

DEBATES
of the
Missouri Constitutional
Convention *of* 1875



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VOLUME I

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PREFACE

The published *Debates of the Missouri Constitutional Convention of 1875*, of which this volume is the first, will include a series of twelve volumes, as nearly as the editors can estimate from the original manuscript copy. The series is a continuation of the work begun by the State Historical Society of Missouri in 1920 when it published the two volumes, by the same editors, of the *Journal, Missouri Constitutional Convention of 1875*. During the decade intervening the State Historical Society of Missouri has completed the publication in twelve volumes of a similar documentary series, *The Messages and Proclamations of the Governors of the State of Missouri*, covering the period from 1820 to 1929.

The manuscript copy of the *Debates* includes fifty-seven volumes, which are in the custody of the Secretary of State of Missouri. Nine of the fifty-seven volumes each contain the debates for two days, one other volume the debates for four days, and each of the remaining forty-seven volumes covers one day. The *Debates* for five days, June 9, 11, 21, 24, and 28 are at present missing. These missing volumes contain the debates of the Convention for the 28th, 30th, 38th, 41st, and 44th days of the seventy-four days' session. If the missing volumes are not located, the editors will include the most complete accounts of the debates that are preserved in the newspapers of the day.

Volume I of the *Debates* includes the first twelve days of the Convention, from May 5 to 18 inclusive, no sessions being held on Sundays, May 9 and 16. These first twelve days are in six manuscript volumes. The volumes are uniformly bound in three-quarters leather and are in good condition with one exception. The exception is the volume for the 7th and 8th days, May 12 and 13. Only part of the binding remains and the first four pages of manuscript copy for the 7th day are badly mutilated, the ink faded, the paper

rotten and considerable portions of each page missing. The newspapers of the day were consulted but no additional data was found. In the relatively few instances of partial illegibility and obscurity of expression, the editors have reproduced copy with exactness as far as it could be deciphered and frequently have placed in brackets the word *sic* to guard against any misinterpretation by the reader. If similar cases are brought to light in future volumes, the editors will supplement the *Debates* with footnotes containing copy of the proceedings as found in the newspapers.

These volumes measure twelve and one-half inches in width and eight and one-quarter inches in height, with title stamped in gold on backbone. The stamping on the first volume reads: Debates/Constitutional/Convention (top); 1st-2nd Day (middle); May 5-6/1875 (bottom). The manuscript is in legible handwriting, clear and usually easily read although some of the writing is difficult to decipher. The writing is on legal cap paper with a left-hand margin of one and three-quarters inches. The top of the page, instead of the left-hand side, is the binding edge. The six manuscript volumes contain 1312 pages.

In proof-reading the *Debates* the typed copy was read aloud and the manuscript copy was carefully followed. In passages where words were obviously omitted the word or words were supplied in brackets to indicate editorial changes or interpolations. Wherever necessary, footnotes were added in explanation. Effort was made to prepare copy for the *Debates* to insure, as far as possible, uniformity with the *Journal* in printing and arrangement. This was not always possible, however, since the manuscript copy of the *Journal* and that of the *Debates* are not identical in form. The most notable difference is, of course, the fact that the manuscript *Journal* comprises but one volume and a small supplementary volume, each consecutively paged, while the *Debates* comprise fifty-seven volumes, separately paged. Indeed, in some instances, one volume of the *Debates* may be paged from page one to the close of the morning session,

and begin with page one for the afternoon session, even though the two form but one book.

In preparing the copy for the printed version of the *Debates*, it was of course necessary to indicate, wherever it would logically fall in the text, the volume and page reference to the original manuscript copy. This has been done by placing the figure indicating the number of the day, together with the page number, in brackets, thus [1, 5], which means, 1st day, page 5. In cases where the volume for one day is separately paged for the afternoon session, the letter "a" has been added immediately after the number of the day, *i. e.* [1a, 25], meaning, 1st day, afternoon session, page 25. In the printed copy the figures referring to the day are in blackface type, those referring to the page in light-face type. Footnotes explaining these day and page references have of course been added.

The system devised for printing the *Debates*, and the policy pursued in regard to capitalization, spelling, punctuation, and paragraphing, are here set forth:

1. The *headings* occurring in the *Debates* for the day of the week, the day of the month, and for the year are reproduced exactly as they appear in the manuscript copy. No period follows these dates.

2. The *Index* occurring before each day's proceedings is reproduced in printed copy exactly as it appears. The page references given in this *Index* refer to those of the manuscript copy. Footnotes also explain this.

3. *Capitalization.* The manuscript copy has not been followed with exactness as regards capitalization, as it was difficult in many cases to determine the purpose of the penman and as it was thought advisable in several instances to conform to established rules. (a) The word "committee" has been capitalized where it occurs as a part of the name of or refers to a specific committee, *e. g.*, Committee on Revenue and Taxation. (b) The word "Convention" has been capitalized throughout where it refers to the 1875 Convention. (c) The word "Constitution" has been capitalized when it refers to the Constitution of the United

States or the Constitution of the State of Missouri; Constitution of 1820, 1865, etc. (d) The word "Journal" has been capitalized where it refers to the Journal of the Convention of 1875. (e) The words "Legislature" and "General Assembly" have been capitalized where they refer to the Legislature and the General Assembly of the State of Missouri, and the word "State" has been capitalized where it refers to the State of Missouri. The words "Article," "Section," and "Rule" have been capitalized where they refer to a specific article, section, or rule.

4. *Punctuation, abbreviations, and spelling* have been reproduced as they appear in the manuscript copy, except where a change was absolutely necessary for the sake of clearness. However, a certain uniformity has been observed in punctuation in the following instances: (a) Period after all sentences whether it occurs in the manuscript or not; period after the date line which appears after the *Index* and immediately before the text at the beginning of each day's *Debates*. (b) Colon closing the sentence immediately before a Resolution; colon following the name of a member who is about to speak. (c) Comma after the word "Resolved" in all resolutions. (d) The quotation marks which in the manuscript almost always appear around resolutions have in all cases been deleted, since all resolutions are here published in 8-point type to distinguish them from the body of the text, which is in 10-point on 12. Quotation marks for all actual quotations, whether from a book, portions of a speech, or from portions of a former resolution quoted within a resolution, etc. are, of course, placed in quotation marks. This applies whether they occur in matter set in 8-point type or not. In cases where quotation marks should be closed and are not they have been added in the printed copy. The spelling of the names of the delegates in the manuscript copy of the *Debates* has not been changed. The *Journal* and the *Debates* do not in all cases agree in this respect, as far as the *Debates* have been proofed, *e. g.*, Cottey is spelled with an "e" in the *Journal* and without an "e" in the *Debates*; Mortell is spelled with a final "e"—Mortelle—in

several places in the *Debates*; Carleton is frequently spelled without an "e"—Carlton—in the *Debates*; Shackelford is spelled "el" in the *Journal* and "le" in the *Debates*.

5. *Style of printing, paragraphing, and indention.* All resolutions, amendments, and substitutes, as well as all communications formally brought before the Convention, are in 8-point type, to distinguish them from the body of the text, which is in 10-point on 12.

The paragraphing of the manuscript copy has not been followed exactly, since in most instances, a hanging indention is used in the manuscript version, and this is not feasible for the printed copy. However, all hanging indentions in the manuscript copy have been taken to indicate paragraphs.

All matter set in 8-point type in the printed version is paragraphed and set one space nearer the left margin than the regular paragraph of 10-point text.

6. Where the word "Insert" (or "Insert from Journal") occurs in parentheses in the manuscript copy, it has, of course, been included in the printed copy. And immediately following this, there has been inserted a footnote reference. The footnote, in such cases, sets forth in 6-point type the matter referred to as it has been copied by the editors from the *Journal Missouri Constitutional Convention of 1875*, 2 vols., published by the State Historical Society of Missouri in 1920.

If, when the word "Insert" is used in the manuscript copy, the subject matter does not appear in the *Journal*, a footnote is added to explain the failure to supply the reference.

In general, the manuscript copy was followed exactly with regard to italicized words.

In the final volume of this series of *Debates* will be included an adequate index of the published volumes.

The editors and the State Historical Society of Missouri acknowledge with appreciation the courtesy of Hon. Charles U. Becker, Secretary of State, of Jefferson City, in lending the manuscript volumes of the debates for copying.

FLOYD C. SHOEMAKER

State Historical Society of Missouri,

November 18, 1930.

INTRODUCTION

Ten years ago the State Historical Society of Missouri published the *Journal* of the Missouri Constitutional Convention of 1875. This work has contributed to a better understanding of provisions of the present Constitution of the State. A correct interpretation of certain sections, however, is dependent upon greater knowledge of the facts connected with their adoption including the motives influencing the members of the Constitutional Convention. Up to the present time accurate information regarding such matters could be found only in the numerous manuscript volumes in the office of the Secretary of State. This material is very inadequately indexed and it has been a difficult and, in many cases, practically impossible task to locate specific information.

This volume is the first of a series that will include, in as perfect form as possible, the complete debates of the Constitutional Convention of 1875. With the addition of an adequate index the series will prove of great value to the legal profession and to students of history.

The *Journal, Missouri Constitutional Convention of 1875*, Volume I, pages 7-71, contains an article on Constitutions and Constitutional Conventions in Missouri by the writer and one on the Personnel of the Convention by Floyd C. Shoemaker. These render unnecessary any extensive introduction to the *Debates*. It is desirable, however, to indicate certain features of interest appearing in the first volume of the series.

The present volume contains the debates for the first twelve of the seventy-four days during which the Convention held sessions. As these days were devoted mainly to organization and preliminary matters the debates are neither as extensive nor as important as in the later periods.

The influence of conditions resulting from the Panic of 1873 and the default of railroads in meeting their debt to the State are shown in demands for economy and propriety in expenditures that, in some cases, were carried to an excessive degree. Thus on the second day ten manuscript pages are devoted to debates on a resolution, to provide each member of the Convention with two daily papers, which was finally laid on the table. Questions involving the character of the journal or the employment of additional clerical force occupied nearly the entire morning session of the third day, nearly one-half of the fifth day and one-fifth of the eighth day.

Considerable debate was had on the seventh day upon the question of employing official stenographers for keeping a complete record of the proceedings and on the ninth day the Convention debated the advisability of printing the journal and debates.

Considerations of religious freedom as well as of economy led to a series of protracted debates on the employment or appointment of chaplains for the Convention. Nearly two-thirds of the second day, one-fifth of the third day and a brief period on the fourth day were devoted to this subject.

On the second day, a proposition to have a standing committee on military affairs precipitated a debate on the respective powers in this field of Congress and the states that involved a discussion of the entire subject of state rights. A proposal to pledge the faith of the State for the payment of the bonded debt and interest was debated for nearly one-half of the fourth day.

During the twelve days included in this volume many proposals for articles and sections in the new constitution were submitted and referred to appropriate committees. In one case, on the third day, a member submitted a draft of an entire revised Constitution which he explained with considerable detail. After considerable discussion, involving the question of expense, it was decided to print 200 copies of the draft.

It is unnecessary at this time to refer to the numerous proposals submitted. Because of its subsequent importance, however, attention should be called to the resolution introduced on the seventh day for a standing "Committee of the St. Louis Delegation" to consider the provisions necessary "to secure the interests of good government in the city and county of St. Louis." This provoked considerable discussion in which it was suggested that the proposal might create antagonism on the part of other sections of the State. Changes were made of the title to "Committee on St. Louis Affairs," and of the functions to consider all matters having "specific reference to organizing the government of the county and city of St. Louis, and none other," and the resolution was then adopted.

On the ninth day an important resolution was referred to the above Committee including, among other things, proposals that all cities having a population of 100,000 or more shall be considered separate counties and that they "shall be regulated by a fundamental constitutional charter which shall not be liable to yearly change by the legislature" but any change in which must be approved by two-thirds of the city council and mayor and a similar majority of the voters of the city. This appears to be the first suggestion of the plan that later developed into the home rule charter system of Missouri and other states.

The Convention did not begin its actual work of revision until the twelfth day, the last one included in this volume. As previously agreed, the Convention resolved itself into Committee of the Whole to consider the revised Preamble and Bill of Rights that had been recommended by the committee on those subjects. Practically the entire session was devoted to discussion of the first section of the Bill of Rights and certain amendments proposed thereto. One hundred and ten pages of manuscript are devoted to this debate which did not result in any definite action as the amendments were still pending when the Committee rose, reported progress and asked leave to sit again.

During the period covered by this volume the several committees were engaged in the consideration of proposals referred to them and in perfecting drafts for submission to the Convention. Subsequent volumes will contain the discussion and the decisions of the Convention regarding these matters.

ISIDOR LOEB

Washington University,
November 18, 1930.