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Mearns, Allen, Anderson, Bacon, Ball, Beall, Bengé,
Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley,
Henderson, Hill, Hunt, Hurt, Ireland, Johnson of
Jones of Bastrop, Latimer, Ledbetter, Mabry, Nelson,
Phillips, Record, Reeves, Roberts, Saufley, Shields,
South of Colorado, Spaight, Taylor of Houston, Thomas
Thompson, Varnell, Walker, Waul, Whitfield, Wil-
and Woods—43.

Mr. Thompson offered the following amendment to Section 5 :
Strike out all after "whatever," in 2d line, down to "and it,"
and insert

Mr. Hart moved to adjourn until 9½ o'clock to-morrow

SATURDAY, March 17th, 1866.

Convention met, pursuant to adjournment; prayer by the
roll called; quorum present.

The President pro tem. being excused by the House on yester-
day and the President being still sick, the Convention was called
to order by acting chief clerk Wheeler, and nominations being in
order the President pro tem.,

Mr. Hinnels nominated Mr. Taylor of Houston.

Mr. Taylor of Fannin nominated Mr. Hart.

Mr. Jones of Bexar nominated Mr. Johnson of Tarrant.

Mr. Johnson of Mr. Johnson withdrawn.

Mr. Taylor of Fannin and Mr. Davis of Webb appointed as

The ballots being told, it appeared that Mr. Taylor had re-
ceived 27 votes, and Mr. Hart 25 votes; Scattering 2.

Mr. Taylor, having received a majority of the votes cast, was
declared duly elected President pro tem. of the Convention.

Mr. Ledbetter and Mr. Latimer were appointed to conduct
the Convention to the chair.

Business of yesterday read and adopted.

On motion of Mr. Norris, Mr. Gurley was excused for the day.

On motion of Mr. Latimer, Mr. Beall and Mr. Hart were
appointed to the committee on Finance.

On motion of Mr. Slaughter, Mr. Bryan was excused inde-

Mr. Norton, chairman of the committee on Condition of the State, made the following report :

COMMITTEE ROOM, March 16, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention :

The committee on the Condition of the State, having had the subject of the division of the State, and the disposition to be made of the unsettled portion of the territory in the northwest part of the State. under consideration, have instructed me to report the accompanying ordinance, and recommend its passage :

AN ORDINANCE,

To Provide for the Sale of a part of the Public Domain of the State.

SECTION 1. *Be it ordained by the people of the State of Texas, in Convention assembled,* That the Legislature of this State is hereby authorized and empowered to sell to the United States all of the territory of the State lying west of a line beginning at the mouth of the Pecos river ; thence up that stream to Fort Lancaster ; thence in a right line to Red river, at the point where the 102d parallel of longitude crosses that river : and that the money arising from said sale be set apart as a perpetual school fund.

The committee on the Condition of the State, through their chairman, also reported as follows :

COMMITTEE ROOM, March 15, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention :

The committee on Condition of the State, having had under consideration a resolution in regard to a constitutional amendment providing for a future division of the State, have instructed me to report the following ordinance, and recommend its passage :

AN ORDINANCE,

To Provide for a Division of the State of Texas.

SEC. 1. *Be it ordained, by the people of the State of Texas, in Convention assembled,* That the Legislature shall be vested with power to give the consent of the State to the erection of a new State or States within the limits of this State, and to pass all laws necessary to designate the boundaries of such new State or States, and to enable the people of the same to organize State governments. The Legislature is also vested with power to settle the claims of such new State or States to a proper share of the school fund and the public domain.

Reports and ordinances read a first time, and passed to orders of the day.

Mr. Reeves. one of the committee on General Provisions of

the Constitution, made the following report in behalf of said committee:

COMMITTEE ROOM, March 17th, 1866.

Hon. D. C. Dickson, President pro tem. of Convention :

The committee on the General Provisions of the Constitution, to whom was referred an ordinance to amend Section 10th, Art. VII of the General Provisions, have had the same under consideration, and instruct me to report the following amendment to said Section, so that the same shall read as follows :

Sec. 10. The duration of all offices not fixed by this Constitution, shall never exceed four years, except the office of the Superintendent of the Lunatic Asylum, or other Asylums that may be established by law, who shall continue in office during good behavior: *Provided*, that in all cases where the Governor has the authority, under this Constitution, or laws made in pursuance hereof, to appoint to office, he shall also have power to remove from the same for malfeasance in office, neglect of duty, or other good cause, provided that a statement of the cause shall, at the time of removal, be furnished the party interested, and a copy hereof shall also be recorded in the office of the Secretary of State. Respectfully submitted.

Read first time, and passed to the orders of the day.

Mr. Dalrymple, chairman of committee on Indian Affairs, made the following report :

COMMITTEE ROOM, March 17th, 1866.

Hon. W. M. Taylor, President pro tem. of Convention :

SIR: I am instructed by the committee on Indian Affairs to refer back, without action, the resolution instructing them to consider the propriety of authorizing the Legislature to cede the exclusive occupation of certain lands belonging to this State, for fifty years, for the purpose of establishing military posts thereon; the subject matter, and the object sought to be attained by said resolution, having been reported back in a different form by this committee, and by the committee on Public Lands

Received, to come up in order.

Mr. Varnell offered the following resolution :

Resolved, That this Convention declare Henry Briggs the Assistant Sergeant-at-Arms, and that he receive the per diem pay as such Assistant Sergeant-at-Arms from the date of the resolution authorizing the Sergeant-at-Arms to employ the necessary help, after leave of absence was granted the Assistant Sergeant, Mr. Stubblefield.

Resolution adopted.

Mr. Slaughter presented the petition of Mr. J. H. Hutchins, of Travis county, and the following ordinance :

Be it ordained by the people of the State of Texas, in Convention assembled, That the Legislature, at its first session, be and is hereby required to make provision to pay all indebtedness of the State to the officers and clerks of the various civil departments of the State Government, which were known to the law prior to the act of secession, and on all Treasury Warrants issued to said officers and clerks since the 28th day of January, 1861 : Provided, the Warrants are now in the actual possession of the officers and clerks to whom they were issued, which must be proven by deposition made before an officer, sustained by the testimony of two witnesses.

Petition and ordinance referred to the committee on Finance.

The resolution offered by Mr. Whitfield, on yesterday, in regard to restricting the time which members of the Convention may speak, taken up, and adopted.

The ordinance providing for the election of State and county officers, and fixing a time for the meeting of the Legislature, together with the proposed amendments thereto, taken up, and, on motion of Mr. Phillips, referred to the committee on the Legislative Department.

The question pending at the hour of the last adjournment, viz : Art. X, Education, again taken up.

Mr. Camp of Upshur offered the following as a substitute for the Article under consideration :

ORDINANCE.

Be it ordained, That the school fund, heretofore set apart by the State for educational purposes, together with all lands known as school lands, including University lands, &c., shall be divided by the Legislature among the several counties of this State, according to the scholastic population of each ; and should the Legislature find the division of the lands above specified impracticable, in that event they may order the sale thereof on such terms as they may deem best ; the proceeds arising from said sales, together with the fund so divided, shall be used by the several counties for educational or other purposes, as the County Courts thereof may determine : Provided, that the lands heretofore located, or that may hereafter be located, by the several counties of this State, shall not be included in this division, but shall be retained, and remain at the disposal of those counties by which they were so located, at the discretion of their several County Courts.

Mr. Runnels offered the following as a substitute for the first four lines of Mr. Camp's substitute :

That the school fund heretofore set apart by the Legislature of the State for educational purposes revert to the Treasury of the State, the principal and interest, either or both of which, (as the emergency may require,) shall be used and appropriated by the Legislature in payment of the public indebtedness, and the ordinary expenses of the State Government hereafter arising : *Provided*, that in no event shall the Legislature have power to relieve the corporations from the full payment of their indebtedness, or any portion thereof, (either whole or in part,) to said fund.

Mr. Norton moved to lay the substitute of Mr. Camp and the substitute of Mr. Runnels on the table.

On motion of Mr. Hart, a division of the question was granted.

The question being on laying the substitute of Mr. Runnels on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Degener, Drake, Gentry, Hart, Henderson, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Perry, Phillips, Ranck, Randolph, Saufley, Shepard, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Whitfield, and Woods—37.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Giddings, Hancock, Hill, Ireland, Johnson of Tarrant, Lindsey, Norris, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Thompson, Walker, Waul, and Young—31.

So the substitute of Mr. Runnels was laid on the table.

The question recurring on the adoption of Mr. Camp's substitute, Mr. Norton renewed his motion to lay the same on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Bumpass, Burke, Dalrymple, Davis of Webb, Degener, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Record, Reeves, Richardson, Saufley, Shepard, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Walker, and Whitfield—48.

Nays—Messrs. Beall, Benge, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Haut, Hurt, Latimer, Middleton, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Varnell, Waul, Woods, and Young—23.

So the substitute of Mr. Camp was laid on the table.

Mr. Ireland proposed to amend the 6th Section by striking out the words "or other political divisions," in the second line

Lost.

Mr. Davis of Cherokee proposed to amend by striking out the word sold. 6th Sec., 2d line, and insert in lieu thereof the word lease.

The hour having arrived for the consideration of the ordinance introduced by Mr. Hancock, touching the liabilities of the State for debts contracted in support of the Asylums, and because of pensions, the same was taken up, and, on motion of Mr. Waul, postponed to await the report of the committee to whom it was referred.

