

Official report of the debates and proceedings in the Nebraska Constitutional Convention assembled in Lincoln, June thirteenth, 1871. From the original shorthand notes of John T. Bell, John Hall, Dan Brown and John Gray. Prepared for printer (1871) by Guy A. Brown, clerk of the Supreme Court of Nebraska. Revised, edited and indexed for publication (1905 [-1907]) by Addison E. Sheldon. Published by the Nebraska State Historical Society pursuant to resolution of the twenty-ninth session of the Nebraska Legislature.

Nebraska.

York, Neb., T.E. Sedgwick [1906-13]

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Tuesday]

Twenty-Fourth Day

[June 8

State of Nebraska.
 Constitutional Convention,
 June 8, 1875.

The committee on revision and adjustment, to whom were referred sundry enrolled articles, would respectfully report that they have examined the preamble and article on bill of rights and recommend:

First. That section 4 of the article be stricken out and section 3 of the proposed constitution of 1871 be substituted.

Second. In section 21, line 10, after the word taken add "or damaged."

Your committee have also had under consideration the article on militia, and recommend to strike out sec. 2 and 3, as the same verbatim are incorporated in the bill of rights.

Your committee have also had under consideration the article on right of suffrage. In sec. 2, line 2 or 3 strike out "idiot, insane or under guardianship," and insert "non compos mentis."

C. H. VAN WYCK,
 Chairman.

The question being upon the adoption of the report upon revision and adjustment, the first amendment was disagreed to.

The second amendment was adopted.

Mr. Pound moved to reconsider the vote by which the second amendment was adopted; which was agreed to.

The question being upon the adoption of the third amendment, it was lost.

Mr. Pound moved to amend sec-

tion 21 of the article entitled bill of rights by inserting after the word taken, the words "or damaged;" which amendment was concurred in.

Mr. Manderson moved to amend section 21 by inserting in line 8, after the word owner, the words "where land is taken;" which was disagreed to.

Mr. Briggs moved to strike out section 21 and substitute the following: "The property of no person shall be taken for public use without just compensation therefor."

A division being called for, the substitute was adopted.

Mr. Manderson moved that the article entitled "Bill of Rights" be ordered enrolled. A division being called for, the motion was agreed to.

The question being upon the report of the committee on revision and adjustment, upon the article entitled Militia, sections 2 and 3 were stricken out as recommended.

On motion the article entitled Militia was ordered enrolled.

The question being upon the report of the committee on revision and adjustment, relative to the article entitled Right of Suffrage, the first amendment was adopted as recommended.

Mr. Robertson moved to strike out the words sixty days, in last line of section 1.

Tuesday]

Twenty-Fourth Day

[June 8

Mr. Warrington moved, as an amendment, to strike out the words "at least sixty days."

Mr. Henry moved to further amend by striking out the second proviso.

The yeas and nays being demanded, on the amendment offered by Mr. Henry, those voting in the affirmative were

Henry.—1.

Voting in the negative,

Abbott,	Hopewell,
Agur,	Hunter,
Becker,	Kirkpatrick,
Boyd,	Laird,
Briggs,	McPherson,
Broady,	Manderson,
Brown,	Martin,
Burtch,	Matthews,
Calhoun,	Maxwell,
Carns,	Munger,
Clark,	Peery,
Coates,	Pound,
Conner,	Pierce,
Cummins,	Powers,
Dawes,	Robertson,
Doom,	Sauls,
Dunlap,	Shedd,
Eldridge,	Smith,
Ewan,	Sterns,
Foss,	Stevenson,
Frady,	Thompson,
Garber,	Thorne,
Gere,	Vallery,
Grebe,	Van Wyck,
Grenell,	Walther,
Griffing,	Walling,
Gwyer,	Warrington,
Hallner,	Weaver,
Hawley,	Wilcox,
Hayward,	Zediker,
Hinman,	Mr.President.—62.

ABSENT.

Hamilton,	Kendall,
Harper,	Rees,
Harrington,	Rogers.—6.

A majority of the members voting in the negative, the amendment was lost.

Mr. Henry moved to amend by inserting the words "sixty days prior to the adoption of the constitution;" which was disagreed to.

The question recurring upon the amendment offered by Mr. Warrington to the motion of Mr. Robertson, the yeas and nays were demanded.

Those voting in the [affirmative] were

Abbott,	Kirkpatrick,
Becker,	Laird,
Boyd,	Martin,
Broady,	Munger,
Calhoun,	Robertson,
Coates,	Shedd,
Dawes,	Smith,
Frady,	Stevenson,
Garber,	Vallery,
Grebe,	Van Wyck,
Grenell,	Walling,
Gwyer,	Walther,
Hallner,	Warrington,
Hayward,	Weaver.—29.
Hinman,	

Negative,

Agur,	Hopewell,
Briggs,	Hunter,
Brown,	McPherson,
Burtch,	Manderson,
Carns,	Matthews,
Clark,	Maxwell,
Conner,	Peery,
Cummins,	Pierce,
Doom,	Pound,
Dunlap,	Powers,
Eldridge,	Sauls,
Ewan,	Sterns,
Foss,	Thompson,
Gere,	Thorne,
Griffing,	Wilcox,
Hamilton,	Zediker,
Hawley,	Mr.President.—35.
Henry,	

Absent,

Harper,	Rees,
Harrington,	Rogers—5.
Kendall,	

A majority of the members hav-

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Wednesday]

Twenty-Fifth Day

[June 9

ing voted in the negative, the motion was lost.

Mr. Robertson moved to strike out the words "sixty days" and insert the words "ten days."

Mr. Garber moved, as an amendment to the foregoing motion, to strike out the words "sixty days" and insert the words "thirty days;" which amendment was agreed to, and the motion [as amended prevailed.

The article entitled Right of Suffrage was ordered enrolled.

Mr. Weaver moved to reconsider the vote by which the article entitled "Bill of Rights" was ordered enrolled; which motion prevailed.

Mr. Maxwell moved to insert the words "or damaged" in section 21; which was agreed to, and the article was ordered enrolled.

The president announced the special order for the further consideration of the article on revenue and finance.

The question being upon the adoption of the substitute offered by Mr. Weaver, the substitute offered by Mr. Weaver was, by consent, withdrawn.

The question being upon the adoption of the article entitled Revenue and Finance, it was adopted, unanimous consent being given. Mr. Hayward moved to insert the words "or any corporation" between the words "thereof" and "or" in line 2 and section 6; also moved to insert the words "or due any municipal

corporation" after the word purposes, in line 3, section 6; which was concurred in by unanimous consent. Mr. Gwyer moved to strike out the word but, in the fourth line of section 1 and insert, in lieu thereof, the word and.

The article on revenue and finance was adopted and ordered engrossed for a third reading.

On motion of Mr. Kirkpatrick, at 4:45 o'clock, the convention adjourned until tomorrow morning at 9 o'clock.

Twenty-fifth Day.

Lincoln, Wednesday, June 9, 1875.

The convention met pursuant to adjournment and was called to order by the president.

Roll called;

PRESENT.

Abbott,
Agur,
Becker,
Boyd,
Briggs,
Broady,
Brown,
Burtch,
Calhoun,
Carns,
Clark,
Coates,
Conner,
Cummins,
Dawes,
Doom,
Dunlap,
Eldridge,
Ewan,
Foss,
Frady,
Garber,
Gere,
Grebe,
Grenell,

Griffing,
Gwyer,
Hallner,
Hamilton,
Harper,
Harrington,
Hawley,
Hayward,
Henry,
Hinman,
Hopewell,
Hunter,
Kendall,
Kirkpatrick,
McPherson,
Manderson,
Martin,
Matthews,
Maxwell,
Munger,
Peery,
Pierce,
Pound,
Powers,
Rees,