Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas. Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemerling & Co., printers, 1870.*

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loaned to said railroad companies, together with the interest accrued, and now due thereon, is insecure, and likely to be lost by any delay in action, he is hereby requested to adopt such measures under the provisions of the law now in force, as in his judgment will prevent its total or partial loss.

On motion the Convention adjourned until Monday morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
July 27, 1868.

Convention met pursuant to adjournment.

The President instructed the Secretary to read the following communications from General Buchanan:

HEADQUARTERS FIFTH MILITARY DISTRICT,
Office of Secretary for Civil Affairs,
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention:

SIR: I am instructed by the Commanding General to acknowledge the receipt of your communication of the tenth instant, with enclosure, and, in reply thereto, to inform you that the resolution of the Convention adopted on the twenty-third day of June, 1868, appropriating "fifteen thousand ($15,000) dollars, or so much thereof as may be sufficient, to pay the unsettled balance due the civil officers of the State of Texas appointed by Governor A. J. Hamilton," having been considered by the Commanding General, is, for the following reasons, respectfully returned to the Convention without the approval asked for.

First. He is unable to find, in the reconstruction act of Congress, under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."
Second. This is properly a subject for legislation, and should be left to the consideration of State Legislature.

I am, sir,

Very respectfully,

Your obedient servant,

B. B. KEELER,
Brevet Major U. S. A.,
Secretary Civil Affairs.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention,
Austin, Texas:

Sir: The following "declaration" of the Texas Constitutional Convention of the second of July, 1863, to-wit:

That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and that the same be placed at the disposal of the Governor of Texas, to enable him to offer suitable rewards for the arrest and apprehension of such desperadoes, and to employ detectives to ferret out their hiding places, and that this resolution be forwarded to the Commanding General of the Fifth Military District, for approval; provided, that no part of the same shall be used unless the Military Commander of the District of Texas shall first be authorized to organize military commissions for the trial of offenders," having been submitted to the Commanding General of the Fifth Military District for his approval, is, for the following reasons, respectfully returned to said Convention without the approval asked for.

First. He is unable to find in the reconstruction act of Congress, under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."

Second. This is properly a subject for legislation, and should be left to the consideration of the State Legislature.

Third. The declaration appropriates twenty-five thousand dollars ($25,000) to be used as above stated, with a proviso with reference to military commissions, which its author doubtless intended as a gratuitous indignity to the Commanding General of the Military District, by coupling it with conditions intended to reflect discreditably upon his administration of its civil affairs.
With the display of such a spirit on the part of the Convention, the approval, by the Commanding General, of an act which equally violates the reconstruction act under which it was convened and the object for which it was assembled, can hardly be expected.

I am, sir,

Very respectfully,

Your obedient servant,

B. B. KEELER,
Brevet Major U. S. A.,
Secretary Civil Affairs.

Mr. Lindsay offered the following resolution, and moved that the rules be suspended to take up resolution.

Resolved by the Convention, That the use of this hall be tendered to Judge G. W. Paschal, at 7:30 P. M., on the evening of Tuesday, the twenty-eighth instant, for the purpose of delivering an address which he proposes to make, on the adoption of the Fourteenth article of the Constitution of the United States.

Rules suspended, and resolution adopted.

Mr. Kuechler introduced a petition from citizens of Gillespie county, praying that the town of Fredericksburg be incorporated as a city.

Referred to Committee on Counties and County Boundaries.

Mr. Hunt, from the Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, Texas, July 27, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs have had under consideration the declaration presented by Hon. Mr. Ruby, embracing a plan for the police regulations of the city of Galveston. A majority of the committee instruct me to report the same back to the Convention with the request that it be not adopted.

H. C. HUNT,
Chairman pro tem.

Mr. Pedigo, from the Committee on Political Disabilities, made the following report:
Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Special Committee on Political Disabilities, to whom was recommitted a resolution and, also, a memorial (the latter intended to be addressed by this Convention to the Congress of the United States), have had the same under consideration, and a majority of the committee have instructed me to report back to the Convention said resolution without alteration, and to report back said memorial with the recommendation that in lieu and stead of the names therein inserted, there be inserted all the names which appear on documents marked “A” and “B,” which are hereby transmitted as part of this report, and to recommend to the Convention that the resolution and memorial so amended be adopted.

All names, it will be observed, which appear on the printed list of those to be recommended by the committee for Congressional relief appear in documents A and B; in addition to which a few others' proper to be relieved, not, it is believed, exceeding ten or twelve in number, have been placed on this list since the printed list was furnished.

It will be observed, by examination of documents A and B, that the committee have acted in accordance with the requirements of a resolution of the Convention, in presenting the name of the member of the Convention who recommends or vouches for any person to be relieved, along with the name of the latter. One or two deviations from this rule only occur, which are explained by the fact that this precaution not having been observed in making out the original list, it was found impossible to ascertain, in one or two cases, which one of several absent members of the Convention had recommended to the committee the name sought to be presented for relief. Your committee would further suggest, that they are satisfied that Congressional relief might well be extended, and that the interests of the State require that it should be extended to all persons whose names appear upon the list presented.

All of which is respectfully submitted.

H. C. PEDIGO,
Chairman.
LIST OF NAMES

Recommended to the Convention by the Committee on Political Disabilities, for petition to Congress for the removal of such disabilities, together with the names of those representing the applicants.

**Document A.**

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Comal........Fr. Schulz..................J. P. Newcomb.
do Julius Rennert..........................do
do Carl Neuse..........................do
do Silvester Simon..........................do
do Peter Haag..........................do
do Fritz Heidemeyer..........................do
do Albrecht Kuhne..........................do
do Theodore Disselhorst..........................do
do August Schulz..........................do
do Bernard Kunn..........................do
do Carl Schaefer..........................do
do John Schneider..........................do
do Heinrich Weil..........................do
do Charles Esser..........................do
do Carl Wallheefefer..........................do
do Ernst Grune..........................do
do H. Kretzmeyer..........................do
do August Reeb..........................do
do Julius Voelker..........................do
do Dr. Wm. Remer..........................do

Travis..........Geo. Jastus Theilepapee.............do

LIST OF NAMES

Recommended to the Convention by the Committee on Political Disabilities, for petition to Congress for the removal of such disabilities, together with the names of those representing the applicants.

DOCUMENT B.

COUNTIES. PERSONS RECOMMENDED. BY WHOM.
Austin........J. G. Bell..........................Bell
do B. L. Cheek..........................do
do F. Palm..........................do
do A. Regan Bracht..........................do
do F. A. Englekee..........................do
do H. Miller..........................do
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### RECONSTRUCTION CONVENTION JOURNAL

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Document B—Continued.

COUNTIES. PERSONS RECOMMENDED. BY WHOM.

Nacogdoches . Matt Burke . Flanagan and Flanagan

Navarro . Daniel Hartzell . Lippard

   do Process Hoffman .
   do T. S. Parker .
   do John Rellett .

Panola . Joseph L. Harris . Board and Flanagan
   do J. R. Williams .
   do Wm. W. Butler .
   do G. L. Dukes .
   do J. S. Hanson .
   do Thomas G. Ellison .

Polk . James M. Crossen . Pedigo
   do J. Douglass Brown .
   do J. C. McKinnen . Goddin
   do O. M. Wheeler .
   do W. B. Darby .
   do C. C. Dunham .

Red River . B. W. Gray . Gray and Fleming
   do William H. Fleming .
   do Nathaniel W. Towns .
   do Mark F. Caudle .
   do Clement Dixon .
   do Henry M. Gains .
   do D. H. Bearden .
   do Wiley W. Giddons . Armstrong
   do J. L. Riddle .
   do John H. Beaty .
   do John A. Bagby .
   do Wm. A. Ellet .
   do J. L. Carroll .

Rusk . Ben Smither . Flanagan and W. Flanagan
   do C. B. Matlock .
   do George Brown .
   do H. F. Nelson .
   do A. G. Galloway .

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### Document B—Continued.

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| San Augustine | Wm. W. Wallace          | Phillips                      |
| San Patricio  | John Ryan               | Gen. Davis                   |

| Shelby       | Martin M. Wheeler       | Pedigo                       |
| Titus        | Joshua Johnson          |                               |
| Travis       | Hon James H. Bell       | Gen. Hamilton                 |
|             | Isaac B. McFarland      | do                            |
|             | J. B. Copes             | do                            |
|             | Ashford B. McGill       | do                            |
|             | Anderson J. Harrell     | do                            |

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Mr. Hamilton introduced the following resolution:

*Resolved*, that this Convention will not, after this date, take any further numbers of the newspapers called the San Antonio Free Press.

Mr. Mills moved that the rules be suspended to take up resolution.
Upon which the yeas and nays were demanded and resulted thus:

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Evans, of McLennan, Fayle, Foster, Goddin, Harris, Hunt, Johnson, of Harrison, Kealy, Kendal, Kuechler, Leib, Lippard, Long, McCormick, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Slaughter, Smith, of Marion, Thomas, Vaughan, Watrous, Whitmore, Wilson, of Milam, Wright, Yarborough—44.

So the Convention refused to suspend the rules.

The President announced the order of the day to be the report of the Executive Department, as reported from Committee of the Whole, July 23d, 1868.*

Mr. McCormick moved that the reading of the report be dispensed with.

Carried.

Mr. Hamilton of Travis, moved that each section be read and adopted seriatim.

Carried.

Mr. Varnell offered the following amendment to section 4.
In line three, strike out word “three” and insert “five.”

Mr. Degener moved to lay the amendment upon the table.

Upon which the yeas and nays were called and resulted thus:
Yeas—Messrs. President, Bell, Bledsoe, Brown, Bryant, of Harris, Butler, Carter, Coleman, Constant, Curtis, Degener, Fayle, Foster, Grigsby, Hamilton, of Travis, Hunt, Johnson of Harris, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, McCormick, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Rogers, Ruby, Schuetze, Smith, of Marion, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—45.


* For this report see page 477.
So the amendment was laid upon the table.

Mr. Degener moved that the word, "three" in third line of section 4, be stricken out and "one" inserted.

Mr. Flanagan moved the previous question, upon the adoption of section 4.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:


Nays—Messrs. President, Bell, Bellinger, Boyd, Bryant, of Harris, Butler, Carter, Coleman, Constant, Curtis, Degener, Evans, of McLennan, Foster, Goddin, Grigsby, Hunt, Johnson, of Harrison, Kendal, Kuechler, Leib, Lippard, Long, McCormick, Munroe, Newcomb, Oaks, Patten, Pedigo, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria—36.

So the main question was ordered.

The question recurring upon the second reading of section four, the yeas and nays were demanded and resulted thus:


Nays—Messrs. President, Bell, Bellinger, Bryant of Harris, Butler, Constant, Curtis, Degener, Evans of McLennan, Fayle, Foster, Goddin, Hunt, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, Mundine, Munroe, Newcomb, Patten, Ruby, Schuetze, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Wilson of Brazoria—31.

So the section was agreed to.
Mr. Hamilton of Travis, moved to reconsider the vote, by which the substitute offered by Mr. Evans of McLennan, to the report of the Committee on Internal Improvements was rejected.

Mr. Degener offered the following amendment.

"And he shall have the use of a house and furniture at the capital."

The Convention refused to adopt the amendment.

Mr. Hamilton of Travis, offered the following amendment.

"Exclusive of the use and occupation of the Governor's mansion, fixtures and furniture."

Adopted.

Mr. Armstrong offered the following amendment:

Strike out, "$5000," and insert "$4000."

Mr. Butler moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:


So the amendment was laid on the table.

Mr. Slaughter offered the following amendment:

Strike out, "$5000" and insert "$6000."

The question recurring upon the adoption of the amendment, the yeas and nays were demanded, and resulted thus:


Mr. Degener moved the previous question, upon the adoption of the section.

Previous question seconded.

The question recurring, "shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section five, as amended,

It was adopted.

Mr. Evans of McLennan, offered the following amendment:

To section 7, strike out the entire section after the word "officers" in line two.

On motion the Convention adjourned until to-morrow morning, at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 28, 1868.

Convention met pursuant to adjournment.


Mr. Goddin presented a petition from citizens of Polk, Walker and Montgomery counties, praying for the formation of a new county, to be called San Jacinto.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Lippard presented a petition from the citizens of Hill county, praying that Achilles Foster, formerly Assessor and Collector of Hill county, be relieved from paying four hundred and five dollars of the public funds, stated to have been stolen out of a registered letter.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Degener presented a petition for the incorporation of the Germania Club of San Antonio.