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Mr. Burnett moved to lay the amendment upon the table.

Lost.

The amendment was adopted.

Upon motion, section 14 was adopted.

Mr. Hamilton, of Travis, offered the following amendment to section 15 :

Add at the end of the section these words :

“ But they shall not be construed to prevent the Legislature from passing laws to punish by imprisonment, such persons as shall be convicted by a court of competent jurisdiction, of the fraudulent concealment of their property, to evade the payment of their just debts.”

Mr. Jordan offered the following amendment to the amendment :

Amend by adding, “ Except for fraud or defalcation after verdict and judgment of any court of competent authority.”

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

CAPITOL, AUSTIN, TEXAS,
August 6, 1868.

Convention met pursuant to adjournment.

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

Mr. Flanagan asked leave of absence for Mr. Coleman for six days.

Leave granted.

Mr. Fayle presented the following petition from A. D. Robertson and others, asking a charter for a horse railroad at Houston, with accompanying declaration, and asked its reference to the Committee on Internal Improvements :

To the honorable the Convention of the State of Texas at Austin assembled, greeting :

The undersigned petitioners would respectfully petition your honorable body, and represent as follows, viz : That the city council of Houston have granted unto your petitioners a franchise to build, equip and run a horse railroad over certain streets within the limits of said city ; and your petitioners would respectfully pray that they, the petitioners and their associates, be granted a charter by the honorable Convention for said purpose, and for the further extension of

said roads outside of the limits of the city of Houston; and your petitioners herewith annex a frame for an act to incorporate the Bayou City Railway Company, in which is set forth the objects desired, and pray that your honorable body may grant the same.

And as in duty bound your petitioners will ever pray, etc.

W. D. ROBINSON,
GEO. GOLDTHWAITE,
WM. H. ALLEN,
F. A. G. GEARING,
THOMAS R. WHITE.

Houston, Texas, July 10, 1868.

AN ACT

To incorporate the Bayou City Railway Company.

SECTION 1. *Be it enacted by the Convention of the State of Texas*, That W. D. Robinson, George Goldthwaite, W. H. Allen, F. A. G. Gearing, J. S. Bachelder, W. J. Hutchins, Richard Allen, Shade Croome, Erastus Carter, C. B. Sabin, M. V. Brewster, Samuel Harper, J. G. Tracey, and their successors, be and the same are hereby declared to be a body corporate, in law and in fact, under the name and title of The Bayou City Railway Company.

SEC. 2. Said company shall have the right to construct, equip and run horse railroads upon such streets of the city of Houston as may have been designated by the mayor and aldermen of said city; and upon such other streets within the present or future corporate limits of said city as may be approved by said mayor and aldermen; and said company shall construct, equip and run said railroads upon the streets within the limits of said city, under such conditions and ordinances, as the mayor and aldermen of said city may provide and impose; and said company may extend their road beyond the limits of said city over the county of Harris, as follows, viz: From any point on the eastern boundary line of said city of Houston they may select, terminating at the town of Harrisburg; and from any point on the western boundary line of the city of Houston they may select, terminating at the Eureka Mills; provided, that they shall first obtain the right of way from the persons owning the land on the route selected for said road outside the city limits, and the roads constituting said extension beyond the city limits may use either horse or steam power.

SEC. 3. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each. Said company shall have the right to issue said stock upon such

terms as they may deem essential to the construction and maintenance of their roads; and said company may, from time to time, as it may be required, increase their capital stock to an amount not to exceed five hundred thousand dollars.

SEC. 4. The affairs of said company shall be managed by a Board of Directors, in number not more than seven nor less than five, said Directors to be elected by the stockholders from their number, at their annual meeting. Said Directors shall elect one of their number to be President of the Board, and they shall designate all officers of the company, and shall manage its affairs under rules and by-laws to be made by the Board and approved by a majority of the stockholders.

SEC. 5. Said company shall have a common seal, and shall be subject to be sued at law, and shall have the right to sue, and the right to buy and hold property for the use of the company, and to sell and convey the same, and shall have power to borrow money on their bonds or notes at such rates as the Board of Directors may deem expedient; provided, however, that nothing in this act shall be so construed as to confer banking privileges of any kind.

SEC. 6. It shall be lawful for the corporators named in this act, and their associates, subscribers to the stock of the Bayou City Railway, to organize this company immediately after the passage of this act, and the officers then and thereafter elected shall hold their offices until their successors are elected. This charter shall continue in force for the period of twenty-five years. The legal domicile and place of business of said company shall be the city of Houston, Texas.

That this act be in force from and after its passage.

Mr. Hunt, from the Committee on State Affairs, made the following report.

COMMITTEE ROOM,
August 5, 1868.

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

SIR: Your Committee on State Affairs, to whom was referred a petition from the citizens of Bexar county asking for the incorporation of an association to be called "The Germania Club," have had the same under consideration, and are in favor of granting the prayer of the petitioners.

We believe the object sought to be accomplished by the formation of said association to be in a high degree laudable, tending to promote

social refinement and the general moral and intellectual improvement of society. Your committee therefore report the accompanying declaration to your honorable body, and ask its adoption.

H. C. HUNT,
Chairman.

Mr. Mullins made the following minority report from the Committee on Lawlessness and Violence:

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

SIR: The undersigned, member of the Committee on Lawlessness and Violence, would respectfully submit the following minority report:

It is due to myself to state that when I was placed on the committee its labors were well nigh concluded, the "supplementary report" nearly completed, and I only heard two or three of the witnesses testify. I, therefore, had no opportunity of cross-examining witnesses except two or three mentioned, or adducing rebutting testimony, by reason of the committee having closed its labors soon after I was added to it.

The clerk, however, furnished me with the written testimony upon which said supplementary report is founded, but I have not been able to examine the testimony on which the original report was made, because, as I was informed by the clerk, it had been sent to Washington, except so much of it as might be found in the records of the Freedmen's Bureau, which I have not had time to examine.

The evidence, as far as I have been able to examine it, is almost entirely hearsay, contained in mere statements, not sworn to, made for the most part by persons whose credibility is not supported by any established or known character. However well such persons might stand at home, there was nothing before the committee, so far as I am aware, going to show that they are reliable.

The majority of the committee use the following language in the supplementary report: "But what we insist on is, that many of the persons murdered were loyal men, and that they were murdered for their loyalty. To substantiate this statement, we now present some cases of recent occurrence not embraced in our former report.

"In the counties of Collin and Hunt, five men, well known as sterling loyalists, were brutally murdered within the last two weeks, by some rebel desperadoes."

This statement is made upon the authority of a letter addressed to J. W. Thomas, Esq., a member of this Convention, to which letter

six names are signed. The letter referred to bears the impress of panic, and the fact that several names originally put down as killed have since been stricken out, shows how utterly unreliable their report is. No affidavits or other sworn testimony accompanies this letter. The letter avers that five Union men were killed by the Lee party, and from this the committee infer that they were killed because they were Union men. To show how unwarranted the committee were in making this inference, I quote from the official journal of this body, the Daily Austin Republican of July 11, 1868. The editor says: "The McKinney Messenger of the third July contains an account of the assassination of two men, Thomas and Doc. Walters, living in the edge of Hunt county, who were shot from the brush and killed by some of the Lee party. It seems that there are two parties in that neighborhood, known as the Lee party and the Peacock party, who employ their time in waylaying each other in the brush, and shooting each other in a most cowardly manner."

The two men, Thomas and Doc. Walters, mentioned by the editor of the Republican, were two of the five names mentioned in the letter to J. W. Thomas, Esq., as stated above, and were also two of the six Union men alleged to have been killed for their loyalty, in the quotation before made from the supplementary report of the committee.

It will also be remembered that five of the six men there alleged to have been killed for their loyalty, were killed, if at all, by this same Lee party; and if the editor of the Republican is correct in the statement above quoted, this killing grew out of a feud existing between two parties known as the Lee and Peacock parties, "who," as he says, "employ their time in waylaying each other in the brush, and shooting each other in a most cowardly manner."

There is nothing going to show that these are political parties; but if they were, they would both be equally culpable, if what the Republican states is true. But that the true character of this Lee and Peacock war may be known, I here insert an extract from a private letter published in the Austin Daily Republican of July 15, 1868, and indorsed by that journal as coming "from a prominent Unionist in Fannin county." It reads thus:

BONHAM, Fannin county, Texas, {
July 8, 1868. }

"As to news, except the incidents of the Lee and Peacock war, we have nothing exciting. The details of that war you have undoubtedly got from other sources. I am posted as to its incipency. During the fall of 1865 or winter of 1866, Lee came to me for warrants against Peacock and others, alleging that they had kid-

napped him, spirited him away to Choctaw bottom, and robbed him of all he had.

Two of the defendants, whose names I have forgotten, were brought before me, and the evidence sustained Lee's statement.

I held them to bail, and they forfeited their bonds. Afterwards Lee compromised with the remainder, and while drinking to friendship, one of them, Maddox, shot and wounded him. Lee then declared war, assembled his friends, a desperate gang, and commenced the work of slaughter. Reprisals followed; friends of the slain on each side came in, and the affair is growing to dangerous proportions. The commanding general should send a competent cavalry force here without delay.

————— is the head of "Conservatism" in this county, chairman of the "Fannin Conservative Club." What he proposes to "do about it," I have no means of knowing. I am pleased to see him in the lead, as his natural instincts are tolerant and kindly. He will permit no Ku-klux organization; so far as party spirit is concerned, it does not run high in Fannin.

"We get along very comfortably. We can poll some Radical white votes, but not enough, even with the blacks, to make a majority."

The foregoing letter speaks for itself, and is endorsed by high Republican authority, and, on at least one point, it is conclusive, that is, that the war going on between the Peacock and Lee parties is not political. From this letter no inference can be drawn as to the politics of the parties, but if it be claimed, and it is claimed in the report of the committee, that the Lee party is a rebel party, then I have only to say that the letter here quoted proves conclusively that the Peacock party (alleged to be loyal) were the aggressors in the incipency of these troubles. This disposes of five out of six of the alleged murders of loyal men.

The other case, in which it is averred that a Unionist was murdered for his loyalty, is that of W. H. Upton, who, the committee say, was hung by a mob on the 3d in Brazos county.

A letter published in Flake's Galveston Daily Bulletin of July 31, 1868, written by Edward P. Upton, father of the alleged decedent, and enclosing a letter from Wm. Sheriff, father-in-law of W. H. Upton, fully explains the character and cause of the transaction. I here insert these letters, the authority of which will scarcely be questioned:

LETTER FROM REFUGIO COUNTY.

REFUGIO, Refugio county, Texas, }
 July 20, 1868. }

To Editor Flake's Bulletin :

It is with a heavy heart I write to narrate another atrocity, and this time the victim is my own son. I send you for publication the following letter, just received from Judge William Sheriff, the father-in-law of my son, who formerly resided in this county, but now of Fort Bend county :

PITTSVILLE, Fort Bend county, Texas, }
 July 8, 1868. }

To Judge E. P. Upton :

DEAR JUDGE: I have the sad task of relating to you the murder of your son Wheelock. Within the last two months Wheelock has made some trips between this neighborhood and the vicinity of Millican, driving beeves. On Monday, 29th ult., he left this place for Millican with a small drove of beeves, and on reaching Navasota he was arrested and put in jail on a warrant for stealing beeves from one Brookshire, of this neighborhood. He then sent for Mr. Gill, my brother-in-law, who went on his bond for \$500, and he was then released. From there he went to his home, seven miles from Millican, where he was again arrested on another charge of same nature. In the night a band of men surrounded the house, and caused him and the sheriff, in whose charge he was, to go with them to Millican. At Millican the next day he was informed that he would have to return to Navasota to be tried, and a guard was appointed to take him there, and about 3 o'clock they started with him. Near close of day the guard returned to Millican, and reported that near a creek they were met by a large band of men who took their prisoner from them and liberated him. Then the authorities at Millican sent out to have him re-arrested. Mr. Gill, who remained at Millican, suspicious of circumstances, got one of the guard to show him where the pretended liberation took place, and was led by this man to a place where they found Wheelock hanging. All of Wheelock's property has been taken, his widow and child left totally destitute. Mrs. Upton and her child are with me here in Pittsville, where she has been for many weeks past under medical treatment.

I state facts and make no comments.

The perpetrators of this atrocity ought to be punished, but I am afraid they never will be. I leave here to-day for Wheelock's home, in order to try and regain anything for his widow and child, I'm afraid hopelessly. His property is gone. Mr. Gill, who has been

living with Wheelock, brought me the news. He had an inquest held on the body, on which was found a letter without signature, but supposed to be from you, which the coroner read and commented on. The above mentioned Brookshire reported that Wheelock was the son-in-law of an old Union scoundrel living at Pittsville, and the whole crowd of Uptons and Sheriffs were d——d Abolitionists.

There is no safety for a Union man here. I ask for revenge, but apparently without any hope.

I shall be at the next court in Refugio.

Friendly yours,

WILLIAM SHERIFF.

My son, Wheelock H. Upton, and his father-in-law, left this county about two years since, to settle in Fort Bend county. They fled from prosecution here of the most annoying and atrocious character. They were branded as Union men, and charged with all the crimes known to the criminal calendar. The same proscription followed them, and some time since my son removed up the Brazos, to near Millican, and was pursuing his honest avocation, when foully murdered by a band of lawless desperadoes. My son's only crime was that he was a fearless Union man, and had by honest labor accumulated some property since the war. He was the son of the old Union Upton charged with high treason against the Confederate States, thrown into the loathsome jail of Gonzales, and there kept for the period of six months, and denied while there the writ of right by Judge Thos. Devine, who, I am told, is now pardoned and free, and again working in the interest of the rebels. He is the son-in-law of William Sheriff, who, during the war, was subjected to all sorts of prosecutions, imprisoned, his property stolen from him, and his life frequently threatened.

Sir, our own private wrongs we could and would have endured without a public murmur, but this last overflows the cup, and now we call loudly for justice, and justice we are determined to have. The murderers are known. If they are arrested and properly punished, by either a civil or military tribunal, it is well and good; if not, Wheelock H. Upton has still a father living, and numerous relatives and friends, who cannot be expected to sit quietly by, listening to the moans of his bereaved mother and sisters, the cries of his heartbroken wife, and the wail of his little orphaned child. I have placed the matter in the hands of General Reynolds, who I believe will use his best endeavors to bring this murderous band to justice. Should he fail, there is still left the right divine, the *lex talionis*.

Mr. Sheriff truly says there is no security for a Union man in

this State. How long, sir, are we to endure this? Already the Union men in various parts of the State are banding together for mutual protection, and this will become general, unless something be speedily accomplished by Congress. I know that General Reynolds is doing all in his power for our relief, but unfortunately his power is limited, and relief may come too late to save us from civil war; for the Union men of the State, white and black, are determined that they will no longer submit to the present state of things.

I am, sir,

Very respectfully yours,

EDWARD P. UPTON.

I give these letters entire, because I desire that the full statement of the friends of the measure, which may be supposed to be the most favorable that can be made in his behalf may go to the world. Now, it is plain from these letters, without hearing anything on the other side, that R. H. Upton was hung (if at all) on a charge of stealing cattle, (whether he was guilty or innocent of the charge is immaterial,) and *not for his Unionism*.

The six alleged murders for loyalty are now fully exploded by the foregoing statement of facts, made solely by Republicans and on Republican authority.

The allegation of the committee that the attempt made to assassinate the Hon. A. O. Cooley, was because of his loyalty, is wholly gratuitous, and is not sustained by the evidence. On the contrary, it is now well established and notoriously known that the attempt on the life of Judge Cooley was made by a young man on account of an old grudge, growing out of family difficulties.

This disposes of all the cases adduced by the committee "to substantiate" the "statement" made by them, "that many of the persons murdered were loyal, and that they were murdered for their loyalty," and now I assert, on Republican authority, that not one of the parties named was killed on account of their loyalty; and I further assert that of all the homicides reported, *there is no evidence that any one of them was killed for his Unionism*.

Unfortunately, a great many homicides have been committed in Texas within the last three years, and no man's life is secure. These homicides have been committed without reference to party, race, or color, and the cause of them can justly be attributed to no other source than the want of an efficient, strong, civil government. Indeed, it is so obvious that there can be no security for life, liberty, or property, here or elsewhere, without such government. A full, lucid, and very satisfactory report from Montgomery county, which I have examined with much care, is very instructive on this subject.

This report, dated June 23, 1868, shows that thirty homicides have been committed in that county during the years 1865, 1866, 1867 and 1868. Of these ten were committed in 1865, when there was no civil government in force.

Five men were killed in 1866, twelve in 1867, and three in the present year up to the date of the report. It is a remarkable fact that only five men were killed in 1866, while the reconstruction policy of President Johnson was in force, and civil law executed, while double the number had been killed during the six or seven months preceding, while the country was in a state of anarchy. It is also remarkable that in 1867, twelve homicides were committed, and they must be committed after May, for the reporter says: "I made a report to General Griffin, and on this head I spoke thus to him—that I rejoiced to see crime on the decrease; that for four months of the year 1867, up to date, I had only issued three criminal processes." Now, when it is remembered that this was under the Throckmorton government, that the reconstruction laws of Congress were passed in March, 1867, and would become known and understood about the time this letter was written to General Griffin, and that afterwards crime increased so enormously that year that twelve men were killed before its close, in that county, no one can, I think, fail to be impressed with the idea that the disorganizing effect of the reconstruction policy of Congress, and the anomalous condition of the government inaugurated thereby, must have had something to do with the fearful increase of crime, of which the reporter from whom the quotation above is made, exclaims, in concluding the sentence quoted, "But, my God, since that time, crime has increased to an awful extent in various shapes,"—that is, since May, 1867.

A report from Polk county, which was before the committee, contains the following: "The reasons why the civil authorities have not enforced the laws are, that the officers are changed so often that they can't learn their duties, and a great many of them now being appointed, never will improve any. Cause: want of capacity," I fully concur with this reporter, and give it as my firm conviction, that the ignorance and inefficiency of the officers appointed under the present administration of our State government, constitute one of the most palpable sources of lawlessness and violence in the State.

In conclusion, I must state that I have not been able for want of time, to give a synopsis of the testimony in this report; but, I here affirm that there is not a scintilla of evidence, not an authenticated fact, that came before the committee, which could by any fair legitimate process of logical reasoning, be made to justify, or in the

slightest degree palliate or excuse the insinuous effort of the committee to fix the responsibility of the lawlessness and violence committed in the State on this Conservative party.

I regret that business compels me to leave this report incomplete, because I feel assured that a fair analysis of all the testimony would not only sustain my conclusions, but would fix the responsibility of any excess of crime that may have been committed in this State on those who, for the sake of power and the love of plunder, by unjustifiable appeals to Congress, and false representations of the disposition of our people, have prevented the State from being restored to its rightful relations in the Union of our fathers.

Very respectfully,
W. H. MULLINS.

Mr. Smith, of Galveston, moved to reject the report.

Motion to reject withdrawn.

Mr. Boyd offered the following declaration, and asked its reference to the Committee on State Affairs.

WHEREAS, The Penitentiary of the State of Texas, having been an expense to the State of Texas for several years, arising in a great degree from the frequent changes made in the officers of the said institution, therefore,

Be it resolved, That the following sections be engrafted in the new Constitution, and made a part thereof.

Be it declared, 1. That the Legislature shall, at its next session, immediately after assembling, provide by law for the leasing out of said institution by the Governor, to some responsible person or persons, upon such terms as may seem the most practicable by said Governor; provided, however, that the person or persons to whom the said institution is leased, shall enter into a bond, with good and sufficient securities, conditioned that the said lessee or lessees, shall take good care of the machinery and all appurtenances therein, and take, all reasonable care of the health of the convicts therein, and provide them with healthy diet.

2. That the Legislature shall prohibit by law any discharged convict or convicts from remaining in the vicinity of said Penitentiary, except those convicts who were convicted and sentenced to serve a period of confinement in the said Penitentiary, in the county of Walker.

3. That the Legislature shall prohibit by law the State of Texas from paying the expenses of any prisoner and guard to the said Penitentiary, from the county in which he was convicted, whenever the said convict is pardoned by the Governor, within twelve months

from the date of his registration as a convict in the said institution.

It was so referred.

Mr. Mills moved to suspend the rules to take up the report of the Committee on Contingent Expenses, respecting the per diem pay of the official reporter.

The question being upon the resolution offered by Mr. Hamilton, of Travis, reported back by the Committee.

Mr. Phillips, of San Augustine, offered the following substitute :

Resolved, That the reporter be paid for his services to this time, and be discharged.

Mr. Mills moved to reject the substitute.

The question recurring upon the rejection of the substitute, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Brown, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kuechler, Leib, Lindsay, Mackey, McWashington, Mills, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Wright—47.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Boyd, Evans of McLennan, Evans of Titus, Fleming, Grigsby, Kealy, Kendal, Morse, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Slaughter, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—23.

So the Convention rejected the substitute.

Mr. Whitmore offered the following amendment :

Amend by inserting " after the speeches made by members of this Convention have been written out, as reported and handed to the members making said speeches."

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

Yeas—Messrs. Adams, Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Butler, Burnett, Cole, Curtis, Evans of Titus, Fayle, Flanagan, Foster, Gaston, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, Keigwin, Kendal, Lindsay, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Watrous, Wright—38.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Brown, Carter, Constant, Degener, Downing, Evans

of McLennan, Fleming, Goddin, Grigsby, Jordan, Kuechler, Leib, Lippard, Mackey, Morse, Newcomb, Oaks, Patten, Phillips of San Augustine, Scott, Slaughter, Smith of Marion, Sumner, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarbrough—35.

So the amendment was laid upon the table.

Mr. Hamilton, of Travis, moved the previous question upon the adoption of the resolution.

Previous question seconded.

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

The main question was ordered.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Burnett, Butler, Carter, Cole, Constant, Degener, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lippard, Lindsay, Mackey, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Smith of Marion, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—56.

Nays—Messrs. President, Bledsoe, Boyd, Curtis, Evans of McLennan, Grigsby, Morse, Newcomb, Oaks, Patten, Phillips of San Augustine, Slaughter, Stockbridge, Whitmore, Williams, Yarbrough—16.

So the resolution was agreed to.

Mr. Mills moved that a committee be appointed to inquire into a disturbance between two members.

Carried.

Mr. Armstrong offered the following resolution :

Resolved, That Long, of Limestone, and Johnson, of Harrison, be committed to the jail of Travis county until a committee shall report upon the offense charged.

Mr. Hamilton, of Travis, moved the rejection of the resolution.

Carried.

The President appointed Messrs. Lindsay, Butler and Williams as the committee called for by Mr. Mills' resolution.

Mr. Mills moved a suspension of the rules to put resolution respecting the pay of the official reporter on its final passage.

Rules suspended.

Resolution read, and, upon its final passage,

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Buffington, Burnett, Carter, Cole, Constant, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Mackey, McWashington, Mills, Mullins, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wright—54.

Nays—Messrs. President, Bellinger, Bledsoe, Boyd, Bryant, of Grayson, Evans of McLennan, Grigsby, Lippard, Morse, Newcomb, Patten, Phillips of San Augustine, Slaughter, Whitmore, Williams, Wilson of Milam, Yarborough—17.

So the resolution was adopted.

Mr. Wright offered the following resolution :

Resolved, That the report of the Committee on Education be referred to the Judiciary Committee, with leave to amend or offer a substitute, as they may think proper.

Mr. Ruby moved to reject the resolution.

Carried.

Mr. Johnson, of Calhoun, offered the following resolution :

Resolved, That the Committee on Contingent Expenses be instructed to inquire into the matter of having the reporter write out in plain English characters all the debates he may have reported, and make a report as to how long it would take to translate and write out all the debates ; and, also, how much will be the cost of the same.

On motion, the rules were suspended for the consideration of the resolution.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Goddin offered the following resolution :

Resolved, That a committee of five be appointed by the President to investigate the truthfulness of the minority report from Committee on Lawlessness and Crime.

On motion the resolution was rejected.

Mr. Thomas offered the following resolution :

Resolved, That the session of the Convention this afternoon be devoted to the consideration of the report of the Committee on General Provisions.

By leave, the resolution was withdrawn.

Mr. Evans, of McLennan, moved a suspension of the rules to take

up a resolution offered by Mr. Davis, of Nueces, respecting the taking of a recess by the Convention, and the order of business.

Mr. Flanagan moved a call of the House.

Call sustained.

Absentee: Mills.

The question recurred upon the suspension of the rules, upon which the yeas and nays were demanded.

Pending the announcement of the vote the Convention adjourned, under the rules, till four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Whitmore asked leave of absence for Mr. Schuetze.

Leave granted.

Mr. Bledsoe called up the resolution offered by Mr. Davis, on the fourth instant, respecting taking a recess, and what particular business shall be disposed of.

Mr. Buffington moved a call of the House.

Call sustained.

Absentees—Messrs. Board, Evans of Titus, Glenn, Horne, Mills, Muckleroy, Ruby and Vaughan.

Mr. Smith of Marion moved a suspension of the call of the House.

Lost.

Under the rule Messrs. Evans of Titus, Glenn, Mills and Vaughan each had their per diem deducted from their pay roll.

Absentees reported.

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

Mr. Lindsay offered the following amendment:

Strike out that portion of the declaration fixing a day to take a recess, and leave the residue thereof intact.

The question recurred upon the adoption of the amendment.

Mr. Flanagan moved to lay the whole question upon the table.

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

Yeas—Messrs. Bell, Board, Boyd, Buffington, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, Kendal, McCormick, Mills, Morse, Muckleroy, Mundine,

Pedigo, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Wilson of Brazoria—34.

Nays—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Goddin, Grigsby, Hunt, Jordan, Keigwin, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Posey, Rogers, Ruby, Scott, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—43.

So the Convention refused to lay upon the table.

Mr. Armstrong, of Lamar, moved a suspension of the call.

Mr. Hamilton, of Travis, moved the indefinite postponement of the subject.

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

Yeas—Messrs. Bell, Board, Boyd, Buffington, Carter, Cole, Constant, Evans of Titus, Flanagan, Flanagan W., Fleming, Foster, Gaston, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, McCormick, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Stockbridge, Varnell, Wilson of Brazoria, Wright—32.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Curtis, Degener, Downing, Evans of McLennan, Fayle, Goddin, Grigsby, Hunt, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Posey, Rogers, Ruby, Scott, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—43.

So the Convention refused to postpone indefinitely.

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

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—55.

Nays—Messrs. Armstrong of Lamar, Armstrong of Jasper, Boyd, Evans of McLennan, Fayle, Gaston, Glenn, Goddin, Hunt, Keigwin, Kuechler, Lippard, Mackey, Morse, Muckleroy, Newcomb, Patten, Smith of Galveston, Sumner, Whitmore, Wilson of Milam, Yarborough—23.

So the amendment was adopted.

Mr. Flanagan moved the resolution be laid upon the table.

Carried.

The president having announced the decision upon the vote to lay upon the table, decided that Mr. Hamilton could not call for the yeas and nays upon the question after such announcement.

Mr. Evans, of Titus, appealed from the decision of the chair, and upon the question "shall the decision of the chair stand as the division of the House," the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellingier, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Curtis, Degener, Downing, Evans of McLennan, Fayle, Goddin, Grigsby, Hunt, Jordan, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Whitmore, Wilson of Milam—46.

Nays—Messrs. Board, Boyd, Buffington, Carter, Cole, Constant, Evans of Titus, Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Calhoun, Kealy, Keigwin, McCormick, Mills, Morse, Mundine, Pedigo, Phillips of Wharton, Slaughter, Stockbridge, Varnell, Wilson of Brazoria, Wright—28.

So the decision of the chair was sustained.

Mr. Patten moved for the previous question upon the passage of the resolution.

Previous question seconded.

Mr. Buffington moved a call of the House.

Call sustained.

Absentees—Messrs. W. Flanagan and Horne.

Mr. Patten moved a suspension of the call of the House; upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby, Hunt, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Munroe, McWashington, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey,

Rogers, Ruby Slaughter, Smith of Marion, Smith of Galveston, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—50.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Bellingler, Buffington, Cole, Degener, Evins of Titus, Flanagan, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Calhoun, Keigwin, Mills, Morse, Mundine, Pedigo, Phillips of Wharton, Schuetze, Scott, Stockbridge, Varnell, Wilson of Brazoria—26.

So the call was suspended.

The sergeant-at-arms reported Messrs. W. Flanagan and Horne as having left town. Under the rule their per diem pay was deducted from pay roll.

Mr. Mills moved to adjourn until to-morrow morning at 9 o'clock.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Boyd, Buffington, Carter, Cole, Evans of Titus, Flanagan, Foster, Gaston, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Calhoun, Jordan, Keigwin, Lindsay, McCormick, Mackey, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. President, Bellingler, Bledsoe, Bryant of Grayson, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Hunt, Kealy, Keuchler, Leib, Lippard, Newcomb, Oaks, Patten, Phillips, of San Augustine, Rogers, Ruby, Scott, Slaughter, Sumner, Thomas, Whitmore, Yarborough—31

So the Convention refused to adjourn.

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

Call sustained.

Mr. Armstrong, of Lamar, moved the Convention adjourn until to-morrow morning at 9 o'clock.

Carried.