

# 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](mailto:rarebooks@law.utexas.edu).

If you are uncertain whether you need permission to use these materials, please contact us at [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

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:

COMMITTEE ROOM,  
June 17, 1868.

HON. E. J. DAVIS,

President of the Convention :

SIR: Your Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Sumner instructing the Committee on Contingent Expenses to "inquire whether there are more pages, messengers and porters now employed by this Convention than are required to perform the work, and also to report what number of each is necessary," have had the same under consideration, and after full investigation beg leave to report that there are no more messengers and pages than are needed now employed. We find there are now employed five messengers and four pages, and five porters. The duties of the pages appear to require more time and labor than the duties of the porters, and we recommend that one of the porters be assigned to duty as a page, which will give five messengers, four porters and five pages, and all of whom in the opinion of the Committee are needed for the work. And that system and efficiency may mark the labors of these employes, we are of the opinion that the Sergeant-at-Arms should assign each his respective sphere of duty, and exercise a general and constant superintendence over the labors of all of these employes, under instructions, in doubtful matters, from the President of the Convention.

A. P. McCORMICK,  
Chairman.

COMMITTEE ROOM,  
June 17, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: Your Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Johnson of Calhoun, in reference to the duties and pay of the Engrossing and the Enrolling Clerks, have had the same under consideration, and are unable to discover any just reason for making these officers of the Convention subject to the orders or requirements of the Secretaries, or for reducing their pay while they properly discharge the duties of their respective offices. The Committee are, however, of the opinion that these clerks when not engaged in the discharge of the regular duties of their respective offices should assist the Secretary; and I am instructed to report the accompanying resolution as a substitute for the original resolution :

A. P. McCORMICK,  
Chairman.

*Resolved*, That the Enrolling and the Engrossing Clerks of the Convention, when not engaged in the discharge of the regular duties of their respective offices, shall be employed as assistant secretaries, under the direction of the Chief Secretary.

Mr. Armstrong moved a suspension of rules, and the resolution was taken up and engrossed.

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

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

COMMITTEE ROOM,  
June 17, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following resolution as correctly engrossed :

*Resolved*, That the Committee on Political or Legislative Department be empowered to employ a clerk at a compensation of \$4 00 per diem, provided that said clerk be employed on any other committee that needs his services when not employed on Committee on Political or Legislative Department.

Respectfully submitted,

A. T. MUNROE,  
Chairman.

Mr. McCormick moved a suspension of rules to take up resolution of Mr. Evans, of McLennan, requesting the Commanding General of the Fifth Military District to approve the appropriation of \$125,000 to pay the expenses of the Convention, reported from Committee on Contingent Expenses.

Rules suspended and resolution read a second time.

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

*Provided*, That all accounts presented to the Treasurer for printing ordered by this Convention shall have attached a sample sheet of the work done, and the accounting officers of the Provisional Government shall examine, adjust and settle the same in accordance with the law regulating public printing, declared to be in force by proclamation of His Excellency E. M. Pease, notwithstanding any contract which may have been made by the Committee on Printing, or any other committee or officers of the Convention.

The amendment was ruled out of order.

Resolution was then ordered to be engrossed.

Mr. Evans, of McLennan, moved a further suspension of rules to put resolution on its third reading.

Rules suspended; resolution read a third time, and passed.

Mr. McCormick moved a suspension of the rules, and that the declaration amending the original declaration appropriating one hundred and twenty-five thousand dollars for the payment of the members and officers of the Convention be taken up.

Carried, and resolution read second time.

Mr. Butler moved it be engrossed.

Carried.

Mr. McCormick moved a further suspension of rules to put declaration on third reading.

Carried.

Declaration read a third time and passed.

Mr. Schuetze offered the following declaration:

*Be it declared by this Convention, That the following be a section of the Constitution of the State of Texas.*

SECTION —. That no person shall be deprived by law of the right to indulge in public or private recreation or pleasure on any day of the week, provided that any person availing himself of that right shall not thereby violate public decency or the respect due to public worship.

On motion of Mr. Schuetze, the declaration was referred to the Committee on Political or Legislative Department.

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

### A DECLARATION

*Appropriating twenty-five thousand dollars, to be used by the Governor in the apprehension of lawless and desperate persons.*

*It is hereby declared by the people of Texas in Convention assembled, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any monies in the Treasury not otherwise appropriated, and that the said sum is hereby placed under the control of the Governor, to be used by him in the apprehension of lawless and desperate persons in this State.*

On motion the declaration was referred to the Committee on Finance.

Mr. Evans, of McLennan, offered the following:

WHEREAS, There exists all over the State of Texas a class of desperadoes engaged in theft, murder and robbery, and

WHEREAS, It becomes of the greatest importance that such desperadoes be arrested and brought to justice,

*Be it therefore declared, That, first, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the*

same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and that the same be placed at the disposition of the Governor of Texas, to enable him to offer suitable rewards for the arrest and apprehension of such desperadoes, and to employ detectives to ferret out their hiding places, etc., and that this resolution be forwarded to the Commanding General of the Fifth Military District for approval.

Referred to Committee on Finance.

Mr. Fayle offered the following resolution :

*Resolved*, That all editors and publishers of newspapers advocating secession and rebellion prior to and during the war, and that have persistently since that time denounced the Congress of the United States, loyal men, and the Reconstruction Acts, be and the same are hereby disfranchised.

Referred to Committee on Political and Legislative.

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

*Resolved*, That all males arriving at the age of maturity after the fourth day of July, A. D. 1876, who are unable to read and write the Constitution of the United States understandingly, shall be deemed unqualified and debarred from the rights of suffrage. The same to apply to all immigrants arriving in this State from other States or countries, as well as to those arriving at the age of maturity in this State.

Mr. Hamilton, of Bastrop, moved to lay the resolution on the table; upon which the yeas and nays were demanded.

Motion to table withdrawn by consent, and the resolution referred to Committee on Political and Legislative.

The President announced the unfinished business of yesterday was next in order, upon the motion of Mr. Posey to adopt the report of the Committee on State Affairs respecting the admission of J. P. O'Larey into the Blind Asylum.

Report adopted.

The President announced the next business in order was the report of the Committee on Printing, with accompanying resolution providing for the publication of the debates of the Convention in the *Austin Republican*.

The resolution was read second time, and ordered to be engrossed.

Mr. McCormick moved a suspension of rules to put the resolution on its final passage.

Rules suspended, resolution read third time and passed.

Also, a report with resolution upon the resolution of Mr. Boyd, instructing the Secretary to place to the credit of delegates who do not desire to take certain papers the amount of cost of such papers to the account of such delegates.

Mr. Armstrong, of Jasper, moved the resolution as offered by the Committee be laid upon the table; upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Armstrong, of Jasper, Bellinger, Boyd, Brown, Butler, Downing, Evans, of Titus, Webster Flanagan, Gaston, Glenn, Hamilton, of Bastrop, Hamilton, of Travis, Hunt, Johnson, of Calhoun, Kealy, Keigwin, Kuechler, Kirk, Lippard, Morse, Muckleroy, Mullins. Patten, Pedigo, Rogers, Sorrell, Varnell, Vaughan, Wright.  
—29.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bledsoe, Board, Bryant, of Grayson, Bryant, of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Harn, Johnson, of Harrison, Jordan, Kendal, Leib, Lindsay, Long, McCormick, McWashington, Mills, Mundine, Newcomb, Oaks, Phillips, of San Augustine, Phillips, of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Yarborough  
—57.

So the motion to lay on the table was lost.

Mr. Armstrong moved to refer the report and resolution to the Committee on State Affairs.

It was so referred.

The President announced the hour having arrived for the session of the Committee of the Whole to proceed to the consideration of the report of the Committee on Federal Relations upon the declaration offered by Mr. Evans, of McLennan.

The President called Mr. Whitmore to the Chair.

The Committee rose, reported progress, and asked leave to adjourn until ten o'clock to-morrow; which leave was granted.

On motion the Convention adjourned till to-morrow at nine o'clock A. M.

---

CAPITOL, AUSTIN, TEXAS,  
June 18, 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 a communication from the postmaster in Austin, respecting postage on newspapers.

Mr. Carter, from the Committee on Style, made the following report: