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Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Smith, of Marion, Stockbridge, Sumner, Varnell, Vaughan, Wilson, of Brazoria, Wright—43.

So the substitute was laid on the table.

Mr. Hamilton, of Bastrop, moved to reconsider the vote by which the substitute of Mr. Hamilton of Travis was laid upon the table, and also moved to lay the motion to reconsider on the table.

The motion to lay on the table was carried.

On motion the Convention adjourned untill nine o'clock to-morrow morning.

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CAPITOL, AUSTIN, TEXAS,  
June 30, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Burnett presented the following petition:

To the Honorable Constitutional Convention of Texas:

The petition of Wm. P. Leaverton, a citizen of Houston county, respectfully represents unto your honorable body that heretofore, to-wit, on the — day of April, 1868, his brother, James H. Leaverton, departed this life in Anderson county, Texas, leaving all his property, real and personal, and outstanding debts and liabilities, with probably but a small exception, in Houston county, where he had formerly lived for many years, and where his homestead is situated and his orphan children now reside; that your petitioner is the legally appointed and qualified administrator of his said brother's estate, and is now administering the same in Anderson county; that by the laws of Texas administration can only be had in Anderson county, where deceased died, and that it is important and necessary to the convenient and economical administration of said estate that the administration be removed to Houston county.

Therefore, your petitioner prays your honorable body to adopt a special resolution or declaration providing for the immediate removal of the administration of said estate to Houston county, and as in duty bound your petitioner will ever pray.

WM. P. LEAVERTON.

CROCKETT, TEXAS, June 24, 1868.

Referred to the Committee on the Judiciary.  
Mr. Kealy presented the following petition:

HON. E. J. DAVIS,

President of the Convention :

SIR: The undersigned citizens of Denton and Cooke counties respectfully ask leave to file the following protest against a petition introduced by Mr. Thomas, the member from Collin, asking for a subdivision of the counties of Cooke, Denton, Grayson and Collin, and the formation of a new county out of fractions taken from the above-named counties, with Pilot Point for its county site, for the following reasons, to-wit :

Denton and Cooke counties, from which a large portion of the territory is proposed to be taken for the formation of said new county, are situated on the northwestern border of the State, and have, comparatively speaking, a very sparse population ; and, owing to frequent Indian depredations committed on their western border, there is no hope of an early increase of the population or wealth of either one of said counties, so as to enable them to support their organizations in the manner that they should be supported, without being deprived of that part of their territory that contains their heaviest population, as is proposed in the said petition. And, as facts in support of this statement, they represent that neither one of the four counties out of which the proposed new county is to be taken, have a jail sufficient to secure the safe keeping of criminals, and some of them have no jail at all; and that there is but one courthouse in the four counties in which the courts can be held with any degree of comfort whatever; and they further state that the counties of Denton and Cooke are not now, with the entire population in their limits, able to erect such public buildings as are absolutely necessary for the administration of justice.

And they further state that the county sites of said counties have for years been satisfactorily located within five miles of the center of the counties, and, to erect a new county, as proposed, would, according to the statement of said petition, place the town of Denton, the county site of Denton county, within ten miles of the eastern boundary of said county, and would also place the county seat of Cooke county in a similar situation in reference to her southern border, and would, in all probability, entail upon those counties years of local strife and bitterness, growing out of the agitation of the questions of the change of their county seats to a point within the constitutional limits for the location of the county seats of the counties of the State, and thus not only disturb the peace and harmony of the population of said counties, but would produce a

state of uncertainty that would retard their progress for years to come. Your petitioners do, therefore, humbly pray that the said petition be not granted, and that their organizations be allowed to remain as they now are.

(Names of citizens of Cooke county.)

R. F. Scott and thirty-two others.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Smith, of Marion, presented the following Minority report from the Committee on Immigration:

COMMITTEE ROOM,  
AUSTIN, June 30, 1868.

HON. E. J. DAVIS,

President of the Convention:

SIR: Your Committee on Immigration having under consideration the importance of such resolutions as will induce the greatest amount of Immigration to our State as is necessary to promote the interests, develop the resources and increase the wealth of our State:

We, the undersigned, in behalf of the minority report, concur with the majority in the great principle, but dissent as to the manner of accomplishing the great object. We believe that the Legislature should make the necessary arrangements in establishing a Bureau of Immigration. We join with the majority in their rules as applicable at present, but the interests of the country might require a great change in a short time, as our country increases in wealth and prosperity and the wants of the people change:

Therefore, I present the following resolution and recommend that it do pass.

#### ARTICLE —

*Resolved*, SECTION 1. That the Legislature of the State shall enact such laws as is necessary to induce, promote and protect Immigration.

SEC. 2. The Legislature shall provide for a Bureau of Immigration.

SEC. 3. The Legislature shall make the appropriation of funds necessary to carry out the spirit and intent of section 1st and 2nd of this article.

The President announced the Committee to visit the Blind Asylum to be:

Messrs. Smith of Galveston, McCormick, Lindsay, Brown, Evans of Titus, Bledsoe, Hunt, Bryant of Grayson, Buffington, Walker, Vaughan, Mackey, Phillips of San Augustine, Kealy, Long.

Mr. Bryant of Grayson, moved that Mr. Sumner be added to the Committee.

Mr. Lindsay offered the following declaration, and asked that the rules be suspended to allow consideration of the declaration:

*Be it declared*, by the people of Texas in Convention assembled, That the sale of the School Lands by the Police Courts of the several counties of the State, as authorized by the Act of the Legislature, approved November 1st, 1866, is hereby suspended, until some definite policy in reference thereto, shall be established in the reorganization of Civil Government in the State.

*Be it further declared* by the Convention, that 150 copies of this declaration be printed, and upon its adoption by the Convention, the Secretary transmit a copy thereof to the County Judge of each County in the State for his guidance and direction.

Mr. J. W. Flanagan offered the following amendment :

And that all sales that have been made under said Laws are null and void.

The question recurring upon the adoption of the amendment, the Yeas and Nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Bryant of Harris, Caldwell, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Grigsby, Hamilton of Bastrop, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kauchler, Lippard, Mackey, McWashington, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Marion, Stockbridge, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Burnett, Cole, Evans of Titus, Fleming, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harne, Keigwin, Lindsay, Mills, Morse, Muckleroy, Mullins, Munroe, Pedigo, Posey, Rogers, Scott, Sorrell, Varnell, Vaughan, Wilson of Brazoria, Wright—30.

So the amendment was adopted.

Mr. Caldwell moved that Mr. Smith of Marion, be added to Committee to visit the Asylum.

There being no objection it was so ordered.

Mr. Evans of McLennan, moved the adoption of the declaration as amended.

The declaration was read a second time, and ordered to be engrossed.

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

Rules suspended, declaration read a third time and passed.

Mr. Patten introduced the following declaration and asked its reference to Committee on Public Lands:

### A DECLARATION.

*Be it declared*, FIRST, That all persons being heads of families, or twenty-one years of age, who have settled upon and improved, or who may hereafter settle upon and improve a portion of the vacant public domain which has never been filed upon, located or surveyed, by virtue of some genuine, legal and valid certificate, or other evidence of title to land previous to such settlement and improvement, shall have the privilege of locating and appropriating a tract of such vacant land, not to exceed one hundred and sixty acres, so as to include said settlement or improvement, in preference to all other claims or claimants; and all files, entries, locations or surveys made so as to interfere with the preference granted by this declaration shall be null and void.

SEC. 2. It shall be the duty of the County and District Surveyors of each and every county and district to keep a record book, to be devoted exclusively to preemption claims; and such settlers shall, each, within twelve months from the passage of this declaration, or within twelve months from the commencement of any such settlement which may hereafter be made, cause to be surveyed the amount of land for which such settler intends to claim preemption privileges; and, on application being made by such settler to a surveyor, to have his or her said land surveyed to include his or her improvements, he or she shall not be required to furnish the Surveyor with any land certificate or other claims against the Government for lands; but he or she shall make an affidavit which may be administered by said Surveyor that he or she believes that he or she has settled upon vacant land, as contemplated in the first section of this declaration, upon which the survey for not exceeding one hundred and sixty acres of land may be made, and the field notes thereof shall be returned to the County or District Surveyor of the county or district in which the land lies, who shall record the same, together with the said affidavit of the settler in his preemptive book; for which service the said Surveyor may charge the fees now allowed by law for such services and no more.

SEC. 3. Each and every such settler shall prove before the Coun-

ty Judge of the County Court of the County in which he or she resides, by the testimony of two respectable citizens of the same county, known to said County Judge, that he or she is *bona fide* settled upon vacant land, and that he or she has resided upon and cultivated the same for the period of three years next preceding the time of making such proof, and the said County Judge shall, after recording in a book to be kept by him for that purpose, the application of such settler, the proof taken in support of the same and the names of the witnesses, shall deliver to such settler a certificate under the seal of his office, upon receiving a fee of two dollars therefor.

SEC. 4. Should any such settler die previous to procuring a patent for the land including his or her settlement and improvement, as provided by this declaration, his or her heir or heirs shall be entitled to the same preference or privileges as the deceased would have been according to the provisions of this declaration. That each and every such settler, upon presenting to the Commissioner of the General Land Office the field notes of his or her survey, together with the duly authenticated copy from the record of the County or District Surveyor of his or her said affidavit, and also his or her certificate, made in accordance with the third section of this declaration, shall be entitled, upon paying to said commissioner the usual patent fee, and no more, a patent upon and for his or her said survey of land; *Provided*, the same does not exceed one hundred and sixty acres.

SEC. 5. All lands which may be settled upon under the provisions of this declaration shall be liable for the State and County taxes from the time of making such survey, and no patent shall issue thereon until all such taxes have been paid. And no individual shall be entitled to or allowed to appropriate or secure more than one tract or survey of land under the provisions of this declaration.

SEC. 6. The provisions of this declaration shall not be so construed as to grant a preemption right to any land which by law is now reserved from location or entry.

Mr. Vaughan moved that Mr. Slaughter be added to the committee to visit the Blind Asylum.

Carried.

Mr. Hamilton, of Bastrop, moved that the Convention resolve itself into committee of the whole upon the report of the Committee on Division of the State.

Carried.

Mr. Flanagan was called to the chair, but was excused from taking the chair.

Mr. Armstrong, of Lamar, in the Chair.

The Committee rose, reported progress, and asked leave to sit to-morrow at 11 o'clock.

Leave granted.

Mr. Mullins moved that the Convention adjourn until to-morrow morning at 9 o'clock.

Lost.

The President announced the business in order was upon the motion of Mr. Hamilton, of Bastrop, to recommit the report of the Committee on Federal Relations, upon the resolution of Mr. Mills, ceding the county of El Paso to the United States.

On motion, the Convention adjourned until 4 o'clock.

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JUNE 30, 4 O'CLOCK, P. M.

Roll called; quorum present.

The President announced the business in order was upon the motion of Mr. Hamilton, of Bastrop, to recommit the report of the Committee on Federal Relations, upon the resolution of Mr. Mills, of El Paso.

Mr. Mills moved the previous question upon the passage of the resolution.

Previous question seconded.

The question then recurred "shall the main question be now put?" upon which the yeas and nays were ordered and resulted as follows;

Yeas—Messrs. Armstrong of Lamar, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Johnson of Calhoun, Kealy, Lindsay, McWashington, Pedigo, Phillips of Wharton, Rogers, Scott, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—35.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Buffington, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, Hamilton of Bastrop, Harris, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Lippard, Long, Mackey, Morse, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Slaughter, Smith of Galveston, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—37.

So the Convention refused to sustain the previous question.

The question then recurred upon the motion to recommit.

Mr. Mills moved to postpone the consideration of the report, and make it the special order for Thursday, at 11 o'clock.

Carried.



The President announced the next business in order to be the report of the Committee on Internal Improvements, with accompanying resolution.

Mr. Flanagan moved that the consideration of the report of the Committee on Internal Improvements be postponed, and made the special order for Monday next, at 10 o'clock.

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

*Resolved*, That the sessions of this Convention shall hereafter be, unless otherwise ordered, from 9 o'clock A. M., until 1 o'clock P. M., of each day.

Mr. Hamilton, of Travis, moved that the rules be suspended to allow consideration of the resolution.

Rules suspended.

Mr. Smith, of Galveston, offered the following amendment :

Amend, "to hold a session from 9 to 1 and from 8 to 10 at night."

Mr. Sumner moved to lay the amendment on the table.

Carried.

Mr. Sumner moved to amend as follows :

Amend, "that no member of this Convention be allowed to speak over thirty minutes at one time."

Mr. Munroe moved to lay the amendment on the table.

Carried.

The question recurred upon the passage of the original resolution.

Mr. Hamilton moved the previous question.

Previous question seconded.

The question recurred "shall the main question be now put?"

The main question was ordered.

The question then recurred upon the passage of the resolution.

The resolution was adopted.

On motion the Convention adjourned until nine o'clock to-morrow morning.

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CAPITOL, AUSTIN, TEXAS,  
July 1, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Carter, Chairman of the Committee on Style, made the following report :