

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.

Be it further declared, That the Committee on General Provisions are hereby instructed to report a general provision, giving such power to the Legislature.

Mr. Flanagan moved the previous question upon the passage of the declaration.

The President announced the reception of the following telegram from the commanding General.

Telegram,

Dated, New Orleans, Louisiana, July 6th, 1868.

Received at Austin, Texas, July 7th, 1868.

To Brevet Major General J. J. Reynolds :

Appropriation of one hundred thousand dollars to defray expenses of Texas Convention, was made in orders on the 2nd instant.

* * * * *

By command of Brevet Major General Buchanan,

(Signed) B. B. KEELER,

Bv't Maj. U. S. A., Ass't Sec. Civil Affairs.

Official copy respectfully furnished the Hon. E. J. Davis, President Texas Constitutional Convention for his information.

J. J. REYNOLDS,

Bv't Maj. Gen. U. S. Army.

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

CAPITOL, AUSTIN, TEXAS,
JULY 8, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Flanagan moved a suspension of rules to take up report of Committee on Political Disabilities.

Rules suspended: report read.

Mr. Jordan asked that the following names be added as an amendment: George W. Jacobs, R. W. Davis, Noah Simmons, C. M. Jones.

Mr. Buffington moved to re-commit the report to the Committee on Political Disabilities.

It was re-committed.

Mr. Hamilton, of Bastrop, moved a suspension of rules to permit the Chairman of the Committee on General Provisions to report.

Rules suspended and report read.

COMMITTEE ROOM,
AUSTIN, July 7, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: The Committee on General Provisions, to whom has been assigned the duty of preparing provisions under that head for the Constitution, have had the same under consideration for some weeks, and have instructed me to report the accompanying "Bill of Rights," with preamble thereto, and sections from 1 to 14, inclusive.

It will be observed that section 3 embodies the substance of ten of the sections in the Bill of Rights in the Constitution of 1845, it being the opinion of your Committee that the inhibitions enumerated in the said ten sections are fully covered by the nine articles mentioned as amendments to the Constitution of the United States, thus dispensing with a long string of sections which are deemed useless.

Your Committee also submit the accompanying 43 sections under the head of "General Provisions," to which the attentive consideration of the Convention is invited. The plan and provisions of the Constitution of 1845, so far as applicable to the altered condition, political and civil, of the people of Texas, and in so far as experience has shown them to have been well chosen and efficient for the ends had in view, have been adopted. A number of new provisions have been deemed necessary and proper, which require no argument.

Your Committee beg leave to ask the careful attention of the Convention to the change proposed in the mode of appointing Assessors and Collectors of Taxes, and of enforcing the collection of the same, so far as lands are concerned, the largest item of taxable property in the State, much of which has hitherto escaped taxation altogether. Your Committee believe that the experience of more than twenty years is decisive as to the waste, inefficiency and expense of the elective system as to collectors of revenue. Competent, honest and prompt business men are required, nay, absolutely necessary, to the faithful discharge of the duties of such a position. These necessary qualifications cannot always, or even ordinarily, be obtained by appointment. The reverse is the rule by election. Indifferent officers increase largely the burden of taxation, and it behooves the State to make provision to remedy the evils under which the people have so long suffered.

So, also, your Committee advise in regard to the annual sales of lands by Assessors and Collectors. The system has not worked well. Titles thus obtained have become so worthless that no one will risk the sum of a single year's tax upon a given parcel of land for a deed in fee simple to the whole tract. Your Committee believe that periodical sales, under decrees of courts of competent jurisdiction, after full notice, and a careful compliance with the provisions of the law, and the lands offered to bidders in small lots or parcels, and the purchaser put into possession at at once, with no right of redemption on the part of the owner, will in a great degree remedy the evils heretofore experienced. At the same time, if the Legislature shall frame the law in the spirit of the sections reported, your Committee deem that the inducements to prompt payment will be found adequate to the wants of the Treasury, while the non-payment of the annual assessments will run at interest from the date, and are a lien upon the land.

Your Committee have been so nearly unanimous in reporting these provisions that great confidence is felt in urging their adoption by the Convention, at least in substance.

Your Committee have also had under consideration, more recently, the declaration of the gentleman from Nueces, on the void action of the pretended authorities of Texas during the years intervening 'twixt the beginning of the rebellion and the resumption of authority by the United States, and have instructed me to report the section numbered 43*. The section embraces substantially everthing contained in the declaration referred, except the validation of pretended laws passed since 28th January, 1861. Your Committee have great repugnance to accepting as valid any law passed by those in rebellion against the government, or to validate any such pretended law, however inoffensive in its character, especially when it is believed that every right honestly acquired during the deranged state of public affairs may be protected under the laws which existed antecedent to the disturbance. If private rights have grown up resting upon any of the pretended laws enacted during the rebellion, it must be some of the special enactments granting privileges or franchises; and your Committee deny the right of the pretended authorities of Texas to act for the people of Texas at any time since the date of secession, so far as the granting franchises, the sale of the property or assets of the State. Such acts require the full sanction of the people, which has not been given in any form which your Committee or the country feel inclined to respect.

There are still other provisions which may be hereafter reported, when your Committee have fully considered upon them. It is

deemed proper to report such as have been prepared, so that they may be printed and in the hands of the members for examination.

All of which is respectfully submitted.

M. C. HAMILTON,
Chairman.

BILL OF RIGHTS.

ARTICLE I.

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected, and the great principles of liberty and equality secured to us and to our posterity, we declare that:

SECTION 1. The Constitution of the United States, and the laws and treaties made and to be made in pursuance thereof, are acknowledged to be the supreme law; that this Constitution is framed in harmony with and subordination thereto; and that the fundamental principles embodied therein can only be changed subject to the national authority.

SEC. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges.

SEC. 3. The inhibitions of power enunciated in articles from one to eight inclusive, and thirteen, of the amendments to the Constitution of the United States, deny to the States, as well as to the General Government, the exercise of the powers therein reserved to the people, and shall never be exercised by the government of this State.

SEC. 4. All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business, or of public resort, or for which a license is required, by either State, county, or municipal authority, shall be deemed places of a public character, and shall be open to the accommodation and patronage of all.

SEC. 5. Importations of inferior races of men, under the name of "Coolies," or any other name or designation, or the adoption of any system of "Peonage," whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State.

SEC. 6. All prisoners shall be bailable by sufficient sureties, unless for capital offences.

SEC. 7. The privileges of the writ of habeas corpus shall not be

suspended, except when in case of rebellion or invasion the public safety may require it.

SEC. 8. No bill of attainder, *ex post facto* law, retro-active law, or any law impairing the obligation of contracts, shall be made; or any law depriving a party of any remedies for enforcing a contract which existed when the contract was made.

SEC. 9. No person shall be imprisoned for debt, except in cases of fraud or defalcation of an office, after verdict and judgment of a court of competent jurisdiction.

SEC. 10. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed or exiled, except by due course of the law of the land.

SEC. 11. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 12. No power of suspending laws in this State shall be exercised, except by the Legislature or its authority.

SEC. 13. The right of citizens to meet for recreation, social intercourse, or amusement, in gardens, parks, upon the common, in club rooms, or anywhere else they may choose, *on any day in the week*, shall not be prohibited by law, provided such meetings do not disturb the public peace, nor interfere with the rights of others.

SEC. 14. To guard against transgression of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

GENERAL PROVISIONS.

SECTION 1. Every person shall be disqualified from holding any office of trust or profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 3. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or commit an assault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the

State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 4. In all elections by the people, the vote shall be by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

SEC. 5. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, where the same shall not have been provided for by pre-existing law.

SEC. 6. No money shall be drawn from the Treasury, but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditure of all public money shall be published annually, in such manner as shall be prescribed by law; and in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 7. Absence on the business of this State, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 8. The Legislature shall have power to provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 9. No member of Congress, or person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 10. The Legislature shall provide for a change of venue in civil and criminal cases.

SEC. 11. It shall be the duty of the Legislature to pass such

laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 12. General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

SEC. 13. The rights of married women to their separate property, real and personal, shall be protected by registration, if personal effects, in the county where the party resides, and if landed property in the county where situated; and no exemption from liability to the creditors of the husband shall be pleaded, unless the record plainly show the property to have been claimed as the separate property of the wife prior to the creation of the debt sought to be enforced.

SEC. 14. The homestead of a family, not to exceed two thousand dollars in value, whether situated in or out of a town or city, may be protected by law from forced sale, for any debts hereafter contracted, except for the purchase money due thereon; and the assent of the wife, if the owner be a married man, shall be necessary to the transfer and alienation of the same.

SEC. 15. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 16. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 17. No law shall be revised or amended by reference to its title; but in such cases the act revised, or section amended, shall be re-enacted, and published at length.

SEC. 18. Taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 19. The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year's assessment.

SEC. 20. Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

SEC. 21. Provision shall be made for the condemnation and sale,

in the year 1875, and every ten years thereafter, of all lands, the taxes upon which have not been paid to that date.

SEC. 22. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

SEC. 23. The aggregate amount of debts hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion or suppress insurrections; and in no case shall any amount be borrowed, except by a vote of two-thirds of both Houses of the Legislature.

SEC. 24. The Legislature shall, at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties.

SEC. 25. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

SEC. 26. No scrip, certificate, or other evidence of State indebtedness, shall be issued, except in redemption of such debts as are expressly authorized in this Constitution.

SEC. 27. The State shall not subscribe to, or become interested in the stock of any company, association, or corporation, nor lend its credit in aid thereof.

SEC. 28. All sales of landed property, made under decrees of courts in this State, shall be offered to bidders in lots of not less than ten nor more than forty acres, except in towns and cities, including sales for taxes.

SEC. 29. Provision shall be made by general laws for the union of persons and the association of capital in every branch of trade and enterprise, as well as for the incorporation of towns and cities, but no special or private corporate privileges shall be granted.

SEC. 30. Annual pensions shall be provided for the surviving veterans of the revolution which separated Texas from Mexico, and for those permanently disabled in the service of the United States during the late rebellion: Provided they entered the service from this State.

SEC. 31. It shall be made obligatory upon each county in this State to support all paupers residing within its limits: Provided that no person able to work shall be deemed a pauper.

SEC. 32. All civil officers in this State shall be removable by an address of two-thirds of the members elect to each House of the Legislature, except those whose removal is otherwise provided for by this Constitution.

SEC. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury, in favor of any person, for

salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under the State or the United States, except as permitted in this Constitution.

SEC. 34. All persons who are now living together, and cohabiting as man and wife, shall be taken and held as lawfully married, to all intents and purposes; and their issue, and the issue of those who have heretofore cohabited and lived together as husband and wife, shall be taken and held legitimate; and the Legislature shall provide by law for the punishment of adultery and concubinage.

SEC. 35. Assessors and Collectors of Taxes for the several counties shall be appointed upon the recommendation of the Comptroller of Public Accounts, made through the Governor to the Senate for confirmation, and shall be removable by the Comptroller, for incompetency, neglect of duty, or malfeasance in office, and successors appointed by him, subject to the action of the Senate.

SEC. 36. No epithet or mark of distinction or reproach, shall appear in any law enacted in this State, or upon the process or docket of any court, characterizing any citizen as of a separate or inferior class, nor any allusion to the color of any citizen, except in laws providing for the computation of statistics of population, births, deaths and marriages.

SEC. 37. Provision shall be made, under adequate penalties, for the complete registration of all births, deaths and marriages, in every organized county of this State.

SEC. 38. No deed of partition, gift, sale, bond for title, or distribution among heirs, or will, shall be admitted to record or probate, which embraces or is designed to dispose of any land, unless the party or parties shall first exhibit receipts for all taxes due upon the property embraced in the instrument to date.

SEC. 39. Every person, corporation or company, that may commit a homicide through wilful act or omission, shall be responsible in exemplary damages to the widow, heirs, legal representatives or creditors, or such of them as there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 40. Limitations may be fixed by law to the recovery of obligations for the payment of money or property: provided, the party pleading limitation shall first make affidavit that the demand has already been paid.

SEC. 41. No limitation to the recovery of parol obligations for money or personal property shall be interposed by statute under four years, or of written contracts under seven years from maturity.

SEC. 42. The right of parties to the recovery of land in the

possession of adverse claimants, shall not be barred under fourteen years, and when the occupant is without title, legal or equitable, no limit to the recovery of the rightful owner shall be interposed.

SEC. 43. Ministers of the Gospel, being by* their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions. Therefore, no minister of the Gospel, or priest of any denomination whatever, shall be eligible to the Legislature.

SEC. 44. Recognizing the principles embodied in the preamble to this Constitution as declaring the true relation which States in the Union bear to the Government of the United States :

Be it declared, That the ordinance of secession, adopted by the so-called Convention of the people of Texas, assembled in the city of Austin on the 28th day of January, 1861, is and was from the beginning null and void ; that all the action of the rebel organization, under the authority of the said Convention, or the so-called Confederate States of America, of which it was a constituent part, its ordinances, constitution, pretended laws and official acts, whether executive, legislative, judicial or military, were and are declared to be null and void ; that no debt or liability contracted or incurred under said authority, after said 28th day of January, 1861, shall ever be recognized as obligatory on the people of this State, nor shall any of the so-called laws or decisions of pretended courts ever have place among the statutes of this State, be classed as "Texas Reports," or read as authority in any of the courts thereof.

Be it further declared, That the Convention which assembled in the city of Austin on the — day of February, 1866, and the so-called 11th Legislature, which convened in obedience to the requirements of the amended Confederate States Constitution, on the — day of August, 1866, were without the sanction of legal authority, and their action having been adopted by the United States, through the Military Commander of the Fifth Military District, may be left to the care of the United States Government. The pretended general laws, passed by the said Legislature, will be respected so long only as the Commanding General shall enforce them as rules of action under his government. The special laws, so-called, enacted by the said body, for the most part designed as rewards for treason, are hereby declared null and void. Nevertheless, along with the vast mass of void action, and the numberless wrongs and outrages perpetrated upon the loyal citizens of the United States, resident and non-resident in Texas, under the sanction of the pretended laws and authorities of the same, during these years of anarchy and misrule, at the same time many acts inoffensive in themselves and

beneficial to citizens, purporting to be official, were attempted to be performed.

Be it therefore further declared, That the acts of the so-called officers in solemnizing marriages, in taking acknowledgments, and recording deeds and other instruments of writing, the decisions of so-called courts, where parties were present in the State and due notice given, and all contracts between private parties, subject to the laws of the United States, since the said 28th day of January, 1861, 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 same been performed by the duly constituted authorities of the State: provided, that neither the State of Texas, the United States, nor any loyal citizen thereof, shall in any manner and to any extent be prejudiced thereby; and further provided, that any loyal person, or his heirs, or legal representatives, may by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said 28th day of January, 1861, when through fraud practiced, or threats, or violence used toward such person, no adequate consideration for the contract has been received, or when through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair or impartial.

Be it further declared, That the statutes of limitation in force in Texas on the said 28th day of January, 1861, both criminal and civil, were from that date suspended by the rebellion, the citizens of the United States being thereby deprived of the remedies provided by law for their protection against such statutes; nor shall any such have force and effect in Texas until one year after the adoption of this Constitution by the Congress of the United States, or until peace shall have been declared by the said Congress.

The first Legislature convened under this Constitution is hereby required to take final action upon the joint resolution of the United States Congress, known as the Fourteenth Amendment of the Constitution of the United States, and until such action has been taken by the Legislature, no money shall be drawn from the treasury in payment of the per diem and mileage of the members.

SEC. 45. The Legislature shall give effect to the foregoing general provisions, and all other provisions of this Constitution which require legislative action, according to their spirit and intent, by appropriate acts, bills, or joint resolutions.

Mr. Hamilton, of Bastrop, moved that the report be printed and

made the special order for Wednesday, July 29, 1868, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong, of Lamar, Bellinger, Bledsoe, Brown, Bryant, of Grayson, Bryant, of Harris, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Degener, Downing, Fleming, Foster, Gray, Grigsby, Hamilton, of Travis, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams—52.

Nays—Messrs. Adams, Armstrong, of Jasper, Bell, Board, Buffington, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Harris, Keigwin, Kirk, Leib, Mackey, Mills, Muckleroy, Mundine, Phillips, of *Wharton, Scott, Varnell, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—27.

So the motion prevailed.

Mr. Gray presented a petition from citizens of Titus and Davis counties, asking the formation of a new county out of portions of said counties.

Referred to Committee on Counties and County Boundaries.

Mr. Smith, of Galveston, from the special committee appointed to visit the Blind Asylum, made the following report :

AUSTIN, Texas, July 8, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: The special committee appointed to visit the Blind Asylum and witness the exhibition, respectfully report that they have performed that duty; that the examination was in the highest degree creditable to both teachers and pupils; that the organization and management of the institution, under the superintendence and direction of Dr. Baker, shows that with the limited means at his command, nothing has been neglected to elevate all those under his care in religious, moral and intellectual culture; that their personal comfort and welfare receives from all the most careful attention; and that cleanliness and good order are everywhere apparent.

Your committee, however, regard the appropriations for that institution altogether insufficient to provide for the necessary wants of the pupils. Suitable apparatus and books are greatly needed. The salary of the Superintendent ought to be increased, at least, upon the same footing with the salary of the Superintendent of the

Deaf Mute Institution. The duties are equally responsible and onerous; and the deaf mutes have forty acres of land to cultivate, and thus save much expense in living by the application of the labor and the vision of the inmates; whilst the Superintendent of the Blind has neither land or labor to assist in supporting the charge under his care. Therefore the appropriations ought to be governed by these considerations. Your committee would respectfully offer the following statement, and ask that the accompanying resolution do pass:

STATEMENT IN REGARD TO THE INSTITUTION FOR THE BLIND.

Attendance for the last session—Highest number, nineteen; lowest, fifteen; average, seventeen.

Appropriation for 1867 and 1868, ten thousand dollars, or five thousand dollars per year.

Appropriation for pay of Superintendent for 1867 and 1868, two thousand dollars, or one thousand dollars per year.

The buildings are scanty and out of repair.

There are dormitories in the main house, by putting four beds in a room, that will accommodate sixteen female pupils.

There are dormitories in the wings and over the school room which may accommodate fourteen male pupils.

According to this estimate, every bed must contain two inmates, and not a spare bed for the sick or for a visitor.

For the musical department a piano is needed.

All the windows need blinds.

Five hundred dollars' worth of books in raised print are needed, in addition to what has been ordered.

One of the cisterns must be repaired, if it can, or rebuilt, as it has become almost entirely useless to hold water.

There is no land attached to the institution except what is included in the court yard containing the buildings.

The distance from town is so great that in summer and all times in bad weather, the pupils cannot walk to church. There should be an ambulance and team provided for this and other purposes.

Therefore, resolved, That the Provisional Government of the State of Texas be requested to appropriate a sufficient amount of money to purchase the necessary books, apparatus, and instruments necessary for the wants of the blind pupils, for the repairs and improvements suggested in the foregoing statement; and that the salary of the Superintendent be not less than the sum of fifteen hundred dollars per annum.

ROB. K. SMITH,
Chairman Special Committee.

Mr. Patten offered the following resolution :

WHEREAS, The copies of the Daily Austin Republican contracted for have not, in a single instance, been delivered in accordance with the terms of the contract, nor have they contained the debates as promised; and

WHEREAS, Such scraps of debates as have appeared in the said Austin Republican are disconnected, unfair, and well calculated to mislead the public; and

WHEREAS, Other expenditures unauthorized by this body have been illy considered with reference to the ability of the treasury to meet the drafts made upon it; therefore, be it

Resolved, That the reporter appointed be discharged from further service in this Convention; that all the newspapers ordered be discontinued from this date; that the Committee on Finance consider and report without delay the propriety of so reducing the number of employes of various grades so that those retained may have room to tread their way through the hall.

Mr. Hamilton, of Travis, moved the rejection of the declaration, upon which the yeas and nays were called and resulted thus :

Yeas—Messrs. Adams, Armstrong of Lamar, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Fayle, Fleming, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Kealy, Kendal, Lindsay, Mackey, McCormick, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Marion, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wright—39.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Cole, Constant, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Mullins, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith of Galveston, Talbot, Varnell, Whitmore, Williams, Wilson of Milam—40.

So the motion to reject the resolution was lost, and, upon motion, the resolution was referred to the Committee on Finance.

Mr. Mundine offered the following declaration :

Be it declared by the people of Texas in Convention assembled, That the following shall be a section of the Constitution of the State of Texas, known as

SECTION —, of Article —. Every person, without distinction of sex, who shall have arrived at the age of twenty-one years, and who

shall be a citizen of the United States; or is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the State of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he or she offers to vote (Indians not taxed excepted), shall be deemed a qualified elector. And should such qualified elector happen to be in another county, situated in the district in which he or she resides at the time of an election, he or she shall be permitted to vote for any district officer; *provided*, that the qualified electors shall be permitted to vote anywhere in the State for State officers; and *provided*, further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this constitution.

Mr. Johnson, of Calhoun, moved that the declaration be rejected.

Mr. Slaughter moved a call of the House.

Call of the House sustained.

Mr. Smith, of Galveston, moved a suspension of call.

Call suspended.

The question being upon the rejection of the declaration, offered by Mr. Mundine, the yeas and nays were called and resulted thus:

Yeas—Messrs. Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Coleman, W. Flannigan, Gaston, Grigsby, Hamilton of Travis, Leib, Long, McWashington, Muckleroy, Phillips of Wharton, Posey, Sumner, Talbot, Thomas, Williams, Wilson of Milam, Wright—22.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Harris, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Fleming, Foster, Glenn, Gray, Harris, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Lindsay, Lippard, Mackey, McCormick, Mills, Morse, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria—59.

So the motion to reject was lost, and upon motion the declaration was committed to the Committee on State Affairs.

Mr. Varnell offered the following resolution:

Resolved, That the Legislature may be authorized and empowered to pass laws prohibiting the sale of spirituous and intoxicating liquors within certain limits of colleges and seminaries of learning; provided, said colleges and seminaries are not located at county sites or State capitals.

It was referred to Committee on General Provisions.

Johnson, of Harrison, offered the following declaration :

Be it declared by this Convention, That no person shall be eligible to the office of Judge of the Supreme, District, or Criminal Courts of this State, who, besides possessing the necessary moral qualifications, shall not also have been admitted as an attorney and counselor at law in the Supreme Court of this State.

It was referred to the Committee on Judiciary.

Mr. Kuechler offered the following resolution.

Be it Resolved by the people of the State of Texas in Convention assembled, That it is the true and wisest policy of the State of Texas, to relinquish all right which the State may have to mineral substances above and beneath the surface of the earth, to every person who is working any mine according to laws already passed, or which the Legislature may hereafter pass.

Resolved, 2. That the Committee on Public Lands be instructed to report a declaration in conformity with the principles set forth in this resolution.

Laid over one day under the rules.

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

WHEREAS, The acts of the Legislature for the session A. D. 1866, is filled with acts of incorporation, making special and magnificent grants and privileges to men generally engaged in rebellion, and

WHEREAS, These numerous grants and special incorporation privileges were intended as distinguishing rewards and premiums for treason to the Government of the United States; therefore

Be it declared by the people of Texas in Convention assembled, That all acts of incorporation made and granted by the said Legislature of the State of Texas, for the year A. D. 1866, be and the same are hereby declared null and void, except the following acts of incorporation: Institutions of Learning, Orphan's Home, Towns and Cities, Bridges, Companies, Wharf and Press Companies, Established Ferries, Mills, Fire Companies, Chambers of Commerce, Ice Companies, Odd Fellows and Masons.

Referred to the Committee on General Provisions.

Mr. Munroe offered the following resolution.

Resolved, That the Committee on the Judiciary are hereby instructed to inquire into the expediency of the adoption of a declaration or resolution, declaring null and void, and of no effect, all notes, judgments, and promises to pay whatever, given, obtained, or made for the purchase of slaves, since the date of emancipation proclamation.

Mr. Long offered the following resolution:

WHEREAS, The custom of carrying concealed weapons is openly indulged by spectators and others who visit this Convention, in the lobbies and elsewhere; therefore be it

Resolved, That the Convention do order that no person shall hereafter be allowed in this hall, who carries belted on his person, revolvers or other offensive weapons.

Mr. Carter moved the suspension of the rules for the consideration of the resolution.

Rules suspended.

Mr. Lindsay offered the following amendment to the resolution:

Resolved, further, That the Sergeant-at-Arms is hereby ordered to see to it, that this order is strictly observed.

The question being upon the adoption of the amendment, it was adopted.

Mr. Buffington moved to amend by inserting "deadly," instead of "offensive."

Amendment adopted.

The question recurring upon the adoption of the resolution as amended, it was agreed to.

Mr. Thomas moved a suspension of rules to take up resolution respecting the discontinuance of all papers taken by the Convention, except 500 copies of the Austin Republican.

Rules suspended.

Mr. Hunt moved its reference to the Committee on Finance.

Mr. Lindsay moved to lay the resolution offered by Mr. Thomas on the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Bellinger, Brown, Buffington, Carter, Coleman, Fayle, Fleming, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Kealy, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze,

Scott, Smith of Marion, Stockbridge, Watrous, Wilson of Brazoria, Wright—35.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kuechler, Kirk, Lippard, Long, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith of Galveston, Sumner, Talbot, Thomas, Varnell, Whitmore, Williams, Wilson of Milam, Yarborough—46.

So the Convention refused to lay the resolution upon the table.

The question recurred upon referring the resolution to the Committee on Finance.

Lost.

Mr. Hamilton, of Travis, moved its reference to the Committee on Contingent Expenses.

The Convention refused to refer the resolution to that committee.

Mr. Evans, of McLennan, moved the previous question, upon the adoption of the resolution.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Johnson of Harrison, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, Long, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Posey, Smith of Galveston, Talbot, Thomas, Varnell, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. President, Armstrong of Lamar, Bell, Brown, Buffington, Fayle, Fleming, Grigsby, Hamilton of Travis, Harris, Harne, Kealy, Lindsay, Mackey, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Smith of Marion, Stockbridge, Watrous, Wilson of Brazoria—29.

So the main question was ordered.

The question recurring upon the second reading of the resolution, Mr. Mills moved a call of the House.

Call seconded.

Mr. Smith moved a suspension of the call of the House, upon which the yeas and nays were demanded.

Pending the vote, the Convention adjourned under the rules, until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
July 9, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Varnell offered the following protest :

HON. E. J. DAVIS,

President of the Convention :

The subscribers to this protest respectfully state that some of them are members of the Committee on General Provisions, and that the honorable Chairman of said committee made a report to the Convention to-day, July 8th, and moved that it be made the special order for the 29th day of July, 1868; we cannot see the propriety for this delay. The labor of the committee had been well matured, and if this most important part of a constitution cannot be considered for the next twenty days, it does seem to your protestants that we had better adjourn *sine die*.

This thing of remaining in session here, at an enormous expense, and the work on General Provisions suspended for twenty days, seems to us that something else must be contemplated outside of regular constitution making; and for the purpose of showing our opposition to the postponement of the action contemplated, we respectfully ask that this protest may be spread on the records.

W. M. VARNELL,
WM. J. PHILLIPS,
J. W. FLANAGAN.

Mr. Morse offered the following declaration :

WHEREAS, An immense amount of quackery exists in this State in the practice of medicine and surgery, much to the detriment of the good people thereof; therefore

Be it declared by this Convention, That the following shall be a section of the new Constitution, viz: No person shall practice