15 Committee on Municipal Corporations, to consist of nine members.
16 Committee on Railroad Corporations, to consist of nine members
17. Committee on Private Corporations, to consist of nine members
18 Committee on Revenue and Taxation, to consist of nine members
19. Committee on Printing and Contingent Expenses, to consist of five members.
20. Committee on Engrossed and Enrolled Ordinances, to consist of five members
21. Committee on Style and Arrangement, to consist of five members
All of which is respectfully submitted

E L Dohoney, Chairman,
L W. Moore,
Geo. McCormick,
N H. Darnell,
John Henry Brown,
Jno. L Henry

Mr. Lynch moved to strike out from the report "Committee on Federal Relations" Lost
The report of the committee was adopted
On motion of Mr Stockdale, the report just adopted was referred to Committee on Rules
Mr. Martin, of Navarro, moved a recess of thirty minutes, in order that members might draw for seats. Lost.
Mr McCormick moved to reconsider the vote of yesterday, adopting the resolution relative to drawing seats. Lost.
On motion of Mr Martin, of Navarro, the delegates drew their seats, in conformity to the resolution of yesterday.
On motion of Mr Blassingame, the Convention adjourned until 9 a. m to-morrow

THIRD DAY.

Hall of Representatives,
Austin, Texas, September 8, 1875.

Convention met pursuant to adjournment, roll called, quorum present Prayer by Rev. Dr Dodge, of Austin Journal of yesterday read and adopted
The President announced the following standing committees of the Convention

**Federal Relations**—McLean, chairman, Sansom, Lynch, Dunnham, Brady

**State Affairs**—Ford, chairman, Barnett, Chambers, Dillard, Johnson of Franklin, Lacey, Goddin

**Bill of Rights**—Crawford, chairman, Davis of Brazos, German, Nugent, Nunn, Gathier, Holmes, Haynes, Abner

**Legislative Department**—Henry of Smith, chairman, Ferris, Ross, Waelder, Russell of Wood, Weaver, Brown, Fleming, DeMorse, McLean, Murphy, Dohoney, Cardis, Bruce, Russell of Harrison.

**Judiciary**—Reagan, chairman, Ballinger, West, Henry of Smith, Wright, Ferris, Norvell, Cline, McCormick, Stockdale, DeMorse, Martin of Navarro, Blake, Scott, Douglass, Davis of Brazos.

**Executive Department**—Ballinger, chairman; King, DeMorse, Russell of Wood, Kilgore, Allison, Burleson, Cooley, Johnson of Collin, Martin of Hunt, Martin of Navarro, Whitehead, Robinson, Spikes, Reynolds

**General Provisions** West, chairman, Reagan, Ferris, Dohoney, Crawford, Flournoy, Russell of Wood, Cook of Gonzales, Darnell, McKinney, Rugely, DeMorse, Stockdale, Norvell, Mills

**Suffrage**—Dohoney, chairman, Robertson of Bell, Spikes, Scott, Ford, Murphy, Brown, Stayton, Rentfro

**Education**—Whitfield, chairman, Moore, Flournoy, Wright, Abernathy, Sansom, Graves, Chambers, Lynch, Ramey, Dunham, Cooke of San Saba, Holt, Rugely, McCabe, Cline

**Agriculture and Stock-raising**—Martin of Navarro, chairman; Johnson of Collin, Robertson of Bell, Allison, Sessions, Killough, Barnett, Bruce, Whitehead, Armim, Flanagan, Henry of Limestone, Scott, Burleson, Robinson

**Public Lands and Land Office**—Darnell, chairman; Robertson, Blake, Whitehead, Henry of Limestone, Kilgore, Mitchell

**Immigration**—Waelder, chairman, Armim, Douglass, Erhard, Holmes, Johnson of Frankin, Killough, Martin of Hunt, Davis of Wharton, Russell of Wood

**Crimes and Punishment**—Russell of Wood, chairman; Kilgore, Wright, Douglass, Nunn, Crawford, Cardis, McCormick, Abner

**Counties and County Lands**—King, chairman, Moore, Nunn, Barnett, Cooke of San Saba, Ballinger, Brown, Henry of Limestone, Morris
Municipal Corporations—Flournoy, chairman; Crawford, Weaver, Ford, Henry of Smith, King, Davis, Dohoney, Morris.

Railroad Corporations—Ferris, chairman, McLean, Davis of Brazos, Moore, Smith, Holt, Blassingame, Burleson, Flanagan, Stayton

Revenue and Taxation—DeMorse, chairman; McLean, Ramey, Fleming, Cooke of San Saba, Abernathy, Whitfield, Lacey, Russell of Harrison

Printing and Contingent Expenses—Cook of Gonzales, chairman, Demorse, Whitfield, Ford, Allison

Engrossed and Enrolled Ordinances—Ramey, chairman; Martin of Navarro, Wade, Dillard, Haynes

Style and Arrangement—Brown, chairman, Stockdale, Ballinger, Ramey, Reagan

Private Corporations—Stockdale, chairman, Kilgore, Blake, McCormick, Dillard, Nugent, Darnell, Murphy, Lacey, Flournoy.

Mr. Stockdale, as Chairman of Committee on Rules and Order of Proceeding, submitted the following report:

To the Honorable E. B. Pickett, President of the Convention:

The Committee on Rules and Order of Proceeding, beg leave most respectfully to report as follows

QUORUM

1 A majority of all the delegates elected to this Convention shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

ABSENTEES

2 In case a less number than a quorum shall convene, the members present may send the Sergeant-at-arms, or any other person or persons, for any or all absentees.

3 No member shall absent himself from the services of the Convention without leave, unless he be sick and unable to attend.

4 A call of the Convention may be demanded by fifteen delegates, and if there be any absent the names of the absentees shall be called again, if they do not answer, the Sergeant-at-arms or a special messenger may be sent for them; and the question pending shall be, without a motion, laid on the table until the absentees appear, or the call be suspended; and until the call be suspended or the Convention full, the Convention shall proceed with the next business in order.

OPEN DOORS

5 The doors of the Convention shall be kept open, except upon a call of the House.
6 The President shall take the chair at the hour to which the Convention last adjourned.

7. The names of the delegates shall be called, alphabetically; should a quorum not be in attendance, a majority of those present shall be authorized to send the Sergeant-at-arms, or a special messenger, for the absentees. When there is a quorum assembled the journal of the preceding day shall be read, and corrected if necessary.

8 The President shall then call,

First—For petitions and memorials
Second—For reports from standing committees
Third—For reports from select committees
Fourth—For resolutions and ordinances.
Fifth—For unfinished business.
Sixth—For special orders.
Seventh—For business on the table

Which shall be disposed of in the order in which they are here presented, unless otherwise directed by the Convention.

DECORUM AND DEBATE

9. When a delegate is about to speak, in debate, or communicate any matter to the Convention, he shall address the President, standing in his place, and when he has finished he shall sit down.

10 When two or more delegates rise to address the chair, the President shall name the person to speak; but in all cases the delegate who shall first rise and address the chair shall speak first.

11. No member shall speak more than once in any one debate until every member, desiring to do so, shall have spoken, nor shall any member speak more than twice in any one debate, nor longer than fifteen minutes at any one time, without the leave of the Convention.

12. When a member is called to order by the President, or by a delegate, he shall sit down, until the question of order be decided; if the decision be in his favor, he shall be at liberty to proceed, if otherwise, he shall not proceed without leave of the Convention.

13 If a member be called to order for using exceptionable words, they shall be immediately taken down in writing, that the President and Convention may better be enabled to judge of them.

14 Every question of order, shall, in the first instance, be
decided by the President, from whose decision any member may appeal to the Convention.

15. The President may call for the opinion of the Convention upon any question of order.

16. While the President is putting a question, or addressing the Convention, he shall not be interrupted.

17. While a member is speaking, no other member shall interrupt him, except by leave, to explain, nor shall a member speak to any one, or walk across the floor, or otherwise interrupt the business of the Convention. No smoking shall be allowed in the Hall during the session of the Convention.

18. When a question is under debate no motion shall be received, except,

*First*—To adjourn
*Second*—To reconsider
*Third*—For the previous question
*Fourth*—To amend
*Fifth*—To commit
*Sixth*—To lay on the table
*Seventh*—To postpone for a time certain
*Eighth*—To postpone indefinitely

Which several motions shall have precedence in the order in which they stand arranged.

19. No debate shall be allowed on a motion to adjourn, to lay on the table, or for the previous question.

20. The Convention may punish any delegate for disorderly conduct, and, with the consent of two-thirds, may expel a member.

21. The Convention, during its session, may imprison for forty-eight hours any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings.

22. Any member who shall receive a bribe, or shall suffer his vote influenced by promise of preferment or reward, shall be expelled.

23. Every resolution or proposition in any form affecting any provision of the constitution shall be referred to the appropriate committee, without debate. All other resolutions may be acted upon by the Convention upon their introduction.

24. No motion shall be debated until it shall have been seconded.

25. All motions shall be reduced to writing, and be read by the Secretary, if desired by the President or any delegate present.

26. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Con-
vention, but it may be withdrawn at any time before it is amended or decided.

27 On motion to fill a blank, the largest sum and the longest time shall have precedence.

28 Any member may have the question before the Convention divided, if it be susceptible of a division, into distinct questions.

29 If the question in debate contains several points, any member may have the same divided; but on a motion to strike out and insert it shall not be in order to move for a division of the question. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

30 No motion to postpone or to commit, having been once decide, shall be again allowed on the same day, at the same stage of the resolution or other question before the Convention.

31. After the morning call, it shall be in order at any time for the Convention to resolve itself into committee of the whole.

PROTESTS

32 Any member shall have liberty to dissent from or protest against any resolution or ordinance which he may think injurious to the public or an individual, and have the reasons for dissent entered on the journals.

REPORTS

33 All reports shall be in writing. Every report affecting any provision of the constitution, shall, as of course, lie on the table to be printed, and shall not be acted upon by the Convention until printed and in possession of the delegates for at least one day.

COMMITMENT.

34 When several motions shall be made for the reference of a subject to a committee, they shall have preference in the following order:

First—To a committee of the whole Convention.
Second—To a standing committee
Third—To a select committee

RECONSIDERATION

35. After a question shall have been decided in the affirmative or negative, any member who voted with the majority may, on the day on which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof, unless
the resolution, ordinance, message, report, amendment or motion upon which the vote was taken shall have passed out of the possession of the Convention.

36. In all cases a motion to reconsider shall be decided by a majority of the votes.

MODE OF STATING QUESTIONS.

37. All questions shall be distinctly put by the President, and the members shall assent or dissent by answering "yea" or "nay."

38. On a call of three members for the yeas and nays, on any question, they shall be taken, and each member, upon his name being called, unless excused by the Convention, shall, without debate, answer "yea" or "nay."

39. At the desire of any three members present, the yeas and nays shall be entered upon the journal, and the names of the members not voting shall be recorded immediately after those voting in the affirmative and negative.

40. The order of business and the rules of the Convention may be changed or suspended at any time, by a vote of two-thirds.

COMMITTEE OF THE WHOLE.

41. In forming a committee of the whole Convention, the President shall leave the chair, and shall appoint a chairman to preside in committee.

42. The rules of the Convention, as far as applicable, shall be observed in committee of the whole, except as to the limitation of time in debate, and the right to call the previous question and the yeas and nays.

43. Resolutions or ordinances referred to the committee of the whole shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so be reported to the Convention, after the report, the matter shall be again subject to debate and amendment, and to be committed.

JOURNAL

44. The proceedings of the Convention, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true account of the proceedings. Every report of a committee and vote of the Convention, and a brief statement of the contents of each petition, memorial or other paper presented to the Convention, shall also be inserted in the journal.
ADJOURNMENT

45 A motion to adjourn shall always be in order, and shall be decided without debate.

STANDING COMMITTEES

46 Standing committees shall be appointed by the President, to consider and report severally upon the following subjects, and such others as may be referred to them, viz.

1. Committee on Federal Relations, to consist of five members
2. Committee on State Affairs, to consist of seven members
3. Committee on Bill of Rights, to consist of nine members
4. Committee on Legislative Department, to consist of fifteen members
5. Committee on Judicial Department, to consist of fifteen members
6. Committee on Executive Department, to consist of fifteen members
7. Committee on General Provisions, to consist of fifteen members
8. Committee on Suffrage, to consist of nine members
9. Committee on Education, to consist of fifteen members
10. Committee on Agriculture and Stock-raising, to consist of fifteen members
11. Committee on Public Lands and Land Office, to consist of seven members
12. Committee on Immigration, to consist of nine members
13. Committee on Crime and Punishment, to consist of nine members
14. Committee on Counties and County Lands, to consist of nine members
15. Committee on Municipal Corporations, to consist of nine members
16. Committee on Railroad Corporations, to consist of nine members
17. Committee on Private Corporations, to consist of nine members
18. Committee on Revenue and Taxation, to consist of nine members
19. Committee on Printing and Contingent Expenses, to consist of five members
20. Committee on Engrossed and Enrolled Ordinances, to consist of five members
21. Committee on Style and Arrangement, to consist of five members
The President of the Convention shall decide all questions not provided for by the standing rules and orders of the Convention, according to parliamentary practice, as laid down by approved modern authors, subject to the right of appeal, as in other cases.

All of which is respectfully submitted

F S Stockdale, Chairman Committee

Report adopted

On motion of Mr Stockdale, two hundred copies of the rules and order of proceeding, and also of the standing committees, were ordered printed for the use of the convention.

Mr Reagan submitted the following report

Committee Room, September 8, 1875

Hon E B Pickett, President of the Convention

Your committee to whom was referred the resolutions, directing them to report to the Convention what other officers and employees were necessary to facilitate its labors, and to report the rate of pay and mileage which should be allowed to the delegates, and the rate of pay of the officers and employees of the Convention, have had the same under consideration, and in addition to the verbal report made by your committee to the Convention this morning, in relation to the election of additional officers for the Convention, recommend further that the President of the Convention appoint two pages, and not exceeding three porters.

It has been the object of your committee to recommend the election and appointment of such officers and employees only as were necessary to facilitate the labors of the Convention, and to avoid recommending the election or appointment of any superfluous officers or employees.

Your committee further recommend that the pay of the delegates to the Convention be five dollars per day, and that their mileage be at the rate of five dollars for every twenty-five miles traveled in coming to and returning from the Convention, the distance to be computed by way of the most direct practicable traveled route, not to include deflections from the direct traveled route by railroad or water lines of travel.

This will make the pay and mileage of the delegates to the Convention three-eighths less than the pay and mileage of the members of the Legislature for some years past, with better restrictions against the computation of mileage by circuitous routes.

We also recommend that the President of the Convention appoint a committee of three members, whose duty it shall be to ascertain and report to the Convention the distance to be traveled and the amount payable as mileage to each delegate.
The question of mileage has received the careful consideration of the committee, and while some of the members of the committee were in favor of allowing the traveling expenses of the delegates in lieu of mileage, the rate of mileage fixed upon is believed by the committee not to be in excess of the actual traveling expenses, if any allowance is to be made for the time of delegates while traveling. It is also believed by the committee that on the plan recommended exact equality and fairness may be observed in the payment of mileage, while by allowing traveling expenses we must of necessity leave the amount to be paid, in a considerable degree, to the conscience and discretion of delegates, and thus in some measure embarrass them with this question.

Your committee report to the Convention the accompanying resolutions on these subjects for its consideration:

Jno H. Reagan, Chairman,
W. W. Whitehead,
W. P. Ballinger,
L. S. Ross,
Charles DeMorse,
Marion Martin,
Joel W. Robeson,
Jno W. Barnett,
J. Russell, of Wood
Jno S. Ford,
W. D. S. Cook, of Gonzales

Resolved That the pay of the members of the Convention shall be five dollars per day for each day they are in attendance on the Convention, and their mileage in coming to and returning from the Convention, shall be five dollars for every twenty-five miles, the distance to be computed by way of the most direct practicable traveled route, not including deflections by railroads or water lines of travel.

That the pay of the Secretary of the Convention and of his two assistants, of the Sergeant-at-arms and his assistant, and of the Door-Keeper, shall be five dollars each per day, and that the compensation of the pages shall be two dollars and fifty cents each per day, and of the porters two dollars each per day.

Resolved further, That said sums shall be audited and paid out of the appropriation made by the "joint resolution providing for a Convention to frame a Constitution for the State of Texas," approved March 13, 1875, upon the certificate of the President of the Convention, countersigned by the Secretary, which certificate shall be a voucher for the Comptroller.
Resolved further, That the President of the Convention appoint a committee of three delegates, whose duty it shall be to ascertain and report to the Convention the distance to be traveled and the amount of mileage payable to each delegate.

Adopted.

Mr. McLean submitted the following minority report, on the same subject:

Hon. E. B. Pickett, President Constitutional Convention:

The undersigned delegates, members of the committee appointed to consider and report upon the per diem pay and allowance for mileage of members of the Convention, and for other purposes, respectfully report that they can not agree with the report of a majority of the committee, so far as their report relates to the pay and allowance of delegates to the Convention, and offer as a substitute for the committee's resolution touching the pay and allowance of delegates, the accompanying resolution. All the recommendations of the majority meet our approval, excepting what refers to the pay and allowance of delegates.

W. P. McLean,
John Johnson,
J. W. Whitfield.

Resolved, That the pay of delegates to this Convention shall be four dollars per day, and in addition thereto there shall be an allowance of fifteen cents per mile as commutation of traveling expenses to and from the Capital. The amount of mileage is to be computed over the nearest practicable traveled route from the homes of delegates to the Capital of the State, not including the distance in deviations from such nearest route, by traveling on railroads or other public means of transportation. The certificate of the President of the Convention, countersigned by the Secretary, shall be authority for the Comptroller to draw his warrant upon the Treasurer for the payment of claims for pay and allowances under this resolution.

Mr. Reagan moved the adoption of the majority report.

Mr. McLean offered the resolution submitted by the minority as a substitute for the resolution offered by the majority.

Mr. German offered the following amendment to the resolution submitted by the minority: Strike out "five dollars for every twenty-five miles," and insert "two dollars and fifty cents for every twenty-five miles traveled, for those who travel by rail, and five dollars for those who travel otherwise."

Mr. Russell of Harrison, offered the following, as a substitute for the whole subject matter under consideration:
Resolved, That the delegates to this Convention do serve in this Convention without per diem pay or mileage.

Lost, by the following vote:

YEAS—Abner, Brady, Flanagan, Mitchell, Rentfro, Russell of Harrison, and Wright—7


On motion of Mr Stockdale, the report and resolution of the minority were laid on the table

On motion of Mr McLean, the vote just taken was reconsidered.

Mr German offered to amend the resolution of the minority, by striking out "fifteen cents a mile," and inserting "ten cents per mile."

Mr Crawford offered the following, as a substitute for the whole subject matter under consideration

Resolved, That the pay of each member be fixed at five dollars per day, and that there be allowed to each member five cents a mile for the number of miles traveled by the usually traveled route, in going to and returning from the Capital, and in addition thereto the sum of five dollars per day for the number of days necessary to be employed in the travel

The question recurring on the adoption of the amendment offered by Mr Gorman, the same was put and lost

The question then being on the adoption of the substitute offered by Mr German, the same was put and lost

The question then recurring on the adoption of the minority resolution, the same was put and lost

The resolution reported by the majority was then adopted

Mr Flanagan moved to reconsider the vote just taken, and to lay the motion to reconsider on the table—Carried.

On motion of Mr Cook, of Gonzales, the Secretary was in-
struck to have printed two hundred copies of the list of standing committees, and of the rules of the Convention

Mr Martin, of Navarro, offered the following resolution:

Resolved, That the Sergeant-at-arms provide suitable rooms for the accommodation of the respective committees, and assign the same to said committees

Adopted

Mr Crawford offered the following resolution:

Resolved, That the Secretary of State, provided the same be in his possession or subject to his control, be requested to furnish to the Secretary of this Convention ninety copies of Paschal's Digest of the Laws of Texas, for the use of the members of the Convention during its session

Adopted

Mr McCounick offered the following resolution

Resolved, That the Sergeant-at-arms be authorized to procure for the use of the members of this Convention a sufficient quantity of stationery and postage stamps, to be paid for out of the fund for contingent expenses

Adopted

Mr DeMorse introduced an ordinance "suspending the operations of the law directing the election of members of the Legislature to meet in January next, and requesting the Governor to intermit his usual proclamation, until after the action of the people on the Constitution to be submitted to them by this Convention"

Read first time

Mr Brown introduced an ordinance postponing the general biennial election of December, 1875, as a substitute for the one offered by Mr. DeMorse

On motion of Mr Ballinger, the ordinance and substitute were referred to a select committee of seven

The President announced Messrs Ballinger, Reagan, West, Henry of Smith, Stockdale, DeMorse, and Brown, as said committee

Mr Ramey offered the following resolution:

Resolved, That the constitution, known as the constitution of 1845, and as amended, be made the basis of the action of this Convention in the formation of a new constitution, and that the President of the Convention is hereby required to give the different portions of said constitution to the different committees for their action

Referred to Committee on State Affairs

Mr McLean offered the following resolution:
Resolved, That the Committee on General Provisions be instructed to report a provision, to be incorporated in the constitution, that shall require all lands in the State patented to and otherwise claimed by individuals, in a separate or corporate capacity, in all organized counties, be assessed at a valuation not less than one dollar per acre, and that no lands in other portions of the State, owned or claimed by such parties, shall be assessed at a less amount than fifty cents per acre, and provide for the strict enforcement of this provision.

Referr ed to Committee on General Provisions.

Mr. Stockdale offered the following resolution:

Resolved, That the rules of the Convention be amended by adding the following:

Rule— That a motion to lay an amendment to any question on the table shall not, if carried, have the effect to carry with it the original question, but the original question shall, nevertheless, stand as the question before the house.

Rules suspended and the resolution was adopted.

Mr. Russell, of Harrison, offered the following resolution:

Resolved, That this Convention hold one session each day, Sundays excepted, commencing at 9 o'clock A.M., and holding until 1 o'clock P.M.

Mr. Wade proposed to amend by striking out "1 o'clock P.M.", and inserting "3 o'clock P.M."

On motion of Mr. Brown, the resolution and amendment were ordered to lie on the table for the present.

Mr. Fleming offered the following resolution:

Resolved, That the Committee on Printing be instructed to contract for twenty copies of such daily papers as the members may select, for the use of each member of this Convention, provided, the same shall contain the journals of this body.

Referr ed to Committee on Printing.

On motion of Mr. Flanagan the Convention adjourned until 9 o'clock A.M. to-morrow.

FOURTH DAY

HALL OF REPRESENTATIVES
AUSTIN, TEXAS, September 9, 1875

Convention met pursuant to adjournment, roll called, quorum present. Prayer by Rev. E. B. Wright, of Austin.