

**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](mailto:rarebooks@law.utexas.edu).

If you are uncertain whether you need permission to use these materials, please contact us at [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

she has risen above the masses, like the full moon out of night's bosom, to shine with the light of beauty, virtue, charity and truth, over the moral darkness around her; and that, in this land of republican faith and representative, democratic government, by every recognition of modern, enlightened Christian civilization, she is morally and mentally man's equal; that the same "inalienable rights" that Jefferson has made household words in every land, where human liberty has found a home or an advocate, are as much woman's as man's; that she is a citizen as much of these United States, by the same natural rights of citizenship, as man; that the elective franchise, being founded on these natural rights of the people, and inasmuch as woman is of the people, and must be governed by the laws made by the people, and is often a taxpayer, there is no reason, political, human or divine, (Paul to the contrary notwithstanding,) why she should not have the same rights at the ballot-box that man has.

*Resolved further*, That the writer hereof believes that the presence of woman at the ballot-box, as an American sovereign, connected with the feminal influence of a virtuous woman, as a legal voter, would do more to protect that shrine of the people's rights than all the laws to guard the elective franchise that have heretofore been passed.

Referred to Committee on Suffrage.

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

---

### SIXTEENTH DAY.

HALL OF REPRESENTATIVES,  
AUSTIN, TEXAS, September 23, 1875. }

Convention met pursuant to adjournment; roll called; quorum present; prayer by the Rev. R. H. Talliafero.

Journal of yesterday read and adopted.

Mr. Burleson offered the following resolution:

*Resolved*, That the Committee on Revenue and Taxation be and is hereby instructed to investigate and report whether it be practicable, under the constitution of the United States, to compel the owners of continuous inter-State lines of communication, who reside in the United States but not in Texas, to pay the same taxes upon the one-half of their packet vessels, and upon so

much of their railway property as is used in Texas, as if they were resident citizens of Texas.

Referred to Committee on Revenue and Taxation

On motion of Mr. Brown, Mr Cardis was added to the Committee on Printing and Contingent Expenses.

On motion of Mr. Cocke, of San Saba, Mr. Russell, of Wood, was added to the Committee on Revenue and Taxation.

Mr. Robertson, of Bell, offered the following resolution.

WHEREAS, The encouragement of agriculture and the mechanical arts and the general diffusion of knowledge being of the first importance to the settlement and proper development of all the resources and interests of Texas; therefore,

*Resolved*, That the Committee on Revenue and Taxation be requested to insert in the constitution, under the appropriate caption, the following provisions:

“That all agricultural and mechanical implements in actual use on farms and in workshops shall be exempt from taxation.

“That all printing presses, types and material actually used in the publication of newspapers, not to exceed \$2000, shall be exempt from taxation.”

Referred to Committee on Revenue and Taxation.

Mr. Allison offered the following resolution:

*Resolved*, That the following be incorporated as a part of the constitution:

“In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency, by reason of continued sickness, drunkenness, or physical or mental infirmity, the Legislature, two-thirds of the members of each house concurring, shall remove such judge from office. But each house shall state on its respective journal, the cause for which it shall wish his removal, and give him notice thereof, and he shall have the right to be heard in his defense, in such manner as shall be prescribed by law; and should any judge of a court of record neglect or fail to hold a term of his court as prescribed by law, except in case of sickness himself, or serious sickness of his family, or providential hindrance, he shall forfeit, as may be provided by law, not less than one-twelfth of his annual salary.

Referred to Committee on Judiciary.

Mr. Sansom presented the petition of sundry citizens of Georgetown in Williamson county, on the subject of the sale of liquor in said town.

Referred to Committee on State Affairs.

On motion of Mr. King, Mr. Stockdale was added to the Committee on Counties and County Lands.

On motion of Mr. Floudnoy, Mr. McCormick was added to the Committee on Railroad Corporations.

BUSINESS ON THE PRESIDENT'S TABLE.

The resolution of Mr. Wade relative to declaring vacant seats of members who absent themselves from this Convention for four days in succession, was taken up and on motion of Mr. Brown laid on the table.

The report of the Committee on Legislative Department taken up.

Mr. McLean moved to postpone the consideration of the subject until 10 o'clock to-morrow morning. and make it the special order for that hour.

The yeas and nays were called on the question, and it was carried by the following vote:

YEAS—Abernathv, Arnim, Abner, Brown, Blake, Barnett, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Cardis, Douglass, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, Fleming, Gaither, Graves, Henry of Smith, Holmes, Johnson of Franklin, Johnson of Collin, King, Kilgore, Killough, Lockett, Lacy, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mitchell, McKinney, McCormick, Norvell, Nunn, Pauli, Reagan, Ramey, Rugely, Robertson of Bell, Robeson of Fayette, Ross, Spikes, Smith, Stockdale, Sansom, Whitehead, Wright, Whitfield, West, —58.

NAYS—Allison, Ballinger, Blassingame, Burleson, Bruce, Dillard, Ferris, Flanagan, German, Holt, Henry of Limestone, Haynes, Lynch, Murphy, Nugent, Russell of Harrison, Russell of Wood, Scott, Sessions, Stayton, Wade, Weaver, Waelder—23.

On motion of Mr. Stockdale, the Convention proceeded to the consideration of the special order, viz: The reports to the majority and minority of the select committee on the subject of postponing the election in December next for members of the Legislature, the majority of the committee reporting an ordinance to that effect.

On motion of Mr. Stockdale, the Convention adjourned until 2½ o'clock P. M.

EVENING SESSION — 2½ O'CLOCK.

Convention met; roll called; quorum present.

Discussion of pending question resumed and continued until

5½ o'clock, when, on motion of Mr. McCormick, the Convention adjourned until 7½ o'clock, P. M.

NIGHT SESSION—7½ o'clock.

Convention met; roll called; quorum present.

Discussion on the pending question again resumed and continued until 10½ o'clock, and upon motion of Mr. Martin, of Navarro, the Convention adjourned by the following vote:

YEAS—Abernathy, Abner, Ballinger, Bruce, Crawford, Cooke of San Saba, Cline, Cooley, Douglass, DeMorse, Dohoney, Davis of Brazos, Erhard, Flournoy, Ferris, Henry of Smith, Holmes, Johnson of Franklin, Kilgore, Lockett, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, Moore, Norvell, Nunn, Pauli, Rugely, Robeson of Fayette, Scott, Sessions, Smith, Sansom, West, Waelder—39.

NAYS—Allison, Brown, Blake, Barnett, Burleson, Chambers, Cook of Gonzales, Cardis, Dillard, Darnell, Dunnam, Ford, Fleming, Flanagan, Gaither, Holt, Henry of Limestone, Haynes, Johnson of Collin, Killough, Lacy, Lynch, McKinney, McCormick, Murphy, Nugent, Ramey, Robertson of Bell, Ross, Russell of Harrison, Spikes, Stayton, Wade, Whitehead, Whitfield—35.

---

SEVENTEENTH DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, September 24, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by Rev. Dr. Dodge, of Austin.

Journals of yesterday were read and adopted.

On motion of Mr. Ballinger, Mr. Rugely was excused for ten days.

Mr. West presented a memorial from the widows and heirs of Wm. A. Smith.

Referred to Committee on State Affairs.

Mr. Scott presented a petition from members of the bar of Cass county relative to the election of our judiciary.

Referred to Committee on Judiciary.

Mr. King presented a memorial from Charles Montague, of Bandera.

Referred to Committee on Lands and Land Office.