

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,
February 3, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

On motion of Mr. Lippard, Mr. Brown was excused on account of sickness.

Mr. Patten moved to take up the Constitution and postpone all other business.

Mr. McCormick rose to a point of order, stating that the Constitution was not properly in order, but that the business next in order was the business on the President's table, of which first to be considered was the resolution offered by the special committee on printing the debates.

The President ruled that the point of order was correctly made, and that business could only be postponed by a two-thirds vote.

The question recurred upon the adoption of Mr. Patten's motion. The yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harn, Hunt, Johnson, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lippard, Long, Mackey, McWashington, Mills, Morse, Mullins, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—58.

Nays—Messrs. Armstrong of Lamar, Fleming, Harris, Keigwin, McCormick, Mundine, Phillips of Wharton—7.

So the motion was adopted.

Mr. Patten moved the adoption of section one, article six, "Registration of Voters," as reported by the committee.

Mr. Burnett offered the following substitute for section one:

REGISTRATION OF VOTERS.

SECTION 1. All citizens of the United States, twenty-one years old and upwards, who have been resident in this State one year, and six months in the district, county, city or town in which they may offer to vote, except such as are disqualified from holding office by the fourteenth article of the Constitution of the United States, shall be entitled to register as voters; and all citizens whose said disabilities have been removed, or may hereafter be removed by the Congress of the United States, should also be entitled to register as voters.

Mr. Patten moved the previous question.

Previous question seconded.

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

Call sustained by the following delegates, to wit:

Messrs. Scott, Kirk, Armstrong of Jasper, Bryant of Grayson, Hamilton of Travis, Harn, Glenn, Wright, Evans of Titus, Schuetze, Buffington, Phillips of Wharton, Posey, McCormick, Mills, Leib, Keigwin, Morse, Mundine, Fleming, Thomas, Rogers, Gray, Cole, Gaston, Kealy, Harris, Wilson of Brazoria, Sorrell, Stockbridge.

The question recurred, "Shall the main question be now put?"

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

Yeas—Messrs. President, Board, Brown, Butler, Carter, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Lippard, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell, Williams, Wilson of Milam—23.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson Buffington, Burnett, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Goddin, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kirk, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wright—42.

Main question not ordered.

The question recurred upon the adoption of the substitute offered by Mr. Burnett.

Mr. Patten moved its rejection.

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

Yeas—Messrs. President, Bellinger, Board, Brown, Butler, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Lippard, Long, Mackey, Mullins, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Slaughter, Smith, Varnell, Wilson of Milam, Wright—27.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kirk, Leib, McCormick, McWashington, Mills, Morse, Mundine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria—38.

So the Convention refused to reject.

The question recurred upon the adoption of the substitute of Mr. Burnett.

It was adopted.

Mr. Hamilton of Travis offered the following substitute for the substitute :

RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceeding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election ; provided, that no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States until such disqualification shall be removed by the Congress of the United States ; provided, further, that no person while kept in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office.

Mr. Degener moved to lay the substitute of Mr. Hamilton on the table.

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

Yeas—Messrs. President, Bellinger, Board, Carter, Degener, Downing, Flanagan, Hunt, Johnson, Jordan, Long, Mullins, Ruby, Smith, Varnell—15.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kuechler, Leib, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—50.

So the Convention refused to lay on the table.

Mr. Hamilton, of Bastrop, moved to strike out, Provided that no person shall be allowed to vote or hold office who is now or hereafter may be disqualified by the Constitution of the United States until such disqualification shall be removed by the Congress of the United States.

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

Yeas—Messrs. Board, Butler, Degener, Downing, Flanagan, Hamilton of Bastrop, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Phillips of Wharton, Ruby, Slaughter, Thomas, Varnell—17.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Hunt, Johnson, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—48.

So the Convention refused to strike out.

Mr. Evans, of Titus, moved the adoption of the substitute offered by Mr. Hamilton, of Travis.

It was adopted.

Mr. Smith, of Galveston, moved to amend as follows :

Amend, by adding at the end of the section, the following :

“ *Provided*, That no person shall be permitted to register who is

now, by any existing law of the United States Congress, prohibited from voting."

Mr. Hamilton, of Travis, moved its rejection.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant of Grayson, Buffington, Burnett, Cole, Curtis, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kirk, Leib, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wright—36.

Nays—Messrs. President, Board, Butler, Carter, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendall, Kuechler, Lippard, Long, Mackey, Mills, Mullins, Newcomb, Patten, Phillips of Wharton, Ruby, Slaughter, Smith, Varnell—26.

So the amendment was rejected.

Mr. Phillips, of Wharton, offered the following substitute for the substitute :

"SECTION 1. All male persons, twenty-one years of age and upwards, who have resided in this State for the length of time required by the Constitution, and who are not disfranchised by the fourteenth article of the amendment to the Constitution of the United States, and who are not disfranchised by the reconstruction acts of the Congress of the United States, (Indians, not taxed, excepted), shall be permitted to register, and deemed qualified electors."

Mr. Hamilton, of Travis, moved the previous question.

Previous question seconded.

Mr. Patten moved to lay the whole matter upon the table.

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

Yeas—Messrs. President, Board, Brown, Butler, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Phillips of Wharton, Ruby, Slaughter, Smith, Varnell, Wilson of Milam—22.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Burnett, Carter,

Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray-Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—43.

So the Convention refused to lay on the table.

The question recurred, "Shall the main question be now put?"

Main question ordered.

The question recurred upon the adoption of the substitute.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kirk, Leib, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Watrous, Williams, Wilson of Brazoria, Wright—30.

Nays—Messrs. President, Board, Butler, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Lippard, Long, Mackey, Mills, Mullins, Newcomb, Patten, Phillips of Wharton, Ruby, Slaughter, Smith, Thomas, Varnell, Wilson of Milam—26.

So the substitute was adopted.

Mr. Newcomb moved a further suspension of the rules to put substitute on its final passage.

Rules suspended.

Substitute read a third time and passed.

Mr. Hamilton moved a reconsideration of the vote just taken, and to lay the motion to reconsider upon the table.

Carried.

Mr. Hamilton, of Bastrop, moved the rejection of section one of the registration of voters, as reported by the committee.

It was rejected.

On motion of Mr. Varnell section two of the registration of voters, as reported by the committee, was rejected.

On motion, section four of the registration of voters was rejected.

On motion, section five of the registration of voters was rejected.

On motion, section six of the registration of voters was rejected.

On motion, section one, article eight, "Militia," as reported by the committee, was rejected.

Mr. Patten moved the rejection of section two, article eight, Militia.

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

Yeas—Messrs. Armstrong of Jasper, Board, Buffington, Butler, Curtis, Downing, Flanagan, Gaston, Glenn, Hamilton of Travis, Hamilton of Bastrop, Harris, Harn, Hunt, Johnson, Kendal, Kuechler, Kirk, Long, Mackey, Newcomb, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Smith, Varnell, Williams, Wilson of Brazoria, Wilson of Milam, Wright—33.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Burnett, Carter, Cole, Degener, Evans of Titus, Fayle, Fleming, Gray, Jordan, Kealy, Keigwin, Leib, Lippard, McCormick, McWashington, Morse, Mullins, Mundine, Phillips of San Augustine, Posey, Slaughter, Sorrell, Stockbridge, Thomas, Watrous—30.

So it was rejected.

Mr. Patten moved the rejection of section three, article eight, Militia, as reported by the committee.

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

Yeas—Messrs. President, Bellinger, Board, Buffington, Butler, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Kuechler, Long, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell, Williams, Wilson of Milam—21.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bryant of Grayson, Burnett, Carter, Cole, Curtis, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—41.

So the Convention refused to reject.

The question recurred upon the adoption of section three, article eight, Militia.

It was adopted.

Mr. Varnell offered the following apportionment for congressional districts :

DECLARATION.

SECTION 1. *Be it declared by the people of Texas in Convention assembled :*

That the territory comprised within the limits of the following named counties shall compose congressional districts of the State of Texas, until otherwise provided by law.

SEC. 2. The first congressional district shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers, Van Zandt and Wood.

SEC. 3. The second congressional district shall consist of the counties of Marion, Upshur, Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskell, Jones, Shackelford, Stephens, Ellis, Johnson, Callahan, Eastland, Erath, Hood and Taylor.

SEC. 4. The third congressional district shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Bosque, Hill and Navarro.

SEC. 5. The fourth congressional district shall consist of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCullough, San Saba, Lampasas, Burnett, Llano, Mason, Kendall, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar, Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Bee, Live Oak, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullen, Encinal, Dual, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, El Paso and Coryell.

Mr. Buffington moved its adoption.

It was adopted.

Mr. Hamilton, of Travis, moved an adjournment until half-past seven o'clock, this evening.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Brown, Bryant of Grayson, Buffington, Burnett, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Johnson, Jordan, Keigwin, Kendal, Kirk, Leib, Mackey, McWashington, Mundine, Posey, Rogers, Schuetze, Scott, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam—32.

Nays—Messrs. President, Bell, Board, Butler, Carter, Cole, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Hamilton of Bastrop, Harn, Hunt, Kealy, Kuechler, Lippard, Long, McCormick, Mills, Morse, Mullins, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Slaughter, Smith, Sorrell, Varnell, Wright—33.

So the Convention refused to adjourn.

Mr. Patten offered the following resolution :

Resolved, That this Convention do take a recess from Thursday, February 4, at ten o'clock, P. M., till the first Monday in July next, subject to be re-assembled at an earlier day by the Commanding General, or the President of the Convention.

On motion, with the consent of the Convention, withdrawn.

Mr. Hamilton, of Travis, moved the previous question on the adoption of section 34, general provisions, as engrossed.

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. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Watrous, Williams, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Bell, Brown, Butler, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Jordan, Kuechler, Lippard, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Thomas, Varnell, Wilson of Milam—21.

So the main question was ordered.

The question recurred, "Shall section 34 be adopted?"

It was adopted.

Mr. Hamilton, of Bastrop, offered the following as a substitute for section 35, general provisions, as engrossed:

SEC. — That all debts created by the so-called State of Texas from and after the 28th day of January, 1861, and prior to the 5th day of August, 1865, were and are null and void, and the Legislature is prohibited from making any provisions for the acknowledgment or payment of such debts.

SEC. — That all unpaid balance, whether of salary, per diem or monthly allowance due to employes of the State, who were in the service thereof on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance or support to the rebellion then inaugurated against the Government of the United States, or turned their arms against the said government, thereby forfeited the sums severally due to them.

SEC. — That all the ten per cent. warrants issued for military services and exchanged during the rebellion of the treasury for new interest warrants, are hereby declared to have been fully paid and discharged.

Mr. Bryant moved its adoption.

It was adopted.

Mr. Davis offered the following as an amendment to the substitute for section 35, general provisions, as engrossed:

Provided, That any loyal person, or his or her heirs or legal representative, may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said 28th day of January, 1861, when, through fraud practised, or threats or violence used towards such persons, no adequate consideration for the contract has been received, or when, through absence from the State of such person, or through political

prejudice against such person, the decision complained of was not fair or impartial.

On motion the amendment was adopted.

Mr. Ruby offered the following resolution :

WHEREAS, The Enrolling Clerk of this Convention has, besides the enrolling of the Constitution, now nearly completed, a great amount of legislative matter to enroll, and

WHEREAS, Said duties are so arduous that one or more assistant clerks are imperatively necessary, therefore

Be it resolved, That the Enrolling Clerk be and is hereby authorized to employ one or more assistants, in the further discharge of his duties, at the compensation of four dollars per day, and that the Secretary's certificate and the President's approval thereof shall be a sufficient voucher for the Comptroller to pay the same.

Mr. Ruby moved a suspension of the rules to take up resolution.
Rules suspended.

Mr. Ruby moved the adoption of the resolution.

It was adopted.

Mr. Ruby moved a further suspension of the rules to put resolution on its engrossment.

Rules suspended.

Mr. Ruby moved the engrossment of the resolution.

It was engrossed.

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

Rules suspended.

Resolution read third time and passed.

Mr. Patten offered the following

RESOLUTION.

Resolved, That this Convention do adjourn (without day) on Thursday, February 4, at 10 o'clock P. M., subject to be reconvened (if found necessary) by the Commanding General or the President of the Convention.

On motion resolution was adopted.

Mr. Evans, of Titus, offered the following

RESOLUTION.

Resolved, That N. Frank Carter be admitted to the commission to Washington to represent Northern Texas north of 32° and west of the Trinity.

Mr. Hamilton, of Travis, moved a reconsideration of the vote taken on the resolution of Mr. Patten respecting adjournment.

Mr. Degener moved to lay the motion of Mr. Hamilton on the table.

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

Yeas—Messrs. President, Butler, Burnett, Degener, Flanagan, Hamilton of Bastrop, Hunt, Lippard, Long, Mullins, Newcomb, Patten, Varnell—14.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant, Buffington, Carter, Cole, Curtis, Downing, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—50.

So the Convention refused to lay on the table.

The question recurred upon the reconsideration of the vote.

The yeas and nays were demanded and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant, Buffington, Burnett, Carter, Cole, Curtis, Downing, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. President, Bell, Board, Brown, Degener, Evans of Titus, Flanagan, Hamilton of Bastrop, Hunt, Lippard, Mullins, Newcomb, Patten, Ruby, Slaughter, Varnell—16.

So the Convention agreed to reconsider the vote.

The question recurred upon the adoption of the resolution offered by Mr. Evans of Titus.

Mr. Harn moved its rejection.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Buffington, Cole, Curtis, Degener, Downing, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harn, Johnson, Keigwin, Kendal, Mackey, McCormick, McWashington, Mills, Mundine, Posey, Rogers, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam—35.

Nays—Messrs. President, Bell, Bellinger, Board, Brown, Bryant, Burnett, Evans of Titus, Fayle, Flanagan, Harris, Hunt, Jordan, Kealy, Kuechler, Leib, Lippard, Long, Morse, Mullins, Newcomb, Patten, Phillips of Wharton, Ruby, Varnell, Wright—26.

So the resolution was rejected.

Mr. Phillips of Wharton offered the following as additional sections to the general provisions of the Constitution :

Resolved, That the following be inserted in the Constitution as one of the general provisions :

The Legislature, at its first session after the adoption of this Constitution, shall provide by law some adequate means by which the holders of matured obligations for the payment of money, executed by the proper authorities of any county, city, or incorporated towns in this State, may be enabled to enforce the payment of such obligations.

Resolved, That no debt created for the purpose of aiding the late rebellion shall ever be paid.

Be it declared by the people of Texas in Convention assembled, That suits may be brought against the State in such manner and in such courts as the Legislature may provide by law.

Be it declared by the people of Texas in Convention assembled :

That all liabilities of drawers of bills of exchange and of endorsers of negotiable instruments of every description, shall not be discharged by any lapse of time between the second of March, 1861,

and the date of recognition by the Congress of the United States of a loyal State government in Texas.

The Legislature shall provide by law, at its first session after the adoption of this Constitution, for the establishment of a Bureau of Industrial Resources.

This bureau shall be under the direction of a commissioner, who shall be appointed by the Governor, with the advice and consent of the Senate, and who shall hold his office for the term of four years, unless sooner removed by the Governor, with the consent of the Senate, for cause.

Said commissioner shall receive an annual salary of twenty-five hundred dollars, until otherwise ordered by the Legislature. The said commissioner shall collect, preserve, and, under the direction of the Legislature, publish condensed statistical information concerning the commerce, manufactories and agricultural productions and resources of the State. The commissioner shall perform such other duties as may be required by law.

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

EVENING SESSION—HALF-PAST SEVEN O'CLOCK.

Convention met pursuant to adjournment. .

Roll called.

Quorum present.

Mr. Kirk rose to a privileged question, and asked that a substitute offered by him to the judiciary report be inserted in the minutes.

It was so ordered.

The following is the substitute :

“The Supreme Court shall consist of five judges, to be elected by the qualified electors of the State, and shall hold their office for a term of eight years ; they shall have power to select from their body a presiding officer.

If a vacancy shall occur, such vacancy shall be filled by the

Governor until the next general State election, when said vacancy shall be filled by election as aforesaid."

Mr. McCormick asked leave of absence for Messrs. Slaughter, Phillips of Wharton, and Wilson of Brazoria.

Leave granted.

Mr. Scott introduced the following resolution :

WHEREAS, The appropriation made by this Convention to pay for the publication of the engrossed constitution is not sufficient,

Be it resolved, That an additional sum of one hundred dollars be appropriated out of any money in the treasury not otherwise appropriated to pay the editor of the Texas Vindicator for the publication of 5000 copies of the engrossed constitution.

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

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

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

Rules suspended.

The question recurred upon the passage of the resolution.

It was read a third time and passed.

The President caused the following order to be read :

HEADQUARTERS FIFTH MILITARY DISTRICT,
Austin, Texas, February 3, 1869.

Special Orders, }
No. 26. }

[Extract.]

* * * * *

VII. In accordance with Paragraph I, Special Orders No. 100, dated Headquarters Fifth Military District, Austin, Texas, December 10, 1868, at an election held in the district composed of Burnett and Williamson counties, Texas, to fill a vacancy caused by the resignation of J. W. Talbot, Richard E. Talbot having received a plurality of the votes cast for Delegate to a Convention, as fixed and

apportioned among counties, is hereby announced as elected to fill said vacancy.

* * * * *

By order of Brevet Major General E. R. S. Canby.

LOUIS V. CAZIERC, A. D. C.,
Acting Assistant Adjutant General.

Mr. Degener moved the rules be suspended to take up the following resolution :

Resolved, That Mr. Talbot is entitled to his per diem since last Friday.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

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

Rules suspended.

Resolution read third time and passed.

Mr. Schuetze moved a suspension of the rules to take up the following

RESOLUTION.

1. *Resolved*, That the publishers of the San Antonio Free Press, the Galveston Union and the Houston Texas Staats-Zeitung, be invited to offer proposals for the printing in the German language of ten thousand copies of the constitution and declarations passed by this Convention, including the cost of a correct translation.

2. *Resolved*, That said proposals shall be made to the President of the Convention on or before the 1st day of —, 1869 ; and he shall be authorized to order the said number of copies to be printed by the publisher who offers to perform the work for the lowest price.

The Convention refused to suspend the rules.

Mr. Armstrong, of Jasper, offered the following as an additional section to section seven of the constitution :

“SEC. —. Every person who is prohibited by section third of article fourteenth of the Constitution of the United States being a Senator or Representative in Congress, or an officer, civil or military, under the United States, or under any State, is hereby de-

clared a qualified elector of this State on his taking an oath of allegiance to the government of the United States."

The question recurred upon the adoption of the proposed new section.

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

Yeas—Messrs. Armstrong of Jasper, Brown, Butler, Burnett, Cole, Degener, Evans of Titus, Flanagan, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Hunt, Kealy, Keigwin, Kendal, Kuechler, Kirk, Lippard, Long, McCormick, Morse, Mullins, Newcomb, Patten, Schuetze, Scott, Sorrell, Thomas, Varnell—32.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Bryant, Buffington, Carter, Curtis, Fayle, Fleming, Johnson, Jordan, Leib, Mackey, McWashington, Mills, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Smith, Stockbridge, Talbot, Watrous, Williams, Wilson of Milam, Wright—29.

Mr. Varnell moved this vote be taken by commencing at the foot of the roll and calling upwards.

So the new section was adopted.

Mr. Evans, of Titus, moved to reconsider the vote by which the substitute was adopted.

Mr. Patten moved to lay the motion on the table.

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

Yeas—Messrs. Armstrong of Jasper, Board, Butler, Burnett, Degener, Flanagan, Gaston, Glenn, Hamilton of Bastrop, Harris, Hunt, Johnson, Jordan, Keigwin, Kuechler, Kirk, Lippard, Long, Morse, Mullins, Newcomb, Patten, Smith, Sorrell, Thomas, Varnell—26.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant, Buffington, Carter, Curtis, Evans of Titus, Fayle, Fleming, Gray, Hamilton of Travis, Harn, Kealy, Kendal, Leib, Mackey, McCormick, McWashington, Mills, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Stockbridge, Talbot, Watrous, Williams, Wilson of Milam, Wright—35.

So the Convention refused to lay on the table.

The question recurred upon the motion to reconsider the vote adopting the additional section.

2D SESS.—32

The Convention agreed to reconsider.

Mr. Mills moved to lay the additional section on the table.

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

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Bell, Brown, Bryant, Buffington, Carter, Curtis, Evans of Titus, Fayle, Fleming, Gray, Hamilton of Travis, Harn, Jordan, Keigwin, Kendal, Leib, Long, Mackey, McCormick, McWashington, Mills, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Smith, Stockbridge, Talbot, Watrous, Williams, Wilson of Milam, Wright—38.

Nays—Messrs. Armstrong of Jasper, Board, Butler,* Burnett, Cole, Degener, Flanagan, Gaston, Goddin, Hamilton of Bastrop, Harris, Hunt, Johnson, Kealy, Kuechler, Kirk, Lippard, Morse, Mullins, Newcomb, Patten, Sorrell, Thomas, Varnell—24.

So the section was laid on the table.

The President announced the business next in order was the section offered by Mr. Gray this morning.

Mr. Patten moved to lay the section on the table.

Mr. Burnett moved a suspension of the rules to put the Constitution as a whole upon its passage.

Rules suspended.

The question recurred upon the passage of the sections reported from the Committee on Revision as a Whole, and passed to engrossment.

The sections were adopted.

The President announced the business next in order was the sections introduced by Mr. Phillips, of Wharton.

Mr. Wright moved to lay the sections on the table.

Carried.

Mr. Burnett offered additional sections.

By leave the sections were withdrawn.

The President announced the business next in order was the declaration submitting the Constitution to the people of the State.

Mr. Hamilton, of Bastrop, moved to reject the declaration.

It was rejected.

Mr. Gray offered the following declaration :

AN ORDINANCE

Providing for the submission of the Constitution to the Registered Voters, and for the re-establishment of Civil Government in Texas.

Be it ordained by the delegates of the people in Convention assembled, That the General commanding the Fifth Military District be and he is hereby requested to submit the Constitution framed by this Convention for ratification or rejection to the registered voters of the State of Texas, in the manner provided by the acts of Congress "for the more efficient government of the rebel States," at an election to be held on or before the second Monday in June, 1869; also, to cause polls to be opened at the same time for the election of all the officers, county, State and Federal, whose election is authorized by the proposed Constitution and the laws of this State.

SEC. 2. *Be it further ordained,* That the returns of the election herein authorized be made to the Commanding General, who is requested to count the votes and award certificates of election.

SEC. 3. *Be it further ordained,* That the Governor, Lieutenant Governor and members of the Legislature elected shall, within ——— days after the acceptance of the Constitution by the people, convene at the capital, at the city of Austin, and organize according to law.

Mr. Board moved the rejection of the declaration.

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

Yeas—Messrs. President, Bellinger, Board, Brown, Butler, Carter, Degener, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Kuechler, Lippard, Mullins, Newcomb, Patten, Ruby, Schuetze, Smith, Talbot, Varnell, Williams, Wilson of Milam—23.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bryant, Buffington, Burnett, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Sorrell, Stockbridge, Thomas, Watrous, Wright—39.

So the Convention refused to reject.

Mr. Board offered the following

RESOLUTION.

WHEREAS, Thus, that inasmuch as this Convention has been in session over one hundred days, and has not as yet made anything like a Constitution under which the people can live, therefore,

Be it resolved, That this Convention do adjourn on Thursday, the fourth day of February, 1869, at twelve o'clock, noon, and that this adjournment be sine die, never to assemble again.

The question recurred upon the adoption of the resolution.

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

Yeas—Messrs. Board, Brown, Butler, Burnett, Degener, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Kuechler, Lippard, Newcomb, Patten, Ruby, Smith, Varnell, Williams—17.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant, Buffington, Carter, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Mullins, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Talbot, Thomas, Watrous, Wilson of Milam, Wright—45.

So the Convention refused to adopt.

Mr. Patten introduced the following

RESOLUTION.

Resolved, That this Convention do adjourn (without day) on Thursday, February 4, at 10 o'clock P. M., subject to be reassembled (if found necessary) by the Commanding General or the President of the Convention.

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

Yeas—Messrs. President, Bell, Board, Brown, Butler, Burnett, Carter, Degener, Flanagan, Hamilton of Bastrop, Hunt, Johnson,

Lippard, Long, Mullins, Newcomb, Patten, Ruby, Smith, Varnell—20.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Belinger, Bryant, Buffington, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Talbot, Thomas, Watrous, Williams, Wilson of Milam, Wright—42.

So the Convention refused to adopt.

On motion the Convention adjourned till the usual hour to-morrow morning.
