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CAPITOL, AUSTIN, TEXAS,
AUGUST 23, 1868.

Convention met pursuant to adjournment.

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

Mr. Munroe asked leave of absence for Messrs. Burnett and Talbot after Wednesday.

Leave granted.

Mr. Smith, of Galveston, offered the following resolution :

Resolved, That this Convention take a recess on Monday, August 31, until the second Monday in December, and until next Saturday the Convention will hold additional sessions from eight to ten at night.

On motion, the rules were suspended to take up resolution.

Mr. McCormick moved to amend by inserting "third Monday in November."

Mr. Smith, of Marion, moved to lay the amendment upon the table.

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

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Caldwell, Carter, Constant, Degener, W. Flanagan, Fleming, Glenn, Grigsby, Hamilton of Travis, Hunt, Keigwin, Kendal, Kuechler, Lippard, McWashington, Morse, Munroe, Newcomb, Patten, Phillips of San Augustine, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Thomas, Whitmore, Wilson of Milam—31.

Nays—Messrs. Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Cole, Curtis, Fayle, Flanagan, Foster, Goddin, Harris, Harn, Horne, Johnson of Harrison, Jordan, Kealy, Kirk, Leib, Lindsay, Long, Mackey, McCormick, Mundine, Posey, Rogers, Ruby, Scott, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—38.

So the Convention refused to lay on the table.

Mr. Caldwell offered the following substitute :

Resolved, That this Convention will take a recess from Monday, the thirty-first of August, until the first Monday in December next, subject to be convened at an earlier period by a committee of

four members, to be appointed by the Convention, and the President, if, in the judgment of said committee, the public interest should require it.

Mr. Hamilton, of Travis, moved to amend by inserting "first Monday in December.

Accepted.

Mr. Bryant, of Grayson, moved to lay the substitute on the table.

Mr. Smith, of Marion, moved the previous question.

Not seconded.

Upon the motion to lay the substitute upon the table, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Burnett, Cole, Fayle, W. Flanagan, Glenn, Goddin, Harris, Keigwin, Morse, Patten, Phillips of San Augustine, Smith of Marion, Varnell, Whitmore—21.

Nays—Messrs. Armstrong of Lamar, Bellinger, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Degener, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—50.

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

The question recurred upon the adoption of the substitute.

It was adopted.

Mr. Smith, of Galveston, offered the following amendment :

"And that until Saturday next the Convention shall hold extra sessions from eight to ten o'clock at night."

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

Mr. Thomas moved to substitute Wednesday next instead of Monday next.

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

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

Yeas—Messrs. Board, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Long, Mackey, McCor-

mick, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter; Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Williams, Wilson of Milam—49.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Burnett, Degener, Fayle, W. Flanagan, Glenn, Hunt, Keigwin, Kirk, Morse, Newcomb, Patten, Sumner, Thomas, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—26.

So the amendment was laid upon the table.

Mr. Sumner moved to adjourn until the first Monday in January.
Withdrawn.

Mr. Buffington moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Degener, Evans of Titus, Fayle, Flanagan, Fleming, Goddin, Grigsby, Hamilton of Travis, Harn, Horn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—56.

Nays—Messrs. President, Armstrong of Jasper, Bell, Boyd, Bryant of Grayson, Burnett, Cole, W. Flanagan, Foster, Glenn, Harris, Keigwin, Morse, Phillips of San Augustine, Smith of Marion, Sumner, Varnell, Whitmore—18.

So the main question was ordered.

The question recurred upon the passage of the resolution, as amended.

It was adopted.

Mr. Talbot moved to take up the report of the Committee on Education.

Lost.

Mr. Caldwell moved to take up the report of the Committee on Political and Legislative.*

Carried.

* For report see page 561.

Messrs. Lippard and Patten asked leave to be excused.

Carried.

Mr. Smith, of ———, moved that the reading of the report of the Committee on Political and Legislative be dispensed with.

Lost.

Section one, on motion, was adopted.

Section two, on motion, was adopted.

Mr. Buffington moved to strike out the brackets around the word "all" in third line.

Carried.

Mr. Thomas moved to strike out the word "all."

Carried.

Section three, on motion, was adopted.

Mr. Hamilton, of Travis, moved to amend by striking out the word "biennial" in third line.

Carried.

Mr. Armstrong moved to strike out the word "four" and insert "two" in second line.

Mr. Butler moved to lay the amendment on the table.

Lost.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Burnett, Carter, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Keuchler, Kirk, Leib, Lindsay, Mackey, McWashington, Morse, Mundine, Munroe, Phillips of Wharton, Poszy, Rogers, Smith of Galveston, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright—44.

Nays—Messrs. Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Butler, Degener, Fayle, Foster, Fleming, Kendal, Long, Phillips of San Augustine, Ruby, Slaughter, Smith of Marion, Stockbridge, Varnell, Yarborough—19.

So the amendment was adopted.

Mr. Varnell offered the following substitute for section five:

No person shall be a representative who has not been a citizen of the United States for five years, and three years a resident of Texas, and the last year preceding his election a resident of the county or district he may be chosen to represent, and shall be a qualified elector as provided in this Constitution.

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

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Butler, Burnett, Carter, Constant, Degener, Fayle, Foster, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Jordan, Kendal, Keuchler, Leib, Lindsay, Long, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wright—38.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Glenn, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mackey, Morse, Phillips of San Augustine, Phillips of Wharton, Scott, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wilson of Milam, Yarborough—30.

So the substitute was laid on the table.

Mr. Flanagan offered the following substitute :

No person shall be a representative unless he be a citizen of the United States and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a citizen of the county, city or town for which he shall be chosen, and shall have attained the age of twenty-one years at the time of his election.

Mr. Butler moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. President, Bledsoe, Bryant of Harris, Butler, Burnett, Carter, Constant, Curtis, Degener, Fayle, Foster, Goddin, Hamilton of Travis, Hunt, Johnson of Harrison, Kealy, Kendal, Keuchler, Leib, Lindsay, Long, McWashington, Munroe, Newcomb, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wright—35.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Glenn, Grigsby, Harris, Harn, Johnson of Calhoun, Jordan, Keigwin, Kirk, Mackey, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wilson of Milam, Yarborough—35.

So the Convention refused to order the main question.

Mr. Smith, of Galveston, moved the adoption of the substitute offered by Mr. Flanagan, of Rusk.

Mr. Smith, of Marion, moved to lay the amendment on the table.

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

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Bryant of Harris, Butler, Constant, Curtis, Degener, Fayle, Foster, Goddin, Hunt, Johnson of Harrison, Kendal, Keuchler, Lindsay, Long, Munroe, Newcomb, Ruby, Slaughter, Smith of Marion, Talbot, Whitmore, Williams—26.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Bryant of Grayson, Buffington, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Mackey, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Milam, Wright, Yarborough—42.

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

The question recurred upon agreeing to the substitute.

It was agreed to.

The question recurred upon the adoption of the substitute for section five.

It was adopted.

Section six, on motion, was adopted.

Mr. Smith, of Galveston, moved to strike out section seven.

Carried.

Section eight, on motion, was adopted.

Mr. Butler moved the previous question.

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 section nine.

It was adopted.

Mr. Hamilton moved a reconsideration of the vote adopting section six.

Carried.

Mr. Hamilton, of Travis, offered the following substitute for section six :

All elections for State, district, and county officers, except justices of the peace, shall be held at the county seats of the several counties, until otherwise provided by law, and the polls shall be opened for four days from eight o'clock, A. M., until four o'clock, P. M., each day.

The substitute was agreed to.

The question recurred upon the adoption of the substitute as section six.

It was adopted.

Section ten, on motion, was adopted.

Mr. Smith, of Galveston, moved to strike out the word "three" in section eleven.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Evans of Titus, Fayle, Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Kirk, Lindsay, Long, Mackey, McWashington, Morse, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—61.

Nays—Messrs. Boyd, Keigwin, Mundine, Slaughter, Smith of Marion—5.

So the amendment was agreed to.

Section eleven as amended, on motion, was agreed to.

On motion, section twelve was stricken out.

Mr. Carter moved to strike out "every ten years" in section thirteen.

Lost.

Section thirteen, on motion, was adopted.

Section fourteen, on motion, was adopted.

Mr. Sumner offered the following amendment to section fifteen :

And shall have residence in the district in which he shall have been elected one year next preceding the day of his election.

Adopted.

Mr. Butler moved to amend by inserting "twenty-one" instead of "twenty-five."

Mr. Flanagan offered the following substitute :

No person shall be a senator unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of twenty-five years.

The substitute was agreed to.

The question recurred upon the adoption of the substitute as section fifteen.

It was adopted.

Mr. Sumner moved to amend by inserting the words "a majority," in place of "two-thirds," in line four, section eighteen.

Lost.

Section eighteen, on motion, was adopted.

Mr. Buffington asked leave of absence for himself this morning.

Leave granted.

Mr. Whitmore asked leave of absence for Messrs. Constant and Ruby.

Leave granted.

Mr. Sumner moved to strike out all in section nineteen after the word "number."

The amendment was agreed to.

Upon motion, section nineteen, as amended, was agreed to.

Mr. Schuetze was excused from the morning's session.

Section twenty, on motion, was adopted.

Section twenty-one, on motion, was adopted.

Section twenty-two, on motion, was adopted.

Section twenty-three, on motion, was adopted.

Section twenty-four, on motion, was adopted.

Mr. Lindsay offered the following amendment to section twenty-five:

"Except when a call of either House, and when there is an executive session of the Senate."

Amendment adopted.

Section twenty-five, as amended, was adopted.

Section twenty-six, on motion, was adopted.

The President announced the following communication from Major General J. J. Reynolds, commanding Fifth Military District:

HEADQUARTERS FIFTH MILITARY DISTRICT,
State of Texas,
Austin, Texas, August 24, 1868.

Hon. E. J. DAVIS,
President of Constitutional Convention,
Austin, Texas:

SIR: I have the honor to acknowledge the receipt of a resolution of the Convention, passed on the twentieth instant, asking my approval of an additional appropriation of twenty-five thousand dollars to defray expenses.

The Convention has been in session about eighty-five days, and has expended an appropriation of one hundred thousand dollars.

The present state of the treasury, the rate at which money is

coming in, and the prospective current wants of the State, forbid the appropriation of any more money from the treasury for the expenses of the Constitutional Convention.

The resolution is respectfully returned without approval.

I am, sir,

Very respectfully,

Your obedient servant,

J. J. REYNOLDS,

Brevet Major General U. S. Army,
Commanding.

Section twenty-seven, upon motion, was adopted.

Section twenty-eight, upon motion, was adopted.

Section twenty-nine upon motion, was adopted.

Section thirty, upon motion, was adopted.

Section thirty-one, upon motion, was adopted.

Section thirty-two, upon motion, was adopted.

Mr. Flanagan moved to strike out from the word "term," in third line, to the word "except," in sixth line.

Amendment agreed to.

Section thirty-three, as amended, was adopted.

Section thirty-four, upon motion, was adopted.

The President announced the death of Mr. Oaks, a member of the Convention.

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

CAPITOL, AUSTIN, TEXAS,
AUGUST 25, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. McCormick asked leave of absence for Mr. Fayle, indefinitely.

Leave granted.

Mr. Armstrong of Jasper asked leave of absence for Messrs. Evans of Titus, Muckleroy and Gaston.

Mr. Caldwell moved a suspension of the rules to introduce the following