

such a committee down on the list. There were persons in parts of the State who were under a misapprehension that the Convention might take some action conflicting in its character with the Federal Government, and such a committee as was proposed would reassure them.

MR. LYNCH replied with a repetition of his arguments. He had had reference more particularly to the amendments to the Constitution of the United States. He thought delegates should not carry their humility so far as to go out of their way and appoint a Committee on Federal Relations.

MR. R. SANSOM, of Williamson, had no objection to the appointment of the committee. He thought that the proper time for the argument of Mr Lynch would be when the report of the committee was submitted. The ayes and nays were called for. Mr. Lynch's motion to strike out the Committee on Federal Relations was lost and the report was adopted.

THIRD DAY

WEDNESDAY, SEPTEMBER 8, 1875⁴

JUDGE REAGAN, Chairman of the Committee on Per Diem and Mileage, reported a resolution providing that the pay of members of the Convention should be \$5 a day, and that their mileage in traveling to and from the Convention should be \$5 for every twenty-five miles traveled, the distance to be computed by the most direct route. The resolution provided also for the appointment of a committee to ascertain the distance to be traveled and the mileage due each member. Judge Reagan observed that the resolution would make the mileage of the Convention three-eighths less than the members of the Legislature had received for several years past, and would provide better restrictions for the computation of mileage by circuitous routes.

MR. MCLEAN submitted a minority report accompanied by a resolution providing for pay of \$4 a day for delegates with mileage at the rate of 15 cents a mile in going to and from the Convention, mileage to be computed by the most direct route. The minority

⁴The proceedings for this day were taken from the *State Gazette* (Austin), September 9, 1875

report would have had the certificate of the President of the Convention, countersigned by the Secretary, be made the voucher necessary for the delegate to use in drawing his salary and mileage from the treasury.

JUDGE REAGAN moved the adoption of the majority report.

MR. JOHN HENRY BROWN, of Dallas, said the majority report made no provision for fractions of mileage.

JUDGE REAGAN replied that the object of the committee was to fix the rate of mileage.

MR. MCLEAN objected to the adoption of the majority report as it would in effect adopt the resolution.

JUDGE REAGAN, in lieu of his first motion, moved to lay the majority report on the table, which was carried. He then moved the adoption of the resolution accompanying the majority report.

MR. MCLEAN offered the minority report as an amendment, and yeas and nays were called for.

JUDGE REAGAN spoke for his report. He said that some reduction of the general expenses of the Government was expected by the people. Hence the committee had felt the necessity of commencing such work at the beginning of the proceedings, by regulating the appointment and payment of officers and the per diem and mileage of members. They had tried to avoid extremes and adopt a reasonable course. After consultation with a considerable number of delegates they concluded that \$5 a day, together with \$5 for every twenty-five miles traveled in coming to and returning from the Convention, would meet the approbation of members of the Convention. This pay would about cover the loss of time incurred in making the journey and would equalize it so as to make the days consumed in travel approximate to the days spent in actual work in the Convention. This would make the mileage average about 30 cents a mile. It was thought by the committee to be advisable to give to members reasonable compensation for both mileage and the time spent in traveling. No member could be paid in excess of what strict justice demanded, as the number of miles traveled would be determined by the committee of three appointed under the resolution.

MR. DOHONEY said he opposed the minority report. As he understood it the only effect of passage would be to pay delegates less

than the officers of the Convention, the latter receiving \$5 and the former \$4 per day.

