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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,  
January, 7, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

Mr. Fayle, from the Committee on Enrolled Provisions, reported as follows:

COMMITTEE ROOM,  
January 5, 1869.

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

SIR: The Enrolling Committee have had the following declarations and resolutions under consideration (Nos. 48 to 60 inclusive), and find them to be correctly enrolled :

No. 48, resolution requesting Brevet Major General Reynolds to create a new Judicial District out of the Ninth and Fifteenth Judicial Districts of Texas.

No. 49, declaration requesting an appropriation of \$25,000.

No. 50, declaration asking for the relinquishment of the ad valorem tax of the county of Jefferson for 1868.

No. 51, resolution to appropriate a sufficient sum of money for the purchase of books, etc., for the use of the Blind Asylum.

No. 52, declaration incorporating the Jefferson, Marshall and Big Cypress Bayou Bridge Company.

No. 53, declaration declaring certain acts of the so-called tenth and eleventh Legislatures repealed.

No. 54, declaration for the relief of the heirs of Gen. Sam. Houston, deceased.

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No. 55, declaration requesting the commanding general to relinquish the State tax of Montgomery county for the years 1867 and 1868.

No. 56, declaration authorizing the governor to lease the State penitentiary.

No. 57, resolution for the appointment of a special committee to inquire into the propriety of admitting indigent persons into the Asylums of the State.

No. 58, resolution respecting the murder of Captain Martin D. Hart, First Texas cavalry, by Confederate State officers.

No. 59, declaration granting bounty to soldiers in the United States service in the late war.

No. 60, declaration respecting the Houston Tap and Brazoria Railroad.

Respectfully submitted.

WM. R. FAYLE,  
Chairman Committee.

Report adopted.

Mr. Whitmore, from the Committee on Finance, made the following majority and minority reports:

COMMITTEE ROOM,  
January 7, 1869.

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

SIR: I am directed by a majority of the Committee on Finance to report the resolution requesting them to fix the rate of mileage to be allowed members of this Convention back to the House, it being entirely a matter of legislation, and ask to be discharged from further consideration of the same.

Respectfully submitted,

G. W. WHITMORE,  
Chairman Committee.

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

SIR: I most respectfully dissent from the majority report in this. I believe the mileage of the Assessors and Collectors, and the mileage of members of this Convention, should be computed by the nearest stage route from the county site to the capital, if there be one; if not, then by the nearest practicable traveled route to said capital.

Respectfully submitted,

G. W. WHITMORE,  
Chairman of the Committee.

Mr. Whitmore moved the suspension of the rules to take up the majority report.

Rules suspended.

Mr. Phillips, of San Augustine, offered the following substitute to the majority report :

*Resolved*, That the Secretary, in issuing certificates of mileage, compute the distance by the nearest traveled stage route, and when there is no stage route by the nearest traveled route.

Mr. Flanagan moved to lay the whole matter on the table.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Board, Bryant of Harris, Burnett, Caldwell, Cole, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Gaston, Gray, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Long, McCormick, McWashington, Morse, Mullins, Munroe, Pedigo, Rogers, Ruby, Scott, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Watrous, Wilson of Brazoria—43.

Nays—Messrs. President, Armstrong of Jasper, Bellinger, Bledsoe, Bryant of Grayson, Buffington, Butler, Carter, Degener, Evans of McLennan, Goddin, Hamilton of Bastrop, Kealey, Lindsay, Lippard, Mackey, Newcomb, Patten, Phillips of San Augustine, Posey, Schuetze, Sumner, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam—27.

So the Convention laid the matter on the table.

Mr. Munroe, from the Committee on Engrossed Provisions, reported as follows :

COMMITTEE ROOM,  
Austin, Texas, January 4, 1869.

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

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

No. 61, resolution respecting a committee to remain in session during the recess, and for other purposes, passed August 21, 1868.

No. 63, declaration authorizing the Governor to invest the school fund of the treasury in United States gold bearing bonds, passed August 24, 1868.

No. 64, declaration incorporating the Navasota, Washington and Brazos Bridge Company, passed August 25, 1868.

No. 65, declaration granting the Mexican Gulf Railroad Company an extension of time for the completion of the second twenty-five miles of road, passed August 5, 1868.

No. 68, declaration extending the grants and privileges of the Columbus, San Antonio and Rio Grande Railroad, passed August 28, 1868.

No. 74, declaration authorizing the levying and collecting of special tax in Falls and McLennan counties, passed December 11, 1868.

No. 75, declaration to incorporate the East Texas Agricultural and Mechanical Association, passed December 11, 1868.

No. 76, declaration increasing the per diem pay of the President of the Convention, passed December 16, 1868.

No. 77, resolution in relation to newspapers, passed December 17, 1868.

No. 78, resolution tendering thanks of the Convention to Major General J. J. Reynolds, passed December 18, 1868.

No. 79, resolution appropriating \$15,000 to pay contingent expenses of the Convention, passed December 21, 1868.

No. 80, declaration continuing the charter of the Union Marine and Fire Insurance Company.

No. 83, resolution requesting the Congress of the United States to call into service a regiment of Texas cavalry to repel Indian invasion, passed December 28, 1868.

No. 84, resolution paying the Houston Union for publication of the Constitution as far as engrossed, passed December 29, 1868.

No. 85, declaration for the relief of the Houston and Texas Central Railway Company, passed December 23, 1868.

Respectfully submitted.

A. T. MUNROE,  
Chairman Committee.

Report adopted.

Mr. Schuetze, Chairman of the Committee on Education, reported as follows:

COMMITTEE ROOM,  
Austin, January 7, 1869.

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

SIR: Your Committee on Education, to whom the original report, introduced on the 31st day of July, 1868, had been recommitted, have had the same under careful consideration, and are unanimous in declining to change any of the provisions proposed in the original report.

I am instructed to submit the same to the consideration of the Convention.

Respectfully submitted,

J. SCHUETZE,  
Chairman Committee.

Mr. Lippard, from the Committee on Public Lands, reported as follows:

COMMITTEE ROOM,  
Austin, January 6, 1869.

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

SIR: Your Committee on Public Lands, to whom was referred the resolution offered by Mr. Varnell in relation to a lost land certificate; the resolution of Mr. Newcomb in relation to the forfeiture of valid land certificates, and also the resolution of Mr. Johnson, of Harrison, in relation to setting apart public lands for the support of indigent widows and orphans, have duly considered the same, and being of the opinion that they are matters of a purely legislative character, and therefore beyond the jurisdiction of this body, respectfully return the same, and recommend that they do not pass.

Respectfully submitted,

J. H. LIPPARD,  
Chairman Committee.

Mr. Varnell moved a suspension of the rules to take up report.

Rules suspended.

Mr. Varnell moved the adoption of the resolution respecting a land certificate of Henry Koontz.

Resolution read and adopted.

Mr. Varnell moved a further suspension of the rules to take up resolution.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Gaston, Gray, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Long, Mackey, McCormick, Morse, Mullins, Munroe, Newcomb, Patten, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—57.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Burnett, Fleming, Hamilton of Bastrop, Kealy, Lindsay, Lippard, Sumner, Thomas, Wilson of Milam—11.

So the rules were suspended.

The question recurred upon the final passage of the resolution. It was read a third time and passed.

Mr. Burnett, from Special Committee on Back Pay of Members, reported as follows :

COMMITTEE ROOM,  
January 6, 1869.

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

SIR : The special committee of three, to whom was recommitted their report heretofore made on the back pay due members of this Convention, for services at the last session, and to whom was referred the resolution of Mr. Newcomb in relation thereto, have duly reconsidered the same, and a majority of the committee instruct me to report,

That from an examination of the journals of the Convention we find that by the rule adopted August 6 last, (a copy of which rule is annexed hereto, and made a part of this report,) there is no back pay due any member for per diem or mileage for the last session ; and believing the said rule to be just and proper, we respectfully recommend that it be adhered to, and that no further action be taken in the premises.

Respectfully submitted,

BURNETT,  
Chairman Committee.

Mr. Burnett moved a suspension of the rules to consider the resolution report by the committee.

Rules suspended.

Mr. Munroe offered the following substitute :

*Resolved*, That all the members of this Convention, who have been in attendance on the same, or who may have been granted leave of absence, are entitled to their per diem pay, and that the Secretary now draw, and the President approve a certificate on the treasury for any pay due members in accordance with the foregoing; and that Hon. L. D. Evans, of Titus, be and is hereby authorized to draw the per diem due Hon. W. H. Mullens, deceased, and forward the same to the widow of deceased.

The President announced the hour had arrived to go into Com-

mittee of the Whole upon the report of the Special Committee on the Condition of the State.

Mr. Bath moved the Convention resolve itself into Committee of the Whole upon the report.

Carried.

[Mr. Armstrong, of Lamar, in the chair.]

Committee rose, reported progress, and asked leave to sit again to-morrow evening at seven o'clock.

Carried.

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

For report see page 106.

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