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CAPITOL, AUSTIN, TEXAS,  
December 23, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Patten moved that the Convention take a recess till the fourth day of January, 1869, at ten o'clock.

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

Yeas—Messrs. President, Bellinger, Evans of Titus, Goddin, Hamilton of Bastrop, Keuchler, Mundine, Newcomb, Patten, Varnell, Vaughan—11.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Harris, Horne, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Mullins, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—56.

So the Convention refused to take a recess.

Mr. Goddin moved the Convention adjourn *sine die*.

Lost.

Mr. Flanagan, from the Committee on Internal Improvements, reported as follows:

COMMITTEE ROOM,  
December 23, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: Your Committee on Internal Improvements have had before them a declaration reviving the act incorporating the Galveston Dry Dock Company, etc.

I am instructed by a majority of the committee to report back the same, and recommend its passage.

All of which is respectfully submitted.

J. W. FLANAGAN,  
Chairman Committee.

## A DECLARATION

Reviving the Act "Incorporating the Galveston Dry Dock Company," and the subsequent laws in relation thereto.

*Be it declared by the people of Texas in Convention assembled,* That L. M. Hitchcock, Tipton Walker, M. V. McMahan, Williams H. Hawkins, B. Tiernan and Daniel A. Sullivan and their associates be and are hereby invested with all the rights, privileges, grants and franchises heretofore made and conferred upon the Galveston Dry Dock Company by virtue of an act of incorporation approved February 16, 1852, and by subsequent laws approved February 7, 1853, and February 8, 1858. And that the above named corporators be and they are hereby invested with all the powers, rights, privileges, franchises and grants made under and by virtue of said acts, and that no lapse or limitation of time shall effect the same. Provided, however, That the said incorporators and their associates shall build or cause to be built a dry dock within two years from the first day of January, A. D. 1869.

*Be it further declared,* That this declaration take effect and be in force from and after its passage.

Mr. Smith, of Galveston, moved a suspension of the rules to consider the declaration.

Rules suspended.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Smith, of Galveston, moved a further suspension of the rules to put the declaration on its passage.

Rules suspended.

Declaration read a third time and passed.

Mr. Fayle, from Committee on Engrossed Bills, reported as follows:

COMMITTEE ROOM,  
Austin, December 18, 1868.

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

The Enrolling Committee have had the following declarations and resolutions under examination (from No. 43 to 47 inclusive), and find them to be correct :

No. 43, resolution authorizing the transcribing the journals of the Convention.

No. 44, declaration requesting Congress to pass the International Railroad bill.

No. 45, declaration incorporating the Houston City Railroad Company.

No. 46, resolution authorizing the Secretary to draw a warrant in favor of Fred Slaughter for \$1 50 per day for services as a page.

No. 47, declaration for port of entry, Sabine Pass, to be forwarded to Congress of the United States.

Respectfully,

W. R. FAYLE,  
Chairman Enrolling Committee.

Mr. Burnett, from the Special Committee on the condition of the State, reported as follows, with accompanying declaration :

COMMITTEE ROOM,  
Austin, Texas, December 23, 1868.

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

SIR : The special committee appointed "to inquire into and report at the earliest day practicable the condition of this State in reference to the enforcement of law and preservation of order," and whether, in our opinion, "a fair and impartial election could be held at an early day, and if not, what additional legislation, if any, is necessary to effect the speedy reorganization of a loyal civil government that will protect the people in their lives, liberty and property, and to meet the necessities of the people now existing for special and general legislation," having duly considered thereof, a majority of the committee have the honor to make the following report :

The first inquiry to which we addressed ourselves was the condition of the State in reference to the existence or enforcement of law

and order, and whether a peaceable and fair election could be held at an early day; and, indeed, upon the conclusion that such an election could not be held, depended any further deliberations of this committee. We have had before us in our investigations the official report of Brevet Major General Reynolds, commanding this military district, to the Adjutant General, United States Army, of date Austin, December 4, 1868; the official reports of the several agents of the Freedmen's Bureau for the three months preceding the re-assembling of this Convention and to this date; letters from judicial and other civil officers of the State to his Excellency the Provisional Governor, and the personal attendance before us of members of this Convention, and a few reliable and prominent citizens temporarily at the capital, and letters from trustworthy sources received by members of this Convention since its reassembling. The facts elicited from the foregoing sources of information form the basis of this report as to the condition of the State, and to them we confidently appeal for the correctness of our conclusions in the premises.

The result of our investigation is, that we find that in many counties of this State law and order do not exist and fail to be enforced; and that we unhesitatingly affirm that no fair and impartial election could be held in this State at this time, and probably not until several months after the inauguration of the President elect of the United States. We do not deem it required of us to incorporate in this report the evidence upon which these conclusions are founded, or to go into any details of the condition of the State as developed by this evidence, which would swell this report to undue dimensions. The official report of General Reynolds, already mentioned, a copy of which is annexed hereto, ought, it seems to us, to be of itself conclusive of the fact that the time has not yet arrived when the registered voters of this State can, without violence, express their sentiments in public meetings or at the ballot box; and the endorsement by this Convention of this able and distinguished officer and of his administration forbids us from in the least doubting the truthfulness and correctness of this report. And did this official report require any support, it would be found in the official letter of his Excellency Governor Pease, addressed to the chairman of this committee in answer to a communication requesting in behalf of the committee the use of any evidence in his possession that might aid us in our investigation, and which letter we also annex to this report. These documents, coming as they do from the respective heads of the military and civil governments of this State, speak for themselves, and need no comment from us, and we will only add that the official reports of the agents of the Freedmen's Bureau and other evidence examined by us have failed to establish in our minds any

doubt that they are based on facts and a correct knowledge of the condition of the State.

But while we feel compelled to make the above record of want of law and order, we by no means include therein all portions of the State; and it affords us great pleasure to be able to say that the witnesses from the various portions of the State, generally testify of a better feeling toward the government and its supporters as well as of the decrease of lawlessness and crime, since the adjournment of this Convention in August last. Many of the desperadoes of north-eastern Texas have abandoned and are abandoning the country under the fear of punishment inspired by the result of the Presidential election; and many leading and influential citizens, who have heretofore directed their influence and efforts against reconstruction, have proclaimed their determination to support the laws and to cease all opposition to the reconstruction of loyal civil government. But that there is a deep-seated hostility to the policy and laws of the government still lingering in the minds of many of our white fellow-citizens, and which frequently exhibits itself in violence and terrorism toward loyal white and colored citizens, cannot be denied; and until peace and security can be guaranteed in all parts of the State, no fair and impartial election can be held.

As to what additional legislation is necessary to effect the speedy reorganization in this State of a loyal civil government, and to meet the demands of the people for special and general legislation, we report herewith a resolution embodying the result of our deliberations on this subject, and respectfully recommend its adoption. The preamble to the resolution fully expresses its objects and the reasons for its adoption, and we believe they are such as to command the favorable consideration of the Convention.

In closing our labors we return our thanks to General Reynolds and Governor Pease, and the members of this Convention for courtesies extended to us.

Respectfully submitted,

BURNETT, Chairman.  
SLAUGHTER,  
A. P. McCORMICK,  
W. FRANK CARTER,  
S. MULLINS,  
J. McWASHINGTON,  
JACOB KUECHLER,  
THOMAS KEALY.  
J. R. SCOTT.

## RESOLUTION.

WHEREAS, It is the opinion of this Convention that no peaceable and fair election can be held in this State at this time or at an early day; and whereas, the interests of the State and of the people, in many instances of pressing and immediate importance, require special and general legislation; and whereas, in consequence of the law requiring appointees in the provisional government to take the test oath, the State is deprived of the services of many loyal and competent citizens, owing to which fact, and the peculiar condition of the people of this State, the present provisional government is composed largely of officers elected in 1866 and still holding over, who are disloyal to the government, and who do not faithfully and impartially discharge the duties of their respective offices, and it is necessary to effect the reorganization of loyal and civil government in this State, and to secure the due enforcement of the laws, that the offices should be placed in loyal hands; therefore be it

*Resolved*, That the Congress of the United States be, and it is hereby respectfully but earnestly requested to give to this Convention the powers of a State Legislature; provided, that every act passed by the Convention shall, before it takes effect, be approved by the Provisional Governor, or passed by a two-thirds vote of the Convention, after the Provisional Governor shall have disapproved the same and returned it to the Convention with his objections thereto.

And further, to authorize the Provisional Governor to make removals and appointments of the officers of the provisional government; and that no further or other oath shall be required of the officers of the provisional government than the oath prescribed by the reconstruction acts for electors and the oath of office prescribed by the constitution and laws of the State of Texas.

## OFFICIAL REPORT OF GENERAL REYNOLDS.

HEADQUARTERS FIFTH MILITARY DISTRICT,  
State of Texas,  
Austin, November 4, 1868.

Adjutant General United States Army,  
Washington, D. C. :

GENERAL: I have the honor to forward herewith an annual tabular statement of expeditions, scouts and report of movements of the various regiments serving in this district, for the year ending September 30, 1868.

Armed organizations, generally known as "Ku-Klux Klan," exist, independently or in concert with other armed bands, in many parts of Texas, but are most numerous, bold and aggressive east of the Trinity river.

The precise object of these organizations can not be readily explained, but seems in this State to be to disarm, rob, and in many cases murder Union men and negroes, and, as occasion may offer, murder United States officers and soldiers; also, to intimidate every one who knows anything of the organization, but will not join them.

The civil law east of the Trinity river is almost a dead letter. In some counties the civil officers are all, or a portion of them, members of the Klan. In other counties, where the civil officers will not join the Klan, or some other armed band, they have been compelled to leave their counties. Examples are, Van Zandt, Smith and Marion counties. The county seat of the latter is Jefferson.

In many counties where the county officers have not been driven off their influence is scarcely felt. What political ends, if any, are aimed at by these bands I can not positively say; but they attend in large bodies the political meetings (barbecues) which have been and are being held in various parts of the State, under the auspices of the Democratic clubs of the different counties.

The speakers encourage the attendance, and in several counties men have been indicated by name from the speaker's stand as those elected for murder. The men thus pointed out have no course left them but to leave their homes, or be murdered on the first convenient opportunity.

The murder of negroes is so common as to render it impossible to keep an accurate account of them.

Many of the members of these bands of outlaws are transient persons in the State. The absence of railroads and telegraphs, and the great length of time required to communicate between remote points, facilitates their devilish purposes. These organizations are evidently countenanced, or, at least, not discouraged, by a majority of the white people in the counties where the bands are the most numerous. They could not otherwise exist.

I have given this matter close attention, and I am satisfied that a remedy to be effective must be gradually applied, and combined with the firm support of the army, until these outlaws are punished or dispersed. They can not be punished by the civil courts until some examples of military commissions show that men can be punished in Texas for murder and kindred crimes. Perpetrators of such crimes have not heretofore, except in very rare instances, been punished in the State at all.

Free speech and free press, as the terms are generally understood



in other States, have never existed in Texas. In fact, the citizens of other States can not appreciate the state of affairs in Texas without actually experiencing it.

The official reports of lawlessness and crime, so far from being exaggerated, do not tell the whole truth.

Jefferson is the centre from which most of the trade, travel and lawlessness of Eastern Texas radiates, and at this point or its vicinity there should be stationed about a regiment of troops. The recent murder at Jefferson of Hon. G. W. Smith, a delegate to the Constitutional Convention, has made it necessary to order more troops to that point. This movement weakens the frontier posts to such an extent as to impair their efficiency for protection against the Indians, but the bold, wholesale murdering in the interior of the State seems at present to present a more urgent demand for troops than Indian depredations.

The frontier posts should, however, be reinforced, if possible, as it is not improbable that the Indians of the Northwest, after having suffered defeat there, will make heavy incursions into Texas.

To restore measurable peace and quiet to Texas will require, for a long time, that troops be stationed at many county seats, until, by their presence, and aid, if necessary, the civil law can be placed in the hands of reliable officers, *and executed*. This will be the work of years, and will be fully accomplished only by an increase of population.

I am, General, very respectfully,

Your obedient servant,

J. J. REYNOLDS,

Brevet Major General U. S. A.,

Commanding.

The accompanying letter from his Excellency E. M. Pease was read:

EXECUTIVE OFFICE,  
Austin, Texas, December 23, 1868.

Hon. James R. Burnett,

Chairman of Committee on the Condition of the State :

SIR: In reply to your communication of the seventeenth instant, in which you ask my co-operation in the investigation of the matters submitted to the committee, and request me to furnish the committee with such information or reports in my possession as may aid said committee in arriving at a correct conclusion as to whether the con-

dition of the State is such that a fair election can be held at an early day, I beg leave to say that all the correspondence of this office is subject to the inspection of your committee.

I suppose that it will be conceded by all fair and impartial minds, in any degree familiar with affairs in Texas, that previous to the presidential election in November last, no election could have been held in this State in which the free will of all the registered voters would have been expressed. The question now for consideration is, has there been such an improvement in the popular mind and feeling, and in the enforcement of the laws, since the election of General Grant, as to insure protection and a free ballot in a general State election? That there has been such an improvement in given localities, and that a fair election could be held now in certain sections of the State, I have no doubt. But I will submit a few facts, gathered from correspondence and other sources, which should satisfy any unprejudiced mind that our State is not in a condition to have a fair popular election at this time.

It is generally known that only a few weeks ago there were numerous organizations in the State resolved on controlling the vote of the freedmen by fraud and intimidation when necessary, and that these organizations committed many outrages upon colored citizens in order to force them into their ranks. Now there is no evidence in my possession that these organizations have broken up or abandoned their purpose of controlling the colored vote by violence.

It is equally notorious that bands of outlaws, at open war with the authorities of the general government, as well as with the civil officers of the State, traverse twenty or thirty counties in northeastern Texas, robbing and murdering peaceful citizens; and that in the counties infested by these bands there is little or no protection for life and property, and much less for the liberty of political discussion.

There are two judicial districts in Texas in which it was necessary to have a military force accompany the court at the fall term for this year, to aid the civil authorities in executing warrants and preserving the peace.

There are several counties in which some of the civil officers have resigned, because they could not discharge their duties in safety, on account of the hostility of the citizens toward persons appointed by military authority.

There is a large number of complaints from sheriffs of large and populous counties, to the effect that it is impossible for them to get assistance to arrest persons charged with murder and acts of violence committed upon freedmen.

At the recent election held to fill the vacancy in the Convention

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from the counties of Bell, Falls and McLennan, a very small number of freedmen voted in the county of Bell; and I have been assured by a gentleman opposed to the reconstruction laws, that the freedmen did not vote because they were deterred by threats of violence.

From a large majority of the northern and eastern counties there are frequent complaints of the murder of freedmen, accompanied by representations that it is impossible to arrest the murderers without the aid of a military force.

There is a recent application from officers and citizens of the town of Hempstead, in Austin county, for troops to be stationed at that place to preserve order.

The condition of the counties of Marion, in which the Honorable George W. Smith and several freedmen were killed while under the protection of United States troops, and of Bowie, Davis and Hopkins, in which Baker, Biggerstaff and their associates have captured several trains belonging to the military, and have overawed the civil officers and the people generally, is now a matter of public notoriety.

I feel it my duty to state in this connection that the report of Major General J. J. Reynolds in regard to the condition of the State is a candid and truthful document, fully warranted by the various letters and reports forwarded to this office.

I am not aware that any public political discussions have been attempted in Texas since the first of November, but it is undeniable that previous to that date a free discussion of the political questions at issue would not have been tolerated in very many of the most populous districts of the State. Several such attempts were forbidden in the summer and fall, and I know of no reason for supposing that the intolerance so recently manifested has abated in any considerable degree within two months.

Now, a fair election means that every legal voter in the State shall be at liberty to discuss the political issues of the day without fear, and cast his vote according to his own convictions without intimidation of any kind from any quarter. But, from the facts herein enumerated, and from the inveterate and wide-spread prejudice against the exercise of the elective franchise by the freedmen, and from the yet lingering hope entertained by multitudes of defeating colored suffrage, as guaranteed by the reconstruction laws, and from the small number of troops in Texas to afford protection, I am satisfied that a fair election could not, under present circumstances, be held in this State.

I transmit herewith a few letters bearing on the matters herein treated. Many of the papers relating to violence in Texas, received

at this office, have been forwarded to the Commanding General of the District, and are not now accessible.

Very respectfully,

Your obedient servant,

E. M. PEASE.

Mr. Burnett, from said Committee, made the following additional report ;

REPRESENTATIVE HALL,  
December 23, 1868.

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

SIR : Your special committee of thirteen, to whom was referred the preamble and resolution introduced by Mr. Wilson, of Brazoria, have had the same under consideration, and are of the opinion that such a committee should be dispatched to Washington city, and that to select them from the various portions of the State, mentioned in the resolution, would best subscribe the interests of the people. There are many matters in relation to Texas interest independent of the matters connected with reconstruction proper, on which Congress will need information from those duly accredited to speak for Texas, who are personally acquainted with the people of the different sections, and their wants. This information is usually furnished by members of Congress, elected from different sections of the State. Our population entitles us to four such members, and the extent of our inhabited territory is so great as to render more than ordinarily necessary that the men selected to represent the interest of Texas at the national capitol should be residents of the different parts of the State.

Your committee have agreed that it is best these commissioners should be elected by ballot by the Convention, and that it was proper to define what is meant by the northern, eastern, western and southern portion of the State ; and they have thought proper to add an amendment providing for defraying the expenses of said commissioners. These several amendments woven into and added to the original preamble, and resolution, they have embodied in a substitute, which they have instructed me to report to the Convention, and recommend its passage.

Respectfully submitted,

BURNETT,  
Chairman.

## RESOLUTIONS.

WHEREAS, It is important that the Congress of the United States now in session, should have authentic information in relation to the present condition of Texas, and the wants of her loyal people, and it is incumbent on this Convention to furnish such information; therefore, be it

*Resolved*, That for the purpose of effecting said object, the Convention shall proceed to elect by ballot four commissioners, members of this Convention, one of whom shall be a resident of that portion of the State of Texas lying north of the thirty-second parallel of latitude; one a resident of that portion of the State lying east of the Trinity river and south of said thirty second parallel; one a resident of that portion of the State lying between the Trinity and Colorado rivers and south of said thirty-second parallel; and one a resident of that portion of the State lying west of the Colorado river; who, being intimately acquainted with the condition and wants of their respective sections of the State, shall proceed to Washington city, to bring to the attention of the Congress of the United States all such matters relating to the condition of this State and the wants of her loyal people, as in the judgment of this Convention, or of said commissioners, require the consideration and action of Congress.

*Be it further resolved*, That the sum of thirty-two hundred dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to defray the expenses of said commissioners, which shall be divided into four equal parts, and one part paid to each of said commissioners; and the draft or certificate of the Secretary of the Convention, approved by the President, shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer for each and every part of this appropriation.

Mr. Munroe moved a suspension of the rules to take up the resolution reported by the committee.

Convention refused to suspend the rules.

Mr. Smith introduced the following resolution, and asked its reference to the Committee on General Provisions:

*Resolved*, That the Committee on General Provisions be required to report a section of the Constitution forbidding any action or recovery in any court in this State, for any property in persons

claimed to be slaves subsequent to the first day of January, 1863, or for wages claimed to be due for the hire of any such persons after the date aforesaid.

It was so referred.

Mr. Fayle introduced the following resolution:

### A DECLARATION

For the relief of the Houston and Texas Central Railroad Company.

*It is hereby declared by the people of Texas in Convention assembled:*

That the Houston and Texas Central Railroad Company shall not suffer any forfeiture of any rights secured to it by existing laws, by reason of the failure of said company to construct and put in running order their said railroad to the town of Calvert, in Robertson county, by the first day of January, A. D. 1869, as required by act of the 21st of September, A. D. 1866; provided, said railway shall be constructed and put in good running order for the use of the public, to the said town of Calvert, by the first day of April, A. D. 1869.

Mr. Patten moved the resolution be rejected.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Board, Bryant of Grayson, Curtis, Downing, Evans of Titus, Hamilton of Bastrop, Jordan, Kuechler, Lindsay, Lippard, Newcomb, Patten, Slaughter, Thomas, Vaughan—18.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Bryant of Harris, Buffington, Burnett, Caldwell, Cole, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Pedigo, Rogers, Scott, Smith, Sorrell, Stockbridge, Sumner, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—42.

So the House refused to reject.

On motion, the declaration was referred to the Committee on Internal Improvements.

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

### A DECLARATION

Creating the county of Fleming.

SECTION 1. *Be it declared by the people of the State of Texas in Convention assembled,* That all the territory comprised within the following limits shall be a new county, to be called the county of Fleming, and that the name of the town of Pilot Point be changed to Mundine, and shall be the county site of said new county, to-wit: Beginning at a point on Big Elm, west of the division of J. W. Visor's east boundary line; thence south fifty-seven degrees east to the west boundary line of Collin county, and to the northeast corner of Louisa Westerlie's survey; thence north twenty-eight degrees east to the south boundary line of Grayson county; thence north forty-five degrees west to the east boundary line of Cooke county, on the west boundary line of H. Stewart's survey; thence south forty-five degrees west to the Big Elm; thence within the meandering of the stream to the place of beginning.

SEC. 2. *And be it further declared,* That it is hereby made the duty of the County Court of Collin county to organize the county of Fleming in strict conformity to an act entitled "An act to organize new counties, approved March 20, 1845."

SEC. 3. *It is further declared,* That it shall be the duty of the people of said county to recommend to the Commanding General of the Fifth Military District suitable persons to fill all the offices in said county; provided, however, if no election shall be held for the purpose of electing said officers.

Mr. Smith of Galveston introduced a declaration, and asked its reference to the Committee on Internal Improvements, without reading.

It was so referred.

Mr. Bryant of Harris introduced the following, and asked its reference to the Committee on Contingent Expenses :

WHEREAS, The Sergeant-at-Arms and the Enrolling Clerk were the only officers of this Convention who were absent during the recess; therefore,

*Be it resolved,* That the Secretary is instructed to issue them cer-

tificates for mileage from their respective homes to Austin and return.

It was so referred.

Mr. Munroe made the following report :

COMMITTEE ROOM,  
AUSTIN, December 23, 1868.

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

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following declarations and resolutions as correctly engrossed, viz :

No. 62. Declaration levying a special tax for the payment of the per diem pay and mileage of members.

No. 66. Resolution authorizing the Secretary to pay Copying Clerk.

No. 67. Declaration authorizing the publication of the Constitution, as far as adopted, in newspapers specified.

No. 69. Declaration granting lands to actual settlers, to purchasers of lands and location of genuine land certificates within the limits of the Memphis and El Paso Railroad Reserve.

Respectfully submitted.

A. T. MUNROE,  
Chairman Committee.

The President announced the business in order was the consideration of Mr. Newcomb's resolution to repeal Mr. Thomas' resolution respecting the division of the State.

Mr. Sumner moved a call of the House.

Call sustained.

Mr. Flanagan moved that the Convention adjourn till to-morrow morning at ten o'clock.

Lost.

Mr. Goddin moved the Convention take a recess until the fourth day of January, 1869, at ten o'clock.

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

Yeas—Messrs. Bellinger, Brown, Evans of Titus, Goddin, Hamilton of Bastrop, Harris, Kealy, Kendal, Kuechler, Lindsay, New-



comb, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—17.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Curtis, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Horne, Johnson of Harrison, Keigwin, Lippard, Long, McCormick, McWashington, Morse, Mullins, Munroe, Patten, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Wilson of Milam, Wright—46.

So the Convention refused to take a recess.

Mr. Patten moved the Convention take a recess till the fourth day of January, 1869, at ten o'clock.

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

Yeas—Messrs. President, Bellinger, Evans of Titus, Hamilton of Bastrop, Harris, Jordan, Kendal, Kuechler, Mullins, Mundine, Newcomb, Patten, Pedigo, Vaughan, Williams—15.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan W., Fleming, Gaston, Glenn, Goddin, Hamilton of Travis, Horne, Johnson of Harrison, Kealy, Keigwin, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—53.

So the Convention refused to take a recess.

Mr. Varnell moved to adjourn till to-morrow morning at ten o'clock.

Carried.