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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.

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:

COMPTROLLER'S OFFICE, }
AUSTIN, October 26, 1875. }

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

SIR—In compliance with an ordinance of your honorable body, passed October 25, 1875, viz: "That the Comptroller of Public Accounts be requested to furnish this Convention a statement with the amount of money loaned to each and every railroad, and amount of what fund loaned, at what rate of interest, and as to whether the interest on said loans are promptly paid or not; if not, what roads are defaulters"—I beg leave to submit the following statement of amounts loaned to railroads, all of which was from the Common School fund, viz:

Houston and Texas Central Railroad.....	\$450,000
Washington County " "	66,000
Buffalo Bayou, Brazos and Colorado Railroad.....	420,000
Houston Tap and Brazoria "	300,000
Texas and New Orleans "	430,500
Southern Pacific "	150,000

Total amount of aid given... . . \$1,816,500

For this amount the State took the bonds of the several railroad companies, bearing interest at the rate of six per cent. per annum. Under an act approved February 13, 1860, \$63,183 of these bonds were liquidated, leaving in the possession of the State at this date bonds of railroad companies amounting to \$1,753,317. Under an act approved August 13, 1870, it was provided that to the principal due from each company should be added all interest due on the first day of May, 1870, and upon the amounts so obtained six months interest and one per cent. sinking fund shall be paid on the first day of May and November of each year. Railroad companies are now operating under this law. The amounts upon which interest and sinking fund is due by railroad companies November 1, 1875, is as follows, viz:

Houston and Texas Central Railroad Company.	\$594,472 38
Washington County	93,910 98
Southern Pacific	200,885 90
Texas and New Orleans	588,871 47
Galveston, Harrisburg and San Antonio.....	588,625 47

Total. \$2,066,766 20

The interest and sinking fund required by law has been promptly paid by each company.

I have the honor to be, very respectfully,

STEPHEN H. DARDEN, Comptroller.

On motion of Mr. Allison, two hundred copies were ordered printed.

Mr. Russell, of Harrison, presented the memorial of sundry citizens of Brazoria county asking the prohibition of occupation tax.

Referred to Committee on Revenue and Taxation.

Mr. Blassingame presented the petition of the citizens of Sherman on the subject of railroad taxation.

Referred to Committee on Revenue and Taxation.

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

Resolved, That the Legislature shall not hereafter create any office, except as provided in this constitution.

Referred to Committee on General Provisions.

Mr. Gaither offered the following resolution:

Resolved, That the President of the Convention be authorized to appoint a committee of six, one from each Congressional District, to prepare a brief address to the people of the State, setting forth the leading principles of the new constitution, the reforms provided for by it, and its claims to the approbation of the freemen of Texas.

Adopted.

Mr. Johnson, of Franklin, offered the following resolution:

Resolved, That the following provision be incorporated into the constitution:

“Sec. —. The Legislature may provide, through the Agricultural and Mechanical College of Texas, for the collection, gathering and publication of agricultural, geological and geographical statistics and information in regard to this State, and for the distribution of such publications as shall be made, both at home and abroad.

Referred to Committee on Education.

Mr. West offered the following resolution:

Resolved, That the Governor be requested to furnish this Convention, if compatible with the public interest, a brief statement showing the amount of bonds sold during the term of Governor Davis, their character, the date of the law under which they were issued, the price for which they were sold, and the amount of commissions and other expenses attending the sale, so as to show the precise amount realized from the sale of such bonds. And that he also furnish this Convention information as to the number and amount of bonds sold during his administration up to date, showing the character of the bonds, their denomination, bearing what interest, and in what the principal and interest are payable, and when due, and under what law issued, the price

paid for the bonds and the names of the purchasers, and dates of purchase, and what commissions, expenses and charges have attended the sale, so as to show the amount of money and its character received by the State, and whether there are any other bonds now offered for sale. Also, what amount of bonds, if any, have been issued in liquidation of treasury warrants, the character of the warrants so taken up, to whom and when the bonds were issued, at what interest, when payable and in what character of funds. And also, what amount of money, if any, has been paid out of the treasury for which there was no appropriation; on what claim or account it was paid, and to whom.

Adopted.

