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Mr. Hamilton, of Bastrop, moved that the rules be suspended to take up resolution.

Carried.

The question recurring upon the adoption of the resolution, it was adopted.

Mr. Thomas moved to take up the business on the President's table.

Carried.

The President announced the first business in order was the report of the Committee on Commerce and Manufactures, with accompanying resolution respecting taxation upon machinery.

Mr. Burnett moved the resolution be postponed until next Thursday, July 2, 1868, at 10 o'clock.

Carried.

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

Carried.

Mr. Armstrong, of Lamar, in the Chair.

Committee rose, reported progress, and asked leave to sit on Monday, at ten o'clock A. M.

Leave granted.

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

CAPITOL, AUSTIN, TEXAS,
JUNE 27, 1868.

Convention met pursuant to adjournment.

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

Mr. Lindsay introduced the following declaration :

Be it declared, by the People of Texas in Convention assembled, That it is the true and the wisest policy of the State of Texas, to grant settlement rights upon the public lands, within its territorial jurisdiction, to every person who will settle, occupy, cultivate and improve the land, in quantities not more than one hundred and sixty acres to the head of a family, and not more than eighty acres to a single person. And that every head of a family, and every single person who will locate and improve any portion of the public land, now vacant within the limits of the State, by actual settlement and improvement, may have the same surveyed by any authorized surveyor, which surveyor shall deliver his plot and certificate of survey

to the locator and settler; and when it shall be presented to the Commissioner of the General Land Office, he shall forthwith issue a patent to the seater, occupier and improver of the land so surveyed as aforesaid.

It is further Resolved, by the Convention, That this declaration, in some form, be embodied in the Constitution.

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

Mr. Lindsay introduced the following declaration :

Be it declared, by the People of Texas in Convention assembled, That one-fourth of the annual tax assessed and collected, as a revenue, by the State, shall be sacredly dedicated to the education of the children living and resident in the State, without regard to race, color and previous condition. And if the said one-fourth of the revenue so assessed and collected, should exceed the sum necessary for the annual accruing wants of the education of the children, the regularly accruing surplus shall be funded and invested in such stock and securities, as may be prescribed by law, the interest of which alone shall be used and applied for educational purposes. But, in no event, shall the money arising from such revenue, and funded interest, be diverted by the Legislature from the purposes of education.

Be it Resolved, That the above declaration be engrafted upon the Constitution.

On motion, the declaration was referred to the Committee on Education.

Mr. Fayle, from Committee on Enrolled Bills, reported the bills numbering respectively from No. 8 to 18, as correctly enrolled.

Mr. Armstrong, of Lamar, presented the following petition, and asked its reference to the Committee on Finance.

TO THE HONORABLE MEMBERS OF THE STATE CONVENTION OF TEXAS, OF 1868.

Petition of S. B. Buckley, for pay for services rendered the State as Assistant State Geologist, in 1861, after April 5, of said year.

Your petitioner states that he was appointed to the office of Assistant State Geologist, by Dr. Francis Moore, with the approval of Gen. Houston, then Governor of the State; and, further, that during the administration of Gov. Houston, in 1861, he left Austin with Dr. Moore, on a geological tour to the coal region of Fort Belknap, and north-westward of said Fort; thence along the frontiers, a large portion of the time beyond the settlements. From whence they

arrived at Austin, on June 15, 1861, and then ascertained that Gov. Houston had been deposed, and, also, that the Geological Survey had been suspended by joint resolution of the rebel Legislature, passed April 15, 1861, all of which was officially unknown to either Dr. Moore, or your petitioner, until their arrival at Austin. As this service was not made in aid of the rebellion, nor has your petitioner ever in the least aided said rebellion; he prays that he may be paid in full for his services, then rendered as Assistant State Geologist for the State of Texas.

He would further state that he was mostly engaged in the business of the survey until the middle of July, 1861, when he left the State and arrived at Philadelphia, where he remained engaged in the study of specimens collected in Texas, pertaining to the natural history of the State, the results of which are partly embodied in his Preliminary Report of the Geological and Agricultural Survey of Texas, published by the last Texas Legislature. Said report has been pronounced an able one by some of the best geologists of the country. It has already done the State much good by making known in part her vast mineral and agricultural resources; therefore it would be no more than just and right that your petitioner should receive the pay of Assistant State Geologist for the six months of his stay in Philadelphia.

Dr. Moore received pay for his services in the survey up to July, 1861, which was collected by his agent, Mr. Swinson. The salary of Assistant State Geologist is fifteen hundred dollars a year in specie.

All of which is respectfully submitted by your petitioner.

S. B. BUCKLEY.

AUSTIN, June 27, 1868.

The petition was referred to the Committee on Finance.

Mr. Leib offered the following resolution :

WHEREAS, It has been the custom of the United States, in some suitable and public manner, to avow a due sense of human obligation, to respect, as of Divine ordination, the day known as the Christian Sabbath; and

WHEREAS, No opportunity more appropriate can ever present itself for the people of this State to make a similar avowal of respect for that day than the present; Therefore be it

Resolved, That the Committee on General Provisions of the Constitution be requested to inquire into the propriety of engrafting in the Constitution of the State of Texas a provision requiring the Legislature to make suitable laws for its due observance.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Mills moved that the business on the President's table be taken up.

Carried.

The President announced the business on the table to be the report of the Committee on Federal Relations, respecting the relinquishment by the State to the United States, of political jurisdiction and right of public domain over El Paso county.

Mr. Hamilton, of Bastrop, moved to re-commit the report to the Committee on Federal Relations.

The President announced the hour had arrived to take up the report of the Committee on Division of the State, made the special order for ten o'clock to-day.

Mr. McCormick moved to postpone the consideration of the report until ten o'clock on Tuesday morning, June 30, 1868.

The yeas and nays were called and resulted as follows :

Yeas—Messrs. Armstrong, of Jasper, Bell, Boyd, Burnett, Caldwell, Carter, Cole, Constant, Fayle, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harne, Kealy, Keigwin, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Smith, of Marion, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—43.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Coleman, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Hamilton of Bastrop, Harris, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kendal, Kuechler, Kirk, Lippard, Long, McWashington, Mullins, Newcomb, Oaks, Patten, Schuetze, Scott, Slaughter, Smith, of Galveston, Sumner, Whitmore, Williams, Wilson, of Milam, Yarrow—43.

So the motion to postpone was lost.

Mr. Bryant, of Grayson, moved a reconsideration of the vote upon the question of postponement.

Mr. Hamilton, of Bastrop, moved to lay the motion on the table.

The yeas and nays were called and resulted thus :

Yeas—Messrs. President, Armstrong, of Lamar, Bledsoe, Board, Bryant of Harris, Butler, Burnett, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Foster, Glenn, Hamilton, of Bastrop, Harris, Hunt, Johnson, of Harrison, Jordan, Kendall, Kuechler, Leib, Lippard, Long,

Mullins, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Talbot, Whitmore, Williams, Wilson, of Milam, Yarborough—40.

Nays—Messrs. Adams, Armstrong of Jasper, Bell, Bellinger, Boyd, Brown, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Fayle, Fleming, Gaston, Goddin, Gray, Grigsby, Hamilton of Travis, Harne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips of Wharton, Rogers, Scott, Smith, of Marion, Sorrell, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—48.

So the motion to lay on the table was lost.

The question recurring on the motion of Mr. Bryant, to reconsider the vote upon the question of postponement, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bellinger, Boyd, Bryant, of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Harne, Johnson, of Calhoun, Kealy, Keigwin, Kirk, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Smith, of Marion, Sorrell, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—48.

Nays—Messrs. President, Armstrong, of Lamar, Bledsoe, Board, Brown, Bryant, of Harris, Butler, Burnett, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Glenn, Hamilton, of Bastrop, Harris, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Leib, Lippard, Long, Mullins, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Talbot, Whitmore, Williams, Wilson, of Milam, Yarborough—40.

So the motion to reconsider was adopted.

The question recurring upon the motion to postpone the consideration of the report of the Committee on Federal Relations until Tuesday next, Mr. Varnell moved the previous question upon the adoption of the motion.

Previous question seconded.

The question recurring, "shall the main question be now put," the main question was ordered.

The question recurring upon the adoption of the motion to postpone, the yeas and nays were demanded, and resulted thus:

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

Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Caldwell, Carter, Cole, Constant, Curtis, Fayle, Fleming, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Smith, of Marion, Stockbridge, Sunner, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—50.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Board, Buffington, Butler, Burnett, Coleman, Degener, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Hamilton, of Bastrop, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Kirk, Leib, Lippard, Long, Mullins, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith, of Galveston, Sorrell, Talbot, Whitmore, Williams, Wilson of Milam, Yarborough—36.

Two-thirds not voting in the affirmative, the Convention refused to postpone the consideration of the report.

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

Carried.

The Convention then went into Committee of the Whole, Mr. Armstrong, of Lamar, in the Chair.

The Committee rose, reported progress, and asked leave to sit on Tuesday morning, at ten o'clock.

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

CAPITOL, AUSTIN, TEXAS,
June 29, 1868.

Convention met pursuant to adjournment.

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

Mr. Degener, Chairman of the Committee on Immigration, made the following report:

COMMITTEE ROOM,
June 28, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Majority of the Committee on Immigration has instructed me to report the following resolutions, to form a part of our new Constitution, to-wit: