

# Exhibit 147

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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 1869, February 8, 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. Brannum

D. O. West  
**Witness to scan and above signature**

Henry Louis Jones  
**Witness to above signatures**

## THE CONSTITUTION OF 1869

February 8, 1869

From Francis Newton Thorpe (comp.), *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies* (7 vols.; Washington, 1909), VI, 3591-3620.

A convention assembled in Austin on June 1, 1868, to write a new constitution for Texas. This time the Constitution was to be written in conformity with the requirements imposed by Congress in the reconstruction acts. Of its ninety members, six had been in the Convention of 1866, twelve were conservatives, and nine were Negroes; all except the conservatives were Republicans, split between the moderates, headed by A. J. Hamilton, and the radicals, led by Edmund J. Davis and Morgan C. Hamilton. The Convention, having exhausted its appropriated funds, adjourned on August 31. It reassembled on the first Monday in December and resumed its wrangling over such questions as the illegality of secession, the division of the state, and the disfranchisement of the Ex-Confederates. Finally, after having spent over \$200,000, the Convention broke up on February 8 without taking a formal vote on the Constitution. Forty-five of the ninety delegates signed the unfinished document. The military commander in the state appointed a committee to complete a draft from the confused records, and on November 30 and the three days following, the people of the state ratified the document by a vote of 72,395 to 4,924, hoping that its adoption would rid the state of military rule. This Republican Constitution was the fundamental law of the state until replaced in 1876 by another prepared by Democrats. Since it is too lengthy for full inclusion herein, a few parts have been selected to illustrate its character.

### CONSTITUTION OF TEXAS

We, the people of Texas, acknowledging with gratitude the grace of God in permitting us to make a choice of our form of government, do hereby ordain and establish this constitution:

#### ARTICLE I BILL OF RIGHTS

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected, and the great principles of liberty and equality secured to us and our posterity, we declare that—

Section 1. The Constitution of the United States, and the laws and treaties made and to be made in pursuance thereof, are acknowledged to be the supreme law; that this constitution is framed in harmony with and in subordination thereto; and that the fundamental principles embodied herein can only be changed subject to the national authority.

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. . . .

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 punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State. . . .

#### ARTICLE II

##### DIVISIONS OF THE POWERS OF GOVERNMENT

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

#### ARTICLE III

##### LEGISLATIVE DEPARTMENT

Section 1. Every 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 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 power of the State shall be vested in two distinct branches; the one to be styled the senate and the other the house of representatives; and both together, the legislature of the State of Texas. . . .

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

Sec. 6. All elections for State, district, and county officers shall be held at the county seats of the several counties until otherwise provided by law; and the polls shall be opened for four days, from 8 o'clock a.m. until 4 o'clock p.m. of each day.

Sec. 7. The house of representatives shall consist of ninety members, and no more.

Sec. 8. The senators shall be chosen by the qualified electors here after for the term of six years. . . .

Sec. 10. The senate shall consist of thirty senators, and no more. . . .

Sec. 24. Bills may originate in either house, and be amended, altered, or rejected by the other; . . .

Sec. 35. The members of the legislature shall, at their first session hereafter, receive from the treasury of the

State as their compensation eight dollars for each day they shall be in attendance, and eight dollars for each twenty-five miles in travelling to and from the seat of government. . . .

Sec. 36. The legislature . . . after the ratification of this constitution, . . . shall proceed to ratify the thirteenth and fourteenth articles of amendment to the Constitution of the United States of America. . . .

#### ARTICLE IV

##### EXECUTIVE DEPARTMENT

Section 1. The executive department of the State shall consist of a chief magistrate, who shall be styled the governor, a lieutenant-governor, secretary of state, comptroller of public accounts, treasurer, commissioner of the general land-office, attorney-general, and superintendent of public instruction. . . .

Sec. 4. The governor shall hold his office for the term of four years from the time of his instalment, and until his successor shall be duly qualified. . . .

Sec. 5. The governor shall, at stated times, receive a compensation for his services, which shall . . . be five thousand dollars, until otherwise provided by law, exclusive of the use and occupation of the governor's mansion, a lieutenant-governor possessing the same qualifications as fixtures and furniture.

Sec. 6. He shall be commander-in-chief of the militia of the State except when they are called into the actual service of the United States. . . .

Sec. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; . . .

Sec. 15. At the time of the election of a governor, there shall also be elected by the qualified voters of the State the governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be president of the senate; . . .

#### ARTICLE V

##### 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 and magistrates as may be created by this constitution, or by the legislature under its authority.

The legislature may establish criminal courts in the principal cities within the State with such criminal jurisdiction, coextensive with the limits of the county wherein such city may be situated, and under such regulations as may be prescribed by law; . . .

Sec. 2. The supreme court shall consist of three judges, any two of whom shall constitute a quorum. They shall be appointed by the governor, by and with the advice and consent of the senate, for a term of nine years. But the judges first appointed under this constitution shall be so classified by lot that the term of one of them shall expire at the end of every three years. . . .

Sec. 3. The supreme court shall have appellate jurisdiction only, which, in civil cases, shall be coextensive with the limits of the State. In criminal cases no appeal shall be allowed to the supreme court unless some judge thereof shall, upon inspecting a transcript of the record, believing

that some error of law has been committed by the judge before whom the cause was tried: . . .

Sec. 6. The State shall be divided into convenient judicial districts, for each of which one judge shall be appointed by the governor, by and with the advice and consent of the senate, for a term of eight years, who shall after his appointment reside within the district, and shall hold a court three times a year in each county thereof, at such time and place as may be prescribed by law: . . .

Sec. 8. In the trial of all criminal cases the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine to be imposed, except in cases where the punishment or fine shall be specifically imposed by law: . . .

Sec. 13. The judges of the supreme court shall receive a salary of not less than four thousand five hundred dollars annually, and the judges of the district court a salary not less than three thousand five hundred dollars annually. . . .

Sec. 17. Every criminal offence that may by law be punished by death, or in discretion of the jury by imprisonment to hard labor for life, and every offence that may by law be punished by imprisonment in the State penitentiary, shall be deemed a felony, and shall only be tried upon an indictment found by a grand jury. . . .

Sec. 18. One sheriff for each county shall be elected by the qualified voters thereof, who shall hold his office for four years, . . .

Sec. 19. There shall be elected in each county, by the qualified voters thereof, as may be directed by law, five justices of the peace, one of whom shall reside after his election at the county-seat; and not more than one of said justices shall be a resident of the same justice's precinct. They shall hold their offices for four years; . . .

Sec. 20. Justices of the peace shall have such civil and criminal jurisdiction as shall be provided by law. And the justices of the peace in each county, or any three of them, shall constitute a court, having such jurisdiction, similar to that heretofore exercised by county commissioners and police courts, as may be prescribed by law. And, when sitting as such court, the justice who resides at the county-seat shall be the presiding justice. . . .

Sec. 21. Each county shall be divided into five justices' precincts. And the justices of the peace in each county, sitting as a county court, shall appoint one constable for each justice's precinct. . . .

#### ARTICLE VI

##### RIGHT OF SUFFRAGE

Every male citizen of the United States of the age of twenty-one years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election: *Provided*, That no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided further*, That no person while kept

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in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office.

ARTICLE VII  
MILITIA

The governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and to repel invasions. . . .

ARTICLE IX  
PUBLIC SCHOOLS

Section 1. It shall be the duty of the legislature of this State to make suitable provisions for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the inhabitants of this State between the ages of six and eighteen years.

Sec. 2. There shall be a superintendent of public instruction, who . . . shall be elected by the people . . . for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. . . .

Sec. 3. . . . The legislature may lay off the State into convenient school districts, and provide for the formation of a board of school directors in each district. It may give the district boards such legislative powers, in regard to the schools, schoolhouses, and school-fund of the district, as may be deemed necessary and proper. It shall be the duty of the superintendent of public instruction to recommend to the legislature such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. . . .

Sec. 4. The legislature shall establish a uniform system of public free schools throughout the State.

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: . . .

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 State of Texas shall also constitute a part of the public-school fund. And the legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public-school fund. The legislature shall set apart, for the benefit of public schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected an annual poll-tax of one dollar, on all male persons in this State, between the ages of twenty-one and sixty years, for the benefit of public schools. . . .

Sec. 7. The legislature shall, if necessary, in addition to the income derived from the public-school fund, and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxa-

tion, in the several school districts in the State, as will be necessary to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts. . . .

Sec. 9. . . . It is made the imperative duty of the legislature to see to it that all the children in the State, within the scholastic age, are, without delay, provided with ample means of education. . . .

ARTICLE X  
LAND-OFFICE

. . . Sec. 5. All public lands heretofore reserved for the benefit of railroads or railway companies shall hereafter be subject to location and survey by any genuine land certificates.

Sec. 6. The legislature shall not hereafter grant lands to any person or persons, nor shall any certificates for land be sold at the land office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres. . . .

Sec. 8. To every head of a family, who has not a homestead, there shall be donated one hundred and sixty acres of land, out of the public domain, upon the condition that he will select, locate, and occupy the same for three years, and pay the office fees on the same. To all single men, twenty one years of age, there shall be donated eighty acres of land, out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

ARTICLE XI  
IMMIGRATION

Section 1. There shall be a bureau, known as the "bureau of immigration," which shall have supervision and control of all matters connected with immigration. The head of this bureau shall be styled the "superintendent of immigration." He shall be appointed by the governor, by and with the advice and consent of the senate. He shall hold his office for four years, and, until otherwise fixed by law, shall receive an annual compensation of two thousand dollars. He shall have such further powers and duties, connected with immigration, as may be given by law.

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 sea ports, or sea ports 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  
GENERAL PROVISIONS

Section 1. Members of the legislature, and all officers, before they enter the duties of their offices, shall take the following oath or affirmation: "I, A. B., do solemnly swear [or affirm] . . . that I am not disqualified from holding office under the fourteenth amendment to the Constitution of the United States, [or, as the case may be, my disability to hold office under the fourteenth amendment to the Constitution of the United States has been removed by act of Congress;]" . . .

Sec. 14. The rights of married women to their separate property, real and personal, and the increase of the same, shall be protected by law; . . .

Sec. 15. The legislature shall have power, and it shall be their duty, to protect by law from forced sale a certain portion of the property of all heads of families. . . .

Sec. 27. All persons who, at any time heretofore, lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together in such relation shall be considered as having been legally married; and the children heretofore or hereafter born of such cohabitation shall be deemed legitimate. . . .

Sec. 31. No minister of the gospel or priest of any denomination whatever, who accepts a seat in the legislature as representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries, by reason of his said profession.

Sec. 32. The inferior courts of the several counties in this State shall have the power, upon a vote of two-thirds of the qualified voters of the respective counties, to assess and provide for the construction of internal improvements: . . .

Sec. 33. The ordinance of the convention passed on the first day of February, A. D. 1861, commonly known as the ordinance of secession, was in contravention of the Constitution and laws of the United States, and therefore null and void from the beginning; and all laws and parts of laws founded upon said ordinance were also null and

void from the date of their passage. The legislatures which sat in the State of Texas from the 18th day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas: *Provided*, That this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said legislatures which were not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time; nor to affect, prejudicially, private rights which may have grown up under such rules and regulations; nor to invalidate official acts not in aid of the rebellion against the United States during said period of time. The legislature which assembled in the city of Austin on the 6th day of August, A. D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United States, or were not intended to reward those who participated in the late rebellion; or to discriminate between the citizens on account of race or color; or to operate prejudicially to any class of citizens.

Sec. 34. All debts created by the so-called State of Texas, from and after the 28th day of January, 1861, and prior to the 5th day of August, 1865, were and are null and void; and the legislature is prohibited from making any provision for the acknowledgment or payment of such debts. . . .

A convention assembled in Austin on June 1, 1868, to write a new constitution for Texas. This time the Constitution was to be written to conformity with the requirements imposed by Congress in the reconstruction acts. Of its ninety members, six had been in the Convention of 1866, twelve were conservatives, and nine were Negroes; all except the conservatives were Republicans, split between the moderates, headed by A. J. Hamilton, and the radical, led by Edmund J. Davis and Morgan C. Hamilton. The Convention, having exhausted its appropriated funds, adjourned on August 31. It reassembled on the first Monday in December and resumed its wrangling over such questions as the illegality of secession, the division of the state, and the disfranchisement of the Ex-Confederates. Finally, after having spent over \$200,000, the Convention broke up on February 8 without taking a formal vote on the Constitution. Forty-five of the ninety delegates signed the unfinished document. The military commander in the state appointed a committee to complete a draft from the confused records, and on November 30, and the three days following, the people of the state ratified the document by a vote of 72,395 to 4,924, hoping that its adoption would rid the state of military rule. This Republican Constitution was the fundamental law of the state until replaced in 1876 by another prepared by Democrats. Since it is too lengthy for full inclusion herein, a few parts have been selected to illustrate its character.