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CAPITOL, AUSTIN, TEXAS,  
December 8, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journals of August 31 and December 7, 1868, read and adopted.

The President caused the resignation of H. M. Taylor, second assistant secretary of the Convention, to be read.

Resignation accepted.

The President announced the death of G. W. Smith and W. H. Mullins, during the recess of the Convention.

Mr. Flanagan offered the following resolution :

*Resolved*, That the amended rules for the action of the Convention pertaining to evening session and order of business be rescinded, and that the Convention proceed to act under the original regulations.

Mr. Flanagan moved a suspension of rules for the immediate consideration of the resolution.

Rules suspended.

Mr. Thomas offered to amend the resolution by inserting the words "previously adopted" after the word "regulations," and striking out the word "original."

The question recurring upon the adoption of the amendment,

It was adopted.

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

It was adopted.

Mr. Caldwell moved the Convention proceed to the election of a second assistant secretary, made vacant by resignation.

Mr. Caldwell put in nomination S. B. Tilley.

Mr. Hamilton, of Bastrop, put in nomination J. M. Brock.

Mr. Burnett put in nomination E. R. Bracken.

Mr. Armstrong, of Lamar, put in nomination DeWitt C. Brown.

Mr. Patten put in nomination J. F. Stokes.

Mr. Stockbridge put in nomination L. E. Edwards.

The President appointed Messrs. Patten, Sumner and Burnett tellers.

Upon the first ballot—

S. B. Tilley received . . . . .	14	votes.
J. M. Brock received . . . . .	4	“
E. R. Bracken received . . . . .	8	“
DeWitt C. Brown received . . . . .	14	“
J. T. Stokes received . . . . .	10	“
L. E. Edwards received . . . . .	3	“

There being no election, the Convention proceeded to a second ballot.

Mr. Tilly received . . . . .	16	votes.
Mr. Brock received . . . . .	4	“
Mr. Bracken received . . . . .	6	“
Mr. Brown received . . . . .	16	“
Mr. Stokes received . . . . .	14	“
Mr. Edwards received . . . . .	1	“

There being no election, Mr. Burnett withdrew the name of Mr. Bracken.

The President announced that under the rules adopted by the Convention in June last a plurality of the votes cast was sufficient to elect.

Upon the third ballot—

Mr. Tilly received . . . . .	18	votes.
Mr. Brock received . . . . .	2	“
Mr. Brown received . . . . .	25	“
Mr. Stokes received . . . . .	8	“
Mr. Edwards received . . . . .	—	“
Scattering . . . . .	1	“

DeWitt C. Brown having received a plurality of the votes cast, was duly declared elected second assistant secretary of the Convention.

Nominations being in order for first assistant sergeant-at-arms, the following candidates were put in nomination :

Mr. Patten nominated J. M. Reed.

Mr. Bryant, of Grayson, nominated N. P. Norton.

Mr. Goddin nominated J. L. Thomas.

Mr. Scott nominated J. D. Nickols.

Mr. Fleming nominated O. H. Millican.

Mr. Butler nominated William A. Smith.

Mr. Smith nominated J. H. Waldron.

Mr. Ruby nominated Thomas Nelson.

Mr. Board nominated H. Manney.

Upon the first ballot—

Reed received.....	11	votes.
Norton received.....	10	“
Thomas received.....	1	“
Nickols received.....	6	“
Millican received.....	2	“
Smith received.....	3	“
Waldron received.....	3	“
Nelson received.....	14	“
Manney received.....	5	“
Scattering.....	1	“

Mr. Nelson having received the plurality of the votes cast, was declared duly elected first assistant sergeant-at-arms.

Mr. Buffington introduced the following declaration, and asked its reference to the Committee on County and County Boundaries:

*We, the people of Texas in Convention assembled, do declare:*

That in honor of Dr. R. R. Peebles, that all of that portion of territory embraced within the following limits: beginning in the mid-channel of the Brazos river at the mouth of Beasin's creek, thence due east to the Western boundary line of the county of Montgomery, thence south with said line to the southwest corner of Montgomery county, thence on a straight line to the southeast corner of Austin county, thence with the southeast boundary line of said county of Austin to the mid-channel of the Brazos river, thence up the mid-channel of said river to the place of beginning shall be and is hereby created into a new county to be called the county of Peebles.

2. That the town of Hempstead in said new county is hereby declared to be and is made the county seat of the county of Peebles.

3. That B. F. Elliott, T. S. McDade, Robert Edwards, James Mitchel and H. W. Woodward are hereby appointed commissioners to survey and plainly mark the boundary lines of said county.

4. That this declaration take effect from and after its passage.

It was so referred.

Mr. Thomas introduced the following resolution:

*Resolved*, That sixty members shall constitute a quorum, and

that this rule shall be ir repealable unless by a two-thirds vote of the whole body.

Mr. Caldwell moved to reject the resolution.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bellinger, Board, Brown, Buffington, Caldwell, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Kealy, Kuechler, Kirk, Lippard, McWashington, Morse, Mundine, Munroe, Pedigo, Ruby, Schuetze, Scott, Slaugher, Smith, Stockbridge, Varnell, Watrous, Williams, Wilson of Milam, Wright—38.

Nays—Messrs. President, Bledsoe, Bryant of Grayson, Butler, Burnett, Cole, Goddin, Hamilton of Bastrop, Newcomb, Patten, Rogers, Sumner, Thomas—13.

So the resolution was rejected.

Mr. Caldwell offered the following resolution :

WHEREAS, Since the recess of this Convention the Hon. George W. Smith, one of the delegates from the counties of Marion, Davis and Bowie, has been most atrociously murdered by a band of masked and disguised assassins in the city of Jefferson, therefore

*Be it resolved by the Delegates of the people of Texas in Convention assembled,* That whilst we humbly bow to the inscrutable decrees of Providence, with a united voice we utter our detestation of the horrible crime of his "taking off."

2. That we deplore the untimely fall of our fellow member, and in his death recognize another martyr to the cause of liberty and free speech.

3. That a copy of these resolutions be forwarded by the President to the father of the deceased.

4. That in token of respect to his memory this Convention do now adjourn until to-morrow at nine o'clock.

Mr. Armstrong moved a suspension of the rules for the consideration of the resolution.

Rules suspended.

Mr. Patten moved to amend by inserting till to-morrow morning at ten o'clock.

Carried.

Mr. Hamilton, of Bastrop, moved to amend as follows :

*Resolved*, That the atrocities attending his assassination by the citizens of the town of Jefferson, and the cowardice or connivance of the officer in command of the United States troops present on the occasion, were alike disgraceful to the citizens of Jefferson, to the United States Army, and to the Government of Texas.

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

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

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Board, Buffington, Burnett, Caldwell, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Kealy, Kirk, Lindsay, McWashington, Morse, Mundine, Munroe, Pedigo, Schuetze, Slaughter, Stockbridge, Wright—27.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Curtis, Degener, Downing, Fayle, Goddin, Hamilton of Bastrop, Kuechler, Long, Mullins, Newcomb, Patten, Rogers, Ruby, Scott, Smith, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Milam—27.

So the amendment was laid on the table.

The question recurring on the adoption of the resolution as originally introduced, the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Curtis, Degener, Fayle, Flanagan, Fleming, Goddin, Hamilton of Bastrop, Hamilton of Travis, Harris, Kealy, Kuechler, Lindsay, Long, McWashington, Morse, Mullins, Mundine, Munroe, Newcomb, Patten, Pedigo, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Milam—46.

Nays—Messrs. Armstrong of Jasper, Evans of Titus, W. Flanagan—3.

So the resolution was adopted.

Mr. Buffington asked leave of absence for Mr. Harn, of Grimes.  
Leave granted.

In accordance with the resolution the President declared the  
Convention adjourned until ten o'clock to-morrow morning.