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Rentfro, Russell of Harrison, Smith, Stockdale, Stayton, Sansom, Wade, Whitehead, Wright, West, Waelder—24

Mr. Russell, of Wood, moved to suspend the call  
Lost.

Mr. Waelder offered the following as a substitute for section 9:

“Sec. 9. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed, and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes, and lands owned by non-residents of unorganized counties and lands lying in territory not laid off into counties, shall be assessed, and the taxes collected thereon at the office of the Comptroller of the State.”

Mr. Waelder moved to reconsider the vote taken on Saturday, refusing to consolidate the offices of assessor and collector.

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

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FORTY-FOURTH DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 26, 1875. }

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

Journal of yesterday read and adopted

Mr Johnson, of Collin, offered the following resolution:

WHEREAS, The labors of the several committees have about closed, and reports made; therefore, be it

*Resolved*, That the Convention will hold night sessions until its labors are completed.

Mr. Russell, of Wood, moved to postpone the consideration of the resolution until to-day week, and that it be made special order for 10 o'clock that day.

Mr. Rentfro raised the point of order, viz: that the resolution being amendatory of the rule, should lay over one day for consideration, and that it would take a two-third vote to adopt it.

Chair ruled against the point.

Mr. Russell's (of Wood) motion to postpone was adopted.

Mr. McLean offered the following resolution :

*Resolved*, That the County Courts of the several counties and the municipal authorities of the towns and cities of the State, are prohibited from creating any debt against such counties, towns, and cities; *provided*, that towns and cities situated on the coast may incur debt in the erection of works for the safety and protection of life and property against storms, by the vote of those who pay taxes on property in such towns and cities.

Referred to Committee on Municipal Corporations

On motion of Mr. Flournoy, Mr. McLean and Mr. Mills were added to the Committee on Municipal Corporations.

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

*Resolved*, That the making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the Legislature, shall be a misdemeanor, and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Referred to Committee on Crimes and Punishments

#### UNFINISHED BUSINESS.

“Article —, Revenue and Taxation,” with pending amendment offered by Mr. Gaither, taken up and amendment lost by the following vote :

YEAS—Allison, Abernathy, Blake, Ballinger, Chme, DeMorse, Dohoney, Davis of Brazos, Flournoy, Gaither, Henry of Smith, Henry of Limestone, King, Kilgore, Killough, Lockett, Lynch, Martin of Navarro, Morris, Moore, Murphv, Norvell, Nunn, Reagan, Ramey, Reynolds, Rentfro, Robertson of Bell, Robinson of Fayette, Russell of Harrison, Smith, Stockdale, Stayton, Whitehead, Wright, Whitfield, West, Waelder—38.

NAYS—Arnim, Abner, Brown, Blassingame, Barnett, Burleson, Bruce, Crawford, Chambers, Cook of Gonzales, Cardis, Dillard, Darnell, Ford, Fleming Ferris, German, Graves, Holt, Haynes, Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Hunt, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Nugent, Pauli, Ross, Russell of Wood, Spikes, Scott, Sansom, Wade, Weaver—39.

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

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

Absent—Messrs. Brady, Cooley, Erhard and Wade.

Mr. Moore moved to excuse Mr Erhard.

Lost.

Pending question passed to the table pending the call, and the following communication was taken from the President's desk and read:

AUSTIN, October 25, 1875.

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

SIR—In obedience to a resolution adopted by the honorable body of which you are president, I have the honor herewith to submit as accurate a statement as it is possible to be made from the records of this office. The number of certificates issued is accurately given, but the length of each road can only be ascertained by reference to the various inspection reports, only a part of which have been filed in this office, the balance in the offices of Secretary of State and Comptroller.

Very respectfully, your obedient servant,

J. J. GROOS, Commissioner.

GENERAL LAND OFFICE, AUSTIN, October 25, 1875.  
*Statement of Number of Certificates issued to and Quantity of Land granted to each Road in the State, and Length of each Road as nearly as can be ascertained.*

NAME OF RAILROAD.	CERTIFICATES ISSUED.	NO. OF ACRES.	LENGTH OF ROAD COMPLETED.
Buffalo Bayou B. & C. R. R. ....	1,401	896,640	Consolidated with G. H. & S. A. R. R.
San Antonio & M. G. R. R. ....	373	238,720	Consolidated with G. W. T. & P. R. R.
Houston T. C. R. R. ....	7,452	4,769,280	501 47-100 miles.
Houston Tap & B. R. R. ....	800	512,000	Consolidated with Int'l & G. N. R. R.
Washington County R. R. ....	383	245,120	Consolidated with H. & T. C. R. R.
Texas & N. O. R. R. (Texas Div.) ..	1,920	1,228,800	108 miles.
East Texas R. R. ....	448	287,720	Length unknown.
Memphis E. P. & P. R. R. ....	502	321,280	Now Texas & Pacific.
Southern Pacific R. R. ....	576	368,640	Now Texas & Pacific.
Texas & Pacific R. R. ....	2,756	1,763,840	321 8-100 miles.
Galveston, Houston & H. R. R. ....	956	611,840	59 miles.
Houston & G. N. R. R. ....	3,611	2,311,040	Now I. & G. N. R. R.
International & G. N. R. R. ....	4,920	2,572,800	410 miles ( <i>approximate</i> ).
Waco & N. W. R. R. ....	752	481,280	No means of ascertaining length.
Galveston, Houston & S. A. R. R. ..	1,355	867,200	154 25-100 miles.
Indianola R. R. ....	281	179,840	Now G. W. T. & P. R. R.
Rusk Tramway .....	124	79,360	15½ miles.
Columbus Tap .....	77	49,280	Now G. H. & S. A. R. R.
Gulf, W. T. & P. R. R. ....	473	302,720	68 8-10 miles.
Total .....	28,260	18,086,400	

Two hundred copies ordered printed.

Mr. Waelder's substitute for section 9, offered yesterday, was taken up and adopted.

Mr. Dohoney offered the following as a substitute for the section 9, as substituted by Mr. Waelder:

"Sec. 9. All property subject to taxation in unorganized counties shall be assessed and the taxes paid in such manner and under such regulations as the Legislature may prescribe."

Lost.

Mr. Fleming offered the following additional section:

"Sec. —. The annual assessment made upon landed property shall be a special lien thereon."

Adopted

Mr. Murphy offered the following section:

"Sec. —. All lands, whether owned by persons or corporations, upon which no tax has been paid, in whole or in part, since the formation of this State, shall be relieved from the same upon the payment to the proper county officer of such back taxes as the Legislature may designate."

The hour having arrived for the special order, viz: "Article —, Judiciary," on motion of Mr. Wright it was postponed to 2½ o'clock to-morrow.

Mr. Mills asked leave to withdraw his motion to reconsider and lay on the table.

Refused.

Messrs. Brady, Cooley, Erhard and Wade having appeared and answered to their names, the call was exhausted, and the question on the motion of Mr. Mills to reconsider and lay on the table was put and carried by the following vote:

YEAS—Arnim, Abner, Brown, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Dillard, Darnell, Davis of Wharton, Ford Fleming, Ferris, German, Graves, Holt, Haynes, Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Nugent, Pauli, Reynolds, Russell of Wood, Spikes, Scott, Sansom, Wade, Weaver—43.

NAYS—Allison, Abernathy, Blake, Ballinger, Cline, Cooley, DeMorse, Dohoney, Davis of Brazos, Erhard, Flournoy, Gaither, Henry of Smith, Henry of Limestone, King, Kilgore, Killough, Lockett, Lynch, Martin of Navarro, Morris, Moore, Murphy, Norvell, Nunn, Reagan, Ramey, Rentfro, Robertson of Bell, Robison of Fayette, Ross, Russell of Harrison, Smith, Stockdale, Stayton, Whitehead, Wright, Whitfield, West, Waelder—40.

The question upon Mr. Murphy's amendment recurring, Mr.

Murphy withdrew his amendment, and it was referred to the Committee on Back Taxes.

Mr. Dohoney proposed to amend section 8 by striking out the words "all lands," and insert "all property"

Carried.

Mr. Ballinger offered the following amendment:

Section 10, line 3, strike out the words "condemnation and"

Mr. Graves moved to close debate upon the amendment and bring the Convention to a vote on it.

Carried, and amendment lost by the following vote:

YEAS—Abernathy, Ballinger, Crawford, Chambers, Cook of Gonzales, Cooley, Davis of Brazos, Ford, Gaither, Henry of Smith, Henry of Limestone, Killough, Lynch, Morris, Norvell, Nunn, Scott, Sansom, Wright, West, Waelder—21.

