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

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

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CAPITOL, AUSTIN, TEXAS,
February 4, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

On motion of Mr. Burnett the President of the Convention was excused from attendance, to take effect at any time after to-day.

Mr. Flanagan asked leave of absence for Mr. Board.

Leave granted.

Mr. Patten asked leave of absence for himself after to-day.

Leave granted.

Mr. Newcomb asked leave of absence for Mr. Hunt.

Leave granted.

Leave of absence was asked for Mr. Smith, of Galveston.

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

Yeas—Messrs. President, Board, Butler, Burnett, Degener, Flanagan, Hamilton of Bastrop, Hunt, Morse, Mullins, Newcomb, Patten, Ruby, Slaughter, Talbot, Varnell, Wilson of Milam—17.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Belinger, Bryant, Buffington, Carter, Cole, Curtis, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Kendal, Kuechler, Kirk, Leib, Mackey, McCormick, Mills, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—35.

So the Convention refused to excuse.

The President laid before the Convention the following communication:

AUSTIN, Texas,
February 6, 1869.

GENERAL: I have to inform you that this Convention, on 2d

inst., expelled Mr. C. W. Bryant, representing Harris and other counties, for an alleged crime, thus creating a vacancy.

Respectfully,

EDMUND J. DAVIS,

President of the Convention.

General E. R. S. Canby,

Commanding Fifth Military District.

Mr. Schuetze offered the following resolution :

Resolved, That this Convention do adjourn on Monday, February 8, 1869, at 12 o'clock M., to reassemble, in case of a rejection of the Constitution by the people of Texas, on the ninth Monday after the day of election, on which the vote on the Constitution will have been taken, or to reconvene subject to the order of the General Commanding the Fifth Military District or the President of this Convention.

Mr. Gray offered to amend by making the resolution read Saturday, 6th, at 1 o'clock P. M.

Mr. Davis, of Nueces, offered the following amendment :

Provided, That this Convention may be called together again to reconsider the Constitution now submitted to the people, or to consider other matters relating to reconstruction, should the Congress of the United States direct the same to be again called together.

Amendment accepted.

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

The yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Board, Brown, Burnett, Carter, Downing, Evans of Titus, Flanagan, Gray, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, McWashing-ton, Morse, Mullins, Newcomb, Patten, Phillips of San Augustine, Ruby, Smith, Schuetze, Slaughter, Talbot—28.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bel-linger, Bryant, Buffington, Butler, Cole, Curtis, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Harn, Keigwin, Kirk, Leib, Mackey, McCormick, Mills, Mundine, Posey, Rogers, Scott, Sorrell, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—34.

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The Convention refused to adopt.

Mr. Patten offered the following resolution :

Resolved, That this Convention do adjourn (without day) on Thursday, February 4, at 10 o'clock P. M., subject to be reassembled (if found necessary) by the Commanding General or the President of the Convention.

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

Yeas—Messrs. President, Board, Butler, Degener, Downing, Evans of Titus, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell—21.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant, Buffington, Burnett, Carter, Cole, Curtis, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Talbot, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—41.

Mr. Burnett offered the following preamble to the Constitution :

PREAMBLE.

“We, the people of the State of Texas, acknowledging, with gratitude, the grace of God, in permitting us to make a choice of our form of government, do hereby ordain and establish this condition.”

Preamble adopted.

Mr. Hamilton, of Bastrop, moved to strike out the words “acknowledging with gratitude the grace of God.”

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

Yeas—Messrs. Armstrong of Jasper, Board, Curtis, Degener, Hamilton of Bastrop, Kuechler, Newcomb, Patten, Slaughter, Varnell, Wilson of Milam—11.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Bryant, Buffington, Butler, Burnett, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Gaston, Glenn, Gray, Hamilton of

Travis, Harris, Harn, Hunt, Johnson, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mullins, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Smith, Sorrell, Stockbridge, Talbot, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—49.

So the Convention refused to strike out.

Mr. Burnett moved a suspension of the rules to put the preamble on its final passage.

Rules suspended.

Preamble read third time and passed.

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

WHEREAS, The Provisional Executive of Texas having thought proper, for special reasons, to recognize as law the legislation of this Convention, in manifest defiance of all precedent; and

WHEREAS, The numerous declarations, bills and ordinances passed by the body are likely, under the example of his Excellency, to be put in force and treated as law, to the great detriment, if not the ruin, of many citizens of the country, as well as capitalists abroad; and

WHEREAS, The constitution framed by the Convention ought to be submitted to the popular vote upon its own merits, unaided or unembarrassed by the vast weight of legislative matter, much of which is of a corrupted nature, well calculated to influence unduly many persons deeply interested in such legislation; be it therefore

Resolved, That every declaration, bill or ordinance passed by this Convention shall, before the same shall be recognized or treated as law by the courts of Texas, have the sanction of a majority of the registered voters thereof.

