governed under the constitution of 1876, with amendments of 1879, 1883, 1890, 1891, 1897, 1904 and 1906. All male citizens over twenty-one years of age and resident in the state for one year and in the county or election precinct for six months immediately preceding election (except paupers, idiots, lunatics, felons, United States soldiers, marines and seamen, and persons who have taken part, either as principal or second, in fighting a duel or in sending a challenge) have the right of suffrage. The constitution originally forbade the registration of voters, but an amendment of 1891 permits it in cities having a population of ten thousand or more, and the Australian ballot system was adopted in such cities by an act of the twenty-second legislature in 1892. An amendment to the constitution may be proposed by a two-thirds vote of all members elected to each house of the legislature, and is adopted if it is approved by a majority of the popular vote on the amendment.

The executive department consists of a governor, lieutenant- governor, secretary of state, comptroller of public accounts, trea­surer, commissioner of the general land office, and attorney-general. Contrary to the usual custom in other states, the secretary of state is appointed by the governor. The other officials are elected by popular vote for two years’ terms. The governor and lieutenant- governor must be, at the time of election, at least thirty years of age, citizens of the United States, and residents of the state for the preceding five years. The governor receives an annual salary of $4000 and the use of the governor’s mansion. His functions arc rather more extensive than those of the average American executive. In addition to the usual privilege of granting pardons and reprieves, he controls considerable patronage, and possesses a power of veto which extends to separate items in appropriation bills. A two-thirds majority in each house is necessary to over­ride a veto.

The legislature of the state is composed of a Senate and a House of Representatives. The Senate consists of thirty-one members, chosen by popular vote for four years, one-half retiring every two years. Representatives are elected biennially. Their number, originally ninety-three, is determined by apportionment bills passed after the publication of each Federal census, but under the con­stitution it can never exceed one hundred and fifty. Senators and representatives must be at least twenty-six years old, citizens of the United States, qualified electors of the state, and residents of the state for two years, and of the district for one year, preceding the election. The unusual provision that two-thirds of each house shall constitute a quorum would probably prove inconvenient, if the political parties were approximately equal in strength. Bills for raising revenue may originate only in the House of Representa­tives, but may be amended or rejected by the Senate. Meetings of the legislature are biennial, although special sessions may be called by the governor.

The judicial system, revised by a constitutional amendment of 1891, consists of a supreme court of three members, elected for a term of six years, with civil jurisdiction only, largely appellate; a court of criminal appeals, of three members, elected for six years, with appellate jurisdiction in criminal cases; courts of civil appeals (number determined by the legislature) of three members each, elected for six years; district courts, each with one judge, elected for four years, with original jurisdiction in the more important civil and criminal (felony) cases and a limited appellate jurisdic­tion; county and justice of the peace courts with original juris­diction in misdemeanours and petty civil cases. The commissioners' court of five members, including the presiding judge, attends to county business matters, the county being the unit of local govern­ment.

*Miscellaneous Laws.—*The long domination of Spain and Mexico exercised an influence on the institutions of the state, but it can easily be exaggerated. It must be remembered that during the colonial period the Spanish and Mexican population was never very large, that the first permanent Anglo-American settlement was not established until 1821, that there was ill-feeling between the two peoples almost from the very beginning, and that in fifteen years the Americans carried through a successful rebellion. The framework of the governments established in 1836-37 and 1845 was not essentially different from those with which the framers were familiar in the United States. But while this was true of the outward structure it was impossible to disregard entirely private rights based upon Spanish and Mexican legislation. In other words, the system of jurisprudence is the most striking example of Spanish influence. There was the same conflict between the English Common Law and the Roman Civil Law which had taken place in Louisiana a few years before (see Louisiana); but the result was different. Owing to the peaceful character of its acquisition and the relative strength of the Romance (French) element, Louisiana continued the use of the Civil Law. The Texas invaders, on the other hand, adopted the Common Law, but with the addition of many Civil Law principles. For example, the state has never made any distinction between law and equity, and it has always followed the Civil Law procedure by petition and answer.1 The independent existence of Texas as a republic (1836-45) was also not without influence. By strengthening the feeling of local pride it added force to the states’ rights sentiment, and it enabled the state on coming into the Union to retain possession of all its public lands. This vast domain has been utilized to provide homes for settlers, to encourage education, to subsidize railways, and to build the state capitol. There is a general land office at Austin under the charge of. a commissioner. Among other features of interest the constitution forbids the suspension of the writ of *habeas corpus,* makes duelling a disqualification for holding office or exercising the right to vote, and authorizes the exclusion of atheists from office. There is also a clause which exempts from seizure for debt the homestead, not more than two hundred acres of land in the country, or a house of any value in a city or town on a lot or lots not exceeding five thousand dollars in value at the time of its designation as the homestead. The object is the protection of widows and orphans, but the right has been very much abused, and its abuse is in part responsible for the high rate of interest which prevails. State-wide prohibition of the sale of intoxicating liquors was voted down in 1887 and a local option law went into effect; in 1907, when there was no licence in 145 (out of 243) counties and licence only in parts of 51 other counties, a law was passed giving local option to parts of cities and towns. In 1908-09 there was an unsuccessful attempt to pass in the legislature a con­stitutional amendment providing for state-wide prohibition; the amendment was favoured by the Democratic state platform, but the hostility of the legislature to Governor Campbell, who favoured the amendment, secured its defeat.

Both husband and wife retain their separate title to the pro­perty which each owned before marriage and to that acquired after marriage by gift, devise or descent, and to the increase of all lands thus acquired, but the husband has the sole management both of his own and of his wife’s separate property. However, should the husband neglect to sue for the recovery of any separate property of his wife she may, with the permission of the court, sue for it in her own name; or should the husband refuse to sup­port his wife and educate her children as her fortune would war­rant, the county court may in answer to her complaint require a fixed portion of the proceeds from her property to be paid to her. All property which either husband or wife acquires during the marriage, other than by gift, devise or descent, is their common property, and during coverture may be disposed of by the husband only; on the death of the husband the widow has one-half of the property, which they held in common. The causes for a divorce are cruelty, adultery, desertion for three years, or conviction after marriage of a felony and imprisonment in the state prison without being pardoned within one year after conviction; the plaintiff must reside in the county six months before beginning suit.

*Education.*—Educational matters are supervised by a state board, composed of the governor, comptroller and secretary of state, by a superintendent of public instruction, who is *ex officio* secretary of the board, by county superintendents (in counties having a school population of 3000 or more), by superintendents and boards of trustees in corporate towns and cities, and by school commissioners in the rural districts. The permanent public school fund is the largest of any state in the Union; in 1908 it included $38,406,222 in land notes, $15,136,808 in bonds, $7,915,257 (esti­mated) in leased lands, and $67,956 in cash awaiting investment. The invested fund is largely in Federal, state and county bonds. The revenue for schools in 1907-08 was $8,020,229, of which $2,761,651 was from the state tax, $2,080,159 from the local tax, $1,640,969 from the one dollar poll tax on males between the ages of twenty-one and sixty, $481,899 from a state occupation tax, $429,365 from county funds, and $105,806 from tuition fees. The state apportionment to the districts was $5 per capita of school population in 1906-07, and was $6 in 1907-08. In the latter year the total enrolment in public schools was 777,545, of whom 145,748 were negroes. Separate schools are maintained for white and negro children and impartial provision is made for both races. In 1839 the Congress of the Republic set apart fifty square leagues (221,420 acres) of land for the establishment of two universities. The state legislature approved this grant in 1858, added to the endowment one section (640 acres) out of every ten appropriated to encourage the building of railways, and provided that there should be one university instead of two. The Civil War and Reconstruction delayed the execution of the plan, and the university of Texas was not opened until September 1883. The main university is at Austin, and the medical department (established 1891) at Galveston. The state also supports, wholly or in part: the Agricultural and Mechanical College at College Station (opened in 1876; a land grant college under the Morrill Act of 1862), near Bryan, which has a course in textile engineering besides the courses usually given in state agricultural and mechanical

For a full discussion of this question see E. W. Townes, *Quarterly of the Texas State Historical Association,* ii. 29-53, 134-151 (July and October 1898).