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Mitchell, McCormick, Nunn, Pauli, Reagan, Ramey, Rentfro, Ross, Russell of Harrison, Smith, Stockdale, Waelder — 41

The question on the adoption of Mr Ferris's amendment was then put and amendment lost

Mr Allison proposed to amend by adding to section 18 the words "except for non-payment of fines and penalties imposed by law"

Lost

Mr McLean proposed to amend as follows

Section 19, line 127, after the word "property" strike out "or," and insert after the word "privileges," "or immunities"

Mr Holt offered the following as a substitute for section 19.

"The sole object and only legitimate end of government is to protect the citizen in life, liberty and property, and when government assumes other functions it is usurpation and oppression"

The chair ruled the substitute out of order.

Mr McLean's amendment adopted

Mr Kilgore proposed to amend section 19 by striking out after the word "or," in line 127, the words "in any manner," and insert the word "be"

Lost

Mr Ballinger proposed to amend section 19 by striking out all after the word "disfranchised" and insert "except by due course of the law of the land"

Adopted

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

THIRTY-FOURTH DAY

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 14, 1875 }

Convention met pursuant to adjournment, roll call; quorum present; prayer by the Rev Mr Wright, of Austin

Mr McKinnev, of Walker, presented the memorial of the citizens of Grimes county, relative to legislative apportionment.

Referred to Committee on Legislative Apportionment

Mr Gaither offered the following resolution

Resolved, That whereas, it being the duty of this Convention to frame a constitution that will aid in quieting the land titles of the State, and, whereas, the statute of limitations discrim-

inating in favor of females and against males, is a source of much litigation in the courts of the State, therefore

Be it resolved, that the Committee on General Provisions be instructed to take the matter into consideration, and report a provision that will remedy the evil.

Referred to Committee on General Provisions.

Mr. Russell, of Wood, presented a memorial from Hon. Gustave Cooke.

Referred to Committee on General Provisions.

Mr. Henry, of Limestone, presented the memorial of the bar of Limestone county, on the subject of judicial apportionment.

Referred to Committee on Judicial Apportionment.

Mr. German offered the following resolution:

Resolved, That the following be a clause in the constitution:

“Sec. —. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for the purpose, first giving sixty days public notice, as may be provided by law.”

Referred to Committee on Private Corporations.

Mr. Flournoy offered the following resolution:

Resolved, That the following be referred to the Committee on General Provisions, and that they consider the propriety of reporting, in substance, the following:

“That, to prevent litigation hurtful to the public interest, quiet title in the occupants, in good faith, of real estate, and discourage, as far as practicable, all disposition to discover defects in the claims of actual passers, or speculation on the validity of unrepresented and unknown outstanding titles;

“The Legislature shall define *champerty* and maintenance, and provide for the prevention and punishment thereof; and shall pass laws vacating the ‘license’ of any ‘attorney-at-law’ in this State who shall hereafter, as such, undertake the recovery of real estate for any ‘plaintiff’ upon the consideration in any respect contingent or conditional upon success, or upon a contract for any part, divided or undivided, of such real estate.”

Referred to Committee on General Provisions.

Unfinished business taken up, viz: “Bill of Rights.”

Mr. Nugent moved to reconsider the vote taken on yesterday, adopting an amendment to section 11, viz:

Add after the word "record," in line 102, the words "having jurisdiction to try the offense."

Carried.

Mr. Ballinger proposed to amend as follows:

Strike out all after the word "evidence," in line 101, and insert the words, "in such manner as may be prescribed by law."

The amendment, upon which the vote was reconsidered, was then lost, and Mr. Ballinger's amendment adopted.

Mr. Waelder offered the following amendment to section 29:

Strike out the words, "and no appropriation of money shall be made to aid immigrants to the State."

Mr. Erhard offered to amend as follows:

Section 29, line 155, insert after the word "prohibited," the words "but immigration shall be encouraged by the Legislature by all means within their power."

Mr. Russell, of Harrison, moved to strike out the entire section.

The question on the adoption of Mr. Waelder's amendment was then put, and the amendment lost by the following vote:

YEAS—Ballinger, Brady, DeMorse, Davis of Brazos, Erhard, Fleming, Flanagan, King, Lockett, Lynch, McLean, Martin of Navarro, McCabe, Morris, Mills, McKinney of Walker, McCormick, Pauli, Russell of Harrison, Stockdale, Stayton, Waelder—23.

