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ment; and of the construction of all wharves and bridges, so necessary to the general public and private convenience.

Respectfully submitted, F. S. STOCKDALE,
Delegate from Calhoun County,
C. S. WEST,
J. B. MURPHY,
C. B. KILGORE

On motion of Mr Dillard, the rule was suspended, and Mr. Norvell's resolution read third time, and passed by the following vote:

YEAS—Allison, Arnim, Ballinger, Barnett, Blassingame, Bruce, Burleson, Chambers, Cooke of San Saba, Davis of Brazos, Dillard, Ferris, Fleming, Flournoy, German, Graves, Haynes, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Lacy, McKinney of Denton, McKinney of Walker, McLean, Martin of Navarro, Moore, Murphy, Norvell, Nugent, Nunn, Ramey, Robertson of Bell, Robison of Fayette, Scott, Sessions, Spikes, Stewart, Stockdale, Wade, West, Whitehead, Whitfield—44.

NAYS—Abernathy, Brady, Henry of Smith, McCormick, Mills, Mitchell, Rentfro, Ross—8.

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

SIXTY-EIGHTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, November 24, 1875. }

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

Journal of yesterday read and adopted.

Mr. West submitted the following protest:

AUSTIN, November 24, 1875

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

SIR—The undersigned respectfully ask permission to have entered on the journal their protest against certain parts of the homestead clause, as contained in the article on General Provisions, placing conditions on the use of the homestead. They believe said clause ambiguous, obscure, unfair and unjust, in attempting to make an invidious discrimination between a coun-

try and a town homestead. It places, in our opinion, limitations and restrictions on the use of the homestead that have never before been placed on it by any law or constitution. It makes a part of the homestead, under certain circumstances, liable to forced sale for the payment of ordinary debts, and prevents widows, artisans, mechanics and persons of small means from using homestead lots fully and without restriction for their support. The clause subjects, in certain contingencies, the homestead to forfeiture and sale, without the consent of the husband and wife.

Believing the clause unjust and unusual, and calculated to impair the homestead right, we beg to enter our protest against it.

Respectfully submitted,

C. S. WEST,
 B. H. DAVIS,
 T. L. NUGENT,
 B. D. MARTIN,
 S. H. RUSSELL,
 LIPSCOMB NORVELL,
 W. W. WHITEHEAD,
 N. H. DARNELL,
 R. B. RENTFRO,
 G. PAULI,
 E. W. BRADY,
 HENRY C. KING,
 JOHN S. FORD.

Mr. DeMorse submitted the following protest:

AUSTIN, November 24, 1875. }
 CONVENTION HALL, }

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

The undersigned, delegate from Red River county, desires to enter his protest against the passage of the Ordinance on Private Corporations, which has been hurried through by suspension of the rules, without affording delegates such time to scrutinize its provisions as its effect upon important interests demanded. The undersigned had prepared, and desired to offer, an amendment qualifying the arbitrary assumptions of the third section, and affirming the control of the State over private corporations only to the extent that rights were obtained by such corporations from concession by the State; denying that the Legislature can rightfully control the property of private citizens used solely in their own interest and without infringement upon the rights of other citizens, or prevention or interference with the use, by other citizens, of the public highways, whether of land or water.

The undersigned deems the section referred to, nugatory, in so far as it affects private rights, but is unwilling that this Convention should assume an attitude inconsistent with vested rights, which have not been conceded as a matter favor by the State.

CHARLES DEMORSE,

Delegate from Red River, Titus, Franklin and Morris.

Mr. Mills introduced the following ordinance:

“Be it ordained, etc., That the Board of Equalization, provided for in article —, section —, of the present constitution, shall have power, and is hereby authorized, to modify erroneous and excessive valuations of property rendered for the assessment of taxes since the year 1870; and that the State, county and special taxes for each year be computed on such modified valuation, and paid to the Sheriff of the county in which the property is situated, and that the party or parties so paying shall receive duplicate tax receipts, one of which he shall forward to the Comptroller of Public Accounts; and that in case suit has been instituted for the taxes on the original assessment or judgment obtained, the owner shall pay all the costs of suit; and that this ordinance be in force and take effect from and after its passage, and continue in force for six months.”

Read the first time.

Mr. Mills moved to suspend the rules and take up the ordinance.

Lost.

Mr. Brown offered the following resolutions:

Resolved, That on the enrollment of the constitution it shall be first signed by the President of the Convention, and attested by the Secretary. The roll of members shall then be called alphabetically, and each member may sign the instrument, adding the name of the county of his residence; *provided,* that in view of the facts that the Hon. Nicholas H. Darnell is the oldest member of the Convention, and the only member of this body who participated in the formation of the first constitution of Texas as a State of the Union, his name shall be first called, and the Hon. Joel Robison and B. Blake, sign with him.

Resolved, That the ordinances of the Convention shall be authenticated by the signature of the President, attested by the Secretary.

Resolved, That the constitution and ordinances, when thus duly authenticated, shall be deposited in the office of the Secretary of State, by the President of the Convention, to be therein preserved among the archives of the State; and that members of

the Convention now absent shall have the right to sign the constitution at any time before the promulgation, by the Governor, of its ratification.

Adopted.

Resolved, That instead of twenty thousand there shall be printed forty thousand copies of the constitution and ordinances in English, two thousand of which shall be deposited in the office of the Secretary of State, and thirty-eight thousand distributed equally among the members of the Convention by the Secretary, as heretofore provided.

Adopted.

Resolved, That in closing its labors this Convention recommends to all future Legislatures the propriety, wisdom, and justice of having printed for distribution among the people, through the County Clerks, such number of copies of the general laws of each session, half bound, as will be equal to one-tenth of the number of voters in the State, in order that the people may always have an opportunity of understanding the laws of the State.

Adopted.

Mr. Dillard submitted the following ordinance:

WHEREAS, The Senate and House of Representatives of the Republic of Texas, in Congress assembled, did, on the 26th day of January, A. D. 1839, create and incorporate a college at DeKalb, in Red River county, to be known as the "DeKalb College;" and

WHEREAS, By said act four leagues of the public lands of Texas were granted to said college, "to be located upon any vacant lands in the Republic of Texas;" and

WHEREAS, James Browning, David, James N. Smith, Richard Graham, Wilson, John H. Dyer, Jackson Titus, Hiram H. Allen, Richard Ellis, Isaac Jones, George Wright, John Fowler, Holland Jones, and their successors, were appointed trustees of said College of DeKalb, and were constituted a body politic and corporate in deed and law; and

WHEREAS, The trustees of said college had four leagues of land surveyed, in compliance with the act of 26th of January, 1839; and

WHEREAS, By act of Texas Congress, passed February 3, A. D. 1845, the Commissioner of the General Land Office was required to issue patents upon the field notes of such surveys, in the same manner and form as if certificates had been issued for the same by the Board of Land Commissioners, to the trustees of said institution; and

WHEREAS, From some cause not known, said patents were never issued; and

WHEREAS, By act of the Legislature of Texas, passed the 10th of February, 1852, "requiring the field notes of all surveys made previous to the passage of this act, to be made out and returned in the manner now required by law, to the General Land Office, on or before the 31st day of August, 1853, or to become null and void; and the same surveys shall become vacant land, and be subject to be located and surveyed, as in other cases, by any person holding a genuine land certificate or other legal evidence or claim to land;" and

WHEREAS, By said act of 10th of February, 1852, said College of DeKalb lost the claim to all lands which had been surveyed; therefore

Be it ordained by the people of Texas, in Convention assembled, That the Commissioner of the General Land Office be and is hereby authorized and directed to issue to the trustees of "DeKalb College" certificates for four leagues of land, to be located upon any vacant land in the State.

Read first time and passed by the following vote:

YEAS—Abernathy, Ballinger, Barnett, Blake, Brady, Brown, Burleson, Chambers, Cline, Cook of Gonzales, Crawford, Darnell, DeMorse, Dillard, Henry of Limestone, Johnson of Franklin, Kilgore, Lockett, McKinney of Walker, Martin of Navarro, Mills, Mitchell, Pauli, Rentfro, Russell of Harrison, Sessions, Smith, Stockdale, Weaver, Whitehead, Whitfield, Wright—32.

NAYS—Blassingame, Bruce, Davis of Brazos, Graves, Henry of Smith, Laev, McCormick, Moore, Norvell, Nugent, Robertson of Bell, Robison of Fayette, Stewart, West—14.

Mr. Brady offered the following resolution:

WHEREAS, Morris Jahn, a citizen of Texas, was convicted of manslaughter, and was sentenced to confinement in the State Penitentiary, which sentence he has fully and faithfully served out, and has been discharged therefrom; and

WHEREAS, The said Morris Jahn is now, and has been since his release from confinement in the penitentiary, laboring under the disqualifications in regard to voting at any election held in this State, and in regard to giving testimony in courts of justice, both of which rights he is prohibited from exercising because of having been convicted of a felony; and

WHEREAS, The said Morris Jahn is now, and has been ever since his release from confinement in the penitentiary, a resident of Grimes county, and has proven himself to be now a good citizen, worthy of being restored to all the rights and privileges

which he enjoyed as a citizen and freeman of Texas; therefore be it

Resolved by the people of Texas, in Convention assembled, That the said Morris Jahn, a resident citizen of Grimes county, be, and he is hereby, relieved from all disabilities and disqualifications he may have incurred or suffered by reason of having been once convicted of a felony.

Lost by the following vote:

YEAS—Brady, Brown, Cline, DeMorse, Dillard, Lockett, McKinney of Walker, Mills, Mitchell, Pauli, Rentfro, Reynolds, Russell of Harrison, Smith, Whitehead, Whitfield—16.

NAYS—Mr. President, Abernathy, Arnim, Barnett, Blake, Blassingame, Bruce, Burleson, Chambers, Cooke of San Saba, Crawford, Graves, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, Kilgore, Killough, Lacy, McCormick, McKinney of Denton, Moore, Norvell, Nugent, Robertson of Bell, Sessions, Stewart, Stockdale, Weaver, Wright—30.

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

EVENING SESSION—2½ O'CLOCK.

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

Mr. West submitted the following report:

AUSTIN, November 24, 1875.

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

The undersigned protests against the passage of the Judiciary Article, because he believes that it will not answer the purpose designed. Instead of reducing, he believes it will be found to have increased the expense of the administration of justice; instead of diminishing, it will be found to have increased the number of officers. The system is believed to be cumbersome, complex and when put to the test of experiment, will be found impracticable.

In addition to all this, the salaries have been so much reduced that the best legal talent of the State is virtually excluded from the bench, and thus, in its most vital point, the best interests of the State will suffer from the action of this body.

C. S. WEST.

COMMITTEE ROOM.

AUSTIN, November 24, 1875. }

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

SIR—Your select committee, to which was referred a resolu-

tion concerning depredations upon the people of the Texas frontier by bands of marauders, organized beyond the limits thereof to invade the territory of the United States, and murder and plunder its citizens, have had the same under consideration, and beg leave to report:

That they find that since the time of the annexation of Texas to the United States, and especially since the termination of the war between Mexico and our government, resulting in the acquisition by us of an immense and valuable territory, theretofore belonging to the Republic of Mexico, the people of the latter government, especially those of the northern and frontier States of Mexico, have entertained feelings of bitter hostility toward Americans. They have also coupled with that sentiment a vehement desire to avenge their defeats and retrieve their losses. This feeling has been evinced in various ways.

They have robbed, murdered and maltreated citizens of the United States who were residing or traveling in Mexico, in violation of positive treaty stipulations, the laws of nations, and the laws of humanity; they have passed legislative enactments hostile to the interests of Americans living adjacent to Mexican States, injurious to American commerce, and entailing great damage to and upon the revenues of the United States; they have set on foot expeditions upon Mexican soil, or allowed the same to be done, for the purpose of invading the territory of the United States, and of waging a depredatory war upon her citizens and their property; and they have made themselves the allies of Indians whose mode of warfare respects neither age nor sex. These acts of savage aggression have been perpetrated upon our peaceful citizens for more than twenty years.

In 1859 they became open and unconcealed. During that year Juan Nepomuceno Cortina organized an expedition, mostly in the Mexican State of Tamaulipas, made a descent upon the territory of Texas, and captured the city of Brownsville. He murdered unsuspecting citizens in cold blood, robbed houses, and committed other acts of violence. This outlaw prosecuted an inhuman war upon the flag and the people of the United States for eight months. He did so with the knowledge, tacit consent, and secret co-operation of the Mexican authorities. He drew supplies of men and means from Mexico, and used her territory for the purpose of reorganizing his forces, depositing his stolen property, and as an asylum for himself and followers.

No attempt was then made by the government of Mexico to restrain her citizens. When once upon her soil they were free

from arrest and molestation, and received the protection of her laws and her authorities.

This robber chief was the representative man of that day in Mexico. The masses recognized him as the champion of their sentiments of hatred and revenge. He was their favorite, because his hands were stained with American blood. He rose in the estimation of the authorities. They rewarded crime by promoting him; and he is now a brigadier general in the Mexican army. During the presidency of Mr. Juarez he was sent to the Rio Grande as the commander of the line of the Bravo, and the representative of the supreme government of Mexico. He resumed his position as the leader and protector of the desperadoes, thieves and criminals who were depredating upon the people of Texas. He was retained on the Rio Grande against the protests of General McCooke, of the United States army, and of an indignant people he had outraged. His presence upon our border in any official capacity was an insult to the government and the people of the United States.

He was the first to give coherence and form to the Mexican feeling of hostility to Americans; and his admiring countrymen have faithfully followed his example.

Notwithstanding General Cortina had been recently arrested for disobedience of orders to his government, and for nothing more, yet the border war he inaugurated has been persistently and energetically carried on by his followers. We are informed, and believe it true, that he will soon be upon the Rio Grande to rejoin his plundering partisans, and to finish a historical record which he has written in letters of blood.

The *Zona Libre*, or free belt, was first established by a decree of the Governor of the State of Tamaulipas. It provided that goods, wares, and merchandise could be introduced and sold free of duty, in a belt six miles in width and about three hundred in length. It commenced at the mouth of the Rio Grande and extended to the upper boundary line of the State of Tamaulipas. This decree received the sanction of the supreme government of Mexico, notwithstanding it is in direct violation of the constitution thereof. Its object, is expressed on its face. It was a blow aimed at the commerce and the merchants of the United States. It encouraged smuggling, and did much to concentrate upon the Rio Grande a horde of lawless Mexican adventurers. It has shifted business from the American to the Mexican side, and has well nigh ruined American traders in the valley of the Rio Grande. The custom-house records show that goods introduced by the way of Brazos Santiago, and the mouth of the Rio

Grande previous to the late Civil War between the States amounted to more than \$10,000,000 per year, and that the amount now scarcely exceeds \$3,000,000 annually. The government of the United States requested that of Mexico to abolish a system which discriminated against her commerce and her interests, and produced to many results prejudicial to her revenues and the welfare of her people. The answer to this just demand was an extension of the free belt to about double its former length.

The border warfare which has been waged upon the territory of the United States and the people of Texas and their property, has been characterized by savage atrocities. Men have been murdered in cold blood in almost every conceivable way—they have been shot, stabbed, burned alive and strangled; and their bodies have been indecently mutilated; women have been captured, and their persons violated; captive children have been held and sold as slaves. In the latter enormities the Mexicans and Indians have co-operated. In proof whereof, the evidence taken before the United States Frontier Commissioners, in 1873, in the cases of Smith and others, is respectfully referred to. To be brief: On our exposed frontier, especially on the Rio Grande, a reign of terror has existed which prevented citizens from attending to their vocations; the prices of real and personal property have depreciated; population has not increased; hundreds of lives have been sacrificed, and millions of dollars worth of property have been taken into Mexico and into the haunts of their savage allies. It is a question of supremacy. The homes, the property, and the lives of frontiersmen hang upon the issue. On the Rio Grande the decision will consign the country to Mexican bandits or secure it to the American settlers. It is abandonment on the one side, and re-conquest on the other. It is a contest between civilization and savagery.

The outrages on the part of the Mexicans have been committed boldly and defiantly; citizens and soldiers have participated. Officers of the Mexican army have crossed the Rio Grande at the head of their commands, and have committed outrages upon the persons and the property of our people. Mexican officials, civil and military, have been participants in the profits arising from this border war. They have given their sanction to acts of violence and rapine; they have protected the perpetrators, and, as far as they could, they have legalized robbery and murder. To the dishonor of the supreme government of Mexico, the proceeds of the sale of cattle stolen from the people of Texas have found their way into the public treasury. The custom-house authorities

of Reynosa and Camargo have seized stolen cattle, knowing they had been feloniously acquired. They have refused to deliver them to the authorized agents of the American owners, and have condemned and sold them, on the ground that they had been introduced into the country contrary to law. A municipal tax has been assessed and paid upon property publicly known to have been robbed from Texans. This has been done in Matamoros and other places.

It has been the practice of the Mexican authorities to throw insuperable obstacles in the way of recovering property stolen from Americans, and carried into Mexico. Our citizens have been threatened and imprisoned for daring to ask for the restitution of property.

To be concise, we have suffered the evils and the calamities of war from a people with whom we are professedly at peace.

The supreme government of Mexico has been notified of the hostile and piratical aggressions of her authorities and citizens upon the territory, people and property of a neighboring and peaceful power, and no adequate steps have been taken to prevent the fitting out of expeditions upon her soil. Her territory has been used as a place of deposit for stolen property; the same has been sold publicly in her markets, and the marauders have found refuge upon her territory. Once across the Rio Grande, and the outlaw is safe from molestation; he is covered by the flag of Mexico, and is the peculiar object of protection by her authorities. For these and many other hostile acts Mexico stands condemned by the law of nations as the indorser of the aggressions of her citizens. She has utterly failed to comply with her treaty obligations. She has been an inactive spectator of the murders and robberies committed by her citizens and soldiers upon citizens of the United States and their property. Her failure to comply with her duties, under the obligations of international law, and to extend to a neighboring and friendly power the offices of comity and good neighborhood, attach to her a fearful responsibility. By so doing she has encouraged her citizens in their wanton acts of robbery; and even up to the present time, as we are informed by dispatches from the distracted frontier of the Rio Grande, those depredations are still continuing upon our peaceful people and their property, in the immediate vicinity and in sight of the armed forces of the United States.

Again, our extensive northwestern frontier has for forty years been exposed to constantly recurring inroads of the nomadic tribes that dwell in the regions beyond that line, resulting in the murder of men, women and children, and the stealing and de-

struction of property of immense value, often leaving whole settlements of hardy frontiersmen (the pioneers of civilization) utterly divested, by wholesale plunder, of all the accumulations of an industrious life, acquired in rescuing from the savage fertile plains, and devoting them to industrious civilization

THEREFORE, In consideration of the premises, which are abundantly established, by the testimony of the civil and military officers, and various citizens of the United States.

We, the Delegates of the people of Texas, in Constitutional Convention assembled, Do most respectfully but earnestly invoke the interposition of the government of the United States, through its legitimate and constituted authorities, to take such prompt and efficient action as shall secure to her citizens security of person and property, and just compensation for the injuries they have so wrongfully suffered at the hands of the people and officers of the government and Republic of Mexico, claiming to be at peace with our government, so that in the future there shall not be the constantly impending danger of war between the two countries, and our people be left to enjoy their rights of person and property in peace and security, and that they be compensated for the losses and injuries they have sustained, and the State of Texas be reimbursed for the sums of money she has expended in defense of her exposed and suffering frontier, along the entire Mexican and Indian border.

In making these requests, which we prefer to the honorable the Congress of the United States, we feel that we are but asking that which as citizens of that great government, **we are justly** entitled to; nor can we entertain a doubt that the relief will be granted when the facts shall be made known to the properly constituted authorities.

We, therefore, request that His Excellency the Governor of the State of Texas, transmit a copy of this report and memorial to His Excellency the President of the United States; and that a copy thereof be transmitted by the President of the Convention to our Senators and Representatives in Congress, that the subject may be properly presented to the consideration of the Congress of the United States.

GEORGE FLOURNOY, Chairman.

J. R. FLEMING,

L. S. ROSS,

JOHN S. FORD,

D. A. NUNN,

B. D. MARTIN,

E. L. DOHONEY,

JO. W. BARNETT,

JOHN S. MILLS,

C. S. WEST,

HENRY C. KING.

Mr. Graves offered the following:

Resolved, That in consideration of the extra work done by Joseph Jenkins, Engrossing and Enrolling Clerk, after night, in engrossing and enrolling the articles and ordinances of this Convention, he be allowed six days' extra pay as clerk.

Adopted.

Mr. Cook, of Gonzales, offered the following resolution:

Resolved, That in order to carry out the provisions of a resolution adopted this morning, ordering the distribution of 20,000 additional copies of the constitution and ordinances of this Convention, the sum of one thousand dollars, or so much thereof as may be necessary, be appropriated out of the same fund, and to be drawn in the same manner, as the amount appropriated in a former resolution providing for the distribution of said constitution and ordinances.

Adopted.

Ordinance authorizing the election of collectors of taxes in certain counties was taken up, read and lost by the following vote:

YEAS—Blake, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Ferris, Fleming, Flournoy, Ford, German, Kilgore, Killough, King, Lockett, Martin of Navarro, Moore, Rentfro, Reynolds, Robison of Fayette, Scott, Wade, West, Wright—24.

NAYS—Abernathy, Allison, Abner Arnim, Barnett, Blassingame, Bruce, Burleson, Chambers, Cline, Cook of Gonzales, Cooke of San Saba, Davis of Wharton, Graves, Haynes, Henry of Smith, Holmes, Holt, Lacy, McCormick, Mills, Murphy, Norvell, Pauli, Robertson of Bell, Russell of Harrison, Stockdale, Weaver, Whitehead—29.

Mr. Stockdale made the following report:

COMMITTEE ROOM,
AUSTIN, November 24, 1875. }

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

The committee appointed under Mr. Martin's resolution, to investigate the charges made by the *Statesman* newspaper against certain members of the Convention, beg leave to report: That the chairman, by direction of the committee, called upon the persons named in the *Statesman* as having knowledge on the subject, and upon the editor and the proprietor of that paper, to make a statement of the facts in their knowledge in regard to said charges, to-wit: Mr. Reagan, Mr. Nugent, Mr. Wade, Gen. Whitfield, and Gen. Ross, members of this Convention, and upon

Mr. DuPre and Mr. Cardwell of the *Statesman*. Of these all have made the statements requested, except Gen. Ross and Gen. Whitfield, which statements are herewith submitted. These statements were made upon oath. The members of the committee have been so occupied with the business of a more public nature, and, as they deemed, of much greater public interest, appertaining to their duties as members of this Convention, that they have not had time, if they had had the disposition, to make any further investigation of these charges, and none of the parties interested have given the committee any information of other evidence or requested any further inquiry. The gentlemen accused (Messrs. Johnson, of Collin, and Russell, of Harrison) have neither of them proposed to make a statement or requested any further investigation; nor has the committee called upon them to make any statement.

Respectfully submitted, F. S. STOCKDALE, Chairman.

STATEMENT OF JOHN H. REAGAN.

Of my own knowledge, I know nothing of any bargain or agreement between any members of the Convention to support or to oppose any part of the suffrage article of the constitution, or any other measure.

I heard it said, in a general way, several times; but by whom, I do not remember, that there was some agreement between Mr. Johnson, of Collin, and Mr. Russell, of Harrison, that certain members were to unite to secure some action by the Convention; but precisely what this was I did not understand.

On Friday morning, being the day after the vote was taken refusing to impose a poll tax on voters, as a condition to their voting, in passing to the rear of the capitol, I found together some gentlemen, including among them General Whitfield, Mr. Wade, and, I believe, Mr. Nugent, members of the Convention; also Mr. DuPre, who, I understand, is one of the editors of the *Statesman* newspaper. They were conversing about the vote of the day before on the question of imposing a poll tax on voters. General Whitfield said he had heard from General Ross, I believe, that Mr. Johnson and Mr. Russell had entered into an agreement, which it seemed to be understood was to unite their friends to defeat that measure. I understood Mr. Wade to say he heard the agreement made. (This was afterwards explained by Mr. Wade in the Convention to have been some days before that vote was taken.) When the above statements were made, I said if that was true, it ought to be exposed and denounced.

This is all I know, or heard, or said of this matter, except

what was said afterwards in open Convention, or in general conversations afterwards, in which the matter was referred to as a sort of joke, and in which what Mr. Johnson said and did was supposed to have been free from any improper or corrupt purpose; but was thought to have exhibited some vanity, growing out of the supposition, on his part, that he was acting as one of the leaders of the Convention.

JOHN H. REAGAN.

STATEMENT OF T. L. NUGENT.

A few days preceding that upon which the vote was taken on what is known as the "poll tax proposition," a conversation took place at my boarding house, between Col. Dupree, editor of the *Statesman*, Hon. H. W. Wade, member of the Convention, myself, and others. During this conversation, Col. Dupree said that a report was current on the streets of Austin to the effect that the Grangers and Republicans of the Convention had formed an alliance for mutual assistance in passing measures through the Convention. I expressed astonishment, as I had heard of no such combination, when Mr. Wade declared that there was some foundation for the report, and that he had heard a conversation between Mr. Johnson, of Collin county, and Mr. Russell, of Harrison, in which the former proposed to furnish Granger votes and the latter Republican votes for the purpose indicated. He further said that this conversation occurred in the hearing of several delegates. Mr. Wade's statement left the impression upon my mind that the alliance between the parties named, if not actually made, was seriously contemplated, and I at once denounced it. Mr. Wade, either during the conversation referred to or subsequently, stated that Mr. Russell, of Harrison, proposed to Mr. Johnson to reduce agreement to writing, but that Mr. Johnson declined to do this. He further stated that Mr. Brady, Republican member, asked him how the arrangement suited him, and that he told Mr. Brady that he (Wade) voted for himself, and no other man. I know nothing myself of any alliance or combination between the Grangers and Republicans, and only propose to state the substance of the conversation which induced me to make statements in reference to it.

T. L. NUGENT.

COMMITTEE ROOM,
CITY OF AUSTIN, Oct. —, 1875. }

THE STATE OF TEXAS, }
County of Travis. }

H. W. Wade, delegate from Hunt county, after being duly sworn, says that in the latter part of September, 1875, within

the Hall of Representatives, after the Convention had adjourned, I heard a conversation between delegates of Constitutional Convention: Mr. Johnson, of Collin county, Texas, said to Mr. Russell, of Harrison county, Texas, that if he (Russell) would furnish the Republican vote in the Convention, he (Johnson) would furnish enough Grange votes to carry any measure through the Convention. Russell acceded to the proposition. I was walking the floor of the hall and not engaged in the conversation. There were several delegates present. I had understood that Johnson was a Granger and Russell a Republican. Mr. Brady (Republican) said to me: "Wade, how do you like the trade?" I stated that "I voted Wade and no one else." On or about the 4th of October, 1875, about a week later, at dinner table where Col. DuPre, assistant editor of *Democratic Statesman*, Mr. Nugent, of Erath county, and I board, Col. DuPre remarked that it was currently rumored on the streets of Austin that the Radicals and the Grangers had formed an alliance to control the action of the Convention. I remarked that it was, perhaps true, rehearsing the conversation hereinbefore stated, except that I did not give the name, Brady. There were many things said that I do not now remember. Nugent denounced the alliance spoken of by Col. DuPre. This was while the question of suffrage was pending. On the morning of the 8th of October 1875, Col. DuPre, editor, Mr. Nugent and myself, in going to the capitol, met Judge Reagan and Gen. Whitfield. I do not remember who introduced the subject of the alliance. Gen. Whitfield said it was so, and that he was going to get up in the Convention and denounce it; that he would have done it on last Monday, but for the interposition of Gen. Ross, who requested him not to do it. Judge Reagan stated that if it was so, it ought to be denounced. Many things were said by all parties, (about poll tax and suffrage.) This is all that pertains to the alliance that I remember.

[Signed,]

H. W. WADE, of Hunt county.

The article of the *Statesman* assumed to be quoted in the resolution ordering the investigation is not properly quoted. The *Statesman* asked, "Does not even Whitfield know that Grangers, all except nine—we think that the number—in the Convention were transferred to the Radicals for a special purpose and known consideration? Was not the district which Gen. Whitfield represents sacrificed"? etc. This clause is only partially quoted and the *Statesman*, in the resolution adopted by the Convention, is made to assert positively "that all the Grangers in the Convention, except nine," were sold out to radicalism. The fact

was stated hypothetically, as shown by the above extract from the *Statesman* of the 9th inst.

About a week previous to this supposed trade or "alliance" was talked about Colonel Cardwell told me that General Whitfield had spoken of it and I referred to the matter at the breakfast table, where Messrs. Nugent and Wade, members of the Constitutional Convention, were present. Mr. Wade said he had heard a conversation on the subject, and an agreement made between a leading Republican—Mr. Russell, I believe—and Mr. Johnson, of Collin. The purport of it was, that the two leaders would consolidate their forces—Republicans and Grangers—and control the action of the Convention. This was four or five days before the suffrage tax question came up, and we thought that with special reference to this measure the alliance was effected. Mr. Wade further stated that another Granger, whose name I do not recollect, asked him if he (Wade) would become a member of the ring, or alliance. Wade answered "no"; that he "always voted Wade, and nobody else." Mr. Nugent heard this conversation, shared in it, and denounced the conduct of parties to the alliance in unmeasured terms.

On the 8th instant—some four, five or six days later than this—with Messrs. Wade and Nugent, I was crossing Capitol square, and encountered Gen. Whitfield, Judge Reagan and some other members of the Convention. The subject of the Radical-Granger alliance was mentioned and Gen. Whitfield said he had intended to denounce it on the floor of the Convention but Gen. Ross had interposed and prevented it; that he would denounce it that morning. I said to him that if such was his purpose I would tell in the *Statesman* what I had heard said about it and I added editorially suppositions and inferences incident to such a state of facts. Judge Reagan said, in the conversation alluded to, that it was Gen. Whitfield's duty to have the facts developed, and I left them and wrote the article which is inaccurately quoted in the resolution ordering this investigation.

I thought the Grangers, or a large majority of them—somebody said all but nine, as well as I recollect—had agreed with the Radicals to defeat the restriction of suffrage, and the consideration agreed to be given by the Radicals was supposed to be their consolidated vote and influence in behalf of a Granger for the Governor's or United States Senator's place. The matter became the talk of the town, and I heard much more, but these are the material facts.

I append the article quoted from the *Statesman*:

“GEN. WHITFIELD, MR. REAGAN, MR. WADE AND GEN. ROSS.

“Gen. Whitfield has said, very properly, that he was not a party to any agreement with the Radicals in the Convention. The General has also as truthfully stated, as shown in all his acts and speeches, that when he came to Austin he left his Grangerism with his regalia at his own home. Everybody has seen and confesses this fact. But this is not the question we would have the distinguished gentleman answer. The *Statesman* never said and never believed that Gen. Whitfield was involved in this trade with Radicalism; but Gen. Whitfield believes, nevertheless, that it was made and subsists, and was operative day before yesterday. Let him and Gen. Ross and Mr. Wade and Mr. Reagan tell what they know and believe and *have said* of the conduct of other Grangers who have never denied the allegations of the *Statesman*. Does not Gen. Whitfield *know* that Grangers, all except nine—we think that the number—in the Convention were transferred to the use of Radicalism for a special purpose and known consideration?”

The proceedings of the Convention show that Judge Reagan said in that body as he had been made a witness on the stand, he would have to testify. He read extracts from the *Statesman*, and then explained that yesterday morning, as he was walking in the rear of the capitol, he passed several gentlemen, among them Mr. Nugent, Mr. Whitfield and others. A representative of one of the papers in this city was present, and a conversation was going on in reference to what had been charged in the *Statesman*. Some one said that Gen. Ross had stated that a bargain had been made between the Grangers and Republicans to carry certain measures. He (Mr. Reagan) then said, if such a bargain had been made, that the dignity of the Convention had been degraded, and in duty to the country it ought to be denounced and exposed. He did not say that the bargain had been made. He denied that any one had the right to transfer the Grangers, and sell them as he pleased. He would now say what he had not said before on this floor, and what but few knew, that he was a Granger himself. He could not deny that an impression had been produced derogatory to the Convention, and that there was some ground for the position assumed by the *Statesman*, as it had been said in the presence of one of the editors of that paper that a coalition had been formed between the Grangers and Republicans.

In the same debate Gen. Whitfield said he had but a few remarks to make. One day, about a week since, he had a conversation with Gen. Ross, and was told that a gentleman had pro-

posed to Mr. Russell, of Harrison, (who is a Republican,) that if he (Russell) would give him thirteen Republican votes to control the suffrage matter, he would give him enough votes to control other matters that might come before the Convention. He (Whitfield) became mad, *good mad*, when he heard it. When he had first heard of this conversation, he had threatened to denounce it on the floor of this Convention, but he was over-persuaded not to do it, being told that Mr. Johnson, of Collin, was only joking, but he must say it was very serious.

Judge Reagan, Gen. Whitfield, Mr. Wade and other gentlemen attest every material fact stated as an ascertained fact by the *Statesman*.

I was also told by some member of the Convention (perhaps it was Mr. Wade, but of this I am not sure) that when the proposition to make the payment of a poll tax a condition precedent to the exercise of the right of suffrage, that Mr. Johnson, of Collin, and the leader of the Radicals, were seen to congratulate each other in the most extravagant manner.

Sworn to and subscribed by

L. J. DUPRE.

All I know in regard to the combination referred to in the above statement has been substantially stated in the testimony of Col. L. J. DuPre. I will state that upon the first morning that Gen. Whitfield, and others in the Convention made public comment upon the attacks of the *Statesman*, I met him (Whitfield) outside the bar of the House, when he spoke to me, in the presence of Mr. Lynch, and told me that his remarks upon the floor of the House were not in antagonism really to the *Statesman*, but were made for the purpose of bringing out and exposing Mr. Johnson, of Collin, and he further stated that he had been satisfied for a number of days that Mr. Johnson was a party to the trade referred to, and that he would have brought the matter days before that before the Convention, had it not been that Gen. Ross remonstrated against his doing so. Mr. Lynch also expressed his belief in the combination, and said he was glad the *Statesman* had the courage to comment upon it.

Sworn and subscribed by

JOHN CARDWELL.

On motion of Mr. Russell, of Harrison, the whole subject was laid on the table.

Mr. West offered the following resolution:

Resolved, That the resolution heretofore adopted by this body, to adjourn *sine die* at 5 o'clock P. M. this day, be and the same is hereby rescinded. Adopted.

[Mr. Brown in the chair.]

Mr. Rentfro offered the following resolution :

Resolved, That the thanks of this Convention, and of the members thereof, be tendered to the Hon. E. B. Pickett, President, for the efficient and impartial manner in which he has discharged the duties incumbent upon him as presiding officer of this body, and that in retiring from his said position, he bears with him our best wishes for his future prosperity and happiness.

Unanimously adopted.

Mr. Flournoy offered the following resolutions :

WHEREAS, the officers of this Convention have labored attentively and assiduously in the discharge of their respective duties; and

WHEREAS, they received no mileage and no extra compensation for night service during the session; therefore,

Resolved, that this Convention give them mileage, on return to their respective homes, being only half the mileage allowed to delegates; and that the Secretary be empowered to issue warrants on the Treasurer for such mileage, according to the mileage schedule adopted for the benefit of delegates to this Convention.

Adopted by the following vote:

YEAS—Mr. President, Abernathy, Abner, Arnim, Brady, Burleson, Davis of Wharton, DeMorse, Fleming, Flournoy, Ford, Henry of Smith, Kilgore, King, Lockett, McCabe, Mills, Mitchell, Murphy, Pauli, Reynolds, Russell of Harrison, Spikes, Stockdale, Wade, Weaver, West, Wright—28.

NAYS—Allison, Barnett, Blassingame, Chambers, Cook of Gonzales, Davis of Brazos, Dillard, Dohoney, Graves, Haynes, Holmes, Holt, Johnson of Collin, Lacy, McCormick, McKinney of Denton, Martin of Navarro, Martin of Hunt, Moore, Norvell, Nunn, Rentfro, Robertson of Bell, Robison of Fayette, Scott, Whitehead, Whitfield—27.

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

Resolved, that the thanks of this Convention are tendered Capt. F. Voight, in consideration of services rendered in decorating the hall of the Convention.

Adopted.

Mr. Kilgore offered the following resolution :

Resolved, that the thanks of this Convention are hereby tendered to Temp. Houston and Lafayette Fitzhugh, Pages of the Convention, for the faithful and efficient manner in which they have discharged the duties incumbent on them.

Adopted.

Mr. Cook, of Gonzales, offered the following resolution :

Resolved, that the sum of fourteen dollars and sixty-eight cents (\$14 68) be appropriated to pay the balance due W. F. Bengener, for repairs on the capitol, as per bill annexed, and that the Comptroller is hereby authorized to issue his warrant for said amount.

Mr. Brady asked leave to introduce a resolution.

Refused, by the following vote:

YEAS—Abernathy, Brown, Cline, Cook of Gonzales, Davis of Wharton, DeMorse, Lockett, Martin of Navarro, Murphy, Norvell, Nunn, Paul, Reynolds, Russell of Harrison, Smith, Stockdale, Whitehead—17.

NAYS—Arnim, Barnett, Blake, Blassingame, Bruce, Burleson, Chambers, Cooke of San Saba, Dohoney, Fleming, Graves, Haynes, Henry of Limestone, Henry of Smith, Holmes, Holt, Killough, King, Lacy, McCormick, McKinney of Walker, Nugent, Robison of Fayette, Scott, Sessions, Spikes, Wade, West, Wright—29.

The Secretary then proceeded to read the constitution as an entirety, as adopted by the Convention.

Mr. Murphy moved to adjourn to 7 o'clock.

Lost.

Mr. Flournoy moved to reconsider the vote adopting the resolution giving half mileage to officers.

Carried, and by leave Mr. Flournoy withdrew the resolution.

Mr. Brown made the following report:

COMMITTEE ROOM, }
AUSTIN, November 24, 1875 }

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

The Committee of the Convention on Style and Arrangement, having carefully examined the entire constitution and all the ordinances of the Convention, as enrolled, find them correctly enrolled and prepared for authentication by the signatures of the President, Secretary and members of the Convention.

JOHN HENRY BROWN, Chairman
WM. P. BALLINGER,
F. S. STOCKDALE,
WM. H. STEWART,
WM. NEAL RAMEY.

Mr. Ramey reported as follows:

COMMITTEE ROOM, }
AUSTIN, November 23, 1875 }

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

SIR—Your Committee on Engrossed and Enrolled Ordinances

would respectfully report to your honorable body that they have examined and compared "Article —, Municipal Corporations," "Article —, Private Corporations," and "Article —, Impeachment Address," and find the same correctly engrossed.

WM. NEAL RAMEY, Chairman.

COMMITTEE ROOM,

AUSTIN, November 24, 1875. }

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

SIR—Your Committee on Engrossed and Enrolled Ordinances would respectfully report that they have examined and compared the new constitution, embracing the following articles and accompanying ordinances, to wit:

Preamble.

Article I. Bill of Rights.

Article II. Division of the Powers of Government.

Article III. Legislative Department.

Article IV. Executive Department.

Article V. Judicial Department.

Article VI. Suffrage.

Article VII. Education.

Article VIII. Taxation and Revenue.

Article IX. Counties.

Article X. Railroads.

Article XI. Municipal Corporations.

Article XII. Private Corporations.

Article XIII. Spanish and Mexican Land Titles.

Article XIV. Public Lands and Land Office.

Article XV. Impeachment.

Article XVI. General Provisions.

Article XVII. Mode of Amending Constitution.

1. An ordinance submitting the constitution for ratification and other purposes.
2. An ordinance supplementary to the ordinance submitting the constitution for ratification and other purposes.
3. An ordinance dividing the State of Texas into senatorial and representative districts.
4. An ordinance dividing the State of Texas into judicial districts.
5. An ordinance fixing the times of holding the District Courts in the different counties in the State.
6. An ordinance in relation to railroads.
7. An ordinance defining the effect of ordinances.

And find the same correctly enrolled.

Yours respectfully,

WM. NEAL RAMEY, Chairman.

[The President resumed the chair.]

The constitution having been read through, Mr. Nugent offered the following amendment:

In "Article —, Judicial Districts," strike out section 14 and insert:

"Sec. 14. The judicial districts in this State, and the time of holding the courts therein, are fixed by ordinance, forming part of this constitution, until otherwise provided by law."

Adopted.

The constitution then passed by the following vote:

YEAS—Abernathy, Allison, Arnim, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dillard, Dohoney, Ferris, Fleming, Flournoy, Ford, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Holmes, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, King, Lacy, McCormick, McKinney of Denton, McKinney of Walker, Martin of Hunt, Moore, Norvell, Nugent, Nunn, Ramey, Robertson of Bell, Robison of Favette, Ross, Scott, Sessions, Spikes, Stockdale, Wade, Weaver, Whitehead, Wright—53.

NAYS—Ballinger, Brady, Cline, Cooley, Lockett, Mitchell, Murphy, Rentfro, Reynolds, Smith, West, Whitfield—11.

Mr. Stockdale offered the following resolution:

Resolved, that the Governor be authorized and requested, immediately upon the adjournment of this Convention, to issue his proclamation for the elections contemplated by "An ordinance submitting the new constitution to a vote of the people, and for other purposes," passed by this Convention on the 22d day of November, A. D. 1875, and "An ordinance supplemental thereto," passed on the 23d day of November, 1875; and that said election be holden in the manner prescribed in said ordinance and supplemental, and by such officers as are authorized by law to hold general elections under existing laws.

Adopted.

Mr. Stockdale offered the following resolution:

Resolved, that, instead of the number heretofore provided, there shall be published five thousand copies of the constitution in the German language.

Adopted.

Mr. Ballinger submitted the following protest:

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

I make my respectful protest against the provisions of the constitution regulating the salaries and terms of executive and judicial officers, and against the election of judicial officers.

The short terms of office, to be filled by popular elections, will convert the State into a great partisan electioneering camp, in which office-seeking will act on the public morals of the people, and the interests and passions of the people will react on the standard and conduct of officers of evil tendencies, in my judgment, to the character and destinies of this great State.

The salaries are not such as ought to be given to our State officers.

If the effect should not be, as I believe it will, to prevent many men of the highest qualifications from holding office who would be the choice of the people, if considerations of patriotism and public duty should be adequate motives to induce them to accept of office, I have still the strong, undoubting conviction that public services will be obtained by the State at hard, stinting, insufficient salaries, which are not honorable or just on the part of this great State.

W. P. BALLINGER,

Delegate from Galveston County.

Mr. Cook, of Gonzales, reported as follows:

COMMITTEE ROOM, }
AUSTIN, November 24, 1875. }

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

Your Committee on Printing and Contingent Expenses ask to make the following supplemental report of the contingent expenses of the Convention. W. D. S. COOK, Chairman.

Nov. 23—Amount of J. D. Logan & Co.'s bill, printing, etc	200 00
Amount of J. D. Logan & Co.'s bill, printing, etc	207 50
Bill of J. A. Nagle, for stationery	67 75
Nov. 24—Printing 25,000 copies of address	250 00
Printing 500 copies ordinance providing for the election, and four days <i>Evening News</i>	75 00
J. A. Nagle, for stationery	22 00
A. S. Roberts, for candles	8 40
Ice from November 1 to November 13	10 00
Carried forward	<u>\$840 65</u>

Brought forward	\$840 65
Postage stamps, etc.....	99 71
Austin Gas Company for gas.....	100 20
	\$1040 56
Amount of expenses previously reported...	4174 50
	\$5215 06

Mr. Flournoy moved that the Secretary of State be requested to furnish a certified copy of the constitution to the committee at Galveston, to compare the same with the proof-sheet of the printer.

Adopted.

The delegates present then came forward and signed the enrolled copy of the constitution.

Mr. Ford offered the following resolution:

Resolved, That the thanks of this Convention are hereby tendered to the clergy of Austin, who have generously served as chaplains free of charge.

Adopted.

Mr. Ford offered the following resolution:

Resolved, That the assistant secretaries of the Convention be allowed twenty-five dollars extra pay for services rendered during night sessions.

Adopted.

Mr. West offered the following resolution:

Resolved, That the Secretary of State be requested to employ a sufficient number of clerks to furnish a certified copy of the constitution at the earliest possible moment, and that the sum of one hundred dollars, or so much thereof as may be necessary, be appropriated out of the fund appropriated to pay the expenses of this Convention, to pay for said work, to be drawn upon the certificate of the Secretary of State that the holder of the certificate has performed the work charged for.

Adopted.

Messrs. Reynolds and McCabe submitted the following report:

WHEREAS, Sundry papers of this State have, early in the session of this honorable body, asserted that the Republicans, and especially the colored members of this Convention, have been controlled in their action by the member from Grimes county, Hon. J. S. Mills; and

WHEREAS, Such assertions are untrue, unjust and unfair, and reflects much to the discredit of the colored members of this honorable body, etc.

We, therefore, enter this our protest against the same, and ask in justice to ourselves and the public, that this our protest be entered upon the journals of this Convention, etc.

W. REYNOLDS,
L. H. McCABE.

Mr. Stockdale moved to adjourn *sine die*.

The President said:

Gentlemen of the Convention:

I thank you for the expression of confidence and good will contained in the resolution adopted by the Convention. I will say, and need say, but a few words in reply.

Our labors are finished. The work we were sent here to do is now ready to be committed to the people for their approval or disapproval. I will not now review the Organic Act we have made; to you it would be needless, for you made it, and know what it contains. The people will examine it for themselves. But I may be permitted to express the hope and the conviction that the constitution we have framed will be found suited to the condition of this great young State, and not unsuited to its expanding and promising future. If such should be the case we need have no fears that our work will not meet the approval of those who sent us here. Your labors have been earnest and arduous, but they have been harmonious and agreeable to a degree almost without parallel. This should be cause for mutual congratulation.

I will only add, we are about to separate, to return to our respective homes and constituencies, and you must allow me to say to each and all of you that you will carry with you my best wishes for your prosperity and happiness.

I do now declare this Constitutional Convention adjourned *sine die*.

Approved:

E. B. PICKETT,
President of the Convention.

Attest: LEIGH CHALMERS, Secretary.