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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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Yeas—Messrs. President, Adams, Armstrong of Lamar, Bledsoe, Board, Brown, Buffington, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Harris, Hunt, Johnson, of Calhoun, Jordan, Kealy, Kendall, Kuechler, Leib, Lippard, Long, McWashington, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Vaughan, Whitmore, Williams, Yarborough—47.

Nays—Messrs. Armstrong, of Jasper, Bell, Bellinger, Bryant, of Grayson, Cole, Coleman, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harne, Keigwin, Lindsay, McCormick, Mills, Morse, Mundine, Phillips, of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Talbot, Thomas, Watrous, Wilson, of Brazoria, Wilson, of Milam, Wright—31.

So the vote was reconsidered.

Mr. Pedigo moved the subject be made the special order for Wednesday, July 13, at ten o'clock.

Lost.

Mr. Degener moved to make it the special order for Monday, at ten o'clock, upon which the yeas and nays were called.

Pending the vote, the Convention under the rules adjourned till Monday morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 13, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Smith, of Galveston, presented a petition from H. Rodefled, and asked its reference to the Committee on General Provisions.

To the Honorable Convention of the State of Texas,
Now in Session at the City of Austin.

The petition of Henry Rodefled, a resident citizen of the county of Galveston, and State of Texas, respectfully represents :

That your petitioner, on the day of 1861, a the city of Galveston, in said State, intermarried with one Catherine Cordes ; that said Catherine lived with your petitioner for about three months, and then left his home, being impelled thereto by an aberration of intellect, amounting to insanity ; that as her husband and protector, your petitioner sought her out and compelled her to

return to his home and protection ; that subsequently the said Catherine became completely insane, and with the consent of your petitioner was placed in charge of her brother, to whom she was very much attached ; that in the year 1862, her insanity assumed such a serious shape, and seemed so hopelessly permanent and incurable, that she was consigned to the Asylum at the city of Austin, provided for insane persons, and that since said year 1862, she has remained in said Asylum, in the same condition as to mind as when she was placed there, and without any hope on the part of petitioner, or her relations, that her reason will ever be restored.

Your petitioner further states that since his intermarriage with the said Catherine Cordes, he has learned that before his marriage with her, she was often and frequently insane, but that she had intervals of apparent soundness of mind ; of which fact your petitioner was wholly ignorant at the time of his marriage with her.

Your petitioner further states that the said Catherine, at the time of his marriage with her, had such an interval of apparent soundness of mind as to entirely and perfectly deceive him as to the condition of her mind ; so much so as to induce him to believe that the said Catherine had been during her whole life, of sound mind, and especially that she was of sound mind at the time of her marriage with your petitioner ; and your petitioner, under this belief, entered into said marriage with the said Catherine.

And your petitioner is advised by counsel learned in law, and he so believes, that if the said Catherine had such a lucid interval of soundness of mind at the time of said marriage, as would have rendered her competent to enter into and make a valid contract, then the said marriage was valid and binding upon your petitioner, for the reason that the consent required by law to make a valid contract in such an event was given, and that his marriage contract with the said Catherine would be held valid in such an event, even though she had been frequently insane before her marriage, and subsequently became wholly insane.

And your petitioner further states that such was the character of the lucid interval or period of soundness of mind of the said Catherine, at the time of marriage, that it would be impracticable, if not impossible, to prove conclusively to the satisfaction of a jury, that she was of such unsound mind at the time of marriage as to render her incompetent to enter a valid marriage contract.

Your petitioner is further advised by counsel, and so believes, that he is without relief or remedy either in the Legislature or in the courts of the country, by enacting or decreeing a divorce, for the following reasons, to wit :

1. The Constitution of the State prohibits the Legislature from granting divorces.—*Art. VII., Sec. 13, of the Constitution.*

2. The courts of the country have not been invested with the power to grant divorces on account of insanity.—*See Article 607, O. & W. Digest.*

3. Though at Common Law a marriage contract is void if at the time of marriage one of the contracting parties is of such unsound mind as to render him or her incompetent to enter into a valid contract, and the courts have the power to declare such marriage contracts void on the ground of want of capacity to consent in such party. But, as already stated, if such contracting party, at the time of marriage, was of such sound mind as to be competent to contract, then such marriage is valid, though such party was insane before the marriage, and subsequently became permanently insane. And it has been already stated that the said Catherine was, at the time of said marriage, of such apparent soundness of mind as to be competent to enter into a valid contract, and that it would be impracticable, if not impossible, to prove satisfactorily to the contrary.

Wherefore your petitioner respectfully submits that he, being without relief or remedy in the Legislature or courts of the country, presents an equitable case for the interposition of the extraordinary powers of this Convention in his behalf. Wherefore he prays that the honorable Convention do ordain and declare that the bonds of matrimony between your petitioner and the said Catherine Cordes be forever dissolved.

All of which is respectfully submitted.

H. RODEFELD.

THE STATE OF TEXAS, }
COUNTY OF GALVESTON. }

Before the undersigned, Edward T. Austin, a Notary Public in and for said State and county, this day came and appeared Henry Rodefeld, to me personally well known, who having been by me duly sworn upon oath, said the facts set forth in the foregoing memorial and petition, are true, and at the same time, in my presence, subscribed said memorial and petition.

To certify all of which, I hereto subscribe my official signature as such Notary Public, and affix my seal of office at the city of Galveston, Texas, this the sixth day of July, A. D., 1868.

EDWARD T. AUSTIN,
Notary Public for Galveston County.

TEXAS STATE LUNATIC ASYLUM,
July 10, 1868.

Mrs. Catherine Rodefeld, lunatic, in this institution, was stated to have been insane five years at the time of her admission into the Asylum, June, 1862, constituting now a period of eleven years; and while most medical superintendents regard cases of insanity of over one year's standing very doubtful of recovery, experience has shown that some cases of protracted insanity do recover; yet our prognosis in the case of Mrs. Catherine Rodefeld is unfavorable to a cure, or mental amelioration.

B. GRAHAM, M. D.,
Superintendent Lunatic Asylum.

THE STATE OF TEXAS,
COUNTY OF GALVESTON.

The undersigned having been duly sworn upon oath, say that Catherine Cordes, wife of Henry Rodefeld, was, before her marriage to him, in 1861, often and frequently insane—that is, out of her right mind; and that after his marriage to her she became completely insane, and is now, as we are informed and believe, confined in the Insane Asylum, at Austin, Texas, as hopelessly insane.

M. MARI WALSTEIN.

Sworn to and subscribed before me at Galveston, this, 20th day of June, 1868.

Witness my hand and notarial seal this 20th day of June, 1868.

[L. S.]

EDWARD T. AUSTIN,
Notary Public, for Galveston county.

STATE OF TEXAS,
COUNTY OF GALVESTON.

The undersigned, citizens of the State of Texas, and county of Galveston, certify that we have known Henry Rodefeld for the last ten years, as a citizen of said State and county; that he has always promptly discharged his duties as a good and loyal citizen to the United States and to the State of Texas, and would favorably recommend him to the consideration of the Convention now in session, at the city of Austin, Texas, in the matter of his application for a divorce from his wife, Catherine Rodefeld, now confined in the Insane Asylum, at Austin, as hopelessly insane.

H. Mauritz,

K. P. Brockerson,

H. C. L. Asdroff,

H. Rosenberg,

Peter Bock,

John Schmidt,

Adam Wallstein,

Christ Werner,

Henry Muller,

Louis Sgriess,

C. A. Kauffman,
 M. Schurttlerle,
 R. B. Dorwell,
 Hiram Close,
 G. A. Jones,
 Geo. Plitt,
 Ph. Werdebrergson,
 F. Klauss,
 —. Rottshafer,
 G. Schwarzbark,
 H. Korp,
 Samuel Wallstein,
 Gorg Pfluger,

A. Sagray,
 Peter Dunluk,
 P. Noenis,
 L. Wernberg,
 H. Muller,
 H. Wedemeyer,
 J. Prusslar,
 W. Greve,
 F. Thiesfeldt.
 Jose Gonzales y Martinez,
 John Hayes,
 W. Welitz,
 John Westerlage, City Marshal.

STATE OF TEXAS,
 COUNTY OF GALVESTON.

We, the undersigned, citizens and residents of said State and county, hereby certify under oath that we have known Henry Rodefeld, as a citizen of said State and county, for several years past; that he is an honest, hard-working man, and makes a living by draying in the city of Galveston, Texas; and that, according to our best information, judgment and belief, all his property in this State and elsewhere does not exceed in value the sum of three hundred dollars.

GEORGE PORSELL,
 LOUIS WEIMBURG,

Subscribed and sworn to before me this 6th day of July, 1868.
 Witness my hand and notarial seal this 6th day of July, 1868.
 [L. S.]

EDWARD T. AUSTIN,
 Notary Public, for Galveston county.

THE STATE OF TEXAS,
 COUNTY OF GALVESTON.

I, Henry Rodefeld, of said State and county, upon oath say that I am now and for a long time have been making my living by driving a dray, in the city of Galveston, Texas, and that all my property and means in this State and elsewhere does not exceed in value the sum of three hundred dollars.

H. RODEFELD.

Subscribed and sworn to before me this 6th day of July, 1868.
 Witness my hand and notarial seal this 6th day of July, 1868,
 [L. S.]

EDWARD T. AUSTIN,
 Notary Public, for Galveston county.

Mr. Evans, of McLennan, Chairman of the Committee on Federal Relations, made the following report:

Hon. E. J. DAVIS,

President of the Convention :

SIR : Your Committee on Federal Relations, to whom was referred a declaration introduced by Mr. Vaughan, of Guadalupe county, and a declaration introduced by Mr. Hunt, of Comal county, both looking to a recognition of the services of those citizens of Texas who participated as soldiers in the armies of the United States in the suppression of the late rebellion, ask permission to report to this body : That in view of the fact that this Convention has no money at its control, save perhaps the amount necessary to meet the actual expenses of the body ; they have substituted the declaration of Mr. Hunt, which proposes bounties in land, for the declaration of Mr. Vaughan, proposing bounties in money to said soldiers.

After making this substitution and carefully examining the provisions thereof, we have concluded to embody the same in a substitute, and ask that it be adopted by this Convention.

Your Committee are entirely aware that the donations now proposed are mere pittance, not enough to excite the cupidity of the most devoted public economist, or to be considered any real compensation to those to whom they are given. Yet such donations constitute a recognition of the services of those citizens, which will be very grateful to them, their families and friends.

We think it safe to affirm that no men, in any age or country, and under similar circumstances, ever exhibited a purer patriotism, or a more devoted self denial, than did those citizens of Texas who left their all behind them—their families to insult and contumely—their property to the avarice and prey of “ Receivers ” and “ Confiscating Judges,” and their names to be handed down to infamy as “ renegades,” in case the rebellion was a success, and boldly followed the true flag. A night of treason rested on the land of their homes. The flag under whose ægis they were born was trailing in the dust in the South, and had met reverses in battle ; yet, amid the desolation of the hour, they were firm. Such devotion—such love of country challenges our admiration and demands our recognition, and we recommend it to be given in acts that live and breathe.

Your Committee do not intend or mean to cast obloquy upon other sons of Texas by a recognition of these. No, we would rather “ strew flowers upon the graves ” of the Confederate dead. We would remember and cherish their virtues, rather than inflict pain upon the feelings of their friends, admirers, and relatives ; and we know it is the desire of this Committee, and in fact of all good

men, soon to have an opportunity to see and mark a devotion as true and noble, to the old flag of their country, on the part of the late erring sons of Texas, as they gave to the "Lost Cause."

But no feelings of this nature can induce the withholding of justly merited compliment and recognition. A grateful country and people will wipe from the land of those men, and their wives, and their children, the word "renegade," and write instead thereof the talismanic words, "noble sons of Texas."

We will add our aid, if needs be, to have it written in history, upon tablets of stone, and in the hearts of our people, that devotion to the flag of the United States can never bring reproach to the devotee.

A. J. EVANS,

Chairman of the Committee on Federal Relations.

WHEREAS, During the late rebellion, many persons residing in Texas took up arms, and did good services in the armies of the United States, as members of the First and Second Regiments of Texas Cavalry, and in other organizations; and

WHEREAS, The State of Texas has never heretofore recognized the services of these men in any public manner, as has been done by all the other States of the Union, as to their soldiers; and

WHEREAS, These soldiers of Texas in the Union armies have been mercilessly slandered in their good names, and plundered in their property; be it, therefore, declared:

SECTION 1. That every officer and soldier, a resident of Texas at the time of volunteering, and who served as officer, non-commissioned officer, or private, in the First and Second Regiments of Texas Cavalry, Union forces, or in other organizations of Union forces, during the late rebellion, and who died in the said service, or were honorably discharged, shall receive a bounty of land from the State of Texas, as follows: Those who served for a period of six months, or less, shall receive eighty acres of land; those who served for a period of six months or over, and less than twelve months, shall receive one hundred and sixty acres of land; those who served a period of twelve months, or over, shall receive three hundred and twenty acres of land.

SEC. 2. That the Commissioner of the General Land Office of Texas shall issue to the persons entitled thereto, under this declaration, the certificates herein named, upon the presentation, to him, of the authenticated discharge of the person claiming the same; and in case of a loss of said discharge, or a failure to get it, or the death of the applicant before discharge, said certificates for land shall be

issued upon a compliance with such rules as the Commissioner of the General Land Office may make, which he is authorized to do.

SEC. 3. The wife, children, or mother and father, or any of them, according to the laws of descent and distribution of the State of Texas, shall take and receive the bounty, herein granted, of any officer, non-commissioned, or private, who may have died without receiving the same; *provided*, that no officer or soldier, a resident of Texas at the time of his entering the service, and who entered organizations other than the said First and Second Texas Cavalry, Union forces, and received a bounty in money or land from any State government or individual fund, other than the United States bounty, shall be entitled to the bounty given by this declaration.

SEC. 4. The bounty here given shall not be subject to the debts of grantee; and the said certificates, in case of death, shall issue directly to the wife, children, or father and mother of the decedent, and may be located upon any public domain in Texas.

SEC. 5. That the commanders, or any of the field officers of the First and Second Texas Cavalry, are hereby authorized to procure from the Secretary of War of the United States, a true copy or copies of the muster rolls of their regiments, and file the same in the Executive office of the State of Texas.

SEC. 6. That this declaration be in force from its passage.

Mr. Lindsay, from the Executive Committee, made the following report:

To the HON. E. J. DAVIS,

President of the Convention of the State of Texas:

SIR: The Executive Committee instructs me to report to the Convention, through you, the accompanying plan (marked A), for the Executive Department of the Government of the State of Texas. It was the unanimous opinion of the committee, that it was the best plan they could suggest, after all the deliberation which they have been able to give to the subject. It will be found to conform, in all its main features, to the Republican principles embodied in most of the State constitutions, and in the Constitution of the United States, differing only in some of its details from the constitutions adopted in other States.

The committee ask that the plan be printed, laid upon the table of members, and its consideration be made the special order of the Convention for some particular day.

L. LINDSAY,
Chairman of the Executive Committee.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Chief Magistrate, who shall be styled the Governor; a Lieutenant Governor; a Secretary of State; a Comptroller of Public Accounts; a Treasurer; a Commissioner of the General Land Office; an Attorney General; and a Superintendent of Public Instruction.

SEC. 2. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of Government, directed to the Speaker of the House of Representatives; who shall, during the first week of the session of the Legislature thereafter, open and publish them, in the presence of both Houses of the Legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the Executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the time of his instalment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and a resident of the State of Texas at the time of the adoption of this Constitution; or shall have resided in the State one year immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature; or as soon thereafter as practicable.

SEC. 5. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law.

SEC. 6. He shall be Commander-in-Chief of the Militia of the State, except when they are called into the actual service of the United States.

SEC. 7. He may, at all times, require information in writing from all the officers of the Executive Department on any subject

relating to the duties of their offices; and he shall have a general supervision and control over them. He shall have the power of removal of each of said officers for misfeasance, malfeasance, or nonfeasance; but the reasons and the causes of such removal shall be communicated in writing by him to the Senate at the first meeting of the Legislature which occurs after such removal, for its approval or disapproval; if disapproved by the Senate, it may restore the displaced incumbent by a vote of that body. If a vacancy occurs in any of the Executive offices, by death, resignation, or removal, or from any other cause, during the recess of the Legislature, the Governor shall have power, by appointment, to fill such vacancy; which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation or rejection. If it be confirmed by the Senate, the tenure of office shall continue until the regular return of the periodic election of such officer.

SEC. 8. He shall have power, by proclamation, on extraordinary occasions, to convene the Legislature at the seat of Government; or at any other place, if the prevalence there of a dangerous disease, or the presence of the public enemy should make it necessary. He shall also have power to adjourn the Legislature to such time as he thinks proper, whenever the two Houses shall disagree upon the question of adjournment; Provided, however, that such adjournment shall not be made to a period beyond the day of the next regular session of the Legislature.

SEC. 9. He shall, from time to time, give to the Legislature information in writing of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardon; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature.

SEC. 12. The Governor, by and with the advice and consent of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six, in each county, who, in addition to the duties usually attached to such office, shall discharge such other duties as may, from time to time, be prescribed by law.

SEC. 13. Nominations to fill vacancies, occurring in the recess of the Legislature, shall be made by the Governor during the first ten

days of its session. And should any such nomination be rejected, the same person shall not again be nominated during the session to fill the same office.

SEC. 14. During the sessions of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC. 15. No person, holding the office of Governor, shall hold any other office, or commission, civil or military.

SEC. 16. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be president of the Senate; and shall have, when in Committee of the Whole, the right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability, or refusal of the Governor to serve; or of his impeachment, or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent, or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect, from its own members, a President for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or, if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the government, until he shall be superseded by a Governor, or Lieutenant Governor. The compensation of the Lieutenant Governor shall be the same as that of the Speaker of the House of Representatives, and no more; and while acting Governor, the same compensation as the Governor would receive for a like period of service in his office, and no more. The President of the Senate for the time being, if called upon to administer the government, in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.

SEC. 18. There shall be a Secretary of State, appointed by the Governor, by and with the advice and consent of the Senate; who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 19. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially. The seal shall be a star of five points, encircled by an olive and live-oak branches, and the words "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. There shall be a Comptroller of Public Accounts elected by the qualified voters of the State, at the same time and in the same manner as the Governor is elected, and having the same qualifications, who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the State; give instructions to the Assessors and Collectors of the taxes, settle with them for taxes, take charge of all escheated property, keep an accurate account of all moneys paid into the Treasury, and of all lands escheated to the State; publish annually a list of delinquent Assessors and Collectors, and demand of them an annual list of all taxpayers in their respective counties, to be filed in his office, keep all the accounts of the State, audit all the claims against the State, draw warrants upon the Treasurer in favor of the public creditors, and perform such other duties as may be prescribed by law.

SEC. 22. There shall also be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts; who shall hold his office for the same period of time. He shall receive and take charge of, all public money paid into the Treasury; countersign all warrants drawn by the Comptroller of Public Accounts; pay off the public creditors upon the warrants of the Comptroller of Public Accounts; and perform all such other duties as may be prescribed by law.

SEC. 23. A Commissioner of the General Land Office shall be elected by the qualified voters of the State, at the same time, and in the same manner, as the Governor, Comptroller of Public Accounts, and Treasurer shall be elected, who shall hold his office for a like period of time, and shall possess the same qualifications. He shall be the custodian of the archives of the land titles of the State;

the register of all land titles hereafter granted; and shall perform all such other duties as may be required by law.

SEC. 24. There shall also be a Superintendent of Public Instruction, whose duties shall be defined by law. He shall be appointed by nomination of the Governor to the Senate for confirmation. He shall hold his office for the term of four years.

SEC. 25. There shall be an Attorney General of the State, having the same qualifications as the Governor, Lieutenant Governor, Comptroller of Public Accounts, Treasurer and Secretary of State; who shall be appointed by the Governor, with the advice and consent of the Senate. He shall hold his office for the term of four years. He shall reside at the capitol of the State during his term of office. He shall represent the interest of the State in all suits, or pleas, in which the State may be a party; superintend, instruct, and direct the official action of the District Attorneys, so as to secure all fines and forfeitures, all escheated estates, and all public moneys to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

SEC. 26. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General and Superintendent of Public Instruction, shall receive for their services the annual salary now fixed by law; and which shall neither be increased nor diminished, during their continuance in office.

SEC. 27. Should a vacancy occur in either of the offices mentioned in last section, (Sec. 26 of this Art.,) by death, resignation, or otherwise, it shall be filled by appointment by the Governor, if in the recess of the Legislature, and referred by him to the Senate, on its subsequent assembling, for confirmation. If the Senate be in session when such vacancy occurs, then the Governor shall nominate some fit person to that body to fill out the unexpired term of the office.

SEC. 28. An Assessor and Collector of the Revenue of the State shall be appointed by the Governor, by and with the advice and consent of the Senate, in each county of the State. He shall be at least twenty-five years of age; a citizen of the United States, and a resident of the State, and of the county in which he may be appointed, for one year before his appointment; and he shall hold his office for the term of four years. He may be removed by the Governor for sufficient reasons, filed by the Comptroller of Public Accounts in the office of the Secretary of State. When such removal takes place, or a vacancy, for any other cause, occurs in this office, in the recess of the Legislature, the Governor shall fill it by appointment for

the unexpired term. He shall receive such compensation as may be prescribed by law.

SEC. 29. Every bill which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it with his objections to that House in which it originated, which House shall enter the objections at large upon the journals of the House, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days, (Sundays excepted) after it shall have been presented to him, it shall become a law, in like manner, as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation, and disapprove any other appropriation, in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had as on other bills disapproved by him; but, if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

SEC. 30. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or, being disapproved, shall be repassed in the manner prescribed in the case of a bill.

Mr. Lindsay moved the reading be dispensed with.

It was agreed to.

Mr. Lindsay moved a suspension of rules to consider report.

Rules suspended.

On motion, the report was made the special order of the day for Monday, July 20th inst., at ten o'clock.

Mr. Whitmore, from the Committee on General Provisions, made the following reports:

COMMITTEE ROOM,
July 11, 1868.

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

SIR : The Committee on General Provisions of the Constitution of the State, to whom was referred a resolution requesting the committee to inquire into the propriety of engrafting in the Constitution of the State a provision requiring the Legislature to levy a special road tax, have had the same under consideration, and request me to report the same back to the House, and recommend that it do not pass.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July 11, 1868.

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

SIR : The Committee on General Provisions of the Constitution, to whom was referred a declaration by Mr. Newcomb, requesting the committee to inquire into the propriety of engrafting in the Constitution of the State of Texas a provision to entitle all children born out of wedlock, in law and fact to be entitled to the property of their parents, have had the same under consideration, and request me to report the same back to the House and recommend that it do not pass.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July 11, 1868.

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

SIR : The Committee on General Provisions of the Constitution, to whom was referred a resolution by Mr. Bryant, asking the repeal of certain railroad charters, etc., etc., have had the same under consideration, and request me to report the same back to the House, and request that they be referred to the Committee on Internal Improvement.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July 11, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Committee on General Provisions of the Constitution, to whom was referred a resolution by Mr. Varnell, requesting the committee to inquire into the propriety of authorizing the Legislature to prohibit the sale of intoxicating liquors in certain prescribed limits of colleges, academies and seminaries of learning, to be passed by the Legislature, except at county sites or State capitols, have had the same under consideration, and request me to report the same back to the House, and recommend its passage.

WHITMORE,
Chairman.

Mr. McCormick, from Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
July 13, 1868.

HON. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Contingent Expenses instruct me to report the accompanying resolution in reference to making a substantial record of the journals of the Convention, which is respectfully submitted.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be and he is hereby authorized and required to have the journals of the Convention inscribed in a bound volume, such as is commonly used in recording deeds, and said Secretary shall receive the sum of twenty cents for every hundred words of said journals so inscribed, in addition to his per diem pay.

Mr. Harne offered the following declaration:

Be it resolved, That the following shall be a section of the Constitution:

SECTION.—Whereas, the freedom of speech and the freedom of the ballot box in Republican government are the great safeguards of human liberty; therefore it is made the duty of the Legislature to provide for the punishment of persons, who by force, threats, fraud, rewards or promise thereof, interfere with the freedom of

speech or the freedom of voting at any public election; and the punishment thereof, upon conviction, shall be the deprivation of ever after voting or holding office, and such other punishment as may be prescribed by law.

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

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

An ordinance to dissolve the bonds of matrimony between Henry Rodefeld and Catherine Rodefeld, of Galveston, Texas.

WHEREAS, The petition of Henry Rodefeld, of Galveston, Texas, presents a peculiar case, not provided for by the laws of Texas, and sufficient cause for dissolving the bonds of matrimony existing between him and his wife,

It is ordained, by the people of Texas in Convention assembled, That the bonds of matrimony between the said Henry Rodefeld and Catherine Rodefeld, formerly Catherine Cordes, be and the same are forever dissolved.

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

Mr. Bell offered the following declaration, and asked its reference to the Committee on Internal Improvements.

DECLARATION

To incorporate the Bellville, Hempstead and Brazos Bridge Company.

Be it declared by this Convention :

SECTION 1. That J. G. Bell, and such other persons as he may associate with himself, are hereby incorporated under the name of the "Bellville, Hempstead and Brazos Bridge Company," and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said Company shall have the right to construct a bridge of iron or wood across the Brazos river, at or near a point where a straight line from the town of Bellville to the town of Hempstead, in Austin county, Texas, crosses the Brazos river.

SEC. 3. Said Company shall construct said bridge in a good and substantial manner, within five years from the first day of January, A. D. 1869 ; and shall keep the same in good repair for the term of thirty years from the completion thereof; and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge; and be responsible as common

carriers under the law for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for the term of thirty years, the following tolls, from all persons who may cross themselves, or their property, viz: four-horse or ox stage, or wagon, loaded, fifty cents; for six-horse or ox stage or wagon, loaded, seventy-five cents; and for each additional pair of horses, mules, or oxen, attached to said wagons, twenty-five cents; for man and horse, fifteen cents; single horse and buggy thirty cents; two-horse buggies, two-horse or ox wagons, fifty cents; other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and other property not mentioned in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across the said Brazos river for the space of thirty years, within five miles, on a straight line up and down said Brazos river from said bridge, which said Belville, Hempstead and Brazos Bridge Company may construct; and that this declaration be and have effect from its passage.

Mr. Lindsay moved a suspension of the reading thereof.

Carried.

Mr. Coleman offered the following preamble and resolution:

WHEREAS, Rumors and reports are in circulation to the effect that the various departments of the State government, in Austin, are filled with employes who were enemies of the United States, and, in some instances, are still hostile to the government thereof; and to the reconstruction of the State under the laws of Congress; therefore, in order that such "rumors and reports" may not circulate to the detriment of the heads of the various departments, and that misrepresentation and injustice may not prevail, be it

Resolved, by the People of the State of Texas in Convention assembled, That His Excellency E. M. Pease, Governor of Texas, be and he is hereby respectfully requested to inform this Convention of the number of clerks and other employes in the General Land Office, Comptroller's and Treasurer's Offices; how many of them have taken the oath of July 2, 1862: how many of them served in the armies or departments of the so-called Confederacy; how many of them are honorably discharged soldiers or sailors of the United States, and how many of them are in political unison with the government that pays them.

Laid over one day.

Mr. Vaughan offered the following resolution:

WHEREAS, A large amount of the time of each session of the

Legislature of the State of Texas is consumed in incorporating railroad, manufacturing and other similar companies; and

Whereas, Hundreds of thousands of dollars are squandered of the people's money to galvanize railroad adventurers; and

Whereas, The tendency of such legislation is to organize a railroad interest that will control the legislation of this State, and make all other interests subservient to this growing stupendous combination; therefore,

Be it enacted by the people of Texas in Convention assembled, That no special grants or charters shall hereafter be made to railroad companies; but the Legislature of the State of Texas, when assembled, shall provide a general railroad internal improvement and manufacturing law, under which all who have the means to construct roads, or engage in works of internal improvement, or manufacturing, can do so.

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

Mr. Schuetze offered the following resolution, and asked its reference to the Committee on Political or Legislative.

Resolved, That a special committee be appointed and instructed to visit the Blind Asylum and Deaf and Dumb Asylum, with a view of inquiring into the propriety of admitting into either or both of these institutions, such number of indigent orphans as could be received therein for education and maintenance, on the expense of the State, until an orphan asylum can be established.

Referred to the Committee on Political or Legislative.

Mr. Harne offered the following resolution:

WHEREAS, The intemperate use of intoxicating liquors is one of the great evils of the age, and the source of most crimes and bloodshed; therefore, be it

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

SEC. — It shall be the duty of the Legislature at its first session after the adoption of this Constitution, to pass laws necessary and proper to prevent the use of intoxicating liquors on public election days, and the punishment may extend to the deprivation of the right to vote and hold office, and such other punishment as may be prescribed by law.

On motion the resolution was referred to the Committee on Legislative Department.

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

Resolved, That the Special Committee on the Removal of Political Disabilities be directed to remove from the list the name of A. P. Wiley, of Galveston county.

On motion the resolution was referred to the Special Committee on Political Disabilities.

Mr. Watrous offered the following declaration :

Be it declared by this Convention, That the following be a section of the Constitution of the State of Texas :

That no person who shall deny the being of Almighty God, or the Divine authority of the Holy Bible; or who shall hold religious opinions incompatible with the freedom or safety of the State, shall be capable of holding any office, or place of trust or profit, in any civil department.

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

Mr. Evans, of McLennan, in the chair.

Mr. Davis, of Nueces, offered the following resolution :

RULES TO BE INSERTED AFTER THE 32D RULE.

No member shall speak more than once on any subject before the Convention at the same stage thereof; and on any question, except the final passage of a resolution or declaration, or the engrossment or amendment thereof, no member shall speak for more than ten minutes.

Further, it shall not be in order to propose a special suspension of this rule.

Mr. Flanagan moved a suspension of rules to take up the resolution.

Rules suspended.

Mr. Davis, of Nueces, moved the consideration of the resolution be postponed until Wednesday, July 15, at ten o'clock.

Carried.

Mr. Evans, of Titus, moved that Mr. Mullins be added to the Committee on Lawlessness and Violence, upon which motion the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Brown, Bryant, of Grayson, Buffington, Burnett, Degener, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Harris, Harne, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Lindsay, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Stockbridge, Varnell, Vaughan, Whitmore, Wilson, of Brazoria, Wright, Yarborough—43.

Nays—Messrs. Bledsoe, Board, Bryant, of Harris, Carter, Coleman, Constant, Curtis, Downing, Fayle, Grigsby, Hamilton, of

Travis, Hunt, Johnson, of Harrison, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Sumner, Thomas, Watrous, Williams, Wilson of Milam—33.

So Mr. Mullins was added to the Committee.

Mr. Degener moved that Mr. Evans, of Titus, be added to the Committee on Political and Legislative.

Carried.

The President announced the business in order was the report of the Committee on Division of the State.

Mr. Flanagan moved that the substitute to the report offered by Mr. Hamilton, of Travis, be laid upon the table.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

The question recurring upon the motion of Mr. Flanagan, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Bryant of Harris, Buffington, Carter, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Hunt, Johnson, of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, McCormick, Morse, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Slaughter, Smith, of Galveston, Stockbridge, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—49.

Nays — Messrs. Armstrong, of Lamar, Bellingier, Bledsoe, Brown, Bryant of Grayson, Burnett, Cole, Coleman, Constant, Fleming, Foster, Gray, Grigsby, Hamilton of Travis. Harne, Johnson of Calhoun, Kealy, Lindsay, Mackey, McWashington, Mills, Pedigo, Phillips, of San Augustine. Posey, Rogers, Schuetze, Scott, Smith, of Marion, Sumner, Thomas, Varnell, Vaughan, Wright—33.

So the substitute was laid upon the table.

Mr. Degener moved the following as a substitute to the original report :

A Declaration, from the Committee on the Division of the State, for the erection of two new States out of the Territory of the State of Texas :

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

WHEREAS, Experience has proved that the great size of the State

is one of the greatest obstacles to the enforcement of law and the maintenance of order, and that the Government of a State so large cannot be economically administered ; and

WHEREAS, The welfare, happiness and prosperity of the people require a division of the State into at least three States,

Therefore, be it ordained, That we the people of Texas, in Convention assembled, do hereby declare, that we concur in the plan proposed by Congress in the following bill :

A Bill to provide for the erection of two additional States out of the Territory of the State of Texas, and for other purposes.

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

WHEREAS, The people of the said State of Texas, in pursuance of an act of Congress passed March two, eighteen hundred and sixty-seven, entitled, "An act for the more efficient government of the rebel States," and of the several acts supplementary thereto, have elected delegates to a Convention to form a Constitution of government for the said State of Texas ; and

WHEREAS, It is desired that the two additional States to be formed out of the Territory of the said State of Texas, be respectively bounded and named as follows—that is to say : That all that part of the Territory of the said State of Texas situate and embraced within the following lines, viz : Beginning at a point in the middle of the channel between Galveston Island and Bolivar Point, thence through Galveston Bay to the mouth of the San Jacinto river, up the San Jacinto river to its confluence with the eastern fork of the San Jacinto, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk, thence north to the Trinity river, thence up said Trinity river to the mouth of the Bois d' Arc or East Fork of the Trinity, thence up said East fork to the northwest corner of the county of Kaufman, thence north to the southwest corner of Fannin, thence north with the western border of Fannin to Red River, thence down said river to the eastern boundary of the State of Texas, thence south with the eastern boundary of the State to the Gulf of Mexico, thence west across the gulf to the point of beginning, be erected into a new State, to be known by the name of the State of East Texas ; that all that part of the Territory of said State of Texas situate and embraced within the following described limits, viz : Beginning at a point in Pass Cavallo, midway between the island and peninsula of Matagorda, thence

through Matagorda bay to the Colorado river, thence up said Colorado river to where it is intersected by parallel thirty-two north latitude, thence due west to the Rio Grande, thence down said Rio Grande to the Gulf of Mexico, thence through the Gulf of Mexico to the point of beginning, be erected into a new State, to be called and known by the name of South Texas; and that all the residue and remainder of the Territory of the said State of Texas be known by the name of the State of Texas: Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the said delegates shall be assembled in Convention, the said delegates to said Convention shall organize and form themselves into three respective Conventions, each of said Conventions respectively to be composed of the delegates respectively residing within the respective limits of the proposed States as bounded and described in the preamble to this act.

SEC. 2. *And be it further enacted,* That the said respective Conventions shall be organized and conducted, in all respects, as near as may be, in accordance with the provisions of said act, entitled "An act for the more efficient government of the rebel States," and the acts supplementary thereto; and that when the people of any one of the said proposed States shall have formed a Constitution of State government in conformity with the Constitution of the United States in all respects, framed by the Convention thereof; and when such Constitution shall be ratified by the voters thereof in accordance with said acts; and when such Constitution shall have been submitted to Congress for examination and approval and Congress shall have approved the same; and when said State by a vote of its legislature, elected under said Constitution shall have adopted the amendment to the Constitution of the United States proposed by the thirty-ninth Congress, and known as article fourteen, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law.

SEC. 3. *And be it further enacted,* That the said respective Conventions shall provide, by ordinance or otherwise, for elections for representatives in Congress, members of State Legislature, Governor and other State officers, to be held at the same time, in the said proposed States respectively, as that for voting upon the adoption or rejection of the said Constitutions respectively: Provided, that the aggregate number of representatives from the proposed three States, shall be the same that the State of Texas was entitled to in the year

eighteen hundred and sixty, to be divided among the said three States in proportion to the population of each respectively.

SEC. 4. *We further declare*, That the President of this Convention, be and is hereby instructed, to forward by telegraph to the President of the Senate and to the speaker of the House of Representatives of the United States a full copy of these declarations.

Mr. McCormick moved to reconsider the vote by which the substitute of Mr. Hamilton of Travis, was laid upon the table.

The President decided that Mr. McCormick's motion was not in order.

Mr. Hamilton, of Travis, appealed from the decision of the Chair.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Evans, of McLennan, moved that the Sergeant at Arms be dispatched for absent members, and that the fees for arrest be assessed by the Convention.

Mr. Burnett moved a suspension of the call of the House, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Board, Brown, Burnett, Carter, Coleman, Degener, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, Foster, Gaston, Glenn, Harris, Hunt, Johnson, of Calhoun, Jordan, Kuechler, Leib, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips, of Wharton, Ruby, Schuetze, Smith, of Galveston, Varnell, Watrous, Whitmore, Williams, Wright, Yarborough—41.

Nays—Messrs. Bell, Bellinger, Bryant, of Grayson, Bryant, of Harris, Buffington, Cole, Constant, Curtis, Downing, W. Flanagan, Fleming, Gray, Grigsby, Hamilton, of Travis, Harne, Johnson, of Harrison, Kealy, Keigwin, Kendal, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Pedigo, Phillips of San Augustine, Rogers, Scott, Slaughter, Smith, of Marion, Sumner, Talbot, Thomas, Vaughan, Wilson, of Brazoria, Wilson, of Milam—38.

So the House suspended the call.

Mr. Lindsay moved a call of the House.

Call sustained.

The absentees were brought in by the Sergeant at Arms.

Mr. Evans, of McLennan, moved that the absentees be discharged without paying any fees, pending which motion the Convention adjourned until to-morrow morning at 9 o'clock.