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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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CAPITOL, AUSTIN, TEXAS,  
AUGUST 5, 1868.

Convention met pursuant to adjournment.

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

Mr. Mundine presented the following petition, from the citizens of Burleson county, opposing the formation of a new county to be taken from the territory of said county.

On motion the reading was dispensed with, and the petition was referred to the Committee on Counties and County Boundaries.

Mr. Smith, of Galveston, from the Committee to examine Comptroller's and Treasurer's offices, offered the following report and accompanying declaration :

COMMITTEE ROOM,  
Austin, Texas, August 5, 1868.

Hon. E. J. DAVIS,

President Convention :

SIR : The standing committee to examine the Comptroller's and Treasurer's offices having discharged that duty, respectfully report : That the utmost scrutiny of the Comptroller's and Treasurer's offices exhibit, on the part of the officers, the most disinterested devotion to the interests and economy of the State. The complex system necessary to guard these interests ; the large number of books kept ; the great variety of sources of revenue and disbursements necessarily kept separate, would make it impossible for any committee, in any reasonable time, to examine each one of the particular books in detail ; but a general examination shows that for neatness, accuracy, care and order of arrangement, few similar offices in the United States can compete.

An examination of the accounts proves that the following recapitulation hereunto annexed is correct, to which reference is respectfully called :

The examination covers only that period embraced within the dates of September 3, 1867, and August 1, 1868—the official terms of the present incumbents.

An examination of the building and appliances induce this committee to submit an ordinance appropriating a sum of money believed to be sufficient to meet the requirements of the two departments, in order to secure the safety of their archives, and the pres-

ervation of the building. Another safe is necessary for the treasurer; more furniture is requisite for both offices, and your committee cannot do better than submit the following views of the Comptroller himself:

It is the opinion of the Comptroller that the law for the assessment and collection of Taxes is in many respects impracticable, and should be modified; and that it is of the first importance to the proper and efficient control of the public funds that he should be invested with full power to enforce all laws over defaulting assessors and collectors and all others intrusted with the public money and property.

There is now outstanding against assessors and collectors about eighty thousand dollars, (\$80,000), with but a poor prospect of collection, owing to the inefficiency of the district attorneys, sheriffs, courts, &c. There had but one suit been brought by the Comptroller against assessors and collectors since the rebellion to the fourth of September, 1867. Since that time, sixteen suits have been brought by the Comptroller, who doubts whether enough money will be realized to pay the costs of the suits.

All persons entrusted with public money, no matter from what source derived, or public property, should be compelled, by the most summary process, to account for the same to the Comptroller, at such times as he may prescribe, and under such rules and regulations as he may indicate; and should any party fail to do so satisfactorily, he should be suspended from office by the Comptroller, and the Comptroller should be required to report each case to the ensuing Legislature, and ask that his action be ratified. Assessors and collectors have been heretofore appointed and removed in all cases, without consultation with the Comptroller.

By virtue of an act concerning the five per cent. indemnity bonds, approved 30th of October, 1866, this subject is under the exclusive management of the executive, but what has been done, or is now being done for their recovery, your committee have not inquired.

The area of the State is estimated at 175,594,560 acres; against which there are claims of all classes, perfect and outstanding, amounting to 82,594,560.

Leaving, unincumbered by any claim, 93,000,000 acres.

Patented lands of the State of Texas, including lands granted by the Mexican government, and titles confirmed by the Legislature, amount to . . . . .	77,723,272
Assessed for taxation . . . . .	50,839,033

Leaving untaxed . . . . .	26,884,209
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Of the 50,839,063 acres, from which the State derives revenue, a very large amount is taken up by the assessors and collectors as "unrendered."

Your committee take great pleasure in presenting the annexed exhibit of accounts to the people of Texas. Two independent departments, handling the whole revenues of the State separately, without the loss of a dollar, or a single defect in calculation, is the surest guarantee to the people of the integrity and ability of their public officers.

ROBT. K. SMITH,  
Chairman.

### DECLARATION

*Be it declared by the people of Texas in Convention assembled:* That the sum of three thousand dollars, or so much thereof as may be necessary, be and is hereby appointed out of any money in the treasury, not otherwise appropriated, to repair the Controller and Treasury Building, and purchase the necessary fixtures and furniture.

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report:

COMMITTEE ROOM,  
Austin, August 3, 1868.

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

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following resolutions as correctly engrossed, viz:

No. 31. Resolution ordering one thousand copies of the Austin Daily Republican, and five thousand copies of the San Antonio Free Press.

No. 32. Resolution requesting the arrest of one C. C. Gillespie, for advising the assassination of M. C. Hamilton and C. Caldwell, members of this Convention.

No. 33. Resolution appointing a committee to proceed to Millican, to investigate the recent disturbance there.

No. 34. Resolution appropriating five hundred dollars for the arrest of the attempted assassin of Judge Cooley.

No. 35. Resolution appropriating five hundred dollars to pay telegrams.

No. 36. Resolution requesting the Congress of the United States to appoint a committee to enquire into the condition of the State.

No. 37. Resolution requesting Major-General J. J. Reynolds to appoint one or more commissioned officers to participate in the investigation of the Millican disturbance.

Respectfully submitted,  
A. T. MUNROE,  
Chairman.

Report adopted.

Mr. Flanagan, from the Committee on Internal Improvements, offered the following reports :

COMMITTEE ROOM,  
Austin, August 5, 1868.

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

SIR: Your committee have had before them a declaration presented by the delegate from Calhoun, Mr. Johnson, asking relief for the San Antonio and Mexican Gulf Railroad Company. Upon examination it is found that this company is not indebted to the School Fund, or State of Texas, and that the enterprize is a laudable one, and has been ruined by the war.

The premises all considered, the committee instruct me to report back the declaration with a recommendation that the relief be granted.

Respectfully,  
J. W. FLANAGAN,  
Chairman of the Committee on Internal Improvements. •

COMMITTEE ROOM,  
Austin, Texas, August 5, 1868.

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

Your Committee on Internal Improvements have had before them a declaration presented by the honorable delegate from McLennan, A. J. Evans, asking relief or protection for all the railroads in the State that might be prejudiced for the want of the proper legislation, as is contemplated by regular session.

The premises all considered, I am instructed to report back the

accompanying declaration, and to recommend the adoption of the same.

Respectfully submitted,

J. W. FLANAGAN,

Chairman of the Committee on Internal Improvements.

Mr. Yarborough introduced the following resolution :

*Resolved*, That the Commissioner of the General Land Office be required to deliver to G. Yarborough two land patents, the one in the name of J. M. Moore, for three hundred and twenty acres ; and the other in the name of M. Lasater, for one hundred and sixty acres. He, the said Yarborough, having performed his duty as shown by a statement from the land office, shall have the full benefit of the deposits made on such claims.

On motion, the resolution was referred to the Committee on Finance.

Mr. Goddin introduced the following declaration :

#### A DECLARATION

Creating the County of San Jacinto.

SECTION 1. That all the territory comprised within the following lines, shall be a new county, to be called the county of San Jacinto, viz :

Beginning in the channel of Trinity river, at a point opposite the mouth of Carolina creek, in Walker county, running in a due line from thence to the head of the east branch of Peach creek, in Montgomery county, thence down the channel of said Peach creek to a point parallel with the thirtieth degree and twenty minutes north latitude, in said Montgomery county ; from thence on a due line through one corner of Liberty county to the channel of Trinity river, at the same point where the present southern line of Polk county crosses the channel of said Trinity river, thence up the channel of said Trinity river to the place of beginning.

SEC. 2. That the town of Cold Springs, in the present county of Polk, shall be the county seat of said county of San Jacinto.

SEC. 3. That at the first general election hereafter held for county officers, the said county of San Jacinto shall be organized by the election of such officers as other counties have under the laws of this State ; John Jackson, Levy L. McMicken and James Hoyne, be, and they are hereby appointed commissioners, with full powers and authority to superintend and conduct said election, and give certificates to the persons elected.

Mr. Armstrong, of Jasper, moved the declaration be referred to a special committee of three.

Carried.

The President appointed Messrs. Armstrong, of Jasper, Pedigo, and Goddin, as the committee.

Mr. Bledsoe introduced the following declaration :

### AN ORDINANCE

For the relief of Administrators, Executors, Guardians and Trustees.

*Be it ordained by the Representatives of the people of Texas in Convention assembled :*

That all the administrators, executors, guardians and trustees in this State who, in good faith, received in payment of any claim or claims due them in their fiduciary and trust capacity, during the late rebellion, any of the so-called treasury notes, promises to pay, or paper purporting to be money of any kind, issued by the pretended authority of the late so-called Confederate States, and paid the same over to any receiver, receivers, or their agents, of said so-called Confederate States ; or kept the same on hand until it became worthless by the termination of the late rebellion ; provided such administrator, executor, guardian or trustee did not act fraudulently in the receiving, paying over, or holding on hand any such paper purporting to be money, shall not be held liable by the estates, or heirs to the estates, or any creditor or creditors thereof, or their wards or principals, or any other person whatever, for any such paper purporting to be money or currency so received, or the obligation or obligations upon which such paper or currency was so paid ; but in all cases where such paper purporting to be money has been so received and paid out, or so received and kept on hand until it became worthless by the termination of the late rebellion, all such administrators, executors, guardians and trustees shall be and are hereby, by this ordinance, relieved from any and all responsibility or legal or equitable liability, or supposed responsibility or liability they may be now under, either for the paper or currency purporting to be money so received and paid over, or kept on hand by them, as aforesaid ; and, also, from the claim or claims held by them, or either of them, upon which said paper or currency purporting to be money was so received.

And no suit shall be brought in any of the courts of this State (or, if brought, it shall be dismissed by the court, either on its own motion or by motion of the defendant), to recover any such claim or

claims; and no bond or bonds, or any part thereof, given by such administrators, executors, guardians, or trustees, shall be recoverable against them or either of them, in such case; but all the acts of any such administrator, executor, guardian or trustee, done without fraud or malicious intent on his or her part, shall be valid and binding, and of full legal and equitable force and effect throughout the limits of this State.

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

WHEREAS, The property of many persons is being sacrificed under the sheriff's hammer, to satisfy judgments rendered against them, bringing sufficient in many cases only to pay the costs, not relieving the debtor, or paying the debt of the creditor.

*Therefore be it declared by the people of Texas in Convention assembled,* That any debtor whose property may be sold by virtue of a writ of execution, to satisfy the payment of debt, shall be entitled to redeem the same, at any time prior to the first day of January, 1874, by refunding to the purchaser or purchasers, the amount of money paid for the property thus sold, and for costs of said sale, together with interest thereon, at the rate of ten per cent. per annum, and by paying for all improvements put upon said property, the value of which shall be ascertained by two disinterested appraisers; *provided,* however, that no debtor shall redeem real estate thus sold, if it should bring two-thirds of its assessed value in 1860.

The declaration was referred to the Committee on General Provisions.

Mr. Carter offered the following resolution, and asked its reference to the Committee on Counties and County Boundaries.

*Resolved,* That the provision requiring that counties shall have an area of not less than nine hundred square miles shall be so altered, that counties hereafter formed shall have an area of not less than six hundred square miles.

It was so referred.

Mr. Munroe introduced the following declaration:

### AN ORDINANCE

Concerning the Buffalo Bayou, Brazos, and Colorado Railroad Company, and its debt due the State.

WHEREAS, It is expedient, as well for the welfare of the Buffalo Bayou, Brazos, and Colorado Railway Company, as for the State, that the debt due from that company to the State for the special

school fund, shall be adjusted, and the State declare her intentions in relation thereto; and

WHEREAS, Certain propositions have been made to the Governor of the State in relation thereto, by the said company,

SECTION 1. *Be it declared and ordained as follows:* That the amount of \$98,000, interest paid in Texas bonds and treasury warrants, shall be declared no payment.

SEC. 2. That the amount of principal and interest due by said company, as aforesaid, up to and on the first day of March, 1868, was \$597,819 25, and that the same, from and after that date, shall be regarded, for the payment of interest, as a principal sum then due, but that the period of the payment thereof shall be extended for the period of twenty years from March 1, 1868; the interest, however, accruing thereon, shall be paid at the rate specified in their bonds, and also the sinking fund, therein expressed, accruing from that date, and upon the non-payment of the same; that is to say, the interest and sinking fund, so as to accrue from that day annually, that there, in that case, the whole amount shall become instantly due, and may be proceeded upon as provided in the bonds and the law.

SEC. 3. The said company, in order to be entitled to the benefit of this act, shall deposit with the Governor of this State, as collateral security for the payment of the interest and sinking fund, so as to become due on the first day of March, 1869, (such interest alone amounting, March 1, 1869, to \$35,869 15,) a certificate from the Houston and Texas Central Railway Company, calling for seventy-five of its first mortgage seven per cent. land grant sinking fund gold bearing bond coupons, Nos. 1, 2, 3, and 4 cut off.

Said deposit shall be made within five days from and after the passage of this ordinance, and shall be duly assigned to the Governor.

*Provided,* nevertheless, that such deposit shall be returned to said company, either upon the payment of such interest and sinking fund in March next, or so soon as the company shall have expended upon the road in permanent improvements, rolling stock, or in the way of an iron bridge across the Brazos, the sum of one hundred and fifty (\$150,000,) thousand dollars.

SEC. 4. All liens to the State to remain in full force and virtue.

Mr. Patten asked a suspension of the rules for the immediate consideration of the declaration.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Degener, Downing, Evans of McLennan, Fayle, Grigsby, Hunt, Leib, Lippard, Long, Mackey,

McWashington, Munroe, Newcomb, Patten, Ruby, Slaughter, Smith of Marion, Talbot, Whitmore, Williams, Wilson of Milam—23.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Harris, Horne, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Morse, Muckleroy, Mundine, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright, Yarborough—47.

So the Convention refused to suspend the rules.

Upon motion, the declaration was referred to the Committee on Internal Improvements.

Mr. Thomas introduced the following resolution :

*Be it resolved*, That the following be a rule of this Convention :  
The per diem pay of members who are now absent, or who may hereafter absent themselves from the regular sessions of this Convention, unless on the business of this Convention, or by reason of sickness, shall cease during the time of their absence.

Mr. Armstrong, of Lamar, moved a suspension of the rules to take up resolution.

Rules suspended.

Mr. Evans, of McLennan, moved to insert the word "personal" before the word "sickness" of the member.

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

Carried.

Mr. Varnell offered the following amendment :

Amend by striking out "those members now absent," and only apply to those who may hereafter absent themselves, or be excused.

Mr. Slaughter moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Boyd, Bryant of Grayson, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, W. Flanagan, Fleming, Harris, Johnson of Harrison, Jordan, Kendal, Kuechler, Lindsay, Lippard, Long, Muckleroy, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Schuetze, Slaughter, Thomas, Whitmore, Williams, Wilson of Milam, Wright,—35.

Nays—Messrs. Bell, Bellinger, Bledsoe, Board, Brown, Buffington, Cole, Degener, Flanagan, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Calhoun, Keigwin, Leib,

Mackey, McWashington, Morse, Mundine, Phillips, of Wharton, Rogers, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Wilson of Brazoria—33.

So the amendment was laid upon the table.

Mr. Bellinger moved to lay the original motion upon the table.

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Bellinger, Cole, Gaston, Hamilton of Travis, Kuechler, Mills, Mundine, Munroe, Posey, Ruby, Scott, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria—15.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Morse, Muckleroy, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Slaughter, Smith of Galveston, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Wright—56.

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

Mr. Wilson, of Brazoria, offered the following amendment :

Amend by adding "that nothing contained in the resolution shall stop the pay of any member who may be excused to wait on a sick colleague."

The amendment was adopted.

Mr. Armstrong, of Lamar, moved the previous question upon the passage of the resolution.

Previous question seconded.

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

Main question ordered.

The question recurred upon the passage of the resolution, and it was adopted.

The following substituted, presented by Mr. Slaughter, to above, was read by request.

*Resolved*, That the per diem of members who may hereafter be absent from this body without an excuse, sufficient in the judgment of the President, be stopped; and that the per diem of members heretofore indefinitely excused, be stopped from this date; provided, they have availed themselves of the excuse granted them.

Mr. Munroe offered the following resolution, and asked its reference to the Committee on Counties and County Boundaries :

## A DECLARATION

Removing the administration of the estate of James H. Leaverton from Anderson to Houston county.

*Be it declared by the people of Texas in Convention assembled,* That the administration of the estate of James H. Leaverton be, and is hereby removed from the county of Anderson to the county of Houston, and that the county clerk of Anderson be and is hereby authorized and required to make out, and forward to the county clerk of Houston county, a full transcript of the proceedings had in said Anderson county on the said estate.

SEC. 2. That this declaration take effect from and after its passage.

It was so referred.

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

*Be it declared,* That the following shall be a section or clause in the new Constitution :

SECTION —. Whenever it shall be made known to the Governor of the State of Texas, that from unlawful combinations, sparcity of jurors, or other causes, that the criminal laws of the State of Texas cannot be faithfully executed, and criminals punished, in any county in the State, he shall have the power, by proclamation, to order that the courts in the nearest county, free from like objections, shall take jurisdiction, and try all criminals for crimes that have been committed before said proclamation, in said rescuant county, and he may keep said proclamation in force until he is satisfied that crimes and criminals can be punished in said county.

It was so referred.

Mr. Kuechler introduced the following declaration, and asked its reference to the Committee on Finance :

*Be it declared by the people of Texas in Convention assembled,* That the county court of Gillespie county be authorized to levy a special tax for the purpose of paying the present indebtedness of the county.

1. Said special tax shall not exceed ten cents per hundred dollars of the assessed property ; that of occupations shall be the same as the State levies.

2. Said taxes can be paid in county warrants, already issued by the county court of Gillespie county, or in money.

3. When the amount of \$100 or more is in the treasury, it shall

be the duty of the treasurer to give ten days' notice, according to law, to the warrant holders for prosecuting their claims, and under all circumstances the oldest shall be first paid.

4. The assessor and collector and county treasurer shall not be entitled for any fees whatever for assessing, collecting and disposing of the money.

5. It shall be the duty of the treasurer to keep in a separate book a record of all acts done and monies collected and disposed of under this declaration.

It was so referred.

The President announced the business in order was the unfinished business of yesterday, which was the report of the Committee on General Provisions.\*

Mr. Thomas offered the following substitute to section 3 of the Bill of Rights :

Substitute section 3, and the following sections to 21, inclusive, of the Bill of Rights of the Constitution of 1845.

Mr. Bellinger moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Bellinger, Carter, Degener, Downing, Newcomb, Ruby, Scott, Slaughter, Smith of Galveston, Whitmore, Yarborough—12.

Nays—Messrs. Armstrong, of Lamar, Armstrong, of Jasper, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Cole, Coleman, Constant, Curtis, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Long, McWashington, Morse, Muckleroy, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson, of Milam, Wright.—58.

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

The question recurred upon the adoption of the substitute.

The Convention adopted the substitute.

Mr. Thomas moved that the Bill of Rights be referred to the Executive Committee.

The Convention refused to refer.

Mr. Lindsey moved to take up the substitute by sections, and act upon it *seriatim*.

\*For report see page 236.

Carried.

On motion, section 3 was adopted.

Mr. Lindsay moved the word "shall" and brackets in section 4, be stricken out.

Carried.

On motion, section 4 was adopted.

Mr. Jordan offered the following amendment :

Insert at the end of section 5, "to express the truth."

Mr. Degener moved to lay the amendment upon the table.

Carried.

Mr. Smith, of Galveston, moved to strike out the last clause after the word "privilege."

Lost.

On motion, section 5 was adopted.

Mr. Lindsay moved to substitute the word "prosecution" for the word "indictments," in fourth line of section 6.

• Carried.

Mr. Evans, of McLennan, moved to strike out the words "the law and," in section 6, line five.

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

Carried.

On motion, section 6 was adopted.

Mr. Degener moved to strike out the brackets in first line.

Carried.

Mr. Lindsay moved to amend by striking out the word "then" and insert the words "such place, person or thing," in fourth line of section 7.

Amendment adopted.

On motion, section 7 was adopted.

Mr. Lindsay moved to amend section 8 by inserting the words, "under some judicial proceeding," after the word "but" in seventh line of section 8.

The Convention refused to agree to the amendment.

On motion, section 8 was adopted.

Mr. Newcomb moved that section 6 of the report of the committee be substituted for section 9 of the adopted substitute.

Under the rules, the Convention adjourned until this afternoon, at four o'clock.

## AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. No quorum.

Mr. Smith of Marion moved to adjourn until to-morrow morning at nine o'clock.

Lost.

Mr. Slaughter moved to adjourn until nine o'clock to-morrow morning.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bledsoe, Evans of McLennan, Schuetze, Slaughter, Smith of Marion—5.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Carter, Coleman, Curtis, Flanagan, Foster, Harris, Hunt, Jordan, Kealy, Keigwin, Kendal, Leib, Morse, Muckleroy, Munroe, Patten, Phillips of San Augustine, Rogers, Sumner, Talbot, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—35.

So the Convention refused to adjourn.

Mr. Evans of McLennan moved a call of the house.

Call sustained.

Mr. Smith of Marion asked leave of absence for Mr. Grigsby.

Leave granted.

Mr. Burnett asked leave of absence for Mr. Pedigo.

Leave granted.

Mr. Evans of McLennan moved the call of the house be suspended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Burnett, Carter, Coleman, Curtis, DeGENER, Evans of McLennan, W. Flanagan, Foster, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Lindsay, Lippard, Long, Morse, Muckleroy, Mullins, Munroe, Patten, Phillips of San Augustine, Sumner, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—37.

Nays—Messrs. Bellinger, Brown, Flanagan, Hamilton of Travis, Harris, Horne, Keigwin, Leib, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Talbot, Watrous, Wilson of Milam—17.

So the call of the house was suspended.

Mr. Hamilton of Travis moved a call of the house.

Call sustained.

Mr. Evans of McLennan moved the Convention adjourn until tomorrow morning at nine o'clock.

Motion withdrawn.

Mr. Bryant of Grayson offered the following resolution :

*Resolved*, That every member who is absent from his seat twenty minutes at any time on a call of the house, without a legal excuse or consent of the Convention, shall forfeit his *per diem* for that day.

Mr. Hamilton of Travis moved a suspension of the call of the house.

Carried.

Mr. Hamilton of Travis moved a suspension of the rules, for the immediate consideration of the resolution offered by Mr. Bryant of Grayson.

Rules suspended.

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?"

Upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Curtis, Flanagan, W. Flanagan, Foster, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Leib, Lindsay, Mackey, McWashington, Muckleroy, Mullins, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—56.

Nays—Messrs. President, Armstrong of Jasper, Brown, Degener, Evans of McLennan, Goddin, Jordan, Kealy, Kuechler, Morse, Posey, Slaughter, Smith of Marion, Yarborough—14.

So the main question was ordered.

Mr. Mundine moved a reconsideration of the vote ordering the main question.

Mr. Flanagan moved to lay the motion to reconsider upon the table.

Motion withdrawn by leave.

Mr. Flanagan renewed the motion to lay on the table.

Upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Curtis, Flanagan, W. Flanagan, Foster, Hamilton of Travis, Harris,

Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Leib, Lindsay, Mackey, McWashington, Muckleroy, Munroe, Phillips of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—42.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Brown, Degener, Evans of McLennan, Fleming, Goddin, Hunt, Kealy, Kuechler, Lippard, Morse, Mullins, Mundine, Patten, Posey, Scott, Slaughter, Smith of Marion, Stockbridge, Whitmore—21.

So the motion to reconsider was laid upon the table.

The question recurred upon the adoption of the resolution.

Upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Curtis, Flanagan, W. Flanagan, Foster, Fleming, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Calhoun, Johnson of Harrison, Jordan, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Talbot, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. President, Armstrong, of Jasper, Brown, Degener, Evans of McLennan, Goddin, Kealy, Kuechler, Morse, Mundine, Mullins, Patten, Posey, Scott, Slaughter, Smith of Marion, Yarborough—17.

So the resolution was adopted.

Mr. Bell, of Austin, called up the declaration to incorporate the Bellville, Hempstead and Brazos Bridge Company.

The declaration was read and adopted.

Mr. Evans, of McLennan, moved a suspension of rules for the further consideration of the declaration.

Rules suspended.

Mr. Thomas moved to refer the matter to the next Legislature.

Ruled out of order.

Mr. Thomas moved to postpone the subject until the first Monday in December.

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Armstrong, of Jasper, Bellinger, Bledsoe, Boyd, Bryant, of Grayson, Burnett, Constant, Curtis, Foster, Glenn, Johnson, of Harrison, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Mullins, Posey, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan—27.

Nays—Messrs. Adams, Armstrong, of Lamar, Bell, Board,

Brown, Buffington, Carter, Cole, Degener, Evans, of McLennan, Flanagan, W. Flanagan, Gaston, Goddin, Hamilton, of Travis Horne; Hunt, Johnson, of Calhoun, Jordan, Kendal, Keuchler, Lippard, McWashington, Morse, Muckleroy, Mundine, Munroe, Patten, Phillips, of San Augustine, Phillips, of Wharton, Schuetze, Scott, Slaughter, Smith, of Marion, Stockbridge, Varnell, Watrous, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright—41.

So the Convention refused to postpone.

Mr. Constant offered the following amendment:

Strike out "five" and insert "three."

Mr. Smith of Galveston, moved to lay the amendment on the table.

Lost.

The question recurred upon the adoption of the amendment.

It was adopted.

The question recurred upon the passage of the declaration as amended.

It was read third time and passed.

Mr. Bellinger called up the report of the Committee on General Provisions, the question being upon the substitute offered by Mr. Newcomb to the 9th section.

The Convention rejected the substitute.

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

Strike out all of section from word "but," on 2nd line, down to end of section.

Mr. Flanagan moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Cole, Coleman, Constant, Curtis, Degener, Downing, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Mackey, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—55.

Nays—Messrs. President, Bell, Carter, Foster, Goddin, Jordan, Lippard, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Wilson of Milam—14.

So the amendment was laid on the table.

Mr. Whitmore offered the following amendment:

Strike out all after "evident," in second line, to "but," in same line.

Mr. Burnett moved to lay the amendment upon the table.

Carried.

Upon motion, section nine was adopted.

Mr. Hamilton, of Travis, moved to amend section 10, by adding after the word "except," in second line, the words: "by act of the Legislature."

Carried.

Mr. Evans, of McLennan, offered the following amendment:

Amend by striking out the word "privileges," in line 7th, section 10, and insert the word "right."

The amendment was rejected.

Mr. Lindsay offered the following amendment:

After "except," in the second line, strike out "when," when it occurs, and insert "it" after the word "invasion."

The amendment was adopted.

Upon motion, section 10 was adopted.

Upon motion, section 11 was adopted.

Upon motion, section 12 was adopted.

Mr. Evans, of McLennan, offered the following amendment:

Amend, by inserting after the last words, "under such regulations as the Legislature may prescribe."

Amendment was agreed to.

Mr. Munroe moved to substitute the word "persons" for "citizens" in first line.

Carried.

Upon motion, section 13 was adopted.

Mr. Munroe offered the following substitute to section 14:

Amend, by adding at the end of the section the words: "and any stay law, or law impeding, suspending, obstructing or postponing the collection of debts, other than the laws in force at the contraction of such obligations, are hereby declared to be palpable violations of this provision, in addition to such other infractions as may be decided by law in the courts of the country."

The substitute was laid upon the table.

Mr. Newcomb offered section 8, of the original report, as a substitute to section 14.

The Convention refused to adopt the amendment.

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

Add at the end of section 14 these words:

"Nor shall any law be passed depriving a party of any remedy for the enforcement of a contract which existed when the contract was made."

Mr. Burnett moved to lay the amendment upon the table.

Lost.

The amendment was adopted.

Upon motion, section 14 was adopted.

Mr. Hamilton, of Travis, offered the following amendment to section 15 :

Add at the end of the section these words :

“ But they shall not be construed to prevent the Legislature from passing laws to punish by imprisonment, such persons as shall be convicted by a court of competent jurisdiction, of the fraudulent concealment of their property, to evade the payment of their just debts.”

Mr. Jordan offered the following amendment to the amendment :

Amend by adding, “ Except for fraud or defalcation after verdict and judgment of any court of competent authority.”

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

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CAPITOL, AUSTIN, TEXAS,  
August 6, 1868.

Convention met pursuant to adjournment.

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

Mr. Flanagan asked leave of absence for Mr. Coleman for six days.

Leave granted.

Mr. Fayle presented the following petition from A. D. Robertson and others, asking a charter for a horse railroad at Houston, with accompanying declaration, and asked its reference to the Committee on Internal Improvements :

To the honorable the Convention of the State of Texas at Austin assembled, greeting :

The undersigned petitioners would respectfully petition your honorable body, and represent as follows, viz : That the city council of Houston have granted unto your petitioners a franchise to build, equip and run a horse railroad over certain streets within the limits of said city ; and your petitioners would respectfully pray that they, the petitioners and their associates, be granted a charter by the honorable Convention for said purpose, and for the further extension of