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

Lost by the following vote:


Mr. Graves moved to adjourn until 9 o'clock A. M. Saturday.
Carried, by the following vote:
YEAS—Abner, Allison, Ballinger, Barnett, Brady, Brown, Cline, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Dohoney, Douglas, Fleming, Flournoy, Graves, Henry of Smith, Kilgore, Killough, King, Lockett, Mitchell, Moore, Murphy, Martin of Navarro, Martin of Hunt, Nugent, Pauli, Rentfro, Reynolds, Stayton, Stockdale, Whitehead—35.


FIFTY-NINTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, NOVEMBER 13, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. R. H. Willenburg, of the Cumberland Presbyterian Church, at Austin. Journal of yesterday read and adopted.
On motion of Mr. Whitfield, Mr. McCormick was excused until Wednesday morning.

On motion of Mr. Gaither, Mr. Robison, of Fayette, was excused until Monday morning.

On motion of Mr. Nugent, Mr. Haynes was excused until Wednesday morning.

On motion of Mr. Spikes, Mr. Russell, of Wood, was excused on account of sickness.

Mr. Norvell offered the following resolution:

Whereas, The time fixed for final adjournment is drawing near, and there yet remains a considerable amount of work to be done, therefore,

Resolved, That rule 11, of the Rules and Order of Proceeding, be amended so as to read as follows:

"Rule 11. No member shall speak more than once in any one debate, until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate, nor longer than five minutes at any one time."

Adopted.

Mr. Dohoney moved to amend by striking out the word "five," and inserting "ten."

Lost.

Mr. Fleming moved to suspend the rules, and act upon the resolution.

Motion sustained and resolution adopted.

UNFINISHED BUSINESS.

"Article —, Judicial Department," taken up, the pending question being the motion to reconsider the vote refusing to adopt Mr. German's amendment relative to salaries of judges.

A call of the Convention ordered.

Absent—Messrs. Brady, Bruce, Cooley, Davis of Wharton, Henry of Smith, King McLean, Waelder, and West.

On motion of Mr. Reagan, Mr. West was excused.

Mr. Stewart's amendment, pending an adjournment, was adopted.

Mr. Stewart offered the following amendment:

Amend section 2, by striking out all that portion of the section down to and including the word "case," in line 4, and inserting the following, viz.: "The Supreme Court shall consist of six justices, who shall elect a presiding officer from their own number, who shall be styled the Chief Justice; a majority of whom, when sitting in banc, shall constitute a quorum and be necessary to the decision of a cause; when sitting in banes the Chief Justice shall, for the better dispatch of business, have
power, as often as he may deem it necessary, to divide the court into two equal sections, and when sitting in sections the concurrence of all three of the judges of the section shall be necessary for a decision of any cause before it; and in case of disagreement in the section of the court, the cause shall be decided by the court in banc, and the Chief Justice may assemble the court to sit in banc at any time during the term thereof, for the trial of causes and the transaction of the business of the court."

Lost by the following vote:

**Yeas**—DeMorse, Flournoy, Robertson of Bell, Stayton, Stewart—5.


Mr. Dohoney proposed to amend section 2, line 22, by striking out the word "eight" and inserting "six."

Adopted.

Mr. Norvell offered the following amendment:

Amend section 2 by striking out, after the word "State," in line 18, the words "and unless he shall have attained the age of thirty years, and have been a practicing lawyer or a Judge of a District Court in the State, or such lawyer and judge together, at least seven years."

Lost.

Mr. Mills moved to suspend the call.

Lost.

Mr. Mills, on his own motion, was excused.

Mr. Nunn asked leave to withdraw his motion to reconsider.

Refused.

Mr. Barnett offered to amend section 3, lines 48 and 49, by striking out all after "government."

Lost by the following vote:

**Yeas**—Arnim, Barnett, Blassingame, Brady, Bruce, Burleson, Cline, Cooke of San Saba, Dohoney, Fleming, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Lacy, McKinney of Denton, Moore, Martin of Hunt, Nugent, Pauli, Rentfro, Robertson of Bell, Sansom, Smith, Stayton, Stewart—27.

Mr. Waelder offered the following substitute for section 3:

"Sec. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State, but shall only extend to civil cases, of which the District Courts have original or appellate jurisdiction. Appeals may be allowed from interlocutory judgments of the District Courts, in such cases and under such regulations as may be provided by law. The Supreme Court and the judges thereof shall have power to issue, under such regulations as may be prescribed by law, the writ of mandamus and all other writs necessary to enforce the jurisdiction of said court. The Supreme Court shall have power, upon affidavit, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October until the last Saturday of June of every year, at the seat of government, and at not more than two other places in the State."

Adopted.

Mr. Brown proposed to amend section 3 as follows:

Amend section 3, line 48, by striking out the words, "and not more than two other places," and inserting "until otherwise provided by law, at the cities of Dallas and Galveston."

Withdrawn.

Mr. Norvell offered the following amendment:

"Strike out section 5."

Carried.

Mr. Waelder offered the following substitute:

"Sec. 5. The Court of Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision by said court. They shall be elected by the qualified voters of the State, at a general election; they shall be citizens of the United States, and of this State; shall have arrived at the age of thirty years at the time of election, and shall have been a practicing lawyer or a judge of a court in this State, or such lawyer and judge together, for at least seven years. Said judges shall hold their
offices for a term of .... years, and each of them shall receive an annual salary of ....... which shall not be increased nor diminished during their terms of office.”

Adopted.

“Sec. 6. The Court of Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, and in all civil cases, unless hereafter otherwise provided by law, of which the County Courts have original and appellate jurisdiction. In civil cases the court shall not deliver opinions in writing. The Court of Appeals and the judges thereof shall have power to issue the writ of habeas corpus; and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Appeals shall also have power, upon affidavits or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Court of Appeals shall sit, for the transaction of business, from the first Monday of October until the last Saturday of June of every year, at the capitol, and at not more than two other places in the State, at which the Supreme Court shall hold its sessions. The court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now, or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered on record on the minutes of said court.”

Adopted.

Mr. Waelder offered the following amendment:

“Sec. 7. All cases now pending in the Supreme Court of which the Court of Appeals has appellate jurisdiction under the provisions of this article, shall, as soon as practicable after the establishment of said Court of Appeals, be certified, and the records transmitted to the Court of Appeals, and shall be decided by such Court of Appeals, as if the same had been originally appealed to such court.”

Adopted.

Mr. Norvell offered the following amendment:

Amend section 6 by filling the blank with the word “six.”

Adopted by the following vote:

Yeas—Allison, Barnett, Blake, Blassingame, Brady, Burleson, Cardis, Chambers, Cooke of San Saba, Crawford, Darnell, DeMorse, Dillard, Dohoney, Douglas, Fleming, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lockett, McKinney of

NAYS—Abernathy, Arnim, Ballinger, Brown, Cline, Davis of Brazos, Davis of Wharton, Ferris, Henry of Smith, Kilgore, King, Lacy, Moore, Murphy, Reagan, Stayton, Waelder—17.

Mr. Johnson, of Collin, proposed to amend section 6, line 697 by striking out the words “three thousand” and inserting “two thousand five hundred, and no more.”

Mr. Waelder offered the following substitute:

“Sec. 8. The State shall be divided into convenient Judicial Districts, which may be increased or diminished by the Legislature; each district shall have a judge, who shall reside in the same, and receive an annual salary of ......... dollars, and who shall hold courts at one place in each county, and at least twice in each year, as may be prescribed by law, and said judges may be required to hold terms of their courts more than twice annually in any county, should the Legislature so direct. The judges of the several districts shall be elected by the qualified electors thereof, at a general election for members of the Legislature; each judge shall be at least twenty-five years of age; shall be a citizen of the United States; shall have been a practicing attorney or judge of a court, in the courts of this State, for at least four years, and shall hold his office for the term of .... years.”

Lost.

Mr. Brown offered the following amendment:

Amend section 6 by inserting after the word “Legislature” the words, “and when any judge may be deprived of office by the abolition of his district, he shall receive no further salary.”

Adopted.

Mr. McKinney, of Walker, offered the following amendment to section 6:

Amend by inserting after the word “years,” “and shall have resided in the district in which he is elected for two years next before his election.”

Mr. Barnett moved to excuse Mr. Cooley.

Mr. Rentfro made the point of order, viz: that no member could be excused without his consent.

Mr. Waelder moved to excuse Mr. Cooley by his request.

Carried.

Mr. Flournoy moved to excuse Mr. Flanagan.

Lost.
Mr. Fleming, proposing to pair off with Mr. Flanagan, moved to excuse him.

Lost.

Mr. McKinney's (of Walker) amendment adopted.

Mr. Waelder's substitute lost.

Mr. Whitfield offered the following amendment: Amend section 6 by adding the following: "Provided, that the District Judges for the first term, under this constitution, shall be appointed by the Governor, by and with the advice and consent of the Senate; after which they shall be elected as in this section provided."

Lost by the following vote:


Mr. Waelder proposed to amend by adding after the word "necessary," in line 74, the words "and to provide for holding more than two terms of the court in any county."

Adopted.

Mr. Martin, of Navarro, proposed to amend line 66, by inserting after the words "practicing attorney," the words "or a judge of a court in this State."

Adopted.

Mr. Stewart proposed to amend section 6, line 63, by striking out the word "thereof," and insert "of the State."

Lost.

Mr. Waelder offered the following substitute for section 7:

"Sec. 7. The District Court shall have original jurisdiction of all criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; in cases of misdemeanor involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land, and to enforce liens on land; of all suits for the trial of right to
property levied on by virtue of any writ of execution, sequestration or attachment, when the property levied on shall be equal to, or exceed in value, five hundred dollars; and of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars, exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of habeas corpus in felony cases, mandamus, injunction, certiorari, and all writs necessary to enforce their jurisdiction. The District Courts shall have appellate jurisdiction and general control in probate matters over the County Court established in each county for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by the Legislature."

Adopted by the following vote:

_Yeas_—Abernathy, Abner, Armim, Ballinger, Barnett, Blake, Blassingame, Brown, Bruce, Burleson, Cardis, Chambers, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Dohoney, Douglas, Ferris, Fleming, Ford, Graves, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, King, Lacy, McKinney of Denton, Moore, Murphy, Martin of Navarro, Martin of Hunt, Nugent, Nunn, Reagan, Robertson of Bell, Ross, Sansom, Sessions, Smith, Stayton, Stewart, Stockdale, Wade, Waelder—49.


Mr. Graves proposed to amend section 8, line 111, by striking out the word "four," and inserting "two."

Adopted by the following vote:


_Nays_—Abernathy, Armim, Ballinger, Brady, Burleson, Cline, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Ford,

The Convention being full, on the appearance of absentees, the question on Mr. Nunn’s motion to reconsider, upon which the Convention was called, was put and the motion carried by the following vote:


Nay—Ballinger, Blake, Brown, Cardis, Darnell, Davis of Brazos, Dohoney, Ferris, Ford, Gaither, Henry of Smith, Kilgore, Killough, King, McKinney of Walker, Moore, Murphy, Nunn, Reagan, Rentfro, Ross, Stayton, Stewart, Stockdale, Waelder, Whitehead, Whitfield—27.

Mr. Arnim was paired off with Mr. Cooley, but for which he would vote “yea.”

Mr. Abernathy was paired off with Mr. Scott, but for which he would vote “nay.”

Mr. Cline was paired off with Mr. Robison, of Fayette, but for which he would vote “nay.”

Mr. Flournoy was paired off with Mr. Russell of Wood, but for which he would vote “nay.”

Mr. Graves was paired off with Mr. West, but for which he would vote “yea.”

The vote having been reconsidered on the question on the adoption of the amendment, on motion of Mr. Wade debate was closed, and the amendment adopted by the following vote:


Nay—Ballinger, Blake, Brown, Cardis, Darnell, Davis of Brazos, Dohoney, Ferris, Ford, Henry of Smith, Kilgore, Killough, King, McKinney of Walker, Moore, Murphy, Martin of
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Navarro, Norvell, Nunn, Reagan, Rentfro, Ross, Stayton, Stewart, Stockdale, Waelder, Whitehead—27.

The same members were paired off as on the vote to reconsider.

Mr. Fleming was paired off with Mr. Whitfield, but for which he would vote "yea."

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

Mr. Dohoney offered the following amendment:

Amend by adding after the word "years," at the end of line 22, of section 2, the words, "provided, that the terms of office of the justices elected at the first general election, shall be divided by lot into three classes; the term of the first class to be two years, the term of the second to be four years, and the term of the third to be six years, in order that a new justice may be elected at each general election thereafter, whose term of office shall be six years."

Lost.

Mr. Waelder moved to fill the blank salaries of Judges of Courts of Appeals by inserting $3550.

Adopted.

Mr. Bruce offered the following amendment:

Section 6, line 61, after the word "into," insert "twenty-five."

Adopted.

Mr. Bruce offered to amend section 6, lines 68 and 69, by striking out "six" and inserting "four years."

Adopted by the following vote:


Nays—Abernathy, Arnim, Ballinger, Brown, Burleson, Cline, Cooke of San Saba, Davis of Brazos, Ferris, Fleming, Ford, Gaither, Kilgore, Killough, King, McKinney of Walker, Moore, Murphy, Reagan, Ross, Stayton, Stockdale, Waelder—23.

Mr. Bruce offered the following amendment:

Section 6, line 69, strike out "$3000" and insert "$2000."

Mr. Barnett proposed to amend the amendment by inserting "$2500" instead of "$3000."

Adopted.
And amendment as amended was adopted by the following vote:


Nays—Ballinger, Davis of Brazos, Ferris, Ford, Henry of Smith, Kilgore, Killough, King, McKinney of Walker, Moore, Murphy, Norvell, Reagan, Rentfro, Ross, Stayton, Stockdale, Waelder, Whitehead—19.

The same members were paired off as on two former votes on subject of salaries.

Mr. Allison moved to reconsider the vote, and to lay the motion on the table.

Carried.

Mr. German proposed to amend by inserting after the word "of" in line 69, the words "not more than."

[Mr. Stockdale in the chair.]

On motion of Mr. Ramey, the Convention adjourned until 2½ o'clock P. M.

EVENING SESSION—2½ o'clock.

Convention met; roll called; quorum present. Consideration of pending business resumed, viz., "Article—, Judicial Department."

Mr. Ramey reported, as follows:

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

Sir—Your Committee on Engrossed and Enrolled Ordinances would respectfully report to your honorable body, that they have examined and compared "Article—, Public Lands and Land Office," and find the same correctly engrossed.

Wm. Neal Ramey, Chairman.

On motion of Mr. Graves, one hundred copies of the article were ordered printed.

Mr. German, by leave, withdrew his pending amendment.
Mr. Graves offered the following amendment:

Amend by striking out all after the word "hold," in line 114, and insert "until the office can be filled by an election."

Adopted.

Mr. Waelder moved to reconsider the vote just taken.

Lost by the following vote:

**Yea**—Abernathy, Blake, Blassingame, Burleson, Cardis, Chambers, Coke of San Saba, Davis of Brazos, Dohoney, Gaither, Henry of Smith, Killough, Murphy, Martin of Hunt, Norvell, Nunn, Pauli, Reagan, Sansom, Spikes, Stewart, Waelder—22.


Mr. Reagan proposed to amend by adding to the end of section 9 the following: "And jurors shall receive no compensation for their services in criminal cases."

On motion of Mr. Johnson of Collin, laid on the table.

Mr. Norvell moved to strike out "section 9."

On motion of Mr. Graves, laid on the table.

Mr. Fleming proposed to amend section 10, as follows:

Section 10, line 126, strike out "three" and insert "two."

Mr. Reagan proposed to substitute the amendment, as follows:

Amend section 10 by striking out of line 26 the words "or any three," and insert "or the Court of Appeals, or any two of the members of either."

Adopted.

Also amend section 11 by inserting after the word "Supreme," in line 141, the words "Court of Appeals."

Adopted.

Mr. Cline proposed to amend section 10, line 133, by striking out "shall" and insert "may."

Adopted.

Mr. DeMorse offered the following amendment:

In line 147 strike out "petit and;" in line 148, after "twelve men," insert "and petit juries shall consist of six men in all civil cases, and in criminal cases below the grade of capital or involving imprisonment for ten years."

Lost.

Mr. Norvell moved to strike out section 12.

Mr. Reagan proposed to amend the section by inserting after the word "jurors" the words "not exceeding three."
Adopted.

Mr. Waelder proposed to amend the section by striking out "and in trials of criminal cases below the grade of felony," in lines 149 and 150.

Lost.

Mr. Allison offered the following amendment:
Section 12, strike out all down to line 153, and insert: "Grand juries shall be composed of twelve men, and petit juries of twelve man, in all criminal cases, and six men or twelve men, as may be decided by the parties, in trials of civil cases and in trials of criminal cases below the grade of felony, in the District Courts, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number it shall be signed by every member of the jury concurring, to the number of nine."

Lost.

Mr. Stewart offered the following amendment:
Section 12, line 149, strike out the words "in trials of civil cases," and insert "in trials of civil cases the jury shall be composed of six men."

Lost.

Mr. Robertson, of Bell, offered the following amendment:
Section 12, line 149, strike out all after the word "bills," to "it," in line 153.

Lost.

Mr. Norvell's amendment to strike out section 12, lost by the following vote:
Yea—Cline, Lockett, Norvell, Robertson of Bell, Smith, Whitehead—6.

Mr. Robertson, of Bell, offered to amend by striking out all after "bills," in line 149.

Lost.

Mr. Ballinger offered the following as an additional section:
"Sec. —. Any county may constitute a separate Judicial District, such county to pay the salary of the Judge of said Dis-
trict Court; provided, that the County Court of the county shall submit the questions of the establishment of such district and of the amount of such salary to a vote of the qualified voters of the county, and a majority shall vote therefor; such salary not to be increased or diminished during such term of office, and a county tax shall be duly assessed and collected for the payment of the same."

Adopted.

Mr. Dohoney offered the following amendment:

Amend section 14 by striking out all from the beginning of the section down to and including the word "law," in line 175, and insert as follows, to-wit:

"The County Court shall have exclusive jurisdiction (with such exceptions as may be provided by law) of all misdemeanors and all indictments for felony, less than capital, not disposed of at the adjournment of each term of the District Court, shall be transferred to the County Court for trial. The County Court shall also have exclusive jurisdiction in all civil cases when the amount in controversy, exclusive of interest, exceeds two hundred dollars (and does not exceed five hundred dollars), and shall have concurrent jurisdiction with the District Court in all civil cases when the amount in controversy, exclusive of interest, exceeds five hundred dollars, and does not exceed one thousand dollars, without any regard to any distinction between law and equity; and shall have power to foreclose mortgages and enforce liens of all kinds upon real and personal property, to the extent of the jurisdiction herein conferred, but shall not have jurisdiction of suits for the recovery of lands; and it shall have such other jurisdiction as may be conferred on it by law."

Mr. Waelder offered the following substitute in the nature of an amendment to the amendment and a part of section 14:

"The County Court shall have original jurisdiction of all misdemeanors, as the same are now or may be hereafter prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have exclusive original jurisdiction in all civil cases, when the matter in controversy shall exceed in value the sum of two hundred dollars, and not exceed five hundred dollars, exclusive of interest, concurrent jurisdiction with Justices' Courts in sums between one and two hundred dollars, and concurrent jurisdiction with the District Courts when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest; but shall not have jurisdiction of suits for the recovery of land, or to enforce liens upon real estate. They shall have appellate
jurisdiction in all cases, civil and criminal, of which Justices' Courts shall have original jurisdiction, when the judgment of the court appealed from shall exceed twenty dollars, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from Justices' Courts there shall be a trial de novo in the County Court, and when the judgment rendered or fine imposed by the County Court shall not exceed one hundred dollars, such trial shall be final; but if the judgment rendered or fine imposed shall exceed one hundred dollars, as well as in all cases, civil and criminal, of which the County Court has exclusive or concurrent original jurisdiction, an appeal shall lie to the Court of Appeals, under such regulations as may be prescribed by law."

Mr. Dohoney made the point of order that the amendment could not be entertained as an amendment to his amendment.

The chair ruled against the point.

Mr. Dohoney appealed, and the Convention sustained the chair.

Mr. Waelder's amendment adopted by the following vote:

Yeas—Abner, Arnim, Ballinger, Barnett, Burleson, Cline, Cooke of San Saba, Darnell, DeMorse, Douglas, Ferris, Flanagan, Fleming, Graves, Henry of Smith, Killough, King, McCabe, McKinney of Walker, Mitchell, Murphy, Martin of Navarro, Nunn, Reagan, Rentfro, Reynolds, Robertson of Bell, Sansom, Smith, Stayton, Stewart, Stockdale, Wade, Waelder—34.


Mr. Flournoy offered the following as a substitute for section 13:

"Sec. 13. Inferior tribunals shall be established in each county, for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates, and for the transaction of such other business as the Legislature may provide. And the District Court shall have original and appellate jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law."

