

# TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journal of the Texas State Convention: Assembled at Austin, Feb. 7, 1866. Adjourned April 2, 1866. [Austin, TX.]: Printed at the Southern Intelligencer Office, 1866.*

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

If you are uncertain whether you need permission to use these materials, please contact us at [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

*Resolved*, That the Commissioner of the General Land Office be required to furnish this Convention with an abstract report, showing—

First—The number and amount of Land Certificates that have been issued from said office since the 3d of March, 1861, under what authority issued, and the amount and character of consideration received by the State for said certificates.

Second—What number of Patents, if any, have been issued on certificates issued since said 3d of March, 1861, and the character of the certificates.

Third—The dispositions that have been made of the University Lands, the payments that have been made on sales of the same, in what character of funds, when paid, and what amount is now due.

Fourth—The amount and condition of the County School Lands.

Adopted.

On motion, the Convention adjourned until 10 o'clock Monday morning, February 12th.

MONDAY, February 12th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of Saturday read, amended, and adopted.

Mr. Randolph offered the following resolution:

*Resolved*, That a Committee on Engrossed and Enrolled Ordinances be raised, in addition to those already named by this Convention.

Adopted.

Mr. Davis, of Webb, offered the following resolution:

*Resolved*, That no person who comes within the exceptions contained in the Proclamation of the President of the United States, (called the Amnesty Proclamation,) is entitled to a seat in this Convention, until pardoned by the President of said United States.

Mr. Henderson offered the following as a substitute:

*Resolved*, That the credentials of the members of this Convention be referred to the Committee on Privileges and Elections, with instructions to report forthwith if any member of this Convention comes within the prohibitions of the President's Proclamation.

On motion of Mr. Johnson, of Tarrant, the resolution and substitute were referred to the Committee on Elections.

Mr. Dalrymple offered the following resolution :

*Resolved*, That the Secretary be required to furnish to the Chairman of each Standing Committee one copy of Oldham and White's Digest, if the same can be procured at the State Department. Adopted.

The President announced to the Convention the following standing Committees :

*Committee on Condition of the State*—Norton, Chairman ; Waul, Johnson of Titus, Clements, Taylor of Fannin, Parsons, Thomas of Cameron, Hunt, Jones of Bexar, Runnels. Stuart, Selman, Jones of Bastrop.

*Committee on the Executive Department*—Dickson, Chairman ; Runnels, Hurt, Latimer, Perry, Spaight, Record, Smith of Lamar, Porter, Varnell, Anderson, Parker, Camp of Upshur.

*Committee on the Legislative Department*—Henderson, Chairman ; Taylor of Fannin, Spaight, Slaughter, Allen, Ireland, Whitfield, Flanagan, Camp of Upshur, Hart, Beall, Degener, Shields.

*Committee on the Judiciary*—Roberts, Chairman ; Reeves, Davis of Webb, Frazier, Smith of Colorado, Walker, Shepard, Record, Gurley, Phillips, Paschal, Hancock, Taylor of Houston.

*Committee on the General Provisions of the Constitution*—Hancock, Chairman ; Reeves, Randolph, Ledbetter, Armstrong, Bumpass, Wilson, Halbert, Shepard, Shields, Walker, Smith of Colorado, Drake.

*Committee on Privileges and Elections*—Jones of Bastrop, Chairman ; Phillips, Hunt, Lane, Anderson, Davis of Cherokee, Giddings, Hill, Halbert. Bryan, Middleton, Porter, Mabry.

*Committee on Printing and Contingent Expenses*—Jones of Bexar, Chairman ; Davis of Cherokee, Shuford, Murchison, Nelson, Camp of Goliad, Perry.

*Committee on Education*—Taylor of Houston, Chairman ; Whitfield, McCormack, Beall, Frazier, Ireland, Slaughter, Thomas of Grimes, Johnson of Titus, Bryan, Thomas of Cameron, Degener, Armstrong.

*Committee on Public Lands*—Johnson of Tarrant, Chairman ; Smyth of Newton, Allen, Clements, Hill, Lindsey, Norris, Saunders, Bradshaw, Hart, Hurt, Woods, McCormack.

*Committee on Internal Improvements*—Paschal, Chairman ; Gentry, Parsons, Smith of Lamar, Giddings, Selman, Gurley, Varnell, Wilson, Ledbetter, Bradshaw, Saufley, Camp of Goliad.

*Committee on Finance*—Latimer, Chairman ; Waul, Flanagan, Lane, Thomas of Grimes, Tyus, Mabry, Stuart, Parker, Bumpass, Harwood, Richardson, Davis of Webb

*Committee on Indian Affairs*—Dalrymple, Chairman; Norris, Woods, Ball, Bengé, Boyd, Ranck, Murchison, Tyus, Young, Thompson, Harwood, Lindsey.

*Committee on Enrolled and Engrossed Ordinances*—Randolph, Chairman; Ranck, Bengé, Ball, Saufley, Drake Nelson, Richardson, Saunders, Shuford, Thompson, Boyd, Middleton.

Mr. Record offered the following resolution :

*Resolved*, That the Committee on the Judiciary inquire into the expediency of affording relief to parties who have been or may hereafter be sued upon debts payable in dollars and cents, when it was understood that the consideration was to be paid in Confederate money, by allowing the proof to determine the fact, and report by ordinance or otherwise.

Adopted.

Mr. Ireland offered the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to take into consideration the present condition of the records, papers, library, and furniture of the Supreme Court, and that they report at the earliest practicable period what action, if any, this Convention should take in the premises.

Adopted.

On motion of Mr. Bumpass, the report of Ex-Governor Pease and S. Palm, Esq., on the Public Debt, was ordered to be procured by the President.

Mr. Armstrong moved to adjourn until 10 o'clock to-morrow morning. Lost.

Mr. Frazier offered the following resolution :

*Resolved*, That the Committee on the Judiciary take under consideration and report upon the propriety of establishing a separate Criminal Court.

Adopted.

Mr. Hancock offered the following resolution :

*Resolved*, That the Sergeant-at-Arms provide suitable rooms for the accommodation of the respective committees, and assign the same to said committees.

Adopted.

Mr. Wilson offered the following resolution :

*Resolved*, That the Committee on the Condition of the State take into consideration the propriety of an ordinance extending relief to debtors upon debts existing prior to the war, and to report by ordinance or otherwise.

Adopted.

Mr. Henderson moved that the Governor's Message be referred to the appropriate committees. Carried.

On motion, the Convention adjourned until to-morrow morning at 10 o'clock.

TUESDAY, February 13th, 1866.

Convention met pursuant to adjournment; roll called; quorum present; journal of yesterday read and adopted.

Reports of Committees being in order, Mr. Jones of Bastrop, Chairman of the Committee on Privileges and Elections, presented the following reports and resolutions:

COMMITTEE ROOM, February 12th, 1866.

*To Hon. J. W. Throckmorton, President of the Convention.*

The Committee on Privileges and Elections have instructed me to ask the adoption of the following resolution:

*Resolved,* That all members of the Convention within any of the exceptions of the President's Amnesty Proclamation of the 29th of May last, and who have not received their pardons, be requested to meet the committee at 3 o'clock, P. M., 13th inst., and furnish written statements of their respective cases.

Respectfully submitted,

GEO. W. JONES, Chairman.

Adopted.

COMMITTEE ROOM, February 12th, 1866

*To the Hon. J. W. Throckmorton, President of the Convention:*

The Committee on Privileges and Elections unanimously instruct me to report, in the case of the contested election between the Hon. James Shaw and the Hon. J. B. Boyd for the district comprising the counties of Burleson and Robertson, that by reference to the returns of the election made to the Secretary of State, it appears that Shaw received one hundred and thirty-three votes, and Boyd one hundred and twenty-nine; yet the returning officer for the district, upon representations made by the Chief Justice and County Clerk of Burleson county, assuming that seven of the votes cast for Shaw were illegal, as the electors had not been registered, awarded the certificate of election to Boyd. No proceedings appear to have been instituted for the purpose of contesting the election or purging the polls. The action of the returning officer, rejecting seven votes cast for Shaw, rests entirely upon the representations of the Chief Justice and County Clerk of Burleson. The committee are therefore of opinion that Shaw is entitled to the seat, and recommend the adoption of the following resolution:

*Resolved,* That the Hon. James Shaw, having received a plu-