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CAPITOL, AUSTIN, TEXAS,
December 10, 1863.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

Mr. McCormick, from the Committee on Contingent Expenses, reported as follows :

COMMITTEE ROOM,
December 9, 1863.

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

SIR: The Committee on Contingent Expenses, to whom was referred the resolution introduced by Mr. Flanagan, of Rusk, making an appropriation to defray the expenses of printing and distributing the Constitution, etc., have had the same under consideration, and have instructed me to report the resolution back to the Convention with the recommendation that it be passed with the following amendment, to-wit :

After the words "thirty-two hundred dollars" insert the words "or so much thereof as may be necessary."

Respectfully,

A. P. McCORMICK,
Chairman.

Be it declared by the people of the State of Texas in Convention assembled, That the sum of thirty-two hundred dollars (\$3200) be appropriated out of any money in the treasury, not otherwise appropriated, to defray the expense of printing and distributing the Constitution, as far as it has been passed upon; and that the Comptroller be instructed to draw his warrant upon the Treasurer for the amounts due the several proprietors of newspapers who published the same under the order of this Convention. That the president and secretary certify to the accuracy of the accounts, which shall be a sufficient voucher for the Comptroller to draw his warrants.

Mr. Flanagan moved the suspension of the rules to allow the consideration of the resolution, as reported by the committee.

Rules suspended.

Mr. Flanagan moved the adoption of the resolution as amended by the committee.

Carried.

Mr. Flanagan moved a further suspension of the rules to put resolution on its passage.

Rules suspended.

Resolution read third time and passed.

Mr. Newcomb offered the following resolution :

WHEREAS, Messrs. C. Caldwell and M. C. Hamilton, members of this body, sent as delegates to Washington, report that the Congress of the United States desires this Convention to take the initiative in the matter of a division of the State ; therefore, be it

Resolved, That the rule or resolution introduced by Mr. Thomas, on the 14th of July last, and passed on the 16th of that month, to the effect that no question relating to a division of the State will be entertained by this Convention, unless by authority of the Congress of the United States, is hereby rescinded or considered obsolete.

Laid over under the rules.

Mr. Thomas offered the following resolution :

Resolved, That this Convention do now proceed to form a Constitution for the State of Texas, and that until such Constitution shall have been perfected no resolution or declaration which does not relate to its formation or is not necessary to the dispatch of the ordinary and legitimate business of the Convention shall be entertained.

Mr. Thomas moved a suspension of the rules to take up the resolution.

Rules suspended.

Mr. Varnell moved the rejection of the resolution.

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

Yeas—Messrs President, Adams, Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Burnett, Degener, Downing, Evans of Titus, Fayle, Flanagan, Flanagan W., Gaston, Goddin, Hamilton of Bastrop, Harris, Kendal, Keuchler,

Lippard, Long, McWashington, Mullins, Munroe, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Varnell, Watrous—35.

Nays—Messrs. Armstrong of Jasper, Brown, Bryant of Grayson, Cole, Fleming, Hamilton of Travis, Johnson of Harrison, Kealy, Kirk, Lindsay, McCormick, Morse, Mundine, Pedigo, Phillips of San Augustine, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Williams, Wilson of Brazoria, Wilson of Milam, Wright—24.

The resolution was rejected.

Mr. Caldwell offered the following resolution :

Resolved, That the Secretary of this Convention be instructed to subscribe for one thousand copies of the Austin Daily Republican and five hundred copies of the San Antonio Daily Express for the use of the members of the Convention ; provided said papers publish the daily proceedings of the Convention, and will furnish them at the same price as during the summer session.

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

Mr. Hamilton, of Bastrop, moved that the resolution be rejected.

The president called the attention of the Convention to the language used in debate by Mr. M. C. Hamilton and Mr. C. Caldwell, and asked the action of the Convention upon the offence committed.

Mr. Buffington moved that the conduct of Mr. Caldwell be referred to a committee of five members.

Carried.

Messrs. Armstrong of Lamar, Thomas of Collins, Bryant of Grayson, Lindsay and Watrous were appointed by the president as a committee to investigate the conduct of Mr. Caldwell.

Mr. Hamilton, of Bastrop, made an apology to the Convention for the language used.

Mr. Patten moved the apology of Mr. Hamilton be accepted by the Convention.

Carried.

Mr. Burnett moved the vote appointing a committee to take into consideration the conduct of Mr. Caldwell be reconsidered.

Lost.

The question recurred upon the motion of Mr. Hamilton to reject the resolution of Mr. Caldwell.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Brown, Bryant of Harris, Butler, Cole, Curtis, Downing, Evans of Titus, Flanagan

Webster, Gaston, Hamilton of Bastrop, Lippard, Long, Morse, Mullins, Patten, Phillips of San Augustine, Ruby, Scott--20.

Nays--Messrs. President, Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Degener, Flanagan, Fayle, Fleming, Goddin, Hamilton of Travis, Harris, Johnson of Harrison, Kealy, Kendal, Keuchler, Kirk, Lindsay, McCormick, McWashington, Mundine, Munroe, Newcomb, Pedigo, Rogers, Schuetze, Slaughter, Smith, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright--40.

So the Convention refused to reject.

Upon the question of suspension of rules, the rules were suspended.

Mr. Degener moved the previous question.

Previous question seconded.

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

Main question not ordered.

Mr. Schuetze offered the following amendment :

Amend by inserting "five hundred copies of the German Press."

Mr. Thomas moved that the whole matter be referred to the Committee on Contingent Expenses.

Lost.

Mr. Hamilton, of Bastrop, offered the following substitute :

WHEREAS, The contingent expenses of the former session of the Convention were unnecessarily heavy, the people heavily taxed, and the tax levied by the Convention coming into the Treasury very slowly, therefore,

Resolved, That the President appoint a committee of "five" to consider and report without delay upon the propriety of reducing the daily expenses of the Convention by the discharge of the Reporter, a portion of the under officers and employes, and the wages and per diem of those retained, together with the newspapers ordered to be furnished to the delegates.

Mr. Hamilton, of Travis, rose to a point of order, stating that Mr. Hamilton, of Bastrop, was out of order, in calling the attention of the House to the politics of the editors of the Republican.

The President decided the point of order in the affirmative, and called Mr. Hamilton, of Bastrop, to order.

Mr. Hamilton, of Bastrop, appealed from the decision of the chair to the Convention.

Upon the question, shall the decision of the chair stand as the decision of the House?

The Convention sustained the chair.

The question recurred upon the adoption of the substitute offered by Mr. Hamilton, of Bastrop.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Butler, Cole, Curtis, Downing, Flanagan, Flanagan W., Gaston, Goddin, Hamilton of Bastrop, Keigwin, Kendal, Lippard, Long, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Phillips of San Augustine, Scott, Thomas, Williams, Wilson of Milam, Wright—32.

Nays—Messrs. President, Armstrong of Jasper, Board, Burnett, Caldwell, Degener, Fayle, Fleming, Hamilton of Travis, Harris, Johnson of Harrison, Kealy, Keuchler, Kirk, Lindsay, Mundine, Munroe, Pedigo, Rogers, Ruby, Schuetze, Stockbridge, Sumner, Varnell, Watrous, Wilson of Brazoria—26.

The substitute was adopted.

Mr. Ruby offered the following amendment :

“ All that part of substitute affecting the discharge of employes be stricken out.”

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

Yeas—Messrs. Bryant of Grayson, Ruby—2.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Burnett, Caldwell, Cole, Curtis, Degener, Downing, Fayle, Flanagan, Flanagan W., Fleming, Hamilton of Bastrop, Goddin, Hamilton of Travis, Harris, Johnson of Harrison, Keigwin, Kendal, Kuechler, Kirk, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Mullins, Munroe, Newcomb, Patten, Pedigo, Phillips of San Augustine, Rogers, Schuetze, Scott, Stockbridge, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—51.

So the amendment to strike out was lost.

Mr. Patten offered the following resolution :

Be it declared, That the sum of ——— dollars——, out of any moneys in the Treasury, collected under the provisions of the special tax levied by this Convention at its last session, be, and the same is hereby appropriated for the payment of the mileage and per diem of members, and pay of employes of this Convention.

That the check of the Secretary, countersigned by the President, shall be sufficient for the Comptroller to issue his warrant upon the Treasurer in furtherance of the provisions of this declaration.

Mr. Patten moved a suspension of the rules to take up the resolution.

Rules suspended.

Mr. Armstrong, of Lamar, moved to fill up the blank with fifty thousand dollars, (\$50,000).

Carried.

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

It was adopted.

Mr. Patten moved a further suspension of the rules to put the resolution on its passage.

Rules suspended.

Mr. Thomas moved to amend by inserting the words, "or so much thereof as may be necessary."

Carried.

The question recurred upon the final passage of the resolution.

It was read the third time and passed.

Mr. Hamilton, of Bastrop, moved the Convention adjourn until to-morrow morning at 10 o'clock.

Carried.