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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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Upon the motion to adjourn the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Adams, Armstrong, of Jasper, Bledsoe, Boyd, Brown, Butler, Cole, Downing, Evans of McLennan, Fayle, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Mullins, Oaks, Patten, Pedigo, Phillips of San Augustine, Rogers, Schuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams—39.

Nays—Messrs. President, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Constant, Curtis, Degener, Flanagan, W. Flanagan, Fleming, Goddin, Gray, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, McCormick, Morse, Muckleroy, Mundine, Munroe, Newcomb, Phillips of Wharton, Posey, Ruby, Scott, Smith of Galveston, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—41.

So the Convention refused to adjourn.

[Mr. Evans, of McLennan, in the chair.]

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

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CAPITOL, AUSTIN, TEXAS,  
JULY 25, 1868.

Convention met pursuant to adjournment.

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

Mr. Lindsay moved that Mr. Mullins be indefinitely excused from attendance upon the Convention.

Leave granted.

Mr. Constant presented a protest from L. E. Stephenson, and ninety-nine others, against a new county being formed out of Fannin and Lamar counties.

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

COMMITTEE ROOM,  
July 25, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: The Committee on Contingent Expenses, to which was re-committed the resolution originally reported by said committee, in

reference to the substantial recording of the journals of the Convention, and the substitute offered by Mr. Burnett, of Houston, and the motion to amend the substitute made by Mr. Thomas, of Collin, have again had the subject matter under consideration, and are of the opinion that the original resolution embraces all that is necessary or expedient for the Convention to do on the subject; that the price specified is adequate, but not excessive; that the work is such as falls naturally and almost necessarily within the duties of the Chief Secretary of the Convention, who is responsible, and must be so held for its proper execution; that it is not at all necessary, and hardly desirable, that it should be done currently with the sittings of the Convention; and, in the opinion of your committee, the Convention cannot consistently make it the duty of the Secretary to have this work done, and for a certain price, and then require him to transfer the work and pay to another man. The Convention has not provided for such an office as Recording Secretary; and, in the judgment of this committee, there exists no reason for making such an office.

I am, therefore, instructed to report it as the opinion of this committee that the original resolution reported from this committee should be passed, and they therefore report the same back, and recommend its passage.

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 the 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. Burnett moved a suspension of rules, to take up report.

Lost.

Mr. Munroe, from the Committee on Division of the State, made the following report:

COMMITTEE ROOM,  
July 25, 1868.

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

SIR: The Committee on Division of the State, to which was referred the resolution reported from the Committee on Federal Relations, respecting the relinquishment by the State of political juris-

diction, and right of public domain over the county of El Paso, instruct me to report that this committee has now under consideration a declaration which contemplates a cession of the whole of the public domain of the State of Texas, as well as the relinquishment to the United States of the political jurisdiction of a portion of the State, embracing the county of El Paso; they, therefore, ask to be relieved from the further consideration of the above resolution.

A. T. MUNROE.

Chairman.

Mr. Whitmore, from the Committee on Lawlessness and Violence, made the following report :

COMMITTEE ROOM,  
Austin, Texas, July 21, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: The special Committee on Lawlessness and Violence respectfully present the following supplementary report :

It is, perhaps, due to ourselves to state that, in collecting evidence, no reference has been had to the political opinions of witnesses. The committee issued a circular summons to all the members of the Convention, so that all, without distinction of party, were requested to report on the lawlessness in their several districts; and it is for those who failed to obey that summons, to explain why they failed. They are certainly estopped from all right to denounce the labor of the committee as partizan in its character. We take pleasure in saying, however, that the Conservatives have testified before the Committee, and some of the most flagrant outrages embodied in our report were furnished by them.

In our report of the thirtieth ultimo, it was stated that Milton Biggs, a loyal man, was murdered in Blanco county last year. Subsequent investigation shows that Claiborne Biggs, the son, was murdered as described; that circumstances point to certain rebel outlaws as the murderers, and that the father and other members of the family understand that their lives are in danger, and have left the county for safety.

It was also stated in said report that the district clerk of Hunt county had been driven away on account of his loyalty. It is the clerk of the county court who has been thus exiled. The present clerk of the district court of that county is not a loyal man, and he is not compelled to leave. We would also state that Mr. Wade was murdered in Red River county instead of Lamar, as previously reported.

It is impossible at this time to give the number of murders up to the first of July. The reports of the Sub-Assistant Commissioners of the Freedmen's Bureau, for June, have not come in yet; and the complete reports of outrages in that month will not be made till the first of August. But from the few reports received, and from other authentic sources, we have collected ninety-six additional homicides. So that the statistics of homicides committed in Texas during the three years since the conclusion of the rebellion stand thus:

	Whites	Freedmen	Total
Killed in 1865.....	47	51	98
Killed in 1866.....	75	95	170
Killed in 1867.....	173	174	347
Killed in 1868.....	182	137	319
Year unknown.....	32	29	61
Race unknown.....	—	—	40
	509	486	1035

We have thus a grand total of 1035 homicides in three years, or 345 per year; and, estimating our population since June, 1865, at 800,000, we have one person killed out of every 2,026 of the whole population per year. We doubt very much if such a record of blood can be exhibited in any Christian or civilized State in the world in a time of peace. It has been stated in the papers that the homicides in New York during the year 1867 numbered forty-seven. If this be correct, there was one person killed out of every 80,000 of her whole population; and then in that year there were *forty times* as many homicides in Texas as in New York, according to the population of each. The eighth census of the United States, for the year 1860, reports for that year thirty-seven homicides and murders in New York, making one person killed out of every 104,000 of her whole population; so that Texas has averaged per year since the war *forty-five times* more homicides than New York did in 1860. We note also that, for fourteen murders in New York, there were three executions in 1860; whilst, for the one thousand in Texas since the war, there has been but one execution.

It should here be remembered, that in New York and other States in the North, every murder is accurately reported, while the figures here presented come far short of representing the actual number of murders in Texas during the time specified. We have kept scrupulously within the numbers presented to us, of which fact any candid man can satisfy himself by patiently examining all the data. We assert, too, that the reports usually relied on do not present all

the homicides committed in the sections described by them. For example, from the ordinary sources of information we had reported only three homicides in Washington county since the first of December, 1867; but when a full report is obtained from that county, it gives sixteen in that time. Through the usual channels only two murders were reported in Tarrant county; whereas a more complete account gives fifteen. And so it is with other counties. Now when it is remembered that we have full reports from only about thirty of the one hundred and twenty-seven organized counties of the State, it becomes very evident that we have only a portion of the murders committed. It is proper to state further, that the reports which we call full do not profess to give complete accounts of the murders in the counties represented by them. Many of them positively state that they do not report all; and witnesses tell us of men disappearing mysteriously, and of dead bodies being discovered, hid away in ravines or floating down streams—of which cases no history is given.

We have never said that *all* of these murders were committed by rebels for political ends. In our previous report we distinctly stated that many of them were committed for purposes of plunder and robbery, and that many of them resulted from private quarrels. But what we insist on is, that many of the persons murdered were loyal, and that they were murdered for their loyalty. To substantiate this statement, we now present some cases of recent occurrence, not embraced in our former report:

In the counties of Collins and Hunt, five men, well known as sterling loyalists, were brutally murdered within the last two weeks by some rebel desperadoes. The Hon. A. O. Cooley, a worthy citizen of Gillespie county and a prominent Republican, was shot and wounded on the 10th inst., at home, by an assassin from a distant county. We also learn that W. H. Upton, a Union man, was hung by a mob on the 3d instant in Brazos county. Here there are six well known Unionists murdered, and the life of another attempted—all in the present month. Some time ago, this year, the Rev. Joshua Johnson, an excellent citizen of Titus county, and against whom nothing can be said by anybody, unless it be that he has always been true to his country, was driven from his home and the State by rebel intolerance. It is now a matter of general notoriety that loyal men in various parts of the State are receiving notices to leave, threatening them with death and the burning of their homes if they do not fly. It is equally notorious that great alarm prevails among the Union men in many localities, and many of them are abandoning their homes for their lives. We also state it as a fact, that honorable members of this body are in receipt of letters from

those who love them, from wives and children, informing them of threats to take their lives, and imploring them not to return home. And we say further, that the families of at least two of the delegates on this floor have been forced away from their homes by rebel proscription since the meeting of this Convention.

Now, these are all undeniable facts, and they certainly justify the affirmation that many of the persons killed in Texas are killed for their loyalty. It is an easy matter when a Union man is murdered to start the cry of "thief" or "Indians," and to get credulous people to believe it; but this hypocrisy only serves to expose the guilty to the minds of reflecting men, and cannot change the fact that loyal men are murdered by rebels.

And we are constrained to add, that it is by no means significant of good, that whilst Union men are falling at the hands of paroled prisoners of war, there are those who not only deny the fact, but accuse those as slanderers who attempt to reveal and arrest this alarming march of crime. Certainly the first step towards providing a remedy is to ascertain the extent and the nature of the evil; and we cannot understand how any friend of mankind, or of Texas, can oppose an examination into the abounding violence in the State, or attempt to conceal the same from public view. It is doubtless true that a ventilation of the social disorder in Texas will deter many good people in other States and countries from coming here. But this is already the case. Capital and immigration turn away from our State as a land of violence; whilst good and loyal citizens are forsaking us in large numbers. We have evidence that between eight and nine hundred loyal families, within a territory of twenty-five or thirty counties, are now leaving the State on account of the persecutions they have suffered from lawless men. Texas is to-day undergoing a process of depopulation, at least as to her truest and best citizens. And while this is going on, the lawless and the outlawed in other States are flocking within our limits. Some of the leaders in the unlawful organizations alluded to in our previous report are fugitives from other States. These desperadoes seem to understand that Texas presents a promising field for their operations, and that they will here meet with sympathy and with apologists in high places; and in proof of this statement we appeal to the following facts: 1. This alarming amount of crime is persistently denied in certain quarters; 2. It is unequivocally avowed in the same circles that this shedding of blood must continue till the Republican party surrenders the reins of government and the advocacy of colored suffrage is abandoned. In other words, the disaffected in our State design to create and keep up a reign of terror till the loyal element in Texas is suppressed. The recent debates on the floor of this Con-

vention furnish sufficient evidence on this point; and 3. Some of the Conservative papers of Texas openly counsel assassination. Not to mention indirect invitations to murder found in many of them, we refer now to the incendiary article in the Daily Telegraph of the 14th inst.; wherein reference is made to lynch law and to the Hon. M. C. Hamilton and the Hon. C. Caldwell, and which concludes thus: "We say it solemnly, such men ought to die."

We have said nothing as yet, in this report, of the murdering of freedmen. We cannot present any adequate account of the atrocities perpetrated against them from day to day. We can only say that the bloody work goes on. A short time ago in Waco a white man, a stranger there, accosted a freedman, and asked him if he did not fear the Ku-Klux; and on being answered "no," said, "take that," and at the same time ripped open the bowels of the freedman with a knife. The unoffending victim lingered seventeen days and died. The assassin was bailed by his comrades and then left. Two worthy, industrious freedmen were brutally murdered in Falls county, on the 10th of this month, by seven white men, who stated at the same time that they intended to kill in like manner every negro who belonged to the Loyal League. Numerous instances of similar outrages are reported in various parts of the State by almost every mail. On the 4th of July the freed people of Jefferson attempted to celebrate the day, but were fired upon and dispersed by a mob of armed white men. And as an evidence of organization among the disloyal whites of that section, we mention that in half an hour after the first shot was fired about a thousand white men were under arms. The riot at Millican on the 15th and 16th inst. is yet unexplained, but all the accounts agree in stating that twenty-five or fifty freedmen were killed, while not a single white man was slain.

It is very probable that the negroes are sometimes culpable in these altercations, but we are persuaded that even then, generally, they are circumvented by their more crafty foes, who manage to place them in the wrong and goad them on to violence. This was the case in the Houston riot of last month. In that case, a freedman, a pet with the Conservatives, had shot another freedman. The disloyal police of the city pretended to arrest the criminal, and immediately the same night, let him go without any trial whatever. The freedmen, seeing this, resolved to arrest him themselves, and their effort to do so was interpreted at once by the whites as an insurrection.

We conclude by expressing it as our deliberate conviction, that unless relief, prompt and decided, is provided, not only will any constitution presented by this Convention be defeated, not only will

elections be broken up or controlled by violence, but the loyal, law-abiding people of Texas will be hunted to death or driven into exile. We have it on Conservative testimony that in many localities an election could not now be held without military protection, that the lives of good loyal citizens are in danger, and that a loyalist could not travel through the State organizing loyal leagues without molestation.

All of which is respectfully submitted.

G. WHITMORE, Chairman,  
A. BLEDSOE,  
J. G. BELL,  
F. W. SUMNER,  
J. H. LIPPARD.

Mr. Cole, from the Committee on Lawlessness and Violence, made the following minority report :

Hon. E. J. DAVIS,

President of the Convention :

SIR : The undersigned, one of the Committee on Lawlessness and Violence, not doubting the figures as set forth in said committee's report of July 21, 1868, but admitting the same to be correct, would respectfully dissent from the conclusions as set forth by said committee, believing the majority of homicides and violence has not been committed on account of political differences, and asks that the dissenting report be spread on the journal of the Convention.

Respectfully submitted,  
COLE, of Hopkins.

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

*Resolved*, That this Convention respectfully request Brevet Major General J. J. Reynolds, commanding District of Texas, to select one or more commissioned officers under his command, as he may deem proper, to participate with the committee appointed by this Convention, in the investigation of the late disturbances at Millican.

Mr. Hamilton asked a suspension of the rules to allow consideration of the resolution.

Rules suspended.

Resolution read a second time and ordered to be engrossed.

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

Rules suspended.

Resolution read third time and passed.

Mr. Buffington offered the following resolution :

*Resolved*, That the investigation of the financial condition of the penitentiary be referred to the first Legislature after the adoption of the Constitution.

*Resolved*, 2. That the committee raised by this body for that purpose, be, and are hereby discharged from the further consideration of that subject.

*Resolved*, 3. That the chairman of that committee be required to return the books which he brought away from the penitentiary to the same.

Laid over one day under rules.

Mr. Wright offered the following resolution :

*Resolved*, That a committee of three be appointed by the President of this Convention, whose duty it shall be to examine into the business of the Land Office, and ascertain whether there are not a greater number of clerks and draftsmen employed in that office than are necessary; and if so, how many can be dispensed with.

Mr. Burnett moved the rejection of the resolution.

Convention refused to reject.

Mr. Whitmore offered the following resolution :

WHEREAS, It is the desire of the loyal people of Texas that the people of the United States be correctly informed of the social and political condition of the people of this State; therefore

*Be it resolved by the delegates of the people of Texas in Convention assembled* : That the Congress of the United States is hereby respectfully and most earnestly requested to send a committee of that honorable body into the State of Texas, to inquire into the condition of the State, to the end that the facts may be made known to the public in an authoritative manner, that the veracity of the loyal men and press of the State may be vindicated, that violence may be repressed and order restored throughout the State.

Mr. Whitmore moved a suspension of rules for the consideration of the resolution.

Rules suspended.

Resolution read second time and ordered to be engrossed.

Mr. Slaughter moved a further suspension of the rules to put resolution upon its passage.

Mr. Hamilton offered the following amendment :

Amend by striking out all after the word "manner."

Amendment agreed to.

The question recurring upon the adoption of the resolution as amended, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Degener, Downing,

Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—65.

Nays—Messrs. Armstrong of Jasper, Bellinger, Boyd, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Keigwin, Muckleroy—12.

So the resolution was adopted.

The President announced the business in order was upon the following substitute offered by Mr. Evans, of McLennan, to the report of the Committee on Internal Improvements :

#### DECLARATION

Providing for the sale of such railroads of this State as may be indebted to the School Fund :

SECTION 1. *Be it declared by the people of Texas in Convention assembled,* That the railroads within this State which are indebted to the School Fund, to-wit: the Buffalo Bayou, Brazos and Colorado railroad, the Washington County railroad, the Houston and Texas Central railroad, the Houston Tap and Brazoria railroad, the Southern Pacific railroad, and the Texas and New Orleans railroad, shall be sold by the Governor of the State, either at public auction or private sale, as he may order, to any company or individual that will, in the particular case, assume the entire debt that may be due from the said railroad sold, to the said School Fund; such sale shall be under the following terms and conditions :

The company or individual purchasing any of the railroads sold under this provision, to deposit in the Treasury of the State, at the time of such sale, the one-fourth part of such indebtedness, which said fourth part may be used, under the supervision of the Governor, in putting the railroad sold, in good running order, or in extending the same.

That the company or individual purchasing any of said railroads, under the provisions thereof, shall have a term of twenty years, within which to complete payment of the indebtedness to the School Fund; the payment to be made in equal semi-annual installments, with interest at six per cent. per annum, payable also semi-annually. That

should any company or individual, who may purchase under the provisions hereof, fail to make any of the semi-annual payments, either of the amount of indebtedness to said School Fund, or of interest due, then the whole amount of such indebtedness and interest shall become due, and the railroad in possession of such company or individual, shall be again sold by the Governor, under the terms and conditions of this declaration.

*Provided*, That in making the first sale of any of the said railroads, as hereinbefore provided, the Governor shall give a preference to the company or individual at present owning the same.

*Provided further*, That should the Governor not be able to sell any of said railroads, under the terms and conditions of this declaration, then he may sell the same at public auction unconditionally, for such sums as may be offered for the same.

*Provided further*, That the indebtedness of said railroads, hereinbefore mentioned, is intended to include the total amount of principal and interest due from said railroads, without regard to any pretended payments made during the late rebellion, when such payments were made in any other currency than gold and silver.

The question recurring upon the adoption of the substitute, the yeas any nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Lamar, Bledsoe, Bryant of Harris, Butler, Burnett, Constant, Downing, Degener, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Hunt, Jordan, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith, of Marion, Talbot, Thomas, Watrous, Whitmore, Williams Yarborough.—37.

Nays—Messrs. Adams, Armstrong, of Jasper, Bell, Bellingier, Board, Boyd, Bryant, of Grayson, Buffington, Carter, Cole, Coleman, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harris, Harn, Horne, Johnson, of Calhoun, Kealy, Keigwin, Mackey, McCormick, McWashington, Morse, Muckleroy. Mullins, Mundine, Pedigo, Phillips, of Wharton, Rogers, Schuetze, Smith, of Galveston, Stockbridge, Varnell, Wilson, of Brazoria, Wilson, of Milam, Wright,—42.

So the Convention refused to adopt the substitute.

Mr. Lindsay offered the following substitute:

*Be it declared by the people of Texas in Convention assembled*: That the Provisional Governor is hereby requested to examine into the condition and affairs of the several railroad companies in the State, which are indebted to the School Fund; and if, after such enquiry and examination into their condition and circumstances, he shall be of opinion that that portion of the school fund

loaned to said railroad companies, together with the interest accrued, and now due thereon, is insecure, and likely to be lost by any delay in action, he is hereby requested to adopt such measures under the provisions of the law now in force, as in his judgment will prevent its total or partial loss.

On motion the Convention adjourned until Monday morning at 9 o'clock.

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CAPITOL, AUSTIN, TEXAS,  
July 27, 1868.

Convention met pursuant to adjournment.

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

The President instructed the Secretary to read the following communications from General Buchanan :

HEADQUARTERS FIFTH MILITARY DISTRICT,  
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,  
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,  
President Texas Constitutional Convention :

SIR : I am instructed by the Commanding General to acknowledge the receipt of your communication of the tenth instant, with enclosure, and, in reply thereto, to inform you that the resolution of the Convention adopted on the twenty-third day of June, 1868, appropriating "fifteen thousand (\$15,000) dollars, or so much thereof as may be sufficient, to pay the unsettled balance due the civil officers of the State of Texas appointed by Governor A. J. Hamilton," having been considered by the Commanding General, is, for the following reasons, respectfully returned to the Convention without the approval asked for.

First. He is unable to find, in the reconstruction act of Congress, under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."