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On motion of Mr. Smith of Lamar, Convention adjourned till 9 $\frac{1}{2}$ o'clock to-morrow.

SATURDAY, March 24th, 1866.

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

On motion of Mr. Jones of Bastrop, Mr. Allen and Mr. Johnson of Titus were excused from further attendance on the Convention.

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

COMMITTEE ROOM, March 22d, 1866.

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

The committee on Condition of the State, to whom was referred an ordinance on the subject of Mines, Minerals, Salines, &c., report the accompanying ordinance, and recommend its passage :

AN ORDINANCE,

On the subject of Mines, Minerals, Salines and Oil Springs.

SECTION 1. *Be it ordained by the people of Texas in Convention assembled,* That all mines, minerals, salines, oil springs or wells, and all precious metals or minerals, heretofore discovered or used, or which hereafter may be discovered, shall be, and the same are hereby declared to be, the property of the rightful owner of the land in which the same may be situated, subject to such uniform rate of taxation as the Legislature may impose.

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

Mr. Phillips, one of the committee on Legislative Department, and in behalf of said committee, made following report :

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

The committee on the Legislative Department, to whom was referred an ordinance relative to a Constitution for the State of Texas, have instructed me to report a substitute for the same, and to recommend its adoption.

AN ORDINANCE,

Defining the Constitution of the State of Texas.

SEC. 1. *Be it ordained by the people of Texas in Convention assembled;* That the Constitution of the State of Texas shall be as follows :

1. The Constitution of the State of Texas as in force on the 28th of January, 1861.

2. The following ordinances adopted by this Convention :

The ordinance entitled "Freedmen," adopted as a substitute for Article VIII of the Constitution in force January 28th, 1861.

The ordinance "declaring the War Debt void, and for other purposes."

SEC. 2. All other amendments that may be made by this Convention shall be submitted to the people, at the first general election, for their acceptance or rejection; and if accepted by them shall become a part of said Constitution, and not otherwise.

The amendments submitted to the people shall present the whole Constitution as proposed to be amended.

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

Mr. Camp of Upshur, in behalf of the committee on Legislative Department, made following report :

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

The committee on the Legislative Department, to whom was referred an ordinance providing for the election of State Officers, and fixing the time for the meeting of the Legislature, have had the same under consideration, and instruct me to report the accompanying as a substitute for same, and recommend its passage.

AN ORDINANCE,

Providing for the Election of State Officers, and fixing the time for the meeting of the Legislature.

SECTION 1. *Be it ordained by the people of Texas in Convention assembled,* That an election shall be held on the 4th Monday in May, A. D. 1866, in the several counties of this State, for all the State and County Officers, who under the Constitution and laws are elected by the people.

SEC. 2. *Be it further ordained,* That the officers elected under this ordinance shall hold their respective offices from the date of their installation to the first Monday in August, A. D. 1866, and thereafter, for the full term prescribed by law.

SEC. 3. *Be it further ordained,* That the Legislature of the State of Texas shall meet at the seat of Government thereof, and begin their session on the first Monday in July, A. D. 1866.

SEC. 4. *Be it further ordained,* That in order to carry out the provisions of this ordinance, the Provisional Governor of this State be and is hereby authorized and requested to issue his proclamation, as early as may be, ordering an election to be held in the several counties of this State at the time and for the purposes specified in this ordinance.

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

Mr. Degener, a minority of the committee on Legislative Department, made following report:

AUSTIN, TEXAS, March 24th, 1866.

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

SIR: The undersigned, a minority of the committee on the Legislative Department, disagreeing with the report of the majority of said committee in the matter of the ordinance fixing the election for State officers, &c., and taking the sense of the people of the State on the adoption of the Constitution as proposed by this Convention, begs leave to report the enclosed ordinance, as a substitute for the ordinance reported by the majority of said committee:

The people of Texas, in Convention assembled, ordain and decree, SEC. 1. That the whole of the action of this Convention, including all ordinances and amendments to the Constitution of this State, shall be submitted to the people of this State for their acceptance or rejection, by vote of the qualified electors of the State, on the first Monday in June, A. D. 1866.

SEC. 2. That an election shall be held on the first Monday in August, A. D. 1866, in the several counties of this State, for all State, District and County Officers required by the Constitution and laws of the State to be elected by the people.

SEC. 3. The Legislature of this State shall meet at the seat of Government, and begin its session on the first Monday in September, A. D. 1866.

SEC. 4. That the Provisional Governor of this State be and he is authorized and requested to issue the necessary proclamations to carry out the provisions of this ordinance.

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

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

COMMITTEE ROOM, March 24th, 1866.

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

The committee on the Judiciary, to whom was referred an ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, with the amendments offered thereto on motion of the delegate from Gonzales, (Mr. Waul,) have had the same under consideration, and request me to report that they have not had time to mature the same, and ask that they be allowed until Monday morning ten o'clock, to report thereon.

O. M. ROBERTS, Chairman Committee.

Report adopted, and, on motion of Mr. Waul, made special

order for 12 o'clock Monday next, and committee instructed to report by that time.

Mr. Ball, from committee on Enrolled and Engrossed Ordinances, made following reports:

COMMITTEE ROOM, March 24th, 1866.

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

The undersigned, one of the committee on Enrolled and Engrossed Ordinances, respectfully report that they have examined an ordinance making an appropriation of money for per diem pay and mileage, and find the same properly enrolled and signed.

A. J. BALL, one of the Committee.

COMMITTEE ROOM, March 24th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention.

The undersigned, one of the committee on Enrolled and Engrossed Ordinances, respectfully report that they have examined Article IV, Judicial Department, and find the same properly enrolled and signed.

A. J. BALL, one of the Committee.

COMMITTEE ROOM, March 24th, 1866.

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

The undersigned, one of the committee on Enrolled and Engrossed Ordinances, respectfully report that they have examined Article V, Executive Department, and find the same properly enrolled and signed.

A. J. BALL, one of the Committee.

Reports accepted.

Mr. Norton offered the following resolution :

Resolved, by the people of the State of Texas, by Delegates in Convention assembled, That the death of General Sam Houston, late Governor of the State of Texas, is a national calamity, and that in consideration of his pre-eminent abilities, great experience and exalted patriotism, his high character and enthusiastic devotion to the interest and the cause of Texas, from the beginning of the struggle for independence, throughout our revolutionary war, our existence as a Republic, and our life as a State, and in appreciation of the faithful discharge of his duties as Commander-in-Chief of the army, as President of the Republic, as United States Senator, and as Governor of the State, His Excellency the Governor is hereby authorized and empowered to procure, and place in the Representative Hall, his full length portrait, to commemorate his distinguished services, and perpetuate his memory.

Adopted unanimously.

Mr. Saunders offered the following resolution :

Resolved, That the certificates for mileage and per diem of members of this Convention, signed by either the First or Second Assistant Secretary of this Convention, shall be as valid as if signed by the Secretary.

Adopted.

Mr. Beall offered following resolution :

Resolved, That the Secretaries of this Convention shall not be authorized to issue a certificate for the per diem pay or mileage of any member, unless the Convention shall first have excused the member, or adjourned.

Adopted.

Mr. Shepard offered the following resolution :

Resolved, That the committee on Printing and Contingent Expenses be required to inquire into the expediency of having the Debates of the Convention published, and if considered advisable, they shall report a plan for the same, by ordinance or otherwise ; also to consider the propriety of giving the reporter further time to write out the reports, or extra pay for doing so.

Read, and referred to said committee.

On motion of Mr. Camp of Goliad, Mr. Middleton and Mr. Hill were added to the committee on Contingent Expenses and Printing.

On motion of Mr. Taylor of Fannin, Mr. Latimer was excused from further attendance on the Convention, because of public duties as Comptroller.

Mr. Henderson offered following resolution :

Resolved, That the committee on Printing be instructed to have the Constitution, as amended by this Convention, printed.

Mr. Shepard offered following as a substitute :

Resolved, That the committee on Printing be instructed to proceed with the printing of the Ordinances, as indicated by the chairman.

Mr. Beall offered to substitute for original resolution and the substitute, by the following :

Resolved, That the Printing Committee have the old Constitution printed in whole, and the amendments and ordinances, passed by the Convention, to be added as an appendix, with such references as are necessary.

On motion of Mr. Henderson, the subject matters, resolution and substitutes, were referred to committee on Printing and Contingent Expenses.

ORDERS OF THE DAY.

Article X, Education, an engrossed article, was taken up, and placed on its third and final reading.

Mr. Norton offered the following amendment :

Amend Section 8, by striking out all after the word "shall," in second line, and inserting, "be appropriated to the support of public schools, and is hereby passed to the credit of the free common school fund."

Mr. Henderson moved the previous question.

Seconded.

The question being, Shall the main question be now put? and the Yeas and Nays being called, stood:

Yeas—Messrs. Anderson, Bacon, Beall, Bumpass, Camp of Upshur, Gentry, Gurley, Hancock, Henderson, Hill, Hunt, Jones of Bastrop, Lane, Mabry, Murchison, Perry, Reeves, Richardson, Saunders, Taylor of Houston, Varnell and Whitfield—22.

