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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.

Mr. Wright asked and obtained leave of absence for a few days from attendance on the Convention.

Mr. Mills was also excused for a few days.

Mr. Kilgore presented the memorial of the bar of Longview on the subject of Judicial Districts.

Referred to Committee on Judicial Districts.

The chair announced the following Select Committee on Frontier Affairs: Messrs. Flournoy, Dohoney, Ford, Fleming, King, West, Barnett, Weaver, Ross, Cardis and Mills.

Mr. Robertson, of Bell, submitted a communication from L. K. Tarver and others, of Belton, on the subject of Judicial Districts.

Referred to the Committee on Judicial Districts.

Mr. Erhard presented the petition of sundry citizens of Bastrop county on the subject of payment of certain claims for ranging service before the war.

Referred to the Committee on Revenue and Taxation.

Mr. Ballinger, chairman of the standing Committee on Executive Department, submitted the following report and article, "Executive Department."

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

The committee, to which was referred the preparation of an article on the Executive Department in a new constitution for the State, together with various resolutions relating thereto, having had the same under consideration, instruct me to report the accompanying article, styled the "Executive Department," and the committee recommend its adoption by the Convention.

W. P. BALLINGER, Chairman.

" Article —.

" EXECUTIVE DEPARTMENT.

" Section 1. The Executive Department of the State shall consist of a Governor, who shall be the chief executive officer of the State, a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General, and Superintendent of Public Instruction.

" Sec. 2. All the above officers of the Executive Department (except Secretary of State,) shall be elected by the qualified electors of the State, at the time and places of election for members of the Legislature.

" Sec. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed

by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives, as soon as the Speaker shall be chosen, and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature; the person having the highest number of votes for said officers respectively voted for at said election, and being constitutionally eligible, shall be declared by the Speaker, under the Legislature, to be elected to said office; but if two or more persons shall have the highest and equal number of votes for any of said officers, one of them shall be immediately chosen to such office by joint vote of both houses of the Legislature. Contested elections for any of said offices shall be determined by both houses of the Legislature.

“Sec. 4. The Governor shall be installed on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall not be eligible to election more than four years out of six successive years. He shall be at least thirty years of age, a citizen of the United States, and have resided in this State at least five years immediately preceding his election.

“Sec. 5. He shall, at stated times, receive as compensation for his services, an annual salary of five thousand dollars, and no more, and shall also have the use and occupation of the Governor's mansion, fixtures and furniture.

“Sec. 6. During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession and receive compensation, reward, fee, or the promise thereof for the same; nor receive any salary, reward or compensation, or the promise thereof, from any person or corporation for any service rendered or act performed during the time he is Governor, or to be thereafter rendered or performed.

“Sec. 7. He shall be commander-in-chief of the military forces of the State, except when they are called into the actual service of the United States. He shall have power to call for the militia to execute the laws of the State, to suppress insurrections and repel invasions.

“Sec. 8. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place in case that should be in possession of the public enemy, or of the prevalence of disease thereat. His proclama-

tion therefor shall state specifically the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were convened, or which may be presented to them by the Governor.

“Sec. 9. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information by message of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature, and accompany his message with a statement of all public moneys received and paid out by him from any funds subject to his order, with vouchers; and at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

“Sec. 10. He shall cause the laws to be faithfully executed; and shall conduct in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

“Sec. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations and pardons, and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end he may reprieve a sentence therefor until the close of the succeeding session of the Legislature; *provided*, that in all cases of remissions of fines or forfeitures, or grants of reprieve, commutation or pardon, he shall file in the office of the Secretary of State his reasons therefor.

“Sec. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill said vacancy, shall be nominated to the Senate during the first ten days of its session; if rejected, said office shall immediately become vacant; and the Governor shall, without delay, make further nominations, until a confirmation take place; but should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate, but may appoint some other person to fill the vacancy until the next session of the Senate, or until the regular election to said office, should it

sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

“Sec. 13 During the sessions of the Legislature the Governor shall reside where its sessions are held, and at all other times at the seat of government; except when by act of the Legislature he may be required or authorized to reside elsewhere.

“Sec. 14. Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve he shall sign it, but if he disapprove it he shall return it with its objections to the house in which it originated, which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent with the objections to the other house, by which likewise it shall be reconsidered, and if approved by two-thirds of the members present of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items while approving the other portion of the bill. In such case he shall append to the bill at the time of signing it a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objection to any item or items thereof and make

proclamation of the same, and such item or items shall not take effect.

“Sec. 15. Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect shall be approved by him, or, being disapproved, shall be repassed by both houses, and all the rules, provisions and limitations shall apply thereto prescribed in the last preceding section in the case of a bill.

“Sec. 16. There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, and in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or his impeachment, or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

“Sec. 17. Whenever the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being; and if, during the vacancy of the office of Governor the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the President of the Senate for the time being shall in like manner administer the government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, whilst he acts as President of the Senate, receive for his services the same compensation which shall be allowed the Speaker of the House of Representatives, and no more; and during the time he administers the government as Governor shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation which the

Governor would have received had he been employed in the duties of his office. If the Lieutenant Governor shall be required to administer the government, and shall, whilst in such administration, die, resign, or be absent from the State during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President for the time being.

“Sec. 18. The Lieutenant Governor and President of the Senate, succeeding to the office of Governor, shall, during the entire term to which they succeed, be under all the restrictions and inhibitions imposed in this constitution on the Governor.

“Sec. 19. There shall be a seal of the State, which shall be kept by the Secretary of State, and used by him officially, under the direction of the Governor. The seal of the State shall be a star of five points, encircled by olive and live-oak branches, and the words ‘The State of Texas.’

“Sec. 20. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

“Sec. 21. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the Legislature, or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

“Sec. 22. The Attorney General shall hold his office for two years, and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and give legal advice, in writing, to the Governor and other executive officers when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law

“Sec. 23. The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office, shall each hold office for the term of four years, and until his successor is qualified; receive an annual salary of two thousand five hundred

dollars, and no more; reside at the capital of the State during his continuance in office, and perform such duties as are, or may be, required of him by law. They, and the Secretary of State, shall not receive to their own use any fees, costs, or perquisites of office, or other compensation. All fees that may be payable by law for any service performed by any officer specified in this article, or in his office, shall be paid, when received, into the State treasury.

“Sec. 24. An account shall be kept by the officers of the Executive Department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information in writing from any and all of said officers or managers upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information may be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds, and any officer or manager who at any time shall make a false report or give false information, shall be guilty of perjury, and punished accordingly

“Sec. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

“Sec. 26. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public for each county, who shall perform such duties as now are or may be prescribed by law.”

Report received, to come up in its order.

Mr. Fleming moved to have two hundred copies of the report and article printed.

Mr. Haynes moved to amend by inserting “ninety copies.”

Mr. Stayton moved to amend by inserting “four hundred copies.”

Mr. Fleming’s motion carried, and two hundred copies ordered printed.

The following communication from the Commissioner of the General Land Office was taken from the President’s desk, read and referred to the Committee on Public Lands and Land Office

GENERAL LAND OFFICE, }  
AUSTIN, September 29, 1875. }

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

SIR—I have the honor to acknowledge the receipt of a copy of a resolution, adopted by the Convention on the 28th inst., requesting statement showing the annual expenditure necessary to carry on the business of the General Land Office, the amount of fees collected by said office and paid into the State treasury, the number of employes and the salaries paid them.

In compliance with said request I hand you the following statements:

Exhibit "A" shows the amount of office and patent fees received by the office during each of the past four fiscal years, beginning August 31st, 1871, and ending September 1st, 1875.

The term "office fees" embraces all sums received for the examinations, statements, copies and certificates to railroad and other companies for internal improvements.

Exhibit "B" shows the appropriations made by the Legislature for the support of the Land Office for each of six fiscal years, beginning September 1st, 1870, and ending August 31st, 1876. None of these appropriations include the amount paid annually for printing the blanks required by the office. The orders for the necessary blanks are sent to the "Printing Board" and paid for out of the appropriation for public printing.

A comparison of the appropriation for the year ending August 31st, 1875, with the amount of fees received by the office during the same period, shows the receipts to have exceeded the appropriation by eight thousand three hundred and forty dollars (\$8340). But this instance can not be taken as a criterion; the large excess of office fees received during the year just closed over any preceding year is attributable to the large number of certificates issued to railroad companies and companies for improving the navigation of the rivers of this State. It is not likely the revenue of the office from the same source will ever be as large. As it is impossible to say in advance what will be the receipts of the office for the next year, I can not state (to use the language of the resolution) what "the cost of carrying on the said Land Office, over and above the amounts received as fees," will be.

The revenue of the office could be very materially increased by charging a fee of 25c. upon each certificate, transfer, field note, or other document required by law, or permitted to be filed. If the present fee, \$4, charged for certificates, authorizing the location of land issued by this office was increased, the amount

received by reason of such increase would add largely to the revenue of the office.

Exhibit "C" shows the number of employes in said office, and the amount paid them per month.

The annual appropriation necessary for wood, stationery and postage, is \$3000.

I am, very respectfully,  
Your obedient servant,  
J. J. GROOS, Commissioner.

#### EXHIBIT "A."

Showing amount of office and patent fees paid into the General Land Office for the fiscal years 1871, 1872, 1873 and 1874, the fiscal year beginning September 1, and ending August 31.

|  |             |
|--|-------------|
| September 1, 1871, to August 31, 1872: |             |
| Office Fees.....                       | \$12,779 00 |
| Patent Fees.....                       | 4,734 00    |
| Total .....                            | \$17,513 00 |
| September 1, 1872, to August 31, 1873: |             |
| Office Fees.....                       | \$20,242 00 |
| Patent Fees .....                      | 9,457 00    |
| Total .....                            | \$29,699 00 |
| September 1, 1873, to August 31, 1874: |             |
| Office Fees.....                       | \$20,620 00 |
| Patent Fees.....                       | 17,425 00   |
| Total .....                            | \$38,045 00 |
| September 1, 1874, to August 31, 1875: |             |
| Office Fees.....                       | \$27,854 00 |
| Patent Fees.....                       | 24,886 00   |
| Total .....                            | \$52,740 00 |

#### EXHIBIT "B."

Showing appropriations made for the General Land Office for the fiscal years 1871, 1872, 1873, 1874, 1875 and 1876, beginning on September 1, and ending August 31:

|  |             |
|--|-------------|
| September 1, 1870, to August 31, 1871..... | \$42,700 00 |
| September 1, 1871, to August 31, 1872..... | 42,900 00   |
| September 1, 1872, to August 31, 1873..... | 62,683 00   |
| September 1, 1873, to August 31, 1874..... | 76,100 00   |

|  |             |
|--|-------------|
| September 1, 1874, to August 31, 1875..... | \$44,400 00 |
| September 1, 1875, to August 31, 1876..    | 46,550 00   |

EXHIBIT "C."

Statement showing the number of employes of the General Land Office, and their salaries, for the month of September, 1875:

|   |          |
|---|----------|
| Commissioner .....                          | \$250 00 |
| Chief Clerk .....                           | 166 66   |
| Chief Draftsman . . . . .                   | 166 66   |
| Spanish Translator .....                    | 166 66   |
| Receiving Clerk.....                        | 150 00   |
| Six Clerks, at \$116 66.....                | 699 96   |
| Two Clerks, at \$108 33.....                | 216 66   |
| Fourteen Clerks, at \$13,000 per annum..... | 1,083 33 |
| Four Draftsmen, at \$125 per month.....     | 500 00   |
| Ten Draftsmen, at \$100 per month.....      | 1,000 00 |
| One Night Watchman.....                     | 41 66    |
| One Porter .....                            | 33 33    |

|  |            |            |
|--|------------|------------|
| Total number, exclusive }<br>of Commissioner... 42 } | Total..... | \$4,474 92 |
|--|------------|------------|

Mr. Dohoney submitted the following report:

COMMITTEE ROOM, }  
AUSTIN, September 30, 1875. }

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

The Committee on Suffrage, to whom was referred various memorials and resolutions in reference to the right of suffrage, and proposed extensions thereof, as well as limitations thereon, have had the same under careful consideration, and the majority of said committee instruct me to report the accompanying article on suffrage as a substitute for the whole, and respectfully recommend its adoption by the Convention, as a part of the constitution.

E. L. DOHONEY, Chairman.

"ARTICLE —.  
"SUFFRAGE.

Section 1. The following classes of persons shall not be allowed to vote in this State, to-wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, all inmates of State asylums, and all paupers supported by any county; fourth, all persons convicted of bribery in receiving

money, intoxicating drinks, or other thing of value, for their votes, also all persons convicted of any felony; fifth, all soldiers and marines employed in the service of the army or navy of the United States.

“Sec. 2. The following classes of persons shall be entitled to vote at all elections of the people held in this State: First, every male person over twenty-one years of age, and subject to none of the foregoing disqualifications, who, being a citizen of the United States, shall have resided for twelve months in this State, and for six months in the county, next preceding any election at which he may offer to vote, and who, in addition thereto, shall have paid all poll taxes due by him to the State and county before said election; second, every male person of foreign birth subject to none of the foregoing disqualifications, who, six months before any such election shall have declared his intention to become a citizen of the United States, in accordance with the Federal naturalization laws; who shall have resided in this State twelve months, and in the county in which he offers to vote six months, next preceding any election; and who, in addition thereto, shall have paid all poll taxes due by him to the State and county before said election.

“Sec. 3. Every qualified elector in this State who shall have resided for six months next preceding any election at which he may offer to vote, in any incorporated town or city, and who, in addition thereto, shall have paid all taxes due said town or city that have accrued against him since the adoption of this constitution, shall be entitled to vote at elections held in such incorporated town or city; *provided*, that in elections for the creation of debt for the improvement of such town or city, or for other purpose, freeholders only shall vote.

“Sec. 4. All elections of the people in this State shall be by ballot, and under such regulations as the Legislature may prescribe.

“Sec. 5. Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Mr. Rentfro, from the same committee, made the following minority report:

COMMITTEE ROOM,  
AUSTIN, September 29, 1875. }

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

The undersigned, a member of the Committee on Suffrage, to which committee were referred certain resolutions, etc., re-

lating to the qualification of electors, would respectfully submit that he can not entirely concur in the majority report and attached sections. In the main he most heartily indorses the sections so submitted by the majority of said committee, and concurs in the qualifications therein stated, yet he feels it to be his duty, as a representative in part of the people of this State, most earnestly to protest against the requirements as set forth in the latter portions of 1st and 2d clauses of section 2 of said majority report. Said clause, after stating certain qualifications as to sex, age, etc., reads as follows: "And who, in addition thereto, shall have paid all State and county poll taxes for at least . . . . days before said election."

