JUDGE REAGAN asked if he understood the gentleman to say that he (Reagan) was a friend to special interests because he protested against fanaticism.

MR. MCKINNEY, of Walker, said that he thought the gentleman had placed himself in such a position by his attitude of the preceding day.

MR. MCCORMICK moved to refer to a special committee of five.

MR. FLEMING moved to table.

MR. DARNELL said he hoped the motion to table would not prevail. The motion was ruled out of order.

MR. FLEMING moved the previous question.

MR. WAELDER rose to a point of order, claiming that the previous question was to re-commit. He was sustained, and the House refused to re-commit by a vote of 34 to 46.

MR. GRAVES moved to close the debate on Judge Reagan's motion and was sustained.

Judge Reagan's amendment was lost by a vote of 25 to 55.

PRESIDENT PICKETT said the question before the House was the engrossment of the bill.

GENERAL WHITFIELD said that the baby—meaning Mr. Fleming's report—was becoming a fine and well-developed child—and asked that it should be printed with all its amendments and made the special order for the following Saturday at 10 o'clock.

MR. FLOURNOY said he would support the motion. There was nothing left that he could do, since all that could be recognized as a part of the original bill was the heading and the signature.

General Whitfield's motion prevailed, and 160 copies of the article were ordered printed.

MR. WEST said that it would take the secretaries some time to get all of the amendments ready for the printer, and so he moved to adjourn. His motion prevailed.

FORTY-FIFTH DAY

WEDNESDAY, OCTOBER 27, 1875[87]

MR. SCOTT called up his motion to amend the rules, so that after any article in the Constitution should have passed its third reading it should go to the Committee on Style and Arrangement, and when

[87]The proceedings for this day were taken from the *State Gazette* (Austin), October 28, 1875.

presented by said committee should not be subject to any amendment which would change its meaning and intent except by a two-thirds vote of the Convention.

JUDGE REAGAN argued the right of the majority to control and shape its action until the new Constitution was completed, even after it had been returned by the Committee on Style and Arrangement.

MR. SCOTT said he thought Rule 4 was a mistake of the committee. He thought the people understood what they wanted, and that their representatives understood their wants, and that after a proposition had been passed on three times it ought not to be opened to a similar process after it came from the Committee on Style and Arrangement.

MR. FLEMING said he was in favor of the amendment.

MR. RUSSELL, of Wood, spoke in favor of the amendment.

MR. RAMEY supported the amendment. He said that he was astonished that it should be expected that a majority should control after matters had been finally settled. He said he had been a member or spectator of legislative bodies for years, and this was the first time he had ever heard such a proposition submitted.

MR. STOCKDALE said that no rule had been more maturely considered than Rule 4. The idea was not to place the Constitution out of the power of the House at any time, he said. He understood that there must be an end to their deliberations, but that end was to be made under the ruling power of the House—that was a majority. The idea of the committee had been not to conclude the House from making such changes as were necessary.

MR. CLINE said he thought it was important and proper that they preserve the original rule.

MR. MILLS called attention to the vote by which the Democratic party had given the people universal suffrage, and said that if in 1866 the people had been given the rights afterwards assured them by Congress, such words as "scalawag" and "carpet-bagger" would have had no meaning in the Convention. He said he believed the gentleman from Anderson wanted the section on universal suffrage stricken out.

JUDGE REAGAN said that he had been a citizen of Texas for thirty-seven years, and his actions, both in public and private life, had been open to the country. When the gentleman from Grimes

ascribed sinister motives to him—considering the source from which it came—he paid one of the highest compliments it was possible for him to pay.

MR. MILLS said that if the House was permitted to change articles after the return from the Committee on Style and Arrangement, they would be in session four months.

MR. WEAVER said he understood that the committee had no power excepting that pertaining to style and arrangement, and that it had no power to alter acts of the Convention.

MR. NUGENT opposed the Scott amendment.

MR. FLOURNOY supported the Scott amendment. He said that he admitted the rights of majorities, but that it was necessary, in order to secure final action, to provide rules for such action.

MR. STOCKDALE said it might be found that some grave errors had been made in framing the Constitution, or that sections might be found to conflict in opinion. This had occurred in the Constitution of 1869 several times.

