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On motion of Mr. Martin, of Navarro, the amendment was laid on the table.

Mr. Ballinger proposed to amend section 24 by inserting after the word "days" in line 113, the words "and after that not exceeding two dollars per day for the remainder of the session."

Adopted.

Mr. McCormick offered the following amendment:

Strike out sections 25 and 26, and substitute for section 25 the following:

"Sec. 25. The State shall be divided into Senatorial Districts of contiguous compact territory, according to the number of inhabitants as near as may be; and each district shall be entitled to elect one senator and three representatives."

On motion of Mr. Martin, of Navarro, the Convention adjourned until 9 o'clock to-morrow morning.

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## TWENTIETH DAY.

HALL OF REPRESENTATIVES,  
AUSTIN, TEXAS, September 28, 1875 }

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

Journal of yesterday read and adopted.

Mr. Brown submitted the following additional rules for the guidance of the Convention:

"Every resolution or ordinance, before it becomes a part of the constitution, shall be read on three several days.

"The first reading shall be for information, and upon being read a first time, if not reported by a committee, it shall be referred to the appropriate committee without debate.

"Upon a second reading of a resolution or ordinance, it shall be subject to commitment or amendment.

"The final question upon the second reading shall be, 'Whether it shall be engrossed and read a third time.'

"No amendment shall be received at the third reading of a resolution or ordinance without the consent of two-thirds of the members present.

"It shall be in order, at the third reading of a resolution or ordinance, to move its commitment; and should such commitment take place and any amendment be reported by the committee, the said resolution or ordinance shall be considered as on its second reading

“Business on the table shall be taken up in the following order:

“First—Simple resolutions.

“Second—Resolutions and ordinances on the second reading.

“Third—Resolutions and ordinances on the third reading.”

Referred to Committee on Rules.

Mr. Mills offered the following amendment to the rules:

“Rule—. After the yeas and nays have been ordered and vote has actually begun, no member shall have the right to speak or have the subject matter explained.”

Laid over under the rule.

Mr. Mills submitted the following memorial, which was read and referred to Committee on Lands and Land Office.

*To the Honorable the members of the Constitutional Convention of the State of Texas:*

\* \* \* \* \*

Your memorialists are Mary J. Thompson, the widow, and Maggie J. Weldy (who is intermarried with S. Weldy) and Jennie C. Thompson, the children of the identical Henry N. Thompson, who was first lieutenant in the company of volunteers commanded by George W. Burroughs in the war for Texan independence. Said company originally belonged to the first regiment of permanent volunteers, commanded by Colonel Joseph Rogers, but your memorialist, Mary J. Thompson, believes that, upon the organization of the Army of Texas, in 1837, said company was placed in the second regiment of permanent volunteers. And your memorialists respectfully represent that said company was organized and equipped in the town of Zanesville, Ohio, where they now reside; that said Lieutenant Thompson remained in the service of Texas until his company and regiment were honorably discharged; that he is now dead, and your memorialists are very poor; therefore they pray that your honorable body may grant to the said Mary J. Thompson the land to which her said husband was entitled under the laws of Texas, but for which he never made application.

M. J. THOMPSON,  
S. WELDY,  
MAGGIE J. WELDY,  
JENNIE C. THOMPSON.

The following communication was taken from the President's desk, read, and referred to the Committee on Public Lands and Land Office:

GENERAL LAND OFFICE,  
AUSTIN, September 27, 1875. }

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

SIR— I have the honor to acknowledge the receipt of a communication from the Secretary of the Convention, inclosing copy of a resolution adopted by the Convention on the 20th day of September, instant.

I desire to inform the honorable body over which you preside that I can not possibly furnish the information sought within a less time than six months. If, under the circumstances, it is desired that I should begin the work, you will please advise me, and I will place all the available force of the office upon it.

Very respectfully,

Your obedient servant,

J. GROOS,

Commissioner General Land Office.

Mr. Russell, of Harrison, presented the petition of sundry citizens of Longview, asking that occupation tax on selling goods by sample be abolished.

Referred to Committee on Revenue and Taxation.

Mr. Cook, of Gonzales, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, September 27, 1875. }

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

Your Committee on Printing and Contingent Expenses, to whom was referred resolution directing said committee to inquire into the expediency of having the new constitution printed in the Spanish language, have had the same under consideration, and have instructed me to report the following resolution and recommend its adoption, viz:

“Resolved, That the Committee on Printing and Contingent Expenses be and they are hereby authorized to contract, on the best terms they can obtain, for the translation of the new constitution in the Spanish language, and the printing of three thousand copies of the same for distribution among the Spanish-speaking citizens of the State.”

W. D. S. COOK, Chairman.

Adopted.

Mr. Haynes offered the following resolution:

Resolved, That the Commissioner of the General Land Office be requested to furnish this Convention with a statement showing the yearly expense of running said office, and the amount of fees collected in said office for work done and turned over to the State; the number of employes required to do the work; the

amounts drawn by them as salaries from the State The said statement to show the cost of carrying on the said Land Office, over and above the amounts received as fees.

Adopted.

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

*Resolved*, That it is the sense of this Convention that there ought to be a clause in the present constitution inhibiting the Attorney General or any other officer of the State from employing attorneys or clerical force, unless the same is authorized by pre-existing statute.

Referred to Judiciary Committee.

Mr. Moore offered the following resolution:

*Resolved*, That the Committee on Printing be authorized and directed to make a contract for the printing of one thousand copies of the constitution in the Bohemian language.

Mr. Mills moved to lay the resolution on the table

Lost by the following vote:

YEAS—Brown, Blake, Blassingame, Barnett, Brady, Bruce, Chambers, Douglass, Dohoney, Dunnam, Davis of Wharton, Graves, Holt, Holmes, Johnson of Franklin, Lacy, Martin of Navarro, Martin of Hunt, Morris, Mills, Ramey, Russell of Wood, Spikes, Sansom, Wade, Weaver—26.

NAYS—Allison, Abernathy, Arnim, Abner, Ballinger, Burleson, Crawford, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Cardis, Dillard, DeMorse, Darnell, Davis of Brazos, Erhard, Ford, Flournoy, Fleming, Ferris, German, Gaither, Henry of Smith, Henry of Limestone, Haynes, Johnson of Collin, Kilgore, Killough, Lockett, Lynch, McCabe, Mitchell, McKinney, McCormick, Moore, Murphy, Norvell, Nunn, Nugent, Pauli, Reagan, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Harrison, Scott, Sessions, Smith, Stockdale, Stayton, Whitehead, Wright, Whitfield, West—56.

The President announced the following Select Committee, authorized by a resolution of Mr. Martin, of Navarro, to provide for an effective and speedy collection of all taxes due, or to become due, the State: Messrs. Martin, of Navarro, chairman, Waelder, Norvell, Henry of Smith, and West.

Mr. Brown offered the following, to come in after the preamble to the Bill of Rights, under the head of

“ BOUNDARIES.

“ In accordance with the following treaties, acts and joint resolutions, to-wit

“ The treaty concluded between Spain and the United States

of America, on the 22d of February, 1819, and ratified on the 22d of February, 1821;

“The treaty concluded between the United States of America and the United Mexican States, January 12, 1828, and ratified April 5, 1832;

“An act of the Congress of the Republic of Texas, approved December 19, 1836;

“A joint resolution of the Legislature of the State of Texas, approved April 29, 1846;

“An act of the Congress of the United States of the 5th of July, 1848, accepted and assented to by the State of Texas by the act of November 2, 1849;

“And an act of the Congress of the United States, (commonly called the compromise act), approved September 9, 1850, accepted and assented to by an act of the Legislature of the State of Texas, approved on the 25th day of November, 1850—

“The boundaries of the State of Texas are hereby declared to be and shall forever remain as hereinafter set forth, to-wit:

“Beginning in the middle of the mouth of Sabine Bay or Pass, on the Gulf of Mexico; thence up the middle of Sabine Bay or Lake to the mouth of the Sabine river; thence up the central channel of said river to latitude 32 degrees north; thence due north, on the line established in the year 1840, to Red river; thence up the Rio Roxo, or Red river, to the one hundredth degree of longitude west from London and twenty-three west from Washington; thence due north to the parallel of thirty-six degrees and thirty minutes north latitude; thence due west to the meridian of one hundred and three degrees of longitude west from Greenwich; thence due south to the thirty-second degree of north latitude; thence due west, on the line of thirty-two degrees north latitude, to the channel of the Rio Bravo del Norte, otherwise called the Rio Grande; thence with the channel of said river to its mouth in the Gulf of Mexico; thence, on a line drawn three marine leagues from the shore of the Gulf of Mexico, to the beginning, at the mouth or pass of Sabine Bay.”

Referred to Committee on Bill of Rights.

The Convention then proceeded to the consideration of unfinished business, the pending question being Mr. McCormick's substitute for sections 25 and 26. Taken up and consideration of the sections and substitute passed over for the present.

Mr. Nunn proposed to amend line 156, section 32, by striking out “a” and inserting the words “which necessity shall be stated in.”

Lost.

Mr. Brown proposed to insert after preamble the words "or in the bill itself."

Lost.

Mr. Stockdale offered the following amendment:

Section 34, line 163, strike out the words "or resolution."

Adopted.

Mr. Cook, of Gonzales, offered the following amendment:

Add to the beginning of the 164th line the words "shall originate in the same house in which the original bill originated, and".

Lost.

Mr. Cook moved to strike out sec. 37.

On motion of Mr. Mills the amendment was laid on the table.

Mr. West offered to amend the section by striking out the words "and printed for use of the members."

Adopted.

Mr. Martin, of Navarro, offered the following amendment:

Sec. 37, line 175, between "committee" and "returned" insert "and".

Adopted.

Mr. Ballinger proposed to amend section 37, line 175, by striking out "returned therefrom" and inserting "reported thereon."

Adopted.

Mr. Nunn proposed to strike out "a" and insert "the" in line 183, in section 37.

Lost.

Mr. Nugent proposed to amend section 38, line 177, by striking out the words "and joint resolution."

Lost.

Mr. Wade proposed to strike out of section 38, line 178, the words "their title" and insert the word "they."

Lost.

Mr. Dohoney, by leave, offered the following amendment to section 34:

Add to the section the words, "After a resolution has been acted on and defeated, no resolution containing the same subject shall be considered at the same session."

Adopted.

Mr. Stockdale, by leave, offered to amend section 37 by adding "and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the adjournment of the Legislature."

Adopted.

Mr. Flournoy proposed to amend section 40 by striking out all

after the word "session" in line 187 down to the word "no" in the 189th line.

Mr. Ballinger offered to amend by inserting after the first word "session" in line 189 the words "or presented to them by the Governor."

Mr. Johnson, of Collin, moved to lay Mr. Flournoy's amendment on the table.

Carried by the following vote:

YEAS—Allison, Abernathy, Brown, Blake, Ballinger, Blasingame, Barnett, Burleson, Brady, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Douglass, Dillard, DeMorse, Darnell, Dunnam, Davis of Brazos, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, King, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, McKinney, Moore, Murphy, Nugent, Pauli, Reagan, Ramey, Reynolds, Robertson of Bell, Robeson of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Sansom, Wade, Whitehead, Weaver—66.

NAYS—Arnim, Abner, Crawford, Cline, Cooley, Dohoney, Davis of Wharton, Erhard, Ford, Flournoy, Lockett, McCormick, Norvell, Nunn, Rentfro, Wright, Whitfield, West—18.

The question recurring on Mr. Ballinger's amendment, Mr. DeMorse offered the following as a substitute for the amendment:

"Strike out the words "designated in the proclamation of the Governor calling such session" and insert the words "may be presented to them by the Governor."

Mr. Dillard moved to lay Mr. Ballinger's amendment on the table.

Lost.

Mr. German moved to reconsider the vote just taken.

Lost by the following vote:

YEAS—Allison, Abernathy, Arnim, Blasingame, Barnett, Burleson, Brady, Bruce, Dillard, Dunnam, Fleming, German, Graves, Holt, Henry of Limestone, Haynes, Johnson of Collin, Lynch, Martin of Navarro, Mills, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Sansom, Wade, Whitfield—30.

NAYS—Abner, Blake, Ballinger, Crawford, Chambers, Cooke of San Saba, Cline, Cooley, Douglass, DeMorse, Dohoney, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ford, Flournoy, Ferris, Gaither, Henry of Smith, Holmes, Johnson of

Franklin, King, Kilgore, Killough, Lockett, Lacy, McLean, Martin of Hunt, McCabe, Morris, Mitchell, McKinney, McCormick, Moore, Murphy, Norvell, Nunn, Nugent, Pauli, Reagan, Ramey, Reynolds, Rentfro, Russell of Harrison, Smith, Stockdale, Stayton, Whitehead, Wright, Weaver, West—52.

The question recurring upon Mr. DeMorse's substitute for Mr. Ballinger's amendment, it was put and substitute lost.

The question on Mr. Ballinger's amendment was put and the amendment adopted by the following vote:

YEAS—Arnim, Abner, Brown, Blake, Ballinger, Brady, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Cardis, Douglass, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Davis of Wharton, Erhard, Ford, Ferris, Gaither, Henry of Smith, Holmes, King, Kilgore, Lockett, Lacy, Lynch, McCabe, Mills, Mitchell, McCormick, Moore, Murphy, Nugent, Pauli, Ramey, Reynolds, Rentfro, Russell of Harrison, Smith, Stockdale, Stayton, Whitehead, Wright, Weaver, West—50.

NAYS—Allison, Abernathy, Blassingame, Barnett, Burleson, Bruce, Dillard, Flournoy, Fleming, German, Graves, Holt, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Killough, McLean, Martin of Navarro, Martin of Hunt, Morris, McKinney, Norvell, Nunn, Reagan, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Sansom, Wade, Whitfield—35.

Mr. Martin, of Navarro, offered the following amendment:

Add to section 24 the words "or called session."

Adopted.

Mr. Chambers moved to strike out section 41, as it more properly belonged to the Executive Department.

Lost.

Mr. Martin, of Navarro, offered the following amendment:

Add to section 41 the words "within twenty days after adjournment of the Legislature."

Mr. Stockdale offered the following as a substitute for the amendment:

Section 41, line 206, strike out the word "thirty," and insert "ten."

Lost.

Mr. Russell, of Harris, offered the following amendment:

Section 41, line 195, strike out the words "two-thirds," and insert the words "a majority;" also strike out in lines 197 and 198 the words "two-thirds," and insert in lieu thereof "a majority."

On motion of Mr. Henry, of Smith, the amendment was laid on the table by the following vote:

YEAS—Arnim, Brown, Blake, Ballinger, Blassingame, Barnett, Burluson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglass, Dillard, DeMorse, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, King, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, Morris, Mitchell, McKinney, McCormick, Moore, Murphy, Norvell, Nunn, Nugent, Pauli, Reagan, Ramey, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Sansom, Wade, Whitehead, Wright, Weaver, Whitfield—69.

NAYS—Abernathy, Abner, Brady, Cline, Cooley, Dohoney, Davis of Wharton, Lockett, Martin of Hunt, McCabe, Mills, Reynolds, Russell of Harrison—13.

On motion of Mr. McCormick, a further consideration of the pending subject was postponed until 9 o'clock to-morrow.

Mr. Flournoy offered the following amendment to the standing rules.

*Resolved*, That rule 38 be amended by striking out "three" and inserting "nine," in the first line of said rule; and amend rule 39 by substituting "nine" for "three," in the first line of said rule.

Mr. Flournoy moved to suspend the rules in order to consider the amendments.

Mr. Rentfro moved to adjourn till 9½ o'clock to-morrow morning.

Lost.

Question on suspension of rules was put, and lost by the following vote:

YEAS—Abernathy, Arnim, Brown, Blake, Ballinger, Blassingame, Burluson, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglass, Dillard, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, Flournoy, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, Morris, McCormick, Murphy, Nunn, Nugent, Russell of Wood, Sessions, Smith, Stockdale, Stayton, Wade, Whitehead, Wright, Weaver, Whitfield—46.

NAYS—Abner, Barnett, Brady, Bruce, Crawford, Cline, DeMorse, Dohoney, Davis of Wharton, Fleming, Ferris, German, Haynes, Johnson of Franklin, Johnson of Collin, King, Lock-

ett, Martin of Hunt, McCabe, Mills, Mitchell, McKinney, Moore, Norvell, Pauli, Reagan, Ramey, Reynolds, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Harrison, Spikes, Scott, Sansom, West—37.

Mr. Whitfield moved to suspend the rule requiring two sessions per day, until Monday next.

Carried.

Mr. German moved to reconsider the vote refusing to adopt the additional section offered by Mr. DeMorse, to come in between sections 5 and 6, and to postpone the same for the present.

Carried.

Mr. Brady moved to reconsider the vote taken yesterday on section 9, abolishing the office of Lieutenant Governor, and to postpone its consideration for the present.

Carried.

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

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## TWENTY-FIRST DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, September 29, 1875. }

Convention met pursuant to adjournment; roll called; quorum present; prayer by the Rev. Mr. Dodge, of Austin.

Journal of yesterday were read and adopted.

The Chair submitted the following communication:

AUSTIN, TEXAS, September 29, 1875.

*To the Constitutional Convention:*

I have the honor to report to the Convention, that, on the 27th day of September, 1875, the ordinance entitled, "An ordinance postponing the general election of December, A. D. 1875, and for other purposes," passed by the Convention on the 24th day of September, A. D. 1875, was duly enrolled, signed by the President of the Convention, countersigned by the Secretary, and deposited in the office of the Secretary of State, and the Governor informed of the action had in relation to said ordinance.

E. B. PICKETT,

President of the Convention.

Mr. Dohoney offered the following resolution:

WHEREAS, The people of the frontier of Texas, for years past, have been, and now are, suffering from depredations commit-