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TENTH DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 16, 1875 }

Convention met pursuant to adjournment, roll call, quorum present Prayer by Rev E B Wright, of Austin Journals read, corrected and adopted

Mr West presented the petition of J H. Hutchins and Alfred Grooms, relative to services rendered in the Land Office during the war

Referred to Committee on Ordinances

Mr Nugent presented the memorial of T R Orenbaun, relative to doing away with fences in prairie counties, and school lands

Referred to Committee on Counties and County Lands

The following reports of committees were then read

To the Hon E B Pickett, President of the Convention

The Committee on Legislative Department, having considered the resolution referred to it in relation to empanelling juries, ask to be allowed to report the same back, and recommend that it be referred to the Committee on Judicial Department

JNO L HENRY, Chairman

To the Hon. E B Pickett, President of the Convention

The Committee on Legislative Department, to whom was referred resolution in regard to giving aid by municipal corporations, beg leave to report the same back, and recommend that the same be referred to the Committee on Municipal Corporations.

JNO L HENRY, Chairman

To the Hon E B Pickett, President of the Convention

Your Committee on the Legislative Department, to whom was referred resolution relating to the appointment of special judges, having considered the same, instruct me to report it back and ask that it be referred to the Committee on Judicial Department

JNO L HENRY, Chairman

To the Hon E B Pickett, President of the Convention

The Committee on the Legislative Department, to whom was referred resolution in relation to support of petit juries, have had the same under consideration, and ask leave to report it back

and recommend that it be referred to the Committee on the Judiciary Department

JNO L HENRY, Chairman

COMMITTEE ROOMS,
AUSTIN, September 16, 1875 }

To the Hon E B Pickett, President of the Convention.

The Committee on General Provisions, to whom were referred a series of resolutions concerning municipal corporations, county school lands and public school lands, beg leave to report that they have carefully considered the same and herewith return the same, and recommend that the resolution as to municipal corporations be referred to the Committee on Municipal Corporations; that the resolution as to county school lands be referred to the Committee on Counties and County Lands, that the resolution as to public school lands be referred to the Committee on Education

All of which is respectfully submitted

C. S WEST, Chairman

Mr Lockett offered the following resolution.

Resolved, That the public free schools of this State shall be taught at least four months during the scholastic year, and that the Legislature shall pass laws to enforce and carry out this provision *Provided, further*, that the school officers of towns, cities and districts may continue them for a longer period, and that the Directors may levy a tax for the continuance of the same

Referred to Committee on Public Schools

Also, by Mr Lockett, the following resolution.

Resolved, That article 3, section 2, of the constitution of 1866 be and constitute a part of the constitution now being made, under its proper caption, with the words "Africans and the descendants of Africans" stricken out, and which shall read as follows

"Every free male person who shall have attained the age of twenty-one years and who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote (Indians not taxed excepted), shall be deemed a qualified elector, and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer, *provided*, that the qualified electors shall be permitted to vote anywhere in the State for

State officers; *and provided, further*, that no soldier, seaman or marine in the army or navy of the United States shall be entitled to vote at any election created by this constitution ”

Referred to Committee on Suffrage

Mr Robertson, of Bell, offered the following resolution

Resolved, That all claims, locations, surveys, grants, and titles to land, which are declared null and void by the constitution of the Republic of Texas, are and the same shall forever remain null and void; that all certificates for headlight claims issued to fictitious persons, or which were forged, and all locations and surveys thereon, are and the same were null and void from the beginning

Referred to Committee on General Provisions.

Mr Dillard offered the following resolution .

WHEREAS, All original power and sovereignty resides with the people, and they alone can delegate power or authority to govern either in the executive, legislative or judicial departments of the government; therefore,

Resolved, That all officers, either of the legislative, executive or judicial departments of the government, be elected by the people

Referred to Committee on Legislative Department

Mr Whitfield offered the following resolution .

Resolved, That an additional porter be employed by the President whose duty it shall be, in addition to other duties, to attend the State Library and see that books are not taken therefrom without leave or by irresponsible parties, he shall keep the Library open from 7 o'clock A M to 6 o'clock P M during the session of this Convention

Adopted

Mr West offered the following resolution

Resolved, That section — of article — of the constitution shall read as follows

“ No man or set of men shall ever be exempted, relieved or discharged from the performance of any duty or service imposed by general law, by special legislation. Exemptions from the performance of public duty or service shall only be made by general laws passed by the votes of two-thirds of the members of both houses of the Legislature ”

Referred to Committee on General Provisions

Mr Ballinger offered the following resolution

Resolved, That the property of counties, cities and towns, owned and held only for public purposes, and essential to the performance of their public duties, such as public buildings and

the sites therefor, fire engines and all other property used for extinguishment of fires, etc., should be exempt from execution and forced sale; and that the Committee on Municipal Corporations be directed to report an appropriate provision in the constitution to cover proper exemptions of property of counties, cities and towns in this State

Referred to Committee on Municipal Corporations.

