

TEXAS | **Tarlton Law Library**
LAW | 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.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

Committee on Funeral Arrangements—Messrs. Hancock, Shepard and Walker.

Resolution adopted, and the House stood adjourned until 10 o'clock to-morrow morning.

THURSDAY, February 22d, 1866.

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

A communication was received from the Hon. Geo. C. Rives, Acting Comptroller, and, on motion of Mr. Allen, referred to the committee on Public Lands, without reading.

Mr. Frazier asked to be relieved from serving on the committee on Education.

Granted.

Mr. Hancock, chairman of the committee on Funeral Arrangements, made the following report:

The committee on Funeral Arrangements respectfully report, that all necessary arrangements for the interment of the body of the Hon. G. W. Smyth, dec'd, have been made. The funeral to take place from this hall, at 3, P. M. They recommend the following Programme:

1. Corpse.
2. Chaplain.
3. Governor of State and President of Convention.
4. Secretary of State and Treasurer.
5. Commissioner of General Land Office and Comptroller.
6. Judicial Officers of the State.
7. Federal Field Officers.
8. Members of the Convention.
9. Citizens.

And that the Hon. Wm. M. Taylor and Hon. M. T. Johnson act as Marshals of the Procession.

Respectfully submitted.

JOHN HANCOCK, Chairman.

Adopted.

Mr. Shields offered the following resolution:

Resolved, That a committee of three be appointed to procure the attendance of a Chaplain, for prayer at the opening of the daily sessions of this body.

Adopted.

The President announced the following as the committee:—Messrs. Shields, Johnson of Titus, and Davis of Webb.

Mr. Norton, chairman of a special committee made the following report :

AUSTIN, February 22, 1866.

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

The special committee appointed for the purpose of drafting suitable resolutions in regard to the death of the Hon. George W. Smyth, of Jasper, delegate from the fourth representative district, respectfully submit the following report :

In the death of the Hon. George W. Smyth, of Jasper, we realize that Texas has lost one of her oldest and most useful citizens, whose name will ever be identified with the history of the State. Immigrating to this country at an early day, we find him acting as a Commissioner under the Mexican government; subsequently, attending the Consultation at San Felipe de Austin, and participating in its deliberations; a Signer of the Declaration of Independence; a Representative in the Congress of the Republic, and a Signer of the Constitution of the Republic of Texas. He afterwards was a member of the Board of Land Commissioners, discharging the onerous duties of detecting fraudulent claims, a Commissioner of the General Land Office, and a Representative in the Congress of the United States; in all of which positions he acquitted himself creditably, and to the entire satisfaction of the people of Texas.

He was one of the Deputies in the Convention of the People of the Republic of Texas, in 1845, and assisted in framing our State Constitution, and he had been chosen by his old neighbors and life-time friends, who best knew the soundness of his judgment and his great wisdom, to represent them in this Convention.

At this critical juncture, he was admirably qualified to act. Among all our delegates, there was not one of such enlarged experience—so cool, so thoughtful and discreet, so well calculated to act judiciously upon the great questions of the living present, and those upon which our State existence depends. Therefore,

Be it Resolved, by the People of Texas in Convention assembled, That, in the death of the Hon. Geo. W. Smyth, of Jasper, a delegate in this Convention, the State has lost one of her ablest statesmen, who, by a long career of public service, had established a reputation for honesty, integrity and ability, endearing him to every Texan heart, and that we regard his decease, at this important period, as a public calamity.

Resolved, That the delegates tender their heartfelt sympathies to the family of the deceased in their bereavement; and, as a further mark of esteem for their late associate, they will wear the usual badge of mourning for thirty days.

Mr. Norton, chairman of a special committee made the following report :

AUSTIN, February 22, 1866.

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

The special committee appointed for the purpose of drafting suitable resolutions in regard to the death of the Hon. George W. Smyth, of Jasper, delegate from the fourth representative district, respectfully submit the following report :

In the death of the Hon. George W. Smyth, of Jasper, we realize that Texas has lost one of her oldest and most useful citizens, whose name will ever be identified with the history of the State. Immigrating to this country at an early day, we find him acting as a Commissioner under the Mexican government; subsequently, attending the Consultation at San Felipe de Austin, and participating in its deliberations; a Signer of the Declaration of Independence; a Representative in the Congress of the Republic, and a Signer of the Constitution of the Republic of Texas. He afterwards was a member of the Board of Land Commissioners, discharging the onerous duties of detecting fraudulent claims, a Commissioner of the General Land Office, and a Representative in the Congress of the United States; in all of which positions he acquitted himself creditably, and to the entire satisfaction of the people of Texas.

He was one of the Deputies in the Convention of the People of the Republic of Texas, in 1845, and assisted in framing our State Constitution, and he had been chosen by his old neighbors and life-time friends, who best knew the soundness of his judgment and his great wisdom, to represent them in this Convention.

At this critical juncture, he was admirably qualified to act. Among all our delegates, there was not one of such enlarged experience—so cool, so thoughtful and discreet, so well calculated to act judiciously upon the great questions of the living present, and those upon which our State existence depends. Therefore,

Be it Resolved, by the People of Texas in Convention assembled, That, in the death of the Hon. Geo. W. Smyth, of Jasper, a delegate in this Convention, the State has lost one of her ablest statesmen, who, by a long career of public service, had established a reputation for honesty, integrity and ability, endearing him to every Texan heart, and that we regard his decease, at this important period, as a public calamity.

Resolved, That the delegates tender their heartfelt sympathies to the family of the deceased in their bereavement; and, as a further mark of esteem for their late associate, they will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Secretary to the family of the deceased.

Resolved, That the Convention stand adjourned till to-morrow morning at 10 o'clock.

Respectfully submitted.

In submitting the resolutions, Mr. Norton addressed the Convention as follows :

Mr. President :—As chairman of the committee, I may be indulged in making a few remarks in regard to the deceased, so far as his private character is concerned.

In the report, a recapitulation is made of the public positions he has occupied ; but, Sir, it was not only as a public man that he was valued and esteemed. It was also as a private citizen, a neighbor and a friend, that he was cherished. Modest and unassuming, never thrusting his opinion on any man, always expressing himself decidedly when called upon to express an opinion, with no hesitation, no concealment, and no disguise, he passed through an eventful life in our State without having made a single enemy. He commanded respect and admiration by reason of his virtues. And, Sir, the loss of such a bright example is a public calamity.

When I left Jasper, Mr. Smyth was confined to his house, upon a sick bed. Two days before I left, the physician had stated that it was impossible for him to recover, and his decease was daily expected. It was the general wish and desire of the people in that section, that he should be present in this Convention ; and, Sir, when I heard that his disease had taken a favorable turn, and that he was improving, I sent a request that he would be present at the assemblage of the people's delegates, even though he were here but for a day, that we might have the influence of his name in our deliberations, to give the same weight and character, by reason of his national reputation.

Upon making his first appearance here, he came to me and remarked that he had received my request, and that he had determined to attend this Convention. He said that he was greatly fatigued by reason of two nights' traveling in the stage, but trusted he would recuperate, and be able to attend the sittings of the Convention ; that he had come here from a sense of duty he owed to the people of the State ; and, Sir, it can truly be said, that he sacrificed his life for the public interests. But a short time in this hall, and but a few days with us, he took no active part in our deliberations. On the sessions of the committee on the Condition of the State, he was constant in attendance, and there, Sir, he preserved his uniform silence,

taking no part in our discussions, but voting promptly upon every proposition that came up. In conversation, he expressed a desire that we should act harmoniously in this Convention, and take such a course as would result in the speedy restoration to our rights in the General Government.

After the majority of the committee had determined upon their report, annulling the ordinance of secession, he expressed his desire that I should place upon paper the views entertained by us upon this subject, and in a minority report bring the matter fairly before the Convention, and, Sir, he said he particularly wished to place upon record his views, and vote against secession, and then he would be content.

After making these remarks in conversation, he said to me that he felt better than he had since his arrival at the Convention. I was glad to hear of it. So we parted! A few hours passed by, and my friend's lamp of life was gone—the light of George W. Smyth was removed from our midst. How sudden! How unsuspected the summons came. What a shock! Well has it been said, “in the midst of life we are in death.” This faithful public servant has finished his career! His mission is ended! He came here for the purpose of discharging his duty to his constituents and the people of the State, and as he had taken an active part in the Convention of the Republic of Texas, which caused her to be admitted as one of the States of the American Federal Union, he desired once again to have the proud satisfaction of seeing her recognized and acknowledged as a co-ordinate and an equal in that Union. A true friend of the Constitution and the Union, an ever true friend of our whole country has passed from among us, and a valuable citizen of the State of Texas is no more. It may be said of him truly, that he was an honest man. Honest George W. Smyth, thou art gone! It is but right that, as delegates of the people, we should give expression of the general regret and sorrow at his decease. May his virtues be emulated by us, and may his desire be fulfilled, that harmony should prevail in our deliberations, and wisdom influence our actions.

Judge Roberts addressed the Convention as follows:

Mr. President:—In the death of the Hon. George W. Smyth, one of the pillars of the old Republic of Texas has fallen. It reminds me that there are now but few men living who stood as compeers with him in this country in the days of my youth. Twenty-five years ago I knew him as one of the standards of the Republic of Texas; as one of the men who was looked up to by the people as a man of integrity, intelligence

and influence, well qualified to support the doctrines of the Republic.

I, however, from want of words, must fail to convey to your minds a correct idea of the high estimation in which he was held by the people.

The great beauty of his character was, as has been remarked, in his private life. He was honest in all its senses! He was sincere! He was truthful! He was generous! He was endowed with a mind capable of grasping the great truths presented to it, which were necessary to control his action and the action of the citizens of the State. He collected and matured an amount of intelligence and information that few men in his situation in life have amassed. All in all, he was prepared to perform well his part in the different responsible positions he was called upon to occupy.

