

THE WACO DAILY EXAMINER.

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WACO.

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(Next to Waco House, Bridge Street.)
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All work guaranteed in the latest and best style.

Message from Governor Coke.
EXECUTIVE OFFICE, AUSTIN, TEX.,
March, —, 1874.
To the Hon. Senate and House of Representatives: GENTLEMEN—Since it is understood that your honorable bodies have decided not to call a Constitutional Convention, I deem it not improper to break the silence I have purposely observed on this subject pending its consideration.

Feeling that action on the question should be taken by yourselves, as the more direct representatives of the people—influenced by the views of the Executive—in my first communication to your honorable bodies, I remitted to you the question as to mode in which the constitution, admitted by all to be extremely noxious, should be changed—whether by amendment, in the manner prescribed by the constitution, or by a convention called to frame a new constitution, being content to approve either of the two adopted by you. Believing now, as I did then, that an imperative necessity exists for a thorough change in the constitution, and that your honorable bodies have acted wisely in deciding not to call a Constitutional Convention at this time, and more wisely still in voting down the plan of making a constitution by commission. I recommend that immediate steps be taken to prepare amendments, to be hereafter submitted to the people, which shall cover every defect in the present constitution. I suggest, for the purpose, a joint committee from the two Houses, and recommend that the amendments, when made, shall present to the people, for their consideration, an instrument of organic law, complete in all its parts, which, if adopted, will be an entirety within itself, and be the Constitution of Texas.

After the preparation of this amendment, I recommend that provision be made for the publication of it, immediately after the adjournment of the Legislature, in such manner that it will go into the hands of the people generally, throughout the State. Being thus informed of the change proposed to be made in the Constitution, the people and press will discuss them, and from this discussion the Senators and Representatives will be able to eliminate the popular will, as to whether the constitution shall be amended or a Constitutional Convention called, or as to whether any modification or change in any of the proposed amendments should be made, and at the next session of the Legislature, in their action, give effect to the will of the people, as they find it to exist. This will be, in effect, a remittor of the whole question to the people. The time which will elapse before final action on the subject will be well

consumed in a thorough discussion of principles which are to be the ground work of our future government. A constitution hastily gotten up would soon have to be amended or superseded by a new one. Nothing renders a government more unstable, or educates a people for revolution more perfectly, than a frequent handling, changing, remodeling, or overturning, of the organic law. This is the original bond which organizes society into a State, and rarely can be loosened without detriment to some of its best interests. A people who regard their organic law with reverence, and who approach it to change or amend, only after the maturest deliberation and discussion as to the alterations which shall be made, have the highest guaranty that human wisdom can devise of stability for their institutions. We know full well the many objectionable features in our present constitution, but can we assert with equal confidence that we are agreed as to the wisest substitutes for them?

Will not a more thorough discussion of these matters, by the best minds of the country, with a proposed amendment as a basis, lead to that thoroughness and maturity of deliberation and action so desirable and so necessary to the attainment of a wise result? Can it be said that time is lost which is thus employed? Suppose half, or two-thirds, of the amendments proposed now are modified at the next session, before they are submitted to the popular vote, as a result of the thought bestowed on them by the people, will not that attest the wisdom of having framed them at this session? If the public mind should be satisfied with the amendments as proposed, and no change should be desired, we could ask nothing better, and would feel assured that your work had been wisely done. If, however, the amendments should be thrown aside, and the people demand a convention, still all the benefit of the thought and discussion bestowed on the subject

convention. Constitution making is a work greatly different now from what it formerly was, in Texas. Our social and our labor systems, and, in some degree, our political system, have changed fundamentally. We hardly yet appreciate the extent and import of the change ourselves. These changes are going on and will continue. New population, with new ideas, are filling the country; new industries are springing up; enterprise and rapid improvement is the order of the day. Associated capital, in the hands of corporations, so imperatively necessary to our development on the one hand, and so dangerous on the other, finds an extensive field for operation in Texas. We have forty thousand unlighted black voters, natural followers, in their simplicity and ignorance, of the unscrupulous trickster and lemagogue, in some portions of Texas, largely outnumbering the whites, and having equal privileges with them at the ballot box and in the jury box. From these and other facts which might be stated that exist among us now, with which our people are scarcely yet familiar, questions must present themselves to be dealt with by the framers of our organic law, which should be gravely and most maturely considered.

The new constitution should be adapted to our changed social, political and industrial condition, and to the growing and changing condition of our society, and the different elements and interests which constitute it. To make such a constitution, we should have a clear perception and appreciation of Texas, as she is, and as she will be. If the people of Texas will take time and give mature deliberation to the problems of government, now, for the first time, confronting them, which must be solved in the formation of a constitution, I have no fear of the wisdom of their conclusion. But I do confess to fears of the result of hasty and precipitate action. A constitution should be made as if for all time, and with a view to the evils and dangers of too frequent change, or amendment. It is the most important step ever taken in the government of a State, and in proportion to the difficulty of the questions to be dealt with, should be approached with caution and the gravest care. The grave financial embarrassment surrounding us at this time presents another urgent argument in defense of the wisdom of your course in declining to call a convention. The expense attending the holding of a convention, although considerable, is not the only item to be considered in this connection. Your honorable bodies have found it necessary, in order to meet obligations now due and pressing the State, to provide for the sale of State bonds to the amount of \$1,000,000. These bonds must be sold, because the creditors of the State are clam-

orous for payment, and there is not a dollar in the treasury; and the honor and credit of the State is at stake and must be preserved.

It is well known that the stability of a government enters largely into the estimate in fixing the value of its securities. If a convention had been called the canvass preceding the election for delegates would have been in progress with high party excitement at the very time when our bonds will be in market; the newspapers of the State would have teemed with discussion, showing every shade and variety of opinion on the various questions which have to be acted on in framing a constitution, and it is believed that under these circumstances, when the organic foundations of the government were about being taken up for readjustment and change, that capital, which is proverbially timid, would have shrunk from an investment in our bonds, except at discounts we would be unwilling to submit to.

Texas is not yet known abroad as our people at home know her. But a short time since bloodshed in the walls of the Capitol was narrowly escaped, in asserting the right of her people to free government. Under the administration of her government preceding this, the vaults of her Treasury were left empty, her paper depreciated, and her credit dishonored. These things being of recent date, and well-remembered as facts, it is believed that the causes of them are not much inquired into, or well understood outside of Texas. Only the facts, as they transpired, are taken into the estimate. Tranquility and repose, rather than renewed political agitation, following the accession of the present administration to power, at least for a season, seems to me necessary to a restoration of confidence in Texas, her people and government, and re-establishment of her credit abroad, and, I believe, in no considerable degree at home. When conservatism, which measures well the ground that it treads, and estimates

rules the hour, and the people of Texas may wish that speedier progress could be made, I have no fear that they will have an abiding confidence in the wisdom and beneficence of ultimate results through measures which, though slow, are surely conducive to the public weal. Many hold that the administration is pledged, by the platform on which it came in power, to call a convention. This is true literally; but why call a convention? Certainly, the assembly of the delegates in the Capitol in convention is not the result sought to be attained. The formation of a constitution for Texas, acceptable to her people, and in a mode recognized as legitimate and constitutional, is the result, for the accomplishment of which it is said in the platform: "We favor the call of a convention," etc., etc. Now, if that same result is accomplished, if the sovereignty of the people of Texas is invoked, by acts in another mode, sanctioned and usage and by itself, in producing an instrument of organic law, the result demanded in the platform is accomplished, and the pledge redeemed in substance and spirit. I would say to those who stifle for the "letter of the law" that by another clause of the same platform the administration is pledged to economy in carrying on the government. Would not this pledge be grossly violated, if, when the necessities of the government imperatively demand the sale of her bonds, we should deliberately do that which would certainly produce a ruinous discount on them, if it did not defeat their sale altogether, which could as well be done in another way, without effecting the credit of the State at all? The plan of changing the constitution by amendment is one provided for by the people, in their last expression of sovereign will. It is as legitimate as a convention for the purpose, because the people have prescribed it in the present constitution, as they had previously done in the constitution of 1845, as one mode in which, if the Legislature prefer it, the organic law shall be changed. It is, in my judgment, a wiser plan than to call a convention at this time—because the intervention of the Legislature, before amendments can be submitted to the popular vote, insures double deliberation and care in this, that an opportunity will be afforded at the next session of amending and correcting errors or mistakes, which a searching investigation by the popular mind may expose in the amendments as proposed now. Thus guarded against too much haste in their formation, and having received the maturest consideration of the people, and two sessions of the Legislature, the amendments, when finally passed upon the people at the polls, if adopted, and afterward ratified by two-thirds of the Legislature chosen at the same election, will be stamped

with the highest guaranty of their wisdom. The instrument made in the manner I suggest will not be patchwork, but will be an entire, consistent, harmonious whole; and, at the same time, will be an amendment, because however radical and thorough the change made, at least one-fourth of the present constitution will remain untouched, which will be the basis of the amendment. If permitted, I would suggest to your honorable bodies, in framing amendments, to bear in mind that a constitution should be a well digested system of purely organic principles and limitations; that it should consist only of elemental landmarks and beacon lights, to limit and guide the government on the subjects embraced in it; that its provisions should be general, so that legislation under it may have scope wide enough to meet all the exigencies and changes likely to occur in a growing and expanding society. Our present constitution has been not inaptly termed an omnibus bill, containing special legislation on almost every subject, and it is for this reason that at every turn in your efforts to enact desirable laws you are met and stopped by some of its provisions. Legislation should find no place in a constitution. Our Legislatures meet for the purpose of enacting laws. Constitutions are ordained to limit and define the powers of the government, and to guide it in making and executing laws. Whenever the maker of a constitution descends into ordinary legislation, he plants in the instrument the seeds of its destruction and does that which will surely render a change necessary. It will be found universally true that those State constitutions which contain the smallest number of provisions, which adhere most closely to fundamental declarations, and to the fixing simply of boundaries, leaving the interior to be filled by the enactments of the Legislatures, have been the wisest and most enduring. Many of the

are cured by simply dropping out obnoxious clauses, and leaving the subject matter of them to be dealt with by the Legislature. In order to provide against a too frequent recurrence of the necessity for change in the constitution, I suggest that the amendments should not be too restrictive, but that much should be confided to the discretion of the law-making department. As before remarked, we do not ourselves fully understand, as yet, the changes which have been wrought among us by the events of the past few years; and the government should have room and verge enough to meet and provide for developments and exigencies, which our new surroundings and conditions may bring about. A constitution constructed of principles which do not change, but which leaves to the government it creates power to expand and adapt itself to the changes which are constantly occurring, is what we need.

Having clear convictions of the propriety and policy of proposing amendments to the constitution, which shall be thorough, and cover the whole ground, I earnestly recommend that your honorable bodies, without further delay, proceed to prepare them.
Respectfully,
RICHARD COKE.

HOUSE BILL NO. 150.

A BILL
To be entitled an "Act to Re-appoint the State of Texas into Congressional Districts."

In the House of Representatives, February 16, 1874.
Read first time. Made Special Order for Monday, February 23d, at 11 o'clock A. M., and one hundred copies ordered printed.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the territory comprised within the limits of the counties named as follows shall compose the several Congressional Districts of the State of Texas, each of which shall be represented by one member in the House of Representatives in the United States Congress:

SEC. 2. The First Congressional District shall be composed of the following counties: Chambers, Liberty, Hardin, Jefferson, Orange, Polk, Tyler, Jasper, Newton, Trinity, Angelina, San Augustine, Sabine, Shelby, Nacogdoches, Cherokee, Houston, Anderson, Rusk, Smith, Panola and Henderson.

SEC. 3. The Second Congressional District shall be composed of the following counties: Harrison, Marion, Cass, Bowie, Upshur, Titus, Red River, Wood, Hopkins, Lamar, Delta, Fannin, Hunt, Rainey, Van Zandt and Gregg.

SEC. 4. The Third Congressional District shall be composed of the following counties: Grayson, Collin, Kaufman, Dallas, Ellis, Johnson, Tarrant, Denton, Cooke, Montague, Wise, Palo Pinto, Jack, Clay, Parker, Hood, Erath, Pecos, Stephens, Shackelford, Wichita, Archer, Young, Stephens, Shackelford, Throckmorton, Baylor, Wittberger, Hardeman, Knox, Haskell, Jones, Eastland, Callahan, Taylor, Rockwall and Hill.

SEC. 5. The Fourth Congressional District shall be composed of the following counties: Harrison, Grimes, Montgomery, Walker, Brazos, Robertson, Leon, Freestone, Limestone, McLennan, Navarro, Bosque, Falls, Walker, Bell, Coryell, Hanilton and Comanche.

SEC. 6. The Fifth Congressional District shall be composed of the following counties: Garrettsville, Brazoria, Matagorda, Wharton, Fort Bend, Austin, Colorado, Lavaca, Fayette, Washington, Burleson, Bastrop, Travis, Williamson, Milam, Burnet, Lampasas, Brown, Coleman and Runnels.