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against the State of Texas for \$30. Mr. Flanagan's motion prevailed, and the resignation was accepted.¹¹

SEVENTH DAY

MONDAY, SEPTEMBER 13, 1875¹²

(The seventh day of the Convention was consumed entirely by reports of committees and resolutions which were referred to appropriate committees. No debates were reported for that day.)

EIGHTH DAY

TUESDAY, SEPTEMBER 14, 1875¹³

MR.. RORERTSON, for the special committee with reference to the appointment of a stenographer to report the debates, reported as follows: that the services of Mr. George Gibbons could be obtained at \$10 a day, provided he confined his services to the reporting of the debates. He suggested for the committee that it would be essential to have a condensed report of the journals, which would have to be made by the Journal Clerk, as it would be impracticable for the stenographic reporter to do more than take notes and write out the debates. Mr. Robertson moved that the services of Mr. Gibbons be engaged at \$10 a day to report the debates of the Convention, and that the Committee on Printing contract for the publication of same. The motion was lost.

MR. FLOURNOY rose to suggest the propriety of reconsidering the resolution voting down the employment of a stenographer. He thought he had no right to move a reconsideration, since he had voted with the minority.

¹¹Goddin was elected by the voters of the Fifteenth District as a Republican. He was an insane colored man, arrived in Austin late, and resigned after one day's service. Two weeks later, A. T McKinney, of Walker, was elected as the seventy-sixth Democratic delegate. See *West Texas Free Press* (San Marcos), September 18, and October 9, 1875

¹²The proceedings for this day were taken from the *State Gazette* (Austin), September 14, 1875.

¹³The proceedings for this day were taken from the *State Gazette* (Austin), September 15, 1875.

THE PRESIDENT said that any member had the right to move a reconsideration of a vote not taken by ayes and nays.

MR. FLOURNOY then moved to reconsider. He was not aware that any convention of that character had been held in which the debates had not been reported. For that and many other reasons their debates should be recorded. An important reason, and perhaps the most important one, was that they would be a guide to the courts in the future in determining upon doubtful clauses in the Constitution just what the real purpose of the Constitution was. It was impossible that they should be so very fortunate as to make a Constitution in which there would be no ambiguity in any clauses. The expression of the views of those who advocated or opposed certain clauses would be a guide—and a very useful guide—to the courts in the future, in determining the meaning of the various clauses, and the scope and intent of the Convention in relation to the clauses. He made the suggestion also because the action taken by the Convention, and the publications of such matters, would, in addition to the foregoing reasons, give some light to their constituents on the views of the various delegates on subjects entertained by the Convention. The cost would be something, but there were some things which were not dear at any price. It was to his mind of the very first consequence that, in connection with the Constitution they should frame, they should have the views of members, as they should express them, on any vote on the Constitution, and on every clause of it. The law reports, in many cases, referred to the Convention debates on the Constitution of 1845. He had a copy of the debates on that Constitution. They were full, and were exceedingly useful to any citizen, and especially to any member of the Convention then in session. The debates had been used by the courts of the State and had been found exceedingly useful to them. He made the suggestion because of the probability that their minds had been pre-occupied with other matters when the proposition came up, and that it was rejected on that account. In view of those conditions he moved to reconsider.

JUDGE REACAN said he wished to state what occurred to him as an additional reason to those already urged by the delegate from Galveston for reconsidering the vote. A knowledge of free and popular government might be embodied in the laws of the future, but that

was not sufficient for the support of the principles of such government. The basis and true support was in the knowledge which the people at large had of the principles of self government and popular liberty. Discussions of the nature of those brought out in a Constitutional Convention went to illustrate and to explain the doctrines of their system of government. Some of the features of the debates would, no doubt, go out in the current history of the day, but in addition there should be something reliable, to enable the courts to understand the provisions of the Constitution subject to misconception, and in order to do that it seemed to him that it would be well to preserve the debates of the Convention, so that they might thereafter be reached by the people, that their minds might be fully imbued with the principles discussed and embodied in the Constitution. They had an indication of their usefulness in the fact that most of the states that had held conventions had provided for the publication of their debates. They had assembled in Austin to frame a new Constitution, and on many questions that would arise they should be at a great loss for the want of a necessary library. If the Convention should make suitable provision for the publication of its debates, they might exchange with the public libraries of other states, which would place the members of any Constitutional Convention which might assemble in Texas in the future in a better condition for the prosecution of business than were the members of the convention then in session. With the exception of such volumes as were brought in by individual members, they had no access to the debates of other states, to explain and illustrate the great doctrines which formed the basis of their system of government. If expenditures were justified for any purpose other than the mere making of the Constitution, it was for that which furnished to the people of the whole country the reasons which influenced their action, and which suggested the various provisions of the Constitution, and would aid their interpretation of the Constitution when it was made. Taking the view that they ought to have the publication of the debates he would support the motion to reconsider.