But in saying this, I convey but a faint idea of his character. The same thing may be said of many of the associates of his earlier days.

There was one peculiar principle of his character that deserves to attract our attention, because it is worthy of our own emulation in all time to come. It is that he never sought an office, and that his fellow-citizens thought him so worthy as to continually obtrude official position upon him. It is that he had no ambition to occupy these positions for mere position's sake, but, if I may be permitted so to express, an inordinate ambition to do his duty in every position of life.

I will relate one simple instance to illustrate his character :

Upon one occasion his fellow-citizens called upon him to become a candidate for the Legislature. On the morning of the election, as he was going from his residence to town, he passed a neighbor's house, and the neighbor asked him :

"Where are you going?"

"I am going to town," answered he.

"What is to be done in town, to-day?"

"Nothing, I believe, but the holding of the election."

"Who are the candidates?"

"I believe my friends are running my name as a candidate."

"If that is the case, I will go to town with you, and vote for you."

His own neighbors did not know he was a candidate, but he was elected with an overwhelming majority. This gives some insight into his unobtrusive character.

When the country needed his services as Commissioner of the General Land Office, they had to send for him, and when he

arrived at Austin, he came up in his farmer's homespun. I repeat, he had to be sent for. He did not come in advance to seek it!

In 1853, in Eastern Texas, there was a Democratic Convention held, for the purpose of nominating a candidate to represent that section of the State in the Congress of the United States. Opposing candidates were arrayed in hot contest for the nomination. George W. Smyth was at home on his farm. The strife rose to a high pitch, and continued for several days. The efforts of the opposing candidates failed to settle the dispute. Who is the man that *all* can agree upon to represent Eastern Texas in Congress? The answer was, George W. Smyth. He was the man, in whom *all* the people had confidence,—the man upon whom all could concentrate, as one well worthy and qualified to represent them in the Legislative Halls of the nation.

Thus he ever exhibited that modesty and unassuming demeanor which sought not preferment. He had qualities of mind and of heart that necessarily attracted attention, and forced position upon him.

Sir, he was not as one of those brilliant meteors that shoot across the firmament, and calls attention by its glare, and then dies away in darkness, but rather like a twinkling star, settled in its place and enduring in its position. His example will be worthy of all imitation, and should be taught to our sons and their children for all time to come, for their emulation.

Judge Latimer addressed the Convention as follows:

Mr. President:—It may be appropriate for me to make a few remarks upon the present occasion. My acquaintance with the deceased dates back to 1836. I met him for the first time in the Convention at Washington, on the Brazos, and, if not out of order, I would speak of the circumstances under which that Convention met. When Texas met in Convention on the first of March, she had a population of about thirty thousand. At that time the western frontier of the State was overrun by Santa Anna. Two alternatives were brought before the Convention. One was Texan Independence, and the other subjection to Mexican despotism. Possessing neither money nor means of warfare, the question must be decided, and on the second of March a declaration of independence was signed unanimously by the members of the Convention, and I well recollect the form and appearance of George W. Smyth, at that time. Sir, when his death was announced to me, I could but go back to that memorable day, and see him as then presented before the Convention. When called upon to go forward and sign his name, he did so

deliberately and manly. There was no faltering. His step was firm, his form erect, and his nerves quiet within him. I feel it due to the memory of a friend to make this statement.

I would make another remark about that Convention. I presume no deliberative body ever met under such circumstances. To all human appearance, the cause of Texan independence was hopeless. How was it possible for thirty thousand to resist the overwhelming force brought against Texas? It goes to show that Smyth, with the others who were there, were men of nerve. Relying upon the justice of their cause, they made the declaration. The struggle was successful, and a nation was born. I met the deceased again in 1845, at the Capitol. I found him there, the same cool, quiet, deliberate man—conservative in everything. I have scarcely ever met with one that I would prefer to counsel with, for he was always a safe man. I have enjoyed his confidence when we have met, and I am proud to acknowledge it.

I met him here in this Convention, and the same deliberation, the same coolness, the same determination to do right and benefit his beloved State, I found pervading his heart and controlling his action.

I think he was one of the best men I ever met in my life. He has now left us. He has gone to that undiscovered country where you and I must go, and I hope his mantle will fall upon this Convention.

The resolutions were then adopted, the vote being taken by the delegates rising to their feet in silence, and the Convention adjourned until 10 o'clock A. M., to-morrow.

FRIDAY, February 23d, 1866.

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

On motion of Mr. Record, Mr. Harwood was excused, on account of sickness; and on motion of Mr. Saunders, Mr. Hill was also excused for the same reason.

Reports of committees being in order, Mr. Shields, chairman of the special committee to procure the services of a chaplain, made the following report:

FEBRUARY 23d, 1866.

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

The committee charged with the duty of procuring the ser-