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## THIRTY-SIXTH DAY

SATURDAY, OCTOBER 16, 1875<sup>74</sup>

MR. RUSSELL, of Harrison, moved to add a new section to the article on public lands and Land Office, to quiet titles in El Paso and Presidio counties, suits to be brought within two years in the District Court of Travis County.

COLONEL FORD said he was much obliged to the gentleman from Harrison, but thought it was no part of his business to attend to duties which delegates from those counties were sent to perform. They had no idea of interfering with that gentleman's duties in Harrison County. The titles to land on the Rio Grande were as secure as in any part of the State. Most of them had been conformed by an act of the Mexican Government, and he saw no reason why Mr. Russell should undo this and pursue title. He thought they all lived under the same laws, and could not understand why this course should be pursued by Mr. Russell.

MR. RUSSELL said he admitted his ignorance in some respects, but Colonel Ford did not understand the resolution. He moved that his resolution be referred without debate, according to the rule, and it was so referred.

MR. WEAVER introduced a resolution making it the duty of the Legislature to provide for the safe keeping of all civil and military documents with a view to future history.

*Executive Article on the Third Reading*

MR. ABERNATHY moved to amend Section 21 by increasing the salary of the Secretary of State from \$2,000 to \$2,500. It was lost by 45 to 32, all bills on third reading requiring a two-thirds vote.

MR. McLEAN moved to amend Section 1 by striking out "except the Secretary of State," also Section 21, "he shall hold his office for two years, and until his successor is appointed." It was intended to make the office of Secretary of State elective. In support of his amendment he said he regarded it as a very important

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<sup>74</sup>The proceedings for this day were taken from the *State Gazette* (Austin), October 17, 1875.

office, and if the people were to have a voice in the selection of their officers he saw no reason why this should be made an exception under the Constitution. If it were an office the people had a right to fill it. If it were not an office, but a private clerkship of the Governor, it ought not to be dignified with the name of an office. The people desired to elect all their officers, and the members of the Convention knew it. They wanted each officer of the Government independent of all others. The Secretary of State was an important office. He was the returning officer of the State, and should not be made subordinate to any other officer. He could not act independently at all times, when his office depended upon the mere breath of the Governor, but he could act independently and fearlessly when he knew that he owed his election to the people, and not to one man alone. In canvassing for his in the Convention he had distinctly avowed that every office, from Governor down to the justice of the peace, should be elected by the people, and he made distinct avowal in the Convention that the people would not be satisfied unless the office was made elective. They especially expected to elect their officers. They expected, too, that the Secretary of State should be the servant of the people, and not the servant of one man. They had tried the experiment of giving delegated power to the first magistrate of the State, and they desired and expected that Convention to provide that they should have the privilege of filling all the offices of the State with persons of their own selection.

MR. ABERNATHY said that since they had refused to increase the salary of the Secretary of State to \$2,500 they ought not to put that officer to the expense of canvassing the State for his office.

JUDGE BALLINGER said that the mode in which the Secretary of State should be chosen had been very fully discussed in committee, and it was the unanimous opinion that the Governor ought to have an officer whose relations would be friendly and agreeable to him.

Mr. McLean's amendment was lost by a vote of 22 to 54.

MR. MOORE moved to amend Section 4 by striking out the word "two" and inserting "four." This would make the term of the Governor four years instead of two. He said he thought the Convention had not duly considered that question. Among other reasons, he was reminded of the feeling in his section as being adverse to the frequent distraction of a general election. Instead

of producing stability and permanency to the reins of Government, it acted just to the contrary. Neither did he see that it made the accountability to the people any more direct, and two years were scarcely more than was necessary to become perfectly acquainted with all his duties.

MR. MILLS said this question had been fully discussed on previous readings, and moved to table it. The House refused.

JUDGE REAGAN moved to amend the amendment by adding, "and he shall not be eligible for two terms in succession." This was accepted by Mr. Moore.

Mr. Moore's amendment was lost by a vote of 27 to 44.

JUDGE REAGAN moved to strike out "and no more" in Section 5. It had reference to the salaries of executive officers. He said he considered it superfluous.

MR. J. P. DOUGLASS, of Cherokee, moved to table the motion, and it was tabled.

JUDGE BALLINGER moved to strike out "shall" and insert "may" in Section 24. It provided that the Governor might receive information from the departments without requiring it under oath, except in semi-annual statements. It was lost by a vote of 38 to 28.

### *Suffrage on Third Reading*

MR. McCORMICK moved to insert in line 6, Section 1, "murder, manslaughter, theft," as excluding from the exercise of the suffrage.

MR. MCKINNEY moved to amend by inserting in line 7, "or other felonies."

This was accepted by Mr. McCormick.

MR. FERRIS said he did not wish to prevent the exercise of suffrage where a man had been convicted and served out his period of punishment

COLONEL CRAWFORD spoke of some scores of killing in the heat of passion, and thought the ingenuity of man could not invent a greater degradation to a proud, high-spirited, chivalrous man, than to deprive him of the exercise of suffrage after his offense had been expiated.

MR. McCORMICK said he saw no reason why a thief or any other felon should not vote, if a murderer, the worst of all felons, was allowed the privilege.

MR. DOHONEY proposed as a substitute for the amendment to strike out after the word "convict," in line 6, and insert the words, "of any felony." His resolution was lost.

MR. NUGENT moved to amend by striking out "that amounts to felony."

MR. HENRY, of Smith, said he was opposed to making a discrimination in favor of murder. It would be bad enough if the grade was reduced to manslaughter, but he held that they were retrograding from the standard of civilization in giving the suffrage to murderers either in the first or the second degree.

MR. NUNN moved an amendment specifying the crimes of which persons convicted should not be allowed to vote.

MR. McCORMICK moved to amend the section by inserting, "no person kept in any asylum or confined in any prison, who had been convicted of a felony, or of unsound mind, shall be allowed to vote or hold office."

MR. MOORE proposed to amend by inserting, "persons convicted of felony, with such exceptions as may be prescribed by law."

MR. McCORMICK said he was opposed to offering a premium for crime, whether for manslaughter or murder. There was too much murder in Texas already, and it did not add to their reputation abroad.

## THIRTY-SEVENTH DAY

MONDAY, OCTOBER 18, 1875<sup>75</sup>*Suffrage*

MR. SCOTT moved to table all pending amendments. They were tabled.

MR. ALLISON moved to add to the end of Section 1, "provided pardons by the Governor shall restore the right of voting."

MR. KILGORE moved as a substitute, "unless pardoned by the Governor." It was accepted.

MR. FERRIS moved to substitute for the above, "unless relieved by pardon or the act of the Legislature." It was lost.

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<sup>75</sup>The proceedings for this day were taken from the *State Gazette* (Austin), October 19, 1875.