The question recurring on the amendment proposed by Mr. Davis, to the 6th Sec of the Article on Education, Mr. Whitfield moved to lay the amendment of Mr. Davis of Cherokee on the table, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Degener, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Reeves, Roberts, Saufley, Shepard, Shields, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Waul, Whitfield and Woods—49.

Nays—Messrs. Bacon, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Flanagan, Record, Richardson, Runnels, Saunders, Selman, Shaw, Varnell, Walker, and Young—15.

So the amendment was laid on the table.

Mr. Degener offered to amend the 6th Section by striking out all after the word State, in the 5th line.

On motion of Mr. McCormack, the amendment was laid on the table.

Mr. Camp of Upshur moved to strike out the 6th Section by way of amendment.

The Yeas and Nays being ordered, stood thus :

Yeas—Messrs. Beall, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Hill, Saunders, Selman, and Young—8.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Whitfield, and Woods—57.

The amendment was lost.

Mr. Roberts offered a substitute for the whole Article, and having the floor, was called to order by the President under the ten minute rule, and the question being, shall the gentleman have leave to proceed, the same was put, and the leave granted.

The question recurring on the adoption of the substitute offered by Mr. Roberts, Mr. Henderson moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Benge, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Hancock, Henderson, Hunt, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Mabry, McCormack, Murchison, Nelson, Norton, Parsons, Ranck, Reeves, Richardson, Saufley, Shields, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Waul, Whitfield and Woods—36.

Nays—Messrs. Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Flanagan, Lindsey, Middleton, Norris, Parker, Perry, Phillips, Randolph, Record, Roberts, Rannels, Selman, Shaw, Tyus, Varnell, and Walker—22.

The substitute was therefore laid on the table.

Mr. Henderson offered the following amendment to the 7th Section, viz :

Strike out all after Legislature in 1st line, and insert, "shall have no power to lay a direct tax for the support of common schools, or for educational purposes."

Mr. Slaughter offered the following as a substitute for the whole Article, and for the amendment of Mr. Henderson :

Resolved, That the school system as heretofore established, and as is proposed hereafter to be established, is a huge humbug, and, as heretofore practiced, has failed signally to "a general diffusion of knowledge;" and it is the sense of this Convention

that, in view of our complicated condition, it is unwise that any system of public schools be adopted by this Convention, but that the Legislature may hereafter provide for an efficient school system.

The question being on the adoption of the substitute offered by Mr. Slaughter, on motion of Mr. Whitfield, the substitute of Mr. Slaughter was laid on the table.

Mr. Record moved to adjourn till 7 o'clock to-night.

Carried.

Pending, the amendment of Mr. Henderson.

7 O'CLOCK, P. M.

Convention met: roll called: quorum present.

Question pending at the hour of the last adjournment, viz: the amendment of Mr. Davis of Cherokee to the 6th section of the Article on Education reported by the committee on Education again taken up.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made following report:

COMMITTEE ROOM, March 17th, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 3d Article of the Constitution, and find the same correctly enrolled and properly signed. Respectfully submitted.

Accepted.

The question recurring on the adoption of the amendment proposed by Mr. Davis of Cherokee, to amend said sixth section as follows, at the end thereof, "Provided, the Legislature shall not cause said lands or any part thereof to be sold, prior to the first day of January, A. D. 1870," and Mr. Reeves occupying the floor, he was called to order by the President, under the ten minute rule.

The question being, Shall the gentleman from Anderson proceed? and being put, the leave was granted.

The question recurring on the amendment of Mr. Davis of Cherokee, the same was withdrawn.

Mr. Degener offered the following amendment, to come in at the end of 6th section:

Provided, that no land shall be sold without the consent of the respective counties.

Mr. Walker, having the floor, was called to order by the President; and the question being, Shall the gentleman have leave to proceed? and the same being put, the leave was granted.

The question recurring on the amendment proposed by Mr.

Degener, he accepted the following, offered by Mr. Reeves, as a substitute :

"*Provided*, that the lands already patented to the counties shall not be sold, without the consent of such county or counties to which the lands may belong." To come in after the word "respectively," in 6th line, Section 6.

Adopted.

Mr. Henderson offered the following amendment to Section 7 :
Strike out all after the word Legislature, in first line, and insert, "shall have no power to levy a direct tax for the support of common schools, or for educational purposes."

The question being on the adoption of said amendment, and the same being put, the amendment was lost.

Mr. Roberts offered the following amendment :

Amend the 7th Section by adding to the end of the first line the following words : "Provided the amount of taxes levied shall be disbursed from year to year, as the same may be collected ;" and by adding to the end of the last word in Section 7 the words, "and provided, further, that the Legislature may tax one race and not tax the other, or may impose a different rate of taxation upon the two races, as the public interest may require."

Mr. Beall offered the following as a substitute for Section 7 and the amendment proposed by Mr. Roberts :

SEC. 7. The Legislature may provide for the levying of a tax from Africans, or persons of African descent, which shall be exclusively appropriated to the maintenance of a system of public schools for Africans and their children.

Substitute of Mr. Beall lost.

The question recurring on the amendment of Mr. Roberts, the same was put and lost.

Mr. Johnson of Tarrant moved to strike out the 7th section.

On motion of Mr. Davis of Webb, laid on the table.

Mr. Record offered the following amendment :

Amend 7th section by striking out the word "the," in the second line, and insert, after the word "descent," in third line, "and none other," and strike out, in third line, "exclusively."

Mr. Varnell offered the following amendment, to come in at the end of the 7th section :

"Provided, that all sums collected from Africans shall be collected by assessors and collectors of African descent, to be elected or appointed, as the Legislature may hereafter provide for."

Mr. Whitfield moved to lay the amendment of Mr. Varnell on the table, and the Yeas and Nays being ordered, stood thus :

N

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bengé, Camp of Gohad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Gentry, Giddings, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Ledbetter, Lindsey, McCormack, Middleton, Norton, Norris, Perry, Phillips, Porter, Record, Reeves, Roberts, Selman, Shepard, Taylor of Fannin, Taylor of Houston, Thompson, Walker, Waul, Whitfield and Woods—37.

Nays—Messrs. Bradshaw, Degener, Flanagan, Murchison, Parsons, Ranck, Runnels, Saunders, Smith of Colorado, and Varnell—10.

So the amendment was laid on the table.

Mr. Davis of Webb moved to strike out the word "direct," in first line 7th section.

Proposed amendment accepted by Mr. Record; and the question being on the adoption of the amendment of Mr. Record, Mr. Ireland offered the following as a substitute for the 7th section and the amendment of Mr. Record:

Add, after word "tax," in first line, "upon Africans," at strike out second line, and third line down to "for."

Which was ruled out of order by the President.

The question recurring on the adoption of the amendment of Mr. Record, on motion, the question was divided, and the vote being first taken on the motion to strike out the word "direct" the same was put, and the amendment adopted.

The question being put on the amendment first proposed, the same was lost.

The Convention refused to adjourn, on motion.

Mr. Henderson moved the previous question. Seconded.

The question being, Shall the main question be now ordered and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bengé, Camp of Upshur, Flanagan, Giddings, Henderson, Hill, Ledbetter, McCormack, Murchison, Phillips, Smith of Colorado, Taylor of Houston, Thompson and Varnell—15.

Nays—Messrs. Bacon, Ball, Beall, Bradshaw, Camp of Gohad, Davis of Webb, Davis of Cherokee, Degener, Gentry, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Lindsey, Middleton, Norton, Norris, Parsons, Perry, Porter, Ranck, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shepard, Slaughter, Taylor of Fannin, Thomas of Cameron, Walker, Waul, Whitfield and Woods—35.

So the House refused to order the main question.

Mr. Norton offered the following amendment:

Amend Section 8 by striking out all after the word "shall

in second line, and inserting, "be and the same is hereby added to the public school fund."

Mr. Record moved to reconsider the vote refusing to adopt his amendment, as divided.

The question being on the reconsideration, the same was put, and lost.

The question recurring on the adoption of the amendment of Mr. Norton. Mr. Whitfield offered the following amendment:

"Provided, that the white children and those of African descent shall not be taught in the same school."

On motion, Convention adjourned till 9½ o'clock on Monday morning, pending the amendment of Mr. Whitfield.

MONDAY, March 19th, 1866.

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

Mr. Davis of Webb, one of the committee on Finance, presented the following report:

COMMITTEE ROOM, March 17, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance, to whom was referred an ordinance to authorize the payment of debts contracted for the support of the Asylums of the State, and other purposes, direct me to report as follows:

The committee, after due investigation, consider all of this class of indebtedness, (incurred between the 28th day of January, 1861, and the date of the surrender to the United States forces,) as being substantially within the prohibition contained in the 3d Section of the ordinance passed by this Convention on the 14th inst. State Warrants were issued under the then existing authorities at a scaled rate of value sufficient to cover all the indebtedness. In regard to any claims subsequent to the surrender for supplies furnished the Asylums, the committee are of opinion that these have been, or will be provided for, by the Provisional Governor of this State, or by the United States Government. The committee accordingly ask leave to return said ordinance, with a recommendation that no action be taken thereon by this Convention.

Received, to come up in order.

Mr. Beall made the following report from the committee on Finance: