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and many resolutions, petitions and memorials have been presented, read and referred; and,

Whereas, It greatly retards the action of this body, by holding daily sessions, as all of the work must first be shaped in the committee rooms; and,

Whereas, The great and important duty devolves upon each and every member to adopt that course which will best promote the true interest of the people; therefore,

Resolved, That the Convention do now adjourn until Monday, the 25th day of September, 1875, at 9 o'clock A. M., that the committees may have sufficient time to mature and prepare their report.

Laid over under the rules.

On motion of Mr. Kilgore, Mr. Martin, of Navarro, was added to Committee on General Provisions.

On motion of Mr. Stockdale, the Convention then adjourned to 9 o'clock A. M. to-morrow.

---

ELEVENTH DAY.

HALL OF REPRESENTATIVES,}

AUSTIN, TEXAS, SEPTEMBER 17, 1875}

Convention met pursuant to adjournment; roll called; quorum present.

On motion of Mr. Mills, Mr. Rentfro was excused from attendance on account of sickness.

Journals of yesterday were read and adopted.

The following communication from the Attorney General, with accompanying report, was then read, and, on motion of Mr. Nunn, two hundred copies of the report were ordered printed:

ATTORNEY GENERAL'S OFFICE, }

AUSTIN, SEPTEMBER 15, 1875.}

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

Sir,—In compliance with a resolution of the Convention, I have the honor to transmit herewith a table showing the number of criminal and civil cases upon the dockets of the various District Courts of the State, at their last regular terms, together with the number of each disposed of, which has been compiled from reliable data furnished me by District Clerks.

I am, sir, with great respect, your obedient servant,

Geo. Clark, Attorney General.
A TABLE
Showing the Business of the District Courts in the several Counties of the State

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<th>No of Criminal Cases last term of District Court</th>
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### A Table showing the Business of District Courts—Continued.

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**Total** . . . . 16,666 3,940 14,451 4,258

No Reports from the following Counties.

- Bandera,
- Erath,
- Nueces,
- Bosque,
- Fayette,
- Polk,
- Burleson,
- Goliad,
- Refugio,
- Chambers,
- Harrison,
- San Augustine,
- Cherokee,
- Henderson,
- Trinity,
- Collin,
- Lee,
- Tyler,
A Table showing the Business of District Courts—Continued.

Comanche, Madison, Uvalde,
Coryell, Marion, Van Zandt,
El Paso, Maverick, Williamson.

Geo. Clark, Attorney General.

The following reports from the Committee on Judiciary Department were read:

Committee Room,
Austin, September 17, 1875.

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

The Judiciary Committee instruct me to say that it has under consideration the subject of the latter portion of the accompanying resolutions, and the remainder and principal part of them relate to the business of the Committee on the Legislative Department of the Constitution; and they instruct me to report them back to the Convention, and ask their reference to the Committee on the Legislative Department.

John H. Reagan, Chairman.

Committee Room,
Austin, September 16, 1875.

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

The Committee on the Judiciary direct me to report the accompanying resolutions back to the Convention, and to ask that they be referred to the Committee on the Executive Department.

John H. Reagan, Chairman.

Mr. Davis, of Brazos, offered the following resolution:

Resolved, That the following proviso shall constitute the closing clause of section — in article — of the constitution:

"Provided, that on the death of the husband or wife, or both, the homestead shall descend and vest in like manner with the other real property of the deceased, and shall be governed by the same laws of descent and distribution; but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may elect so to use and occupy the same."

Referred to Committee on General Provisions.

Also, by Mr. Davis, of Brazos, the following resolution:

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

"The salaries of State, county and municipal officers shall not be increased during their term of office; nor shall the term of
any officer be extended for a longer period than that for which such officer was elected or appointed. But the Legislature may reduce the salaries of officers who shall neglect the performance of any legal duty.”

Referred to the Committee on General Provisions.

