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means, or by forfeitures, shall be disposed of as in the first instance.

“Sec. 9. No exclusive privileges shall ever be granted to any corporation organized for the purpose of constructing and running a railroad or railroads, or to any other association of individuals for any purpose whatever, that has heretofore been or may be hereafter created over any of the public domain, but the said domain shall be held equally open to location by all who may have a just claim against the same.

“Sec. 10. No foreign corporation or company (other than a commercial copartnership) shall ever acquire, hold or transmit lands in this State, except in such limited quantities as may be necessary for the conduct of a legitimate business in the State, conducted by permission of the State.

“Sec. 11. The lands reserved for the perpetual school fund may be sold in such manner and upon such conditions as the Legislature may prescribe.”

One hundred copies ordered printed.

The question on adjournment was then put, and the Convention adjourned by the following vote:

YEAS—Abner, Allison, Ballinger, Brady, Brown, Cline, Cooke of San Saba, Cooley, Crawford, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Flanagan, Fleming, Ford, Gaither, Kilgore, Killough, Lockett, Lynch, McCormick, Mills, Mitchell, Moore, Martin of Hunt, Nugent, Nunn, Pauli, Reagan, Rentfro, Reynolds, Stavton, Stockdale—35.

NAYS—Abernathy, Barnett, Blassingame, Bruce, Chambers, Dillard, Dohoney, Douglas, Flournoy, German, Graves, Haynes, Henry of Limestone, Holt, Lacy, McKinney of Denton, McKinney of Walker, Morris, Murphy, Martin of Navarro, Norvell, Ramey, Robertson of Bell, Robison of Fayette, Ross, Scott, Sessions, Spikes, Stewart, Wade, Waelder, Whitehead, Whitfield—32.

FIFTY-FIFTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, November 8, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. Dr. A. P. Smith, pastor of the Southern Presbyterian Church, at Dallas.

Journal of yesterday read and adopted.

The President announced the following committee on Mr. Darnell's resolution, offered Saturday morning:

Mr. Darnell, Chairman; Messrs. Crawford, Waelder, Dohoney, Kilgore, West, Ford, Cardis, Nugent, Wade, McKinney of Denton, DeMorse, Norvell, Blassingame and Flanagan.

On motion of Mr. West, Mr. Sansom was excused indefinitely.

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

AUSTIN, TEXAS, November 8, 1875.

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

At a meeting of the board of directors of the Capital Fair Association, a resolution was adopted, inviting the members of the Convention to attend the fair, commencing on the 9th and continuing until the 13th of November.

In pursuance of that action, I ask you to notify the Convention of their invitation, and to inform them that complimentary tickets for them have been placed in the hands of Major W. L. Chalmers, the Secretary of the Convention, who will distribute them to the members. Respectfully yours,

C. S. WEST, President.

Mr. McLean moved to accept the invitation, and that the President of the Convention return the thanks of the body to the association.

Carried.

On motion of Mr. DeMorse, Mr. McLean was added to the Committee on Judicial Apportionment.

On motion of Mr. Ferris, Mr. Davis, of Brazos, was added to the same committee.

Mr. Brown presented the petition of sundry citizens of Dallas on the subject of judicial apportionment.

Mr. Ferris presented a petition from the same county on the same subject.

Both referred to Committee on Judicial Apportionment.

On motion of Mr. Cline, Mr. Morris was excused for two days.

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

WHEREAS, It is of great importance that the sons and daughters of Texas should be provided with institutions of learning sufficient to complete their education within the borders of the State; therefore be it

Resolved, That the following ordinance compose a part of the constitution:

“ARTICLE —.

“Section 1. *Be it ordained*, That, in addition to the lands heretofore set apart for the erection and endowment of State uni-

versities, there be and is hereby set apart one million acres more of the unappropriated public domain, for the same purpose, to wit: for the creation, endowment and support of two State universities; and it shall be the duty of the Legislature, at its first session after the adoption of this constitution, or as soon thereafter as they may think expedient, to provide by law for the establishment, endowment, etc., of said universities.