In part second of said article 2d the same language occurs with reference to naturalized citizens. The undersigned would submit, that although it is a principle of a republican form of government that taxation and representation should go hand in hand, yet he feels that a requirement of the payment by the electors of this State of poll taxes, as a prerequisite to the exercise on their part of the "elective franchise," would be a perversion of that principle; that said provision, if incorporated in the State constitution, would, although presumably general in its operation, militate most severely against the interests of the working classes of the State. He submits, that if the doctrine that an elector should exhibit his tax receipt before being allowed a voice in the selection of his rulers obtains in any degree, that payment of all taxes of every character whatsoever should be required as a prerequisite to the right of voting from any and all persons. He insists that if said provision is asked to be incorporated in the State constitution for the purpose of raising revenue, that the amounts derived therefrom will be wholly insufficient to carry out the end desired. On the other hand, if said provision has for its object a partial restriction of the right of suffrage, he believes the sentiment of the people of the State to be unqualifiedly opposed to any provision having for its object the attainment of such an end. He maintains that said provision would practically deprive of the right of voting many good citizens of this State, and believing, as he does, that the exercise of the "elective franchise" in a republican government is a *right* and not, as it has erroneously been termed, a *privilege*, he feels that he would be false to the duty which, as a delegate, he owes to the working classes of this State, if he did not most earnestly protest against an incorporation in the organic law of any provision tending to hinder the electors in the free exercise of that *right*. Maintaining that the right of voting should be

free; that no provisions should be placed in the organic law, which while it cannot affect the rights of those whom fortune has blessed with an abundance, yet may operate most disastrously against the rights of the poor; and believing that the portion of said section as above will so do, the undersigned, with all respect to the majority of said committee, must ask leave to differ with said majority, and assigning the above as some few of his objections to the said sections, while concurring in the remainder, respectfully submits the above as his protest and report in the premises.

R. B. RENTFRO.

Mr. Cook, of Gonzales, moved to have 100 copies of reports and article printed.

Mr. Dohoney moved to have 100 copies of the reports and 200 copies of the article printed.

On motion of Mr. Chambers the question was divided and 100 copies of the reports and 200 copies of the article ordered printed.

Mr. Russell, of Harrison, submitted the following ordinance and resolution:

ORDINANCE.

WHEREAS, The late disastrous storm on the coast of the State of Texas ruined and placed in a condition of want and distress the people residing in the counties hereinafter named; and

WHEREAS, In their said condition they are totally unable at present to pay the State taxes due by them for the year 1875; and to exact of them said tax would be to further embarrass and distress them and impose upon them additional ills and burdens; therefore

*Be it ordained by the people of Texas in Convention assembled,* That the collection of the State tax levied for the year 1875 upon the property of the people residing in the counties of Chambers, Brazoria, Matagorda and Calhoun, be and the same is hereby restrained and enjoined; and that the sheriffs and tax collectors of said counties are hereby forbidden and enjoined from the collection of said tax; and that the tax-payers in said counties are hereby relieved and exempted from the payment of said tax due for the year 1875.

*Resolved, further,* That a committee of seven be appointed by the President to inquire into and report upon the ordinance, and that they be authorized to report for the relief of any other counties on said coast not named in this ordinance.

On motion of Mr. Russell, of Wood, the ordinance was referred to the Committee on Revenue and Taxation.

Mr. Erhard offered the following resolution:

*Resolved*, That the State of Texas sustain and uphold a Bureau of Immigration; that we may find a market for our school lands, and obtain labor, also to encourage trade and commerce and to develop our State generally.

Immigrants, particularly those who do not understand the English language, need good and disinterested advice, the necessity of which all those will appreciate who ever were in any foreign country.

In the preamble of the Declaration of Independence, the fathers of the Republic of the United States stated as one of their grievances that the British King had refused to pass laws to encourage immigration hither. The grandure of wealth of the United States is due to immigration. The unparalleled success of the great West and California is due to a well regulated immigration bureau.

The Republic of Texas induced immigration by giving heads of families, and even young men of seventeen years of age, liberal land grants, being well aware their newly-acquired Republic would be valueless without immigration.

Referred to Immigration Committee.

Mr. Kilgore offered the following resolution:

WHEREAS, There are now but two pages for the Convention to perform the duties heretofore performed by four; and

WHEREAS, The labor of two pages are very burdensome and require their constant attention; therefore

*Be it resolved*, That the per diem of said pages, from and after the passage of this resolution, shall be three dollars (\$3) per day.

Laid over under the rules.

Mr. Erhard offered the following:

Every married woman shall have her title to property received at marriage or inherited hereafter recorded, and she shall have sole control over it; she may exchange, buy or sell in her own right, but her property shall be liable for all contracts she makes. No property to be sold under forced sale unless it bring two-thirds of its value; but it shall be offered for sale each continuous six months till it bring said value. Proper notices being posted each time as in first instance.

Referred to Committee on General Provisions.

Mr. Stockdale submitted the following report:

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

The Committee on Rules, to which was referred resolutions making additional rules for the government of the Convention,

beg leave to report that they have duly considered the same, and now return them and recommend that they be adopted. The committee also present, in addition to the rules referred to them, the accompanying rule, and recommend that it be also adopted.

All of which is respectfully submitted.

F. S. STOCKDALE, Chairman.

Rule 1. 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."

Rule 2. 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.

Rule 3. Business on the table shall be taken up in the following order:

First—Single resolutions.

Second—Resolutions and ordinances on the second reading.

Third—Resolutions and ordinances on the third reading.

Rule 4. Whenever any article of the constitution shall be passed, upon its third reading, under the foregoing rules, it shall be, as of course, referred to the Committee on Style and Arrangement. When the whole constitution is reported back to the Convention by said committee, it shall then be considered by the Convention as on its second reading, and acted upon according to the same rules and order as provided for resolutions and ordinances in the foregoing rules.

Adopted.

Mr. Nunn moved to reconsider the vote refusing to adopt the amendment of Mr. Davis, of Brazos, to section 48, article —, Legislative Department, viz: by adding after the word "schools" in line 246 the words "and colleges and universities under the control of the State."

Motion passed over for the present.

Mr. Whitfield, chairman of the Committee on Education, made the following report:

COMMITTEE ROOM,  
AUSTIN, September 30, 1875. }

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

Your Committee on Education, to whom was referred various resolutions, have carefully considered the same, and a majority of the committee instruct me to report the following and recommend its passage.

J. W. WHITFIELD, Chairman.  
L. W. MOORE,  
WM. NEAL RAMEY,  
W. B. WRIGHT,  
A. C. GRAVES,  
FRAN'S J. LYNCH,  
B. ABERNATHY,  
GEORGE FLOURNOY,  
EDWARD CHAMBERS.

“ARTICLE —.

“EDUCATION.

“Section 1. A general diffusion of knowledge being essential to the preservation of liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

“Sec. 2. All funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

“Sec. 3. And there shall be set apart annually not more than one-tenth of the annual revenue derivable from taxation for general purposes, and such poll tax as may by law be levied under the provisions of this constitution, which shall also constitute a part of the public school fund.

“Sec. 4. The lands herein set apart to the perpetual school fund shall be sold under such regulations, at such time, and upon such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sale, and of

those heretofore made, in the bonds of this State, if the same can be obtained, otherwise in United States bonds, and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained.

“Sec. 5. The principal of all bonds, or other funds, and the principal arising from the sales of lands hereinbefore set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom, and the taxes herein provided, shall be the available school fund, which shall be applied annually to the support of public schools, and no law shall ever be made appropriating any part of the permanent or available school fund to any other purpose whatever, except as herein-after provided.

“Sec. 6. All public lands which have been heretofore, or may be hereafter, granted to the various counties of this State for public schools, are of right the property of said counties respectively, to which they are granted, and entitled thereto, and is hereby vested in said counties, subject to the trust created in the grant.

“Sec. 7. So soon as the available school fund may be sufficient, the Legislature shall establish and maintain free public schools throughout the State for a period of not less than four months in each year, and may authorize any county to establish public schools in such county whenever the available fund apportioned to such county as herein provided, together with the fund realized from the sale of the lands of the county, shall be sufficient to maintain public schools in such county for not less than four months in each year. But until such time the available school fund hereinbefore provided shall be distributed to the several counties of the State according to the scholastic population. The distribution to be made by the Governor, the Comptroller and the Treasurer, who for this duty shall constitute a school board. The fund shall be distributed to the counties and applied in aid of private schools in such mode as the Legislature may provide.

“Sec. 8. All lands heretofore granted for the benefit of the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum and the Orphan Asylum, together with such donations as may have been or may hereafter be made to either of them, are hereby set apart to provide a permanent school fund for the support and maintenance and improvement of said asylums; but the Legislature shall have the power, whenever deemed advisable, to provide for the sale in part or in whole of said lands. The proceeds of said lands when realized, together with all

moneys severally donated to such asylums or either of them, shall be invested in bonds of the State of Texas, if obtainable; if not, in bonds of the United States, in such manner as the Legislature shall provide. And the proceeds of the interest thereon shall be a several available fund for each of said asylums, and for no other purpose.

“Sec. 9. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.”

Mr. Stansom, from the same committee, submitted the following minority report:

COMMITTEE ROOM,  
AUSTIN, September 30, 1875. }

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

The undersigned, members of your Committee on Public Education, beg leave to state that they are unable to concur in the report submitted by the majority of said committee, for the following reasons, viz:

They believe the education of children to be a private duty—devolved upon the parent by God, as is manifest both from the laws of nature and revelation—and to the end that the parent may be enabled to discharge this great duty, the same laws confer on him the right to control his children; and they do not believe that a democratic government can, without violating the great principles of personal freedom and individual right upon which it is founded, either relieve the parent of this duty by laying it upon the shoulders of another, or deprive him of this right by assuming it.

They are unable to see how a government established for the protection of private property can, without subverting the purposes of its creation, take by taxation the private property of a portion of its citizens and apply it to the use of another portion of its citizens, unless it be given in compensation for services rendered the State or for the preservation of life.

They are satisfied that no system of public free schools, which does not enforce the regular attendance at the schools of all the children within the scholastic age, will or can secure the object sought to be attained. And they find it very difficult to discover the right of a free government to impose *public* duties upon those of its citizens who have not attained their majority which it does not even claim the right to impose on older citizens.

They believe that a system of public education, by passing the control of the children into the hands of the State, and empowering the State to prescribe the qualifications of teachers and the course of instruction, endangers religious liberty—as, in their

view, religious liberty implies not only the right of the parent to worship God according to the dictates of his own conscience, but as well his right to direct the religious instruction of his children.

They believe that a system of public education designed to embrace the entire scholastic population of the State, and to be supported by taxation, is not adapted to the condition of the people of this State, and that they do not desire such a system.

They believe that the benefits to be derived from any system of public education, even the most perfect, if not altogether valueless, are certainly a very poor compensation for the sacrifice of principle necessary to its adoption by a free people.

They are so far, however, from undervaluing the importance of education, that they deem it the duty of the Convention to make out of the public means at the disposal of the State, the most ample provision for the free tuition of all the indigent orphan children in the State, and prospectively for, at least, the partial instruction of all the children of the State; and this they believe may be accomplished without the violation of any valuable principle by the adoption of the articles herewith respectfully submitted.

R. SANSOM,  
ASA HOLT,  
A. J. C. DUNNAM,  
G. B. COOKE.

“ARTICLE —.

“Section 1. To promote the general diffusion of knowledge, the lands heretofore set apart by the Republic or State of Texas, and the moneys, bonds and other property now owned by the State, which have been devoted to the use or support of public free schools, and in addition thereto one-half of the public domain now subject to disposal by the State, shall constitute the basis of a permanent fund, to be called the general educational fund; *provided*, that the title to lands given to the State for the use and benefit of public free schools, shall be surrendered to the donors at their option; but the right of the State to improvements put upon said lands by the State shall not be thereby affected.

“Sec. 2. The Legislature shall provide for the sale of all the lands set apart in section one of this article, which have been located, or which may hereafter be located, by railroad or other corporations, and for the sale of all other property therein set apart. And all moneys derived from the sale of the same shall be invested in bonds of the State or of the United States.

“Sec. 3. The interest accruing on the general educational

fund shall be distributed annually by the Comptroller of Public Accounts between the respective counties of the State, according to their scholastic population, and shall be distributed as follows: First, to the payment of tuition for four months in each year of all the indigent orphan children of the State, between the ages of eight and sixteen years. The remainder to be applied, *pro-rata*, to the payment of tuition of all the children of the State within said ages. But the State shall not levy a tax to support a system of public free schools."

Mr. Cline gave notice that he would submit a separate minority report at a future time.

Mr. Whitfield moved to have two hundred copies of the articles, reported by the majority and minority, printed, and that they be made the special order for Tuesday next at 10 o'clock A. M

Carried.

The following communication from the Adjutant General was taken from the President's desk and read:

ADJUTANT GENERAL'S OFFICE, }  
STATE OF TEXAS, }  
AUSTIN, September 30, 1875. }

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

SIR— I have the honor to submit statements of the strength and cost of all troops that have been called out for frontier protection since the inauguration of Governor Davis, and to the present time.

To make a list of all officers and men, and to separate and itemize accounts of quartermasters, commissary and transportation, would require the examination of vouchers filed in the Comptroller's office for the last six years, and it is doubtful if it could be completed in time to lay it before your honorable body.

I have no information in regard to the number and disposition of United States troops in Texas.

The State forces are under the command of their own officers.

Very respectfully, your obedient servant,

WM. STEELE, Adjutant General

*Frontier Forces Organized under Law approved June 13, 1870.*

| Letter of Co. | Station—<br>Counties. | Captains        | Lieut | Surgeon. | Sergeant. | Corp'l. | Buglers. | Fartiers. | Privates. | Total. | Mustered In        | Mustered Out      |
|---------------|-----------------------|-----------------|-------|----------|-----------|---------|----------|-----------|-----------|--------|--------------------|-------------------|
| A             | Mason                 | Franklin Jones  | 1     | 1        | 3         | 4       | 1        | 1         | 50        | 62     | August 25, 1870    | November 12 1870  |
| B             | Erath                 | A H Cox         | 1     | 1        | 3         | 4       | 1        | 1         | 50        | 62     | September 8, 1870  | May 15, 1871      |
| C             | Kerr                  | J. W. Sansom    | 1     | 1        | 3         | 4       | 1        | 1         | 50        | 62     | August 25, 1870    | May 31, 1871      |
| D             | Uvalde                | J. R. Kelso     | 1     | 1        | 4         | 4       | 1        | 1         | 50        | 62     | September 10, 1870 | January 20, 1871  |
| E             | Fort Inge             | H. J. Richarz   | 1     | 1        | 3         | 4       | 1        | 1         | 50        | 61     | September 9, 1870  | June 15, 1871     |
| F             | Wise                  | D P Baker       | 1     | 1        | 3         | 4       | 1        | 1         | 39        | 50     | November 5, 1870   | June 15, 1871.    |
| G             | Starr                 | C G. Falcon     | 1     | 1        | 3         | 4       | 1        | 1         | 43        | 55     | October 8, 1870    | April 30, 1871    |
| H             | Zapata.               | B. Chamberlain  | 1     | 1        | 3         | 4       | 1        | 1         | 39        | 50     | November 15, 1870  | February 28, 1871 |
| I             | Mason                 | J M Hunter      | 1     | 1        | 3         | 4       | 1        | 1         | 43        | 55     | September 12, 1870 | January 24, 1871  |
| K             | Lampasas              | J M. Harrell    | 1     | 1        | 3         | 4       | 1        | 1         | 50        | 62     | September 16, 1870 | February 16, 1871 |
| L             | Gillespie             | H R V Biberstem | 1     | 1        | 3         | 4       | 1        | 1         | 50        | 61     | October 10, 1870   | May 31, 1871      |
| N             | El Paso               | G Garcia        | 1     | 1        | 3         | 4       | 1        | 1         | 39        | 50     | August 21, 1870    | June 15, 1871.    |
| O             | Kimble.               | P Kleud         | 1     | 1        | 3         | 4       | 1        | 1         | 49        | 60     | August 20, 1870    | May 31, 1871.     |
| P             | Coleman..             | J P. Swisher    | 1     | 1        | 3         | 3       | 1        | 1         | 50        | 62     | September 6, 1870  | February 6, 1871. |
| 14            |                       | 14              | 14    | 12       | 43        | 55      | 11       | 13        | 652       | 814    |                    |                   |

Capt. Falcon, Company G, reports that on April 21, 1871, his company recovered 130 head of cattle from thieves at Las Curvas, on the Rio Grande, wounding one of the thieves.

Captain Chamberlain, Co. H, February 25, 1871, reports the arrest by his company of several cattle thieves.

Capt. Cox, Co. B, reports that on May 4, 1871, Sergeant R. V. Parker and 11 men of his company attacked and defeated a band of 40 Indians, on Rocky Creek, Palo Pinto county, killing 10 warriors and recapturing 40 horses; four men of company wounded.

Capt. Sansom, Co. C, reports that on October 27, 1870, a pursuit of Indians and recapture of 6 horses and 2 mules.

Capt. Richarz, Co. E, December 4, 1870, reports an Indian raid in numbers from Mexico, and the pursuit and recapture of 5 horses. December 9, 1870, reports an engagement with Indians; 8 killed and 15 wounded; 3 Rangers killed, amongst whom the captain's son.

Capt. Baker, Co. F, reports, February 7, 1871, an engagement between 10 men of his company and 40 Indians; 2 Indians killed (one a chief) and several wounded; captured 2 horses and 1 mule.

Capt. Swisher, Co. P, January 23, 1871, reports a skirmish with Indians; 1 killed and several wounded; recaptured 38 horses; 1 Ranger wounded.

RECAPITULATION.—Recovered 130 cattle, 94 horses and mules; Indians killed, 21; Rangers killed, 3; Rangers wounded, 5.

The cost of this force (which was paid from the proceeds of the sale of bonds authorized to be issued and sold by act approved August 5, 1879.) was as follows:

|  |             |                    |
|--|-------------|--------------------|
| To Quartermaster Stores . . . . .                            | \$12,922 65 |                    |
| Transportation . . . . .                                     | 13,943 70   |                    |
| Forage and Rations . . . . .                                 | 119,054 88  |                    |
| Interest . . . . .   | 527 49      |                    |
| Ordnance and Stores . . . . .                                | 76,640 05   |                    |
| Medical Supplies . . . . .                                   | 4,426 70    |                    |
| Services . . . . .   | 225,655 01  |                    |
|  |             | \$453,170 48       |
| Amount lost through James Davidson and G. W. Honey . . . . . |             | 5,826 03           |
|  |             | <hr/> \$458,996 51 |

Making average cost per man, \$2 90 per day.

The members of this force were allowed by law: Captains and Surgeons, \$100 per month; Lieutenants, \$80 per month; Ser-

geants, \$54 per month; Corporals and Farriers, \$52 per month; Buglers and privates, \$50 per month, with subsistence for officers and men and forage for horses. Horses, clothing, and camp and garrison equipage were furnished by the men at their own expense.

The ordnance (Winchester carbines, ammunition, accoutrements and equipments, \$76,640 05) was purchased by the State and issued to this force, and the value of such arms, etc, stopped from pay due the men for services.

*Minute Companies Organized under Laws approved November 25, 1871, for one Year from Date of Organization*

| COMPANY | STATION—COUNTY      | COMMANDED BY        | NO MEN. | ORGANIZED                 |
|---------|---------------------|---------------------|---------|---------------------------|
| A       | Blanco. . . . .     | James Ingram . . .  | 19      | Jan. 4, 1872              |
| B       | Wise . . . . .      | G. W. Stevens . .   | 19      | March 2, 1872.            |
| C       | Kendall. . . . .    | C. A. Patton . . .  | 19      | Feb. 4, 1872.             |
| D       | Comanche. . . . .   | J. A. Wright . . .  | 19      | May 25, 1872.             |
| E       | Kerr . . . . .      | C. Schwethelm. .    | 19      | April 6, 1872.            |
| F       | Gillespie. . . . .  | B. F. Casey. . . .  | 19      | April 18, 1872.           |
| G       | Brown . . . . .     | G. H. Adams . . .   | 19      | June 5, 1872.             |
| I       | Cooke . . . . .     | J. M. Waide . . .   | 19      | April 24, 1872.           |
| K       | Bandera. . . . .    | R. Ballantyne . .   | 19      | July 2, 1872.             |
| L       | Coleman. . . . .    | J. M. Elkins . . .  | 19      | Volunteer<br>without pay. |
| M       | Lampasas. . . . .   | G. E. Haynie . . .  | 19      | Aug. 10, 1872.            |
| N       | San Saba. . . . .   | W. H. Ledbetter. .  | 19      | Aug. 13, 1872.            |
| O       | Burnet . . . . .    | John Alexander. .   | 19      | Aug. 19, 1872.            |
| P       | Parker . . . . .    | J. C. Gilleland . . | 19      | Aug. 19, 1872.            |
| Q       | Llano . . . . .     | F. C. Stewart . . . | 19      | Aug. 21, 1872.            |
| R       | Mason. . . . .      | Daniel Herster. .   | 19      | Aug. 26, 1872.            |
| S       | Jack . . . . .      | N. Atkinson . . .   | 19      | Aug. 23, 1872.            |
| T       | Palo Pinto. . . . . | D. H. McClure. .    | 19      | Aug. 22, 1872.            |
| U       | Montague. . . . .   | J. J. Willingham .  | 19      | April 20, 1872.           |
| V       | Medina . . . . .    | Geo. Habey . . . .  | 19      | Sept. 6, 1872.            |
| W       | Webb . . . . .      | J. D. Martinez . .  | 19      | Oct. 2, 1872.             |
| X       | Maverick . . . . .  | Man. Ban. . . . .   | 19      | Oct. 8, 1872.             |
| Y       | Uvalde . . . . .    | D. A. Bates. . . .  | 19      | Oct. 12, 1872.            |
| Z       | Erath . . . . .     | C. M. O'Neal . . .  | 19      | Oct. 12, 1872.            |

Total number of men, 480.

Lieut. Ingram, Company A, February, 1872, reports heavy bodies of Indians in his district; capture of one white woman by them. Unsuccessful pursuit.

August 16, 1872, reports Indians in county. Scout pursued, but compelled to withdraw; two Indians killed, several wounded; three Rangers wounded.

Lieut. Stevens, Company B, April 13, 1872, reports his company captured 13 horses from Indians.

July 30, 1872, reports — horses captured from Indians by his company.

August 11, 1872, reports fight of himself and eight men of his company with one hundred Indians on August 3, 1872. All his horses lost; one Ranger killed; the chief and twenty Indians killed.

Lieut. Hudson, Company F, August 26, 1872, reports a citizen killed by Indians. Scout pursued and captured two horses from them.

Lieut. Waide, Company I, reports 50 horses recaptured from Indians.

RECAPITULATION.—Recovered, 65 horses; Indians killed, 23; Rangers killed, 1; Rangers wounded, 3.

The cost of this force was paid from the proceeds of the sale of bonds issued for frontier defense, by act approved August 5th, 1870. For particulars, see next exhibit of minute companies.

The officers and men of this force were allowed \$2 per day, for ten days in each month, when Indians were in their respective counties.

Besides their pay, the State furnished them with arms, ammunition and accoutrements only, which remained the property of the State. They were armed with the balance of Winchester carbines, etc., purchased by the State for the forces of 1870-'71.

*Minute Companies Reorganized under Law approved November 25, 1871, after their first year of Service had expired.*

| COMPANY | STATION—COUNTY      | COMMANDED BY          | NO MEN. | RE-ORGANIZED                 |
|---------|---------------------|-----------------------|---------|------------------------------|
| A       | Blanco.....         | S. B. Gray . . . .    | 19      | April 1, 1873.               |
| B       | Wise . . . . .      | G. W. Stevens..       | 19      | Aug. 7, 1873.                |
| C       | Kendall. . . . .    | J. C. Nowlin . . .    | 19      | March 1, and<br>Jan 3, 1874. |
| D       | Comanche . . . .    | W. C. Watkins . .     | 19      | Sept. 18, 1873.              |
| E       | Kerr . . . . .      | H. Schwethelm . .     | 19      | April 7, 1873.               |
| F       | Gillespie.....      | B. F. Casey . . . .   | 19      | Nov. 21, 1873.               |
| G       | Brown . . . . .     | G. H. Adams . . .     | 19      | Aug. 12, 1873.               |
| I       | Cooke . . . . .     | J. M. Waide . . . .   | 19      | April 24, 1873.              |
| L       | Coleman . . . . .   | J. M. Elkins . . . .  | 19      | Nov. 7, 1873.                |
| M       | Lampasas.....       | E. W. Greenwood       | 19      | Sept 12, 1873.               |
| N       | San Saba . . . . .  | W. H. Ledbetter       | 19      | Sept. 19, 1873.              |
| P       | Parker . . . . .    | J. C. Gilleland..     | 19      | Oct. 29, 1873.               |
| Q       | Llano . . . . .     | J. M. Smith . . . .   | 19      | Sept. 29, 1873.              |
| R       | Mason . . . . .     | C. C. Smith . . . .   | 19      | Dec. 9, 1873.                |
| T       | Palo Pinto . . . .  | J. H. Caruthers       | 19      | Oct. 1, 1873.                |
| U       | Montague . . . . .  | J. J. Willingham      | 19      | May 31, 1873.                |
| Z       | Erath . . . . .     | N. Keith . . . . .    | 19      | Mar. 29, 1873.               |
| No. 1.  | Kerr . . . . .      | S. R. Merritt . . . . | . . . . | Sept. 7, '73                 |
| No. 2.  | Gillespie . . . . . | Geo Laremore . . . .  | . . . . | Nov. 21, '73.                |
| No. 3.  | Kinney . . . . .    | J. H. Kennedy . . . . | . . . . | Jan. 6, '73                  |
| No. 4.  | Callahan . . . . .  | J. W. Jones . . . . . | . . . . | Oct. 6, '73.                 |
| No. 5.  | Menard . . . . .    | P. H. Mires . . . . . | . . . . | Aug. 25, '73.                |
| No. 6.  | . . . . .           | . . . . .             | . . . . | . . . . .                    |

Without Pay

Sergeant Carter, Company G, in March 27, 1874, engaged a party of Indians and recaptured three horses and some Indian trophies in San Saba county.

Lieut. Elkins, Company L, June 9, 1873, recaptured eighty horses in a fight with Indians. June 11, 1873, had a running fight of fifteen miles with Indians. Killed one and wounded two. November, 1873, engaged a party of Indians. Killed three, and recaptured seventeen horses.

Lieut. Ledbetter, Company N, October 30, 1873, engaged seven Indians.

Lieut. Schwethelm, Company E, June 29, 1873, had a running fight with fifteen Indians. Captured seven horses and mules. February 22, 1874, had a running fight with Indians

Lieut Stevens, Company B, September 9, 1873, had a fight with Indians. Captured ten horses. February 5, 1874, followed Indians and recaptured all their loose stock.

RECAPITULATION — Recovered 117 horses, Indians killed, 4.

The cost of this force, and that of the Minute Companies organized in 1872, as per previous exhibit, (which was *in part* paid from the balance, so far as it would admit, of proceeds of bonds issued for frontier defense, by act approved August 5, 1870,) was as follows:

|                                 |    |          |     |
|---------------------------------|----|----------|-----|
| Mileage . . . . .               | \$ | 692      | 50  |
| Services . . . . .              |    | 55,032   | 85  |
| Ordnance and stores . . . . .   |    | 4,519    | 600 |
| Transportation . . . . .        |    | 735      | 82  |
| Courier service . . . . .       |    | 274      | 00  |
| Rent of arsenal . . . . .       |    | 500      | 00  |
| Horses lost in action . . . . . |    | 1,220    | 00  |
| Telegraphing . . . . .          |    | 3        | 60  |
| Medical supplies . . . . .      |    | 90       | 00  |
| Postage . . . . .               |    | 121      | 01  |
| Advertising . . . . .           |    | 96       | 00  |
| Printing . . . . .              |    | 50       | 00  |
| Total . . . . .                 |    | \$63,335 | 38  |

The amount due to these companies for their services, and for which there was not sufficient proceeds of sale of bonds in the Treasury, was made good by a deficiency appropriation by the first session of the Fourteenth Legislature. The amount paid on account of this force from said appropriation can not be given, as the rolls and accounts were submitted to the Auditorial Board, who, after acting upon them, referred them directly to the Comptroller, without filing them in the Adjutant General's office.

This force, like the minute companies of 1872, was allowed \$2 per day for each officer and man, for ten days in each month, when Indians were in their respective counties.

*Ranging Companies called out by Governor E. J. Davis, November 1, 1873, (their cost subject to future appropriations by the Legislature,) for four months:*

| STATION—COUNTY  | COMMANDED BY      | Lieuts. | Sergts. | Corp'r's. | Privates. | Total. | ORGANIZED     |
|-----------------|-------------------|---------|---------|-----------|-----------|--------|---------------|
| Wise .....      | G. W. Stevens .   | 2       | 4       | 8         | 60        | 75     | Nov. 26, '73. |
| Jack .....      | S. W. Eastin...   | 2       | 4       | 8         | 60        | 75     | Dec. 3, '73.  |
| Palo Pinto..... | W. C. McAdams     | 2       | 4       | 8         | 60        | 75     | Dec. 13, '73. |
| Parker .....    | W. L. Hunter..    | 2       | 4       | 8         | 60        | 75     | Dec. 24, '73. |
| Erath . . . . . | M. R. Green... }  | 2       | 4       | 4         | 64        | 75     | Jan. 17, '74. |
| Comanche .. }   |                   |         |         |           |           |        |               |
| Montague .....  | G. W. Campbell    | 2       | 4       | 8         | 60        | 75     | Dec. 13, '73. |
| Young .....     | A. C. Tackett .   | ..      | 2       | 4         | 34        | 41     | Jan. 6, '74.  |
| Brown .....     | J. G. Connell.. } | 2       | 4       | 8         | 60        | 75     | Jan. 6, '74.  |
| McCulloch ... } |                   |         |         |           |           |        |               |
| San Saba..... } |                   |         |         |           |           |        |               |
|                 |                   | 14      | 30      | 56        | 458       | 566    |               |

Capt. McAdams reports having recaptured from Indians some horses stolen by them.

The amount expended for the above force and balance due the Minute Companies of 1873, (previous exhibit) under the deficiency appropriation, approved May 4, 1874, was \$121,476 56.

The above amount was paid on the authority of an Auditorial Board, as required by the law of the Fourteenth Legislature, which made the appropriation.

The accounts for this expenditure having been revised and generally reduced by the Board, and from it going direct to the Comptroller, I am unable to make specifications with regard to the items of expenditure.

*Frontier Battalion and Minute Companies Organized under Law Approved April 10, 1874.*

| Companies. | STATION.<br>COUNTY. | FIELD AND STAFF.       | COMMANDED BY.   | Lieutenants. | Sergeants. | Corporals. | Privates. | Total. | MUSTERED<br>IN. | MUSTERED<br>OUT.            |
|------------|---------------------|------------------------|-----------------|--------------|------------|------------|-----------|--------|-----------------|-----------------------------|
| A          | Stephens            | J. B. Jones, Major.    | J. R. Waller    | 2            | 6          | 6          | 63        | 78     | May 2, '74.     | { Resigned<br>Mar. 16, '75. |
| B          | Young               | M. M. Kenney, Q. M.    | G. W. Stevens   | 2            | 6          | 6          | 63        | 78     | " 16, "         | April 30, '75.              |
| C          | Archer              | S. G. Nicholson, Surg. | E. F. Ikard     | 2            | 6          | 6          | 63        | 78     | June 9, "       | May 31, "                   |
| D          | Menard              | "                      | C. R. Perry     | 2            | 6          | 6          | 63        | 78     | May 25, "       | Mar. 31, "                  |
| E          | Coleman             | "                      | W. J. Maltby    | 2            | 6          | 6          | 63        | 78     | " 20, "         | May 31, "                   |
| F          | Kerr                | "                      | Neal Coldwell   | 2            | 6          | 6          | 63        | 78     | " 25, "         | " 31, "                     |
|            | El Paso             | "                      | Til. Montes     | 2            | 2          | 2          | 20        | 25     | June 4, "       | June 4, "                   |
|            | Webb                | "                      | Ref. Benavides  | 2            | 2          | 2          | 20        | 25     | May 27, "       | Nov. 27, "                  |
|            | Nueces & Rio Grande | "                      | War'n Wallace   | 2            | 4          | 4          | 39        | 50     | June 13, "      | " 13, "                     |
|            | 9                   | 3                      | 7 Cpts., 2 Lts. | 14           | 44         | 44         | 457       | 571    | " 29, "         | Sept. 29, "                 |

El Paso County Minute Men served six months.

Webb " " five "  
Nueces " " three "

In December, 1874, five companies of the Frontier Battalion were reduced to one Lieutenant and thirty non-commissioned officers and privates, and Company "F," (which was ordered to the Rio Grande,) was reduced to one Captain, two Lieutenants and forty-three non-commissioned officers and privates.

May 7, 1874, Captain Ikard, Company C, with six men attacked ten Indians. Drove them (fighting) fifteen miles; hit an Indian, who fell from his horse.

July 11, 1874, Lieut. G. W. Campbell, Company C, and twenty men, attacked a camp of seventy-five to eighty Indians. Captured 43 horses and mules, and some camp equipage.

July 12, 1874, Lieut. B. F. Best, Company E, recovered 2 horses taken by Indians.

July 12, 1874, Major J. B. Jones, with Capt. G. W. Stevens, Company B, and Lieut. J. T. Wilson, Company A, and thirty-four men, engaged over one hundred and twenty-five Indians at Lost Valley; three Indians killed and three wounded; two Rangers killed, two wounded, and 12 Rangers' horses killed and disabled.

July 25, 1874, Sergt. M. T. Israel, Company E, and twenty-one men struck a party of six Indians near the head of Clear Fork, of Brazos; three Indians killed, one Ranger wounded.

August 22, 1875, Capt. N. Coldwell, Company F, gave unsuccessful pursuit to nine Indians; captured 1 horse.

May 28, to June 12, 1874, Capt. Waller's Company A, arrested over twenty-two cattle thieves and desperadoes; killed two murderers who resisted arrest, and captured 800 head of cattle—returned them to owners.

July 29 and 30, 1874, Capt. Perry's Company D, arrested several criminals.

May 10, 1874, Capt. Maltby and Lieut. Connell captured 2 horses, etc., from horse thieves.

Sept. 15, 1874, Lieut. T. Montes, El Paso, Company M. M., with twelve men, attacked seven Indians, killing two, recaptured 5 horses, saddles, etc. Recovered a boy stolen by these Indians eight months previous.

November 18, 1874, Lieut. B. F. Best, Company E, and sixteen men, overtook a party of Indians in Brown county, killed three and wounded one. One Indian's horse killed and two captured; two Rangers wounded; one Ranger's horse killed.

November 17, 1874, Lieut. J. W. Millican, Company A, overtook a party of Indians in Shackelford county, and recaptured two horses and two mules.

November 21, 1874, Lieut. D. W. Roberts, Company D, engaged eleven Indians in Menard county, killed five and captured one; captured 3 horses, arms, etc. Lieut. L. P. Beaver kept up the pursuit, when the Indians took refuge in a cave, where one was killed and one wounded.

December 18, 1874, a detachment of three men of Company

D fought nine Indians, killed two and wounded two, recaptured 16 horses and all their camp equipage.

May 8, 1875, Major J. B. Jones, with his escort, engaged seven Indians and killed five; one Ranger wounded; one Ranger's horse killed and two wounded.

RECAPITULATION.—Engagements, 16; trails followed, 30; desperadoes and cattle thieves arrested, 28; desperadoes and cattle thieves killed, 3; Indians killed, 24; Indians wounded, 10; Indians captured, 1; Rangers killed, 2; Rangers wounded, 6; Rangers' horses killed, 14; recovered from Indians (boy), 1; recaptured horses and mules, 78; recaptured cattle, 1,000.

Probably the greatest benefit derived to the State from this force was the driving back (after a severe engagement on July 12, 1874,) of a large Indian war-party commanded by Lone Wolf, that invaded Texas for the purpose of revenge. The loss of life and property which was thus prevented can not be estimated.

The cost of this force was \$300,000, appropriated May 4, 1874. The average cost per man per day, \$2 30.

The supplies, with rare exceptions, were delivered at the company's stations by the contractors.

The transportation furnished the companies were pack mules for scouting and one two-horse wagon for camp equipage.

*Frontier Battalion Reorganized for three months, from June 1, 1875, under Law Approved April 10, 1874.*

| Companies. | STATION.<br>COUNTY. | FIELD AND STAFF.                | COMMANDED BY.     | Sergeants. | Corporals. | Privates. | Total. | MUSTERED IN.  | MUSTERED OUT.  |
|------------|---------------------|---------------------------------|-------------------|------------|------------|-----------|--------|---------------|----------------|
| B          | Young.....          | J. B. Jones, Major....          | .....             | .....      | .....      | .....     | 1      |               |                |
| D          | Menard.....         | S. G. Nicholson, Surg.<br>..... | G. W. Stevens..   | 3          | 2          | 35        | 41     | June 1, 1875. | Aug. 31, 1875. |
| E          | Coleman.....        | .....                           | D. W. Roberts .   | 3          | 3          | 34        | 41     | " 1, "        | " 31, "        |
| F          | Kerr.....           | .....                           | B. S. Foster....  | 3          | 3          | 34        | 41     | " 1, "        | " 31, "        |
|            |                     | .....                           | N. Coldwell ...   | 3          | 3          | 34        | 41     | " 28, "       | " 31, "        |
|            |                     | 2                               | 1 Capt. 3 Lieuts. | 12         | 11         | 137       | 166    |               |                |

*Frontier Battalion Reorganized for twelve months, from September 1, 1875, under Law Approved April 10, 1875.*

| Companies. | STATION.<br>COUNTY. | FIELD AND STAFF.       | COMMANDED BY  | Sergeants. | Corporals. | Privates. | Total. | MUSTERED IN.   |
|------------|---------------------|------------------------|---------------|------------|------------|-----------|--------|----------------|
| A          |                     | J. B. Jones, Major     | .....         | .....      | .....      | .....     | 1      |                |
| B          |                     | S. G. Nicholson, Surg. | .....         | .....      | .....      | .....     | 1      |                |
| D          | Young               | .....                  | Ira Long      | 3          | 3          | 34        | 41     | Sept. 1, 1875. |
| E          | Mason               | .....                  | G. W. Stevens | 3          | —          | 37        | 41     | " 1, "         |
| F          | Coleman             | .....                  | D. W. Roberts | 3          | 3          | 34        | 41     | " 1, "         |
|            | Kerr                | .....                  | B. S. Foster  | 3          | 3          | 34        | 41     | " 1, "         |
|            |                     | .....                  | N. Coldwell   | 3          | 3          | 34        | 41     | " 1, "         |
|            |                     | 2                      | 5 Lieutenants | 15         | 12         | 173       | 207    |                |

August 7, 1875, Lieut. Roberts, Company D, after following Indians four hundred miles attacked them on Staked Plains; killed one, wounded one. Recovered a Mexican captive and recaptured 23 horses.

RECAPITULATION.—Indians killed, 1; Indians wounded, 1; captive recovered, 1; horses recaptured, 23.

The cost of these forces to September 1, 1875, is included in the amount (\$300,000,) mentioned in previous exhibit.

The present force since September 1, 1875, will be paid out of the appropriation of \$150,000 made by the last Legislature; and this appropriation will have to apply to such other companies as it may be necessary to call out under the law authorizing the organization of the Frontier Battalion.

The Washington County Volunteer Militia Company, Capt. L. H. McNelly commanding, with one lieutenant, four sergeants, three corporals and twenty-five privates, was organized July 25, 1874, for duty in DeWitt county, to assist the civil authorities, and was mustered out March 31, 1875.

The sum of \$17,403 00 was appropriated by the last Legislature to pay this company and two Galveston companies: the Washington Guards and Lone Star Rifles.

Capt. McNelly's company was reorganized April 1, 1875, for duty on the Rio Grande. On June 12, 1875, this company overtook a party of sixteen Mexican thieves, killed fifteen, wounded one, and recaptured two hundred and sixty-three head of cattle. One ranger killed.

In July, 1875, recaptured three hundred head of cattle from a party of Mexican thieves, who, hearing of the company's approach in pursuit, deserted the herd and succeeded in escaping.

In June, July and August, 1875, the company recovered from the other side of the Rio Grande forty-three horses belonging to parties in Texas.

General Recapitulation.

|  | KILLED. |          |         |                 | WOUNDED. |          |         |                 | CAPT'D RECOVER'D. |          |         |                  | COST |                  |        |                   |
|--|---------|----------|---------|-----------------|----------|----------|---------|-----------------|-------------------|----------|---------|------------------|------|------------------|--------|-------------------|
|  | Indians | Mexicans | Outlaws | Rangers' Horses | Indians  | Mexicans | Outlaws | Rangers' Horses | Indians           | Mexicans | Outlaws | Indian Captives. |      | Horses and Mules | Cattle | Engagem'ts fought |
| Forces of 1870-71, 14 companies                        | 21      |          |         | 3               | 15       |          |         | 5               |                   |          |         |                  | 94   | 130              |        |                   |
| Minute Companies of 1872-73, 24 companies              | 23      |          |         | 1               | 8        |          |         | 3               |                   |          |         |                  | 65   |                  |        |                   |
| Minute Companies of 1873-74, 24 companies              | 4       |          |         |                 |          |          |         |                 |                   |          |         |                  | 117  |                  |        |                   |
| Ranger Companies called out Nov. 1, 1873, 7 co's       |         |          |         |                 |          |          |         |                 |                   |          |         |                  |      |                  |        |                   |
| Total, under Gov E. J Davis's admin't'n, 4 y'rs        | 48      |          |         | 4               | 815      |          |         | 8               |                   |          |         |                  | 276  | 130              |        |                   |
| Frontier Bat from May, '74, to May 31, '75, 9 co's     | 24      |          | 3       | 2               | 14       | 10       |         | 1               | 6                 | 1        | 28      | 1                | 78   | 1000             | 15     | 29                |
| Frontier Bat from June 1, '75, to Aug. 31, '75, 4 co's | 1       |          |         | 1               |          |          |         |                 |                   |          |         | 1                | 23   |                  | 1      | 1                 |
| L. H McNelly's Company, on Rio Grande, 1 company       |         |          | 15      | 1               |          |          |         |                 |                   |          |         |                  | 43   | 563              |        |                   |
| Total, under present administration, 1 y'r 7½ mo's     | 25      | 15       | 3       | 3               | 14       | 11       | 1       | 1               | 6                 | 1        | 28      | 2                | 144  | 1563             | 16     | 30                |
| General total.   | 73      | 15       | 3       | 7               | 22       | 26       | 1       | 1               | 14                | 1        | 28      | 2                | 420  | 1693             | 16     | 30                |

REMARKS—The results from the frontier forces would be largely increased if the companies composing these forces had made full reports, and if a search through all the pay rolls could be made in the Comptroller's Office, as generally the reports of operations of the companies were noted on said rolls.

\$458,996 51  
63,365 88  
} 121,476 56

\$643,808 45  
} 300,000 00

\$300,000 00  
\$943,808 45

On motion of Mr. King, the communication was referred to the Committee on Frontier Affairs.

Mr. King moved that one hundred copies of the communication be printed.

Lost.

On motion of Mr. Martin, of Navarro, Mr. Martin, of Hunt, was added to the Committee on Frontier Affairs.

On motion of Mr. Russell, of Harrison, Mr. Pauli was added to the Committee on Immigration.

The Convention then proceeded to the consideration of the unfinished business, viz: Mr. German's amendment to section 51, article — Legislative Department, viz: After the word "money" in line 264 insert the words "public land or other thing of value."

Mr. West moved to pass over the consideration of the pending question until the reports from the Committees on Education and Public Lands and Land Office shall be made to the Convention and printed, in order that the subject of the disposition of the public lands should be considered as an entirety.

Mr. Kilgore moved to adjourn until 9 o'clock to-morrow.

By leave, the following amendments were read for information:

By Mr. Russell, of Wood: Add to the amendment: "provided this clause shall not be so construed as to prevent actual settlers from pre-emption privileges, nor the State from making valid titles to her lands when sold."

By Mr. Flournoy—Substitute for the amendment: in line 264 insert the words "or land" after the word "money," and add to the section the following words: "Or of portions of the public domain for internal improvements, or to actual settlers, by general law alone."

The Convention then adjourned, under Mr. Kilgore's motion, to 9 o'clock A. M. to-morrow.

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## TWENTY-THIRD DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 1, 1875. }

Convention met pursuant to adjournment; roll called; quorum present; prayer by Rev. Mr. Lee, Rector of St. David's Church, at Austin.