

CAPITOL, AUSTIN, TEXAS,
December 17, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

The President announced the Special Committee on the Condition of the State, called for by a resolution of the Convention, to be Messrs. Burnett, Scott, Slaughter, J. W. Flanagan, Carter, Kirk, Mullins, Newcomb, McWashington, McCormick, Kealy, Kuechler, and Armstrong of Jasper:

Mr. Armstrong, of Lamar, presented a petition from citizens of Sherman and other counties, and asked its reference to the Committee on Counties and County Boundaries.

Mr. Thomas made a point of order upon the reception of the petition that the matter had been previously received and acted upon by the Convention.

The President reserved his decision upon the point until the matter could be investigated.

Mr. Kealy presented a petition from the citizens of Cook, Collin and Denton Counties, and asked its reference to the Committee on Counties and County Boundaries.

It was so ordered.

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

COMMITTEE ROOM,
December 16, 1868.

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

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

No. 1, a declaration respecting the Central Railroad Company, passed August 29, 1868.

No. 2, a resolution appointing a committee to remain in session during the recess, and for other purposes, passed August 27, 1868.
Respectfully submitted,

A. T. MUNROE,
Chairman.

Mr. Johnson, of Harrison, introduced the following declaration, and asked its reference to the Committee on Lands :

Resolved, That the people of Texas in Convention assembled set apart the sum of fifty-two thousand acres of land for the support of widows, and orphans, and the aged who are not able to support themselves. Said land shall be designated in the most convenient places, and not more than one league to the county.

It was so referred.

Mr. Munroe offered the following resolution :

Resolved, That the Secretary of the Convention be instructed to subscribe for one thousand copies of the Austin Daily Republican, five hundred copies of the San Antonio Daily Express, and five hundred copies of the San Antonio Tri-Weekly Free Press for the use of the members of this Convention : *Provided*, That said papers publish the daily journals of the Convention, and that the price shall not exceed eight (8) cents per copy.

2. *Resolved*, That the proprietors of the above-mentioned journals be allowed eight (8) cents per copy for the papers furnished this Convention since seventh instant, provided the number of papers furnished does not exceed one thousand (1000) copies per day of the Austin Daily Republican, and five hundred (500) of the San Antonio Daily Express and Tri-Weekly Free Press.

Mr. Munroe moved a suspension of the rules to take up the resolutions.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bellinger, Brown, Buffington, Burnett, Caldwell, Carter, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Jordan, Kealy, Kendal, Keuchler, Long, Mackey, McCormick, McWashington, Munroe, Phillips of San Augustine, Ruby, Slaughter, Smith, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria—37.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Bryant of Grayson, Cole, Degener, Downing, Evans of Titus, Gaston, Glenn, Hamilton of Bastrop, Keigwin, Lippard, Morse, Mullins, Patten, Posey, Rogers, Scott, Varnell, Wilson of Milam, Wright—23.

So the Convention refused to suspend the rules.

Mr. Glenn's fine, imposed for absence, was by order of the Convention, remitted.

Mr. Smith offered the following resolution :

WHEREAS, The present provisional government of Texas is largely composed of officers who are, by the fourteenth amendment of the Constitution of the United States, ineligible ; therefore,

Resolved, That the commanding general be respectfully requested to remove all such civil officers, and substitute for them other men, who are constitutionally competent.

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

Rules suspended.

Mr. Thomas moved that the resolution be referred to the Judiciary Committee.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bryant of Grayson, Buffington, Carter, Munroe, Sumner, Thomas—8.

Nays—Messrs. President, Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Harris, Butler, Burnett, Caldwell, Cole, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Glenn, Hamilton of Bastrop, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Jordau, Kealy, Keigwin, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mullins, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Slaughter, Smith, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—55.

So the Convention refused to refer.

Mr. Caldwell moved to reject the resolution.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Harrison, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Morse, Posey, Rogers, Stockbridge, Thomas, Wilson of Brazoria, Wright—31.

Nays—Messrs. President, Bellinger, Bledsoe, Board, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Goddin, Hamilton of Bastrop, Horne, Jordan, Kendal, Keuchler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith, Varnell, Watrous, Williams, Wilson of Milam—31.

So the Convention refused to reject.

Mr. Thomas moved that the resolution be laid upon the table.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Morse, Pedigo, Posey, Rogers, Stockbridge, Thomas, Wilson of Brazoria, Wright—32.

Nays—Messrs. President, Bledsoe, Brown, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Goddin, Hamilton of Bastrop, Horne, Johnson of Harrison, Jordan, Kendal, Keuchler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith, Varnell, Watrous, Williams, Wilson of Milam—32.

So the Convention refused to lay the resolution upon the table.

Mr. Degener 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 resolution.

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

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Goddin, Hamilton of Bastrop, Johnson of Harrison, Jordan, Kendal, Keuchler, Lippard, Long, Mullins, Munroe, Newcomb,

Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith, Varnell, Watrous, Williams, Wilson of Milam—32.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Kealy, Keigwin, Kirk, Lindsay, Mackey, McCormick, Morse, Pedigo, Posey, Rogers, Stockbridge, Sumner, Thomas, Wilson of Brazoria—32.

So the Convention refused to adopt.

Mr. Sumner moved to suspend the rules to take up the report of the Committee on Education.

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

Yeas—Messrs. Armstrong of Lamar, Bellinger, Brown, Bryant of Grayson, Caldwell, Carter, Cole, Fleming, Hamilton of Travis, Horne, Johnson of Harrison, Kealey, Keigwin, Lindsay, Mackey, McCormick, Morse, Phillips of San Augustine, Posey, Rogers, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—28.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Bryant of Harris, Buffington, Burnett, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Glenn, Goddin, Hamilton of Bastrop, Harris, Jordan, Kendal, Keuchler, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Pedigo, Ruby, Scott, Slaughter, Smith, Varnell—34.

So the Convention refused to suspend the rules.

Mr. Butler rose to a privileged question, to wit: That Mr. Bryant, of Grayson, was outside of the bar of the House when he cast his vote upon the adoption of the resolution offered by Mr. Smith, of Galveston.

The President withheld his decision upon the question raised.

Mr. Thomas moved a suspension of the rules to take up the Bill of Rights and put it upon its final passage.

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

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bellinger, Bledsoe, Bryant of Harris, Curtis, Degener, Downing, Fleming, Glenn, Hamilton of Bastrop, Hamilton of Travis, Horne,

Jordan, Kealy, Kendal, Keuchler, Kirk, Lindsay, Lippard, Mc-Washington, Morse, Mullins, Pedigo, Phillips of San Augustine, Rogers, Scott, Smith, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wright—36.

Nays—Messrs. Board, Bryant of Grayson, Brown, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Harris, Johnson of Harrison, Keigwin, Long, Mackey, McCormick, Munroe, Newcomb, Posey, Slaughter, Wilson of Milam—26.

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