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Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas. Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.*

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Yeas—President, Bell, Bledsoe, Bryant, of Grayson, Bryant, of Harris, Burnett, Carter, Constant, Curtis, Degener, Evans, of McLennan, Fleming, Foster, Goddin, Hamilton, of Bastrop, Hamilton, of Travis, Harne, Hunt, Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Mundine, Patten, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Sorrel, Sumner, Talbot, Thomas, Whitmore, Wilson, of Brazoria, Wright—40.

Nays—Messrs. Adams, Bellinger, Board, Boyd, Brown, Buffington, Caldwell, Coleman, Fayle, Flanagan, Flanagan, Webster, Glenn, Gray, Grigsby, Harris, Johnson, of Harrison, Johnson of Calhoun, Kendal, Kirk, Lippard, Long, McWashington, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Posey, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson, of Milam, Yarborough—41.

The Convention refused to lay the amendment on the table.

Mr. Hamilton, of Travis, asked leave of absence for Mr. Schuetze. Leave granted.

Mr. Buffington asked leave of absence for Mr. Armstrong. Leave granted.

On motion, the Convention adjourned until 9 o'clock, Monday morning.

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## CAPITOL, AUSTIN, TEXAS,

JUNE 8, 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 :

Committee on Engrossed Provisions—Munroe, Chairman; Harne, Goddin, Scott, Wright.

Committee on Enrolled Provisions—Fayle, Chairman; Bledsoe, Bellinger, Yarborough.

Committee on Style—Carter, Chairman; Buffington, Hamilton of Travis, Pedigo, Newcomb.

The President announced that the first business in order was the presentation of Petitions. There being none, Reports of Committees were called.

Mr. Thomas, from the Committee on Printing, made the following report :

To the Hon. E. J. DAVIS,  
President of the Convention :

The Committee on Printing instruct me to report that they have contracted for the publication, in pamphlet form, of two thousand copies of the Governor's Message, for sixty dollars in currency.

Respectfully submitted,  
JAS. W. THOMAS,  
Chairman.

Mr. Vaughan, from the Committee on Printing, made the following majority report :

To the Hon. E. J. DAVIS,  
President of the Convention :

Sir : A majority of the Committee on Printing, to whom was referred certain resolutions relating to the purchase of newspapers, which shall contain the proceedings of the Convention, have instructed me to recommend the purchase, for the use of each member of the Convention, of ten copies of the Austin *Daily Republican* and five copies of the San Antonio *Freie Presse*. The Austin *Republican* will be laid upon the desks of members at the opening of the Convention, and will contain the journal, or the debates of both, as the Convention may desire, and be furnished at ten cents for each copy, which rate will make the aggregate cost \$2,340 per month. The *Freie Presse* will contain the journal alone, which will be published in the German language, and will cost five cents per copy, or in the aggregate, \$270 per month. All of which is respectfully submitted.

F. A. VAUGHAN,  
For majority of Committee.

Mr. Thomas, from the same Committee, made the following minority report :

To the Hon. E. J. DAVIS,  
President of the Convention :

Sir : A minority of the Committee on Printing, to whom was referred certain proposed resolutions touching the purchase of newspapers publishing the proceedings of this Convention, respectfully ask that the Committee be empowered to contract for the publication of nine hundred copies of the journal of the Convention, at \$550 per month, to be laid on the desks of members before the reading of the journal in the morning, agreeably to the proposition of Mr. Jas. P. Newcomb, which is herewith submitted ; and two hundred copies of the Austin *Republican*, and fifty copies of the German *Freie*

*Presse*. The Republican to contain the debates, and the *Freie Presse* which is published in the German language, to contain the journal of the Convention. *Provided*, the total cost of said publications shall not exceed \$1,300 currency per month.

JAS. W. THOMAS,

For minority of Committee.

Mr. McCormick, Chairman of the Committee on Contingent Expenses, made the following report :

COMMITTEE ROOM,  
June 8, 1868.

To the Hon. E. J. DAVIS,  
President of the Convention:

Sir: The Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Hamilton, of Travis, in reference to purchasing one hundred and fifty copies of Paschal's Annotated Constitution of the United States, have had the same under consideration, and have communicated with Mr. Paschal, and learn that he will furnish the Convention with one hundred and fifty copies at the price of \$1 80 per copy. And the Committee instruct me to report back the resolution, with the recommendation that the blank be filled up with one dollar and eighty cents, and that the resolution thus amended be passed.

A. P. McCORMICK,  
For Committee.

Mr. Degener moved to suspend the rules to take up the report of the Committee on Paschal's Annotated Digest.

Rules suspended and resolution passed.

The question recurring on the engrossing of the resolution, it was ordered to be engrossed.

Mr. McCormick moved to suspend the rules, and put the resolution on its third reading.

Carried.

Rules suspended, resolution read third time and adopted.

Mr. Hamilton, of Travis, from the Judiciary Committee, reported as follows :

COMMITTEE ROOM,  
June 8, 1868.

To the Hon. E. J. DAVIS,  
President of the Convention:

Sir: Your Committee on the Judiciary, to whom was referred a

resolution instructing them to enquire 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; have had the same under consideration, and have instructed me to report the following resolutions, and recommend their adoption. All of which is respectfully submitted.

A. J. HAMILTON,  
Chairman.

*Resolved*, 1st, That in the opinion of this Convention, it is necessary in this State, to a fair administration of the Laws of Congress upon the subject of the Reconstruction of the States lately in rebellion, to so change the provisions of said laws, as to transfer from the commander of the 5th Military District, to this Convention, the power and authority to appoint and to remove Registrars, for ascertaining and recording the qualified voters of the State of Texas.

*Resolved*, 2d, That this Convention respectfully but earnestly urge upon the Congress of the United States, the change indicated in the preceding resolution, at the earliest practicable moment.

*Resolved*, 3d, That the President of this Convention transmit to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, copies of these resolutions.

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

Rules were suspended, and resolution passed to a second reading.

Mr. Burnett moved the resolution be engrossed.

Carried.

On motion the resolution was put upon its third reading.

Mr. Mullins made the following minority report :

To the Hon. E. J. DAVIS,

President of State Convention:

Sir: I respectfully submit the following minority report: I do not believe it either necessary or proper for this Convention "to urge upon the Congress of the United States a change in the Reconstruction law, giving to this body the appointment of the Boards of Registrars in this State." It is a matter, in my judgment, over which the Convention, as such, has no control. Created by the Reconstruction Laws of Congress, it derives its power to act solely from those laws, and any action that it might take, beyond the formation of a Constitution, would be unauthorized. That its members, individually or collectively, have a right to petition Congress, as

citizens, I do not question; but in its official capacity as a law-making power I do not think any such power exists, and such action I would deem a disrespectful assumption on our part, of the right to sit in judgment on the action of Congress. Again: The military commander, uninfluenced by local interests or prejudices, would be as likely, I think, to appoint impartial Boards of Registrars as we, who are, in a greater or less degree, liable to these influences. For these and other reasons, I dissent from the majority of the Judiciary Committee.

Very respectfully,  
W. H. MULLINS.

Rules were suspended, resolution was read a third time, and adopted.

Mr. Buffington moved to suspend rules, and take up report of Committee on Printing, in relation to newspapers for the Convention.

Rules were suspended.

Mr. Lindsay moved that the whole matter be re-committed to Committee on Printing, with instructions to report resolutions.

Carried.

The President announced a communication from the Commissioner of the General Land Office, which on motion of Mr. Evans, of McLennan, was referred to Committee on Public Lands.

Mr. Lindsay offered the following resolution:

*Resolved*, That the Committee on Printing is hereby authorized and instructed to contract for, and have printed, as speedily as practicable—copies of the Reconstruction Laws of Congress, for the use of the members of this body, and that said Committee report, &c.

Mr. Lindsay moved that the rules be suspended to take up resolution.

Rules were then suspended and resolution read a second time.

Mr. Caldwell moved to amend resolution by filling blank with two hundred.

Amendment accepted.

Mr. Degener moved that the resolution as amended be engrossed.

Carried.

Mr. Hamilton, of Travis, moved that the rules be suspended.

Carried.

The resolution was then read a third time and adopted.

Mr. Talbot offered the following resolution:

*Resolved*, That the Governor be requested to call upon the Com-

missioner of the Land Office to report to the Convention the general condition of his office, particularly upon the following points :

The condition of the lands and land certificates granted to Railroads.

The condition of the lands belonging to the School Fund; the quantity located and their location.

The condition of the University and Asylum Lands.

The quantity of Land Certificates issued during the rebellion, and upon what conditions and under what laws the same were issued.

And the quantity as nearly as possible of the unappropriated lands of the State and their locality.

*Resolved*, That the Governor be requested to transmit to the Convention the report of the Superintendent of Public Schools upon the condition of his office.

Resolution laid over one day.

Mr. Patten offered the following resolution :

*Resolved*, 1, That the Committee on Internal Improvements be instructed to inquire into the general and financial condition of the several Railroads and Railroad Companies of the State.

*Resolved*, 2, That the Comptroller be requested to furnish said Committee with a statement, showing the present indebtedness to the State of each company; also, what amount of interest has been paid, when, how, in what paid, and how much remaining unpaid.

Referred to Committee on Internal Improvements.

Mr. Evans, of McLennan, introduced a declaration declaring "there now exists in the State of Texas an unparalleled degree of lawlessness and violence, and to such an extent as to render property and life alarmingly insecure," &c.

On motion, the declaration was referred to the Special Committee on Lawlessness and Violence.

Mr. Yarborough offered the following resolution :

*Whereas*, A large amount of specie has been deposited in the General Land Office, prior to the year 1861, for the purpose of paying for patents and government dues on various pre-emptions belonging to the citizens of the State of Texas; and

*Whereas*, Said specie has been wrongfully dealt with, and claimants, many of whom are widows and orphans, have been so wrongfully dealt with, therefore be it

*Resolved*, That the Commissioner of the General Land Office be required, and that it shall be his duty to issue patents to the claimants, free of charge to said claimants, and charge the same to the State of Texas, and that the sum of \$———— be appropriated out of the State Treasury to defray the expenses thereof.

On motion, the resolution was referred to Committee on Public Lands.

Mr. Munroe introduced the following resolution :

*Resolved, 1,* That so much of the Governor's message as refers to a division of the State, be referred to a Special Committee consisting of ten members.

*Resolved, 2,* That so much of the Governor's message as refers to a sale of a portion of the public domain, be referred to the Committee on Public Lands, and that they be instructed to report on the expediency of selling all the vacant and unappropriated public lands to the United States, after reserving a sufficient portion for public schools.

Mr. Burnett moved that the rules be suspended.

Rules were suspended.

The President decided that the second resolution offered by Mr. Munroe, of Houston county, was out of order.

Mr. Carter moved to amend the resolution by substituting fifteen instead of ten.

Amendment accepted.

Mr. Degener offered the following substitute for the resolution offered by Mr. Munroe :

*Resolved,* That a committee of fifteen be appointed by the President to take into consideration the division of the State, and that said committee be and is hereby instructed to investigate this matter, and if in the judgment of said committee, a division of the State is now expedient, that said committee be instructed to report to the Convention without delay, a plan of division and regulations for carrying out the same.

On motion of Mr. Smith, of Galveston, the second resolution offered by Mr. Munroe, of Houston county, in regard to a sale of the public lands, was referred to the Committee of Fifteen, to whom was referred the subject of a division of the State.

Mr. Patten moved that Evans, of McLennan, be added to Committee on Apportionment.

Mr. Talbot moved that Mr. McCormick be added to the Committee on Education.

Mr. Schuetze moved that Mr. Kuechler be added to Committee on Apportionment.

Mr. Lippard moved that Mr. W. Flanagan be added to the Committee on Apportionment.

Mr. Burnett offered the following resolution :

*Resolved,* That the Provisional Secretary of State is hereby respectfully requested to furnish the Chairman of each Standing Committee for the use of his Committee, one copy of " Paschal's



Annotated Digest of the Laws of Texas," the same to be returned to the State Library on the adjournment of the Convention.

*Resolved*, 2, That the same officer is hereby respectfully requested to direct the State Librarian to open the State Library to the members of this Convention at all reasonable hours.

Mr. Degener moved a suspension of the rules. Rules suspended.

Resolution again read, and on motion of Mr. Hamilton, of Travis, it was ordered to be engrossed.

Mr. Burnett moved a suspension of rules.

Rules were suspended, resolution read a third time and adopted.

The President announced the business before the Convention was the order of the day upon the resolution of Mr. Mills, adopted June 4th, for the reconsideration of the vote upon the passage of the resolution of Mr. Lippard, as amended by Mr. Smith.

Mr. Flanagan moved the indefinite postponement of the subject.

Withdrawn.

Upon the question to reconsider the vote upon the adoption of the resolution, the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Davis, Adams, Armstrong of Jasper, Bell, Bel-linger, Board, Boyd, Brown, Bryant of Grayson, Buffington, But-ler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Johnson of Calhoun, Kealy, Kuechler, Kirk, Lieb, Lindsay, Mackey, McCormick, Mills, Morse, Mundine, Pedigo, Phillips of Wharton, Posey, Rogers, Schuetz, Scott, Slaughter, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—59.

Nays—Bledsoe, Bryant of Harris, Burnett, Coleman, Fayle, Hamilton, Hunt, Jordan, Kendal, Lippard, Long, Newcomb, Oaks, Phillips of San Augustine, Ruby, Smith of Galveston, Smith of Marion, Sumner, Whitmore, Williams, Wilson of Milam—21.

So the motion to reconsider prevailed.

Mr. Flanagan moved to indefinitely postpone the consideration of the subject, pending which, upon motion, the Convention adjourned until three o'clock.

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THREE O'CLOCK, P. M.

Roll called; quorum present.

The President announced that the question before the Conven- tion was the motion to indefinitely postpone, as proposed by Mr. Flanagan, pending which the Convention adjourned.

Mr. Caldwell moved that Mr. Flanagan be allowed to withdraw his motion.

Motion withdrawn.

Mr. Caldwell introduced the following amendment:

*Provided*, That any member who may decline to take said oath shall file his reasons therefor, which shall be forwarded to the Commander of the Fifth Military District for his action.

Mr. Lippard introduced the following amendment to the amendment:

“Said oath to be administered by the Secretary.”

Mr. Varnell introduced the following resolution:

*Resolved*, That the matter under consideration be postponed to, and made the special order of the day for the tenth day of October, 1868, 11 o'clock A. M., of said day.

Upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Adams, Armstrong of Jasper, Bell, Board, Boyd, Brown, Bryant of Grayson, Buffington Carter, Cole, Constant, Degener, Evans of McLennan, Flanagan, Flanagan W., Fleming, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harne, Johnson of Calhoun, Kealy, Kuechler, Kirk, Lindsay, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Patten, Phillips of Wharton, Posey, Rogers, Scott, Sorrell, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright and Yarborough—47.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Butler, Burnett, Caldwell, Coleman, Downing, Fayle, Foster, Grigsby, Hamilton of Bastrop, Hunt, Johnson of Harrison, Jordan, Kendall, Leib, Lippard, Long, McWashington, Newcomb, Oaks, Phillips of San Augustine, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Milam—34.

So the resolution was adopted.

The President announced that the order of business was the Declaration offered by Mr. Webster Flanagan, as amended by Mr. Varnell on the 6th inst. upon the amendment. The yeas and nays were called and resulted as follows:

Yeas—Messrs. Adams, Bellinger, Board, Boyd, Brown, Caldwell, Carter, Coleman, Evans of McLennan, Fayle, Flanagan, Flanagan Webster, Glenn, Harris, Johnson of Harrison, Johnson of Calhoun, Kendal, Kirk, Lippard, Long, McWashington, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Ruby, Smith of Galveston, Smith of Marion, Sorrel, Stockbridge, Varnel, Wilson of Milam, Yarborough—36.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Cole, Constant, Curtis, Degener, Downing, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—48.

So the amendment was lost.

Mr. Evans offered the following amendment:

“Strike out eight dollars and insert five dollars per diem, and mileage five dollars for each twenty-five miles travel.”

Mr. Caldwell moved to lay the amendment on the table. The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Coleman, Constant, Curtis, Degener, Fayle, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright, Yarborough—62.

Nays—Messrs. Adams, Armstrong of Jasper, Boyd, Bryant of Grayson, Burnett, Downing, Evans of McLennan, Flanagan, Flanagan W., Johnson of Harrison, Kirk, Long, Munroe, Newcomb, Oaks, Patten, Scott, Slaughter, Smith of Marion, Sorrell, Whitmore, Wilson of Milam—22.

Amendment laid on the table.

The question recurring upon the adoption of the original declaration,

Mr. Smith, of Galveston, offered the following amendment:

“Strike out eight dollars per diem, and insert twelve dollars, instead of per diem and travel.”

Mr. Carter offered the following amendment to the amendment:

*Resolved*, That the resolution be amended by substituting eight dollars and fifty cents as the per diem pay of each member.

Mr. Hamilton, of Travis, moved to lay the amendment of Mr. Smith upon the table, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger,

Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright and Yarborough—62.

Nays—Messrs. Adams, Board, Boyd, Coleman, Flanagan, Flanagan Webster, Glenn, Harris, Johnson of Harrison, Lippard, Long, Morse, Newcomb, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Varnell, Vaughan—21.

So the amendment laid on the table.

Mr. Caldwell moved the previous question, upon the passage of the original declaration.

The previous question being seconded, the main question being the engrossment of the resolution, it was ordered.

The question recurred upon the second reading of the original declaration, the yeas and nays were called which resulted as follows :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright and Yarborough—70.

Nays—Messrs. Boyd, Evans of McLennan, Flanagan, Flanagan W., Glenn, Johnson of Harrison, Long, Morse, Newcomb, Oaks, Patten, Ruby, Scott, Smith of Galveston, Varnell—15.

The question recurring upon the engrossment of the declaration, it was ordered to be engrossed.

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