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not be entertained until some intervening question. The chair ruled against the point, stating that a motion to adjourn was always in order.

Mr. Runnels appealed from the decision of the chair.

On motion, the Convention adjourned till 9 o'clock to-morrow morning, pending Mr. Runnels' appeal.

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MONDAY, March 30th, 1866.

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

On motion of Mr. Saunders, Mr. Young was excused from further attendance on the Convention after to-day, because of serious indisposition in his family.

On motion of Mr. Whitfield, Mr. Burke was excused from further attendance on the Convention, because of serious indisposition.

Mr. Giddings offered the following resolution :

*Resolved*, That we will remain in session until all the business before the Convention is disposed of.

Withdrawn.

By leave, Mr. Runnels withdrew his appeal from the decision of the chair, which was pending at the hour of the last adjournment.

Mr. Slaughter withdrew his motion to lay the motion of Mr. Gentry, to reconsider the vote ordering the omnibus ordinance to be engrossed, on the table.

Mr. Gentry withdrew his motion to reconsider the vote ordering the omnibus ordinance to be engrossed.

Mr. Henderson moved to suspend the rule, and take up the omnibus ordinance, ordered to be engrossed last night.

Carried.

Mr. Roberts offered to amend 5th section as follows :

Strike out the words, "recognized as," in the 5th section.

Question being on the adoption of said amendment, Mr. Davis of Webb having the floor, was called to order by the President under the ten minute rule; and the question being, shall the gentleman proceed, and being put, the leave was granted.

Question recurring on the amendment, the same was put, and the amendment adopted.

Mr. Norton moved to amend as follows :

Amend Section 8 by striking out, in second line, "the 2d day

of March," and inserting, "the 1st day of February," and by striking out of the 5th line, "previous to the rendition of such judgment," and inserting the words, "after the 1st day of February, 1861."

Amendments adopted.

Mr. Roberts moved to amend by striking out the word ordinance, in the 6th section, and insert the word, section.

Adopted.

Mr. Ireland moved to strike out the 6th section. Lost.

Mr. Runnels offered to amend 6th section as follows :

SEC. 6. Second line after the word limitation insert as follows :  
 "Nor shall interest, for and during said period, be computed in any judgments rendered by any court in this State, until the Legislature, by law, shall authorize the same."

Mr. Hart moved to lay the proposed amendment on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Bacon, Bradshaw, Bumpass, Burke, Davis of Webb, Giddings, Gurley, Hancock, Hart, Henderson, Hurt, Ireland, Ledbetter, Lindsey, Murchison, Norris, Parker, Parsons, Paschal, Randolph, Roberts, Saunders, Selman, Shepard, Shaw, Slaughter, Thomas of Cameron, Walker, Waul, and Whitfield—31.

Nays—Messrs. Anderson, Beall, Benge, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Gentry, Hill, Johnson of Tarrant, Jones of Bexar, Latimer, Mabry, Middleton, Nelson, Norton, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Runnels, Saufley, Shields, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Varnell, and Woods—33.

So the House refused to lay on the table.

The question recurring on the amendment of Mr. Runnels, Mr. Smith of Colorado offered the following as a substitute :

Insert after the word limitation, in 2d line, the following :  
*Provided*, that no interest shall be recovered on any demand which would be barred by limitation but for this section.

Accepted.

And the question being on the adoption of the substitute, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Camp of Goliad, Dalrymple, Drake, Gentry, Gurley, Hancock, Henderson, Hurt, Jones of Bexar, Ledbetter, Lindsey, Mabry, Perry, Phillips, Porter, Ranck, Roberts, Selman, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Walker, Waul, and Whitfield—30.

Nays—Messrs. Ball, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Hart, Ireland, Johnson of Tarrant, Latimer, Murchison, Nelson, Norton, Norris, Paschal, Randolph, Reeves, Richardson, Runnels, Saunders, Saufley, Shields, Shaw, Smith of Lamar, Tyus, and Woods—29.

So the substitute was lost.

Mr. Davis of Webb moved to amend as follows :

Amend by adding to the 5th section the words, “ or accessory before or after the fact, according to the rules of common law.”

Adopted.

Mr. Hancock proposed to amend 6th section as follows :

Strike out all after the word “ limitations,” in the 2d line.

And the question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Giddings, Hancock, Hart, Henderson, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Mabry, Middleton, Norton, Parker, Paschal, Perry, Ranck, Reeves, Richardson, Saunders, Selman, Shepard, Shields, Smith of Lamar, Thomas of Cameron, Waul, and Woods—38.

Nays—Messrs. Ball, Bradshaw, Dalrymple, Gentry, Gurley, Ireland, Lindsey, Nelson, Norris, Parsons, Phillips, Randolph, Roberts, Runnels, Shaw, Taylor of Houston, Thompson, Walker, and Whitfield—19.

So the amendment was adopted.

Mr. Randolph offered to amend as follows :

Insert between the words “ Confederate ” and “ paper,” in 4th line, 7th section, the words, “ or other.”

Adopted.

Mr. Hancock offered the following as a substitute for the 10th section :

That no suit or criminal action shall be maintained in the courts of this State for any taxes or duties of any kind, received or collected since the 2d of March, 1861, and prior to the 5th of August, 1865 ; and all sales of property for taxes between said dates are hereby annulled and set aside.

Adopted.

Mr. Davis of Cherokee offered to amend 7th section, 5th line, as follows :

Strike out the word “ maturity,” and insert, “ at the time of making said contract.”

On motion, laid on the table.

Mr. Davis of Webb offered to amend as follows :

Strike out from "where," on 4th line, down to "recovered," on 5th line inclusive, and insert, "such parol testimony may be introduced to show that dollars, in Confederate or other paper currency, were intended, and the marketable value thereof at the time of maturity."

Mr. Walker offered the following as a substitute for the amendment :

Amend by striking out after "action," on 4th line, the following: "and it shall be the duty of the Legislature to enact laws affecting the remedy respecting contracts belonging to this class, according to principles of equity and justice, and that, until such laws shall be enacted, no judgment thereupon shall be rendered by the courts."

On motion, laid on the table.

Question recurring on the amendment of Mr. Davis of Webb, and being put, the amendment was adopted.

Mr. Roberts offered to amend as follows :

At end of section 6 add, "except that civil action *ex delicto* already barred, shall be revived by this section.

Mr. Richardson moved the previous question. Withdrawn.

Question recurring on the amendment of Mr. Roberts, Mr. Norton moved to lay on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Benge, Bumpass, Davis of Webb, Degener, Hart, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Middleton, Murchison, Norton, Norris, Paschal, Ranck, Richardson, Saunders, Saufley, Selman, Shaw, Smith of Lamar, Thomas of Cameron, and Varnell—24.

Nays—Messrs. Anderson, Ball, Bradshaw, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Gentry, Giddings, Gurley, Henderson, Hurt, Ireland, Lindsey, Mabry, Nelson, Parker, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—37.

So the House refused to lay on the table.

Mr. Johnson of Tarrant in the chair, question recurring on the amendment of Mr. Roberts, Mr. Ireland moved to amend the amendment by adding the words, "or criminal prosecution."

Question recurring on the adoption of Mr. Roberts' amendment, the same was put, and the Yeas and Nays demanded, which stood thus :

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Lindsey, Mabry, Middleton, Nelson, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—40.

Nays—Messrs. Armstrong, Bacon, Bengé, Bumpass, Camp of Goliad, Davis of Webb, Degener, Hart, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Murchison, Norton, Norris, Parker, Paschal, Ranck, Richardson, Saunders, Selman, Shuford, Shaw, Smith of Lamar, Thomas of Cameron, and Varnell—26.

So the amendment was lost.

Mr. Davis of Cherokee moved the previous question; seconded and ordered; which being the final passage, the ordinance was put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bengé,<sup>23</sup> Bradshaw, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Johnson of Tarrant, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Shepard, Shields, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield, and Woods—41.

Nays—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Hart, Latimer, Mabry, Middleton, Murchison, Norton, Parker, Paschal, Ranck, Saunders, Selman, Shuford, Shaw, Thomas of Cameron, and Varnell—22. So the ordinance was passed.

Mr. Randolph made the following report:

COMMITTEE ROOM, March 30th, 1866.

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

The committee on Engrossed and Enrolled Ordinances have examined an ordinance requiring the assessment and collection of taxes for the year 1866; an ordinance making an additional appropriation for contingent expenses; an ordinance authorizing any county, city or town to become a stockholder in, or loan its credit to any company, association, or corporation; an ordinance appropriating money to defray the expenses of four delegates elected to visit Washington; and an ordinance prescribing the mode of conducting an election for officers, and the ratification of the amendments to the Constitution, and find them correctly enrolled and properly signed. Respectfully submitted.

Report accepted.

The motion to reconsider the vote laying the report of the committee on Internal Improvements, as regards Sec. 33, Art. VII, General Provisions of the Constitution, on the table, was put, and the reconsideration voted.

Mr. Gentry offered the following substitute for the ordinance reported by the committee on Internal Improvements :

SEC. 37. That a well regulated system of internal improvements being calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens : therefore, the Legislature shall have power, and it shall be its duty to encourage the same ; and the Legislature shall have power to guarantee the bonds of railroad companies to any amount not exceeding, in any case, the sum of fifteen thousand dollars per mile : *Provided*, that in no case shall the State guarantee the payment of the bonds of any railroad company, until such company shall have previously graded and prepared at least twenty-five miles of its roadway, ready to lay the iron rails thereon, and so on continuously, on each additional section of ten miles so graded and prepared, after the preceding section has been finished and in operation, until the whole road shall be completed.

*Further provided*, That the Legislature shall require that the company, or companies, which receive aid from the State, shall use the same exclusively for the purchase of iron rails, fastenings and rolling stock, and placing the same upon the roads ; and upon the failure to do so, shall forfeit all their rights under this provision, together with their property and franchises ; and it shall be declared a felony for any officer or agent of any railroad company to misappropriate any funds granted under the provisions of this section, or any other funds or property of the company.

The State shall always be secured for all bonds guaranteed for any railroad company by a lien, or first mortgage upon the road, rolling stock, depots, and franchises of the corporation whose bonds may be guaranteed.

The Legislature shall provide by law, that the managers of railroad companies shall make reports periodically of their acts, and the condition of the corporation affairs, which shall be officially published for public information ; and in no case shall the State guarantee the bonds of railroad companies as herein provided, except by a vote of two-thirds of both Houses of the Legislature : *Provided*, that the Legislature shall have no power, directly or indirectly, to release any railroad company from the payment in specie of the principal or interest of the obligations or debts due to the school fund, or to the State.

An act entitled "An act supplementary to and amendatory of

an act to regulate railroad companies, approved February 7th, 1853," approved 21st December, 1857, be and the same is hereby repealed, and of no further effect.

The Comptroller of the State is authorized to take possession of any railroad, in default of paying any bonds which may be guaranteed by the State, under such regulations as may be prescribed by law.

Mr. Bradshaw proposed to amend the substitute as follows :

At the end of the last section amend as follows, to wit : Provided that the following Acts, to wit : An act authorizing the Comptroller of the State to receive from railroad companies in this State the amount that may be now due or hereafter become due on their bonds, approved Dec. 16, 1863 ; an act amending an act authorizing the Comptroller of the State to receive from railroad companies in this State the interest that may now be due or may hereafter become due on their bonds, approved May 28, 1854 ; an act to authorize railroad companies to discharge their indebtedness to the special school fund with the treasury warrants and bonds and coupons of the State, approved November 15, 1864 ; are declared to be unconstitutional, *null and void ab initio*, and that all payments made under said acts are in legal contemplation void, and that the amount said companies owed the State of Texas prior to the 1st day of February, 1861, is yet a legal, valid, subsisting debt against said companies, in favor of the State.

Mr. Degener moved to lay the amendment of Mr. Bradshaw on the table.

Mr. Waul moved to adjourn until half after 3 this evening.

Carried.

Pending, the motion of Mr. Degener to lay on the table.

3½ o'clock, P. M.

Convention met pursuant to adjournment ; roll called ; quorum present.

Mr. Ireland moved to excuse Mr. Jones of Bastrop from attendance on Convention to date from the 28th. Carried.

On motion of Mr. Hancock, Mr. Ledbetter was excused from attendance after 12 o'clock to-morrow.

The question pending at last adjournment, viz : to lay amendment of Mr. Bradshaw on the table, was first in order.

The Yeas and Nays were ordered, and stood :

Yeas—Messrs. Anderson, Davis of Cherokee, Degener, Giddings, Ledbetter, Murchison, Parker, Roberts, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Varnell, Walker and Waul--16.

Nays—Messrs. Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Flanagan, Gentry, Gurley, Henderson, Hill, Ireland, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Mabry, Middleton, Norton, Norris, Perry, Phillips, Porter, Randolph, Richardson, Runnels, Saunders, Shaw, Smith of Lamar, Whitfield and Woods—35.

So the House refused to lay the amendment on the table.

Question recurring on the adoption of Mr. Bradshaw's amendment,

Mr. Hancock offered the following amendment:

Amend by striking out all after the word "are," and add "hereby annulled, and of no further effect."

