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Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas.*

*Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.*

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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.

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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

medicine or surgery in this State who has not a diploma from some chartered medical college.

On motion, the declaration was referred to the Committee on General Provisions.

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

*Resolved*, That the following shall be a section of the Constitution :

SECTION.—It shall be the duty of the Legislature at its first session, to provide for the levying of a special road tax, and prescribe rules and regulations for the expenditure thereof, for keeping the public roads in the county in good repair, and the building of bridges.

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

*Resolved*, That the following shall be a section of the Constitution :

SECTION.—The homestead of any citizen of this State, who is the head of a family, shall not be subject to sale or alienation, except in the special manner provided for by law, for the alienation thereof, by husband and wife, except for taxes imposed by law, and for the mechanics' lien for labor done and performed; and it shall be the duty of the Legislature to provide for the enforcement of such liens.

Referred to Committee on General Provisions.

Mr. Bryant, of Harris, offered the following resolution :

*Be it resolved by the people of Texas, in Convention assembled*, That all laws granting the public lands to railroad companies are hereby repealed, and all charters of said railroads in Texas are declared null and void, excepting where such charters have been strictly complied with, both in letter and spirit.

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

Mr. Varnell offered the following declaration :

*Resolution Defining the Qualifications of Legislators.*

*Resolved*, That no person shall be a member of the House of Representatives who shall not have attained the age of twenty-five years, and who has not been a citizen of the State of Texas for five years, and who has not resided in the county or district from which

he may be chosen to represent for the last two years next preceding his election; and said representative shall be a qualified elector, as provided in this Constitution.

SEC.—No person shall be a member of the Senate who shall not have attained the age of thirty years, and who has not been five years a citizen of the State of Texas, and who has not been a resident of the county or district he may be chosen to represent, the last two years next preceding his election; and said Senator shall be a qualified elector, as provided in this Constitution.

No person shall be elected as representative to the Congress of the United States, from this State, who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and have all other qualifications requisite for a member of the State Legislature.

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

Mr. Bryant, of Grayson, offered the following declaration :

*Be it ordained and declared*, That this Convention was elected by the qualified voters of this State for the purpose of framing organic laws, therefore

*Be it resolved*, That this Convention will not legislate on any subject further than may be necessary to carry out the true intent of said Convention.

On motion, the declaration was referred to the Judiciary Committee.

Mr. Munroe offered the following declaration :

*Be it declared by this Convention*, That no *ex post facto* law, or law impairing the obligations of contracts, shall be passed, and that all laws postponing or obstructing the collection of debts are hereby declared palpable violations of this provision.

On motion, the declaration was referred to the Committee on General Provisions.

The President announced the business first in order was upon the passage of the resolution offered by Mr. Thomas, discontinuing the newspapers now furnished the Convention, except five hundred copies of the Austin Republican.

Mr. Flanagan moved the previous question upon the adoption of the resolution.

Previous question seconded.

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

Mr. Buffington moved a call of the House.

Call seconded.

Mr. Burnett moved a suspension of the call of the House.

Carried.

Upon the question, " Shall the main question be now put ? " the main question was ordered.

The question recurring upon the second reading of the resolution, the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Adams, Armstrong, of Jasper, Bellinger, Bledsoe, Board, Bryant of Harris, Burnett, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Keigwin, Kendall, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Mullins, Newcomb, Oaks, Patten, Posey, Smith, of Galveston, Sorrell, Thomas, Varnell, Whitmore, Williams, Wilson, of Milam—40.

Nays—Messrs. President, Armstrong of Lamar, Bell, Brown, Bryant, of Grayson, Buffington, Carter, Fayle, Fleming, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Johnson, of Calhoun, Jordan, Kealy, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips, of Wharton, Phillips of San Augustine, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Marion, Stockbridge, Sumner, Watrous, Wilson, of Brazoria, Wright, Yarborough—39.

So the resolution passed its second reading.

Mr. Evans, of McLennan, moved a reconsideration of the vote, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Grayson, Buffington, Carter, Evans, of McLennan, Fayle, Fleming, Gray, Hamilton, of Travis, Harris, Harne, Jordan, Kealy, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Munroe, Newcomb, Patten, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Schuetze, Scott, Smith, of Marion, Stockbridge, Sumner, Thomas, Watrous, Wilson, of Brazoria, Wilson, of Milam.—40.

Nays—Messrs. Adams, Armstrong, of Jasper, Bellinger, Board, Bryant of Harris, Burnett, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans, of Titus, Flanagan, Flanagan (Webster), Foster, Gaston, Glenn, Grigsby, Hunt, Johnson, of Calhoun, Keigwin, Kendal, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Mullins, Oaks, Posey, Smith, of Galveston, Sorrell, Talbot, Varnell, Whitmore, Williams, Wright, Yarborough.—40.

So the motion to reconsider was lost.

Mr. Burnett moved a suspension of rules, to put resolution on its passage.

Rules suspended.

Mr. Burnett offered the following amendment :

Amend by striking out " 500 " and inserting " 1000. "

Mr. McCormick moved to re-commit the resolution to the Committee on Printing.

It was so referred.

Mr. Burnett moved to proceed to the consideration of the business on the President's table.

Carried.

The President announced that the first business in order was the report of the Committee on Federal Relations, upon the resolution of Mr. Mills, ceding the county of El Paso to the United States.

Mr. Mills moved to postpone consideration of the report until Saturday, the 11th inst., at 10 o'clock.

Carried.

The President announced the next business in order was the substitute of Mr. Hamilton, of Travis, to the report of the Committee on Division of the State.

Mr. Thomas moved the whole matter be indefinitely postponed, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Buffington, Cole, Evans of McLennan, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Harne, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Mundine, Munroe, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam.—42.

Nays—Messrs. President, Adams, Bledsoe, Bryant, of Harris, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Hamilton, of Travis, Harris, Hunt, Johnson, of Calhoun, Jordan, Kendal, Kuechler, Lippard, Long, Muckleroy, Mullins, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore, Wright, Yarborough.—38.

So the motion to postpone prevailed.

Mr. Mills moved to reconsider the vote and to lay that motion upon the table.

Mr. Slaughter moved a call of the House.

Call sustained.

Mr. Munroe moved the call be suspended.

Carried.

Mr. Mills withdrew the motion to lay upon the table, by leave of the Convention.

Mr. Ruby moved a suspension of rules as to adjournment of Convention at 1 o'clock.

Convention refused to suspend the rules.

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

CAPITOL, AUSTIN, TEXAS,  
JULY 10, 1868.

Convention met pursuant to adjournment.

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

The President announced the following communication from Brevet Major-General J. J. Reynolds, transmitting reports from Comptroller :

HEADQUARTERS DISTRICT OF TEXAS,  
Austin, Texas, July 9, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: I have the honor to transmit herewith statements from the Acting Comptroller, giving the information called for by resolutions of the Convention dated July 1, 1868.

I am, Sir,

Very respectfully,

Your obedient servant,

J. J. REYNOLDS,

Brevet Major-General U. S. A.

COMPTROLLER'S OFFICE,

Austin, Tex., July 6, 1868.

His Excellency E. M. PEASE,

Governor of Texas :

SIR: I have the honor to acknowledge the receipt of your communication of the third instant, requesting that I transmit to the Executive Office, as early as practicable, the information desired by the following resolution, passed by the Constitutional Convention on the first instant, to-wit :

*Resolved*, That Brevet Major-General J. J. Reynolds, commanding District of Texas, be, and is hereby 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