Mr. Douglas moved to lay the substitute on the table, whereupon the yeas and nays were called, and the motion carried by the following vote:

Yeas—Ballinger, Brady, Burleson, Cline, Cooke of San
Mr. Abernathy proposed to amend section 13, line 158, by striking out the word “shall,” and inserting “may.”

Lost.

Mr. Nunn offered the following amendment:

Add to section 14 the following: “Any case pending in the County Court which the County Judge may be disqualified to try shall be transferred to the District Court of the same county, for trial; and where there exists any cause disqualifying the County Judge for the trial of a cause of which the County Court has jurisdiction, the District Court of such county shall have original jurisdiction of such cause.”

Adopted.

Mr. King proposed to amend section 13, lines 163 and 164, by striking out all between the words “receive,” in line 163, and “as,” in line 164, and insert “such compensation for his services.”

Adopted by the following vote:

Yeas—Abner, Ballinger, Barnett, Blake, Blassingame, Burleson, Cline, Darnell, Davis of Brazos, DeMorse, Ferris, Flanagan, Flournoy, Henry of Smith, Killough, King, Lacy, Lockett, McCabe, McKinney of Walter, Murphy, Martin of Navarro, Martin of Hunt, Nunn, Pauli, Rentfro, Sessions, Smith, Stayton, Stockdale, Wade, Waelder—31.


Mr. McKinney, of Walker, offered the following amendment to section 14:

Amend by inserting after the word “jurisdiction,” in line —, the words “and of all such civil cases.”
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Adopted by the following vote:


NAYS—Allison, Dohoney, Ferris, Murphy, Martin of Navarro, Sessions, Waelder—7.

Mr. Stewart offered the following amendment:

Add to section 13: "Provided, that no part of the pay of the Judge of the County Court shall be made out of the State Treasury."

Lost by the following vote:


NAYS—Abner, Allison, Ballinger, Brady, Chambers, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Douglas, Ferris, Flanagan, Gaither, Henry of Smith, Killough, Lockett, McCabe, Mitchell, Murphy, Martin of Navarro, Marin of Hunt, Nunn, Pauli, Rentfro, Reynolds, Sansom, Sessions, Smith, Spikes, Stayton, Stockdale, Waelder, Whitehead—35.

Mr. Stewart proposed to amend by adding at the end of section 13, "Provided, that the pay of the Judge of the County Court may, by local law of the Legislature, be different in amount in different counties, and to be paid out of the county treasury, and by fees of office, either or both."

[Mr. Stockdale in the chair.]

Mr. Blassingame moved to reconsider the vote adopting Mr. King's amendment to section 13, lines 163 and 164.

On motion of Mr. Whitehead, Mr. Norvell was excused for six days from Monday next.

Mr. Stockdale submitted, by leave, the following report:

Committee Room,

Austin, November 13, 1875.

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

The Committee on the Division of the Powers of Government
have instructed me to report the following article, and to recommend the adoption of the same as a part of the Constitution.

Respectfully submitted,

F. S. Stockdale, Chairman.

"ARTICLE —.

"Section 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confined to a separate body of magistracy, to-wit: Those which are legislature to one; those which are executive to another, and those which are judicial to another; and no person or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted."

One hundred copies ordered printed.

On motion of Mr. Ramey, the Convention adjourned until 9 o'clock, A. M., Monday.

SIXTIETH DAY.

HALL OF REPRESENTATIVES,

AUSTIN, TEXAS, NOVEMBER 15, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. J. S. Groety, of the Presbyterian Church at Austin.

Journal of Saturday read and adopted.

Journal of the evening session of November 11th read and adopted.

On motion of Mr. Roberston, of Bell, Mr. Gaither was granted unlimited leave of absence, to take effect from to-morrow.

Mr. Ballinger presented the petition of the bar of Galveston.

Referred to the Committee on Judicial Apportionment.

Mr. Blassingame's motion to reconsider the vote adopting Mr. King's amendment to section 13, lines 163 and 164, was called up, and the Convention reconsidered the vote by the following vote.

YEAS—Abernathy, Abner, Allison, Arnim, Ballinger, Barnett, Blake, Blassingame, Brady, Brown, Bruce, Burleson, Chambers, Cooke of San Saba, Darnell, Davis of Wharton, DeMorse, Dillard, Douglas, Fleming, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Kilgore, Killough, Lacy, Lockett, McKinney of Denton, McKinney of Walker, McLean, Martin of Navarro, Martin of Hunt, Mills, Moore,