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be submitted to the people, or not, as the Convention may determine, for their ratification or rejection.

Mr. Bumpass moved to lay the substitute on the table.

On motion of Mr. Henderson, a call of the House was ordered.

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

SATURDAY, February 17th, 1866.

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

Reports of Committees being in order, Mr. Henderson, chairman of committee on the Legislative Department, reported an ordinance to make sundry amendments in the Constitution.

Read, to come up in order.

Mr. Jones of Bastrop was, on motion of Mr. Taylor of Fannin, excused from attendance on the Convention until Tuesday next.

Mr. Jones of Bexar moved to print 500 copies of so much of the report of the committee on the Legislative Department, amending the State Constitution, wherein the wording was changed.

Carried.

Mr. Latimer moved to excuse Mr. Paschal from attendance on the Convention from Monday next until Friday next.

Carried.

Mr. Hurt was, on motion of Mr. Armstrong, excused until Monday next, on account of sickness.

On motion of Mr. Harwood, Mr. Slaughter was also excused until Monday, on account of sickness.

Mr. Roberts, chairman of the Judiciary Committee, made the following report :

REP. HALL, February 16, 1866.

Hon. J. W. Throckmorton, President of Convention:

The Judiciary Committee, to whom was referred the resolution offered by Mr. Ireland, requiring said committee to inquire into the condition of the papers, &c., of the Supreme Court, have acted upon the same, and instruct me to report that the Provisional Governor has already appointed a competent gentleman to take charge of the same, and do not think any action necessary.

Read, to come up in order.

Mr. Hancock, chairman of the committee on the General Provisions of the Constitution, reported in favor of striking out the

VIII Article of the Constitution, except the number, which be filled as follows :

SEC. 1. African slavery, as it heretofore existed, having been terminated within this State by the government of the United States, by force of arms, and its re-establishment being prohibited by the amendment to the Constitution of the United States, it is declared that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in this State; and freedmen and their descendants shall be protected and secured in their rights of person and property by appropriate legislation; they shall have the right to contract and be contracted with, to sue and be sued, to acquire, hold and transmit property, and be subject to no penal laws based upon inequality or distinction of race.

SEC. 2. Freedmen and their descendants shall not be prohibited, on account of color or race, the right to testify as witnesses in any case, civil or criminal, involving right of or injury to any of them in person or property; the credibility of their testimony to be determined by the court or jury hearing the same: *Provided*, that, in all cases in which they may be heard as witnesses against a white person, it shall be in open court, and the latter shall have the right to testify in his own behalf, and they shall have the same right when testified against by a white person. The Legislature shall have power to authorize them to testify as witnesses in all cases under the regulations herein set forth.

Read, to come up in order, and 500 copies ordered to be printed, on motion of Mr. Jones of Bastrop.

Mr. Jones of Bexar, chairman of the committee on Printing and Contingent Expenses, reported that the committee had contracted for five copies of each of the Tri-Weeklies, Intelligencer and Gazette, to each member, making ten copies of both to each member.

Report received, to come up in order.

Mr. Bengé offered the following resolution :

Resolved, That the committee on Printing and Contingent Expenses be instructed to contract for the printing of a sufficient number of copies of the Constitution of the State of Texas, as published in Oldham and White's Digest, to furnish each member of this Convention with a copy.

Lost.

Mr. Spaight introduced an ordinance amending Section 3 of the Bill of Rights.

Read first and second times, and referred to the committee on the General Provisions of the Constitution.

Mr. Norris offered the following :

Be it Resolved by the Convention, that the Sergeant-at-Arms be required to procure from the State Department one copy of Oldham and White's Digest for the use of each member of the Convention, while it may remain in session.

Adopted.

Mr. Burke offered the following resolution :

Resolved, That the committee on the Legislative Department be instructed to inquire into the propriety of amending the Constitution of the State of Texas, so as to engraft therein this provision: That no person whose tenure of office depends on the pleasure of the Governor shall be removed from office without the advice and consent of the Senate to such removal; but the Governor shall have power to suspend at any time such officer, and appoint another to discharge the duties of his office until the next session of the Senate, and until their advice and consent to such removal shall be ascertained and expressed.

Lost.

Mr. Burke also offered a resolution instructing the committee on the General Provisions of the Constitution to inquire into the propriety of so amending Section 30 Article VII of the Constitution, as to provide for granting charters to banking companies.

Adopted.

Mr. Roberts offered the following resolution :

Resolved, That the committee on Internal Improvements be requested to inquire into the propriety of defining the power of the County Court on the subject of subscriptions to railroad companies, and of expressly conferring or refusing it, and report by ordinance or otherwise.

Adopted.

Mr. Gentry offered the following resolution :

Resolved, That a committee on the Bill of Rights be raised, consisting of seven members. Lost.

Mr. Giddings offered the following :

Resolved, That the committee on the General Provisions of the Constitution be instructed to examine and report upon the following :

1. That no inconvenience may arise from the change of government, it is declared that all laws passed by the Legislature of this State, not repugnant to this Constitution or the Constitution of the United States, which have not expired by limitation or been repealed, whether passed before or since the first of March, 1861, are in full force and effect, and shall so remain until they shall expire by limitation, or be repealed by the Legislature.

2. That all judgments, orders and decrees of the several Courts of this State, and the acts of all Officers, State and County, done in pursuance of laws in force at the time, are hereby declared to be valid and binding.

3. That the provisions of the foregoing shall extend to and include the Officers and Courts of the Provisional Government of Texas.

Adopted.

Mr. Runnels introduced an ordinance protecting parties from prosecution who have made seizures of private property under Confederate authority, and from holding parties responsible for damages in the same.

Read first and second times, and referred to the Judiciary Committee.

Mr. Ranck offered the following resolution :

Resolved, That the committee on Internal Improvement be instructed to inquire into and report upon the propriety of abolishing capital punishment in the State of Texas, and enlarging the State penitentiary.

Lost.

ORDERS OF THE DAY.

Mr. Wilson's resolution, relative to Section 2 Article X of the Constitution, was taken up, read, and referred to the committee on Education.

The minority report of the special committee, reporting resolution restricting the action of the Convention, and Mr. Hancock's substitute for the same, was taken up and read.

Mr. Davis of Webb moved to reconsider the vote which laid the report of the majority on the table.

Mr. Hart moved to lay Mr. Davis' motion on the table.

The Yeas and Nays being called for, on the motion to lay Mr. Davis' motion to reconsider on the table, stood thus :

Yeas—Messrs. President, Allen, Anderson, Armstrong, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Frazier, Gentry, Giddings, Hart, Johnson of Titus, Ledbetter, Mabry, Middleton, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Saunders, Saufley, Shepard, Shuford, Smyth of Newton, Spaight, Stuart, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Walker, Whitfield, Wilson, and Young—50.

Nays—Messrs. Davis of Cherokee, Davis of Webb, Degener, Flanagan, Gurley, Halbert, Hancock, Henderson, Hill, Hunt, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, McCor-

mack, Murchison, Nelson, Norton, Norris, Parker, Ranck, Roberts, Runnels, Selman, Shields, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Varnell, Waul, and Woods—31.

Laid on the table.

Mr. Davis of Webb moved to strike out the words "definitely" and "finally" from Mr. Hancock's substitute.

Mr. Flanagan moved to lay the whole matter on the table.

Whereupon, on motion of Mr. Taylor of Fannin, a call of the House was ordered; but, on Mr. Flanagan withdrawing his motion to table the amendment, Mr. Taylor withdrew his motion for a call of the House.

The question recurring on the adoption of Mr. Davis' amendment, and the Yeas and Nays being called for,

Mr. Hancock accepted the amendment as suggested, without the vote being taken.

Mr. Norton moved the indefinite postponement of the whole matter.

On motion of Mr. Allen, Gov. Hamilton was invited to a seat within the bar of the House.

Mr. Davis of Cherokee moved to adjourn until 10 o'clock on Monday morning.

Lost.

Mr. Hart moved to lay Mr. Hancock's substitute on the table.

The Yeas and Nays being called for, stood thus :

Yeas—Messrs. President, Allen, Bryan, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Hart, Johnson of Titus, Lane, Lindsey, Murchison, Nelson, Perry, Record, Runnels, Shepard, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thompson, Whitfield, and Wilson—29.

Nays—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Burke, Davis of Cherokee, Davis of Webb, Degener, Drake, Flanagan, Frazier, Gurley, Halbert, Hancock, Henderson, Hunt, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, McCormack, Middleton, Norton, Norris, Parker, Parsons, Paschal, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Saunders, Saufley, Selman, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thomas of Grimes, Varnell, Walker, Waul, Woods and Young—48.

Motion lost.

Mr. Parsons moved to adjourn until 10 o'clock on Monday.

Lost.

The question recurring on the adoption of Mr. Hancock's substitute, the Yeas and Nays were called for, and stood thus :

Yeas—Messrs. Allen, Anderson, Armstrong, Beall, Benge, Burke, Davis of Cherokee, Davis of Webb, Degener, Drake, Flanagan, Frazier, Gurley, Halbert, Hancock, Henderson, Hunt, Johnson of Tarrant, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Norris, Parker, Paschal, Phillips, Porter, Ranck, Reeves, Roberts, Saunders, Sautley, Selman, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Varnell, Walker, Waul, Woods, and Young—47.

Nays—Messrs. President, Ball, Bryan, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Hart, Johnson of Titus, Nelson, Parsons, Perry, Randolph, Record, Richardson, Runnels, Shepard, Smyth of Newton, Spaight, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Thompson, Whitfield, and Wilson—30.

The substitute was taken instead of the substitute reported by the minority, and was then adopted.

On motion of Mr. Hancock, the Assistant Sergeant-at-Arms was excused until Tuesday morning next.

On motion of Mr. Davis of Webb, the Sergeant-at-Arms was instructed to remove the fragments of the national flag, which had been torn by the wind, from its present position, and to procure another, if practicable, and hoist it in its stead.

On motion of Mr. Henderson, Mr. Dalrymple was excused from attendance on the Convention until Tuesday next.

Mr. Shields moved to reconsider the vote adopting his amendment to the resolution reported by the committee on Privileges and Elections.

On motion, the Convention adjourned until Monday morning, 10 o'clock, pending Mr. Shields' motion.

MONDAY, February 19th, 1866.

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

On motion of Mr. Sautley, Mr. Mabry was excused from attendance in the Convention on account of sickness. On motion of Mr. Record, Mr. Harwood was also excused for the same reason. Also, on motion of Mr. Frazier, Mr. Selman was excused.

On motion of Mr. Camp, of Goliad, Mr. Whitfield was added to committee on Internal Improvements.

Mr. Stuart offered a resolution to the effect that the Conven-