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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.

Journal of yesterday read and adopted.

Mr. Russell, of Harrison, asked and obtained leave of absence for a few days from the Convention.

On motion of Mr. Rentfro, Mr. McCabe was excused from attendance on the Convention for a few days.

On motion of Mr. Moore, Mr. Lockett was excused from attendance on the Convention for a few days after to-day.

Mr. Darnell, chairman of Committee on Public Lands and Land Office, submitted the following report and article:

COMMITTEE ROOM,  
AUSTIN, September 29, 1875. }

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

The Committee on Public Lands and Land Office have considered the memorials, ordinances and resolutions referred to them, together with such other matters proper for them to consider, and beg leave to submit the following sections as a substitute for the same and recommend that they be incorporated in the constitution.

N. H. DARNELL, Chairman.

“ARTICLE —.

“PUBLIC LANDS AND LAND OFFICE.

“Section 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated, or may hereafter emanate, from the State shall be registered, except those titles the registration of which may be prohibited by this constitution, and the Legislature may, from time to time, establish such subordinate offices as may be deemed necessary.

“Sec. 2. All unsatisfied genuine land certificates barred by section 4, article 10, constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the first day of January, 1875, are hereby revived, and may be located on any of the vacant lands in the State.

“Sec. 3. The Legislature shall not hereafter grant public lands to any person, persons, or corporation; nor shall any certificate for land be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres, except as may be otherwise specially provided in this constitution.

“Sec. 4. All lands granted to railway companies which have not been alienated in conformity with the terms of their charters and the laws of the State under which the grants were made are

hereby declared forfeited to the State and subject to location and survey as other vacant land.

“Sec. 5. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon the condition that he will select and locate said land and occupy the same three years, and pay the office fees due thereon. To all single men, eighteen years of age, shall be donated eighty acres of public land upon the terms and conditions prescribed for heads of families.

“Sec. 6. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.”

On motion of Mr. Darnell, one hundred copies of the report and article were ordered printed for the use of the Convention.

Mr. Stayton offered the following resolution:

*Resolved*, That a select committee of seven be appointed to inquire and report as to the expediency of inserting into the constitution a provision providing for the reservation of a certain quantity of the public lands of the State, and for donating the same for the purpose of aiding in the construction of railways in the western and southeastern portions of this State; as the increase in population will render it practicable so to do, in such manner as will equalize the different portions of the State in benefits heretofore and hereafter to be received by such donations.

Mr. Nugent proposed to amend by inserting “northwestern.”  
Adopted.

Mr. Flournoy proposed to amend by striking out “western, northwestern and southeastern portion” and inserting the “State of Texas.”

Lost.

The question on the adoption of the resolution as amended was then put, and the resolution adopted by the following vote:

YEAS—Allison, Abner, Brown, Blake, Ballinger, Barnett, Burleson, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Cardis, Douglass, DeMorse, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, Flournoy, Fleming, Ferris, Gaither, Henry of Smith, Holmes, Haynes, King, Kilgore, Killough, Lockett, Lynch, Martin of Hunt, McCabe, Morris, Moore, Murphy, Norvell, Pauli, Reagan, Ramey, Reynolds, Robeson of Fayette, Spikes, Sessions, Smith, Stayton, Sansom, Whitehead, Weaver, Whitfield, West, Waelder—54.

NAYS—Abernathy, Arnim, Blassingame, Brady, Bruce, Dillard, Dohoney, German, Graves, Holt, Henry of Limestone,

Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Navarro, Mitchell, McKinney, McCormick, Nunn, Nugent, Rentfro, Robertson of Bell, Ross, Russell of Wood, Scott, Stockdale, Wade—28.

Mr. Wade offered the following sections, which were referred to the Committee on Judiciary:

“Section 1. Every civil suit that may be commenced in any court of record having original jurisdiction shall be submitted and decided, or shall be ordered to be arbitrated, at the option of the parties, within one year from and after the end of the appearance term of such suit and not thereafter; or shall be dismissed at the cost of the party failing to submit or to consent to an award of arbitration.

“Sec. 2. Every such suit, when appealed or taken up by a writ of error, shall be submitted and decided within one year from and after the same shall have been docketed in the court to which appeal is taken, or shall, at the option of the parties, within one year from and after its appearance term in the appellate court, and not thereafter, be ordered to be arbitrated, or on the expiration of the year shall be dismissed at the cost of the party failing to submit or to consent to an award of arbitration.

“Sec. 3. Judges of courts who neglect or fail to decide such suits when submitted within the year, or to order an arbitration when the parties consent thereto, shall forfeit one-fourth of their salaries, and may be otherwise punished as may be prescribed by law; and attorneys who neglect or fail to submit such suits, or to consent to an order of arbitration within the time prescribed shall forfeit to their clients all fees they may have been paid touching such suits, and shall be forever barred from directly or indirectly collecting any fees for work done in or concerning such suits.

“Sec. 4. In cases of arbitration as herein prescribed, the arbitrator or arbitrators shall render an award within one year from and after the end of the term at which the order of arbitration was made and not thereafter.

“Sec. 5. The Legislature shall enforce the foregoing four sections, as from time to time may be found necessary, by appropriate legislation, and shall not have the power to extend the time limited or to relieve any judge or attorney for neglecting or failing to comply with the requirements thereof, save by means of a public law and when prevented from compliance by the act of God or of the public enemy.

Mr. Nunn offered the following resolution:

WHEREAS, A report from the Adjutant General was presented

to this Convention on the 30th of September, in obedience to the previous order, and the same was referred, without reading, to a special committee; and

WHEREAS, It is believed that members of this Convention voted for said motion to refer with the understanding that the said report would not thereby be withdrawn from publication, but would be published in the official journal, as part of the daily proceedings of this body; and

WHEREAS, The said report has not been published, and, it being desirable that the information therein contained should be placed before every delegate of this Convention; therefore, be it

*Resolved*, That two hundred copies of the said report be printed for the use of the Convention.

Adopted.

Mr. Rentfro offered the following resolution:

*Resolved*, That the Secretary of the Convention be instructed to purchase or procure, for the use of the Committee on Senatorial Apportionment, three large maps of the State of Texas, provided, that the same contain all the existing counties of this State.

Lost.

The Convention then proceeded to the consideration of unfinished business and business on the table.

Mr. Brady moved to take up the resolution in relation to electing a Committee Clerk.

On motion of Mr. McCormick, the resolution was laid on the table.

Mr. Kilgore called up his resolution relative to additional pay for Pages.

Mr. West proposed to amend by adding: "Also, the pay of the Porters, Door-keepers, Sergeant-at-arms, Clerks and Secretary be increased in the same proportion."

Laid on the table

Mr. Dillard moved to lay the resolution on the table.

Lost by the following vote:

YEAS—Allison, Brown, Blake, Blassingame, Barnett, Burleson, Bruce, Chambers, Dillard, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, German, Graves, Holt, Henry of Smith, Haynes, Johnson of Collin, Killough, Martin of Hunt, McCabe, McKinney, Moore, Norvell, Nunn, Nugent, Pauli, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes, Wade, West—38.

NAYS—Abernathy, Arnim, Abner, Ballinger, Brady, Crawford, Cook of Gonzales, Chme, Cooley, Cardis, Douglass, Davis

of Wharton, Fleming, Ferris, Henry of Limestone, Holmes, Johnson of Franklin, King, Kilgore, Lacy, Lynch, McLean, Martin of Navarro, Morris, Mitchell, McCormick, Murphy, Reynolds, Rentfro, Robeson of Fayette, Scott, Sessions, Smith, Stockdale, Stayton, Sansom, Whitehead, Weaver, Whitfield, Waelder—40.

The question then recurring on the adoption of the resolution, the yeas and nays were called, and the resolution lost by the following vote:

YEAS—Arnim, Abner, Ballinger, Brady, Crawford, Cook of Gonzales, Cooke of San Saba, Cline, Cardis, Fleming, Ferris, Henry of Limestone, Holmes, Johnson of Franklin, King, Kilgore, Lacy, Lynch, McLean, Martin of Navarro, McCabe, Morris, McCormick, Murphy, Reynolds, Rentfro, Robeson of Fayette, Scott, Sessions, Smith, Stockdale, Stayton, Sansom, Whitehead, Weaver, Whitfield, Waelder—37.

NAYS—Allison, Abernathy, Brown, Blake, Blassingame, Barnett, Burleson, Bruce, Chambers, Douglass, Dillard, DeMorse, Dohoney, Darnell, Dunnam, Davis of Brazos, Erhard, Ford, German, Graves, Holt, Henry of Smith, Haynes, Johnson of Collin, Killough, Martin of Hunt, Mitchell, McKinney, Moore, Norvell, Nunn, Nugent, Pauli, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes, Wade, West—40. . . . .

The consideration of the article on Legislative Department again resumed.

Mr Flournoy corrected his amendment by striking out "internal improvements" and inserting "railroads."

On motion of Mr McCormick, the further consideration of the subject was passed for the present.

Mr German proposed to amend section 56 by adding after line 329 the words "for incorporating railroads or other works of internal improvements."

Adopted by the following vote:

YEAS—Allison, Abernathy, Arnim, Ballinger, Blassingame, Barnett, Burleson, Bruce, Chambers, Dillard, DeMorse, Dohoney, Dunnam, Davis of Brazos, Erhard, Ford, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, McCabe, Morris, Mitchell, McKinney, McCormick, Moore, Murphy, Norvell, Nunn, Nugent, Ramey, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Sansom, Wade, Whitehead, Weaver, Whitfield—61

NAYS—Abner, Blake, Crawford, Cook of Gonzales, Cooke of San Saba, Cline, Douglass, Davis of Wharton, Henry of Smith, King, Pauli, Reynolds, West, Waelder—14.

Mr. Dohoney offered the following amendment:

Amend section 56, line 331, by adding at the end thereof the words "but local or special laws may be enacted for the different sections of the State in reference to fences for the benefit of agriculture or stock-raising."

Mr. Stockdale proposed to substitute the amendment by the following:

"Except as otherwise provided in this constitution."

Adopted.

Mr. West offered the following amendment:

*Provided*, Nothing herein contained shall be so construed as to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

Adopted.

Mr. Crawford offered the following amendment:

Amend section 53, lines 276 and 277, by striking out the word "hereafter."

Adopted.

Mr. Stayton proposed to add "towns" after the word "cities," in line 289.

Adopted.

Mr. Ramey proposed to amend section 16, by striking out the word "when," in line 74, after the word "except" and the word "is," in same line, and insert "when" instead.

Adopted.

Mr. Russell, of Wood, offered the following amendment to section 44:

Add: "Nor employ any one in the name of the State unless authorized by pre-existing law."

Adopted.

Mr. Martin, of Navarro, offered the following independent section:

"All stationery, printing, paper and fuel, used in the Legislature and other departments of government, shall be furnished, and the printing, binding and distributing of the laws, journals, department reports and all other printing and binding, shall be performed under contract, to be given to the lowest, responsible bidder, under such regulations as shall be provided by law. And no member or officer of any department of the government shall be in any way interested in such contract, and all such contracts



shall be subject to the approval of the Governor, Comptroller and State Treasurer "

Mr. McCormick offered the following amendment to the amendment.

Add the words, " paper, ink, pens, pencils, blotters, etc , and general supplies "

Laid on the table.

Mr. Martin, of Navarro, withdrew his amendment.

Mr. Johnson proposed to amend section 47 by adding in line 237 the words "and shall pass laws prohibiting gambling of every character in all places."

Lost.

Mr. Waelder offered to amend section 43 by adding "and when so revised, digested or codified and published, shall be the statutory laws, civil and criminal, of this State, and all laws not therein contained, or in conflict therewith, shall be regarded as repealed."

Lost.

Mr. Stayton offered the following amendment to section 53:

In line 278 strike out the word "express."

Adopted.

Mr. Wade proposed to amend by inserting in section 48, line 245, the words "and for the present floating debt of the State."

Adopted.

Mr. Henry, of Smith, offered the following additional section:

"Sec. —. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government."

Adopted.

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

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## TWENTY-FOURTH DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 2, 1875. }

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

Journal of yesterday read and adopted.

On motion of Mr. Cook, of Gonzales, Mr. Burleson was excused from attendance on the Convention until Tuesday.