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Carried.

Mr. Burnett offered the following resolution:

*Resolved*, That the Secretary be, and he is hereby directed to make the necessary arrangements to have the mail matter of the members of this Convention conveyed to and brought from the postoffice, and properly distributed.

Adopted.

Mr. Newcomb, of Bexar, introduced the following resolution:

WHEREAS, it has come to the knowledge of this Convention that God, in His Divine Providence, has seen fit to remove by death from this world Judge George Klappenbach, a delegate elect to this Convention; therefore, be it

*Resolved*, First, That we bow in submission and humility to the decree of Divine Providence;

Second, That although the deceased was denied the privilege of convening with us, his virtues as a loyal citizen, his reputation as an original Republican, and his devotion to the cause of loyal reconstruction entitle him to be remembered with gratitude by the Republicans of Texas.

Third, That this Convention hereby expresses its sorrow for the death of Judge Klappenbach, and deeply regret the fate which has deprived us of a learned man and venerable patriot.

Fourth, That these resolutions be spread upon the minutes of the Convention.

Adopted.

On motion the Convention adjourned till 10 o'clock to-morrow morning.

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CAPITOL, AUSTIN, TEXAS, }  
JUNE 4, 1868. }

The Convention met, pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read, amended and adopted.

Mr. Smith, of Galveston, moved to suspend the rules to offer the following preamble and resolution:

WHEREAS, By the reconstruction acts of March 2, 1867, it is provided "that no person excluded from the privilege of holding office" by the Fourteenth amendment proposed to the Constitution of the United States, shall be eligible to election as a member to this Convention; therefore,

*Resolved*, That the President of this Convention invite the Governor of the State to be present this morning and administer an oath

to each of the members elect of this Convention, in accordance with the conditions of said reconstruction acts.

Convention refused to suspend rules.

Mr. Evans, of McClellan, from the committee appointed to prepare rules for the governance of the Convention, reported as follows:

The committee appointed by the President, under a resolution of the Convention, to report rules for its government during its deliberations, beg leave to submit that they have examined the rules usually adopted by the Legislatures of the State, and with the modifications which they have interpolated, to adapt them to the nature and condition of the Convention as a deliberative assembly, they recommend their adoption as rules to govern this House. Embracing the changes suggested by the committee, they will be found in the printed pamphlet herewith returned as a part of their report. All of which is respectfully submitted.

A. J. EVANS,  
L. LINDSEY,  
M. L. ARMSTRONG.

Mr. Evans, of McLennan, introduced the following resolution:

*Resolved*, That the report of the Committee on Rules be postponed until 12 o'clock to-day.

Adopted.

Mr. C. Caldwell, from the committee appointed to inquire into the importance and necessity of procuring the services of a reporter, presented the following report:

MR. PRESIDENT:

Your committee appointed to inquire into the importance and necessity of procuring the services of a reporter, have performed the duty assigned to them, and submit the result of their deliberations.

They respectfully suggest, in accordance with the usage of deliberative bodies, engaged in the work of forming the organic law for a State, that the Convention employ a reporter.

There are many obvious reasons why the debates should be perpetuated, so as to form a part of the history of the very responsible and arduous labors of this body.

In the opinion of your Committee, a record thus faithfully made will become useful and important in the true exposition of the various provisions of the Constitution. Language is so dubious, and susceptible of such various readings that the common experience of mankind has demonstrated that the contemporaneous sayings of those en-

gaged in the work of legislation have thrown light upon the subjects discussed and adopted.

Besides, the people of Texas and the whole country have a right to know the motives and reasons by which members are actuated, as far as practicable, in making a new constitution. It is due alike to the Convention and the people. It is but a debt we owe posterity. It is from sources like this that some future Bancroft, Gibbon, or Prescott will be enabled to write a faithful history of the terrible times upon which we have fallen.

Your committee have consulted with Mr. John Ford, and find him well qualified. He reported the debates of the Reconstruction Convention of Mississippi. Specimens of the daily proceedings and his manner having been exhibited to your committee, we are satisfied of his abilities.

Your committee therefore recommend that they be empowered to employ Mr. John Ford at the rate of fifteen dollars per day.

Respectfully, etc.,

C. CALDWELL, *Chairman.*

Mr. Hamilton, of Travis, moved the adoption of the report.

Carried.

Mr. Armstrong, of Lamar, offered the following resolution :

*Resolved*, That the Commissioner of the Land Office be requested to furnish this Convention information upon the following points, to wit: The number of certificates, if any, and number of patents, if any, issued to the Memphis, El Paso and Pacific Railroad Company, the amount of land thus disposed of and to whom the certificates or patents were issued, when issued, and under what law.

Mr. Evans, of McLennan, moved that the resolution be referred to the Committee on Public Lands when appointed.

Ruled out of order.

Mr. Lippard introduced the following resolution :

*Resolved*, That each member of this Convention be required to take the following oath or affirmation :

I, A. B., do solemnly swear or affirm that I will support, protect and defend the Constitution and laws of the United States.

Mr. Smith, of Galveston, moved to amend by inserting after the words "United States," the following : "And that I have not taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive Officer or Judicial Officer of any State, to support the Constitution of the United States, and afterwards engaged in rebellion against the United States, or given aid or comfort to the enemies thereof."

Amendment accepted.

Mr. Burnett offered the following substitute :

*Resolved*, That the Chief Justice of the State of Texas be required to administer to the members of this Convention the oath required by the act of Congress, known as the Reconstruction Acts.

Mr. Newcomb offered the following amendment to the substitute :

*Resolved*, That the General Commanding be requested to designate an officer to administer the oath to the members of this Convention.

Mr. Evans, of McLennan, moved to lay the whole matter on the table.

The yeas and nays were demanded and resulted as follows :

Yea—Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Buffington, Cole, Degener, Evans of McLennan, Flanagan, Flanagan Webster, Fleming, Gaston, Glenn, Gray, Harris, Kuechler, Kirk, Muckleroy, Mullins, Patten, Scott, Sorrel, Thomas, Varnell, Yarborough—28.

Nays—Bell, Bellinger, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Davis, Downing, Fayle, Foster, Goddin, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Hunt, Johnson of Harrison, Johnson of Jackson, Jordan, Kealy, Keudal, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—59.

Lost.

The question recurring on the amendment offered by Mr. Newcomb, Mr. Hamilton, of Bastrop, moved to lay the resolution on the table.

Carried.

Mr. R. K. Smith moved to lay the substitute offered by Mr. Burnett, upon the table.

Carried.

Mr. R. K. Smith, of Galveston, moved the adoption of the original resolution as amended.

Mr. Mullins offered the following substitute :

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution and laws of the United States, and that I am a registered voter of the State of Texas. So help me God.

Moved to lay the substitute upon the table.

Carried.

Mr. Thomas offered the following substitute :

*Resolved*, That the President of the Convention administer to each member the following oath:

I, \_\_\_\_\_, do solemnly swear that I will support, defend and protect the Constitution of the United States, and that I am not excluded from the privilege of holding office by the proposed Amendment to the Constitution of the United States, known as Article 14.

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

Carried.

The question recurring upon the passage of the original resolution as amended, offered by Mr. Lippard, Mr. Smith, of Galveston, demanded the yeas and nays, which resulted as follows; and the resolution was adopted—Yea 64. Nays 22.

Yea—Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Carter, Davis, Degener, Downing, Fayle, Foster, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Hunt, Johnson of Harris, Johnson of Jackson, Jordan, Kealy, Kendal, Leib, Lindsay, Lippard, Long, Mackey, McCormack, McWashington, Mills, Morse, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—64.

Nay—Armstrong of Jasper, Boyd, Evans of McLennan, Flanagan, Flanagan W., Fleming, Gaston, Glenn, Goddin, Gray, Harris, Kuechler, Kirk, Muckleroy, Mullins, Mundine, Munroe, Patten, Sorrel, Talbot, Thomas, Varnell, Yarborough—22.

Mr. Newcomb offered the following resolution :

*Resolved*, That this Convention request Major General Reynolds, Commander of the sub-district of Texas, to designate an officer to administer the oath to the members of this Convention.

The hour having arrived for the consideration of the report of the Committee on Rules,

Mr. Burnett offered the following resolution :

*Resolved*, That the report of the Committee on Rules be received and adopted, and that the Rules prepared by said Committee for the government of this Convention be, and the same are hereby adopted.

Mr. Ruby offered the following amendment :

*Resolved*, That said printed rules presented by the Committee on Rules for the Convention, be read by the Secretary and adopted by sections.

Mr. Armstrong, of Lamar, moved to lay the resolution on the table.

Carried.

It was moved that the resolution presented by Mr. Burnett be adopted.

Carried.

Mr. Hamilton, of Travis, introduced the following resolution, and moved it be referred to the Committee on Contingent Expenses :

*Resolved*, That the Secretary be authorized to purchase for the use of the members of this Convention, and for the use of the State, and future Legislatures, one hundred and fifty copies of Paschal's Annotated Constitution of the United States; and that upon his certificate appended to the proper voucher, the Comptroller be required to draw his warrant upon the Treasurer for the amount necessary to cover the said purchase; provided, however, that not more than \_\_\_\_\_ dollars per copy shall be paid therefor.

Ordered to be so referred.

On motion, the Convention adjourned until four o'clock.

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FOUR O'CLOCK, JUNE 4, 1868.

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

The President announced the order of business was upon the motion of Mr. Newcomb, asking the Commanding Officer of this District to appoint a person to administer an oath to this Convention.

Mr. Smith, of Galveston, moved the previous question upon passage of resolution.

Mr. Butler, of Walker, offered the following substitute:

*Resolved*, That a committee be appointed by the President to examine credentials.

Ruled out of order.

Mr. Degener offered the following substitute:

*Resolved*, That the members of this house take the required oath before a Notary Public and hand the same to the President of the Convention.

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

Carried.

Mr. Mills, of El Paso, moved the resolution of Mr. Newcomb be laid on the table.

Carried.

Mr. Burnett offered the following resolution:

*Resolved*, That Hon. Amos Merrill, Chief Justice of the State of Texas be, and he is hereby requested to administer to the members of this Convention the oath adopted, and that the same be simultaneously administered to all the members, standing.

Mr. Mills moved to lay the resolution upon the table.

Carried.

Mr. Mills, of El Paso, offered the following resolution :

*Resolved*, That the Convention reconsider the vote of this morning, requiring members to subscribe to a certain oath.

Mr. Smith, of Galveston, moved to lay the resolution on the table, whereupon the yeas and nays were called for and resulted as follows :

Yea—Bell, Bryant of Harris, Butler, Burnett, Carter, Fayle, Foster, Geddin, Hamilton of Bastrop, Hunt, Kealy, Kendal, Kuechler, Lippard; Long, Mackey, Newcomb, Oaks, Phillips of San Augustine, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Wilson of Milam—22.

Nay—Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Caldwell, Cole, Coleman, Constant, Curtis, Davis, Degener, Downing, Evans of McLennan, Flanagan, Flanagan Webster, Fleming, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Johnson of Jackson, Jordan, Kirk, Leib, Lindsay, McCormack, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Patten, Pedigo, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Sorrel, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—62.

Yea 22 and Nay 62.

Motion to lay on the table lost.

Mr. Mills moved to reconsider the vote of the Convention, upon the resolution of Mr. Lippard, adopted at the morning session.

Mr. Lippard moved to adjourn until to-morrow morning at nine o'clock.

Lost.

Mr. Flanagan moved to postpone consideration of subject till Monday at 11 o'clock.

Carried.

Mr. Butler introduced the following resolution :

*Resolved*, That a committee of five be appointed by the chair to examine credentials.

Mr. Schuetze offered the following amendment :

*Resolved*, That said committee be instructed to receive of every member the order of the Commanding General convening this Con-

vention, and that said order, if found to be genuine, shall be regarded as evidence that the member holding the same is entitled to a seat in this Convention.

On motion, the Convention adjourned till nine o'clock tomorrow.

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CAPITOL, AUSTIN, TEXAS,  
June, 5, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read, amended and adopted.

The President announced the following standing committees:

Political or Legislative—Caldwell, Chairman; Armstrong, of Jasper; Flanagan (Webster), Carter, Ruby, Grigsby, Degener, Lippard, Butler.

Judiciary—Hamilton, of Travis, Chairman; Caldwell, Lindsay, Gray, Burnett, Evans, of McLennan; Fayle, Mullins, McCormick, Pedigo.

General Provisions—Hamilton, of Bastrop, Chairman; Whitmore, Flanagan, of Rusk; Sorrel, Varnell, Newcomb, Smith, of Galveston; Phillips, of Wharton; Armstrong, of Lamar.

Executive—Lindsay, Chairman; Munroe, Phillips, of San Augustine, Rogers, Mills, Boyd, Thomas, Vaughan, Williams.

Finance—Whitmore, Chairman; Pedigo, Mackey, Johnson, of Calhoun; Glenn, Bryant, of Grayson; McWashington, Jordan, Stockbridge.

Education—Talbot, Chairman; Schuetze, Lieb, Constant, Long, Cole, Kealy.

Internal Improvements—J. W. Flanagan, Chairman; Smith, of Galveston; Bell, Beard, Jordan, Wilson, of Milam; Downing.

Immigration—Degener, Chairman; Schuetze, Foster, Smith, of Marion; Wilson, of Brazoria; Morse, Curtis.

Public Debt—Armstrong, of Lamar, Chairman; Hamilton, of Bastrop; Harne, Johnson, of Harrison; Kirk, Mundine, Keigwin.

Public Lands—Lippard, Chairman; Oaks, Boyd, Kendal, Johnson, of Calhoun; Burnett, Hunt.

Apportionment—Varnell, Chairman; Gaston, Bryant, of Harris; Brown, Hamilton, of Travis; Wright, Yarborough.

State Affairs—Gray, Chairman; Buffington, Bledsoe, Adams, Flemings, Harne, Hunt, Waters, Harris.

Federal Relations—Evans, of McLennan, Chairman; Bellinger, Sumner, Scott, Kirk, Keuchler, Patten, Posey, Coleman.