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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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the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide."

Adopted.

The question on the engrossment of the article was then put, and the article engrossed by the following vote:

YEAS—Mr. President, Abernathy, Allison, Arnim, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Cooke of San Saba, Darnell, Ferris, Fleming, Flournoy, German, Graves, Holt, Johnson of Collin, Killough, Lacy, Lynch, McCormick, Martin of Navarro, Martin of Hunt, Nugent, Ramey, Ross, Russell of Wood, Sansom, Scott, Spikes, Wade, Whitfield—34.

NAYS—Ballinger, Blake, Brady, Cooley, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Dohoney, Erhard, Ford, Gaither, Kilgore, Lockett, McLean, Mitchell, Moore, Morris, Murphy, Norvell, Nunn, Pauli, Reagan, Robertson of Bell, Russell of Harrison, Smith, Stayton, Stewart, Stockdale, Waelder, West, Whitehead—33.

"Article —, Judicial Department," taken up.

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

Pending— "Article —, Judicial Department."

FIFTY-FIRST DAY.

HALL OF REPRESENTATIVES. }
AUSTIN, TEXAS, November 3, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. W. H. Dodge, of the Baptist Church, at Austin.

Journal of yesterday read and adopted.

On motion of Mr. Murphy, Mr. Cardis was excused for four days.

Mr. Fleming presented the petition of the citizens of Hamilton county, asking for a local option law.

Referred to Committee on General Provisions.

Mr. Ramey offered the following resolution:

RESOLUTION WITH REGARD TO PRISONS, ETC.

WHEREAS, The barbarities and cruelties practiced on the inmates of the penitentiary have been generally condemned; and

WHEREAS, the plan of scattering the convicts sent to the peni-

tentiary promiscuously over the country has produced general complaint, and shown the necessity of more prisons; and

WHEREAS, The great number of youthful criminals demands the erection of another class of prisons; and

WHEREAS, The great majority of the county prisons are almost equal to the famous *Calcutta Hole*—seats of filth and disease—affording but little security to the prisoners, either by securing them from escape on the one hand, or mob violence on the other; and

WHEREAS, In most of the weak or frontier counties, where desperadoes most abound, the citizens are not able to erect safe and suitable prisons; therefore,

Be it resolved, That the Committee on General Provisions be requested to consider the propriety of reporting a clause in the constitution requiring the Legislature to enact laws regulating the kind and manner of erecting prisons, State, district and county, requiring them to be erected in a manner to secure the prisoners from escape and mob violence on the one hand, and with due regard to the laws of health and so forth on the other, and also laws with regard to the treatment of prisoners confined therein, imposing penalties for their violation; and in those counties in which the citizens are too poor to erect safe and suitable prisons, and where violators of the laws abound, to require the erection of at least one safe and suitable prison in each judicial district, and in such manner as they may prescribe.

Referred to Committee on General Provisions.

On motion of Mr. Allison, two hundred copies of article on education ordered printed.

On motion of Mr. Ramey, two hundred copies of the article on immigration were ordered printed.

Unfinished business, viz: "Article —, Judiciary," taken up.

Mr. Ballinger, by leave, offered the following resolution:

Resolved, That the order of considering the article on the "Judicial Department" in the constitution shall be as follows:

"Each entire article reported by a minority may in turn be presented as the substitute to be adopted by the Convention, in the discussion of which the merits of all reports may be considered. The sections reported by Mr. Reagan and others may be then presented, together, or severally, as substitutes for corresponding sections. After that, the article thus far arrived at as the basis for the action of the Convention, shall be considered, section by section, in their order until completed."

On motion of Mr. Ballinger, the rule was suspended, and the resolution taken up and adopted.

The question being upon the engrossment of the article reported by the majority, Mr. Norvell offered the following as a substitute for the pending article:

“ARTICLE —,

“JUDICIAL DEPARTMENT.

“Section 1. The judicial power of the 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 corporations 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 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 bond in such manner as may be required by law; shall hold their offices for two years, and shall be subject to re-

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 three thousand five hundred dollars, 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 office for the term of four years, shall receive an annual salary of not less than two thousand five hundred dollars, 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 Courts 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 for the county and *ex-officio* Clerk of the Probate, County and Chief Justice’s Courts.

“Sec. 11. All Judges of the Supreme Court, Court of Appeals and District Courts, shall, by virtue of their offices, 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 Justices of the Supreme Court, Judge of the Court of Appeals, Judges of the District Court, 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 cause, or causes, for each such removal shall be required, shall be stated at length in such address, and entered on the journals of the 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 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 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 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 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 of each county, or any 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 re-

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."

Lost by the following vote:

YEAS—Allison, Cooke of San Saba, Crawford, Davis of Wharton, Douglas, Flanagan, Henry of Limestone, Lacy, McKinney of Denton, Murphy, Norvell, Reagan—12.

NAYS—Abernathy, Abner, Ballinger, Barnett, Blake, Blasingsame, Brown, Bruce, Burlison, Chambers, Cooley, Darnell, Davis of Brazos, DeMorse, Dillard, Dohoney, Ferris, Fleming, Graves, Haynes, Holt, Kilgore, Killough, Lockett, Lynch, McCormick, McKinney of Walker, Mills, Mitchell, Martin of Navarro, Martin of Hunt, Nugent, Nunn, Pauli, Robison of Fayette, Ross, Russell of Harrison, Russell of Wood, Scott, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, West—46.

Mr. Robertson, of Bell, at his request, was excused from voting.

Mr. Reagan offered the following amendments to the article reported by the majority:

Substitute the following for section 2:

"Sec. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices, any three of whom shall constitute a quorum, and a concurrence of a majority of the judges sitting shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the

Supreme Court, unless he be at the time of his election a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or judge of a court in this State, or such lawyer and judge together, at least seven years. Said Chief Justice and Associate Justices shall be elected by the qualified voters of the State, at a general election, shall hold their offices for eight years, and shall each receive an annual salary of four thousand dollars, which shall not be increased or diminished during his term of office."

Substitute the following for section 3:

"Sec. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but in criminal cases its appellate jurisdiction shall only extend to cases of felony, to cases of misdemeanor involving official misconduct, and to cases of the violation of the laws in relation to insurance and banking; and in civil cases to suits involving sums of five hundred dollars or more, exclusive of interest; and to suits, without reference to the amount in controversy, in behalf of the State, to recover penalties, fines, forfeitures and escheats; to cases of divorce; to suits for the recovery of damages for slander and defamation of character; to suits for the trial of the title to land, and for the enforcement of liens on land; and to suits involving the constitutionality of a law, or the validity of a law imposing a tax. And it shall have such jurisdiction by appeal over interlocutory judgments of the District Courts, with such exceptions and under such regulations as may be prescribed by law. 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 to the court shall seem proper, to ascertain such matters of fact as may be necessary to the proper exercise of its own jurisdiction. And it shall sit for the transaction of business from the first Monday in October until the last Saturday in June of every year, at the seat of government, and at not more than two other places.

Substitute for section 7 as follows:

"Sec. 7. The District Court shall have original jurisdiction in criminal cases of the grade of felony; in cases of misdemeanor involving official misconduct; in all cases of gambling, including betting on elections; and in all cases of violation of the laws in relation to insurance and banking. And they shall have jurisdiction in criminal cases, brought by appeal from the County

Courts, in all cases of which the County Courts may have original jurisdiction, which cases shall be tried on the record from the County Court, and without further right of appeal. In civil cases the District Courts shall have original jurisdiction of all suits in behalf of the State to recover penalties, fines, forfeitures and escheats; of all cases of divorce; of all suits to recover damages for slander and defamation of character; of all suits for the trial of the title to land, and to enforce liens on land; and of all suits involving the constitutionality of any law, or to test the validity of a law imposing a tax; and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall not be less than five hundred dollars, exclusive of interest; and the said court, and the judges thereof, shall have power to issue the writs of *habeas corpus*, *mandamus*, injunction, *certiorari*, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendance and control over inferior tribunals. And they shall have appellate jurisdiction over all civil cases originating in the County Courts, which cases shall be tried on the record of the County Courts, without further right of appeal. And the District Courts shall have original and appellate jurisdiction and general control over County Courts, sitting as Probate Courts, for appointing guardians, granting letters testamentary or of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and such original jurisdiction and general control over executors, administrators, guardians and minors, and under such regulations as may be prescribed by law."

Substitute for section 13, as follows:

"Sec. 13. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State, shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law."

Substitute sections 14 and 15, as follows:

"Sec. 14. The County Courts shall have exclusive original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the Justices' Courts, except in cases of official misconduct, and they shall have jurisdiction concurrent with the District Courts in all cases of gambling, including bet-

ting on elections, and cases of the violation of the laws in relation to insurance and banking. And they shall have exclusive original jurisdiction in all civil cases when the amount involved is not less than two hundred nor more than five hundred dollars, exclusive of interest, except in such cases as are otherwise provided for in this constitution; and they shall have such other jurisdiction as may be conferred on them by law. And they shall have appellate jurisdiction of all cases, civil and criminal, of which Justices' Courts shall have original jurisdiction, when the judgment of the court appealed from shall exceed the sum of ten dollars, exclusive of costs, under such regulations as may be prescribed by law, with such appellate jurisdiction from corporation courts, and other inferior tribunals, as may be prescribed by law. In all appeals from Justices' Courts, or corporation courts, or other inferior tribunals, the cases so appealed shall be tried *de novo* in the County Courts, and such trial shall be final under such regulations, and with such exceptions, as may be provided by law.

"The County Courts shall have the general jurisdiction of a probate court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards; grant letters testamentary and of administrator; settle the accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition and distribution of such estates; and to apprentice minors as provided by law. And the County Courts, or the judges thereof, shall have power to issue writs of *mandamus*, injunction, and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the County Court, or any other court or tribunal inferior to said court. The County Courts shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law; and in such counties appeals from Justices' Courts, and other inferior courts and tribunals, shall be to the Civil or Criminal District Courts, under such regulations as may be prescribed by law."

"Sec. 15. There shall not be less than four terms of the County Court, as may be provided by law, for the trial of civil cases; and the Legislature may prescribe what probate orders may be made and business done in vacation; and such court shall always be open for the trial of criminal cases. Prosecutions may be com-

menced in said court by information filed by the County Attorney, or by affidavit, as may be provided by law. Grand Juries impaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts, or other inferior courts, having jurisdiction to try them, for trial; and if such indictments be quashed in the county or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same."

Substitute the following for section 17:

"Sec. 17. Each county shall be divided into five justices' precincts; for each of which precincts there shall be elected, by the qualified voters thereof, a Justice of the Peace, who shall hold his office for two years, and until his successor shall be elected and qualified, who shall exercise such jurisdiction, and perform such duties, and receive such compensation as may be prescribed by law. Justices of the Peace shall have jurisdiction in criminal matters of all cases where the penalty or fine imposed on conviction shall be two hundred dollars or less, with or without imprisonment; and in civil matters, of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal and civil, as may be provided by law. And the Justices of the Peace shall be *ex officio* Notaries Public. And they shall hold their courts at such times and places as may be provided by law."

Add the following section:

"Sec. —. The Legislature shall at its first session provide for the transfer of all business, civil and criminal, pending in the District Court, over which jurisdiction is given by this constitution to the County Courts, or other inferior Courts, to such county or inferior courts; and for the trial or disposition of all such cases by such county or other inferior courts."

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

EVENING SESSION — 2½ O'CLOCK.

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

Consideration of "Article — on Judiciary" resumed.

Mr. Darnell, by leave, withdrew from the papers returned by the Committee on Public Land and Land Office a resolution instructing said committee to inquire into the propriety of validating the patents heretofore issued, on all locations of headrights and other certificates in the reservation heretofore known as the Peters Colony Reservation and the Mississippi and Pacific Railroad Reservation.

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

FIFTY-SECOND DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, NOVEMBER 4, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. John M. Ceehran, of the Presbyterian Church of Navasota.

Journal of yesterday read and adopted.

Mr. West, chairman of the Committee on General Provisions, made the following report:

COMMITTEE ROOM,
AUSTIN, NOVEMBER 3, 1875. }

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

The majority of the Committee on General Provisions instruct me to report the following article, and recommend its adoption.

Respectfully submitted. C. S. WEST, Chairman.

"ARTICLE —.

"GENERAL PROVISIONS.

"Section 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: 'I (A. B.), do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as, according to the best of my skill and ability, agreeably to the constitution and laws of the United States, and of this State; and I do futher solemnly swear (or affirm) that, since the adoption of this constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted