

The Constitutions of Texas

The Constitution of 1824

The first constitution that governed the people of Texas was the Mexican federal Constitution of 1824. Erasmo Seguín served as the representative for Texas in the assembly that created the document. Stephen F. Austin also consulted with the Mexican leaders who framed the document. The constitution used the U.S. Constitution and the Spanish Constitution of 1812 as models. Under this constitution a president and vice president were chosen for four-year terms by the legislative bodies of the states of Mexico. The constitution also created a national congress with a lower house of deputies and an upper house of senators. Judicial power was given to a Supreme Court and superior courts of departments and districts. The Catholic faith was given a special place in the government as the state religion and was supported by the treasury.

Constitution of 1824, the Catholic religion was made the state religion.

The Constitution of 1836

After Texas declared its independence from Mexico, a new constitution was created for the Republic of Texas. On March 1, 1836, 59 delegates assembled at Washington-on-the-Brazos to create the document, which was ratified by a popular vote in September 1836. The U.S. Constitution and other state constitutions were used as models for the new government. The Constitution of 1836 divided the government into three branches. The Congress was bicameral with a House of Representatives and a Senate. The executive branch was led by a popularly elected president. The judiciary was composed of a justice, county, and district courts, headed by a supreme court. The constitution barred ministers and priests from holding public office. The document included a bill of rights and laws to protect homesteaders.

The Constitution of 1827

The Constitution of 1827 provided a government for the newly created state of Coahuila y Texas. The Constitution of Coahuila y Texas was published in 1827 after more than two years of debate. Baron de Bastrop represented Texas in the assembly at Saltillo. The constitution divided the state into three departments and created a unicameral legislature. Executive power was delegated to a governor and vice governor who were elected to four-year terms by popular vote. The right to trial by jury was addressed by the constitution but not clearly established. The document banned slavery. As in the

The Constitution of 1845

The Constitution of 1845 provides the framework of government for Texas as a state in the United States. The framers of the state constitution used the Constitution of 1836, the Constitution of Louisiana, and the constitution created at the Convention of 1833 as models. The legislature included a Senate and a House of Representatives. Representatives served for two years, and senators served for four years. The executive branch was headed by a governor who served a two-year term but

could only serve four years of any six-year period. The judiciary was composed of a supreme court, district courts, and inferior courts established by the legislature. Ministers were ineligible to be legislators. Banks were outlawed.

The Constitution of 1861

The Constitution of 1861 was created after Texans voted to secede from the Union. The new document was an amended version of the Constitution of 1845. Some wording was replaced such as the replacement of the “United States of America” by “Confederate States of America.” Slavery and states’ rights were more directly addressed. All current state officials were required to take a loyalty oath to the Confederacy.

The Constitution of 1866

The Constitution of 1866 was created in accordance with the orders of Presidential Reconstruction. The term of the governor was increased from two to four years. The governor was given more powers including the ability to veto items of appropriations. The terms of office for legislators remained the same, but their salaries were increased. The number of judges on the Supreme Court was increased from three to five. The constitution also outlined improvements for public education and school funding.

The Constitution of 1869

The Constitution of 1869 was created in compliance with the Reconstruction Acts of 1867. The U.S. Constitution was declared the supreme law, and equal rights of all persons before the law were recognized. The term of office for the governor and representatives

remained the same, but the term of senators was increased from four to six years. Legislative sessions were held annually. The number of judges on the Supreme Court was reduced from five to three. All judicial officers were appointed. African Americans were given the right to vote. A poll tax was also instituted to help fund public schools.

The Constitution of 1876

The Constitution of 1876 is the current constitution governing Texas. The document was created by a constitutional convention in 1875 and adopted after a popular vote in 1876. The convention was held after Democrats regained control of the legislature following Reconstruction. The Constitution of 1876 was influenced by provisions in the previous constitutions of Texas including some laws that can be traced to Mexican and Spanish laws. The document contains special sections dealing with land titles and debtor relief. The constitution also prohibited banks and required a strict separation of church and state. The powers of the governor were decreased and the term was reduced to two years. The governor’s term in office was later extended to four years by a 1972 amendment. The term of representatives was set at two years and senators at four years. The legislature was to meet every two years. County courts were reinstated. All judges were to be elected by popular vote with the Supreme Court and Court of Criminal Appeals judges serving six-year terms. District court judges serve four-year terms, and all other judges serve two-year terms. Changes to the constitution are made through amendments. Since 1876 about 400 amendments to the constitution have been adopted. Several calls have been made over the years for a new constitution. With more than 90,000 words it is one of the longest state constitutions.

