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

Withdrawn.

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

CAPITOL, AUSTIN, TEXAS,
August 10, 1868.

Convention met pursuant to adjournment.

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

Mr. Kuechler presented a petition from citizens of Fredericksburg asking the incorporation of that town as a city, and asked its reference to the Committee on State Affairs.

It was so referred.

Mr. Smith, of Galveston, moved a suspension of rules to allow him to present a protest against the minority report of the Committee on Lawlessness and Violence.

Lost.

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

COMMITTEE ROOM,
Austin, August 10, 1868.

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

SIR: Your Committee on Internal Improvements have had before them a declaration to incorporate the Houston City Railroad Company, presented by Mr. Fayle, and after a careful investigation, I am instructed to report back the same, and to recommend its adoption.

All of which is respectfully submitted,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, Texas, August 10, 1868.

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

SIR: Your committee have had before them a declaration for the incorporation of a railway company in the city of Houston, presented

by Mr. Fayle, and after giving said declaration due consideration, the committee have instructed me to report the same back, and to recommend its passage.

All of which is respectfully submitted,
 J. W. FLANAGAN,
 Chairman of the Committee on Internal Improvements.

Mr. Johnson, of Calhoun, asked leave of absence for Mr. Varnell. Leave granted.

Mr. Phillips, of Wharton, offered the following resolution :

Resolved, That the following be inserted in the Constitution as one of the general provisions :

The Legislature, at its first session after the adoption of this Constitution, shall provide by law some adequate means by which the holders of matured obligations for the payment of money, exempted by the proper authorities of any county, city, or incorporated town, in this State, may be enabled to enforce the payment of such obligations.

Provided, That no debt created for the purpose of aiding the late rebellion shall ever be paid.

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

Mr. Armstrong, of Lamar, moved a suspension of the rules to take up the report of Committee on Finance upon the resolution of Mr. Scott, in reference to the police courts of Lamar county.

Motion withdrawn.

The President announced the business in order was the report of the Committee on General Provisions, and upon the amendment offered by Mr. Schuetze to the thirteenth section.

Mr. Bryant, of Grayson, moved to lay the amendment upon the table.

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

Yeas—Messrs. Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Constant, Curtis, Downing, Fayle, Flanagan, Foster, Gaston, Grigsby, Harn, Jordan, Kealy, Keigwin, Kendal, Leib, McCormick, McWashington, Muckleroy, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—39.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Carter, Cole, Degener, Evans of McLennan,

Evans of Titus, W. Flanagan, Glenn, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Lippard, Mackey, Morse, Mundine, Newcomb, Pedigo, Posey, Ruby, Slaughter, Stockbridge, Vaughan, Wilson of Milan—28.

So the amendment was laid upon the table.

Mr. Schuetze moved a reconsideration of the vote laying the amendment upon the table.

Mr. Sumner moved to lay the motion upon the table.

Mr. Schuetze moved a call of the House.

Call sustained.

Mr. Fleming asked to be excused from attendance upon the House.

Leave granted.

Mr. Smith, of Marion, asked leave of absence for Mr. Long.

Leave not granted.

Mr. Degener moved that the call of the House be suspended.

Carried.

Upon the motion to lay the motion to reconsider upon the table, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Bellinger, Burnett, Constant, Curtis, Evans of Titus, Fayle, Flanagan, Foster, Gaston, Grigsby, Harn, Keigwin, Kealy, Kendal, Leib, McCormick, Mills, Muckleroy, Phillips, of San Augustine, Phillips of Wharton, Rogers, Scott, Smith of Galveston, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—37.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Caldwell, Carter, Cole, Degener, Downing, Evans of McLennan, W. Flanagan, Glenn, Goddin, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Posey, Ruby, Schuetze, Slaughter, Stockbridge, Vaughan, Wilson of Milan—40.

So the Convention refused to lay the motion to reconsider upon the table.

The question recurred upon the motion to reconsider the vote laying the amendment of Mr. Schuetze to section 13 upon the table.

Mr. Schuetze moved a call of the House.

Call sustained.

Absentees—Pedigo and Scott.

Mr. Pedigo moved a suspension of the call.

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

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Board, Butler, Caldwell, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, W. Flanagan, Fleming, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kuechler, Lippard, Long, Mackey, Morse, Mundine, Newcomb, Oaks, Posey, Ruby, Schuetze, Slaughter, Stockbridge, Vaughan, Wilson of Milam—37.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Fayle, Flanagan, Foster, Gaston, Grigsby, Harris, Harn, Kealy, Keigwin, Kendal, Leib, Lindsay, McCormick, McWashington, Mills, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Smith of Galveston, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarrow—40.

So the Convention refused to reconsider.

Mr. Schuetze offered the following amendment to section 13 :

After the word "choose" insert "or the right to purchase refreshments or medicine;" and after the word "nor" insert "such purchases (or sales.)"

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

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

Yeas—Messrs. Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Cole, Constant, Curtis, Fayle, Flanagan, Foster, Gaston, Grigsby, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, McCormick, McWashington, Morse, Muckleroy, Phillips of San Augustine, Rogers, Scott, Smith of Marion, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria, Wright, Yarrow—39.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, W. Flanagan, Fleming, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Calhoun, Jordan, Kuechler, Lindsay, Lippard, Long, Mackey, Mills, Mundine, Munroe, Newcomb, Oaks, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Vaughan, Whitmore, Wilson of Milam—40.

So the Convention refused to lay the section and amendment on the table.

Mr. Schuetze moved the adoption of the amendment.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong

of Lamar, Bell, Bellinger, Bledsoe, Board, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, W. Flanagan, Fleming, Glenn, Goddin, Hamilton of Travis, Hunt, Johnson of Calhoun, Kuechler, Lindsay, Lippard, Long, Mackey, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Vaughan, Wilson of Milam—41.

Nays—Messrs. Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Fayle, Flanagan, Foster, Gaston, Grigsby, Harris, Horne, Harn, Jordan, Kealy, Keigwin, Kendal, Leib, McCormick, McWashington, Muckleroy, Phillips of San Augustine, Rogers, Scott, Sumner, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarbrough—35.

So the amendment was adopted.

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

The right of the citizens of this State to meet for recreation, social intercourse, or amusements, on any day of the week, shall not be prohibited; provided, however, that such right be allowed under such regulations as may be prescribed by law, looking to the security of the rights of persons, the public peace, and the inviolability of religious worship.

Mr. Degener moved a suspension of the rules to offer a resolution.

Upon which the yeas and nays were demanded.

Pending the vote the House adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION—4 O'CLOCK.

Roll called; quorum present.

Mr. Bryant, of Harris, called up the substitute offered to the report of the Committee on Internal Improvements, respecting the International Pacific Railroad Company.

Mr. Buffington moved a call of the House.

Call sustained.

Mr. Lieb asked leave of absence for Mr. Keuchler.

Leave granted.

Mr. Sumner moved that the use of the House of Representatives be tendered to the German citizens this evening.

Carried.

Mr. Wright moved that the call of the House be suspended.

Carried.

Mr. Smith, of Galveston, moved the indefinite postponement of the report.

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

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Constant, Downing, Glenn, Grigsby, Hunt, Kendal, Lindsay, Lippard, Long, Mackey, Morse, Newcomb, Oaks, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Talbot, Thomas, Whitmore, Williams, Yarborough—27.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Curtis, Evans of Titus, Flanagan, W. Flanagan, Foster, Fleming, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, McCormick, McWashington, Muckleroy, Munroe, Phillips of San Augustine, Phillips, of Wharton, Rogers, Scott, Slaughter, Stockbridge, Sumner, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—43.

So the Convention refused to postpone.

Mr. Hamilton, of Travis, moved the previous question upon the passage of the substitute.

Previous question seconded.

Mr. Smith, of Galveston, moved a call of the House.

Call sustained.

Absentee—Posey.

Mr. Burnett asked leave of absence for Mr. Pedigo on account of sickness.

Leave granted.

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

Resolved, That this Convention take a recess and re-assemble on the second Monday in December, 1868.

Mr. Hamilton, of Travis, moved to lay the resolution upon the table.

The chair ruled the resolution out of order.

Mr. Evans appealed from the decision of the chair.

Mr. Smith, of Galveston, moved that the Convention adjourn until the second Monday in December.

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

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Boyd, Degener, Evans of McLennan, Fayle, Gaston, Glenn, Lippard, Long, Morse,

Newcomb, Oaks, Scott, Smith of Galveston, Whitmore, Yarborough—17.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harne, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Shuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—60.

So the Convention refused to adjourn.

Mr. Smith, of Galveston, moved that the Convention adjourn until the first Monday in December.

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

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Boyd, Degener, Evans of McLennan, Gaston, Lippard, Long, Morse, Newcomb, Oaks, Scott, Smith of Galveston, Watrous, Whitmore, Yarborough—16.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Bell, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Caldwell, Cole, Constant, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Flanagan W., Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Jordan, Johnson of Calhoun, Johnson of Harrison, Keigwin, Kendal, Kealy, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Munroe, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Wilson of Milam, Wilson of Brazoria, Wright, Yarborough—60.

So the Convention refused to adjourn.

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

Resolved, That for two weeks from this date no resolution to adjourn, or to take a recess for a longer period than one day, will be entertained by this Convention.

Mr. Hamilton, of Travis, moved suspension of the rules, to put resolution upon its final passage.

Mr. Degener moved a call of the House.

Call sustained.

Mr. Hamilton asked leave to withdraw the resolution.

Upon granting leave the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of Titus, Fayle, Flahagan, W. Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—62.

Nays—Messrs. Bellinger, Bledsoe, Board, Degener, Evans of McLennan, Gaston, Lippard, Long, Morse, Munroe, Newcomb, Oaks, Posey, Scott, Smith of Galveston—15.

So leave was granted.

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

The yeas and nays were demanded and resulted thus :

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—62.

Nays—Messrs. President, Armstrong of Jasper, Degener, Glenn, Hunt, Lippard, Long, Morse, Newcomb, Oaks, Ruby, Scott, Smith of Marion, Talbot, Thomas—15.

So the main question was ordered.

The question recurred upon the passage of the declaration.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Mackey, McCor-

mick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—53.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Burnett, Degener, Downing, Evans of McLennan, Fayle, Glenn, Hunt, Lindsay, Lippard, Long, Mills, Morse, Newcomb, Oaks, Posey, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Thomas, Whitmore, Yarborough—25.

So the declaration was adopted on final passage.

Mr. Hamilton, of Travis, moved to reconsider the vote upon the passage of the substitute, and move to lay the motion to reconsider upon the table.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lippard, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Slaughter, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—58.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Burnett, Gaston, Lindsay, Long, Morse, Newcomb, Oaks, Posey, Schuetze, Smith of Galveston, Smith of Marion, Thomas, Whitmore, Yarborough—18.

So the motion prevailed.

Mr. Buffington called up the declaration to incorporate the Houston City Railroad Company.

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

Previous question seconded.

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

The main question was ordered.

The question recurred upon the passage of the declaration.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Board, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, McWashington,

Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Stockbridge, Talbot, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—42.

Nays—Messrs. President, Armstrong of Jasper, Bellinger, Bledsoe, Boyd, Butler, Burnett, Degener, Downing, Evans of McLennan, Keigwin, Lindsay, Mackey, Morse, Newcomb, Oaks, Posey, Scott, Sumner, Thomas, Whitmore, Williams—22.

Mr. Faile moved a suspension of the rules to put declaration upon its third reading.

Rules suspended.

Declaration read third time and passed.

Mr. McCormick asked leave of absence for Mr. Bryant, of Grayson.

Leave granted.

Mr. McCormick was granted leave of absence.

Mr. Butler called up the report of Committee on General Provisions.

The question being upon the substitute offered by Mr. Hamilton, of Travis, to section 13.

Mr. Schuetze moved to adjourn until to-morrow morning at 9 o'clock.

Withdrawn.

Leave given to Mr. Butler to withdraw his motion calling up the report of the Committee on General Provisions.

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

CAPITOL, AUSTIN, TEXAS,
August 11, 1868.

Convention met pursuant to adjournment.

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

Mr. Whitmore, Chairman of the Committee on General Provisions, made the following report:

COMMITTEE ROOM,
August 9, 1868.

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

SIR: The Committee on General Provisions, to whom was referred a declaration by Mr. Watrous, of Washington, have had the