

TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas.*

Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to rarebooks@law.utexas.edu.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

CAPITOL, AUSTIN, TEXAS,
JANUARY 22, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Pending the adoption of the minutes the President drew the attention of the Convention to the incorrectness of the minutes as published by the Austin Republican, the newspaper officially designated to publish the proceeding of the Convention.

Mr. Munroe gave notice he would introduce a resolution repealing the motion expelling Mr. Sumner.

The President directed the following communication to be read :

HALL OF THE CONVENTION,
Austin, Texas, January 21, 1869.

GENERAL: I have to inform you of the receipt by me of the resignation of Mr. S. M. Johnson, member of this Convention from the counties of DeWitt, Victoria, Jackson and Calhoun.

I have further to inform you that this Convention found it necessary on yesterday to expel for misconduct Mr. F. W. Sumner, member from the counties of Grayson, Cook, Montague, Jack, etc., thus creating another vacancy.

Respectfully submitted,

EDWARD J. DAVIS,
President of Convention.

To Major-General E. R. S. Canby, U. S. A.,
Commanding-Fifth Military District,
Austin, Texas.

Mr. Hamilton, of Travis, read a protest against the expulsion of Mr. Sumner, and moved it be spread upon the minutes.

The question recurred upon the motion of Mr. Hamilton, of Travis, to spread the protest on the minutes.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Burnett, Cole, Curtis, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Pedigo, Phillips of San Augustine, Posey, Rogers, Scott, Sorrell, Stockbridge, Watrous, Williams, Wilson of Brazoria, Wright—34.

Nays—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wilson of Milam—35.

So the Convention refused to spread protest upon the minutes.

Mr. Patten offered the following resolution :

Resolved, That a special committee of five be appointed to take into consideration the protest presented by Mr. Hamilton, of Travis, in relation to the expulsion of Mr. Sumner. That said committee have power to send for persons and papers, swear witnesses, etc. ; also, to invoke military aid, if necessary.

Mr. McCormick raised the point of order that the Convention, having refused to spread the protest on the minutes, it was not before the House.

The President sustained the point of order.

Mr. Burnett moved to amend the resolution of Mr. Patten by making it read "that a special committee of five be appointed to take into consideration the circumstances related in," etc.

Amendment accepted.

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

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Horne, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Pedigo, Ruby, Scott, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wilson of Milam, Wright—42.

Nays—Messrs. Bell, Bellinger, Bryant of Grayson, Cole, Curtis,

Fayle, Fleming, Gaston, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Thomas, Watrous, Williams, Wilson of Brazoria—28.

So the resolution was adopted.

Mr. Downing presented a petition from citizens of the counties of Bosque, Coryelle and McLennan for the creation of a new county, and asked its reference to the Committee on Counties and County Boundaries without reading.

It was so ordered.

Mr. Munroe, from the Committee on Engrossed Provisions, reported as follows :

COMMITTEE ROOM,
January 22, 1869.

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. 92, declaration creating the county of San Jacinto.

No. 93, resolution respecting the Indians of the frontier of Texas.

No. 94, resolution respecting land certificate of Henry Koontz.

No. 95, declaration to incorporate the Galveston Canal Company.

No. 96, declaration incorporating the Phoenix Transportation Company.

No. 97, ordinance in regard to valid land certificates corrected so as to read "declared" instead of "ordained."

No. 98, declaration authorizing the police courts of Hays and Goliad counties to levy a special tax to build a courthouse at San Marcos and Goliad, the county seat of said counties.

Respectfully submitted,

A. T. MUNROE,
Chairman Committee.

Adopted.

Mr. Flanagan, from Committee on Internal Improvements, reported the following

DECLARATION.

Be it declared by the people of Texas in Convention assembled, That Benjamin Brandon, a citizen of Henderson county, in the State of Texas, be and he is hereby authorized to keep, maintain and run a ferry boat at a crossing on the Neches river, on the direct line of travel from Tyler to Athens, and from Henderson county to Spring's ferry, on the Trinity river, and to have the right to said ferry for a distance of five miles upon said river Neches above and below said ferry, taking the said ferry crossing at the points designated at the centre of the distance of five miles; and the said Benjamin Brandon shall be authorized to collect such sums of money for ferriage or tolls as may be established by the county court of Henderson county; provided, that the citizens of Smith and Henderson county shall have the privilege of crossing said river at any place during low water.

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

Rules suspended.

The question recurred upon the adoption of the declaration.

It was adopted.

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

Rules suspended.

Declaration read third time and passed.

Mr. Pedigo, from the Committee on Counties and County Boundaries, reported as follows:

COMMITTEE ROOM,
Austin, January 22, 1869.

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

SIR: Your Committee on Counties and County Boundaries, to whom was recommitted a declaration creating the new county of Peebles, have had the same under consideration, and a majority of the committee, after due deliberation, have instructed me to report

back to the Convention the accompanying substitute and to recommend its adoption.

Respectfully submitted,

H. C. PEDIGO,
Chairman Committee.

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

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Harn, Horne, Hunt, Jordan, Kendal, Kuechler, Long, McWashington, Mullins, Newcomb, Pedigo, Ruby, Schuetze, Scott, Smith, Varnell, Whitmore—32.

Nays—Messrs. Armstrong of Jasper, Bell, Bellinger, Brown, Bryant of Grayson, Burnett, Carter, Cole, Curtis, Evans of McLennan, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Johnson, Kealy, Keigwin, Leib, Lippard, Morse, Phillips of San Augustine, Posey, Slaughter, Sorrell, Thomas, Watrous, Williams—27.

So the Convention refused to suspend the rules.

The same committee made the following additional report:

COMMITTEE ROOM,
Austin, Texas, January 20, 1869.

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred a declaration creating the county of Union, and locating the county seat thereof, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Convention and recommend its adoption.

Respectfully submitted,

H. C. PEDIGO,
Chairman Committee.

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

COMMITTEE ROOM,
January 14, 1869.

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

SIR: Your Committee on Internal Improvements have had before them a declaration for a charter to build a bridge over the Colorado river, and after a careful examination arrive at the conclusion that the enterprise is a very important one, and I am instructed to report back the same, and to recommend its passage.

Respectfully submitted,
J. W. FLANAGAN,
Chairman Committee.

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

Rules suspended.

The question recurred upon the adoption of the declaration.

Mr. Hamilton of Travis moved to amend by adding the names of R. N. Lane and J. M. Swisher.

The amendment was adopted.

Mr. Hamilton of Travis moved to amend by adding the name of W. L. Chalmers.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Bell, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Flanagan, W. Flanagan, Gray, Hamilton of Travis, Harris, Harn, Horne, Jordan, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Wilson of Milam, Wright—42.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Bryant of Harris, Butler, Degener, Downing, Evans of McLennan, Fayle, Fleming, Hamilton of Bastrop, Hunt, Kuechler, Morse, Newcomb, Patten, Slaughter, Thomas, Whitmore, Williams—20.

Pending the vote Mr. Thomas asked to be excused from voting.

The Convention refused to excuse.

The Convention agreed to add the name of W. L. Chalmers.

Mr. Scott moved to add the name of L. E. Edwards.

Mr. Evans of McLennan moved to add the name of Scipio McKee.

Mr. Hamilton of Travis moved the previous question.

Previous question seconded.

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

Main question ordered.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Hamilton of Travis moved a further suspension of the rules to put the declaration on its final passage.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gray, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—49.

Nays—Messrs. Bell, Bledsoe, Bryant of Harris, Butler, Degener, Downing, Gaston, Hamilton of Bastrop, Hunt, Lippard, Newcomb, Patten, Scott, Slaughter, Thomas, Whitmore, Wilson of Milam—17.

So the Convention refused to suspend the rules.

Mr. Flanagan made the following additional report:

COMMITTEE ROOM,
January 22, 1869.

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

SIR: Your committee have had before them a declaration to incorporate the Fireman's Insurance Company of Galveston, and, after due consideration, I am instructed to report back the same and to recommend its passage.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Mr. Smith moved the rules be suspended to take up the declaration.

Convention refused to suspend the rules.

Also, the following report from same committee :

COMMITTEE ROOM,
January 22, 1869.

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

SIR : Your committee have had before them a declaration for the incorporation of the Dallas County Bridge Company, and, after a careful examination of the same, I am instructed to report the same back and to recommend that it pass.

Respectfully submitted,
J. W. FLANAGAN,
Chairman Committee.

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

Convention refused to suspend the rules.

Also, the following report from same committee :

COMMITTEE ROOM,
January 22, 1869.

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

SIR : Your Committee on Internal Improvements have had before them a declaration incorporating the Galveston and Velasco Railroad Company, and, after examining the same, I am instructed by the committee to report the same back and to recommend its passage.

Respectfully submitted,
J. W. FLANAGAN,
Chairman Committee.

Mr. Evans, of McLennan, moved a suspension of the rules to take up the declaration.

Convention refused to suspend the rules.

2D SESS.—22

Mr. W. Flanagan introduced a declaration to incorporate the Mutual Life Insurance Company, and asked its reference to the Committee on Commerce and Manufactures without reading.

It was so ordered.

Mr. W. Flanagan introduced a declaration to incorporate the Rock Creek Bridge and Turnpike Company, and asked its reference to the Committee on Internal Improvements without reading.

It was so referred.

Mr. Newcomb introduced the following

RESOLUTION.

Resolved, That the delegates of this Convention who obtained indefinite leave of absence prior to the adjournment of the last session of this Convention and all who were detained from being in their seats at the opening of the present session, are entitled to their per diem as if in regular attendance, and that the Secretary of this Convention shall sign certificates therefor, which shall be approved by the President, as a voucher or vouchers to authorize the Comptroller to draw his warrant on the treasury for the amount or amounts due to said delegates.

Laid over under the rules.

Mr. Smith introduced the following declaration and asked its reference to the Committee on Judiciary.

DECLARATION.

Be it declared by the people of Texas in Convention assembled, That all lots of land or lands sold for the non-payment of city or municipal taxes, such sales shall be as binding and conclusive as lands sold for the non-payment of taxes by authority of the State laws, and the said State laws shall govern all tax sales under municipal or corporation laws.

It was so referred.

Mr. Scott introduced the following

RESOLUTION.

Be it resolved, That the President of the Convention be authorized to appoint a special committee, to consist of one delegate from each judicial district of the State of Texas, for the purpose of preparing an ordinance defining boundary lines dividing the State of Texas into three or more States, as may be agreed upon.

Be it further resolved, In addition to said ordinance, an additional ordinance setting forth a fair and impartial division of the effects (of whatever character they may be) now belonging to the State of Texas as a whole, to be distributed equally to each subdivision of the State aforesaid.

Be it further resolved, That said committee shall prepare an ordinance to be submitted to the registered voters of the State of Texas, upon the subject of a division, after Congress shall have approved the action of the Convention upon the matter of division.

Be it further resolved, That it shall be the duty of the president of the Convention to transmit a copy or copies of said ordinance to the president of the Senate and speaker of the House of Representatives in Congress assembled.

Laid over under the rules.

Mr. Bledsoe introduced a declaration to incorporate the town of Lancaster, and asked its reference to the Committee on State Affairs.

It was so ordered.

The president announced the business next in order was the consideration of the following declaration incorporating the Jefferson Navigation Company.

A DECLARATION,

To Incorporate the "Jefferson Navigation Company."

Be it declared by the people of Texas, by their delegates in Convention assembled, That C. D. Morris, W. P. Williams, and Geo. B. Slaughter, their associates and assigns, be and they are hereby created and established a body corporate and politic, under the name of the "Jefferson Navigation Company," with authority, in said corporate name, to contract, to make by-laws for its government, not inconsistent with the laws of the State, to sue and be sued, to purchase and hold real and personal estate, to have a corporate seal, and generally to do and perform all such acts and things as may be necessary to carry out the objects of this declaration.

SEC. 2. The said corporation, from their own body, shall elect a President, Secretary and Treasurer, and may also have such other officers and agents as may be necessary and are common to private corporations; the duties of each officer shall be defined in the by-

laws of the Company. All contracts or acts of said Company shall be signed by the President and countersigned by the Secretary, under the seal of the Company.

SEC. 3. The said corporators and their associates shall constitute a Board of Directors, and within sixty days after the passage of this declaration shall organize and form their by-laws.

SEC. 4. *Be it further declared*, That it shall be the duty of said body corporate within two years from the passage of this declaration, to remove the stumps, logs and other impediments to the navigation of Big Cypress Bayou, and the lakes into which the said stream empties, within the limits of Texas, beginning at Jefferson, Texas, or such other point as may be most practicable, by the use of one or more dredging boats, and such other machinery as may be necessary, so as to afford the free and safe navigation of said stream and lakes so far as practicable. The said body corporate shall keep their principal office at Jefferson, Texas.

SEC. 5. *Be it further declared*, That it shall be the duty of the Governor of Texas, upon the application of said body corporate, to appoint a competent engineer, as commissioner, to examine said bayou and lakes, and if the work of dredging and clearing said stream of obstructions to navigation, are found to have been done in accordance with the provisions of this declaration, the said commissioner shall certify the fact to the Governor, and thereupon the said body corporate shall have the right to receive the following rates of charges for all freight passing over said stream and lakes, to-wit: ten per cent. on each freight bill; provided, that upon proof being made before the Mayor and Aldermen, who shall constitute a tribunal to hear and determine the same, of the city of Jefferson, that impediments are in said stream and lakes hindering the navigation thereof, upon such proof the said Mayor shall declare the same, and from and after such declaration, the said body corporate shall not have the right to receive any charges on freight passing over said stream; provided, that said body corporate, after the removal of obstructions, and upon proof thereof, before said Mayor and Aldermen, that impediments have been removed, and the Mayor shall have declared said stream free from impediments to navigation, the said body corporate shall have the right thereafter to demand and receive the charges aforesaid.

SEC. 6. It shall be the duty of said body corporate to keep a dredging boat, for the purpose of speedily removing all obstructions

to the navigation of the said bayou and lakes, and to keep said stream, so far as practicable, open for the free and safe navigation thereof; also, to designate, by buoys and other marks, the channel in said lake.

SEC. 7. *Be it further declared*, that for the willful neglect of said body corporate to keep said stream and lakes in a safe condition for navigation, they shall be liable for all damages sustained in consequence thereof.

SEC. 8. *Be it further declared*, that this charter and the privileges and rights herein granted, shall continue and be in force for the period of twenty years, from and after the report of the commissioner aforesaid; and the same shall be enjoyed by the said body corporate, their heirs and assigns, for the same time, unless the same is forfeited by proper action in the district court, for non-compliance with the requirements of this declaration.

SEC. 9. *Be it further declared*, that the said body corporate and politic, in order to effect the speedy improvement of said lakes and bayou, shall have the right to issue their bonds, for not more than one hundred thousand dollars, and place them on the market; provided, the same shall be made redeemable, not more than five years from the date of issuance; and provided, further, that a lien shall exist upon the real estate of the said body corporate, and the realty of each individual member thereof, to secure the payment of said bonds; and provided, further, that said body corporate, before issuing bonds in any amount, shall cause this declaration to be recorded in the office of the county clerk of Marion county, Texas, which shall be notice of the lien contemplated by this section.

SEC. 10. *Be it further declared*, that this declaration and ordinance take effect from and after its passage.

The question being upon its final passage,

Mr. Thomas moved to refer the declaration to the Committee on the Judiciary.

Motion not seconded.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Brown, Bryant of Harris, Buffington, Butler, Cole, Curtis, Degener, Downing, Evans of McLennan, Faye, Flanagan, W. Flanagan,

Fleming, Gray, Harris, Harn, Horne, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Newcomb, Patten, Pedigo, Ruby, Scott, Slaughter, Smith, Stockbridge, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. Bellinger, Bledsoe, Board, Bryant of Grayson, Burnett, Carter, Gaston, Hamilton of Bastrop, Hamilton of Travis, Leib, Mackey, Phillips of San Augustine, Rogers, Schuetze, Thomas, Watrous, Williams—17.

So the declaration was adopted.

Mr. Munroe moved the Convention go into an election of delegates to be sent to Washington, and that the delegates for the four districts, as provided for in the resolution, be first elected.

Mr. Harn moved a call of the House.

Call sustained by the following delegates :

Messrs. Hamilton of Travis, Bryant of Grayson, Mackey, Schuetze, McCormick, Leib, Kealy, Harn, Slaughter, Williams, Stockbridge, Johnson, Cole, Rogers, Curtis, Watrous.

Mr. Butler moved that the hall of the Convention be cleared of visitors.

Carried.

Absentees—None.

Mr. Evans of McLennan moved that the Convention adjourn till four o'clock this evening.

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

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Evans of McLennan, Harris, Patten, Pedigo, Phillips of San Augustine, Vaughan, Wilson of Milam—10.

Nays—Messrs. President, Adams, Armstrong of Lamar, Board, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Gray, Hamilton of Bastrop, Hamilton of Travis, Harn, Horne, Hunt, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Newcomb, Posey, Rogers, Ruby, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—58.

So the Convention refused to adjourn.

Mr. Patten moved the Convention first ballot for the two delegates at large.

Carried.

Mr. Newcomb raised the point of order that a plurality of votes was sufficient to elect.

The president decided the point of order raised by Mr. Newcomb in the negative, and decided that a majority of the votes cast was necessary to elect.

The question recurred upon the election of delegates at large.

Nominations were declared in order, and the following gentlemen were nominated:

Mr. Gray nominated Hon. J. W. Flanagan.

Mr. Patten nominated Hon. E. J. Davis.

Mr. Hamilton of Travis nominated Hon. M. L. Armstrong.

Mr. Hamilton of Travis nominated Hon. A. Buffington.

The president appointed Messrs. Vaughan, McCormick and Ruby as tellers.

Upon the first ballot

Mr. Flanagan received.....	36 votes.
Mr. Davis received.....	36 votes.
Mr. Armstrong received.....	33 votes.
Mr. Buffington received.....	30 votes.
Scattering.....	2 votes.
Blank.....	1 vote.

Messrs. E. J. Davis and J. W. Flanagan having received a majority of the votes cast, were declared duly elected as delegates at large to proceed to Washington, under the resolution passed by the Convention.

The president announced the election of delegates from the four districts of the State now in order.

Mr. Degener moved that the delegates from the districts be elected separately.

Carried.

Mr. Harris moved the Convention adjourn till 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, Bellinger, Brown, Evans of Titus, Hamilton of Travis,

Harris, Johnson, Keigwin, McCormick, Mundine, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Thomas, Vaughan, Wilson of Brazoria, Wilson of Milam—21.

Nays—Messrs. President, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Harn, Horne, Hunt, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Mackey, McWashington, Morse, Mullins, Munroe, Newcomb, Patten, Ruby, Scott, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wright—45.

So the Convention refused to adjourn.

The President announced the nominations were now in order for the delegates to represent the district north of thirty-second degree.

Mr. M. C. Hamilton nominated Mr. Bledsoe.

Mr. Brown nominated Mr. Carter.

Mr. A. J. Hamilton nominated Mr. Wright.

Mr. Slaughter nominated Mr. Whitmore.

Mr. Harris nominated Mr. Gray.

Mr. Scott nominated Mr. M. L. Armstrong.

Messrs. Gray and Armstrong, by permission, withdrew their nominations.

Upon the first ballot—

Mr. Bledsoe received	6 votes.
Mr. Carter received	9 votes.
Mr. Wright received	29 votes.
Mr. Whitmore received	23 votes.
Scattering	3 votes.
Blank	1 vote.

No candidate having received a majority of the votes cast, the Convention proceeded to a second ballot.

Upon the second ballot—

Mr. Carter received	1 vote.
Mr. Wright received	33 votes.
Mr. Whitmore received	37 votes.
Scattering	4 votes.

Mr. Whitmore having received a majority of the votes cast, was declared duly elected a delegate to represent the district north of thirty-second degree.

Nominations being in order for delegates from the eastern district of the State,

Mr. Patten nominated Mr. Burnett.

No other delegate being put in nomination, Mr. Munroe moved that Mr. Burnett be declared duly elected as the delegate from the eastern district of the State by acclamation.

Carried.

Nominations being in order for delegate from the middle district of the State,

Mr. Patten nominated Mr. M. C. Hamilton.

No other nomination being made, Mr. Buffington moved that Mr. M. C. Hamilton, of Bastrop, being the only candidate nominated, be duly declared elected as the delegate from the middle district of the State by acclamation.

Carried.

Nominations being in order for the delegate from the western district of the State,

Mr. M. C. Hamilton nominated Mr. Newcomb.

Mr. Harn nominated Mr. Vaughan.

Mr. Buffington nominated Mr. Varnell.

Mr. Vaughan being a candidate, Mr. Butler was substituted in his place as teller.

Upon the first ballot—

Mr. Newcomb received.....	24 votes.
Mr. Vaughan received.....	8 votes.
Mr. Varnell received.....	34 votes.
Blank.....	5 votes.

Mr. Smith raised the point of order that blank votes cast should not be considered.

The President decided the point of order in the affirmative, and declared Mr. Varnell duly elected as delegate from the western district of the State.

On motion, the Convention adjourned till to-morrow morning at ten o'clock.