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Hunt, Morris, Mills, Mitchell, McKinney of Walker, Moore, Norvell, Nunn, Pauli, Ramey, Reynolds, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Stayton, Whitehead, Weaver—50.

The question then recurring upon the adoption of Mr. Ballinger's amendment, Mr Flanagan moved to lay it upon the table.

Carried by the following vote:

YEAS—Allison, Abernathy, Arnim, Abner, Brown, Blake, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooley, Cardis, Dillard, Darnell, Davis of Brazos, Davis of Wharton, Ford, Ferris, Flanagan, Graves, Henry of Smith, Henry of Limestone, Holmes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, Lynch, Martin of Navarro, Martin of Hunt, Mills, Mitchell, McKinney of Denton, Norvell, Pauli, Ramey, Reynolds, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Russell of Wood, Scott, Sessions, Smith, Wade, Whitehead, Weaver—54.

NAYS—Ballinger, Cooke of San Saba, Cline, DeMorse, Dohoney, Erhard, Flournoy, Fleming, German, Gauthier, Holt, King, McLean, Morris, McKinney of Walker, Moore, Murphy, Nunn, Nugent, Reagan, Spikes, Stockdale, Stayton, Sansom, Whitfield, West, Waelder—27.

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

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## TWENTY-NINTH DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 8, 1875. }

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

Journal of yesterday read and adopted.

Mr. Sansom presented the memorial of the citizens of Lampasas county, relative to the sale of liquor.

Referred to the Committee on General Provisions.

Mr. Blassingame submitted the memorial of the citizens of Denison, asking that Justices of the Peace in Denison be empowered to issue writs of sequestration and attachment.

Referred to Judiciary Committee.

Mr Reagan submitted the following report:

COMMITTEE ROOM,  
AUSTIN, October 7, 1875. }

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

The Committee on the Judiciary have instructed me to report to the Convention that in the discharge of their duties in preparing their report on the Judiciary article, they were brought to the consideration of a section providing for the removal from office of Judges of the Supreme and District Courts, and in this connection, in some measure, to the consideration of the subject of impeachment.

The subject of impeachment is provided for in the present and former constitutions of Texas in a separate article in these constitutions, and the Judiciary Committee suppose that the duty of preparing this article was not intended to be devolved upon it. Nor does it appear that this subject or the subject of the division of the powers of government, has been referred to the consideration of any one of the standing committees. And the Judiciary Committee instruct me to suggest these facts, and to recommend that an additional standing committee be appointed to take into consideration the subjects of the division of the powers of government and of impeachments and removals from office.

To this end, under the instruction of the committee, I submit the accompanying resolution, and recommend its passage.

JOHN H. REAGAN, Chairman.

*Resolved*, That a standing committee of five be appointed to take into consideration and report on an article in relation to the division of the powers of government, and another in relation to impeachments and removals of the higher officers of the State from office.

Report and resolution adopted.

Mr. Fleming submitted for Mr. McKinney, of Walker, the following:

“AN ARTICLE TO REGULATE THE RESIDENCE OF CONVICTS TO THE PENITENTIARY.

“Article —. The Legislature may provide by law that convicts to the penitentiary shall not reside within the county in which the penitentiary is located in which they may have served their term of imprisonment, after the expiration of said term, unless such convicts resided in said county at the time of their conviction and sentence.”

Referred to Committee on Penitentiary.

Mr. Brown offered the following resolution:

WHEREAS, There is reason to believe that many and danger-

ous frauds and forgeries have been committed within the past few years in relation to headright certificates, bounty warrants and other claims to land, therefore,

*Resolved*, That the Committee on the Judicial Department be instructed to inquire if there should not be such a modification in the rules of evidence as to guarantee greater assurance of justice in the trial of such cases; and that, in this connection, they are also requested to make inquiry into the manner and authority by which bounty warrant No. 2692, for 1250 acres, issued to Charles Baker, was withdrawn from the General Land Office in the year 1871.

Referred to the select committee of seven on land titles.

On motion of Mr. McCabe, Mr. Reynolds was excused for two days, commencing to-morrow.

Unfinished business again taken up, viz: "Article —, Suffrage."

Mr. Norvell offered the following amendment:

Substitute for section 1.

"Section 1. The following persons shall not be allowed to vote in this State, to-wit: Persons under twenty-one years of age, idiots, lunatics, paupers supported by any county, persons convicted by bribery, perjury, forgery, rape or robbery, soldiers, seamen or marines in the army or navy of the United States

Lost.

Mr. Dohoney offered the following amendment:

Section 1, line 6, insert "seamen" after "marines"

Adopted.

Mr. West offered the following as a substitute for section 4.

"Sec. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish frauds and preserve the purity of the ballot-box; and in elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers."

Mr. Crawford proposed to amend the amendment by adding: "But no law shall ever be enacted requiring a registration of the voters of this State."

Accepted by Mr. West as a part of his amendment.

The hour having arrived for consideration of the special order, viz: "Article —. Education" —

Mr. Dohoney moved to postpone the consideration of the special order to 10 o'clock, Wednesday next.

Lost.

Mr. Flanagan moved to postpone the special order until the pending question was disposed of.

Carried.

Mr. Reagan proposed to amend the pending amendment by adding: "Except in cities of ten thousand inhabitants or more"

Mr. Crawford proposed to amend Mr. Reagan's amendment by adding: "But no registration law shall be enacted for any city, except upon the consent or request of a majority of the voters of said city."

Accepted by Mr. Reagan.

Mr. Reagan's amendment adopted.

Mr. West's amendment adopted

Mr. Norvell offered to amend by striking out all that part which referred to elections by the two houses of the Legislature. Adopted.

Mr. DeMorse offered the following amendment:

Substitute for the third section:

"Sec. 3. All qualified electors of the State, as hereinbefore described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers; but in all elections to determine the expenditure of money or the assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; *provided*, that no poll tax for the payment of debts thus incurred shall be levied upon the class thus debarred from voting in relation thereto."

Mr. Kilgore moved to lay the amendment on the table.

Lost by the following vote:

YEAS—Allison, Arnim, Blassingame, Barnett, Burleson, Bruce, Cooley, Flournoy, Flanagan, Graves, Henry of Limestone, Kilgore, Martin of Navarro, Martin of Hunt, Norvell, Russell of Wood, Sessions, Whitehead, Weaver—19.

NAYS—Abernathy, Brown, Ballinger, Brady, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ford, Fleming, Ferris, German, Gaither, Holt, Henry of Smith, Holmes, Johnson of Franklin, Johnson of Collin, King, Killough, Lockett, Lacy, Lynch, McLean, Morris, McKinney of Denton, Moore, Murphy, Nunn, Nugent, Paul, Reagan, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Spikes, Scott, Smith, Stavton, Wade, Whitfield, West, Waelder—53

Mr. Kilgore offered the following amendment to the substitute:

Strike out "city or town" in the substitute and insert "State."

Lost.

Mr. Crawford proposed to amend the substitute as follows:

"But no city or town shall incur, assume, or authorize, any debt, except upon the consent of a majority of the qualified voters, representing a majority of the taxable property of said city or town, to be ascertained in a manner prescribed by law."

Mr. German moved the previous question.

Lost.

Mr. Crawford's amendment lost.

Mr. Flournoy offered the following amendment:

"And in State elections, no persons shall vote in such election, whether for State officers or members of the Legislature, which may result in the expenditure of public money."

Lost.

The yeas and nays were then called upon the adoption of Mr. DeMorse's amendment, and the amendment adopted by the following vote:

YEAS—Allison, Abernathy, Brown, Blake, Ballinger, Blassingame, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Erhard, Ford, Fleming, Ferris, German, Gaither, Holt, Henry of Smith, Henry of Limestone, Holmes, Johnson of Franklin, Johnson of Collin, King, Lacy, Lynch, McLean, Martin of Navarro, Morris, McKinney, Moore, Murphy, Nunn, Nugent, Reagan, Ramey, Rentfro, Robertson of Bell, Ross, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Sansom, Wade, Weaver, Whitfield, West, Waelder—57.

NAYS—Arnim, Barnett, Brady, Bruce, Crawford, Cooley, Davis of Wharton, Flournoy, Flanagan, Graves, Kilgore, Killough, Lockett, Martin of Hunt, Mitchell, Norvell, Pauli, Russell of Wood, Whitehead—19.

Mr. Whitfield offered the following amendment:

Provided that every qualified elector shall vote in the precinct where he resides.

Mr. Kilgore offered the following substitute for the amendment:

Strike out all after the word "election" in substitute for section 2, and insert "shall vote in the precinct of his residence."

Accepted by Mr. Whitfield.

The question on the adoption of the amendment was put, and the amendment adopted by the following vote:

YEAS—Abernathy, Arnim, Brown, Ballinger, Blassingame,

Barnett, Burleson, Crawford, Chambers, Douglas, Dillard, DeMorse, Davis of Brazos, Erhard, Ford, Fleming, Gaither, Graves, Holt, Henry of Smith, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, Morris, Moore, Murphy, Nunn, Nugent, Reagan, Rentfro, Robertson of Bell, Robeson of Fayette, Ross, Spikes, Scott, Sessions, Smith, Stockdale, Stayton, Whitfield—45.

NAYS—Allison, Blake, Brady, Bruce, Cook of Gonzales, Cocke of San Saba, Cline, Cooley, Dohoney, Darnell, Davis of Wharton, Flournoy, Ferris, Flanagan, German, Henry of Lime-stone, Holmes, Lockett, Mitchell, McKinney, Norvell, Pauli, Ramey, Reynolds, Russell of Wood, Sansom, Wade, Whitehead, Weaver, West, Waelder—32.

Mr. West offered the following as an additional section:

“Sec. 6. The Legislature shall make provision for taking the votes of electors of this State who may be temporarily absent from the county or State in the actual military service of the United States, or of the State, during a time of war or invasion; *provided*, however, that citizens of Texas who are regular soldiers, sailors or marines in the army or navy of the United States, shall not be allowed to vote.”

On motion of Mr. Johnson, of Collin, laid on the table.

The article was then ordered engrossed.

The special order then taken up, viz: “Article—, Education.”

On motion of Mr. Brown the Convention adjourned till 2½ o'clock P. M.

#### EVENING SESSION—2½ O'CLOCK.

Convention met pursuant to adjournment; roll called; quorum present.

Article on Education again taken up.

By leave, Mr. Martin, of Navarro, offered the following resolution, which was referred to the Committee on General Provisions:

*Resolved*, That all drawbacks and rebatements of freight transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service of or to any cotton, grain, or any other produce or article of commerce in this State, paid or allowed or contracted for to any other common carrier, shipper, merchant, commission merchant, factor, agent, or middle men of any kind, not the true and absolute owner thereof, are forever prohibited, and it shall be the duty of the Legislature to pass effective laws, punishing as felonies all corporations, companies or persons in this State who pay, receive, contract for, or respect the same.

Mr. Cline, of the Committee on Education, presented the following minority report:

COMMITTEE ROOM, }  
AUSTIN, October 8, 1875. }

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

The undersigned, member of your Committee on Education, has not been able to concur in either of the two reports submitted. He believes the time has now come which the fathers of Texas contemplated when they created our magnificent school fund, for the organization of education in Texas. He, therefore, recommends the adoption of the accompanying ordinance.

Very respectfully submitted.

HENRY CLINE.

“ARTICLE —.

“EDUCATION.

“Sec. 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall establish a thorough and efficient system of public instruction, and shall maintain public schools during not less than four months in every year, for the free education of all children in this State between the ages of nine and fifteen years, and other children may attend said schools upon conditions prescribed by law.

“Sec. 2. The supervision of said system and schools shall be vested in the Superintendent of Public Instruction, the Board of Education, County and City Superintendents, and such other officers as may be provided by law.

“Sec. 3. The Superintendent of Public Instruction shall be elected for . . . . years, and shall receive an annual salary of \$ . . . ., until otherwise provided by law, and shall perform all duties that may be prescribed by law. A vacancy may be filled by appointment for the unexpired term by the Board of Education.

“Sec. 4. The Board of Education shall consist of the Superintendent of Public Instruction, the Governor, Attorney General and Secretary of State, who shall prescribe rules and regulations for the organization and government of the schools, and perform all other duties prescribed by law.

Sec. 5. County and City Superintendents, and other officers, may be elected or appointed, with such term of office, compensation, powers and duties as may be prescribed by law. The Board of Education may remove any of such officers for cause, and fill any vacancy by appointment for the unexpired term.

“Sec. 6. All lands, bonds and other property heretofore set



apart for schools by the Republic and State of Texas, or that may hereafter be so set apart, and the proceeds from sales of public lands, and the proceeds of escheats, shall constitute the permanent State school fund, and the income from said fund, together with not less than one-fourth of one per cent. tax upon all subjects of general taxation, shall annually be distributed among the several counties and cities, according to their scholastic population.

“Sec. 7. All lands granted or to be granted to the several counties and cities for educational purposes, proceeds from sales of estrays, also other requisitions for such purposes, shall constitute the permanent county or city school fund; and the income from such fund, and all taxes on dogs, polls and occupations, and the annual receipts from the permanent State school fund, together with such tax on other subjects of county or city taxation as may be authorized by law, shall be annually expended for the support and maintenance of free public schools.

“Sec. 8. The moneys that may at any time belong to the permanent fund of the State and of the several counties and cities, shall be invested in the bonds of the United States and of the State of Texas.

“Sec. 9. The State and county school lands, also the university and asylum lands, shall be sub-divided into 80 or 160 acre tracts, whereof the alternate tracts may be sold at public auction, under such regulations as may be prescribed by law, and the proceeds invested in United States and Texas State bonds, and the incomes severally applied to the support of said funds and asylums.

“Sec. 10. No grant shall be made from any public fund for the benefit of any institution, church or school controlled by any ecclesiastical body, nor in aid of any particular opinions of conscience, creed or church.

HENRY CLINE.

On motion of Mr. DeMorse, one hundred copies of the report and article were ordered printed.

The article—, “Education,” reported by the majority, taken up.

Mr. Dohoney offered the following amendment:

Add to section 1: “For at least four months in each year, for the free instruction of all the scholastic population between the ages of nine and fifteen years.”

Mr. Russell, of Wood, offered the article reported by the minority of the committee—viz., Messrs. Sansom, Holt, Cooke of San Saba, and Dunnam—as a substitute for the article reported by the majority.

[Mr. Reagan in the chair.]

Mr. Chambers moved to lay Mr. Dohoney's amendment to section 1 on the table:

Carried by the following vote:

YEAS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Burleson, Bruce, Chambers, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Darnell, Davis of Brazos, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McKinney, Murphy, Norvell, Nugent, Reagan, Ramey, Robeson of Fayette, Ross, Russell of Wood, Spikes, Scott, Sessions, Stockdale, Stayton, Sansom, Wade, Weaver, Whitfield—53.

NAYS—Ballinger, Brady, Crawford, Cline, Dohoney, Davis of Wharton, Erhard, Ford, Flanagan, Henry of Smith, King, Lockett, Mitchell, Moore, Nunn, Pauli, Reynolds, Rentfro, Robertson of Bell, Smith, Waelder—21.

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

### THIRTIETH DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 9, 1875. }

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

Journal of yesterday read and adopted.

The Chair announced the following committees, authorized by resolutions of yesterday.

Select Committee of Seven, to examine certain land titles and examine certain rules of evidence: Mr. Brown, chairman; Messrs. Robertson of Bell, Henry of Smith, Nugent, McLean, Murphy, and Cooke of San Saba.

Select Committee of Five, to examine and report an article relative to the divisions of the powers of government, and an article on the subject of impeachments and removals of the higher officers of the State from office: Mr. Stockdale, Chairman; Messrs. Reagan, Norvell, Ballinger, and Cook of Gonzales.

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

*Resolved*, That the President appoint a special committee of