The Convention then proceeded to the consideration of unfinished business on the President's desk, which being the motion of Mr. Ross to reconsider the resolution to employ a phonographic reporter, Mr. Wright made this point of order, viz. that the motion to reconsider was out of order, for the reason that the question had been once reconsidered, and that by the employment of the stenographer, the question under rule 35 had passed out of the control of the house.

The chair ruled against the point of order

Mr. Waelder offered the following resolution

Resolved, That the matter of the employment of a stenographer be referred to the Committee on Printing and Contingent Expenses, with instructions to report upon the matters to be reported by the stenographer, and what disposition shall be made of the reports when made, the probable expense, etc., and that until the committee report and the action of the Convention thereupon, the stenographer shall be regarded as unemployed, and that the motion to reconsider be postponed until the coming in of the report.

The chair ruled the resolution out of order

Mr. West moved to postpone the question of reconsideration until to-morrow, and that it be made the special order after the morning call was through. The yeas and nays were called and the motion lost by the following vote:

YEAS—Crawford, Erhard, Ford, Henry of Tyler, King, Kilgore, McLean, Moore, Murphy, Norvell, Rentfro, Stockdale, Wright, West—14

NAYS—Allison, Abernathy, Arnim, Abner, Brown, Blake, Balingier, Blassingame, Barnett, Burleson, Brady, Bruce, Chambers, Cook of Gonzales, Clue, Cooley, Douglass, Dillard, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Davis of Wharton, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Killough, Lockett, Lacy, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Mills, Mitchell, McKinney, McCormick, Nunn, Nugent, Pauli, Reagan, Ramey, Rugely, Reynolds, Robertson of Bell, Robeson of Fayette, Ross, Rus-

sell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Stayton, Sansom, Wade, Whitehead, Whitfield, Waelder—68.

The question then recurring upon Mr. Ross' motion to reconsider the same was put, and the yeas and nays being demanded the vote was reconsidered by the following vote:

YEAS.—Allison, Abernathy, Arnim, Abner, Brown, Blake, Ballinger, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cooley, Dillard, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Mills, Mitchell, McKinney, McCormick, Moore, Nugent, Pauli, Ramey, Reynolds, Robeson of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Stayton, Wade, Whitfield, Waelder—60.

NAYS.—Cline, Douglass, DeMorse, Dohoney, Dunnam, Ford, Flournoy, Henry of Tyler, King, Lockett, McLean, Murphy, Norvell, Nunn, Reagan, Rugelv, Rentfro, Robertson of Bell, Stockdale, Sansom, Whitehead, Wright, West—23.

Mr. Flournoy offered the following as a substitute for the resolution:

Resolved, That the stenographic reporter be employed to report only the debates on the proposed constitution, or some part thereof; and that the Committee on Printing be instructed to contract with him, at reasonable rates, and also to contract for the publication of the same in some daily newspaper, and for the furnishing of fifteen copies of such newspaper to each of the members of this Convention.

Mr. Russell, of Wood, moved to indefinitely postpone the whole subject matter.

Mr. Nunn proposed to amend the substitute, as follows:

The stenographer shall continue in the employment of the Convention under the contract made heretofore, until the further action of this Convention.

Withdrawn.

Mr. Crawford offered the following amendment, which was accepted:

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

On motion of Mr. Scott, the main question was ordered, which being the adoption or rejection of Mr. Flournoy's resolution, the yeas and nays were called, and stood:

YEAS—Allison, Abner, Brown, Blake, Ballinger, Brady, Crawford, Cline, Douglass, Dillard, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Davis of Wharton, Erhard, Ford, Flournoy, Ferris, King, Kilgore, Lockett, McCabe, Morris, Mills, Mitchell, Moore, Murphy, Norvell, Nunn, Reagan, Rugely, Reynolds, Rentfro, Stockdale, Sansom, Whitehead, Wright, Whitfield, West, Waelder—42

NAYS—Mr President, Abernathy, Arnim, Blassingame, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cooley, Fleming, German, Gather, Graves, Holt, Henry of Tyler, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Killough, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McKinney, McCormick, Nugent, Paul, Ramey, Robertson of Bell, Robeson of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Stayton, Wade—43

So the substitute was lost

The question then recurring on the motion of Mr Russell, of Wood, to indefinitely postpone the whole subject matter, the same was put, and the yeas and nays being demanded, stood

YEAS—Allison, Abernathy, Arnim, Abner, Brown, Blake, Blassingame, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cooley, Fleming, German, Gather, Graves, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Killough, Lacy, Lynch, Martin of Navarro, Mills, McKinney, McCormick, Nugent, Ramey, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Wade and Whitfield—41.

NAYS—Ballinger, Brady, Crawford, Cline, Douglass, Dillard, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Davis of Wharton, Erhard, Ford, Flournoy, Ferris, Henry of Tyler, King, Kilgore, Lockett, McLean, Martin of Hunt, McCabe, Morris, Mitchell, Moore, Murphy, Norvell, Nunn, Paul, Reagan, Rugely, Reynolds, Rentfro, Robertson of Bell, Robeson of Fayette, Stockdale, Stayton, Sansom, Whitehead, Wright, West, Waelder—43.

So the motion was lost.

The question being the adoption of the original resolution, Mr Crawford moved to adjourn until 9 o'clock to-morrow.

The yeas and nays were called, and the Convention refused to adjourn by the following vote

YEAS—Abernathy, Brady, Crawford, Cooke of San Saba, Dillard, DeMorse, Dohoney, Davis of Brazos, Davis of Wharton,

Flournoy, Ferris, Kilgore, Lockett, McLean, Mills, Mitchell, Moore, Murphy, Norvell, Pauli, Rugely, Scott, Sansom—23

YAYS—Allison, Arnim, Abner, Brown, Blake, Ballinger, Blassingame, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Cline, Cooley, Douglass, Darnell, Dunnam, Erhard, Ford, Fleming, German, Gauthier, Graves, Holt, Henry of Tyler, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collins, King, Killough, Lacy, Lynch, Martin of Navarro, Martin of Hunt, Morris, McKinney, McCormick, Nunn, Nugent, Reagan, Ramey, Reynolds, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Sessions, Stockdale, Stayton, Wade, Whitehead, Wright, Whitfield, Waelder—59

The yeas and nays were then called upon the adoption or rejection of the original resolution, and stood—

YEAS—Abernathy, Brady, Cline, Douglass, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, Flournoy, Ferris, Henry of Tyler, King, Kilgore, Lockett, McLean, Morris, Murphy, Norvell, Nunn, Reagan, Rugely, Robertson of Bell, Stockdale, Stayton, Sansom, Whitehead, Wright, West—31.

NAYS—Allison, Arnim, Abner, Brown, Blake, Ballinger, Blassingame, Barnett, Burleson, Bruce, Crawford, Chambers, Cook, of Gonzales, Cooke of San Saba, Cooley, Dillard, Davis of Wharton, Fleming, German, Gauthier, Graves, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collins, Killough, Lacy, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Mills, Mitchell, McKinney, McCormick, Moore, Nugent, Pauli, Ramey, Reynolds, Rentfro, Robeson of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Wade, Whitfield, Waelder—53

So the resolution was lost

Mr. Brown in the chair

Mr McCormick moved to reconsider the vote just taken, and to lay the motion on the table

The chair ruled the motion out of order.

Mr McCormick appealed, and the Convention sustained the chair

Mr Martin, of Navarro, offered the following resolution

Resolved, That the stenographic reporter shall receive the amount of compensation agreed upon with the committee to the present date

Adopted

Mr Dillard offered the following resolution

WHEREAS, The convention has now been in session ten days,

and many resolutions, petitions and memorials have been presented, read and referred, and,

WHEREAS, It greatly retards the action of this body, by holding daily sessions, as all of the work must first be shaped in the committee rooms; and,

WHEREAS, The great and important duty devolves upon each and every member to adopt that course which will best promote the true interest of the people, therefore,

Resolved, That the Convention do now adjourn until Monday, the 25th day of September, 1875, at 9 o'clock A M, that the committees may have sufficient time to mature and prepare their report

Laid over under the rules.

On motion of Mr Kilgore, Mr Martin, of Navarro, was added to Committee on General Provisions

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

ELEVENTH DAY

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 17, 1875 }

Convention met pursuant to adjournment, roll called; quorum present

On motion of Mr Mills, Mr. Rentfro was excused from attendance on account of sickness.

Journals of yesterday were read and adopted

The following communication from the Attorney General, with accompanying report, was then read, and, on motion of Mr Nunn, two hundred copies of the report were ordered printed.

ATTORNEY GENERAL'S OFFICE, }
AUSTIN, September 15, 1875 }

To the Hon E. B. Pickett, President of the Convention

SIR—In compliance with a resolution of the Convention, I have the honor to transmit herewith a table showing the number of criminal and civil cases upon the dockets of the various District Courts of the State, at their last regular terms, together with the number of each disposed of, which has been compiled from reliable data furnished me by District Clerks

I am, sir, with great respect, your obedient servant,

GEO CLARK, Attorney General.