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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.

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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

*Resolved*, That the Governor convene a session of the Legislature, thereby avoiding confusion and dissatisfaction.

Referred to Committee on State Affairs.

On motion of Mr. McLean, the vote adopting the resolution was reconsidered.

Mr. Russell, of Harrison, offered the following amendment to article on Public Lands and Land Office:

Amend the article on Public Lands and Land Office with the following:

“Sec. —. That claimants to land lying between the Nueces and Rio Grande rivers, and in the counties of El Paso and Presidio, under inchoate or imperfect titles from the government formerly holding sovereignty over said territory, shall have two years from the adoption of this constitution to sue the State for establishment of such claims, according to the extent originally intended to be granted;

“*Provided*, that suits to establish such claims shall be commenced and prosecuted in the District Court of Travis county, and shall be defended by the Attorney General, and that each party shall have the right of appeal; and provided, further, the rights of claimants in such suits shall be decided according to equity and the original intent of the government making the grant.”

Referred to special Committee on Spanish and Mexican Grants.

Mr. West, Chairman of Committee on General Provisions, reported back the following resolution, and recommended its reference to Committee on Taxation and Revenue:

*Resolved*, That the Legislature nor any county shall ever levy and collect, for county purposes, a tax which shall exceed in the aggregate, in any one year, one-fourth of the amount of the tax levied by the State; save an excess to build courthouses and jails, and to keep the same in repair; and all taxes so raised shall be levied alone on such subjects of taxation as may be levied by the State.

Referred to Committee on General Provisions.

Report adopted, and resolutions referred as asked.

Mr. Weaver offered the following resolution:

WHEREAS, Texas having an historic glory peculiarly her own, as a dependency struggling for liberty against Mexican despotism, and as an independent republican nationality, as well as a great State of the United States of America, and in order that her history, colonial, republican and State, may be compiled and preserved; therefore be it

*Resolved*, That it shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records,

rolls, correspondence and other documents, civil and military, as may be now in the possession of parties willing to confide their care and preservation to the State.

Referred to Committee on General Provisions

BUSINESS ON THE TABLE.

The report of Mr. Ford, as chairman of Committee on State Affairs, against the adoption of a resolution forbidding the collection of debts by law at the expiration of two years after the adoption of this resolution, was taken up and adopted.

Also the report against the memorial in favor of establishing "an effectively organized department of health and vital statistics," was taken up and adopted.

Mr. Ballinger presented the memorial of sundry citizens of Brazoria county, asking for an uniform system of sanitary regulations.

Referred to Committee on General Provisions.

"Article —, Executive Department," as engrossed, taken up.

Mr. Abernathy proposed to amend section 21, line 182, by inserting "twenty-five hundred" instead of "two thousand."

Lost by the following vote:

YEAS—Allison, Abernathy, Brown, Blake, Ballinger, Blassingame, Burleson, Brady, Crawford, Cook of Gonzales, Cooke of San Saba, Cline, Cooley, Cardis, DeMorse, Dohoney, Darnell, Davis of Brazos, Davis of Wharton, Ford, Fleming, Ferris, Gaither, Henry of Limestone, King, Kilgore, Killough, Lynch, McCormick, Moore, Nunn, Reagan, Ramey, Rentfro, Ross, Russell of Harrison, Smith, Stockdale, Stayton, Wade, Wright, Weaver, Whitfield, West, Waelder—45.

NAYS—Arnim, Abner, Barnett, Bruce, Chambers, Douglas, Dillard, Flournoy, Flanagan, German, Graves, Holt, Haynes, Johnson of Franklin, Lockett, Lacy, McLean, Martin of Navarro, Martin of Hunt, McCabe, Mills, McKinney of Denton, McKinney of Walker, Murphy, Norvell, Nugent, Pauli, Reynolds, Robertson of Bell, Russell of Wood, Spikes, Scott—32.

Mr. McLean proposed the following amendment to section 2, line 6:

Strike out the words "except Secretary of State," and in section 21, line 174, strike out all after the word "State" down to and including the word "elect" in line 176, and insert "who shall hold his office for two years and until his successor is duly qualified."

Mr. McLean's amendment lost by the following vote:

YEAS—Abner, Blassingame, Brady, Cooley, Cardis, Dillard, Davis of Wharton, Flanagan, German, Johnson of Franklin,

Lockett, McLean, Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McKinney of Walker, Moore, Pauli, Reynolds, Rentfro, Russell of Harrison, Scott, Weaver, West—26.

**NAYS**—Allison, Abernathy, Arnim, Brown, Blake, Ballinger, Barnett, Burleson, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Douglas, DeMorse, Dohoney, Darnell, Davis of Brazos, Ford, Flournoy, Fleming, Ferris, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, King, Kilgore, Killough, Lacy, Lynch, Martin of Navarro, McCormick, Murphy, Norvell, Nunn, Nugent, Reagan, Ramey, Robertson of Bell, Ross, Russell of Wood, Spikes, Sessions, Smith, Stockdale, Stayton, Wade, Wright, Whitfield, Waelder—54.

Mr. Weaver moved to reconsider the vote refusing to increase the salary of the Secretary of State to \$2500.

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

Carried.

Mr. Waelder proposed to amend sec. 23, line 208, by striking out the word "article" and inserting "section."

Adopted.

Mr. King proposed to amend sec. 9, lines 55, 56 and 57:

Amend sec. 9 by substituting in lines 55, 56 and 57, beginning at the word "He" and ending with the word "vouchers," by substituting the following: "He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order with vouchers, and shall accompany his message with a statement of the same"

Adopted.

Mr. Ferris proposed to amend sec. 23, line 207, by striking out the words, "or other compensations."

Adopted.

Mr. Dohoney proposed to amend sec. 4, line 28, by inserting after the word "installed:" "He shall not be eligible to election more than four years out of six successive years."

Lost.

Mr. Moore proposed to amend sec. 4, line 27, by striking out the word "two" and inserting "four."

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

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

**YEAS**—Allison, Abernathy, Abner, Brown, Blassingame, Barnett, Bruce, Chambers, Cook of Gonzales, Cooley, Douglas, Dillard, Dohoney, Darnell, Davis of Wharton, Ford, Flournoy,

Flanagan, German, Graves, Holt, Haynes, Johnson of Franklin, Martin of Navarro, Martin of Hunt, Mills, McKinney of Denton, Norvell, Nugent, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Wade, West—36.

YAYS—Arnim, Ballinger, Burleson, Brady, Crawford, Cooke, of San Saba, Cline DeMorse, Davis of Brazos, Erhard, Fleming, Ferris, Gaither, Henry of Smith, Henry of Limestone, Kilgore, Killough, Lockett, Lacy, Lynch, McLean, McKinney of Walker, McCormick, Moore, Murphy, Nunn, Pauli, Reagan, Ramey, Rentfro, Robertson of Bell, Ross, Smith, Stayton, Wright, Whitfield, Waelder—37.

Mr. Graves moved the previous question on the whole article.  
Lost.

The question then recurring on Mr. Moore's amendment, it was lost by the following vote:

YEAS—Arnim, Ballinger, Burleson, Cline, DeMorse, Davis of Brazos, Erhard, Fleming, Ferris, Gaither, Henry of Smith, Henry of Limestone, Kilgore, Lockett, Lynch, McCormick, Moore, Murphy, Reagan, Ramey, Robertson of Bell, Ross, Smith, Stayton, Weaver, Whitfield, Waelder—27.

NAYS—Allison, Abernathy, Abner, Brown, Blassingame, Barnett, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cooley, Douglas, Dillard, Dohoney, Darnell, Davis of Wharton, Flanagan, German, Graves, Holt, Haynes, Johnson of Franklin, Killough, Lacy, McLean, Martin of Navarro, Martin of Hunt, Mills, Mitchell, McKinney of Denton, McKinney of Walker, Norvell, Nunn, Nugent, Pauli, Rentfro, Russell of Wood, Scott, Sessions, Wade, Wright, West—44.

Mr. Reagan proposed to amend section 5, line 32; Strike out the words "and no more."

Laid ont the table.

Mr. Ballinger proposed to amend section 24, line 218: Strike out "shall" and insert "may."

Lost.

Mr. Reagan proposed to amend section 11, line 65, and line 71, by inserting the words "of punishment" after the word "commutation."

Adopted.

Mr. Ferris offered the following amendment:

Amend section 14, line 112, by striking out the words "while approving" and inserting the words "and approve."

Adopted.

Mr. Brown offered the following amendment:

Insert after the word "public," in line 231, the words "having

regard to the convenience of population, and not to exceed ten.”

Adopted.

Mr. Waelder moved to reconsider the vote just taken.

Carried.

The question then recurring on the passage of the amendment, it was lost by the following vote:

[Mr. Reagan in the chair.]

YEAS—Brown, Blake, Chambers, Cline, Dillard, DeMorse, Erhard, Ford, Gaither, Graves, Henry of Limestone, Lockett, Lacy, Lynch, McLean, Mitchell, McKinney of Denton, Moore, Murphy, Reagan, Ramey, Rentfro, Robertson of Bell, Russell of Wood, Whitfield—25.

NAYS—Allison, Abernathy, Arnim, Abner, Ballinger, Blassingame, Barnett, Burleson, Bruce, Crawford, Cook of Gonzales, Cooke of San Saba, Cooley, Douglas, Dohoney, Darnell, Davis of Brazos, Fleming, Ferris, Flanagan, Holt, Henry of Smith, Johnson of Franklin, King, Kilgore, Killough, Martin of Navarro, Martin of Hunt, Mills, McKinney of Walker, McCormick, Norvell, Nunn, Nugent, Pauli, Ross, Russell of Harrison, Spikes, Scott, Smith, Stockdale, Stayton, Wade, Wright, Weaver, West, Waelder—47.

Mr. Ferris moved to strike out the words “they are,” in section 5, line 51, and insert “it is.”

Lost.

Mr. Dillard moved to amend section 5, line 32, by striking out the word “also.”

Adopted.

Mr. Kilgore proposed to amend section 15, line 127, by striking out all after the word “vote” “to” and insert the word “in.”

Lost.

Mr. Cline proposed to amend by adding to section 26 the words “and keep a record of original acts, with the signatures of the parties and witnesses, executed before them, and deliver same to their successors, or the county clerk”

Lost.

Mr. Fleming moved the previous question on the passage of the article.

The yeas and nays were ordered, and the ordinance passed by the following vote:

YEAS—Allison, Abernathy, Arnim, Abner, Brown, Blake, Ballinger, Blassingame, Barnett, Burleson, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Davis

of Wharton, Ford, Fleming, Ferris, Flanagan, German, Gaither, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Kilgore, Lacy, Lynch, McLean, Martin of Navarro, McCabe, McKinney of Denton, McKinney of Walker, McCormick, Moore, Murphy, Norvell, Nugent, Pauli, Reagan, Ramey, Reynolds, Robertson of Bell, Ross, Russell of Wood, Spikes, Scott, Sessions, Stockdale, Stayton, Wade, Wright, Weaver, Whitfield, West, Waelder—65.

NAYS—Brady, Clime, Lockett, Martin of Hunt, Mitchell, Nunn, Rentfro, Russell of Harrison—8.

The following was then taken from the table and read:

“Every member of the Legislature, before entering upon the duties of his position, shall have the following oath administered to him: ‘I will faithfully represent the interests of my constituency, and the general interests of the State; I will observe and sustain the constitution of the State and the constitution of the United States, and I have not, since my election, received, and will not, during the continuance of my term of office, receive any gift, accommodation, free ticket, or compensation from any railroad or other corporate company other than shall be extended to citizens of the State generally; nor any unusual accommodation or compensation from any private individual.’”

Referred to Committee on General Provisions.

Report on suffrage taken up on its third reading.

Mr. McCormick proposed to amend section 1, line 6, after word “of,” the words “murder, manslaughter, theft”

Mr. McKinney, of Walker, offered as a substitute the following:

Add to line 7 the words “or other felony”

Mr. McCormick accepted Mr. McKinney’s amendment.

Mr. Dohoney proposed to amend section 1, line 6, by striking out all after the word “convicted,” and inserting the words “of any felony.”

Lost.

Mr. Nugent proposed as a substitute to amend section 1, line 7, by adding “murder or theft amounting to felony.”

Mr. Flournov proposed the following:

Insert the words “all persons convicted of any felony except manslaughter.”

Accepted by Mr. Nugent.

Mr. McCormick proposed the following as a substitute for the fourth sub-division and amendments:

“No person, while kept in any asylum, or confined in any prison, or who has been convicted of a felony, or who is of un-



sound mind, shall be allowed to vote or hold any office in this State."

Mr. Nunn asked that the following be read for information :

In line 7, section 1, add "assault to commit rape, murder, assault to commit murder and theft, punished as a felony, embezzlement, swindling, an assault with intent to commit robbery, passing counterfeit money, assault with intent to maim, burglary, false swearing, sodomy, bigamy, abortion."

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

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### THIRTY-SEVENTH DAY.

HALL OF REPRESENTATIVES,  
AUSTIN, TEXAS, October 18, 1875.

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

Journal of Saturday read and adopted.

Mr. Ferris as chairman of Committee on Railroad Corporations, reported as follows :

COMMITTEE ROOM,  
AUSTIN, October 16, 1875. }

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

The Committee on Railroad Corporations, to whom was referred various resolutions, beg leave to report that they have carefully considered the same, as well as the entire subject to which they relate, and now recommend that the following sections be adopted by the Convention, and incorporated into the constitution.

J. W. FERRIS, Chairman.

#### "RAILROADS.

"Sec. 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the others passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.