NAYS—Allison, Arnim, Abner, Brown, Blassingame, Barnett, Burleson, Brady, Bruce, Cooke of San Saba, Cline, Cardis, Dillard, DeMorse, Dohoney, Darnell, Davis of Wharton, Fleming, Ferris, German, Graves, Holt, Haynes, Johnson of Franklin, Johnson of Collin, Kilgore, Lockett, Lacy, McLean, Martin of Navarro, Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Moore, Murphy, Nugent, Paul, Reagan, Ramey, Reynolds, Rentfro, Robertson of Bell, Robison of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Smith, Stockdale, Stayton, Wade, Whitehead, Weaver, Whitfield—58

Mr. Ferris offered the following substitute for section 14.

"Sec. 14. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation, by creating a board or boards of equalization, and it may also provide for the classification of all lands with reference to their value in the several counties."

Mr. Pauli proposed to amend section 14 by striking out the words "the Sheriff, County Clerk and Chief Justice shall compose," and insert "the Commissioners' Court in open session shall act as," also insert after the word "property holders" the words "or the Assessor"

Adopted.

Mr. Ferris's substitute was adopted.

Mr. Reagan offered the following amendment:

Amend section 10 by adding after the word "fraud," where it occurs before the proviso, the words "or because the taxes had been paid as required by law"

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.

On motion of Mr. Russell, of Harrison, Mr. Abner was excused for the evening on account of sickness.

On motion of Mr. Moore, Mr. Erhard was excused on account of sickness.

Mr. Cook, of Gonzales, offered the following amendment to section 10 of pending article.

Amend section 10; next to last line strike out "three times" and insert the word "double."

Mr. Reagan's amendment pending an adjournment lost

Mr. Cook's amendment adopted.

Mr. Reagan offered the following amendment:

Amend by striking out the first four lines of section 8 and inserting: "All property, whether owned by persons or corporations, shall be assessed for taxation in the county where it is situated, but the taxes may be paid in the county where the property is situated, or in the county where the owner may live, or at the Comptroller's office."

Mr. Russell, of Wood, made this point of order, viz.: that the amendment was out of order, the substance of the amendment having been contained in Mr. Gaither's amendment, which was voted down this morning.

The Chair ruled against the point

Mr. McCormick moved to recommit the article and pending amendments to a select committee of five.

Mr. Fleming moved the main question.

Carried.

The question of referring the article and amendments to a select committee of five was then put and lost by the following vote:

YEAS—Abernathy, Brown, Ballinger, Cline, Cooley, DeMorse, Dohoney, Darnell, Davis of Brazos, Ford, Flournoy, Gaither, Henry of Smith, Henry of Limestone, Kilgore, Killough, Lockett, Lynch, Morris, McCormick, Murphy, Norvell, Nunn, Reagan, Robertson of Bell, Russell of Harrison, Smith, Stockdale, Stavton, Whitehead, Wright, Whitfield, West, Waelder—34.

NAYS—Allison, Arnim, Abner, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Dillard, Davis of Wharton, Fleming, Ferris, German, Graves, Holt, Haynes, Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Navarro,



Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McKinney of Walker, Moore, Nugent, Pauli, Ramey, Reynolds, Rentfro, Robison of Fayette, Ross, Russell of Wood, Spikes, Scott, Sansom, Wade, Weaver—46.

On motion of Mr. Graves, debate was closed on Mr. Reagan's amendment, and a vote was taken and the amendment lost by the following vote:

YEAS—Abernathy, Ballinger, Cline, Cooley, DeMorse, Dohoney, Davis of Brazos, Gaither, Kilgore, Killough, Lockett, Morris, Moore, Norvell, Nunn, Reagan, Robertson of Bell, Robison of Fayette, Smith, Stockdale, Stayton, Whitehead, Wright, West, Waelder—25.

NAYS—Allison, Arnim, Abner, Brown, Blassingame, Barnett, Burleson, Brady, Bruce, Crawford, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Dillard, Darnell, Davis of Wharton, Ford, Flournoy, Fleming, Ferris, German, Graves, Holt, Henry of Smith, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Lacy, Lynch, McLean, Martin of Navarro, Martin of Hunt, McCabe, Mills, Mitchell, McKinney of Denton, McKinney of Walker, McCormick, Murphy, Nugent, Pauli, Ramey, Reynolds, Rentfro, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sansom, Wade, Weaver, Whitfield—55.

Mr. Whitfield moved to postpone the consideration of the article until Saturday next at 10 o'clock; that it be made the special order for that hour, and that one hundred copies be printed.

Carried.

Mr. Dillard moved to reconsider the vote refusing to adopt Mr. Ballinger's amendment to section 10, taken this morning.

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

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#### FORTY-FIFTH DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 27, 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.

Journal of yesterday read and adopted.

The following communication was taken from the President's desk and read: