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CAPITOL, AUSTIN, TEXAS,
December 28, 1868.

Convention met pursuant to the resolution passed on the twenty-fourth day of December.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of the twenty-fourth instant read and adopted.

Mr. Smith of Galveston, presented a petition from Messrs. Green-wall Brothers, and from the citizens of that city, respecting tax on theatres.

Mr. Buffington moved it be referred to the Committee on Lawlessness and Violence.

It was so referred.

On motion, leave of absence was granted to Messrs. Goddin, Stockbridge and Glenn.

On motion, W. P. Norton, a messenger, was granted leave of absence for a few days.

Mr. Sorrell presented a petition from the officers of the county of Limestone, and asked its reference to the Committee on Finance.

It was so referred.

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

COMMITTEE ROOMS,
Austin, December 24, 1868.

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

SIR: The Committee on Contingent Expenses, to whom was referred the resolution introduced by Mr. Munroe, providing "that the Engrossing Clerk be allowed per diem pay from the first day of September, 1868, until the first day of October, 1868," etc., have had the same under consideration, and the majority are of opinion that the allowance sought to be made the Engrossing Clerk by said resolution is excessive, and that the work pertaining to the office of said clerk, which should have properly remained unfinished at the time of the adjournment on the thirty-first of August last, ought not to have occupied said clerk more than five days in completing it. The majority, therefore, instruct me to report the resolution back

with the recommendation that it be so amended as to read, "to the fifth day of September, 1868," in the place of the words "to the first day of October, 1868," and that thus amended the resolution pass.

Respectfully submitted,

A. P. McCORMICK,
Chairman Committee.

COMMITTEE ROOM,
Austin, December 24, 1868.

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

SIR: The Committee on Contingent Expenses, to whom was referred the resolution introduced by Mr. Buffington providing for an appropriation to defray the expense of selling certain railroads therein named, have had the same under consideration, and are of opinion that said expense would not be a proper charge against the special fund raised by the Convention tax, and that only that fund is subject to appropriation by the Convention. They have therefore instructed me to report the same back with the recommendation that it do not pass.

Respectfully submitted,

A. P. McCORMICK,
Chairman Committee.

COMMITTEE ROOM,
Austin, December 24, 1868.

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

SIR: The Committee on Contingent Expenses, to whom was referred the petition of N. B. Pace, have carefully examined the same. No further evidence than the statement of petitioner has been furnished the committee, as to the amount of supplies furnished the Tonkawa Indians by him. But satisfactory evidence has been furnished that he did supply them while camped at Lampasas, and the committee have no reason to doubt that the amount of beef and flour stated in the petition was furnished. And the committee are of opinion that the State should reimburse the petitioner, but they think his claim is a proper charge against the general fund in the treasury, and not a proper or admissible charge against the special fund raised by the tax levied by the Convention; that the general treasury of the State is under the control of the Commander of the Fifth

Military District, upon whose order only will the Comptroller draw money out of the general treasury.

The Committee have therefore instructed me to report the same back, with the accompanying resolution, and recommend the passage of the resolution.

Respectfully submitted.

A. P. McCORMICK,
Chairman Committee.

Mr. Armstrong of Jasper, from the Special Committee on the Condition of the State, made the following minority report :

MINORITY REPORT OF THE COMMITTEE ON THE CONDITION OF THE STATE.

To the President of the Constitutional Convention :

The undersigned, members of the special committee to whom was referred the resolution offered by Mr. Burnett, requiring said committee to report the condition of the State as to law and order, and the probability of the registered voters being guaranteed free speech and free ballot; if an impartial election can be had for a constitution and State and county officers at an early day, and if any additional legislation be needed, etc.; and the resolution of Mr. Wilson of Brazoria, for the election of four members of this body to proceed to Washington and present to Congress all such matters relating to Texas, etc., have considered these resolutions, and respectfully present their report, dissenting from the report of the majority, and offer their opinion of the matters involved in a very brief manner.

From the official reports of bureau agents for November last, in the counties of Polk, Panola, San Augustine, Bastrop, McLennan, Grayson, Hopkins, Houston, Harrison, Washington, Fayette, Smith and Red River, there have been disturbances, caused by unruly men, but that these men are leaving or becoming more quietly disposed; and from the testimony of witnesses, in the counties of Lamar, Grimes, Houston, Washington, Harrison, Grayson and Tarrant, some disturbances have existed, seem quite tranquil at present. In view of the evidence relating to the above sixteen counties, it might be proper for the civil authorities to provide specially for the preservation of order in case of an election therein. From the official reports of other bureau agents for November last, in the counties of Austin, Jasper, Caldwell, Brazoria, Bexar, Travis, Liberty, Lavaca, Calhoun, Guadalupe, Kaufman, Galveston, Victoria, Falls, Colo-

rado, Harris, Robertson and Jefferson, law and order prevail. And from the statements of witnesses, in the counties of Freestone, Limestone, Montgomery, Parker, Denton, Cook, Johnson, Hill and Navarro, law and order prevail.

Also two letters from a district judge west of the Trinity river were presented, containing nothing of importance in this inquiry. Also the petition of nine persons, purporting to be citizens of Milam county, asking Governor Pease for soldiers. A petition of certain residents of Hempstead, Austin county, asking the Governor for soldiers, and a letter from an officer of the — court of Milam county, giving information to the Governor of a combination of three or four attorneys at the town of Cameron, conspiring to let their cases remain untried by negro jurors. With this ended the reports of the subordinate officials, the examination of witnesses, and individual communications. The undersigned think proper to say that the said bureau agents and witnesses are reputed to be in sympathy with the Republican party.

After deducting the first sixteen counties referred to, the testimony of the said subordinates, witnesses and communications, leave no doubt in the mind of the undersigned that law and order prevail, and that fair elections, for the benefit of the "registered voters" in the remaining one hundred and six organized counties of the State can be holden, and with as little probability of interruption as in past times of quiet. And in case of unfairness in any election holden in either or all of the sixteen counties, the statutes provide the manner of correction, so that no real impediment may be found to the speedy reorganization of our State.

The beliefs of the undersigned, with all due respect, are not weakened by the conclusions of the Civil Military Governors, on which the majority of the committees seems mainly to rely. For it must be presumed that all the evidence in reach was adduced in support of charges and conclusions of the Military Governor, and that all the information had by these Governors was obtained through their subordinates, the same presented to this committee, and which furnish nothing sufficient upon which to found such unfavorable charges and conclusions. And it suggests itself to our mind that the term of the Civil Governor depends, perhaps, on the duration of the Provisional Government, and that his action in this respect might be supposed not entirely uninfluenced by reasons best known to himself. In his report, the Military Governor has made passing reference to the murders and other depredations of the Indians on the frontier, but took special notice of the killing of Geo. W. Smith, at the town of Jefferson, in northeastern Texas (to which killing the undersigned would make no unkind allusion, but believe that time will

disclose another side of that individual affair), and speaks of the wholesale murder of freedmen and other "loyal" innocents, in number too many to enumerate upon his reckoning board. In his report, besides George W. Smith, some one person who has been banished, murdered or selected for murder since the summer session, should have been described by name or otherwise, and by whom committed, in order to support an accusation so grave and so general against the people over whom their hard fortune has placed him. But it is admitted by the undersigned that murders and other crimes have been committed, to our much regret, not more, however, than would follow great convulsions in government within this or any other State of the Union. And the undersigned believe that very few, if any, of these acts of violence have had their origin in the political opinions of the parties.

In regard to the freedom of speech and freedom of the press, the undersigned would say that the language uttered with impunity by the Republican members of this Convention, and others of like sentiments, inside and outside this building, in public and in private, in their newspapers and by word of mouth, on very many occasions, some calling on General Sheridan, with fire and sword, to destroy all opposed to them, and denouncing the Military Governor's conduct as disgraceful to the army of the United States, and the conduct of a subordinate officer as cowardly and treacherous, and insulting whom they disliked; the practice of such freedom ought to have disabused the minds of the Governors and this Convention, in this respect. And the undersigned would also say that the publication and circulation of the Austin Republican, Paris Vindicator, Tyler Index, Galveston Republican, Union Republican, Houston Union, San Antonio Express, Free Press, Freeman's Press and McKinney Messenger, Republican papers, with epithets of "disfranchised rebels, traitors, robbers, cowards, murderers, assassins, dens of assassins," familiarizing in many of their columns, against white people, citizens of this State, ought to induce the Military Governor to set aside his decree, that the freedom of the press is not tolerated by the people. In conclusion, the undersigned would respectfully say that it was in proof before the Committee that the unruly one-eyed Baker, Bickerstaff and companions, have abandoned our State, and that the alarms which agitate the minds of the two Governors ought no longer to obstruct the speedy reorganization of the same.

ARMSTRONG, of Jasper.
KIRK.

Mr. Caldwell, by leave of the Convention, occupied the floor to

make a personal explanation in reference to the attack made upon him by the San Antonio Express, in relation to the murder of the Hon. G. W. Smith.

Mr. Evans of McLennan introduced the following resolution :

Resolved, That Major General E. R. S. Canby, commanding the Fifth Military District, and his staff officers, be and they are hereby cordially invited to seats upon the floor of the hall of the Convention, inside the bar, at any time that it may suit their convenience or pleasure.

Mr. Evans moved a suspension of the rules to consider resolution.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Patten introduced two declarations, which were read by caption, and asked that they be referred to the Committees on Internal Improvements and Emigration, respectively.

Mr. Buffington introduced a declaration to incorporate the Bolivar Point, Eastern Texas and Red River Railway Company.

Mr. Buffington moved a suspension of the rules to take up the declaration.

Rules suspended.

Mr. Pedigo moved that the declaration be read by caption and referred to the Committee on Internal Improvements.

It was so referred.

Mr. Vaughan introduced the following declaration :

WHEREAS, The people residing in the frontier counties of this State are subject to almost monthly incursions from predatory bands of Indians, resulting in the loss of immense numbers of horses, the frequent murder of citizens, and carrying into captivity women and children ; and

WHEREAS, These predatory bands will, in all probability, be reinforced by the tribes recently defeated on the plains by Major General Sheridan ; and

WHEREAS, The troops at the disposal of the commander of the Fifth Military District are believed to be insufficient for the work both of enforcing law and order in the interior and giving protection to the people on the frontier ; therefore

Be it resolved by the delegates of the people of Texas in Convention assembled:

That the Congress of the United States be respectfully but earnestly requested to call into the service of the United States one regiment of Texas cavalry volunteers for the period of one year, which regiment shall serve on the Texas frontier and form a portion of the active force operating under the command of the officer commanding the Fifth Military District.

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

Rules suspended.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Bryant, of Grayson, moved a further suspension of the rules to put declaration on its final passage.

Rules suspended.

Mr. Armstrong, of Lamar, offered the following amendment :

“ Resolved further, That the President of this Convention send certified copies of these resolutions to the President of the Senate and Speaker of the House of Representatives.”

Amendment agreed to.

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

“ Provided, That no person shall be mustered into said regiment who is unable to take the test oath.”

The question recurred upon the adoption of the amendment :

The yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Bell, Bledsoe, Board, Bryant of Harris, Curtis, Hamilton of Bastrop, Johnson of Harrison, Kendal, Kuechler, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith, Whitmore, Wilson of Milam—20.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Downing, Fayle, Webster Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kirk, Lippard, Mackey, McCormick, McWashington, Morse, Mundine, Posey, Rogers, Sorrell, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—37.

So the Convention refused to adopt the amendment.

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

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Grayson, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Evans of McLennan, Fayle, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Jordan, Kealy, Keigwin, Kuechler, Kirk, Lindsay, Lippard, Mackey, Morse, Mundine, Munroe, Newcomb, Posey, Rogers, Smith, Sorrell, Sumner, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. Bell, Board, Brown, Bryant of Harris, Curtis, Downing, Evans of Titus, Flanagan, Johnson of Harrison, Kendal, Mullins, Patten, Phillips of San Augustine, Williams—13.

So the resolution was adopted.

Mr. Sumner introduced the following resolution :

WHEREAS, The county jail of Grayson county having been destroyed by fire; and

WHEREAS, Said county has levied a special tax, to be collected within two years, and has let out the contract for the construction of a new brick jail containing two iron cages; and

WHEREAS, But for want of ready money said jail could be completed within six months; therefore be it

Resolved, That the State and county tax of Grayson county be loaned to said county for twelve months in order to complete said jail without delay.

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

Convention refused to suspend the rules.

On motion, it was referred to Committee on Counties and County Boundaries.

Mr. Evans, of McLennan, introduced a declaration to incorporate the Belton Bridge Company, and asked its reference to the Committee on Internal Improvements.

It was so referred.

Mr. Smith introduced the following declaration :

Be it declared by the people of Texas in Convention assembled :

That the Galveston Theatre be and the same is hereby relieved from the State and county tax imposed by an act passed the sixth of November, 1866, taxing migratory shows.

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

Rules not suspended.

On motion, the resolution was referred to the Committee on Judiciary.

Mr. Ruby offered the following resolution :

WHEREAS, The Convention in publishing its daily journal in the Austin Republican and San Antonio Express, is, in part, responsible for the tone and decency of those papers; therefore be it

Resolved, That the aforementioned journals be and are hereby requested to discontinue in their official position further attacks of vituperation and abuse of members of this body and the indulgence of language tending to Billingsgate and obscenity.

Laid over under the rules.

Mr. Butler moved the Convention take a recess until next Monday morning at ten o'clock.

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

Yeas—Messrs. President, Bell, Bledsoe, Downing, Hamilton of Bastrop, Harris, Jordan, Keuchler, Newcomb, Patten, Rogers, Ruby, Vaughan, Williams—14.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Lindsay, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Phillips of San Augustine, Posey, Scott, Slaughter, Smith, Sorrell, Sumner, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright—50.

So the Convention refused to adjourn.

Mr. Slaughter moved the Convention adjourn till Monday morning at nine o'clock.

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

Yeas—Messrs. President, Bell, Brown, Hamilton of Travis, Harris, Jordan, Kuechler, Newcomb, Patten, Rogers, Ruby, Slaughter, Varnell, Vaughan—14.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Bastrop, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Lindsay, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Phillips of San Augustine, Posey, Scott, Smith, Sorrell, Sumner, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—50.

So the Convention refused to adjourn.

Mr. Evans, of McLennan, moved the Convention adjourn until half-past seven o'clock this evening.

Lost.

Mr. Sumner moved the Convention take a recess till to-morrow morning, at ten o'clock.

Lost.

Mr. Patten moved the Convention adjourn till next Saturday morning, at ten o'clock.

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

Yeas—Messrs. President, Bell, Downing, Hamilton of Bastrop, Harris, Jordan, Kuechler, Lindsay, Newcomb, Patten, Rogers, Ruby, Scott, Slaughter, Vaughan—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, Evans of McLennan, Evans of Titus, Fayle, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Phillips of San Augustine, Posey, Smith, Sorrell, Sumner, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—48.

So the Convention refused to adjourn.

Mr. Butler moved that the Convention adjourn until to-morrow morning, at ten o'clock.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Caldwell, Cole, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Bastrop, Hamilton of Travis, Harn, Johnson of Harrison, Kealy, Keigwin, Kuechler, Lindsay, Mackey, McWashington, Morse, Mullins, Mundine, Munroe, Patten, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Sorrell, Sumner, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wright—47.

Nays—Messrs. President, Board, Bryant of Harris, Carter, Evans of McLennan, Harris, Horne, Jordan, Kendal, Kirk, Lippard, McCormick, Newcomb, Scott, Slaughter, Smith, Varnell, Williams—18.

So the Convention adjourned till to-morrow morning at ten o'clock.
