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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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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,

hoping that the Convention may frame an organic law for the State worthy of its talent and time.

Yours respectfully,

A. J. C. DUNNAM.

Unfinished business, viz: "Public Lands and Land Office," with Mr. Dohoney's pending amendment to section 2, by striking out all after the word "barred," in line 18, taken up.

On motion of Mr. Fleming, the amendment was tabled by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Blasingame, Brown, Bruce, Burleson, Cardis, Chambers, Cooke of San Saba, DeMorse, Dillard, Douglas, Ferris, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Killough, Lacy, McCormick, McKinney of Denton, Murphy, Martin of Navarro, Martin of Hunt, Nugent, Ramey, Robertson of Bell, Ross, Russell of Wood, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitfield—45.

NAYS—Cline, Crawford, Darnell, Kilgore, Lockett, McKinney of Walker, Moore, Norvell, Nunn, Pauli, Reagan, Rentfro, Robison of Fayette, Whitehead—15.

Mr. Dohoney, when his name was called, stated that he was paired off with Mr. Scott, but for which fact he would vote yea.

Mr. Reagan offered the following amendment:

[Mr. McLean in the chair.]

Amend section 2 by striking out all after the word "State," in line 21.

Mr. Stewart offered the following substitute for the amendment:

Between the words "records" and "or," in line 22, insert "or county map."

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

After the word "barred," in line 18, insert: "No constructive notice of title to real estate shall be held good as against a *bona fide* purchaser for valuable consideration, or a *bona fide* locator thereon, unless the evidence of the same shall have heretofore been of record in the county, or on file in the County Surveyor's office."

Mr. Reagan, by leave, withdrew his amendment.

Mr. Gaither moved to lay the substitute and amendment on the table.

Mr. Flournoy, by leave, withdrew his substitute.

Mr. Stewart's amendment laid on the table by the following vote:

YEAS—Abernathy, Ballinger, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Crawford, Darnell, Davis of Brazos, Davis of Wharton, Dillard, Douglas, Ferris, Fleming, Gaither, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Killough, Lacy, McCormick, McKinney of Walker, Moore, Martin of Hunt, Nugent, Nunn, Pauli, Reagan, Reynolds, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Sessions, Smith, Spikes, Stayton, Stockdale, Waelder, Whitehead, Whitfield—46.

NAYS—Allison, Cline, DeMorse, Dohoney, Flournoy, Ford, Lockett, McLean, Murphy, Martin of Navarro, Norvell, Rentfro, Stewart, West—14.

Mr. Stewart offered the following amendment:

In line 18, between the words "all" and "land," insert "genuine."

Adopted.

Mr. Reagan offered the following amendment:

Strike out section 8.

On motion of Mr. Fleming, debate was closed on the amendment, and it was lost by the following vote:

YEAS—Allison, Barnett, Chambers, Cline, Dohoney, Flanagan, Flournoy, Lacy, McKinney of Walker, McLean, Martin of Hunt, Norvell, Pauli, Reagan, Ross, Sansom, Sessions, Spikes—18.

NAYS—Abernathy, Ballinger, Blassingame, Bruce, Burleson, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Douglas, Ferris, Fleming, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Kilgore, Lockett, McCormick, McKinney of Denton, Moore, Murphy, Martin of Navarro, Nugent, Nunn, Ramey, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Russell of Wood, Smith, Stayton, Stewart, Stockdale, Wade, Waelder, West, Whitehead—44.

Mr. Kilgore offered the following amendment:

Amend section 3 by adding at the end of the section the words, "the Legislature shall pass general laws only to give effect to the provisions of this section."

Mr. German proposed to strike out section 3.

Mr. Kilgore's amendment adopted by the following vote:

YEAS—Abernathy, Allison, Ballinger, Blassingame, Brown, Bruce, Crawford, Davis of Brazos, DeMorse, Dillard, Dohoney, Fleming, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Kilgore, Killough, Lacy, Mc-

Cormick, McKinney of Denton, McKinney of Walker, McLean, Moore, Martin of Navarro, Martin of Hunt, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Sessions, Stewart, Wade—40.

NAYS—Abner, Barnett, Burleson, Chambers, Cline, Cooke of San Saba, Darnell, Douglas, Ferris, Flanagan, Ford, Lockett, Mitchell, Murphy, Norvell, Nunn, Pauli, Rentfro, Reynolds, Smith, Spikes, Stayton, Stockdale, Waelder, Whitehead—25.

Mr. Crawford offered the following substitute for section 3:

“Sec. 3. no lands shall ever be granted except in a manner prescribed by general law, and no law shall be passed granting to any citizen or class of citizens any of the public lands of the State, or privileges therein, which upon the same terms shall not equally belong to all citizens. The public domain shall be appropriated as follows:

“First—For the State proper, and to satisfy genuine unappropriated land certificate, in such manner as the Legislature shall prescribe.

“Second—For homes for actual settlers.

“Third—For the creation of a perpetual fund for the education of the youth of the State.

“Fourth—For the encouragement of and to aid in the construction of railroads.

“There shall be two classes of railroads which shall be entitled to receive the State’s aid, as follows:

“First—Broad gauge roads of the first class shall receive sixteen sections of land, of 640 acres each, for every mile of road constructed and put into actual operation, to be issued upon completed sections of ten miles, and not otherwise.

“Second—Narrow gauge roads, or roads of the second class, shall receive twelve sections of land, of 640 acres each, for every mile of road constructed and put into actual operation, to be issued upon completed sections of ten miles, and not otherwise.

“All certificates issued to railroad companies shall be located by the company to which they were issued, and in alternate sections, one for the railroad company and one for the State, for the use and benefit of the perpetual school fund.

“All lands granted to railway companies and held by them shall be open to and may be occupied by actual settlers in lots, at their option, of not less than eighty acres and not more than three hundred and twenty acres, at a price not to exceed one dollar per acre; and the railway companies shall be compelled to alienate to such settlers in fee, without the reservation of any privilege in said land, as may be prescribed by law; and the

Legislature shall enact such laws as may be needed to give full force and effect to this section.

“All railway companies shall be compelled to alienate the lands received from the State, one-fourth in every five years, so that the whole shall be sold in good faith in twenty years, and said railroad companies shall annually furnish to the Commissioner of the General Land Office, in a manner to be prescribed by law, an abstract of all sales of land made the previous year, showing to whom sold, his residence, quantity of land sold, terms of sale and price received.

“And all laws granted by the State, and not sold in good faith within the time prescribed by law, shall revert to the State, and be open to occupation and settlement, or other disposition, as in the first instance.”

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

EVENING SESSION—2½ o'clock.

Convention met; roll called; quorum present. Pending question on adjournment resumed, viz., Mr. Crawford's substitute.

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

Mr. Crawford's substitute adopted by the following vote:

YEAS—Barnett, Blassingame, Brown, Bruce, Burleson, Crawford, DeMorse, Dohoney, Douglas, Fleming, Flournov, German, Graves, Haynes, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, McKinney of Denton, McLean, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Pauli, Ramey, Reagan, Reynolds, Ross, Russell of Wood, Sessions, Wade—33.

NAYS—Abernathy, Abner, Ballinger, Chambers, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Davis of Wharton, Ferris, Flanagan, Ford, Gaither, Henry of Limestone, Lockett, McCormick, McKinney of Walker, Mitchell, Moore, Murphy, Nunn, Rentfro, Robertson of Bell, Robison of Fayette, Sansom, Smith, Spikes, Stayton, Stockdale, Waelder, Whitehead, Wright—32.

Mr. German's amendment to strike out “section 3,” lost by the following vote:

YEAS—Abner, Ballinger, Blasingame, Bruce, Cline, Darnell, Dohoney, Ferris, Flanagan, Fleming, Ford, Gaither, Johnson of Collin, Lockett, McCormick, Mitchell, Murphy, Norvell, Nunn, Rentfro, Reynolds, Robison of Fayette, Ross, Russell of Wood, Sansom, Sessions, Smith, Stayton, Stewart, Stockdale, Waelder, West, Whitehead—33.

NAYS—Abernathy, Allison, Barnett, Brown, Burleson, Cham-

bers, Cooke of San Saba, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Douglas, Flournoy, German, Graves, Haynes, Henry of Limestone, Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Denton, McKinney of Walker, McLean, Moore, Martin of Navarro, Martin of Hunt, Nugent, Pauli, Ramey, Reagan, Robertson of Bell, Spikes, Wade, Whitfield—35.

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

YEAS—Abernathy, Allison, Ballinger, Barnett, Blassingame, Brown, Burleson, Chambers, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Douglas, Ferris, Flournoy, Ford, Gaither, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Walker, McLean, Moore, Martin of Navarro, Nunn, Ramey, Reagan, Ross, Sansom, Sessions, Spikes, Stewart, West, Whitehead—40.

NAYS—Abner, Bruce, Cline, Davis of Wharton, Dohoney, Flanagan, Fleming, German, Lockett, McCormick, McKinney of Denton, Mitchell, Murphy, Martin of Hunt, Norvell, Nugent, Pauli, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Russell of Wood, Smith, Stayton, Stockdale, Wade, Waelder, Whitfield—28.

“Article —, Judicial Department,” was then taken up, Mr. Flournoy’s substitute for the entire article being the pending question.

[Mr. Stockdale in the chair.]

Mr. Barnett moved to reconsider the vote of yesterday laying on the table the resolution to hold night sessions.

Mr. Kilgore moved to adjourn until 7½ P. M.

Mr. McCormick moved to adjourn until 9 o’clock A. M. to-morrow.

Carried.

FIFTY-SEVENTH DAY.

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, November 10, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. R. H. Willenberg, of the Cumberland Presbyterian Church at Austin.