

TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas.*

Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to rarebooks@law.utexas.edu.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Jordan, Keigwin, Mackey, McCormick, Morse, Muckelroy, Mullins, Mundine, Pedigo, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright, Yarborough—44.

So the motion was lost, and report rejected.

Mr. Hamilton, of Travis, moved a suspension of rules to take up the minority report with accompanying resolution.

Mr. Phillips, of San Augustine, moved to adjourn until three o'clock P. M.

Lost.

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

Carried.

CAPITOL, AUSTIN, TEXAS,

June 16, 1868.

Convention met pursuant to adjournment.

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

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report :

COMMITTEE ROOM,
June 15, 1868.

HON. E. J. DAVIS,

President of the Convention :

SIR : The Committee on Engrossed Bills instruct me to report the following resolutions as correctly engrossed.

Resolution 1. That the Special Committee on Lawlessness and Crime be authorized to employ a clerk, and that said clerk be authorized to swear witnesses.

Resolution 2. That the Committee to examine the Penitentiary of the State, or any one or more of them at their discretion, be authorized to proceed to Huntsville to carry into effect the order of this Convention, and that they be authorized to employ an accountant to aid them in their investigations.

Respectfully submitted,

A. T. MUNROE,

Chairman.

Report adopted.

Mr. Johnson, of Calhoun, offered the following resolution :

Resolved, That besides the duties of Enrolling and Engrossing,

the declarations and resolutions of this Convention, the Enrolling and Engrossing Clerks shall perform such clerical duties as may be required of them by the Secretaries of this Convention; or if there be no such duties required, the pay of the Enrolling and Engrossing Clerks be reduced to four dollars per day, or such amount as the Committee on Contingent Expenses may think a proper amount to be paid for the duties they may perform.

Referred to Committee on Contingent Expenses.

Mr. Mackey offered the following declaration :

Be it ordained by the people of the State of Texas in Convention assembled, That all male persons over the age of twenty-one years or who may hereafter arrive at the age of twenty-one years, of foreign birth, residing in the State of Texas at the date of the passage of this ordinance, shall, on taking the oath of allegiance to the Government of the United States, and an oath to support and defend the Constitution and laws of the State of Texas, be declared citizens of the State, and as such be entitled to suffrage; *Provided,* they have resided in the State twelve months at the time of voting, and all male persons of foreign birth who may hereafter immigrate to this State shall, on taking said oaths, and residing in the State twelve months, be entitled without further delay to the right of suffrage.

Referred to Committee on Political and Legislative.

Mr. Bryant, of Grayson, offered the following resolution :

Be it ordained by the people of the State of Texas in Convention assembled, That all officers of Colonel Duff's Regiment of rebel troops, all officers of Brigadier General William Hudson's Brigade, 21st Texas State troops, all rebel officers or men in the rebellion who, during or since the war, hung, murdered, mobbed, or assaulted with intent to kill, or maimed any Union man, Federal officer, soldier or other Government official, all officers or men formerly engaged in the rebellion, who have been disfranchised by the Reconstruction laws of Congress, or by the Boards of Registration appointed by Major General Sheridan, or Brevet Major General Griffin; all persons who have been convicted of, or charged with murder or assault with intent to kill a Union man, white or colored, and have fled from justice or legal process; all persons disfranchised by the laws of other States, and all persons engaged in the rebel service, bushwhacking, or Guerilla warfare, from other States, and have since that time immigrated to this State; all persons who on the collapse of the rebellion fled the State and took refuge in Mexico or other foreign governments; all Ministers of the Gospel who entered the rebel army, or preached rebellion from the pulpit, or persecuted Union men for opinion's sake; all persons engaged in the

abduction from Mexican soil of Brigadier General E. J. Davis and Captain William Montgomery; and all persons engaged in the murder of Captain William Montgomery be, and are hereby declared disfranchised and incapable of holding in this State any office of honor, trust or profit under its authority; or of being an officer, councilman, director, trustee, or other manager of any Corporation, public or private now existing, or hereafter established by its authority.

On motion, it was referred to Committee on Political or Legislative.

Mr. Lippard introduced the following resolution:

Resolved, That the Committee appointed to investigate the financial condition of the State Penitentiary be, and are hereby authorized to inquire into and ascertain the cause for which each convict was committed, and for what length of time.

Mr. Bryant, of Harris, moved the suspension of the rules to take up the resolution.

Rules were then suspended, and resolution ordered to be engrossed.

On motion, the rules were further suspended, resolution read a third time and passed.

Mr. Munroe moved that Mr. Evans, of Titus, be added to Committee on Division of the State. There being no objection, Mr. Evans was added to the Committee on Division of the State.

Mr. Hamilton, of Bastrop, moved that Mr. Armstrong, of Jasper, be added to Committee on Public Lands.

There being no objection, Mr. Armstrong was added to Committee on Public Lands.

Mr. Flanagan offered the following resolution:

Be it Resolved, 1. That the Executive, E. M. Pease, be requested to procure a suitable frame to contain the portrait of the great father and statesman of Texas, Gen. Samuel Houston.

Resolved, 2. And the sum of ——— dollars is hereby appropriated to carry out this resolution.

On motion, the resolution was referred to Committee on Contingent Expenses.

The President announced the unfinished business of yesterday to be next in order, to suspend rules, to take up minority report of Judiciary Committee upon forced sales by Sheriffs.

Mr. Whitmore offered the following substitute:

Be it ordained by the Convention, That until the first of January 1870, no property, real or personal, belonging to any debtor; or the estate thereof, shall, after the passage of this ordinance, be subject to execution or forced sale, unless it shall bring two-thirds of the

full amount of its assessed value, to be ascertained by the Tax Roll of the year 1860, and under rules and regulations by law, and that this ordinance take effect and be in force from and after its passage.

Mr. Hamilton, of Bastrop, moved the previous question upon the adoption of the minority report.

The motion being seconded by the required number, was withdrawn to give Mr. Hamilton, of Travis, the floor.

The question then recurring "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the engrossment of the resolution, the yeas and nays were demanded and resulted as follows :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Buffington, Butler, Burnett, Caldwell, Carter, Flanagan, Flanagan W., Fleming, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Keigwin, Leib, Long, Mackey, McCormick, Morse, Pedigo, Phillips of Wharton, Rogers, Scott, Smith of Marion, Stockbridge, Talbot, Varnell, Wilson of Brazoria, Wright—36.

Nays—Messrs. President, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Cole, Coleman, Constant, Curtis, Degener, Evans of McLennan, Evans of Titus, Fayle, Foster, Glenn, Goddin, Hamilton of Bastrop, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Lindsay, Lippard, McWashington, Mills, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Sorrell, Sumner, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough.—50.

So the Convention refused to engross.

Mr. Hamilton of Travis, asked leave of absence for Mr. Mackey during the week.

Leave granted.

Mr. Butler moved the Convention proceed at once to take up the business on the President's table.

Carried.

The President announced the business first in order was upon the third reading of the resolution authorizing the Committee on Penitentiary matters to proceed to Huntsville and examine accounts.

Resolution read third time and passed.

The next business in order was the report of Committee on Federal Relations upon the declaration offered by Mr. Evans of McLennan.

Mr. Bryant of Grayson, moved to refer the report to Committee

of the whole, and be made the special order for to-morrow at eleven o'clock.

Mr. Hamilton of Travis, moved that the Convention go into Committee of the whole upon the report of the Committee on Federal Relations.

Carried.

The Convention then went into Committee of the whole, Mr. Evans of Titus being in the chair.

The committee rose and reported progress.

The President announced the next business was the resolution of Mr. Smith of Galveston, to dispense with the services of the reporter of the Convention.

Mr. Smith moved the indefinite postponement of the resolution.

Carried.

The President announced the next business in order was the resolution offered by Mr. Bledsoe authorizing the President to administer to him the iron clad oath.

Mr. Lippard offered the following amendment :

"And further, that said oath be administered to all other members desiring to take the same."

The President decided that the amendment was out of order.

The question then recurring upon permitting Mr. Bledsoe to take the specified oath.

The resolution was adopted, and Mr. Bledsoe took the iron clad oath.

The President announced the next business in order was upon the report of the Committee on State Affairs respecting the admittance of Mr. O'Larey into the Blind Asylum.

Mr. Posey moved that the report of the Committee on State Affairs be adopted.

Mr. McCormick made the following point of order :

When a resolution or declaration has been introduced, read first time and committed by the House to a standing committee, and the committee report unfavorably, and recommend that it do not pass, if the report of the committee be not concurred in by the House, the original resolution remains before the House, subject to be disposed of as a bill or declaration on its second reading.

The chair ruled that the report of the committee was the original matter before the House, and that the original resolution could only be taken up on a motion to substitute the original resolution for the report of the committee, or for the resolution offered by the committee, or be offered as an amendment to the resolution; from which ruling of the President Mr. McCormick appealed to the Convention, and the question being put "shall the decision of the chair stand as

the decision of the Convention," the yeas and nays were called, and resulted as follows :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Glenn, Goddin, Gray, Grigsby, Harris, Harne, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Lieb, Lindsay, Long, McWashington, Mills, Morse, Muckelroy, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Sorrell, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Milam—58.

Nays—Messrs. Brown, Caldwell, Cole, Degener, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Bastrop, Johnson of Calhoun, Kuechler, McCormick, Mundine, Pedigo, Phillips of Wharton, Smith of Galveston, Stockbridge, Thomas, Wilson of Brazoria.—19.

So the decision of the President was sustained.

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

CAPITOL, AUSTIN, TEXAS,
June 17, 1868.

Convention met pursuant to adjournment.

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

The President directed the Secretary to read the following communication :

AUSTIN, TEXAS,
June 15, 1868.

To the Hon. E. J. DAVIS,

President of the Convention:

SIR: I herewith present to you, for the use of the Convention over which you have the honor to preside, the New York Convention Manual, containing all the Constitutions of the respective States of the Union as they existed prior to the recent Conventions of the Southern States called under the Reconstruction Acts of Congress. I trust that these precedents may be of service to the Convention in the great work now before it.

I remain, with great respect,

GEO. W. PASCHAL.

Mr. McCormick, from the Committee on Contingent Expenses, offered the following report: