

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.

Also, the number of acres granted by the authorities of the State of Texas, either as head-rights, bounty, donation or otherwise, railroads excepted.

Also, the number of acres patented by the State of Texas on all classes of claims, railroads excepted.

Also, the number of acres of land of all classes of claims, (railroads excepted), the field notes of which are on file in the General Land Office, but on which no patents have issued.

Also, the number of acres of land granted to railroads, canals, ditches, and the clearing out of rivers and bayous, respectively, since the second day of March, 1836, up to the present time.

Also, the number of acres, the certificates to which have been issued to railroad, canal, ditch, river and bayou companies, respectively.

Also, the number of acres that have been patented to said companies.

Also, the number of acres, the field notes of which have been returned to the General Land Office by virtue of said certificates, the patents to which have not been issued.

Also, a statement of the annual expenses of said office; and

Also, a statement of the annual revenues of said office.

Also, the number of acres in the entire area of Texas, according to the Land Office computation.

Adopted.

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

FOURTEENTH DAY.

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 21, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev. W. H. D. Carrington.

Journals of yesterday read and adopted.

On motion of Mr. McCabe, Mr. Reynolds was temporarily excused on account of sickness.

Mr. Flournoy, Chairman of the Committee on Municipal Corporations, made the following report:

COMMITTEE ROOM,
AUSTIN, September 21, 1875 }

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

SIR—Your Committee on Municipal Corporations, to whom was referred the following resolution—

“*Resolved*, That in incorporated towns no one shall vote for any municipal officer or any other election pertaining to said corporation, unless he has \$500 worth of taxable property; in incorporated towns or cities three assessors, appointed or elected, shall annually assess all the property of the citizens residing within the limits of said corporation; corporations keeping their roads in their limits in order shall be exempt from all road laws,”

Have instructed me to report back the same, with the suggestion that it be referred to the Committee on Suffrage.

All of which is respectfully submitted,

GEORGE FLOURNOY, Chairman

Also—

COMMITTEE ROOM,
AUSTIN, September 21, 1875 }

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

SIR—Your Committee on Municipal Corporations, to whom was referred the enclosed resolutions, have instructed me to report that they have under consideration the first section of said resolutions, and suggest that the second and third sections thereof be referred to the Committee on Counties and County Lands.

All of which is respectfully submitted.

GEORGE FLOURNOY, Chairman.

The Select Committee, to whom was referred the resolution and proposed ordinance providing for the postponement of the election for members of the Legislature, presented the following report:

COMMITTEE ROOM,
AUSTIN, September 20, 1875. }

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

The undersigned, constituting a majority of the select committee, to whom was referred a resolution and also a proposed ordinance providing for the postponement of the election for members of the Legislature and other officers, to be held according to the existing laws of the State, on the first Tuesday of December, 1875, beg leave to make the following report:

They have carefully considered the subject, and have availed

themselves of all sources of information that were accessible to them. It is not their purpose, nor do they deem it necessary, that they should enter in this connection at length into the consideration of the question as to the extent of the powers of this Convention, and under what circumstances or conditions it can exercise such powers as it may possess. In the matter under consideration, they have arrived at the conclusion that this Convention has the power, and that it is its duty to the people of the State to postpone said election, and the assembling of the Legislature in January next.

One of the main abuses that this body has been assembled by the people to inquire into and correct, is the almost unlimited power now vested in the Legislative Department of this State by the present constitution.

The Convention has directed one of its standing committees to examine into and report upon the existing abuses in that department, and to suggest the remedy for them.

This duty that committee has performed, and their report is now before this body. They recommend very important and necessary changes in the organization of that department of the State government, restricting its powers, altering its sessions, the number of its members, and making many other important alterations.

That most of the changes recommended will be adopted by this body and accepted by the people of the State, there is no doubt.

While then this body, in the plain discharge of its duties, is in the act of thoroughly reforming and reorganizing this branch of the government, it seems to the majority of the committee, not only to be proper but to constitute an important part of the duty enjoined on them by their election to postpone for the present the meeting of the Legislature, when its assembling in January next could have no other effect than to create confusion, conflict, embarrassment, and add greatly to the expenses of the people of the State, without any corresponding benefit to be derived from their assembling together.

