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Adopted.

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

Lost.

Mr. Douglas moved to strike out section 41.

Lost.

Mr. Sansom offered the following amendment as a substitute for sections 48, 49, 50, 51 and 52:

"Sec. —. The property of every head of a family, not to exceed in value fifteen hundred dollars, shall be exempt from forced sale, except for the purchase money of the same, or for the taxes due thereon to the State or county, or corporation, in which the same may be situated."

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

SIXTY-THIRD DAY.

HALL OF REPRESENTATIVES,)
AUSTIN, TEXAS, November 18, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. J. S. Grasty, of the Presbyterian Church, at Austin.

Journal of yesterday read and adopted.

[Mr. Brown in the chair.]

On motion of Mr. Pauli, Mr. Reynolds was excused until day after to-morrow.

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

Mr. Darnell moved to take up the ordinance granting relief to the Texas and Pacific Railroad.

Carried, and the ordinance made special order, to be taken up as soon as the pending question, General Provisions, was disposed of.

Mr. Bruce moved to reconsider the vote adopting the amendment of Mr. Barnett relative to regulating the practice of medicine.

On motion of Mr. Dillard, the main question was ordered, and the vote was not reconsidered.

Mr. McCormick called up his resolution amending the rules, which was submitted on yesterday, and the resolution lost by the following vote:

YEAS—Abernathy, Arnim, Barnett, Blake, Cooke of San

Saba, Crawford, Davis of Brazos, Dillard, Douglas, Fleming, Flourney, Graves, Henry of Limestone, Holt, McCormick, Moore, Ross, Scott, Sessions, Spikes, Wade, Whitehead, Wright—23.

YAYS—Allison, Ballinger, Blassingame, Brown, Bruce, Chambers, Cline, Darnell, DeMorse, Dohoney, Erhard, Ferris, Flanagan, Ford, German, Haynes, Henry of Smith, Johnson of Collin, Kilgore, Killough, King, Lacy, Lockett, McCabe, McKinney of Denton, Martin of Navarro, Mills, Murphy, Nugent, Nunn, Ramey, Rentfro, Robertson of Bell, Robison of Fayette, Russell of Harrison, Sansom, Smith, Stewart, Stockdale, Weaver—40.

Mr. Rentfro moved to reconsider the vote just taken, and to lay the motion on the table.

Carried.

Unfinished business, viz: "General Provisions."

Mr. Sansom's substitute for sections 48, 49, 50, 51 and 52, pending on adjournment, was taken up.

On motion of Mr. Dillard, the substitute was laid on the table.

Mr. Darnell offered the following amendment:

Amend section 49 by striking out, in line 252, all after the word "law" to the end of the section, and insert "nor shall they or either of them ever have the power to mortgage or execute a deed of trust on the same; and all pretended sales of the homestead, involving any condition of defeasance, shall be void."

Mr. Nugent offered the following amendments:

Strike out all of section 51 after the word "as," in line 266, and insert the words "any of the children of the deceased are minors."

Strike out section 52.

Mr. Johnson, of Collin, offered the following as a substitute for Mr. Darnell's amendment:

In section 49, strike out all after the word "law," in line 252, and insert, "No mortgage, trust deed or other lien on the homestead shall ever be valid, except for purchase money therefor, or improvements thereon as hereinabove provided, whether such mortgage or trust deed, or other lien, shall have been created by the husband alone, or together with his wife; and all pretended sales of the homestead, involving any condition of defeasance, shall be void."

On motion of Mr. Wade, the debate was closed on Mr. Johnson's (of Collin) substitute, and adopted by the following vote:

YAYS—Abernathy, Allison, Arnim, Ballinger, Barnett, Blake, Blassingame, Brown, Bruce, Burleson, Chambers, Cook of Gon-

zales, Cooke of San Saba, Darnell, DeMorse, Erhard, Fleming, Flournoy, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Lacy, Lockett, McCormick, McKinney of Denton, McKinney of Walker, Martin of Navarro, Martin of Hunt, Mills, Nugent, Pauli, Ramey, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Sessions, Stewart, Stockdale, Wade, Weaver, Whitehead—44.

NAYS—Cline, Crawford, Davis of Brazos, Dillard, Dohoney, Douglas, Ferris, Flanagan, Henry of Smith, Holt, Kilgore, Killough, McCabe, Mitchell, Moore, Nunn, Reagan, Robison of Fayette, Sansom, Scott, Smith, Spikes, Wright—23.

Mr. Murphy was paired off with Mr. Waelder, but for which he would have voted "yea."

The question then recurring on the adoption of the amendment as a part of the article, the same was put and the amendment adopted, by the following vote:

YEAS—Abernathy, Allison, Arnim, Ballinger, Barnett, Blake, Blassingame, Brown, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, DeMorse, Erhard, Flournoy, Ford, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, King, Lacy, McCormick, McKinney of Denton, McKinney of Walker, Martin of Navarro, Martin of Hunt, Mills, Mitchell, Nugent, Pauli, Ramey, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Sessions, Spikes, Stewart, Stockdale, Wade, Weaver, Whitehead—46.

