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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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Committee on Taxation and Revenue, as a substitute for the substitute of Mr. Reagan, and the article reported by the majority of said committee.

Adopted by the following vote:

YEAS—Allison, Abernathy, Arnim, Abner, Brown, Ballinger, Blassingame, Barnett, Burleson, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, Darnell, Davis of Wharton, Erhard, Ford, Flournoy, Fleming, Ferris, German, Graves, Holt, Henry of Smith, Haynes, Johnson of Franklin, Johnson of Collin, Killough, Lacy, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Norvell, Nunn, Nugent, Pauli, Reagan, Reynolds, Rentfro, Russell of Wood, Spikes, Scott, Stockdale, Stayton, Sansom, Wade, Whitehead, Weaver, Waelder—58.

NAYS—Cline, DeMorse, Dohoney, Gaither, King, Kilgore, Lockett, McLean, Mills, Ramey, Robertson of Bell, Robeson of Fayette, Sessions, Wright, Whitfield, West—16.

Upon calling the roll, Mr Henry of Limestone stated that he had paired off with Mr. Ross, who was absent; that Mr. Ross would have voted yea, and Mr Henry nay.

On motion of Mr. Ballinger, the rule was suspended, and "Article —, Judiciary," was taken up and made the special order for Tuesday next at 10 o'clock.

On Motion of Mr. Brown, the rule was suspended, and "Article —, Railroads," was taken up and one hundred copies ordered printed.

On motion of Mr. Fleming the Convention adjourned till 9 o'clock A. M. to-morrow

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FORTY-SECOND DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, October 23, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. T. B. Lee, Rector of St. David's Church, at Austin.

Journal of yesterday read and adopted.

On motion of Mr. Lacy, Mr. Davis, of Brazos, was excused until Tuesday next.

Mr. Cooke, of San Saba, presented the memorial of sundry citizens of Lampasas county, on the subject of local option.

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Referred to Committee on General Provisions

Mr. Norvell submitted the following minority report on article . . . "Judiciary":

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

The undersigned members of the Committee on the Judiciary Department are not satisfied that the article reported by the majority of the committee adequately provides for the administration of justice in the State. It does not provide, they submit, for the permanent relief of the Supreme Court from the constantly increasing pressure of business upon it. Neither does it, in their opinion, afford the desired relief to the District Courts, which, in many counties, are likewise overburdened with business.

While the article proposed by the majority of the committee would fail, it is feared, to accomplish these essential ends, and, while it restricts appeals in some cases, and imposes onerous conditions upon them in others, it would probably swell the expenses of this department of the government much beyond what it at present costs.

The said article proposes dangerous innovations, it is conceived, in the trial by jury, and in the grand jury system, which, if engrafted into the organic law of the State, will endanger the existence of these time-honored institutions, upon the preservation of which, intact, it is believed, depend the continued existence of the American system of free government and the security of the liberties of the people.

Without further enumerating their objections to the article reported by the majority of the committee, the undersigned desire to call attention to the subjoined article, which, in their opinion, contains a more efficient plan for the judiciary of the State.

It is believed that the system here proposed would completely obviate the difficulties and hindrances which at present surround and encumber the administration of justice

The Court of Appeals provided for, would, it is submitted, effectually and permanently relieve the Supreme Court of its accumulating mass of cases; while the Probate Court and Chief Justice's Court, by cutting off a large portion of the present jurisdiction of the District Court, would relieve the overburdened District Courts, and make it practicable to reduce the number of Judicial Districts

These results would be obtained, it is thought, without either denying appeals in cases of any considerable importance, or allowing them only upon compliance with burdensome conditions, amounting frequently to a practical denial thereof.

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The system here proposed, while it will, as is confidently believed, prove entirely adequate to the wants of the country, will cost the State nearly seventy thousand dollars less than the present judicial system.

The undersigned therefore beg leave to report the following article as a substitute for that submitted by the majority of the committee, and recommend its adoption.

Respectfully submitted,

LIPSCOMB NORVELL,
JOE. P. DOUGLAS.

I concur in the foregoing plan, except as to the salaries of the judges, which, in my opinion, are too low to secure an independent judiciary. J. B. MURPHY.

"ARTICLE —.

"JUDICIAL DEPARTMENT.

"Section 1. The judicial power of this State shall be vested in one Supreme Court, in a Court of Appeals, in District Courts, in Probate Courts, in County Courts, in Justices' Courts, and in such corporation and other inferior courts as the Legislature may from time to time ordain and establish; *provided,* that no judge of any court, except those of the Supreme Court, the Court of Appeals, and the District Courts, shall receive a salary from the State or from any county.

"Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum. They shall be elected by the qualified voters of the State at a general election for State or county officers; they shall have arrived at the age of thirty years at the time of election; shall hold their offices for a term of six years, and each of them shall receive an annual salary of at least three thousand five hundred dollars, which shall not be increased or diminished during his term of office.

"Sec. 3. The Supreme Court shall have appellate jurisdiction only, from the Court of Appeals, which shall embrace all cases determined in said court; *provided, however,* that the Supreme Court shall have and retain jurisdiction to try and determine the cases which shall remain on its dockets at the time of the organization of the Court of Appeals under this constitution. The Supreme Court, and the judges thereof, shall have power to issue the writ of *habeas corpus;* and, under such regulations as may be prescribed by law, the said court and the judges thereof may issue the writ of *mandamus,* and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power, upon affidavits or otherwise, as by the

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court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit, for the transaction of business, from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the State.

"Sec. 4. The Supreme Court shall appoint its own clerks, who shall give bonds in such manner as may be required by law; shall hold their offices for two years, and shall be subject to removal by the said court, for good cause, entered of record on the minutes of said court.

"Sec. 5. The Court of Appeals shall consist of a Presiding Judge and two Associate Judges, any two of whom shall constitute a quorum. They shall be elected by the qualified voters of the State at a general election for State or county officers; they shall have arrived at the age of thirty years at the time of election; shall hold their offices for a term of six years, and each of them shall receive an annual salary of at least $3500, which shall not be increased or diminished during his term of office.

"Sec. 6. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State. The Court of Appeals and the judges thereof shall have power to issue the writ of *habeas corpus;* and, under such regulations as may be prescribed by law, the said court and the judges thereof may issue the writ of *mandamus*, and such other writs as may be necessary to enforce its own jurisdiction. The Court of Appeals shall also have power, upon affidavits, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Court of Appeals shall sit, for the transaction of business, from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the State, at which the Supreme Court shall hold its sessions. The Court of Appeals shall not be required to deliver opinions in writing.

"Sec. 7. The Court of Appeals shall appoint its own clerks, who shall give bond in such manner as may be prescribed by law; shall hold their offices for two years, and shall be subject to removal by the said court, for good cause, entered of record on the minutes of said court.

"Sec. 8. The State shall be divided into convenient judicial districts. For each district there shall be elected, by the qualified voters thereof, at a general election for State or county officers, a judge, who shall reside in the same; shall hold his

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office for the term of four years; shall receive an annual salary of not less than $2500, which shall not be increased or diminished during his term of service, and shall hold the courts at one place in each county in the district, at least twice in each year, in such manner as may be prescribed by law.

"Sec. 9. The District Court shall have original jurisdiction of all criminal cases; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; of all suits for the trial of the right of property, levied on by virtue of any writ of execution, sequestration or attachment, when the property levied on shall be equal to, or exceed in value five hundred dollars; and of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to, five hundred dollars, exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of injunction, *certiorari,* and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. All indictments for offenses below the grade of felony returned to, and all informations filed in the District Court shall be transferred to the court of the Chief Justice of the county, in such manner as may be prescribed by law, there to be tried or disposed of The District Court shall have appellate jurisdiction in cases originating or tried in inferior courts, under such regulations, limitations and restrictions as the Legislature may prescribe, and original and appellate jurisdiction and general control over the probate court established in each county, for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates, and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law.

"Sec 10. *There shall be a Clerk of the District Court for* each county, who shall be elected by the qualified voters, and who shall hold his office for two years, subject to removal by information or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the Judge of the District Court shall have the power to appoint a clerk until a regular election can be held. The Clerk of the District Court shall be recorder

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for the county, and *ex-officio* Clerk of the Probate, County and Chief Justices' Courts.

