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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

On motion of Mr. Cooke, of San Saba, Mr Sansom was excused from attendance on the Convention until Wednesday evening next

On motion of Mr Weaver, Mr. Holmes was granted unlimited leave of absence on account of sickness in his family.

Mr Russell, of Harrison, presented the memorial of the physicians of Harrison county asking that "occupation tax" on their profession be abolished

Referred to Committee on Revenue and Taxation.

Mr. Morris offered the following resolution;

Resolved, That a legal voter in his district, not under thirty, or over sixty, years of age, who can hear, speak, read, and write the language of the court, shall constitute a competent juror

Referred to Judiciary Committee

Mr. West moved to reconsider the vote refusing to adopt a resolution increasing the pay of the pages

Carried by the following vote

YEAS—Abernathy, Arnum, Ballinger, Burleson, Brady, Crawford, Cooke of San Saba, Cooley, Cardis, Douglas, Darnell, Davis of Brazos, Davis of Wharton, Flournoy, Fleming, Ferris, Flanagan, Gaither, Henry of Limestone, Johnson of Franklin, Kilgore, Killough, Lynch, McLean, McKinney of Walker, Morris, Mills, Mitchell, McCormick, Murphy, Nunn, Rentfro, Ross, Russell of Harrison, Scott, Sessions, Smith, Stockdale, Stayton, Wade, Whitehead, Weaver, Whitfield, West, Waelder—45

NAYS—Alhson, Brown, Blake, Blassingame, Barnett, Bruce, Chambers, Cook of Gonzales, Cline, Dillard, DeMorse, Dohoney, Erhard, Ford, German, Graves, Holt, Henry of Smith, Haynes, Johnson of Collin, Martin of Hunt, McKinney of Denton, Moore, Norvell, Nugent, Pauli, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes—31

On motion of Mr Abernathy, the resolution was so amended as that the extra pay should commence from to-day

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

YEAS—Abernathy, Arnum, Ballinger, Burleson, Brady, Crawford, Cook of Gonzales, Cooke of San Saba, Cooley, Cardis, Douglas, Dohoney, Darnell, Davis of Brazos, Davis of Wharton, Flournoy, Fleming, Ferris, Flanagan, Gaither, Henry of Limestone, Johnson of Franklin, King, Kilgore, Killough, Lynch, McLean, McCabe, Morris, Mills, McKinney of Walker, McCormick, Murphy, Nunn, Nugent, Reynolds, Rentfro, Ross, Russell of Harrison, Scott, Smith, Stockdale, Stayton, Wade,

Whitehead, Wright, Weaver, Whitfield, West, Waelder—50

NAYS—Allison, Brown, Blake, Blassingame, Barnett, Bruce, Chambers, Cline, Dillard, DeMorse, Erhard, Ford, German, Graves, Holt, Henry of Smith, Haynes, Johnson of Collin, Martin of Hunt, McKinney of Denton, Moore, Norvell, Paul, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes—28

Mr. Kilgore moved to reconsider the vote just taken and to lay the motion on the table

Carried.

Mr. Flournoy offered the following resolution

Resolved, That the Committee on Public Lands and Land Office be instructed to inquire into the propriety of validating the patents heretofore issued on all locations of headright and other certificates in the reservation heretofore known as the Peters' Colony Reservation and the Mississippi and Pacific Railroad Reserve

Referred to Committee on Public Lands and Land Office

UNFINISHED BUSINESS, VIZ

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

Mr Stockdale offered the following amendment to the substitute offered by Mr Crawford on yesterday

Strike out the words "all unsatisfied genuine land certificates barred by section 4, article 10, constitution of 1869, are hereby revived," and that the remainder of the substitute be made a part of the section as amended

Mr Gaither offered the following as an amendment to Mr Crawford's substitute

Provided, That all land certificates, heretofore or hereafter issued, shall be located, surveyed or patented only upon vacant, unappropriated public domain, and not upon any land tilled or equitably owned under color of title from the sovereignty of the soil, evidence of the appropriation of which is on the county records or in the General Land Office"

Mr Stockdale's amendment lost

Mr Kilgore moved to lay Mr Gaither's amendment on the table

Lost by the following vote

YEAS—Abernathy, Arnum, Blassingame, Cline, Cooley, Do-honey, Ferris, Flanagan, Kilgore, Lockett, McLean, Martin of Hunt, Mitchell, Norvell, Paul, Reynolds, Rentfro, Russell of Harrison, Stayton, Wright, West—21

NAYS—Allison, Brown, Blake, Ballinger, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of

San Saba, Cardis, Douglas, Dillard, Darnell, Davis of Brazos, Erhard, Ford, Fleming, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, King, Killough, Lacy, Lynch, Martin of Navarro, Morris, Mills, McKinney of Denton, McKinney of Walker, Nunn, Nugent, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Sessions, Smith, Stockdale, Wade, Whitehead, Weaver, Waelder—53.

Mr Gaither's amendment adopted

Mr Crawford's substitute, as amended, also adopted

Mr Scott proposed to amend as follows

Section 1, line 2, strike out the words, "be at the seat of government," and insert in lieu thereof the words, "be self-sustaining, and shall be kept at the seat of government"

Mr German offered the following substitute for Mr Scott's amendment.

"The Legislature shall, by appropriate legislation, at the earliest time practicable, make the Land Office self-sustaining"

Adopted as a substitute for the amendment

The question then, upon adopting it as an amendment to the section, was put and carried by the following vote:

YEAS—Abernathy, Arnim, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Wharton, Ford, Flournoy, Ferris, German, Gaither, Holt, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Murphy, Norvell, Nunn, Ramey, Reynolds, Rentfro, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Stayton, Wade, Whitehead, Wight, Weaver, Whitfield, Waelder—54

NAYS—Allison, Blake, Ballinger, Cooke of San Saba, Cline, Cooley, Davis of Brazos, Erhard, Fleming, Flanagan, Graves, Henry of Smith, King, Lockett, McCabe, Nugent, Reagan, Smith, Stockdale, West—20

[Mr Brown in the chair]

Mr Reagan proposed the following as a substitute for the amendment just adopted

"The Legislature may, by appropriate legislation, make the Land Office self-sustaining"

On motion of Mr German laid on the table

Mr Brady proposed to amend section 1 by adding "provided no Land Office shall be established at all until such time as it shall be self-sustaining, and thus the Legislature shall provide"

Laid on the table.

Mr. Stockdale moved to pass over the consideration of section 3 for the present.

Carried.

Mr. Nunn offered the following amendment:

Strike out all after the word "and" in line 20, and insert "shall accrue to the benefit of the general school fund of the State; and the Legislature shall provide for resuming control of the same."

Mr. Davis, of Brazos, moved to amend by striking out section 4.

Mr. Ballinger offered the following:

Insert in line 18, before the word "alienated," the words "or shall not hereafter be."

Mr. Stayton offered the following as a substitute for all the amendments, and the section:

"Sec. 4. It shall be the duty of the Attorney General to cause proceedings to be instituted for the purpose of having a forfeiture declared of all lands granted, or that may hereafter be granted, to railways which have not been alienated in conformity with the terms of their charters and the laws of the State under which the grants were or may be made; and after such forfeiture such lands shall be subject to location or sale as other vacant lands."

On motion of Mr. Reagan, the section and pending amendments were recommitted to Committee on Public Lands and Land Office.

On motion of Mr. Allison, Mr. Flournoy was added to Committee on Legislative Apportionment

On motion of Mr. Fleming the Convention adjourned.

EVENING SESSION—2½ O'CLOCK.

Convention met, roll called; quorum present

Pending business resumed, viz: Consideration of Art —, Public Lands and Land Office.

On motion of Mr. Weaver, the Secretary of the Convention was granted leave of absence for the remainder of the evening.

Mr. Brown moved to reconsider the vote recommitting "Sec. 4 of Art. —, Public Lands and Land Office."

Carried.

Mr. Reagan moved to recommit the whole article to the Committee on Public Lands and Land Office.

Carried.

Business on the table was then taken up.

On motion of Mr. Ford, the following report from Committee

on State Affairs was read and referred to Committee on General Provisions:

COMMITTEE ROOM,
AUSTIN, October 4th, 1875. }

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

The Committee on State Affairs, to whom was referred the memorial of the widow and heirs of the late W. A. Smith, have had the same under consideration, and instruct me to report the accompanying section and recommend that it be adopted by the Convention as a part of the new constitution.

JOHN S. FORD, Chairman.

“Sec. —. The Legislature shall make provisions by law to have all claims and demands justly and lawfully due by the existing State government, or by any of its predecessors, and which shall be presented within one year from a date specified by law, and not thereafter, either adjudicated or audited, *provided*, that such claims and demands have not heretofore been either adjudicated or audited; *and provided also*, that said claims and demands originated prior to the 28th day of January, 1861, or subsequent to the 5th day of August, 1865, and that they are not in contravention of the constitution and laws of the United States; and all claims and demands not so presented shall be and remain forever barred.”

The following resolution was taken from the table and read:

Resolved, That when, in considering any of the articles of the constitution as reported, amendments are offered which affect such articles as may not yet be reported by the suitable committee, said amendments shall be referred without debate to said committee.

The Convention refused to adopt the resolution.

The following report was taken up and read:

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

The Committee on Revenue and Taxation, to which was referred a memorial from Bastrop county relative to pay of Rangers, long due, direct me to report the memorial back to the Convention, and suggest that the subject be referred to the first session of the Legislature under this constitution.

Respectfully,

CHARLES DEMORSE, Chairman.

The report was then adopted.

The following report and ordinance was then taken up.

Mr. DeMorse, Chairman of the Committee on Revenue and Taxation, submitted the following report:

COMMITTEE ROOM,
AUSTIN, September 30, 1875. }

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

The Committee on Revenue and Taxation, to whose consideration was referred a proposed ordinance to relieve certain counties from taxation, on account of damages resulting from flood and storm, direct me to report said ordinance back to the Convention, and express their opinion that the committee has no authority in the premises, and doubts the propriety of any action by the Convention in this direction.

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."

* * * * *

Mr. McCormick moved to refer the report and ordinance to a select committee of five.

Mr. DeMorse offered the following as a substitute for the ordinance:

Resolved, That the collectors of State taxes for the year 1875, for the counties of Calhoun, Matagorda, Brazoria, Harris, Galveston and Chambers be directed to remit the collection thereof from all sufferers by the late tornado, and that the collectors shall receive evidence of the actual necessity in each case, and that necessity resulting from the cause aforesaid, and that each collector. aforesaid, shall return upon his rolls a specific entry, indicating the remission and the cause, and that he shall make a separate report, aggregating all the cases thus re-

lieved, to the Comptroller of the State, who shall make corresponding entry on the records in his office.

Mr. McCormick moved to amend Mr. DeMorse's substitute by adding "the county of Galveston."

Accepted.

Mr. Reagan moved to amend by inserting the word "State" before the word "tax."

Accepted.

The substitute of Mr. DeMorse, as amended, was accepted by Mr. Russell.

The question then recurring on the adoption of the substitute, it was adopted by the following vote:

YEAS—Abernathy, Arnim, Brown, Blassingame, Barnett, Burluson, Brady, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, DeMorse, Davis of Wharton, Erhard, Ford, Fleming, Gaither, Graves, Henry of Limestone, Haynes, King, Lockett, Lynch, Martin of Hunt, McCabe, Mitchell, McCormick, Pauli, Reagan, Reynolds, Rentfro, Ross, Russell of Harrison, Sessions, Weaver—33.

NAYS—Allison, Blake, Bruce, Crawford, Cardis, Dohoney, Darnell, Davis of Brazos, Ferris, Holt, Henry of Smith, Johnson of Franklin, Johnson of Collin, Kilgore, Lacy, McLean, Mills, McKinney of Walker, Moore, Norvell, Nugent, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Smith, Stayton, Wade, Whitehead, Wright, West, Waelder—35.

The following report and article were then taken up:

COMMITTEE ROOM, }

AUSTIN, October 8, 1875. }

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

SIR—Your Committee on Counties and County lands, to whom were referred certain resolutions and memorials on the subject of county school lands, have had the same under consideration, and instruct me to report the following provision, which they recommend for adoption as a part of the Constitution.

Respectfully

HENRY C. KING, Chairman Committee.

"All lands heretofore or hereafter granted to the several counties of this State for education or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell and dispose of its lands in whole or in part, in manner to be provided by the police

court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlements, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof when sold, shall be held by said counties alone as a trust for the benefit of public schools therein. Said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually."

The article was ordered engrossed.

Mr. Nugent moved to reconsider the vote just taken engrossing the article.

Lost.

Mr. Erhard moved a reconsideration of the vote passing the substitute offered by Mr. DeMorse, exempting certain counties from taxation on account of the late flood.

Mr. Graves moved to lay the motion on the table.

The Convention refused to lay the motion on the table by the following vote:

YEAS—Abernathy, Arnim, Brown, Blassingame, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, DeMorse, Ford, Fleming, Gaether, Graves, Haynes, King, Lynch, Martin of Hunt, Mills, Mitchell, McCormick, Reagan, Reynolds, Rentfro, Ross, Russell of Harrison, Stockdale, Weaver—27.

NAYS—Allison, Blake, Barnett, Burleson, Brady, Cooley, Dehoney, Darnell, Davis of Brazos, Davis of Wharton, Erhard, Ferris, German, Holt, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, McLean, McCabe, McKinney of Denton, Moore, Norvell, Nugent, Pauli, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Sessions, Smith, Stayton, Wade, Whitehead, Wright, West, Waelder—41.

The question then being on the reconsideration of the vote passing the substitute, the Convention reconsidered it by the following vote:

YEAS—Allison, Abernathy, Arnim, Blake, Barnett, Burleson, Bruce, Crawford, Cooke of San Saba, Cardis, Douglas, Dohoney, Darnell, Davis of Brazos, Erhard, Ferris, German, Holt, Henry of Smith, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, McLean, McKinney of Denton, Moore, Norvell, Nugent, Ramey, Rentfro, Robertson of Bell, Ross, Russell of Wood, Spikes, Scott,

Sessions, Smith, Stayton, Wade, Whitehead, Wright, West, Waelder—46.

NAYS—Brown, Blassingame, Chambers, Cook of Gonzales, DeMorse, Davis of Wharton, Ford, Fleming, Gaither, Graves, Haynes, King, Lynch, Martin of Hunt, McCabe, Mitchell, McCormick, Pauli, Reagan, Reynolds, Russell of Harrison, Stockdale, Weaver, Whitfield—24.

The question then recurred on the passage of the substitute.

Mr. Cardis moved to adjourn until to-morrow at 9 o'clock A. M. Lost.

Mr. Mills moved the previous question.

Previous question ordered, which was the passage of the substitute.

Mr. Mills and Mr. King paired off.

Mr. Mills would have voted "nay," and Mr. King "yea."

The Convention refused to adopt the substitute by the following vote:

YEAS—Blassingame, Burleson, Brady, Chambers, Cook of Gonzales, DeMorse, Davis of Wharton, Ford, Fleming, Gaither, Graves, Haynes, Lynch, Martin of Hunt, McCabe, McCormick, Pauli, Reagan, Reynolds, Rentfro, Russell of Harrison, Stockdale, Weaver, Whitfield—24.

NAYS—Allison, Abernathy, Arnim, Blake, Barnett, Bruce, Crawford, Cooke of San Saba, Cardis, Douglas, Dohoney, Darnell, Davis of Brazos, Flournoy, Ferris, German, Holt, Johnson, of Franklin, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, McLean, Mitchell, McKinney of Denton, Moore, Norvell, Nunn, Nugent, Ramey, Robertson of Bell, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Stayton, Wade, Whitehead, Wright, West, Waelder—44.

The question then recurred on the adoption of the original ordinance, introduced by Mr. Russell, of Harrison.

Mr. Mills paired off with Mr. King. Mr. Mills would have voted "nay," and Mr. King "yea."

The Convention then refused to pass the ordinance by the following vote:

YEAS—Blassingame, Brady, Davis of Wharton, Fleming, Graves, Lynch, Martin of Hunt, McCabe, McCormick, Pauli, Reagan, Reynolds, Rentfro, Russell of Harrison, Weaver and Whitfield—16.

NAYS—Allison, Abernathy, Arnim, Blake, Barnett, Burleson, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, DeMorse, Dohoney, Darnell, Davis of Brazos, Ford, Flournoy, Ferris, German, Gaither, Holt, Henry

of Smith, Haynes, Johnson of Franklin, Kilgore, Killough, Lockett, Lacy, McLean, Mitchell, McKinney of Denton, Moore, Norvell, Nunn, Nugent, Ramey, Robertson of Bell, Ross, Russell of Wood, Spikes, Scott, Sessions, Smith, Stayton, Wade, Whitehead, Wright, West, Waelder — 52.

The following resolution, introduced by Mr. Mills, heretofore, was taken up under the head of unfinished business.

Resolved, That the Secretary of State be requested to furnish this Convention with a statement of the registered vote of the State by counties, as it now stands, and a hundred copies be printed for the use this body.

Lost.

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

THIRTY-SIXTH DAY.

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 16, 1875. }

Convention met pursuant to adjournment; roll called; quorum present; prayer by the Rev. B. Abernathy, member from Camp.

Journal of yesterday read and adopted.

Mr. Ramey presented the petition of E. A. Blount, on the subject of framing a constitution.

Mr. Flanagan offered the following resolution:

Resolved, That the Sergeant-at-arms be required to procure the necessary fuel for the use of the Convention, for the remainder of the session.

Adopted.

Mr. Allison offered the following resolution:

Resolved, That all titles to land acquired from Spain, Mexico or Coahuila and Texas, shall be recorded in the county in which the land lies, if not contested, and if contested, suit shall be entered in the county in which the land lies, before the first day of January, 1880, or they shall be forever barred, notwithstanding any disabilities from married women or minors.

Referred to Committee on Lands and Land Offices.

Mr. Erhard offered the following resolution:

From the tenor of the press and public opinion, it is evident that it is extremely doubtful whether the new constitution will be adopted; be it therefore