Be it further resolved, That all bills, declarations and ordinances, enacted by this Convention, shall be submitted to the registered voters of Texas, for their approval or rejection, separate and apart from the constitution, either at the same time that instrument is submitted, or at a different time, as the Commanding General shall direct.

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

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

Yeas—Messrs. President, Armstrong of Jasper, Bryant, Butler, Burnett, Degener, Downing, Evans of Titus, Gaston, Glenn, Gray, Hamilton of Bastrop, Hunt, Kendal, Kuechler, Kirk, Lippard, Mills, Morse, Newcomb, Patten, Sorrell, Talbot, Williams—24.

Nays—Messrs. Bellinger, Board, Buffington, Carter, Cole, Curtis, Fayle, Flanagan, Fleming, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Long, Mackey, McCormick, McWashington, Mullins, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Slaughter, Smith, Stockbridge, Thomas, Varrrell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—36.

So the Convention refused to suspend the rules.

The President announced that the business in order was the consideration of the declaration submitting the constitution to the people of Texas, for ratification or rejection.

Mr. McCormick offered the following substitute :

A DECLARATION

Concerning the election for ratification of the Constitution, and for State, District and County Officers and Members of Congress.

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

1. That the constitution adopted by this Convention be submitted for ratification to the voters of this State, registered and qualified, as provided by the acts of Congress, known as the reconstruction laws, at an election commencing on the first Monday in July, 1869, and continuing for the number of days specified in the constitution adopted by this Convention, for the holding of general election. The vote on said constitution shall be "for the constitution," and "against the constitution." The said election shall be held at the places, and under the regulations to be prescribed by the Commanding General of this military district, and the returns made to him as directed by law.

2. An election shall be held at the same time and place as the ratification of the constitution, for Senators and Representatives in

the Legislature, and for all State, district and county officers, who are to be elected by the people under this constitution.

3. The said election for State, district and county officers, shall be conducted under the same regulations as the election for the ratification of the constitution, and by the same persons. The returns of elections shall be made to the Provisional Governor, who shall give certificates of election to the persons chosen for the respective offices. The officers as elected shall commence the discharge of the duties of the office for which they have been chosen, as soon as elected and qualified, in compliance with the provisions of the constitution herewith submitted, and shall hold their respective offices for the term of years prescribed by the constitution, beginning from the day of their election, and until their successors are elected and qualified.

4. An election for members of the United States Congress shall be held in each Congressional District, as established by this Convention, at the same time and place as the election for ratification of the constitution; said election shall be conducted by the same persons and under the same regulations as before mentioned in this declaration. The returns shall be made to the Provisional Governor, who shall give the persons chosen certificates of election.

5. The members of the Legislature elected under this Declaration, shall assemble at the capitol, in the city of Austin, on the 2d Monday in September, A. D. 1869.

6. The Commanding General of this Military District is requested to enforce this Declaration.

Upon the adoption of the substitute the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bel-linger, Bryant, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kirk, Leib, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wright—37.

Nays—Messrs. President, Board, Butler, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, McWashington, Mullins, Newcomb, Ruby,

Slaughter, Smith, Talbot, Varnell, Williams, Wilson of Milam—24.

So the substitute was adopted.

Mr. Butler offered the following amendment :

Insert "commanding general" in place of "provisional governor," where it occurs.

Upon the adoption of the amendment the yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of Titus, Flanagan, Gaston, Glenn, Hamilton of Bastrop, Harris, Harn, Hunt, Johnson, Jordan, Keigwin, Kendal, Kuechler, Leib, Lippard, Mackey, McWashington, Morse, Mullins, Newcomb, Phillips of San Augustine, Ruby, Slaughter, Smith, Sorrell, Talbot, Varnell, Watrous, Williams, Wilson of Milam—43.

Nays—Messrs. Board, Fayle, Fleming, Gray, Hamilton of Travis, Kealy, Kirk, Long, McCormick, Mills, Mundine, Posey, Rogers, Schuetze, Scott, Stockbridge, Thomas, Wilson of Brazoria, Wright—18.

So the amendment was adopted.

Mr. Phillips of San Augustine offered the following amendment :

Insert after the word "acceptance" the words "or rejection."

The amendment to the amendment was adopted.

Mr. Evans of Titus offered the following additional section :

The question being on the adoption of the section,
Mr. Flanagan moved to lay the section on the table.

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Bellinger, Board, Butler, Carter, Cole, Curtis, Downing, Fayle, Flanagan, Hamilton of Travis, Harn, Johnson, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Long, McWashing-

ton, Mullins, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Watrous, Wright—38.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bryant, Buffington, Burnett, Degener, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Hunt, Keigwin, Lippard, Mackey, McCormick, Morse, Newcomb, Williams—21.

Laid on the table.

Mr. Davis of Nueces offered the following amendment as an additional section :

SEC. 8. It is further provided that this Convention may be called together again to reconsider the constitution now submitted to the people, or to consider other matters relating to reconstruction, should the Congress of the United States direct the same to be again called together.

Mr. McCormick moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?" which main question was the engrossment of the declaration, as amended, offered by Mr. McCormick, and cutting off the amendment offered by Mr. Davis.

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

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bryant, Buffington, Cole, Curtis, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—32.

Nays—Messrs. President, Armstrong of Lamar, Board, Butler, Burnett, Carter, Degener, Downing, Evans of Titus, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, Morse, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Talbot, Varnell, Williams—28.

Main question ordered.

The question recurred upon the adoption of the declaration.

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Belinger, Bryant, Buffington, Burnett, Carter, Cole, Curtis, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—38.

Nays—Messrs. President, Board, Butler, Degener, Downing, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Talbot, Varnell, Williams, Wilson of Milam—23.

So the declaration was adopted.

Mr. Smith offered the following resolution :

Resolved, That this Convention adjourn on Friday, February 5, at ten o'clock P. M., subject to be reconvened by the Commanding General or the President of the Convention.

The question recurred upon the adoption of the resolution.

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Butler, Burnett, Carter, Degener, Downing, Evans of Titus, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Kuechler, Leib, Lippard, Long, McWashington, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell—23.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Belinger, Board, Bryant, Buffington, Cole, Constant, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Kendal, Kirk, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Talbot, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—39.

So the Convention refused to adopt.

Mr. Ruby offered the following declaration :

AN ORDINANCE

To prevent the intimidation of voters.

Be it ordained by the people of Texas in Convention assembled, and it is hereby ordained as follows :

SECTION 1. Any person who shall prevent or endeavor to prevent

any qualified elector of this State from the free exercise of the elective franchise by violence or bribery, or by threats of violence or injury to his person or property, or by depriving an elector of employment, or threatening to deprive him of employment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not less than one month nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars for each offence, and one half of the fine shall go to the prosecutor.

SEC. 2. *Be it further ordained*, That the hiring of any laborer upon the condition that the same shall vote, or not vote, for any special candidate, or any particular party, or in any specific manner, shall be deemed bribery within the meaning of this act, upon the part of the person demanding the said condition.

SEC. 3. *Be it further ordained*, That this ordinance shall be published and circulated with the Constitution for the information of voters, and shall be in force from and after the date of its passage.

Mr. Ruby moved to suspend the rules to take up the declaration, Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Butler, Carter, Degener, Flanagan, Hunt, Kuechler, Lippard, Long, Mackey, Mullins, Patten, Ruby, Smith, Varnell, Watrous, Williams, Wilson of Milam—18.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Bryant, Buffington, Burnett, Cole, Curtis, Downing, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, McCormick, McWashington, Mills, Morse, Mundine, Newcomb, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Sorrell, Stockbridge, Talbot, Thomas, Wilson of Brazoria, Wright—44.

So the Convention refused to suspend the rules.

On motion the Convention adjourned until the regular hour this evening.

EVENING SESSION—HALF-PAST SEVEN O'CLOCK.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Mr. Carter presented the following new section :

WHEREAS, Some doubt exists as to who are denied the right of suffrage by the first proviso of the first section of the article on the "Rights of Suffrage;" therefore

Be it declared, That the true intent and meaning of the said section is that no person shall be allowed to vote or hold office who is now, or who may hereafter, be ineligible to office under the Constitution of the United States, or who is denied the right to vote under the Reconstruction Acts of Congress, until such disqualification shall be removed by the Congress of the United States.

Mr. Patten moved the consideration of the question be postponed till to-morrow morning at eleven o'clock.

Withdrawn.

Mr. Burnett moved to lay the section on the table.

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

*
Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bryant, Buffington, Burnett, Cole, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kirk, McCormick, Morse, Mundine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—29.

Nays—Messrs. President, Bellinger, Board, Butler, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Leio, Lippard, Long, Mackey, McWashington, Mills, Mullins, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith, Talbot, Varnell, Watrous, Williams, Wilson of Milam—34.

So the Convention refused to lay on the table.

Mr. Butler rose to a point of order, that as it was a new section it could not be adopted unless by a two-thirds vote, and being a new section in reference to the suffrage question, it could not now be entertained.

Decision reserved.

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

Yeas—Messrs. President, Bellinger, Board, Butler, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hunt, Johnson, Jordan, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Mills, Mullins, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith, Talbot, Varnell, Watrous, Williams, Wilson of Milam—33.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bryant, Buffington, Burnett, Cole, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kirk, McCormick, Morse, Mundine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—30.

So the resolution was adopted.

The President announced that under the rules it takes a two-thirds vote to add an additional section altering or amending a section in the constitution previously adopted, and that the Convention had refused to adopt the new section offered by Mr. Carter.

Mr. Smith appealed from the decision of the chair.

The question recurred " Shall the decision of the chair stand as the decision of the House ?"

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bryant, Buffington, Butler, Cole, Degener, Evans of Titus, Flanagan, Fleming, Gaston, Glenn, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Harn, Hunt, Johnson, Jordan, Kealy, Keigwin, Kuechler, Kirk, Leib, McCormick, Morse, Mundine, Posey, Rogers, Schuetze, Scott, Slaughter, Sorrell, Stockbridge, Talbot, Thomas, Wilson of Brazoria, Wright—39.

Nays—Messrs. Bellinger, Board, Burnett, Carter, Curtis, Downing, Fayle, Kendal, Lippard, Long, McWashington, Mills, Mullins, Newcomb, Patten, Phillips of San Augustine, Ruby, Smith, Varnell, Watrous, Williams, Wilson of Milam—22.

So the decision of the Chair was sustained.

Mr. Leib offered the following as a new section :

SECTION —. No person shall be entitled to register or vote who is now, by the fourteenth article of the Constitution, incapable of

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holding office. And no person shall be entitled to register or vote who does not take the registration oath prescribed in the Reconstruction Acts of Congress.

Mr. Armstrong of Lamar rose to the point of order that as the Constitution had been adopted as a whole new sections could not be interpolated.

The President decided the point of order in the affirmative, and ruled Mr. Leib's section out of order.

Mr. Gray moved to adjourn till to-morrow morning, at the usual hour.

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

Yeas—Messrs. Board, Burnett, Downing, Gray, Harris, Jordan, Kealy, Mullins, Williams, Wilson of Milam—10.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant, Buffington, Butler, Carter, Cole, Curtis, Degener, Evans of Titus, Fayle, Flanagan, Fleming, Gaston, Glenn, Hamilton of Bastrop, Hamilton of Travis, Harn, Hunt, Johnson, Keigwin, Kendal, Kirk, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright—52.

So the Convention refused to adjourn.

Mr. Butler moved to suspend the rules to take up the declaration submitting the constitution to the people of the State.

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

Yeas—Messrs. President, Board, Bryant, Buffington, Butler, Burnett, Evans of Titus, Flanagan, Hamilton of Bastrop, Harn, Hunt, Johnson, Jordan, Kuechler, Long, Mackey, McWashington, Mullins, Phillips of San Augustine, Ruby, Smith, Talbot, Thomas, Watrous—24.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Carter, Cole, Curtis, Degener, Downing, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Kealy, Keigwin, Kendal, Kirk, McCormick, Mills, Morse, Mundine, Newcomb, Patten, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Varnell, Williams, Wilson of Brazoria, Wilson of Milam, Wright—36.

Convention refused to suspend the rules.
Mr. Patten introduced the following

RESOLUTION.

Resolved, That this Convention do adjourn on Friday, February 5, at ten o'clock P. M., to be re-convened (if found necessary) by the Commanding General or the President of the Convention.

The question recurred upon the adoption.

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

Yeas—Messrs. President, Board, Butler, Burnett, Carter, Degener, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Leib, Long, McWashington, Mullins, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith, Varnell, Wilson of Milam—22.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant, Buffington, Cole, Curtis, Downing, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Mackey, McCormick, Mills, Morse, Mundine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Talbot, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—46.

So the Convention refused to adjourn.

Mr. Patten moved the Convention adjourn till the regular hour to-morrow morning.

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

Yeas—Messrs. President, Armstrong of Lamar, Board, Bryant, Butler, Burnett, Degener, Downing, Evans of Titus, Fayle, Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Mullins, Newcomb, Patten, Phillips of San Augustine, Schuetze, Scott, Slaughter, Smith, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Milam, Wright—33.

Nays—Messrs. Armstrong of Jasper, Bellinger, Buffington, Carter, Cole, Curtis, Fleming, Gaston, Glenn, Hamilton of Travis, Harn, Johnson, Kealy, Keigwin, Kuechler, Kirk, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Posey, Rogers, Ruby, Sorrell, Wilson of Brazoria—29.

So the Convention adjourned till the usual hour to-morrow morning.