

TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journal of the Constitutional Convention of the State of Texas: Begun and Held at the City of Austin Texas. Constitutional Convention (1875). Galveston : Printed for the Convention at the "News" Office, 1875.*

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to rarebooks@law.utexas.edu.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

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

TWELFTH DAY

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 18, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev Mr. Abernethy.

Journals of yesterday read and adopted.

Mr. Ford presented a memorial from L. G. Lincicum on the subject of embodying in the new constitution a law guaranteeing equality of rights to the practitioners of all the various schools of medicine.

Referred to Committee on General Provisions.

Mr. Russell, of Wood, presented a petition from the heirs of Verner, memorializing the Convention to reopen the courts of the State for the adjudication of old Mexican land grants

Referred to Committee on Mexican Land Titles

The following reports of committees were then read:

COMMITTEE ROOM, }
AUSTIN, September 18th, 1875. }

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

The Committee on General Provisions, to whom was referred a series of resolutions concerning the Superintendent of Public Instruction and a State University, instruct me to return the same, and recommend that they be referred to the Committee on Education.

Respectfully submitted,

C. S. WEST, Chairman.

COMMITTEE ROOM, }
AUSTIN, September 17, 1875. }

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

The Committee on State Affairs, to which was referred the resolution requiring them to "inquire into the propriety of abolishing the office of State Geologist," have had the same under consideration, and have instructed me to report as follows:

Up to the present time the labors of the State Geologist have not been productive of any visible good results, yet as Texas is a growing State, and the great natural resources she possesses are almost unknown and undeveloped, it would not be prudent to

restrict the Legislature from continuing said office, if the exigencies of the public good should require it.

JOHN S. FORD, Chairman.

COMMITTEE ROOM,
AUSTIN, September 17, 1875. }

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

The Committee on State Affairs, to which was referred the resolution relating to the repairing of the capitol building, under the superintendence of F. Voigt, have had the same under consideration, and have instructed me to report the said resolution back, and recommend its adoption by the Convention.

JOHN S. FORD, Chairman.

Mr. Mills offered the following amendment:

“Provided that the cost of the same shall not exceed seventy-five dollars.”

Adopted.

Mr. Martin, of Navarro, moved to lay the resolution on the table.

The yeas and nays were demanded, which resulted as follows:

YEAS—Arnim, Brown, Blassingame, Barnett, Brady, Bruce, Dohoney, Darnell, Erhard, Flournoy, Fleming, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Collin, Lynch, Martin of Navarro, Martin of Hunt, Mills, Mitchell, McKinney, Moore, Norvell, Pauli, Reagan, Rugely, Robertson of Bell, Ross, Scott, Sessions, Smith, Sansom, Wade, Whitehead, Wright—39.

NAYS—Mr. President, Allison, Abner, Blake, Ballinger, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Douglass, Dillard, DeMorse, Dunnam, Davis of Brazos, Davis of Wharton, Ford, Ferris, Flanagan, Holmes, Johnson of Franklin, King, Kilgore, Killough, Lockett, Lacy, McCabe, Morris, McCormick, Murphy, Nunn, Nugent, Ramey, Reynolds, Russell of Harrison, Spikes, Stockdale, Stayton, Waelder, West, Whitfield—40.

The question being on the adoption of the resolution, as amended, the yeas and nays were called for with the following result:

YEAS—Allison, Abner, Blake, Ballinger, Burleson, Crawford, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Douglass, Dillard, DeMorse, Dunnam, Davis of Brazos, Davis of Wharton, Ford, Ferris, Flanagan, Holmes, Johnson of Franklin, King, Kilgore, Killough, Lockett, Lacy, Martin of Hunt, McCabe, Morris, McCormick, Murphy, Nunn, Nugent, Pauli, Ramey, Rey-

nolds, Russell of Harrison, Stockdale, Stayton, Sansom, Waelder, West, Whitfield—43.

YAYS—Abernathy, Arnim, Brown, Blassingame, Barnett, Brady, Bruce, Chambers, Dohoney, Darnell, Erhard, Flournoy, Fleming, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Collin, Lynch, Martin of Navarro, Mills, Mitchell, McKinney, Moore, Norvell, Reagan, Rugely, Robertson of Bell, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Wade, Whitehead, Wright—40.

By which the resolution was adopted.

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

Your Committee on Printing and Contingent Expenses, to whom was referred resolution, "that those delegates from counties adjacent to the frontier, or such counties wherein no newspapers are published, be allowed thirty copies each of some paper in the city of Austin which publishes the proceedings of this Convention," have had the same under consideration, and have instructed me to report it back to the Convention, and recommend that it be not adopted.

W. D. S. COOK, Chairman.

The report was adopted.

Also reported as follows:

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

Your Committee on Printing and Contingent Expenses, to whom was referred preamble and resolution, in regard to furnishing members with envelopes and postage stamps, have had the same under consideration, and have, unanimously, instructed me to report the same back with the following resolution, and recommend its adoption, viz.:

Resolved, That the Sergeant-at-arms be and he is hereby directed to furnish each delegate and officer with postage stamps, stamped envelopes and stamped wrappers, to the amount of ten dollars each, and no more, for and during the session of this Convention."

W. D. S. COOK, Chairman.

Mr. Nunn moved to strike out ten dollars and insert five dollars.

Mr. Dillard moved to strike out ten dollars and insert nothing.
Lost.

Mr. McCormick moved to indefinitely postpone the whole matter.

Lost.

Mr. Ballinger offered the following as a substitute for the resolution and amendment:

Resolved, That the Sergeant-at-arms furnish the stationery, postage stamps, wrappers, etc., required by members, making a report of the amount received by each member, to be published in the proceedings of the Convention.

The substitute was then adopted by the following vote:

YEAS—Allison, Arnim, Abner, Brown, Blake, Ballinger, Blassingame, Burlison, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Dillard, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Davis of Wharton, Erhard, Ford, Fleming, Ferris, Flanagan, German, Gaither, Graves, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Morris, McKinney, McCormick, Moore, Murphy, Nugent, Pauli, Reagan, Ramey, Rugely, Reynolds, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Scott, Sessions, Smith, Stockdale, Stayton, Sanson, Whitehead, Wright, Waelder, Whitfield—67.

NAYS—Abernathy, Barnett, Douglass, Flournoy, Holt, Henry of Smith, Holmes, King, Lockett, Mills, Mitchell, Norvell, Nunn, Spikes, Wade, West—16.

Mr. Whitfield offered the following resolution:

Resolved, That the Committee on Printing and Contingent Expenses be instructed to contract with some newspaper published in the city of Austin for the publication of the daily journal; and deliver to each delegate five copies of the same.

Mr. Martin, of Navarro, proposed to amend by striking out "five" and inserting "one."

Mr. McCormick moved to amend the amendment by inserting "one to every three delegates."

Lost.

Mr. Martin's (of Navarro) amendment lost and the resolution adopted.

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

Carried.

Mr. Burlison offered the following resolution:

Resolved, That the Legislature, at the first session after the adoption of the present constitution, shall provide for the assessment and collection of all back taxes due the State and counties.

Referred to Committee on Revenue and Taxation.

Mr. Scott offered the following resolution:

Resolved, That the following shall be a part of the constitution:

“It shall be the duty of the Legislature to provide for the settlement of differences by arbitration where parties shall elect that mode of trial.”

Referred to Committee on Legislative Department.

Mr. Brown offered the following resolution:

“GENERAL PROVISIONS.

“Sec. —. No person shall be prosecuted in any civil action or criminal proceeding for or on account of any act by him done, performed or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by the government of the United States, or of this State, or of the late Confederate States, or any of them, to do such act. And if any action or proceeding shall have been, or shall hereafter be instituted, against any person for the doing of any such act, the defendant may plead this section in bar thereof.”

Referred to Committee on General Provisions.

Mr. Ramey offered the following resolution:

Resolved, That in every county in this State there shall be elected by the qualified voters thereof a County Clerk, who shall be the Clerk of the District, County and Probate Courts of said counties respectively. Shall also be Recorder for the same, and perform such other duties as may be required by law. But in counties containing 10,000 inhabitants, or more, the Legislature may make provisions to divide the duties of said office and provide for the electing of two clerks in each county, one to be denominated District and the other County Clerk, each to perform such duties as may be prescribed by law.

Referred to the Executive Committee.

On motion of Mr. Waelder, the Convention adjourned to 9 o'clock A. M. Monday.

THIRTEENTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, September 20, 1875. }

Roll called; quorum present; prayer by Rev. Mr. Lee.

On motion of Mr. Mills, Messrs. Cline and Morris were excused one day.