The Yeas and Nays were ordered, on the adoption, and stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hill, Ireland, Johnson of Tarrant, Latimer, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Paschal, Perry, Phillips, Porter, Randolph, Record, Roberts, Shepard, Shields, Shaw, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Ball, Benge, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Norton, Ranck, Richardson, Runnels, Shuford, Smith of Colorado, Smith of Lamar and Varnell—18.

So amendment was adopted.

Mr. Davis of Cherokee offered to amend as follows:

*Provided*, That the Legislature at its first session shall allow the said railroads a credit on the principal and interest due by them of the amount the bonds and coupons paid in by said railroad, under said laws, were fairly worth in specie, at the time they were so paid in.

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

Yeas and Nays were ordered, and stood:

Yeas—Messrs. Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Johnson of Tarrant, Mabry, Nelson, Norris, Paschal, Porter, Randolph, Roberts, Selman, Shepard, Taylor of Houston, Tyus, Walker, Waul and Woods—23.

Nays—Messrs. Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Ireland, Jones of Bexar, Latimer, Murchison, Norton, Parker, Parsons, Perry, Phillips, Ranck,

Record, Reeves, Richardson, Runnels, Saunders, Shields, Shaw, Varnell and Whitfield—31.

The Convention refused to lay the amendment on the table.

Question recurring on the adoption of the amendment offered by Mr. Davis of Webb,

The Yeas and Nays were ordered, and stood :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Jones of Bexar, Murchison, Norton, Parker, Parsons, Ranck, Richardson, Runnels, Saunders, Shaw, Smith of Lamar, Thomas of Cameron and Varnell—23.

Nays—Messrs. Camp of Upshur, Dalrymple, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hill, Ireland, Johnson of Tarrant, Ledbetter, Lindsey, Mabry, Nelson, Norris, Paschal, Perry, Phillips, Porter, Record, Reeves, Roberts, Saufley, Selman, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—35.

So amendment was lost.

Mr. Hancock offered the following amendment to the ordinance :

And the franchise nor corporate privileges of any incorporated company shall be sold under judgments, except for the foreclosure of mortgages on liens created in the manner prescribed by law.

Adopted.

Mr. Ireland offered the following as a substitute :

#### SUBSTITUTE.

It shall be the duty of the Legislature to encourage internal improvements, by appropriate legislation, and the Legislature are hereby prohibited from creating any debt against the State, without providing, at the same time, for its payment.

Laid on the table.

Mr. Hancock offered to amend by adding :

No private corporation shall be created, by the Legislature, except for municipal, charitable or educational purposes; and it shall be the duty of the Legislature to provide by a general law for the creation of corporations for all other purposes.

On motion of Mr. Mabry, the previous question was ordered.

The question being the engrossment of the ordinance, on which the Yeas and Nays were called, and stood :

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Flanagan, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Ireland, Johnson of

Tarrant, Jones of Bexar, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Varnell, Waul and Whitfield—45.

Nays—Messrs. Anderson, Ball, Bradshaw, Camp of Upshur, Davis of Cherokee, Parsons, Record, Rannels, Selman, Shaw and Woods—10.

So the ordinance was ordered to be engrossed.

On motion, Convention adjourned until 9½ o'clock, A. M., to-morrow.

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SATURDAY, March 31st, 1866.

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

Mr. Ireland moved to suspend the reading of the journal, and proceed to the consideration of the regular business on the table.

Carried.

The report of the committee on General Provisions, reporting amendments to Sec. 10, Art. VII, General Provisions of the Constitution, was taken up.

Question being on the engrossment of the ordinance, the same was put, and ordered.

On motion of Mr. Richardson, the rule was suspended, and the ordinance taken up, read a third time, and passed.

An ordinance reported by committee on Finance, in favor of paying troops called out prior to secession, for protection of the frontier, was taken up.

Mr. Bacon offered the following as a substitute for the ordinance: Strike out all after the caption, and insert the following:

*Be it ordained, by the People of the State of Texas, in Convention assembled,* That the sum of three thousand one hundred and fifty-eight dollars and seventy-four cents, the amount shown to be due on the pay rolls of said troops, be and the same is hereby recognized as a valid and subsisting claim against the State of Texas; and it shall be the duty of the Legislature of said State, at its first session, to provide for the payment of the same to the persons entitled thereto, or to their legal representatives.

The question being upon the adoption of the substitute, the same was put, and it was adopted.