Also, by Mr. Davis, of Brazos, the following resolution:

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

“No corporation, after the adoption of this constitution, shall be created except upon the condition that the charter of such corporation shall at all times be subject to amendment and repeal by the Legislature. Nor shall any existing charter be extended, changed or amended, nor shall any benefit be conferred by future legislation upon such corporation, except upon the same condition.”

Referred to Committee on General Provisions.

Also, by Mr. Davis, of Brazos, the following resolution:

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

“The Legislature shall, as soon as practicable, provide for the establishment of a State University, for the promotion of literature and the arts and sciences, including an agricultural and mechanical department; and the “Agricultural and Mechanical College of Texas,” established by an act of the Legislature, passed April 17th, 1871, located in the county of Brazos, shall be and is hereby constituted a branch of the State University, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith.

“The University lands and the proceeds thereof, and all monies belonging to the University fund, and all grants, donations and appropriations heretofore made under former laws of this State, for the maintenance and support of a State University, and all other lands and appropriations that may hereafter be granted by the State, shall be and remain a permanent fund for the use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

“And it shall be the duty of the Legislature to take measures for the protection, improvement, or other disposition of said lands, and, as soon as may be done, to provide effectual means for the permanent security and investment of the funds of said State University.”

Referred to Committee on Education.
Mr. Russell, of Wood, offered the following resolution:

Whereas, It is well known that several incorporated cities in the State have been exacting enormous direct tax, license tax and privilege tax from vendors of fresh meats and vegetables, and,

Whereas, Such direct tax, license tax, and sale of privilege for the vending of fresh meats and vegetables in certain wards of these incorporated cities, have exceeded, in some instances, the enormous sum of eleven hundred dollars per annum, and,

Whereas, Such enormous taxes are the cause of suffering and want among the poorer class, who are unable to secure the absolute necessaries of life on account of the high prices necessarily charged for such articles, and,

Whereas, The sale of fresh meats and vegetables are prohibited in these cities unless the municipal laws are complied with; therefore, be it

Resolved, That the Legislature shall not pass any special or general law whereby any incorporated town or city shall be allowed to levy and collect a special, direct, license or privilege tax exceeding fifty dollars per annum from any person or firm who are vendors of fresh meats, or a special, direct, license or privilege tax exceeding ten dollars per annum from any person or firm who are, or may be, vendors of vegetables, fruit, poultry, eggs, milk or butter.

Referred to Committee on Towns and City Corporations.

Mr. Ramry offered the following resolution:

Resolved, That in each county in this State there shall be established a County Court, to consist of one chief justice and four commissioners, to be elected by the people of the whole county; and no two of said court, at the time of their election, shall reside in the same district.

The members of said court shall receive such per diem, perform such duties, and hold courts at such times as may be prescribed by law.

In the decision of such questions as may come before said court upon county matters, the yeas and nays of the individual members shall be entered upon the minutes of the said court.

Referred to Committee on Judiciary.

Mr. Mills offered the following resolution:

Resolved, That the following shall be a section of the constitution:

"Sec. — All qualified electors shall be qualified jurors"

Referred to Committee on General Provisions.

Mr. Wade offered the following resolution:

Whereas, A resolution having passed this Convention allow-
ing the delegates hereof envelopes and postage stamps, to be charged as current expenses of this body; therefor be it  

Resolved, That the amount thus furnished any one delegate shall not exceed fifteen dollars, account to be kept by the Sergeant-at-Arms.

Mr. Nunn proposed to amend by inserting "five" instead of "fifteen."

Accepted.

Mr. Kilgore proposed to strike out "five" and insert "one."

Lost.

On motion of Mr. Allison the resolution was referred to the Committee on Printing and Contingent Expenses.

Mr. Morris offered the following article:

"ARTICLE—.

"Sec. —. It shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of a system of public free schools for the gratuitous instruction of all the inhabitants of this State between the ages of eight and sixteen years.

