Rentfro, Russell of Harrison, Smith, Stockdale, Stayton, Sansom, Wade, Whitehead, Wright, West, Waelder—24

Mr. Russell, of Wood, moved to suspend the call

Lost.

Mr. Waelder offered the following as a substitute for section 9:

"Sec. 9. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed, and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes, and lands owned by non-residents of unorganized counties and lands lying in territory not laid off into counties, shall be assessed, and the taxes collected thereon at the office of the Comptroller of the State."

Mr. Waelder moved to reconsider the vote taken on Saturday, refusing to consolidate the offices of assessor and collector.

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

FORTY-FOURTH DAY.

Hall of Representatives, Austin, Texas, October 26, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. H. V. Philpott, of the M. E Church, South, at Austin.

Journal of yesterday read and adopted

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

Whereas, The labors of the several committees have about closed, and reports made; therefore, be it

Resolved, That the Convention will hold night sessions until its labors are completed.

Mr. Russell, of Wood, moved to postpone the consideration of the resolution until to-day week, and that it be made special order for 10 o'clock that day.

Mr. Rentfro raised the point of order, viz: that the resolution being amendatory of the rule, should lay over one day for consideration, and that it would take a two-third vote to adopt it.

Chair ruled against the point.

Mr. Russell's (of Wood) motion to postpone was adopted.
Mr. McLean offered the following resolution:

Resolved, That the County Courts of the several counties and the municipal authorities of the towns and cities of the State, are prohibited from creating any debt against such counties, towns, and cities; provided, that towns and 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.

Referred to Committee on Municipal Corporations

On motion of Mr. Flournov, Mr. McLean and Mr. Mills were added to the Committee on Municipal Corporations.

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

Resolved, That the making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the Legislature, shall be a misdemeanor, and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Referred to Committee on Crimes and Punishments

UNFINISHED BUSINESS.

“Article —, Revenue and Taxation,” with pending amendment offered by Mr. Gaither, taken up and amendment lost by the following vote:

YEAS—Allison, Abernathy, Blake, Ballinger, Cline, DeMorse, Dohoney, Davis of Brazos, Flournov, Gaither, Henry of Smith, Henry of Limestone, King, Kilgore, Kilough, Lockett, Lynch, Martin of Navarro, Morris, Moore, Murphy, Norvell, Nunn, Reagan, Ramey, Reynolds, Rentfro, Robertson of Bell, Robinson of Fayette, Russell of Harrison, Smith, Stockdale, Stayton, Whitehead, Wright, Whitfield, West, Waelder—38.


Mr. Mills moved to reconsider the vote just taken, and to lay the motion on the table.

On motion of Mr. Stockdale, a call of the Convention was ordered.

Absent—Messrs. Brady, Cooley, Erhard and Wade.

Mr. Moore moved to excuse Mr. Erhard.

Lost.
Oct. 26, 1875.]

CONSTITUTIONAL CONVENTION. 493

Pending question passed to the table pending the call, and
the following communication was taken from the President’s
desk and read:

AUSTIN, October 25, 1875.

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

Sir—In obedience to a resolution adopted by the honorable
body of which you are president, I have the honor herewith to
submit as accurate a statement as it is possible to be made from
the records of this office. The number of certificates issued is
accurately given, but the length of each road can only be ascer-
tained by reference to the various inspection reports, only a part
of which have been filed in this office, the balance in the offices
of Secretary of State and Comptroller.

Very respectfully, your obedient servant,

J. J. Groos, Commissioner.
Statement of Number of Certificates issued to and Quantity of Land granted to each Road in the State, and Length of each Road as nearly as can be ascertained.

<table>
<thead>
<tr>
<th>NAME OF RAILROAD</th>
<th>CERTIFICATES ISSUED</th>
<th>NO. OF ACRES</th>
<th>LENGTH OF ROAD COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Antonio &amp; M. G. R. R.</td>
<td>373</td>
<td>238,720</td>
<td>Consolidated with G. W. T. &amp; P. R. R.</td>
</tr>
<tr>
<td>Houston T. C. R. R.</td>
<td>7,452</td>
<td>4,769,280</td>
<td>501 47-100 miles.</td>
</tr>
<tr>
<td>Houston Tap &amp; B. R. R.</td>
<td>800</td>
<td>512,000</td>
<td>Consolidated with Int'l &amp; G. N. R. R.</td>
</tr>
<tr>
<td>Washington County R. R.</td>
<td>383</td>
<td>245,120</td>
<td>Consolidated with H. &amp; T. C. R. R.</td>
</tr>
<tr>
<td>Texas &amp; N. O. R. R. (Texas Div.)</td>
<td>1,920</td>
<td>1,228,800</td>
<td>108 miles.</td>
</tr>
<tr>
<td>East Texas R. R.</td>
<td>448</td>
<td>287,720</td>
<td>Length unknown.</td>
</tr>
<tr>
<td>Texas &amp; Pacific R. R.</td>
<td>2,756</td>
<td>1,763,840</td>
<td>321 8-100 miles.</td>
</tr>
<tr>
<td>Galveston, Houston &amp; H. R.</td>
<td>956</td>
<td>611,840</td>
<td>59 miles.</td>
</tr>
<tr>
<td>Waco &amp; N. W. R. R.</td>
<td>752</td>
<td>481,280</td>
<td>No means of ascertaining length.</td>
</tr>
<tr>
<td>Indianola R. R.</td>
<td>281</td>
<td>179,840</td>
<td>Now G. W. T. &amp; P. R. R.</td>
</tr>
<tr>
<td>Rusk Tramway</td>
<td>124</td>
<td>79,360</td>
<td>13½ miles.</td>
</tr>
<tr>
<td>Columbus Tap</td>
<td>77</td>
<td>49,280</td>
<td>Now G. H. &amp; S. A. R. R.</td>
</tr>
<tr>
<td>Gulf, W. T. &amp; P. R. R.</td>
<td>473</td>
<td>302,720</td>
<td>68 8-10 miles.</td>
</tr>
</tbody>
</table>

| Total                     | 28,260              | 18,086,400   |

Two hundred copies ordered printed.
Mr. Waelder’s substitute for section 9, offered yesterday, was taken up and adopted.

Mr. Dohoney offered the following as a substitute for the section 9, as substituted by Mr. Waelder:

“Sec. 9. All property subject to taxation in unorganized counties shall be assessed and the taxes paid in such manner and under such regulations as the Legislature may prescribe.”

Lost.

Mr. Fleming offered the following additional section:

“Sec. —. The annual assessment made upon landed property shall be a special lien thereon.”

Adopted

Mr. Murphy offered the following section:

“Sec. —. All lands, whether owned by persons or corporations, upon which no tax has been paid, in whole or in part, since the formation of this State, shall be relieved from the same upon the payment to the proper county officer of such back taxes as the Legislature may designate.”

The hour having arrived for the special order, viz: “Article —, Judiciary,” on motion of Mr. Wright it was postponed to 2 1/2 o’clock to-morrow.

Mr. Mills asked leave to withdraw his motion to reconsider and lay on the table.

Refused.

Messrs. Brady, Cooley, Erhard and Wade having appeared and answered to their names, the call was exhausted, and the question on the motion of Mr. Mills to reconsider and lay on the table was put and carried by the following vote:


NAYS—Allison, Abernathy, Blake, Ballinger, Cline, Cooley, DeMorse, Dohoney, Davis of Brazos, Erhard, Flourney, Gaither, Henry of Smith, Henry of Limestone, King, Kilgore, Killough, Lockett, Lynch, Martin of Navarro, Morris, Moore, Murphy, Norvell, Nunn, Reagan, Ramey, Rentfro, Robertson of Bell, Robison of Fayette, Ross, Russell of Harrison, Smith, Stockdale, Stayton, Whitehead, Wright, Whitfield, West, Waelder—40.

The question upon Mr. Murphy’s amendment recurring, Mr.
Murphy withdrew his amendment, and it was referred to the Committee on Back Taxes.

Mr. Dohoney proposed to amend section 8 by striking out the words “all lands,” and insert “all property.”

Carried.

Mr. Ballinger offered the following amendment:

Section 10, line 3, strike out the words “condemnation and”.

Mr. Graves moved to close debate upon the amendment and bring the Convention to a vote on it.

Carried, and amendment lost by the following vote:


Mr. Ferris offered the following substitute for section 14.

“Sec. 14. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation, by creating a board or boards of equalization, and it may also provide for the classification of all lands with reference to their value in the several counties.”

Mr. Pauli proposed to amend section 14 by striking out the words “the Sheriff, County Clerk and Chief Justice shall compose,” and insert “the Commissioners’ Court in open session shall act as,” also insert after the word “property holders” the words “or the Assessor.”

Adopted.

Mr. Ferris’s substitute was adopted.

Mr. Reagan offered the following amendment:

Amend section 10 by adding after the word “fraud,” where it occurs before the proviso, the words “or because the taxes had been paid as required by law”.

On motion of Mr. West, the Convention adjourned to 2½ o’clock p. m.
EVENING SESSION—2½ o'clock.

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

On motion of Mr. Russell, of Harrison, Mr. Abner was excused for the evening on account of sickness.

On motion of Mr. Moore, Mr. Erhard was excused on account of sickness.

Mr. Cook, of Gonzales, offered the following amendment to section 10 of pending article.

Amend section 10; next to last line strike out "three times" and insert the word "double."

Mr. Reagan's amendment pending an adjournment lost.

Mr. Cook's amendment adopted.

Mr. Reagan offered the following amendment:

Amend by striking out the first four lines of section 8 and inserting: "All property, whether owned by persons or corporations, shall be assessed for taxation in the county where it is situated, but the taxes may be paid in the county where the property is situated, or in the county where the owner may live, or at the Comptroller's office."

Mr. Russell, of Wood, made this point of order, viz.: that the amendment was out of order, the substance of the amendment having been contained in Mr. Gaither's amendment, which was voted down this morning.

The Chair ruled against the point.

Mr. McCormick moved to recommit the article and pending amendments to a select committee of five.

Mr. Fleming moved the main question.

Carried.

The question of referring the article and amendments to a select committee of five was then put and lost by the following vote:

YEAS—Abernathy, Brown, Ballinger, Cline, Cooley, DeMorse, Dohoney, Darnell, Davis of Brazos, Ford, Flournoy, Gaither, Henry of Smith, Henry of Limestone, Kilgore, Killough, Lockett, Lynch, Morris, McCormick, Murphy, Norvell, Nunn, Reagan, Robertson of Bell, Russell of Harrison, Smith, Stockdale, Stavton, Whitehead, Wright, Whitfield, West, Waelder—34.

NAYS—Allison, Arnim, Abner, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Dillard, Davis of Wharton, Fleming, Ferris, German, Graves, Holt, Haynes, Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Navarro, 32

On motion of Mr. Graves, debate was closed on Mr. Reagan's amendment, and a vote was taken and the amendment lost by the following vote:

**Yea**—Abernathy, Ballinger, Cline, Cooley, DeMorse, Dohoney, Davis of Brazos, Gaither, Kilgore, Killough, Lockett, Morris, Moore, Norvell, Nunn, Reagan, Robertson of Bell, Robison of Fayette, Smith, Stockdale, Stayton, Whitehead, Wright, West, Waelder—25.


Mr. Whitfield moved to postpone the consideration of the article until Saturday next at 10 o'clock; that it be made the special order for that hour, and that one hundred copies be printed.

Carried.

Mr. Dillard moved to reconsider the vote refusing to adopt Mr. Ballinger's amendment to section 10, taken this morning.

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

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FORTY-FIFTH DAY.

**HALL OF REPRESENTATIVES,**

**AUSTIN, TEXAS, OCTOBER 27, 1875.**

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. Horatio V. Philpott, of the M. E. Church, South, at Austin.

Journal of yesterday read and adopted.

The following communication was taken from the President's desk and read: