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

Mr. Patten moved that Mr. M. C. Hamilton be added to the special committee on mileage of members.
Carried.
Mr. Bryant, of Grayson, moved that Mr. Thomas be added to the special committee on mileage of members.
Carried.
Mr. Slaughter moved that Mr. Gray be added to the special committee on mileage of members.
Carried.
Mr. Flanagan, by consent, was excused from serving on said committee.
Mr. Gray declined to serve on said committee, and was excused by consent of the House.
The President announced the special committee on revision of the constitution to be:

Messrs. Gray, Whitmore, Carter, Buffington, Pedigo, Newcomb, Bryant of Grayson, Bryant of Harris, Kealy, Butler, Munroe.

Mr. Newcomb presented a petition from precincts of Bexar and Comal counties, respecting division of the State, and asked its reference to the Committee on Division of the State.
It was so referred.
Mr. Pedigo, from the Committee on Counties and County Boundaries, reported as follows:

COMMITTEE ROOM,
Austin, Texas, January 12, 1869.

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred a memorial from certain citizens of Guadalupe
county, asking that a portion of that county be attached to and made
part of the county of Milam, and that the name of Wilson county
be changed to Cibolo county, have had the same under considera-
tion, and your committee, from the facts presented to them, and from
an examination of the map, showing that the territory proposed to
be severed from the one county and attached to the other, is a narrow
neck or point running almost to the centre of Wilson county and
evidently proper to belong to it, have come to the conclusion that the
measure prayed for should be granted, and a majority of the com-
mittee have therefore instructed me to report to the Convention the
accompanying declaration, and to recommend its adoption.

Respectfully submitted,

H. C. PEDIGO,
Chairman Committee.

A DECLARATION.

SECTION 1. Be it declared by the people of Texas in Con-
vention assembled, That all that part of the county of Guadalupe,
lying and being south of a direct line running from the mouth of
Martinez creek in the Cibolo river, to the extreme western corner of
Gonzales county, be and the same is hereby attached to, and shall
hereafter constitute part and parcel of Wilson county.

SEC. 2. Be it further declared, That the name of Wilson
county be and the same is hereby changed to Cibolo county.

Also, the following report:

COMMITTEE ROOM,
January 12, 1869.

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

SIR: Your Committee on Counties and County Boundaries, to
whom was referred a memorial from certain citizens of Bexar county,
praying that a small portion of the territory of that county be
attached to and made part and parcel of the county of Medina, have
had the same under consideration, and a majority of the committee
believing from the facts presented to their consideration, that the
convenience of the people, occupying the territory proposed to be
attached to Medina county, would be greatly promoted by the
measure proposed, have instructed me to report to the Convention
the accompanying declaration, and to recommend to the Convention that it be adopted.

Respectfully submitted,

H. C. PEDIGO,
Chairman Committee.

A DECLARATION.

Be it declared by the people of Texas in Convention assembled, That all that part of the county of Bexar, lying and being west of a line beginning at a point where the eastern boundary line of Medina county intersects the Medina river, thence down the river with its meanderings to the southeast corner of survey No. 14, made for Juana Martinez, situate on the left bank of the river; thence due north to the southeast line of Bandura county, be and the same is hereby attached to and made part and parcel of the county of Medina.

Mr. Hamilton, of Travis, introduced the following declaration:

AN ORDINANCE.

WHEREAS, On the sixth day of November, 1868, the courthouse of Hays county was destroyed by fire, and said county is without a suitable building in which to hold its courts, and said county is unable to build a court-house without being permitted to levy and collect a special tax for that purpose; therefore

Be it ordained by the people of Texas in Convention assembled, That the police court of Hays county in said State be and the same is hereby authorized to levy a sufficient ad valorem tax on all property situate in said county, to build a court-house suitable for said county, to be erected in the town of San Marcos, the county seat thereof; said tax to be collected in same manner as other taxes due counties are now authorized and required by law to be collected, and that this ordinance take effect and be in force from and after its passage.

Mr. Hamilton, of Travis, moved the rules be suspended to take up resolution.

Rules suspended.

Mr. Jordan moved to amend by adding the county of Goliad.
Carried.

Mr. Evans, of McLennan, moved to add the county of Erath.
Withdrawn.
The question required upon the adoption of the declaration as amended.
It was adopted.
Mr. Patten moved a further suspension of the rules to put the declaration as amended upon its final passage.
Rules suspended.
The question recurred upon the final passage of the declaration as amended.
It was read third time and passed.
Mr. Schuetze, by permission, presented the following report from a majority and minority of the Committee on Immigration:

COMMITTEE ROOM,
January 12, 1869.

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

SIR: A majority of the Committee on Immigration, to which was referred the declaration of Mr. Patten, of McLennan, for the incorporation of the Liverpool and Texas Steamship Company, have considered said declaration and its objects, and approve the same. The undersigned have thought that the declaration ought to provide for some adequate guarantee for the continuance of the line of steam and other vessels contemplated by the declaration and the same has been amended so as to require the company which it is proposed to incorporate to furnish such guarantee. It has also been thought proper to insert in the act of incorporation a guarantee against the introduction of paupers and criminals into the State. These are the only particulars in which the original declaration has been changed, and these changes are made with the concurrence and approbation of the gentleman who introduced the declaration. The undersigned, and indeed the whole committee, are deeply impressed by a sense of the necessity which exists that our State should give some adequate encouragement to immigration, and we are of opinion that no encouragement can be deemed adequate which does not actually assist in paying the expense of bringing the emigrant to our shores. The sum proposed by the bill to be given to this company may seem to some to be large; but the undersigned think that the aid proposed will be a very light burthen compared with the benefits which may be expected to result. The bonds of the State which it is proposed to grant to this company will have thirty years to run. The annual interest will amount to but thirty thousand dollars. With each year the capacity of the State to pay such a sum will increase, and it may reasonably be concluded that long
before the maturity of the bonds the sum will appear to be small compared with our resources. The undersigned do not deem it necessary to enlarge on the merits of the bill. They earnestly recommend its passage.

SCHUETZE,
HORNE,
CURTIS,
MORSE,
BROWN,
WILSON,
For the majority.

The minority, consisting of the undersigned alone, considers the proposed declaration as highly objectionable, and recommends that the same be rejected:

E. DEGENER.

Mr. Schuetze moved a suspension of the rules to take up the report.
Rules suspended.
Mr. Burnett moved that the report be printed and made the special order of the day for next Saturday at eleven o'clock.
Carried.
Mr. Fayle presented two declarations, which were read by caption and referred to the Committee on Internal Improvements.
Mr. Munroe moved a suspension of the rules to take up declaration respecting Wilson and Guadalupe counties.
Rules suspended.
Mr. Evans, of McLennan, offered the following amendment:

Strike out "Cibolo" and insert "Stanton," as the name of the county.

Mr. W. Flanagan moved to lay the amendment on the table.
Mr. Munroe 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:


So the Convention refused to order the main question.
The President announced that the hour had arrived to take up the New Orleans, Mobile and Chattanooga railroad declaration.

Mr. Flanagan moved the previous question.
Previous question seconded.
Mr. McCormick moved a call of the House.
Call not sustained.
Mr. Sumner moved the Convention adjourn till seven o'clock this evening.
Upon which the yeas and nays were demanded, and resulted thus:


So the Convention refused to adjourn.
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, Board, Brown, Bryant of Harris, Cole, Curtis, Degener, Downing, Evans of McLennan, Flanagan, W. Flanagan, Gaston, Hamilton of Bastrop, Harris,
So the main question was ordered.

The question recurred, "Shall the declaration be adopted?"

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


So the Convention adopted the declaration.

Mr. Degener moved a suspension of the rules to put the declaration on its passage.

Mr. Sumner moved to adjourn until seven o'clock this evening.

Lost.

The question recurred on the motion to suspend the rules.

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

Morse, Mullins, Munroe, Newcomb, Patten, Ruby, Slaughter, Smith, Sorrell, Sumner, Varnell, Watrous, Williams, Wilson of Milam, Wright—43.


So the Convention refused to suspend the rules.

Mr. McCormick moved that the Convention adjourn until seven o'clock this evening.

Carried.

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EVENING SESSION—SEVEN O'CLOCK.

Convention met pursuant to adjournment.
Roll called.
Quorum present.

The President announced that the hour had arrived fixed by the Convention to go into committee of the whole on the report of the Special Committee on the Condition of the State.*

Mr. Munroe moved that the Convention resolve itself into committee of the whole upon the report of the Special Committee on the Condition of the State.
Carried.

[Mr. Armstrong, of Lamar, in the chair.]

Committee rose, reported the following resolutions to the Convention, and asked to be discharged from the further consideration of the subject.
Agreed to.

WHEREAS, The extent of territory of the State of Texas, the conflicting interests of the widely separated sections of the State,

* For report see page 106.
and the disorganization so largely prevalent, render a division of the State essential to the proper well being of the people thereof and the re-establishment of law and order, therefore, be it

1. Resolved, That in the opinion of this Convention the State of Texas ought to be subdivided into States of more convenient size.

2. Resolved, That the President of this Convention is hereby directed to forward a copy of this preamble and resolutions to the Speaker of the House of Representatives and President of the Senate of the United States.

3. Resolved, That for the purpose of giving the Congress of the United States a correct report of the condition of this State, and to bring to the attention of that body all such matters relating to the condition of the State and the wants of her loyal people as may require the consideration and action of Congress, the Convention shall proceed to elect by ballot four (4) commissioners, members of this Convention, one of whom shall be a resident of that portion of Texas lying north of the thirty-second parallel of latitude; one a resident of that portion of the State lying east of the Trinity river and south of said thirty-second parallel; one a resident of that portion of the State lying between the Trinity and Colorado rivers and south of said thirty-second parallel, and one a resident of that portion of the State lying west of the Colorado river, and two delegates from the State at large, who, being immediately acquainted with the condition and wants of their respective sections of the State, shall proceed to Washington City to bring to the attention of the United States all such matters relating to the condition of this State and the wants of her loyal people as in the judgment of this Convention or of said commissioners require the consideration and action of Congress.

The question being upon the adoption of the resolutions as reported from the Committee of the Whole.

Mr. Thomas offered a substitute, which was ruled out of order.

Mr. Bryant, of Grayson, offered an amendment, which was cut off by the operation of the previous question.

Mr. Whitmore moved the previous question.

Previous question seconded.

Mr. Sumner moved a call of the House.

Call sustained.


Mr. Schuetze was excused on account of sickness.

Mr. Carter moved a suspension of the call of the House.
Upon which the yeas and nays were demanded, and resulted thus:


So the Convention suspended the call.

Mr. Slaughter introduced the following resolution:

Resolved, That the seats of the members of this Convention who have not appeared and participated in the proceedings of this body since its reassembling on the 7th inst., or who have not been excused, are hereby declared vacant, and their names shall not be called when any call of the House is ordered: provided, that when any of said absentees return and render an acceptable excuse to the House, they shall be entitled to their seats, and not further affected by this resolution.

Ruled out of order.

Mr. Hamilton, of Travis, moved the Convention adjourn till to-morrow morning at ten o'clock.

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


Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan,

So the Convention refused to adjourn.
Mr. Sumner moved a call of the House.
Call sustained.
Mr. Smith moved a suspension of the call.
Mr. Evans, of McLennan, raised the point of order that fifteen delegates were competent to maintain the "call of the House," and that a majority of the House could not suspend the "call" while the number of fifteen delegates persisted in maintaining the "call."
The President decided the point of order in the negative.
Mr. Evans, of McLennan, 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:


The decision of the chair was not sustained.
Mr. Hamilton, of Travis, 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. Armstrong of Jasper, Bell, Bellinger, Bledsoe,
Bryant of Grayson, Fleming, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Posey, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—27.


So the Convention refused to adjourn.

Mr. Patten moved a suspension of the call of the Convention.

Call sustained by the following delegates:

Messrs. Phillips of San Augustine, Wilson of Brazoria, Harn, Mundine, Sumner, Bryant of Grayson, Harris, Bellinger, Horne, Thomas, Hamilton of Travis, Fleming, Pedigo, Morse.

Mr. Hamilton, of Travis, moved to adjourn till to-morrow morning at ten o’clock.

Lost.

Mr. Patten moved a suspension of the call of the House.

Call sustained by the following delegates:


Messrs. Sorrell, Cole, and Johnson of Harrison, fined their per diem pay under the rules of the Convention, by direction of the President.

Mr. Hamilton of Travis moved to adjourn till to-morrow morning at 10 o’clock.

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


Nays—Messrs. President, Adams, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris,
So the Convention refused to adjourn.

Mr. Smith of Galveston introduced the following resolution.

WHEREAS, There are a number of delegates elected to the Convention who have not appeared to participate in the work of this Convention since it reassembled; and

WHEREAS, A call of the House is kept up on account of such absence to retard the action of the Convention and prohibit this body from consummating its work; therefore,

Resolved, That the following delegates be indefinitely excused until they may report to this Convention in person, viz:


The President ruled the resolution out of order.

Mr. Smith appealed from the decision of the chair to the Convention.

The President directed the following communication, presented by Mr. Varnell, to be read:

LAVACA, TEXAS,
December 22, 1868.

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

SIR: I herewith send you my resignation as a member of your honorable body.

I had hoped, until to-day, that I could manage to get to Austin this winter, but I find it impossible.

I am therefore left only the painful alternative of resigning.

Very respectfully, your obedient servant,

SAM. W. JOHNSON.

Mr. Thomas moved to adjourn till to-morrow morning at 10 o'clock.

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


So the Convention refused to adjourn.

Mr. Sorrell's fine was remitted on account of sickness.

Mr. Butler moved a suspension of the call.

Call sustained by the following delegates, to-wit:

Messrs. Sumner, Posey, Watrous, Bryant of Grayson, Stockbridge, Leib, Harn, Mackey, Harris, Mundine, Thomas, Rogers, Phillips of San Augustine.

The question recurred upon the appeal to the Convention taken by Mr. Smith of Galveston, declaring a resolution respecting absent members out of order, and upon the question, "Shall the decision of the chair stand as the decision of the House?" the yeas and nays were demanded and resulted thus:


The decision of the chair was sustained.

Mr. Newcomb moved the suspension of the call.
Sustained by fifteen delegates.

Mr. Horse moved the Convention adjourn till to-morrow morning at 10 o’clock.

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


So the Convention refused to adjourn.

Mr. Hamilton moved to adjourn till to-morrow morning at 10 o’clock.

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


So the Convention refused to adjourn.

Mr. Newcomb moved a suspension of the call.

Call sustained by fifteen members.

Mr. Burnett moved the Convention adjourn till to-morrow morning at 10 o’clock.
Upon which the yeas and nays were demanded and resulted thus:


So the Convention refused to adjourn.

Mr. Smith moved the Convention stand adjourned to meet in Galveston, on Monday at 10 o'clock.

Mr. Pedigo was excused on account of sickness.

The question recurred upon the motion of Mr. Smith.

Convention refused to agree.

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

Call sustained by fifteen delegates.

On motion of Mr. Hamilton, of Travis, Mr. Bellinger was excused.

On motion Mr. Wright was excused from attendance.

Mr. Hamilton moved the Convention adjourn till to-morrow morning at 10 o'clock.

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


So the Convention refused to adjourn.
Mr. Newcomb moved that the call of the House be suspended.
Call sustained by fifteen delegates.
Mr. Butler was excused on account of sickness.
Mr. Patten moved that the call of the House be suspended.
Call sustained by fifteen delegates.
Mr. Thomas moved the Convention adjourn till to-morrow morning at 10 o'clock.
Upon which the yeas and nays were demanded, and resulted thus:


So the Convention refused to adjourn.
Mr. Board was excused on account of sickness.
Mr. Bryant of Grayson offered the following resolution:

Resolved, That this Convention adjourn sine die after twelve o'clock to-night, January 13, 1869.

The question recurred upon the adoption of the resolution.
The yeas and nays were demanded, and resulted thus:


Nays—Messrs. President, Adams, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Kealy, Kendall, Kuechler, Leib, Lippard, Mackey, McCormick, McWashington, Mullins, Mundine, Munroe, Newcomb, Patten, Phillips of San Augus-
So the Convention refused to adopt the resolution.

Mr. Bryant of Harris offered the following resolution:

Resolved, That this Convention adjourn to meet again on the first Monday in June.

Mr. Patten moved to lay the resolution on the table.
Carried.

Mr. Slaughter offered the following resolution:

Resolved, That this Convention adjourn after twelve o'clock to-night, January 13, to meet at Tyler, Texas, on Monday, the twenty-fifth day of January, 1869, in the Supreme Court room.

Mr. Williams moved to lay the resolution on the table.

Mr. Slaughter made the point of order that a motion to lay a resolution to adjourn on the table cannot be entertained.

The chair sustained the point of order.

The question recurred upon the adoption of the resolution.

The yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Harris, Morse, Slaughter, Whitmore—5.


So the Convention refused to adopt.

Mr. Armstrong of Jasper moved the Convention adjourn till tomorrow morning at ten o'clock.

Lost.

Mr. Jordan, on motion, was excused.
Mr. Sumner moved to take a recess till twelve o'clock to-day, it now being one o'clock of the morning of January 14. 
Lost.
Mr. Armstrong of Jasper moved to take a recess till ten o'clock to-day. 
Carried.