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EIGHTEENTH DAY

SATURDAY, SEPTEMBER 25, 1875³⁵

(The eighteenth day of the Convention was consumed by the introduction of resolutions, which were referred to their appropriate committees.)

NINETEENTH DAY

MONDAY, SEPTEMBER 27, 1875³⁶

MR. FLOURNOY moved that thereafter the Convention should hold two sessions a day, at 9 A.M. and at 2:30 P.M., respectively.

JUDGE REAGAN said that if the motion passed the committees would have to work at night.

MR. FLOURNOY said that all the standing committees would soon be ready to report. They had occupied two entire days in four sections of the legislative department report.

The resolution was adopted.

The Legislative Department

This subject came up as unfinished business.

MR. RUSSELL, of Wood, was dissatisfied with the mode of discussion in the Committee of the Whole, and upon his motion the question of the legislative department was brought out of the committee of the whole and into the Convention.

MR. DEMORSE offered an amendment to Section 2, providing that after each apportionment the terms of all Senators previously elected should expire. Mr. West said the effect of the amendment would be to leave the Senate out and the House in, and then suggested this phraseology, "and that after each reapportionment there shall be a general election for Senators and Representatives," and his amendment to the amendment was adopted. The DeMorse amendment was then adopted.

³⁵The proceedings for this day were taken from the *State Gazette* (Austin), September 26, 1875

³⁶The proceedings for this day were taken from the *State Gazette* (Austin), September 28, 1875.

GENERAL WHITFIELD moved to strike out "four years" in the term of Senators in Section 3, and to insert "two years." He saw no reason why their term should be longer than that of the popular branch, the House of Representatives. He moved to strike out the balance of the section which referred to the classification of Senators.

MR. MCCORMICK supported the Whitfield amendment, but upon the motion of Mr. Mills it was tabled.

After some further discussion the section was passed over.

MR. MCCORMICK proposed quadrennial instead of biennial sessions of the Legislature for Section 5 of the article.

MR. P. R. SCOTT, of Cass, said that by the clause then offered the terms of members would expire two years before they were elected, as the fourth section provided that they should hold their office "two years from the date of their election."

MR. MCCORMICK thought they might be elected but not convened unless the public necessity required it.

His amendment was defeated.

MR. RUSSELL, of Harrison, moved to insert "April 1st" on the blank in the section when the Legislature should convene; but upon the motion of Mr. Flournoy the section was passed over.

MR. DEMORSE moved to add after Section 5 as an additional section, an oath to be taken by members of the Legislature to this effect:

"And I have not since my election received, and will not during the continuance of my term of office receive, any free ticket, gift, accommodation or compensation from any railroad or other corporate company, other than shall be extended to citizens of the State generally; nor any unusual accommodation or compensation from any private individual."

After considerable discussion, Mr. Mills moved to add to the oath, by amendment, "or use a free pass, or try to borrow one," which was adopted.

The DeMorse amendment was lost by a vote of 36 to 41.

Section 6 brought out some discussion.

GENERAL WHITFIELD made an eloquent plea for the young men of the Senate. He moved to make a two years' residence sufficient instead of five, as reported in the resolution for eligibility to the

Senate, and to reduce the age at which they might be elected from thirty years to the age at which they became qualified voters.

JUDGE REAGAN was opposed to so great a reduction, but said he was willing to meet them in a compromise providing for about half of the reduction in the age requirement.

MR. SCOTT offered as a substitute that any person who had lived in the State five years, and in his district one year, and had attained the age of 21 years, should be eligible for the office of Representative or Senator.

The substitute was lost by a vote of 21 to 59.

GENERAL WHITFIELD moved to strike out the word "thirty" and insert the word "twenty-four" in the section providing for the age requirement for State Senators."

JUDGE REAGAN spoke in favor of an age qualification of twenty-five years for Senators.

General Whitfield's substitute was lost by a vote of 34 yeas and 47 nays.

MR. NUNN said he was in favor of no one being a Senator until he had attained the age of thirty years.

COLONEL CRAWFORD urged that no restrictions should be placed upon Senators as to their age qualification.

MR. C. B. KILCORE, of Gregg, offered as a substitute that the age qualification for Senators should be made twenty-six years, and in that form the section was finally adopted by a vote of 44 to 34.

MR. MARTIN, of Navarro, moved to strike out the word "five," in regard to length of residence, and insert "three." His motion was adopted.

MR. COOK, of Gonzales, offered an amendment which would have stricken out the office of Lieutenant-Governor.

MR. RUSSELL, of Wood, spoke favorably toward the amendment, basing his argument on the need for retrenchment and reform.

MR. MOORE said the Committee on Executive Department had in preparation a report on that very subject, and asked for a postponement of the question.

JUDGE BALINGER favored the election of a Lieutenant-Governor.

MR. MURPHY favored the amendment on the ground of the need of retrenchment. He thought the office of Lieutenant-Governor was a useless expenditure.

The ayes and nays were demanded, and the amendment was lost by a vote of 36 to 43.

JUDGE REAGAN offered an amendment to the twenty-fourth section, in regard to pay of members of the Legislature, that the members of the Legislature should receive, after the first session a sum not exceeding \$6 a day. This would have increased the pay of the Sixteenth and succeeding Legislatures from \$5 to \$6 a day.

MR. JOHNSON, of Collin, said that if \$5 a day was not enough for members they should stay at home.

MR. FLEMING moved to lay the Reagan amendment on the table, and the motion was adopted.

The report of the committee provided for separate districts for Senators and Representatives³⁷ Mr. McCormick moved to strike out those sections and insert, "The State shall be divided into senatorial districts of contiguous compact territory, according to the number of inhabitants, and each district shall be entitled to elect one Senator and three Representatives."³⁸ He appealed to the delegates who had large Democratic majorities to remember the citizens of his county, who had so long and so patiently suffered under wrong and oppression.

JUDGE REAGAN followed with an appeal for the section of the State just referred to and all others similarly situated. He said those poor down-trodden people were turning with anxious eyes to the Convention for relief. He appealed to the delegates to save them and give them representative government. Judge Reagan said that it was very distasteful to him to have to discuss the subject, but that it must be evident to all the delegates that a large portion of their countrymen were incapable of self-government. On general principles he favored local option, but the situation in the eastern counties of Texas was peculiar. There were twenty or more counties in the same condition as that described by Mr. McCormick, who had borne and suffered for Democratic principles. If the Convention did not help the people of those counties they would

³⁷The Constitution of 1869 provided that each senatorial district should elect three representatives to the Legislature

³⁸The Republicans in 1869 had gerrymandered the districts in favor of their party. Mr. McCormick proposed to do the same thing, but would favor the Democratic Party in the redistricting of the State

be compelled to remove with their families, or be tempted to coalesce with the Radicals. For the sake of humanity and the right of self-government he hoped the substitute would be adopted.

MR. COOK thought that the substitute sections ought to be adopted. He endorsed everything Judge Reagan had said, and was in sympathy with those suffering people in East Texas.

MR. MARTIN, of Navarro, said it was a very important question, one which would require considerable time and thought to settle. Upon his motion the Convention was adjourned until the next morning.

TWENTIETH DAY

TUESDAY, SEPTEMBER 28, 1875³⁹

The Legislative Article

MR. BROWN opposed the McCormick substitute. He was in favor of returning to the old system of 1845. He represented the district giving the largest majority in the State, but his people favored a non-partisan Constitution, in favor of district and not local representation, which had occasioned so much trouble in the past. Should they now, because they had the majority, go back on the doctrine they had always taught? He said he would go as far as anybody to relieve the afflicted sections, as far as his conscience as a man would allow him, but he was responsible not only to his constituents but also to God for his actions in the Convention, and there was a point beyond which he could not, and would not go.

MR. GAITHER moved to postpone further consideration of the section until after the Apportionment Committee had reported.

MR. McCORMICK said that was agreeable to him. He said the gentleman from Dallas had talked so loud and growled so much that he could not understand him, but he believed he was on his side. Further consideration was postponed.

MR. FLOURNOY presented a resolution providing that it should require nine members to demand the yeas and nays instead of three, as formerly.

³⁹The proceedings for this day were taken from the *State Gazette* (Austin), September 29, 1875.