It is to be presumed that the Legislature, that passed the joint resolution providing for taking the popular vote as to the assembling of the present Convention, would have provided a mode of obviating the difficulties and embarrassments attending an election in December, to the convening of the Legislature in January next.

But it was a subject practically beyond legislative control, for

it was impossible for that body to foresee and in advance determine at what period this body would end its labors, or on what day it would submit its work to the people. No action could then be taken by them, because it was a matter for which they could not provide. It was a subject intimately connected with that of the submission of the work of the present Convention to the people, a duty which specially devolves upon the Convention. If they believe the election in December next presents an obstruction or greatly embarrasses the people, and will in some measure tend to prevent them from passing fairly and fully upon the merits of the instrument submitted to them, it is within the scope of their authority, and clearly within the line of their duty, to take all the steps necessary and proper to enable the will of the people to be freely and fairly ascertained.

The direct expense to the State arising from ordering the election, issuing proper notices, preparing, printing and distributing instructions and forms to the different officers of the State charged with the due execution of the election laws, together with the expense of an entirely new registration, will not fall short of \$30,000, and may greatly exceed that amount. The mileage and per diem of the members of the Legislature alone may, and probably will, reach the sum of \$100,000; that of the three last Legislatures exceeded that sum. The other contingent expenses will probably reach the sum of \$30,000.

The expense and loss of time to the voters in the State, would not fall short of \$150,000. In addition to this, it must be borne in mind that there is practically no limitation on the power of the Legislature to create a public debt, and but little limitation on their power to appropriate public money. We may safely assume that other expenses incurred by them will increase the estimate of expenses above made, and that the total expense to the people and the State, of this unnecessary and useless election and assembling of the Legislature will exceed \$300,000. Furthermore, under the act of Congress, of 25th July, 1866, providing that the Legislature of each State, which is chosen next preceding the expiration of the term for which any United States senator from such State is chosen, was elected, shall, on the second Monday after they meet, elect a United States senator; it becomes the duty of the Legislature which meets on the second Monday in January next, to elect a United States senator. If, prior to the fourth of March, 1877, a new Legislature should assemble, organized under the provisions of the constitution that may be framed by this Convention, it would also be beyond all doubt a Legislature chosen next preceding the expiration of the time for

which one of the United States senators from Texas was elected, and it would also be their duty, under this act of Congress, to elect a United States senator. If they did not exercise this power, a very serious question would arise as to whether the Legislature that met in January, 1875, was the proper body to elect a United States senator. If the Legislature, organized under the provisions of the constitution framed by this body, should elect a United States senator, then it would result that there would be two persons, both elected and both claiming at the same time to be duly elected, to the Senate of the United States.

By refusing to postpone the election in December next, we become directly responsible to the people for all the expenses incurred and other evil consequences resulting from this state of affairs.

Again, if the Convention should work harmoniously together, there is no reason why they may not complete their work and have a constitution ready for submission to the people by the first of November next. The Convention of 1845, whose duties were very arduous, involving as it did a change from an independent Republic to a State of the Union, only sat fifty-three days. If, then, we can in sixty days complete our work, there is no good reason why it should not be submitted to the people on the first Monday in January. This would give them sixty days to consider it. The Convention of 1845 did not give as much as sixty days' notice. That constitution was framed on the 27th of August, 1845, and ratified by the people on the second Monday in October, 1845. The Convention of 1866 submitted their work to the people with notice of only sixty days. Since then the means of communication throughout the State have greatly increased, and now within sixty days information can be conveyed throughout the State as fully as it could be done in ninety days in 1845 or 1866. If, then, in accordance with approved precedents in this State, this body should complete its work in sixty days and submit it for the acceptance or rejection of the people in January next, as we believe can be done, and probably will be done, we would have the spectacle of a Legislature assembled at a cost of thousands of dollars, to our already tax-burthened people to accomplish nothing, and whose official existence, if the constitution was submitted to the people on the second Monday in January, and on that day accepted by them, would end on the day that it commenced. By virtue of the power which this Convention has to regulate the time, manner and conditions on which its work shall be submitted to the peo-

ple, we believe it can prevent the occurrence of such a state of things; it is a power incidental to and growing out of the express and unqualified grant of power to them from the people to frame and provide for putting in operation the constitution. Its exercise is necessary in order that the people may be able at the least possible expense and without embarrassment from other matters growing out of the assembling of the Legislature, to vote fully and fairly on the merits of the instrument submitted to them.

The undersigned have examined the subject in its various aspects, and the ordinance which they herewith submit makes provision so that in case the proposed constitution is rejected, elections for members of the Fifteenth Legislature and other State, district and county officers may be ordered by the Governor. It also provides for the continuance in office of the present incumbents until their successors are elected and qualified.

Should there arise any great unforeseen public emergency before the constitution is voted upon, the Governor, under the provisions of the ordinance reported, would have the power by his proclamation to convene the Fourteenth Legislature in extraordinary session.

The majority of the committee can not see how or in what manner any conflict of authority or serious inconvenience or injury to the public interest can result from the passage of the ordinance contemplated, nor have they any reason to apprehend any conflict from any quarter. On the contrary, they believe it will be the duty of every officer of the State, from the highest to the lowest, to co-operate earnestly and cheerfully with the Convention in saving this heavy and worse than useless expense to the State, and in preventing all the inconvenience, conflict, embarrassment and confusion that will be certain to flow from the election in December next.

It is to be regretted that the committee are not all of one mind on this important matter. But the power of the Convention to pass the ordinance in question appears so well founded and so clear, and the duty of exercising that power so imperative, that they do not hesitate to recommend the adoption of the accompanying ordinance, which they have prepared as a substitute for the resolutions and ordinance that were referred to them.

Respectfully submitted.

CHARLES DEMORSE,
F. S. STOCKDALE,
C. S. WEST,
JOHN HENRY BROWN.

While I did not participate in the preparation of the ordinance and report on this subject, I concur with the majority of the committee in their conclusions.

JOHN H. REAGAN.

ORDINANCE.

“AN ORDINANCE POSTPONING THE GENERAL ELECTION OF DECEMBER, A. D. 1875, AND FOR OTHER PURPOSES.

“WHEREAS, It is provided by law under the existing Constitution that a general election for members of the Legislature, Assessors and Collectors, and some other officers, shall be held on the first Tuesday in December, A. D. 1875, and

“WHEREAS, By authority of law and the sanction of the people, delegates, legally elected, are now assembled in Convention to frame a new constitution for the State of Texas; and

“WHEREAS, The election of a Legislature and other officers, and the coming together of the Legislature to hold its session under the existing laws and constitution, are, for the time being, unnecessary, and will cause great public expense, and are likely to produce confusion in putting a new constitution in operation, if one shall be established; together with doubts as to the validity of the election of a United States Senator if two Legislatures shall assemble during the next year; and can only aggravate the evils, to remedy which this Convention was assembled by the people; and

“WHEREAS, It is the duty of the Convention to save to the State the unnecessary expense, and to prevent the occurrence of the other evils aforesaid; now, therefore,

“*Be it ordained by the people of the State of Texas, in Convention assembled,* That the holding of the election as provided by the laws under the existing constitution, to be held on the first Tuesday in December, A. D. 1875, be, and the same is hereby suspended and postponed; and all officers of this State are hereby prohibited from holding, and from, in any manner, aiding in the holding of said election; and any election held on that day is hereby declared to be void and of no effect.

“Sec. 2. The terms of office of the members of the present Legislature, and of all other officers, whether State, district or county officers, whose terms of office by existing laws or constitution will expire on said first Tuesday in December, A. D. 1875, or at any time thereafter, before a general election is held, be, and the same are hereby extended; and said members of the Legislature and other officers shall remain in office and continue to exercise the powers and perform the duties of their places and offices, under existing laws and pursuant to the existing consti-

tution until their successors are duly elected and qualified in accordance with the further provisions of this ordinance, or until they are superceded by the establishment of a new constitution.

“Sec. 3. In case the new constitution, when submitted to the people, be rejected by them, then the Governor of the State of Texas shall, within ten days after the official promulgation of such rejection, issue his official proclamation, fixing a day for a general election, to be held in accordance with existing laws, giving sixty days notice of such election, at which election there shall be elected all the members of the Legislature and other officers, which, but for this ordinance, would have been chosen on the first Tuesday in December, A. D. 1875; and the election so held shall be deemed and taken to be, and it is hereby declared shall be, a general election under the existing laws and constitution of the State of Texas. And the Governor shall also name in said proclamation the day on which the Legislature shall assemble. When the Legislature shall be assembled pursuant to the proclamation of the Governor, its session shall be taken and deemed to be, and it is hereby declared that it shall be, the first session of the Fifteenth Legislature under the existing constitution and laws of this State. And the terms of office of the members of the Legislature and other officers elected according to the provisions of this ordinance shall expire and determine at the same time and in the same manner as if they had been elected on said first Tuesday in December, A. D. 1875.”

Mr. Ballinger submitted the following report:

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

The undersigned members of the Select Committee, to which was referred ordinances for the postponement of the election in December, are unable to concur in the conclusions of the majority of the committee recommending an ordinance by the Convention for that purpose. The subject is of such importance that we deem it our duty to make known our dissent from the majority, and to state very briefly the heads of our own conclusions, after most careful deliberation:

We are unable to recognize, on the part of this Convention, any rightful authority to put in force the ordinance recommended by the committee.

This Convention was elected by the people of the State under a law of the last Legislature, which provided as follows:

“That a Convention to frame a new constitution for the State of Texas, shall assemble at the city of Austin, on the first Monday in September, 1875, for the purpose of framing a constitution.”

We think that the only power possessed by the Convention, under their election by the people, held in pursuance of this law, is, to "*frame*"—that is, to plan, to devise, to form—a constitution; and to submit the same to the people of the State for their adoption or rejection.

We think that this submission of the constitution to the people is not merely a political duty of the Convention, but that it is legally, indispensably *necessary*, under the construction of its powers derived from its election under the above law; and that, without the ratification of the people, the Convention, by and of itself, has no power to ordain and establish a constitution, or any part thereof.

We think that, outside of its duty to frame and submit a constitution to the people, the Convention has no powers of sovereignty; no powers, legislative, executive or judicial.

Whilst we recognize fully that the Convention does possess the power to put in force the measures necessary to the submission of the constitution to the people, so as to secure their free and full action for its adoption or rejection, we are wholly unable to appreciate that the election in December can, in any manner whatever, obstruct the submission to the people of the constitution to be framed by the Convention, or their action upon the same.

* The considerations involved as to the elections in December are alone those of economy, convenience, etc., and are not within the cognizance of this Convention. The Legislature, in full view of the situation, declined to postpone the election in December. This recurrence may operate as something of a grievance to the people. Or, it may be, on the other hand, that interference by the Convention, depriving the State of its regular legislative body, depriving districts and counties of their legal officers, and keeping in place those whose terms will have expired, dislocating a regular State election, and putting the official authority to be exercised in this State by many officers for two years (should the constitution not be ratified,) on the hazards of the doubtful power now being exercised; it may be, we say, that this will be productive of a degree of inconvenience and confusion of far greater magnitude than the slight benefits which are possible to result from this ordinance.

Whatever may be the contrast of results of this character, however, it is our thorough conviction that cognizance of them is wholly beyond the authority of this Convention. It will be a usurpation of the most dangerous principle. If the Convention can suspend a general election, and prolong the tenure of legislators,

and district and county officials expiring under the existing constitution and laws, we do not perceive what the Convention could not do. It could suspend or prolong, at pleasure, the executive officers of the government, and the judicial officers of the government. All individual rights would be subject to it. Its will would demark the extent of its power.

The undersigned do full justice to the motive alone of public good which actuates the committee. Our forbearance may afford protection against further dangers beyond the present ordinance. But we establish a principle, we set an example, which only needs evil times, or may only need a day of high excitement or passion, to be a principle and example of most dangerous augury.

If the regulation of the elections in December can be brought within the range of the powers of this Convention to provide a new organic law for the State,—if it should have any place in the government we are to frame—the ordinance to effect it should be submitted to the ratification of the people and receive the same sanction on which all and every part of the constitution will depend.

W. P. BALLINGER,
JNO. L. HENRY.

On motion of Mr. Dohoney, the consideration of the two reports was postponed until Thursday next, after morning call, and 400 copies were ordered printed.

Mr. Flournoy offered the following resolution:

Resolved, That the following be referred to Committee on Railroads:

“Section 1. The charges for freight or passage on each railway in this State, which is now being or may hereafter be operated therein, shall, as to such railway, and for the same class of freight or passage, be at all times equal and uniform for each mile that such railway may transport freight or passengers within this State; *provided*, that charges for greater distances may be proportionally smaller than for less distances on the same class of freight or passengers; but shall always, for the same distance on any part or all of their line or lines be equal and uniform; *and provided further*, that no distinction or discrimination whatever shall be made between freight or passengers transported for the same distance on the main line of any railway and any branch or branches connected therewith, and under the same general or special ownership, management or control.

“Sec. 2. The Legislature shall, at its first session after the adoption of this constitution, and from time to time thereafter,

pass all needful laws and provide such civil and penal remedies as will secure a just and prompt execution of the letter and purpose of the two preceding sections; and the district and inferior courts of all and each of the counties through which, or any part of which any railway shall be operated, shall be invested with civil and criminal jurisdiction of all claims for damages and criminal prosecutions growing out of a violation of this constitution or of such laws as may be passed in pursuance thereof."

Referred to Committee on Railroad Corporations.

Mr. Johnson, of Collin, offered the following resolution:

Resolved, That the Committee on Judicial Department be instructed to so frame appropriate clauses in the constitution as to give to Justices of the Peace jurisdiction in ordinary civil suits to the amount of five hundred dollars, and in criminal cases, under such limitations as may be deemed necessary, over all petty offenses and misdemeanors under the grade of felony.

Referred to Committee on Judiciary.

Also the following:

Resolved, That the Committee on Education be instructed to embody the substance of the following propositions in the educational part of the constitution, to wit:

That the school law should be revised so that fewer officers and commissions will have to be paid out of the school fund, that the district trustees should have power to appoint and remove teachers in their districts; that the Board of School Directors be abolished and their duties performed by a county superintendent. That the office of State Superintendent be abolished, and his duties be transferred to the State Treasurer, and that all grants of land heretofore or hereafter to be made by the State Legislature for public school purposes be so guarded by constitutional provision that they can not, under any circumstances, be diverted from their intended objects and purposes

Referred to Committee on Education.

Mr. Whitfield offered the following resolution:

Resolved, That the following be incorporated in the constitution in the provisions regulating the Judiciary Department:

"The Judges of the Supreme and District Courts shall be elected by the people, as follows:

"The State shall be divided into five Supreme Court Districts, and each Supreme Court District into five Judicial Districts in compact and convenient form, and by the qualified voters of each Supreme Court District there shall be elected by the qualified voters thereof one Supreme Court Judge and five District Judges, one for each Judicial District.

“The District Judges shall be residents of their respective districts, but the Legislature may provide that the District Judges shall alternate so that no District Judge shall hold the courts in the same district more than twice successively.

“The Supreme Judges shall hold office for a term of eight years, and the District Judges for a term of four years”

Referred to Committee on Judiciary.

Mr. Holmes offered the following resolution:

WHEREAS, At common law, murder, manslaughter and other felonies are regarded as offenses against the State and does not recognize the offense and injury to persons; therefore, be it

Resolved, That any person may have civil redress for damages resulting from any felony committed to his injury, and that no property shall be exempt from forced sale to satisfy the damages assessed by a jury trying the same.

Referred to Committee on General Provisions.

Mr. Ramey offered the following resolution:

Resolved, That each county in this State shall be divided into not less than *five* nor more than *twelve* districts, and in each district there shall be elected one Justice of the Peace, who shall have such jurisdiction in both civil and criminal causes, hold courts at such times and places, and receive such fees as may be determined by law.

Such Justices shall act as Notaries Public, and perform such other duties as may be prescribed by law.

Each district as aforesaid shall elect its own Justice, for two years, at such time as may be required by law: and shall at the same time elect one Constable for the same period of time, to perform such duties as may be prescribed by law.

Referred to Committee on Judiciary

Mr. Waelder offered the following resolution:

Resolved, That the Committee on General Provisions inquire into the expediency of incorporating a clause in the constitution by which statutes of limitation may be made available to actual occupants of unappropriated public lands, as against the State.

Referred to Committee on General Provisions.

Mr. Brown offered the following:

“GENERAL PROVISIONS.

“Sec. — No Supreme, District, County, or other Judge, Justice of the Peace, Mayor or Recorder of a town or city, shall sit in the trial of any cause or issue while in a state of intoxication. The Legislature shall provide by law appropriate penalties for such offense.

“Sec — It shall be an offense for the Attorney General, any

District, County or City Attorney, any County, District or Supreme Court Clerk, or the deputy of such clerk, any Sheriff or Deputy Sheriff, or any Constable, or City Marshal, or the deputy of either, to officiate in the court to which he may belong, during its sitting, while in a state of intoxication. The Legislature shall provide by law appropriate penalties for such offense.

“Sec. —. Any grand or petit juror in this State, whether in State, County or Municipal Courts, who, after being sworn and empaneled, shall appear before the court in a state of intoxication, prior to his discharge as such juror, shall be liable to such penalty as may be prescribed by law. The Legislature shall provide by law appropriate penalties for such offense.

“Sec. —. On the day or days of all elections in this State, whether State, district, county or municipal, general or special, all dram or drinking houses, by whatever name called, in the town or vicinity of any such election, shall be closed throughout such day or days; nor shall any intoxicating drink be sold or given away therein; nor, on such day or days shall any merchant, or other dealer sell at retail or give away, in such town or vicinity, any intoxicating drink. The Legislature shall provide by law appropriate penalties for such offense.

“Sec. —. Habitual drunkenness shall be adequate cause for suspending or removing any public officer in this State, whether State, district, county or municipal; the fact of such drunkenness to be a matter of judicial inquiry, to be determined by court and jury. The Legislature shall enact adequate laws to enforce this provision.”

Referred to Committee on General Provisions.

Mr. Murphy offered the following resolution:

Resolved, That the following be embraced in the constitution:

“ARTICLE —.

“MILITIA.

“Section 1. The Legislature shall provide by law for organizing, arming, and disciplining the militia of this State, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States.

“Sec. 2. No licensed minister of the gospel shall be required to perform military duty.

“Sec. 3. The Governor shall have the power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions and raiders.”

Referred to the Committee on Judiciary.

Mr. McLean offered the following resolution:

Resolved, That the Committee on Revenue and Taxation be

instructed to report an ordinance to prohibit the creation of any debt by the Legislature against the State, and also to extend the same provision to all municipal corporations in the State.

Referred to Committee on Revenue and Taxation.

Mr. West offered the following resolution:

Resolved, That the Committee on Private Corporations be instructed to inquire into and report to this Convention the propriety of incorporating into the constitution the following provision:

“The Legislature shall provide by law, that in all elections for directors, managers or trustees of incorporated companies created by or under the laws of this State, every stockholder shall be entitled, for each share of stock owned by him, to as many votes as there are directors, managers or trustees to be elected, and may, in person or by proxy, cast them all for one candidate or distribute them among as many candidates as he shall think fit; and such directors, managers or trustees shall not be elected in any other manner.”

Referred to Committee on Private Corporations.

Mr. West also offered the following resolution:

Resolved, That the Committee on Suffrage be instructed to inquire into and report to this Convention the propriety of incorporating into the constitution the following provision, viz:

“The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each legislative district, at the first general election after the adoption of this constitution, and every two years thereafter. In all elections of representatives aforesaid each qualified voter may cast as many votes for any one candidate as there are representatives to be elected from his district, or may distribute the same, or equal parts thereof, among the different candidates as he shall see fit, and the candidates receiving the highest number of votes shall be declared elected.”

Referred to Committee on Suffrage

Mr. McCormick offered the following resolution:

Resolved, That the following be incorporated in the constitution:

“That all patents issued from the Land Office to assignees upon forged assignments are and shall be void.”

Referred to Committee on General Provisions.

Mr. McCormick also offered the following resolution:

Resolved, That the following shall be incorporated in the constitution:

“The Legislature shall prohibit by law the intermarriage of persons of the white and black races.”

Referred to Committee on General Provisions.

Mr. Dohoney offered the following resolution:

Resolved, That the Committee on General Provisions be instructed to inquire into the expediency of inserting a provision in the constitution authorizing the Legislature to enact local or special laws for the different sections of the State in reference to fences, for agriculture and stock-raising.

Referred to Committee on Agriculture and Stock-raising.

Mr. Sansom offered the following resolution:

Resolved, That the Legislature have power to enact such laws as will enable the Governor to appoint for each land district of the State a board of three scientific and practical land surveyors, whose duty it shall be, when called upon by parties having conflicting or badly defined division land lines, after taking the required oath, to go upon the ground and correct and adjust any discrepancies that may exist, making and defining *well* the corners and lines, subject to appeal or not, as the Legislature may direct.

Referred to Committee on General Provisions.

Mr. Stockdale offered the following resolutions:

Resolved, That the Commissioner of the General Land Office be, and he is hereby, requested to furnish the Convention, for its information, with an engraved map of the State of Texas, marked with colored lines, showing:

1. Each municipality, and the date of the creation and organization thereof, with each county and the date of its organization, and every successive change of the boundary thereof, with the date at which it was made.

2. That he furnish another map showing every Surveyor's District that has existed in this State, with the modifications thereof, if any, and the dates thereof, with the boundaries of the old colonies, and the date of the colonial contracts.

Referred to Committee on Public Lands and Land Office.

On motion of Mr. McLean, Mr. Johnson, of Collin, was added to Committee on Revenue and Taxation.

On motion of Mr. Russell, of Wood, Mr. Murphy was added to Committee on Crimes and Punishments.

On motion of Mr. DeMorse, Mr. Ross was added to Committee on Revenue and Taxation.

On motion of Mr. Holmes, Mr. West was added to Committee on Lands and Land Office.

On motion of Mr. West, Mr. Davis, of Brazos, was added to Committee on Education

On motion of Mr. Ross, Mr. Flournoy was added to Committee on Railroad Corporations

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

FIFTEENTH DAY.

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 22, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev. J. F. Johnson.

Journal read and adopted.

Mr. Louis Cardis, delegate elect from El Paso, came forward, presented his credentials, took the oath prescribed, and his seat as a delegate.

Mr. Stockdale presented the memorial of Pryor Lea, asking that a clause be inserted in the new constitution authorizing the Legislature to make equitable arrangements with corporations in relation to chartered rights.

Mr. Wade offered the following resolution:

WHEREAS, Vigilant and faithful representation is required by the people of Texas; therefore be it

Resolved, That if any member of this Convention shall hereafter be absent from the calls of this house for more than four days in succession, without excuse, adjudged good by the house, the seat of such member may be declared vacant, on motion, under the two-thirds rule, and the Governor authorized to fill all such vacancies, by appointment, from the district in which the member thus relieved was elected.

Laid on the table, to come up in its order.

Mr. Nunn offered the following resolution:

Resolved, That the Committee on Public Education be instructed to inquire into the expediency of establishing by law a system of public instruction or of aid to general education, and of fixing the same on a basis of all the present available school fund and resources of the State, with an addition of an ad valorem tax of not less than one-tenth or more than one-eighth of one per cent. on the taxable property of the State, and of a poll tax of not less than two dollars or more than five dollars, and the re-