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Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Caldwell, Carter, Cole, Constant, Curtis, Fayle, Fleming, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Smith, of Marion, Stockbridge, Sunner, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—50.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Board, Buffington, Butler, Burnett, Coleman, Degener, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Hamilton, of Bastrop, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Kirk, Leib, Lippard, Long, Mullins, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith, of Galveston, Sorrell, Talbot, Whitmore, Williams, Wilson of Milam, Yarborough—36.

Two-thirds not voting in the affirmative, the Convention refused to postpone the consideration of the report.

Mr. Hamilton, of Bastrop, moved that the Convention resolve itself into Committee of the Whole upon the report of Committee on Division of the State.

Carried.

The Convention then went into Committee of the Whole, Mr. Armstrong, of Lamar, in the Chair.

The Committee rose, reported progress, and asked leave to sit on Tuesday morning, at ten o'clock.

On motion, the Convention adjourned until nine o'clock Monday morning.

CAPITOL, AUSTIN, TEXAS,
June 29, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Degener, Chairman of the Committee on Immigration, made the following report:

COMMITTEE ROOM,
June 28, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Majority of the Committee on Immigration has instructed me to report the following resolutions, to form a part of our new Constitution, to-wit:

ARTICLE —.**IMMIGRATION.**

SECTION 1. A Bureau, to be known as "the Bureau of Immigration," is hereby established, which shall have the supervision and control of all matters connected with immigration. The Chief of said Bureau shall be styled "Superintendent of Immigration." He shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years, and shall receive a salary of not less than ——— dollars per annum during his continuance in office.

SEC. 2. The Legislature shall be required to enact the necessary laws, and shall have power to appropriate a sum not exceeding —th part of the regular revenue of this State, for the purpose of promoting and protecting immigration.

SEC. 3. Such appropriation shall be devoted, *a*—to defray the expenses of the Bureau of Immigration and contingent expenses; *b*—to support agencies in foreign seaports; *c*—to pay in part or in toto the passage of emigrants from Europe to this State, and their transportation on railroads in this State.

SEC. 4. Each immigrant, head of a family, whether male or female, shall be entitled to locate and appropriate a tract of one hundred and sixty (160) acres, and each male immigrant, not the head of a family, shall be entitled to locate and appropriate a tract of eighty (80) acres out of the public domain of the State. The lands donated to immigrants by this section shall become their property in fee simple, after three years' personal occupation of the same by themselves or their heirs, free of all costs whatever, other than the expense of surveying the same.

Deeming it appropriate that a statement should accompany the resolutions, setting forth the motives and arguments for said resolutions, your Committee has further instructed me to offer the following

R E P O R T.

A nation which derives its origin from immigration, whose numbers are annually swelled by hundreds of thousands from the same source, thus producing an increase of population not paralleled in the history of any other nation, could not fail to recognize the importance of regulating by appropriate legislation such accession of power, wealth and civilization. Thus, at an early day, have the free States of America made it their special care to guide and protect

the stream of immigrants, which in daily increasing proportions, flows from the cradle of the American nation to the United States. Agencies were established in foreign and domestic seaports to diffuse among the immigrants a proper knowledge of the resources of the various States, to protect them against unscrupulous freighters; to prevent their being fleeced by bogus railroad agents, landlords, or such other imposters as seaports are generally infested with; and to provide for the health and comfort of the immigrants as well as for employment or cheapness of transportation to the interior of the country.

The unparalleled progress of the great West is the recompense for such wise statesmanship, and needs only to be pointed at to make any further arguments superfluous.

The American slave States could not keep time with their successful sister free States.

Apart from the abhorrence in which Slavery is held by Europeans, and the reluctance of a free laborer to enter into competition with a slave, the advocates of the forced labor system recognized but too well that immigration was the most deadly enemy of their cherished institution; and this fully explains why all the efforts of patriotic Southerners to lead a portion of the stream of immigrants into their States were frustrated by the wealthy and powerful slave aristocracy. This impediment is now abolished. Those who formerly were the greatest obstacles to forwarding immigration are now the loudest in clamoring for free white labor, and are willing, even by a special taxation for this purpose, to import laborers for their broad acres, to relieve themselves from the harsh contact with their former slaves, whom they never can forgive—that from property they have become their equals at the ballot box.

On the other hand, the white laborer, weighing the relative merits of the different States, for the purpose of selecting a new home, will soon discover that wherever the protection of life and property are equal, fertility of soil and a more congenial climate must bear down heavily the scales in favor of the Southern States. If a hard-working immigrant can make it a paying business to cultivate the soil in a climate where, of the six summer months, he must toil nearly three for bringing his cattle through the six winter months, where the inclemency of the climate forces him to invest a large amount of his earnings in a dwelling and expensive clothing for his own and his family's comfort; he cannot be in doubt that a climate where all the year round the cattle work for him; where the lightest dress and the most primitive dwelling afford ample protection, that there he will be able in a much shorter time to work himself up to a comfortable competency.

Impressed with the correctness of these views, your Committee think it appropriate to provide, in a separate Article of our new Constitution, for the establishment of a special Bureau charged with,

SEC. 1. "The supervision and control of all matters connected with immigration." It is obvious that an officer who is appointed to superintend so important a branch of our Government, to whom, in a great measure, must be entrusted the distribution of the funds which our future Legislatures may appropriate for immigration purposes, must be liberally salaried, so as to enable him to devote all his time and all his energies to the great object in view. It is left to the Convention to fill up the blank, indicating the minimum below which it would be useless to try to secure first-rate ability.

LEGISLATION.

SECTION 2. Without discussing the powers for Special Legislation, with which this Convention may be vested, your Committee holds that such power should be used with the utmost discretion, and has on that account confined itself to impose upon the Legislatures hereafter the duty of regulating by appropriate laws all such matter as may appertain to immigration; vesting it at the same time with power to appropriate a sum of money out of the public treasure which may be necessary for carrying out the measures their wisdom may deem appropriate; binding them only so far, as a maximum is stipulated, beyond which they have no authority to burthen the public treasury, which maximum being left blank, it is the province of the Convention to fill. It must be left to the discretion of the several Legislatures, with due consideration of the report of the respective State Comptrollers, to estimate the amount which, during their financial period, can be spared for immigration purposes.

DISTRIBUTION OF FUNDS.

SEC. 3. Without entering into details, your Committee thought it appropriate to give an outline of the system it would favor, if called upon to act as legislators on the subject; and has on that account stated in this section, under the subdivision of *a, b, c*, for what purposes the appropriated money should be used, without binding the Legislatures in any manner as to the proportion in which such subdivision should be made.

The office of Superintendent and his Bureau being established by law, the salary of the former and of as many clerks as it may be thought necessary to employ, together with the Bureau expenses,

such as the publication and distribution of pamphlets setting forth the resources and the advantages offered by this country, and the inducements held out by our Government will, as a matter of course, remain a standing item on the Budget of the State.

The hight of the appropriation sub. *b.* for the support of agencies, will, in a great measure, depend upon the total amount which can reasonably be devoted to the expenses provided for sub. *c* for the payment of ocean and railroad passage of the immigrants.

Your Committee has advisedly used the word foreign, in speaking of seaports where agencies ought to be established, for the patent reason that it is more desirable for a country if immigrants arrive with some means, be they ever so small, than if a circuitous route and the various extra commissioners through whose hands they pass between the point of departure and their final arrival in Texas, have exhausted their very last dime, and thus throw them upon the mercy of the first labor speculation who may have an order for procuring hands for a sugar or cotton plantation in an unhealthy swamp district.

It is true, that the department of the superintendent is to take care of the immigrants on their first arrival; this duty will, however, be considerably facilitated, if immigrants do not arrive as entire paupers, and fall at once to the charge of the country after leaving the ship.

Your Committee holds, that a sum of \$10,000 annually devoted to defray the expenses of the Bureau at the Capital, for the sub-agencies in our own sea-ports and for the two or three agents or commission merchants in Europe, well applied, should be fully sufficient to meet the requirements.

It is a well known fact that cheapness of transportation is one of the greatest inducements for the immigrant in deciding his choice for his new destination; especial care ought therefore to be taken, to reduce the passenger freight to our seaports to as low a standard, as shorter distances, and the competition between ship owners, have reduced it to Northern harbors. The unavoidable difference between freights from Europe to Northern seaports and our shipping places should be borne entirely by our State government; and it greatly depends upon the liberality of our Legislatures for this particular purpose, whether the funds appropriated for the Bureau and the foreign agencies, will turn out as a profitable investment for the benefit of our country, or as a sinecure only for the officers.

It is obvious, that precisely in the same proportion as the number of immigrants increases, will the share of the Bureau expenses diminish, with which the individual immigrant has to be charged.

Thus, estimating the subsidy for the freight of every immigrant

to be \$20 and the general expenses to be \$10,000, an appropriation of \$100,000 would be sufficient to enrich the country with 4500 immigrants; or every individual immigrant would cost the country from 22 to 23 dollars.

Your Committee advisedly calls it enriching the country, because a small outlay acquires a producing capital, the interest of which nets in one year more than four times the original outlay.

It must be conceded that every laborer or producer represents a certain capital, and that the surplus of his labor, over and above what he himself consumes, may be computed as the interest such capital contributes to the nett income of the country.

The wealth of a nation consists in the accumulated surplus of its labor, and if the portion of such surplus in a slave State, which is invested in "hands" be enumerated among the assets, it is but falsifying comparison with the wealth of a free State, where the produce of free labor capital is the inalienable property of the individual and therefore not enumerated.

Setting apart all considerations of philanthropy and civilization, and drawing a cool calculation of economy alone, it must be conceded that the importation of free labor is just that much more value to the country at large, as the investment for a similar forced labor capacity would have amounted to; or taking the average wages of a laborer as a standard, he is just worth so much to the country, as a capital owned by a citizen is, which produces as much interest as the annual nett wages of the former may be computed at.

A field hand can at present with facility secure from ten to fifteen dollars per month, or from 100 to 150 dollars all the year round, in hard cash, board and lodging being found; and represents on that account a productive capital value of at least 1000 to 1500 dollars.

Compared with this access of wealth, the amount donated to the immigrant to facilitate his transportation, dwindles into insignificance; and is refunded to the country in a few months, provided the laborer does not at once again leave the country and export his earnings.

It is true, the outlay does not flow back to the same source from which it originated, but this impairs in no manner, the aggregate of the National income.

LAND DONATION.

SEC. 4. The Land Donation provided for in this section, may serve as an inducement to such emigrants, who coming from thickly populated districts, where land is an expensive commodity, are but too readily inclined to over-estimate a donation, which at their native

place in itself would constitute a fortune. To avoid the reproach of misrepresentation, it ought to be made the duty of our foreign agents to fully explain the real value of such donation to the immigrant.

The suggestion of issuing Land Scrips to the immigrants, which eventually might be sold by them, or giving them the permission to dispose of a portion thereof, say one-half, for the purpose of paying their transportation, was discussed in the Committee, but met with no favor, as the object of the donation is the cultivation of the land and not to furnish additional material for land speculation.

If an immigrant avails himself of the pre-emption advantage, the proviso of a three year's personal occupation more than compensates the donation, not to mention the enhancement of the value and increased taxability of the lands bordering on the new location.

PRIVILEGES GRANTED BY THE CONSTITUTION.

Your Committee might be accused of having, perhaps, only one particular branch of immigration in view, in drafting the above resolutions, and owes it, therefore, to itself, to assign the reasons for so doing.

It is not the wealthy foreigner, nor the merchant; not the industrial nor the experienced American citizen; immigrating from another State to Texas, who is in need of the protecting and assisting hand of the Bureau of Immigration, but such class of foreign labor to whom the trifling outlay for ocean transportation is a serious consideration.

What we are in need of, is a hard working thrifty population, which clings to the soil it has once undertaken to cultivate, without nomadic propensities and of unquestionable *loyalty to the Government of the United States*; and it will not be denied, that the German and Scandinavian nationalities possess these qualifications in an eminent degree.

It is therefore but proper to call the attention of this Convention, and of the respective committees, to such points which have a direct bearing upon the peculiarities of the above nationalities.

Fully realizing the liberality of the U. S. Naturalization law, your committee holds that a more liberal practice than hitherto in force, with regard to State franchise, is as imperatively demanded by the circumstances, as a Constitutional provision, rendering legislative interference in matters of religion impossible.

The opposition against colored suffrage can not be met with greater force, than by allowing *bona fide* settlers to acquire the full right of State citizenship in six or twelve months after their arrival; the history of the equal suffrage amendment, in some of the Northern

States, when saddled with Sunday laws, can not fail to challenge the earnest attention of every true Republican.

Immigrants will not wend their way to such States, where former settlers are dissatisfied with the laws of the country; they will go where the laws are in full harmony with their own peculiarities.

All of which is most respectfully submitted.

E. DEGENER,
Chairman of Immigration Committee.

Mr. J. W. Flanagan, from the Committee on Internal Improvements, made the following report.

To the HON. E. J. DAVIS,
President of the Convention :

Your Committee on Internal Improvements have had under consideration a declaration in relation to railroads, in which the Convention is asked to consolidate the Brazos Branch Railroad Company and the Henderson, Marshall and Jefferson Railroad Company into one company, to be known as the International Pacific Railroad Company.

Your committee have given due consideration to this very important question, and from all the light before them, a majority of the committee instruct me to report the declaration back to the Convention with a recommendation that it pass.

J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

Mr. Smith of Galveston, made the following minority report :

COMMITTEE ROOM,
June 27, 1868.

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

The minority of the committee, to whom was referred the declaration to consolidate and incorporate the Brazos Branch and the Henderson, Marshall and Jefferson Railroad, respectfully report that they regard all such special legislation at this time unnecessary and unwarranted; that there is now a bill pending before the United States Congress relative to this very question, and which will, if it becomes a law, prepare the people of Texas to act; that the division of the State of Texas will qualify all such legislation, and it is altogether a premature measure; that it is proposed to introduce into the Constitution of the State a provision governing all legislation in regard to corporations; and that we are opposed to

galvanizing into life a dead corporation, unless it can be shown that there is a real *bona fide* company, prepared with the means and ability to prosecute to a successful termination the improvement they ask this Convention to sustain. For these reasons we respectfully submit the following resolution, and ask that it do pass :

Resolved, That the declaration consolidating the Brazos Branch and the Henderson, Marshall and Jefferson Railroad, and granting a new charter, be indefinitely postponed.

ROBERT K. SMITH,
ANDREW DOWNING, SR.,
N. PATTEN.

Mr. Munroe, from the Committee on Engrossed Bills, made the following report :

COMMITTEE ROOM,
June 29, 1868.

HON. E. J. DAVIS,

President of the Convention:

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

No. 19, Resolution ordering the printing of 400 copies of the reports of Wm. Alexander, Esq., late Attorney General of Texas.

No. 20. Resolution defining the powers of this Convention.

No. 21. Resolution appropriating twenty-five thousand dollars, or so much thereof as may be necessary, to offer rewards for the apprehension of desperadoes.

No. 22. Resolution amending the rules governing the Convention, so that a simple resolution, or resolutions relating to the government of the Convention, may be disposed of upon a vote at first reading.

No. 23. Resolution appropriating the sum of two hundred dollars to frame the portrait of Gen. Sam Houston.

No. 24. Resolution appropriating fifteen thousand dollars for the payment of the civil officers of the State, appointed by Provisional Governor A. J. Hamilton.

Respectfully submitted,

A. T. MUNROE,
Chairman.

Report adopted.

Mr. Bellinger, from the Committee on Federal Relations, to whom was referred a resolution of Mr. Mills, ceding the county of El Paso to the United States. made the following minority report :

COMMITTEE ROOM,
June 29, 1868.

To HON. E. J. DAVIS,
President of the Convention :

SIR: A minority of the Committee on Federal Relations, to whom was referred a resolution by Mr. Mills of El Paso, being unable to agree with the majority of said committee, offers the following report :

El Paso county contains an area of 9450 square miles, with a population, according to the latest census, taken in 1860, of 4050 inhabitants, only 436 of whom have registered, the vote cast at the last election being 292 for and 2 against a convention. The assessment of State taxes for 1867 was \$2151 64, or 53 cents per head. The average for the entire section west of the Colorado being \$1 10 per head.

Almost the entire population of the county is concentrated in the narrow Rio Grande Valley from Franklin to Elisaria, this being the only portion of the county redeemed for cultivation.

The population has hardly made as much as an attempt to settle outside said valley, and never exercised any control over the vast uninhabited territory situated within the limits of the county ; nor is it to be expected that the population, in its present composition, will make such an attempt.

The future condition of the country therefore is entirely subject to the influx of a new element to its population, which can only reasonably be expected from that section of Texas which is proposed to be erected into a new Western State.

The wide territory between the Rio Grande and Pecos Valleys, situated in the region of meteorologic permanency, suffers almost under a continuous drought, and but few places outside the Pecos Valley are available for agriculture with artificial irrigation. This deficiency of atmospheric humidity is amply compensated by the abundance of metallic resources. The range of hills traversing the country in a northwesterly direction, being spurs of the Sierra Madre of Mexico, fully maintaining the same character of the latter. And their mineral wealth has justly become proverbial. Coal, iron, lead, copper and silver to some extent, are the minerals in which this region abounds, in deposits and in veins ; but above all in the unmeasurable layers of rock salt, capable of furnishing a continent with this indispensable commodity, which will make this region one of the most desirable portions of West Texas, which has to furnish the mining population to lift the treasure from its now hidden abode.

In view of the little adaptability of this region for agriculture, it

will be the department of the northwestern counties of Texas to furnish the breadstuffs for the mining population.

To cede the jurisdiction over this territory, as contemplated in the majority report, and over the plains intervening between El Paso and the western counties, exposing it perhaps to be converted into Indian reservations, would be as disastrous a policy as could befall this country; and it would be relinquishing without any compensation a country vast in extent, whose intrinsic value has never yet been sufficiently explored, and therefore cannot be properly computed.

Should it be the determination of Texas to sell to the United States that portion of territory lying without the limits of the organized counties, it would be of the utmost importance for Texas to be able to embrace in said transaction this valuable region, which is now proposed to be alienated without any consideration. But should this event never occur, it would be unwise in Texas to deprive herself of the resource of so much future wealth and prosperity for her people.

The minority of your committee therefore report that the majority report be not adopted.

All of which is respectfully submitted,
 JACOB KUECHLER,
 E. BELLINGER.

Mr. Sumner moved a suspension of rules to allow Mr. Burnett to introduce a petition.

Motion lost.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That a committee of fifteen be appointed by the Chair, to attend the exhibition at the State Institution of the Blind, tomorrow, at 9 o'clock.

Mr. Smith, of Galveston, moved a suspension of the rules to take up the resolution.

Rules suspended.

Mr. Ruby moved to amend by adding, "the Committee on Education."

The resolution as amended was adopted.

Mr. Evans, of McLennan, introduced the following declaration:

WHEREAS, It is very probable that the regularly contemplated biennial session of the State Legislature of Texas will not meet in the year 1868; and

WHEREAS, Such failure to meet may prejudice the interests of railroad companies, in loss of their charter, etc., etc.; be it therefore declared:

SECTION 1. That all railroad companies in Texas holding charters which may be affected in their rights by a failure of the said biennial session of the Legislature in the year 1868, shall not suffer any prejudice in their charters, rights and privileges, until ninety days after the meeting of the first lawful Legislature, with consent of Congress of the United States, shall meet in Texas.

On motion, the declaration was referred to the Committee on Internal Improvement.

Mr. Evans, of McLennan, introduced the following declaration:

Be it declared, That the sum of ——— dollars be and the same is hereby appropriated out of the contingent fund of the Convention, to pay the expenses of the Committee to Investigate the State Penitentiary, travelling expenses, expenses of witnesses, etc., etc.

On motion the declaration was referred to the Committee on Contingent Expenses.

Mr. Harne, of Grimes, introduced the following resolution:

Resolved, That the following be a section of the constitution:

SECTION —. No person shall ever be imprisoned for debt, except in cases of fraud, after verdict and judgment of a court of competent jurisdiction; and it shall be the duty of the Legislature to provide for carrying this provision into effect.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Vaughan offered the following resolution:

First. *Be it ordained by the People of Texas in Convention assembled*, That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay a bounty of one hundred dollars to each enlisted man who was honorably discharged from the First and Second Texas Cavalry, United States Volunteers, who served in the late war in aid of putting down the rebellion; and that the military commander of this department be requested to authorize the payment of this appropriation.

Second. *Be it further ordained*, That said bounty shall be paid on the claimant making such proof of his enlistment and honorable discharge, before the Comptroller, as may be prescribed by the Governor of the State of Texas.

On motion the resolution was referred to the Committee on Federal Relations.

On motion of Mr. Johnson, of Calhoun, the Convention resolved itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Mr. Armstrong of Lamar in the chair.

The committee rose, reported progress, and reported the substitute of Mr. Hamilton, of Travis, to the report of the Committee on Federal Relations.

Mr. Smith, of Galveston, moved a call of the House.

Call sustained.

Mr. Hamilton, of Travis, moved the Convention adjourn until 9 o'clock to-morrow morning.

Motion withdrawn by consent.

Mr. Smith, of Galveston, moved to adjourn until to-morrow morning, at 9 o'clock, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Armstrong, of Lamar. Bledsoe, Butler, Coleman, Evans, of Titus, Fleming, Lippard, Mundine, Phillips, of San Augustine, Schuetze—10.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Bell, Bellinger, Board, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Bastrop, Hamilton, of Travis, Harris, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—77.

So the Convention refused to adjourn.

Mr. Smith, of Galveston, moved the call of the House be withdrawn.

Mr. Hamilton, of Bastrop, moved to lay the substitute on the table.

The yeas and nays were called and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant of Harris, Butler, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Foster, Glenn, Hamilton, of Bastrop, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, Long, McWashington, Mullins, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Sorrell, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—46.

Nays—Messrs. Adams, Armstrong, of Lamar, Board, Bryant, of Grayson, Buffington, Burnett, Caldwell, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Gray, Grigsby,

Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Smith, of Marion, Stockbridge, Sumner, Varnell, Vaughan, Wilson, of Brazoria, Wright—43.

So the substitute was laid on the table.

Mr. Hamilton, of Bastrop, moved to reconsider the vote by which the substitute of Mr. Hamilton of Travis was laid upon the table, and also moved to lay the motion to reconsider on the table.

The motion to lay on the table was carried.

On motion the Convention adjourned untill nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
June 30, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Burnett presented the following petition:

To the Honorable Constitutional Convention of Texas:

The petition of Wm. P. Leaverton, a citizen of Houston county, respectfully represents unto your honorable body that heretofore, to-wit, on the — day of April, 1868, his brother, James H. Leaverton, departed this life in Anderson county, Texas, leaving all his property, real and personal, and outstanding debts and liabilities, with probably but a small exception, in Houston county, where he had formerly lived for many years, and where his homestead is situated and his orphan children now reside; that your petitioner is the legally appointed and qualified administrator of his said brother's estate, and is now administering the same in Anderson county; that by the laws of Texas administration can only be had in Anderson county, where deceased died, and that it is important and necessary to the convenient and economical administration of said estate that the administration be removed to Houston county.

Therefore, your petitioner prays your honorable body to adopt a special resolution or declaration providing for the immediate removal of the administration of said estate to Houston county, and as in duty bound your petitioner will ever pray.

WM. P. LEAVERTON.

CROCKETT, TEXAS, June 24, 1868.