"Sec. 11. All Judges of the Supreme Court, Court of Appeals and District Courts shall, by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be 'The State of Texas.' All prosecutions shall be carried on in the name and by the authority of the 'State of Texas,' and conclude 'against the peace and dignity of the State.'

"Sec. 12. In case of a vacancy in the offices of Justice of the Supreme Court, Judge of the Court of Appeals, Judges of the District Courts and District Attorneys, the Governor of the State shall have power to fill the same by appointment, which shall continue in force until the office can be filled at the next general election for State or county officers, and the successor duly qualified.

"Sec. 13. The Judges of the Supreme Court, Court of Appeals and District Courts shall be removed by the Governor, on the address of a majority of each house of the Legislature, for willful neglect of duty, misconduct, habits of drunkenness, oppression in office, incompetency, or other reasonable cause, which shall not be sufficient ground for impeachment; *Provided, however,* that the causes or cause for which such removal shall be required shall be stated at length in such address, and entered on the journals of each house; and, *provided further,* that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

"Sec. 14. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degree as may be prescribed by law, or where he shall have been of counsel in the case. When the Supreme Court, or any two of its members, shall be thus disqualified to hear and determine any case or cases in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of said case or cases When the Court of Appeals, or any two of its members, shall be thus disqualified to hear and determine any case or cases in said court, or when no judgment can be rendered in any case or cases in said

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court, by reason of the equal division of opinion of said judges, the same shall, in like manner, be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases. When a Judge of the District Court is thus disqualified, the parties may, by consent, appoint a proper person to try the said case; or upon their failing to do so, a competent person shall be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the District Judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of judges of inferior tribunals shall be remedied as may be prescribed by law.

"Sec. 15. There shall be a District Attorney for each Judicial District in the State, elected by the qualified voters of the district, who shall reside in the district for which he shall be elected; shall hold his office for two years, and, together with the perquisites prescribed by law, shall receive an annual salary of not more than five hundred dollars, which shall not be increased or diminished during his term of office.

"Sec. 16. Each county shall be divided into five justices' precincts. There shall be elected in each county by the qualified voters thereof, as may be directed by law, five Justices of the Peace, one of whom shall reside, after his election, at the county seat, and shall be the Chief Justice; and no two of said justices shall reside in the same justice's precinct. They shall hold their offices for two years, be commissioned by the Governor; and should a vacancy occur, an election shall be held for the unexpired term.

"Sec. 17. There shall be established in each county in the State an inferior tribunal, styled the Probate Court, one term of which shall be holden by the Chief Justice, at the county seat, in each month, as may be prescribed by law. The Probate Court shall have jurisdiction to probate wills, to appoint guardians of minors, idiots, lunatics, and persons *non compos mentis;* to grant letters testamentary and of administration; to settle the accounts of executors, administrators, and guardians; to transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons *non compos mentis,* including the settlement, partition, and distribution of such estates; and to apprentice minors under such regulations as may be prescribed by law.

"Sec. 18. The justices of the peace in each county, or any

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three of them, shall constitute the County Court, with such jurisdiction over the local affairs, interests and police matters in the county as the Legislature may prescribe.

"Sec. 19. The Chief Justice shall have original jurisdiction of all misdemeanors and petty offenses, as the same are now or may hereafter be defined by law, of such civil cases, where the matter in controversy shall not exceed five hundred dollars, exclusive of interest, under such regulations, limitations, and restrictions as may be prescribed by law, without regard to any distinction between law and equity, and appellate jurisdiction in cases originating in the other Justices' Courts in the county, under such regulations, limitations and restrictions as may be prescribed by law. The Legislature may provide for the election of a County Attorney, to represent the State and county in the Chief Justice's Court, whose term of office, duties and compensation, to consist of fees and commissions only, shall be such as may be prescribed by law. The other justices of the peace shall have such civil and criminal jurisdiction as shall be provided by law. The justices of the peace shall be *ex-officio* Notaries Public. They shall also perform the duties of Coroner, except such as may, by law, be devolved upon Constables.

"Sec. 20. There shall be elected in each county, by the qualified voters, one Sheriff; also one Constable for each justice's precinct, to be elected by the qualified voters of the precinct or county as the Legislature may direct, who shall hold their offices for two years, and should a vacancy occur, an election shall be held for the unexpired term. The Sheriff shall be commissioned by the Governor.

"Sec. 21. In all cases of law or equity, where the matter in controversy shall be valued at or exceed twenty dollars, the right of trial by jury shall be preserved."

On motion of Mr. Whitehead, two hundred copies of the report and article were ordered printed.

Mr. West submitted the following report:

COMMITTEE ROOM,
AUSTIN, October 23, 1875.

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

The Committee on General Provisions, to whom was referred a number of memorials from the Texas State Medical Association, endorsed and approved by a large number of citizens in different parts of the State, recommending the insertion in the constitution of a clause making it the duty of the Legislaure to provide for an uniform system of sanitary regulations throughout the State, instruct me to report:

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That they have given the subject that careful consideration that its importance demands. It appears to them that it is as much the duty of the State to protect the lives and promote the health of its citizens as it is to protect their property, and that the organization of a department of health and of vital statistics would be productive of the most beneficial results They do not, however, believe it necessary or expedient to insert any clause on that subject in the organic law. In time, no doubt, such a law, when required, will be passed, and all the important objects sought to be attained by the memorialists will be reached through the ordinary legislative channels.

Respectfully submitted. C. S. WEST, Chairman.

Mr. McCormick submitted the following resolution:

Resolved, That the Committee on General Provisions be requested to inquire into the propriety of incorporating the following section in the proposed constitution:

"Section —. The Legislature may establish a Bureau of Health and Vital Statistics, under such regulations and with such duties as may be provided by law."

Referred to the Committee on General Provisions

Mr. Cook, of Gonzales, offered the following resolution:

Resolved, That the Committee on Printing and Contingent Expenses be, and they are hereby authorized, to audit and approve the claim of the *State Gazette* for furnishing one hundred copies of the paper, per day, to the Convention, for the first eight days of its session; and that the same be paid as other contingent expenses of the body.

Mr. Blassingame offered the following amendment:

Amend by adding, "Galveston *News,* Houston *Telegraph,* and all other publications that were laid on our desks."

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

Mr. Blassingame's amendment lost.

The question then recurring on the adoption of the main question, the yeas and nays were called, and the resolution adopted by the following vote:

YEAS—Allison, Abernathy, Arnim, Abner, Brown, Blake, Burleson, Crawford, Chambers, Cook of Gonzales, Cline, Dillard, DeMorse, Darnell, Erhard, Ford, Flournoy, Fleming, German, Gaither, Henry of Limestone, Johnson of Franklin, Johnson of Collin, King, Killough, Lockett, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Mills, McKinney of Denton, McKinney of Walker, McCormick, Murphy, Nunn, Reagan, Ramey, Reynolds, Robertson of Bell, Robeson of Fayette,

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Russell of Harrison, Scott, Sessions, Stockdale, Stayton, Whitehead, Wright, Weaver, Whitfield, West, Waelder—53.

NAYS—Ballinger, Blassingame, Bruce, Cooke of San Saba, Cardis, Douglas, Dohoney, Graves, Holt, Haynes, Lacy, Morris, Mitchell, Moore, Norvell, Nugent, Pauli, Rentfro, Russell of Wood, Spikes, Smith, Sansom, Wade—23.

Mr. Mills offered the following:

The following shall be a section of the constitution:

"Sec. —. After the first day of January, 1877, no deed shall be received for filing and record by the clerk of the District Court, or whoever shall be made the recorder of deeds, unless accompanied by the tax receipt for the previous year, and for all years succeeding up to the time of offering such paper for record. The word deed shall apply to mortgages, deeds of trust, deeds of partition, or decrees of partition of lands, and deeds of sale."

Referred to Committee on General Provisions.

Mr. Russell, of Wood, offered the following resolution:

Resolved, That the Commissioner of the General Land Office be requested to furnish this Convention with a statement of all lands granted to each and every railroad in the State and the number of miles completed by each railroad.

Adopted.

