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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.

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## 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.

Journal of yesterday read and adopted.

Mr. Blassingame moved to reconsider the vote engrossing the article on Public Lands and Land Office.

Mr. German moved to reconsider the vote adopting Mr. Crawford's substitute for section 3 of article on Public Lands and Land Office.

Mr. McLean moved to lay the motion on the table.

A call of the Convention was demanded.

Absent—Messrs. Arnim, Brady, Cooley, Flanagan, Johnson of Franklin, Mills, Morris, Ramey, Robertson of Bell, Scott, and West.

On motion of Mr. Russell, of Wood, Mr. Scott was excused on account of sickness.

On motion of Mr. Lockett, Mr. Mills was excused.

On motion of Mr. Sansom, Mr. West was excused for to-day.

On motion of Mr. Cline, Mr. Morris's leave of absence was extended for three days after to-day.

On motion of Mr. McCormick, Mr. Arnim's leave of absence was extended.

Mr. McLean moved to excuse all absent members.

Mr. Rentfro made the point of order that members could not be excused except at their own request.

Chair sustained the point.

Mr. Brady appeared and answered to his name.

Mr. Robertson, of Bell, was announced by the doorkeeper.

Mr. Whitfield offered the following resolution:

WHEREAS, The Convention received on yesterday a tender of the resignation of the Hon. A. J. C. Dunnam, member of this body from the Third district, induced by the death of his wife; therefore,

*Resolved*, That the resignation of Mr. Dunnam be not accepted, but that his name shall continue on the rolls of the Convention, with indefinite leave of absence.

*Resolved further*, That the sympathies of this body are hereby tendered to our afflicted associate in his sad bereavement, and that the Secretary is instructed to transmit to him a copy of these resolutions.

Unanimously adopted.

Mr. Flanagan and Mr. Ramey were announced by the doorkeeper.

Mr. Nunn offered the following resolution:

*Resolved*, That this Convention do hereafter hold night sessions, in addition to the two sessions now held daily, until the labor of this Convention are concluded.

Laid over one day under the rules.

Mr. Brown presented thirty-four petitions from Dallas county, in relation to judicial districts, which, on his motion, were referred to the Committee on Judicial Districts.

“Article —, on Judiciary,” taken up.

Pending discussion on the article, Mr. Johnson, of Franklin, was announced by the doorkeeper.

The Convention being full, the call was exhausted, and the question upon which the call was made was demanded, viz: the motion to reconsider the vote engrossing the article on Public Lands and Land Office, was again resumed.

The yeas and nays were called, and the Convention reconsidered by the following vote:

YEAS—Abner, Ballinger, Barnett, Blassingame, Brady, Bruce, Burleson, Cardis, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Ford, Gaither, German, Henry of Smith, Johnson of Franklin, King, Lockett, McCormick, McKinney of Denton, McKinney of Walker, Mitchell, Moore, Murphy, Norvell, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead—44.

NAYS—Abernathy, Allison, Brown, Chambers, Crawford, Dillard, Dohoney, Douglas, Flanagan, Fleming, Flournoy, Graves, Haynes, Henry of Limestone, Johnson of Collin, Kilgore, Killough, Lacy, Martin of Navarro, Martin of Hunt, Nugent, Nunn, Pauli, Ramey, Reagan, Sessions—26.

Mr. McLean's motion to table Mr. German's motion to reconsider the vote adopting Mr. Crawford's substitute for the 3d section of the article on Public Lands and Land Office was then put and lost by the following vote:

YEAS—Abernathy, Allison, Brown, Chambers, Crawford, Dillard, Dohoney, Douglas, Fleming, Flournoy, Graves, Johnson of Collin, Johnson of Franklin, Kilgore, Lacy, McLean, Martin of Hunt, Nugent, Pauli, Ramey, Reagan, Whitfield—22.

NAYS—Abner, Ballinger, Barnett, Blassingame, Brady, Bruce, Burleson, Cardis, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Flanagan, Ford, Gaither, German, Haynes, Henry of Limestone, Henry of Smith, Killough, King, Lockett, McCormick, McKinney of Walker, Mitchell, Moore, Murphy, Martin of Navarro, Norvell, Nunn, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Ross, Russell of Woods, Sansom, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead—49.

The question to reconsider the vote adopting the substitute was then put and the vote was reconsidered by the following vote:

YEAS—Abernathy, Abner, Ballinger, Barnett, Blassingame, Brady, Bruce, Burleson, Cardis, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Ford, Gaither, German, Henry of Limestone, Henry of Smith, Killough, King, Lacy, Lockett, McCormick, McKinney of Denton, McKinney of Walker, Mitchell, Moore, Murphy, Norvell, Nunn, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead, Whitfield—50.

NAYS—Allison, Brown, Chambers, Crawford, Dillard, Dohoney, Douglas, Flanagan, Fleming, Flournoy, Graves, Haynes, Johnson of Collin, Johnson of Franklin, Kilgore, McLean, Martin of Navarro, Nugent, Pauli, Ramey, Reagan—21.

[Mr. Stockdale in the chair.]

Mr. Robertson, of Bell, offered the following amendment to the substitute:

“Provided, that the Legislature shall have no power to extend the time or grant relief to any company obtaining a grant or certificate after the adoption of this constitution.”

Mr. Blassingame moved the previous question on the engrossment of the article.

A call of the Convention was demanded.

Absent—Messrs. Dillard, Cooley and Ramey.

On motion of Mr. Flournoy, Mr. Dillard was excused.

“Article —, Judicial Department” taken up.

Mr. Ramey was announced by the doorkeeper.

On motion of Mr. McLean the use of the hall was granted the Capitol Fair Association from Friday 3 o'clock to Saturday 9 o'clock A. M.

Mr. Dillard moved to adjourn to 2½ o'clock P. M.

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

The yeas and nays were demanded and the Convention refused to adjourn by the following vote:

YEAS—Abner, Brady, Cardis, Cline, Cooke of San Saba, Cooley, Davis of Brazos, Davis of Wharton, Flanagan, Fleming, King, McCormick, Mitchell, Moore, Pauli, Rentfro, Reynolds—17.

NAYS—Abernathy, Allison, Ballinger, Barnett, Blassingame, Bruce, Burleson, Chambers, Darnell, DeMorse, Dillard, Dohoney, Douglas, Ferris, Flournoy, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Johnson of Collin,

Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Denton, McKinney of Walker, McLean, Murphy, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead, Whitfield—52.

The question on adjourning to 2½ o'clock p. m. was then put and carried.

#### EVENING SESSION—2½ o'clock.

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

The Sergeant-at-arms reported that pending the call this morning all of the members were brought in, except Cooley, who was absent, at home, in Gillespie county.

“Article —, Public Lands and Land Office,” taken up.

A call of the Convention was demanded.

Absent—Messrs. Brady, Cardis, Chambers, Cooley, Dillard, Flanagan, Fleming, Flournoy, Graves, Johnson of Collin, McCormick, McKinney of Denton, McLean and Whitfield.

Messrs. McKinney of Denton, Fleming, and Johnson of Collin, appeared and answered to their names.

On motion of Mr. Waelder, the call was suspended.

Mr. Walker offered the following amendment:

Strike out all after the word “survey,” in line 37 of the third section of the original section.

Mr. Waelder moved the previous question.

Lost.

The question on the adoption of Mr. Robertson's (of Bell), amendment to the substitute was put, and the amendment lost by the following vote:

YEAS—Barnett, Blassingame, Bruce, DeMorse, German, Graves, Haynes, Johnson of Collin, Lacy, Norvell, Nugent, Robertson of Bell, Russell of Wood, Wade—14.

NAYS—Abernathy, Abner, Allison, Ballinger, Brady, Brown, Burleson, Cardis, Chambers, Cline, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Davis of Wharton, Dohoney, Douglas, Ferris, Fleming, Ford, Gaither, Henry of Limestone, Henry of Smith, Johnson of Franklin, Kilgore, Killough, King, Lockett, McCormick, McKinney of Denton, McKinney of Walker, Mitchell, Moore, Murphy, Martin of Hunt, Nunn, Pauli, Ramey, Reagan, Rentfro, Reynolds, Robison of Fayette, Ross, Sansom, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Waelder, Whitehead—52.

The question then recurring on the adoption of Mr. Crawford's substitute, the same was put and the substitute lost by the following vote:

YEAS—Allison, Barnett, Brown, Crawford, Dohoney, Douglas, Fleming, Graves, Haynes, Johnson of Franklin, Kilgore, Killough, Martin of Hunt, Nugent, Pauli, Ramey, Reagan—17.

NAYS—Abner, Ballinger, Blassingame, Brady, Bruce, Burleson, Cardis, Chambers, Cline, Cooke of San Saba, Darnell, Davis of Brazos, Davis of Wharton, DeMorse, Ferris, Ford, Gaither, German, Henry of Limestone, Henry of Smith, Johnson of Collin, King, Lacy, Lockett, McCormick, McKinney of Denton, McKinney of Walker, Mitchell, Moore, Murphy, Norvell, Nunn, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Wade, Waelder, Whitehead—48.

Mr. Abernathy stated that he was paired off with Mr. Dilard, but for which he would vote "no."

Mr. Waelder's amendment to the original section being the pending question, on motion of Mr. Graves debate was closed, and the Convention brought to a vote, which resulted in the adoption of the amendment by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Brady, Brown, Burleson, Cardis, Cline, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Davis of Wharton, Dohoney, Douglas, Ferris, Fleming, Ford, Gaither, Haynes, Henry of Limestone, Henry of Smith, Johnson of Franklin, Kilgore, Killough, King, Lockett, McCormick, McKinney of Walker, Mitchell, Moore, Murphy, Martin of Hunt, Nunn, Pauli, Ramey, Reagan, Rentfro, Reynolds, Robison of Fayette, Ross, Russell of Wood, Sansom, Sessions, Smith, Spikes, Stayton, Stewart, Stockdale, Waelder, Whitehead—53.

NAYS—Bruce, Chambers, DeMorse, German, Graves, Johnson of Collin, Lacy, McKinney of Denton, Norvell, Nugent, Robertson of Bell, Wade—12.

When Mr. Blassingame's name was called, he stated that he was paired off with Mr. Martin, of Navarro, but for which fact he would vote "no."

Mr. German offered the following amendment:

Strike out all after the word "State," in line 50, to the word "all," in line 51, and insert, "and shall become a part of the common free school fund."

Lost.

Mr. Sansom proposed to amend as follows:

Amend section 3 by striking out all of said section after the word "road," in line 33.

Lost.

Mr. Crawford offered the following amendment:

In section 3, line 33, strike out "25" and insert "10," and in line 35 strike out "12" and insert "20."

A division of the question was ordered, and the amendment to section 3, line 33, was adopted and the remainder of the amendment lost.

Mr. Stayton offered the following amendment:

Amend section 2 by adding the words, "or when the appropriation is evidenced by the occupancy of the owner, or of some person holding for him."

Adopted.

Mr. Nugent offered the following new section:

"Sec. —. All titles to lands situated in organized counties in this State shall, within one year after the adoption of this constitution, be recorded in the counties respectively in which such lands are situated, and titles to lands in counties which shall hereafter be organized shall be recorded in such last mentioned counties within one year after the organization thereof; and all titles not so recorded shall be held not to be notice as against a subsequent purchaser for a valuable consideration."

Lost.

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

The yeas and nays were demanded and the article ordered engrossed by the following vote:

YEAS—Abernathy, Allison, Ballinger, Barnett, Brown, Burleson, Cardis, Chambers, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dohoney, Douglas, Ferris, Ford, Gaither, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, King, Lacy, McKinney of Denton, McKinney of Walker, Moore, Murphy, Martin of Hunt, Nunn, Ramey, Reagan, Robison of Fayette, Ross, Sessions, Smith, Spikes, Stewart, Waelder, Whitehead—42.

NAYS—Abner, Blassingame, Brady, Bruce, Cline, Crawford, Fleming, German, McCormick, Mitchell, Norvell, Nugent, Pauli, Rentfro, Reynolds, Robertson of Bell, Russell of Wood, Sansom, Stayton, Wade—20.

"Article —, Judicial Department," again taken up.

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



## FIFTY-EIGHTH DAY.

HALL OF REPRESENTATIVES,  
AUSTIN, TEXAS, November 11, 1875. }

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

Journal of yesterday read and adopted:

Mr. Reagan offered the following:

Amend the Article on General Provisions by inserting the following as a separate section:

“Sec.— That all the navigable waters of this State shall forever remain public highways, free to the citizens of the State, and of the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received from the owners of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in, or over any of said waters, unless expressly authorized by law.”

One hundred copies ordered printed.

[Mr. Brown in the chair.]

Mr. Rentfro offered the following resolution:

*Resolved*, That the following be and become one of the rules of this Convention:

“Rule— When under a call of the Convention any member shall be absent, it shall be the duty of the Sergeant-at-arms to bring said member into the presence of the Convention. Convention to hear excuse for absence, and judge of its sufficiency. In the event the member be not excused, he shall be fined one dollar, for the benefit of the State, and shall be debarred of his right of voting on any and all questions in said Convention until said fine shall have been paid.”

Laid over one day under the rules:

Mr. Robertson, of Bell, offered the following resolution:

WHEREAS, It is the settled policy of this Convention that the Legislature may continue to grant landed subsidies to aid in the construction of railroads;

AND WHEREAS, The experience of the last twenty years has made it manifest that no railroad company that has ever been chartered in Texas has complied with the terms of its contract, thereby creating a necessity for an extension of time;

AND WHEREAS, It must be apparent that no railroad that may be chartered in the future can be built and put into running order in less time than fifty years;