MR. MCCORMICK said he opposed the rule as it stood and would favor the change as suggested.

MR. DILLARD said he thought it would be best to make no change in the rules. If a majority could control in the final reading, when could they be expected to get through with their work?

MR. SCOTT argued that Rule 4 was in itself void.

MR. WADE said there was more discussion on the question than it was worth. He thought a two-thirds vote should settle it and secure the adoption of all important amendments.

MR. BARNETT said he thought that if there were grave errors when the Constitution was reported by the Committee on Style and Arrangement there would be no difficulty in obtaining a two-thirds vote to correct the errors.

The vote on the adoption of the new rule was lost by 52 to 27, lacking a two-thirds vote.

MR. SCOTT said the former rules had been adopted by a majority vote.

MR. WEAVER, with permission of the Convention, changed his vote from "no" to "aye," which gave the required two-thirds vote and adopted the new rule.

JUDGE REAGAN rose to a question of privilege, and referred to a paragraph in a local paper, the *Gazette,* making the following correction:

"In this sentence of Mr. Russell, of Wood, remarks, in reply to Mr. Reagan, published yesterday, the word 'subsidies' was inadvertently omitted. 'Mr. Reagan believed railroad subsidies were right, and he (Mr. Russell) believed they were wrong.'"

(This correction was made at the request of Russell, of Wood.)

MR. RUSSELL, of Wood, said he had been laboring under some excitement during his colloquy with Judge Reagan, and had intended to say "land subsidies."

JUDGE REAGAN said he had always opposed money subsidies. He thought the *Gazette* had been distorting his views in its reports.

MR. NUGENT rose to a question of privilege, complaining that he had been placed in a false position by the publication of the speech of Mr. Johnson, of Franklin, in that day's *Gazette.* He said he had made some pleasantries in connection with his remarks in the discussion of the question of an occupation tax, which Mr. Johnson had replied to. He thought it was an injustice that he should be placed in a false position by this publication. He had meant no reflection on Mr. Johnson or any other minister in the State His remarks on the subject had not been published, and hence the speech of Mr. Johnson arraigned him before the whole country.

MR. JOHNSON, of Franklin, said he had published his speech himself in consequence of a garbled account published in the *Statesman* of the colloquy between himself and Mr. Nugent, and which he considered placed himself and the ministry in an improper light before the country.

Legislative Department—Third Reading

MR. MCLEAN moved to amend Section 1 by adding after the word "Legislature"—on the method of amending the Constitution—"at the next general election." The amendment was lost.

MR. WEST moved to reconsider the vote on the McLean amendment. He said it contained an important principle, for it was well known that the people would not come out to special elections, and it would be in the power of a few schemers to defeat the most important amendments to the Constitution at any time.

JUDGE BALLINGER said he hoped the provision would stand as it was. A Constitution should be perfected from time to time and in an easy manner.

MR. MCLEAN spoke in favor of his amendment.

MR. ROBERTSON, of Bell, supported the amendment.

MR. STOCKDALE said he endorsed the attitude of Judge Ballinger and would support the section as it stood.

The Convention refused to reconsider by a vote of 36 to 43.

MR. FLOURNOY moved to amend Section 48 by inserting after the word "schools" the words "to the extent especially authorized in this Constitution." He said that he desired that the Legislature should be limited in that respect. He thought the committee would report in favor of one university, and that it would be included in this provision.

MR. GRAVES moved the previous question on the passage of the article, and was sustained.

The amendment was lost.

The Legislative Article then passed its third reading by a vote of 60 to 17.

FORTY-SIXTH DAY

THURSDAY, OCTOBER 28, 1875[88]

The School Question—Second Reading

MR. ERHARD said he had never spoken before, but he thought he should say something in favor of free schools. He denied the wisdom of low appropriations for the public schools, which some members had advocated because of the poverty of the people. He said the late administration had left them a heavy debt, but he thought the State could still bear some taxation for public schools. He insisted that six months of teaching was far cheaper in its results than four months. He said he wanted the children educated from the lowest to the highest branch of elementary knowledge and no farther at the State's expense.

JUDGE REAGAN offered to amend Section 3 by putting the poll tax at $1 instead of $2.

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[88]The proceedings for this day were taken from the *State Gazette* (Austin), October 29, 1875.