

TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas. Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.*

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to rarebooks@law.utexas.edu.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

CAPITOL, AUSTIN, TEXAS,
AUGUST 7TH, 1868.

Convention met pursuant to adjournment.

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

Mr. Evans, of McLennan, asked leave of absence for Mr. Patten until Tuesday.

Leave granted.

Mr. Armstrong, of Lamar, asked leave of absence for Mr. Brown.

Leave granted.

Mr. Bell asked leave of absence for Mr. Pedigo.

Leave granted.

Mr. Lindsay made the following report from the Special Committee appointed to inquire into the conduct of Messrs. Long and Johnson:

COMMITTEE ROOM,
August 7, 1868.

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

SIR: The Special Committee appointed by you, under an order of the Convention, to investigate the conduct of two of its members, Messrs. Johnson and Long, upon a charge of having violated the rules of decorum, prescribed for the government of this body, during its session, have performed that duty, and now beg leave to submit the following report:

From the evidence, which they were enabled to procure, it appears that the occurrence took place entirely without the precincts of the Convention; and, however reprehensible their conduct may have been—about which the committee thinks it would be improper for them, under the circumstances, to express an opinion—it is not subject to the jurisdiction of this body. If the difficulty had taken place in the midst of the members, during the session of the Convention, or in the lobby of the House, then, by the rules adopted for the government of this body, as well as by general parliamentary law, the parties would have been justly subject to its censure, and might be dealt with by reprimand or expulsion; but, as it took place without the precincts of the House, if the parties are amenable to any tribunal, it is to the civil authority of the country; and they

cannot be dealt with by parliamentary law upon the facts ascertained by our investigation.

Whether the parties are amenable to the civil law upon the facts, the committee deems it improper for them to express an opinion, as such an intimation might prejudice the rights of the parties in an investigation before the civil tribunals of the country.

They may be permitted, however, to say that, according to the principles of parliamentary law, there are certain privileges guaranteed to the members of all deliberative bodies, which shield and protect them against arrest by the civil authorities of the government, while in session. No member of a deliberative body can be arrested during the continuance and term of its sessions, except for treason, felony, breach of the peace, or in a case in which sureties of the peace may be demanded, of one or both of the parties, for threatened aggressions. In all other cases, the members of deliberative bodies are privileged from arrest, while the body, of which they are members, is in session.

In this case no treason nor felony has been committed. And, as nothing occurred within the precincts and jurisdiction of the House, calling for its action, or animadversion, it would be improper for this committee to intimate whether a breach of the peace was committed or not; as that might become a subject of judicial inquiry by the civil tribunals of the country.

Upon examination of the parties themselves involved in the investigation, the committee is satisfied the difficulty is at an end between them, and no precautionary measure is necessary to prevent a collision, and they therefore recommend their discharge from the custody of the sergeant-at-arms, and their restoration to their privileges in the House. They ask that the committee be now discharged. All of which is respectfully submitted.

L. LINDSAY.

B. F. WILLIAMS.

JAMES P. BUTLER.

Upon motion, the report was adopted.

Mr. Burnett moved that the members be discharged upon the payment of fees.

Carried.

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

COMMITTEE ROOM,
August 1, 1868.

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

SIR: The Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Long, in reference to the pay of Fred. Slaughter, carrier of the mail, etc., have had the same under consideration. They find that Fred. Slaughter was employed by the postmaster of the Convention, on his own account, and on his charge, at the rate of one dollar per day, in specie. For reasons not proper to state in this report, said postmaster is unable to pay Fred. Slaughter, according to his contract; and said postmaster has expressed to us his willingness, and his desire, that the Convention should pay Fred. Slaughter one dollar and fifty cents per day, which is equal, very nearly, to the one dollar specie, promised him by said postmaster, and that the same be deducted out of the pay allowed said postmaster, and that the secretary issue his certificate, according to the accompanying resolution herewith reported.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required to issue to Fred. Slaughter, the carrier of the mails to and from the Convention, a certificate for one dollar and fifty cents for each day which the said Fred. Slaughter has been so employed, and that the amount so certified in favor of said Slaughter, shall be deducted out of the amount of the per diem pay due by a previous resolution of the Convention to the postmaster of the Convention.

Mr. Ruby moved a suspension of the rules to take up the report.

Rules suspended.

Resolution read and adopted.

Mr. Smith, of Galveston, moved a suspension of rules to put resolution upon its passage.

Rules suspended.

Resolution read a third time and passed.

Mr. Munroe asked a suspension of the rules to take up the report of the Committee on Contingent Expenses, respecting the journalizing of the minutes of the Convention.

Mr. Burnett offered the following substitute to the report :

Resolved, That the Secretary is hereby directed to issue to Mr. John C. Morris a certificate for pay for his services rendered and to

be rendered, in inscribing in a bound volume the journals of this Convention, at the rate of eight dollars per day; provided, that said Morris shall receive pay only for the time of the sitting of this Convention.

Resolved, That the Secretary is hereby directed to supervise said record, and see that the same is correctly and properly made.

Mr. Sumner moved to lay the substitute upon the table.

Convention refused to lay the substitute upon the table.

Mr. Munroe moved the adoption of the substitute.

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

Yeas—Messrs. Bledsoe, Board, Boyd, Bryant of Grayson, Butler, Burnett, Carter, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Harris, Hunt, Johnson of Harrison, Keigwin, Keuchler, Lippard, Mills, Munroe, Newcomb, Phillips of Wharton, Schlaughter, Vaughan, Whitmore, Wilson of Milan—27.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bryant of Harris, Buffington, Cole, Curtis, Fleming, Foster, Gaston, Grigsby, Hamilton of Travis, Jordan, Kealy, Kendal, Leib, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright, Yarborough—39.

So the Convention refused to adopt the substitute.

Mr. McCormick 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, "shall the resolution be adopted?"

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Fleming, Foster, Grigsby, Hunt, Jordan, Kealy, Kendal, Kuechler, Leio, Lippard, McCormick, McWashington, Morse, Mundine, Oaks, Phillips of San Augustine, Posey, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—41.

Nays—Messrs. President, Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Butler, Burnett, Carter, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Harris, Johnson of Calhoun, Keigwin, Long, Mackey, Mills, Muckleroy, Munroe,

Newcomb, Phillips, of Wharton, Rogers, Schuetze, Slaughter, Whitmore, Wilson of Milam, Yarborough—30.

So the resolution was adopted.

Mr. McCormick moved a suspension of the rules to put resolution upon its final passage.

Rules suspended, and the resolution was adopted.

The President announced the business next in order was the special order of the day, which is the consideration of the vote by which the substitute offered by Mr. Evans, of McLennan, to the report of the Committee on Internal Improvements, was laid upon the table.

Mr. Degener moved that a special committee of seven be appointed, to which the entire subject may be referred.

Mr. Thomas made the following point of order :

The first duty of the Convention, under the Reconstruction Acts, is the formation of a constitution, and until a constitution shall have been framed, all other business is out of order.

The President decided that the point of order was not in accordance with the rules governing the Convention.

Mr. Thomas appealed from the decision of the chair.

Upon the question being put "shall the decision of the chair stand as the decision of the House?" the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Butler, Carter, Cole, Constant, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—61.

Nays—Messrs. Bledsoe, Bryant of Grayson, Burnett, Fayle, Newcomb, Oaks, Posey, Scott, Thomas, Wilson of Milam—10.

So the decision of the Chair was sustained.

Mr. Degener offered the following resolution :

Resolved, That a committee of seven be appointed, and all matter appertaining to the sale of railroads be referred to the same, the chairmen of the committees on finance, internal improvements and education to be members of said committee.

The question recurred upon the adoption of the resolution.

It was adopted.

The President announced the following members as composing said committee :

Messrs. Hamilton of Travis, Lindsay, Whitmore, Talbot, Flanagan, Evans of McLennan, and Degener chairman.

Mr. Buffington moved to take up the unfinished business on the President's table.

Carried.

Mr. Buffington moved to take the report of the Committee on General Provisions.

Carried.

Mr. Jordan, by leave, withdrew his amendment to the amendment offered by Mr. Hamilton of Travis to section fifteen of the substitute to section three.

Mr. Evans of McLennan moved to lay the amendment upon the table.

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Butler, Burnett, Cole, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Hunt, Johnson of Harrison, Kendal, Kuechler, McCormick, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Phillips of San Augustine, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam—46.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Carter, Evans of Titus, Foster, Gaston, Grigsby, Hamilton of Travis, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Phillips of Wharton, Rogers, Ruby, Smith of Marion, Williams, Wright—25.

So the amendment was laid upon the table.

On motion, section fifteen was adopted.

On motion, section sixteen was adopted.

Mr. Constant offered the following amendment to section seventeen :

Insert at the end of the section, " Except in such cases as are specified in section ten of this article."

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

Carried.

Upon motion, section seventeen was adopted.

On motion, brackets in section eighteen were stricken out.

Upon motion, section eighteen was adopted.

Upon motion, section nineteen was adopted.

Mr. Evans of McLennan offered the following amendment :

Amend by striking out section twenty.

Mr. Flanagan moved the previous question upon the adoption of section twenty.

Previous question seconded.

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

Main question ordered.

The question recurring upon the adoption of section twenty, it was adopted.

Mr. Degener moved that the consideration of section twenty-one be postponed.

Carried.

Mr. Davis offered the following substitute to section four of the original report :

Provided, that the managers or proprietors of public conveyances, places of business, or of public resort, herein mentioned, shall have the authority to prescribe such rules and regulations as will secure the comfort of guests or travelers, and good order and decency.

Mr. Lindsay offered the following substitute :

The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor be exempted from any burden or duty, on account of race, color or previous condition.

Mr. Thomas moved to lay section four and the substitute upon the table.

Motion withdrawn.

Motion withdrawn at request of Mr. Evans, of McLennan, who by understanding with Mr. Thomas again moved to lay the section and the amendment and substitute upon the table.

Mr. Smith of Marion moved a call of the house.

Call sustained.

Upon motion, the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION.—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Board called up the report of the Judiciary Committee upon Paschal's Digest of the Laws of Texas, with accompanying resolution :

Resolved, That the Governor be instructed to contract with George W. Paschal for the delivery of thirty-five hundred copies of "Paschal's Annotated Digest of the Laws of Texas," in the city of Austin, at the proposed price of nine dollars per volume, the books to be printed and bound in the same style of the first edition.

To ensure the early delivery of the work, it shall be the duty of the Governor, as soon as the said George W. Paschal shall execute to the State his bond, with securities to be approved by the Governor, in the sum of forty thousand dollars, for the delivery of said number of the digests in the city of Austin within four months from the date of said bond, to draw upon the Treasurer of the State for twenty thousand dollars of said money, and to draw for the balance as soon as the books shall be delivered to the Secretary of State.

The sum of thirty-one thousand five hundred dollars be, and the same is hereby, appropriated to carry into effect this ordinance.

The question recurred upon the second reading of the resolution.

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

Yeas—Messrs. Armstrong of Lamar, Board, Evans of Titus, Flanagan, Fleming, Goddin, Horne, Johnson of Harrison, McCormick, Mundine, Scott, Stockbridge, Wilson of Brazoria—14.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Gaston, Grigsby, Harn, Harris, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Morse, Muckleroy, Munroe, Newcomb, Oaks, Phillips of San Augustine, Rogers, Smith of Marion, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to adopt.

Mr. Boyd called up the report of the Committee on Internal Improvements, with accompanying declaration, respecting the Mexican Gulf Railroad Company.

Mr. Degener moved the declaration be laid upon the table, upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Bledsoe, Board, Butler, Degener, Downing, Grigsby, Hunt, Kuechler, Leib, Lippard, Newcomb, Oaks, Rogers, Ruby, Smith of Marion, Thomas, Whitmore, Williams—19.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Bryant of Harris, Buffington, Carter, Cole, Evans, of McLennan, Evans of Titus, Fayle, Flanagan, W. Flana-

gan, Fleming, Foster, Gaston, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—48.

So the Convention refused to lay upon the table.

Mr. Varnell moved the adoption of the declaration.

Mr. Newcomb moved a call of the House.

Call sustained.

On motion, Mr. Slaughter was excused.

Mr. Boyd asked leave of absence for Mr. Glenn.

Leave granted.

Absentee—Hamilton, of Travis.

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

Carried.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Johnson, of Calhoun, moved a suspension of rules to put declaration upon its final passage, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Burnett, Buffington, Carter, Cole, Constant, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Harris, Horne, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, McCormick, Mackey, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. President, Bledsoe, Bryant of Grayson, Butler, Downing, Degener, Evans of McLennan, Grigsby, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Rogers, Ruby, Smith of Marion, Sumner, Thomas, Whitmore, Williams—21.

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

Mr. Bryant, of Grayson, called up the unfinished business of this morning, which was the report of the Committee on General Provisions.

The question being upon the adoption of the amendment offered by Mr. Lindsay, to the 4th section of the report.

Mr. Burnett moved that the amendment of Mr. Davis, and the

substitute of Mr. Lindsay, to section 4, be laid upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Harris, Horne, Harn, Johnson of Calhoun, Kealy, Keigwin, Mills, Morse, Muckleroy, Mundine, Phillips of San Augustine, Posey, Rogers, Thomas, Varnell, Wright, Yarborough—32.

Nays—Messrs. President, Bell, Bellinger, Bryant of Harris, Butler, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, Munroe, Newcomb, Oaks, Phillips of Wharton, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—42.

So the Convention refused to lay upon the table.

The question recurred upon the adoption of the substitute.

Mr. Newcomb moved the previous question, upon the adoption of section 4.

Previous question not seconded.

Mr. Hunt moved the previous question.

Previous question seconded.

Mr. Flanagan moved a call of the House.

Call sustained.

Absentees—Hamilton, of Travis, Mackey.

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

Call suspended.

The question recurred, "Shall the main question be now put?" upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Bellinger, Bryant of Harris, Butler, Curtis, Degener, Downing, Foster, Hunt, Johnson of Calhoun, Jordan, Johnson of Harrison, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Newcomb, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Varnell, Watrous, Williams, Wilson of Milam, Wright—29.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Constant, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Grigsby, Harris, Harn, Horne, Kealy, Keigwin, Lindsay, Mills, Morse, Muckleroy, Mundine, Munroe, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Stockbridge, Talbot, Thomas, Vaughan, Whitmore, Wilson of Brazoria, Yarborough—46.

So the Convention refused to order the main question.

Mr. Butler moved the adoption of the substitute offered by Mr. Lindsay.

Mr. Slaughter moved a call of the House.

Call sustained.

Mr. Flanagan moved to adjourn until to-morrow morning at nine o'clock.

Lost.

Absentee—Mr. Hamilton of Travis.

Mr. Hamilton, of Travis, upon motion, was excused.

Mr. Smith, of Marion, 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, Bledsoe, Board, Boyd, Buffington, Carter, Cole, Evans of Titus, W. Flanagan, Gaston, Grigsby, Harris, Harn, Keigwin, McCormick, Mills, Morse, Muckleroy, Phillips of San Augustine, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—30.

Nays—Messrs. President, Bell, Bellinger, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Oaks, Phillips, of Wharton, Ruby, Scott, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Milam—47.

So the House refused to adjourn.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Butler, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—59.

Nays—Messrs. Bryant of Grayson, Cole, W. Flanagan, Fleming, Gaston, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Morse,

Newcomb, Schuetze, Slaughter, Thomas, Varnell, Vaughan, Yarborough—17.

So the substitute was adopted.

Mr. Armstrong of Jasper moved to adjourn until to-morrow morning, at nine o'clock.

Lost.

Mr. Mills moved to lay the substitute upon the table.

Mr. Sumner moved to adjourn till to-morrow morning, at nine o'clock.

Carried.

CAPITOL, AUSTIN, TEXAS,
AUGUST 8, 1868.

Convention met pursuant to adjournment.

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

Mr. Fayle, from the Committee on Enrolled Bills, made the following report :

Hon. E. J. DAVIS,

President of the Convention :

The Enrolling Committee have had the following resolutions (No. 31 to No. 37, inclusive,) under examination, and find them to be correctly enrolled.

No. 31. Resolution ordering one thousand copies of the Austin Daily Republican, at eight cents per number; and five hundred copies of the San Antonio Free Press, at seven cents per number, and discontinuing other papers.

No. 32. Resolution requesting the arrest of one C. C. Gillespie, editor of Houston Telegraph, for advising the assassination of Morgan C. Hamilton and C. C. Caldwell.

No. 33. Resolution providing for the appointment of a committee to proceed to Millican, for the purpose of investigating the recent disturbance, and appropriating \$500 for expenses of said committee.

No. 34. Resolution appropriating \$500 for the arrest of the attempted assassin of Judge Cooley.

No. 35. Resolution appropriating \$500 to pay telegrams.