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Gray, Grigsby, Harris, Hunt, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kuechler, Lippard, Long, McCormick, Mills, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Yarborough—57.

So the Convention refused to adjourn.

Under the rules the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 15, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Yarborough presented a petition from citizens of Wood, Hopkins, Hunt, and Vanzandt counties, asking the formation of a new county out of portions of said counties; and asked its reference to Committee on Counties and County Boundaries.

It was so referred.

Mr. Evans, of McLennan, from Committee on Federal Relations, made the following reports :

To the Hon. E. J. DAVIS,

President of the Convention :

SIR: Your Committee on Federal Relations have had under consideration a declaration of Evans, of McLennan county, and instruct me to report back to this body the following substitute; and ask its passage :

A. J. EVANS,
Chairman.

A DECLARATION.

Be it declared by this Convention of the people of Texas, 1. That the Governor of the State of Texas be, and he is hereby authorized and requested to open negotiations with the Government of the United States, for cession by sale, on the part of the State of Texas to the United States, of all that part of the territory of Texas, north and west of a line from the northwest corner of Hardeman

county to the mouth of the Pecos river; *provided*, that no cession or sale of said territory shall have effect until submitted to, and approved by the Legislature of Texas; and provided further, that the proceeds arising from any sale of said territory shall be applied to school purposes, and no other.

SEC. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury of the State of Texas not otherwise appropriated, and placed subject to the warrant of the Governor, to enable him to carry out the provisions of this declaration.

SEC. 3. The Governor shall have the authority to appoint a commissioner or agent to assist him in the negotiations specified in section first of this declaration.

Mr. Evans, of McLennan, offered the following additional report from the Committee on Federal Relations, with the accompanying resolution :

To the Hon. E. J. DAVIS,

President of the Convention :

SIR: The Committee on Federal Relations, to which was referred the resolution of Mr. Carter, asking the Congress of the United States to relieve persons living upon the frontiers of Texas for losses sustained by Indian depredations since the twenty-fifth of April, 1865, have had the same under consideration, and beg leave to make the following report:

The Committee consider that the persons for whom relief is asked have a double claim upon the consideration of Congress.

At the close of the war they returned to their homes upon the outside frontier, having full faith in the strength and power of the Government to protect them. They stood, in a manner, as a wall between the fierce and barbarous savage, and the inside settlers, giving protection to them at the expense of their own lives and property.

As is implied in the resolution, numbers of these families have been again broken up, in some cases with loss of life, losing their little all, turned again upon the world homeless, houseless, without even a horse left upon which to get away from their desolate homes.

Pages might be taken up in reciting the wrongs inflicted by the Indians upon these defenceless people, their calamities and sufferings. But we think that the knowledge that the members have of the sufferings of these unfortunate people, with the few facts stated here, will be sufficient to induce them to give a favorable consideration to their claims.

We know of no demand for relief that can equal the claims of

these homeless people. We think that the encouragement given to these hardy settlers, by a favorable consideration of this resolution, would tend very much to hasten the settlement of our extensive frontier; and while it would give just relief to the distressed frontiersman, would strengthen the arms of the Government, in so much as would have the assistance of the settlers, who know the habits of the savages, in successfully protecting the inside settlers.

To entirely ignore the claims of these citizens for relief would show a degree of indifference to their sufferings, which we are unwilling to believe is felt by the members of this Convention.

Upon these considerations we return the resolution, and ask that it be adopted.

A. J. EVANS,
Chairman.

Resolved, That the Congress of the United States, if not inconsistent with the relations existing between the Federal Government and the citizens of Texas, be respectfully petitioned to appropriate a sum sufficient to remunerate, in whole or in part, the citizens of the frontier of Texas, for their losses incurred by Indian depredations since the twenty-fifth of April, 1865.

Mr. Monroe, Chairman of the Committee on Engrossed bills, reported provisions numbered respectively, 25, 26, 27, 28, 29, 30, correctly engrossed.

Report adopted.

The Sergeant-at-Arms reported to the Convention that he had arrested Mr. Scott, and held him in custody subject to the disposal of the House.

Mr. Harn offered the following declaration, and asked its reference to the Committee on General Provisions:

SECTION 1. *Be it resolved by the people of Texas in Convention assembled*, That whenever, on the trial of any cause, it shall appear that the consideration of any contract, deed or conveyance, was what was known as Confederate Treasury notes, the said contract, deed or other conveyance is hereby declared to be null and void, and the court or judge trying any such cause shall so adjudge.

SEC. 2. *Be it further ordained*, That the plaintiff or defendant, or both, may testify as a witness, on the trial of any cause contemplated in the first section of this declaration, and that this declaration be in force from and after its passage.

Referred to the Committee on General Provisions.

Mr. Hamilton, of Travis, asked leave of absence for one hour, for Mr. Posey, of Lavaca.

Leave granted.

Mr. Patten offered the following resolution:

Resolved, That a committee of three be appointed by the President, to investigate the unaccountable absence from this Convention of Mr. J. R. Scott, on yesterday.

That said committee have power to send for witnesses, and that they report by resolution or otherwise.

Mr. Patten moved a suspension of rules for the consideration of the resolution.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Brown, Bryant, of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Grigsby, Harris, Hunt, Johnson, of Calhoun, Kendall, Kuechler, Leib, Lippard, McWashington, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Whitmore, Williams, Wilson, of Milam, Wright, Yarborough—47.

Nays—Messrs. Armstrong, of Lamar, Bellinger, Bledsoe, Bufington, Constant, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harn, Johnson, of Harrison, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips, of San Augustine, Rogers, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson, of Brazoria—29.

Two-thirds not voting in the affirmative the Convention refused to suspend rules.

Mr. Sumner offered the following resolution, and asked its reference to the Committee on Education:

Be it resolved, That the following shall be a section of the Constitution:

ARTICLE —.

SECTION —. All the public university lands in the State of Texas that have not heretofore been disposed of shall be and are hereby turned over to the common School Fund. And it shall be the duty of the Legislature to pass such laws as shall provide for free schools in every neighborhood, in each county of this State; provided, there shall no neighborhood be entitled to a free school with less than twenty pupils.

Referred to the Committee on Education.

Mr. Lindsay asked leave of the Convention to take up the resolution granting Dr. R. K. Smith, of Galveston, the use of the House for a lecture on Friday night next.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Belinger, Bledsoe, Board, Brown, Bryant, of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Fayle, Foster, Grigsby, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Morse, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—53.

Nays—Messrs. Armstrong of Jasper, Bell, Buffington, Constant, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Keigwin, Long, Mills, Muckleroy, Mullins, Phillips, of San Augustine, Scott, Sumner, Varnell, Wright, Yarborough—24.

Leave granted.

Mr. Varnell asked leave for himself and Mr. Johnson to attend Federal Court on summons.

Leave granted.

Upon the question "Shall the hall be granted to Dr. Smith on next Friday night?" the resolution was agreed to.

Mr. Armstrong, of Lamar, presented a petition from citizens of Fannin and Lamar counties, asking the formation of a new county, and asked its reference to the Committee on Counties and County Boundaries.

Mr. Armstrong, of Lamar, offered the following declaration :

DECLARATION

Establishing the county of Webster.

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

SECTION 1. That a new county is hereby formed and established out of the counties of Fannin and Lamar, bounded as follows, to wit :

Beginning at a point on the south boundary line of Lamar county, seven miles east of its west boundary line ; thence north to Red river ; thence west with the meanders of said river to the mouth of the Bois d'Arc creek, and with the meanders of said creek to a point ten miles west of the east boundary line of Fannin county ; thence south to the south boundary line of Fannin county ;

thence east with the south boundary lines of Fannin and Lamar counties to the place of beginning.

SEC. 2. *Be it further declared*, That it is hereby made the duty of the people of said county of Webster to proceed to organize said county, in strict conformity to an act entitled "An Act," approved March 20, 1848, "for the Organization of New Counties."

SEC. 3. *Be it further declared*, That it shall be the duty of the County Court of Fannin county, as soon as convenient after the passage of this declaration, to organize the said county of Webster, by holding elections for the purpose of electing all county officers, or recommending suitable persons to the Commander of the Fifth Military District, to fill said offices.

SEC. 4. *Be it further declared*, That it shall be the duty of the people of said county, after its organization is completed, to hold an election for the purpose of locating the county site, and a majority voting in said election shall determine the location of said county site.

SEC. 5. *And be it further declared*, That in all general elections the people shall vote with the counties from which they were taken, until said county of Webster shall be entitled to separate representation.

On motion the declaration was referred to the Committee on Counties and County Boundaries.

Mr. Munroe offered the following resolution :

Resolved, That the Secretary of the Convention be and he is hereby directed to issue a certificate to H. G. McDaniel, Postmaster to the Convention, for pay for his services, at the same per diem pay as the other officers of the Convention.

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

Mr. Armstrong, of Lamar, offered the following resolution :

Resolved, That the Convention adjourn *sine die* on Friday, the 1st day of August next.

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

WHEREAS, Several members of this Convention were induced to travel circuitous routes, incurring unusual expense and labor in reaching this Capitol, to save themselves from threatened assassination.

Resolved, therefore, That the Committee on Contingent Expenses take the case of these members into consideration, and report what additional traveling expense, if any, shall be allowed.

Mr. Newcomb asked that the communication from Messrs. Siemering & Co., proprietors of the San Antonio Express, be read and referred to the Committee on Finance.

It was so referred.

Mr. Evans, of McLennan, asked that the communication of Governor Pease, read on yesterday, respecting the framing of the portrait of General Sam. Houston, be referred to the Committee on Finance.

It was so referred.

Mr. Evans, of McLennan, moved that communication of Major General J. J. Reynolds, read on yesterday, be referred to the Committee on Finance.

It was so referred.

Mr. W. Flanagan offered the following resolution :

Resolved, That the Constitution provide that apothecaries and druggists shall, by act of the Legislature, be required to give evidence that they are skilled and educated in the profession, before any license shall be issued for any such business.

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

Mr. Lindsay moved that the special order of the day, at ten o'clock, be postponed, to allow Mr. Mills to speak to a question of privilege.

Agreed to.

The President decided that the reading of letters not relevant to Mr. Mill's vindication, and not personally addressed to him, cannot be read by him to the Convention.

Mr. Hamilton, of Travis, appealed from the decision of the chair, and upon the question, "Shall the decision of the chair stand as the decision of the House," the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellingier, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lippard, Mackey, McWashington, Muckleroy, Munroc, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Thomas, Watrous, Whitmore, Williams, Wilson of Milam—51.

Nays—Messrs. Fleming, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Kealy, Keigwin, Lindsay, Long, McCormick, Mills, Morse, Mullins, Mundine, Newcomb, Pedigo, Stockbridge, Vaughan, Wilson of Brazoria, Wright—21.

So the decision of the chair was sustained.

The President announced the business in order was upon the resolution offered by Mr. Davis, of Nueces, relating to the rules of the House.

Mr. McCormick moved to lay the resolution upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Constant, Evans of Titus, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Rogers, Smith of Marion, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Wilson of Brazoria—31.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Hunt, Jordan, Kealy, Kendal, Keuchler, Leib, Lippard, McWashington, Muckleroy, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—44.

So the Convention refused to lay the resolution offered by Mr. Davis on the table.

Mr. McCormick offered the following amendment :

Strike out "further," and all that follows of the resolution.

Mr. Flanagan moved to lay the amendment on the table.

The question recurring upon the motion to lay the amendment on the table, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan W., Foster, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—44.

Nays—Armstrong of Jasper, Carter, Constant, Evans of Titus, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Keigwin, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Stockbridge, Sumner, Thomas, Vaughan, Wilson of Brazoria, Wright—29.

So the amendment was laid upon the table.

The question recurring upon the adoption of the resolution, it was agreed to as a rule of the House.

Mr. Armstrong of Lamar, moved that Mr. Scott be relieved from the custody of the Sergeant-at-Arms by payment of fees.

Mr. Degener moved that the question be divided and the vote be first taken upon the question of Mr. Scott's discharge from the custody of the Sergeant-at-Arms.

Upon the question being put, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mueckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—55.

Nays—Messrs. Board, Brown, Evans of McLennan, Flanagan, W. Flanagan, Foster, Jordan, Lippard, McWashington, Newcomb, Oaks, Patten, Phillips of Wharton, Slaughter, Smith of Galveston, Smith of Marion, Watrous, Williams, Wilson of Milam—19.

So the Convention agreed to discharge Mr. Scott.

Upon the question "Shall the member in arrest pay the cost under the rules?" it was agreed to.

Upon motion, the following resolution of Mr. Patten, respecting the appointment of a committee to examine into the conduct of Mr. Scott, was taken up and read :

Resolved, That a committee of three be appointed by the President to investigate the unaccountable absence from this Convention of Mr. J. R. Scott, on yesterday.

That said committee have power to send for witnesses, and that they report by resolution or otherwise.

Mr. Hamilton, of Travis, offered the following amendment :

Amended as follows, to be inserted after the words "yesterday and the conduct generally of the delegates of this Convention."

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Brown, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Grigsby, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Leib, McWashington, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Scott, Smith

of Galveston, Smith, of Marion, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. Adams, Armstrong, of Lamar, Board, Constant, Fleming, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Lindsay, Lippard, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Rogers, Stockbridge, Sumner, Thomas, Vaughan—25.

So the amendment was laid upon the table.

The question recurring upon the adoption of the resolution, it was agreed to.

The President announced the business in order was upon the resolution of Mr. Thomas, offered yesterday, and upon the motion of Mr. Flanagan to lay the resolution on the table.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Wright moved a suspension of the call of the House.

Carried.

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

Call sustained.

Mr. Whitmore moved the call of the House be suspended.

Carried.

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

Call sustained.

Bryant, of Harris, moved the call of the House be suspended, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant of Harris, Burnett, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Harris, Hunt, Jordan, Kendal, Kuechler, Leib, Lippard, McWashington, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough.—42.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellingier, Brown, Buffington, Carter, Constant, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips, of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Wilson, of Brazoria—39.

So the call was suspended.

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

Call sustained.

Mr. Whitmore moved the call of the House be suspended, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Jordan, Kendal, Kuechler, Leib, Lippard, McWashington, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Whitmore, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Buffington, Constant, Fleming, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Johnson, of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria.—35.

So the call was suspended.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Armstrong, of Jasper, moved that the House adjourn until to-morrow morning, at nine o'clock, upon which the yeas and nays were demanded and resulted thus :

Yeas—Armstrong of Jasper, Armstrong of Lamar, Bell, Bellenger, Board, Brown, Burnett, Carter, Curtis, Degener, Fayle, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Posey, Rogers, Scott, Stockbridge, Thomas, Watrous, Wilson of Brazoria—37.

Nays—Mr. President, Adams, Bledsoe, Bryant, of Harris, Buffington, Constant, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Harris, Johnson of Calhoun, Jordan, Kealy, Kendall, Keuchler, Leib, Lippard, McWashington, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Vaughan, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—43.

So the Convention refused to adjourn.

Mr. Lippard moved the call of the House be suspended, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Board, Bryant of Harris, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Kendal, Kuechler, Leib,

Lippard, McWashington, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—45.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Constant, Fleming, Gray, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Wilson of Brazoria—32.

So the House suspended the call.

Mr. Bellinger moved that the Convention take a recess for twenty minutes.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Carter moved that the Convention adjourn until Monday morning at nine o'clock, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Armstrong of Jasper, Bell, Bellinger, Carter, Glenn, Hamilton of Travis, Johnson of Harrison, Long, McCormick, Mills, Morse, Mullins, Stockbridge, Wilson of Brazoria—14.

Nays—Mr. President, Adams, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Gray, Grigsby, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—66.

So the House refused to adjourn.

Mr. Evans, of McLennan, offered the following resolution :

Resolved, That, whereas, one Cole, a member of this body, has on this day absented himself from the Convention, and by such absence, under the rules of this Convention, stopped any progress ; it is therefore

Resolved, That this Convention strike Mr. Cole's name from the list of delegates, and report the action of this body to the Commanding General of the Fifth Military District.

Mr. Hamilton, of Travis, moved that the resolution be rejected, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Burnett, Carter, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Lindsay, Mackey, McCormick, Mills, Morse, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Wilson of Brazoria, Wright—41.

Nays—Mr. President, Adams, Bledsoe, Board, Bryant of Harris, Buffington, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Hunt, Johnson of Calhoun, Jordan, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Muckleroy, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—39.

So the motion to reject prevailed.

Under the rules, the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
July 16th, 1868.

Convention met pursuant to adjournment.

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

The President announced the committee under Mr. Patten's resolution to inquire into the conduct of Mr. Scott, to be Messrs. Patten, Wilson, of Milam, and Pedigo.

Sergeant-at-Arms reported that he held in custody Mr. Cole, ordered in arrest by the Convention on yesterday.

Mr. Hamilton of Travis, moved that Mr. Cole be discharged from custody of the Sergeant-at-Arms and admitted to his seat, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bellinger, Brown, Bryant of Grayson, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Johnson of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—40

Nays—Messrs. President, Bledsoe, Board, Buffington, Burnett,