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the rule in relation to meeting and adjournment of the Convention.

Mr. Throckmorton moved to lay on the table until Monday morning.

Carried.

On motion of Mr. Parsons, Convention adjourned until 9 o'clock Monday morning.

MONDAY, February 26th, 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 indefinitely excused, on account of sickness.

On motion of Mr. Shields, Mr. Jones of Bexar was excused for the same reason, until to-morrow morning.

Mr. Drake offered the following resolution:

Resolved, That members of this Convention be allowed to speak but fifteen minutes, only, and but once on any one question.

Laid over one day, for consideration.

The Convention proceeded to the consideration of Mr. Roberts' amendment to the 2d Section of the ordinance to amend the 8th Article of the Constitution.

Mr. Waul moved to add to the Section, "as to facts hereafter occurring." Lost.

Mr. Smith of Colorado offered the following amendment:

Provided, That in all civil cases in which they may be heard to testify as witnesses against a white person, it shall be in open court, and only as to matters that may occur hereafter. The Legislature shall have power to authorize them to testify as witnesses in all cases, subject to the general rules of evidence applicable to all races of men.

Lost.

Mr. Gentry offered the following amendment:

Insert after the word "witnesses," in the 2d Section, the words "orally, and to all facts occurring after the passage of this ordinance."

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

Carried.

Mr. Ireland moved to re-commit the whole subject to the committee on General Provisions of the Constitution, with instructions to report as soon as possible. Lost.

Mr. Throckmorton moved to amend by adding at the end of the 2d Section the words "as to facts hereafter occurring."

Adopted.

Mr. Frazier offered the following substitute for 2d Section :

"It is declared that race or color shall not affect the competency of a witness in this State, in any matter hereafter occurring."

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

Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. President, Allen, Armstrong, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Ledbetter, Lindsey, Middleton, Murchison, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Walker, Whitfield, Wilson and Woods—58.

Nays—Messrs. Camp of Goliad, Davis of Webb, Degener, Flanagan, Frazier, Hart, Jones of Bastrop, Latimer, Mabry, McCormack, Norton, Parker, Paschal, Saunders, Shields, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, Waul, and Young—21.

So the substitute was laid on the table.

The question recurring on the adoption of Mr. Roberts' amendment, Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. President, Allen, Anderson, Armstrong, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Gentry, Gurley, Halbert, Hancock, Hart, Henderson, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Parsons, Paschal, Perry, Record, Reeves, Richardson, Roberts, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Whitfield and Woods—64.

Nays—Messrs. Ball, Clements, Frazier, Giddings, Hill, Hunt, Ireland, Norris, Parker, Phillips, Porter, Runnels, Saunders, Saufley, Selman, Wilson and Young—17.

Adopted.

Mr. Norton offered the following substitute for the ordinance :

ARTICLE VIII.—FREEDMEN.

SECTION 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 for the punishment of crime, whereof the party shall be duly convicted, shall exist in the State: all persons shall be protected in their rights of person and property, by appropriate legislation: and the courts shall be open to all alike, for the redress of grievances and wrongs.

SEC. 2. All persons shall have the right to testify in any case, civil or criminal; the credibility of their testimony to be determined by the court or jury hearing the same.

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

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

Call suspended, and the Yeas and Nays were ordered on the motion to lay the substitute on the table, and stood thus:

Yeas—Messrs. President, Allen, Anderson, Ball, Beall, Bengt. Bryan, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Hurt, Ireland, Lindsey, Middleton, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Rannels, Saunders, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Walker, Whitfield, Wilson and Woods—54.

Nays—Messrs. Armstrong, Camp of Goliad, Davis of Webb, Degener, Flanagan, Hancock, Hart, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Mabry, McCormack, Murchison, Norton, Parker, Paschal, Ranck, Shields, Shuford, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Waul and Young—28.

So the substitute was laid on the table.

Mr. Hunt offered the following:

Amend 2d Section by inserting the word "orally," after the word "testify," in the 2d line.

