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The President announced the next business in order to be the report of the Committee on Internal Improvements, with accompanying resolution.

Mr. Flanagan moved that the consideration of the report of the Committee on Internal Improvements be postponed, and made the special order for Monday next, at 10 o'clock.

Mr. Hamilton, of Travis, offered the following resolution :

Resolved, That the sessions of this Convention shall hereafter be, unless otherwise ordered, from 9 o'clock A. M., until 1 o'clock P. M., of each day.

Mr. Hamilton, of Travis, moved that the rules be suspended to allow consideration of the resolution.

Rules suspended.

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

Amend, "to hold a session from 9 to 1 and from 8 to 10 at night."

Mr. Sumner moved to lay the amendment on the table.

Carried.

Mr. Sumner moved to amend as follows :

Amend, "that no member of this Convention be allowed to speak over thirty minutes at one time."

Mr. Munroe moved to lay the amendment on the table.

Carried.

The question recurred upon the passage of the original resolution.

Mr. Hamilton moved the previous question.

Previous question seconded.

The question recurred "shall the main question be now put?"

The main question was ordered.

The question then recurred upon the passage of the resolution.

The resolution was adopted.

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

CAPITOL, AUSTIN, TEXAS,
July 1, 1868.

Convention met pursuant to adjournment.

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

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

HON. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Style, to whom was referred passed resolutions Nos. 19, 20, 22, 23 and 24, have examined the same, and return them as correct.

CARTER,

Chairman.

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

Be it declared by the Convention :

SECTION 1. That the Governor of Texas be, and he is hereby authorized and requested to enter into negotiations with the Government of the United States, for the cession, by sale, on the part of the State of Texas, to the United States, of all that part of the territory of Texas west and northwest of a line from the northwest corner of Hardeman county, Texas, to the mouth of the Pecos river. *Provided*, that no sale or cession of said territory shall have effect until submitted to and approved by the Legislature of the State of Texas.

SEC. 2. That the Governor of Texas be, and he is hereby authorized and requested, in said negotiations, cession and sale of said territory, that he procure, if possible, a guarantee from the United States, that she will control the Indians in said territory; and that she will, by a line of military posts or otherwise, prevent the thieving excursions of the Indians from said territory ceded to her, and in case of a failure to do so, that the United States will pay for all losses of property in Texas, occasioned by the said hostile and thieving excursions into Texas.

SEC. 3. That the Governor of the State of Texas may employ an agent or commissioner the more speedily to carry out the power herein granted to him; and that the sum of ——— thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury of the State of Texas not otherwise appropriated, and placed at the disposal of the Governor of Texas, to carry into effect the provisions of this declaration.

Referred to Committee on Federal Relations.

Mr. Jordan introduced the following declaration, and asked its reference to the Committee on General Provisions :

Be it declared by this Convention, That the Legislature shall, at the first meeting after the adoption of this constitution, provide, by law, for the punishment of speculation, embezzlement, or public fraud of any kind; and such punishment shall not be less than con-

finement and labor in the penitentiary, or elsewhere, as the law may provide; nor shall such punishment be abated, unless the money or goods so embezzled, or their equivalent, be refunded; nor shall any person so convicted ever hold office in this State thereafter.

Referred to Committee on General Provisions.

Mr. Flanagan, of Rusk, introduced the following declaration:

For the Development of the Riches, Fertility and Commerce of the State.

SECTION 1. *Be it declared,* For the purpose of enriching the planters of the State, and inviting immigrants from other States and countries, that are experienced in the culture of tobacco, that for every hogshead of tobacco that shall be raised in any county in the State, in the years 1869 and 1870, the raiser of the same shall be entitled to, as a premium from the State, out of any portion of the unappropriated public domain, three hundred and twenty acres of land.

SEC. 2. Said hogshead shall in no case weigh less than one thousand pounds, to be put up in good, merchantable manner, and the raiser of one or more hogsheads shall go to the county clerk of the county where he or they may reside, and, with two respectable citizens, make oath that the applicant has raised and put up a hogshead, or hogsheads, of tobacco, as contemplated in the first section; which oaths of the planters and witnesses shall be recorded in the record book of the county.

SEC. 3. Upon the giving of a receipt by the clerk to the applicant, said receipt, with the seal of the county, in proper form, shall be sufficient to authorize the Commissioner of the General Land Office to issue to the holder of said clerk's certificate scrip for the amount of land which, when surveyed on any unappropriated land, shall be patented to the holder of any scrip as above described, as valid by the State.

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

Mr. Hamilton, of Bastrop, introduced the following resolution:

Resolved, That Brevet Major-General J. J. Reynolds, commanding District of Texas, be, and he is respectfully requested to cause the proper accounting officer of the Civil Provisional Government to furnish, for the information of this Convention, complete estimates of the probable receipts into the treasury, and expenditures therefrom, for the year ending July 1, 1869; noting the appropriation made by the Commanding General of the Fifth Military District, by request

of His Excellency the Governor, and of this Convention, in addition to those made by the Legislature of 1866.

Mr. Hamilton, of Bastrop, moved a suspension of the rules to take up resolution.

Rules suspended.

Resolution read a second time and ordered to be engrossed.

Mr. Hamilton, of Bastrop, moved a further suspension of the rules to put resolution on its passage.

Rules suspended.

Resolution read a third time, and passed.

Mr. Thomas offered the following resolution :

Be it resolved, That the Constitution of the State of Texas, as it existed in 1860, be committed to the Judiciary Committee, with instructions to report to this Convention what parts of said constitution, if any, are in conflict with the Constitution and Laws of the United States.

Mr. Evans, of McLennan, moved a suspension of the rules to take up resolution.

Rules suspended.

Resolution read and adopted.

Mr. Lippard offered the following resolution :

Be it ordained by the people of Texas in Convention assembled, That it shall be a sufficient reason for a peremptory challenge to any person as a jurymen, who voluntarily rendered service in the so-called Confederate States Army ; or voted for secession, or aided or abetted, or advised, counseled or sympathized with the so-called Confederate States Government ; or any cotton agent, either State or Confederate ; or agent or contractor, which had for its object the carrying on said rebellion against the United States Government.

Referred to Committee on the Judiciary.

Mr. Harne introduced the following declaration, and asked its reference to the Committee on Education :

Resolved, That the following shall be a provision in the constitution.

SECTION —. The school fund set apart by this constitution, and the fund which may be set apart by future legislation, shall forever remain a sacred trust, solely for the education of the children of Texas, regardless of race or color, or former condition. It is expressly denied unto the Legislature to use the principal or interest thereof for any other purpose than that of education, and the interest accruing on said fund alone shall be disbursed for educational purposes. The Legislature shall provide by law for investing the principal of said fund under and by direction of the Governor.

Referred to Committee on Education.

Mr. Hunt introduced the following declaration, and asked its reference to the Committee on Federal Relations :

DECLARATION.

WHEREAS, Other States of the American Union have given substantial proof, in the bestowal of liberal bounties, that the services of those of their citizens who fought in the National armies, in suppressing the late rebellion, are fully appreciated; and

WHEREAS, Many citizens of Texas were engaged in the same cause, whose services have never been recognized by the State;

Be it, therefore, declared by this Convention, That it is the duty of Texas, in common with other States, to remember those of her citizens who took up arms in defence of the National Government in the hour of danger; and that from the public domain shall be reserved such an amount of land as will allow the following proportion of bounty, to-wit: All who served six months, or under, eighty acres of land; all who served over six months, or under one year, one hundred and sixty acres; all who served over one year, three hundred and twenty acres. And if any citizen of this State, enlisting in the army of the United States during the above period shall have died during or after such service, then his legal representatives shall be entitled to such bounty.

Referred to Committee on Federal Relations.

Mr. Slaughter offered the following resolution :

Resolved, In acknowledgment of our first and greatest obligations due Almighty God, that the Representative Hall be open every Sabbath during the sitting of this body for Divine worship, and that the Chaplain direct the services.

Mr. Slaughter moved that the rules be suspended to put resolution upon its passage. Rules suspended.

The question recurring upon the adoption of the resolution, the Yeas and Nays were ordered and resulted thus :

Yeas—Messrs. President, Adams, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Constant, Curtis, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Harrison, Kealy, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mullins, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Smith of Galveston, Stockbridge, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—56.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Brown, Cole, Coleman, Degener, Downing, Evans of Titus, Fleming, Goddin, Johnson of Calhoun, Jordan, Keigwin, Keuchler, Muckleroy, Mundine, Posey, Ruby, Schuetze, Sorrell, Sumner, Talbot, Thomas, Varnell—26.

So the resolution was adopted.

Mr. Mullins moved a reconsideration of the vote upon the passage of the resolution.

Mr. Smith of Galveston, moved to lay the motion on the table, upon which the yeas and nays were ordered and resulted thus :

Yeas—Messrs. Adams, Board, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Evans of McLennan, Fayle, W. Flanagan, Foster, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Johnson of Harrison, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Oaks, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Stockbridge, Watrous, Whitmore, Williams, Wilson of Brazoria—37.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Butler, Burnett, Cole, Coleman, Degener, Downing, Evans of Titus, Flanagan, Fleming, Gaston, Gray, Harris, Johnson of Calhoun, Jordan, Kealy, Keuchler, Kirk, Mullins, Mundine, Munroe, Newcomb, Pedigo, Posey, Rogers, Ruby, Schuetze, Scott, Sorrell, Sumner, Talbot, Thomas, Varnell, Wright, Yarborough—41.

So the motion to lay on the table was lost.

The question then recurred upon the passage of the resolution.

Mr. Schuetz moved to lay the resolution offered by Mr. Slaughter upon the table, upon which the Yeas and Nays were called and resulted as follows :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Butler, Burnett, Carter, Cole, Coleman, Degener, Downing, Evans of Titus, Flanagan, Fleming, Foster, Gray, Harris, Johnson of Calhoun, Jordan, Keigwin, Keuchler, Kirk, Mullins, Mundine, Munroe, Newcomb, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Sorrell, Sumner, Talbot, Thomas, Varnell, Yarborough—42.

Nays—Messrs. President, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Constant, Curtis, Evans of McLennan, Fayle, W. Flanagan, Gaston, Grigsby, Hamilton of Bastrop, Hunt, Johnson of Harrison, Kendal, Leib, Lindsey, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Oaks, Phillips of San Augustine, Rogers, Slaughter, Smith of Galveston, Stockbridge, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—35.

So the resolution was laid on the table.

Mr. Evans, of McLennan, in the chair.

Mr. Davis, of Nueces, introduced the following declaration :

Declaration to be incorporated into the General Provisions of the Constitution.

SECTION 1. That the action of the (so-called) Convention of the State of Texas, which assembled in the city of Austin, on the — day of February, A. D., 1861, was and is null and void. That all the action of the rebel organization in the State of Texas, under the authority of said Convention, of its Ordinances or its Constitution, whether Legislative, Executive, Judicial or Military, was, and is, hereby declared to be null and void. That no debt or liability, whether for civil or military purposes, or incurred by the action of said Convention, or by the so-called Legislature of said State, or by any department of the so-called government of the same, between the said day of February, 1861, and the — day of August, 1865, shall ever be recognized as obligatory on the people of this State. That the action of the convention which met in Austin on the — day of February, 1866, and of the so-called Legislature which met in Austin on the — day of August, 1866, was without legal authority and only provisional in character.

Provided, however, 1st. That the following laws and parts of laws passed by the assemblages sitting at Austin, and calling themselves Legislatures of the State of Texas, since the said — day of February, 1861, be, and the same are, hereby declared and established as laws of this State, viz: (here Committee on General Provisions will insert by title and chapter or section, (as the case may be) the laws and parts of laws intended to be declared and established.)

2nd. That all such private acts of incorporation or charter, passed by the assemblages mentioned in 1st proviso, and since the said — day of February, 1861, as may have been enacted for a meritorious object, (and not for the purpose of rewarding persons lately in rebellion) where under such acts, operations by the companies chartered, have actually commenced and money been expended in carrying out the purposes of the same, be and the same are, hereby declared and established and made valid ; *Provided*, that this provision shall not be considered as continuing such charters in existence, where, under the terms thereof, the same would have already expired or been forfeited.

3d. That the acts of so-called officers, in solemnizing marriages; in taking acknowledgment and recording deeds and other instruments of writing; the decisions of so-called courts, during the period since said — day of February, 1861, where parties were present in

the State; all contracts made between private parties since said — day of February, 1861; and the acts and proceedings of military and provisional officers and courts since the — day of August, 1865; be and the same are hereby declared and established as valid and of binding force, to the same extent that such acts, decisions, contracts and proceedings would have been, had the enactments or laws under which the same were executed, been legally made, and the said officers been legally authorized to perform the acts or proceedings in question. *Provided*; that loyal men shall not be prejudiced in their rights by this declaration, and that any loyal person or his heirs may, by proper legal proceeding, to be commenced before the 1st day of September, 1869, show proof in avoidance of any contract made since said — day of February, 1861, that through fraud practiced, or threats or violence used towards such person, no adequate consideration for the contract has been received; and also, that any loyal person, or his heirs, may by such legal proceeding, commenced before said 1st day of September, 1869, revise and annul any decision of the courts made since the —day of February, 1861, where through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair and impartial.

On the reading of the declaration offered by Mr. Davis, of Nueces, Mr. McCormick made the point of order that so much of the declaration as is contained in these words :

“That all the action of the rebel organization in the State of Texas, under the authority of said Convention, of its ordinances or its constitutions, whether legislative, executive, judicial or military, was, and is hereby declared to be null and void,” having been definitely acted upon by the Convention could not be again introduced.

The chair decided that the Convention had taken no action, that prevented the introduction of the declaration as presented, from which decision of the President, Mr. McCormick appealed, and the question being put, “shall the decision of the chair be sustained,” the same was decided in the affirmative. So the decision of the President was sustained.

Mr. Davis, of Nueces, moved that 100 copies of the declaration be printed, and that it be referred to the Committee on General Provisions.

Carried.

The President in the chair.

The President announced the hour had arrived to go into Committee of the Whole, upon the report of Committee on the Division of the State.

On motion the Convention resolved itself into Committee of the Whole.

Mr. Evans of McLennan, in the chair.

The Committee rose, and reported that the Committee asked leave to be discharged from the further consideration of the report.

The Committee of the Whole was discharged.

Mr. J. W. Flanagan moved that report of the Committee on Division of the State, with accompanying resolutions, and that the substitute be printed and made the special order for Friday morning at 10 o'clock.

Carried.

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

CAPITOL, AUSTIN, TEXAS,
JULY 2, 1868.

Convention met pursuant to adjournment.

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

Mr. Hamilton, of Travis, Chairman of the Committee on Judiciary, made the following report :

TO THE HON. E. J. DAVIS,

President of the Convention :

The Committee on Judiciary, to whom has been referred the message of the Governor, in regard to the purchase and distribution of Paschal's Annotated Digest of the Laws of Texas, have instructed me to report that they find that the work was prepared by Judge Paschal during the leisure which the unhappy civil war enforced; that it consequently has been prepared with a degree of learning, labor, care and accuracy which so able an author could not afford under other circumstances; that it contains the whole body of our statute laws of force, as well as all the organic and repealed laws, upon which so many rights in Texas rest; that these statutes are noted with the decisions which have interpreted them; arranged in a manner which has no equal in any State; that the numbering of the articles of previous digests have been preserved in a manner which renders the Texas Reports intelligible upon many points, when they would be obscure without such aid; and in a word, that the work is indispensable to the profession and in the administration of justice.

The publication of the work was authorized by the Provisional Governor, and so highly has it been approved by the entire legal