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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,

Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Harris, Hunt, Jordan, Kendal, Keuchler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Whitmore, Wilson of Milam, Wright, Yarbrough—37.

So the Convention ordered his discharge.

The question recurring "shall Mr. Cole be discharged upon the payment of fees?"

It was so ordered.

The President announced that the business first in order, was the special order of the day at 10 o'clock, upon the report of the committee on Internal Improvements.

Mr. Patten moved that the report be recommitted to the Committee on Internal Improvements.

Carried.

The President announced that the next business in order was upon the resolution of Mr. Buffington, repealing the rules of the Convention as to adjournment.

Resolved, that a resolution passed on the —— day of ——, fixing the hour of the adjournment of this Convention at one o'clock of each day be, and the same is hereby repealed.

Mr. Burnett moved that the resolution be laid upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bell, Bryant of Grayson, Burnett, Carter, Cole, Constant, Fleming, Gaston, Glenn, Gray, Grigsby, Lindsay, McCormick, Mills, Morse, Mullins, Mundine, Pedigo, Phillips of San Augustine, Posey, Scott, Stockbridge, Sumner, Thomas, Vaughan—26.

Nays—Messrs. President, Adams, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lippard, Long, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarbrough—50.

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

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Evans of

Titus, Flanagan, W. Flanagan, Foster, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Leib, Lippard, Long, McWashington, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

Nays—Messrs. Armstrong of Jasper, Bell, Bryant of Grayson, Cole, Constant, Fleming, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Keigwin, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips of San Augustine, Posey, Scott, Smith of Marion, Stockbridge, Sumner, Thomas, Vaughan—29.

So the resolution was adopted.

Mr. Carter, chairman of Committee on Style, made the following report :

Hon. E. J. DAVIS,

President of the Convention :

SIR : The Committee on Style, to which was referred passed resolutions Nos, 26, 27, 28 and 29, has examined the same and find them correct.

CARTER,
Chairman.

Report adopted.

Mr. Phillips of Wharton, offered the following declaration :

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

SECTION —. That suits may be brought against the State and it shall be the duty of the Legislature at the first session thereof, after the adoption of this Constitution, to prescribe by law, what courts and in what manner suits against the State may be brought.

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

Mr. Adams offered the following declaration :

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

That in any suit now pending, or which may hereafter be brought, to enforce the collection of debts contracted between the second day of March, 1861, and the 26th day of June, 1865, whether the contract be parol or written, it shall be competent to prove by parol or other legal testimony, the value of the property or other consideration for which such indebtedness was incurred ; and the judgment rendered in such suits, shall in all cases conform to the real value of such consideration, without reference to the express terms of the

contract, taking the value of property, labor, etc., in the year 1860, as the standard of valuation.

On motion the declaration was referred to the Judiciary Committee.

Mr. Webster Flanagan offered the following resolution :

Resolved by the people of Texas in Convention assembled :

That any person or persons engaging in gaming of any kind, shall first obtain a license therefor, and the Legislature is hereby authorized and required to fix by law the amount of assessment to be levied on every such person or persons so engaging.

On motion the resolution was referred to the committee on Political and Legislative.

Mr. Fayle asked leave of absence for Mr. Leib until Tuesday next.

Leave granted.

Mr. Oaks of Falls offered the following declaration :

The right of the people peaceably to assemble and petition the government for a redress of grievances, or to consider and discuss subjects of public interest and form peaceable and law abiding associations for the diffusion of knowledge, patriotism and virtue among the people, shall not be abridged, and any attempt to interrupt or defeat the exercise of such right, by any individual or class of individuals, is hereby made a felony, for which the party guilty of the same shall be liable to indictment, trial and punishment, by fine or imprisonment, at the discretion of the court, subject to such limitations as the law may prescribe; And all legislation intended to preserve order and afford security in the exercise of religious worship, shall be equally extended and made applicable to preservation of order and security in the exercise of the rights of political discussion and deliberation.

On motion the declaration was referred to the Judiciary Committee.

The President announced the next business in order was the resolution of Mr. Thomas, providing that hereafter no question relating to a division of the State shall be entertained.

Mr. McCormick moved a call of the House.

Call sustained.

Absentees—Messrs. Carter, Kealy, and Muckleroy.

The absentees answered to their names.

The question recurring, "shall the resolution be laid upon the table," the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant, of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Harris, Hunt, Johnson, of Calhoun, Jordan,

Kendal, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore, Yarborough—39.

Nays—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Cole, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Johnson, of Harrison, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—45.

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

Mr. McCormick moved the previous question upon the adoption of the resolution.

Previous question seconded.

The question recurring, "shall the main question be now put?" the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Cole, Constant, Curtis, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harn, Johnson, of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Oaks, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—63.

Nays—Messrs. President, Bledsoe, Board, Burnett, Carter, Coleman, Degener, Downing, Fayle, Hunt, Johnson, of Calhoun, Kuechler, Long, Munroe, Newcomb, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Whitmore—21.

So the main question was ordered.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Buffington, Cole, Constant, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harn, Johnson, of Harrison, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas,

Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—47.

Nays—Messrs. President, Adams, Bledsoe, Board, Bryant, of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Harris, Hunt, Johnson, of Calhoun, Jordan, Kendal, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore, Yarborough—37.

So the Convention adopted the resolution.

Mr. Hamilton, of Travis, moved to reconsider the vote, and to lay the motion to reconsider upon the table.

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

Yeas—Messrs. Adams, Armstrong, of Lamar, Armstrong, of Jasper, Bell, Bellinger, Brown, Bryant, of Grayson, Bryant, of Harris, Cole, Constant, Curtis, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—47.

Nays—Messrs. President, Bledsoe, Board, Burnett, Carter, Coleman, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Harris, Hunt, Johnson, of Calhoun, Jordan, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore—33.

So the motion prevailed.

Mr. Johnson, of Calhoun, moved that the Convention adjourn until to-morrow morning at nine o'clock.

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

Yeas—Messrs. Armstrong, of Jasper, Bell, Bellinger, Brown, Carter, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Johnson, of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Mullins, Mundine, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Schuetze, Scott, Smith, of Marion, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson, of Brazoria—36.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bledsoe, Board, Bryant, of Harris, Bryant, of Grayson, Buffington, Burnett, Cole, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Goddin, Harris, Hunt, Johnson, of Harrison, Jordan, Kendal,

Kuechler, Lippard, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Rogers, Ruby, Slaughter, Smith, of Galveston, Sumner, Thomas, Whitmore, Williams, Wilson, of Milam, Wright—44.

So the Convention refused to adjourn.

Mr. Armstrong, of Lamar, moved that the Convention adjourn until four o'clock this evening.

Lost.

Mr. Flanagan moved to adjourn until this afternoon at four o'clock.

Lost.

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

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

Yeas—Messrs. Bell, Bellinger, Brown, Carter, Cole, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Harn, Hunt, Kealy, Keigwin, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Munroe, Patten, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Schuetze, Scott, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—46.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Board, Bryant, of Grayson, Buffington, Burnett, Coleman, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Glenn, Harris, Johnson, of Harrison, Jordan, Kendal, Lippard, Morse, Newcomb, Oaks, Ruby, Slaughter, Varnell, Whitmore—29.

So the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 17, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Degener asked that Mr. Newcomb be excused from attendance on Convention.

Leave granted.

Mr. Talbot, Chairman of the Committee on Education, made the following report :