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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 to-morrow.

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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, Board, 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.

Printing—Thomas, Chairman; Newcomb, Phillips, of San Augustine; McCormick, Mills, Vaughan, Goddin.

Contingent Expenses—McCormick, Chairman; Grigsby, Adams, Kealy, Butler.

Commerce and Manufactures—Phillips, of Wharton, Chairman; Carter, Posey, Patten, Talbot, Bell, Mullins.

Mr. Hamilton, of Travis, moved that Mr. Pedigo be added to the Committee on Judiciary. There being no objection it was so ordered.

The Treasurer sent the following communication to the Convention:

OFFICE STATE TREASURER,  
Austin, Texas, June 4, 1868.

HON. E. J. DAVIS,

*President State Convention, Austin, Texas.*

SIR: As the Convention under the reconstruction law has now organized, and presuming that application will soon be made to the Commanding General for an appropriation to pay its expenses, I have thought that it might not be improper to give some information touching the condition of the State treasury, and therefore have the honor to enclose herewith a "statement of funds on hand in the State treasury on the thirty-first day of May, 1868."

The State revenue is the fund out of which appropriations are paid, and the statement shows that there is of that fund on hand, in United States currency.....\$202,884 35 $\frac{3}{4}$

It is estimated that there will be paid into the treasury before the first day of January, 1869, say, 215,000 00

Total of this fund . . . . .	\$417,884 35 $\frac{3}{4}$
Estimate of current expenses for support of State Government to January 1, 1869, say . . . . .	\$130,000 00
Estimate of balance on hand, January 1, 1869, of this fund . . . . .	\$287,884 35 $\frac{3}{4}$

The statement and estimate show that there are now, and probably will be at the close of the year, ample funds in the treasury to defray all expenses, both of the State Government and the Convention, without resorting to the collection of a special tax, as contemplated by the law of Congress.

I have the honor to be,

With much respect,

Your obedient servant,

JOHN T. ALLAN,

*Treasurer.*

STATEMENT OF FUNDS ON HAND IN THE STATE TREASURY, ON THE THIRTY-FIRST DAY OF MAY, 1868.

	Specie.	Currency.	Bonds of railroad companies.	5 per cent. State bonds.	6 per cent. State bonds.	Comptro's certific's of indebt'ness	Total.
State revenue.....	\$195 34	\$202,884 35½					203,079 69¼
School fund.....	59,479 31	369 76	\$1,753,317 00	\$82,168 82	\$320,367 13		2,215,702 02
County taxes.....		27,113 55½					27,113 55½
Settlement of estates.....	3,057 47	1,967 97					5,025 44
Escheated estates.....	2,688 71						2,688 71
Assessors' Fees.....		13 50					13 50
University land sales.....						\$10,300 41	10,300 41
University fund.....				134,472 26			134,472 26
Special loan tax.....						79,409 50	79,409,50
	\$65,420 83	\$232,349 14½	\$1,753,317 00	\$216,641 03	\$320,367 13	\$89,709 91	\$2,677,805 09¼

TREASURER'S OFFICE, Austin, Texas, May 31, 1868.

JOHN T. ALLAN, Treasurer.

RECONSTRUCTION CONVENTION JOURNAL.

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Mr. Armstrong, of Lamar, moved to refer the communication to the Committee on Printing, and that two hundred copies be printed. It was so referred.

Mr. Evans, of McLennan, offered the following declaration :

*Be it declared by this Convention :*

First, That the theory of the Government of the United States is, that the people of the United States, and not the States, established the Government of the United States.

Second, No local, municipal, territorial, or State government, can lawfully exist in the United States without the sanction or permission of the Congress of the United States.

And in recognition of these propositions, be it declared by this Convention :

Third. That this Convention will now proceed to frame a constitution and civil government in Texas, according to the provisions of the acts of Congress commonly known as "reconstruction acts," and that this Convention will not recognize or sanction the ordinance of secession of 1861, or any bill, law, ordinance, act, resolution, rule, or provision passed, made, or enacted since the passage of the ordinance of secession in March, 1861, by any body or assemblage of persons, or men, in Texas, calling themselves a Convention or Legislature, and not having first the sanction of the Congress of the United States, as having now, or ever having had validity, in the State of Texas.

Mr. Hamilton, of Bastrop, moved the adoption of the declaration. Ruled out of order.

Mr. McCormick moved it be referred to Committee on Federal Relations, and printed.

Carried.

Mr. Sumner offered the following resolution :

*Resolved,* That the Secretary be authorized to furnish each member of this Convention with fifteen copies of the Daily Austin Republican, during the sitting of the Convention.

Mr. Evans, of McLennan, moved to amend resolution by substituting fifty copies instead of fifteen.

Withdrawn.

Mr. Evans, of McLennan, moved to suspend rules and pass resolution.

Mr. Hamilton, of Bastrop, moved to refer the matter to Committee on Contingent Expenses.

Mr. Ruby moved to lay the whole matter on the table. The yeas and nays being called stood thus :

Yeas—Messrs. Adams, Armstrong, of Jasper; Armstrong, of Lamar; Boyd, Brown, Bryant, of Harris; Butler, Constant, Curtis,

Hamilton, of Bastrop; Kendal, Kirk, Lippard, Long, McWashington, Mullins, Patton, Ruby, Slaughter, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough.—25.

Nays—Messrs. Davis, Bell, Bellinger, Bledsoe, Board, Bryant, of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Flanagan (Webster), Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis; Harris, Home, Hunt, Johnson, of Harrison; Johnson, of Calhoun; Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Schuetze, Scott, Smith, of Galveston; Smith, of Marion; Sorrel, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous.—62.

So the motion to lay the matter on the table was lost.

The rules were then suspended, when Mr. Lippard offered the following resolution :

*Resolved*, That ten copies of the San Antonio Express be taken, in addition to the copies of the Austin Republican.

Referred to Committee on Printing.

Mr. Ruby offered the following substitute :

*Resolved*, That this Convention do authorize ten copies of the three Republican papers in this State, known as follows: the Austin Republican, the San Antonio Express, and the Galveston Republican, be furnished each member of the Convention.

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

Carried.

Mr. Burnett offered the following substitute :

*Resolved*, That the Committee on Printing are hereby authorized to contract with the editor of the Austin Republican for five copies of the Daily Republican, and ten copies of the Weekly Republican, for the use of each member of this Convention; provided said paper publishes the official proceedings of this Convention.

On motion, it was referred to Committee on Printing.

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

*Resolved*, That all the resolutions now before the Convention, on the subject of purchasing or subscribing for newspapers, be committed to the Committee on Printing, and that they report what papers, if any, we shall purchase; what number of copies, and the probable costs thereof; and that they report in the morning.

Adopted.

Mr. Hamilton, of Travis, offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to inquire into the necessity and propriety of urging upon the Congress of the

United States a change in the reconstruction laws, giving to this body the appointment of the Boards of Registrars in this State, and that they report by memorial, resolutions, or otherwise, without delay.

Adopted.

Mr. Hamilton, of Travis, moved to suspend the rules.

Carried; and resolution passed and referred to the Judiciary Committee.

Mr. Ruby, of Galveston, offered the following resolutions :

• *Resolved*, That a special committee of ——— members be appointed on the subject of Bill of Rights.

*Resolved*, That a special committee of ——— members be appointed on the subject of the Militia.

*Resolved*, That a special committee of ——— members be appointed on the subject of Election and Suffrage.

*Resolved*, That a special committee of ——— members be appointed on the subject of Eminent Domain and Property of the State.

Mr. Burnett moved to lay the resolutions upon the table.

Carried.

Mr. Caldwell offered the following resolution :

*Resolved*, That a select committee of five be appointed, to whom shall be referred the lawlessness and violence said to pervade the State; and that they have leave to report by declaration, or otherwise.

Rules suspended and resolution passed.

Mr. Boyd offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be required to furnish seats to the different newspaper reporters in attendance upon the Convention, near the Secretary's desk, or convenient thereto.

Carried.

Mr. McCormick moved that the rules be suspended to permit him to introduce a resolution.

Rules suspended.

Mr. McCormick introduced the following resolution :

*Resolved*, That the Message of his Excellency E. M. Pease, Governor of Texas, be now taken up, and the different portions of the same be referred to appropriate Committees, and that the Committee on Printing be instructed to have two thousand copies printed for the use of the Convention.

Adopted.

The President announced the unfinished business of yesterday to be on the resolution of Mr. Butler, and amendment thereto, as offered by Mr. Schuetze.

On motion of Mr. Smith, of Galveston, to lay upon the table, yeas and nays were demanded, and resulted as follows :

Yeas—Messrs. President, Adams, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan W., Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Bastrop, Harris, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Lindsay, Lippard, Mackey, McWashington, Mills, Morse, Muckle-roy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Smith of Galveston, Smith of Marion, Sorrel, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—64.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Butler, Degener, Fleming, Goddin, Hamilton of Travis, Kealy, Kuechler, Leib, Long, McCormick, Mundine, Posey, Ruby, Schuetze, Scott, Slaughter, Stockbridge, Talbot, Wilson of Brazoria—21.

Lost.

Mr. Flanagan offered the following declaration, and asked that it be referred to the Judiciary Committee :

*A Declaration to suspend Sheriff's and Constable's Sales in the State of Texas.*

SECTION 1. Be it declared that all sales of property by Sheriffs in the State of Texas, be, and the same are, hereby suspended until further action may be had therein.

SECTION 2. Be it further declared, that this Declaration take effect from and after its passage.

Passed and referred.

Mr. Hamilton, of Bastrop, offered the following resolution :

*Resolved*, That a select committee of fifteen be appointed to report a plan for proceedings to frame a Constitution, and such other work as may be deemed proper for the Convention to consider and adopt—eschewing all subjects coming within the legitimate scope of the Legislative branch of the Government proposed to be organized.

Mr. McCormick moved a suspension of rules.

Rules suspended.

Mr. Burnett moved to lay resolution on the table.

A division was called for, and being a tie vote, the motion was lost.

The question recurring on the passage of the resolution as offered by the delegate from Bastrop, the yeas and nays were called, and resulted as follows :



Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Butler, Degener, Downing, Evans of McLennan, Hamilton of Bastrop, Hunt, Johnson of Colhoun, Kendal, Kuechler, Lippard, Long, McWashington, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Ruby, Schuetze, Smith of Galveston, Varnell, Williams—29.

Nays—Messrs. Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Fayle, Flanagan, Flanagan, W., Fleming, Foster, Gaston, Glenn, Goddin, Grey, Grigsby, Hamilton of Travis, Harris, Home, Johnson of Harrison, Jordan, Kealy, Kirk, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Marion, Sorrel, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—58.

Lost.

Mr. Mullins offered the following resolution, which was referred to the committee on State Affairs :

*Resolved*, 1st, That this Convention was called by, in pursuance of, and derives its powers, whatever they may be, solely from the Laws of Congress, known as the Reconstruction Acts.

*Resolved*, 2d, That this Convention, under said Laws, possesses no Legislative powers beyond the formation of a Constitution for the State of Texas.

On motion, the Convention adjourned till 4 o'clock.

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FOUR O'CLOCK, P. M.

Convention met, pursuant to adjournment. Roll called. Quorum present.

Mr. Degener moved that the Commanding General of Texas be invited to a seat in the Convention.

Carried.

Mr. Degener moved that a committee of three be appointed to conduct him to his seat.

Carried.

The President appointed Messrs. Degener, Hamilton of Travis, and McCormick.

Mr. Phillips offered the following resolution :

*Resolved*. That the Sergeant-at-Arms provide rooms for the respective committees.

Mr. McCormick moved a suspension of the rules.

Rules suspended and resolution adopted.

Mr. Lindsay moved that Wright be added to the Committee on Internal Improvements.

Mr. Caldwell moved that Mr. Buffington be added to the Committee on Printing.

Mr. Evans moved that Mr. Patten be added to the Committee on Internal Improvements.

Mr. Hamilton of Travis, moved that Mr. Smith, of Galveston, be added to the Committee on Apportionment.

Mr. Bryant, of Harris, moved that Mr. Ruby be added to the Committee on Education.

There being no objection it was so ordered.

W. Flanagan offered the following resolution, and asked that it be referred to the Committee on Contingent Expenses:

*Be it ordained by the Convention,* That the sum of one hundred and twenty-five thousand dollars be, and the same is hereby appropriated out of any money in the Treasury of the State of Texas, not otherwise appropriated, or as much thereof as may be necessary to pay the current expenses of the Convention, and the per diem and mileage of the members; and that the per diem of each member be fixed at the sum of fifteen dollars, and the mileage at twenty-five cents per mile; to be governed by the computation of the United States army regulations.

Mr. Newcomb offered the following resolution:

*Resolved,* That the morning sessions of this Convention commence at 9 o'clock, and continue until 12 M; the evening session commence at 3 o'clock, and continue until 5 o'clock.

Mr. Sumner moved to lay the resolution on the table.

Carried.

On motion, House adjourned till nine o'clock to-morrow morning.

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## CAPITOL, AUSTIN, TEXAS,

JUNE 6, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following additional standing committees:

Counties and County Boundaries—Pedigo, Chairman; Wilson, of Brazoria, Fleming, Kuechler, Sorrel.

Examining Comptroller's and Treasurer's Office—Smith, of Gal-