



March 30, 1870. CHAP. XXXIX. — *An Act to admit the State of Texas to Representation in the Congress of the United States.*

Preamble.

WHEREAS the people of Texas have framed and adopted a constitution of State government which is republican; and whereas the legislature of Texas elected under said constitution has ratified the fourteenth and fifteenth amendments to the Constitution of the United States; and whereas the performance of these several acts in good faith is a condition precedent to the representation of the State in Congress: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said State of Texas is entitled to representation in the Congress of the United States: *Provided,* That before any member of the legislature of said State shall take or resume his seat, or any officer of said State shall enter upon the duties of his office he shall take and subscribe and file in the office of the secretary of State of Texas, for permanent preservation, an oath or affirmation in the form following: "I, _____, do solemnly swear (or affirm) that I have never taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterward engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof, so help me God"; or under the pains and penalties of perjury (as the case may be); or such person shall, in like manner, take, subscribe, and file the following oath or affirmation: "I, _____, do solemnly swear (or affirm) that I have, by act of Congress of the United States, been relieved from the disabilities imposed upon me by the fourteenth amendment of the

Texas entitled to representation in Congress.

Members of State legislature and State officials to take one of two oaths, before, &c.

Form of oaths.

Constitution of the United States, so help me God"; or under the pains and penalties of perjury (as the case may be); which oaths or affirmations shall be taken before, and certified by, any officer lawfully authorized to administer oaths. And any person who shall knowingly swear or affirm falsely in taking either of such oaths or affirmations, shall be deemed guilty of perjury, and shall be punished therefor by imprisonment not less than one year, and not more than ten years, and shall be fined not less than one thousand dollars, and not more than ten thousand dollars. And in all trials for any violation of this act, the certificate of the taking of either of said oaths or affirmations, with proof of the signature of the party accused shall be taken and held as conclusive evidence that such oath or affirmation was regularly and lawfully administered by competent authority: *And provided further*, That every such person who shall neglect for the period of thirty days next after the passage of this act to take, subscribe, and file such oath or affirmation as aforesaid, shall be deemed and taken to all intents and purposes to have vacated his office: *And provided further*, That the State of Texas is admitted to representation in Congress as one of the States of the Union, upon the following fundamental conditions: First. That the constitution of Texas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effects, may be made in regard to the time and place of residence of voters. Second. That it shall never be lawful for the said State to deprive any citizen of the United States on account of his race, color, or previous condition of servitude, of the right to hold office under the constitution and laws of said State, or upon any such ground to require of him any other qualifications for office than such as are required of all other citizens. Third. That the constitution of Texas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the school rights and privileges secured by the constitution of said State.

Oaths, &c. before whom to be taken. Perjury in taking either oath, how punished.

Certificate of taking, &c. to be evidence.

Neglect for thirty days to take, &c. the oath, to vacate office.

1870, ch. 71. Post, p. 96.

Fundamental conditions of the admission of Texas to representation in Congress.

No citizen or class to be deprived of right to vote, except, &c.;

or to hold office on account of race, color, &c.;

or of school rights and privileges.

APPROVED, March 30, 1870.