

# JOURNAL

OF

## THE CONSTITUTIONAL CONVENTION

OF

THE STATE OF TEXAS, 1875

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HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, September 6, 1875 }

In pursuance of a proclamation of His Excellency the Governor, of August 23, 1875, the delegates elect to the Constitutional Convention assembled in the Hall of Representatives, in the city of Austin, at 12 M

Mr DeMorse called the Convention to order, and moved that Mr Whitfield be made temporary president Carried

Mr King offered the following resolution

*Resolved*, That the members of this Convention, on the call of the several districts, by their number, present their certificates of election to the secretary, *pro tempore*, and that the secretary enroll the names of the delegates so presenting their certificates of election

Adopted

Mr W C Walsh, of Travis, was appointed to act as temporary secretary

The following delegates came forward and presented their credentials

B Abernathy, David Abner, Thomas G Allison, J E Arnum, W P Ballinger, J W Barnett, Bennett Blake, W P Blassingame, John Henry Brown, H G Bruce, Ed Burleson, Ed Chambers, H Chme, W D S Cook of Gonzales, G B Cooke, of San Saba, W L Crawford, E L Dohoney, N H Darnell, B H. Davis of Brazos, Bird B Davis of Wharton, Charles DeMorse, W W Dillard, Joe P Douglass, A J C Dunnam, J.

W. Ferris, Web. Flanagan, J. R. Fleming, George Flournoy, John S. Ford, J. C. Gaither, J. L. German, A. C. Graves, Joseph E. Haynes, J. R. Henry of Limestone, J. L. Henry of Smith, W. C. Holmes, Asa Holt, J. F. Johnson of Franklin, J. H. Johnson of Collin, S. B. Killough, C. B. Kilgore, Henry C. King, Robert Lacy, Thomas Lockett, F. J. Lynch, Mac McCabe, George McCormick, W. P. McLean, B. D. Martin of Hunt, F. M. Martin of Navarro, John S. Mills, John Mitchell, L. W. Moore, J. R. Morris, Lipscomb Norvell, T. L. Nugent, David A. Nunn, G. Paul, E. B. Pickett, Wm Neal Ramey, John H. Reagan, R. B. Rentfro, W. Reynolds, E. S. C. Robertson, Joel W. Robinson, L. S. Ross, E. S. Rugely, S. H. Russell of Harrison, Jonathan P. Russell of Wood, Richard Sansom, P. R. Scott, G. A. Sessions, C. R. Smith, Israel Spikes, J. W. Stayton, F. S. Stockdale, Jacob Waelder, H. W. Wade, W. T. G. Weaver, C. S. West, W. W. Whitehead, J. W. Whitfield, and W. B. Wright.

Mr. Ferris offered the following resolution:

*Resolved*, That the following oath be administered by the proper State officer to the delegates of this Convention: "You do solemnly swear that you will support the constitution of the United States; and that you will faithfully discharge the duties of a delegate to this Convention, to the best of your ability."

Mr. Crawford offered the following substitute:

"I do solemnly swear that I will support the constitution of the United States, and the present constitution of the State of Texas, until the same shall be abrogated and substituted by the constitution now to be made, that I am not disqualified from holding office under sections 30 and 31 of Article 3, nor under section 9 of Article 12, of the constitution of the State of Texas; and that I will faithfully discharge the duties of my office of delegate, to the best of my ability, so help me God."

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

The question then recurring on the adoption of the original resolution offered by Mr. Ferris, it was adopted.

On motion of Mr. Brown, a committee of three were appointed to wait on Judge George Moore, of the Supreme Court, for the purpose of having him administer the oath to the delegates.

Mr. Fleming, Mr. Henry, of Smith, and Mr. Martin, of Navarro, were appointed said committee.

The committee appeared with Judge Moore, who, in accordance with the resolution adopted, administered the prescribed oath to the delegates.

Mr. Flournoy moved that it require a majority of all the

votes of the delegates present to the election of officers of the Convention. Adopted.

On motion of Mr. Allison, the Convention proceeded to the election of a President.

Mr. DeMorse moved that the vote be taken *viva voce*. Lost.

On motion of Mr. Graves, the President *pro tem.* appointed the following persons as tellers: Mr. Graves, Mr. McCormick and Mr. Weaver.

Nominations being in order, Mr. Burleson nominated Mr. John Henry Brown, of Dallas; Mr. Henry, of Smith, nominated Mr. E. B. Pickett, of Liberty; Mr. Waelder nominated Mr. F. S. Stockdale, of Calhoun county; Mr. McLean nominated Mr. E. L. Dohoney, of Lamar; Mr. Rentfro nominated Mr. Web, Flanagan, who requested that his name be withdrawn, whereupon Mr. Rentfro withdrew the nomination.

The result of the first ballot was as follows: E. B. Pickett, thirty-six; John Henry Brown, six; F. S. Stockdale, fourteen; E. L. Dohoney, twenty-two.

There being no election, the Convention proceeded to a second ballot, with the following result: E. B. Pickett, forty-three; John Henry Brown, two; F. S. Stockdale, twelve; E. L. Dohoney, twenty-three.

Mr. E. B. Pickett having received a majority of all the votes, was declared duly elected President of the Convention.

On motion of Mr. Scott, a committee of three were appointed to wait on the President elect, and conduct him to the chair.

Mr. Scott, Mr. Ballinger and Mr. Ross were appointed as said committee.

The President elect was conducted to the chair and introduced by the chairman of the committee, and addressed the Convention as follows:

*Gentlemen of the Convention*—I thank you for the high honor you have just conferred upon me in selecting me to preside over your deliberations. The duties of the position I know and you know are difficult and onerous, but with your assistance I think we can surmount them. All I can do now is to promise you that I will try to discharge them to the utmost of my humble ability. At the threshold of our labors it might be well that we survey, for a moment, the grounds we are to occupy, and to consider for a few moments some of the duties that lie before us. We ninety delegates have been selected in our respective districts, out of a population of a million and a half of people, to come here and perform the difficult work of making a new Constitution for this people and for this young and great and growing State. The

people of Texas have confided to us this important trust, and this fact should impress each and every one of us with a serious and solemn sense of the responsibility he is under to himself, to his country, and to posterity; to see to it that the instrument that shall be made here shall be such as shall commend itself, not only to the people of the State to-day, but to the people that may come after us. The people want a new Constitution. They are not satisfied with the present one. They have sent us here to make a new one. We have not come here to make one for ourselves any more than we have for any other ninety men in the State. If we had come here to make one for ourselves, we might then make one as our individual inclinations might wish it to be, but instead of that we have come to make a Constitution for the people. Then how shall we do it? Is it not best that we shall try to make it—not as one, two, three, or a dozen might desire it—but that we should study to find out the wishes of the people and make a Constitution that they will approve. Let us be careful, for if we put anything into the Constitution that the people of the State do not wish there they will take it out by amendment, and they ought to do so. On the other hand, if we leave anything out of the Constitution that the people want in it, they will put it there, and they ought to have it so. If we make a Constitution and the people of this State discover in the near future that it needs amendment, then I say to you that we shall have failed to make such a Constitution as they had a right to expect. Unless we make a Constitution that satisfies them and the times in which we live, and is so adapted that it may continue to serve those who come after us for a very considerable period of time, we will not have fully accomplished our work. These thoughts, it seems to me, can not be too strongly impressed upon us. Gentlemen, there is but one other suggestion I ask the liberty of making. It is almost needless to make it, for you all recognize it and feel its force as strongly as I do. It is this: We should remember, in every part of our work, that we are making an organic law for our own civilization, the most advanced of which the world has any knowledge, and we should keep ourselves on a level with it and look to it that we never at any time sink below it. Hoping that we may be able to make such a Constitution as will satisfy the people and meet the wants and interests of this great and growing State for an indefinite period in the future, that our labors may be harmonious, and that when we have done our work, it may meet the wishes of our constituents, I thank you for the honor you have done me and the attention with which you have listened to my remarks.

The President announced the first business in order the election of a Secretary, and that nominations were now in order.

Mr. West nominated Major Leigh Chalmers, of Travis county; Mr. DeMorse nominated J. F. Beall, of Fort Worth.

The Convention proceed to ballot, with the following result: Chalmers, forty-nine; Beall, thirty-four.

Major Chalmers having received a majority of all the votes, was declared duly elected Secretary of the Convention.

On motion of Mr Flournoy, Capt Fred Voight was appointed temporary Sergeant-at-arms.

The election of Sergeant-at-arms being the next business in order, Mr Allison nominated Capt. Tom Bowers, of Panola county; Mr Ballinger nominated Mr. Joe Owens, of Galveston; Mr. Moore nominated Capt. M. B. Highsmith, of Bastrop county; Mr. Robertson nominated Mr Lew Wells, of San Saba; Mr. Martin, of Hunt, nominated B.G Carter, Mr. Johnson, of Franklin, nominated Noah L. Byars, Mr Kilgore nominated Mr. Baker, Mr. Haynes nominated J. H. Fitzhugh, of Travis county.

The Convention proceeded to ballot, with the following result: Bowers, fifteen; Wells, eight; Owens, twenty-six; Highsmith, eleven; Carter, nine, Byars, four, Baker, one; Fitzhugh, nine.

No one having received a majority of all the votes, the Convention proceeded to a second ballot.

Mr. McLean offered the following resolution:

*Resolved*, That the names of all the candidates for Sergeant-at-arms be dropped after the second ballot, excepting the two receiving the highest number of votes.

Adopted.

The Convention then balloted the second time, with the following result: Bowers, seventeen; Owens, thirty-six; Wells, six; Highsmith, seven; Carter, five; Byars, two; Fitzhugh, ten.

There still being no election, the Convention proceeded to a third ballot, with the following result: Bowers, thirty-five; Owens, forty-six.

Mr. Owens having received a majority of all the votes, was declared duly elected Sergeant-at-arms of the Convention.

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

*Resolved*, That the President appoint a committee of three to ascertain and report the officers and employes necessary to complete the permanent organization of this Convention, and that this committee report at the assembling of the Convention tomorrow.

Mr. Reagan offered the following resolution, as a substitute:

*Resolved*, That the President of this Convention appoint a

committee, consisting of fifteen members, and that said committee report to the Convention, as soon as practicable, what other officers and employes are necessary to facilitate the labors of this Convention

*Resolved further,* That said committee, at the same time, report to the Convention the rate of per diem pay and mileage of the members of the Convention, and the rate of compensation of the officers and employes of the Convention

The substitute was adopted.

Mr. Brown offered the following resolution :

*Resolved,* That the Sergeant-at-arms be instructed to arrange for drawing for seats by the delegates, on the assembling of the Convention to-morrow.

Mr. Whitfield offered to amend by inserting "that the drawing be by districts."

The amendment was adopted.

The resolution, as amended, was then adopted.

Mr. DeMorse offered the following resolution :

*Resolved,* That a printing committee, to be composed of five members, be appointed by the President, to provide for the necessary printing for the Convention and the procurement of a daily issue of public journals, containing synoptical reports of the proceedings of the Convention, who shall report as soon as practicable

Mr. Dohoney offered the following, as a substitute.

*Resolved,* That the President of the Convention appoint a committee of seven members, to consider and report to the Convention, as soon as practicable, the number and designation of standing committees for the Convention

The substitute was adopted

The President appointed the following committee, under the substitute just adopted Messrs Reagan, DeMorse, Russell of Wood. Cooke of San Saba, Ross, Whitfield, Ford, Robinson of Fayette, Martin of Navarro, Cook of Gonzales, Ballinger, Barnett, McLean, Whitehead, and Johnson of Collin

Mr. Stockdale offered the following resolution :

*Resolved,* That a committee of seven members be appointed by the President on the rules and order of proceeding of the Convention

Adopted

The Secretary and Sergeant-at-arms elect came forward and took the oath of office

Under the resolution just adopted, the President appointed the

following members Messrs Stockdale, Dohoney, Nouvell, West, Ferris, Flounov and Fleming

The President appointed the following committee, under Mr. Dohoney's resolution on the subject of standing committees: Messrs Dohoney, King, Brown, Henry of Smith, Moore and McCormick

On motion of Mr Moore, a committee of three was appointed to wait on the Governor, and inform His Excellency that the Convention was now organized and ready to proceed to business

The President appointed Messrs Moore, Ferris and Holt

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

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## SECOND DAY

HALL OF REPRESENTATIVES,  
AUSTIN, TEXAS, September 7, 1875 }

Convention met, pursuant to adjournment, roll called, quorum present Prayer by the Rev Mr John Lovejoy

The President submitted the following communication to the Convention:

*To the President of the Constitutional Convention*

DEAR SIR—The "Ministerial Association, of Austin," composed of pastors of various churches, hereby tenders its gratuitous services to the Convention, to open its sessions with prayer daily, and whatever other religious exercises may be needed

I have the honor to be your obedient servant,

R H WILLENBERG,

President of Association

On motion of Mr West, the Convention accepted the services as tendered, and the Secretary was instructed to notify the president of the association of the acceptance of the services tendered, and to return the thanks of the Convention to the association

Messrs C Erhard of Bastrop county, A O Cooley of Gillespie county, E W Brady of Grimes county, and S A McKinney of Denton county, delegates elect, came forward, presented their credentials, and took the oath prescribed by the Convention

Mr Reagan, as chairman of a select committee, submitted the following resolution

*Resolved*, That the Convention will elect the following named officers, in addition to those heretofore elected, to wit Two