Mr. Scott called up his amendment to the rules, submitted on Saturday, viz:

“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 its meaning or intent, except by a two-thirds vote.”

The hour having arrived for the consideration of the special order, viz: to reconsider the vote adopting the resolution on the subject of immigration, it was taken up.

On motion of Mr. Crawford, the consideration of the special order was postponed until the final passage of the article on Legislative Department.

The question then recurring on the adoption of Mr. Scott's amendment to the rules, the yeas and nays were called for, and the amendment carried by the following vote, it requiring two-thirds to adopt:

YEAS—Allison, Abernathy, Arnim, Abner, Brown, Blassingame, Barnett, Burleson, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Dillard, DeMorse, Darnell, Erhard, Ford, Flournoy, Fleming, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Haynes, Johnson of Franklin, Johnson of Collin, Killough, Lockett, Lacy, McLean, Martin of Navarro, Martin of Hunt, Mills, McKinney of Denton, Moore, Murphy, Norvell, Ramey, Robertson of Bell, Robison of Fayette, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Wade, Whitehead, Weaver, Whitfield, West—53.

NAYS—Ballinger, Brady, Crawford, Cline, Cooley, Dohoney, Davis of Brazos, Davis of Wharton, Henry of Smith, Kilgore, Lynch, Morris, McKinney of Walker, McCormick, Nunn, Nu-

gent, Pauli, Reagan, Reynolds, Rentfro, Smith, Stockdale, Stayton, Sansom, Wright, Waelder—26.

Mr. Dohoney introduced the following ordinance:

WHEREAS, The Legislature passed an act, approved on the 10th day of March, 1875, entitled "An act to encourage the construction of canals and ditches for navigation and irrigation," which act fails to require any canal or ditch therein provided for, to be supplied with water; and which act has been construed to permit parties to avail themselves of its benefits, on canals and ditches, existing prior to the passage of said act; and,

WHEREAS, Many thousand acres of land certificates have been issued under the aforesaid act, and delivered to parties and companies on old canals and ditches, existing before the date of the passage of said act, and also on imaginary dry land ditches, which do not exist at all, and never will, and this without any compensation or benefit whatever to the State; and,

WHEREAS, No canals or ditches have actually been constructed under the aforesaid act and in accordance with its provisions; therefore,

Be it declared and ordained by the Constitutional Convention of the State of Texas, That all grants of land certificates under the aforesaid act of the Legislature, being without consideration to the State, are hereby declared void; all patents issued on any of said certificates are hereby declared canceled; and all lands patented, located or reserved by virtue of said certificates, or under the provisions of the aforesaid act, shall revert to the State and constitute a part of the public domain.

Referred to Committee on Ordinances.

Mr. McCormick offered the following resolution:

WHEREAS, It is evident that the session of the Convention is being prolonged by the criticisms of the press, and the publication by the members of the same of their speeches; therefore, be it

Resolved, That in the opinion of this body the only object to be attained is a good constitution for the people of Texas, not the aggrandisement of individual members; that hereafter the Convention sit with closed doors, and that no one be admitted but the delegates and officers.

Laid over under the rules.

Mr. Burleson offered the following resolution:

Resolved, That all claimants to ancient land grants (save minor heirs whose disabilities are not barred) which are now occupied by citizens holding under color of title in good faith, be required to pay all taxes on said lands due from the date of their

claim of title to the time of the institution of suit to try the title thereto.

Referred to the Committee on Spanish Land Titles.

The hour having arrived, the special order was taken up, viz: Reports of the majority and minority of a select committee to consider the propriety of setting apart a portion of the public domain for the benefit of railroads in Southeastern, Western and Northwestern Texas, the minority reporting an ordinance to that effect.

Mr. Dohoney moved to postpone the consideration of the same until 10 o'clock Monday next.

Mr. Stayton moved to amend by including "Article — on Public Lands and Land Office."

Carried.

BUSINESS ON THE TABLE.

"Article —, Legislative Department," on its third and final reading, was taken up and read a third time.

Mr. Reagan offered the following amendment:

Sec. 28, line 227, add: "And before the meeting of the next succeeding Legislature."

Adopted.

