

Exhibit 146

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

v.

**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

The Constitution Of The State Of West Texas, January, 1869, from: Ernest Wallace, David M. Vigness, and George B Ward, *Documents of Texas History*, (State House Press, Texas, 1994).

This attestation is made on August 10, 1998.

Attest: Ed. Brannan

D. L. West

Witness to scan and above signature

Ann Lynn Jay

Witness to above signatures

94. THE CONSTITUTION OF THE STATE OF WEST TEXAS

January, 1869

From *Constitution of the State of West Texas* (This thirty-five page document bears no signature, date, publication data, or explanation. The original manuscript copy cannot be located, but identical printed copies are in the Texas Technological College Library, Texas State Library, the Bancroft Library, and the Library of Congress.)

By virtue of its annexation agreement, Texas had the right to divide itself into four additional states. Several efforts seeking division were made after 1847, but the most serious occurred in the Constitutional Convention of 1868-1869, where the question of division became entangled with that of reconstruction. The question was bruited even in Congress by the radical leader, Thaddeus Stevens.

The Constitutional Convention devoted a large amount of its time to this end. Several proposals were made, and one, to erect a state west of the Colorado River, commanded much attention. Since the people of the western part of Texas had strongly opposed secession and many had remained hostile to the Civil War, some of their leaders now contended that their section should be re-admitted to the Union as a separate state. E. J. Davis, president of the Convention and the prime mover in behalf of the cause, announced on January 2, 1869, that he and six other delegates at the Convention had prepared a "Constitution for the State of West Texas." When the opponents of division, led by A. J. Hamilton, succeeded through obstructionist tactics, including several alternate proposals, in blocking the plan, Davis permitted the Convention to break up without completing a constitution for Texas, and hastened to Washington to seek the admission of West Texas as a state. Though a bill was introduced into Congress to this effect, and Davis worked diligently to secure its passage, it never emerged from the Committee on Reconstruction to which it was referred.

We, the people of West Texas, acknowledging with gratitude the grace of God in permitting us to make choice of our form of Government, do ordain and establish this Constitution:

ARTICLE I.
BILL OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and the people of this State have at all times the unalienable right to alter or reform their form of government, in such manner as they may think expedient, subject to the Constitution and Laws of the United States.

Sec. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services. . . .

Sec. 15. No person shall ever be imprisoned for debt. . . .

Sec. 21. The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor be exempted from any burden, or duty, on account of race, color, or previous condition.

Sec. 22. Importations of persons "under the name of coolies," or any other name or designation, or the adoption of any system of "peonage," whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized, or tolerated by the laws of this State,

and neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been convicted, shall ever exist in this State.

Sec. 23. To guard against transgressions of the high powers herein delegated, we declare that every thing 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; and we declare that the powers herein granted to the different departments of the government of this State are based upon the equality, in civil and political rights, of all human beings within the jurisdiction of this State; and should any department (either executive, legislative or judicial) attempt, in any manner, to deprive any person or persons of their herein guaranteed civil and political rights, such attempts shall be considered as a violation of the compact under which this State entered the Union.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

Sec. 1. The powers of the Government of the State of West Texas shall be divided into three distinct departments, and each of them confided to a separate body of magistracy—to wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Sec. 1. Every male person who shall have attained the age of twenty-one years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, or who is, at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of West Texas, and 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, and is duly registered, (Indians not taxed, excepted,) shall be deemed a qualified elector: . . .

Sec. 3. The Legislative powers of this State shall be vested in two distinct branches: the one to be styled the Senate, and the other the House of Representatives, and both together the "Legislature of the State of West Texas." . . .

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 the general election; and the sessions of the Legislature shall be annual, at such times as shall be prescribed by law. . . .

Sec. 26. The Legislature shall cause an enumeration to be made every ten years, commencing on the sixth day

of February, 1875, of all the inhabitants (including Indians taxed) of the State, designating particularly the number of registered voters, and the age, sex and color of all, (herein following the classification of the United States census,) and the whole number of Representatives shall, at the next session after the several periods of making such an enumeration, be fixed by the Legislature, and apportioned among the several counties, according to the number of population in each. The number of Representatives shall at present be fixed at twenty-six and when the population of the State may exceed the number of two hundred and sixty thousand persons, then one additional Representative for each ten thousand of such excess of population shall be added; Provided, that the whole number of Representatives shall never exceed forty-two. . . .

Sec. 28. The number of Senators shall at present be fixed at thirteen; and when the population of the State may exceed the number of two hundred and sixty thousand persons then one additional Senator for each twenty thousand of such excess of population shall be added; Provided that the whole number of Senators shall never exceed twenty-one.

Sec. 29. The first session of the Legislature, after the acceptance of this Constitution by the Congress of the United States, shall be held at the city of San Antonio, Bexar county, and thereafter until the year 1871, after which year the seat of government shall be permanently located by a vote of the people. . . .

ARTICLE IV.

JUDICIAL DEPARTMENT.

Section 1. The judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum. . . .

Sec. 5. The Judges of the Supreme Court shall hold their offices for the term of twelve years, and the Judges of the District Court for eight years. The terms of the Supreme Judges shall be arranged that the office of one shall become vacant at the end of every four years, and . . . Judges of the Supreme Court and District Courts, the Attorney General and District Attorneys, shall be appointed by the Governor, by and with the advice and consent of the Senate; Provided, that at the first general election after the year one thousand eight hundred and eighty (1880) the question shall be submitted to vote, whether these officers shall thereafter be elected by the people. . . .

Sec. 13. There shall be elected in each county by the qualified voters of the different precincts thereof as may be directed by law, at least five Justices of the Peace, one of whom shall reside, after the election, at the county seat, and not more than one of said Justices shall be a resident of the same Justice's precinct. . . .

Sec. 23. The Grand Jury system is hereby dispensed with in this State. The prosecution of offenses in this State shall be by information or presentment of the District Attorney or Attorney General. The filing before any

competent officer of an affidavit charging an offense, shall be sufficient to authorize and require an information or presentment before the proper tribunal. To the District Attorney or Attorney General is given the same authority heretofore exercised by Grand Juries, and these officers are required to institute examinations in regard to any offenses that may be brought to their notice. For the institution of prosecutions for offenses less than felony, the Legislature may authorize some more simple proceeding. The Legislature shall provide all needful regulations for carrying out the spirit and intent of this and the last preceding section: provided, that if the dispensing with the Grand Jury system shall be found inconvenient, the Legislature may, after five years from the acceptance of this Constitution by the United States Congress, re-establish that system.

Sec. 24. In all trials by Jury, the agreement of three-fourths of the Jurymen shall be sufficient to find a verdict. . . .

ARTICLE V.

EXECUTIVE DEPARTMENT.

Sec. 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of West Texas. . . .

Sec. 4. The Governor shall hold his office for the term of four years . . . but shall not be eligible for more than eight years in any term of twelve years; and (after the first election) shall have resided in this State three years immediately preceding his election. . . .

ARTICLE VII.

GENERAL PROVISIONS.

Sec. 1. The boundaries of the State of West Texas are hereby defined as commencing at a point in the Gulf of Mexico, three miles from the shore opposite the middle of the main channel of Pass Caballo, thence up the middle of said channel and of Matagorda Bay to the mouth of Colorado River, thence up the middle of the main channel of said river, with its meanders to the point where said river is intersected by the thirty-second parallel of North latitude, thence along said parallel to a point [blank] miles west from said river, thence in a straight line to the junction of the Pecos river and Rio Grande, thence down the main channel of the Rio Grande, with its meanders, to the Gulf of Mexico, three miles from the land to the place of beginning.

Sec. 2. The Constitution and Laws of the United States of America, and the treaties and laws of the United States, made in pursuance of said Constitution, are the supreme law of this State. The laws enacted by the Legislature of the State of Texas, previous to the twenty-eighth day of January, eighteen hundred and sixty-one, where the same are not in conflict with the Constitution and laws of the United States and are not changed by this Constitution, shall remain the law of this State until repealed or amended by the Legislature of the same; Provided that all laws or parts of laws which were enacted for the purpose of protecting or sustaining the institution of slavery, or which recognize any distinction among human beings in regard to their civil or political privileges, rights, and

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duties, are to be considered as null and void, and of no binding force. . . .

Sec. 52. The people of this State, being largely engaged in the business of grazing, the Legislature is directed to provide for the protection and development of the stock raising interest. Provision shall be made for the inspection of animals and hides sold within the State. . . .

ARTICLE VIII.

REGISTRATION OF VOTERS.

Section 1. All male persons of the legal age, who have resided in this State for the length of time required by law, and who are citizens of the United States, or have declared their intention to become such, shall be entitled to register as voters, except those embraced under the following heads:

Head 1. All persons, who during the late rebellion against the United States Government, voluntarily aided or abetted the said rebellion in any manner, are prohibited from registry. Persons will not be considered as having voluntarily aided said rebellion, who throughout the rebellion disapproved of the same, but accepted office under the rebel government, or entered into the military force thereof, through compulsion, or for self-protection, or as a means of protecting their loyal friends. And all persons who abandoned the rebel service, and joined the United States forces at any time before the close of the rebellion, shall be authorized to register (if otherwise qualified) without regard to what may have been their motive in entering such rebel service. . . .

Head 3. All editors of newspapers, or ministers of the Gospel, who approved of, or aided the said rebellion, by writing, preaching, speaking or publishing their views in favor thereof, are prohibited from registry. . . .

Head 5. All persons who since the close of the said rebellion have continued as members of, or have become members of any secret organization designed in hostility to the United States, or the loyal people thereof, and known as "Sons of the South," or "Ku Klux Klan," or by any other name, are prohibited from registry; Provided, however, that all persons who are registered as voters under the reconstruction acts of Congress previous to voting on this Constitution, and who may vote for the adoption thereof, when the same is submitted to the people, shall be entitled to register (if otherwise qualified) though they may be excluded under the terms of any one of the foregoing heads. . . .

Sec. 3. The County Court of each county shall be the Board of Registry of the county, and shall sit for this purpose at such times as the Legislature may direct. The County Clerk shall keep a public registry of the voters, setting forth briefly the grounds of admission or rejection of the applicant for registry; and shall also keep a record of the oath (or affirmation) made by each registered voter. . . .

ARTICLE IX.

LAND OFFICE AND LANDS.

. . . Sec. 3. Immigrants to this State, from Europe and elsewhere, as well as residents of this State, who may settle on any part of the public lands of this State, shall be entitled to a portion of such land, as follows: Every head of a family, whether male or female, shall have one hundred and sixty acres; and every male person over the age of eighteen years, shall have eighty acres of the public lands. The only conditions attached to this donation, shall be, that each applicant for the same shall pay all expenses of survey thereof, and make such proof as the Legislature may require, that he or she has resided on the land to be donated, for three years preceding the issuance of the patent.

ARTICLE X.

IMMIGRATION.

Sec. 1. There shall be a Bureau, known as the "Bureau of Immigration," which shall have supervision and control of all matters connected with Immigration. . . .

Sec. 2. The Legislature shall have power to appropriate part of the ordinary revenue of the State, for the purpose of promoting and protecting Immigration. Such appropriation shall be devoted to defraying the expenses of this Bureau, to the support of agencies in foreign seaports, or seaports of the United States, and to the payment, in part, or in toto, of the passage of immigrants from Europe to this State, and their transportation within this State. . . .

ARTICLE XII.

PUBLIC SCHOOLS.

. . . Sec. 5. The Legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on the Public Free Schools of the State, of all the Scholastic population thereof, for the period of at least four months of each and every year; Provided, that when any of the Scholastic inhabitants may be shown to have received regular instruction for said period of time in each and every year from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

Sec. 6. As a basis for the establishment and endowment of said Public Free Schools, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of Public Schools, shall constitute the Public School Fund. And all sums of money that may come to this State, hereafter, from the sale of any portion of the public domain of the former State of Texas, shall also constitute a part of the Public School Fund. And said Fund, and the income derived therefrom shall be a perpetual fund, to be applied as needed, exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made appropriating such fund, for any other use of purpose whatever. . . .