Nays—Messrs. Ball, Bengé, Bradshaw, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Giddings, Hart, Hurt, Johnson of Tarrant, Ledbetter, Lindsey, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Phillips, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Thompson, Tyus, Walker, Waul and Woods—37.

So the House refused to order the main question.

The question recurring on the amendment of Mr. Norton, Mr. Hurt moved to lay on the table; and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Bacon, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Murchison, Perry, Phillips, Reeves, Roberts, Runnels, Saunders, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Armstrong, Beall, Bengé, Burke, Camp of Goliad, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Lindsey, Middleton, Nelson, Norton, Norris, Paschal, Richardson, Saufley, Shaw, Smith of Lamar, Taylor of Fannin, and Varnell—22.

So the amendment was laid on the table.

Mr. Waul offered the following amendment:

SEC. 2. Strike out, in 6th line, the word "the," between for and education, and after education, in 6th line, to and, in 7th line.

Mr. McCormack moved that the Article and proposed amendments be recommitted to the committee.

Mr. Whitfield moved to lay the motion to recommit on the table; and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Bengé, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Gurley, Henderson, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Perry, Roberts, Saunders, Saufley, Selman, Shields, Smith of Colorado, Taylor of Houston, Walker, Whitfield and Woods—30.

Nays—Messrs. Bacon, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Flanagan, Giddings, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Phillips, Porter, Reeves, Richardson, Runnels, Shepard, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Waul—34.

So the House refused to lay on the table.

The question recurring on the motion to recommit, Mr. Whitfield moved a call of the House. Lost.

The question being on the motion to recommit, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Giddings, Gurley, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Norris, Parker, Parsons, Paschal, Phillips, Porter, Roberts, Runnels, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyus, Varnell and Waul.

Nays—Messrs. Anderson, Armstrong, Bengé, Bumpass, Camp of Upshur, Dalrymple, Flanagan, Gentry, Henderson, Hill, Mabry, Nelson, Perry, Record, Richardson, Saufley, Selman, Smith of Colorado, Taylor of Houston, Walker and Whitfield—21.

So the Article and proposed amendment were recommitted.

When the name of Mr. Jones of Bastrop was called, on the preceding call of the Ayes and Noes, he moved that he be permitted to pair off with Mr. Walker, and the question being put, the permission was granted.

Mr. Selman introduced the following ordinance:

AN ORDINANCE,

Referring to the Indebtedness of the State.

SEC. 1. *Be it ordained by the people of the State of Texas, in Convention assembled, that the 1st and 2d Sections of an ordinance entitled "An Ordinance declaring the War Debt Void,*

and for other purposes," adopted by this Convention, be and the same are hereby declared to be final and forever binding on the State; but the 3d section shall be submitted to a direct vote of the people, to be taken separately and distinctly from all other measures.

SEC. 2. At the first general election after the adjournment of this Convention, the qualified voters throughout the State may vote separately on said third section; and it shall be the duty of the Provisional Governor to issue his proclamation accordingly, giving such instructions as may seem most appropriate, in order to obtain the sense of the people on the question involved in the section referred to.

SEC. 3. Should a majority of the legal votes cast be against the section, the whole subject matter contained therein shall remain subject to the future action of the Legislature.

Read a first time, and placed to the orders of the day.

Mr. Degener moved to add Mr. Waul to the committee on Education.

Lost.

On motion, the Convention adjourned till half after 7 o'clock to-night.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

On motion of Mr. Whitfield, the vacancies on committee on Education were filled.

The following gentlemen were named by the President to fill said vacancies, viz:

Messrs. Mabry, Record, Smith of Colorado, Perry, and Burke.

ORDERS OF THE DAY.

Report of the committee on General Provisions, as to the propriety of striking out the 30th section of the VII Article of the Constitution, taken up.

A communication from His Excellency, the Provisional Governor, calling the attention of the Convention to the condition of the Blind Asylum, and asking that some provision be made for the support of Blind until Legislative action could be had, was read, and referred to the Finance committee.

The question recurring on the adoption of the report of the committee, Mr. Paschal offered the following:

Strike out Sec. 30, General Provisions of the Constitution, Art. VII.

Mr. Camp of Upshur moved to lay the motion on the table, on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall,

Benge, Bradshaw, Camp of Upshur, Gentry, Giddings, Gurley, Hancock, Hunt, Jones of Bastrop, Lane, Lindsey, Middleton, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Record, Reeves, Roberts, Runnels, Selman, Shepard, Shields, Shuford, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Walker, Waul, and Whitfield—41.

Nays—Messrs. Burke, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hill, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, Mabry, McCormack, Murchison, Parker, Paschal, Saufley, Thomas of Cameron, Varnell, and Woods—22.

So the motion prevailed.

The question being on the adoption of the report of the committee, it was submitted to the House, and adopted.

Report of the committee on General Provisions of the Constitution, amending Sec. 9, Bill of Rights, was taken up and read a second time, and adopted.

On motion of Mr. Phillips, rule was suspended, bill read a third time, and passed.

Report of the committee on General Provisions of the Constitution, in regard to retaining in the Bill of Rights the right of the State to regulate the elective franchise, was taken up, read and adopted.

The report of the committee on General Provisions of the Constitution, relating to reserving from forced sale certain amounts of personal property, was taken up.

Mr. Camp of Goliad offered the following as a substitute for the report :

AN ORDINANCE.

Be it ordained by the people of Texas in Convention assembled, That in addition to the property heretofore exempted from forced sale, that an additional amount of one thousand dollars worth of such property as heads of families may most desire for the furtherance of their respective occupations, be alone exempted from forced sale.

Mr. Bradshaw moved the previous question.

Seconded.

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

Yeas—Messrs. Bacon, Bradshaw, Davis of Webb, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, McCormack, Middleton, Nelson, Parker, Paschal, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Shepard, Shuford, Smith of

Colorado, Taylor of Houston, Thomas of Cameron, Thompson, and Walker—33.

Nays—Messrs. Anderson, Armstrong, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Degener, Drake, Flanagan, Gentry, Murchison, Norton, Norris, Parsons, Porter, Saufley, Shields, Slaughter, Taylor of Fannin, Tyus, Varnell, Waul, Whitfield, and Woods—25.

So the main question was ordered to be put.

The question being on the adoption of the report, the Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. Bacon, Bradshaw, Giddings, Gurley, Hancock, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, Mabry, McCormack, Nelson, Parker, Parsons, Paschal, Perry, Phillips, Porter, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shepard, Shuford, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, and Walker—34.

Nays—Messrs. Anderson, Armstrong, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Flanagan, Gentry, Hill, Middleton, Murchison, Norton, Norris, Saufley, Shields, Slaughter, Taylor of Fannin, Tyus, Varnell, Waul, Whitfield, and Woods—26.

So the report was adopted.

The reports of the committee on General Provisions of the Constitution, in regard to the observance of the Sabbath, was taken up.

Mr. Waul moved to substitute the minority report and the accompanying ordinance for the report of the majority of the committee.

The Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Drake, Flanagan, Hancock, Hill, Hurt, McCormack, Middleton, Norton, Phillips, Record, Reeves, Saufley, Slaughter, Taylor of Houston, Tyus, Waul, Whitfield, and Woods—25.

Nays—Messrs. Anderson, Bradshaw, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hunt, Johnson of Tarrant, Jones of Bexar, Jones of Bastrop, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Porter, Roberts, Runnels, Saunders, Shepard, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Varnell, and Walker—33.

Lost.

Question recurring on the adoption of report of the majority, the same was put, and adopted.

On motion of Mr. Armstrong, Convention adjourned until 9½ o'clock Monday morning.

MONDAY, March 26th, 1866.

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

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

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

The committee on Condition of the State, to whom the subject of preparing an ordinance in regard to the redemption of lands sold for taxes has been referred, regarding the subject as requiring action by this Convention, recommend the passage of the accompanying ordinance:

AN ORDINANCE,

Giving further time for the Redemption of Lands sold for Taxes.

Be it ordained by the Delegates of the people of Texas, in Convention assembled, That the owners of all lands sold for taxes since the 1st day of February, 1861, shall have two years from the passage of this ordinance to redeem the same, by paying to the State, where such lands have been purchased by the State, the amount of taxes due upon the same; and where such lands have been purchased by individuals, by paying to such individuals the amount of money paid for such lands, with ten per cent. interest on said amount from the date of purchase. And where such purchase has been made with currency, or funds other than specie, the owner of such lands shall have the right to redeem the same by paying to such purchaser the value of the amount of the currency or funds paid by him for said lands at the time the same was so paid, with interest upon the same as above stated.

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

Mr. Roberts, chairman of Judiciary Committee, made report as follows:

COMMITTEE ROOM, March 26th, 1866.

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

The Judiciary Committee, to whom was referred two ordinances relating to payments to the school fund in State Treasury Warrants, made by the Railroad Companies, have had the same

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