Mr. Waelder offered the following amendment:

Strike out the three first lines of section 3, to and including the word "classes," and insert:

"Sec. 3. The Senators shall be chosen by the qualified electors, for the term of four years, but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes."

Adopted.

Mr. Waelder proposed to strike out the word "appoint," in line 197, section 43, insert "provide for the appointment of."

Mr. Moore offered the following as a substitute for the amendment:

Amend section 43; strike out in line 197 the word "appoint," and insert after the word "shall" the words "provide by law for the appointment of," and strike out all of the section after the word "criminal," in line 199.

On motion, of Mr. Martin, of Hunt, the Convention adjourned to 2½ o'clock p. m., pending Mr. Moore's amendment.

EVENING SESSION—2½ o'clock.

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

This being the hour set for considering "Article —, Judiciary," it was taken up.

Mr. Ramey moved to postpone the consideration of the article until the article "Legislative Department" shall be disposed of.

Carried, and the Convention resumed the consideration of the article "Legislative Department."

Mr. Moore's amendment, pending an adjournment, taken up.

Mr. Waelder, by leave, withdrew his amendment pending, and offered the following as a substitute for the entire section:

"Sec. 43. The first session of the Legislature under this constitution shall provide for revising, digesting and publishing the laws, civil and criminal, and a like revision, digest and publication may be made every ten years thereafter; *provided*, that in the adoption of, and giving effect to, any such digest or revision the Legislature shall not be limited by sections 35 and 36 of this article."

Mr. Moore's amendment lost.

Mr. Waelder's substitute adopted.

Mr. Dohoney moved to strike out section 43.

Lost.

Mr. Stayton moved to strike out the proviso from section 43.

Lost.

Mr. Ballinger offered the following amendment to section 48: insert in lieu of the words added by Mr. Reagan, "and before the next Legislature can provide for its payment."

Withdrawn.

Mr. Stockdale proposed to amend by striking out all after the word "State," in section 47, line 246.

Adopted.

Mr. McKinney, of Walker, proposed to amend section 56 by inserting after the word "civil," in line 320, the words "or criminal."

Adopted.

Mr. Dohoney proposed to amend section 49, line 245, by striking out the word "two," and insert "one."

Mr. DeMorse proposed to amend section 49, line 243, after the word "created," by inserting "shall never exceed at any time five hundred thousand dollars."

Mr. Brown moved to lay both amendments on the table.

Carried.

Mr. Crawford offered the following amendment: add to section 48, line 238, the words, "the State cemetery and her public grounds."

Adopted.

Mr. Weaver proposed to amend section 48, line 236, by adding, "nor shall the Legislature create any office not authorized by this constitution."

On motion of Mr. Martin, of Navarro, laid on the table.

Mr. Crawford offered the following amendment to section 48: add "the erection and repairs of public buildings."

Adopted.

Mr. Crawford also proposed to amend section 48 by adding the following:

"The establishment and support of a Bureau of Geological, Agricultural, Industrial, Scientific and Historical Statistics, for the collection, preservation and dissemination of useful information among the people of this State."

Lost by the following vote:

YEAS—Ballinger, Blake, Brown, Cline, Cooley, Crawford, Davis of Brazos, DeMorse, Dohoney, Erhard, Ford, Henry of Limestone, Henry of Smith, Johnson of Franklin, Kilgore, King, Lockett, Martin of Hunt, McCormick, McKinney of Walker, McLean, Moore, Morris, Murphy, Reagan, Russell of Harrison, Smith, Stayton, Stockdale, Wade, Waelder, West, Whitfield—33.

NAYS—Abernathy, Abner, Allison, Arnim, Barnett, Blasingsame, Brady, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Dillard, Ferris, Fleming, Flournoy, Gaither, German, Graves, Haynes, Holt, Johnson of Collin, Killough, Lacy, Lynch, Martin of Navarro, McKinney of Denton, Mills, Norvell, Nugent, Nunn, Pauli, Ramey, Rentrö, Robertson of Bell, Robison of Fayette, Russell of Wood, Scott, Spikes, Weaver, Whitehead, Wright—44.

Mr. Cline offered the following amendment:

In section 3, line 147, strike out the word "purpose" and insert the word "subject."

Mr. Brown moved the previous question.

Lost.

Mr. Cline's amendment lost.

Mr. Ferris proposed to insert in line 230, section 48, "including matured bonds, for the payment of which the sinking fund is inadequate."

Adopted.

Mr. McLean offered the following amendment:

Line 339, after the word "Legislature," insert "at the next general election," and in line 341, after the word "before," strike out "an," and insert the word "such."

Lost.

Mr. King proposed to amend section 32, line 153, by writing

after the word "preamble" the following: "or in the body of the bill."

Adopted.

Mr. Brady proposed to amend as follows:

Amend section 24 by striking out the word "session," in line 117, and by striking out the letter "a," in line 108, and inserting the word "per."

Adopted.

Mr. West moved to reconsider the vote refusing to adopt Mr. McLean's amendment to lines 339 and 341.

Lost by the following vote:

YEAS—Brady, Brown, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, DeMorse, Dillard, Fleming, Flournoy, Ford, Gaither, German, Holt, Johnson of Collin, Johnson of Franklin, Lacy, McCabe, McKinney of Denton, McLean, Mitchell, Murphy, Ramey, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Russell of Harrison, Russell of Wood, Sansom, Scott, Spikes, Wade, West, Whitehead, Whitfield—36.

NAYS—Abernathy, Abner, Allison, Arnim, Ballinger, Barnett, Blake, Blassingame, Bruce, Burleson, Cline, Cooley, Crawford, Davis of Brazos, Dohoney, Erhard, Ferris, Graves, Haynes, Henry of Limestone, Henry of Smith, Kilgore, Killough, Lockett, Lynch, Martin of Hunt, Martin of Navarro, McCormick, McKinney of Walker, Mills, Moore, Morris, Norvell, Nugent, Nunn, Pauli, Reagan, Ross, Smith, Stayton, Stockdale, Waelder, Wright—43

Mr. Flournoy offered the following amendment to section 48: insert in line 231, after the word "schools," the words "to the extent specially authorized in this constitution."

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

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

YEAS—Allison, Arnim, Barnett, Blassingame, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Dillard, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Lacy, Lynch, Martin of Navarro, McKinney of Denton, McLean, Nugent, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Wright—33.

NAYS—Abernathy, Abner, Ballinger, Blake, Brown, Cline, Crawford, Darnell, Davis of Brazos, DeMorse, Dohoney, Erhard, Ferris, Ford, Henry of Smith, Kilgore, Killough, Lockett, Martin of Hunt, McCabe, McCormick, McKinney of Walker, Mills, Mitchell, Moore, Morris, Norvell, Nunn, Pauli,

Ramey, Reagan, Rentfro, Reynolds, Ross, Smith, Stayton, Stockdale, Wade, Waelder, West, Whitehead, Whitfield—42

The question recurring on the final passage of the article, the same was put, and the article passed by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Cline, Cook of Gonzales, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Dillard, Dohoney, Erhard, Ferris, Fleming, Flournoy, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, Lockett, Lynch, Martin of Hunt, Martin of Navarro, McCormick, McKinney of Denton, McKinney of Walker, Moore, Murphy, Norvell, Nugent, Nunn, Ramey, Reagan, Robison of Fayette, Ross, Russell of Wood, Smith, Spikes, Stayton, Stockdale, Wade, Waelder, Whitehead, Whitfield, Wright—60.

NAYS—Arnim, Blake, Brady, DeMorse, Holt, McLean, Mills, Mitchell, Morris, Paul, Rentfro, Reynolds, Robertson of Bell, Russell of Harrison, Sansom, Scott, West—17.

On motion, the Convention adjourned to 9 o'clock A. M. tomorrow.

FORTY-SIXTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, October 28, 1875. }

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

Journal of yesterday read and adopted.

On motion of Mr. Blassingame, Mr. Latimer, Assistant Secretary, was excused on account of sickness.

On motion of Mr. Weaver, Mr. Martin, of Hunt, was excused on account of sickness.

Mr. DeMorse made the following reports:

COMMITTEE ROOM,
AUSTIN, October 27, 1875. }

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

The Committee on Revenue and Taxation, to which was referred the memorial of the Patrons of Husbandry, of Hunt county, through their County Council, asking immediate relief by ordinance deferring the collection of taxes for the present year,