

JOURNAL

*A. Hamilton*

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And, provided further, "that it shall be the duty of the Attorney General to examine the unpublished decisions heretofore made, and select such as he may deem of sufficient importance to justify their publication, and nothing herein contained shall authorize the publication of any other of such decisions."

And, provided further, "that Attorneys' briefs shall not be published in the Reports."

Mr. Harmon made the following report from Committee on Public Lands:

HOUSE OF REPRESENTATIVES,  
Austin, Oct 6th, 1866.

Hon. N. M. Burford, Speaker of House of Representatives:

Your Committee on Public Lands, to whom was referred a bill for the relief of John Hillhouse, and also a bill for the relief of Paul Dry, have had the same under consideration, and find from the certificate of the Commissioner of the General Land Office, that there is on file in that office ten titles for land granted under the laws of Coahuila and Texas, by George W. Smyth. One to Paul Dry, for one league and labor of land, on the 4th day of March, 1835. The other was granted to John Hillhouse, for one league and labor of land, by the same Commissioner and under the same lien, on the 3rd of March, 1835, neither of which can be represented on the Map of the Land Office, owing to the indefinite calls in the field notes, and for want of connection with other surveys; he further certifies, that upon examination of his office, that said Paul Dry and John Hillhouse, or either of them, have ever applied for, or obtained Headright Certificates for land, under the laws of the Republic or State of Texas, nor by acts of the Legislature of the State, or of the Congress of the Republic of Texas; your Committee are therefore of the opinion that the parties are entitled to the land asked for, and return the bills to the House and recommend their passage.

S. G. HARMON, One of Committee.  
Mr. Dunn made the following report, from Committee on Engrossed Bills:

COMMITTEE ROOM,  
Austin, Oct 13, 1866.

Hon. N. M. Burford Speaker of the House of Representatives:

Your Committee on Engrossed Bills, to whom was referred the following bills, to-wit: A bill to be entitled "An act to incorporate the Sour Lake Tap Railroad Company;" also, a bill to be entitled "An act to establish houses of correction, and



regulate the same," have carefully examined the same, and find them correctly engrossed.

M. S. DUNN, One of Committee.

Accepted.

Mr. Hallonquist introduced a Joint Resolution authorizing the Comptroller to issue his warrant on the Treasurer to pay each and every county in the State their respective School Fund.

Read and referred to Committee on Judiciary.

Message from the Senate received, announcing the passage of the following bill, originating in that body:

A bill to be entitled "An act to prevent judgments from becoming dormant, and to create and preserve judgment liens."

Also, a bill entitled "An act to provide for the support, maintenance and education of indigent children of deceased Confederate soldiers."

Also, a bill entitled "An act to amend an act concerning proceedings in the District Courts," approved March 16th, 1848.

Mr. Smith of Harris made the following report from Committee on Federal relations:

COMMITTEE ROOM, }

October 13, 1866. }

Hon. N. M. Burford, Speaker of the House of Representatives :

Sir : The Committee on Federal Relations, to which was referred the communication of the Hon. Wm. H. Seward, Secretary of State for the United States to his Excellency the Governor of the State of Texas, dated June 16, 1866, covering a resolution of Congress proposing to the Legislatures of the several States a fourteenth article to the Constitution of the United States, have the honor to report as follows :

The amendment to the Constitution proposed by this joint resolution as Article XIV is presented to the Legislature of Texas for its action thereon, under Article V., of that Constitution. This Article V., providing the mode of making amendments to that instrument, contemplates the participation by all the States through their representatives in Congress, in proposing amendments. As representatives from nearly one-third of the States were excluded from the Congress proposing the amendments, the constitutional requirement was not complied with; it was violated in letter and in spirit; and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity.

Your committee might rest the whole matter here, but they will not propose the rejection of the amendment on the denial



office. This third section, if it shall become a part of the organic law, will be nothing less than the disfranchisement of the citizens of this State ; it proposes to stigmatize and degrade all that is most elevated and most worthy, and it coolly asks us to be the executioners, the instruments of the degradation of our own people. Few men among us may care to hold office, but no one, with the spirit of his fathers in him, will willingly submit to be held up as unworthy, and least of all will he be the tool, and plead guilty to the infamy sought to be inflicted on us. The right of representation has ever been deemed an inestimable inheritance ; but it would be weak as well as wicked to barter our birthright for the empty shadow of representation offered in these amendments.

The fourth section is sufficiently provided for by the action of the late Convention of this State.

The fifth section is the fitting completion of the legislation proposed in the preceding sections. Adopt this section, invest Congress with this hitherto unthought-of control over State legislation, over State courts, over all State action, and you lay your State and its citizens, without the shadow scarcely of protection, at the foot of any majority of Congress which may rule the hour, however vindictive or malignant that majority may be. This Legislature does not need to be admonished what evil and unrelenting passions may sway majorities ; our own history, the history of the world, is full of these examples. You are here called on to shear the last lock of your strength ; to throw away the armor which is yet furnished you in the Constitution of the United States. Let these proposed amendments, with this section, be engrafted into the Constitution, and it is a virtual repeal of that Article which declares, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." As the first sections embrace every thing touching citizenship, what right, what franchise can the citizens possess that may not be disposed of, destroyed, abrogated under the "appropriate legislation?" To so abuse power would indeed be monstrous ; but your Committee are not permitted to ignore the threats solemnly made and often repeated by the acknowledged leader of the House of Representatives, and of the Radical abolition party. If there be any one who, in weariness of soul, would yield over this fatal and irrecoverable power in exchange for a shadowy, an unsubstantial and curtailed representation in Congress, we adjure him, in behalf of the freedom and honor of his fellow-citizens, to pause.



We have been warned by the Radical Press of the North ; we have been warned by letters written by gentlemen, who are avowed members of the Radical party, to hide from the threatened wrath of the Radical party in Congress, by ratifying these amendments to the Constitution. Mr. Thaddeus Stevens, the leader of that party in Congress, in his place in the House of Representatives, and more recently in his speech at Bedford, has proclaimed what the punishment shall be, which is in store for our contumacy. Radical gentlemen have, in their letters, told us of the consequences. Conspicuous among the consequences are abrogation of our State Government; the restoration of martial law with a military Governor; the confiscation of the balance of our property, and the granting of freehold homesteads to negroes on the plantations whereon they had been slaves; the impeachment of the President; the abrogation of all pardons granted by authority of the President, and trials for treason before military commissions, which may ensue on such abrogation; the sweeping disfranchisement of our people, and the passage by Congress of an Enabling Act to authorize certain classes, which means the black race and a fraction of our own people, to create a new State Government on the ruins of our existing Constitution, and with such new State Government for Texas to re-enter the American Union! These are threats, not made by implication, but in express terms, under which your committee have considered the amendments referred to them; and they are stated at some length by your committee, that the House may know that we are not unmindful of the solemn circumstances under which we are acting. Our own experience, the history of human passion, do not permit us to consider these threats as unmeaning; the Northern press foreshadows the success of the Radicals; the telegraphic wires are already heralding their success in the first Northern elections.

In determining the action which your Committee shall herein recommend, touching the proposed amendments, they have not been guided by considerations of momentary expediency; they base their action on principle. But as it has been insidiously insinuated, both by a certain portion of the Northern press, and in the letters of members of the radical party just alluded to, that the adoption of these amendments would save for us our State government, your Committee will simply remark that no pledge has been given—no party is authorized to make such a pledge; that your State government so preserved, and at the cost of principle, would not be worth the having.

If the proposed amendments to the Constitution shall be rati-



fied by a sufficient number of States to become a portion of the organic law of the country, notwithstanding our refusal to ratify them, we shall then yield to them full obedience as a law-abiding people. If we reject them, we can appeal from the passions engendered by the late civil war, to the sense of justice, to the love of right, to the principles of free, representative government, which, we believe, are deeply and firmly implanted in the hearts of the American people; we will "appeal from Philip drunk to Philip sober." But, if with willing and ignominious submission, if in very poverty of manly spirit; if in delusive hope of momentary ease, we sacrifice the inestimable inheritance of American citizenship, and declare all who have been most honored and esteemed among us, to be unworthy and infamous, we shall incur the contempt, or at best, but the sneering pity of our enemies, who would humiliate and disfranchise us; we shall take the first, fatal step in that rapid career of abasement of spirit, so often witnessed in the history of peoples; that abasement of spirit which developed the cunning Greek of the middle ages out of the conqueror of Marathon, and which engendered the Italian of the dark ages out of the Roman, once the mighty master of the world. Nor have your committee, on the most careful and unimpassioned review of the circumstances surrounding us, found the least reason to hope that any improper concession on our part, that any humiliation or abasement, however ample or however abject, would obtain for us the abatement of one jot or one tittle from the malignant purposes of our enemies. Nay, such course on our part would stimulate them rather.

On the other hand, if we reject their amendments, if we refuse willingly to transfer our State Government and our representative rights in the electoral colleges and in Congress, from the great master race of the races constituting the Caucasian family of nations, to "Africans and the descendants of Africans;" if amid the ruins of our property, we stand undaunted, unappalled by the dangers which gird us, and refuse willingly to sacrifice for an empty shadow, delusively promising present quiet, the rights of the State, whose representatives we are, the priceless rights of American citizenship, rights declared in the Constitution itself to be inalienable, we shall preserve our national spirit as an integral portion of the American people; we shall retain our own self-respect, we shall command the respect of the civilized world and of our enemies; we shall have the honorable sympathies of the great masses and of the good men of the Northern States; and when the passions of the day are past, they will do us justice, and thank us for the stand we here make.



Forwardice, baseness of spirit never wins; justice is often tardy, but eventually triumphs; the people of other States will eventually say of much abused Texas, her people are worthy.

Your committee are then of opinion that submitting to our situation in good faith, having frankly yielded up the issues decided in the late war, with a full purpose to yield an honest obedience to the laws now in force and to those which may hereafter be established, however distasteful to us, relying on the eventual justice of the great American people, it is our bounden duty to reject the amendments to the Constitution of the United States, proposed as Article XIV. in the Joint Resolution of Congress; and they have accordingly reported the following resolution:

#### RESOLUTION.

*Be it resolved*, That the Legislature of the State of Texas do ratify the amendments to the Constitution of the United States, proposed as Article XIV. in the Joint Resolution of the Congress of the United States.

ASHBEL SMITH, Chairman.  
D. M. SHORT,  
N. THOMAS of Fayette,  
R. H. BELLAMY,  
J. J. MONCURE,  
G. W. DIAMOND,  
E. CHAMBERS.

Mr. Shaw moved the adoption of the report.

Mr. Short moved a call of the House. Seconded, and ordered.

ABSENTS—Messrs. Chavis, Munson, Richardson and Wor-

sham sent for.

Mr. Thomas of Fayette moved a suspension of the call. Lost. Messrs. Chavis, Munson and Worsham, being announced, on motion of Mr. King, call of the House suspended; and the question recurring upon the adoption of the report, yeas and nays being ordered, stood:

YEAS—Messrs. Speaker, Anderson, Armstrong, Atkinson, Barmore, Barrett, Beauchamp, Bellamy, Blount, Bonner, Bradley, Brady, Cochran of Dallas, Daniel, Damron, Dashiell, Deaton, Doan, Dunn, Durand, Durst, Evans, Foster, Garrett, Giddings, Gaston, Glasscock, Glasco, Gurley, Holford, Hallon-  
dale, Hanks, Hancock, Harmon, Hendley, Hooks, Hume, Johnson, Jones of Titus, Kendall, King, Kyle, Lewter, Lund, Nee, Merriman, Munson, Phelps, Reeves, Richardson, Shaw,



Short, Simonds, Smith of Harris, Smith of Houston, Stroud, Tate, Thomas of Fayette, Thompson, Thurmond, Trowell, Tyus, Weaver, Wheelock, Whitsett, Whitton, Wiley and Worsham—70.

NAYS — Messrs. Black, Chavis, Deavalon, Murchison and Tegener—5.

Report adopted.

Mr. Kyle moved the adoption of the resolution offered by the Committee.

Yeas and nays being ordered, stood:

YEAS—Messrs. Speaker, Anderson, Armstrong, Atkinson, Baker, Barmore, Barrett, Beauchamp, Bellamy, Blount, Bonner, Bradley, Brady, Cochran of Dallas, Daniel, Damron, Dashiell, Davis, Doom, Dunn, Durand, Durst, Estis, Foster, Garrett, Garcia, Giddings, Gaston, Glasscock, Glasco, Gurley, Holford, Hallonquist, Hanks, Hancock, Harmon, Hendley, Hooks, Hume, Jackson, Jones of Titus, Kendall, King, Kyle, Lewter, Lund, McFee, Merriman, Murson, Phelps, Reeves, Richardson, Shaw, Short, Simonds, Smith of Harris, Smith of Houston, Stroud, Tate, Thomas of Fayette, Thompson, Thurmond, Trowell, Tyus, Weaver, Wheelock, Whitsett, Whitton, Wiley, Worsham—70.

NAYS — Messrs. Black, Chavis, Deavalon, Murchison and Tegener—5.

Resolution adopted.

Mr. Bonner moved that two thousand copies of the Report of Committee on Federal Relations, together with Resolution offered by said Committee, as well as the proposed amendment to the Constitution of the United States, be printed.

Mr. Short offered the following resolution as a substitute to the amendment offered by Mr. Bonner:

*Resolved*, That the Committee on Printing and Contingent Expenses be required to cause to be published five thousand copies of the report and resolutions of the Committee on Federal Relations on the proposed 14th amendment of the Federal Constitution, and that the yeas and nays upon the adoption of the same be appended thereto.

Resolution accepted as substitute by Mr. Bonner to his motion.

Mr. Bradley moved to amend by striking out "five thousand," and insert "two thousand."

Mr. Whitsett moved to strike out "two thousand," and insert "twenty-five hundred."

Mr. Kyle moved to amend the amendment by striking out "two thousand," and insert "three thousand."

Mr. Bradley accepted amendment.



The question recurring on the adoption of the amendment of Mr. Bradley, the same was put and carried.

Mr. Bonner moved to amend by inserting after the word "Constitution," "together with the said proposed amendments to the Constitution of the United States."

Adopted.

Resolution from the Senate with regard to appointing a joint committee to correspond with the Postmaster-General of the United States on the subject of mail service, taken up, and Messrs. Wheelock and Barrett appointed as committee on part of the House.

The House appointed Messrs. Hume, Thompson and Bonner as Committee of Conference to confer with like committee on part of the Senate on the disagreement of the two Houses to the Senate's amendment to the bill incorporating the Trinity River Black-Water Navigation Company.

Mr. Kyle moved a reconsideration of the vote taken yesterday, sustaining the Governor's veto message in relation to a bill declaring A. J. and J. C. Davis citizens of Denton county.

Lost.

By leave, Mr. Hanks introduced a bill prohibiting the sale of ardent spirits within certain boundaries around the Stovall Academy.

Read first time, and referred to Committee on State Affairs.

House bill concerning alien passengers, taken up, with amendments offered by the Senate, and amendments concurred in.

Senate bill incorporating the Tyler Manufacturing Company, taken up, read first time.

On motion of Mr. Brady, rules suspended, bill read third time.

On motion, rules further suspended, bill read third time, and passed by the following two-third vote:

YEAS—Messrs. Armstrong, Baker, Barmore, Beauchamp, Bellamy, Black, Blount, Bonner, Brady, Daniel, Damron, Dashiell, Davis, Deavalon, Doom, Dunn, Durand, Durst, Estis, Garcia, Giddings, Gaston, Glasscock, Glasco, Gurley, Hallonquist, Hanks, Hancock, Harmon, Hendley, Hooks, Hume, Jackson, Jones of Titus, Kendall, King, Kyle, Lewter, Lund, McKee, Munson, Murchison, Phelps, Reeves, Richardson, Shaw, Short, Simonds, Smith of Harris, Stroud, Tegener, Thomas of Fayette, Thompson, Thurmond, Trowell, Weaver, Wheelock, Whitsett, Whitton, Wiley, Worsham—61.

NAYS—None.

Senate bill, amending the 56th Section of an act entitled "An act to regulate proceedings in the County Court pertaining to