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*Resolved*, That the Committee on General Provisions be instructed to report a provision, to be incorporated in the constitution, that shall require all lands in the State patented to and otherwise claimed by individuals, in a separate or corporate capacity, in all organized counties, be assessed at a valuation not less than one dollar per acre, and that no lands in other portions of the State, owned or claimed by such parties, shall be assessed at a less amount than fifty cents per acre, and provide for the strict enforcement of this provision

Referred to Committee on General Provisions

Mr Stockdale offered the following resolution

*Resolved*, That the rules of the Convention be amended by adding the following.

Rule— That a motion to lay an amendment to any question on the table shall not, if carried, have the effect to carry with it the original question, but the original question shall, nevertheless, stand as the question before the house

Rules suspended and the resolution was adopted

Mr Russell, of Harrison, offered the following resolution

*Resolved*, That this Convention hold one session each day, Sundays excepted, commencing at 9 o'clock A M, and holding until 1 o'clock P. M

Mr Wade proposed to amend by striking out "1 o'clock P. M.," and inserting "3 o'clock P. M."

On motion of Mr Brown, the resolution and amendment were ordered to lie on the table for the present

Mr Fleming offered the following resolution:

*Resolved*, That the Committee on Printing be instructed to contract for twenty copies of such daily papers as the members may select, for the use of each member of this Convention, *provided*, the same shall contain the journals of this body

Referred to Committee on Printing

On motion of Mr Flanagan the Convention adjourned until 9 o'clock A M to-morrow

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#### FOURTH DAY

HALL OF REPRESENTATIVES  
AUSTIN, TEXAS, September 9, 1875

Convention met pursuant to adjournment, roll called, *quorum* present Prayer by Rev E B Wright, of Austin

On motion of Mr McCormick, Mr Whitfield was excused, on account of sickness

Journal of yesterday read and adopted

The President announced the following members as the Committee on Mileage Messrs Martin of Navarro, Abernathy and Stavton

Mr West offered the following resolution

*Resolved*, That the Committee on Suffrage be instructed to obtain, for the use of the Convention, from the Governor and Secretary of State, a general tabular statement of the number of votes cast in the election for Governor in 1866, 1869 and 1873, together with such other information as the Executive or State Departments may disclose as to the number of legal voters at present in the State, and that they also be instructed to obtain, for the use of the Convention, from any source they may deem best, a general statement of the number of persons now registered and entitled to registration in the State, also to enquire as to the cost and expense of a general election in this State, including the cost of election proclamation, notices, registration, and other expenses to the State, counties and people, and to report to the Convention

Adopted

Mr Darnell offered the following resolution.

*Resolved*, That all property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards, by gift, devise or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate and communitative property in the county in which it is situated

Read and referred to Committee on General Provisions

Mr. Darnell offered the following resolution

*Resolved*, That the Legislature shall have power to protect, by law, from forced sale a certain portion of the property of all heads of families. The homestead of a family not to exceed two hundred acres of land (not included in a city or town), or any city or town lot or lots in value not to exceed \_\_\_\_\_ dollars, shall not be subject to forced sale, nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may direct, town or city lots may be joining or separate

Read and referred to Committee on General Provisions

Mr Darnell offered the following resolution

*Resolved*, That the legal rate of interest shall not exceed eight per cent per annum, and not more than twelve by contract, with a forfeiture for violation.

Read and referred to the Committee on General Provisions

Mr. Lynch offered the following resolution :

*Resolved*, That the Committee on Suffrage be instructed to inquire into the propriety of limiting the right of suffrage to those who pay a poll tax, and report by ordinance or otherwise

Read and referred to Committee on Suffrage

Mr. Mills offered the following resolution :

*Resolved*, That the Sergeant-at-arms be instructed to contract with the Capital Ice Company for a sufficient quantity of ice for the use of the Convention, at a price not to exceed two cents per pound

*Adopted*

Mr. Johnson, of Franklin, offered the following resolution

*Resolved*, That the Committee on Legislative Department, be instructed to inquire into the expediency and propriety of incorporating in the constitution the following provision. "The Legislature shall be prohibited from granting, directly or indirectly, public money or anything of value to any individual, company of individuals or corporation, whatever "

Read and referred to Committee on Legislative Department

Mr. Moore offered the following resolution

*Resolved*, That the following shall form a section of the constitution and be a part thereof

Section — "The lands granted to the several counties of this State for educational purposes, and known as county school lands, be and are hereby vested in the counties to which they were respectively granted, and said counties are authorized to sell or otherwise dispose of the same, and apply the proceeds thereof to the purposes of said trust "

Read and referred to the Committee on Counties and County Lands

Mr. Wade offered the following resolution :

*Resolved*, That venality, malversation, dereliction, and malfeasance are destructive of public spirit and good government, and shall be regarded as high crime, that gifts and rewards, other than as allowed by law, shall not be given to any official and that the emoluments of any official station shall not be such as to entice the avaricious nor the lovers of leisure, and that the grand juries of the country be required to investigate the conduct, books, and official course of all administrative officers, at least once a year.

Read and referred to Committee on Executive Department

Mr Fleming offered the following resolution

*Resolved*, That the following section shall be incorporated in the constitution of Texas, under the appropriate caption

“That the Legislature shall pass laws prohibiting a greater per centum or rate of interest than ten per centum per annum on the amount or value of the contract, and shall, by adequate penalties, provide for the enforcement of this section”

Read and referred to Committee on General Provisions.

Mr Fleming offered the following resolution

*Resolved*, That the following sections shall be incorporated in the constitution of this State, under appropriate captions.

Section — “That every railroad corporation, organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place of business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amount owned by them, respectively, the amount of stock paid in, and by whom, the amount of its assets and liabilities, and the name and place of residence of its officers. The directors of every railroad corporation shall, annually, make a report, under oath, to the Comptroller of Public Accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law”

Sec — “The rolling stock, and all other property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the Legislature shall pass no law exempting such property from execution and sale”

Sec — “Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the Legislature shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freights on the different railroads”

Sec — “The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws, by adequate penalties, to the extent necessary for that purpose of forfeiture of their property. The Legisla-

ture shall pass laws enforcing, by suitable penalties, these provisions ”

Read and referred to Committee on Railroad Corporations

Mr. Nugent offered the following resolution

*Resolved*, That the following provision be incorporated in the constitution under its appropriate caption, to wit.

Sec — “In the trial of civil causes and prosecutions for offenses of a less grade than felony, in the several courts of this State, no jury shall be empanelled, unless the parties, or one of them, shall make written application therefor to the court, but this section shall not be so construed as to authorize the State to make such application ”

Read and referred to Committee on Legislative Department

Also—

*Resolved*, That the following provision shall be incorporated in the constitution, under its appropriate caption, to wit.

Section — “No law shall ever be enacted by the Legislature requiring the several counties of the State to provide for the support of petit juries, for the trial of civil causes, and prosecutions for offenses classed as misdemeanors ”

Referred to Committee on Legislative Department

Also—

*Resolved*, That the following provision be incorporated in the constitution, under appropriate caption, to wit

Section — “The privileges of the writ of *habeas corpus* shall never be suspended in this State ”

Referred to Committee on Bill of Rights

Mr. Havnes offered the following resolution.

*Resolved*, That the Legislature may pass special laws in regard to farming, fencing and stock-raising

Referred to Legislative Department

Mr. Ross offered the following resolution

*Resolved*, That all lands in this State shall be rendered for taxation in the counties in which they are situated, and all taxes upon lands shall be assessed and collected in counties where the land lies, and not elsewhere; *provided*, that lands situated in counties not organized may be rendered and the taxes assessed and collected in the counties to which they are severally attached for judicial purposes

Referred to Committee on Taxation and Revenue

Mr. Nunn offered the following resolution.

*Resolved*, That it is the sense of this Convention that the Committee on Legislative Department shall inquire into the expediency, and report in favor of biennial sessions of the Legisla-

ture, and for a *special* session only when a public necessity may require

Referred to Committee on Legislative Department

Mr Robertson, of Bell, offered the following resolution:

*Resolved*, That the Committee on General Provisions shall incorporate in its appropriate place, a provision fixing the rate of interest at 8 per cent, and 10 per cent by contract

Referred to Committee on General Provisions

Mr McCormick offered the following resolution:

*Resolved*, That the preamble to the Constitution of the State of Texas shall hereafter read as follows, to wit

“ PREAMBLE :

“ We the people of Texas, with reverence for God, and grateful for all his goodness, do, for the better government of the State, make, ordain and establish this Constitution.”

Referred to Committee on Bill of Rights.

Mr. Cook, of Gonzales, offered the following resolution

*Resolved*, That all representatives of the press be invited to seats within the Hall of the Convention

Mr Dohoney offered the following as a substitute:

*Resolved*, That reporters of newspapers proposing to publish the proceedings of the Convention, or synoptical reports thereof, be and they are hereby invited to occupy seats within the Hall, and near the Secretary's desk, and that the Sergeant-at-arms be instructed to provide suitable seats for their accommodation

Adopted, and resolution as amended adopted

Mr Rugely offered the following resolution:

*Resolved*, That the Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the judges of the Supreme and District Courts, and that the Judges of the Supreme Court shall hold their offices for ten years, and the District Judges for six years

Referred to Judiciary Committee.

Mr Flournoy offered the following resolution:

*Resolved*, That the Committee on Private Corporations be instructed to ascertain if there be any person or corporation or combination of persons in the city of Galveston or elsewhere in the State of Texas who have heretofore assumed and are now assuming to exercise the sovereign right of taxing commerce by demanding and receiving tolls or wharfage without authority; and if so to provide just and adequate means for preventing a continuance of the same.

On motion of Mr McCormick the words “ and they be author-

ized to send for persons and papers," were added, and resolution referred to Committee on Private Corporations.

Mr. Holt offered the following resolution:

*Resolved*, That Supreme, District and County Judges shall be elected by the people.

Referred to Judiciary Committee

Mr. Sansom offered the following resolution:

*Resolved*, That the general provisions of the Constitution of 1845 be the basis of action of the Committee on General Provisions, and that they report the same with such changes as they may deem necessary to the Convention

Referred to the Committee on General Provisions

Mr. Nunn offered the following resolution:

*Resolved*, That in accordance with the theory of republican government, all officers, legislative, executive and judicial, shall be elective by the people, and that the terms of office should be so reduced as to secure an accountability for official conduct to the people.

Referred to the Committee on Legislative Department.

Mr. Allison offered the following resolution:

*Resolved*, That there be appointed a committee of apportionment, to consist of one member from each Senatorial District, on apportionment of Senatorial and Representative Districts and basis of representation.

Adopted

Mr. Holmes offered the following resolution:

*Resolved*, That the following provisions be incorporated in the constitution. That no county in this State, town or municipality, be allowed to give material aid by taxation to any railroad, manufacturing corporation, or educational institution.

Referred to Committee on Legislative Department.

Mr. Haynes offered the following resolution.

*Resolved*, That the Senate and House of Representatives, when assembled, shall each elect a speaker and its other officers; be judges of the qualifications and election of its members, and sit upon its own adjournments from day to day. Not less than two-thirds of all the members to which each house shall be entitled shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members

Referred to the Committee on Legislative Department

Mr. Russell, of Harrison, offered the following resolution:

*Resolved*, That the following provisions shall be incorporated



in the constitution: That taxation shall be equal and uniform, and that no tax on occupation shall be levied.

Referred to the Committee on Tax and Revenue

Mr. Lynch offered the following resolution:

*Resolved*, That the Committee on State Affairs inquire into the propriety of abolishing the office of State Geologist.

Referred to Committee on State Affairs.

Mr. Stayton offered the following substitute:

*Resolved*, That each delegate to this Convention do furnish to the Committee on Mileage, without delay, a statement in writing, showing the residence of such delegate, and further showing the most direct traveled route from the residence of such delegate to the city of Austin.

Mr. Kilgore offered the following substitute:

*Resolved*, That each member of the Convention furnish the Committee on Mileage the name of the county of his residence, and the county seat of such county.

On motion of Mr. Scott, the original resolution and substitute were laid on the table.

Mr. Wade offered the following resolution:

*Resolved*, That, for the protection of the civil and religious liberty of the citizen, that the writ of habeas corpus never be suspended; that martial law never be declared; that the liberty of speech and of the press never be abridged, that no citizen, body corporate, city or town be compelled to support any church organization, creed, faith, denomination or association of religion, or to contribute anything to the support or maintainance of any priest, preacher, teacher or director of any such creed, faith, denomination or church organization of religion.

Referred to Committee on Bill of Rights

The following additions were made to standing committees:

Mr. Stayton, to Committee on Railroad Corporations.

Mr. Cline, to Committee on Education.

Mr. Davis, of Brazos, to Judiciary Committee.

Mr. Russell, of Harrison, to Committee on Taxation and Revenue.

Mr. Flournoy, to Committee on Private Corporations

Mr. Russell, of Wood, to Committee on Immigration

On motion of Mr. Stockdale, the Convention adjourned until 9 o'clock A M to-morrow