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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-

ted by lawless bands, organized beyond the border to invade our territory; and,

WHEREAS, These bands do invade Texas at its most exposed points, murder our citizens, carry their women and children into captivity, burn and pillage their homes, and steal and carry away their property; and,

WHEREAS, The United States forces, placed at the disposal of the general commanding the military district including our frontier, are wholly inadequate to the protection thereof, by reason of which the State of Texas, for years past, has been compelled, at great expense, to furnish troops for the protection of her own frontier; therefore,

*Be it resolved by the Constitutional Convention of the State of Texas,* That the President appoint a select committee of seven members of this body, with instructions to inquire into the extent of the aforesaid depredations and the causes thereof; to correspond with the commander of the United States forces on said frontier and the citizens of the State who are exposed to the aforesaid depredations; and to prepare and present to the Congress and people of the United States a memorial, setting forth the condition of said frontier, and urging prompt measures for its adequate protection.

2. *Be it further resolved,* That our senators and representatives in Congress be, and they are hereby requested to lay before the President of the United States and the Secretary of War the exposed condition of our frontier; to secure, if possible, an adequate force for its protection, placed at the disposal of the commanding general; to lay the whole matter of frontier protection before Congress, and demand both adequate protection for the future, and reimbursement for all sums of money heretofore expended by the State for the protection of its own frontier.

3. That copies of this preamble and resolutions be furnished to our senators and representatives in Congress, and also to Major General E. O. C. Ord, United States Army, commanding the military district embracing our frontier.

Adopted.

Mr. Mills offered the following resolution:

*Resolved,* That section — shall be a portion of the constitution, and shall read as follows:

“Section —. No greater rate of interest shall be allowed on other amounts and contracts, when no interest is specified, than eight per centum per annum; but twelve per centum shall be allowed by special contract on maturity, and no greater. And all contracts, notes, and bills of exchange, providing for no pay-

ment or higher rate of interest, shall be null and void, and the creditor contracting for a higher rate of interest than twelve per centum per annum, shall forfeit the whole debt.

“Nor shall any note, bill, or contract in which a greater rate of interest than twelve per centum, as provided for, either directly or indirectly, be collectable, in the hands of any persons whatsoever.

“And it shall be a felony for any person to transfer any note, bill or other contract on which such usurious interest is charged, either directly or indirectly, and the Legislature shall pass all laws necessary to enforce this provision.”

Referred to Committee on General Provisions.

Mr. Brown offered the following resolution, to be referred to the Committee on Public Lands and Land Office.

“Sec. —. The Legislature shall have power to reserve from sale, location, or appropriation otherwise, except as herein provided, townships or districts of the public domain, not to exceed thirty-six sections of six hundred and forty acres each in any one townships or districts, for a term of five years after their settlements of actual settlers. Such reservations, commencing in what is commonly known as the Pan Handle of Texas, may be extended westerly to the western limits of the State and south and southwesterly through the vacant and unappropriated public domain of the State to the Rio Grande. But between such townships or districts there shall always be a space of at least twenty-five miles. Such townships or districts shall be designated, surveyed and marked in such manner as may be provided by law.

“Sec. —. The Legislature shall have power to grant to each head of a family who may settle in any such township or district three hundred and twenty acres of land, on condition that he or she shall reside thereon for the period of three years, and to single men, on the same condition, one hundred and sixty acres of land.

“Sec. —. The Legislature may exempt all settlers in such townships or districts, for a term of five years after their settlement, from the payment of all State taxes on property owned by them within such township or district.

“Sec. —. The Legislature may enact special laws, providing in each such district, until the same may become part of an organized county, for the election of a Justice of the Peace and a Constable, to be clothed with such powers as may be prescribed by law.”

Referred as indicated.

Mr. Brady offered the following resolution:

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

“Sec. —. The Legislature shall pass laws providing for taking the census of the State in the year 1885, and every ten years thereafter.”

Referred to Committee on General Provisions.

The Convention then proceeded to the consideration of unfinished business, viz: Article —, Legislative Department:

Mr. Flournoy offered the following amendment to section 41:

Strike out in line 206 the words “and give notice thereof by public proclamation.”

Adopted.

Mr. Sanderson proposed to amend section 48 by striking out line 246.

Laid on the table.

Mr. Henry, of Smith, proposed to amend section 48, line 240, by striking out “shall” and inserting “may.”

Adopted.

Mr. Wright offered the following amendment:

Amend section 48 by striking out line 248 and inserting “the support of the Blind Asylum, the Deaf and Dumb Asylum, and the Insane Asylum.”

Adopted.

Mr. McCormick moved to reconsider the vote just taken.

Mr. Wade offered the following amendment:

In section 48, line 245, after the word “debt” insert “and for the payment of the present floating debt.”

Withdrawn.

Mr. Davis, of Brazos, offered to amend, as follows:

Amend section 48 by adding after the word “schools,” in line 246, the following: “And colleges and universities under the control of the State.”

Lost.

Mr. Ferris offered the following substitute for section 49:

“Sec. 49. The aggregate amount of debts hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection; and in no case shall a debt be created, or bonds issued, except by a vote of two-thirds of both houses of the Legislature.”

Mr. Stockdale proposed to amend the amendment by adding: “Except in the renewal of existing bonds, when they can not be paid at maturity out of the sinking fund or other resources.”

Accepted by Mr. Ferris.

The question being on the adoption of the amendment, the yeas and nays were called and the substitute adopted by the following vote:

YEAS—Allison, Abernathy, Abner, Brown, Blake, Ballinger, Blassingame, Burleson, Brady, Bruce, Crawford, Cook of Gonzales, Cooke of San Saba, Cline, Cardis, Douglass, Dillard, Dohoney, Davis of Brazos, Davis of Wharton, Erhard, Flournoy, Ferris, Gaither, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, King, Killough, Lockett, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, McKinney, Moore, Nunn, Pauli, Ramey, Reynolds, Rentfro, Ross, Russell of Harrison, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Weaver—55.

NAYS—Arnim, Barnett, Chambers, Cooley, DeMorse, Darnell, Dunnam, Fleming, German, Graves, Holt, Henry of Smith, Kilgore, Lacy, McLean, McCormick, Norvell, Nugent, Reagan, Robertson of Bell, Robeson of Fayette, Russell of Wood, Wade, Whitehead, Wright, West—26.

Mr. Reagan offered the following substitute for section 49:

“Sec. 49. No debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate, at any one time, two hundred thousand dollars.”

Mr. Mills proposed to amend the substitute by adding the words “and for school purposes.”

Mr. McCormick moved to lay the amendment to the substitute on the table.

Carried by the following vote:

YEAS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Burleson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglass, DeMorse Darnell, Dunnam, Davis of Brazos, Flournoy, Fleming, Ferris, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Johnson of Franklin, Johnson of Collin, King, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, McKinney, McCormick, Norvell, Nunn, Nugent, Reagan, Ramey, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Wade, Whitehead, Wright, Weaver—56.

NAYS—Abner, Ballinger, Barnett, Brady, Crawford, Cline, Cooley, Dillard, Dohoney, Davis of Wharton, Erhard, Lockett,

Martin of Hunt, McCabe, Morris, Mills, Mitchell, Pauli, Reynolds, Rentfro, Russell of Harrison—21.

The question on the adoption of Mr. Reagan's substitute was then put and substitute adopted by the following vote:

YEAS—Allison, Arnim, Abner, Brown, Blake, Ballinger, Barnett, Burleson, Crawford, Cook of Gonzales, Cooke of San Saba, Cooley, Cardis, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ford, Ferris, Graves, Holt, Henry of Limestone, Haynes, Johnson of Collin, King, Kilgore, Killough, Lacy, Lynch, Martin of Navarro, Mills, McKinney, McCormick, Moore, Murphy, Norvell, Nunn, Reagan, Ramey, Robertson of Bell, Russell of Harrison, Spikes, Scott, Sessions, Smith, Stockdale, Whitehead, West—48.

NAYS—Abernathy, Blassingame, Brady, Bruce, Chambers, Cline, Douglass, Dillard, DeMorse, Dohoney, Dunnam, Flournoy, Fleming, German, Gaither, Henry of Smith, Holmes, Johnson of Franklin, Lockett, McLean, Martin of Hunt, McCabe, Morris, Mitchell, Nugent, Pauli, Reynolds, Rentfro, Robeson of Fayette, Ross, Russell of Wood, Wade, Wright, Weaver—34.

Mr. Arnim offered the following amendment:

Section 51, line 264, after the word "money" insert "public land, or anything of value."

Mr. Arnim withdrew his amendment.

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

Mr. German offered the following amendment:

Section 51, line 264, after the word "money" insert "public lands, or other thing of value."

On motion of Mr. Ross, the Convention adjourned until 9 o'clock to-morrow morning, pending Mr. German's amendment.

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## TWENTY-SECOND DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, September 30, 1875. }

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

Journals of yesterday read and adopted.

On motion of Mr. Flournoy the select committee authorized by Mr. Dohoney's resolution on affairs on our frontier, was increased from seven to eleven.