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## DECLARATION

## Creating the County of Oakland.

SEC. 1. That all the territory, comprised within the following lines, shall be a new county, to be called the County of Oakland, viz: Beginning at the point where Denton Creek unites with Peach Creek, in Gonzales county; thence north forty-one degrees, west twenty-four miles; thence north thirty-seven degrees, east sixteen and three-fourth miles; thence south seventy-five and a half degrees, east fourteen and three-fourth miles; thence south thirty-three degrees, east seventeen and three-fourth miles; thence in a direct line to the place of beginning.

SEC. 2. That the town of Hopkinsville, in the present county of Gonzales, shall be the county seat of said county of Oakland.

SEC. 3. That at the first general election, hereafter held for county officers, the said county of Oakland shall be organized by the election of such officers as other counties have, under the laws of this State; and that William J. Stenberry, N. F. Miller, and K. L. Fry, be, and they are hereby appointed, commissioners with full power and authority to superintend and conduct said election, and give certificates to the persons elected.

It was so referred.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

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CAPITOL, AUSTIN, TEXAS,  
July 18th, 1868.

Convention met pursuant to adjournment.

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

Mr. McCormick, from the Committee on Contingent Expenses, made the following reports:

COMMITTEE ROOM,  
July 18th, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Contingent Expenses, who were instructed to consider the claims of members who were induced to

travel circuitous routes, etc., in coming to the Convention, and to report what additional expenses, if any, shall be allowed, have been presented the claim of A. Grigsby, one of the delegates from Bowie, Davis and Marion.

Mr. Grigsby says, that he was reliably informed and assured that a conspiracy was formed in this district he represents to assassinate him on his way to the Convention, if he traveled any of the usually travelled routes, and that it thus became necessary for him, in order to reach this Capitol alive, to travel by way of New Orleans, thereby incurring about eighty dollars additional expenses and——— days' additional time in coming to the Convention, to what would have been required could he have travelled the ordinary route. Mr. Grigsby says, he was thus forced to travel eight hundred and fifty miles in addition to the distance by the nearest route, and he claims that one half of that amount, that is, four hundred and twenty-five miles, should be allowed him in addition to the mileage computed by the usually travelled route; this, Mr. Grigsby says, is four hundred, and added to the extra mileage, makes eight hundred and twenty-five miles in coming to the Convention. In the very nature of the case the committee rest their judgment almost entirely upon the statements of the claimant, and the committee are of opinion, that it is due to the constituents represented by the member, to pay his claim for mileage as presented, and let him answer it to his constituents if the claim is improperly made.

It is, however, due to truth, to state in this connection, that other delegates from the eastern part of the State corroborate the statements made by the claimant so far as the existence of a prevailing apprehension among Republicans, that the members from Bowie, Davis and Marion, would be assassinated on their way to the Convention. The committee have, therefore, instructed me to report the accompanying resolution and recommend its passage.

A. P. McCORMICK,  
Chairman.

*Resolved*, That the Secretary of this Convention be, and he is hereby instructed to admit the claim of A. Grigsby, to mileage for eight hundred and twenty-five miles in coming to the Convention, and to issue his certificate to said A. Grigsby for said mileage as claimed.

Mr. Pedigo from committee on counties and county boundaries made the following reports :

COMMITTEE ROOM,  
Austin, Texas, July 19, 1868.

Hon. E. J. DAVIS,

President of the Convention:

Your committee on counties and county boundaries, to whom was referred a declaration introduced by Hon. M. Gray, of Red River, to create the county of Paschal, have had the same under consideration and a majority of the committee have instructed me to report it back to the Convention and to recommend that it be adopted.

Respectfully submitted,

H. G. PEDIGO,  
Chairman.

### A DECLARATION

SECTION 1. *Be it ordained by the people of Texas in Convention assembled*; That a new county be created, and to include the territory within the following boundaries, to-wit:

Beginning at a point at the junction of Hart's creek with Cypress Bayou in Titus county, thence with the meanderings of said creek to the Hart's creek bridge and turnpike, thence due north to the Sulphur Fork of Red River, thence with the meanderings of said stream to a point five miles east of the north west corner of Davis county, thence due south to the line of Marion county, thence along the line of what is now Marion and Davis counties to Cypress Bayou and thence with the meanderings of said Bayou to the place of beginning.

SEC. 2. *Be it further ordained*, that said new county shall be named "Paschal" and the county seat shall be at the town of Dangerfield.

SEC. 3. *Be it further ordained*, that the county of Paschal shall constitute a part of the counties from which it is taken, for all purposes, until a general election or appointment of county officers; and shall, for all judicial purposes, remain a part of the counties of Titus and Davis, until the Legislature shall provide for holding courts in said county of Paschal.

SEC. 4. As soon as the officers of said county of "Paschal" are elected or appointed, it shall be the duty of the officers of said county, exercising the powers of a police or county court, to provide public buildings and records, and for this purpose the said court is authorized to levy a special tax of not more than one-fourth of one per cent. upon all property taxable in the county. The said court may also issue its bonds for that purpose, in the sum of six thousand dollars, with interest, not to exceed twelve per cent.

payable semi-annually; provided, the principal of said bonds shall be paid within five years from the date of issuance.

COMMITTEE ROOM,  
Austin, Texas, July 18, 1868.

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

SIR: Your committee on county and county boundaries, to whom was referred a resolution introduced by the Hon. Mr. Burnett, proposing two sections, to be inserted in the Constitution of the State, respecting the names of county sites, have had the same under consideration, and a majority of the committee, believing that the evil sought to be remedied, is within the reach of ordinary legislative action, without any special constitutional provision upon the subject, have instructed me to report back to the Convention the resolution, and to ask to be relieved from any further consideration of the subject.

H. C. PEDIGO,  
Chairman.

COMMITTEE ROOM,  
Austin, Texas, July 18, 1868.

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

SIR: Your committee on counties and county boundaries, to whom was referred a declaration introduced by the Hon. Mr. Armstrong of Lamar, to establish the new county of Webster, have had the same under consideration, and a majority of the committee have instructed me to report it back to the Convention and to recommend that it be adopted.

All of which is respectfully submitted,

H. C. PEDIGO,  
Chairman.

Mr. Lindsay offered the following declaration and asked its reference to the committee on General Provisions:

*Be it declared by the people of Texas in Convention assembled, that there be inserted in the Constitution a provision to the following effect:*

SECTION—Each county in the State shall provide in such manner as may be prescribed by law, a "Manual Labor Poor House," for taking care of, managing, employing and supplying the wants of its own indigent and poor inhabitants; and under such regulations as the Legislature may direct, all persons committing petty offences

in the county, may be committed to such "Manual Labor Poor House" for correction and employment.

It was so referred.

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

*Be it declared by the delegates of the people of Texas, in Convention assembled,* That all persons shall enjoy equal rights and privileges upon any conveyance of a public character, and all places of business or of public resort, or for which a license is required by either State, county or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination, on account of race or color.

It was so referred.

Mr. Foster offered the following resolution, and asked its reference to the Committee on Judiciary :

*Resolved,* That the following shall be a section of the Constitution :

SECTION — Mechanics shall have a lien upon all articles of manufacture, of every description, made or repaired by them, for or on account of any other person, for the reasonable and proper charges which may be due thereon for said working or repairing, and for materials furnished; and in addition to the right to retain possession of said articles until charges due thereon are paid, shall have power and authority to sell any such articles at public auction, and appropriate the proceeds of said sale to the payment of said charges, in all cases where said articles are supposed to remain with said mechanic for more than twenty days after said mechanic has given notice to the owner or person for or on account of whom said article was made or repaired, of the fact that said article is ready to be delivered upon the payment of charges; and the Legislature, at its first session, shall pass such law or laws as may be necessary to carry out the provisions of this section.

It was so referred.

Mr. Johnson, of Calhoun, asked that Mr. Bellinger be excused till next Wednesday.

Excused.

Mr. Ruby asked that Mr. Williams be placed on Committee on General Provisions.

It was so ordered.

Mr. Flanagan asked to place Messrs. Fayle and Evans, of Titus, on Committee on Internal Improvements.

It was so ordered.

The President announced the next business in order was upon the

following resolution, offered by Mr. Coleman, respecting the employes in the government offices of the State :

WHEREAS, Rumors and reports are in circulation to the effect that the various departments of the State government in Austin are filled with employes who were enemies of the United States, and in some instances are still hostile to the government thereof and to the reconstruction of the State under the laws of Congress ; therefore, in order that such "rumors and reports" may not circulate to the detriment of the heads of the various departments and that misrepresentation and injustice may not prevail, be it

*Resolved by the people of the State of Texas in Convention assembled.* That his Excellency, E. M. Pease, Governor of Texas, be, and he is hereby respectfully requested to inform this Convention of the number of clerks and other employes in the General Land Office, Comptroller's and Treasurer's office ; how many of them have taken the oath of July 2, 1862 ; how many of them served in the armies or departments of the so-called Confederacy ; how many of them are honorably discharged soldiers or sailors of the United States ; and how many of them are in political unison with the government that pays them.

*Resolved, further,* It is the opinion of the Convention that the resolution of Congress and the executive order of the President declaring "it is eminently right and proper that honorably discharged soldiers and sailors in the war for the suppression of the rebellion shall have preference in employment in the various departments of the government," is just and proper, and that preference in employment in the departments of the government of Texas should be first given to the nation's defenders ; and second, to those who remained loyal during four years of Confederate barbarity and rebel persecution ; and the Convention is further of the opinion that the constantly loyal should be given preference for all places of "trust and profit" over those who sought in any manner to dismember the Union, or persecuted and ill treated the friends thereof.

Upon motion, the resolutions were adopted.

Mr. Burnett moved that the rules be suspended to take up the following report of Committee on Contingent Expenses, in reference to pay of postmaster :

COMMITTEE ROOM,  
July 18, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR : The Committee on Contingent Expenses, to whom was referred the resolution introduced by Mr. Munroe, of Houston

county, in reference to the pay of the postmaster to the Convention, instruct me to report said resolution back with the recommendation that it be passed.

A. P. McCORMICK,  
Chairman.

*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.

Rules suspended and report adopted.

Mr. Evans, of McLennan, moved that the rules be suspended to take up resolution providing for the adjournment of the Convention until the first day of December next, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Degener, Downing, Evans of Titus, Fayle, Gaston, Glenn, Gray, Harn, Kuechler, Lippard, Mullins, Oaks, Patten, Ruby, Smith of Galveston—19.

Nays—Messrs. President, Adams, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Colg, Coleman, Constant, Curtis, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—59.

So the Convention refused to suspend rules.

The President announced the hour had arrived for the consideration of the report of Committee on Internal Improvements, respecting the sale of the Buffalo Bayou, Brazos and Colorado Railroad, the Texas and New Orleans Railroad, and the Southern Pacific Railroad.

Mr. Fayle offered the following amendment :

Amend by striking out section 1, line four, as follows :

“The Buffalo Bayou, Brazos and Colorado Railroad.” Also section 3, lines one, two and three, as follows :

“That the Buffalo Bayou, Brazos and Colorado Railroad Company was indebted to the special school fund of the State, on the first day of March, A. D. 1868, in the sum of \$499,800, principal

and interest," and refer to the Committee on Internal Improvements for special report.

Mr. Burnett offered the following substitute :

*Resolved*, That the following shall be an article in the Constitution of the State of Texas, and inserted among the provisions under the head of "Internal Improvements," to wit :

ARTICLE —. The Legislature, at its first session after the adoption of this Constitution, shall cause all the railroads in this State, whose companies are indebted to the special school fund of the State, to be sold, under such regulations and conditions, and with such exceptions as the Legislature may direct, unless said railroad companies respectively shall have paid their said indebtedness at the meeting of the Legislature. The Legislature may, if it be deemed to the interests of the State, authorize and direct the Governor to purchase said railroads, or any of them, for the State, in case of sale and on any contingency that may be prescribed by law.

Mr. Evans, of McLennan, moved to lay the substitute upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong, of Lamar, Bell, Brown, Buffington, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Gray, Harris, Hunt, Johnson, of Harrison, Jordan, Keigwin, Kendal, Kuechler, Lippard, Long, McCormick, McWashington, Mundine, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Scott, Slaughter, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Adams, Armstrong, of Jasper, Bellinger, Board, Bryant, of Grayson, Bryant, of Harris, Burnett, Fayle, Grigsby, Johnson, of Calhoun, Lindsay, Mackey, Mills, Morse, Munroe, Posey, Rogers, Smith, of Marion, Stockbridge, Sumner, Thomas, Yarborough—22.

So the substitute was laid on the table.

The question recurred upon the adoption of the amendment offered by Mr. Fayle.

On motion the whole subject was recommitted to the Committee on Internal Improvements.

The President announced the next business in order was upon the report of the Committee on Internal Improvements, to incorporate the International Pacific Railroad Company, with substitute offered by Mr. Davis, of Nueces.

By consent of the Convention the substitute offered by Mr. Davis, of Nueces, was withdrawn.

Mr. Flanagan offered the following substitute :

SECTION 1. *Be it therefore resolved by this Convention, That the Congress of the United States be requested to pass the bill incorporating the said companies into the International Pacific Railroad, and granting said companies aid in bonds for the construction of the railroad above mentioned, as proposed in said bill.*

SEC. 2. That said company, when incorporated by Congress, as hereinbefore requested, shall have the right to vary the gauge so as to correspond to the gauge from Cairo to the Texas line; also, the right to build and operate a telegraph line along said road.

SEC. 3. That the said companies shall have the right of way through the State of Texas, and all the privileges, immunities and franchises within this State, as are now or may hereafter be conceded to railroads under any general law of this State.

Mr. Degener moved that the whole subject be referred to the Committee on Internal Improvements.

Mr. Bryant, of Harris, moved to lay the substitute upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Bledsoe, Bryant, of Harris, Burnett, Degener, Downing, Grigsby, Johnson, of Calhoun, Kuechler, Lindsay, Lippard, Mills, Munroe, Newcomb, Oaks, Patten, Pedigo, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Thomas, Vaughan, Williams—26.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant, of Grayson, Buffington, Carter, Cole, Coleman, Constant, Curtis, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Hunt, Johnson, of Harrison, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Phillips, of San Augustine, Phillips of Wharton, Rogers, Stockbridge, Sumner, Talbot, Varnell, Watrcus, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright—50.

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

The question recurred upon the motion to re-commit the subject to the Committee on Internal Improvements.

[Mr. Evans, of McLennan, in the chair.]

Mr. Degener moved a call of the House.

Call not sustained.

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

Yeas—Messrs. Bledsoe, Degener, Grigsby, Kuechler, Lippard, McWashington, Mills, Oaks, Patten, Vaughan—10.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bell, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Harris, Harn, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Long, Mackey, McCormick, Morse, Muckleroy, Mundine, Munroe, Newcomb, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—67.

So the Convention refused to adjourn.

The question being: "Shall the report be re-committed to the Committee on Internal Improvements?"

The Convention refused to re-commit.

Mr. Patten moved to adjourn till Monday morning at nine o'clock.

Lost.

Mr. Patten moved a call of the House.

Call sustained.

Absentee—Mr. Armstrong, of Jasper.

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

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

Yeas—Messrs. Adams, Bell, Board, Bryant, of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harn, Johnson of Harrison, Jordan, Kealy, Keigwin, Mackey, McWashington, Mills, Muckleroy, Mullins, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—53.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Brown, Butler, Burnett, Curtis, Degener, Downing, Hunt, Johnson, of Calhoun, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, Morse, Mundine, Munroe, Newcomb, Oaks, Patten, Slaughter, Smith of Galveston, Smith, of Marion, Vaughan—26.

So the Convention suspended the call.

The question recurring upon the adoption of the amendment as offered by Mr. Flanagan, of Rusk,

Mr. Patten moved the Convention adjourn until Monday morning at nine o'clock.

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

Yeas—Messrs. Bledsoe, Butler, Burnett, Degener, Downing, Glenn, Grigsby, Hunt, Kuechler, Lindsay, Lippard, Long, Mills, Morse, Mullins, Newcomb, Oaks, Patten, Pedigo, Rogers, Schuetze, Slaughter, Smith, of Marion, Thomas, Watrous—25.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant, of Harris, Buffington, Carter, Cole, Coleman, Constant, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton, of Travis, Harris, Harn, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Mackey, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips, of San Augustine, Phillips, of Wharton, Scott, Smith, of Galveston, Stockbridge, Sumner, Talbot, Varnell, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to adjourn.

Mr. Degener moved a call of the House.

Call sustained.

Absentees—Messrs. Bryant, of Harris, Posey, Goddin, Vaughan.

Mr. Degener moved a suspension of the call.

Lost.

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

Lost.

Mr. Patten moved that the Convention adjourn until Monday morning at nine o'clock.

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

Yeas—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Carter, Degener, Downing, Evans of McLennan, Glenn, Grigsby, Harn, Hunt, Keigwin, Kuechler, Lindsay, Lippard, Long, Mills, Morse, Muckleroy, Mullins, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Schuetze, Slaughter, Smith, of Marion, Talbot, Thomas, Watrous, Williams—33.

Nays—Messrs. Adams, Bell, Board, Brown, Bryant, of Grayson, Buffington, Butler, Burnett, Cole, Coleman, Constant, Curtis, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton, of Travis, Harris, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Mackey, McCormick, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips, of Wharton, Ruby, Scott, Smith, of Galveston, Stockbridge, Sumner, Varnell, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough.—46.

So the Convention refused to adjourn.

Absentees answered their names.

The question recurred, "shall the substitute offered by Mr. Flanagan be adopted?"

It was adopted.

Mr. Davis, of Nueces, offered the following amendment :

*Provided*, That this declaration shall not be considered as conferring any grant of lands to the companies incorporated; except such lands as may have already, under some general laws of the State, rightfully accrued to the Brazos Branch Railroad Company, or the Henderson, Marshall and Jefferson Railroad Company.

Mr. Buffington moved the adoption of the amendment.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Coleman, Constant, Curtis, Degeher, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, 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, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough.—80.

Nays—Messrs. Bledsoe, Morse—2.

So the amendment was adopted.

Mr. Patten moved that the Convention adjourn until Monday morning at nine o'clock.

Lost.

Mr. Flanagan moved the previous question.

Previous question seconded.

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

Mr. Patten moved a call of the House.

Convention refused to sustain the call.

The yeas and nays were demanded upon the main question, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Buffington, Butler, Carter, Cole, Coleman, Constant, Curtis, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison,

Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—58.

Nays—Armstrong of Jasper, Bledsoe, Bryant, of Harris, Burnett, Degener, Downing, Glenn, Grigsby, Hunt, Keuchler, Lindsay, Lippard, Morse, Munroe, Newcomb, Oaks, Patten, Posey, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Thomas, Vaughan—24.

So the main question was ordered.

The question recurring upon the engrossment of the substitute as amended, the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—56.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Burnett, Carter, Cole, Coleman, Degener, Glenn, Grigsby, Keuchler, Lindsay, Lippard, Mills, Morse, Mullins, Munroe, Newcomb, Oaks, Patten, Posey, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Thomas, Vaughan—26.

So the substitute as amended was read second time, and engrossed.

Mr. Hamilton, of Travis, moved a suspension of rules, to put substitute upon its third reading.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Scott, Stockbridge, Sumner, Talbot, Varnell, Watrous,

Williams, Wilson, of Brazoria, Wilson of Milam, Wright, Yarborough.—57.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Burnett, Degener, Evans of McLennan, Hunt, Kuechler, Lindsay, Lippard, Morse, Munroe, Newcomb, Oaks, Patten, Posey, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Thomas, Vaughan, Whitmore—22.

The Convention refused to suspend the rules, four-fifths not voting in the affirmative.

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

CAPITOL, AUSTIN, TEXAS,  
JULY 20, 1868.

Convention met pursuant to adjournment.

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

Mr. Smith, of Galveston, rose to a privileged question, respecting two articles published in the Daily Telegraph, at Houston, edited by one C. C. Gillespie, wherein he was vilely libelled, and the assassination of Messrs. M. C. Hamilton and Caldwell publicly advised, and introduced the following resolution :

*Resolved*, That Brevet Major General Reynolds be respectfully requested to arrest one C. C. Gillespie, the editor of a paper purporting to be the Daily Telegraph, of Houston, and have him arraigned before a military commission to answer for gross libellous attacks upon members of this Convention, and for counselling and advising their assassination; and that he be further requested to suppress that paper.

Mr. Smith, of Galveston moved that the rules be suspended to consider the resolution.

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

Yeas—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of Titus, Fayle, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McCormick, McWashington,