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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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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. Fayle 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Withdrawn.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

same under advisement, and instruct me to report back the same with a recommendation that it do not pass, as the substance therein contained has been fully reported and covered in a previous report of said committee.

G. W. WHITMORE,

COMMITTEE ROOM,
August 10, 1868.

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

SIR: The Committee on General Provisions have had under consideration the following declarations, and after mature deliberation, instruct me to report them to the Convention as additional sections to the Constitution, under the head of General Provisions.

G. W. WHITMORE,
Chairman.

SECTION —. That the Legislature be instructed to pass laws protecting from forced sales the increase of live stock belonging to the wife's separate property, as well as rents, interest, and increased value of real estate.

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.

SECTION —. 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.

Mr. McCormick moved that Mr. Harn and Mr. Kealey be per-

mitted to print remarks upon the International Railroad Company.

Leave granted.

Mr. Johnson, of Harrison, introduced the following resolution :

Resolved, That the Secretary be authorized to give James B. Cassidy a certificate for ——— dollars, for writing done for the clerks of the Convention.

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

Mr. Lindsay offered the following resolution :

Resolved, That the following sections be made part of the Constitution :

1. SECTION —. The grant of four leagues of land heretofore made to the several counties of the State, for common school purposes, is hereby revoked, except as to such portions thereof as have already been alienated by any of said counties. But this revocation shall not affect nor disturb the right of any lessee of said land, whose rights have been acquired under the provisions of the common school law heretofore in force.

2. SECTION —. The common school lands donated to the several counties shall hereafter be regarded as a part of the public domain, subject to entry and appropriation, as the other public lands of the State.

3. SECTION —. That every citizen of the United States who will settle, occupy, cultivate and improve any portion of the public domain of Texas, now vacant and unappropriated, shall be entitled to receive a grant for the same in fee simple, as follows: each head of family shall be entitled to a grant of one hundred and sixty acres, and each single adult person shall be entitled to eighty acres; provided, that each head of a family and each single adult person shall make an actual settlement thereon, and cultivate and improve the same; and provided further, that every such locator and settler shall defray the expenses of the survey, to be made by some authorized surveyor, and of the recording of the plat and certificate of survey, and of the issuance of the grant by the Commissioner of the General Land Office.

Mr. Lindsay moved a suspension of the rules to refer declaration to a special committee.

Lost.

The President presented the following communication :

AUSTIN, TEXAS,
August 11, 1868.

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

SIR : At a meeting of Post No. 1, "Grand Army of the Republic," Department of Texas, held on the tenth instant, the accompanying resolution was adopted and ordered to be forwarded for the consideration of the Convention.

H. C. HUNT,
Post Adjutant.

Resolved, That the Constitutional Convention now in session be requested to cause to be collected and published in a well bound volume, the roster of all soldiers, sailors or marines who entered the United States service from the State of Texas, during the war, for the suppression of the rebellion.

It was referred to the Committee on State Affairs.

The President announced that the business in order was the report of the Committee on General Provisions,* and upon the substitute offered by Mr. Hamilton of Travis to section thirteen.

Mr. Smith, of Galveston, moved the previous question upon the adoption of section thirteen as amended.

Previous question seconded.

Mr. Schuetze moved a call of the House.

Call sustained.

Mr. Lindsay asked that Mr. Horne be excused.

Leave granted.

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

Carried.

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

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, Caldwell, Carter, Constant, Degener, Downing, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Calhoun, Jordan, Kendal, Keuchler, Kirk, Lindsay, Lippard, Long, Mackey, Mills, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Slaugh-

* For report, see page 236.

ter, Smith of Galveston, Stockbridge, Talbot, Vaughan, Whitmore, Wilson of Milam, Wright—49.

Nays—Messrs. Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Harris, Harn, Kealy, Keigwin, Leib, McCormick, McWashington, Morse, Phillips of San Augustine, Rogers, Scott, Sumner, Thomas, Watrous, Wilson of Brazoria, Yarborough—29.

So the main question was ordered.

The question recurred upon the passage of section thirteen as amended.

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

Yeas—Messrs. President, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hunt, Johnson of Calhoun, Kendal, Kuechler, Kirk, Lindsay, Lippard, Long, Mackey, Mundine, Newcomb, Oaks, Pedigo, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Talbot, Vaughan, Wilson of Milam—35.

Nays—Messrs. Armstrong, of Lamar, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Cole, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wright, Yarborough—41.

So the Convention refused to adopt the section.

Mr. Flanagan moved to reconsider the vote, and that the motion to reconsider be laid upon the table.

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

Yeas—Messrs. Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Harn, Kealy, Keigwin, Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Munroe, Phillips of San Augustine, Rogers, Scott, Smith of Marion, Sumner, Thomas, Watrous, Whitmore, Wilson of Brazoria, Wright, Yarborough—37.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Butler, Caldwell, Carter, Degener, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kendal, Kuechler, Kirk, Lindsay, Lippard, Long, Mackey, Mundine, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of

Galveston, Stockbridge, Talbot, Vaughan, Wilson of Milan—40.

So the motion to lay the motion to reconsider upon the table was lost.

Mr. Flanagan asked leave to withdraw his motion to reconsider. Leave not granted.

[Mr. Evans of McLennan in the chair.]

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

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Butler called up the unfinished business of this morning.

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

Carried.

Messrs. Mundine, Horne, and Caldwell were excused on account of sickness.

Mr. Talbot moved that when the Convention adjourns this evening, it adjourns until Thursday morning at nine o'clock, and that the use of the Hall be given to the Nominating Convention.

On motion, the call of the House was suspended.

The question recurred upon the motion to reconsider the vote rejecting section thirteen, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Kendal, Kuechler, Kirk, Lindsay, Lippard, Mackey, Newcomb, Oaks, Patten, Posey, Ruby, Smith of Galveston, Varnell, Wilson of Milan—31.

Nays—Messrs. Armstrong, of Lamar, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Hamilton of Travis, Harris, Horne, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—44.

So the Convention refused to reconsider.

Mr. Evans of McLennan offered the following as a separate section of the Bill of Rights:

SECTION — All persons born or naturalized in the United States, and subject to the jurisdiction thereof, being citizens of the United States, are, if residing in Texas, declared to be citizens of the State of Texas; and no law, rule or regulation shall ever be made or enforced, in this State, which shall abridge the privileges or immunities of citizens of the United States; and all citizens of this State, in civil and political rights, shall stand equal before the laws of this State, and be subject to the same duties, burdens, pains and penalties.

Mr. Hamilton of Travis offered the following amendment:

“Except on account of the qualifications as prescribed in this Constitution for public offices.”

The question recurring upon the adoption of the amendment, it was not agreed to.

Mr. Bryant of Grayson moved to lay the proposed amendment on the table.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Belinger, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Cole, Constant, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—52.

Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Evans of McLennan, Goddin, Hunt, Johnson of Harrison, Kendal, Kuechler, Lippard, Mills, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Whitmore, Williams—28.

So the proposed section was laid upon the table.

On motion, section fourteen was adopted.

Section one of the general provisions was adopted.

Mr. Sumner moved to strike out, in section two, line two, “other high crimes.”

Motion not agreed to.

Section two, on motion, was adopted.

Mr. Armstrong of Jasper moved to strike out section three.

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

Yeas—Messrs. Armstrong of Jasper, Bellinger, Boyd, Cole, DeGENER, Evans of Titus, W. Flanagan, Gaston, Glenn, Goddin, Harn, Johnson of Calhoun, Kealy, Kuechler, McCormick, Mills, Muckle-roy, Munroe, Newcomb, Oaks, Pedigo, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Varnell, Vaughan, Wilson of Brazoria—28.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Morse, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—53.

So the Convention refused to strike out.

Mr. Evans of McLennan offered the following amendment :

Amend by striking out the words "or commit an assault with deadly weapons," in line two.

Mr. McCormick offered the first section of general provisions of the constitution of 1845 as a substitute for original section and amendment.

Mr. Smith of Galveston moved to lay the substitute upon the table.

Lost.

The question recurred upon the adoption of the substitute.

The Convention refused to adopt the substitute.

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

Previous question seconded.

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

The main question was ordered.

The question recurring upon the adoption of section three, it was adopted.

Mr. Armstrong of Jasper offered the following amendment to section four :

In section four, first line, strike out the words, "by ballot," and insert the words "given *viva voce*."

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

Carried.

Mr. McCormick offered the following amendment :

After the word "ballot" in first line, insert "and no number or other mark of any kind shall be put upon the ballot of any voter, by any officer of election or by any other person, after said ballot is handed to the officer of election by the voter."

Mr. Burnett 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, Board, Boyd, Bryant of Grayson, Butler, Burnett, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Glenn, Hamilton of Travis, Keigwin, Morse, Muckleroy, Oaks, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Wright—25.

Nays—Messrs. Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Buffington, Carter, Cole, Curtis, Downing, Fayle, Fleming, Foster, Gaston, Goddin, Grigsby, Harris, Harne, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Newcomb, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—47.

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

Mr. Burnett moved the previous question.

Previous question seconded.

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

The main question was ordered.

The question recurred upon the adoption of section four.

It was adopted.

Mr. Evans of McLennan moved to reconsider the vote by which section four was adopted.

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

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

Yeas—Messrs. Board, Boyd, Bryant of Grayson, Burnett, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horn, Kealy, Keigwin, Kirk, Morse, Muckleroy, Pedigo, Rogers, Ruby, Scott, Smith of Galveston, Sumner, Varnell, Wright—28.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Buffington, Carter, Constant, Curtis, Degenner, Downing, Evans of McLennan, Fayle, Foster, Goddin, Hunt,

Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Leib, Lindsay, Long, McCormick, Mills, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Schuetze, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—42.

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

The question recurred, "Shall the vote adopting section 4 be reconsidered.

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

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Harris, Buffington, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Leib, Lindsay, Lippard, Long, McCormick, Mills, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Williams, Wilson of Brazoria, Wilson of Milam—45.

Nays—Messrs. Boyd, Bryant, of Grayson, Burnett, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Kealy, Keigwin, Kirk, Morse, Muckleroy, Rogers, Scott, Varnell, Watrous, Whitmore, Wright, Yarborough—26.

So the Convention reconsidered the vote.

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

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