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Curtis, Degener, Downing, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Newcomb, Oaks, Posey, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wright, Yarborough—36.

So the Convention refused to reject.

Mr. Sumner moved that the rules be suspended to take up resolution.

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

Yeas—Messrs. President, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Constant, Curtis, Downing, Evans of McLennan, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Newcomb, Oaks, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—31.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Brown, Buffington, Caldwell, Carter, Cole, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Hunt, Jordan, Kuechler, Kirk, McCormick, Morse, Mullin, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria—34.

So the Convention refused to suspend the rules.

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

CAPITOL, AUSTIN, TEXAS,
August 18, 1868.

Convention met pursuant to adjournment.

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

Mr. Fleming, from the Committee on Counties and County Boundaries, made the following report :

COMMITTEE ROOM,
August 17, 1868.

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

SIR : Your Committee on Counties and County Boundaries, to whom was referred a memorial from certain citizens of Polk, Mont-

gomery, Walker and Liberty counties, praying that a new county to be called the county of San Jacinto, be erected out of portions of the counties of Polk, Liberty, Montgomery and Walker, have had the same under consideration, and a majority of the committee believing that the proposed new county ought to be established, and that it is necessary to the convenience of the people, that it should be established, herewith report to the Convention the accompanying declaration and ask its adoption by the Convention.

Your Committee would state that the only objection urged from any quarter to said new counties, comes from their chairman, who refuses to assent to this report for the reason, that being the representative in this Convention of Liberty county, he is unwilling to consent to the partition of that county without some assurance that the citizens thereof assent to its partition.

All of which is respectfully submitted.

WM. H. FLEMING,
JACOB KUECHLER,

For the majority of the Committee.

Mr. Whitmore, from the Committee on General Provisions, made the following reports :

COMMITTEE ROOM,
Austin, August 17, 1868.

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

SIR: Your committee have had under consideration a resolution offered by Mr. Phillips, of Wharton, presented 10th of August, 1868, requiring the Legislature to pass certain laws in relation to the indebtedness of counties, towns, and corporations, have had the same under consideration and request me to report the same, and ask that it pass.

G. W. WHITMORE,
Chairman.

COMMITTEE ROOM,
Austin, August 17, 1868.

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

SIR: Your committee have had a declaration under consideration, offered by Mr. Wilson, of Brazoria, requiring the first Legis-

lature, after the adoption of this Constitution, to levy a special road tax upon property, to build bridges and improve public roads, have had the same under consideration, and request me to report the same back and ask its passage.

G. W. WHITMORE,
Chairman.

Mr. Lindsay, from the Committee on Judiciary, made the following reports :

COMMITTEE ROOM,
August 18, 1868.

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

SIR : The Committee on the Judiciary beg leave to report favorably on a resolution in reference to making a section embodied in said resolution, introduced by Mr. Foster, of Colorado, in reference to mechanics' liens, a section in the Constitution ; and they recommend that said section be made a section of the General Provisions of the Constitution.

Respectfully,

L. LINDSAY,
Chairman, *pro tem.*

RESOLUTION.

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 them for said making 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 suffered 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 articles were 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 ses-

sion, shall pass such law or laws as may be necessary to carry out the provisions of this section.

FOSTER,
Of Colorado County.

The Judiciary Committee, to whom was referred the following sections of the report of the Committee on General Provisions, (34, 40, 41, and 42,) report as follows thereon :

SEC. 34. All persons who are now living together, and cohabiting as man and wife, shall be taken and held as lawfully married, to all intents and purposes; and their issue, and the issue of those who have heretofore cohabited and lived together as husband and wife, shall be taken and held as legitimate; and the Legislature shall provide by law for the punishment of adultery and concubinage.

SEC. 40. Limitations may be fixed by law to the recovery of obligations for the payment of money or property; provided, the party pleading limitation shall first make affidavit that the demand has already been paid.

SEC. 41. No limitation to the recovery of parol obligations for money or personal property, shall be interposed by statute under four years, or of written contracts under seven years from maturity.

SEC. 42. The right of parties to the recovery of land in the possession of adverse claimants, shall not be barred under fourteen years, and when the occupant is without title, legal or equitable, no limit to the recovery of the rightful owner shall be interposed.

To the Hon. E. J. Davis,

President of the Constitutional Convention of the State of Texas:

SIR: The Judiciary Committee, to whom was referred sections thirty-four, forty, forty-one and forty-two of the report of the Committee on General Provisions, after due consideration of the several subjects involved in those sections, beg leave to make the following report:

In regard to section thirty four, they deem it both impolitic and unwise to adopt it in the form in which it was presented. Instead of promoting public and private morality, it would give a public sanction to dissoluteness, and encourage licentiousness, rather than put a wholesome restraint upon it. The toleration, by any act of public authority, of an irregular and illegal mode of living, especially among the opposite sexes, is always followed by most disas-

trous consequences to society. The public authority in every social system should studiously avoid even an apparent connivance at so pernicious an example.

But, from the peculiar condition, but recently existing, of a very large portion of our present citizenship, who, from no fault of their own; were compelled to live in this irregular manner, some relief is called for to repair an evil which was imposed upon them by a state of force, and which was unavoidable without the possession of virtues which do not commonly fall to the lot of humanity. The past wrong and mischief should be repaired as far as practicable; and the whole civil polity of the State starting on a new career of morality and virtue, as we hope, from the adoption of this Constitution, some provision should be engrafted upon it, to absolve that class of our citizens from the evil consequences of their former forced and abnormal relations. For this purpose, the committee recommend the adoption of the following, as a substitute for section thirty-four :

SECTION —. All persons who at any time heretofore lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rights of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together in such relations shall be considered as having been legally married, and the children heretofore, or hereafter, born of such cohabitations shall be deemed legitimate.

The committee are of the opinion that the subject embraced in sections forty, forty-one and forty-two is properly, and ought to be exclusively, of legislative cognizance. It is altogether a question of State policy, and the policy of States necessarily changes with the varying condition of the circumstances in the history of governments, and their powers on such subjects ought not to be trammelled on by an inexorable organic law. For these reasons they recommend that each of those sections be stricken out.

All of which is respectfully submitted,

L. LINDSAY,
Chairman, *pro tem.*

Mr. Butler introduced a report from the Committee on Penitentiary, and asked that the reading be dispensed with, and printed.

Report withdrawn.

Mr. Whitmore offered the following

RESOLUTION,

Requesting Major General Reynolds to create a new judicial district out of the Ninth and Fifteenth Judicial Districts of Texas.

WHEREAS, The necessities and conveniences of the people of the Ninth and Fifteenth Judicial Districts of Texas demand special terms of the District Court which cannot be held by the judge thereof, as the regular terms of said court (as the districts are now constituted) require the official and regular services of said judges nearly the whole of the year; therefore, with the view of meeting meeting the wants of the people in this behalf,

Be it resolved by the delegates of the people of Texas in Convention assembled, That Brevet Major General J. J. Reynolds, commanding the Fifth Military District, comprising the State of Texas, be and he is hereby respectfully requested to subdivide the Ninth and Fifteenth Judicial Districts of the State of Texas, and from said districts create a new judicial district, as follows, to wit :

Houston, Nacogdoches and Anderson counties, from the Ninth Judicial District, and Trinity and Angelina, from the Fifteenth District, to be called the Eighteenth Judicial District of Texas; and appoint a judge and district attorney for said district; and authorize and require said judge to hold one or more special terms (at least one) of the District Court in each of said counties in each year, as he may direct; and that in case any of the courts of the proposed new district conflict with each other, that the judge be authorized and required to postpone the regular term of the court of such of said counties as may conflict, as he may direct.

Resolved, That a copy of this resolution, signed by the President and Secretary of this Convention, be forwarded to Major General Reynolds, through the office of His Excellency E. M. Pease, Provisional Governor of Texas.

Mr. Munroe asked that the rules be suspended to take up declaration.

Rules not suspended.

Mr. Degener asked leave to introduce the following report from the special committee appointed to consider the railroad subjects before the Convention :

REPORT OF THE SELECT COMMITTEE ON RAILROADS.

COMMITTEE ROOM,
August 18, 1868.HON. E. J. DAVIS,
President of the Convention:

SIR: Your select committee, to whom was referred all matter appertaining to the sale of certain railroads, which are indebted to the school fund of this State, have duly considered the documents referred to them, and a majority of the committee has instructed me to report the following preamble and resolution.

All of which is most respectfully submitted.

E. DEGENER,
Chairman.

WHEREAS, Certain railroads in the State of Texas are indebted to the school fund of Texas for money borrowed therefrom, under the act of the Legislature of Texas of the — day of —, 1856, commonly called the loan bill, and for the payment of which the State, as trustee, holds a first mortgage upon the roads, etc., with power of sale,

Be it declared, That the Governor of the State of Texas be and he is hereby authorized and required to collect said indebtedness from each of said roads, by selling the same, if necessary, according to the provisions of the law under which said money was loaned; provided, that whatever amounts may be claimed to have been paid by said roads in Texas treasury warrants, created for the purpose of carrying on war against the United States, shall not be deemed payments, unless so decided by the Supreme Court of Texas, upon a writ of injunction to be sued out by the company or companies from whom such credits are now exacted; and provided further, that if no bidder at the sale of said roads shall bid a sum equal to the full amount which said road shall owe the State, less the credit claimed by said company on account of so-called payments in treasury warrants, and take the road subject to the lien that may exist, if the Supreme Court of Texas should decide said pretended payments in treasury warrants to have been null and void, then the Governor shall buy the same on account of the State, and may resell the same, either at private or public sale, if he is offered the sum of indebtedness in coin, or its equivalent in United States currency, of each of said roads, except the Houston Tap and Brazoria Railroad, which he may resell for the largest sum he may get.

Mr. Goddin moved that Mr. Armstrong of Lamar be added to Committee on Counties and County Boundaries.

The President announced the following communication from his excellency E. M. Pease, respecting the Penitentiary, and ordered it to be read :

EXECUTIVE OFFICE,
Austin, Texas, August 18, 1868.

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

SIR: I beg leave to call the attention of the Convention to the propriety of passing an ordinance authorizing the Provisional Governor, with the approval of the Commanding General of the Fifth Military District, to lease the State Penitentiary, with the labor of the convicts, for a term of years.

The Penitentiary went into operation about the first of January, 1849, and up to the present time there has been paid from the State Treasury, for its construction and support, the sum of three hundred and fifty-five thousand seven hundred and twenty-six dollars and twenty-five cents, and there are estimated to be debts outstanding against the institution to the amount of about fifty thousand dollars. During a large portion of this time the number of convicts did not exceed one hundred and fifty, but they now number about three hundred and sixty, and are increasing.

No money has ever been paid into the State Treasury from the labor of the convicts, with the exception of some Confederate money received in payment for goods manufactured during the rebellion, which was paid in at a time when it was almost valueless.

During the rebellion, when cotton and wool could be bought at nominal prices, and manufactured goods were sold at almost fabulous prices, the Penitentiary was mainly supported with the earnings from the labor of the convicts in making cotton and woolen goods, and a considerable stock of cotton and wool was accumulated which was turned over to the financial agent appointed by Governor Hamilton.

During the time of Governor Hamilton's Provisional Government, manufactured goods sold readily at high prices, and the Penitentiary made money; and when it was turned over, about the fourth of September, 1866, to the financial agent appointed by Governor Throckmorton, there was on hand a stock of goods, materials and money, amounting to about eighty thousand dollars in specie, over and above all outstanding debts.

This agent continued to manage its affairs until about the 3d of January, 1868, a period of sixteen months, when it was turned over to the present financial agent, with only about nineteen hundred dollars worth of goods, very few materials, and no money, with debts outstanding supposed to be not far from forty thousand dollars in specie. Having used in its management, during this period, about one hundred and twenty thousand dollars, in goods, materials, money and credits, of specie value, besides the labor of the convicts.

The present financial agent was appointed on the 4th of November, 1868, but owing to the epidemic then prevailing at Huntsville, he was not able to qualify and enter upon his duties until about the 3d of January, 1868. His administration has been embarrassed for want of means, having, as before stated, but about nineteen hundred dollars worth of goods, very few materials, and no money on hand when he commenced, and having had to pay about four thousand dollars for machinery, that had been ordered but not paid for by his predecessor.

The Penitentiary continued to manufacture goods at a small profit until about the 5th of June last, when the price of cotton became so high that no profit could be made from the manufacture of the style of cotton goods for which the machinery was adapted, and the factory was stopped. Since that time, besides carrying on the various workshops, a large number of the convicts have been employed in making brick for the purpose of putting up additional buildings and cells which are needed for the accommodation of the present increased number of convicts.

There has been drawn from the State Treasury for the support of the Penitentiary, since the 1st of January, 1868, about the sum of fourteen thousand dollars, in currency, and it will probably require an additional amount of about twenty thousand dollars, in currency, for its support until the 1st of October next.

The trial that was made under the administration of my predecessor to employ a portion of the convicts upon railroads was not successful. The contractors failed to make the payments due under their contracts after a few months. Quite a number of the convicts thus employed made their escape, and many were killed and wounded in trying to escape. These results induced an abandonment of the project, and the convicts were returned to the Penitentiary.

The machinery now at the Penitentiary is not sufficient to employ much more than half of the convicts that are now under sentence, and the small profit made in manufacturing goods since the 3d of September, 1866, does not seem to warrant a continuance of the business by the State.

It is, however, believed that under the management of individ-

uals, who might procure other machinery suitable to different manufactures, in addition to those now carried on, and who could manage such business with more skill and economy than it can be by the State, a considerable profit might be made from the labor of the convicts. They could, at least, save the commissions and charges heretofore paid to agents on the sale of the goods, by doing this business themselves, and this alone would afford them a handsome profit.

I have every reason to believe that if a lease of the Penitentiary, with the labor of the convicts, were offered to the highest and best bidder, for a term of not less than five, nor more than ten years, under the conditions and limitations contained in the ordinance herewith submitted for your consideration, persons would take this lease and undertake to pay all the expenses of the institution, and perhaps something more. By making such a lease the State would be doing better than it has done under the management of the institution through its own agents and officers; and I respectfully recommend that the experiment be tried.

E. M. PEASE.

DECLARATION.

A Declaration authorizing the Governor to lease the State Penitentiary.

SECTION 1. It is hereby declared by the people of Texas in Convention assembled, That the Provisional Governor of the State is hereby authorized and required to lease the State Penitentiary, with the labor of the convicts, for a term of not less than five years, nor more than ten years, upon the conditions and limitations hereinafter named.

The Penitentiary shall continue to be managed according to the present or future laws of the State, except that the office and duties of the financial agent, his book-keeper and clerk, shall be dispensed with; and except, also, that the lessee or lessees shall have the right to direct what particular kind of labor the convicts shall be employed in, but they shall not employ such labor at any other place than the Penitentiary. The lessee or lessees shall furnish everything that is necessary for the support and maintenance of the Penitentiary and convicts therein imprisoned, including the salaries of the officers and employes, which shall be paid quarterly, and the amount required to be paid to convicts on their discharge. They shall, also, keep the buildings in good repair, and shall construct such additional buildings and cells as in the opinion of the directors and superintendent may be necessary for the accommodation of the

officers, employes and convicts, which shall be of durable materials, similar in style, and equal in quantity to the present buildings and cells; and they may, with the approval of the directors, erect such other walls and buildings, and make such changes and alterations in the present machinery, and procure such other machinery as they may deem necessary for the profitable employment of the convicts.

The lessee or lessees shall have the use of all lands, buildings, machinery, tools and other property belonging to the Penitentiary, which are destined or used for the labor of the convicts, subject, however, to all laws that have been, or may hereafter be enacted for the government and police of the Penitentiary. They shall have the right to introduce into the Penitentiary such skilled labor as they may think necessary to direct the labor of the convicts, and give efficiency thereto. An inventory and valuation of the materials, machinery and property of every description, now belonging to the Penitentiary, except the land and buildings, shall be made by appraisers, one of whom shall be appointed by the Governor, and the other by the lessee or lessees, with the right on the part of said appraisers to appoint an umpire, in case they cannot agree; which property shall be receipted for by the lessee or lessees at its valuation. At the expiration of the lease, a like inventory and valuation shall be made in the same manner of all the materials, machinery and property of every description then in use at the Penitentiary, including all new walls, buildings and cells that may have been constructed by the lessee or lessees under the sanction of the directors, but excluding the land and present buildings. At the expiration of the lease the lessee or lessees shall be bound to have all the walls, buildings and machinery in good repair, and shall deliver them to the State in that condition, and the State shall be bound to pay them whatever excess there may be in the valuation of the materials, machinery and property, including any new walls, buildings and cells erected by them, which they may deliver to the State, over and above the value of the property received from the State at the commencement of their lease. Whatever amount the lessee or lessees may agree to pay the State for said lease beyond the obligations herein required of them, shall be promptly paid according to the terms of the agreement.

The lessee or lessees shall be required to execute and deliver to the Governor a bond, with security, to be approved by him, payable to the State of Texas, in the sum of fifty thousand dollars, conditioned for the faithful performance of the terms of their lease.

The State of Texas, by the Governor or Legislature, shall have the right to terminate said lease, if at any time the lessee or lessees shall fail to comply with their obligations under the same.

SEC. 2. The Commanding General of the Fifth Military District is requested to approve this declaration, and to authorize the Penitentiary to be leased in accordance therewith; and the Governor shall be empowered to insert such other terms in the contract as he may deem of interest to the State, which shall conflict with the rules herein provided.

Mr. Caldwell moved that the communication and declaration be referred to a select committee of five, with instructions to report immediately.

The President appointed Messrs. Caldwell, Butler, Patten, Burnett and Ruby as the Committee called for by the resolution.

The President announced the business in order was upon the report* of the Committee on General Provisions.

Mr. Buffington moved that the report of the Committee on Judiciary on section thirty-four be considered.

Carried.

Mr. Wright moved the adoption of section thirty-four as reported from the committee.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of McLennan, Flanagan, W. Flanagan, Fayle, Fleming, Foster, Grigsby, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—66.

Nays—Messrs. President, Harris, Harn, Kirk—4.

So the substitute was agreed to.

Mr. Newcomb offered the following amendment:

“And enabling all children born out of wedlock to inherit a just proportion of the property of their fathers and mothers, also compelling the parents of such children provide for their support and education until of age.”

Mr. Burnett moved the previous question upon the adoption of

For report see page 236.

the substitute for section thirty-four, as reported by the Committee on Judiciary.

Previous question seconded.

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

Yeas—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Slaughter, Stockbridge, Talbot, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. President, Armstrong of Lamar, Brown, Bryant of Harris, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Thomas, Watrous, Williams, Yarborough—29.

So the main question was ordered.

The question recurring upon the adoption of section thirty-four, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—54.

Nays—Messrs. President, Bledsoe, Bryant of Harris, Butler, Curtis, Degener, Downing, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Ruby, Schuetze, Smith of Marion, Williams, Yarborough—23.

So the substitute, as reported from the Judiciary Committee, was adopted as section thirty-four of the General Provisions.

Mr. Flanagan moved the adoption of the report of the Judiciary Committee upon sections forty, forty-one and forty-two.

Carried.

Mr. Hamilton, of Travis, moved to strike out section forty-three.

Mr. Schuetze moved a call of the House.

Call sustained.

Mr. Caldwell moved a suspension of the call.

Carried.

Mr. Caldwell asked leave of absence for Mr. Mills, indefinitely.

Leave granted.

The question recurred upon the motion to strike out section forty-three.

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

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Jordan, Kendal, Leib, Lindsay, Lippard, McCormick, McWashington, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—48.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Brown, Cole, Degener, Fleming, Harris, Horne, Johnson of Calhoun, Kealy, Keigwin, Kuechler, Kirk, Long, Mackey, Morse, Muckleroy, Phillips of San Augustine, Schuetze, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Milam—26.

So the section was struck out.

Mr. Shuetze offered the following as a new section.

No member of the Legislature who is a minister of the gospel shall have a vote in ecclesiastical matters, touching the rights, privileges, or views of any particular sect or denomination, or the rights of conscience in matters of religion.

Mr. Flanagan moved to lay the section upon the the table.

Mr. Shuetze moved a call of the House.

Call sustained.

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

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Cole, under the rules, called up the resolution requesting Major General J. J. Reynolds to subdivide the Ninth and Fifteenth Judicial Districts, and create the Eighteenth Judicial District.

Mr. Armstrong, of Jasper, moved to lay the resolution upon the table.

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

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Board, Boyd, Cole, Constant, Flanagan, W. Flanagan, Harris, Harn, Horne, Keigwin, Kirk, Morse, Muckleroy, Posey, Wilson of Milam, Yarborough—18.

Nays—Messrs. President, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—61.

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

The question recurred upon the adoption of the resolution :

It was adopted.

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

Rules suspended.

Resolution read third time, and passed.

Mr. Caldwell called up the report of the select Committee on Railroads.

Mr. Caldwell offered the original report of the Committee on Internal Improvements, as a substitute to the report of the select committee.

Mr. Flanagan moved to adjourn until eight o'clock, this evening.

Mr. Degener moved to make the report the special order for tomorrow afternoon.

Carried.

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