Mr. Scott offered the following substitute for "Rule 4 of the Amended Rules:"

"Rule 4. Whenever any article of the constitution shall be passed upon its third reading, under the foregoing rules, it shall be, as of course, referred to the Committee on Style and Arrangement; when the whole constitution shall be presented to the Convention by said committee it shall not be subject to any amendment that will change the meaning or intent, except by a two-thirds vote."

Laid over under the rules.

The hour having arrived, the special order, viz: "Public Schools," was taken up, and, on motion of Mr. Nunn, postponed to Thursday next at 10 o'clock.

The Convention then proceeded to consider the unfinished business of yesterday, viz: "Article —, Taxation and Revenue."

Mr. Dohoney offered the following amendment:

Amend section 1 by adding the words, "The Legislature shall have power to impose advalorem, occupation, income and poll taxes."

Mr. Russell, of Harrison, moved to lay the amendment on the table.

Lost by the following vote:

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YEAS—Barnett, Bruce, Crawford, Cline, Cardis, Dillard, De Morse, Flournoy, Fleming, Gaither, Holt, Johnson of Collin, Killough, Martin of Navarro, Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McCormick, Murphy, Nugent, Pauli, Reynolds, Russell of Harrison, Russell of Wood, Spikes, Smith, Wade, Wright, Weaver, Whitfield—32.

NAYS—Allison, Abernathy, Arnim, Blake, Ballinger, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Douglas, Dohoney, Darnell, Erhard, Ford, Ferris, German, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, King, Kilgore, Lockett, Lacy, Lynch, McLean, McKinney of Walker, Morris, Moore, Norvell, Nunn, Reagan, Rentfro, Robertson of Bell, Robeson of Fayette, Scott, Sessions, Stockdale, Stayton, Sansom, West, Waelder—42.

Mr. Sansom offered the following as a substitute for the article and amendment:

"Section 1. Taxation shall be equal and uniform throughout the State. All property shall be rendered for taxation, and the taxes paid thereon in the county where it is situated, and shall be taxed in proportion to its value, to be ascertained as directed by law, except such property (not to exceed two hundred and fifty dollars to each head of a family, and all property belonging to churches, institutions of learning, charitable institutions and cemeteries, and used only for such purposes) as may be exempted by the Legislature.

"Sec. 2. It shall be the duty of the Legislature to provide by law for the speedy and certain collection of taxes upon all property, whether real or personal, subject to taxation, by condemnation and sale; and that the title made by the State to lands sold for the payment of taxes shall not be attacked, except for fraud, after four years from the date of the sale; *provided,* the original owners may redeem said lands at any time within said four years, by the payment of the taxes and interest, and four times the amount paid by the purchaser at the tax sale."

Mr. Dohoney withdrew his amendment, and offered the following in its stead:

"The Legislature shall have power to impose *ad valorem* and poll taxes, and also occupation or income taxes, except on agricultural or mechanical pursuits."

On motion of Mr. McCormick, a call of the Convention was ordered.

ABSENT—Messrs. Burnett, Brady, Cook of Gonzales, Cooley, Cardis, Davis of Wharton, Ford, Flournoy, Ferris, McCabe,

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Reynolds, Rentfro, Sessions, Sansom, Whitehead, Wright, and West.

On motion of Mr. Allison the call was suspended, and the Convention proceeded with the consideration of the pending question.

Mr. Allison moved to adjourn to 2½ o'clock P. M.

Mr. Cline moved to adjourn to 9 o'clock Monday morning, whereupon the yeas and nays were called, and the Convention refused to adjourn by the following vote:

YEAS—Ballinger, Barnett, Burleson, Crawford, Cline, Cardis, DeMorse, Darnell, Davis of Wharton, Ford, Gaither, Henry of Limestone, King, Kilgore, Moore, Pauli, Rentfro, Robeson of Fayette, Russell of Harrison, Stockdale, Weaver, West—22.

NAYS—Allison, Abernathy, Arnim, Abner, Brown, Blake, Blassingame, Bruce, Chambers, Dillard, Dohoney, Flournoy, Fleming, Ferris, German, Graves, Holt, Johnson of Franklin, Johnson of Collin, Killough, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Murphy, Norvell, Nugent, Reagan, Ramey, Reynolds, Robertson of Bell, Russell of Wood, Spikes, Scott, Sessions, Sansom, Wade, Whitehead, Wright, Whitfield, Waelder—50.

