

CONSTITUTION

OF THE

STATE OF COAHUILA AND TEXAS

The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the organizing congress of said state has decreed and sanctioned the following political constitution of the State of Coahuila and Texas.

In the name of the Creator and Supreme Lawgiver of the Universe, the Congress of the State of Coahuila and Texas, desiring to comply with the will of the people, their constituents, and for the purpose of duly fulfilling the grand and magnificent object of promoting the glory and prosperity of said state, decrees for its administration and government the following

CONSTITUTION.

PRELIMINARY PROVISIONS.

ART. 1. The State of Coahuila and Texas is the union of all the *Coahuiltexanos*.

ART. 2. It is free, and independent of the other Mexican United States, and of every other power and dominion whatsoever.

ART. 3. The sovereignty of the state resides originally and essentially in the general mass of the individuals who compose it, but they shall not, of themselves, exercise any other acts of sovereignty than those pointed out in this constitution, and in the form which it provides.

ART. 4. In all subjects relating to the Mexican confederacy the state delegates its powers and rights to the general congress of the same, but in all that belongs to the internal government and administration of said state, it retains its liberty, independence and sovereignty.

ART. 5. Wherefore, the right of establishing its fundamental laws through the medium of its representatives, in conformity to the basis established in the constitutive act and general constitution, belongs exclusively to the said state.

ART. 6. The territory of the state is the same as that embraced in the provinces formerly known by the names of Coahuila and Texas. A constitutional law shall mark out its limits, in respect to the adjoining states, of the Mexican Confederacy.

ART. 7. For the better administration thereof, the territory of the state shall for the present be divided into three departments as follows,—viz:

Bexar,—Embracing all the territory corresponding to what was called province of Texas, which shall form one sole district.

Monclova,—Consisting of the district of the same name, and that of Rio Grande.

Saltillo,—Comprehending the district of the same name, and that of Parras.

ART. 8. Hereafter congress may alter, vary, and modify this division of the territory of the state as it shall judge most conducive to the felicity of the people.

ART. 9. The Roman Catholic Apostolic Religion shall be the religion of the state. The state protects it by wise and just laws, and prohibits the exercise of any other.

ART. 10. The state shall regulate and pay all expense that should be necessary for the preservation of religious worship, agreeably to the concordates the nation should ratify with the Apostolic See, and to the laws that shall be prescribed on the exercise of the *patronato* throughout the republic.

ART. 11. Every man who resides within the limits of the state, although but transiently, shall enjoy the imprescriptible rights of liberty, security, property and equality; and it is the duty of said state to preserve and protect by wise and equitable laws, these universal rights of men.

ART. 12. The state is also obligated to protect all its inhabitants in the exercise of the right which they possess of writing, printing and freely publishing their sentiments and political opinions, without the necessity of any examination, or critical review previous to their publication, under the responsibility and restrictions that are now, or shall be hereafter established by the general laws on the subject.

ART. 13. From and after the promulgation of the constitution in the capital of each district, no one shall be born a slave in the state, and after six months the introduction of slaves under any pretext shall not be permitted.

ART. 14. In return, all men who inhabit the state shall obey its laws, respect its constituted authorities, and contribute to its support in the manner it requires.

ART. 15. All kinds of vacant property within its limits, and all intestate property without a legal successor, shall belong to the state.

ART. 16. The state shall be composed solely of two classes of persons,—viz: *Coahuiltexanos*, and the citizens of Coahuila and Texas.

ART. 17. The following persons shall be Coahuiltexians.

First,—All men born and domiciliated in the territory of the state, and the children of the same.

Second,—All those born in any other part of the territory of the republic, who shall fix their residence in the state.

Third,—Foreigners, of whatever nation, now legally established in the state.

Fourth,—Foreigners, who obtain from congress letters of citizenship, or become domiciliated in the state according to the law that shall be enacted as soon as the general congress issues the general Naturalization Law, which, agreeably to the 27th prerogative conferred by the constitution of the republic, ought to be established.

ART. 18. The following shall be freemen of Coahuila and Texas.

First,—All men born in the state and domiciliated in any part of the territory thereof.

Second,—All citizens of the other states and territory of the republic, as soon as they are domiciliated in the state.

Third,—All sons of Mexican citizens, born without the territory of the republic, who establish their domicil in the state.

Fourth,—Foreigners, from whatever country, now legally domiciliated in the state.

Fifth,—Foreigners, now enjoying the rights of *Coahuiltexanos*, who shall obtain special certificates of citizenship from congress. The laws shall prescribe the qualifications and conditions for granting them the same.

ART. 19. Those born within the territory of the republic, and foreigners domiciliated therein (except minors, when the political liberties of the country were proclaimed, who did not remain true to the cause of its independence, but emigrated to a foreign country, or dependency of Spain, shall neither be Coahuiltexians, nor citizens of Coahuila and Texas.

ART. 20. The rights of citizenship shall be forfeited.

First,—By becoming naturalized in a foreign country.

Second,—By admitting office, pension, or title from a foreign government without permission from congress.

Third,—By receiving executory sentence, wherein corporal or disgraceful punishment is imposed.

Fourth,—By a person selling his vote, or buying that of another for himself, or a third person, whether in popular assemblies, or in any other; and by violation of public trust in the said assemblies, whether by presidents, secretaries, tellers, or those discharging any other public function.

Fifth,—By having resided five years in succession without the territory of the republic, without a commission from the general government or that of the state, or without licence from the latter.

ART. 21. A person who forfeits the rights of a citizen cannot recover the same, unless reinstated therein by congress.

ART. 22. The exercise of the said rights shall be suspended.

First,—For moral or physical disability, after judicial investigation.

Second,—For not having attained the age of twenty-one years, except married persons, who shall enjoy the said rights from the time they marry, whatever be their age.

Third,—For being debtor to the public funds, the time of payment having expired, and payment having been demanded.

Fourth,—For being under criminal prosecution, until acquitted or sentenced to a punishment not corporal or disgraceful.

Fifth,—For having no employment, trade, or known way of support.

Sixth,—For not being able to read and write, but this provision shall not take effect until after the year 1850, and with respect to those who shall enter on the exercise of the rights of citizens after that time.

ART. 23. Only for the causes specified in articles 20 and 22 shall the rights of citizenship be forfeited or suspended.

ART. 24. None but citizens in the exercise of their rights shall vote for officers of the state in cases designated by law, and such only shall be elected to the said officers, and all othes of the state.

ART. 25. Offices requiring persons belonging to any professional faculty shall be excepted from the latter part of the preceding article, and may be conferred upon persons not residing in the state.

FORM OF GOVERNMENT OF THE STATE.

ART. 26. The object of the government shall be the happiness of the individuals who compose it, since the end of every political society is no other than the wellbeing of its members.

ART. 27. The officers of the government clothed with any kind of authority are mere agents or delegates of the state, responsible to the same for their political conduct.

ART. 28. The federal republican shall be the form of government of the state. In pursuance thereof there shall be no hereditary office or privilege in the state.

ART. 29. The supreme powers of the state shall be divided for its exercise into legislative, executive and judicial, and neither these three powers, or any two of the same, shall ever be united in one corporation or person, nor shall the legislative be deposited in one individual alone.

ART. 30. The exercise of the legislative power shall reside in a congress composed of deputies, chosen by the people.

ART. 31. The executive power shall reside in a citizen, to be styled the governor of the state, and to be chosen by the people.

ART. 32. The exercise of the judicial power shall reside in the tribunals and courts of justice established by this constitution.

TITLE I.

LEGISLATIVE POWER OF THE STATE.

SECTION I.

Deputies of Congress.

ART. 33. Congress shall be the union of the deputies, representing the state, and elected in conformity to this constitution. Until the year 1832, it shall consist of the number of twelve deputies proper, and six substitute deputies.

ART. 34. During the present year, and last of every ten years following, Congress may augment the number of its deputies, on the basis of one for every thousand souls.

ART. 35. The election of deputies proper and substitutes, shall be holden at the same time in each and every district of the state.

ART. 36. To be eligible to the office of deputy, proper or substitute the following qualifications at the time of the election shall be required.

First,—To be a citizen in the enjoyment of his right.

Second,—To have attained the age of Twenty-five years.

Third,—To be domiciliated in the state, and to have resided therein the two years immediately preceding the election.

ART. 37. Those not born within the territory of the republic, to be eligible as deputies, proper or substitutes, shall have been eight years domiciliated therein, and possess real estate to the amount of eight thousand dollars, or an industrious employment that shall yield them one thousand dollars per annum, and the qualifications provided in the preceding article.

ART. 38. Natives of any other part of America, subject to Spain in 1810, and not now annexed to any other nation, nor in subjection to the former, shall be excepted from the foregoing article, and for such three years domicil in this republic, and the requisites prescribed in article 36, shall be sufficient.

ART. 39. The following persons cannot be deputies, proper or substitutes.

First,—The governor and vice governor of the state, and members of the executive council.

Second,—Officers of the republic.

Third,—Civil officers appointed by the executive of the state.

Fourth,—Ecclesiastics, exercising any jurisdiction or authority in the district where the election is holden.

Fifth,—Foreigners in time of war between their own country and this republic.

ART. 40. The officers of the republic, or of the state, comprised in the foregoing article, to be eligible as deputies, shall have entirely ceased in office four months previous to the election.

ART. 41. Should the same person be chosen deputy proper for two or more districts, he shall prefer the choice for that wherein he is domiciliated for the time being. Should he not be domiciliated in either, that of his native district shall prevail. Should he neither be domiciliated in, or a native of any of said districts, that of the one which the deputy chosen shall himself designate, shall be effective. In either of these cases, or in that of death, should it be impossible, in the opinion of congress, for the deputies proper to perform their functions; the respective substitute deputies shall fill their places.

ART. 42. Should the same person also prove to be elected substitute deputy for two or more districts, the same order of preference shall be observed as provided in the three first parts of the preceding article, and in the other districts that remain without a substitute deputy, the vacancy shall be filled by the one who received in the respective electoral assembly, the next highest number of votes to that of the one whose place is to be filled. In case of a tie, it shall be decided by lot.

ART. 43. The deputies during the time of discharging their duties, shall receive from the state treasury such pay as the preceding congress shall assign them, and they shall furthermore be paid the amount that said congress thinks proper for the expense they have to incur in repairing to the place of session, and in returning home after the close of the same.

ART. 44. At no time, in no case, and to no authority shall the deputy be responsible for the opinions they manifest in the discharge of their duties. In criminal actions that should be commenced against them they shall be tried by the tribunals hereinafter mentioned, and from the day of their election until the expiration of the two years term of service, they can be accused only before congress, which shall form itself into a grand jury, for declaring whether there be a just ground of action.

ART. 45. During the time of their service, reckoned for this object from the day of their election, they can obtain no office or provision of the executive, either for themselves, or request it for another, not even promotion, except by the scale in their respective career.

SECTION II.

ELECTION OF DEPUTIES.

ART. 46. For the election of deputies, municipal and district electoral assemblies shall be holden.

PARAGRAPH FIRST.

Municipal Electoral Assemblies.

ART. 47. Municipal electoral assemblies shall be composed of citizens in the enjoyment of their rights, domiciliated and resident within the limits of the respective Ayuntamiento. No person of this class shall decline attending the same.

ART. 48. Said assemblies shall be holden on the first Sunday, and day following, in the month of August of the year preceding that of the renewal of congress, for choosing district electors, who are to elect the deputies, and eight days previous, the president of each Ayuntamiento, without the necessity of awaiting any orders shall convoke the citizens of his district by the proper edict, or as the custom may be, to convene in order to hold the election at the time and in the manner this constitution provides, previously giving notice to the haciendas and ranchos of said district that it may come to the knowledge of the inhabitants thereof.

ART. 49. That the citizens may more conveniently attend, each Ayuntamiento, according to the locality and population of its territory, shall determine the number of municipal assemblies to be formed within its limits, and the public places where they shall be holden, designating to each the places corresponding thereto.

ART. 50. They shall be presided, one by the chief of police, or the Alcalde, and the rest by the other individuals of the Ayuntamiento, as it shall fall to them by lot, and in default of the latter, said corporation shall choose for president of the respective municipal assembly, an inhabitant of the district assigned thereto, who can read and write.

ART. 51. On the aforementioned Sunday in August, the hour of the meeting having arrived, and the citizens assembled in the place appointed, being together, the said assembly shall commence by choosing from among themselves, by majority of vote one secretary and two tellers, who can also read and write.

ART. 52. The election shall remain open on both days specified in article 48, four hours each, divided in morning and evening, and a register shall be kept in each assembly to record therein the votes of the citizens convened to choose the district electors, entering alphabetically the names of the voters and candidates.

ART. 53. To be eligible as district elector it shall be required to be a citizen in the exercise of his rights, to have attained the age of twenty-five years—to be able to read and write, and to be domiciliated and resident in the same district one year, immediately preceding the election.

ART. 54. Each citizen shall vote for the respective district electors, *viva voce* or in writing, in the former case the voter shall call the name of those for whom he votes, in an audible voice, and should he give in his vote in writing, the secretary shall read the ticket in the same

manner, and enter the same in the register, indispensably in the presence of the voter. No person shall vote for himself in this or the other electoral acts under penalty of losing the right of voting.

ART. 55. In a district where only one deputy is to be elected, eleven, and where two or more, twenty-one electors shall be chosen.

ART. 56. Doubts or controversies that arise whether any person or persons present possess the qualifications required for voting shall be decided verbally by the assembly, and the decision shall be executed without appeal for that time and purpose only, it being understood that the doubt shall not turn upon the provision of this constitution, or other laws. Should there be a tie in resolving thereon, absolutory sentence shall be given.

ART. 57. Should complaints arise of bribery, subornation, or force to cause the election to result in favor of particular persons, the case shall be publicly and verbally canvassed and brought to a decision. Should the accusation prove to be true, the offenders shall be deprived of a voice, active and passive. False accusers shall suffer the same penalty. From this decision there shall be no appeal. Doubts in regard to the nature of the testimony shall be decided in the manner stated in the preceding article.

ART. 58. Municipal assemblies shall be holden with open doors, without any guard and no person, of whatever class, shall appear armed therein.

ART. 59. The election on both days having terminated, the president, secretary and tellers of each assembly shall proceed to count and cast up the number of votes received by the several candidates in the register, and sign the same, which having been done the assembly shall be dissolved, and any other act in which they interfere shall not only be null, but shall be considered an offence against the public safety.—Said register shall be delivered enclosed to the secretary of the respective Ayuntamiento.

ART. 60. On the second Sunday of the month of August aforesaid, each Ayuntamiento shall convene in their respective town halls in public session. In their presence, the president, tellers and secretary of the municipal assemblies being also present, the registers shall be opened, and in view of all of said registers, a general list shall be formed alphabetically, comprising all the candidates and number of votes they have received.

ART. 61. Said list, and the act of corporation that shall be written out relative to the subject, shall be signed by the president of the Ayuntamiento, and secretary of the same, and the secretaries of the assemblies. Two copies of the aforementioned list shall then be drawn off, authorized by the same persons, one which shall be immediately posted in the most public place, and the other delivered with the corresponding official letter, signed by the president of the Ayuntamiento to two individuals whom said board shall appoint from its own body that they may proceed to the capital of the district to join those commissioned

by the other Ayuntamientos, in order to make the general regulation of the votes.

ART. 62. On the fourth Sunday in August those commissioned by the Ayuntamientos shall present themselves, with the credentials of their appointment, to the chief of police, and in his default, to the first alcalde of the capital of the district, and the former or latter, as the case may be, presiding, they shall meet in the town halls in public session, and, in view of all the lists, shall form a general list of the persons chosen district electors by the citizens of their respective district, stating the number of votes they have received, and places of their residence.

ART. 63. In order to make the said general regulation of votes, the concurrence of four commissioners at least shall be required. In districts where said number cannot meet, the Ayuntamiento of the capital town shall choose from their own body the persons wanting to complete the same.

ART. 64. The citizens resulting, by this general scrutiny, to have the greatest number of votes in the list, shall be considered constitutionally chosen as electors. In case of a tie between two or more persons it shall be decided by lot.

ART. 65. The aforementioned list, and act relative to the subject shall be signed by the president, commissioners, and secretary of the Ayuntamiento of the capital of the district. Copies of both shall be drawn off authenticated by the same persons, and forwarded by the president to the permanent deputation of congress, to the governor of the state, and to the Ayuntamientos within the precincts of the district.

ART. 66. Said president shall forward the corresponding official letter forthwith to the electors chosen, in order that they may meet in the capital of the district on the day provided by the constitution, for the purpose of holding the electoral assembly of the same.

PARAGRAPH SECOND.

District Electoral Assemblies.

ART. 67. District electoral assemblies shall be composed of the electors chosen by the citizens in the municipal assemblies, who shall meet in the capital of the respective district to choose the deputy or deputies corresponding thereto, to meet in congress as representatives of the state.

ART. 68. Said assemblies shall be holden at the expiration of fifteen days from making the general regulation of votes mentioned in article 62, the electors convening in the town halls or in the building considered most appropriate for so solemn an act, with open doors, and without a guard, and no person, of whatever class, shall appear armed in the said assemblies.

ART. 69. They shall be presided by the police chief and in his default, by the first alcalde of the capital of the district, commencing their sessions by choosing from their own body, by majority of vote, a secretary and two tellers; the president shall then cause the credentials

of the electors to be read, which shall be the official letters, wherein they were notified of their appointment.

ART. 70. The president shall then inquire if there be any legal nullity on the part of any elector for his being such; and should it be proved in the act that there is, the elector shall loose the right of voting. The president shall afterwards also enquire if any bribery, subornation, or force has been used for the election of any particular person, and should it be proved in the act that there has, the delinquents shall be deprived of a voice, active and passive, and false accusers shall suffer the same penalty. Doubts that arise in either case shall be decided by the assembly, in the manner mentioned in article 56.

ART. 71. The electors present shall then immediately proceed to make choice of the deputy or deputies corresponding to the district, and they shall be elected one by one by secret scrutiny, by means of slips which each elector shall deposit in an urn placed upon a table at the foot of a Crucifix, after being sworn before the same, and by the president that for deputies to the congress of the state, he will give his vote for those citizens, who in his opinion possess the qualifications of education, integrity, probity, and well known adherence to the cause of the national independence.

ART. 72. On conclusion of the voting, the president, tellers and secretary shall examine the votes, and the candidate who received more than one half of the votes shall be deputy, constitutionally elected, the president declaring each election. Should no one have received the absolute majority, the two highest candidates shall be run in a second balloting. Should more than two persons have received a like respective majority, they shall all be run in the second balloting, and the same shall be done when no one has received said majority, but all an equal number of votes. In all these cases the candidate receiving the majority of votes shall be elected; should there be a tie, the balloting shall be repeated once only, and should there still be a tie, it shall be decided by lot.

ART. 73. Should one individual only have received the respective majority, and two or more persons an equal number of votes, but greater than that of all the others, to decide which of them shall run in a second balloting with the former, there shall be a second balloting between them, and the one who should receive the most votes shall enter in competition with the candidate who received the respective majority. In case of a tie the balloting shall be repeated, and should there still be a tie, it shall be decided by lot. In the second balloting between the one who received the respective majority over all the candidates, and his rival, the provision made in the last part of the preceding article shall be observed.

ART. 74. When one person only has received the respective majority, and all the rest an equal number of votes, to determine which of the latter shall enter in competition in a second balloting with the former, the entire provision made in the preceding article with this view

in respect to those between whom there was a tie shall be executed, and to determine also which of the rival candidates shall be elected deputy, the provision of the last part of said article shall be observed.

ART. 75. The election of deputies proper having closed, that of the substitutes shall immediately follow in the same method and form, and the latter having also terminated, a list containing the names of all the deputies elected, signed by the secretary of the respective assembly, shall be immediately posted in the most public place. The electoral act shall be signed by the president and all the electors, and the former, the secretary and tellers, shall forward copies, authenticated by themselves, to the permanent deputation of congress, to the governor of the state, and to all the ayuntamientos of the district. Said assemblies, as soon as they have performed the acts pointed out in this law, shall immediately dissolve, and any other in which they interfere shall be null, and furthermore reputed an offence against the public safety.

ART. 76. The president shall also seasonably dispatch the corresponding official letter to the deputies proper and substitutes, accompanied by an attested copy of the act, to serve them as a credential of their election.

ART. 77. No citizen shall decline discharging from any cause or pretext, the duties mentioned in this section.

SECTION III.

HOLDING SESSIONS.

ART. 78. Congress shall meet every year and hold its sessions, at the place that shall be designated by law for that purpose. When it should find it convenient to remove to another place, it may do so, provided, that two-thirds of all the deputies shall so agree.

ART. 79. The deputies shall present their credentials to the standing deputation of congress that it may proceed to examine and determine on the same, having in view the attested copies of the elections of the electoral district assemblies.

ART. 80. On the 28th of December of the year preceding that of the renewal of congress, the deputies newly elected and members of the permanent deputation shall meet in public session, and the president and secretary of said deputation shall act as such in said assembly. Said assembly shall discuss the subject of the legality of the credentials and qualifications of the deputies, and doubts that arise in regard to those two points shall be decided by said assembly, by majority of vote, those members of the standing deputation who have not been re-elected not having a vote.

ART. 81. The president shall then administer to the deputies the corresponding oath to respect the constitutive act, the constitution of this republic, and that of the state, and cause the same to be respected, and fully to fulfil the duties of their trust.

ART. 82. The deputies shall then proceed to elect from among themselves by ballot, and majority of all the votes, a president, vice president and two secretaries, with which the permanent deputation shall cease in all its functions, and the members thereof immediately retiring, should they not have been re-elected, the president of congress shall declare that said body is solemnly and legally established.

ART. 83. For holding all other sessions, ordinary and extra, the deputies shall meet four days previous to that of opening the same in the manner provided in the first part of article 80, in order to resolve, in the same form as mentioned in the second part of said article, upon the legality of the credentials and qualifications of the deputies that are again presented, and being approved the deputies shall immediately be sworn as prescribed in article 81, and they shall then proceed to make choice of a president, vice president and secretaries in the same manner as provided in article 82.

ART. 84. Congress shall open its ordinary sessions on the first day of January, annually, and on the first of September, of every year following that of the renewal of congress, it being the duty of the governor to attend, in such important acts, who shall deliver a message in accordance with the state of affairs, to which the president of congress shall reply in general terms.

ART. 85. On the day following that of the opening of the ordinary sessions, the governor shall present himself to give information to congress in writing, of the state of the public administration, proposing the measures or reforms that may be made in each and every department thereof.

ART. 86. The sessions of congress shall be daily, with no other interruption than that of annual holidays. They shall all be public, except those whereon subjects are to be treated requiring reserve, which may be private.

ART. 87. The ordinary sessions of congress, commencing on the first of January shall continue for that month, and the three following, of February, March and April, and shall not be prorogued except for one month at the longest, and in only two cases, first on petition of the governor, second, should congress itself judge necessary, and in both cases the vote of two-thirds of all the members shall be required. The ordinary sessions commencing on the first of September shall continue for the 30 days of said month, and from no cause, and under no pretence shall they be prolonged. Both shall be closed with the same formalities as prescribed for opening the same.

ART. 88. Congress, before closing its ordinary sessions, shall choose from its own body a permanent deputation composed of three members, proper, and one substitute which shall continue during the whole of the interval between both terms of ordinary session. The first chosen shall be president, and last member proper, secretary thereof.

ART. 89. When circumstances or business occur during the interval between both terms of ordinary session, requiring the meeting of

congress, it may be convoked to extra session, provided, that by unanimous vote two-thirds of the members of the standing deputation, and of the executive council, convened for that purpose, shall so agree.

ART. 90. Should the circumstances or business that occasioned the extra convocation of congress be very weighty and urgent, the standing deputation, convened with the council and other members present in the capitol, shall take the necessary temporary measures, and give notice thereof to congress as soon as it shall have convened.

ART. 91. When congress meets to hold extra sessions, the same deputies shall be called to concur therein, whose duty it is to attend the ordinary sessions of that year, and they shall be exclusively engaged upon the subject or subjects comprized in the letter of convocation; but should they not have concluded the same by the time the ordinary sessions are to be opened, the extra sessions shall be closed, and the business for which they were called, be continued in the former.

ART. 92. Holding extra sessions shall not impede the election of new deputies at the time prescribed by this constitution.

ART. 93. The extra shall be opened and closed with the same formalities as the ordinary sessions.

ART. 94. The governor shall cause all resolutions adopted by congress on removal of its residence, or prorogation of its sessions, to be executed, without making observations thereon.

ART. 95. Congress in all that pertains to its internal order and government, shall observe the rules that shall be formed by the present congress, with power to make therein, such reforms as it may judge necessary.

ART. 96. The deputies shall be entirely renewed every two years, and those of the preceding congress may be re-elected, but they shall not be obligated to accept this charge until after the interval occupied by a deputation. The deputies of the present congress shall for this time be excepted from the provision of this article, and shall not be re-elected to the next constitutional congress.

SECTION IV.

Powers of Congress, and its Permanent Deputation.

ART. 97. The following prerogatives shall belong to congress.

First,—To enact, interpret, amend or repeal the laws relative to the administration and internal government of the state in all its branches.

Second,—Regulate the votes received by citizens at the electoral district assemblies for governor, vice governor and councillors, and make choice of the same, as the case may be.

Third,—To decide by ballot the ties that occur between two or more persons in elections to said trusts.

Fourth.—Resolve upon doubts that arise upon said elections, and upon the qualifications of the persons elected.

Fifth.—Examine the reasons offered by those elected for not accepting said offices, and resolve thereon as it shall think proper.

Sixth.—Form itself into a grand jury for declaring whether there be a just ground of action, both for crimes of office, and for crimes in general, committed against the deputies of congress, the governor, vice governor, members of the council, secretary of state, and members of the supreme tribunal of justice of the state.

Seventh.—Render the responsibility of the said public functionaries effectual, and provide that it be exacted of the other officers as the case may be.

Eighth.—Determine every year the state expenditures in view of the pre estimates, to be presented by the executive.

Ninth.—Establish or confirm the imposts, or contributions necessary for covering said expense in accordance with this constitution, and that of the republic. Regulate their collection, determine their application, and approve their distribution.

Tenth.—Examine and approve the accounts of the disposition of all the funds of the state.

Eleventh.—Contract debts in case of need, on the credit of the state, and designate guaranties for covering the same.

Twelfth.—Enact what is proper for the administration, preservation, and alienation of the property of the state.

Thirteenth.—Create, suspend or abolish the public offices of the state; assign, diminish or augment them their salaries, recesses, or labours.

Fourteenth.—Grant rewards or recompenses to corporations or persons who may have rendered signal services to the state, and decree public honors to perpetuate the memory of great men.

Fifteenth.—Regulate the method of recruiting the men required for the service or replacement of the companies of the standing garrison militia, of cavalry, or of active militia, belonging to the same auxiliary arm of defence as the former, which are destined to the defence of the state by their institution, and approve of the allotments made among the towns of the state, of the portions that respectively belong to them for fulfilling that object.

Sixteenth.—Enact what is proper for the enrollment and instruction of the civic militia of the state, and appointment of its officers agreeably to the discipline that is now, or shall be hereafter prescribed by general law.

Seventeenth.—Promote and encourage public knowledge and education by laws, and the progress of the sciences, arts, and useful establishments, removing the obstacles that retard such commendable objects.

Eighteenth.—Protect the political liberty of the press.

Nineteenth.—Intervene, and give or withhold its consent in all those acts and cases wherein it is provided in this constitution.

ART. 98. The following shall be the powers of the standing deputa-
tion.

First,—To watch over the observance of the constitutive act, constitution and general laws of the union, and the private laws of the state in order to give notice to congress of the violations it may have noticed.

Second,—Convoke congress to extra session as the case may be, and in the manner prescribed by this constitution.

Third,—Discharge the functions assigned it in articles 79 and 80.

Fourth,—Notify substitute deputies in order that they may join congress in their turn in lieu of the deputies proper; and in case of default or absolute impossibility of both, communicate the corresponding orders to the respective district, that it may proceed to a new election.

Fifth,—Receive the certified copies of the acts of election of the electoral district assemblies for governor, vice governor, and members of the executive council, and deliver them to congress as soon as it is installed.

SECTION V.

Formation and Promulgation of Laws.

ART. 99. The form, intervals, and mode of proceeding in discussion and in voting on projects of law or decree shall be provided in the internal rules of congress.

ART. 100. No project of law or decree that should be rejected according to the rules, shall be again proposed until the ordinary sessions of the year following; but this shall not prevent any one or more of their articles from forming a part of other projects not rejected.

ART. 101. One more than the half of the entire number of deputies shall form a quorum for dictating measures and steps not possessing the character of law or decree. For discussing and voting upon projects of law or decree, and dictating orders of great importance, the concurrence of two-thirds of all the members shall be required.

ART. 102. Should a project of law or decree, after being discussed, be approved, it shall be communicated to the governor, who, should he also approve it, shall immediately proceed to promulgate and circulate the same with the corresponding formalities; but should he not, he may make thereon such observations as he may deem proper, previously hearing the council, and shall return the same with his remarks to congress within ten available days, reckoned from its reception.

ART. 103. The projects of law or decree returned by the governor according to the preceding article shall be discussed the second time, and the public speaker, whom the executive should designate, may attend the discussion. Should they be approved by two-thirds of the members present, in this second discussion, they shall be again communicated to the governor, who, without objecting, shall immediately proceed to their formal promulgation and circulation, but should the said

projects not be approved in this form, they cannot be again proposed until the sessions of the year following.

ART. 104. Should any project of law or decree not be returned by the governor within the time assigned in article 102, it shall be considered from that very fact as sanctioned, and shall be promulgated as such, unless congress should have closed or suspended its sessions during said term, in which case it shall be returned on the first day of the next term of session.

ART. 105. Laws shall be repealed with the same formalities, and by the same steps as they are established.

APPENDIX TO TITLE FIRST.

Election of Deputies to the General Congress.

ART. 106. The electoral district assemblies, on the same day, and in the same method they must perform the election of deputies to the state congress, shall proceed to elect the individuals who are to elect the deputies to the general congress, choosing, for every seven thousand souls, one person possessing the qualifications required by article 53 of this constitution. In districts wherein there proves to be an excess of population of more than three thousand five hundred souls, for this fraction another elector shall be chosen, and in those, whose population does not amount to seven thousand, one shall be chosen notwithstanding. The election having closed, said juntas shall forward a certified copy of their act to the vice governor of the state, and also the corresponding attested copy to each person elected, to serve him as a credential.

ART. 107. The electors thus chosen shall repair to the capitol of the state where they shall present themselves to the vice governor, or person acting in his stead, and convening under the presidency of either three days previous to the first Sunday of October, in public session, in the building they consider most appropriate, they shall choose from among themselves two tellers and a secretary that they may examine the credentials, and report on the day following whether they are in conformity to law. A committee of three persons shall likewise be chosen, to examine the credentials of the secretary and tellers.

ART. 108. On the day following they shall again assemble, the minutes shall be read, and should any defect be found in the credentials or qualifications of the electors, the meeting shall decide without adjourning, and the resolution thereof shall be carried into effect without appeal, for that time and case only, it being understood that the doubt cannot turn upon any provision in this or any other law.

ART. 109. On the first Sunday of the aforementioned month of October, the electors having convened, and one more than the half of them all being present, in the form provided by this constitution for the election of deputies to the state congress, they shall proceed to the election of those who are to represent the state in the general congress.

This having been concluded, the meeting shall make the proper provision for complying with article 17 of the federal constitution, and it shall then dissolve.

TITLE II.

EXECUTIVE POWER OF THE STATE.

SECTION I.

The Governor.

ART. 110. The governor of the state shall possess the following qualifications at the time of his election.

First,—He shall be a citizen in the exercise of his rights.

Second,—Born in the territory of the republic.

Third,—Have attained the age of thirty years.

Fourth,—An inhabitant of this state, having resided five years therein, two of which immediately preceding the election.

ART. 111. Ecclesiastics, military and other officials of the republic, in actual service thereof, cannot obtain the office of governor.

ART. 112. The governor of the state shall continue four years in the discharge of his office, and cannot be re-elected to the same office, except on the fourth year from having ceased in his functions.

ART. 113. The prerogatives of the governor, his attributes, and the restrictions of his powers, shall be as follows.

PREROGATIVES OF THE GOVERNOR.

First,—The governor may make observations upon the laws and decrees of congress in the manner and form prescribed by article 102, suspending their publication until said congress resolves thereon, unless in cases excepted by this constitution.

Second,—He may propose to congress such laws or amendments as he thinks conducive to the general good of the state.

Third,—He may pardon delinquents conformably to law.

Fourth,—The governor cannot be accused for any crime whatever committed during his term of office, and one year after, reckoned from the date whereon he ceased in his functions, except before congress, and after the expiration of that term, not even before congress.

ATTRIBUTES OF THE GOVERNOR.

First,—To take care that the internal order and tranquillity of the state be preserved, and of its safety without—for both objects disposing

of the militia of said state, of which he shall be commander in chief throughout its territory.

Second.—See that the constitutive act, the federal and state constitution, the laws decrees and orders of the general government, and of the congress of said state be fulfilled, issuing the proper orders and decrees for their execution.

Third.—Form, with the advice of the council, such instructions and regulations as he deems necessary for the better government of the departments of the public administration of the state, which he shall transmit to congress for approval.

Fourth.—Appoint agreeably to the constitution and laws, all the officers of state not chosen by the people, or as otherwise provided by law.

Fifth.—Freely appoint and remove the secretary of state.

Sixth.—See that justice be promptly and fully administered by the tribunals and courts of justice of the state, and that their decisions are executed.

Seventh.—Take care of the administration and collection of all the state rents, and decree their disposition according to law.

Eighth.—Suspend from office, as long as three months, and deprive of even one-half their salary for the same length of time, after hearing the advice of the council, all officers of the executive department, and of his appointment or approval on violating his orders or decrees, transmitting the data on the subject to the respective tribunal, should he think there is a proper ground of action.

Ninth.—Propose to the standing deputation, whenever he thinks proper after hearing the advice of the council, the convocation of congress to extra session.

RESTRICTIONS OF THE POWERS OF THE GOVERNOR.

The governor shall not have power.—

First.—To command the civic militia of the state in person without the express consent of congress or during its recess, the resolution of the permanent deputation. Whenever he commands the said militia on the aforesaid condition, the vice governor shall discharge the duties of governor.

Second.—Interfere in the examination of causes pending, or dispose in any manner of the persons of those accused in criminal cases, during the trial.

Third.—To deprive any one of his liberty or impose punishment upon him, but when the well being and safety of the state require the arrest of any person, he may effect it on condition of putting the persons arrested, within forty-eight hours, at the disposal of a competent tribunal or judge.

Fourth.—Take possession of the property of any private individual or corporation, or disturb him in the possession, use, or benefit thereof.

unless it should be necessary for a purpose of manifest public utility in the judgment of the executive council, in which case he may do so with the concurrence of the council, and approval of congress, and during the recess, of the permanent deputation, always indemnifying the party interested agreeably to the opinion of appraisers chosen by the executive and the said party.

Fifth,—Impede or embarrass in any manner, or under any pretence the popular elections determined by this constitution and the laws, or that they have their entire effect.

Sixth,—Leave the capitol to go to any other part of the state for a longer time than one month; should he require a longer time, or should he be under the necessity of leaving the state, he shall request licence from congress, and during the recess, from the permanent deputation.

ART 114. For publishing the laws and decrees of the congress of the state the governor shall use the following form:

“The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the Congress of the State has decreed as follows:—

(The original words of the law or decree to be here inserted.)

Wherefore I command it to be printed, published, and duly fulfilled.

SECTION II.

Vice-Governor.

ART. 115. There shall likewise be a vice-governor in the state, having the same qualifications as those required for governor; his term of office four years, and he cannot be re-elected to the same office until on the fourth year from having ceased in his functions.

ART. 116. The vice-governor shall preside over the council, but without having a vote, except in case of a tie. He shall also be the police chief of the department of the capitol; and when he officiates as governor the office of political chief shall be discharged by a substitute, whom he shall himself appoint provisionally with the approval of the council.

ART. 117. The vice-governor shall discharge the office of governor during its vacancy, or when the latter in the opinion of congress or the permanent deputation is impeded from serving.

ART. 118. When the vice-governor also fails, the councillor whom congress appoints shall act in the place of Governor. Should it be during recess, the appointment shall be made provisionally, until the meeting of congress, by the permanent deputation.

ART. 119. In case of decease or absolute impossibility during the first two years of exercising their functions, a new governor or vice-governor shall be chosen at the time of holding the next election for deputies to congress.

ART. 120. For crimes of any kind whatever, committed during his term of office, the vice-governor can be accused only before congress.

SECTION III.

Executive Council.

ART. 121. For the better discharge of the duties of his office the governor shall have a body for consultation, to be styled *Executive Council*, which shall be composed of three voters proper, and two substitutes, of all whom one only can be an ecclesiastick.

ART. 122. For being a member of the council the same qualifications shall be required as for being a deputy. Those not eligible as deputies, cannot be councillors.

ART. 123. The council shall be renewed every two years, one voter proper, and one substitute, the last chosen, retiring in the first, the other members proper and the other substitute in the second instance, and so on successively.

ART. 124. No councillor can be re-elected until the fourth year from the expiration of his office.

ART. 125. When the vice-governor attends the council he shall preside without having a vote, and in that case the vice-governor shall not attend.

ART. 126. The secretary of the council shall be one of the members thereof, in the manner and form provided in its internal rules, which the council itself shall form and present to the executive, who shall transmit them to congress for approval.

ART. 127. The attributes of the council shall be as follows.

First,—To give the governor a written report in all business wherein the law imposes on the latter the duty of requesting the same, and in other matters wherein the governor himself thinks proper to consult said body.

Second,—Watch over the observance of the constitutive act, federal constitution, and general laws of the union, constitution and private laws of the state, apprizing congress of any violations it may observe.

Third,—Promote establishment of, and give activity to, all the branches of prosperity of the state.

Fourth,—Propose nominations of three for filling those offices, wherein the law exacts this requisite.

Fifth,—Concur with the permanent deputation agreeably to article 89, on the convocation of congress to extra session, and meet with said deputation for the temporary measures that may be necessary in those cases mentioned in article 90.

Sixth,—Explain the accounts of all the public funds, and transmit the same to congress for approval.

ART. 128. The council shall be responsible for all acts relating to the exercise of its attributes.

SECTION IV.

Election of Governor, Vice-Governor and Councillors.

ART. 129. On the day following the election of deputies to congress each and every electoral district junta shall choose a governor, vice governor, three councillors proper and two substitutes, holding said election in the mode and manner provided in articles 71, 72, 73 and 74.

ART. 130. Said election having closed, a list signed by the secretary of the assembly, comprising the names of the persons elected and offices for which they were chosen, shall be immediately posted in the most public place. The acts shall be signed by the president and electors, and attested copies thereof authorized by the said president, secretary and tellers shall be transmitted, enclosed in a certified sheet, to the standing deputation.

ART. 131. On the day the first ordinary sessions of congress are opened, the ex-president of the standing deputation shall present the aforementioned attested copies, and after they are read, congress shall choose a committee from its own body, to which they shall be referred, that said committee may review the same and report thereon on the third day.

ART. 132. On said day congress shall proceed to determine the elections made by the districts, and compute the votes.

ART. 133. The person who receives the absolute majority of votes of the district electoral assemblies, to be computed according to the whole number of voters composing the same, shall be governor, vice governor, or councillor, as the election under consideration may be.

ART. 134. Should no person receive the aforesaid majority, congress shall elect for said offices one of the two or more individuals having the highest number of votes; and the same shall be done when no one has said respective majority, but all an equal number of votes.

ART. 135. Should one person only receive the respective majority, and two or more an equal number of votes, but greater than that of all the others, congress shall elect one individual from among the former, to be run in competition for the election, with the person who received the respective majority.

ART. 136. In case of tie, the balloting shall be repeated once only, and should there still be a tie it shall be determined by lot.

ART. 137. The office of governor, vice governor and councillors shall be discharged in preference to any other whatever in the state, and shall successively have the same preference among themselves. Those elected to said stations shall take possession thereof on the first of March, and they cannot decline serving, except the deputies to congress at the time of the election, and those who, in the judgment of said congress, are morally or physically disabled.

ART. 138. Should the governor elect from any cause, not be present on said day to enter on the performance of his functions, the vice-

governor newly chosen shall enter on the discharge of the office, and should he also be absent, his default shall be supplied agreeably to article 118.

SECTION V.

SECRETARY OF STATE.

ART. 139. The despatch of all business whatever pertaining to the executive department of the state shall be under the charge of a secretary, to be styled Secretary of State.

ART. 140. For holding said office, it shall be required to be a citizen in the exercise of his rights, over twenty-five years of age, a native of this republic, an inhabitant of this state, with three years residence therein, and one year immediately preceding his election. Ecclesiastics cannot hold said office.

ART. 141. All laws, decrees, orders regulations and instructions circulated to the towns, or directed by the governor to a particular corporation or person, as well as the copies emanating from the department shall be authorized by the secretary, and without this requisite they shall not be obeyed, or be productive of faith.

ART. 142. The secretary shall be responsible with his person and office for whatever he authorizes with his signature contrary to the constitutive act, the constitution and general laws of the union, or private constitution and laws of the state, and orders of the president of the republic not manifestly opposed to said constitution and laws, without availing himself as an excuse, his having done so by order of the governor.

ART. 143. For the internal administration of his office the rules which the secretary shall form, and congress approve, shall be observed.

ART. 144. Said public officer, also the governor, vice-governor and councillors shall cease, during their trust, to discharge the duties of any public stations they were filling, as soon as they have taken possession of office.

SECTION VI.

Department Police Chiefs, and Subordinate or District Chiefs.

ART. 145. In the capital of each department of the state there shall be an officer charged with the political administration thereof, to be styled *Department Police Chief*.

ART. 146. To be a department chief it shall be required to be a citizen in the exercise of his rights, to have attained the age of twenty-five years, to be an inhabitant of the state, with three years residence therein, and one of which immediately preceding his election.

ART. 147. The governor on nomination of three by the council, supported by reports from the Ayuntamientos of the respective department, shall appoint the department chiefs, except the one in the capital.

ART. 148. The chiefs of department shall be immediately subject to the governor, and in no way to each other.

ART. 149. In the capitol of each district, except the one where the department chief resides, there shall be furthermore, a subordinate or district chief, appointed by the executive on nomination of three by the said chief of department.

ART. 150. The subordinate or district shall possess the same qualifications as the department chiefs, with the difference that the domiciliation and residence must be within the precincts of the same district; and they shall furthermore, have some honorable way of living, sufficient to afford them a suitable support.

ART. 151. The term of office of the district shall be the same as that of the department chiefs, and, on nomination by the latter, they may also continue in office.

ART. 152. No one can decline serving in said trusts, except in case of re-election to the same within four years of the time of serving, or from some other legal cause in the opinion of the governor, who shall resolve after hearing the respective chief of department.

ART. 153. Both of these and the department chiefs shall be responsible for all their acts of omission against the constitution and general laws of the republic, and those of the states, the former to said chiefs of department, under whose immediate orders they shall act, and the latter to the governor.

ART. 154. The attributes of both chiefs, and the manner they are to exercise the same, shall be detailed in the regulations for the politico-financial administration of the towns.

SECTION VII.

Ayuntamientos.

ART. 155. It shall belong to the Ayuntamientos to attend carefully to the police, and internal administration of the towns of the state, and there shall be Ayuntamientos in all those towns where they have heretofore existed.

ART. 156. Ayuntamientos shall be established in towns where there are none, wherein it is proper they should exist, and they shall be established without fail in the district capitals, whatever be the population thereof, and in towns which, of themselves or with the territory they embrace contain a population to the amount of one thousand souls, unless said towns should be annexed to another municipality, in which case, (since from other considerations it may not be proper for them to separate,) in order that they may have an Ayuntamiento, it shall be so declared by congress, after receiving the report of the governor, and the despatch that shall be formed, assigning the limits that are to embrace the new municipality.

ART. 157. Towns that should not possess the population assigned, and which find it practicable being advantageously annexed to

another or others, shall constitute a municipality, and the Ayuntamiento shall be established at the place most convenient in the opinion of the executive.

ART. 158. In towns wherein Ayuntamientos cannot be established, and which are so distant from the other municipalities that the latter cannot attend to the internal administration thereof, the electoral juntas of that to which they belong shall choose a commissary of police and a *sindico procurador* to discharge the duties assigned them in the regulations for the political administrations of the towns.

ART. 159. The Ayuntamientos shall be composed of the Alcalde or Alcaldes, Sindico or Sindicos and Regidores, whose number shall be designated in the aforementioned regulations.

ART. 160. To be a member of the Ayuntamiento it shall be required to a citizen in the exercise of his rights, over twenty-five years of age, or twenty-one being married, an inhabitant within the jurisdiction of the Ayuntamiento, with three years residence therein, one year immediately preceding their election, to have some capital or trade whereby to subsist, and to be able to read and write.

ART. 161. Public officers receiving a salary from the state, military and other officers of the general government in actual discharge of their duties, and ecclesiastics, cannot be members of the Ayuntamiento.

ART. 162. The Alcaldes shall all be replaced every year, of the regidores, one half their number, and sindicos procuradores the same, should there be two; should there be only one he shall be replaced every year.

ART. 163. A person who has performed the duties of said trusts, cannot hold any other municipal office, or be re-elected to that which he filled, until after two years from having ceased therein.

ART. 164. The members of the Ayuntamientos shall be chosen by the municipal electoral meetings, which shall be holden in the same manner as the municipal meetings established for the election of deputies to congress. The former juntas shall be convoked on the first Sunday in December, and they shall meet and perform their duties on the second Sunday and day following.

ART. 165. Pursuant to said meetings those citizens who have received the greatest number of votes in the respective lists shall be considered constitutionally elected as Alcaldes, Regidores and Sindicos. In case of a tie between two or more persons it shall be decided by lot by the Ayuntamiento acting at the time of the election.

ART. 166. Should any member of the Ayuntamiento de cease, or his office become vacant from any other cause, the person receiving the highest number of votes in the order of the respective list shall succeed him in the discharge of the duties.

ART. 167. Ayuntamental offices shall be municipal charges, which no one can decline.

TITLE III.

JUDICIAL POWER.

SOLE SECTION.

Administration of Justice in general.

ART. 168. The administration of justice in civil and criminal cases shall exclusively belong to the tribunals and courts of justice which agreeably to the constitution should exercise the judicial power.

ART. 169. Neither congress, or the governor can remove cases pending from an inferior to a superior court; nor can the tribunals and courts of justice themselves open those already concluded.

ART. 170. Every inhabitant of the state shall be judged by competent tribunals and judges, established prior to the act by which he is judged, and in no way by special commission, or retroactive law.

ART. 171. The laws shall regulate the order and formalities to be observed in suits at law. These shall be uniform in all the courts of justice and tribunals, and no authority can dispense therewith.

ART. 172. The tribunals and courts of justice, being authorised solely for applying the laws, shall never interpret the same, or suspend their execution.

ART. 173. Military men and ecclesiastics, residing in the state, shall continue subject to their respective authorities.

ART. 174. No affair shall have more than three processes, and a like number of determinate decisions. The law shall provide which of said sentences shall produce a warrant of attorney, and from said sentence no other appeal shall be admitted than that of nullity, in the form, and for the purposes the law provides.

ART. 175. A judge who has rendered a decision in a case, in any process thereof, cannot take cognizance anew in any other process whatever, or in appeal of nullity interposed in said case.

ART. 176. Bribery, subornation and prevarication are ground for public action against the magistrate or judge who should commit the same.

ART. 177. Justice shall be administered in the name of the state, in the manner the laws prescribe.

PARAGRAPH FIRST.

Administration of Justice in Civil Matters.

ART. 178. Every inhabitant of the state shall be perfectly free to terminate his controversies, whatever be the state of the trial, by means of arbitrators, or in any other extrajudicial manner. His agree-

ments in this particular shall be strictly observed, and the decisions of arbitrators executed, should the parties on making the mutual promise not reserve the right of appeal.

ART. 179. Cases of a small amount shall be terminated by executive measures which shall be executed without any recourse. A particular law shall fix the sum and mode of proceeding therein.

ART. 180. In other civil and criminal matters in respect to wrongs there shall be a trial by conciliation, and without proving that this means has been attempted a trial by writing cannot be established, except in cases which the law itself shall determine.

PARAGRAPH SECOND.

Administration of Justice in Criminal Matters.

ART. 181. All criminal actions, for light transgressions that should be punished by correctional penalties, shall be decided by executive judgment without the form or shape of trial, and from the result no appeal, or any other recourse can be interposed. The law shall assign said penalties, and determine the crimes to which they correspond.

ART. 182. In grave offences summary information of the fact shall be drawn up authoritatively, without which requisite and that of the corresponding consequent warrant that shall be notified to the accused, and a copy thereof communicated to the jailor, no person can be a prisoner.

ART. 183. Should the judges not be able immediately to fulfil the provision of the preceding articles, the person arrested shall not be considered a prisoner but in the light of one detained; and should the jail warrant not be made known to him within forty-eight hours, and communicated to the jailor, he shall be discharged.

ART. 184. A person who gives bail in said cases, wherein it is not expressly prohibited by law, shall not be taken to prison, and in whatever state of the cause it appears that corporal penalty cannot be imposed on the prisoner, he shall be released under bail.

ART. 185. Those who have to declare in criminal matters upon their own actions shall do so without being under oath.

ART. 186. All persons may arrest a delinquent in the act, and conduct him to the presence of the judge.

ART. 187. The greatest care shall be taken that the jails serve only for securing, and not for molesting the accused.

ART. 188. Criminal causes shall be public, in the manner and form the laws provide, as soon as it is proposed to receive the declaration of the accused in reply to the charges.

ART. 189. The confiscation of property shall forever be prohibited, and even the seizure thereof can only be effected on proceeding in crimes involving a pecuniary responsibility, and only in proportion thereto.

ART. 190. Torture and compulsion shall never be used, and penalties imposed, whatever be the crimes, shall never pass to the family of him who suffers them, but they shall have their effect solely upon the person who deserved them.

ART. 191. No authority of the state can issue a mandate for searching the houses, papers, and other effects of the inhabitants thereof, except in those cases, and in the form, the laws provides.

ART. 192. One of the main objects of attention of congress shall be to establish the trial by jury in criminal cases, to extend the same gradually, and even to adopt it in civil cases in proportion as the advantages of this valuable institution become practically known.

PARAGRAPH THIRD.

Inferior Courts of Justice and Superior Tribunals.

ART. 193. The inferior courts of justice shall continue in the manner and form that shall be prescribed by law, until in the judgment of congress the state rents permit the establishment of learned judges, who shall be appointed in each district.

ART. 194. In the capital of the state there shall be a supreme tribunal divided into three halls, each composed of the magistrate or magistrates whom the law designated, and said tribunal shall have a fiscal, who shall despatch all the subjects of the three halls. Should the hall consist of one minister only, said special law shall determine whether colleagues should be appointed, and the manner and form it shall be done.

ART. 195. The two first halls shall take cognizance in the second and third processes of civil cases, of inferior courts of justice, and also of criminal cases according as the laws determine.

ART. 196. It shall belong to the third hall,

First,—to decide the power of inferior judges.

Second,—Determine appeals of nullity, interposed from executing judgements in first, second and third processes.

Third,—Take cognizance in all compulsive appeals interposed from the ecclesiastical tribunals and authorities of the state.

Fourth,—Examine the lists that shall be transmitted to the same monthly, of causes pending in first, second and third processes communicate a copy thereof to the governor, and provide for their publication through the press.

Fifth,—Hear doubts of law that occur to the two first halls, and to the primary tribunals, and communicate them to congress, through the channel of the governor, accompanied by the corresponding report.

ART. 197. Actions for transgressions in office entered against inferior judges, and also those formed for crimes of the same kind, and those in general against the deputies of congress, the governor and vice governor, counsellors, secretary of state, and members of the tribunal of

justice shall be opened and closed in all their processes before the said supreme tribunal. The law shall mark out the other powers of the same and its respective halls.

ART. 198. In case an action ought to be entered against the whole tribunal, or any of its halls, congress shall appoint another special tribunal, composed of the corresponding halls and the latter of the magistrate or magistrates considered necessary.

ART. 199. The special tribunal appointed by congress for these cases shall take cognizance of all appeals of nullity in actions of the supreme tribunal of justice, in those of the individuals mentioned in the preceding article, and in subjects pertaining to the third hall.

ART. 200. To be a magistrate of fiscal it shall be required to be a citizen in the exercise of his rights over twenty-five years of age, a native of this republic, and an upright and enlightened lawyer.

ART. 201. Both magistrates and fiscal shall be appointed by congress on nomination by the executive. They shall receive a competent salary, to be designated by law, and cannot be removed from office, except, from a legally established cause.

ART. 202. The members of the supreme tribunal of justice shall be responsible for all their proceedings in the discharge of their functions, and may be accused therefor before congress by any individual of the people whatever.

TITLE IV.

SOLE SECTION.

State Revenue.

ART. 203. The taxes of the individuals composing the state shall form its public revenue.

ART. 204. Said taxes may be direct, general, or municipal, but of whatever kind they are, they shall be proportionate to the expenditures they are to cover, and to the property of the citizens.

ART. 205. Taxes can not be levied except for paying the portion corresponding to the state of the general disbursements of the republic, and covering the private expense of the state. The taxes for the latter object shall be fixed expressly, on the first term of session, every year, and according to the pre-estimate to be presented by the governor, and approved by congress.

ART. 206. The present taxes shall continue until their repeal be published, and said repeal cannot be decreed except by congress.

ART. 207. There shall be in the capital a general treasury for the receipt, custody and distribution of the whole product of the state rents.

ART. 208. No pay that has not been for covering expense approved by congress, or by special order of the governor shall be allowed the treasurer in account.

ART. 209. The business rooms of the state revenue shall be regulated by particular instructions.

ART. 210. Congress shall choose three individuals every year from within or without its own body, to examine the accounts of the state treasury, and afterwards to present or communicate the same, accompanied by their report to congress for approval. Said approval, or the resolution that should be adopted by congress shall be published and circulated to the Ayuntamientos, in order that they may publish and circulate the same in their districts.

TITLE V.

SOLE SECTION.

Civic Militia of the State.

ART. 211. Corps of civic militia shall be established in all the towns of the state, and the said corps shall compose the military force of the state.

ART. 212. The formation of said corps, their organization, discipline, and internal government, shall be regulated by congress in conformity to the provision made on the subject by the general laws of the republic.

ART. 213. Congress shall regulate the service of said militia, so that while it is adapted to the purposes of its institution and to the best interests of the state, it may be as little onerous as possible to the citizens.

ART. 214. No *Coahuil-Tezano* can decline lending said service when required by law, and in the manner it provides.

TITLE VI.

SOLE SECTION.

Public Education.

ART. 215. In all the towns of the state a suitable number of primary schools shall be established, wherein shall be taught reading, writing, arithmetic, the catechism of the christian religion, a brief and simple explanation of this constitution, and that of the republic, the rights and duties of man in society, and whatever else may conduce the better education of youth.

ART. 216. The seminaries most required for affording the public the means of instruction in the sciences, and arts useful to the state; and wherein, the aforementioned constitutions shall be fully explained, shall be established in suitable places, and in proportion as circumstances go on permitting.

ART. 217. The method of teaching shall be uniform throughout the state, and with this view, also to facilitate the same, congress shall form a general plan of public education, and regulate by means of statutes and laws all that pertains to this most important object.

TITLE VII.

SOLE SECTION.

Observance of the Constitution.

ART. 218. The observance of the constitution in all its parts shall be one of the first and most sacred duties of the inhabitants of the state of Coahuila and Texas, and neither congress, or any other authority can exempt them therefrom; and every *coahuil-texano* may demand said observance, setting forth with that view to congress or the executive.

ART. 219. For any violation of the constitution whatever, the person who committed it shall be personally responsible. In order to render said responsibility effective congress shall dictate the laws and decrees it thinks conducive to that end; and furthermore, every year in its first sessions, take under deliberation the infringements manifested to the same by the permanent deputation and executive council, and adopt the proper resolution thereon.

ART. 220. The public functionaries of the state, of whatever class, shall make oath, on entering in possession of office, to observe, support and defend the constitutive act, the constitution of the republic, and that of the state, and fully and faithfully to discharge the duties of their office.

ART. 221. Propositions upon amendment, alteration, or repeal of any one or more of its articles, shall be made in writing, and supported and signed by one-third of the deputies.

ART. 222. The congress in whose time any of the said propositions are made shall make no further provision, during the two years of its sessions, than for the reading and printing of the same, with the original reasons with which they are supported.

ART. 223. The congress following shall receive the propositions for discussion, or reject them—and if accepted, they shall again be printed, and circulated by the executive to be read in the proximate electoral juntas previous to electing the deputies to congress.

ART. 224. The alterations, amendments or repeals proposed shall be discussed in the congress that follows, and should they be approved, they shall be immediately published as constitutional articles.

ART. 225. For the amendments, alterations, and repeals indicated, besides the rules prescribed in the foregoing articles, all those provided for forming and repealing laws, shall be observed, with the exception of the right of making observations granted the governor, which shall not be conceded in these cases.

Given in Saltillo, on the 11th of March, 1827.

SANTIAGO del VALLE, President.

JUAN Y. CAMPOS, Vice President.

RAFAEL R. VALDES.

JOSE M. VIESCA.

F. A. GUTIERREZ.

JOSE J. de A. ROSALES.

MARIANO VARELA.

JOSE M. VALDES y GUAJARDO.

JOSE C. RAMOS, D. S.

DIONICIO ELIZONDO, D. S.

Wherefore, I command it to be printed, published, circulated, and duly fulfilled.

JOSE IGNACIO ARISPE.

JUAN ANTONIO PADILLA, Secretary.