

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.

a common debt, for which all the States which may hereafter be framed are respectively responsible.

On motion the preamble and resolution was referred to the Committee on the Division of the State.

Mr. Armstrong, of Lamar, moved that the unfinished business on the President's table be taken up and disposed of.

Carried.

The first business in order was the report of the special committee on Division of the State, requesting the President of the Convention to procure by telegraph from Washington a copy of the bill on Division of Texas, now before Congress.

Mr. Armstrong, of Lamar, moved that the report and resolution be laid on the table.

Carried.

The report of the Committee on Finance appropriating fifteen thousand dollars to pay civil officers appointed by Governor Hamilton was taken up.

The question recurring upon its engrossment, it was ordered to be engrossed.

Mr. Hamilton, of Bastrop, moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair.

Committee of the Whole rose, reported progress, and asked leave to sit to-morrow morning, at ten o'clock.

Leave granted.

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

CAPITOL, AUSTIN, TEXAS,
JUNE 24, 1868.

Convention met pursuant to adjournment.

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

The President announced the special committee called for under Mr. Pedigo's resolution, to take the names of loyal persons laboring under political disabilities, to be :

Messrs. Pedigo, Keuchler, Bell, Armstrong of Lamar, Evans of McLennan, Whitmore and Phillips of San Augustine.

Mr. Munroe, from the Committee on the Division of the State, made the following majority report :

COMMITTEE ROOM,
June 23, 1868.

HON. E. J. DAVIS,

President of the Convention :

SIR: The Committee on the Division of the State instruct me to report the following declaration, and recommend its adoption.

Respectfully, your obedient servant,

A. T. MUNROE,
Chairman.

A DECLARATION, from the Committee on the Division of the State, for the erection of two new States out of the territory of the State of Texas.

WHEREAS, There is now pending in the Congress of the United States the following bill, to provide for the erection of two additional States out of the territory of the State of Texas ; and

WHEREAS, Experience has proved that the great size of the State is one of the greatest obstacles to the enforcement of law and the maintenance of order, and that the government of a State so large cannot be economically administered ; and

WHEREAS, The welfare, happiness and prosperity of the people require a division of the State into at least three States ; therefore,
Be it declared that we, the People of Texas, in Convention assembled, do hereby declare that we concur in the plan proposed by Congress in the following bill, with the alterations in the lines and boundaries, as hereinafter proposed.

“ Mr. Beaman, from the Committee on Reconstruction, reported the following bill :

“ A BILL to provide for the erection of two additional States out of the territory of the State of Texas, and for other purposes.

“ WHEREAS, The people of the State of Texas desire to erect out of the territory of said State two additional States of convenient size ; and

“ WHEREAS, The people of said State of Texas, in pursuance of an act of Congress passed March 2, 1867, entitled ‘ An act for the more efficient government of the rebel States,’ and of the several acts supplementary thereto, have elected delegates to a convention to form a constitution of government for the said State of Texas ; and

“ WHEREAS, It is desired that the two additional States to be formed out of the territory of the said State of Texas be respectively bounded and named as follows—that is to say : That all that part of the territory of the said State of Texas situate and embraced within

the following lines, viz: Beginning at a point in the middle of the channel between Galveston island and Bolivar Point, thence through Galveston bay to the mouth of the San Jacinto river, up the San Jacinto river to its confluence with the eastern fork of the San Jacinto, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk, thence north to the Trinity river, thence up said Trinity river to the mouth of the Bois d'Arc or east fork of the Trinity, thence up the said east fork to the northwest corner of the county of Kaufman, thence north to the southwest corner of the county of Fannin, thence north with the western border of Fannin to Red River, thence down said Red river to the eastern boundary of the State of Texas, thence south with the eastern boundary of the State to the Gulf of Mexico, thence west across the gulf to the point of beginning, be erected into a new State, to be known by the name of the State of East Texas; that all that part of the territory of said State of Texas situate and embraced within the following described limits, viz: Beginning at a point in Pass Cavallo, midway between the island and peninsula of Matagorda, thence through Matagorda bay to the Colorado river, thence up the said Colorado river to where it is intersected by parallel thirty-two north latitude, thence due west to the Rio Grande, thence down said Rio Grande to the Gulf of Mexico, thence through the Gulf of Mexico to the point of beginning, be erected into a new State, to be called and known by the name of South Texas; and that all the residue and remainder of the territory of said State of Texas be known by the name of the State of Texas: Therefore,

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the said delegates shall be assembled in convention, the said delegates to said convention shall organize and form themselves into three respective conventions, each of the said conventions respectively to be composed of the delegates respectively residing within the respective limits of the proposed States, as bounded and described in the preamble to this act.

“SEC. 2. And be it further enacted, That the said respective conventions shall be organized and conducted, in all respects, as near as may be, in accordance with the provisions of said act entitled ‘An act for the more efficient government of the rebel States,’ and the acts supplementary thereto; and that when the people of any one of the said proposed States shall have formed a constitution of State government in conformity with the Constitution of the United States in all respects, framed by the convention thereof; and when such constitution shall be ratified by the voters thereof, in accordance with said acts; and when such constitution shall have been

submitted to Congress for examination and approval, and Congress shall have approved the same; and when said State, by a vote of its Legislature, elected under said constitution, shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as article fourteen, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law.

“SEC. 3. *And be it further enacted*, That the said respective conventions shall provide, by ordinance or otherwise, for elections for Representatives in Congress, members of the State Legislature, Governor, and other State officers, to be held at the same time, in the said proposed States respectively, as that for voting upon the adoption or rejection of the said constitutions respectively: *provided*, that the aggregate number of Representatives from the proposed three States shall be the same that the State of Texas was entitled to in the year eighteen hundred and sixty, to be divided among the said three States in proportion to the population of each respectively.”

The committee do further instruct me to report the following sections:

First. The committee would respectfully recommend that Congress change the lines and boundaries as follows, to-wit:

Second. All that part of the territory of this State situated and embraced within the following lines, beginning at a point on the Mexican Gulf and Matagorda peninsula, due south of the mouth of the Colorado river, running thence due north to the mouth of said river, thence following the meanderings of said Colorado river until it intersects the thirty-second degree of latitude, thence due west to the Rio Grande, thence down said Rio Grande to the Gulf of Mexico to the point of beginning, to form a southern State, to be known and called —————

Third. All that part of the territory of the State of Texas situate and embraced within the following lines, to-wit: Beginning at a point in the middle of the channel between Galveston and Bolivar Point, thence through Galveston Bay to the mouth of the San Jacinto river, to its confluence with the eastern fork of the San Jacinto river, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk; thence north to the Trinity river; thence up said Trinity river to the mouth of the Elm fork of the Trinity; thence up the said Elm fork to the mouth of Denton fork, to the western boundary of the county of Denton; thence due north to the Red river; thence down said Red river to the eastern boundary to the Gulf of Mexico, thence west across the gulf to the point

of beginning, to form an Eastern State to be known by the name of _____

Fourth. All the residue and remainder of the territory of Texas to be known by the name of _____.

Fifth. And further, That for the purpose of saving expenses to our impoverished country, and accelerating reconstruction, we pray Congress to act as speedily as possible on the bill now under consideration.

Sixth. We further declare, That the President of this Convention be and is hereby instructed to forward by telegraph to the President of the Senate and to the Speaker of the House of Representatives of the United States a full copy of these declarations.

A. T. MUNROE,
Chairman.

COMMITTEE ROOM,
Austin, June 23, 1868.

Mr. Ruby offered the following minority report :

We, the minority of the Committee on the Division of the State, dissenting from the majority report, do respectfully recommend that should there be a division of Texas, the Congressional lines reported in H. R. bill 1203 may be adopted by this Convention.

G. T. RUBY,
E. WILSON.

The following additional reports were presented from the Committee on Division of the State :

COMMITTEE ROOM,
June 23, 1868.

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

SIR : The Committee on the division of the State of Texas, to whom was referred the following ordinance, introduced by Mr. Glenn, of Anderson, to wit :

Be it ordained by the people of the State of Texas in Convention assembled, That the Legislature shall be vested with power to give the consent of the State to the creation of a new State or States within the limits of this State, and to pass all laws necessary to designate the boundary of such new State or States, to enable the people of the same to organize State Governments, etc.

Request me to return the same to your Honorable body, with the request that it do not pass.

Respectfully submitted,
A. T. MUNROE,
Chairman.

COMMITTEE ROOM,
June 23, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: The Committee on the Division of the State, to whom was referred the following resolutions offered by Mr. Degener, of Bexar, after due examination instruct me to recommend the passage of the same, to-wit :

WHEREAS, A bill for the division of Texas into three separate States is now pending in the Congress of the United States,

Be it resolved, FIRST. That the public domain of Texas, its public buildings, cash and bonds on hand, and all the claims the State may have, are common property, belonging to the several States which may hereafter be framed.

SECOND. And that the outstanding liabilities are in like manner a common debt, for which all the States which may hereafter be framed are respectively responsible.

Respectfully submitted,

A. T. MUNROE,
Chairman.

Mr. Armstrong, of Lamar, moved to suspend rules to take into consideration the adoption of the report of the Committee on the Division of the State.

Rules suspended.

The reading of the report and resolutions was dispensed with by the consent of the House.

Mr. Armstrong moved that the report and resolutions be printed for the use of the Convention.

Carried.

Mr. Armstrong moved that the consideration of the subject be made the special order for Saturday next at ten o'clock.

Carried.

Mr. Pedigo introduced the following declaration :

Be it declared by the State of Texas in Convention assembled, That all rights which the State may have to mineral substances upon or beneath the surface of the earth be, and the same are hereby relinquished to the rightful owners of the land upon or beneath the surface of which such mineral substances may exist, and that all grants to land hereafter made by the State shall operate as a relinquishment to the grants of all mineral substances belonging to the land granted.

On motion the declaration was referred to Committee on Public Lands.

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

Be it declared that the following be a section of the New Constitution:

SEC. —. The County Courts for Police purposes, or other bodies exercising the powers now exercised by the said County Courts, in the several counties of the State of Texas, shall be authorized to pledge the faith of their respective counties, to aid and assist in the construction of railroads; and for such purposes the said courts shall have power to issue the bonds of said respective counties, or make subscriptions to the stock of railroad companies, and levy a special tax upon the taxable property of the said county, not to exceed one per cent. annually; *Provided* that no such bonds shall be issued, or subscriptions made, or tax assessed without, upon a vote at an election of the voters of said county, to be ordered and held by said Courts under the laws of the State regulating elections, and, *Provided* further, that said courts nor their successors shall have the power to repudiate, or annul or impair such bonds when issued, or such subscriptions when made, or such taxes when so assessed.

On motion the declaration was referred to Committee on Internal Improvements.

Mr. Degener introduced the following declaration:

SECTION —. Every foreign born male inhabitant of this State, who shall be twenty-one years of age, and upwards, who shall have resided twelve months in this State, and who has made his declaration of intention of becoming a citizen of the United States, shall be decreed a citizen of this State.

SEC. —. Every citizen of this State has the right to have his name entered on the Registration lists of electors, and shall have the privilege of voting for State, District, County and Municipal Officers in the district, county or municipality where his name is entered as a qualified elector,

Provided, FIRST, That his certificate of registration bear a date of at least thirty days prior to the election at which he offers to vote.

SECOND, That he be a bona fide resident of the district, county or municipality for which the election of officers is ordered.

On motion the declaration was referred to the Political or Legislative Committee.

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

WHEREAS, During the late Rebellion the Central Texas Railroad being legally indebted to the State of Texas, on account of the money received from the State, the same being the School Funds solemnly set apart for the education of the children of Texas, has failed to pay the interest on said money so received, and

WHEREAS, The said Railroad Company pretends that, during the late rebellion, the said corporation paid the sum of \$—, —,

AND WHEREAS, The said pretended payment was made in the worthless and valueless Treasury notes of the State, issued in violation of the Constitution, and for the purpose of aiding in the prosecution of the Rebellion, and was against the rightful authority of the United States, and the said pretended payment was a fraud upon the State of Texas, and ought to be condemned as illegal, immoral and fraudulent, done and conceived with the purpose and intent to cheat, wrong and defraud the innocent and helpless children of the State of Texas;

Therefore be it declared by the people of Texas in Convention assembled, That the pretended payment so made as recited in the preamble to this declaration was and is fraudulent and void, and no plea of payment shall be received, entertained, or had in any Court of this State founded upon any pretended payment in the illegal Treasury notes of Texas, or which is commonly known as Confederate money or Confederate Treasury notes.

SEC. 2. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass all necessary laws to recover the principal and interest which may be then due the State of Texas by said company or corporation.

On motion the declaration was referred to the Committee on Internal Improvements.

Mr. Faile offered the following declaration:

Declaration, That no property qualification shall ever be required in order to vote or hold office within this State, and

Therefore be it resolved, That all charters, ordinances, or corporate immunities heretofore granted within the limits of the State of Texas be and the same are hereby repealed, in so far as they conflict with this declaration.

On motion the declaration was referred to the Committee on Political or Legislative.

Mr. McCormick moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair, the Committee rose, reported progress, and asked leave to sit again to-morrow at ten o'clock.

Leave granted.

On motion, the Convention adjourned until nine o'clock to-morrow morning.