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CAPITOL, AUSTIN, TEXAS,
December 19, 1868.

Convention met pursuant to adjournment.

Quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

The President requested the Committees on Finance, Education, State of Affairs, Federal Relations, and Commerce and Manufactories to reorganize and report their chairman.

Mr. Hamilton, of Travis, offered the following declaration, and asked its reference to the Committee on Internal Improvements without reading:

A DECLARATION

To incorporate the Austin Bridge Company.

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That W. M. Walton, R. N. Lane, Leigh Chalmers, and such other persons as they may associate with them, and their successors in office, be and they are hereby declared a corporation under the name and style of the "Austin Bridge Company," and as such may sue and be sued, may have a corporate seal, and may hold and own such property, both real and personal, as may be necessary to carry out the objects of this charter, not to exceed three hundred thousand dollars.

SEC. 2. That it shall be the duty of said company to build a good, safe and substantial bridge across the Colorado river, at the city of Austin, Travis county, Texas; said bridge to be commenced within three years from and after the passage of this declaration, and to be built with a single or double track as said company may determine.

SEC. 3. That when said bridge shall be completed, said company are authorized to demand and receive from each and every non-resident of the county of Travis, crossing said bridge, or crossing their property over the same, a toll not to exceed the following rates, viz: For each wagon, cart, carriage or other vehicle drawn by more than two horses or other animals, twenty cents per wheel and five cents for each animal by which the same is drawn, and when the same is drawn by two animals or less, ten cents per wheel and five cents for each animal by which the same is drawn; for each animal and rider, ten cents; for each loose horse, mule, jack or jennet, five

cents; for each loose animal of the cattle kind, five cents; for each foot passenger, five cents; for each sheep, hog or goat, three cents; and for citizens of Travis county one-half the above rates.

SEC. 4. That no person shall be authorized or allowed to erect a bridge or keep any ferry across said Colorado river at or within five miles of the city of Austin after the said bridge herein authorized is completed, without the consent of said company; provided, that in case said bridge shall get out of repair said company may keep a ferryboat until the said bridge is put in order.

SEC. 5. That the gates of said bridge shall, at all times, night and day, be open for the passing of persons and property; and said company shall be responsible in damages for unreasonable delays, and for injuries to persons or property resulting from the bad condition of said bridge.

SEC. 6. That this charter of incorporation continue and remain in force for twenty-five years from and after the completion of said bridge, and that this declaration be in force from and after its passage.

It was so referred.

Mr. Buffington introduced the following resolution and asked its reference to the Committee on Contingent Expenses:

Resolved, That the sum of one thousand dollars, or so much thereof as may be necessary to defray the expenses of advertising the Southern Pacific, New Orleans and Matagorda Railroads for sale, be appropriated.

It was so referred.

Mr. Williams introduced the following resolution, and asked its reference to the Committee on General Provisions:

Be it declared by the people of Texas in Convention assembled, That from and after the passage of this declaration no man shall be allowed to practice medicine in this State without first having obtained a diploma from some medical college, or otherwise a certificate from some regular medical board. All physicians who have practiced medicine in our midst for years, and are known to be useful medical students, are excused; any others arisen in our midst shall be examined by a board of five regular practicing physicians. If they deem him a fit subject to practice, he shall get a certificate to that effect, otherwise he shall be fined five hundred dollars or sent to the Penitentiary for the period of five years.

Mr. Wilson, of Brazoria, introduced the following resolution and asked its reference to the Special Committee on the Condition of the State:

WHEREAS, It is important that the Congress of the United States now in session, should have authentic information in relation to the present condition of Texas, and the wants of her loyal people, and it is incumbent on this Convention to furnish such information; therefore,

Resolved, That for the purpose of effecting said object, four of the members of this body, to-wit: The Honorable _____, members elected respectively from the northern, eastern, western and southern portions of the State, and intimately acquainted with the condition and wants of their respective sections, are hereby authorized to proceed to Washington City to bring to the attention of the Congress of the United States, all such matters relating to Texas, as in the judgment of this Convention or of said Commissioners, require the consideration and action of Congress.

It was so referred.

Mr. McCormick moved a suspension of the rules to take up resolution respecting newspapers, the question being upon its third reading.

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

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Horne, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Mackey, McCormick, McWashington, Munroe, Newcomb, Pedigo, Posey, Rogers, Ruby, Schuetze, Scott, Smith, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—46.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Harris, Butler, Curtis, Glenn, Hamilton of Bastrop, Lippard, Long, Morse, Mullins, Patten, Phillips of San Augustine, Varnell, Wilson of Milam—16.

So the rules were suspended.

The question recurred upon the third reading of the declaration.

Mr. Thomas offered the following amendment:

Amend first resolution so as to read :

Resolved, That the Secretary of the Convention be instructed to subscribe for five hundred (500) copies of the Austin Daily Republican, two hundred (200) copies of San Antonio Daily Express, and one (100) hundred copies of the San Antonio Tri-Weekly Free Press, &c.

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

Carried.

Mr. Flanagan offered the following amendment :

Amend by adding " five hundred (500) copies of Flake's Bulletin."

Mr. Degener moved the previous question.

Previous question not seconded.

Mr. Glenn offered the following amendment to the amendment :

Amend by inserting " five hundred (500) copies of the Tri-Weekly State Gazette."

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

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

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Bledsoe, Beard, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Curtis, Flanagan, Fleming, Hamilton of Travis, Horne, Johnson of Harrison, Kealy, Kendal, Keuchler, Mackey, McWashington, Mullins, Munroe, Newcomb, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam—38.

Nays—Messrs. Adams, Armstrong of Jasper, Bryant of Harris, Butler, Cole, Degener, Downing, Evans of Titus, W. Flanagan, Gaston, Glenn, Goddin, Hamilton of Bastrop, Harris, Jordan, Keigwin, Kirk, Lippard, Long, McCormick, Morse, Mundine, Patten, Scott, Smith, Sorrell—26.

So the amendment to the amendment was laid upon the table.

Mr. Patten offered the following amendment to the amendment :

Amend by inserting " five hundred (500) copies of the Galveston Civilian, five hundred (500) copies of the Galveston News, and five hundred (500) copies of the Houston Telegraph."

Mr. Degener moved the previous question.

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. President, Adams, Bellinger, Bledsoe, Board, Buffington, Caldwell, Carter, Curtis, Degener, Downing, Hamilton of Travis, Harris, Horne, Jordan, Kealy, Kendal, Kuechler, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Posey, Rogers, Schuetze, Smith, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—36.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Brown, Bryant of Harris, Butler, Burnett, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Goddin, Hamilton of Bastrop, Johnson of Harrison, Keigwin, Kirk, Lippard, Long, Morse, Mullins, Patten, Pedigo, Phillips of San Augustine, Ruby, Scott, Sorrell, Varnell, Wilson of Milam—30.

So the main question was ordered.

The question recurred upon the final passage of the resolution.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bellinger, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Curtis, Degener, Fayle, W. Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Pedigo, Posey, Rogers, Schuetze, Sorrel, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—41.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Bryant of Harris, Cole, Evans of Titus, Flanagan, Gaston, Glenn, Hamilton of Bastrop, Keigwin, Kirk, Lippard, Long, Morse, Mullins, Patten, Phillips of San Augustine, Ruby, Varnell, Wilson of Milam, Wright—24.

So the resolution was adopted.

By the consent of the Convention, Mr. Degener presented a petition from citizens of Medina county to alter boundaries of said county, and asked its reference to the Committee on Counties and County Boundaries.

It was so referred.

Mr. Schuetze offered the following resolution :

WHEREAS, G. W. Slaughter and others, members of the Convention, were compelled to flee from the town of Jefferson to save their lives, and were compelled to come to the city of Austin via New Orleans, it being impossible for them to come away from Jefferson by any other route, because of assassins seeking their lives,

Resolved, That they be allowed mileage via New Orleans, and the Secretary is hereby authorized to issue their certificates in accordance with this resolution.

Mr. Schuetze asked for a suspension of the rules to consider the resolution.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Buffington, Cole, Degener, Evans of Titus, W. Flanagan, Gaston, Glenn, Hamilton of Bastrop, Harris, Jordan, Kealy, Keigwin, Kirk, Lippard, Mackey, Morse, Phillips of San Augustine, Posey, Sorrell, Sumner, Thomas, Watrous, Wilson of Milam, Wright—28.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Board, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Curtis, Fayle, Flanagan, Fleming, Goddin, Hamilton of Travis, Horne, Johnson of Harrison, Kendal, Kuechler, Long, McCormick, McWashington, Mullins, Mundine, Munroe, Newcomb, Pedigo, Rogers, Ruby, Schuetze, Smith, Stockbridge, Varnell, Vaughan, Wilson of Brazoria—35.

So the Convention refused to suspend the rules.

Mr. Sumner moved a suspension of the rules to take up the report of the Committee on Education.

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

Yeas—Messrs. Armstrong of Lamar, Bellinger, Bryant of Grayson, Caldwell, Carter, Cole, Fleming, Johnson of Harrison, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Pedigo, Posey, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam—28.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W.

Flanagan, Gaston, Hamilton of Bastrop, Harris, Horne, Jordan, Kendal, Kuechler, Kirk, Lippard, Long, Mullins, Munroe, Patten, Ruby, Scott, Slaughter, Smith, Sorrell, Varnell, Williams, Wright—39.

So the Convention refused to suspend the rules.

The President announced that the next business in order was the resolution of Mr. Newcomb respecting the division of the State.

Mr. Caldwell offered the following amendment:

Amend by adding the following proviso:

Provided, That no declaration or proposition shall be entertained by the Convention unless it is coupled with a plan to submit the proposed division of the State of Texas as a separate measure to a vote of the qualified electors of the State at large at the same time that the vote upon the ratification or rejection of the Constitution is had.

Mr. Newcomb moved the previous question.

Previous question seconded.

Mr. McCormick moved the Convention adjourn until Monday morning at ten o'clock.

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

Yeas—Messrs. Bellinger, Evans of Titus, Glenn, Hamilton of Bastrop, Johnson of Harrison, Kealy, Kirk, McCormick, McWashington, Morse, Mundine, Posey, Schuetze, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—18.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Horne, Jordan, Keigwin, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Rogers, Ruby, Scott, Slaughter, Smith, Sorrel, Stockbridge, Sumner, Varnell, Wilson of Milam, Wright—50.

So the Convention refused to adjourn.

Mr. Sumner moved a call of the House.

Call sustained.

Absentees—Messrs. Bell, Coleman, Foster, Hunt, Johnson of Calhoun, Mills, Phillips of Wharton, Whitmore—8.

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

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Hamilton of Bastrop, Harris, Jordan, Kendal, Kuechler, Lippard, Morse, Mullins, Munroe, Newcomb, Patten, Pedigo, Ruby, Scott, Slaughter, Smith, Varnell, Vaughan, Wilson of Milam, Wright—38.

Nays—Messrs. Armstrong of Lamar, Bellinger, Brown, Bryant of Grayson, Caldwell, Cole, Fleming, Gaston, Glenn, Hamilton of Travis, Horne, Johnson of Harrison, Kealy, Keigwin, Lindsay, Maëkey, McCormick, McWashington, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria--29.

So the call of the House was suspended.

Mr. Ruby asked that Messrs. Long and Degener be excused for fifteen days from Monday.

Excused.

Mr. Patten moved that the Convention adjourn until Monday morning at ten o'clock.

Carried.