Referred to the Committee on Education.

On motion of Mr. West, the article on General Provisions was taken up out of its order, and made special order for 10 o'clock Thursday next.

UNFINISHED BUSINESS.

“Section —, granting lands to railroads.” and “Public Lands and Land Office,” taken up, with Mr. Crawford's substitute pending.

Mr. Nugent offered the following amendment to section 3, Article —, Public Lands and Land Office: Strike out all after the word “company.”

The hour having arrived for the special order, viz: resolution on night sessions, it was taken up.

Mr. Kilgore proposed to amend the resolution as follows:

Add the words, “Provided that no vote shall be taken on any pending question before the Convention at such night sessions.”

Mr. Flournoy offered the following as a substitute for the resolution and amendment.

“That the Convention meet in night session on Monday, Wednesday, Thursday and Saturday nights.

Mr. Mitchell moved to lay the resolution and amendment on the table.

Carried by the following vote:

YEAS—Abner, Ballinger, Barnett, Brady, Cline, Crawford, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Flanagan, Fleming, Ford, Gaither, Kilgore, Lockett, McCormick, Mitchell, Moore, Martin of Hunt, Norvell, Nugent, Pauli, Reagan, Rentfro, Reynolds, Robertson of Bell, Smith, Stayton, Stewart, Stockdale, Waelder, West, Whitfield—35.

NAYS—Abernathy, Allison, Blassingame, Bruce, Burleson, Chambers, Cooke of San Saba, Dillard, Dohoney, Douglas, Flournoy, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Lacy, McKinney of Denton, McKinney of Walker, McLean, Murphy, Martin of Navarro, Nunn, Ramey, Robison of Fayette, Ross, Russell of Wood, Scott, Sessions, Spikes, Wade, Whitehead—33.

On motion of Mr. Spikes, Mr. Holt was excused on account of sickness.

The hour having arrived for considering the special order, viz.: "Article —, Judiciary," it was taken up.

Mr. Reagan moved to postpone it until 2½ o'clock P. M.

Carried.

Mr. Stayton offered the following as a substitute for the amendment and section 3 of the article:

"The Legislature shall have no power to make any donation of any of the public lands of this State to any work of internal improvement in this State, except as is hereinafter provided.

"It having been the policy of the State to encourage the construction of railroads by donations of land; and that policy having resulted in the construction of such roads in certain portions of the State, while certain other portions, more remote, have to a great extent received no advantage, as yet, from said policy; therefore, in order to equalize the benefits of the State's bounty to all portions of its territory, it is hereby provided that the Legislature shall hereafter encourage the construction of railways by donations of land in alternate sections, as follows:

"First—In the territory embraced in the following boundaries, to-wit: Beginning at the mouth of the Colorado river, thence up said river to the point where it intersects the 99th degree of longitude west from Greenwich, thence north on the line of said degree of longitude to its intersection with the 32d degree of latitude, north; thence with the said degree of latitude west to the Rio Grande; thence down said Rio Grande to the Gulf of Mexico; thence with the margin of said Gulf to the place of beginning; to which territory there is hereby allotted twenty thousand sections of land, the same to be received by railways hereafter constructed in said territory, surveys being made by the owners of such railways alternately of an equal number of sections for the State.

"Second—In the territory embraced in the following boundaries, to-wit: Beginning at the point of the intersection of the 32d degree of north latitude, with the 99th degree of west longitude; thence on the line of said degree of longitude north to the north-eastern corner of what is called the Panhandle, thence west to the north-western corner of said Panhandle; thence south with the line of the 103d degree of west longitude, to its intersection with the 32d degree of north latitude; thence east with said degree of latitude to the place of beginning; to which territory there is hereby allotted ten thousand sections, to be re-

ceived and surveyed as hereinbefore provided for the first division of territory.

“Third—In the territory embraced in the following boundaries, to wit: Beginning at the point where the Galveston, Houston and Henderson Railway strikes Galveston Bay; thence with said railway to its intersection with the International and Great Northern Railway; thence in a north-easterly direction along said railway to the point where the same intersects the Texas and Pacific Railway; thence east to the eastern boundary of the State; thence with the eastern boundary of the State to the Gulf of Mexico; thence along the margin of the Gulf to the entrance into Galveston Bay, and thence to the place of beginning; to which territory there is hereby allotted three thousand three hundred sections, to be received and surveyed as hereinbefore provided for the first division of territory.

“Sec. 3. The alternate sections of land, provision for the survey of which is made in the preceding sections, and not to be donated to railways, are hereby set apart, donated and declared to be a part of the public school fund for the State, and they shall never be otherwise used or appropriated; and the land authorized to be donated to railways shall never be appropriated to any other use by the State, except that the same may be sold to actual settlers, or located by land certificates which by failure to locate were rendered invalid by the 4th section of article 10 of former constitution, and which by this constitution may be validated, if said lands are so sold or located, before railways are constructed in the territory aforesaid, as to entitle the owners of railways to the same.”

[Mr. Darnell in the chair.]

Pending the discussion, Mr. Reagan was called to the chair.

Mr. McCormick offered the following amendment to Mr. Stayton's substitute, which was accepted by Mr. Stayton:

Amend by striking out all of the section from the words, to-wit, in line 26, to and including line 36, and insert: “Beginning at the point where the 97th degree of west longitude crosses the Colorado river; thence north with said degree of longitude to where it crosses Red river; thence up said river to where the 100th degree of north latitude crosses the same; thence north with said degree to the north-east corner of what is known as the Panhandle; thence west to the 103d degree of north longitude; thence south with said line to where it crosses the 32d degree of north latitude; thence east with said line to where it crosses the Colorado river; thence down said river to the place of beginning; to which territory there is hereby allotted fifteen thousand

sections, to be received and surveyed as hereinbefore provided for the first division of territory.”

Mr. Ford moved to grant the use of the hall to the chairman and members of the Democratic State Committee, and members of the Democratic party on Wednesday night next, 10th instant.

Carried by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Blasingame, Bruce, Burleson, Chambers, Cline, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Dohoney, Douglas, Ferris, Flanagan, Fleming, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, McCormick, McKinney of Walker, McLean, Moore, Murphy, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Nunn, Pauli, Ramey, Reagan, Reynolds, Robertson of Bell, Ross, Russell of Wood, Smith, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead, Whitfield—56.

NAYS—Brady, Mitchell, Rentfro—3.

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

EVENING SESSION—2½ O'CLOCK.

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

Pending question resumed.

Mr. Ramey made the following report:

COMMITTEE ROOM,
AUSTIN, November 8, 1875. }

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

SIR—Your Committee on Engrossed and Enrolled Ordinances beg leave to report that they have carefully examined and compared “An ordinance to divide the State of Texas into Senatorial and Representative Districts,” and find the same correctly engrossed. Respectfully,

WM. NEAL RAMEY, Chairman.

On motion of Mr. Allison, 100 copies of the article were ordered printed.

The hour having arrived for considering the special order, “Article —, Judiciary,” was taken up, and on motion of Mr. Darnell, postponed until the pending business shall be disposed of.

Mr. German moved to close debate on pending amendments, and bring the question to a vote.

Carried.

Mr. Stayton's substitute lost by the following vote:

YEAS—Burleson, Cline, Cooke of San Saba, DeMorse, Fleming, Ford, Gaither, Haynes, McCormick, Murphy, Norvell, Ramey, Rentfro, Reynolds, Ross, Sansom, Stayton, Stockdale, Waelder, West, Whitehead, Whitfield—23.

NAYS—Abernathy, Allison, Ballinger, Barnett, Blassingame, Brady, Bruce, Chambers, Crawford, Darnell, Davis of Brazos, Dillard, Dohoney, Douglas, Ferris, Flournoy, German, Graves, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Killough, Lacy, Lockett, McKinney of Denton, McKinney of Walker, Moore, Martin of Navarro, Nugent, Nunn, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Scott, Sessions, Smith, Spikes, Stewart, Wade—39.

Mr. Flanagan, when his name was called, stated that he would vote for the substitute, but that he was paired off with Mr. Holt.

Mr. Martin, of Hunt, stated that he was paired off with Mr. King, but for which he would vote no.

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

YEAS—Barnett, Blassingame, Bruce, Burleson, Chambers, DeMorse, Fleming, German, Graves, Haynes, Johnson of Collin, Johnson of Franklin, Lacy, McCormick, McKinney of Denton, McLean, Murphy, Norvell, Nugent, Robertson of Bell, Russell of Wood, Scott, Stayton, Stockdale—24.

NAYS—Abernathy, Allison, Ballinger, Brady, Cline, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Davis of Wharton, Dillard, Dohoney, Douglas, Ferris, Flournoy, Ford, Gaither, Henry of Limestone, Kilgore, Killough, Lockett, McKinney of Walker, Martin of Navarro, Nunn, Ramey, Reagan, Rentfro, Reynolds, Robison of Fayette, Ross, Sansom, Sessions, Smith, Spikes, Stewart, Wade, Waelder, West, Whitehead, Whitfield—40.

Mr. Moore was paired off with Mr. Erhard, but would have voted "no."

Mr. Martin, of Hunt, was paired off with Mr. King, but for which would have voted "yea."

Mr. Kilgore would vote "no," but was paired off with Mr. Holt.

Mr. Crawford's substitute was lost by the following vote:

YEAS—Barnett, Blassingame, Bruce, Crawford, DeMorse, Dillard, Douglas, Fleming, Flournoy, Gaither, Graves, Johnson of Collin, Kilgore, Killough, McLean, Martin of Navarro, Norvell, Nugent, Ramey, Rentfro, Reynolds, Russell of Wood, Sansom—23.

NAYS—Abernathy, Abner, Ballinger, Brady, Burleson, Chambers, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Dohoney, Ferris, German, Haynes, Henry of Limestone, Lacy, Lockett,

McCormick, McKinney of Denton, McKinney of Walker, Moore, Martin of Hunt, Nunn, Reagan, Robertson of Bell, Robison of Fayette, Ross, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, West, Whitehead, Whitfield—38.

Mr. Flanagan stated that he was paired off with Mr. Holt, but for which fact he would vote "no."

Mr. Dohoney proposed to amend section 2 by striking out all after the word "barred," in line 18.

[Mr. Brown in the chair.]

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

FIFTY-SIXTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, NOVEMBER 9, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. R. H. Willenburg, of the Cumberland Presbyterian Church, at Austin. Journal of yesterday read and adopted.

Mr. Nunn submitted the resignation of Mr. Dunnam, as follows:

CENTRALIA, TEXAS, NOV. 2, 1875.

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

Having got leave of absence from the Convention on the thirteenth to visit my sick family, I arrived at my home only in time to be with a dying wife during her last moments. This calamity befalling me under such peculiar circumstances, I felt for the time unable to take any action as regards my membership in the Convention, my first impulse being to resign, but by the advice of friends both at home and in the Convention, I was induced to postpone any definite course until I could think more deliberately upon the matter; and now, after due thought, I conceive it my duty to my constituency, my family, and myself, that I offer my resignation to the Convention. My mind is not in a proper frame for those grave duties devolving upon me as a member of your honorable body, nor can I in justice leave my unhappy home for the present. For myself, I need that quiet that may restore me to the performance of those duties that are yet left to me. With these considerations, I offer my resignation,