FIFTH DAY

HALL OF REPRESENTATIVES, 
AUSTIN, TEXAS, SEPTEMBER 10, 1875

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev H V. Philpot, of Austin. Journal of yesterday read and adopted.

On motion of Mr. Wade, a resolution introduced by him on yesterday, and referred to Committee on Executive Department, was taken up and referred to Committee on General Provisions.

Mr M. H. Goddin, member elect from Walker county, came forward and took the required oath.

The following Committee on Apportionment was appointed by the President:

Second District, Allison, chairman; First District, Whitehead; Third District, Douglas; Fourth District, West, Fifth District, Flanagan; Sixth District, Kilgore; Seventh District, Dillard; Eighth District, Johnson of Franklin; Ninth District, Henry of Limestone; Tenth District, Martin of Hunt, Eleventh District, Wright; Twelfth District, Rugely; Thirteenth District, Reynolds; Fourteenth District, Rentfro; Fifteenth District, Goddin; Sixteenth District, Lockett, Seventeenth District, Robertson of Bell, Eighteenth District, Davis of Brazos; Nineteenth District, Ross, Twentieth District, Brown, Twenty-first District, Chambers, Twenty-second District, Weaver; Twenty-third District, Barnett, Twenty-fourth District, Stayton, Twenty-fifth District, McCormick; Twenty-sixth District, Robeson, Twenty-seventh District, Burleson; Twenty-eighth District, Sansom, Twenty-ninth District, King, Thirtieth District, Ford

On motion of Mr Wright, he was excused, and Mr German, of the same district, was appointed.

Mr Chambers submitted to the Convention the following telegram.

MCKINNEY, SEPTEMBER 9, 1875

TO MR CHAMBERS, MEMBER OF CONVENTION, AUSTIN

My presence has been indispensable here this week, and I cannot now hold the Denton Court without an ordinance allowing me to open court there at any time during the three weeks allotted to that county. Can't you have an ordinance passed in the morning to that effect? Let me hear at once here.

J. M. LINDSAY
Mr. Chambers moved that a special committee of three be appointed to consider the telegram, and report to this Convention, by resolution or otherwise
Carried.
The President appointed as said committee Messrs. Ballinger, Wright and Flournoy
On motion of Mr. Brady, Mr. Mills was excused until next Monday

Mr. Cook, chairman Printing Committee, submitted the following report.

To the Hon. E. B. Puckett, President of the Convention

Sir—Your Committee on Printing and Contingent Expenses, to whom was referred resolution with regard to subscription for daily papers, to contain proceedings of the Convention, for the use of delegates, have had the same under consideration, and have instructed me to report

That, in pursuance of what they considered their duties in the premises, they have conferred with the several newspaper publishers of the city of Austin, and have received the following proposals:

The publishers of the Democratic Statesman propose to furnish the Statesman, with the requisite report, daily, at the following rates:

Nine hundred copies at 4 cents, 1350 copies at 3½ cents, and 1800 copies at 3 cents

The publishers of the Evening News propose to furnish the Evening News at two and a half cents, twenty copies for each delegate.

The publisher of the State Gazette proposes to furnish daily, the Gazette, with full stenographic report of the proceedings of the Convention, at five cents each, twenty copies for each delegate.

The publishers of the Galveston News propose to furnish that paper at three cents, any number required

The publishers of the Houston Telegraph propose to furnish that paper daily, with the requisite report, at five cents (500 copies), and cost of composition of journals

The committee have not felt at liberty to close a contract for the papers, but report the above facts, and ask for further instructions from the Convention

All of which is respectfully submitted

W. D. S. Cook, Chairman

Charles DeMorse, John S. Ford,

Thos. G. Allison, J. W. Whittfield
Mr. Waelder presented a memorial from a committee of the Texas Medical Association, "asking for a uniform system of sanitary regulations throughout the State."

Read and referred to Committee on State Affairs

Mr. Russell, of Wood, offered the following resolution

WHEREAS, In the nature of their government, the government are the great principles necessary to restore confidence and elevate the people to prosperity and happiness, and

WHEREAS, In the nature of their government, the government has no right or power to impose burdens on them for any purpose whatever, except for revenue sufficient to administer the same, therefore be it

Resolved, By the Convention of the people of Texas assembled, that there ought to be a clause placed in the organic law restraining the Legislature, or taxing power of this State, from ever levying taxes upon the people for any purpose whatever, except revenue sufficient to strictly and economically administer the government

Referred to Committee on General Provisions

Mr. Martin, of Navarro, offered the following resolution

Resolved, That the report of the Committee on Printing and Contingent Expenses be received, and the consideration of subscribing for newspapers be indefinitely postponed

Mr. McLean offered the following as a substitute

Resolved, That the Committee on Printing is instructed to contract with John D. Elliott, of the State Gazette, for 1800 copies daily of the Gazette, containing a synoptical report of the daily proceedings of this body, including a statement of the position of each member who may express himself upon each proposition before the body.

Lost.

Mr. McCormick then offered the following as a substitute for the resolution offered by Mr. Martin, of Navarro

Resolved, That each member of this Convention be allowed to subscribe to twenty copies of any daily paper publishing the proceedings of the Convention, such as the members may select, and at a cost not to exceed three cents per copy

Lost.

The question then being on the adoption of the original resolution, offered by Martin, of Navarro, it was carried by the following vote

Yea—Messrs Abernathy, Armim, Blake, Blossingame, Barne, Burleson, Bruce, Chambers, Cook of San Saba, Cooley, Cardis, Douglas, Dohoney, Davis of Brazos, Erhard, Flournoy, Ferris,
Resolved, "Section 24. That the Legislature may establish new counties for the convenience of the inhabitants of such new county or counties, under the following restrictions.

"1. No county shall be established of a less area than nine hundred square miles, unless by consent of four-fifths of the Legislature.

"2. No new county or counties shall be established which shall reduce the old county or counties, or either of them, from which it is taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature.

"3. No county shall be established, the boundary line or lines of which shall approach nearer at any point to an established county than twelve miles.

"4. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

"5. No new county shall be laid off containing less than one hundred and fifty qualified jurors, resident at the time therein (nor when the county or counties from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors), and in all cases, when from the want of qualified jurors or other causes, the courts can not properly be held in any county, it shall be the duty of the District Judge to certify such fact to the Governor, and the Governor shall, by proclamation, attach such county for judicial purposes to that county the county site of which is nearest the county site of the county so to be attached."

Referred to Committee on Counties and County Lands

Mr. McCormick introduced the following resolution

Resolved, That a committee of five be appointed by the Presi-
Adopted

Mr DeMorse introduced the following ordinance

"PREAMBLE

Whereas, The first object of natural government is the greatest good to the greatest number, therefore, under the beneficent Providence of a just God, the following provisions of an organic law are ordained for the State of Texas

1. All men being equal in political rights, monopolies, perpetuities, or class legislation are unwise and unjust, and will not be allowed

2. All legislation must be general in its application and effect, and any having application to classes or persons, or specified localities, except for roads, bridges, mines, harbor improvements, improvement of rivers, stock laws, or laws for the preservation or restoration of peace in disturbed localities, is expressly inhibited and declared void.

3. The powers of government are comprised in the legislative, executive and judicial, which are equal and co-ordinate, neither having power to revise or control the action of the other.

4. Money being a creation of government, and its value fixed by legislative sanction, and exorbitant rates of interest, being oppressive to industry and calculated to withdraw this medium of exchange from its legitimate practical uses, and cause its misappropriation to speculative purposes, the conventional rate of interest is fixed at 8 per cent per annum, which may be increased, by special contract in writing, to 10 per cent per annum—no more—and any exaction, directly or indirectly, to a greater amount, for the use of money, or by the purchase of the written responsibilities of the party borrowing, shall cause a forfeiture of principal and interest, and release all principals or endorsers to the paper, upon which the money is obtained.

5. To insure the just representation of minorities, the system of voting in all general, special or municipal elections, shall be by ballot, and shall be the cumulative system, by which, if more than one official is to be elected, the voter may vote for the whole number allowed, and subject to election, or he may concentrate all his votes for any less than the whole number to be elected, that is, if two or three are to be elected, he may vote twice or thrice for one, omitting the remainder, if he so prefers."

Read and referred to Committee on Bill of Rights.

Mr Brown submitted the following resolution:
Resolved, That every person elected or appointed to any office, agency or trust under this State, or any municipal subdivision thereof, shall, before entering upon the discharge of the duties of such position, take the following oath or affirmation before some officer authorized to administer oaths:

"I do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my skill and ability, agreeably to the constitution and laws of the United States and of this State. I, furthermore, solemnly swear (or affirm) that, since the adoption of the present constitution of the State of Texas, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided, advised or assisted any person thus offending. And I, furthermore, solemnly swear (or affirm) that I have not, directly or indirectly, paid, offered, or promised to pay, contributed, or promised to contribute any money, or other valuable thing, or promised any public office or employment as the reward for the giving or withholding a vote at the election at which I was elected (or appointed) to said office. So help me God."

Referred to Committee on General Provisions.

Mr. Brown also offered the following resolution:

Resolved, "Art —, Sec —, That the following classes of persons, with the exceptions named in this section, shall be entitled to the right of suffrage as electors in this State:

1. Every male person over twenty-one years of age, who, being a citizen of the United States, shall have resided as a bona fide citizen for twelve months in this State, and for six months next preceding any election in the town, city, or county, as the case may be, for municipal, county, or State officers, in which he may offer to vote.

2. Every male person of foreign birth, who, six months before any such election shall have declared his intention in accordance with the Federal naturalization laws, to become a citizen of the United States, who shall have, also, for twelve months, resided bona fide in this State, and for six months next preceding any election in the town, city, or county, as the case may be, for town, city, county, district, or State officers, in which he may offer to vote.

3. That though possessing the foregoing qualification, the following classes of persons shall be denied the right of suffrage in any election in this article. Persons insane, or non compos.
mentis, so long as the disease may continue, all persons while confined in county or State prisons, all persons convicted of bribery, forgery, or other high crimes, unless restored to their lost rights in such manner as may be prescribed by law.

"Sec. 2. No registration of voters shall be required in elections for town, city, county, district, or State elections in this State, provided, however, that the Legislature shall have the power to enact such provisions as may be deemed necessary, to guard against frauds in elections in cities having over twenty-five thousand population, and in counties bordering on other States or counties.

"Sec. 3 That the Legislature shall enact laws to prevent frauds in elections, imposing penalties appropriate to felonies for such offenses. A person convicted of fraud in elections, whether as a voter, officer of election, candidate for office, or otherwise, shall thereby forfeit his right of suffrage, and neither the Legislature nor any other power shall restore the lost right to such criminal."

Referred to Committee on Suffrage

Mr. Brown also offered the following resolution:

Resolved, "Sec. —. That no person shall at the same time hold, exercise, or enjoy the pay, emoluments, or powers of more than one office, appointment, agency, or trust under this State, or any municipal sub-division thereof, nor shall any person, while holding or exercising the functions of any office, appointment, agency, or trust, under the United States, or under any State or Territory of the United States, or under any foreign government, be eligible to any office, appointment, agency, or trust, under this State, or any municipal sub-division thereof, provided, that this inhibition shall not extend to the office of postmaster, militia offices without salary, nor to overseers of roads."

Referred to Committee on General Provisions

Mr. Brown also offered the following resolution:

Resolved, "Sec. —. That in establishing salaries for teachers, no distinction shall be made in the pay of male and female teachers of the same grade."

Referred to Committee on Education

Mr. DeMorse offered the following resolution:

Resolved, That in the apportionment of representation, any county which has population sufficient to entitle it to one senator or any given number of representatives, shall elect these by its own vote solely; and for any surplus of population over and above the basis of representation, it may vote in conjunction with other counties, as may be deemed best, for conjoint sena-
tors and representatives. The Senate shall not comprise more than thirty members, nor the House of Representatives more than one hundred members, for the next ten years next succeeding the adoption of this constitution.

Referred to Committee on Legislative Department.

Mr. Wade offered the following resolution:

Resolved, That the Committee on Federal Relations inquire into the propriety of laying before the Congress of the United States the proposition to call a Convention of delegates from each State to make a new constitution for the nation, or of requesting that body to submit to the Legislatures of the States such amendments as will abolish the present system of tariff for revenue purposes and adopt a more equal system; also the present system of diplomacy, electoral voting for President, and on abridging the appointing power of the President, or withholding suffrage from all those in the pay and service of government by appointment.

Referred to Committee on Federal Relations

Mr. Sansom introduced the following resolution:

Resolved, That the property of the wife should be subject to forced sale for the payment of the debts of the husband contracted after marriage.

Referred to Committee on General Provisions

Also the following resolution:

Resolved, That it is the duty of the State to fix the value of property exempt from taxation.

Referred to Committee on General Provisions

Also—

That interest on money in this State shall not exceed twelve per cent per annum, but that the Legislature may fix the legal rate of interest at any sum less than twelve per cent.

Referred to Committee on General Provisions

Mr. Abernathy introduced the following resolution:

Resolved, That the following be adopted as the preamble to this constitution

"PREAMBLE:

"Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this constitution."

Referred to Committee on Bill of Rights

Also by Mr. Abernathy the following resolution:

Resolved, That no taxes shall be levied in this State for the purpose of keeping up public roads, but the same shall be kept up by a system of labor by the male citizens of this State be-
between the ages of fifteen and fifty years, as the Legislature may provide by law.

Referred to Committee on State Affairs.

Mr. Robertson, of Bell, introduced the following resolution:

resolved, That the Committee on General Provisions be requested to inquire into the propriety of incorporating into the constitution the following provision: "That no private corporation be created, except the corporation or individuals composing it pay the cost of the act of incorporation, said cost to be determined by the Legislature and made a part of the act."

Referred to the Committee on General Provisions.

Mr. McLean offered the following resolution:

Resolved, That the Legislature may establish new counties, or change the boundaries of old counties; provided, no new county shall be created with less than one thousand persons resident therein subject to a poll tax; nor shall any old county be so reduced that it shall contain within its limits less than said number of persons liable to pay a poll tax, and no old county shall be so reduced in area that the line shall be nearer than ten miles to the courthouse of such old county. When any part of a county is stricken off and attached to another county, the part stricken off shall be obliged to pay its proportion of all the liabilities then existing of the county from which it is taken, and the Legislature shall, in the act detaching such territory, make appropriate provisions for the levy and collection of taxation of the due proportion of indebtedness of such detached territory, in the absence of which legislation, the act detaching such territory shall be null.

Referred to Committee on Counties and County Lands.

Mr. Ramey offered the following resolution:

Resolved, That the special committee appointed under a resolution of this body to determine the mileage of the members of this Convention are hereby required to estimate the distances upon which said mileage is based to the county seat of the county in which each delegate respectively lives.

Mr. Dillard offered a substitute as follows:

Resolved, That the distance shall be computed on an air line from the county seat of each county to the capital, to be ascertained and fixed by the Commissioner of the General Land Office.

On motion of Mr. Martin, of Navarro, both resolution and substitute were laid on the table.

Mr. Johnson, of Franklin, offered the following resolution:

Resolved, That the following provision be incorporated in the...
constitution, under appropriate caption, viz. "The Legislature shall have no power to grant or authorize any city, town, county, or other political sub-division now existing, or that may hereafter exist, to lend its credit or to grant public money or property of value in aid of, or to any individual, or company of individuals whatever, or to become a stockholder in a company of any kind"

Referred to Committee on Legislative Department.

Mr. Whitehead offered the following resolution:

Resolved, That the Committee on Immigration be, and they are hereby instructed to inquire into the expediency of omitting from the constitution to be framed by this Convention any article or provision establishing a Bureau of Immigration.

Referred to Committee on Immigration

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

Resolved, That the following provision shall be incorporated in the constitution of the State of Texas, viz: "Every bill which shall have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it, but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the same upon its journal, and proceed to reconsider it. If, after such reconsideration it again pass both houses by yeas and nays, by a majority of the members of each house, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it has been presented to the Governor (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the Legislature, shall be deposited by him in the office of the Secretary of State within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.

Referred to Committee on Legislative Department.

Also by Mr. Russell, of Harrison, the following resolution:

Resolved, That the following be incorporated in the Bill of Rights of the Constitution, viz: "No person shall ever be imprisoned for debt, except for the non-payment of fines and penalties imposed for violation of law."

Referred to Committee on Bill of Rights.

Mr. Fleming offered the following resolution

Resolved, That the following section be incorporated in the constitution: "Section —. That no railroad or other transpor-
the corporation shall grant free passes or tickets, or passes or
tickets at a discount, to any officer of this State, legislative,
executive, or judicial; and the acceptance of any such pass or
ticket by any such officer, shall be a forfeiture of his office.”

Referred to Committee on Railroad Corporations.

Mr. Weaver offered the following resolution:

Whereas, Free thought, free speech, and free government,
are the growth of general education, and constitute the cardinal
principles of constitutional liberty and universal intelligence,
and is thus the foe to bigotry, despotism and central political
power; that neither intelligence, liberty, nor love of country,
can be promoted and upheld in any country without general
education; and

Whereas, The State of Texas has a school fund of lands and
revenue amply sufficient to educate the children of the State, of
all classes and colors forever, without the necessity of direct
taxation from the people for school purposes; and that the lands
set apart for school purposes and the revenues comprising the
school fund, are the common property of every citizen of the
State; therefore be it

Resolved, That this constitution take into its own hands
the entire public domain of the State of Texas, together with all
the lands heretofore appropriated for school purposes, and fix
the price of the same, so as to bring it into market as it can be
judiciously done, which public revenue shall go to the support
of the public free schools of the State, to include all classes of
schools, whether universities, academies, or common schools,
and whether scientific, agricultural, mechanical, or literary.

Resolved, 2. That this Convention, by proper ordinances, so
guard the fund arising from said school revenue as to prevent it
from being squandered or appropriated to any other purposes;
and thereby securing forever to all the children of this State the
greatest wealth of a free country, educated citizens; and, pro-
vided, that separate free schools shall be established for the edu-
uation of the negroes.

Referred to Committee on Education.

Mr. Ballinger, chairman select committee, submitted the fol-
lowing report:

Hon. E. B. Pickett, President of the Convention:

Your select committee, to whom was referred the request of
the Judge of the Twelfth Judicial District for an ordinance by
this Convention to authorize the holding of the District Court
of Denton county, which has lapsed by reason of the same not
having been opened during the time appointed by law, respect-
fully report that without having considered the question of the power of the Convention involved in the subject, your committee do not think any exigency apparent which would justify its exercise.

Under existing law, the people and bar understand the court to have lapsed. The relative benefit, or inconvenience, under the circumstances, of now requiring the court to be held, is not sufficiently understood to authorize action by this body, even if the Convention was exercising ordinary legislative functions.

Ballinger,
Wright,
Flournoy.

Report adopted.

Mr. Martin, of Hunt, offered the following resolution:

Resolved, That the Committee on Legislative Department be instructed to inquire into the expediency of inserting in the constitution the following provision: "That after the adoption of this constitution, the first two sessions of the Legislature shall be biennial; the first session limited to ninety days and the second to sixty, and thereafter the Legislature shall meet in regular session once only in every four years, except when the Legislature shall be convened in extra session by the Governor, which extra session shall be limited to thirty days, and when so called, the Legislature shall act upon no measure or measures, except such as may be recommended by the Governor."

Referred to Committee on Legislative Department.

Mr. Ferris offered the following resolution:

Resolved, That the following provision be adopted: "The Legislature shall establish a uniform rate of interest in the State, and such rate of interest shall never exceed eight per cent. per annum when no contract has been made with reference thereto, or twelve per cent. per annum by contract."

Referred to Committee on General Provisions.

Mr. Nugent submitted the following section:

"The Legislature at the conclusion, and before the adjournment of each session, shall cause to be prepared a tabular statement of appropriations of money made at such session. Said statement shall show the amount of each appropriation, the purpose for which it was made, together with the total amount of such appropriations. Said statement shall be published as a part of the general laws of the session, and shall also be published at least once in some newspaper in each Representative or Senatorial District, to be designated by the Governor."

Referred to Committee on Taxation and Revenue.
Mr. Russell, of Harrison, offered the following resolution:

Resolved, That the following provision shall be incorporated in the bill of rights of the constitution:

“That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no person shall, on account of his opinion on the subject of religion, be rendered ineligible to any office of profit or trust under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience, that no person ought, by any law, be molested in his person or estate, on account of his religious persuasion or profession, or want of the same; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of this State, or with the rights of others.”

Referred to Committee on Bill of Rights.

Mr. Ross offered the following resolution:

Resolved, That the Legislature shall provide by law for the appointment of special judges of the District Court in all cases where the presiding judge shall for any cause be disqualified from sitting, and whenever by reason of the absence, sickness, or other inability of the presiding judge, any term of his court for any county of his district would otherwise not be held, the venue of cases may be changed under such regulations as may be prescribed by law.

Referred to Committee on Legislative Department.

Mr. Holmes offered the following resolution:

Resolved, That each county in the State be divided into five divisions, equal according to population, and that the qualified voters of each division elect one magistrate, who, together with the other magistrates, shall compose the county court.

2. That the qualified voters of each of said divisions elect one constable, who, in addition to the regular duties of the office, shall be ex-officio deputy sheriff of the county.

Referred to Committee on Judiciary.

Mr. McCormick offered the following resolution:

Resolved, That the following section shall be incorporated under the appropriate article:

“Sec. —. No judge of any court in this State during his term of service shall hold any other office, appointment, or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he during such term, or within one year thereafter, be eligible to any political office.”
Referred to Judiciary Committee.

Mr. Pauln offered the following resolution

Resolved, That all State and county taxes shall be collected in lawful money of the United States only, and that no bonds or scrip of any kind are receivable therefor.

Referred to Committee on Revenue and Taxation

Mr. Dohoney offered the following resolution

Resolved by the Constitutional Convention of the State of Texas, That the following be adopted as an article in the proposed new constitution, to wit:

"ARTICLE——

"OFFICIAL QUALIFICATIONS

"Section 1 No person who is a disbeliever in the existence of a God shall hold any office in this State.

"Sec 2 No person holding an office of profit under the United States shall, during the continuance in such office, hold any office of profit under this State, nor shall any person, at the same time hold two offices under this State.

"Sec 3 No person having heretofore held office under the United States, or under any State, and who shall have been impeached, or convicted of malfeasance or misfeasance in office, or who shall have been guilty of any defalcation or default in the discharge of the duties of such office, shall hold office in this State, and no officer who shall hereafter be guilty of any such defalcation or default in office shall thereafter hold any office in this State.

"Sec 4 No person who has heretofore been convicted of felony in any State shall hold office in this State, and no person who shall hereafter be convicted of felony shall thereafter hold any office in this State.

"Sec 5 No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

"Sec 7 No drunkard or other person who is in the habit of risking money on games of chance, or contingent results, shall hold any office in this State.

"Sec 7 No drunkard or other person who is in the habit of getting under the influence of intoxicating liquor shall hold any office in this State.

"Sec 8 All officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this
State, and that they are subject to none of the disqualifications enumerated in this article, and that they will faithfully demean themselves in office”

Referred to Committee on General Provisions.

The chair announced the following committee to inquire into the management of the State Penitentiary: Messrs McCormick, Brown, Dunnam, Armum and Mills

Mr. Stockdale asked to be relieved from acting as chairman of the Committee on Private Corporations.

On motion of Mr Flanagan he was excused

On motion of Mr. Flournov, Mr. Wright was made chairman of said committee.

Mr. German offered the following resolution

Resolved, That the following provisions shall be adopted

“That members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the date of general election, and the regular sessions of the Legislature shall be once only in every two years, and of not more than sixty days’ duration

Referred to Committee on Legislative Department.

On motion of Mr. Bruce, Mr. Graves was added to the Committee on Railroad Corporations

On motion of Mr. Henry, of Smith, Mr Kilgore was added to the Committee on Judiciary

On motion of Mr Dohoney, Mr German was added to the Committee on Railroad Corporations

On motion of Mr. Robertson, of Bell, Mr Smith was added to the Committee on Revenue and Taxation

On motion of Mr. Russell, of Wood, Mr. Weaver was added to the Committee on Judiciary

On motion of Mr. Davis, of Brazos, Mr. Johnson, of Franklin, was added to the Committee on Bill of Rights

On motion of Mr. Cook, of Gonzales, Mr. Burleson was added to the Committee on Revenue and Taxation.

Mr West offered the following resolution, which was referred to the Committee on General Provisions:

Resolved, That the following shall constitute article —, section —, of the constitution:

“All claims, locations, surveys, grants and titles to land of any kind, which are declared null and void by the Constitution of the Republic, or State of Texas, are and the same shall remain forever null and void

“Sec — There shall be one General Land Office in the
State, which shall be at the seat of government, where all titles which have heretofore emanated or may hereafter emanate from the government, shall be registered, provided, that hereafter no title issued prior to the 13th of November, 1835, by the Mexican authorities, shall be received or registered in said Land Office.”

Mr. Robertson, of Bell, offered the following resolution.

Resolved, That the Committee on Public Lands and Land Office be requested to incorporate the following provision in the constitution:

“That all genuine outstanding land certificates granted to early settlers, soldiers and colonists, for services rendered, may at any time, at the option of the holder, be located on any portion of the public domain of the State, but any and all of said certificates that shall be outstanding when all of the land of the State shall be absorbed and appropriated, shall become void. Homesteads shall be granted to actual settlers out of the public domain.”

Referred to Committee on Public Lands.

Mr. Cook, of Gonzales, submitted a communication of Mr. Kidd, representative reporter for the Houston Telegraph, addressed to the Printing Committee, and asked that it be spread upon the journals of the Convention.

On motion of Mr. Brown, the communication was laid on the table.

On motion of Mr. Allison, the Convention adjourned until 9 o’clock A. M. to-morrow.

SIXTH DAY.

HALL OF REPRESENTATIVES, AUSTIN, TEXAS, September 11, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev. T. B. Lee, of Austin. Journal of yesterday read and adopted.

Mr. Stayton presented the memorial of Pryor Lee on the subject of old land certificates that have not been satisfied.

Referred to Committee on Public Lands and Land Office.

Mr. Robertson, of Bell, offered the following resolution

Resolved, That a committee of three be appointed to ascertain and report to this Convention on Monday next, or as soon as practicable, whether a stenographer can be secured to report