MR. L. W. MOORE, of Fayette, said that whatever would contribute to the distribution of information concerning the deliberations of the Convention, the expense necessary to meet that demand should be cheerfully borne by the Convention. Retrenchment and reform were

certainly the watchwords of their conduct, and no one rejoiced more than he did with reference to the care and deliberation with which they had proceeded thus far, and yet it occurred to him that of any sum of money which the State might invest, none would be so judiciously invested as that incurred to preserve the reasons which impelled gentlemen of the Convention to cast their votes on the principles submitted to them and their judgment. If any addition to the causes assigned were necessary, he apprehended that when it was known that the speeches delivered upon the main provisions of the Constitution were to be substantially preserved it would give due caution to the utterances that would be made, and would induce the members to be all the more careful in the preparation of their opinions. The object of the Convention was to do its work so it would redound to the credit, the honor, and the glory of the State, and to that end it was necessary to proceed with due care and judgment on all propositions submitted to it. Gentlemen would be incited to excellence by knowing that the fruits of their investigations would be preserved in some substantial form. He would be happy to vote for the proposition, and would consider it a great misfortune if it failed on the score of mistaken economy.

MR. WEAVER said there were two things they ought to steer clear of, that of extreme retrenchment on the one hand and extravagance on the other. They had already as a Convention refused to take newspapers to diffuse information. He had voted in the affirmative, and desired particularly to give his reasons for so doing. They were there to make a Constitution for a State which was an empire in extent larger than the whole of France. They had refused by vote to employ a stenographer to report their debates. He was not aware of the ordinary price of such labor, but did not deem the proposition an extravagant one. Upon a false principle of retrenchment and reform the reports in the press had been cut off and now, even as far as the debates were concerned, they had shut off from the people of the State publicity of their action. If it were the State of Rhode Island, where you could hear the Speaker's hammer from one side of the state to the other—and he meant no disrespect to little Rhody which was great in many things—it might be said that people could get all of their information from the capitol alone. But when he considered the fact that they were willing to

vote themselves ice, stationery, postage stamps, and conveniences of that sort, and ignored the employment of a stenographic reporter to report their debates, it seemed that they wanted retrenchment to begin abroad and liberality to stay at home. To use a figure of old, attempting to ignore the press and the report of the debates, they were like the giants who threw mountains at the gods. That brilliant and peculiar historian, Carlisle, said that the first crucifier of God was afterward worshipped, and it seemed to him that they were similarly attempting to crucify public opinion in their acts in the Convention. The fact that the debates in the construction of the organic law of the land had been a guide to the judges of the country was a matter of judicial history known to the legal gentlemen of the Convention, and that alone was an important argument why they should employ a stenographer to report their work. He thought there was a stronger reason, and that was the one argued by the gentleman from Fayette, that it would be the means of furnishing the people of the State information of what they were doing, and why certain measures were adopted as the organic law by their delegates, who were but the agents and servants of the people. If the Constitution was to be the work of the delegates, and was to be reported to the people for their adoption, how were the people to understand what they were voting upon unless such information were disseminated before hand. He endorsed the wise remarks made the other day on the same subject by the gentleman from Titus, that the people ought to be informed from day to day and from week to week, and that liberty was less loved in proportion as the people were less informed. They ought to be informed on the great questions which were to come before the delegates of the Convention. The great expense of the Convention was thrown upon the taxpayers, but, if it failed for want of information, the responsibility could certainly not be ascribed to them, but to the Convention. In his district three of the counties had no newspapers, while two of them had only weeklies. Hence they had no opportunity to be informed, and would be in a state of darkness in regard to the Convention's proceedings. He feared that the state of things existed in a large degree from Cooke County to the Rio Grande, and thought it worthy of the people that they should be informed upon the subject. He was not afraid to meet his constituents on the subject of retrenchment and to tell

them that he voted to subscribe for papers or voted to employ a stenographer to report their debates. The press was the great moulder of public opinion, the great incentive to freedom, and the recorder of deliberative bodies everywhere. It was the great educator of the American mind, and to strike at the press, however venal and capable of being subsidized some of it might be, was to strike at the very sun of intelligence. He was not afraid to say to his constituents that he had voted to employ a stenographer. He did not believe there was any such incredulity among them as to desire to remain in ignorance of what gentlemen were doing in their sovereign capacity, and hence he supported the motion to reconsider.

MR. STOCKDALE said there were numerous propositions with reference to changes in the Constitution which were new and original, and which had not been discussed very generally before the people. If they adopted such provisions it would be exceedingly wise to let the people know why they had done so, and those reasons would be best found in the debates pro and con in the Convention on the subject. For that reason he favored very much the appointment of a stenographer to report their debates, that the people might know their reasons for every action. He quoted the Honorable John Hancock as to the competency of the person proposed as the reporter, and added his own testimony in his favor. He was satisfied that in Mr. Gibbons they would have a good reporter, and that the debates of the Convention would be preserved just about as they occurred. He trusted that the Convention would employ one and that they would give to the country the reasons actuating them in the adoption of the provisions of the new Constitution.

The motion to reconsider prevailed.

THE PRESIDENT said the question before the Convention was the adoption of the resolution reported by the committee.

MR. JOHN S. MILLS, of Grimes, offered the following amendment: "That said stenographer shall report said debates in a round, legible hand, ready for the printer, without additional charge."

MR. T G. ALLISON, of Panola, moved to lay over the whole matter until the next day, and make it the special order for that day.

Mr. Mills' amendment was then adopted, as was also the resolution as amended.