sound mind, shall be allowed to vote or hold any office in this State.”

Mr. Nunn asked that the following be read for information:

In line 7, section 1, add “assault to commit rape, murder, assault to commit murder and theft, punished as a felony, embezzlement, swindling, an assault with intent to commit robbery, passing counterfeit money, assault with intent to maim, burglary, false swearing, sodomy, bigamy, abortion.”

On motion of Mr. Allison, the Convention adjourned till 9 o’clock A. M. Monday.

THIRTY-SEVENTH DAY.

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

Convention met pursuant to adjournment; roll called; quorum present.
Journal of Saturday read and adopted.
Mr. Ferris as chairman of Committee on Railroad Corporations, reported as follows:

COMMITTEE ROOM,  
AUSTIN, October 16, 1875.

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

The Committee on Railroad Corporations, to whom was referred various resolutions, beg leave to report that they have carefully considered the same, as well as the entire subject to which they relate, and now recommend that the following sections be adopted by the Convention, and incorporated into the constitution.

J. W. FERRIS, Chairman.

“Railroads.

“Sec. 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the others passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.
"Sec. 2. Railways heretofore constructed, or that may here-
after be constructed in this State, are hereby declared public
highways, and railroad companies common carriers. The Legis-
lature shall pass laws to correct abuses and prevent unjust dis-
(c)rimination and extortion in the rates of freight and passenger
tariffs on the different railroads in this State, and shall, from
time to time, pass laws establishing reasonable maximum rates
of charges for the transportation of passengers and freight on
said railroads, and enforce all such laws by adequate penalties.

"Sec. 3. Every railroad or other corporation, organized or
doing business in this State, under the laws or authority thereof,
shall have and maintain a public office or place in this State for
the transaction of its business, where transfers of stock shall be
made, and where shall be kept for public inspection books in
which shall be recorded the amount of capital stock subscribed,
the names of the owners of the stock, the amounts owned by
them respectively, the amount of stock paid, and by whom, the
transfer of said stock, with the date of the transfer, the amount
of its assets and liabilities, and the names and places of resi-
dence of its officers. The directors of every railroad company
shall hold one meeting annually in this State, public notice of
which shall be given thirty days previously, and shall report
annually under oath to the Comptroller, or some officer des-
ignated by law, all of their acts and doings, which report shall
include such matters relating to railroads as may be prescribed
by law. The Legislature shall pass laws enforcing, by suitable
penalties, the provisions of this section.

"Sec. 4. The rolling stock and all other movable property
belonging to any railroad company or corporation in this State,
shall be considered personal property, and its real and personal
property shall be liable to execution and sale in the same man-
ner as the property of individuals, and the Legislature shall pass
no law exempting any such property from execution and sale.

"Sec. 5. No railroad or other corporation, or the lessees, pur-
chasers or managers of any railroad corporation shall consolidate
the stock, property or franchises of such corporation with, or
lease, or purchase the works or franchises of, or in any way con-
trol any railroad corporation owning or having under its control
a parallel or competing line; nor shall any officer of such rail-
road corporation act as an officer of any other railroad corpora-
tion owning or having the control of a parallel or competing
line.

Sec. 6. If any railroad company organized under the laws of
this State, shall consolidate by sale or otherwise, with any rail-
road company organized under the laws of any other State, or of the United States, the same shall not thereby become a foreign corporation; but the courts of this State shall retain jurisdiction in all matters which may arise as if said consolidation had not taken place. In no case shall any consolidation take place, except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

Sec. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

Sec. 8. No railroad corporation in existence at the time of the adoption of the constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this constitution applicable to railroads.

On motion of Mr. Allison two hundred copies ordered to be printed.

Mr. Stayton submitted the following minority report:

Committee Room,

Austin, October 18, 1875.

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

The undersigned members of your Committee upon Railroad Corporations, while they believe that many of the recommendations contained in the report of the committee are proper and necessary for the protection of the people, yet they can not concur in the recommendations as an entirety.

John W. Stayton,

Webster Flanagan.

On motion of Mr. Flournoy, Messrs. Johnson, of Franklin, Martin, of Navarro, and Crawford were added to Committee on Private Corporations.

Mr. DeMorse, chairman of Committee on Revenue and Taxation, made the following report:

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

Your committee, to whom has been intrusted the consideration of the question of revenue and taxation, in the correct solution of which are involved the necessity of immediate relief to the ever-burdened tax-payers of the State, and at the same time the antagonistic requirements for increase of revenue and avoidance of further sale of State responsibilities, have endeavored to
define a system of taxation based upon consideration of natural rights and upon correct principles of political economy, limiting the assessment and expenditure strictly to legitimate objects of government and to so guard the refinement as to prevent future variance and abuses.

With these objects in view, they have directed me to report the accompanying article and ask its consideration by the Convention as a portion of the constitution:

"Article—.

"Revenue and Taxation.

"Section 1. Taxation in this State, as a rule, shall be equal and uniform, and this general principle shall only be departed from in cases of great public emergency, or for the purpose of repressing occupations deemed adverse to the god of society.

"Sec. 2. Occupation taxes, being in their nature an infringement upon natural rights of persons, shall be laid only to discourage pursuits immoral in their tendency or not strictly useful, or as a discrimination against itinerant traders.

"Sec. 3. Ad valorem taxation shall be the rule, and whenever it may be necessary to depart from it for extraordinary reasons, the extension shall first commence by taxation of incomes.

"Sec. 4. The legislative power to tax shall extend only to the levying of such an amount as shall suffice to pay the necessary expenses of the government of the State, the support of its asylums for the unfortunate; provision for the ordinary expenses of the courts (including cost of libraries) and the payment of their officers; the public defence; the maintenance of the peace; the arrest of criminals; the survey of the public lands or geological survey of any portion of the State; the maintenance of the public schools; the enforcement of the laws; the payment of the floating or unfunded debt; the maintenance of quarantine regulations; and to the payment of the principal and interest of the bonded public debt, and shall not extend to any system of public improvements, except the erection of necessary public buildings, and the improvement and ornamentation of the grounds attached thereto; and any proposition to appropriate public money for any purpose deemed of public benefit, and not herein stated, including the erection of any public building whose cost shall exceed a half million dollars, shall be referred by action of the Legislature to the people at a general election, and two-thirds of the popular vote approving, may be authorized by subsequent approval of a majority of the Legisla-
ture, for a levy not exceeding in amount two per cent. of the property in the State returned for taxation.

"Sec. 5. No taxes shall be levied for the construction or improvement of any roads.

"Sec. 6. Ad valorem taxation for State uses shall never exceed fifty cents upon the hundred dollars value of property; nor shall general county taxation (except for the support of the indigent) exceed one-half the general State tax; provided, that all counties shall have the right to levy tax for the payment of indebtedness already accrued and for the establishment of county poor-farms, first availing themselves of all convict labor which may be provided by this constitution.

"Sec. 7. The police of commissioner’s court of any county desiring to build a courthouse, jail or other public building, or to establish a county farm for the maintenance of the poor, may, at any time, on sixty days’ notice in the public prints of the county, or by posters in large type, at all public places, if there shall be no public prints, submit to the tax-payers of the county a proposition to authorize the work required, with responsible estimates of the cost thereof, and if at the election for that purpose a majority of the tax-payers of the county shall approve the erection or establishment of the proposed improvement, then the legal authorities may proceed to contract therefor, and provide for the completion of the proposed work, in the manner stated and authorized by the popular vote.

"Sec. 8. The municipal taxation of cities and incorporated towns shall be such amount as a majority of the tax-payers upon property may sanction by popular vote, to be taken at the general elections for municipal officers, upon submission of direct propositions, not to exceed annually two per cent. upon the property therein returned for taxation.

"Sec. 9. Taxes shall be levied upon all money belonging to individuals, associations, or corporate companies, in possession, on deposit, or loaned at interest; and on public or corporate bonds or stocks, or solvent individual responsibilities; and this tax shall not be evaded by temporary removal of such money, bonds or stocks beyond the limits of the State at the usual period of assessment or temporary conversion into other property, to be rescinded at will.

"Sec. 10. The Legislature may levy an income tax upon all agencies of foreign companies doing business within the State, and not otherwise to be reached for purposes of taxation, including transportation companies by steam or sailing vessels regularly engaged in transportation of passengers or freight to and from the ports of the State.
"Sec. 11. Municipal corporations and voting precincts shall have power to determine by a vote of the majority of the qualified electors, to be ascertained in some mode to be defined by law, whether the sale of spirituous liquors shall be permitted in their midst, and the action of any license law which may be passed by the Legislature shall be subject to this local option.

"Sec. 12. The investment by treasurers or other officers to whom the collection or safe-keeping of public money is intrusted, of any portion of said money for their own use or for profit, or the traffic in State or county warrants by such custodians of the public moneys, or comptrollers, or county clerks, having the issuance of such warrants, whether done directly or by collusion with other persons, shall be deemed a felony, and punished under the laws of the State as such.

"Sec. 13. The State, nor any county, or city, or town thereof, shall ever subscribe stock to any enterprise, railroad, or other corporate body, nor shall any citizen ever be taxed either by the State, or any county, city, or other political division thereof, as a gratuity to any individual, corporate body or other association; nor shall the State, or any county, city or town thereof, loan its credit or in any manner become responsible for the indebtedness of any individual, association or corporate company.

"Sec. 14. There shall be elected in each county of the State, an assessor of taxes, who shall, under the instruction of the Comptroller of the State, assess all taxable property situate in such county, and forward the rolls containing such assessment to the Comptroller, and keep a copy thereof in a bound book as a county record, in the office of the County Clerk, subject to the inspection of the Police Court, the Board of Equalization, and every citizen interested, and shall deliver to the collector of the county another full and complete copy, on all of which copies the names of the taxpayers shall be alphabetically arranged, and opposite to each name a continuous statement of the property rendered by each, or assessed against him, and its assessed value and the tax due thereon.

"Sec. 15. The sheriff of each county shall be the collector of taxes therefor, and he shall, upon the rolls or record furnished him by the county assessor, and such additional information as he shall receive from the Comptroller of the State, proceed within the times fixed by law, to collect the taxes due from each individual in the county, and every corporate company or association reported to him as indebted for taxes, and he shall promptly, at the end of every month, pay over to the county treasurer such portion of his collections as may belong to the
county, and remit to the Comptroller such portion of his collections as belong to the State, which payment shall be credited upon the record by the Comptroller, and the usual deposit certificate given to the sheriff or his representative, and the money remitted shall then be paid to the State Treasurer, who shall give his receipt therefor.

"Sec. 16. The Legislature shall, at its first session after the adoption of this constitution, determine by law the rate of compensation to be paid assessors of taxes and collectors of taxes, either by fixed salary, proportioned to amount of business, or by commissions upon amounts assessed or collected, in no case exceeding three thousand dollars in amount.

"Sec. 17. All real property rendered by any individual, or assessed against him by the county assessor, or the Comptroller of the State, shall be held liable for all his taxes, whether upon real or personal property, and no conveyance of real estate, after rendition for tax, and prior to the usual period for collection, shall relieve the purchaser from this lien in behalf of the State.

"Sec. 18. All the property of any railroad company, or any single proprietor of a railroad, shall be returned in the several counties in which said property lies, including so much of the roadbed as shall be in each county. The rolling stock may be reported in gross in the county where the principal office of the company is located, and the tax paid upon it shall be apportioned by the Comptroller, pro rata, among the several counties through which the road passes, as a part of their tax assets.

"Sec. 19. There shall be exempted from taxation only churches, public asylums, county property used for public purposes; the property used by universities, colleges and schools; libraries (except law and medical libraries); philosophical apparatus in use; the lands and other property used exclusively for agricultural fairs; clothing in use; and household and kitchen furniture to the value of two hundred and fifty dollars.

"Sec. 20. The Legislature at its biennial sessions shall make appropriations sufficient for the support of the State government for the ensuing two years, and provide for arrearages resulting from deficiency of previous appropriations, and shall levy a tax adequate to meet these requirements, and to prevent the creation of additional debt, and the consequent impairment of the credit of the State.

"Sec. 21. Landed property shall be assessed in the county where it lies, and the tax may be paid in that county or in the county where the owner is resident, or to the Comptroller of the State.
"Sec. 22. Lands not rendered for assessment by the owners shall be assessed by the assessor of each county, and in no case shall be valued at less than fifty cents per acre. All proceedings to enforce the collection of taxes thereon shall be in rem. without reference to the owner or claimant, and taxes on land are declared to be a special lien thereon.

"Sec. 23. The Legislature shall provide by law for summary proceedings in the District Courts to enforce collection of taxes by judgment and sale as fast as tax shall become due and be unpaid, all being proceeded against in gross, but judgments rendered in severalty, after publication; and each tract proceeded against being described unmistakably; and no proceedings which comply with these requisites to be held invalid for want of form; and the deed of conveyance made by the tax collector to the purchaser shall vest a perfect title, subject to impeachment only for fraud or want of jurisdiction, the former owner having the right of redemption for two years from date of deed to purchaser, upon payment of eight times the amount of purchase money paid.

"Sec. 24. Lands in unorganized counties shall be assessed and proceeded against in the counties to which such unorganized counties shall be attached for judicial purposes.

"Sec. 25. The sheriff, county clerk and chief justice shall compose a board of equalization in each county, to hear appeals by property holders and determine the just value of the property rendered for taxation.

"Sec. 26. The Comptroller of the State shall prepare a list of all lands, assessed or unassessed, for each separate county, and assess upon the portion unrendered all the present and back tax due thereon, and transmit to each collector of taxes the list prepared for his county; upon which list the collector shall proceed as herein prescribed.

"Sec. 27. The fiscal year shall commence the first of May, and end the last of April; assessments of taxes shall date from the first day of January of each year, and the collections shall commence on the first of December and shall be closed by the first day of April following, until otherwise provided by law."

On motion of Mr. Allison, 200 copies of the report and article were ordered printed.

UNFINISHED BUSINESS.

Article —, "Suffrage," with pending amendments, taken up.

On motion of Mr. Scott, the pending amendments were laid on the table.
Mr. Allison offered the following amendment:
Section 1. Add "Provided pardons by the Governor shall restore the right of voting."

Mr. Kilgore offered the following as a substitute for the amendment:
Add to line 7, subdivision 4, the words, "unless pardoned by the Governor."
Accepted.

Mr. Ferris proposed to amend by adding the following to line 7:
"Unless relieved by a pardon or by act of the Legislature."
Lost.

Mr. DeMorse offered the following as a substitute for the amendment:
"Provided, That the privilege of franchise may at any time be restored by the Governor upon application by the party disfranchised, supported by the recommendation of citizens of good character residing in his own county."
Lost.

Mr. Reagan offered the following amendment to section 1:
Strike out lines 6 and 7, and add: "And the Legislature shall provide for the cases in which persons shall be excluded from voting on account of their having been convicted of felonies."

Mr. Allison's amendment was lost.

Mr. Crawford called for a division of the question on Mr. Reagan's amendment.
Ruled out of order.

The hour having arrived for considering the special order, viz: "Article — Legislative Department," on motion of Mr. Scott it was postponed until the pending business should be disposed of.

Mr. Reagan withdrew his amendment.

Mr. Dohoney moved to amend section 1 by striking out the words, "bribery, perjury, forgery, arson, rape or robbery," and insert, "all persons convicted of felony, subject to such exceptions as the Legislature may make."

Mr. Dohoney moved to reconsider the vote taken yesterday refusing to adopt his amendment to section 1 by striking out all of line 6 after the word "convicted," and inserting the words "of any felony."

On motion of Mr. Flanagan, the main question was ordered.

Mr. Dohoney's amendment was adopted by the following vote:
Yeas—Allison, Abernathy, Arnim, Abner, Brown, Blake, Ballinger, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, Dillard, DeMorse, Dohoney, Dar-


Mr. Allison offered the following amendment:
Section 2, strike out line 22, and add: “Provided that electors in unorganized counties may vote in any county of the district to which their county is attached.”

On motion of Mr. Fleming laid on the table.

Mr. Brown moved to strike out in line 29, section 2, the words “district or.”

Carried.

Mr. Kilgore offered the following amendments:
Insert at the end of section 2 the words: “Provided that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached.”

Adopted.

Also amend section 2, line 21, by inserting after the word “the” the word “election.”

Adopted.

Mr. Wade proposed to strike out “class” in line 30 and insert “persons.”

Adopted.

The question then recurring upon the passage of the article, the yeas and nays were called and the article passed by the following vote:

Yea—Mr. President, Allison, Abernathy, Arnim, Abner, Brown, Blake, Ballinger, Blassingame, Barnett, Bruce, Chambers, Cook of Gonzales, Cline, Douglas, Dillard, DeMorse, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ford, Flournoy, Ferris, Flanagan, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, King, Killough, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, McKinney of Denton, McKinney of Walker, Murphy, Norvell, Nugent,


The special order, viz: “Article —, Legislative Department,” was again taken up.

Mr. Abernathy offered the following as a substitute for the pending amendment and section 51:

“Sec. 51. The Legislature shall have no power to make any grant or authorize the making of any grant of public money or lands to any individual, association of individuals, municipal or other corporations whatever; provided, that this shall not be construed so as to prevent the actual settler from his home on public land, as provided by law; and provided further, that this shall not be so construed as to prevent the grant of aid in the case of public calamity.”

Mr. Fleming moved to lay the substitute and pending amendment on the table.

Carried by the following vote:


NAYS—Abernathy, Arnim, Brown, Blasingame, Barnett, Brady, Bruce, Crawford, Chambers, Cooke of San Saba, Douglas, DeMorse, Darnell, German, Graves, Holt, Martin of Hunt, Mills, McKinney of Denton, Norvell, Nugent, Ramey, Rentfro, Robertson of Bell, Robeson of Fayette, Russell of Wood, Spikes, Scott, Wade, Wright, Weaver, West—32.

Mr. Kilgore offered the following substitute for section 2 of the article:

“Sec. 2. The Senate shall consist of ……. members, and the House of Representatives of ……. members, until the first apportionment after the adoption of this constitution, when, or at any apportionment thereafter, the House of Representatives may be increased by a vote of two-thirds of the Legislature.”
Mr. Martin, of Hunt, offered the following as a substitute for the substitute and section:

"Sec. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety members until the first apportionment after the adoption of this constitution, when, or at any apportionment thereafter, the number of representatives may be increased by the Legislature upon the ratio of not more than one representative for every 15,000 inhabitants; provided, the number of representatives shall never exceed one hundred and fifty."

Mr. Chambers proposed to strike out "thirty" and insert "thirty-one," in the substitute.

Accepted by Mr. Martin, and substitute adopted.

Mr. Martin, of Navarre, offered the following substitute for the section:

"Sec. 2. The Senate shall consist of twenty-five members and the House of Representatives of seventy-five members until the first apportionment after the adoption of this constitution, when, or at any apportionment thereafter, both houses may be increased by the Legislature—the Senate not to exceed thirty-three members and the House of Representatives not to exceed one hundred members."

On motion of Mr. Mills laid on the table.

Mr. Brown moved to amend the section by inserting "ninety-three" instead of "ninety" members of the House of Representatives.

Adopted.

Mr. Robertson, of Bell, offered the following substitute for section 51:

"Section 51. The Legislature shall have no power to make any grant, or authorize the making of any grant, of public money, public land or thing of value to any individual, association of individuals, municipal or other corporation whatsoever; provided, that this shall not be so construed as to prevent the grant of aid in case of public calamity or the grant of headrights to actual settlers on the public domain."

Ruled out of order, the substance of the same having been embodied in the amendment offered by Mr. Abernathy and voted down by the Convention. Yet the Chair submitted to the Convention the question as to whether the Convention would entertain the substitute.

Lost by the following vote:

Yea—Allison, Abernathy, Arnim, Blassingame, Barnett, Brady, Bruce, Chambers, Cooke of San Saba, Douglas, Dillard,
DeMorse, Darnell, Ferris, German, Graves, Holt, Killough, McLean, Martin of Hunt, Mills, McKinney of Denton, Norvell, Nugent, Robertson of Bell, Robeson of Fayette, Russell of Wood, Spikes, Scott, Wade, Wright, Weaver—32.


Mr. Waelder offered the following amendment:
In section 5 strike out the words "the first session under this constitution shall convene on the — day of — 1876."
Adopted.

Mr. DeMorse offered the following substitute for section 49:
"The Legislature shall have no power to create a public debt under any circumstances, exceeding in amount three hundred thousand dollars, and no debt whatever except in case of invasion."

Mr. McLean offered the following amendment to the amendment:
"Nor shall the county court of any county, or the municipal authority of any town or city, ever create any debt against such county, town or city; provided, that the towns or cities situated on the coast may incur debt in the erection of works for the safety and protection of life and property against storms, by the vote of those who pay taxes on property in such towns and cities."

[Mr. Stockdale in the chair.]
Mr. Dillard moved to lay the two amendments on the table.
Carried by the following vote:


Nay—Allison, Abernathy, Armin, Brown, Blassingame, Barnett, Bruce, Chambers, DeMorse, Dohoney, Darnell, German,

On motion of Mr. Nunn, the Convention adjourned.

EVENING SESSION—2½ o'clock.

Convention met; roll called; quorum present.

Pending question, viz: "Article—Legislative Department," taken up.

Mr. Darnell offered the following additional section:

"Sec. — No exclusive privileges shall ever be granted to any corporation organized for the purpose of constructing and running railroad or railroads, or to any other association of individuals for any purpose whatsoever that has heretofore been, or may be hereafter created over any of the public domain, but the said domain shall be held equally open to location by all who may have a just claim against the same."

Mr. Flournoy offered the following as a substitute for the section:

"Sec. — The Legislature shall not hereafter have the power to reserve from location any particular part of the public domain for future location by any railroad or other incorporate company or any private person."

Mr. Wade offered the following amendment to the substitute:

"No reservation of public land shall hereafter be made, except the right of way in favor of any corporate company; and all such reservations heretofore made shall be void; provided, that no company shall be deprived of its rights in compliance of its charter."

Mr. Stockdale moved to refer the section, the substitute and the amendment to the Committee on Public Lands and Land Office.

Carried by the following vote:


Nays—Arnim, Blake, Blassingame, Barnett, Bruce, Cham-
To the Hon. E. B. Pickett, President of the Convention:

Mr. Ramey made the following report:


Mr. Mills proposed to amend section 25, line 126, by adding "or shall a county be entitled to a Senator, unless it has the requisite number of qualified electors."

Lost.

Mr. Brown proposed to amend as follows:

Strike out of section 28 "as follows," and insert "as provided by an ordinance of the Convention on that subject."

Adopted.

Mr. Nugent offered the following substitute for section 5:

"Sec. 5. The Legislature shall meet in regular session once only in every two years, at such time as may be provided by law; but the Governor may convene the same in extra session whenever he may deem it necessary for the public good."

Lost.

Mr. Waelder moved to strike out section 41.

Carried.

Mr. Waelder offered the following additional section:

"Sec. 41. The Legislature may pass laws for the regulation of live stock and the protection of stock-raisers in the stock-raising portion of this State, and exempt from the operation of such laws other portions, sections, or counties, anything to the contrary contained in this constitution notwithstanding."

Withdrawn.

Mr. Crawford proposed to substitute section 47 by the following:

"Sec. 47. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within this State is prohibited."

Mr. Waelder renewed his amendment.

Mr. Dohoney proposed to amend Mr. Waelder's amendment, as follows:

After the word "State" in line 4 add: "and also in refer-
ence to fencing for agriculture in the agricultural portions of the State.”

Accepted by Mr. Waelder.

On motion of Mr. Kilgore, Mr. Waelder’s amendment and amendments thereto were referred to Committee on General Provisions.

Mr. Crawford’s substitute for section 47 was lost.

Mr. West proposed to amend, as follows:
Add the following section: “In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the elections of their officers.”
Adopted.

Mr. Fleming proposed to amend section 56, line 287, by inserting between the words “not” and “pass,” as follows: “Except as otherwise provided in this constitution.”
Adopted.

Mr. Robertson, of Bell, offered the following amendment:
Section 48, in line 246, after the word “schools,” insert the words, “not to exceed one-twentieth of the annual revenue.”

On motion of Mr. Whitfield the amendment was laid on the table.

Mr. Brady moved to reconsider the vote refusing to adopt an amendment offered by Mr. Mills, section 26, line 126.
Lost.

Mr. Moore moved to strike out the words, “of the State has been,” from section 2 of the attached article.
Carried.

Mr. McCormick offered the following section as substitute for section 43:
“Sec. 43. At the first session after the adoption of this constitution the Legislature shall appoint not less than three nor more than five persons learned in the law, whose duty it shall be to revise and arrange the statute laws of this State, both civil and criminal, so as to have but one law on any one subject, all of which shall be in plain English; who shall act at as early day as practicable and report their labors to the Legislature for their adoption and modification; and such revision may be made every ten years thereafter.”
Adopted.

Mr. Wade moved to strike out the word “plain” before the word “English” in the amendment.
Adopted.

Mr. Scott moved to lay the amendment on the table.
Lost.
Mr. Ballinger moved to amend the amendment by striking out the words "all of which shall be in plain English."

Adopted.

Mr. Dohoney moved to reconsider the vote refusing to adopt a substitute offered by himself for section 1.

Mr. Cline proposed to strike out "so as to have but one law on one subject" from section 43.

Carried.

Mr. Ballinger proposed to amend by adding to section 43:

"And sections 35 and 36, herein, shall not limit the effect which may be given by law to such digest."

Adopted.

Mr. Brady proposed to amend section 25 by adding:

"And no senatorial district shall be formed having less than seven thousand qualified electors."

Mr. Dohoney offered the following amendment:

"Sec. 1. The Legislature may, at any regular session, pass a joint resolution, submitting the proposition to the qualified electors of the State, whether a constitutional convention shall be called, which proposition shall be voted on at the next general election, and if a majority of the votes cast at such election shall be in favor of such convention, the Legislature shall, at its next regular session, pass a joint resolution calling such constitutional convention. Any constitution framed by such constitutional convention shall be submitted to the qualified electors of the State for ratification or rejection."

On motion of Mr. Brown, the main question was ordered.

Question on the adoption of Mr. Dohoney's amendment was put and amendment lost by the following vote:


Yeas—Abner, Brady, Crawford, Cline, Flanagan, Lockett.
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The question on the adoption of Mr. Brady's amendment was then put and the amendment lost by the following vote:


Nays—Abner, Brady, Crawford, Cline, DeMorse, Davis of Brazos, Davis of Wharton, Erhard, Flanagan, Lockett, Mills, Mitchell, Pauli, Robertson of Bell, Russell of Harrison, Smith—16.

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