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
the full proceedings of this Convention, and if one can be found, at what cost per day.

Adopted

The President announced Messrs. Robertson, DeMorse and Stockdale as said committee.

Mr. Cook, of Gonzales, offered the following resolution:

Resolved, That for all accounts made for contingent expenses of this Convention against the contingent fund thereof, the approval of the Committee on Contingent Expenses, signed by the Secretary and countersigned by the President of the Convention, shall be sufficient authority for the Comptroller to draw his warrant on the Treasurer for the payment of the same, which shall be paid out of the funds appropriated by joint resolution of the second session of the Fourteenth Legislature, to defray the expense of this Convention.

Adopted

Mr. West offered the following resolution:

Resolved, That the Sergeant-at-arms be required to make the necessary arrangements to furnish water for the use of this Convention until the cisterns shall be replenished by rain.

Adopted.

Mr. Abernathy offered the following resolution:

Resolved, That none of the waters of this State shall be poisoned or otherwise polluted so as to destroy fish, the Legislature shall enact laws to protect the fish from wasteful destruction in the waters of this State.

Referred to Committee on General Provisions.

Mr. Burleson offered the following resolution:

Resolved, That no debt shall be contracted by any county or municipal corporation except with the consent of two-thirds of both branches of the Legislature, nor under any circumstances shall an indebtedness be contracted in excess of — per cent. of the assessed value of the taxable property of such county or corporation.

Referred to Committee on Municipal Corporations.

Mr. Burleson also offered the following resolution:

Resolved, That the failure of an officer made by law a collector of taxes, to pay over the revenue collected, should be made a felony and punished as such.

Referred to Committee on Taxation and Revenue.

Mr. Graves offered the following resolution:

Resolved, That the following section shall be incorporated in the constitution under the appropriate caption.

“No lottery shall be authorized by this State; and the buy-
ing and selling of lottery tickets within this State is prohibited.”

Referred to Committee on General Provisions.

Mr. Fleming offered the following resolution:

Resolved, That a committee of one from each Senatorial District be appointed by the President to apportion the State into Judicial Districts

Adopted

Mr. Nunn offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of defining in favor of defining by law the powers of the judicial tribunals, to punish for contempt of court, and to secure the citizen against the exercise of capricious, arbitrary or absolute power, by defining and limiting the causes that can be held as contempt of court, so that no such power can be exercised, except so far as may be necessary, to preserve the dignity and independence of the judiciary and to secure the enforcement of proper discipline in the court for the transaction of public business, and to provide a mode of proceeding, that while consistent with the dignity of the court, shall protect the citizen against capricious and absolute power

Referred to Committee on Judiciary

Mr. King offered the following resolution

Resolved, That the following provision be incorporated in the constitution of the State of Texas

“No act of the Legislature except for appropriations, shall take effect or be in force, until ninety days after the adjournment of the session of which it was enacted, unless in case of emergency, (which must be expressed in the preamble, or in the body of the act,) the Legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct; said vote to be taken by yeas and nays and entered upon the journal.”

Referred to Committee on Legislative Department

Mr. Holmes offered the following resolution

Whereas, The necessity for the secret and inquisitorial service of the grand jury does not now exist and is contrary to the principles of free government, and is the source of civil discord and dissensions between citizens of communities, and the cause of unnecessary expense to the State, and unreasonable delay in the execution of justice, therefore be it

Resolved, That the following provisions be incorporated in the constitution

“That every presentment for indictment on going before the grand jury, shall be certified to by the magistrate in whose
jurisdiction the offense originated, accompanied with the evidence relating thereto"

Referred to Committee on Judiciary

Mr. Chambers offered the following resolution:

Resolved, That the following provisions shall be adopted

"1. All the public lands heretofore appropriated by law to common school purposes, shall be forever held sacred for that purpose, and no Legislature shall ever pass any law to divert it from that purpose

"2. That the Legislature shall provide by law from time to time for the sale of said lands and for the safe-keeping and disbursement of the proceeds of the sales of the same"

Referred to Committee on Education

Mr. Sansom offered the following resolution:

Resolved, That all the male inhabitants of this State, of twenty-one years of age and over, shall be qualified electors, provided, that, if a tax be levied for public schools, any voter failing or refusing to pay said tax shall not vote until the tax has been paid And provided further, that in municipal corporations all appropriations, for other than police purposes, shall be submitted to a vote of the property-holders and tax-payers of said corporations, and that no poll-tax shall be levied by said corporations

Referred to Committee on Suffrage

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

Resolved, That the Committee on Judiciary be requested to incorporate the following provisions in the constitution under the appropriate heads:

"That six Supreme and twenty-five District Judges be elected.

"That Supreme Judges receive a salary of three thousand five hundred dollars each

"That District Judges receive a salary of two thousand five hundred dollars each.

"That Judges of the Supreme Court hold their offices six years"

Referred to the Committee on Judiciary

Mr. Robertson also offered the following resolution

Resolved, That the Committee on General Provisions be requested to incorporate in the constitution, under its appropriate head, the following provisions

"That all officers be elected by the people, both State and County, except Secretary of State and the Superintendents of the Asylums
"That no power of suspending seine be exercised except by a vote of two-thirds of both Houses of the Legislature.

"That the Legislature meet biennially, to be convened in extra session by the Governor only in case of emergency, and then only to transact such business as the Governor may designate in his proclamation.

"That the per diem pay of members of the Legislature shall not exceed five dollars.

"That the Legislature shall have no power to make any grant or to authorize the making of any grant of public money or thing of value, to any individuals, municipal or other corporations whatsoever; provided, that this shall not be so construed as to prevent the grant of aid in a case of public calamity.

"That the Legislature shall have no power to authorize any county, city, town, or other political corporation or sub-division of the State now existing, or that may hereafter be created or established, to lend its credit or to grant public money or thing of value in aid of or to any individual association or corporation of value in aid or to any individual, association or corporation association or company.

"That no municipal government in this State shall incur a debt for internal improvement or otherwise, except by a vote of a majority of those owning real estate in such municipalities.

"That all lands heretofore granted to counties for school purposes shall forever remain the property of the counties, to be managed and disposed of by the county commissioners of the counties, as the Legislature may prescribe, the revenues arising therefrom to be used only for school purposes.

"That the lands heretofore set aside for school purposes shall remain a perpetual school fund, and shall be leased or otherwise disposed of as may be provided by law, but the fee to said lands shall never pass out of the State."

Referred to Committee on General Provisions

Mr Barnett offered the following resolution:

Resolved, That the following section shall be incorporated in the constitution:

"Sec. — The Legislature shall, at the first session after the ratification of this constitution, provide by law for the filing of an abstract of titles and the payment of taxes on all patented land in the several counties of this State."

Referred to Committee on Revenue and Taxation

Mr Flourney offered the following resolution:

Resolved, That the following section shall be embraced in the constitution:
"Sec. —. The Legislature shall have power, and it shall be their duty, to protect by law from forced sale a certain portion of the property of all heads of families, and of unmarried adults, male and female. The homestead of a family not to exceed 200 acres of land (not included in a city, or town or village), or any city, town or village lot or lots, not to exceed in value $5000 at the time of their designation as a homestead, and without reference to the value of any improvements thereon, shall not be subject to forced sale for debts, except they be for the purchase thereof, for the taxes due thereon, or for labor and material expended thereon; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, and in such manner as may be prescribed by law, nor shall any mortgage or trust deed, or other lien thereon be valid except to secure the purchase money therefor or the payment for the improvements thereon, although the same may have been executed by the husband alone, or jointly with his wife. But the Legislature shall provide for the separate registration of the homestead (designated as such) in the county clerk’s office of the county wherein the same may be situated, and the claim of homestead shall not thereafter be entertained, except as to the property so registered as such. If the homestead shall not have been acquired and registered prior to the death of the husband or wife, or other head of a family, no homestead or other property in lieu thereof shall be set apart out of the estate of such deceased person until all claims against the same shall have been fully paid, provided, that any property claimed and registered as a homestead shall be liable to forced sale to satisfy any lien or mortgage that may have been created thereon prior to such registration.”

Referred to Committee on General Provisions.

Mr. McCormick offered the following resolution:

Resolved, That the following section shall be incorporated in the constitution:

“Ministers of the Gospel being by their profession dedicated to the service of God, ought not, therefore, to be diverted from their functions, therefore no minister of the Gospel, priest or preacher, of any denomination whatever, shall ever be eligible to the Legislature.”

Referred to Committee on Legislative Department.

Mr. Erhard submitted the following propositions, to make our schools useful, practicable and economical

Resolved, “1 That the control of schools shall be left to the management and control of each county and its sub-divided school districts.
"2 That the school patrons in each school district, or separate school, shall choose their own teacher or teachers
"3 That the scholastic year shall consist of two sessions of twenty weeks each.
"4 That no county shall pay for the building of school houses or benches, much less the State, each community must provide such for itself.
"5 That the patrons of any school shall determine the salary of the teacher or teachers.
"6 That unless otherwise provided for hereafter, each patron, able to pay, shall pay two dollars for each child per month, and that the paying patrons shall select three of their number to determine who are unable to pay.
"7. That the deficiency of the teachers' salary per session shall be paid out of the county treasury, provided a certificate be presented by the teacher, signed by the appointed committee of three of the school in which he was employed.
"8 That the county treasurer shall report such moneys paid out by the County Court, and after a due estimate, the citizens of such school district shall be taxed sufficient to cover said deficiency.
"9. Should there be any public school fund, then the Comptroller of the State shall turn the same over to the several counties pro rata, according to the number of scholars in each county, and the county shall put said pro rata to the credit on tax rolls to such persons who have paid tuition for their children.
"10 That teachers of freedmen's schools shall be examined by competent persons appointed by the County Court of the county wherein they teach, and if incapable, shall be discharged.
"11 Each county wherein schools exist for colored youths, they shall select three citizens, who shall, as often as they deem best, go and examine that the teachers perform their duties diligently, or to hear the complaints of parents or guardians, and for want, or neglect, or cruel punishment, or immorality, shall discharge said teachers.
"12 There shall be no compulsory education.
"13 All persons between six and twenty-one years of age can avail themselves of school education, provided, those who have to be maintained by public taxation shall, after having acquired a knowledge of reading, writing and arithmetic, then be discharged, so that the public may not be farther taxed for them.
"14 That whenever there shall be a sufficient public school fund to pay the tuition of all youths in the State, then no one
shall be required to pay or be taxed for tuition, but all other regulations shall continue in force

"15. There shall be separate schools for the white and colored children.

"16. That the next Legislature select teachers from Austin and other prominent institutions of learning in Texas, and request them to make a report in writing, which they consider the best books for schools, and after considering said reports, the Legislature shall adopt a uniform system of school books for the State of Texas, to be used in all schools, except high colleges or universities; those institutions being independent, may select their own course.

"17. That at a suitable time the Legislature may establish a normal school for the proper training and education of male and female teachers for elementary schools."

Referred to Committee on Education

Mr. Brown submitted the following sections:

"Sec — All genuine claims for land against the State of Texas, whether certificate or headright, scrip or bounty warrant, which were in existence before the 1st of January, 1875, are declared to be valid and entitled to be located, surveyed and patented on the vacant and unappropriated public domain of the State."

Referred to Committee on General Provisions

"Sec —. Every office created by this constitution, or by the Legislature under its authority, shall have a fixed period of tenure, and whenever vacated by death, resignation or other cause, the vacancy, whether filled by appointment or election, shall be filled for the unexpired term only."

Referred to Committee on General Provisions.

"COUNTRY COURTS

"Sec —. Every organized county, now or hereafter in existence in this State, shall be divided into a convenient number of civil districts, not to be less than two nor more than ten, as population or territory or both combined may render necessary for the convenience of the people. The number of such districts may be increased from two to ten by the County Court, or the public interest may render necessary and the boundaries of the same may be changed from time to time by the County Court when deemed necessary.

"The first sub-division of the present organized counties shall be made by the County Courts now in existence prior to the first election for county officers, provided for by this constitution.

"Sec —. The County Courts of each organized county in this
State, now or hereafter in existence, shall consist of a county chief justice, who shall be elected by the general vote of the county, and shall be the presiding justice of said court; and also one county commissioner, to be elected by the voters of each civil district separately. Said chief justice and county commissioners shall serve for two years from the day of their election and until their successors shall be elected and qualified. They shall take the constitutional oath of office before entering upon the discharge of their duties, and shall execute such bonds as may be provided by law.

"Sec. — The County Court shall hold regular sessions at least four times in each year, at such times as may be provided by law. Said court may also hold special or adjourned sessions, under such regulations as may be prescribed by law, and shall receive such per diem compensation as may in like manner be prescribed, but the members thereof shall not be allowed pay for more than three days at any one session, whether regular, special or adjourned.

"Sec. — The County Court shall have general supervision, jurisdiction and control over the public business of the county relating to county taxes, public buildings, poor houses, almshouses, work-houses, houses of correction, roads, bridges and ferries, paupers and insane persons, in accordance with the laws on those subjects, and also all such other powers and jurisdictions as may be prescribed by law.

"JUSTICES COURTS

"Sec. — In each civil district of every organized county, now or hereafter existing in this State, there shall be elected two justices of the peace and one constable, who shall hold their respective offices for two years from the day of their election and until their successors shall be elected and qualified."

Referred to Committee on Judiciary

Also, offered the following resolution in favor of amending the constitution of the United States:

WHEREAS, In view of evils in the legislation of the Congress of the United States, admitted to exist by all parties and sections; therefore

Resolved by the people of Texas in Convention assembled, That the senators and representatives in Congress from this State are hereby instructed to propose to Congress the two amendments following to the constitution of the United States, to be passed by that body and submitted to the several States for ratification:

"Sixteenth Amendment—Congress shall pass no bill, except-
ing appropriation bills, embracing more than one general subject
matter, which shall be expressed in its title

"Seventeenth Amendment—When an appropriation bill covering
separate objects or items, may be passed by Congress, and
submitted to the President for his consideration, he may approve
a portion of the objects or items, and withhold his approval of
other objects or items. If Congress be in session at the time his
objections to such objects or items shall be communicated to the
house in which the bill originated, as is provided in other cases,
whereupon the question shall be separately upon each object or
item objected to—'shall the proposition pass, the objections of
the President to the contrary, notwithstanding?' and such objects
or items as may thus pass each house of Congress by a vote of
two-thirds of the members present, shall be and become a part of
the law. Those objects or items not so receiving a vote of two-
thirds of each house, shall be and remain of no force and effect.
But should Congress not be in session, the President in approving
portions of the bill and objecting to other portions, shall endorse
on the same the portions to which he objects, and such portions
shall have no force or effect in the law so approved"

Resolved, That the President of this Convention is instructed
to transmit a copy of this resolution to each of our senators and
representatives in Congress

Referred to Committee on Federal Relations

Mr. West offered the following resolution:

Resolved, That section —, of article —, of the constitution,
shall be and read as follows:

"No senator or representative shall, during the term for
which he may be elected, whether he resign, or shall have
resigned his said office or not, be eligible to the Senate of the
United States, or to any civil office of profit under this State,
which shall have been created, or the emoluments of which may
have been increased during such term, and no member of either
house of the Legislature shall, during the term for which he is
elected, whether he resign or shall have resigned his said office
or not, be eligible to any office or place, the appointment of
which may be made in whole or in part by either house of the
Legislature, nor shall the members thereof be capable of voting
for a member of their own body, whether such member resign, or
shall have resigned his said office, for any office whatever, except
it be in such cases as are herein provided for. The President
for the time being of the Senate and Speaker of the House of
Representatives shall be elected from their respective bodies"

Referred to Committee on Legislative Department
Mr. West offered the following resolution

Resolved, That section —, of article —, of the constitution shall be and read as follows:

"No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligations of contracts shall be made, and no person's property shall be taken, or damaged, or applied to public use, without just compensation being made, unless by the consent of such person; nor shall any law be passed depriving a party of any remedy for the enforcement of a contract which existed when the contract was made"

Referred to Committee on Bill of Rights

Mr. Weaver offered the following resolution

Resolved, That there shall be established an inferior court in each county in this State, to be styled the County Court, which shall have civil jurisdiction over all actions of debt and damages where the amount in controversy shall not exceed $500, but they shall not have jurisdiction to enforce liens on real estate, or to try actions settling titles to real estate. Said court shall have general probate powers of the estates of deceased persons, guardians, minors, lunatics, etc. It shall also have jurisdiction over all misdemeanors and felonies where imprisonment in the penitentiary shall not exceed five years. Said court shall hold its sessions monthly, at the county seat of each county, and shall be open at all times to try crimes and misdemeanors.

"2 There shall be elected by the qualified voters of each county a judge and clerk of said court. Said judge shall be a licensed lawyer, resident of the county and a practicing attorney of at least five years standing. The salary, powers, term and duties of said county judge to be further prescribed by law"

Referred to Committee on Judiciary

Mr. Crawford offered the following resolution

Resolved, That the Committee on Revenue and Taxation be required to report on the propriety of establishing a perpetual public school fund on the following basis

1. Apply exclusively the suffrage poll tax of two dollars
2. Apply from the State revenue an amount not to exceed one-tenth of the same
3. Apply the interest arising from the present school fund, and such interest as may arise from any fund hereafter created by the sale of school lands, as well as the rent money entire which may arise from the lease of said lands
4. Authorize any school district which may be created by law to levy a special tax, not to exceed twenty-five cents on the $100, for school purposes, provided that said special tax shall not be
levied except by the consent of a majority of the voters of said
district, who shall represent or own a majority of the taxable
property in said district, to be ascertained at a public election
held for that purpose

Referred to Committee on Revenue and Taxation

Mr. Holt offered the following resolution to deprive juries of
the right of commuting capital punishment to imprisonment for
life.

Resolved, That in all cases where by law it may be provided
that capital punishment may be inflicted, the jury shall not have
the right in their discretion to substitute imprisonment or hard
labor for life

Referred to Committee on Crimes and Punishments

Mr. Kilgore introduced the following resolution:

Resolved, That the preamble of the proposed new constitution
shall read as follows

"PREAMBLE

"We, the people of Texas, grateful to Almighty God for the
privilege of choosing our own form of government, do establish
this constitution."

Referred to Committee on Bill of Rights

Also by Mr. Kilgore the following resolution

Resolved, That the preamble of the proposed new constitution
shall read as follows

"Sec — Every free male person twenty-one years of age, a
citizen of the United States who shall have resided in this State
twelve months next preceding an election and the last six months
in the district, county, city or town in which he offers to vote, and
shall have paid all poll tax to which he is subject by law, shall
be deemed a qualified elector in this State (Indians not taxed ex-
cepted), and should such qualified elector be absent from his own
county on the day of an election, he shall be permitted to vote in
any county in the district of his residence for district officers, and
in any county in the State for State officers. No soldier, seaman
or marine in the army or navy of the United States shall be
entitled to vote at any election in this State"

Referred to Committee on Suffrage

Mr. McCormick offered the following resolution

Resolved, That the following section be incorporated in the
constitution

"No Governor, Lieutenant Governor or member of the Legis-
lature of this State shall be eligible to a seat in the Congress of
the United States for five years after the termination of the term
of office for which they may have been elected"
Resolved, That the right of trial by jury shall be inviolate, the Legislature shall pass such laws as may be needed to maintain its purity and efficiency. No person is qualified to serve upon any jury who is not a citizen of the State and resident of the county; who has been convicted of felony; who is deaf, dumb, blind, or who can not understand and read and write the English language.

Referred to Committee on General Provisions.

Mr. Rugely introduced the following resolution

Resolved, That the right of trial by jury shall be inviolate, the Legislature shall pass such laws as may be needed to maintain its purity and efficiency. No person is qualified to serve upon any jury who is not a citizen of the State and resident of the county; who has been convicted of felony; who is deaf, dumb, blind, or who can not understand and read and write the English language.

Referred to Committee on General Provisions.

Mr. Brady offered the following resolutions.

Resolved, That the following be incorporated in the constitution:

Sec. In all civil cases the right of trial by jury shall remain inviolate."

Also—"Sec. That no money shall be drawn from the treasury for the use and benefit of any religious or theological institution whatever."

Also—"Sec. —. No law shall ever be passed restraining the free expression of thought, opinions and ideas, or restricting the right to speak, write or print freely on any subject whatever; but, for the libelous abuse of that right, every person shall be responsible.

"Sec. —. In all prosecutions for libel the truth of the matters alleged to be libelous may be given in justification."

Also—"Sec. —. Excessive bail shall not be required; excessive fines shall not be imposed; cruel and unusual punishments, such as burning, branding, thumb-screws, the rack, torture, poisoning, breaking upon the wheel, the stocks, pillory, whipping and the like, shall not be inflicted. All penalties shall be proportioned to the nature of the offense"

All of which were referred to Committee on Bill of Rights

Also by Mr. Brady, the following resolution:

Whereas, The people of Texas, through their Legislatures, have granted and reaffirmed, through many consecutive years, charters to railway companies giving them the right to charge and collect fares and freights as is stipulated in said charters; and,

Whereas, The people of Texas have acquiesced in said charters, through their Legislatures exceeded their constitutional powers in granting said charters; now,

Therefore, It is the sense of the people that it would be dishonorable and dishonest to assume at this time to gainsay such grants and to attempt to modify or divert the same by retroactive
provisions and without the consent of the companies invested with said charters.

Referred to Committee on Railroad Corporations.

Mr. Ferris offered the following resolution:

Resolved, That the Committee on Public Lands and Land Office take into consideration the propriety of making the Land Office Department self-sustaining from fees.

Referred to Committee on Public Lands and Land Office.

Mr. Flanagan offered the following resolution:

Resolved, That no person elected or appointed to any office in the federal government by the Legislature or any portion of the people of Texas, shall be eligible to any other office under the constitution, or which is elected by the Legislature or any part of the people of Texas, during the full term for which such person was so elected or appointed, except in the cases provided in this constitution, or in which offices are declared not incompatible.

Referred to the Committee on General Provisions.

By Mr. Rentfro:

Resolved, That the following shall be incorporated in the constitution, under its appropriate caption:

"Sec. — The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but a jury for the trial of civil or criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring, may find an indictment or a true bill

Referred to Committee on Bill of Rights

Mr. DeMorse offered the following concerning education:

"Public education being the most reliable safeguard of republican government, it is provided that all grants of land heretofore made for that purpose by the Congress of the Republic and the Legislature of the State shall be preserved for their predestined uses, and that one-tenth of the annual revenue of the State shall be divided between the several counties of the State in proportion to population, to be subdivided among the several school districts according to the number of scholars reported within the ages of eight and fourteen years, and that provision shall be made by law for the division of the several counties into school districts, which through trustees may tax themselves for educational purposes to such an extent as two-thirds of the freeholders of each school district may authorize by annual vote not exceeding one-half of one per cent, and it is enjoined upon the several Legislatures of the State to carefully consider all prac-
tceable schemes for providing a permanent and extended system of public education for as great a portion of each year as may be practicable with reference to population and property, and as a part thereof a special annual poll tax of not less than two dollars per capita for educational purposes shall be levied by act of the State Legislature to be added to the annual reservation of one-tenth of the general revenue assigned to school purposes.

Referred to Committee on Education

Mr. Robinson offered the following resolution:

Resolved, That each county in the State be divided into as many justices' precincts as the conveniences of the population may require

Referred to Judiciary Committee.

Mr. Crawford introduced the following resolution:

Resolved, That the Committee on Printing be required to report a resolution authorizing the President to receive sealed proposals at his desk for three days after the report of said resolution for the printing of this body, and at the expiration of said time to open said proposals and thereupon by the consent of this Convention to award said printing to the lowest responsible bidder.

Mr Stockdale offered an amendment, which was afterwards withdrawn

Mr Crawford offered a substitute for resolution and amendment, as follows

Resolved, That the President of this Convention be authorized to receive sealed proposals at his desk for the printing of this body until Monday, the 13th inst, at 12 o'clock, at which time he shall open the same and award the said printing by the consent of this Convention to the lowest responsible bidder

Mr Henry, of Smith, offered the following resolution

Resolved, That the Committee on Printing be directed to receive sealed proposals to do the printing of this body, and to contract with the lowest responsible bidder for the same.

On motion of Mr Stockdale, the original resolution, together with amendments and substitutes were referred to Committee on Printing

Mr Waelder offered the following resolution

Resolved, That the Committee on Judiciary inquire into the expediency of dividing the State into convenient districts for the meeting of judges of the district courts in banc, who shall compose courts of appellate jurisdiction to decide cases on appeal from the district courts of the State, and from whose decisions
there shall be an appeal only to the court of last resort, under certain limitations and restrictions

Referred to Committee on Judiciary.

Mr. Ballinger offered the following resolution:

Resolved, That trial by jury in civil causes arising on contracts should not be so restricted as not to be open to modification by the Legislature, so that in classes of cases which require it, a less expensive and more practical system may be adopted.

2 That whenever a jury is empanelled for the trial of any case, civil or criminal, the discharge of a juror from death, sickness or other cause, shall not produce a mistrial, but the remainder of the jury may render a verdict.

Referred to Committee on Bill of Rights.

Mr. Haynes offered the following resolution:

Resolved, That the Legislature shall have no power to grant divorces, but may authorize the courts to grant them for such causes as may be specified by law, but such laws shall be general and uniform throughout the State.

2. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws prohibiting the sale of lottery tickets in this State.

3 The Legislature shall have no power to change the names of persons or pass acts adopting or legitimatizing persons, but shall, by general laws, confer this power on the courts.

Referred to Committee on General Provisions

Mr. Dohoney introduced the following resolution:

Resolved, That the President of the Convention be, and he is hereby authorized, to appoint an additional standing committee, to consist of seven members, on "Ordinances of the Convention."

The resolution was adopted.

Mr. Arnum offered the following resolution:

Resolved, That in order to establish a uniform system of public free schools throughout the State, the Committee on Education be instructed to inquire into the expediency of the State re-assuming the control of all lands granted to counties for educational purposes; but if such re-assumption of control be deemed injudicious and impracticable, then the amount derived from such counties, from the utilization of their school funds as a yearly revenue, subject to be used for educational purposes, shall be deducted out of the sum apportioned to such counties in the distribution of the revenues derived from the perpetual State school fund.
Resolved further, That no taxes shall be levied or collected in this State for educational purposes, except as a poll-tax.

Referred to Committee on Education.

Mr Martin, of Navarro, from the Committee on Mileage, made the following report:

To the Hon E B Pickett, President of the Convention

The special committee to whom was referred the resolution to estimate the mileage of the members of the Convention by the nearest traveled route, have carefully considered the distance for each member, and have herein estimated the same according to the resolution of the Convention, making the total amount of number of miles 34,932, and total amount paid as mileage $6,986 40

Respectfully submitted,

Marion Martin, Chairman
B Abernathy,
John W Stayton

Statement of Mileage of the Members of the Convention of 1875

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| Total number of miles | 34,775 |
| Total amount, at 20 cents per mile | $6,955 00 |

Mr. Fleming moved to reduce the number of miles reported by the committee from three hundred and twenty-four miles to three hundred miles, as the mileage properly due him going to and returning from Comanche to Austin.

Carried

Mr. Johnson, of Franklin, moved that his mileage be reduced from the report of the committee of six hundred and fifty-two miles to six hundred miles.

Carried

Mr. Flournoy moved to add forty miles to Mr. Rugely's mileage, the distance reported by the committee being less than the actual distance traveled.

Carried

Mr. McLean moved to reduce his mileage from six hundred and seventy-two miles, as reported by the committee, to six hundred miles.
Carried
Mr. Robertson, of Bell, moved to reduce his mileage from one hundred and twenty miles, as reported by the committee, to one hundred miles.

Carried
Mr. Brady moved to reduce his mileage from three hundred and sixteen miles to three hundred miles, that being the distance actually traveled.

Carried
Mr. Kilgore moved to deduct from his own mileage, as reported by the committee, thirty-eight miles, and add to Mr. Flanagan's mileage thirty miles, these being the actual and correct statements of the distances.

Mr. Ramey moved the adoption of the report of committee, which was carried.

Mr. Goddin, of Walker, submitted the following communication.

AUSTIN, TEXAS, September 11, 1875

Hon. E B. Pickett, President of the Convention

Sir—I respectfully tender my resignation as a member of the Convention from the Fifteenth Senatorial District, to take effect from date

Very respectfully,

M. H. GODDIN, of Walker,
Member of the Convention

On motion of Mr. Flanagan the resignation was accepted, and Mr. Goddin withdrew from the floor of the House.

On motion of Mr. Ramey, Mr. Gaither was added to the Committee on Revenue and Taxation.

On motion the Convention adjourned until 9 o'clock A. M. Monday.

SEVENTH DAY.

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, September 13, 1875

Convention met pursuant to adjournment; roll called, quorum present. Prayer by the Rev. Mr. Grasty.

J. B. Murphy, delegate elect from the Thirtieth District, on motion of Mr. Ford, came forward, presented his credentials, took the prescribed oath and his seat.

Journal of Saturday read and adopted.