

TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas.*

Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to rarebooks@law.utexas.edu.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

CAPITOL, AUSTIN, TEXAS,
January 20, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Patten asked leave of absence for Mr. Armstrong of Lamar and Mr. Fleming.

Leave granted.

Mr. Schuetze presented a petition from citizens of the county of Fayette, and asked its reference to the Committee on Legislature.

It was so referred.

Mr. Keigwin presented a petition from citizens of Burleson, Milam, Williamson, Travis and Bastrop counties, respecting a new county, and asked its reference to the Committee on Counties and County Boundaries.

It was so referred.

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

RESOLUTION

To repeal an act entitled an act to incorporate the city of Brenham.

WHEREAS, The act of the Legislature of 1866, incorporating the city of Brenham, is obnoxious to a large majority of the legal voters residing within the limits of said corporation, by reason of the following section of said act, to-wit :

SEC. 3. That every male person qualified by the existing laws of this State to vote for members of the House of Representatives, and who shall have real estate within the limits of said city of the value of two hundred and fifty dollars, and who shall have paid all taxes due from him to the State, county and city, at the time of voting, and none others shall be entitled to vote for municipal officers of said city; and

WHEREAS, The qualified voters under said act have never derived the advantages extended to them by the same, but have suffered the government of said city of Brenham to be carried on

independently of the provisions of said act, made and provided as per cap. 141, special laws, 11th Legislature; therefore,

Be it resolved, by the people of Texas in Convention assembled, That the act passed by the Legislature of the State of Texas on the 29th day of October A. E. 1866, and approved on the 3d day of November A. D. 1866, entitled an act to incorporate the city of Brenham be, and the same is hereby declared to be repealed, and that Brevet Major General Edward R. S. Canby, commanding the Fifth Military District, is hereby requested to give due notice of the passage of this declaration, and respectfully invite his concurrence in the above and foregoing resolution.

It was so referred.

Mr. Schuetze offered a declaration to amend an act to incorporate Herman University, and asked it be read by caption and referred to the Committee on Education.

It was so referred.

Mr. Gaston introduced a declaration to incorporate the Neches Navigation Company, and asked that it be referred to the Committee on Internal Improvements.

It was so referred.

Mr. Evans, of McLennan, introduced a declaration for the relief of the widow and heirs of W. A. Smith, deceased, and asked its reference to a special committee of three.

It was so ordered.

The President appointed Messrs. Evans of McLennan, McCormick and Thomas as the committee.

Mr. Patten introduced a declaration in relation to the Buffalo Bayou, Brazos and Colorado Railroad Company, and asked it be read by caption and referred to the Committee on Internal Improvements.

It was so ordered.

The President announced that the business in order was the consideration, on third reading, of the resolutions reported by the Committee of the Whole* respecting division of the State, and upon the motion of Mr. Thomas, of Collin, to lay the resolution on the table.

The question recurred, "Shall the resolutions reported from the Committee of the Whole be laid upon the table?"

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

Yeas—Messrs. Armstrong of Jasper, Bell, Bryant of Grayson,

* For report see page 106.

Cole, Curtis, Evans of McLennan, Fleming, Gaston, Hamilton of Travis, Harn, Johnson of Harrison, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam—31.

Nays—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Horne, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Pedigo, Ruby, Smith, Varnell, Vaughan, Whitmore, Wright—36.

So the Convention refused to lay the resolution on the table.

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Hamilton, of Travis, moved a "call of the House."

Call sustained by the following members :

Messrs. Bryant of Grayson, Stockbridge, Hamilton of Travis, Mackey, Schuetze, Leib, Keigwin, Posey, Watrous, Johnson of Harrison, Lippard, Bledsoe, Curtis, Bryant of Harris.

Absentees—Messrs. Slaughter and Sumner.

Mr. Newcomb moved a suspension of the call.