Mr. Hart moved to lay the amendment on the table, and the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Hancock, Hart, Hurt, Johnson of Titus, Jones of Bastrop, Lane, Ledbetter, McCormack, Murchison, Nelson, Paschal, Ranck,

Roberts, Saunders, Shields, Shuford, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Young—28.

Nays—Messrs. President, Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Johnson of Tarrant, Latimer, Lindsey, Middleton, Norton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Woods—51.

Lost.

The amendment was then adopted.

Mr. Paschal offered the following amendment to 2d Section :

After "to," first word, third line, insert, "or crime against."
Strike out "or," before "injury," second line.

Adopted.

Mr. Phillips offered the following substitute :

ARTICLE VIII.

Be it ordained, That slavery having been determined 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, neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, exists in this State.

Freedmen and their descendants shall be allowed to acquire, hold and transmit, by purchase, sale and descent, personal and real estate, and shall be protected in their persons and property by the general laws of the land. They shall be allowed to testify, orally, under the general rules of evidence, in cases in which one of them is a party, as to facts hereafter occurring; and the Legislature may extend this provision at their discretion.

All ordinances, and Legislative enactments, on the subject matter of slaves and free persons of color, heretofore passed, are hereby annulled.

Mr. Frazier offered the following amendment :

It is declared that involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in this State; and freedmen and their descendants shall be protected 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, real, personal and mixed, and be subject to no penal laws based upon inequality or distinction of race.

Question being upon the adoption of the amendment, the Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. Camp of Goliad, Clements, Davis of Webb, Degener, Flanagan, Frazier, Hart, Johnson of Titus, Latimer, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Saunders, Shuford, Taylor of Fannin and Thomas of Cameron—19.

Nays—Messrs. President, Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Dickson, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Lane, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson, Woods and Young—56.

The House refused the amendment.

On motion of Mr. Taylor of Fannin, the main question was ordered by the following vote :

Yeas—Messrs. President, Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Gentry, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Lane, Lindsey, Nelson, Norton, Norris, Parker, Perry, Phillips, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Wilson and Woods—56.

Nays—Messrs. Armstrong, Clements, Davis of Webb, Degener, Dickson, Flanagan, Frazier, Giddings, Hart, Jones of Bastrop, Latimer, Mabry, McCormack, Middleton, Murchison, Parsons, Paschal, Porter, Ranek, Saunders, Selman, Shuford, Smith of Colorado, Thomas of Cameron, Whitfield and Young—26.

Adopted.

The question being the engrossment of the ordinance, the same was put, and the ordinance ordered to be engrossed.

Mr. Throckmorton moved to suspend the rule, so as to take up the ordinance, and re-commit to the committee.

Lost.

Mr. Allen offered the following resolution :

Resolved, That the committee on Finance be instructed to take under its consideration the whole subject of the public deb

of the State, and report such ordinances, in reference to the same, as may be deemed proper.

Adopted.

Mr. Throckmorton moved to reconsider the vote fixing the hours of meeting and adjourning.

Carried.

Mr. Norton moved to strike out 9 o'clock, and insert 10 o'clock, and strike out 2 o'clock.

Carried.

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

TUESDAY, February 27th, 1866.

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

Mr. Shepard made the following report from the committee on the General Provisions of the Constitution:

COMMITTEE ROOM, February 26th, 1866.

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

The committee on General Provisions of the Constitution, to whom was referred a resolution requesting the committee to inquire into the propriety of engrafting in the Constitution of the State a provision, requiring the Legislature to enact suitable laws for the observance of the day known as the Christian Sabbath, have had the same under consideration, and a majority of said committee instruct me to report:

That, by the Constitution of the United States, and the statutes of this State, ample protection is afforded every denomination of believers for the free enjoyment of their religious opinions, and the free exercise of their peculiar modes of worship; that in the opinion of a majority of your committee, it is unnecessary for the law to go further.

Received, to come up in order.

Mr. Reeves, one of committee on General Provisions of the Constitution, submitted the following minority report:

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

A minority of the committee, to whom was referred the resolution respecting the adoption of a clause in the Constitution requiring the Legislature of the State, to enact suitable laws for the due observance of the day known as the Christian Sabbath, beg leave to make the following minority report, and recommend the adoption of the following amendment: