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CAPITOL, AUSTIN, TEXAS,  
January 29, 1869.

Convention met pursuant to adjournment.  
Roll called.  
Quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and adopted.

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

COMMITTEE ROOM,  
Austin, January 29, 1869.

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

SIR: The Enrolling Committee have had the following resolutions and declarations (Nos. 73 to 87, inclusive,) under consideration, and find them to be correctly enrolled:

No. 73. Resolution appointing a committee to remain in session during the recess.

No. 74. Declaration appropriating \$50,000 for the payment of members and employes of the Convention.

No. 75. Declaration authorizing the payment of the newspaper proprietors who published the Constitution, and appropriating \$3200 therefor.

No. 76. Declaration authorizing the levying and collecting a special tax in Falls and McLennan counties.

No. 77. Declaration to incorporate the East Texas Agricultural and Mechanical Association.

No. 78. Declaration increasing the per diem of the President of the Convention.

No. 79. Resolution in relation to newspapers.

No. 80. Resolution tendering thanks of Convention to General J. J. Reynolds.

No. 81. Declaration appropriating \$15,000 to pay contingent expenses of the Convention.

No. 82. Declaration continuing the charter of the Union.

No. 83. Resolution granting per diem pay to Messrs. Vaughan and Posey from the commencement of second session.

No. 84. Declaration reviving the act incorporating the Galveston Dry Dock Company.

No. 85. Declaration for the relief of the Houston and Texas Railroad Company.

No. 86. Resolution respecting the Houston Union.

No. 87. Resolution requesting the Congress of the United States to call into service a regiment of Texas cavalry to repel Indian invasion.

It is proper to say that No. 73 is identical with No. 62, previously reported, in language and substance.

Respectfully,

WM. R. FAYLE,  
Chairman Committee.

Report adopted.

Mr. Patten offered the following resolution:

*Resolved*, That this Convention do adjourn on Tuesday next, February 2, at 12 o'clock M., to be re-assembled at any time by order of the commanding general or a majority of the committee elected to proceed to Washington.

Mr. Degener moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. President, Board, Brown, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Lippard, Long, Mullins, Newcomb, Patten, Slaughter, Varnell, Vaughan, Whitmore—24.

Nays—Messrs. Adams, Armstrong of Jasper, Bell, Bryant of Grayson, Buffington, Cole, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kuechler, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—40.

The House refused to order the main question.

Upon the motion to adopt the resolution offered by Mr. Patten, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Board, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Slaughter, Varnell, Vaughan, Whitmore—23.

Nays—Messrs. Adams, Armstrong of Jasper, Bell, Bellinger, Brown, Bryant of Grayson, Buffington, Cole, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendall, Kuechler, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—42.

So the Convention refused to agree to the motion.

The President announced the business in order was the consideration of a resolution limiting speeches to five minutes.

Upon the motion to adopt the resolution the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Board, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Gaston, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Leib, Lippard, Mackey, Morse, Mullins, Newcomb, Patten, Phillips of Wharton, Ruby, Slaughter, Smith, Sorrell, Varnell, Vaughan, Whitmore, Williams, Wilson of Milam—41.

Nays—Messrs. Buffington, Cole, Evans of Titus, Fleming, Glenn,

Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Long, McCormick, McWashington, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wright—25.

So the resolution was adopted.

The President announced the business in order was the consideration of section 38 of the Legislative Department reported from the Committee on Revision.

Mr. Thomas offered the following substitute :

The city of Austin shall continue to be the seat of government while the State remains undivided, unless a majority of the qualified electors, prior to the year 1876, at an election authorized by law, shall cast their ballots in favor of some other place.

Mr. Patten moved to lay the substitute on the table.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Glenn, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Moise, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell, Whitmore, Wilson of Milam—37.

Nays—Messrs. Bellinger, Bryant of Grayson, Cole, Fleming, Gaston, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—28.

The substitute was laid on the table.

The question recurred upon agreeing to section thirty-eight of the Legislative Department, as reported from the Committee on Revision.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Brown, Bryant of Harris, Buffington, Butler, Burnett, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Glenn, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuech-

ler, Lippard, Long, Morse, Mullins, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wilson of Milam--39.

Nays—Messrs. Bellinger, Bryant of Grayson, Carter, Cole, Fleming, Gaston, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Mundine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—27.

So section thirty-eight was adopted.

Section thirty-nine being under consideration,

Mr. Patten offered the report of the Committee on Apportionment as a substitute to section thirty-nine, reported from the Committee on Revision.

On motion, the substitute was adopted.

Mr. Davis offered the following as a substitute to substitute adopted:

“That until otherwise provided by act of the Legislature, the General Commanding is requested to apportion the senators and representatives authorized by this constitution among the several counties of the State, in proportion to the population thereof, shown by the United States census of 1860, arranging the districts so that the counties comprising the same shall as nearly as practicable be contiguous.”

The Convention refused to adopt.

The question recurred upon the passage of the substitute offered by Mr. Patten.

It was adopted.

On motion, section one, article ten, was adopted.

Upon the adoption of section two of article ten the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Bell, Brown, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Fayle, Flanagan, Gaston, Hamilton of Bastrop, Hamilton of Travis, Harn, Hunt, Johnson, Jordan, Kendal, Kuechler, Leib, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Newcomb, Patten, Phillips of Wharton, Ruby, Schuetze, Smith, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria—42.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Evans of Titus, Fleming, Glenn, Gray, Harris, Kealy, Keigwin, Phillips of San Augustine,

Rogers, Scott, Slaughter, Sorrell, Thomas, Whitmore, Wilson of Milam, Wright—21.

So section two was adopted.

The President announced the hour had arrived to take up the special order of the hour, which was section one of article three of the Legislative Department.\*

Mr. Armstrong of Jasper offered the following substitute to section one, article three, of the Legislative Department :

Every male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote, Indians not taxed, Africans and descendants of Africans excepted, shall be deemed a qualified elector ; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer ; provided, that the qualified electors shall be permitted to vote anywhere in the State for State officers ; and provided further, that no soldier, seaman or marine in the army or navy of the United States, shall be entitled to vote at any election created by this constitution.

Mr. Degener moved to lay the substitute on the table.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellingier, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Harn, Hunt, Johnson, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Mackey, McCormick, Mc-Washington, Morse, Mullins, Mundine, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Stockbridge, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—59.

Nays—Messrs. Armstrong of Jasper, Cole, Gaston, Glenn, Keigwin, Sorrell—6.

\* For report see page 162, first session.

So the substitute was laid on the table.

Mr. Mundine offered the following substitute :

Every person, without distinction of sex, race or previous condition, who shall have arrived at the age of twenty-one years, and who shall be a citizen of the United States, or is at the time of the adoption of this Constitution by the Congress of the United States a citizen of the State of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he or she offers to vote (Indians not taxed excepted), shall be deemed a qualified elector ; and should such qualified elector happen to be in another county, situated in the district in which he or she resides, at the time of an election, he or she shall be permitted to vote for any district officer ; provided, that the qualified electors shall be permitted to vote anywhere in the State for State officers ; and provided further, that no soldier, seaman or marine in the army or navy of the United States shall be entitled to vote at any election created by this Constitution.

Mr. Patten moved to lay the substitute on the table.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Cole, Curtis, Flanagan, Gaston, Glenn, Gray, Hamilton of Bastrop, Lippard, Long, Mackey, Mullins, Patten, Phillips of San Augustine, Phillips of Wharton, Smith, Sorrell, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—30.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bryant of Harris, Butler, Burnett, Carter, Degener, Downing, Evans of Titus, Fayle, Fleming, Hamilton of Travis, Harris, Harn, Hunt, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, McCormick, Mc-Washington, Morse, Mundine, Newcomb, Rogers, Ruby, Schuetze, Scott, Slaughter, Stockbridge, Whitmore—35.

So the Convention refused to lay the substitute on the table.

Mr. Patten moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. President, Board, Bryant of Harris, Butler, Cur-

tis, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Kendal, Lippard, Long, Mackey, Mullins, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith, Varnell, Watrous, Williams, Wilson of Milam, Wright—27.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harn, Jordan, Kealy, Keigwin, Kuechler, Leib, McCormick, McWashington, Morse, Mundine, Phillips of Wharton, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Whitmore, Wilson of Brazoria—38.

So the Convention refused to order the main question.

The question recurred upon the passage of the substitute offered by Mr. Mundine to section one of article three of the legislative department.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Fayle, Fleming, Harris, Harn, Kuechler, McCormick, Morse, Mundine, Rogers, Ruby, Stockbridge—13.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bellinger, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of Titus, Flanagan, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Hunt, Johnson, Jordan, Kealy, Keigwin, Kendal, Leib, Lippard, Long, Mackey, McWashington, Mullins, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Schuetze, Scott, Slaughter, Smith, Sorrell, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—52.

So the Convention refused to adopt.

Mr. Thomas offered the following substitute to section one, article three :

**SECTION 1.** Every male person of sane mind, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is at the time of the approval of this Constitution by the Congress of the United States a citizen of the State of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote (Indians not taxed

excepted), shall be deemed a qualified elector, and qualified electors shall be permitted to vote in any county in the district in which they reside for district officers, and in any part of the State for State officers; but no soldier, seaman or marine in the army or navy of the United States shall be entitled to vote at any election authorized by this Constitution.

Mr. Patten moved to lay the substitute on the table.

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

Yeas—Messrs. President, Bell, Bellinger, Board, Brown, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, Mackey, Mullins, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Slaughter, Smith, Varnell, Watrous, Whitmore, Williams, Wilson of Milam—34.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bryant of Grayson, Buffington, Burnett, Cole, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, McCormick, McWashington, Morse, Mundine, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—31.

So the substitute was laid on the table.

The question recurred upon the adoption of section one, article three, as reported from the Committee on Revision.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained by the following delegates :

Messrs. Glenn, Armstrong of Jasper, Bryant of Grayson, Buffington, Stockbridge, Hamilton of Travis, Keigwin, Rogers, Morse, Cole, Kealy, Sorrell.

Absentees—Messrs. Posey and Wilson of Milam.

Mr. Schuetze moved to adjourn till the usual hour this evening.  
Lost.

On motion of Mr. Buffington, call suspended.

Mr. Patten moved a call of the House.

Call sustained by the following delegates :

Messrs. Patten, Hamilton of Bastrop, Slaughter, Butler, Hunt, Newcomb, Downing, Mullins, Kendal, Bryant of Harris, Varnell, Smith, Long, Ruby, Jordan, Degener, Lippard.

House reported full.

The question recurred upon the adoption of section one, article three, as reported by the Committee on Revision.

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

Yeas—Messrs. President, Bell, Bellinger, Board, Brown, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Mullins, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Scott, Slaughter, Smith, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Wright—40.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bryant of Grayson, Buffington, Cole, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, McCormick, Morse, Mundine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Wilson of Brazoria—26.

So the section was adopted.

On motion, the Convention adjourned till the usual hour this evening.

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EVENING SESSION—HALF-PAST SEVEN O'CLOCK.

Convention met.

Quorum present.

Mr. Buffington moved a call of the House.

Call sustained by the following delegates :

Messrs. Bryant of Grayson, Scott, Bellinger, Stockbridge, Schuetze, Buffington, Leib, Keigwin, Morse, Thomas, Gray, McCormick, Cole, Rogers, Gaston, Kealy, Wilson of Brazoria, Wilson of Milam—18.

Absentees—Messrs. Downing, Harn, McWashington, Evans of Titus.

Mr. Wright moved a suspension of the call.

Call suspended.

Mr. Varnell moved a call of the House.

Call sustained by the following delegates :

Messrs. Scott, Bellinger, Bryant of Grayson, Johnson, Stockbridge, Watrous, Varnell, McCormick, Mundine, Morse, Rogers, Thomas, Gray, Cole, Kealy, Wilson of Brazoria, Sorrell—18.

Mr. Glenn was excused on account of sickness.

Mr. Thomas moved to adjourn till to-morrow morning at half-past nine o'clock.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Bryant of Grayson, Cole, Fleming, Gaston, Gray, Hamilton of Travis, Harris, Harn, Johnson, Kealy, Keigwin, Kuechler, Leib, McCormick, Mullins, Mundine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wright—28.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Jordan, Kendal, Lippard, Long, Mackey, Morse, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Slaughter, Smith, Varnell, Whitmore, Williams, Wilson of Milan—34.

So the Convention refused to adjourn.

Mr. Evans of Titus was excused on account of sickness.

Mr. Buffington moved the call of the House be suspended.

Call suspended.

The President announced the consideration of the provisions of the constitution was in order.

Section one of article eleven, on motion, was adopted.

Section two of article eleven, on motion, was adopted.

Section three, article eleven, on motion, was adopted.

Section four, article eleven, on motion, was adopted.

Section five, article eleven, on motion, was adopted.

Section seven, article eleven, on motion, was adopted.

Section one, article twelve, on motion, was adopted.

Section two, article twelve, on motion, was adopted.

Mr. Smith of Galveston moved to amend section three of article twelve as follows :

In third line of section three, article twelve, strike out the word "may" and insert "shall at its first session after the adoption of this constitution;" and in line four, section three, article twelve, strike out the word "may" and insert "shall."

The question recurred upon the adoption of the amendment.

The Convention refused to adopt.

Section three, article twelve, on motion, was adopted.

Mr. Bryant of Grayson moved to amend by inserting the word "Legislature" instead of the word "superintendent," in line one, section four, article twelve.

2D SESS.—27

Amendment agreed to.

Section four, article twelve, as amended, was, on motion, adopted.

Mr. Butler moved the previous question upon the adoption of section five of article twelve.

Previous question seconded.

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

Main question ordered.

The question recurred upon the adoption of the section.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Rogers, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Bufington, Cole, Fleming, Gaston, Gray, Hamilton of Travis, Harris, Harn, Keigwin, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Sorrell, Thomas—18.

So the section was adopted.

Mr. McCormick offered the following amendment to section six, article twelve :

After the word "fund," in the seventh line, insert "for the benefit of public schools ; and the Legislature shall set apart one-fourth of the annual revenue derivable from general taxation, and shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in this State between the ages of twenty-one and sixty years, for the benefit of public schools."

The question recurred upon the adoption of the amendment.

It was adopted.

Mr. Flanagan offered the following amendment :

Provided, that if any portion of the public domain shall be hereafter sold to the United States government, the proceeds from such sale shall not be included for scholastic purposes.

On motion, the amendment was laid on the table.

Mr. McCormick offered the following amendment to section six of article twelve, in eighth line :

After the word "therefrom," in eighth line, insert, "and the taxes herein provided for school purposes."

Amendment agreed to.

Mr. Patten moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. President, Adams, Bell, Bellinger, Brown, Bryant of Harris, Butler, Carter, Curtis, Downing, Fayle, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria—36.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Buffington, Burnett, Cole, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Kealy, Keigwin, Kendal, Mackey, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Sorrell, Thomas, Wilson of Milam, Wright—27.

So the main question was ordered.

The question recurred upon the adoption of section six, article twelve, as amended.

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

Yeas—Messrs. President, Adams, Bell, Brown, Bryant of Harris, Butler, Carter, Curtis, Downing, Fayle, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria—35.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Cole, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Keigwin, Kendal, Mackey, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Sorrell, Thomas, Wilson of Milam, Wright—28.

So the section as amended was adopted.

Mr. McCormick moved to amend section seven of article twelve, in second line, as follows :

After "fund," in the second line, insert, "and from the taxes for school purposes provided for in foregoing section."

The Convention agreed to the amendment.

Mr. Cole offered the following amendment to section seven of article twelve :

"Which shall be equally distributed to the several counties in this State, semi-annually, according to the scholastic population of each county."

On motion of Mr. Patten the amendment was laid on the table.

The question recurred upon the adoption of section seven, article twelve, as amended.

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

Yeas—Messrs. President, Adams, Bell, Brown, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Hamilton of Bastrop, Hunt, Jordan, Kuechler, Leib, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria—35.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Cole, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Johnson, Keigwin, Kendal, Mundine, Phillips of San Augustine, Rogers, Scott, Sorrell, Thomas, Wilson of Milam, Wright—25.

So the section was adopted.

Section eight of article twelve was, on motion, adopted.

Mr. McCormick offered the following amendment to section nine of article twelve :

At the end of the section add :

"The Legislature shall annually appropriate for school purposes, and to be equally distributed among the scholastic population of the State, the interest accruing on the school fund, and the income derived from taxation for school purposes; and shall from time to time, as may be necessary, invest the principal of the school fund in

the bonds of the United States government, and in no other security."

The Convention agreed to the amendment.

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

It was adopted.

On motion section one of article thirteen was adopted.

Mr. Flanagan moved to strike out section two of article thirteen.

Mr. Hamilton, of Bastrop, moved to lay the motion on the table.

Carried.

Mr. Hamilton, of Bastrop, moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. President, Bell, Brown, Bryant of Harris, Buffington, Butler, Curtis, Degener, Downing, Hamilton of Bastrop, Hunt, Johnson, Kendal, Lippard, Long, McWashington, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell, Williams, Wilson of Brazoria, Wilson of Milam—26.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Burnett, Carter, Cole, Fayle, Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Harn, Jordan, Kealy, Keigwin, Kuechler, Leib, McCormick, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Whitmore, Wright—35.

So the Convention refused to order the main question.

Mr. Schuetze moved to adjourn till half-past nine o'clock tomorrow morning.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellingier, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Carter, Cole, Curtis, Downing, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Harris, Jordan, Keigwin, Kendal, Kuechler, Leib, Long, Mackey, McWashington, Mullins, Mundine, Phillips of Wharton, Rogers, Schuetze, Scott, Slaughter, Stockbridge, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—40.

Nays—Messrs. President, Adams, Bell, Board, Burnett, Degener, Flanagan, Harn, Hunt, Johnson, Kealy, Lippard, McCormick, Morse, Patten, Phillips of San Augustine, Ruby, Smith, Sorrell, Wilson of Milam—20.

So the Convention adjourned till half-past nine o'clock to-morrow morning.

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