

## Section

# 2

## Forming a Government

### Main Ideas

1. The Convention of 1845 created a new state constitution for Texas.
2. The state constitution set up a new government and established protections for citizens and the government.

### Why It Matters Today

In 1845, citizens of Texas gathered to create a new constitution. Use current events sources to find information about citizen involvement in government today.



**TEKS:** 1A, 4C,  
14A, 21B, 21E, 22D

### myNotebook

Use the annotation tools in your eBook to take notes on the state constitution of 1845.

### Key Terms and People

- James Pinckney Henderson
- Thomas J. Rusk
- biennial
- corporations

## The Story Continues

Texans stood, some with tears in their eyes, as the Republic's flag was lowered from the capitol for the last time. Before the flag could touch the ground, Sam Houston caught it. President Anson Jones declared, "The final act in this great drama is now performed; the Republic of Texas is no more." Many Texans looked forward to their future as U.S. citizens. When the American flag was raised, cheers erupted.



## The Convention of 1845

On February 19, 1846, President Anson Jones formally turned the Texas government over to **James Pinckney Henderson**, the state's first governor. Texans were thrilled. Noah Smithwick remembered the event. "When the stars and stripes, the flag of our fathers, was run up . . . cheer after cheer rent [tore] the air." The Early Statehood period had begun. It would last until the outbreak of the Civil War in 1861.

Henderson took over the government under the terms of a new state constitution. It had been written the previous year at the Convention of 1845. The convention had assembled on July 4 in Austin. When it began, delegates chose **Thomas J. Rusk** as convention president. Rusk had helped write the constitution of the Republic of Texas in 1836.

The delegates to the Convention of 1845 were intelligent and able citizens. Among them were many men who had served as judges, lawyers, and legislators in the Republic of Texas or in the United States. As one newspaper reporter declared, these delegates "would rank high in any

country.” All but one of the delegates were originally from the southern United States. The only native Texan was José Antonio Navarro, who was also the only Tejano delegate at the convention. One delegate was missing. Sam Houston had traveled to Tennessee to pay his respects to former U.S. president Andrew Jackson, who had died in early June 1845. To honor Jackson, convention delegates wore black armbands as they formed committees to write the constitution.

The delegates used the constitutions of the United States, the Republic of Texas, and the state of Louisiana as models. They spent nearly two months working on the new state constitution. The resulting document was widely praised. It was ratified by voters in October 1845.

**Reading Check Finding the Main Idea** What was the background of many of the delegates to the Convention of 1845?

## ★ The Constitution of 1845

Under the new constitution, the Texas government had three branches. The governor headed the executive branch and served a two-year term. No person could serve as governor more than four years in any six-year period. The legislative branch included a senate and a house of representatives. House members served two-year terms, and senators served for four years. The state legislature met in **biennial** sessions, or every two years. The judicial branch, or court system, consisted of the supreme court—the highest state court—and district courts. Voters elected the governor and legislators. Judges were appointed by the governor until 1850 when a change in the law led to elections for judges.

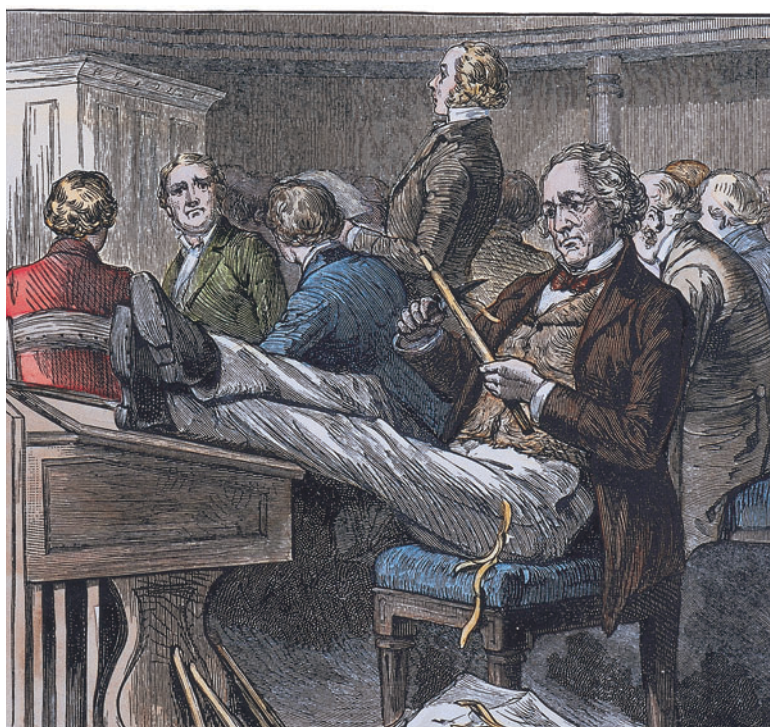


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## BIOGRAPHY

### José Antonio Navarro (1795–1871)

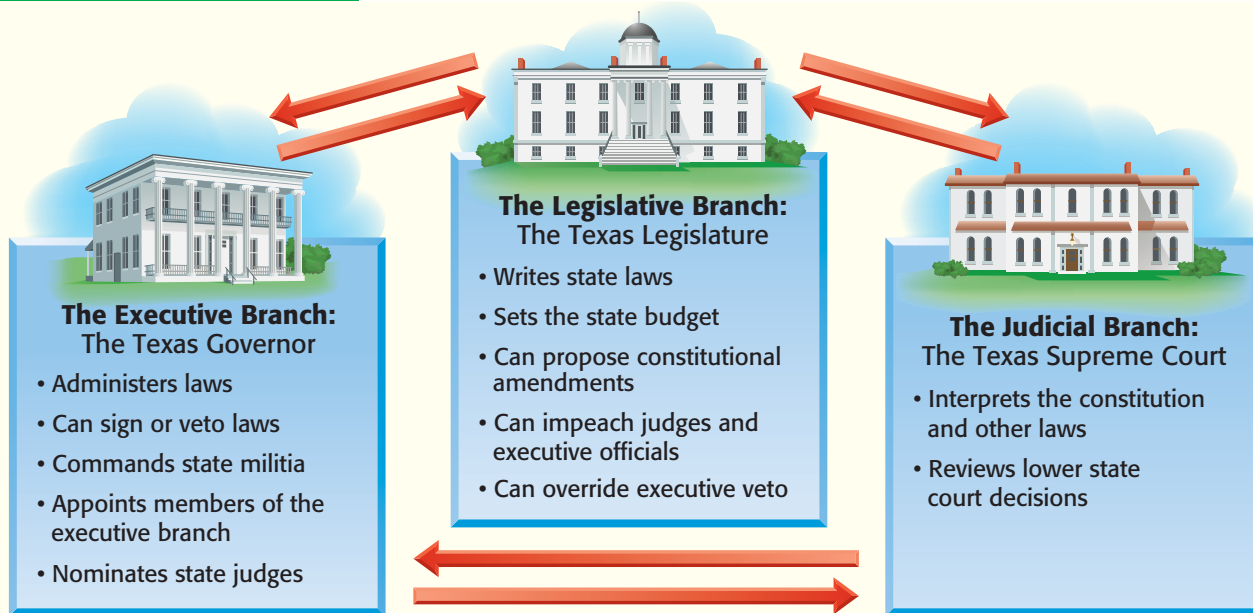
José Antonio Navarro had a long and distinguished career even before he served as a delegate to the Convention of 1845. A business owner, rancher, and lawyer, he served in the Coahuila y Texas state legislature. Navarro supported Texas independence and signed the Republic's Declaration of Independence. He also helped write the Republic's constitution and served in its Congress. After statehood, he was twice elected to the Texas Senate. **How did Navarro contribute to Texas history?**

## Interpreting Visuals

**Texas in the Senate.** After the Constitution of 1845 was completed, Sam Houston joined the U.S. Senate. **What does this illustration reveal about how business was conducted in the U.S. Senate in the 1840s?**

## The Separation of Powers

The Texas Constitution of 1845 established a separation of governing powers, in which the powers of each branch are limited. The system is similar to the one established in the U.S. Constitution.



### Visualizing History

**1. Government** In what ways can each branch of the government check or limit the powers of the other two branches?

**2. Connecting to Today** How does the separation of powers help limit the power of government?

Although voters chose the state's leaders, not everyone could vote. Only men 21 years of age or older were allowed to cast ballots. Some delegates to the convention had wanted to limit voting to only white males, but José Antonio Navarro had fought to protect the right of Tejanos to vote. African Americans, American Indians, and women could neither vote nor hold office. The new state constitution also allowed slavery.

Although women were not allowed to vote, the constitution did set up legal protections for women, despite protests from some delegates. In the end, the delegates decided that a husband could not sell the family homestead without his wife's permission. Married women could also own property separately from their husbands. Some of these legal protections for women stemmed from old Spanish laws.

The constitution also addressed economic concerns. It banned banks, because most Texans distrusted them. After all, many banks had failed during bad economic times in the Republic. As Thomas J. Rusk explained, many people had been ruined by bank failures.

**Analyzing Primary Sources**  
**Identifying Points of View** Why does Rusk dislike banks?

### TEXAS VOICES

"Thousands . . . have been ruined by banks. . . I wish by no vote of mine . . . to authorize the institution of a bank which may benefit a few individuals but will carry here as elsewhere ruin, want, [and] misery."

—Thomas J. Rusk, quoted in *Thomas J. Rusk: Soldier, Statesman, Jurist*, by Mary Whatley Clarke

In addition, **corporations**, or companies that sell shares of ownership to investors to raise money, needed the legislature's permission to operate in Texas. Any corporation that used unfair business practices could be shut down. Because debt had been such an issue for the Republic, the constitution addressed it, too. The state legislature was barred from taking on more than \$100,000 in debt unless an emergency existed. It also established protection for individuals with debt. The constitution denied creditors the ability to seize a debtor's home as payment.

**Reading Check Summarizing** What were some of the main provisions of the Constitution of 1845?

## That's Interesting!

### A Ban on Duels

The constitution banned anyone who took part in a duel from holding any state office. Previously, some Texans had used dueling to settle arguments. For example, in 1837 President Houston appointed Albert Sidney Johnston commander of the Texas army. Felix Huston, the commander at that time, refused to give up control and challenged Johnston to a duel. Johnston accepted the challenge and was badly wounded.

## ★ The First State Election

The first state election was held on December 15, 1845. The major candidates had been delegates to the Convention of 1845. James Pinckney Henderson soundly won the governor's race. Albert C. Horton won the race for lieutenant governor. John Hemphill, who had served as chief justice of Texas during the Republic, remained in office. State officials took office on February 19, 1846.

The daily operations of government were transferred from the Republic to the new state government. Army posts, some public buildings, and other properties were turned over to the federal government. The state legislature met to decide who would represent Texas in the U.S. Senate. It came as no surprise that the legislators chose Sam Houston and Thomas J. Rusk. One Texan noted the appointments with approval. "These two great men placed the country before self." Within weeks, the two men left their homes for Washington.

**Reading Check Analyzing Information** Why did the Texas legislature select Sam Houston and Thomas J. Rusk as U.S. senators?

## Section 2 Review

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**ONLINE QUIZ**

### 1. Define and explain:

- biennial
- corporations

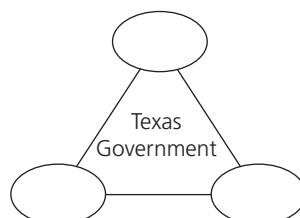
### 2. Identify and explain

the significance of each of the following in Texas history:

- James Pinckney Henderson
- Thomas J. Rusk

### 3. Summarizing

Copy the web diagram below. Use it to identify the three branches of the new state government established by the Constitution of 1845.



### 4. Finding the Main Idea

- Who could vote and hold office under the Constitution of 1845?
- When was the Early Statehood period in Texas, and what defined that era?

### 5. Writing and Critical Thinking

myWriteSmart

**Supporting a Point of View** Imagine that you are a delegate to the Convention of 1845. Write a letter to the voters of Texas, explaining why you voted for or against the sections that banned banks.

Consider the following:

- Texans' experiences with banks
- the voters who elected you