NAYS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, Dohoney, Darnell, Davis, of Wharton, Flournoy, Ferris, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Martin of Hunt, Mitchell, McKinney of Denton, Norvell, Nunn, Nugent, Reynolds, Robertson of Bell, Ross, Russell of Wood, Scott, Sessions, Smith, Wade, Whitehead, Wright, Weaver—49.

Mr. German moved to lay the amendments of Messrs. Erhard and Russell, of Harrison, on the table.

Carried by the following vote:

YEAS—Allison, Abernathy, Arnim, Blassingame, Barnett, Bruce, Chambers, Cooke of San Saba, Douglas, Dillard, Dohoney, Flournoy, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, McCabe, Morris, McKinney of Denton, Norvell, Nunn, Nugent, Robertson, of Bell, Russell of Wood, Spikes, Scott, Sessions, Wade, Whitehead, Wright, Weaver—40.

NAYS—Brown, Blake, Ballinger, Brady, Crawford, Cook of Gonzales, Cooley, Cardis, DeMorse, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ford, Fleming, Ferris, Flanagan, Lockett, Lynch, McLean, Martin of Navarro, Martin of Hunt, Mills, Mitchell, McKinney of Walker, McCormick, Murphy, Paul, Reynolds, Rentfro, Ross, Russell of Harrison, Smith, Stockdale, Stayton, West, Waelder—37.

Mr Wade proposed to amend as follows

Section 29, line 155, after “prohibited in” insert “immigration is invited, but”

On motion of Mr Scott, it was laid on the table

Mr Waelder offered the following amendment

Line 156, strike out the line and insert “money shall be paid to immigrants for coming to this State”

Mr Scott proposed to substitute the amendment as follows

“But we cordially invite all who desire to better their condition to make their homes among us”

On motion of Mr Bruce, all the amendments were laid on the table

Mr Russell, of Harrison, offered the following amendment as an additional section:

“Sec 30 Importation of persons under the name of coolies, or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State, and neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State”

Mr Brown offered the following as a substitute for the amendment

“No form of compulsory servitude, except as a punishment for crime, shall ever be allowed in this State”

Mr. Crawford made the following point of order, viz that under the rules the amendment and substitute were not properly before the house, but should be referred to a committee

Pending discussion on the point of order, Mr. Martin, of Navarro, moved to lay both amendments on the table

Lost by the following vote

YEAS—Abernathy, Blassingame, Barnett, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, Dillard, Graves, Holt, Henry of Smith, Henry of Limestone, Holmes, Haynes, Killough, Lynch, Martin of Navarro, McCormick, Norvell, Nugent, Sessions, Whitehead—24

NAYS—Allison, Arnim, Brown, Ballinger, Brady, DeMorse,

Dohoney, Darnell, Ford, Flournoy, Fleming, Ferris, Flanagan, German, Gaither, Johnson of Franklin, Johnson of Collin, Kilgore, Lockett, Lacy, McLean, Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McKinney of Walker, Murphy, Nunn, Pauli, Reagan, Reynolds, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Smith, Stockdale, Stayton, Wade, Wright, Weaver, West, Waelder—47.

The President ruled out of order that portion of Mr. Russell's (of Harrison) amendment which referred to slavery or involuntary servitude, as the Convention had acted on the same yesterday in laying Mr. Reynold's amendment on the same subject on the table.

Mr. Ballinger offered to amend the substitute by adding "except that of children to parents and lawful apprentices."

On motion of Mr. Russell, of Harrison, the main question on the amendments was ordered.

Mr. Ballinger's amendment to the substitute of Mr. Brown adopted by the following vote:

YEAS—Allison, Abernathy, Brown, Blake, Ballinger, Crawford, Chambers, Cook of Gonzales, Cardis, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Erhard, Ford, Ferriss, Flanagan, German, Gaither, Holt, Henry of Smith, Henry of Limestone, Johnson of Collin, Killough, Lacy, McLean, Martin of Navarro, Martin of Hunt, Morris, McKinney of Denton, McKinney of Walker, McCormick, Moore, Norvell, Nunn, Nugent, Reagan, Ramey, Ross, Russell of Wood, Spikes, Sessions, Smith, Stockdale, Wade, Whitehead, West, Waelder—50.

NAYS—Arnim, Blassingame, Barnett, Brady, Bruce, Cooley, Davis of Wharton, Flournoy, Fleming, Graves, Holmes, Haynes, Johnson of Franklin, Kilgore, Lynch, Mills, Mitchell, Murphy, Pauli, Reynolds, Rentfro, Robertson of Bell, Russell of Harrison, Scott, Stayton, Wright, Weaver—27.

The question on the adoption of Mr. Brown's substitute as amended by Mr. Ballinger was put, and the substitute adopted by the following vote:

YEAS—Allison, Brown, Blake, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Erhard, Ford, German, Gaither, Graves, Henry of Smith, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Killough, Lacy, McLean, Martin of Navarro, Martin of Hunt, Morris, McKinney, of Denton, McKinney of Walker, McCormick, Moore, Murphy, Norvell, Nunn, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Sessions, Smith, Stockdale, West, Waelder—46.

NAYS—Abernathy, Arnim, Ballinger, Blassingame, Barnett, Brady, Bruce, Cooley, Davis of Wharton, Flournoy, Fleming, Ferris, Flanagan, Holt, Holmes, Haynes, Kilgore, Lynch, McCabe, Mills, Mitchell, Nugent, Pauli, Reagan, Reynolds, Rentfro, Ross, Russell of Harrison, Stayton, Wade, Wright, Weaver—32.

Mr Norvell moved to strike out section 30

Mr. Stockdale proposed to amend the section, when Mr. Scott made this point of order that no motion or amendment could be entertained until the main question was exhausted, and that the main question was not exhausted until the vote was taken as to whether the substitute should be incorporated as a section to the article

The Chair ruled the point well taken, and ordered the vote accordingly, which resulted in the refusal to adopt the substitute as a section of the article by the following vote.

YEAS—Allison, Brown, Ballinger, Chambers, Cooke of San Saba, Cooley, Cardis, Douglas, DeMorse, Dohoney, Erhard, Ford, Ferris, German, Henry of Smith, Henry of Limestone, Johnson of Franklin, Johnson of Collin, King, Killough, Lacy, McLean, Martin of Hunt, Morris, McKinney of Denton, McKinney of Walker, Moore, Murphy, Nunn, Ramey, Robertson of Bell, Russell of Wood, Scott, Sessions, Smith, Stockdale, Stayton, West, Waelder—39

NAYS—Abernathy, Arnim, Blake, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Cook of Gonzales, Dillard, Darnell, Davis of Brazos, Davis of Wharton, Flournoy, Fleming, Flanagan, Gaither, Graves, Holt, Holmes, Haynes, Kilgore, Lockett, Lynch, Martin of Navarro, McCabe, Mills, Mitchell, McCormick, Norvell, Nugent, Pauli, Reagan, Reynolds, Rentfro, Ross, Russell of Harrison, Wade, Wright, Weaver—41

On motion of Mr Russell, of Wood, the vote taken yesterday, adopting an amendment to section 19, adding the word "immunities" to the section, was reconsidered, and the amendment again adopted

Mr Flournoy proposed to amend section 29 by adding "But liberal pre-emption laws shall be passed, to encourage and protect actual settlers on the public domain."

Withdrawn

Mr McCormick moved to reconsider the vote refusing to strike out section 29

Carried

The question was then put upon the motion to strike out the section

Mr Johnson, of Franklin, moved to reconsider the vote refusing to adopt Mr Reynolds' amendment, to add an additional section to the "Bill of Rights," to come in after section 16 as section 17, prohibiting slavery or involuntary servitude except for crime, etc.

Mr. Graves moved the main question on engrossing the "Article — Bill of Rights "

Carried

First question being the motion to strike out section 29, the same was put and section stricken out by the following vote

YEAS—Brown, Blake, Ballinger, Brady, Crawford, Cook of Gonzales, Cooley, Cardis, Douglas, DeMorse, Davis of Brazos, Ford, Flournoy, Fleming, Ferris, Flanagan, Gaither, Henry of Limestone, King, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, Morris, Mills, Mitchell, McKinney of Walker, McCormick, Moore, Murphy, Nunn, Pauli, Reagan, Reynolds, Rentfro, Ross, Russell of Harrison, Sessions, Smith, Stockdale, Stayton, Wade, Whitehead, Waelder—46

NAYS—Allison, Abernathy, Arnim, Blassingame, Barnett, Burleson, Bruce, Chambers, Cooke of San Saba, Dillard, Dohoney, Darnell, Erhard, German, Graves, Holt, Henry of Smith, Holmes, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, McCabe, McKinney of Denton, Norvell, Nugent, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Wright, West—33

The article, "Bill of Rights," was then ordered engrossed

Mr Nunn moved to reconsider the vote engrossing the article

Lost

On motion of Mr Flanagan the Convention adjourned

EVENING SESSION—2½ o'clock

Convention met pursuant to adjournment, roll called; quorum present

Special order taken up, viz "Article — Legislative Department "

Mr Darnell moved to postpone until Monday next at 10 o'clock

Carried

"Article —, Lands and Land Office," taken up

Mr Stayton offered the following amendment

Amend section 2 by adding "and any genuine land certificates which under former laws have been declared invalid, because located upon titled lands, or upon lands held by older

location, are hereby revived and may be located on any of the vacant lands of the State”

Mr Fleming moved to strike out section 2

Mr McLean proposed to amend as follows

Section 2, line 7, after “certificates” insert “in the possession or ownership of the original grantee, his or her heirs”

Mr Dillard moved to lay the amendments offered by Messrs. Fleming and McLean on the table

Carried by the following vote

YEAS—Allison, Abernathy, Brown, Blake, Blassingame, Barnett, Burleson, Brady, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cooley, Cardis, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Erhard, Ford, Ferris, Flanagan, German, Gaither, Graves, Henry of Smith, Henry of Limestone, Holmes, Haynes, Johnson of Collin, King, Kilgore, Killough, Lockett, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, McKinney of Denton, Murphy, Norvell, Nunn, Nugent, Pauli, Reagan, Ramey, Reynolds, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Smith, Stockdale, Stayton, Wade, Whitehead, Weaver, West, Waelder—66

NAYS—Arnim, Crawford, Fleming, McLean, McKinney of Walker, McCormick, Moore, Rentfro, Wright, Whitfield—10

Mr Allison proposed to amend as follows

Add to end of section 2 the words: “and returned to the Land Office by the 1st of January, 1880”

Mr Barnett offered the following substitute for section 2

“Sec 2 All unsatisfied genuine soldier or headright land-certificates, barred by section 4, article 10, of the constitution of 1869, by reason of the holder or owner thereof failing to have them surveyed and returned to the Land Office by the 1st day of January 1875, are hereby revived, and may be located on any of the vacant lands in the State”

Mr Kilgore moved to lay the substitute on the table

The yeas and nays being demanded, the substitute was laid on the table by the following vote:

YEAS—Abernathy, Brown, Blake, Blassingame, Brady, Cooke of San Saba, Cooley, Dohoney, Darnell, Davis of Brazos, Erhard, Ford, Ferris, Flanagan, Holt, Henry of Smith, King, Kilgore, Killough, Lockett, Martin of Navarro, Morris, Mitchell, Moore, Murphy, Norvell, Nunn, Pauli, Ramey, Reynolds, Robertson of Bell, Russell of Harrison, Scott, Sessions, Smith, Stockdale, Stayton, Wade, West, Waelder—40

NAYS—Allison, Arnim, Barnett, Burleson, Bruce, Crawford,

Chambers, Cook of Gonzales, Cardis, Douglas, Dillard, DeMorse, Fleming, German, Gaither, Graves, Haynes, Johnson of Collin, Lacy, Lynch, McLean, Martin of Hunt, McCabe, Mills, McKinney of Denton, McKinney of Walker, McCormick, Nugent, Reagan, Rentfro, Ross, Russell of Wood, Spikes, Whitehead, Weaver, Whitfield—36

Mr Stayton's amendment adopted

Mr Crawford offered the following substitute for section 2

"Sec 2 All unsatisfied genuine land certificates barred by section 4, article 10, constitution of 1869, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the general office within five years after the adoption of this constitution or be forever barred, and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after its issuance or be forever barred

Mr Allison's amendment was lost.

Mr Gaither proposed to amend section 2 as follows

Provided that none of the land certificates hereby revived shall ever be located, surveyed or patented on lands held under previous title or color of title from the sovereignty

Adopted

Mr. Reagan moved to reconsider the vote just taken

Carried

Mr Stockdale offered the following as a substitute for the amendment.

"No location or survey, by virtue of any genuine land certificate, shall hereafter be made upon any land which appears to be appropriated, deeded or patented, by the records of the county or the General Land Office"

Adopted

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

THIRTY-FIFTH DAY

HALL OF REPRESENTATIVES, }

AUSTIN, TEXAS, October 15, 1875 }

Convention met pursuant to adjournment, roll called; quorum present, prayer by Rev A. C Graves, member from Coryell
Journal of yesterday read and adopted