The question on Mr. Allison's motion to adjourn to 2½ P. M., was put and lost.

Mr. Scott moved the previous question.

On motion of Mr. West, the Convention adjourned to 2½ o'clock P. M.

EVENING SESSION—2½ O'CLOCK.

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

The question pending, when the Convention adjourned, was resumed.

Mr. Scott moved to close debate upon the pending amendments, and bring the Convention to a vote.

Carried.

Question on Mr. Dohoney's amendment put, and amendment adopted by the following vote:

YEAS—Allison, Abernathy, Arnim, Abner, Blake, Ballinger, Blassingame, Burleson, Cook of Gonzales, Cooke of San Saba, Douglas, Dillard, Dohoney, Darnell, Erhard, Flournoy, Ferris, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Kilgore, Killough, Lockett, Lacy, Lynch,

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McLean, Morris, McKinney of Walker, Moore, Murphy, Norvell, Reagan, Ramey, Scott, Sessions, Sansom, Whitfield, West, Waelder—42.

NAYS—Barnett, Brady, Bruce, Crawford, Chambers, Cline, DeMorse, Davis of Wharton, Fleming, German, Johnson of Collin, Martin of Navarro, Martin of Hunt, McCabe, Mitchell, McKinney of Denton, McCormick, Nugent, Pauli, Reynolds, Rentfro, Robertson of Bell, Russell of Harrison, Russell of Wood, Spikes, Stayton, Wade, Whitehead, Wright, Weaver—30.

The question on Mr. Sansom's substitute was then put, and substitute lost by the following vote:

YEAS—Cooke of San Saba, Davis of Wharton, McLean, Mitchell, McKinney of Denton, Moore, Pauli, Rentfro, Sansom, West—10.

NAYS—Allison, Abernathy, Arnim, Abner, Blake, Ballinger, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cline, Douglas, Dillard, DeMorse, Dohoney, Darnell, Erhard, Flournoy, Fleming, Ferris, German, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Morris, McKinney of Walker, McCormick, Murphy, Norvell, Nugent, Reagan, Ramey, Reynolds, Robertson of Bell, Russell of Harrison, Russell of Wood, Spikes, Scott, Wade, Whitehead, Wright, Weaver, Whitfield, Waelder—60.

Mr. Wade proposed to amend as follows:

Section 1. After the word "taxation," line 8, insert "not to exceed two hundred and fifty dollars worth of household and kitchen furniture."

Mr. McKinney, of Walker, proposed to amend the amendment by adding "and property used for religious and charitable purposes exclusively"

Lost.

Mr. Martin, of Navarro, proposed to amend section 1 by striking out all after the word "law," in fifth line.

Mr. Wade's amendment lost.

Mr. Martin's (of Navarro) amendment adopted.

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

"Section 1. All taxes shall be uniform and upon the same class of subjects within the limits of the authority levying the tax But the Legislature may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity, and all laws

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exempting property from taxation other than the property above enumerated shall be void."

Mr. Whitfield proposed to amend the amendment as follows:

Provided, there shall be exempt from taxation household and kitchen furniture to the value of two hundred and fifty dollars.

Adopted by the following vote:

YEAS—Allison, Abner, Ballinger, Blassingame, Barnett, Burleson, Brady, Bruce, Chambers, Cook of Gonzales, Cline, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Wharton, Erhard, Fleming, Ferris, German, Graves, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, Lynch, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Moore, Murphy, Nugent, Ramey, Reynolds, Rentfro, Robertson of Bell, Russell of Wood, Spikes, Scott, Stockdale, Stayton, Wade, Whitehead, Wright, Weaver, Whitfield, West, Waelder—59.

NAYS—Abernathy, Arnim, Blake, Crawford, Cooke of San Saba, Flournoy, Holt, McLean, Norvell, Pauli, Reagan, Russell of Harrison, Sessions, Sansom—14.

Mr. Reagan proposed to amend as follows:

Add to the end of section 12 the words, "but the Legislature may provide that in counties of more than fifteen thousand inhabitants (the number of inhabitants to be ascertained by the census of the United States, or other lawful census) for the election of collectors of taxes."

Mr. Abernathy offered the following as a substitute for section 12:

"Sec. 12. There shall be one tax collector elected in each county, who shall hold his office for two years, whose duty it shall be to collect all taxes, both State and county."

Mr. German offered the following as a substitute for sections 11 and 12:

"Sec. —. In each and every organized county in the State there shall be an assessor and collector of taxes elected by the people at the next ensuing general election, and every two years thereafter, who shall assess the property and collect the taxes so assessed in conformity to law."

Mr. Scott proposed to amend Mr. Reagan's amendment by striking out "15,000" and inserting "10,000."

Adopted.

Mr. Whitfield proposed to strike out "shall" and insert "was," in Mr. Reagan's amendment.

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Carried.

Mr. Reagan's amendment as amended was adopted.

Mr. Abernathy's substitute for section 12 was lost by the following vote:

YEAS—Abernathy, Arnim, Dillard, DeMorse, Holt, Johnson of Franklin, Rentfro, Russell of Harrison, Russell of Wood, Spikes—10.

NAYS—Allison, Abner, Blake, Ballinger, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Douglas, Dohoney, Darnell, Davis of Wharton, Erhard, Fleming, Ferris, German, Graves, Henry of Smith, Henry of Limestone, Haynes, Johnson of Collin, Kilgore, Killough, Lockett, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Morris, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Murphy, Norvell, Nugent, Paul, Reagan, Ramey, Robertson of Bell, Scott, Stockdale, Stayton, Sansom, Wade, Whitehead, Weaver, Whitfield, West, Waelder—58.

The question on Mr. German's substitute was put and lost.

On motion of Mr. Martin, of Navarro, Mr. Sessions was excused for ten days, commencing Monday next.

Mr. Robertson, of Bell, proposed to amend by striking out the words "appointed or," of section 11, lines 3 and 4.

Adopted.

Mr. McLean moved to reconsider the vote just taken.

Lost.

Mr. Scott proposed to amend section 9 by striking out "land," in line 1, and insert "all property subject to taxation."

Adopted.

Mr. Ferris offered the following section:

"Sec. —. No money shall be drawn from the treasury but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer time than two years."

Adopted.

Mr. Norvell proposed to amend section 8 by striking out all the section after the word "office," in the seventh line.

Mr. McCormick offered the following substitute for the amendment:

In section 8, amend by inserting before and after the word "lands," in line five, the following: "all lands and other property not rendered for taxation by the owners thereof shall be assessed at its fair value by the proper officer."

Adopted

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Mr West offered the following

"Sec — While taxes should be equal and uniform, they should also be just, and the Legislature shall by proper laws guard against the levy upon the same values of duplicate taxes, and the payment of tax upon the same value shall be a satisfaction of all taxes due thereon"

Lost

Mr. Martin of Hunt proposed to amend section 4, line third, by striking out the words "be subject to taxation," and insert the words "be taxed."

On motion of Mr. Ferris the Convention adjourned to 9 o'clock A M Monday, pending the amendment offered by Mr Martin, of Hunt.

FORTY-THIRD DAY

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, October 25, 1875

Convention met pursuant to adjournment, roll called, quorum present Prayer by the Rev Horatio V Philpott, of the M E Church, South, at Austin.

Mr Allison, chairman of the Committee on Senatorial and Representative Apportionment, made the following report

COMMITTEE ROOM,
AUSTIN, October 23, 1875

To the Hon E B Pickett, President of the Convention

SIR—The undersigned majority of the committee of thirty (being one from each Senatorial District) to divide the State into Senatorial and Representative Districts, are pleased to report that after long and patient investigation, having in view the best interests of the State, a due regard for special feelings and interests in some localities, and keeping in view the leading idea of local representation—a principle dear to an overwhelming majority of the people of Texas—have agreed upon the accompanying ordinance, and recommend its passage by the Convention.

THOS G. ALLISON, Chairman
B H DAVIS,
JOHN R. HENRY,
ASA HOLT,
JOHN HENRY BROWN,
L S ROSS,
ED BURLESON,
JOEL W ROBISON,

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