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CAPITOL, AUSTIN, TEXAS,
January 8, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Buffington moved to suspend the rules to take up the report of the Committee on Counties and County Boundaries, creating the county of Peebles.

Rules suspended.

Mr. Buffington moved to recommit the report to the Committee on Counties and County Boundaries.

Carried.

Mr. Flanagan, from the Committee on Internal Improvements, reported as follows:

COMMITTEE ROOM,
Austin, January 8, 1869.

Hon. E. J. DAVIS,

President of the Convention:

SIR: Your Committee on Internal Improvements have carefully considered the ordinance for the New Orleans, Mobile and Chattanooga Railroad Company section by section, and they are unanimous in recommending its passage.

They particularly recommend that it shall be passed, because it will be a concession to gentlemen of large experience in the construction of railroads, who are well known to be capitalists, and who ask no monopoly, but merely require that no other railroad enterprise shall have a preference over them, and the franchises granted to them be clearly defined and properly guarded. This your committee conceive to be but just and right, especially as we are satisfied that it is the intention of the company to proceed with promptitude to the completion of a first-class road.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Mr. Flanagan moved a suspension of the rules, to take up the declaration.

Rules suspended.

Mr. Patten moved the adoption of the declaration.

Mr. McCormick moved that the declaration be printed and made the special order of the day for next Monday week at eleven o'clock.

Mr. Degener moved to amend the motion by making next Thursday the day for considering the declaration.

Mr. Patten moved the previous question.

Previous question seconded.

Mr. Buffington moved a call of the House.

Call sustained.

Absentees—Messrs. Coleman, Evans of Titus, Foster, Horne, Hunt, Johnson of Calhoun, Kealy, Mills, Phillips of Wharton.—19.

Mr. Hamilton, of Travis, moved that the call of the House be suspended.

Call suspended.

Mr. Hamilton, of Travis, asked leave of absence indefinitely for Messrs. Caldwell and Lindsay.

Leave granted.

Mr. Pedigo asked leave of absence for Mr. Goddin, for two weeks.

Leave granted.

Mr. Smith moved that Mr. Evans, of Titus, be excused on account of sickness.

Excused.

Mr. Flanagan moved that the declaration reported from the Committee on Internal Improvements be made the special order of the day for next Wednesday, at eleven o'clock; and printed.

The question before the Convention being: "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Board, Bryant of Harris, Cole, Curtis, Downing, Evans of McLennan, Flanagan, W. Flanagan, Goddin, Gray, Hamilton of Travis, Horne, Johnson of Harrison, Kendal, Kuechler, Kirk, Lippard, Long, McWashington, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith, Sorrell, Varnell, Watrous, Whitmore, Wilson of Milam, Wright—34.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson,

Buffington, Butler, Burnett, Carter, Degener, Fayle, Fleming, Gaston, Hamilton of Bastrop, Harris, Harn, Jordan, Keigwin, Leib, Lindsay, Mackey, McCormick, Morse, Mundine, Pedigo, Rogers, Schuetze, Scott, Stockbridge, Sumner, Thomas, Vaughan, Williams, Wilson of Brazoria--37.

So the Convention refused to order the main question.

The question recurred upon the postponement of the consideration of the declaration until next Wednesday.

It was so ordered.

Mr. Pedigo offered a declaration for the relief of the Eastern Texas Railroad Company, and asked it to be read by caption, and referred to the Committee on Internal Improvements.

It was so referred.

Mr. Patten offered a declaration to incorporate the Port Sullivan and Northwestern Railroad Company, and asked it to be read by caption, and referred to the Committee on Internal Improvements.

It was so referred.

Mr. Fayle offered a declaration to incorporate the Texas Wooden Railroad Company, and asked it be read by caption, and referred to the Committee on Internal Improvements.

It was so referred.

Mr. Sumner introduced the following resolution :

WHEREAS, This Convention has been in session for thirty days since it took a recess last summer, and

WHEREAS, The reconstruction acts of Congress only provided this body with power to frame a Constitution for the State of Texas; and

WHEREAS, This body has consumed the last thirty days in legislation, to the exclusion of making a constitution; therefore, be it

Resolved, That we, the people of the State of Texas in Convention assembled, now proceed to frame a constitution and civil government, according to the provisions of the reconstruction acts of Congress, and be it further

Resolved, That no resolution or declaration offered after this date, of a legislative character, shall be entertained until after the constitution shall have been completed.

Mr. Slaughter moved to reject the resolution.

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

Yeas—Messrs. President, Adams, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Gray, Jordan, Kendal, Kuechler, Long, McWashington, Mullins, Mundine, Newcomb, Ruby, Slaughter, Smith, Varnell, Whitmore, Williams, Wright—31.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson, Caldwell, Cole, Evans of McLennan, Fleming, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Kirk, Leib, Lindsay, Lippard, Mackey, McCormick, Moise, Munroe, Patten, Phillips of San Augustine, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wilson of Milam—36.

So the Convention refused to reject.

Mr. Sumner moved to suspend the rules to take up the resolution.

The Convention refused to suspend the rules.

Mr. Newcomb moved to refer the resolution to the Committee on State Affairs.

Ruled out of order.

Mr. Munroe moved a suspension of the rules to take up the resolution granting mileage to Enrolling Clerk and Sergeant-at-Arms.

Rules suspended.

Mr. Patten offered the following amendment :

“ Amend by adding First Assistant Secretary.”

Mr. Scott offered the following amendment to amendment :

“ Amend by adding Engrossing Clerk.”

The question recurred upon the adoption of the amendment to the amendment.

The Convention refused to adopt.

The question recurred upon the adoption of the amendment of Mr. Patten.

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

Yeas—Messrs. Bellinger, Brown, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Curtis, Degener, Evans of McLennan,

Flanagan, Gray, Johnson of Harrison, Jordan, Kendal, Keuchler, Lippard, Long, McWashington, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Varnell, Watrous, Wilson of Brazoria—29.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Downing, W. Flanagan, Fleming, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, Mackey, Morse, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Thomas, Whitmore, Williams, Wilson of Milam, Wright—29.

So the Convention refused to adopt the amendment.

Mr. Flanagan offered the following amendment :

“ Amend by adding the names of P. P. Adams and all others who have been heretofore excused, and have since returned and taken their seats, and that the rule of the Convention in charging for mileage shall be by the regular stage and railroad route from the capital to the residence of the delegate.

The President directed the following communication from the acting Comptroller of the State to be read :

COMPTROLLER'S OFFICE,
Austin, Texas, January 8, 1869.

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

SIR: I beg leave most respectfully to disclaim any intention to reflect in the slightest degree upon any member or officer of the Convention. I simply wish to do my duty. I understand the certificate of the Secretary, approved by the President, is not intended to fix and determine the number of miles to be allowed in each case. The President, as the acting Comptroller has been informed, stated on the floor of the Convention that he does not mean or intend to fix and determine the actual distance to which members may be entitled.

The acting Comptroller believes that to do otherwise than to supervise and scrutinize all accounts presented at the treasury for payment would be to abdicate his office and to disregard entirely his responsibility. He therefore feels it to be his duty to inform the Convention that he will hereafter pass no certificate for mileage in excess of the distances as established at the treasury, unless ordered

to do so by Brevet Major General E. R. S. Canby, commanding Fifth Military District, before whom this matter is now pending.

On motion, the Convention adjourned till seven o'clock this evening.

EVENING SESSION—SEVEN O'CLOCK.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Mr. Burnett moved the Convention resolve itself into Committee of the Whole upon the report of the Special Committee on the Condition of the State.*

Carried.

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

Committee rose, reported progress, and asked leave to sit again to-morrow at 11 o'clock A. M.

The question being upon giving consent to Committee of the Whole to sit again—

The yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Curtis, Degener, Downing, Evans of McLennan, Flanagan, Goddin, Hamilton of Bastrop, Keigwin, Kuechler, Kirk, Lippard, Long, McCormick, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Sorrell, Varnell, Vaughan, Whitmore, Wilson of Milam--34.

Nays—Messrs. Adams, Bell, Bellinger, Board, Caldwell, Carter, Cole, W. Flanagan, Fleming, Hamilton of Travis, Harn, Harris, Johnson of Harrison, Kealy, Kendal, Leib, Lindsay, Mackey, Morse, Posey, Rogers, Schuetze, Smith, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wright--29.

So the Convention gave consent to sit again.

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

* For report see page 106.