a condition under which Texas would be justified in engaging in warfare with a foreign nation.
8. Under what conditions should a contract be annulled?
9. What is meant by statute of limitation? Illustrate by Texas statutory provisions.

CHAPTER XI

THE PRESIDENT

The National Executive.—

“The executive power shall be vested in a President of the United States of America.” (Art. II. Section 1.)

As we have learned, the government formed under the Articles of Confederation possessed no executive branch. Whatever executive power it had was vested in Congress. Had Congress possessed the proper legislative and executive authority the government might have been a success. In England today the king has very little executive power, and in two hundred years he has not attempted to veto an act passed by Parliament. The executive power of the English government lies in the Ministry, which is composed of the strongest men in the political party that is in the majority in Parliament. The leader of that party becomes the Prime Minister and he selects the other ministers. When any important act proposed by the government is defeated in Parliament, the ministry resigns and the king at once appoints the leader of the new party that has come into control as prime minister. In a republican form of government, however, a strong executive branch is considered essential to stability. That the Constitution provides an effective executive branch is proved by the fact that no amendment touching its powers has been desired. The President is assisted in administering the government by thousands of officials located in all parts of the country, as well as in every foreign land with which our people have any commercial relations.

Term of Office.—

“He shall hold office during the term of four years.” (Art. II. Section 1.)

After having been twice unanimously elected President, and having served for eight years, Washington

declined a reëlection, thereby establishing a precedent in accordance with which no President has been elected for more than two terms. When the first administration of a President has been satisfactory it is customary for his party to renominate him. At the present time, when many people are urging that the term of the President should be six years, and that he should not be eligible for reëlection, it is interesting to remember that at one stage in its proceedings, the Constitutional Convention provided for a term of seven years with no reëlection.

Original Method of Electing.—

“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.

“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, direct 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 choose 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 choose 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. 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 choose from them by ballot the Vice President.” (Art. II. Section 1.)

The defects in this plan of electing a President were forcibly illustrated in the election of 1800, in which the will of the Nation came near being thwarted. No one having received a majority of the electoral votes, the House of Representatives had to choose from the candidates. Balloting continued for seven days. Eight States voted for Thomas Jefferson, six for Aaron Burr, and two for other candidates. On the thirty-sixth ballot Jefferson received the votes of ten States and this gave him the presidency. As Burr had the votes of six States he became Vice President. If Burr had won the presidency the threatened disunion of the Republic would doubtless have resulted. This danger of the election of a President who was bitterly opposed by a majority of the people, showed the necessity of a change in the plan of election, and resulted, in 1803, in Congress proposing to the States the Twelfth Amendment to the Constitution which was declared adopted the following year.

The Present Electoral Plan.—

“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 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 person having the highest number 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. 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." (Amendment XII.)

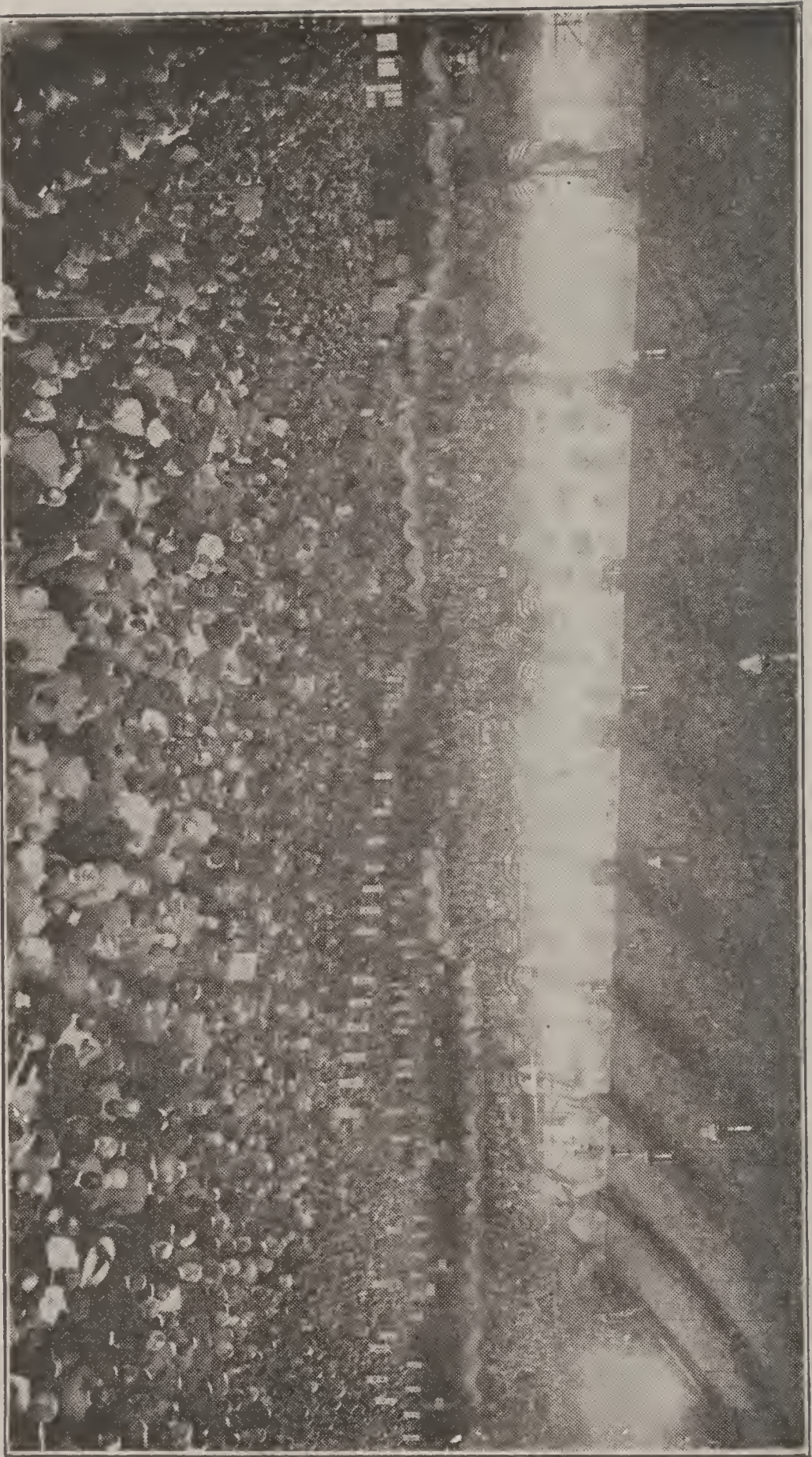
Only once since the adoption of the present plan has the election of a President been carried to the House of Representatives. In 1825, the presidential candidates were Jackson, Adams, Crawford, and Clay. As there were 258 electoral votes, 130 were necessary to elect. Jackson led with 96 votes, so there was no election. In the House of Representatives, John Quincy Adams received the votes of thirteen of the twenty-four States and was elected. As Jackson, the leading candidate, was defeated, the people were bitter in denunciation of an apparent bargaining in votes. But, as Adams was a strong man, they accepted his election good naturedly after the first excitement was over.

Presidential Elections.—The framers of the Constitution thought it unwise to leave the election of the President to a popular vote. The electoral plan was adopted by which electors, chosen for the purpose, would elect the best suited man for the presidency. Though the electoral plan has been in force to the present time, its purpose has long been thwarted. Instead of electors casting their votes according to their individual judgment, they cast them uniformly for the candidate of the political party they represent. The President is, therefore, virtually elected by the people, and after the elec-

tion of presidential electors in November the name of the next President is announced as a fact by the entire press of the country, and no thought is given to his technical election by the electors that will occur several months later.

The Conventions.—The precincts in each county send delegates to a county convention. The county conventions select delegates to the state conventions. The state conventions select delegates to the national convention, which is called for the purpose of nominating party candidates for President and for Vice President, and for formulating a platform upon which the presidential campaign will be made. These conventions are called respectively by the county, state, and national executive committees of the various parties. They are usually held in the April or May preceding the presidential election. In several States the law requires each party to hold a presidential primary for the purpose of allowing the voters to instruct their delegates to the national conventions.

The National Conventions.—These conventions meet in June or July so as to give time for a campaign preceding the November election. The number of delegates from each State to each national convention is equal to twice the number of senators and representatives from that State. Four of them are delegates at large; the others are chosen, two by two, from each Congressional District. The convention is called to order by the chairman of the national committee. Permanent officers are elected, and committees are appointed. Resolutions are adopted which set forth the platform on which the party will go before the people in the fall elections, and generally on the third or fourth day the President and Vice President are nominated. When the time for nominations for the presidency arrives the clerk



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Opening of the Democratic Convention at Baltimore, that Nominated Woodrow Wilson for the
Presidency, July 8, 1912.

calls the roll of States in alphabetical order. If Alabama, the first State on the list, has no favorite son to nominate, it generally waives its place to some State with a favorite son whose candidacy is looked upon with favor by the delegates from Alabama. In this way the names of the leading candidates get before the Convention earlier than they might if they had to wait until their respective States were reached in the roll call. In the Democratic Convention the "unit rule" generally prevails, the delegates from a State voting as the majority of the delegates from that State do; but in the Republican Convention all delegates, not instructed how to vote by the voters they represent, may vote as they please. It requires a majority vote to nominate in the Republican Convention, and a two-thirds vote in the Democratic Convention. After the President is nominated, it is customary to select as Vice President the candidate who can give to the ticket the most strength.

The Electoral College.—

"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 United States." (Art. II. Section 1.)

In Texas, when the state convention meets to nominate delegates to the national convention, it also selects the electors that are to represent its party. The presidential election is held throughout the whole country on the first Tuesday after the first Monday in November of years whose numbers are divisible by four. As electors who receive a plurality of all the votes cast are elected, it has happened that all of them were not of the same political party. Each State is entitled to as many electors as it has United States Senators and Representatives, and the whole number is known as the **electoral college**. The electoral college in Texas consists of twenty members. The electoral colleges meet at the

capitals of their respective States, on the second Monday in the January following their election, and invariably cast their ballots for the nominee of their party, though constitutionally they are free to vote as they please. In voting, they cast their ballots separately for President and for Vice President. The candidate for one of these offices must not be a resident of their own state. They make three copies of the list of persons for whom they voted, and indicate the number of ballots cast for each. These copies are properly signed, certified, and sealed. Two of them are sent to the President of the Senate of the United States, one by mail and one by special messenger. The third copy is delivered to the judge of the United States District Court of the district in which the electoral college holds its meetings. This triple-list plan guards against the destruction of the election record by accident or otherwise, before Congress counts the votes. Should the Vice President not receive either of the lists sent to him by the fourth Monday in January, he sends after the one filed with the district judge.

Congress Counts the Electoral Votes.—On the second Wednesday in February following the meeting of the electors, the Senate and House of Representatives meet in joint session to count the electoral votes. The President of the Senate presides, and in the presence of all, he opens the lists of electoral votes sent him by the electoral colleges in the various States. These lists are read by the clerks, and the votes for each candidate are counted and announced by tellers appointed for this purpose by each house. If any candidate for President or Vice President has received a majority of all the electoral votes cast, he is declared elected.

Election by the House of Representatives.—If no candidate for President receives a majority of the electoral votes, the House of Representatives proceeds to elect

the President from the three candidates who have received the highest number of votes for President. A quorum for this election consists of a member or members from two-thirds of the States. Each State is entitled to only one vote. This vote is determined by a majority vote of all the members present from that State. It requires a majority of all the votes by States to elect. If the House should fail to elect a President by the fourth day of March the Vice President becomes President. Thomas Jefferson and John Quincy Adams are the only Presidents who have been elected by the House of Representatives.

Election of the Vice President by the Senate.—If no candidate for Vice President receives a majority of the electoral votes, the Senate proceeds to elect a Vice President from the two candidates who received the highest number of votes for Vice President. A quorum for this election consists of two-thirds of all the senators, and a majority of all the senators is necessary to elect. In 1837, R. M. Johnson was elected Vice President by the Senate.

Contested Electoral Returns.—The most exciting and dangerous national election in our history was that of 1876. There were 369 electoral votes, of which 184 democratic electors, or one less than a majority, were unchallenged. Hayes was the Republican candidate, with 164 unchallenged electoral votes. Party feeling was high and a clash of arms seemed inevitable. To prevent the election of Tilden, the Democratic candidate, the Republicans questioned the twenty-one votes from South Carolina, Florida, Louisiana, and Oregon. Both parties claimed the vote from each of these four States. As no laws determined what constituted a legal vote, or what authority should pass upon their legality, Congress, in order to settle temporarily these critical

questions, created a special "Electoral Commission" to decide upon the legality of the twenty-one votes represented by double returns. This Commission consisted of five senators, five representatives and five judges of the Supreme Court. Seven were Democrats, seven were Republicans, and one was considered "Independent" in politics, but upon every incidental question that arose in the investigation, the so-called "Independent" voted with the Republicans, making eight to seven in favor of them. He also voted with them on the final question which gave the disputed votes, and consequently, the presidency, to Hayes. Aside from irregularities in voting for the electors, no well informed man ever doubted that South Carolina, Florida, and Louisiana cast decisive majorities for Tilden electors. To prevent a recurrence of the "8 to 7" election, Congress passed a law, in 1887, to regulate the counting of electoral votes, leaving it to the States to pass upon the legality of disputed election returns.

Qualifications.—

"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." (Art. II. Section 1.)

Citizens of the United States in 1789, who were of foreign birth, were eligible to the presidency, provided they had the qualifications as to age and residence. This exception was made in deference to such distinguished patriots and statesmen as Alexander Hamilton. Residence abroad in the service of the United States is not a disqualification. The qualifications for the vice presidency is the same as for the presidency.

Succession to the Presidency.—

"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, 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 act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected." (Art. II. Section 1.)

Congress has declared that the presidential succession, after the vice president, shall be in the following order:

Secretary of State.

Secretary of Treasury.

Secretary of War.

Attorney General.

Postmaster General.

Secretary of the Navy.

Secretary of the Interior.

Secretary of Agriculture.

Secretary of Commerce and Labor.

If any of these officials do not possess the necessary qualifications for President they must be omitted from the line of succession. No President has resigned and none has been removed from office. Harrison and Taylor died during their term of office; Lincoln, Garfield, and McKinley, were assassinated before completing their terms. All of them were succeeded by the Vice President, and there has never been occasion for the succession to go beyond that officer.

Salary.—

"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." (Art. II. Section 1.)

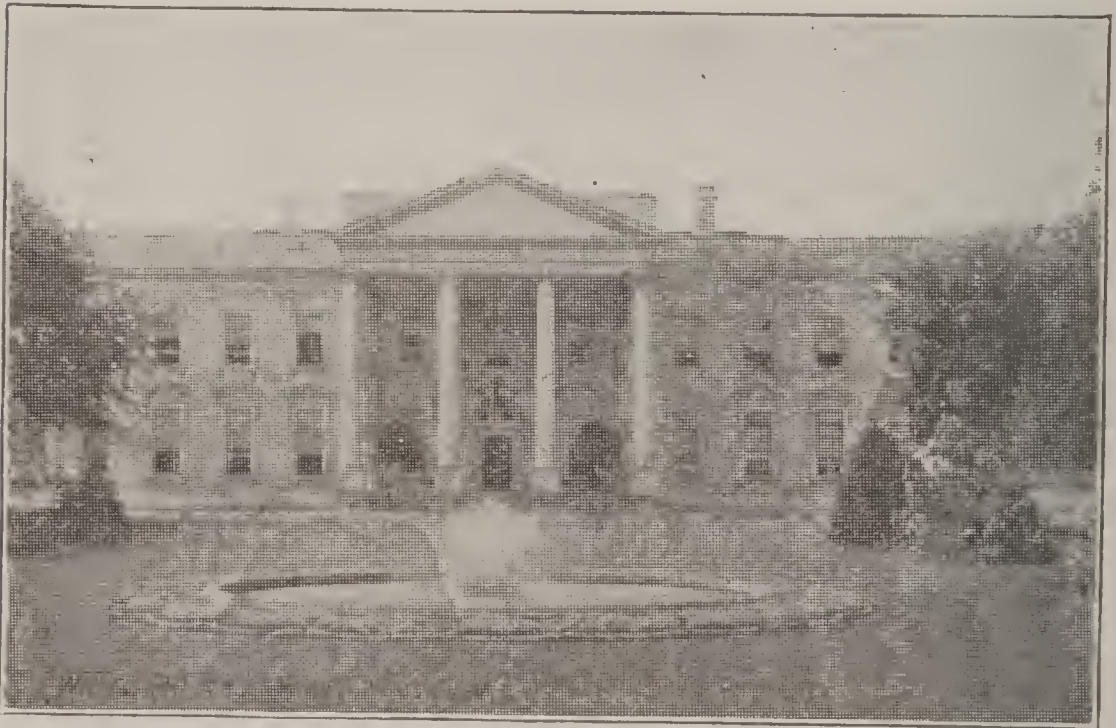
The salary of the President is fixed by Congress before his inauguration and can not be changed during his term of office. In 1909 it was fixed at \$75,000. The President is allowed \$25,000 for traveling expenses, and is given the use of the executive mansion, or the "White House," as it is called, from its color.

The Inauguration.—

"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 United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.’” (Art. II. Section 1.)

On the fourth day of March following the presidential election, the President and Vice President are inaugurated into office. This is a gala time in Washington, for thousands of people have come from all parts of the United States to witness the ceremonies. At noon the Chief Justice of the Supreme Court administers the oath



THE WHITE HOUSE.

George Washington Laid the Corner Stone and the Building was First Occupied by President Adams in 1800.

of office to the President at the east front of the Capitol. After this the new President delivers his inaugural address in which he outlines the policy of his administration. In the evening a magnificent ball is held in the building of the Pension Bureau. The Vice President takes the oath of office in the presence of the Senate, just a short time before the President is inaugurated.



Inauguration of President Taft on March 4, 1909.

THOUGHT QUESTIONS

1. State the necessary qualifications of the President of the United States.
2. Give in order the necessary steps in the election of a President.
3. Is there any legal provision against a presidential third term?
4. What is meant by the electoral college?
5. What three electoral colleges failed to elect a President?
6. What two Presidents were elected by the House of Representatives? When?
7. What President was virtually elected by an electoral commission?
8. What was the significance of "8 to 7" in this commission's proceedings?
9. How do the representatives of the several States vote when casting their votes for President? For whom must they vote? What majority is required?
10. Who was elected Vice President by the Senate? When?
11. How do the Senators vote for Vice President? For whom must they vote?
12. Can a man who was not the choice of a majority of the voters, be regularly elected President by the electors? Explain.
13. What Presidents were thus elected?
14. What is the present presidential succession law? What are its advantages over the old law?
15. Who administers the oath of office to the President? When?

CHAPTER XII

POWERS AND DUTIES OF THE PRESIDENT

Military Power.—

“The President shall be the 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.”
—(Art. II. Section 2.)

The army and navy are maintained as preventives of war. War is the last resort in the settlement of disputes to which nations are parties. War may be waged between two or more nations, or between a nation and its own citizens. Citizens who are in arms against their government are said to be in **insurrection** or **rebellion**, until such time as they are able to organize and maintain an actual government. Then the rebellion becomes a **civil war**. Inasmuch as the Southern States organized a government immediately after seceding in 1861, it is incorrect to speak of the Confederates as “rebels,” and of the “Civil War” as a rebellion.

Success in war demands centralization of authority to direct the army and navy. It also demands quick and decisive action. Congress is slow of action and slow of decision, therefore the Constitution wisely makes the President commander in chief of the military forces of the Nation. To protect the country against a reckless use of this power, the nation vests in Congress the sole right to declare war, and to provide for all the expenses incident to war. No President has ever taken the field in person, but he delegates the command of the army and navy to officers selected for that purpose. The commissioned officers rank downwards, as follows:

Army.	Navy.
Major Generals.	Admirals.
Brigadier Generals.	Rear Admirals.
Colonels.	Captains.
Lieutenant Colonels.	Commanders.
Majors.	Lieutenant Commanders.
Captains.	Lieutenants.
First Lieutenants.	Ensign.
Second Lieutenants.	Midshipmen.

How War is Brought On.—Nations usually exhaust all peaceful means to settle their disagreements before resorting to war. War is so costly in lives and money that it is seldom rushed into thoughtlessly. The aggrieved nation may seize the ships and property of the citizens of the other nation and hold them as a sort of ransom, or it may place an **embargo** on them, and detain them in its ports until satisfaction is secured. Such acts will either hasten a peaceful settlement of the troubles, or one of the parties will issue an **ultimatum** to the other. This sets forth what must be done to avert war and specifies a time limit. Unless complied with, war generally follows. The nations at war are known as **belligerents** (war wagers), and all other nations as **neutrals** (neither sided.)

The Executive Department.—

“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.” (Art. II. Section 2.)

The framers of the Constitution evidently expected the government to be administered by departments, yet nowhere in that document is there any provision for them. In 1789, Congress created the Departments of State, War, and the Treasury, and the office of Attorney General (Department of Justice). These departments existed under the Articles of Confederation with different names. In 1798, the administra-

tion of the navy was taken away from the War Department, and the Navy Department was created. The Post Office Department was formally recognized in 1794, but it had been practically a department since the organization of the government. In 1849, the Interior Department was established. The Departments of Agriculture (1889) and of Commerce and Labor (1903) were the last to be created. Some people are now urging a Department of Education. No department officials can communicate with Congress except with the consent of the President.

The Pardon Power.—

“And he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.” (Art. II. Section 2.)

Just as the Governor of Texas has power to grant pardons and reprieves to those convicted of violating the laws of our State, so the President can grant pardons and reprieves to those who are convicted of violating the federal laws. There are three ways in which he may grant clemency, as follows:

- a. To **pardon**, which frees the person from the penalty imposed.
- b. To **reprieve**, which grants a delay in carrying out the sentence.
- c. To **commute**, which lessens the severity of the sentence.

To Make Treaties.—

“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.” (Art. II. Section 2.)

A treaty is a compact made between nations. It is one of the most vital functions of sovereignty. Wisdom displayed in negotiating treaties at the opportune time, with an insight into future conditions, has been the cause of the prosperity and ascendancy of many nations. The President, being in close touch with all the needs of his country, and having an intimate knowledge

of the political and commercial conditions of the other nations of the world, is the best qualified person to negotiate treaties. Treaties may be for the settlement of war issues, for offensive or defensive alliance, for regulation of commerce, or for adjustment of disputed international questions. The President is assisted in negotiating treaties by the Secretary of State. Each nation appoints agents to negotiate. They meet and exhibit their credentials. These credentials give them full power to agree on the terms of the treaty. When the details are all agreed to, two copies are drawn up on parchment, containing the text of the treaty in both the English language and that of the other nation. These copies are signed by the negotiators and the treaty is said to be **celebrated**. If the President approves the treaty he lays it before the Senate. The Senate



The Great Seal of the United States.

considers it in executive session. If it is concurred in by a two-thirds vote of the senators present it is returned to the President, who signs it and has the Great Seal of the United States affixed by the Secretary of State. It then becomes effective as soon as the "ratifications are exchanged." This consists in exchanging the copy signed by the President for the one

signed by the ruler of the other country. After it is ratified, the President issues a proclamation giving the text of the treaty. It then becomes a part of the federal laws. But, if the Senate amends the treaty, and the amendments meet with the President's approval, it will have to be presented to the representatives of the other nation in its re-

vised form for approval, or rejection. If it provides for the payment of money by our government the House of Representatives is asked to make provision for its payment. The House has never failed to provide such payments, as a failure to do so would involve the honor of our Nation, but in some cases the House has made the appropriation under protest.

Important Treaties

Jay's Treaty (1795) settled marine questions threatening war with England.

The Treaty of Ghent (1814) concluded the Second War with England.

The Ashburton Treaty (1842) settled the northern boundary question and the slave trade.

The Gadsden Treaty (1853) settled the Mexican boundary question.

The Treaty of Washington (1871) settled the Alabama Claims, a privateer question growing out of the Civil War.

The Treaty of Paris (1900) concluded the Spanish-American War.

The Panama Treaty (1904) secured the Canal Zone for the building of the Panama Canal.

To Make Appointments.—

“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.

“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.” (Art. II. Section 2.)

As the work of most of the appointive officers of our government is to make the administration of the government effective, their appointment is rightly vested in the President. The principal officers appointed by the President, in addition to members of his Cabinet, are:

Department	Officers
State :	Ambassadors, Foreign Ministers, Consuls.
Treasury :	United States Treasurer, Collectors of Internal Revenue, Comptroller of the Currency, Collectors of Customs, Supervising Architect, Supervising Surgeon-General, General Superintendent of the Life Saving Service.
Interior :	Commissioner of Patents, Commissioner of Pensions, Director of the Geological Survey, Commissioner of Indian Affairs, Commissioner of Education.
Post Office :	Assistant Postmasters General, about 6,900 Postmasters whose salaries are over \$1,000 a year.
Justice :	Federal Judges, Solicitor General of the United States, District Attorneys, United States Marshals.
Commerce and Labor :	Director of the Census, Chief of the Bureau of Statistics, Commissioner of Immigration, Steamboat Inspectors, Commissioner of Fisheries.
Agriculture :	Chief of the Weather Bureau, Chief of the Division of Forestry, Chief of the Bureau of Animal Industry, Chief of the Bureau of Chemistry.
War :	Most of the officers of the army.
Navy :	Most of the officers of the navy.

The President also has the power to dismiss from the service of the government any officer appointed by him who proves unsatisfactory. In practice, such officials usually resign.

The Classified Civil Service.—One of the worst features of the Federal Government is the "Spoils System." The theory that "to the victor belong the spoils" has been responsible for the dropping of thousands of efficient of-

officials upon the advent of a new President. Prior to 1883, a change in the presidential office meant that even the lowest salaried clerks were liable to be supplanted by friends of the new President, or of the higher officials appointed by him. In that year, Congress passed an act creating a Civil Service Commission and placing thousands of clerks in the **classified civil service**. In 1911, there were 222,278 officials of the government who had secured their positions through competitive examinations. Such officials belong to the classified civil service and can not be removed from office except for cause. When there is a vacancy in such a position, the Civil Service Commission certifies to the proper official the names of the three persons eligible for it who made the highest grades in the examinations. So far as possible, the candidates are apportioned so that each State shall have a fair representation in the classified civil service. One of these candidates must be chosen for the vacancy.

Messages to Congress.—

“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.” (Art. II. Section 3.)

By custom, the President sends a formal message to Congress at the beginning of each session. Through this formal message, he recounts the general condition of the country, the doings of the Departments during the year, and the needs of the Nation. Special messages are also sent from time to time recommending the enactment of particular laws to meet certain emergencies. Not all the recommendations in the annual message are considered by Congress, but the recommendations in a special message generally receive consideration.

Extra Sessions of Congress.—

“* * * 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 a time as he shall think proper.” (Art. II. Sec. 3.)

The conditions of the Nation sometimes demand the attention of Congress during its recess, or Congress sometimes adjourns by limitation, with necessary business unfinished, such as appropriations for the current expenses of the government. Under such circumstances, the President can call an extra session of Congress. The House of Representatives has never been called in separate special session. When there is a change in the presidency, the outgoing President calls the Senate in special session so that it may be ready to confirm the heads of the departments nominated by his successor. It has also been called in separate session to ratify treaties.

Receives Foreign Ministers.—

“He shall receive ambassadors and other public ministers.” (Art. II. Section 3.)

Each country with which the United States is on friendly terms is represented at Washington by a diplomatic officer who acts as the agent of his country in the transaction of all official business with the United States. There are four grades of such officers ranking downwards, as follows:

Ambassadors.

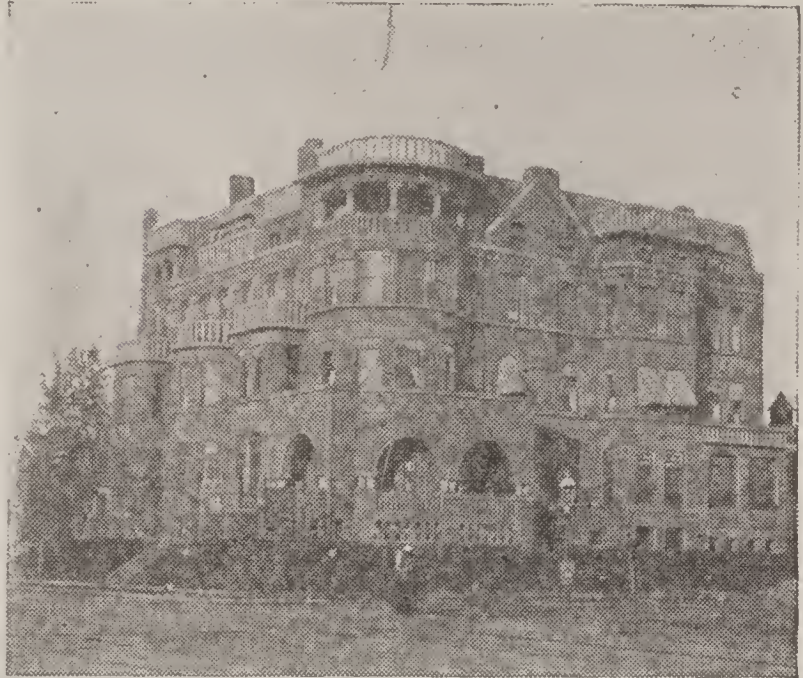
Ministers Plenipotentiary.

Ministers Resident.

Charge d'affaires (shär zhā dā fâr').

When a foreign minister, accredited to this country, reaches Washington, he presents the credentials given him by his own government to the Secretary of State. If his appointment is satisfactory to our Government, a time is set when he is formally presented to the President by the Secretary of State. This presentation takes

place at the White House. Should a foreign minister become persona non grata (pĕr sō'nā nŏn grā'tà), i. e., objectionable to this Government, his recall will be requested. In time of war between two nations, all diplomatic relations are broken off and neither nation is represented at the capital of the other.



CHINESE LEGATION AT WASHINGTON.
This Building is the Home of the Chinese Minister and His Retinue. Nearly All Foreign Nations Have Legations at Washington.

War is sometimes virtually declared by a nation returning to the minister of the other nation his credentials, which is equivalent to inviting him to leave the country.

Executes the Laws.—

“* * * he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.” (Art. II, Section 3.)

The principal duty of the President is to see that the federal laws are faithfully executed. In times of peace this is done very largely through the United States Marshals who are located in all parts of the country. Should they be unable to execute the laws, the President has power to use the army and navy for that purpose, and if necessary, to call out the militia of the several States. Should an uprising against the laws of Texas become too great to be quelled by the Governor with the aid of

state troops, he would call on the President for assistance, and then United States troops would be sent into the State to restore peace. At the time of the great strike of the employes of the Pullman Car Company, in 1894, President Cleveland startled the country, by sending United States troops to Chicago to put down the riots attending the strike, although they were not requested by the Governor of Illinois. He did this on the ground that interstate commerce and the carrying of the mails were being interfered with.

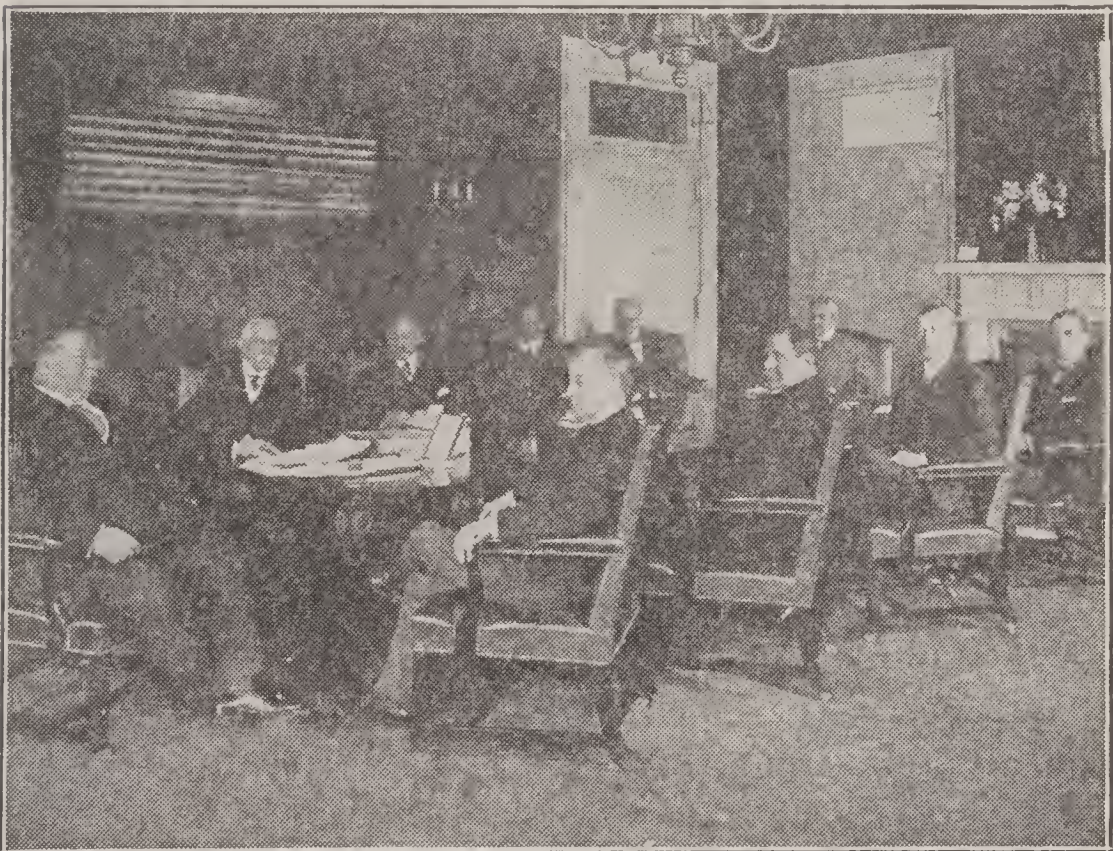
THOUGHT QUESTIONS

1. Does the President ever take active command of the army in its field operations?
2. Some wars unite a people, while other wars estrange them. Explain why this is so.
3. Has the United States had each of these types of wars? When?
4. Where is the power vested to declare war?
5. What is meant by the terms—belligerents, neutrals, ultimatum, embargo, and contrabands?
6. Can the President pardon a person convicted in an impeachment trial?
7. State the formal steps taken in making a treaty.
8. Name one treaty and state its provisions.
9. Describe the Great Seal of the United States.
10. What is meant by appointments made during the recess of the Senate?
11. What is the length of term of recess appointees?
12. What is meant by civil service? Signal service? Secret service?
13. What is a presidential message? How delivered?
14. What is meant by receiving foreign ministers?
15. Upon whose request will the President send troops into a State to quell riots, etc.?
16. Under what circumstances may the President send troops into a State where rioting exists without the request of the governor?

CHAPTER XIII

THE DEPARTMENTS

The President's Cabinet.—We have already learned that there are nine departments in the executive branch of the government. The heads of these departments constitute the **President's Cabinet**. As the success of the administration depends largely on the coöperation that exists between the President and the members of his Cabinet, it is conceded that they should be men of his choice, men in whom he has the utmost confidence, both as to their ability and loyalty. The Senate never questions the fitness or qualifications of these appointees, but confirms them without discussion.



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President Taft's Cabinet in Session at the White House the Day That the Government Decided Not to Send Troops Into Mexico.

The Power of the Cabinet.—As the Constitution does not provide for a cabinet, it follows that it can have no legal position in the organization of the government. Early in the history of the Republic, the President adopted the plan of having the heads of the executive departments meet with him for the purpose of consultation and advice. It is now the custom of the Cabinet to meet with the President twice a week. These meetings are held at the White House. While the President frequently asks the advice of his Cabinet, he is under no obligation to follow it. It is said that Lincoln did not discuss the issuing of the Emancipation Proclamation with his cabinet until he had drafted it. No record is kept of what transpires at meetings of the Cabinet. Cabinet officers receive a salary of \$12,000 a year.

The Department of State.—This is the most important department, for all international transactions are conducted through it. The Secretary of State is at its head and consequently is the ranking cabinet officer. He is largely responsible for the foreign policy of the Nation. This department carries on all the important official correspondence with the representatives of foreign nations stationed in this country, and with the representatives of the United States in foreign countries. It also has charge of the official correspondence of the Nation with the several States. The Secretary of State is the custodian of the Great Seal of the United States, and of the archives of the Nation in which are carefully preserved all its laws and treaties.

Passports.—When a citizen of the United States plans a journey to a foreign country he usually secures a passport. This is a document issued under direction of the Secretary of State attesting to the fact that he is a citizen of this country and entitled to all the rights and protection of American citizens. A passport is good for

Good only for
one year from date



United States of America,
Department of State.

To all to whom these presents shall come, Greeting:

The undersigned, Secretary of State of the United States of America,
hereby request all whom it may concern to permit

Description,

Age 58 Years
Height 5 Feet 10 Inches Eng
Forehead full
Eyes dark blue
Nose medium
Mouth medium
Cheek full
Hair gray
Complexion swarthy
Face full

~~Mr. F. Tripplitt~~
a Citizen of the United States ~~ac-~~
~~quainted by his name~~ safely
and freely to pass and in case of need to give
him all lawful Aid and Protection



Given under my hand and the
Seal of the Department of State,
at the City of Washington,
the ~~5~~ day of ~~July~~
in the year ~~1872~~ and of the
Independence of the United States
the one hundred and thirty seventh.

Signature of the Assessor.

~~N. F. Tripplitt~~

R. L. Case

No. 79005

two years and contains a full description of the person to whom it is issued.

The Diplomatic and Consular Service.—These are the two most important branches of the Department of State. The members of the diplomatic service represent the United States as a nation at the capitals of the different countries of the world. They conduct all the official intercourse and correspondence between the United States and the governments of the countries to which they are accredited. The consular service consists of consul generals, consuls, commercial agents, and consular agents. These officials are located at all important ports and many inland cities in every country of the world with



Photograph by Clinedinst.

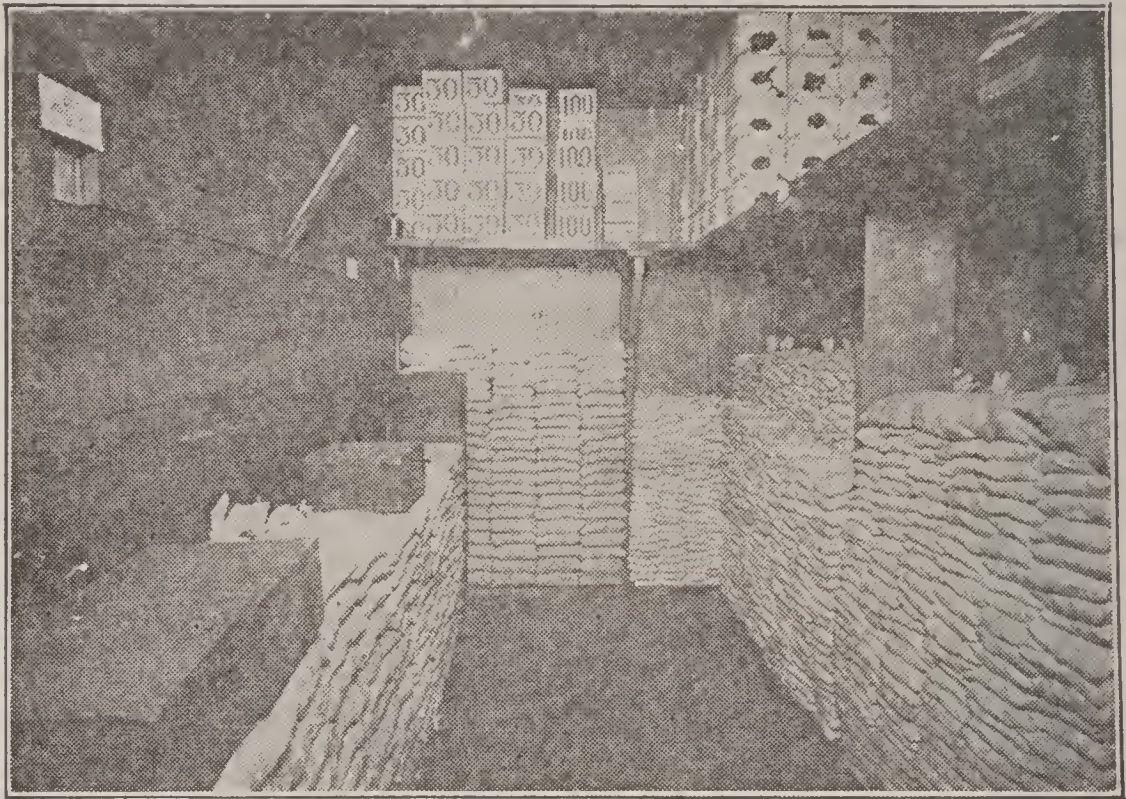
Counting Currency in the Treasury Department.

which the people of the United States have business relations. They study the trade conditions in their respective districts and make reports to the Secretary of State, suggesting how American trade can be increased; they certify to the correctness of invoices of goods bought to be exported to the United States; they settle disputes between American sea captains and their crews; they settle foreign estates of Americans dying abroad; they look after the interests of American citizens in trouble.

The Treasury Department.—The Secretary of the Treasury is at the head of this Department. He is largely responsible for the financial policy of the Nation, and upon the wisdom of this policy depends, to a considerable extent, the prosperity of the country. This department has the custody of all funds belonging to the United States and pays out money only by war-



The Bureau of Engraving, Where the Treasury Notes, Bank Notes, and Postage Stamps Are Printed.



Photograph by Clinedinst.

Gold Room in the Treasury Department. The gold coin and bullion stored in this room are worth millions of dollars.

rants drawn upon the Treasury, after the accounts have been properly audited. It superintends the collection of the duties and customs, and of the internal revenue. The mints where the money is coined, and the Bureau of Engraving and Printing where all the United States notes, bonds, revenue stamps, and postage stamps are made, are under its control. Other branches of the Treasury Department are the Life Saving Service, the Marine Hospital Service, the Quarantine Stations, and the Office of the Supervising Architect, where all plans for new Federal buildings are drawn.

The War Department.—The Secretary of War is at the head of this department. He has charge of the military affairs of the Nation. He has general oversight of



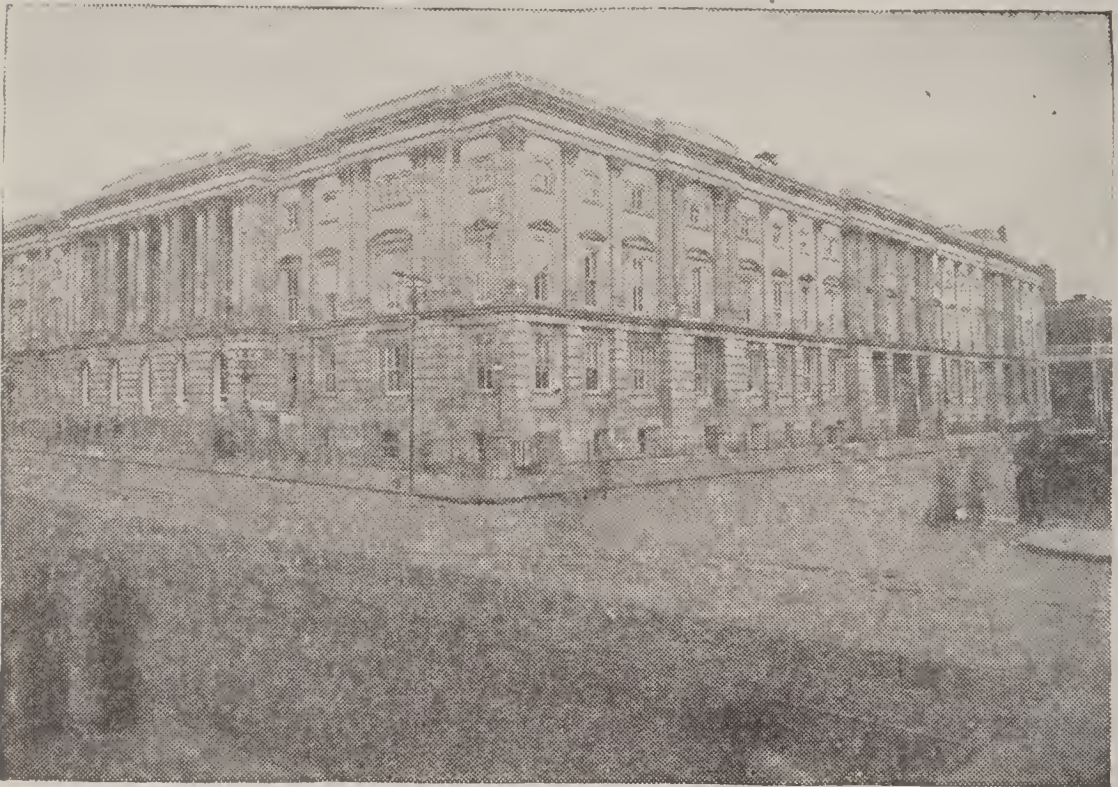
Cadet Barracks at the United States Military Academy, West Point.

the Military Academy at West Point, where our army officers are trained. The various forts, fortifications, docks, and arsenals are under the control of the War Department. It also exercises jurisdiction over all of the harbors and navigable rivers, prevents their obstruction, and supervises their improvement.

The Department of Justice.—This department was not established until 1870, but the office of Attorney General was created by Congress in 1789. It is presided over by the Attorney General, who is the legal adviser of the President and of the heads of the various Departments. All the Federal district attorneys are subject to his direction. The Attorney General conducts, either in person or through his assistants, all suits

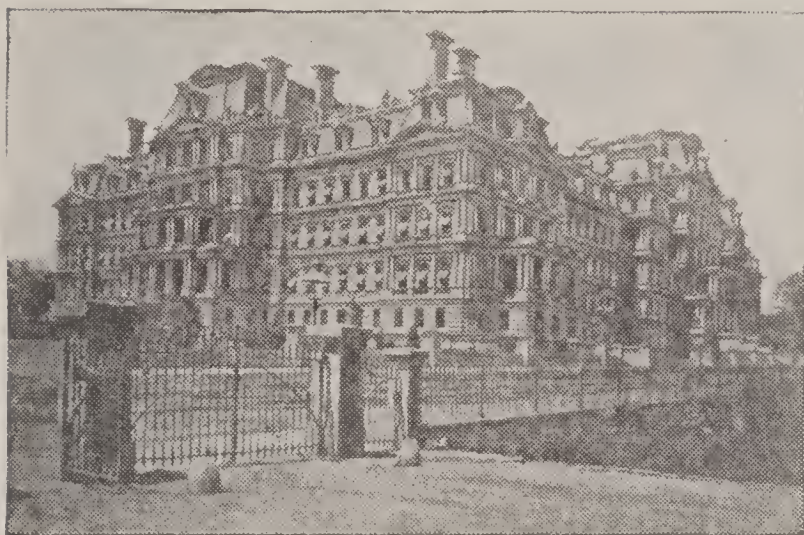
to which the United States is a party. By order of the President, he causes special investigations to be made of corporations, supposed to be guilty of illegal practices, and brings suits to oust them from interstate commerce.

The Post Office Department.—For many years the postal system of the country was a branch of the Treasury Department, but in 1829 the Postmaster General was made a member of the Cabinet. This Department has control of all postal affairs, including post roads, post offices, transporting the mails, the sale of postage stamps, registration of mail, postal money orders, and postal savings accounts. The Postmaster General appoints all postmasters whose salaries are less than \$1000 a year.



The Postoffice Department.

The Navy Department.—The Secretary of the Navy



The State, Navy, and War Departments Building.

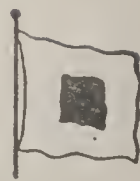
is at the head of this Department. It has general charge of the naval affairs of the nation, including the construction of new war vessels, and the maintenance of the navy yards, where the war

vessels are equipped and repaired. The Naval Academy at Annapolis is also under its control.

The Department of the Interior.—This Department was established in 1849 with the Secretary of the Interior as its head. It has control of the public lands, and the care of Indians living on reservations, who are wards of the Nation. The Bureau of Education, one of the divisions of this department, employs experts to study different phases of educational work and to make suggestions to the people of the different States, and is also in charge of the public schools in Alaska, and in the United States island possessions. The Pension Bureau and the Patent Office are also important branches of the Department of the Interior.

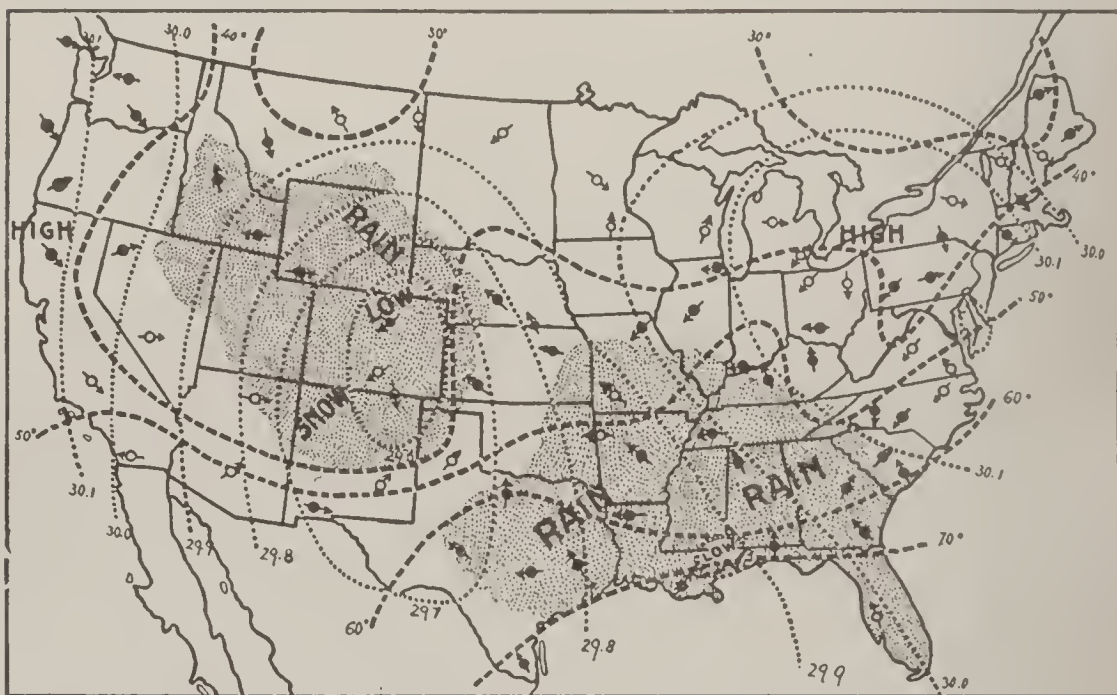
The Department of Agriculture.—This department was established in 1862, but the Secretary of Agriculture was not made a member of the Cabinet until 1889.

U. S. WEATHER FLAGS.

No. 1
White.Fair
Weather.No. 2
Blue.Rain or
Snow.No. 3
White and
Blue.Local Rain
or Snow.No. 4
Black.Temper-
ature.No. 5
White With
Black Square.
Cold
Wave.

These flags are displayed over Post Offices and other Government Buildings, for the information of the public. When the temperature flag is placed above Number 1, 2, or 3, it indicates warmer weather; when below, colder weather. During the late Spring and early Fall the cold wave flag is used to indicate anticipated frosts.

The work of this department is to spread knowledge of systematic and scientific farming. It has special bureaus devoted to animal industry, plant industry, forest-

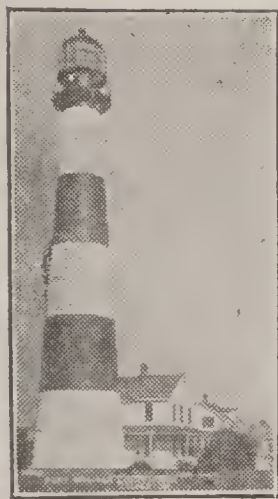


Courtesy of the Weather Bureau.

A Weather Map. This Map indicates that a Gulf Storm is raging.

ry, etc. It is of great service in meat inspection, food inspection, investigation of animal and plant diseases, and in conducting experimental stations. The Weather Bureau is one of its branches. This bureau sends out

daily reports as to weather conditions, and storm warnings for the benefit of sea captains, fruit growers, etc.



Port Belivar Lighthouse, off Galveston Island. This light can be seen by vessels 15 miles distant.

The Department of Commerce and Labor.—This was the last Department to be established. Most of its bureaus were transferred to it from other Departments. It has charge of taking the census, enforcing the immigration laws, maintaining the standards for weight and measures, the fish hatcheries, the steamboat inspection service, and the maintenance of light houses. Two new bureaus were created and placed under it—the Bureau of Corporations and the

Bureau of Manufactures. It is the duty of the Bureau of Corporations to investigate those corpora-



U. S. Fish Hatchery at San Marcos.

tions doing an interstate business and to see that they do not violate the anti-trust laws of the United States. The Bureau of Manufactures seeks to develop the manufacturing

business of the country by collecting statistics of value to manufacturers, and by publishing them.

THOUGHT QUESTIONS

1. Does the President virtually have the sole power to select his own cabinet? Why does the Senate confirm cabinet appointments without question?
2. Do the cabinet officers participate in the executive function of government?
3. Do cabinet meetings concern the public? Why not?
4. Why is the Secretary of State regarded as the ranking cabinet officer?
5. What is meant by the diplomatic service?
6. State some of the duties of a consul.
7. Are navigable rivers under control of the States?
8. Under whose control is the West Point Military Academy? The Annapolis Naval Academy?
9. What is a bureau? A department?
10. Under what department is the Bureau of Education?
11. What is the Weather Bureau? Its value?
12. What is a passport?
13. Does the United States own the post office building in your town?
14. What are weather forecasts?
15. How is fair weather with a cold wave shown by flags? Warmer weather with local rains?

CHAPTER XIV

THE JUDICIAL BRANCH

Necessity of a Federal Judiciary.—The most defective point in the government under the Articles of Confederation was the lack of a Judicial Department. The interpretation of all laws passed by Congress was left to the courts of the individual States. Under such a system no uniformity of decisions was possible. This defect had been so forcibly shown that the framers of our Constitution adopted our judiciary system with greater unanimity than any other phase of the government. Without a Judicial Department to act as a check on legislation, Congress and the President would be supreme. It is this feature of our Constitution that showed its framers to be possessed of creative ability of the highest type, for there was no English precedent for the Supreme Court.

The Federal Judiciary.—

“The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish.” (Art. III. Section 1.)

The Federal Judiciary consists at present of the following courts:

- The Supreme Court.
- Nine Circuit Courts of Appeals.
- The Court of Commerce.
- Ninety-seven District Courts.
- The Court of Customs Appeals.
- The Court of Claims.

Although the Constitution prescribes no particular qualifications for Federal judges, the men selected have generally been possessed of high personal integrity, of liberal political views, and of great legal ability. Their appointment for life makes them independent of political

parties and of political movements. They are truly national characters, and they guard the rights and interests of the Nation as a whole. A partisan Congress and President might increase the number of Supreme Judges so as to obtain a partisan decision on some grave question; but this procedure is of such doubtful possibility that no fears are entertained of its occurrence. For more than a century the Supreme Court has been above suspicion and has enjoyed the highest confidence of the people. It is regarded by all nations as one of the most learned and most just courts in the world.

Appointment and Tenure of Office.—

“The Judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.” (Art. III. Section 1.)

As we have already learned, all Federal judges are appointed by the President and confirmed by the Senate. The President and the Senate are the sole judges of their qualifications. The judges of all the regular federal courts are appointed for life, subject only to removal from office by impeachment proceedings for misconduct or incompetency. Since the establishment of our government only five federal judges have been impeached, and of these, only two were convicted and removed from office. Any federal judge who has held his commission for ten years and has attained the age of seventy years, may resign, if he desires to do so, and continue to draw his full salary until death.

Salaries of Federal Judges.—

“ * * * and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.” (Art. III. Section 1.)

Chief Justice of Supreme court	\$15,000	per annum
Associate Justices of Supreme Court	14,000	per annum
Circuit Judges	7,000	per annum
Judges of the Court of Commerce	7,000	per annum
District Judges	6,000	per annum
Judges of the Court of Customs Appeals....	7,000	per annum
Chief Justice of Court of Claims	6,500	per annum
Associate Justices of Court of Claims.....	6,000	per annum

The inability of Congress to even harass judges by decreasing their salaries is another safeguard of the independence of the federal courts.

Jurisdiction of the Federal Judiciary.—

“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 between two or more States; between a State and citizens of another State; 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.” (Art. III. Section 2.)

Soon after the adoption of the Constitution persons with all kinds of claims against the States brought suits in the federal courts to enforce them. While the framers of the Constitution possibly did not contemplate making a State a defendant in a suit brought by a citizen of another State in the federal courts, the language of the Constitution was so interpreted in a test case taken to the Supreme Court in 1793. It decided that a State could be sued by a citizen of another State. This decision opened the way for unlimited annoyance to the States and much possible injustice by false claims. It created such an alarm among the people of the several States that they determined to amend the Constitution to remedy the evil. So Congress proposed the Eleventh Amendment, which was declared adopted in 1798. The amendment is as follows:

“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.”

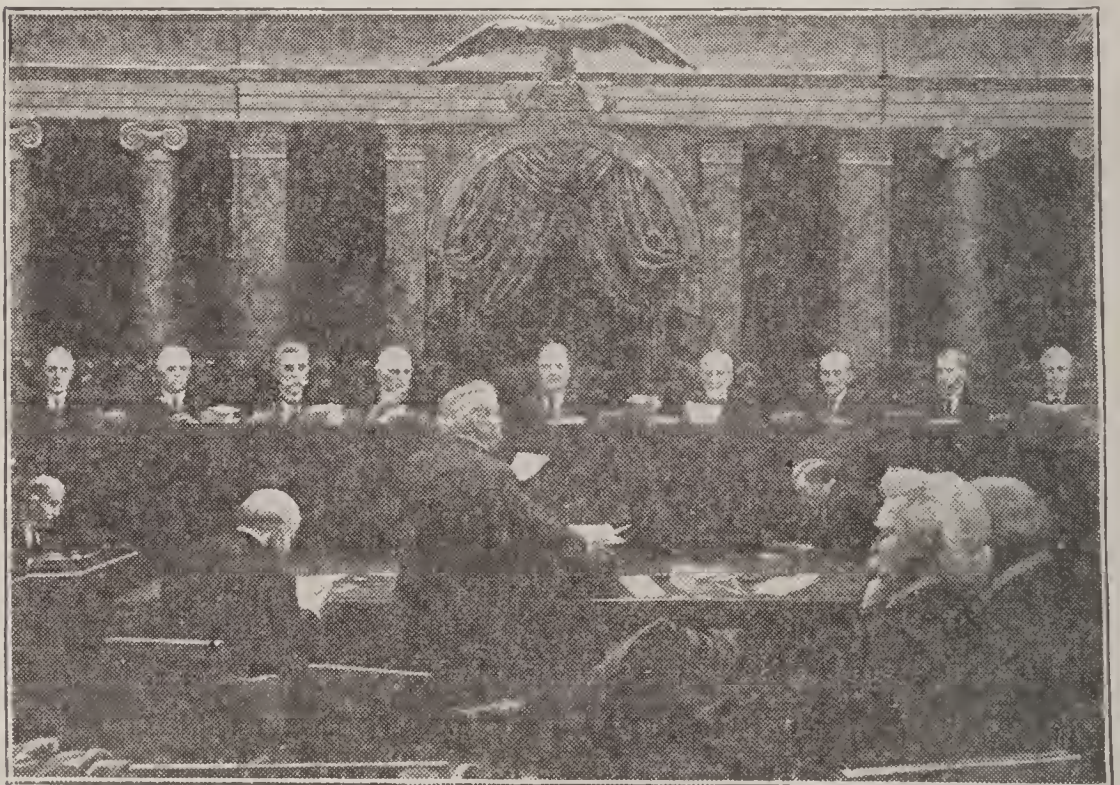
A State may still be sued by another State or by a foreign State, but not by a citizen or subject of such State. Several States have repudiated debts fraudulently incurred through corrupt officials. Such debts were in-

curred in the Southern States under corrupt officials during the "Reconstruction Period," and were rightly adjusted or repudiated. Were it not for this amendment, the payment of them could be enforced in the United States Courts.

The Supreme Court.—

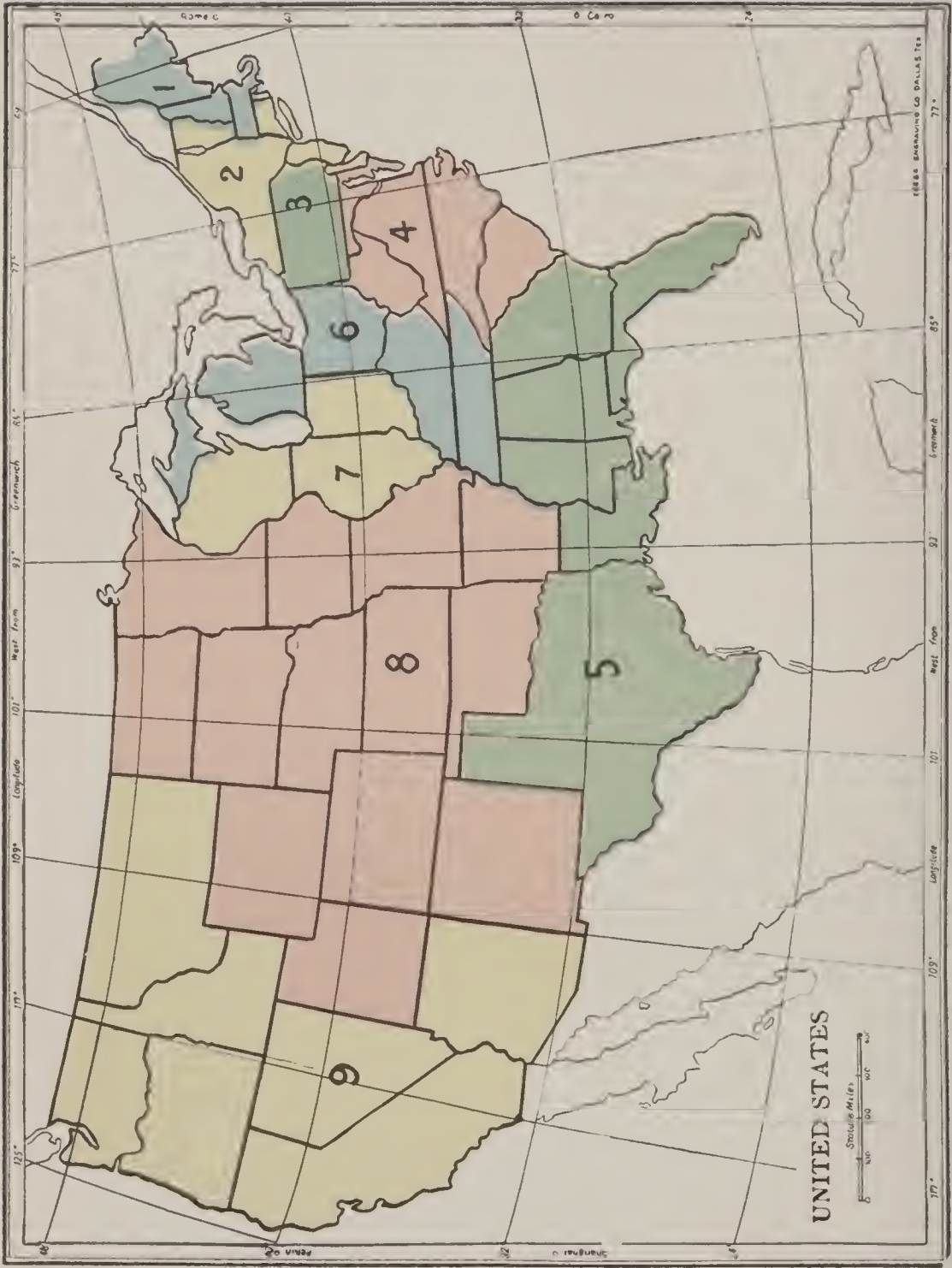
"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." (Art. III. Section 2.)

The Supreme Court now consists of one Chief Justice and eight Associate Justices. It holds one term annually at Washington, beginning on the second Monday in October and continuing until about May 1. The Supreme Court has original jurisdiction in all cases affecting ambassadors, foreign ministers and consuls, and those



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Arguing a Case before the Supreme Court of the United States.



DISTRICTS OF THE
 UNITED STATES CIRCUIT COURTS OF APPEALS

to which a State is a party. As cases affecting the representatives of foreign governments are of such international importance that inequitable decisions might lead to war; and as those to which a State is a party are of such great consequence they very properly originate in the Supreme Court, and no other court can have any jurisdiction whatsoever. The Supreme Court has appellate jurisdiction in such important federal cases as those involving the jurisdiction of different courts, prize cases, capital crimes, interpretation of the Constitution, treaties, and conformability of State laws to federal laws.

Circuit Courts of Appeals.—As it was found impossible for the Supreme Court to review all cases brought to it on appeal, and as these cases came in ever increasing numbers, Congress afforded relief, in 1891, by the creation of nine Circuit Courts of Appeals. It divided the United States and its Territories into nine **circuits**, or districts, and distributed these circuit courts of appeals accordingly.

Jurisdiction of Circuit Courts of Appeals

First.—Rhode Island, New Hampshire, Maine, Massachusetts.

Second.—Vermont, Connecticut, New York.

Third.—New Jersey, Pennsylvania, Delaware.

Fourth.—Maryland, Virginia, West Virginia, North Carolina, South Carolina.

Fifth.—Georgia, Florida, Alabama, Mississippi, Louisiana, Texas.

Sixth.—Ohio, Michigan, Kentucky, Tennessee.

Seventh.—Indiana, Illinois, Wisconsin.

Eighth.—Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Utah, Wyoming, Colorado, New Mexico.

Ninth.—California, Arizona, Nevada, Oregon, Washington, Idaho, Montana, Alaska, Hawaii, Porto Rico.

The Circuit Courts of Appeals have jurisdiction in cases appealed to them from the District Courts, when they involve infringement of the patent, revenue, and United States criminal laws, and also in lawsuits between aliens and citizens of the United States, or between citizens of different States. Their decisions in such cases are final, unless the Supreme Court wishes to assume jurisdiction and review a particular case.

The Court of Commerce.—This court was created by Congress, in 1910, to enforce the decisions of the Interstate Commerce Commission, and to enjoin, set aside, or suspend, in whole or in part, any of the orders of that body. It consists of five justices, appointed from among the justices of the Circuit Courts of Appeals, by the Chief Justice of the Supreme Court, to serve for five years. Owing to certain decisions setting aside popular orders of the Interstate Commerce Commission, there has been much dissatisfaction expressed with this court, and Congress has threatened to withhold any appropriation for it and thus to legislate it out of existence.

The District Courts.—

“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.” (Art. III. Section 2.)

In order that those accused of crimes against the federal laws may be tried in the States where these crimes occurred, the nine circuits are divided into 97 districts with a United States District Court for each of them. Usually there is a separate judge to each district, but in some very thinly populated districts, one judge will preside over the courts in two districts. In many States

there are two or more districts, as in Texas, where there are four, known as follows:

- The Eastern District.
- The Western District.
- The Northern District.
- The Southern District.

The district judges hold court at specified times in their respective districts, and when the districts are large, in several different places. Often cases arising in State courts are transferred, or appealed to these District Courts, if either party to them can show that a federal law is in some way involved, or that his rights under the United States Constitution are in danger.

Court of Customs Appeals.—Frequently disagreements arise between importers and the custom house officials as to the rate of duty to be charged on certain imports. The importer appeals from the decisions of the collector of customs to a Board of General Appraisers. If this Board decided against him he formerly appealed to the United States District Court, but in 1909, a new court was created to hear such questions. This court is known as the Court of Customs Appeals and its decisions are final. It consists of a presiding judge and four assistant judges, and is in session during most of the year. It meets in various cities in different parts of the country. In addition to their regular salaries, the judges of this court receive traveling allowances of \$1500 each.

The Court of Claims.—The United States, in her sovereignty, refuses to become a defendant in a law suit. International controversies are adjusted through arbitration, or by treaty. While not allowing herself to be sued by a citizen, our Nation is willing to settle all just claims against it. To provide for an equitable settlement of such claims Congress established the Court of

Claims, composed of a Chief Justice and four Associate Justices. Anyone with a claim against the United States can appear before this Court, in person or by his attorney, and present his claim with all the evidence to support it. The Court reviews this evidence under such critical conditions that the government is protected against fraud, and then makes such awards as appear just. These awards are reported to Congress so that the necessary appropriations can be made to pay them. Claims of much magnitude are laid before Congress, instead of the Court of Claims, and if the claim is just a resolution embodying such an allowance as is deemed equitable is passed, the resolution taking the same course as does a regular bill.

International Arbitration.—During the history of our country many controversies with foreign nations have been settled by arbitration. This consists of an agreement to submit both sides of the controversy to a tribunal chosen from a neutral country and to abide by its decision. Among the most important controversies to which the United States has been a party, which have been settled in this way, are the Venezuela Boundary Question, and the Bering Sea Fisheries Question. In 1899, a "Permanent International Court of Arbitration" was established by twenty-four nations at The Hague. Each nation appoints four members of the court who are to serve for six years. The records of the court are kept at The Hague. International disputes may be referred to members of this court, or they may be adjudicated by the court itself. Among the cases that have been settled by the Permanent International Court of Arbitration is the Atlantic Fisheries Dispute, which at one time threatened the friendly relations of the United States, and Canada and Great Britain. In 1910, Andrew Carnegie donated \$1,500,000 to erect "A Palace of Peace"

at The Hague, to serve as a permanent home for this International Court. He has also donated a fund of \$10,000,000, the income of which shall be used to advance the cause of international peace.



Courtesy of Collier's.

The Palace of Peace, The Hague.

Territorial Courts.—The Courts of the District of Columbia, and in the Territories of the United States, are not a part of the federal judicial system, although they are under the control of Congress. Their judges are appointed by the President for terms of four years, subject to the concurrence of the Senate. Whenever a Territory becomes a State, its territorial courts are succeeded by regular courts as provided in its Constitution.

THOUGHT QUESTIONS

1. Name the classes of Federal courts.
2. What are the qualifications of Federal judges?
3. What is their term of office? Why such a term?
4. When is a Federal judge retired on salary?
5. How can a Federal judge be removed?
6. What Federal judges have been impeached?
7. Who composes the Supreme Court?
8. What is necessary to a Supreme Court decision?
9. What is meant by a dissenting opinion?
10. What importance is attached to a dissenting opinion?
11. How many Federal District Courts are there in Texas?
12. Who is the judge of the Federal Court in your district?
Who is the Marshal? The Federal District Attorney?
13. How are ordinary claims against the United States adjusted?
14. When are claims adjusted by arbitration?
15. Does Congress ever settle claims directly?
16. What is meant by "The Hague" Court?
17. Who compose this Court?
18. Who furnished the home for this International Court?
19. What great good may this Court accomplish?
20. What are some of the cases that have been adjudicated?

CHAPTER XV

IMPEACHMENT PROCEEDINGS

What Is Impeachment.—

“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.” (Art. II. Section 4.)

An impeachment is a formal accusation. It is similar to the action of a grand jury, and does not determine the guilt or the innocence of the accused. In 1799, Senator Blount was impeached by the House of Representatives for violating the Neutrality laws, but the Senate refused to “try the impeachment” for want of jurisdiction, as senators are representatives of the people and are not civil officers.

The House of Representatives Impeaches.—

“The House of Representatives shall have the sole power of impeachment.” (Art. I. Section 2.)

If any person liable to impeachment is considered guilty of impeachable conduct, a resolution to impeach him is introduced in the House of Representatives. This resolution is referred to a committee which investigates the charges against him. If it considers the evidence to be sufficient to warrant impeachment, it will recommend the passage of the resolution. This resolution, when passed, is known as the “Articles of Impeachment,” and corresponds to an indictment in an ordinary criminal case. The House also appoints a committee, usually consisting of seven members, to impeach the accused official at the bar of the Senate, and to prosecute the case. The members of this committee are known as the “Managers.”

The Senate Tries the Case.—

“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.” (Art. I. Section 3.)

Impeachment trials are held in the Senate chamber. The House of Representatives attend in a body on the opening day, but after that the management of the case is left to its managers. The accused official may be represented by attorneys. The examination of witnesses, the presentation of other competent evidence, and the submission of arguments, are in accordance with the rules observed in ordinary court trials. At the close of the trial, the Senate votes on the question of guilt in executive session. If two-thirds of the Senators present decide by vote that any one of the charges is sustained by the evidence, the accused official is declared guilty and judgment is then pronounced.

Nature of Judgment.—

“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.” (Art. I. Section 3.)

There have only been nine impeachments, and eight impeachment trials in the history of our Republic. Only three of them resulted in convictions. In 1804 Judge Pickering of New Hampshire was convicted of drunkenness and profanity on the Bench, and for wrongful imprisonment of an attorney for contempt. In 1862 Judge Humphries of Tennessee was convicted of disloyalty to the United States, expressed in a public speech, and for accepting a judgeship under the Confederate States of America. In 1913, Robert W. Archbald, Associate Judge of the United States Commerce Court, was convicted of corrupt collusion with coal mine owners and railroad officials while in office. In these three convictions the judgment was only removal from office. The most notable impeachment trial was that of President Johnson in 1868. This trial was characterized by intense partisan feeling and political bias. Only

one vote was lacking to make the two-thirds necessary for conviction.

Treason.—

“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.

“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.” (Art. III. Section 3.)

In order to be guilty of treason there must have been an assembling of men against the power of the United States. After that “all persons who then perform any act, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered traitors. Any one is adherent to the enemies of the country and giving them aid and comfort, when he supplies them with intelligence, furnishes them with provision or arms, treacherously surrenders to them a fortress, and the like.” Treason is punishable with death, or at the discretion of the Court, with imprisonment for not less than five years, a fine of not less than ten thousand dollars, and incapacity to hold any office under the United States.

THOUGHT QUESTIONS

1. Describe the methods of impeaching an official.
2. Describe the proceeding in an impeachment trial.
3. What sentence may be imposed?
4. What is necessary for conviction?
5. Who can pardon a person convicted in an impeachment trial?
6. Why is the President deprived of his general pardon power in these cases?
7. How many impeachments have there been?
8. How many impeachment trials have there been?
9. How many impeachment convictions have there been?
10. Which impeachment proceeding was notably partisan?
11. Define treason.

CHAPTER XVI

THE STATE AND THE FEDERAL GOVERNMENT

State Comity.—

“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.” (Art. IV. Section 1.)

It is because of this clause that one State cannot undo what another has done. A divorce granted in Nevada must be recognized in New York, even though the divorce laws in the former State are much more lax than in the latter.

Rights of Citizens.—

“The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

“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.” (Art. IV. Section 2.)

When a person commits a crime in one State and escapes to another he may be returned to the scene of the crime for trial. This is known as **extradition**. The Governor of the first State sends a request to the Governor of the other State that he extradite the fugitive from justice. In practice, the request is accompanied by a copy of the indictment, or the warrant for his arrest. Sometimes the fugitive resists extradition and the Governor gives him a hearing at which he may prove that the offense is not extraditable, or that he can not secure a fair trial if returned. Generally the extradition is granted, but the Governor can not be forced to grant it, by mandamus proceedings or otherwise.

Fugitive Slaves.—

“No person held to service or labor in one State under the laws thereof, escaping to 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 service or labor may be due.” (Art. IV. Section 2.)

This clause was put in the Constitution to enable the owners of escaped slaves to seize them wherever they might find them. Since the adoption of the Thirteenth Amendment it has been obsolete.

Formation of New States.—

“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.” (Art. IV. Section 3.)

Congress can admit a Territory into the Union as a State upon the application of its citizens for statehood. The usual plan is for Congress to pass an “Enabling Act” giving the Territory the right to call a convention to frame a constitution for the proposed State. If this constitution insures a republican form of government and is approved by Congress, the President issues a proclamation announcing the admission of the State into the Union. Congress generally refuses to admit a Territory into statehood if it has not sufficient inhabitants to entitle it to at least one representative. Nevada has never had a population equal to the representative ratio at the time of her admission. Its admission gave two additional senatorial votes at a time when they were needed.

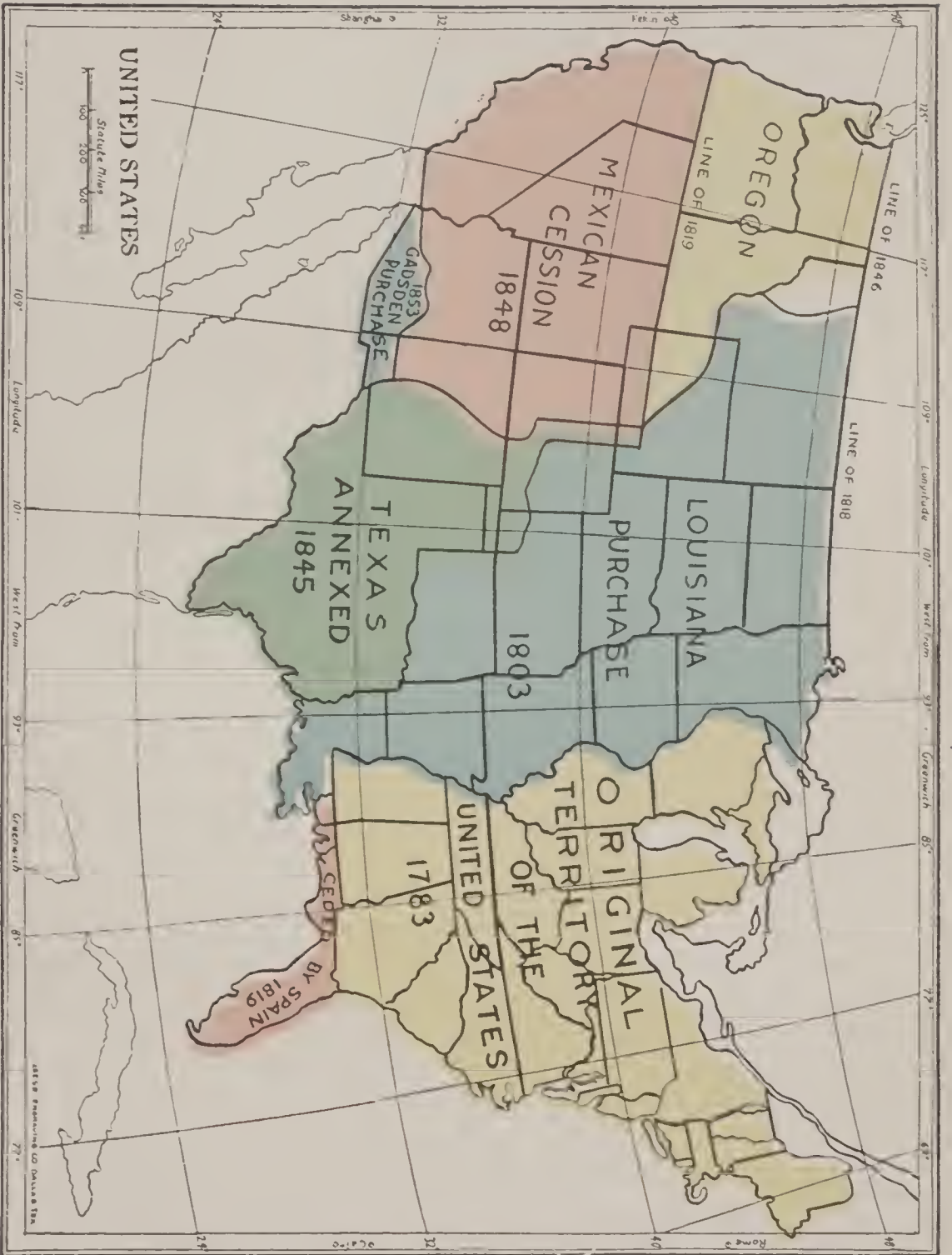
The Creation of West Virginia.—During the Civil War the western part of Virginia, where slaves were few and the population sparse, was in sympathy with the Union cause, and furnished many soldiers to the Federal Army. In consideration of these things, and as a war measure, it was cut off from Virginia and made a

new State in 1863. This was done without the consent of, and in opposition to the wishes of Virginia. In a debate in the House of Representatives Congressman Thaddeus Stevens of Pennsylvania declared, "We know it is not constitutional, but it is necessary." However, as all parties have quietly submitted to this unconstitutional act, it is not likely it will ever be rescinded.

The Federal Territory.—

"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." (Art. IV. Section 3.)

Ever since the organization of our Nation the Federal Government has possessed large areas of territory belonging to the Nation as a whole. It inherited from the Confederacy all the country lying between the western borders of the Atlantic States, and the Mississippi River, except what was claimed by North Carolina, South Carolina, and Georgia. This clause protected those States in their claims until they relinquished them. In 1803, the Louisiana Territory was added, and in 1819, Florida was ceded to us by Spain. Texas came into the Union through voluntary annexation in 1845, and the Mexican War, three years later, together with the Gadsden Purchase, added a large territory in the Southwest. In 1867, Alaska was purchased from Russia, and in 1898, Hawaii was annexed. The War with Spain added Porto Rico, the Philippine Islands, and several smaller islands in the Pacific Ocean. Finally the Canal Zone was acquired that the Panama Canal might be constructed. Out of much of this country, Territories were organized, and as they were settled they were admitted to the Union. Until such time as these Territories became States, they were governed by officials appointed by the



MAP OF THE UNITED STATES
 SHOWING ACCESSIONS OF TERRITORY



Courtesy of Silver, Burdett & Co.

Raising the United States Flag at Honolulu, signifying the formal acquisition of the Hawaiian Islands by the United States.

President and confirmed by the Senate. At the present time Alaska and Hawaii are organized Territories.

Guarantee to the States.—

“The United States shall guarantee to every State in the 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.” (Art. I. Section 4.)

It was this clause in the Constitution that furnished the authority for “Reconstruction” after the Civil War. Congress was unwilling to allow the States that had seceded to return immediately to their former condition of statehood. Consequently they were placed under military rule, and Senators and Representatives from the different States were gradually re-admitted into Congress. It was not until Rutherford B. Hayes became President, in 1877, that the troops were wholly with-

drawn from the Southern States, and the government of these States left to their citizens.

Supremacy of National Laws.—

“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, anything in the Constitution or laws of any State to the contrary notwithstanding.” (Art. VI.)

Whenever there is a conflict between a state law and a federal law, the State must yield to the Nation. Such conflicts are generally decided in the Supreme Court. The last law or treaty in reference to the matter takes precedence.

The Official Oath.—

“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.” (Art. VI.)

THOUGHT QUESTIONS

1. What is meant by “full faith” and “credit” as used in Article IV? Illustrate.
2. Is a governor compelled to surrender a fugitive from justice upon the requisition of the governor of the State from which the fugitive came? Why not?
3. How may new States be admitted?
4. Must a new State have a representative ratio of inhabitants?
5. If a State has more than a representative ratio of inhabitants, is Congress required to admit it?
6. What State was formed in direct violation of the Constitution?
7. How was this congressional violation of the Constitution justified?
8. Can Congress admit a Territory into Statehood without a direct application for Statehood by that Territory?
9. What is an enabling act?
10. How can Congress exercise a control over the Constitution of the new State while it is seeking admission?
11. Can a State afterwards change its Constitution by an amendment, embodying the features Congress would not allow in the original Constitution?

CHAPTER XVII

THE CIVIL WAR AND ITS CONSEQUENCES

The Right of Secession.—This is the most momentous question that has arisen in the history of our national existence. Under the Articles of Confederation each State was free to withdraw from the Confederacy at any time. When New York and Rhode Island ratified the Constitution they both declared that “the powers of government might be resumed by their citizens, whenever it might become necessary to their happiness.” Virginia ratified it with the proviso that “the power granted to the Federal Government under the Constitution might be resumed by her people when the same should be perverted to their injury or oppression.”

Threats of Secession.—In talking about secession, people often forget that the right of a State to secede was very generally held in the North, as well as in the South, in the early days of the Republic. The first threat to make use of this state right came from Hartford, Ct., where, in 1814, a convention of delegates from the New England States was in session. This convention, which had been called to oppose the continuance of the war with England, declared:

“In cases of deliberate, dangerous, and palpable infractions of the Constitution affecting the sovereignty of a State and the liberty of the people, it is not only the right, but the duty of the State to interpose its authority for their protection in the manner best calculated to secure that end. States which have no common umpire must be their own judges and execute their own decisions.”

Even before that the Massachusetts Legislature, in 1803, had declared in a resolution that:

“The annexation of Louisiana to the Union transcends the constitutional power of the government of the United States. It forms a new confederacy to which the States, united by a former compact, are not bound to adhere.”

Again, in 1844, the Massachusetts Legislature, in passing resolutions against the admission of Texas to the Union, resolved:

“That the project of the annexation of Texas, unless arrested on the threshold, may drive these States (the New England States) into a dissolution of the Union.”

Slavery and Secession.—We have already learned that the slavery question was one of the obstacles to be overcome in drafting the Constitution, and that it figured in two of the three great compromises agreed to by the Constitutional Convention. In colonial days, slaves were bought and sold, and owned in the Northern colonies, as well as in the Southern. But owing to the climate, and to the fact that farms in the North were small, slaves were not profitable there, and by the time of the Revolution, most of the colonies north of the “Mason and Dixon Line” had enacted laws prohibiting slavery. On the other hand, slave labor was profitable in the South. With the passing of slavery in the North, a sentiment began to develop there that this institution was wrong, and that its extension into new States and Territories should be prohibited by Congress. The South resented this as a step toward interference with the rights of her citizens. The bitter feeling caused by the agitation of this question finally resulted in the Southern States seceding from the Union in 1861. They felt that their rights under the Constitution had been ignored by Congress and that it was impossible for the two sections to live within the Union in peace and harmony. They desired to exercise what they believed to be their constitutional right and to withdraw peaceably. The Northern States denied this right, which they had often

claimed for themselves, and decided to compel the South, by force of arms, to return to the Union.

The Civil War.—The Civil War lasted four years, until the resources of the South were exhausted, and the Northern armies were victorious. The South fought for her constitutional rights as she understood them, as well as for the personal rights of her citizens. She was not in rebellion against lawful authority and her soldiers were not traitors. Even President Davis, who was arrested on the charge of treason, was released on bond and was never brought to trial. Had there been any chance of conviction under the laws of the United States, the sentiment prevailing at the time would have forced a trial, however anxious the Government might have been to drop the case. The result of the war was that, by might of the sword, the right of a State to secede from the Union was denied, and that decision is accepted as final by our Nation.

The Thirteenth Amendment.—

“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.

“Congress shall have power to enforce this article by appropriate legislation.”

For sixty years there had been no amendment to the Constitution, but the new social and political conditions brought about by the Civil War caused the Northern States to regard certain constitutional changes as now necessary. Although the institution of slavery was but an incident to the cause of the war, it furnished the basis of the Thirteenth Amendment which was proposed and adopted in 1865. This amendment completed the work begun by President Lincoln’s Emancipation Proclamation, which abolished slavery in all sections of the United States then “in rebellion.” That proclamation, which

was a war measure, did not apply to slavery in Delaware, Maryland, Kentucky, Tennessee, Missouri, and those parts of Virginia and Louisiana under control of the military forces of the United States on January 1, 1863.

The Fourteenth Amendment.—

“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.

“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, 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.

“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.

“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.

“The Congress shall have power to enforce by appropriate legislation the provisions of this article.”

This amendment, frequently called the “Omnibus Amendment,” was proposed in 1866, and adopted in 1868, as a part of the Reconstruction program of Congress. It forced a recognition of the civil rights of the war-made negro citizens. By reducing the representation of a State in the ratio that the number of male citizens twenty-one years of age, not allowed to vote, bears to all the male citizens twenty-one years of age, the interests of a State in national legislation practically compel it to grant suffrage to its negroes. From time to time Congress removed the disabilities from the ex-Confederate soldiers, and many of them have been elected to State and Federal offices. Finally, in 1898, an Act of Congress removed the last disability.

The Fifteenth Amendment.—

“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.

“The Congress shall have power to enforce this article by appropriate legislation.”

In 1870, this amendment was adopted to further safeguard the negro in his right to suffrage. Several states have denied suffrage to their citizens who are illiterate, and in the South the restriction falls heaviest on negroes. Congress has never attempted to reduce the representation of any State for imposing property or educational restrictions on suffrage.

Ratification of Amendments.—

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislature, 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 con-

ventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." (Art. V.)

The Federal Government declared the eleven self-styled "Confederate States of America" to have been in a state of rebellion during the Civil War, and that they never, in fact, had seceded. According to its theory, there were thirty-six States in 1864, including West Virginia, which we have learned is a State created in an unconstitutional manner. Therefore, an amendment to the Constitution at the close of the Civil War required the consent of twenty-seven States. The Thirteenth Amendment was declared part of the Constitution in 1865, after being ratified by twenty-seven States, eight of which Congress stated were then in a state of insurrection and consequently had no political rights. The Fourteenth Amendment was declared a part of the Constitution after Mr. Seward, the secretary of state, had stated that only twenty-six States had ratified it. Six of them were Southern States re-admitted to the Union on condition that they would ratify this amendment. Texas, Virginia, and Mississippi, refused to ratify it and were placed under military rule to force them to do so.

THOUGHT QUESTIONS

1. Is the doctrine of secession dead as a result of legislation, or of war?
2. Did any Northern States ever threaten to secede?
3. State what you know of the proceedings of the Hartford Convention.
4. State the attitude of the Massachusetts Legislature in 1803. What were the personal liberty laws? Where passed?
5. How and when was slavery abolished in the Southern States that seceded?
6. How and when was slavery abolished elsewhere in the United States?
7. Why did slave holding decrease in the North and increase in the South?
8. Can Congress determine who shall be voters in a State?
9. How does Congress indirectly exercise this function?
10. How may a State be penalized for disfranchising negroes?

APPENDIX A

CONSTITUTION OF THE UNITED STATES

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 I.

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 II.

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.

No person shall be a Representative who shall not have attained 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.

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 servitude for a term of years, and excluding Indians not taxed, three-fifths of all other persons. 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 choose 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.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

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.

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.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

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 United States.

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.

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 IV.

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 **choosing** Senators.

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 V.

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.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

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.

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 VI.

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. 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 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 VII.

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.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes 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.

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 re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII.

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;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

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;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

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;

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, dockyards, and other needful buildings;—and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

Section IX.

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.

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.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

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.

No money shall be drawn from the Treasury, but in conse-

quence 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.

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 X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything 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.

No State shall, without the consent of 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 United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty on 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 I.

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:

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.

(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 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 choose 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 choose 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. 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 choose from them by ballot the Vice President)*

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 United States.

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.

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, 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.

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 may have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

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 exe-

* This clause of the Constitution has been amended. See Amendment XII., pages 355-356.

cute 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 II.

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.

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.

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 III.

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 IV.

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 I.

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 behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section II.

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; 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.

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.

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 III.

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.

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 I.

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 II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

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.

No person held to service or labor 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 labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III.

New States may be admitted by the Congress into the 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 legislature of the States concerned as well as of the Congress.

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 IV.

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 sev-

eral 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 amendments 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.

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.

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, anything in the Constitution or laws of any State to the contrary notwithstanding.

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.

AMENDMENTS TO THE CONSTITUTION.

AMENDMENT I.

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.

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT 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 person or things to be seized.

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

AMENDMENT IX.

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

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT 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.

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.

AMENDMENT 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.

AMENDMENT 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, 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.

AMENDMENT 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.

AMENDMENT 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.

APPENDIX B

CHIEF EXECUTIVES OF TEXAS

During the Revolution.

Henry SmithMarch, 1835-March, 1836

During the Republic.

David G. BurnettMarch, 1836-October, 1836
Sam HoustonOctober, 1836-December, 1838
Mirabeau B. LamarDecember, 1838-December, 1841
Sam HoustonDecember, 1841-December, 1844
Anson JonesDecember, 1844-February, 1846

Under the United States.

James P. HendersonFebruary, 1846-November, 1847
George T. WoodNovember, 1847-November, 1849
Peter H. BellNovember, 1849-November, 1853
Elisha M. PeaseNovember, 1853-November, 1857
Hardin R. RunnelsNovember, 1857-November, 1859
Sam HoustonNovember, 1859-March, 1861

Under the Confederate States of America.

Edward ClarkMarch, 1861-November, 1861
Francis R. LubbockNovember, 1861-November, 1863
Pendleton MurrahNovember, 1863-May, 1865

During Reconstruction.

Andrew J. HamiltonMay, 1865-August, 1866
James W. ThrockmortonAugust, 1866-August, 1867
Eilsha M. PeaseAugust, 1867-September, 1869
Gen. J. J. ReynoldsOctober, 1869-February, 1870
Edmund J. DavisFebruary, 1870-January, 1874

Since Reconstruction.

Richard CokeApril, 1874-December, 1876
Richard B. HubbardDecember, 1876-January, 1879
Oran M. RobertsJanuary, 1879-January, 1883
John IrelandJanuary, 1883-January, 1887
Lawrence S. RossJanuary, 1887-January, 1891
James S. HoggJanuary, 1891-January, 1895
Charles A. CulbersonJanuary, 1895-January, 1899
Joseph D. SayersJanuary, 1899-January, 1903
S. W. T. LanhamJanuary, 1903-January, 1907
Thomas M. CampbellJanuary, 1907-January, 1911
Oscar B. ColquittJanuary, 1911-

United States Senators From Texas.

Sam HoustonMarch 30, 1846-March 3, 1859
Thomas J. RuskMarch 26, 1846-July 20, 1857
J. Pinckney HendersonMarch 1, 1858-June 4, 1858
Matthias WardDecember 6, 1858-January 4, 1860
John HemphillDecember 5, 1859-March 3, 1861
Louis T. WigfallJanuary 4, 1860-March 3, 1861

Confederate States Senators From Texas.

Louis T. WigfallNovember 4, 1861-April 9, 1865
 W. S. OldhamNovember 4, 1861-April 9, 1865

United States Senators From Texas.

O. M. RobertsAugust 10, 1866-
 W. S. OldhamAugust 10, 1866-
 Senators Roberts and Oldham were not allowed to sit in Congress. Texas was without congressional representation until April 6, 1870.
 J. W. FlanaganMarch 31, 1870-March 3, 1875
 Morgan C. HamiltonMarch 31, 1870-March 3, 1877
 Sam Bell MaxeyDecember 6, 1875-March 3, 1887
 Richard CokeOctober 15, 1877-March 3, 1895
 John H. ReaganDecember 5, 1877-March 2, 1891
 Horace Chilton(appointed to fill vacancy till Legislature met, April 1891-March 30, 1892
 R. Q. MillsMarch 30, 1892-March 3, 1899
 Horace ChiltonDecember 2, 1895-March 4, 1901
 C. A. CulbersonDecember 4, 1899-
 Joseph W. BaileyDecember 2, 1901-January 3, 1913
 R. M. JohnstonJanuary 4, 1913-January 29, 1913
 Morris SheppardJanuary 29, 1913-

Territorial Growth of the United States, 1783-1906.

Area in 1783	827,000 sq. miles
Louisiana Purchase, 1803	1,171,000 sq. miles
Florida, 1819	59,000 sq. miles
Texas, 1845	376,000 sq. miles
Mexican Cession	545,000 sq. miles
Gadsden Purchase, 1853	45,000 sq. miles
Alaska, 1867	577,000 sq. miles
Hawaii, 1898	6,500 sq. miles
Porto Rico, 1899	3,600 sq. miles
Guam, 1899	200 sq. miles
The Philippines, 1899	about 127,000 sq. miles
Samoa, 1900	80 sq. miles

Area of the United States in Square Miles.

Area in 1790	827,000
Area in 1900	3,750,000

Population of the United States by Decades.

1790	3,929,214
1800	5,308,483
1810	7,239,881
1820	9,638,453
1830	12,866,020
1840	17,069,453
1850	23,191,876
1860	31,443,321
1870	38,558,371
1880	50,155,783
1890	62,622,250
1900	75,477,467
1910	91,972,266

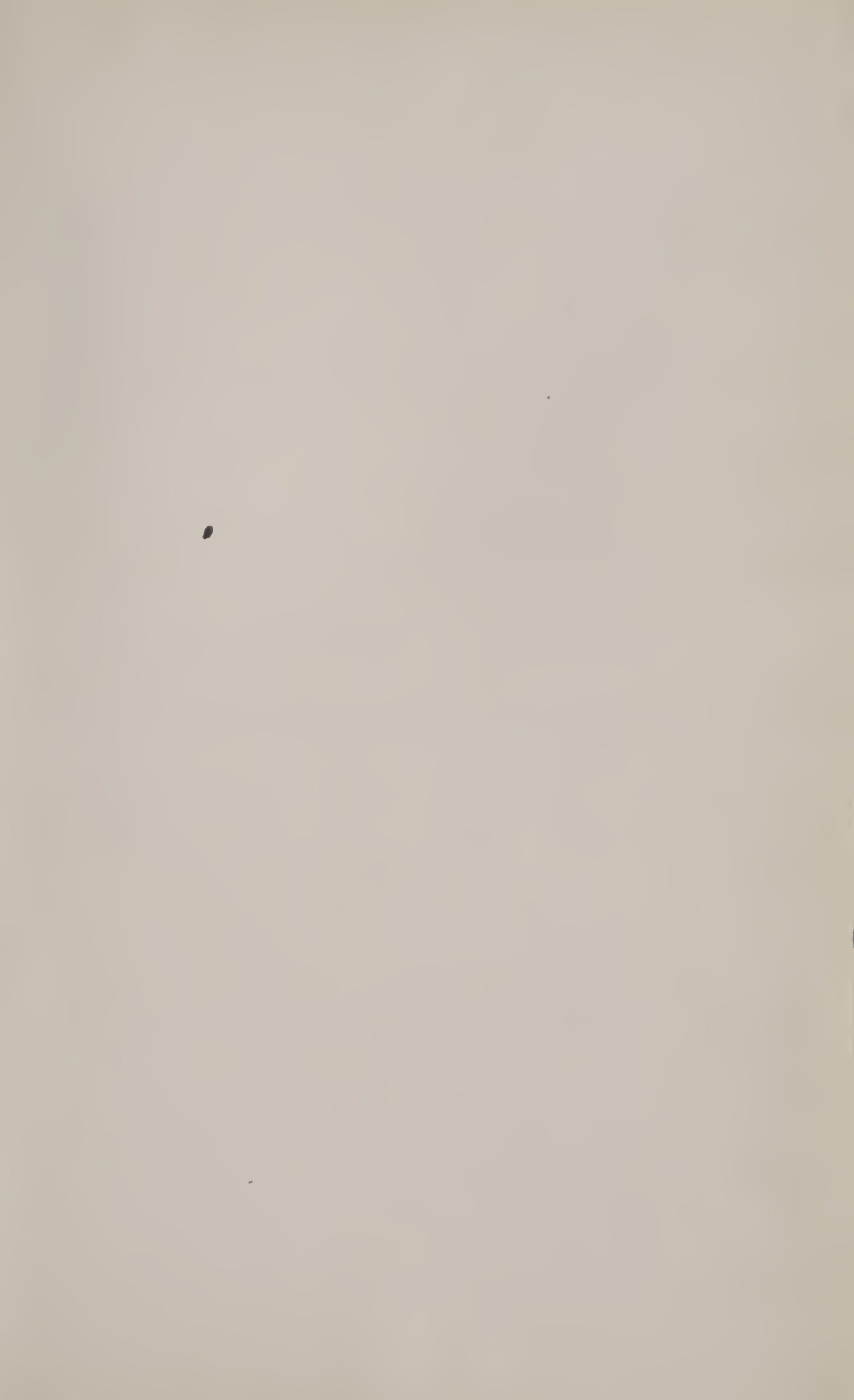
If the population of the Philippines and other island dependencies of the United States were added, the total population at the present time would be over 101 million.

State Statistics.

States	Year of Admission.	Number of Representatives.	Population in 1910.
1. Delaware		1	202,322
2. Pennsylvania		34	7,665,111
3. New Jersey		11	2,537,167
4. Georgia		11	2,609,121
5. Connecticut		5	1,114,756
6. Massachusetts		15	3,366,416
7. Maryland		6	1,255,346
8. South Carolina		7	1,515,400
9. New Hampshire		2	450,572
10. Virginia		9	2,061,612
11. New York		40	9,113,614
12. North Carolina		10	2,206,287
13. Rhode Island		2	548,610
14. Vermont	1791	2	355,956
15. Kentucky	1792	10	2,289,905
16. Tennessee	1796	10	2,184,789
17. Ohio	1803	21	4,767,121
18. Louisiana	1812	7	1,656,388
19. Indiana	1816	12	2,700,876
20. Mississippi	1817	8	1,797,114
21. Illinois	1818	25	5,638,591
22. Alabama	1819	9	2,138,093
23. Maine	1820	3	742,371
24. Missouri	1821	15	3,293,335
25. Arkansas	1836	7	1,574,449
26. Michigan	1837	12	2,810,173
27. Florida	1845	3	752,619
28. Texas	1845	18	3,896,542
29. Iowa	1846	10	2,224,771
30. Wisconsin	1848	10	2,333,860
31. California	1850	10	2,377,549
32. Minnesota	1858	9	2,175,708
33. Oregon	1859	3	672,765
34. Kansas	1861	7	1,690,949
35. West Virginia	1863	5	1,221,119
36. Nevada	1864	1	81,875
37. Nebraska	1867	5	1,192,214
38. Colorado	1876	4	799,024
39. North Dakota	1889	3	2,206,287
40. South Dakota	1889	3	583,888
41. Montana	1889	2	376,053
42. Washington	1889	5	1,140,990
43. Idaho	1890	1	325,594
44. Wyoming	1890	1	145,965
45. Utah	1896	2	373,351
46. Oklahoma	1907	7	1,651,155
47. New Mexico	1911	1	327,301
48. Arizona	1911	1	204,354

Original Thirteen States

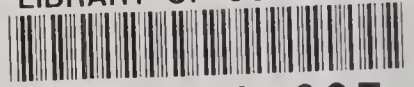




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