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Mr. Armstrong, of Jasper, offered the following amendment to section twenty-five:

In section twenty-five, in second line, strike out all after the word "constitution," and insert the words "until otherwise provided by law."

Amendment adopted.

Mr. Hamilton, of Travis, moved to amend by striking out after the word "of," in the first line, to the word "are," inclusive, and inserting the words "State officers."

Agreed to.

Upon motion, section twenty-five, as amended, was agreed to.

Mr. Flanagan moved to strike out section twenty-six.

Carried.

Mr. Evans, of Titus, rising to a question of personal privilege, requested a person, refusing to give evidence, now restrained of his liberty, by order of this Convention, be brought before the Convention.

The sergeant-at-arms was ordered to bring the person before the Convention.

The sergeant-at-arms reported the person at the bar of the House.

Mr. Caldwell moved that said person be discharged upon his testifying before the Committee on Lawlessness and Crime.

The Convention agreed to the motion.

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

CAPITOL, AUSTIN, TEXAS,
AUGUST 17, 1868.

Convention met pursuant to adjournment.


Mr. Butler, from the Committee on Penitentiary, offered a report.

By consent of the Convention, the report was temporarily withdrawn.

The President announced the business in order was the report of the Committee on General Provisions.

Mr. Flanagan moved to strike out section twenty-seven.

Carried.

* For report see page 236.
Mr. Wright moved to strike out section twenty-eight.
Carried.
Mr. Board moved to strike out section twenty-nine.
Carried.
Mr. Board moved to strike out section thirty.
Upon which the yeas and nays were demanded and resulted thus:
Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Foster, Hamilton of Travis, Hunt, Johnson of Calhoun, Kealy, Kendal, Keuchler, Leib, Lindsay, Lippard, Mackey, McWashington, Mundine, Newcomb, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarbrough—47.
So the Convention refused to strike out the section granting pensions to disabled soldiers in the war.
Mr. Thomas, of Collin, moved to insert the word “may” instead of the word “shall,” in first line.
Mr. Carter moved to lay the amendment upon the table.
Upon which the yeas and nays were demanded and resulted thus:
Yeas—Mr. President, Bledsoe, Bryant of Harris, Carter, Constant, Curtis, Foster, Hunt, Johnson of Harrison, Keuchler, Lippard, Mundine, Munroe, Ruby, Slaughter, Smith of Marion, Whitmore, Williams—18.
So the Convention refused to lay the amendment upon the table.
Upon motion, Mr. Glenn was indefinitely excused from attendance upon the Convention.
The question recurring upon the adoption of the amendment.
RECONSTRUCTION CONVENTION JOURNAL.

It was adopted.
The question recurring upon the adoption of section thirty as amended.

It was adopted.

Mr. Lindsay offered the following substitute for section thirty-one.

**SECTION 31.** Each county in the State shall provide in such manner as may be prescribed by law, a manual labor poor house, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants; and, under such regulations as the Legislature may direct, all persons committing petty offenses in the county, may be committed to such manual labor poor house for correction and employment.

The substitute was agreed to.

Upon motion, the substitute was adopted as section thirty-one.

Mr. Caldwell offered the following amendment to section thirty-two:

*Provided, however,* That the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house; and provided further, that the cause or causes shall be notified to such civil officers intended to be removed, and shall be admitted to a hearing in their own defence, before any vote for such address shall pass, and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

Amendment was not agreed to.

Mr. Ruby offered the following amendment:

Amend by inserting "may," instead of "shall," as seventh word of first line, in section thirty-two.

On motion, the amendment was laid upon the table.

Mr. Mundine moved to lay the section on the table.

Carried.

Mr. Lindsay moved to strike out section thirty-three.

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


**Nays—** Messrs. President, Armstrong of Jasper, Armstrong of.
Mr. Board moved to strike out section thirty-four.

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


Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Buffington, Butler, Carter, Curtis, Downing, Evans of McLennan, Fayle, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Lindsay, Lippard, Mackey, McCormick, McWashington, Muckleroy, Mundine, Newcomb, Phillips of San Augustine, Rogers, Ruby, Scott, Smith of Marion, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—41.

So the Convention refused to strike out.

Mr. Carter offered the following substitute to section 34.

All persons living together and cohabiting as man and wife, shall be taken and held as lawfully married, to all intents and purposes, and the Legislature shall provide by law for the punishment of adultery and concubinage.

The question being upon the adoption of the substitute, it was not adopted.

Mr. Johnson, of Calhoun, offered the following amendment:

Strike out all except the words, "The Legislature shall provide by law for the punishment of adultery and concubinage."

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


Mr. Phillips, of Wharton, offered the following substitute:

All freed people, who at any time heretofore, lived together as husband and wife, and continued so to live together until the death of one of them, shall be considered as having been legally married, and the children born of such marriage shall be considered as legitimate.

All freed people now living together as husband and wife, shall be considered as having been legally married, and the children heretofore, or hereafter, from such marriage, shall be considered as legitimate.

Mr. Newcomb moved the previous question upon the adoption of the original section.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Brown, Bryant of Harris, Buffington, Butler, Curtis, Downing, Evans of McLennan, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Mackey, Mills, Newcomb, Rogers, Ruby, Shuetze, Scott, Smith of Marion, Watrous, Whitmore, Williams, Yarborough—32.


So the main question was not ordered.

The question recurring upon the adoption of the substitute offered by Mr. Phillips of Wharton, the yeas and nays were demanded and resulted thus:

Messrs. President, Armstrong of Jasper, Bledsoe, Board, Brown, Bryant of Grayson, Buffington, Carter, Curtis, Downing, Evans of McLennan, Foster, Goddin, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lippard, Morse, Ruby, Shuetze, Smith of Marion, Thomas, Varnell, Williams, Wright—33.

Nays—Messrs. Bell, Boyd, Bryant of Harris, Burnett, Caldwell, Cole, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Harn, Horne, Keigwin, Lindsay, McCormick, McWashington, Mills,

So the Convention refused to adopt the substitute of Mr. Phillips, of Wharton.

On motion section thirty-four, amendment and substitute, were committed to the Committee on the Judiciary.

[Mr. Evans, of McLennan, in the Chair.]

Mr. Mundine offered the following substitute to section thirty-five:

The assessors and collectors of taxes for the several counties shall be elected in the manner and under such regulations as the Legislature may direct.

Mr. Butler moved to lay the substitute upon the table.

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

Yeas—Messrs. Butler, Fayle, Fleming, Grigsby, Johnson of Calhoun, Lindsay, Munroe, Newcomb, Patten, Phillips of Wharton, Shuetze—11.


So the Convention refused to lay the substitute upon the table.

The question recurring upon the adoption of the substitute, it was adopted.

Mr. Armstrong of Lamar offered the following substitute for the substitute:

Justices of the peace shall assess the property in their respective precincts, under such laws as shall be provided and enacted by the Legislature, and the sheriff of the several counties in this State shall collect the taxes so assessed.

The question recurred upon the adoption of the substitute for the substitute.
Upon which the yeas and nays were demanded and resulted thus:


The Convention adopted the substitute for the substitute.

Mr. Thomas, of Collin, moved to insert the word "taxable" before the word "property."

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

Carried.

Mr. Lindsay moved to reconsider the vote adopting the substitute offered by Mr. Armstrong of Lamar to the substitute offered by Mr. Mundine for section thirty-five.

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

Yeas—Messrs. President, Bryant of Grayson, Burnett, Caldwell, Carter, Lindsay, Mackey, Mundine, Posey, Rogers, Schuetze, Smith of Marion, Sumner, Vaughan—14.


So the Convention refused to reconsider.

The question recurred upon the adoption of the substitute for section 35, the yeas and nays were demanded, and resulted thus:


Nays—Messrs. President, Brown, Bryant of Grayson, Burnett, Caldwell, Carter, Lindsay, Mundine, Phillips of Wharton, Posey, Rogers, Ruby, Schmette, Smith of Marion, Sumner, Talbot—16.

So the Convention adopted the substitute.

On motion, Mr. Grigsby was excused for the day.

Mr. Armstrong, of Jasper, moved to strike out section 36.

Mr. Evans, of Titus, upon motion, was excused.

Mr. Long, of Limestone, upon motion, was excused.

Mr. Caldwell moved a call of the House.

Call sustained.

Absentees—Messrs. Bell, Hamilton, of Travis, Newcomb, Patten and Whitmore.

Mr. Caldwell moved a suspension of the call of the House.

Call suspended.

Upon motion to strike out section 36, the yeas and nays were demanded and resulted thus:


So the Convention struck out section 36.

Mr. Kirk moved to strike out section 37.

Lost.

Mr. Horne offered the following amendment:

And a list of blacks shall be kept separate from that of the whites.

On motion, the amendment was rejected.

The question recurred upon the adoption of section 37.
Upon which the yeas and nays were demanded, and resulted thus:


So section 37 was adopted.

Mr. Wright moved to strike out section 38.

It was struck out.

Mr. Sumner moved to strike out section 39.

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


So the Convention refused to strike out.

Mr. Caldwell offered the following amendment to section 39:

Insert after the word homicide, “or inflict a bodily injury upon any person.”

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

Motion withdrawn.

Mr. Bryant, of Harris, moved to lay the amendment upon the table.

Carried.
Mr. Evans, of McLennan, moved to insert a comma after the word act.

Mr. McCormick offered the following amendment:
In second line strike out "legal representatives or creditors," and insert after heirs, "of his or her body."

The amendment was adopted.

Mr. Monroe offered the following amendment:
After the word homicide, line four, section 39, add:
"That the State shall be held responsible for all damages committed on person, life, or property, by mobs, vigilance committees or any unlawful assemblage, and the family of the person who may so killed shall be entitled to a pension from the State.

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

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


So the Convention laid the amendment upon the table.

Mr. Sumner offered the following amendment:
In second line, immediately before the word "widow," insert the words "surviving husband."

The amendment was adopted.

Section thirty-nine as amended was adopted.

Mr. Armstrong, of Jasper, moved that sections 40, 41 and 42 be referred to the Judiciary Committee, with instructions to report tomorrow.

Carried.

On motion, the Convention adjourned until this afternoon at 4 o'clock.
AFTERNOON SESSION—FOUR O’CLOCK.

Roll called. Quorum present.

Mr. Barnett called up the resolution of the Committee on Federal Relations, with regard to the relinquishment of political jurisdiction over El Paso county, and moved to lay the report upon the table. Carried.

RESOLUTION

Reported from Committee on Federal Relations, respecting the relinquishment by the State of political jurisdiction and right of public domain over El Paso county.

WHEREAS, The people of county of El Paso, in the State of Texas, and the county of Doña Ana, in the Territory of New Mexico, have petitioned the Congress of the United States to give them a Territorial Government; and,

WHEREAS, Owing to the geographical position of the aforesaid county of El Paso, it is inconvenient and unwise that it should be longer a part of the State of Texas; and,

WHEREAS, 2d, In the opinion of this Convention it would be better, both for the people of the State and for the people of the aforesaid counties, that such Territory should be formed; therefore,

Be it resolved by the people of Texas in Convention assembled, That the political jurisdiction over the said county of El Paso, and the right of “Public Domain” therein, is hereby relinquished to the United States of America; provided, that the said United States shall form a Territorial Government of which the county of El Paso shall be a part.

Mr. Burnett withdrew the motion to lay upon the table.

Mr. Evans, of McLennan, offered the following substitute:

A DECLARATION.

Be it declared by the Convention of the people of Texas:

SECTION 1. That the Governor of the State of Texas be, and he is hereby authorized and requested to open negotiations with the Government of the United States for cession by sale, on the part of the State of Texas, to the United States, of all that part of the territory of Texas north and west of a line from the northwest corner of Hardeman county to the mouth of the Pecos river; provided, that no cession or sale of said territory shall have effect until submitted to
and approved by the Legislature of Texas; and provided, further, that the proceeds arising from any sale of said territory shall be applied to school purposes, and no other.

Sec. 2. That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury of the State of Texas not otherwise appropriated, and placed subject to the warrant of the Governor, to enable him to carry out the provisions of this declaration.

Sec. 3. The Governor shall have the authority to appoint a commissioner or agent to assist him in the negotiation specified in section one of this declaration.

Mr. Mills moved the previous question.
Mr. Patten moved a called of the House.
Call sustained.
Mr. Slaughter was excused on account of sickness.
Mr. Bell moved a suspension of the call of the House.
Call suspended.
The question recurred, "shall the main question be now put?"
Main question ordered.
The question recurred upon the passage of the declaration.
Upon which the yeas and nays were demanded and resulted thus:
Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Curtis, Degener, Evans of McLennan, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Lippard, Mackey, Morse, Munroe, Newcomb, Patten, Rogers, Schuetze, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—33.
Decision by the chair suspended, to permit the sense of the Convention being taken upon certain delegates voting.
The yeas and nays were demanded upon a motion to permit Mr. Butler to vote, and resulted thus:
Yeas—Messrs. President, Armstrong of Lamar, Boyd, Brown, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis,

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Burnett, Degener, Evans of McLennan, Hunt, Jordan, Keigwin, Lippard, Morse, Munroe, Newcomb, Patten, Rogers, Ruby, Talbot, Whitmore, Wilson of Milam, Yarborough—22.

So Mr. Butler was permitted to vote.

The yeas and nays were demanded upon the motion to permit Mr. Vaughan to vote, and resulted thus:


Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Burnett, Degener, Evans of McLennan, Harris, Hunt, Jordan, Keigwin, Kuechler, Lippard, Morse, Munroe, Newcomb, Patten, Rogers, Talbot, Wilson of Milam, Yarborough—22.

So Mr. Vaughan was permitted to vote.

The yeas and nays were demanded upon the motion to permit Messrs. Downing, Oaks and Williams to vote, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Flanagan, Fleming, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Varnell, Vaughan,


So the motion prevailed.

Upon the motion to finally adopt the resolution of the Committee on Federal Relations, the yeas and nays were demanded, and resulted thus:


Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Burnett, Carter, Curtis, Degener, Evans of McLennan, Flanagan, W. Flanagan, Gaston, Harris, Hunt, Jordan, Keigwin, Kendal, Kuechler, Lippard, Mackey, Morse, Muckleroy, Munroe, Newcomb, Patten, Phillips of San Augustine, Rogers, Ruby, Schuetze, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—38.

So the Convention refused to adopt the resolution.

Mr. Burnett moved to reconsider the vote rejecting the report, and to lay the motion to reconsider upon the table.

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

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Harris, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Lippard, Mackey, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Rogers, Schuetze, Smith of Galveston, Talbot, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—41.


So the Convention laid the motion to reconsider upon the table.

Mr. Caldwell asked leave of absence for Mr. McCormick until next Monday.
Mr. Carter called up a declaration respecting certain land laying, in what is called the "Memphis and El Paso Railroad Reserve."

Mr. Armstrong, of Lamar, offered the following substitute:

DECLARATION.

WHEREAS, on the 4th day of February, A. D. 1856, an act entitled an act to incorporate the Memphis, El Paso and Pacific Railroad Company was approved by the Governor; and, whereas, on the 25th day of August, 1856, the nineteenth section of said act was amended and approved by the Governor; and, whereas, by the said act and amendments aforesaid, a certain quantity of land per mile was to be granted to said Memphis, El Paso and Pacific Railroad Company, upon the express condition that the said company put in complete running order twenty miles of said road; and, whereas, a large quantity of certificates for land have been issued by the Commissioner of the General Land Office to said company, and many patents have been issued thereon; and whereas, it is believed by this Convention that said patents and certificates have been issued in violation of the express provisions of said act; therefore

Be it further resolved by this Convention, SECTION 1. That it shall be the duty of the Attorney General of the State of Texas to prosecute suits, in any court in this State having competent jurisdiction, against said company, or any person or persons holding any of said certificates or patents, for the purpose of having the same canceled.

SEC. 2. And be it further declared, That all lands lying and situated in the said Memphis, El Paso and Pacific Railroad reserve shall not be subject to entry or location by any certificate or claim heretofore issued by the State; but the said lands lying in said reserve, shall be subject to settlement by actual settlers, in quantities not exceeding eighty acres.

SEC. 3. And be it further declared, That the Legislature shall, at its first session after the adoption of this Constitution, pass laws more clearly defining the rights of said pre-emption settlers on said lands.

SEC. 4. And be it further declared, That no person who has heretofore received a pre-emption or grant of land from the Republic or State of Texas shall be entitled to the benefits of this ordinance.

Mr. Wright moved that both declarations be referred to a special committee of three, with instructions to report to-morrow.

It was so referred.
Messrs. Burnett and Munroe were excused.
Mr. Flanagan moved to reconsider the vote referring the declarations to the special committee.
Carried.
Mr. Degener moved to make the committee five instead of three.
Upon which the yeas and nays were demanded, and resulted thus:
Nays—Messrs. Bell, Bryant of Harris, Caldwell, W. Flanagan, Foster, Hamilton of Travis, Harris, Harn, McCormick, Mundine, Pedigo, Posey—12.
So the motion prevailed.
The President announced the following gentlemen as the committee:
Mr. Bryant, of Grayson, offered the following resolution:

*Be it resolved, That from and after this day, both the morning and evening sessions of this Convention shall be devoted exclusively to the formation of a Constitution.*

Mr. Flanagan moved to reject the resolution.
Upon which the yeas and nays were demanded and resulted thus:
Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Constant,
Curtis, Degener, Downing, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Newcomb, Oaks, Posey, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wright, Yarborough—36.

So the Convention refused to reject.

Mr. Sumner moved that the rules be suspended to take up resolution.

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

Yeas—Messrs. President, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Constant, Curtis, Downing, Evans of McLennan, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Newcomb, Oaks, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—31.


So the Convention refused to suspend the rules.

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

CAPITOL, AUSTIN, TEXAS,
August 18, 1868.

Convention met pursuant to adjournment.


Mr. Fleming, from the Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
August 17, 1868.

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

Sir: Your Committee on Counties and County Boundaries, to whom was referred a memorial from certain citizens of Polk, Mont-