"Sec. —. There shall be a Superintendent of Public Instruction, who shall be elected by the people. The Superintendent shall hold his office for the term of four years. He shall receive an annual salary of three thousand dollars. In case of vacancy in the office of Superintendent, it shall be filled by appointment of the Governor, until the next general election.

"Sec. —. The Superintendent shall have supervision and control of the public free schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature shall lay off the State into convenient school districts, and shall provide for the formation of a board of school directors in each district. It may give the district boards such legislative powers, in regard to the schools, school-houses and school fund of the district, as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall at each session of the Legislature furnish that body with a complete report of all the free schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either house of the Legislature, it shall be his duty to furnish all information called for in relation to public schools."
"Sec. —. The Legislature shall establish a uniform system of public free schools throughout the State.

"Sec. —. As a basis for the establishment and endowment of said free schools, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools shall constitute the public school fund; and all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas, shall also constitute a part of the public school fund; and the Legislature shall appropriate all the proceeds resulting from sales of public lands of said State to such public school fund; and the Legislature shall set apart for the benefit of public schools one-fourth of the annual revenue derivable from general taxation, and shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in the State between the ages of twenty-one and sixty years; also, a tax of two per cent. on the gross earnings of all railroads, steamship lines and insurance companies of this State; also, all the fines collected for carrying concealed weapons and disturbances of the peace; also, all moneys collected for license for selling malt and spirituous liquors, for the benefit of public schools; and said fund and the income derived therefrom and the taxes and other moneys herein provided for school purposes shall be a perpetual fund, to be applied as needed, exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made borrowing or appropriating such fund for any other purpose or use whatever.

"Sec. —. The Legislature shall, if necessary, in addition to the income derived from the public school fund and from taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation in the several school districts in the State as will be necessary to provide the necessary school houses in each district and insure the education of all the scholastic inhabitants of the several districts.

"Sec. —. The public lands heretofore given to counties shall be under the control of the board of school directors of their respective counties, and shall never be sold except by act of Legislature, four-fifths of the members elected to such Legislature voting in favor of granting such authority; in such case, the proceeds shall become a permanent school fund of the county to which said lands belonged, and to be invested in the bonds of the State of Texas, and the interest shall be used each year toward maintaining the free schools of such county. The board of school directors shall have authority to rent or lease the school
lands of their counties, under such regulations as the Legislature may prescribe, and the proceeds to be used as directed in this section; provided, that no lease shall run for a longer period than ten years.

"Sec. — The Governor, Attorney General, and Superintendent of Public Instruction shall constitute a board, to be styled the Board of Education, and shall have the general management and control of the perpetual school fund; they shall define the course of studies in the public schools, and direct the class and kind of apparatus and books to be used therein; to prescribe the duties of the boards of school directors, having authority to remove them and appoint others to fill vacancies, and generally do all things to establish and maintain a system of public free schools for at least four months in each and every year, not inconsistent with the provisions of this constitution, under such regulations as the Legislature may hereafter prescribe.

"Sec. — The Superintendent of Public Instruction, the Comptroller of Public Accounts, and the Commissioner of the General Land Office, shall constitute a board to be styled the Board of Commissioners, they shall have control of all the public land known as the alternate sections, and such other lands, (except the four leagues belonging to each county in the State,) heretofore set apart, or that may hereafter be set apart for the use and benefit of the common schools; they shall be authorized to sell these lands at not less than fifty cents per acre, under such regulations as the Legislature may prescribe, and the title to such lands shall be made in the name of the State of Texas. The Commissioner of the General Land Office shall keep a correct and separate record of all such sales. The Board of Commissioners will on the accumulation of every ten thousand dollars invest the same in the bonds of the State of Texas, and deposit the same with the State Treasurer.

"Sec. — The Legislature shall at its first session, and from time to time thereafter as may be necessary, provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it that all the children in the State, within the scholastic age are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic inhabitants of the State, the interest accruing on the school fund and the income derived from taxation for school purposes; and shall from time to time, as may be necessary, invest
the principal of the school fund in the bonds of the State of Texas, and the bonds already belonging to the school fund, and those to be hereafter purchased as provided for in this article, are declared not to be of doubtful obligation.”

Referred to Committee on Education.

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

Resolved, That the Committee on the Legislative Department be requested to insert in the constitution, under the appropriate caption, the following provision:

“That the Legislature shall provide for a thorough and equal assessment of all the property in the State, and for the condemnation and sale under judgment of court of all lands in arrears for taxes.

“The Legislature shall pass no special law when a general law can be made applicable.

“All county officers shall hold their offices for two years.

“That all officers, both State and county, elective under this constitution, shall be elected within sixty days after the adjournment of this Convention, and shall assume the duties of their offices as soon as practicable after the election.”

Referred to Committee on Legislative Department.

Mr. Norvell offered the following resolution:

Resolved, That the following section shall be embraced in the constitution in its appropriate place:

“Sec. —. In all civil suits the time between the 28th day of January, A. D. 1861, and the 30th day of March, A. D. 1870, shall not be computed in the application of any statute of limitations.”

Referred to Committee on General Provisions.

Mr. DeMorse offered the following resolution:

Resolved, That no lottery or gift enterprise shall be authorized or permitted within this State, nor shall the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States, be sold in this State, and it shall be the duty of the Legislature to pass stringent laws to prevent the sale of such tickets.

Referred to Committee on Legislative Department.

Mr. Erhard offered the following resolution:

Resolved, That in incorporated towns no one shall vote for any municipal officer or any other election pertaining to said corporation unless he has $500 worth of taxable property.

In incorporated towns or cities three assessors, appointed or elected, shall annually assess all the property of the citizens residing within the limits of said corporation.
Corporations keeping their roads in their limits in order shall be exempt from all road laws.

Referred to the Committee on Municipal Corporations.

Mr. Reagan offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to inquire into the propriety of making such provision in the constitution as will prevent the members of the County Courts from passing on questions in relation to their own fees of office or compensation.

Referred to Committee on Judiciary.

Mr. Moore offered the following:

Whereas, The appointment of relatives and other personal favorites to places of public trust by those vested with power of appointment, is detrimental to the public service; therefore be it

Resolved, That the Committee on General Provisions be requested to incorporate in the constitution, provisions of the following import:

"1. That no officer in this State vested with power of making appointments to office shall appoint thereto any one related to him by affinity or consanguinity, and all such appointments heretofore made shall become vacant upon the acceptance of this constitution; provided, that the incumbent thereof shall hold his office on appointment till his successor shall qualify.

"2. That when appointment to office shall be made by any officer, he shall take and subscribe the following oath:

That the appointment of . . . . . . . to the office of . . . . . . . has not been made with reference to personal friendship; and that said . . . . . . . is not related to me by affinity or consanguinity, and that said appointment is the best I could make,' which oath shall be deposited as may be provided by law; and the Legislature shall pass suitable laws for the violation of these provisions."

Referred to Committee on General Provisions.

Mr. Ferris offered the following resolution:

Resolved, That the Judiciary Committee take into consideration the propriety of making the following provisions:

"Sec. — The Supreme Court shall consist of one Chief Justice and six Associate Justices. It shall have the power at any session to separate and divide itself into two courts, each to consist of the Chief Justice and three Associate Justices. Each court so separated shall have the power to hear and decide all appellate causes, civil or criminal: of such court three members shall constitute a quorum, and the concurrence of three shall be necessary to every decision. In all cases of difficult adjudica-
tion, or when there may be a conflict of opinion, of which the court shall be the judge, or when the separate court can not make a decision, the court shall hear and decide upon the same as one united court, of which four members shall constitute a quorum, and the concurrence of four shall be necessary to a decision.

"Sec. — After the year of our Lord one thousand eight hundred and eighty, should it appear necessary for the disposition of appellate causes, inferior appellate courts of uniform organization and jurisdiction may be created in districts formed for that purpose, to which such appeals and writs of error as the Legislature may provide may be prosecuted from district and other courts, and from which appeals and writs of error shall lie to the Supreme Court in all criminal cases of a grade not less than felony, and cases in which a franchise or title to real estate, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be organized, and held at such times and places, and in such manner, as may be provided by law. Such appellate courts may be created for a part of, or the whole State, as may appear necessary. And the Legislature, on forming such appellate courts, shall have the power to limit appeals to the Supreme Court and modify its operation."

Referred to Committee on Judiciary.

Mr. Pauli offered the following resolution:

Resolved, That the Committee on Revenue and Taxation be instructed to see into the propriety of establishing in this State a standing Board or Committee of Assessment of Taxes, in order that a just and equal assessment of the real value of all the property taxable may be obtained and rigidly enforced.

Referred to Committee on Revenue and Taxation.

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

Resolved, That the indebtedness of the State of Texas shall never exceed the sum of two and one-half per cent of its taxable property.

Referred to Committee on General Provisions.

Mr. Sansom introduced the following resolution:

Resolved, That no civil office not provided for in the constitution shall be created by the Legislature.

Referred to Committee on General Provisions.

Mr. Kilgore offered the following resolution:

Resolved, That Frederick Voight be and is hereby authorized and directed to contract with a competent workman for certain repairs needed in and about the Capitol building, to-wit:
The plastering on the wall, near the ceiling, on the north side of the hall; repairing the sash and putting in the glass needed in the hall and in the window over the stairway and for putting in the glass needed in the windows of the Capitol Library and the roof on north side of building.

And that the bill for such repairs shall be paid out of any moneys subject to appropriation by this Convention.

Referred to Committee on State Affairs.

Mr. Waelder offered the following resolution:

Resolved, That the Committee on Suffrage inquire into the propriety of embodying the following provision in the constitution:

"Sec. — Every male person, (Indians not taxed excepted) who shall have attained the age of twenty-one years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, and shall have resided in the State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered as may be provided by law, and has paid his State and county taxes thirty days previous to an election, shall be deemed a qualified elector. And should such qualified elector happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for a district officer, and any qualified voter shall be permitted to vote anywhere in the State for State officers; provided, that no soldier, seaman or marine in the army or navy of the United States, shall be entitled to vote at any election to be held under the laws of this State.

"Sec. — Every qualified elector who has lived sixty days in any incorporated city or town in which he offers to vote, and shall have paid his corporation taxes thirty days before an election, (and none other) shall be entitled to vote in elections held in such incorporated city or town."

Referred to Committee on Suffrage.

Mr. Clme offered the following resolutions:

1. A general diffusion of knowledge being essential to the preservation of the liberties of the people, the Legislature shall establish a system of public instruction, and maintain public schools during not less than six months in each year, for the free education of all minor children in this State between the ages of six and eighteen years.

2. The supervision of public instruction shall be vested in a board, composed of the Superintendent of Public Instruction as President, with the Governor, Secretary of State and Attorney
General ex-officio—whose powers and duties shall be defined by law.

3. Every county shall constitute a district, and shall have a district superintendent and board of directors, whose selection, qualifications, powers and duties shall be prescribed by law; provided, that a city may become a district, and that several districts may have the same district superintendent.

4. The Board of Public Instruction may remove any district superintendent or director for cause, and fill a vacancy by appointment for the unexpired term.

5. The State free school fund shall consist of all escheats, lands and land certificates and bonds heretofore set apart for public schools, and the income from said fund, together with not less than one-fourth of the revenue of the State, shall be annually appropriated and distributed among the districts and expended for schools.

6. The county school fund shall consist of four leagues of land—granted and to be granted in trust for public schools—and any other vested property in the several counties, and the income from such fund, together with the proceeds from sale of strays, fines and forfeitures, all tax on dogs, polls and occupations, and not less than one-fourth of the ad valorem taxes on property, shall be annually expended for its schools.

7. The State and county permanent school fund shall be invested in bonds of the United States and bonds of the State of Texas; the county fund may also be invested in first mortgages on unincumbered real estate in the county—paving taxes on double the value of the loan—together with personal security.

8. No grant shall be made from any public fund to any institution, church or school controlled by any ecclesiastical body, nor in aid of any particular opinions of conscience, creed or church.}_{Referrered to Committee on Education}_{

Mr. Erhard offered the following resolution:

Resolved, That the Legislature inquire into the expediency to stipulate and fix an annual salary for district and county clerks and for sheriffs, proportioned to the amount of labor each has to perform, which certainly depends on the number of inhabitants of each county, and in that case the law pass, then the usual fees of said officers to be paid over into the county treasury.

Referrerred to Committee on Legislative Department.

Mr. Stavton offered the following resolutions:

Resolved, That the Committee upon Crimes and Punishments be instructed to report a provision to be incorporated into the constitution, making it the imperative duty of the Legislature to
cause to be erected and maintained a house of correction, to which all persons under eighteen years of age, who may be convicted of any crime which under the law may be a felony, shall be sent for punishment.

Referred to Committee on Crimes and Punishments.

Resolved. That the following be incorporated in the constitution:

"Sec. —. The Legislature, at its first session after the ratification of this constitution by the people, shall by law establish in each organized county of the State a poor farm, of not less than one hundred acres of land, upon which shall be erected a poor house, a workshop, a hospital and a house of correction, and all necessary outbuildings for taking care of, managing and employing and supplying the wants of its indigent and poor inhabitants; and under such regulations as the Legislature may direct, all persons committing petty offenses in the county may be committed to the house of correction for correction and employment; and the Legislature shall, at its first session after the ratification of this constitution, set apart one league of land for the use and benefit of each organized county, in order to enable the county to carry out this provision, and the said league of land, or the proceeds derived from the sale of the same, shall be used only in establishing said poor farm and building said poor house of correction, as provided for by this section.

Referred to Committee on General Provisions

Mr. German offered the following resolution

Resolved, That the Committee on Legislative Department be required to report a clause to prohibit the Legislature from granting any more subsidies of land or money to railroads or other corporations.

Referred to Committee on Legislative Department.

Mr. Stockdale offered the following resolution:

1. No law or laws of this State shall be suspended, except by the Legislature, which may only suspend in the same manner as laws are made or repealed. Whenever a law is suspended, it shall be for a time certain.

2. The writ of habeas corpus is a writ of right. The right to have this writ from the proper court or judge shall never be suspended, except by act of the Legislature. The Legislature shall never suspend this right, except there be such hostile invasion of the State, by organized or armed force, as shall put in peril the safety of the State, or such rebellion, within the State, as shall make it necessary in order to preserve the authority of the State government, and only in these cases in reference to arrest upon
charges, made upon oath, of treason, conspiracy to commit treason, or some other offense, defined by law, against the authority of the government. Nor shall any person be held in arrest upon a charge of offense against the authority of the government, except under a judicial warrant. When the right is suspended, in accordance with the foregoing conditions, then a person in arrest, under judicial warrant, may be held in a place of safety and removed, as circumstances may require, by the Executive or under his authority, and shall be so safely held without the benefit of trial, bail or mainprize until the act suspending the right shall be repealed, or shall expire by its own limitation.

3. Every suspension of the right of the writ of habeas corpus by act of the Legislature shall be for a time certain not to exceed ... months.

Resolved, That the following be made a part of the constitution:

"MODE OF CALLING A CONVENTION AND AMENDING THE CONSTITUTION OF THIS STATE.

"Sec. 37. The Legislature, by a vote of three-fourths of all the members of each house, with the approval of the Governor, shall have power to call a convention of the people, for the purpose of altering, amending or re-forming the constitution of this State; the manner of electing delegates to the Convention, the time and place of assembling them, to be regulated by law.

"Sec. 38. The Legislature, at any biennial session, by a vote of two-thirds of all the members of each house, may propose amendments to the constitution, to be voted upon by persons legally qualified to vote for members of the House of Representatives of the State; which proposed amendments shall be duly published in the public prints of this State, at least three months before the next general election for representatives to the Legislature, for the consideration of the people; and it shall be the duty of the several returning officers, at said general election, to open a poll for, and make returns to the Secretary of State, of the number of legal votes cast at said election, for and against said amendment, and if more than one be proposed, then the number of legal votes cast for and against each of them; and if it shall appear, from said return, that a majority of the votes cast upon said proposed amendment, or amendments, have been cast in favor of the same, and two-thirds of each house of
the Legislature, at the next regular session thereafter, shall ratify said proposed amendment, or amendments, so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the constitution of the State of Texas; provided, that the said proposed amendments shall, at each of said sessions, have been read on three several days in each house of the Legislature, and the vote thereon shall have been taken by yeas and nays; and, provided further, that the rule in the above proviso shall never be suspended by either of said houses."

Referred to Committee on Legislative Department.

Mr. Cline offered the following resolution:

1. The judicial power shall be vested in one Supreme Court, in District Courts, County Courts, Municipal Courts, Magistrates and Criminal Courts.

2. The Supreme Court shall have original jurisdiction of impeachment of State executive officers and District Judges, and appellate jurisdiction of all cases in which the construction of the constitution, or the constitutionality of a statute or charter, is drawn in question; of all cases of debt wherein the sum claimed (exclusive of interest) shall exceed $2,000; of all other cases wherein the sum claimed (exclusive of interest) shall exceed $500; of all criminal cases where the penalty is death or imprisonment for five years.

3. The District Court shall have original jurisdiction of such impeachment of inferior officers and magistrate, as may be prescribed by law; and appellate jurisdiction and supervision over inferior courts as may be prescribed by law; and general original jurisdiction of suits for debt and damages wherein the amount claimed (exclusive of interest) shall exceed $500; of divorce, status, lands, heirs, writs in equity, and such criminal and other causes as may be prescribed by law.

4. The County Court shall have original jurisdiction in all cases of misdemeanor or petit larceny at common law. In all cases of wills, succession, guardianship, and administration of estates of decedents, minors, lunatics, and drunkards. In suits at law for debt or damages where the sum claimed (exclusive of interest) shall be not less than $100, nor more than $1,000. The municipal magistrate and Criminal Courts shall have such jurisdiction as may be prescribed by law.

5. The Judges of the Supreme, District and Criminal Courts shall be learned in the law, experienced at the bar during ... years, nominated by the Governor and confirmed by the Senate, and shall hold office during good behavior, and be paid by the State
6. The Judges of the County Courts shall be learned in the law, experienced at the bar during . . . years; elected by their county, and shall hold office four years, and be paid a salary fixed by the County Commissioners out of the county treasury. The judge shall preside over the Commissioner's Court.

7. The Supreme Court shall appoint their clerk. The County Clerk shall be elected for four years, and shall have the custody of all county records; attend the District, County, Criminal and Commissioners' courts of his county, and perform such other duties as may be prescribed by law.

8. The magistrates, sheriffs, constables and county commissioners shall be elected by the county, shall hold office four years, and shall have such powers and duties and compensation as may be prescribed by law.

9. The Governor, by and with the advice and consent of the Senate, shall commission special judges having the same qualifications required for the Supreme Court, who shall hear and determine causes on the dockets of the Supreme Court at the date of the ratification of this constitution, to hold such commission until the dockets of the Supreme Court shall be cleared of all causes ready to be tried when called.

Such special judges may be assigned as follows: One special judge, with two Judges of the Supreme Court to sit at Tyler; one special judge, with two Judges of the Supreme Court, to sit at Galveston; and two special judges, with the Chief Justice of the Supreme Court, to sit at Austin, or vice versa.

Referred to Committee on Judiciary.

Mr. Murphy offered the following resolution:

The Legislature shall, at its first session, provide for a change of venue in civil and criminal cases.

Referred to the Committee on Legislative Department.

Mr. Clane offered the following resolution:

Resolved, That the Committee on Agriculture and Stock-raising inquire what provision may be proper to adjust and protect the interests of farmers and stock raisers; to secure inspection of hides and stock in counties where stockraising is one of the principal interests of the people

Referred to Committee on Agriculture and Stock-raising.

On motion of Mr. Moore Mr. Robeson, of Fayette, was excused for four days, beginning to-morrow.

Mr. McCormick offered the following resolution:

Resolved, That the Committee on Revenue and Taxation be required to report upon the propriety of incorporating in the constitution a provision that all collectors of State, county,
municipal and school taxes specify in the receipt given by them for such taxes, the several items of real and personal property upon which such tax is demanded.

And also the propriety of releasing each tax-payer from the payment of taxes until such itemized bill for the same is presented him. And that said itemized bill shall show for what purposes said taxes are levied, whether for school, general revenue, or other purposes.

Referred to the Committee on Revenue and Taxation.

On motion of Mr. Waelder Mr. King was excused temporarily on account of sickness.

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

Resolved, That the Judiciary Committee be required to inquire into the propriety of incorporating a provision in the constitution that will effectually prohibit gambling of every character in this State.

Referred to Committee on Judiciary.

The Convention then proceeded to consider business on the President's desk.

Report of Committee on State Affairs, on resolution making the constitution of 1845 the basis of the constitution about to be framed, was taken up.

Mr. Dohoney in the chair:

Mr. DeMorse moved to indefinitely postpone action on the subject.

Carried.

Mr. Dillard's resolution to adjourn until Monday, September 20th, was then taken up.

Mr. Reagan offered the following amendment:

Resolved, That when the Convention adjourns to-morrow, it adjourn over until Monday, the 27th inst., to enable the committees to prepare their reports for the action of the Convention.

Accepted.

On motion of Mr. Whitfield the substitute as amended was laid on the table.

Mr. Mills moved to adjourn until Tuesday morning, 21st inst., at 9 o'clock.

By leave, Mr. Flournoy offered the following resolution:

Resolved, That the Convention do adjourn after each meeting for the next ensuing ten days as soon as the minutes shall have been read. And the members of the various committees shall devote themselves energetically to the preparation of the business of the Convention.

Laid over under the rule.
On motion of Mr. Flournoy the Convention adjourned until 9 o'clock A. M. to-morrow.

TWELFTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, SEPTEMBER 18, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev. Mr. Abernethy.

Journals of yesterday read and adopted.

Mr. Ford presented a memorial from L. G. Linieum on the subject of embodying in the new constitution a law guaranteeing equality of rights to the practitioners of all the various schools of medicine.

Referred to Committee on General Provisions.

Mr. Russell, of Wood, presented a petition from the heirs of Verner, memorializing the Convention to reopen the courts of the State for the adjudication of old Mexican land grants.

Referred to Committee on Mexican Land Titles.

The following reports of committees were then read:

Committee Room,
AUSTIN, SEPTEMBER 18TH, 1875.

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

The Committee on General Provisions, to whom was referred a series of resolutions concerning the Superintendent of Public Instruction and a State University, instruct me to return the same, and recommend that they be referred to the Committee on Education.

Respectfully submitted,
C. S. W. E, Chairman.

Committee Room,
AUSTIN, SEPTEMBER 17, 1875.

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

The Committee on State Affairs, to which was referred the resolution requiring them to "inquire into the propriety of abolishing the office of State Geologist," have had the same under consideration, and have instructed me to report as follows:

Up to the present time the labors of the State Geologist have not been productive of any visible good results, yet as Texas is a growing State, and the great natural resources she possesses are almost unknown and undeveloped, it would not be prudent to