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Citation: *Journal of the Constitutional Convention of the State of Texas: Begun and Held at the City of Austin Texas. Constitutional Convention (1875). Galveston : Printed for the Convention at the "News" Office, 1875.*

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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civil and criminal, of this State, and all laws not therein contained, or in conflict therewith, shall be regarded as repealed."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.

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.

Messrs. Morris and Gaither were excused until Tuesday next, and Messrs. Graves and Johnson of Franklin, for to-day.

The President announced the following select committee, in pursuance of Mr. Stayton's resolution in relation to setting apart a portion of the public domain, to encourage railroads, in south-eastern, western and north-western Texas, viz: Mr. Stayton, Chairman; Messrs. Nugent, Whitehead, Blassingame, DeMorse, Martin of Hunt, and Johnson of Collin.

Mr. Murphy presented a memorial from S. T. Foster, asking the exemption of all uniformed military companies from jury service, which, together with the following section, was referred to the Committee on State Affairs:

"Sec. —. That the active members of all uniformed and armed volunteer companies in this State, consisting of at least thirty-two non-commissioned officers and privates, shall be exempt from jury service."

Mr. Martin, of Hunt, submitted a communication from D R. Coulter, of Hunt county, on the subject of taxation, which was referred to the Committee on Revenue and Taxation.

Mr. Crawford, Chairman of Committee on Bill of Rights, submitted the following report:

COMMITTEE ROOM, }
AUSTIN, October 2, 1875 }

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

SIR—The Committee on Bill of Rights, to whom was referred the consideration of a preamble—"Boundaries of the State and Bill of Rights"—having considered these subjects, as well as the various resolutions referred to them, direct me to return the following articles as the result of their labor, and to recommend to the Convention the adoption of the same.

Respectfully submitted.

W. L. CRAWFORD, Chairman.

" PREAMBLE.

"Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this constitution.

" ARTICLE 1.

" BOUNDARIES.

"In accordance with the following treaties, acts, and joint resolutions, to wit:

"The treaty concluded between Spain and the United States of America on the 22d of February, 1819, and ratified on the 22d of February, 1821;

"The treaty concluded between the United States of America

and the United Mexican States, January 12, 1828, and ratified April 5, 1832;

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

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

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

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

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

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

“ARTICLE 2.

“That the general, great and essential principles of liberty and free government may be recognized and established, we declare that—

“Section 1. Texas is one of the free and independent States of the United States of America, and that the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired, to all the States.

“Sec. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands

pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform, or abolish their government, in such manner as they may think expedient.

“Sec. 3. All freemen, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments or privileges but in consideration of public services.

“Sec. 4. No religious test shall ever be required as a qualification to any office or public trust in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

“Sec. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths, or affirmations, shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

“Sec. 6. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion; and no preference shall ever be given by law to any religious societies, or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

“Sec. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

“Sec. 8. Every citizen shall be at liberty to speak, write or publish his opinion on any subject, being responsible for the abuse of that privilege. And no law shall ever be passed curtailing the liberty of speech, or of the press. And in all civil or criminal actions for libel, the truth thereof may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published with good motives, and for justifiable ends, it shall be a sufficient defense.

“Sec. 9. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or

searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

“Sec. 10. In all criminal prosecutions, the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or his counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

“Sec. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon an examination of the evidence by a judge of the supreme or other court of record, upon the return of a writ of *habeas corpus*, returnable in the county where the offense is committed.

“Sec. 12. The writ of *habeas corpus* is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual in all proper cases.

“Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

“Sec. 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense after a verdict of not guilty.

“Sec. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

“Sec. 16. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

“Sec. 17. No person's property shall be taken, damaged, destroyed or applied to public use, without adequate compensation being made, unless by the consent of such person; and, when

taken, except for the use of the State, such compensation shall be first made, or secured by a deposit in money, and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature shall be subject to the control thereof.

“Sec. 18. No person shall ever be imprisoned for debt.

“Sec. 19. No citizen of this State shall be deprived of life, liberty, property or privileges, or in any manner disfranchised, except by the judgment of his peers, or the law of the land.

“Sec. 20. No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

“Sec. 21. No conviction shall work corruption of blood or forfeiture of estate, and the estates of those who destroy their own lives shall descend or rest as in case of natural death.

“Sec. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason, except on the testimony of two witnesses to the same over act, or on confession in open court.

“Sec. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State, but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.

“Sec. 24. The military shall at all times be subordinate to the civil authority.

“Sec. 25. No soldier shall in time of peace be quartered in the house or within the enclosure of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

“Sec. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture and entailments ever be in force in this State.

“Sec. 27. The citizens shall have the right in a peaceable manner to assemble together for their common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.

“Sec. 28. No power of suspending laws in this State shall be exercised except by the Legislature.

“Sec. 29. Emigration from the State shall not be prohibited, and no appropriation of money shall be made to aid immigrants to the State.

“ Sec. 30. To guard against transgressions of the high powers herein delegated, we declare that every thing in this ‘Bill of Rights’ is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.”

On motion of Mr. Davis, of Brazos, two hundred copies of the report and article were ordered printed for use of the Convention.

Mr. Russell, of Wood, submitted the following report:

COMMITTEE ROOM,
AUSTIN, October 2, 1875. }

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

SIR—Your Committee on Immigration, to whom was referred sundry resolutions relative to establishing and maintaining a Bureau of Immigration, have carefully considered the same; and I am instructed by a majority of the committee to report that, in their opinion, the people ought not to *be taxed for any such purposes*, and therefore respectfully recommend that a clause be put in the organic law restraining the Legislature from ever appropriating money for such purposes.

Respectfully submitted,

J. RUSSELL, Charman.
SAM. B. KILLOUGH,
JULIUS E. ARNIM,
WM. C. HOLMES,
JOE. P. DOUGLAS.

Report received and passed to the orders of the day.

Messrs. Waelder and Erhard gave notice of minority reports.

UNFINISHED BUSINESS

The Convention then proceeded to consider article —, Legislative Department.

Mr Reagan proposed the following amendment to article —, mode of calling a convention and amending the constitution:

Section 1, line 1, strike out the words “three-fourths” and insert “two-thirds.”

Adopted.

Mr. Brown offered the following amendment:

Section 1, line 2, after the word “house” insert the words “taken by yeas and nays and entered on the journal”

Adopted.

Mr. Stayton offered the following amendment:

Amend by striking out all after the word “favor” in section 2, line 19, and insert “thereof, the same shall be valid to all intents and purposes as a part of the constitution of the State of

Texas, and the same shall be so declared by a joint resolution of the Legislature at the first session thereof after such election ”

Mr Allison offered the following as a substitute for the amendment

Section 2, line 19, strike out “two-thirds” and insert “a majority ”

Lost

Mr Moore offered the following as a substitute for the amendment

Strike out in line 19, after the word “of,” all down to the word “so,” in line 21, and insert “either of them,” and strike out all after the word “Texas” in line 23, and insert “and the Governor shall by his proclamation so declare ”

(Mr Stockdale in the chair)

Mr Ballinger offered the following as a substitute for the section and amendments

“Sec 2 The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the journal, may propose amendments to the constitution, to be voted upon by the qualified electors for members of the House of Representatives, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county in which such newspaper may be published, and it shall be the duty of the several returning officers of said election to open a poll for and make returns to the Secretary of State of the number of legal votes cast at said election for and against said amendments, and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said election that a majority of the votes cast have been cast in favor of any amendment, the said amendment so receiving a majority of the votes cast shall become a part of the constitution, and proclamation thereof shall be made by the Governor ”

Adopted by the following vote.

YEAS—Abner, Ballinger, Blassingame, Barnett, Brady, Cook of Gonzales, Cooke of San Saba, Cline, Douglas, Dohoney, Dunnam, Davis of Wharton, Erhard, Ferris, German, Holt, Henry of Limestone, Holmes, Haines, King, Lynch, Martin of Navarro, Martin of Hunt, Moore, Murphy, Norvell, Nunn, Nugent, Paul, Reagan, Robertson of Bell, Robeson of Fayette, Spikes, Sessions, Smith, Stockdale, Stayton, Whitehead, Weaver

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NAYS—Allison, Abernathy, Arnim, Brown, Blake, Bruce, Crawford, Chambers, Cooley, Cardis, Dillard, DeMorse, Darnell, Davis of Brazos, Ford, Flournoy, Fleming, Henry of Smith, Johnson of Collin, Kilgore, Killough, Lacy, McLean, Mitchell, McKinney, McCormick, Rentfro, Ross, Russell of Wood, Scott, Wade, Whitfield, West, Waelder—34.

Mr. Pickett moved to strike out section 1 of the article under discussion.

Mr. McCormick offered a substitute for the section as follows :

“Section 1. The people of the State may call a Constitutional Convention at any time and in any manner that a majority of them may, by their voice expressed at the ballot box, desire ; and no laws shall be passed curtailing or preventing the exercise of this great inalienable right.”

Accepted by Mr. Pickett as a substitute for his motion.

Mr. Flournoy offered the following as a substitute for the entire article :

“ARTICLE —.

“Section 1. The Legislature shall, at the expiration of ten years, after the adoption of this constitution, submit for the action of the people the question of convention or no convention, to reform, amend or alter the constitution ; and unless a majority of the votes cast at an election on such question be in favor of a convention, no such convention shall be held ; but the same question shall be submitted at the expiration of each ten years thereafter until the majority of the votes cast shall have been in favor of such convention. The mode of ascertaining the will of the people as above provided shall be prescribed by law ; but this shall not be construed to interfere with the right of the people to assemble in convention at any time whenever they so will it.”

Mr. Martin, of Navarro, proposed to amend the substitute by striking out “ten years” and inserting “twenty years.”

On motion of Mr. Holt, the main question was ordered.

Question on Mr. Martin’s (of Navarro) amendment put and amendment lost.

Question on Mr. Flournoy’s substitute for the article was put and lost.

Mr. McCormick, by leave, withdrew his substitute, and the question on Mr. Pickett’s motion to strike out the first section was put and carried by the following vote :

YEAS—Allison, Abernathy, Arnim, Abner, Blake, Blassingame, Barnett, Brady, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, Dillard, DeMorse, Darnell,

Dunnam, Flournoy, Ferris, German, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Collin, King, Kilgore, Lynch, McLean, Martin of Navarro, Martin of Hunt, McKinney, McCormick, Norvell, Nugent, Pauli, Reagan, Ramey, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Stockdale, Stayton, Whitehead, Weaver, Whitfield—49.

NAYS—Brown, Ballinger, Bruce, Cline, Cooley, Cardis, Dohoney, Davis of Brazos, Erhard, Ford, Fleming, Henry of Smith, Killough, Lacy, Mitchell, Moore, Murphy, Nunn, Reynolds, Robertson of Bell, Smith, Wade, West, Waelder—24.

Mr. Dohoney offered the following as section 1 of the article:

“Section 1. The Legislature may, at any regular session, by a vote of two-thirds of all the members of each house, pass a joint resolution, to take the sense of the qualified electors of the State, at the next succeeding general election, upon the proposition to call a Constitutional Convention; and if at such election a majority of those voting vote in favor of calling a Constitutional Convention, the Legislature, at the next succeeding session, shall pass a joint resolution calling a Constitutional Convention, which convention, when it shall assemble, shall frame a constitution, and submit the same to a vote of the qualified electors of the State for ratification or rejection; and if a majority of those voting at such election shall vote in favor of the ratification of said constitution, it shall, by proclamation of the Governor, be declared the constitution of the State.”

Mr. DeMorse offered the following as a substitute for Mr. Dohoney's substitute for section 1:

“The Legislature, by a majority of all the members, shall have the power to suggest, and provide by appropriation, for a convention of the people, for the purpose of creating a new organic law, and shall submit the proposition to a popular vote, and, a majority of the people approving, the succeeding Legislature shall, by a majority, recognize their will, and provide that no general election shall be held until the convention shall have assembled, and provided therefor to suit the exigency; but this section shall not be considered as in any degree questioning the sovereign right of the people to assemble and create organic law, without authorization from any legislative body, and by such means as they may prefer.”

Mr. Reagan moved to lay both substitutes on the table.

Mr. Murphy moved to adjourn until 9 o'clock A. M. Monday.

Lost.

The question on laying the substitute on the table was put, and the substitute laid on the table by the following vote:

YEAS—Allison, Armin, Abner, Blake, Blassingame, Barnett, Brady, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, Dillard, Darnell, Dunnam, Davis of Brazos, Flournoy, Fleming, German, Holt, Henry of Limestone, Holmes, Haynes, Johnson of Collin, King, Kilgore, Killough, Laev, Lynch, Martin of Navarro, Martin of Hunt, McKinney, McCormick, Murphy, Norvell, Nugent, Pauli, Reagan, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Stayton, Whitehead, Weaver, Whitefield—48.

NAYS—Abernathy, Brown, Ballinger, Bruce, Chne, Cooley, Cardis, DeMorse, Dohoney, Erhard, Ford, Ferris, Henry of Smith, McLean, Mitchell, Moore, Nunn, Ramey, Reynolds, Robertson of Bell, Smith, Stockdale, Wade, Waelder—24

Mr Cardis moved to reconsider the vote refusing to adopt the resolution augmenting the pay of pages

Passed over for the present

Mr Robertson, of Bell, proposed to amend section 2, line —, after the word "votes," by inserting the words "of the State has been "

Mr Scott moved to adjourn until 9 o'clock Monday morning
Lost

Mr Dohoney offered the following resolution

Resolved, That Nat Q Henderson, who has rendered efficient service in the inception of the labors of this Convention, in assisting to make up the journals of this body for the first five days of its session, be allowed twenty-five dollars for his services; and the certificate of the Secretary of the Senate, approved by the President, shall be sufficient for the Comptroller to draw his warrant for said amount

An amendment was offered that the same shall be paid out of the salaries of those whom he assisted

On motion of Mr Scott, the Convention adjourned until 9 o'clock A. M. Monday

TWENTY-FIFTH DAY

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 4, 1875 }

Convention met pursuant to adjournment, roll called, quorum present, prayer by the Rev. Mr Wright, of Austin
Journal of Saturday read and adopted