Call sustained by the following delegates :

Messrs. Bryant of Grayson, Bellinger, Bell, Hamilton of Travis, Mackey, Stockbridge, Leib, Keigwin, Posey, Thomas, Watrous, Kealy, Phillips of San Augustine, Armstrong of Jasper, Johnson of Harrison, Cole.

Mr. Thomas moved to adjourn till to-morrow morning at 10 o'clock.

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

Yeas—Messrs. Armstrong of Jasper, Bell, Bellinger, Bryant of Grayson, Cole, Fleming, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, Mundine, Munroe, Pedigo, Phillips of San Augustine, Posey, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria—23.

Nays—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener,

Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, McWashington, Morse, Mullins, Newcomb, Patten, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wilson of Milam, Wright—46.

So the Convention refused to adjourn.

Mr. Degener moved the expulsion of Mr. Sumner for absenting himself from the Convention pending a call of the House, in defiance of the rules.

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Hamilton, of Travis, rose to a point of order that the House being under call can not proceed to transact business until the call is suspended.

The President ruled that it is in order to consider the question of the expulsion of Mr. Sumner.

The question recurred, "Shall the main question be now put?" which main question was the expulsion of Mr. Sumner.

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, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Varnell, Whitmore, Wilson of Milam, Wright—33.

Nays—Messrs. Armstrong of Jasper, Bell, Bellingier, Bryant of Grayson, Cole, Curtis, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—32.

So the main question was ordered.

The question recurring upon the adoption of the motion of Mr. Degener to expel Mr. Sumner,

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Degener, Downing,

Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Varnell, Whitmore, Wilson of Milam, Wright—38.

Nays—Messrs. Armstrong of Jasper, Bell, Bellinger, Bryant of Grayson, Cole, Curtis, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—32.

So the motion was adopted.

Mr. Thomas rose to a point of order that a two-thirds vote was necessary to expel.

The President announced that a majority vote was sufficient to expel, and announced Mr. Sumner's expulsion from the Convention for contumacious conduct.

The question recurred, "Shall the main question be now put?" which main question was the adoption on final passage of the resolution reported by the Committee of the Whole.

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, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Horne, Hunt, Jordan, Kendal, Keuchler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Pedigo, Ruby, Scott, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wright—39.

Nays—Messrs. Armstrong of Jasper, Bell, Bellinger, Bryant of Grayson, Cole, Curtis, Evans of McLennan, Gaston, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam—30.

So the main question was ordered.

The question then recurred upon the adoption of the resolutions as reported by the Committee of the Whole upon the question of the division of the State.

The resolutions were adopted.

Mr. Evans, of Titus, moved that the President be instructed by the Convention to prepare a communication to the commanding gen-

eral, stating the facts and grounds upon which Mr. Sumner was expelled.

Mr. Hamilton, of Bastrop, moved to reconsider the vote by which the resolutions reported by the Committee of the Whole upon the subject of division of the State were adopted, and to lay the motion to reconsider on the table.

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Horne, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wright—38.

Nays—Messrs. Armstrong of Jasper, Bell, Bellinger, Bryant of Grayson, Cole, Curtis, Evans of McLennan, Gaston, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam--30.

So the motion to lay the motion to reconsider on the table prevailed.

The question recurred upon the motion of Mr. Evans, of Titus.

By leave, the motion was withdrawn.

Mr. Newcomb introduced the following

RESOLUTION.

Resolved, That the sum of four thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to defray the expenses of said commissioners, which shall be divided into equal parts, and one part paid to each of said commissioners, and a draft or certificate of the secretary of the Convention, approved by the President thereof, shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the treasurer for each and every part of this appropriation.

Resolution ruled out of order.

Mr. Schuetze moved a suspension of the rules to take up the report of the Committee on Immigration.

Motion withdrawn.

Mr. Degener moved that the hour of 12 M. to-morrow be fixed as

the hour to go into an election of delegates to proceed to Washington, under the resolution just adopted.

Carried.

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