MR. MCLEAN said he was glad the chairman of the committee had made the statement he had, although if any explanation was necessary it should have come from those of the minority report. He had never in his life seen more patient investigation than had been devoted to this question by the committee of fifteen. They had labored to agree and the difference was not so much between them as their understanding of the opinions of the people they represented touching the question of mileage and per diem. The minority were embarrassed by being forced into the position of opposing gentlemen so distinguished for ability, patriotism, and fairness, and so possessed of the confidence of the people. The minority considered themselves as instructed by their constituents to take the position they had. He, as a member, represented not so much the opinions of the committee as he did the emphatic instructions of a portion of his constituents. Four dollars per day and 15 cents per mile was what the minority had suggested. They would be giving delegates as much as \$50 a day under the recommendations of the majority report when delegates traveled by rail from the Capitol to their homes at a distance, while members of equal merit living near the Capitol would get nothing. The minority report was in favor of placing all members on an independent and equal footing. Hence they recommended \$4 a day, though taking the rate of mileage they recommended, the average would be about the same as that recommended in the majority report. The minority report did not intend their proposition for the per diem and mileage of delegates to establish the pay of future Legislatures. On the contrary, he, as a member of the Convention, should be in favor of a higher rate of pay for members of the Convention. It would be unfortunate if they should allow themselves a higher rate of pay than should be allowed future members of the Legislature. The minority of the committee favored a safe amount, so that in no event would it be possible for the Convention to establish a lower rate for future Legislatures than delegates took from the State as pay for their services. He might not differ in opinion from the majority of the committee individually, but he knew he represented the wishes of his immediate constituency. Unless the Constitution met the wishes

of the people their labors would have been in vain. The object of the minority report was to disarm the elements of the opposition that were sure to be arrayed against the ratification of any instrument they might make. It would be well in their effort for reform to look to it that they did not give their enemies an opportunity to fight them at so early a day in their labors. It was useless for gentlemen to oppose their notions of what was proper to the expressed sentiments of the people, or even to their prejudices and whims, or the labor and expense of the Convention would be incurred in vain. If the people of Texas desired a Constitution according to their ideas of the cost of government they ought to have it. If future State Governments proved burdensome and onerous it ought not to be the fault of that Convention. If a Constitution were made in accordance with the wishes of the people, they would know that they, and not the Convention, should be blamed for anything it might contain which was not in harmony and true consonance with a State Government. His remarks were not prompted by any worthless and contemptible desire for reputation. That motive was too low to be attributed to any member of the Convention. With reference to the pay of officers, the minority report proposed to allow them a just and fair rate of compensation. They expected the same rate would be allowed the officers and employees of future Legislatures, but so far as members were concerned they thought best to make an individual sacrifice, rather than risk the safety and ratification of their work.

MR. J. L. GERMAN, of Fannin, moved to strike out 15 cents in the minority report and insert 10 cents per mile. He said that the question was a difficult one to regulate. Fifteen cents a mile would pay members \$7.50 a day over and above their necessary expenses while traveling. Ten cents a mile would pay all his expenses and the time expended in traveling. Of course those who traveled by stage would incur more expense than those who came by rail or on horseback.

MR. DEMORSE supported the majority report. He said the committee had considered the question very carefully. He was one of those who had always condemned the waste and expense of useless legislation, but Texas people were a reasonable people and did not expect their delegates to base their compensation, or that of future

Legislatures on a low and inadequate rate of compensation. He did not expect to belong to any future Legislature, but had no hesitancy in fixing the pay at such a reasonable rate—or more than reasonable rate—so that gentlemen could afford to come to Austin and represent the State. They might all conscientiously differ on the question. He accorded to the minority the utmost conscientiousness, but he entertained a higher estimate of the intentions of the people than they entertained. They seemed to imagine that anything but a low rate of compensation would be objected to by the people. He thought his constituency was a reasonable one. They knew that most of the members of the Convention were gentlemen who did not make, but sacrificed money in coming to Austin. Whatever the exceptional case might be, the majority of the people, while demanding economy, wanted a reasonable economy. He, for one, did not fear to go before his constituency, and they were the same in part as those represented by the gentleman from Titus. He hoped the members of the Convention would act with dignity and self-respect. It might be that some demagogue would endeavor to obtain a little popularity, because members demanded something more than a day laborer's wages for their services. He did not take the position taken by Mr. Stephens in Congress, that large pay was necessary to secure the services of men of ability, but he did not believe that any gentleman could afford to sacrifice his self-respect when he fixed the rate of his own services and that of those who were to come after him. He was in favor of fixing a fair and legitimate amount.⁵

MR. JOHN JOHNSON, of Collin, said he differed from the gentleman from Titus in one respect, and that was in not regarding the rate of compensation paid to members of the Convention as governing that of future Legislatures. The pay of the latter had been \$8 per day and the opinion was that there had been too much legislation at that rate, so much in fact that the very best lawyers did not understand it. With reference to the rate of pay at which gentlemen could afford to serve the people, as good men as he was could be hired in his neighborhood at \$1 a day and board themselves. (Laughter.) His constituency did not propose to send men of the highest talent to represent them, because the people had had too much of talent.

⁵Mr. DeMorse was the editor of the *Clarksville Standard*. He had served in the Thirteenth Legislature of Texas.

They were in favor of lower salaries and a lower order of talent. The officers did not get mileage. Besides the members were willing to work and expected to do so at lower pay.

MR. S. H. RUSSELL, of Harrison, said he thought it was not intended that they should work for nothing, but that they should be reasonably well paid for the work they did. The gentleman from Collin had said that good men could be obtained for \$1 a day. It might turn out that compensation at \$1, \$2, or \$3 a day might be very dear to the people. He thought the gentleman from Titus was pandering to popular clamor. He did not think that the people expected that the only compensation delegates were to receive was their board bills and their actual mileage. If that was the idea of retrenchment and reform they might as well resolve to serve the people gratuitously for the sake of their patriotism. He felt that it should be the idea of the Convention to limit legislation and the cost of it. He did not think the services of a legislator for making laws under a Constitution were entitled to a higher compensation than that paid to the delegates who framed the Constitution itself. In conclusion he proposed as a substitute for the whole question "that the delegates of this Convention do serve in this Convention without per diem pay or mileage."⁶

MR. E. S. C. ROBERTSON, of Bell, said that while he was prepared to vote for retrenchment, he did not wish to treat the people unjustly. The constituency which he represented expected to pay a fair compensation to the members. He regarded the majority report as a precedent for the compensation of future Legislatures and hoped it would be so regarded by others. He would vote for the majority report.

MR. G. McCORMICK, of Colorado, said he thought it would be well for each delegate to go to the Treasury and say what he considered his services worth, so they did not exceed \$5 a day.

⁶The *Daily State Gazette* (Austin), September 9, 1875, reminded its readers that Mr. Russell was sheriff of Harrison County during the Convention,⁶ hence could afford to make the attempt to make capital for his party by proposing to serve the people without pay. Harrison County was strongly Republican, and had a large majority of colored voters. Mr. Russell was one of the Republican leaders in the convention

MR. W. T. G. WEAVER, of Cooke, regarded the pay of delegates as a precedent to future Legislatures. He was in favor of proper, but not an unjust retrenchment. He was aware that minorities had rights, and that there was opposition to the Convention. The party which made the existing organic law and gave \$8 a day and expensive mileage to legislators, were enemies of the Democratic administration and were not the friends of retrenchment and reform. The delegates were pledged, to reform, especially on the question of reducing taxation, the salary question being included in it. He favored the majority report. He did not desire to reflect at all on the gentlemen submitting the minority report, but it did seem to him that they were taking an unwise step. He differed from his friend from Collin, who would simply place a delegate on a level with an ox-driver. He, Weaver, was not an aristocrat, but he thought the position of delegate from the people was one worthy of respectful and respectable compensation.

Mr. Russell's amendment was lost by a vote of 8 ayes to 79 nays. Upon motion of Mr. F. S. Stockdale, of Calhoun, the amendments offered by Messrs. German and McLean were tabled. The majority report was then adopted, and the majority resolution, offered originally by Judge Reagan, was before the Convention.

Mr. German moved to strike out "five dollars for every twenty-five miles traveled" and to insert "two dollars and seventy-five cents," and add "five dollars for every twenty-five miles traveled otherwise than by rail." But the motion was lost, and the Reagan majority resolution was finally adopted.

FOURTH DAY

THURSDAY, SEPTEMBER 9, 1875⁷

(The fourth day of the Convention was consumed entirely by the introduction of resolutions. In most cases the resolutions were, by vote of the Convention, referred to appropriate committees. Several of the resolutions formed the bases of spirited debates when the committees reported to the Convention later on.)

⁷The proceedings for this day were taken from the *State Gazette* (Austin), September 10, 1875.