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“That the detail of said contract be reduced to writing by the committee, with estimate of the cost of session of forty-five days, and referred to this body for approval or rejection.”

On motion of Mr. Scott the main question was ordered, which was the adoption or rejection of Mr. Flournoy’s resolution. The substitute was lost by a vote of 42 yeas and 43 nays.

MR. CRAWFORD moved to adjourn until the next morning at 9 o’clock, but it was lost by a vote of 23 yeas to 59 nays.

The yeas and nays were then called for upon the adoption or rejection of the original resolution. It was lost by a vote of 31 yeas to 53 nays.¹⁶

ELEVENTH DAY

FRIDAY, SEPTEMBER 17, 1875¹⁷

The greater part of the eleventh day of the Convention was taken up with the introduction of resolutions which were referred to appropriate committees.

MR. FORD reported for the Committee on State Affairs on the subject of using the Constitution of 1845 as a basis for the framing of the new Constitution. He asked that the several portions be given to the various committees for consideration, in order that the various committees should be guided as closely as practicable by the older Constitution.

MR. W. N. RAMEY, of Panola, favored the report.¹⁸

He said:

“Mr. President, in the printed report of the Committee on State Affairs on my resolution to make the Constitution of 1845 the basis of our action on the new Constitution, I find a mistake, one not very

¹⁶The press condemned emphatically the failures of the Convention to provide for publication of the debates. The *State Gazette* of September 16, remarked that time enough had already been consumed in discussing the employment of a stenographer to pay for his services during the entire session. The same paper condemned Judge Reagan for “leading the crusade” against a free and enlightened Democratic press “on the miserable pretext that the Democratic press has no use for organs. . . .”

¹⁷The proceedings for this day were taken from the *State Gazette* (Austin), September 18, 1875.

¹⁸His remarks are printed in full in the *State Gazette* (Austin), of November 23, 1875.

material, however, but which may operate against the passage of the resolution. The printed report reads that 'The Constitution of 1845 shall be made the basis of the new Constitution' while the original which I hold in my hands reads 'the Constitution of 1845 shall be made the basis of our action in the formation of the new Constitution.' I will state with respect to the honored Chairman of said committee, Colonel Ford, that I am satisfied that said discrepancy is an oversight, and I merely refer to it for some one may oppose the resolution in consequence of the change.

"The question naturally arises as to what we aim to accomplish by the adoption of this resolution. I answer a great deal. First—we will thereby expedite the work of the Convention, and by it introduce the great principle of economy we have promised the people, and which should characterize our action. Every one here knows very well that the great and leading principles of our American Constitutions *are in substance almost the same*, and in none of them are these settled principles better expressed than in the Constitution of 1845. We certainly don't expect to change the fundamental principles of Government established by our fathers. The Constitution of 1836 was made by able men, many of them from the leading states of the Union. They compiled their Constitution from that of the United States, and from the leading State Constitutions. After nine years of experience under its provisions, the Convention of 1845, composed of our ablest and most patriotic men, amended and improved the old Constitution of 1836, and made it applicable to a state instead of a national government. After a few years experience with the Constitution of 1845, it was amended by an able Legislature, making it, I think, the best Constitution I ever saw, and which has been so pronounced by able men both in the State and out of it. Now, I propose to take up the said Constitution of 1845, and in committee of the whole consider it, and then adopt it in the main, and we do it in two or three weeks at the furthest. By that time the different committees will have reported such amendments as are necessary to perfect said document, and make it meet the demands of the changed conditions since ante-bellum days. We can adopt such of the amendments as we deem proper, and thus by this plan in six or eight weeks at the outside our labors will be ended. If we do not do this we will flounder through an ocean of speculation and invention, and may be here three months or more, and may not produce as good a Constitution as our fathers left us. *We do not propose by this resolution to adopt the Constitution of 1845 at one fell swoop, but to make it the basis of our action, and thereby expedite our labors.*

"We also proposed by this resolution to guard against a spirit of innovation and change in the great organic principles of our Government. Human nature is the same in all ages and centuries, and I

am satisfied that all sorts of changes and new-fangled theories will be proposed for our adoption—many of them such as have not been canvassed before the people. Few of these may be adopted, but they, in their consideration and disposition, will consume our time and retard our work. Many have doubtless come here with their own pet theories, and will endeavor to engraft them on our Constitution. This resolution will, in a great measure, prevent such at least as to the great body of our work. The nearer we stick to the land marks, the better for our labors, and the more changes we make in the cardinal principles settled by our fathers, that much more will we jeopardize the sanction and adoption of our work by our constituents.

“By this resolution we also propose to answer the demands of the people. From my district, which is the oldest part of the State, and from every section of the broad land I have heard the cry ‘give us the Constitution of 1845.’ This has been expressed by meetings of the people in not only a political, but in almost every other capacity, by the leading papers, citizens, etc. This cry has been almost universal from the Sabine to the Rio Grande and from Red River to the Gulf, and as true representatives we should heed it. We are only the agents of the people, and should do as we are told to do and not support any measure without knowing that it is in accord with the desires of those whom we represent. And why do the people call for the old Constitution? Because its provisions are simple, plain, and non-partisan in character, and under it they lived cheaply, happily, and contentedly.

“By its provisions they were freed from the extortioner, the usurper, the unreasonable demands of the tax-gatherer, the oppression of the military, etc. These and many other reasons are why the people ‘sigh for a return to the flesh pots of Egypt.’

“Again, patriotism demands that we should adopt this resolution and adhere to it. Texas has a history that is both national and peculiar, and of which we should all be proud. This Constitution began with her national history as the Constitution of 1836. Then the same instrument, amended and adopted, began with our history as a State in the Union of 1845, and continued until the late national war. It entered mainly into the Constitution of 1861, formed at least two-thirds of that of 1866, and entered largely into that of 1869, in fact, was the only valuable part of the latter. Let us reunite the broken chain and extend it. If the great organic principles in our favorite Constitution are good and generally desired, why supplant them with anything else? Why ransack creation for what we have ourselves, and in a better condition than can be found elsewhere?

“History teaches us that when nations depart *radically* from their own peculiar laws and institutions, that that is the beginning of

their downfall. When the children of Israel obeyed their own laws and lived as their fathers had instructed them, they were happy, prosperous, and contented. But when they ran after 'strange gods,' and desired to be as the surrounding nations were, they began to decline, and finally lived as a nation only in history. While Greece and Rome lived frugally under their own laws and had their own national customs and institutions, encouraged agriculture and the peaceful arts, they were the model nations of the world. But when they followed the fortunes of Alexander and the Caesars, respectively, introduced the luxuries of the world and became cosmopolitan in character, they declined and now live only as monuments of the past.

"Let us adhere to the landmarks of our fathers, as settled by our most able and patriotic men, and rendered sacred by long and continued use, and train our children to love and respect our own peculiar institutions, laws, and customs. Let us use the *old ship*, compass, and charts left us by our ancestors, in our voyage, making only the necessary repairs and additions, and such as are demanded by the discoveries of other experienced seamen since their day, instead of seeking some great and finely rigged steamer that is untried, and may owe its importance only to its fine and stylish appearance.

"In answer to my friend from Colorado, Mr. McCormick, and others, I will say that this resolution entails no expense, for there are several hundred copies of the statutes of Oldham and White in the archives of the State Government, which are serviceable only as food for worms. They contain the Constitution of 1845, and every committee and individual member can be supplied with a copy without any additional cost whatever."

MR. DEMORSE said that, while everyone admitted the wisdom of the principles of the Constitution of 1845, they were sent, not to reenact that or any other instrument, but to make a Constitution according to their best lights on the subject. He moved the indefinite postponement of the report, which was carried.

TWELFTH DAY

SATURDAY, SEPTEMBER 18, 1875¹⁹

MR. FORD, for the Committee on State Affairs, reported favorably on authorizing Captain Voigt to contract for the repair of the Capitol Building at a cost not to exceed \$75.

¹⁹The proceedings for this day were taken from the *State Gazette* (Austin), September 19, 1875.