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CAPITOL, AUSTIN, TEXAS,  
DECEMBER 21, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and adopted.

Mr. Varnell offered the following resolution :

*Resolved*, That the Secretary of the Convention be instructed to issue certificates for mileage to the First Assistant Secretary and the Enrolling Clerk from their respective homes to Austin, and for returning to the same.

The President, by request of the First Assistant Secretary, announced that that officer respectfully declined the benefits which the resolution contemplated in his behalf.

Mr. Sumner moved to reject the resolution.

Carried.

Mr. Hamilton, by leave of the Convention, introduced a petition of W. B. Pace respecting the Tonkaway Indians, and asked its reference to the Committee on Contingent Expenses.

It was so referred.

Mr. Goddin offered the following resolution :

WHEREAS, A division of the State seems to be the primary object of a majority of the members of this body, and the present obstacle in the way of its proceeding to adopt a Constitution, therefore

*Be it resolved*, That the Convention now declare this subject open to discussion, with a hope to harmonize conflicting views and opinions.

Mr. Smith, of Galveston, introduced a declaration, and asked its reference to the Committee on Internal Improvements, without reading.

It was so ordered.

Mr. Caldwell offered the following resolution :

WHEREAS, An effort is being made to repeal a rule adopted by  
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this Convention on the —— day of ——, 1868, known as Thomas' resolution, which precludes any action on the subject of a division of the State without the previous assent of Congress, now therefore

*Be it declared by the Delegates of the people of the State of Texas in Convention assembled,* That should said rule or resolution be rescinded, all plans of dividing the State of Texas shall be coupled with a proposition to submit the proposed division to a vote of the qualified electors of the State at large, as an independent measure, at the same time that the Constitution shall be submitted for ratification or rejection.

Mr. Patten moved to reject the resolution.

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

Yeas—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Hamilton of Bastrop, Harris, Jordan, Kendal, Keuchler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Varnell—33.

Nays—Messrs. Armstrong of Jasper, Bellinger, Bryant of Grayson, Caldwell, Cole, Fleming, Hamilton of Travis, Horne, Johnson of Harrison, Kealy, Keigwin, Mackey, McCormick, McWashington, Morse, Mundine, Munroe, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrel, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—32.

So the Convention rejected the resolution.

Mr. Thomas asked that Mr. Armstrong, of Lamar, be excused for to-day.

Excused.

Mr. Harris asked leave for Mr. Kirk on account of sickness.

Leave granted.

Mr. Patten offered the following resolution :

WHEREAS, F. A. Vaughan, member from Gaudalupe county having been detained by sickness and high water, causing a delay of a few days in reaching this place ; therefore be it

*Resolved,* That Captain Vaughan be paid his per diem from commencement of the session.

Mr. Patten asked a suspension of the rules to take up the resolution.

Rules suspended.

Mr. Lindsay moved to amend by inserting the name of Mr. Posey.

Carried.

The question recurred upon the adoption of the resolution :

It was adopted.

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

Rules suspended.

Resolution read a third time and passed.

Mr. Smith, of Galveston, offered the following declaration, and asked its reference to the Committee on Judiciary :

WHEREAS, By a decision of the United States Court of Virginia, delivered by Judge Underwood, it has been decreed that if even a clerk of a court is disqualified under the Fourteenth Amendment of the Constitution of the United States, it vitiated the proceedings ; and

WHEREAS, By the opinion of Chief Justice Chase, delivered at the last term of the United States Circuit Court of Virginia, it is expressly declared that the late pretended Confederate Government was not a *de facto* government, and is not distinguishable in principle from other unlawful combinations ; and

WHEREAS, There exists in the counties of Harris and Galveston a court, or pretended court, the offspring of a combination of men hostile to the Government of the United States, the creature of a rebel and unlawful Legislature and officered by men disqualified under the Constitution of the United States ; therefore

*Be it declared by this Convention of the people of Texas, represented by their delegates,* That the criminal court of Galveston and Harris counties be and it is hereby abolished.

Laid over under the rules.

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

WHEREAS, Great injustice has been done the citizens of some of the counties in this State by the removal of the county seats, thereby involving loss upon those citizens who have located at said county seat ; therefore be it

*Resolved,* That whenever a county site is established by the lawful vote of the citizens of any county, that said county seat shall

be removed only by a two-thirds vote of the registered voters of said county; provided, that the citizens of the county seat already established shall be remunerated by a tax levied upon the citizens of the county for any depreciation of property consequent upon said removal.

It was so ordered.

Mr. Newcomb moved that the fines imposed on delegates during the second session of the Convention be remitted.

Carried.

Mr. Smith, of Galveston, offered the following resolution :

WHEREAS, A bill has been introduced into the Senate of the United States repealing the admission of Georgia on the ground that the Legislature violated the Fourteenth Amendment of the constitution in not purging itself of members ineligible under that article, and directing that the Legislature when it assembles shall exclude all who are ineligible under the Fourteenth Amendment. Therefore, in order that the official acts of this Convention may not in the future be called in question or held to be invalid,

*Be it resolved,* That a committee upon the qualification of the members of this Convention be appointed by the President, to consist of three, who shall proceed forthwith to examine into the case of each delegate and ascertain whether he occupies his seat in violation of said constitutional amendment, and report at as early a day as possible.

Laid over under the rules.

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

Mr. Newcomb moved the previous question.

Previous question seconded.

Mr. Sumner moved a call of the House.

Call sustained.

Absentees—Messrs. Bell, Coleman, Foster, Hunt, Mills, Phillips, of Wharton, Whitmore—7.

Mr. Phillips, of San Augustine, moved to adjourn *sine die*.

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

Yeas—Messrs. Armstrong of Jasper, Bryant of Grayson, Cole, Gaston, Glenn, Goddin, Hamilton of Bastrop, Keigwin, Patten, Phillips of San Augustine, Scott, Sorrell—12.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Jordan, Kealy, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, McCormick, Mc-Washington, Morse, Mullins, Mundine, Munroe, Newcomb, Pedigo, Posey, Rogers, Ruby, Slaughter, Smith, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—55.

So the Convention refused to adjourn *sine die*.

On motion of Mr. Varnell, the use of the hall was tendered to Mr. Gregory for this evening.

Carried.

Mr. Patten moved a suspension of the call of the House.

Carried.

On motion the Convention adjourned till to-morrow morning at ten o'clock.