NAYS—Cline, Crawford, Davis of Brazos, Dillard, Dohoney, Douglas, Ferris, Flanagan, Henry of Smith, Holt, Kilgore, Killough, Lockett, McCabe, Moore, Nunn, Reagan, Robison of Fayette, Sansom, Scott, Smith, Wright—22.

Mr. Murphy was again paired off with Mr. Waelder, but for which fact he would have voted "yea."

Mr. Mills moved to reconsider the vote just taken, and to lay the motion on the table. Carried.

Mr. Stockdale offered the following amendments:

Amend section 50 by inserting in line 256, after the word "parcels," the following: "*Provided*, that the same shall be used for the purposes of a home, or for the raising of any crop or crops, and for preparing the same for market."

And the section further by adding at the end thereof the following: "*Provided*, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of the family."

Mr. Haynes moved the main question on the engrossment of the article.

Mr. King made the point that the motion was out of order, as the Convention was considering the article section by section.

The chair ruled against the point, and the Convention refused to order the main question.

Mr. Robertson, of Bell, offered the following as an amendment to Mr. Stockdale's amendment :

Section 50, line 256, after the word "parcels," insert the words "with the improvements thereon."

Adopted.

Mr. Murphy offered the following amendment:

"*Provided, also,* that any temporary renting of the homestead shall not change the character of the same where no other homestead has been acquired."

Accepted.

Mr. Stockdale's amendment as amended was adopted.

Mr. Ballinger offered the following amendment:

Section 49, line 243, after the word "family," insert the words "not acquired by fraud."

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

EVENING SESSION—2½ O'CLOCK.

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

Mr. Ballinger's amendment, pending on adjournment, on motion of Mr. Reagan, passed over for the present.

[Mr. Stockdale in the chair.]

Mr. Reagan offered the following amendment:

Amend section 50 by adding "*provided,* no homestead exemption shall exceed ten thousand dollars in value, and the Legislature shall provide for determining for the disposition of the excess over ten thousand dollars, for the benefit of creditors."

Lost by the following vote :

YEAS—Allison, Arnim, Blake, Cline, Cook of Gonzales, Crawford, Dillard, Dohoney, Erhard, Fleming, Henry of Limestone, Holt, Killough, Lockett, McCormick, Murphy, Martin of Navarro, Pauli, Reagan, Robison of Fayette, Ross, Sansom, Scott, Smith—24.

NAYS—Abernathy, Ballinger, Barnett, Blassingame, Brown, Bruce, Burlinson, Chambers, Cooke of San Saba, Darnell, DeMorse, Douglas, Flanagan, Flournoy, Ford, German, Haynes, Johnson of Collin, Johnson of Franklin, King, Lacy, McCabe, McKinney of Denton, McKinney of Walker, Mills, Mitchell,

Moore, Martin of Hunt, Nugent, Rentfro, Robertson of Bell, Sessions, Spikes, Stewart, Stockdale, Wade, Weaver, Whitehead, Wright—39.

Mr. Ballinger's amendment was again taken up.

Mr. Graves moved to close debate on all pending amendments. Carried.

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

YEAS—Allison, Ballinger, Blake, Brady, Cline, Cooke of Gonzales, Crawford, Davis of Brazos, Dillard, Dohoney, Douglas, Erhard, Ferris, Flanagan, Henry of Smith, Holt, Kilgore, Killough, Lockett, McCabe, McCormick, Moore, Nunn, Pauli, Reagan, Robison of Fayette, Ross, Sansom, Scott, Smith, Spikes, Stockdale—32.

NAYS—Abernathy, Arnim, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Cooke of San Saba, Darnell, DeMorse, Flournoy, Ford, German, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, King, Lacy, McKinney of Denton, Martin of Navarro, Mills, Mitchell, Nugent, Rentfro, Robertson of Bell, Sessions, Stewart, Wade, Weaver, Whitehead, Wright—34.

Mr. Nugent's amendments lost.

Mr. King's amendment, to add to section 47, "*provided*, that the public free school law shall continue in full force and operation until the 1st of September, 1876," lost.

Mr. Nugent's amendment to strike out section 52 adopted, as follows :

YEAS—Allison, Arnim, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Cooke of San Saba, Darnell, DeMorse, Erhard, Fleming, Ford, Graves, Haynes, Johnson of Collin, Johnson of Franklin, Kilgore, King, Lacy, McKinney of Denton, Martin of Hunt, Moore, Murphy, Nugent, Ramey, Reagan, Rentfro, Robertson of Bell, Ross, Smith, Stewart, Wade, Weaver, Whitehead—36.

NAYS—Abernathy, Ballinger, Blake, Brady, Cline, Cook of Gonzales, Crawford, Davis of Brazos, Dillard, Dohoney, Douglas, Ferris, Flanagan, Flournoy, Henry of Limestone, Henry of Smith, Holt, Killough, Lockett, Martin of Navarro, Mills, Mitchell, Nunn, Pauli, Robison of Fayette, Sansom, Scott, Sessions, Spikes, Stockdale, Wright—31.

Mr. Reagan offered the following additional section :

"Sec.—. That all the navigable waters of the 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 owner 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."

Mr. Kilgore moved to reconsider the vote taken on yesterday adopting Mr. Sansom's substitute for section 24.

Lost.

Mr. Ford offered the following new sections:

"Sec. —. The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of this State necessary for the erection of forts, barracks, arsenals and military stations, or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature."

Adopted.

"Sec. —. The Legislature shall pass laws to prevent interference in elections, other than their own, by judicial officers, and the same shall be cause for removal from office."

Lost.

Mr. DeMorse offered the following amendment:

"Every male citizen between the ages of seventeen and fifty years shall be subject to work upon the public roads and bridges not exceeding ten days in any one year, under direction of a road or county overseer, to be elected by the County Commissioners thereof, which labor may be substituted or compensated by the payment of one dollar per day; and no road tax shall ever be levied for work on roads; but a tax for the construction of bridges, when indispensable, not exceeding one-sixth of one per cent. on the taxable property in each county, may be levied by the County Commissioners of any county in the State."

Lost.

Mr. Cline offered the following amendment:

"Section —. The rights of married women to their separate property, real and personal, shall be protected by law; and married women, infants, and insane persons shall not be barred of their rights of property by adverse possession or law of limitation of less than seven years from and after their age of majority, and the removal of each and all of their respective legal disabilities."

Lost by the following vote:

YEAS—Brady, Cline, DeMorse, Dohoney, Lockett, Mills, Pauli, Ramey, Rentfro, Stewart, Wade, Weaver—12.

NAYS—Abernathy, Allison, Arnim, Ballinger, Barnett, Blake, Blassingame, Brown, Bruce, Chambers, Cooke of San Saba,

Crawford, Darnell, Davis of Brazos, Dillard, Douglas, Ferris, Flanagan, Fleming, Flournoy, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, Johnson of Franklin, Killough, King, Lacy, McCormick, Martin of Navarro, Martin of Hunt, Mitchell, Moore, Nugent, Nunn, Reagan, Robertson of Bell, Scott, Sessions, Spikes, Whitehead, Wright—45.

Mr. Ballinger offered the following section:

“Section —. The Legislature shall have power to pass general and special laws providing for the inspection of cattle, stock and hides, and for the regulation of brands.”

Mr. Dillard moved the previous question.

Mr. King offered the following amendment:

Amend section 55 by striking out all after the word “pensions,” in line 285, and add “to surviving soldiers or volunteers in the war between Texas and Mexico, the surviving signers of the declaration of the independence of Texas, and to such others who have rendered military service in behalf of the State, as may be deemed worthy of pension.”

Mr. Reagan withdrew his amendment, and offered it as a distinct section, and it was made the special order for 10 o'clock a. m. to-morrow, under suspension of the rule.

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

Mr. Ballinger's amendment adopted.

Mr. King's amendment adopted.

Mr. Wright offered the following amendment:

Add to section 18, “*provided*, that insurance companies may be permitted to discount notes and bills.” Lost.

The article was then ordered engrossed, by the following vote:

YEAS—Abernathy, Allison, Arnim, Ballinger, Barnett, Blasingame, Brown, Bruce, Burleson, Chambers, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Dohoney, Douglas, Erhard, Ferris, Flanagan, Fleming, Flournoy, Ford, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, King, Lacy, McCormick, McKinney of Denton, McKinney of Walker, Martin of Navarro, Martin of Hunt, Moore, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Sansom, Scott, Sessions, Smith, Spikes, Stewart, Stockdale, Wade, Weaver, Whitehead, Wright—62.

NAYS—Brady, Cline, Lockett, McCabe, Mills, Mitchell, Murphy, Pauli, Rentfro—9.

On motion of Mr. Kilgore, two hundred copies of the article were ordered printed, after engrossment.

Mr. Darnell moved to adjourn to 7½ o'clock P. M.

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

SIXTY-FOURTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, November 19, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. J. S. Grasty, of the Presbyterian Church.

Journal of yesterday read and adopted.

Mr. Wright submitted the following report:

COMMITTEE ROOM,
AUSTIN, TEXAS, November 18, 1875. }

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

SIR—Your Committee on Private Corporations have considered the various matters referred to them, and have instructed me to submit the following article and recommend its adoption.

W. B. WRIGHT, Chairman.

“Section 1. No private corporation shall be created except by general laws.

“Sec. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

“Sec. 3. The right to authorize and regulate freight, tolls, wharfage or fares, levied and collected, or proposed to be levied and collected, by individuals, companies or corporations, for the use of highways, landings, wharves, bridges and ferries, devoted to public use, has never been, and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

“Sec. 4. The first Legislature assembled after the adoption of this constitution shall provide a mode of procedure by the Attorney General and District or County Attorneys in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.