

07 - 2021-11-02

## PRAYER

BIBLE - Acts 5:27-29

## QUIZ - LA PRUEBA

Q: The two early colonies of Jonesboro and Pecan Point were along what river?

A: Red River

Q: What year did Stephen F. Austin first receive permission to bring colonists into Texas, and arrive in Texas with the first colonists?

A: 1821

Q: In what U.S. city did Stephen F. Austin do most of his recruiting and organizing for his new colony?

A: New Orleans

Q: Which formed first in Mexico in the 1820s---the national federal government, or the state governments?

A: The national federal government

Q: In 1826, when Governor Blanco cancelled the contract of Hayden Edwards, was the resulting "Fredonian" movement successful in resisting the governor's order?

A: No

## TIMELINE

1528 De Vaca lands at Galveston Island

1541 Coronado enters Texas panhandle from west

1542 De Soto expedition enters Texas from northeast

1685 La Salle lands at Matagorda Bay

1718 San Antonio mission, presidio, and villa are established

1803 Louisiana Purchase is made

1819 Eastern border of Texas established at Sabine River

1821 Moses Austin receives a grant to form a colony in Texas

1824 Mexican federal constitution is passed

1827 Coahuila y Texas state constitution is passed

## ASSIGNMENT

Read chapter 18 in Yoakum

Review class notes and timeline for quiz

## 1824 Federal Constitution

### Federal Constitution of the United Mexican States

In the name of almighty God, supreme author and legislator of society. The general constituent congress of the Mexican nation in discharge of the duties imposed upon it by its constituents in order to fix their political independence, to establish and consolidate their liberty and to promote their prosperity and glory decree as follows:

Article 3. The religion of the Mexican nation shall perpetually remain the Roman Catholic and Apostolic. The nation protects it by wise and just laws and prohibits the exercise of any other. (see also article 9 of 1827 state constitution)

Article 4. The Mexican nation adopts for the form of its government a popular representative and federal republic.

Article 6. The Supreme power of the Federation as to its exercise, is divided into the legislative, executive and judicial powers.

Article 7. The legislative power of the nation is confided to a General Congress, which is divided into two chambers, one for the Deputies, and the other for the Senators.

Article 8. The Chamber of Deputies shall be composed of representatives, the whole of which shall be elected every two years by the citizens of the States.

Article 25. The senate shall be composed of two senators from each state, elected by an absolute majority of the legislature of each state, one half of their number to be renewed every two years.

Article 55. If the propositions of laws or decrees after having been discussed be approved by an absolute majority of the members present in both chambers, they shall be sent to the president of the United States, who if he also approves shall sign and publish the same; and if not, shall return them with his observations within ten working days to the chamber whence they originated.

Article 74. The supreme executive power is entrusted to a single individual, who shall be styled President of the United Mexican States.

Article 75. There shall also be a vice president, who shall discharge all the duties of the president, in case of physical or moral inability of the latter.

Article 123. The judicial power of the Union shall reside in a supreme court of justice, and in circuit and district courts.

Article 157. The government of each state shall be divided into three powers, viz: the legislative, executive, and judicial, and two or more of these can never be united in the same person or corporation, nor can the legislative power be vested in a single individual

Article 161. Each state is bound:

1st. To organize its government agreeably to the constitution...

3d. To cause the constitution and general laws of the Union to be observed...

4th. To protect its inhabitants in the enjoyment of the liberty of writing, printing and publishing their political ideas...

Article 171. Those articles of this constitution and of the constitutive act which establish the liberty and independence of the Mexican nation, its religion, form of government, liberty of the press and the division of the supreme powers of the Union and of the states can be never be changed.

## Constitution of the State of Coahuila and Texas 1827

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

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. 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 of 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.

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. 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 in 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.

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, acting forth with that view to congress or the executive.

1827 Constitution for Coahuila y Texas instituted

the people had an elected, representative state government

they also had elected city governments, called *ayuntamientos*

Yoakum observes two characteristics of drafters of this constitution

-distrustful of the people:

The sovereignty of the state **resides originally and essentially in the general mass of the individuals that 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 prescribes.

Compare with U.S. Declaration of Independence

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, **deriving their just powers from the consent of the governed**, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security

-ignorant of the fundamental laws of free states

The government of the state is popular representative *federal*.

-Which means consisting in a compact between states

-So they apparently didn't even know what that meant, but just copied from the national constitution.

the Texians paid little attention to the state government as long as they were left alone; they did not really become Mexicans; the Mexicans were aware of this, and endeavored to change it by force

see Acts 5:29

John Locke *A Letter Concerning Toleration*, 1689

“The magistrate's power [authority] extends not to the establishing of any articles of faith, or forms of worship, by the force of his laws. For laws are of no force at all without penalties, and penalties in this case are absolutely impertinent, because they are not proper to convince the mind.”

see 1786 Virginia Statute for Establishing Religious Freedom

Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as it was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time;

-that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical;

-that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind;

-that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry;

-that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right;

-that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it;

-that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way;

-that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own;

-that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally,

-that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish enlarge, or affect their civil capacities.

And though we well know that this assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that **the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act shall be an infringement of natural right.**

see 1789 Bill of Rights

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.