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CAPITOL. AUSTIN, TEXAS,
July 23, 1868.

Convention met pursuant to adjournment.

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

The President announced the committee to proceed to Millican to enquire into the late disturbances, to be Messrs. Sumner, Curtis and Adams.

Mr. Whitmore, from the Committee on Finance, made the following reports :

COMMITTEE ROOM,
July --, 1868.

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

The Committee on Finance have had the resolution offered by Mr. Yarborough, of Wood county, under consideration, requesting the Convention to relinquish to the county of Wood, the State tax for 1868 and 1869, for the purpose of constructing a jail in said county, have had the same under consideration, and instruct me to return the same back to the Convention. and ask that it do not pass.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July --, 1868.

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

Your Committee on Finance, to whom was referred a resolution of the Convention appropriating the sum of two hundred dollars (\$200), to procure a frame for the portrait of General Sam. Houston, have had the same under consideration, and the Committee instruct me unanimously to report the same back to the Convention, and recommend that two hundred dollars, or so much thereof as may be necessary, for the purpose contemplated in the resolution, be appropriated out of the contingent fund of the Convention.

Respectfully submitted,
WHITMORE,
Chairman.

COMMITTEE ROOM,
July —, 1868.

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

The Committee on Finance, to whom was referred a resolution or memorial from A. Siemering & Co., in relation to a resolution passed by the Convention to discontinue the four hundred copies of the San Antonio Express, have had the same under consideration, and have requested me to return the same, and ask that the Express be discontinued, in accordance with the resolution passed by the Convention.

Respectfully submitted,
WHITMORE,
Chairman.

Mr. Flanagan, Chairman of the Committee on Internal Improvements, offered the following report, with accompanying declaration:

COMMITTEE ROOM,
Austin, July 22, 1868.

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

SIR: Your Committee have had before them a declaration presented by the Hon. Mr. Bell, of Austin county, asking the incorporation of a company for the building of a bridge across the Brazos river, and believing it to be a laudable enterprise, and that it does not involve the State in any pecuniary manner, the Committee have instructed me to report back the accompanying declaration, with the recommendation that it pass.

J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

DECLARATION

To incorporate the Bellville, Hempstead and Bryan Bridge Company.

Be it declared by this Convention:

SECTION 1. That J. G. Bell and such other persons as he may associate with himself, are hereby incorporated under the name of the "Bellville, Hempstead and Brazos Bridge Company," and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said company shall have the right to construct a bridge, of iron or wood, across the Brazos river, at or near a point where a straight line from the town of Bellville to the town of Hempstead, in Austin county, Texas, crosses the Brazos river.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, and within five years from the 1st day of January, A. D. 1869; and shall keep the same in good repair for the term of thirty years from the completion thereof; and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge; and be responsible as common carriers under the law for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for a term of thirty years, the following tolls, from all persons who may cross themselves or their property, viz. four-horse or ox stage, or wagon, loaded, fifty cents; for six-horse or ox stage, or wagon, loaded, seventy-five cents; and for each additional pair of horses, mules, or oxen, attached to said wagons, twenty-five cents; for man and horse, fifteen cents; single horse and buggy, thirty cents; two-horse buggies, two-horse or ox wagons, fifty cents; other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and other property not mentioned, in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across said Brazos river, for the space of thirty years, within five miles, on a straight line up and down said Brazos river, from said bridge, which said Bellville, Hempstead and Brazos Bridge Company may construct, and that this declaration be and have effect from its passage.

Mr. Armstrong, of Lamar, offered the following resolution:

Be it resolved by this Convention, That all the resolutions and declarations introduced into this Convention asking the creation of new counties be referred and recommitted to the Committee on Counties and County Boundaries, and that said Committee report by a general declaration such new counties as in their judgment ought to be created and established.

Mr. Armstrong, of Lamar, moved a suspension of the rules to put resolution on its passage.

Rules suspended, and resolution adopted.

By unanimous consent, Mr. Degener introduced a petition from citizens of Bexar county, and asked its reference to the Committee on Counties and County Boundaries.

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

Resolved by the people of Texas in Convention assembled, That a committee of five members be appointed by the President of this Convention, for the purpose of selecting and presenting to this Convention such pretended laws, passed by the pretended secession convention and the pretended legislatures convened in pursuance thereof, as in their judgment should be validated for the well-being of the public interest.

Mr. Armstrong, of Lamar, moved the suspension of the rules, to allow consideration of resolution.

Lost.

Laid over under rules.

Mr. Bryant, of Harris, offered the following resolution :

Be it ordained by the people of Texas in Convention assembled, That all so-called special laws of the so-called Eleventh Legislature of the State of Texas, granting charters and franchises for any purpose or purposes other than the incorporation of educational institutions or benevolent societies of a religious character are, and were, in fact, conservators of influences lately at war with the United States of America, and being mainly composed of men lately engaged in such war, and whose sympathies, socially and politically, are adverse to the Union loving people of this State and nation, and in favor of the "lost cause" of the so-called Confederate States of America, the same are hereby declared to be null and void from the beginning, and as such are repealed; and, it is hereby enacted and declared, that no persons shall exercise, claim, or have any right under, or pretended right under the same; nor shall any such corporation, so-called, be regarded as a person, in the law, for any purpose whatever.

On motion, it was referred to Judiciary Committee.

Mr. Sumner offered the following resolution :

Resolved, That a committee of three be appointed, to inquire into, and report without delay, whether there are more employes in this Convention than necessary.

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

Lost.

Laid over one day.

Mr. Thomas moved that the unfinished business upon the President's table be taken up.

Carried.

The President announced the first business on the table was the following report of the Committee on Contingent Expenses, respecting the journalizing of the proceedings of the Convention :

COMMITTEE ROOM,
July 25, 1868.

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

SIR: The Committee on Contingent Expenses, to which was re-committed the resolution originally reported by said committee, in reference to the substantial recording of the journals of the Convention, and the substitute offered by Mr. Burnett, of Houston, and the motion to amend the substitute made by Mr. Thomas, of Collin, have again had the subject matter under consideration, and are of the opinion that the original resolution embraces all that is necessary or expedient for the Convention to do on the subject; that the price specified is adequate, but not excessive; that the work is such as falls naturally and almost necessarily within the duties of the Chief Secretary of the Convention, who is responsible, and must be so held for its proper execution; that it is not at all necessary, and hardly desirable, that it should be done currently with the sittings of the Convention; and, in the opinion of your committee, the Convention cannot consistently make it the duty of the Secretary to have this work done, and for a certain price, and then require him to transfer the work and pay to another man. The Convention has not provided for such an office as Recording Secretary; and, in the judgment of this committee, there exists no reason for making such an office.

I am, therefore, instructed to report it as the opinion of this committee that the original resolution reported from this committee should be passed, and they therefore report the same back, and recommend its passage.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required to have the journals of the Convention inscribed in a bound volume, such as is commonly used in recording deeds; and the said secretary shall receive the sum of twenty cents for every hundred words of said journals so inscribed, in addition to his per diem pay.

Mr. Burnett offered the following substitute:

WHEREAS, the secretary of this Convention has procured the services of Mr. John C. Morris, to record the Journal of this Convention, in a well bound record book; and

WHEREAS, said Morris has been engaged in said work for more than thirty days, and is still engaged in said work, and is well

qualified to perform said work, in a neat and correct manner; therefore,

Be it resolved, That the Secretary is hereby directed to issue to said John C. Morris, a certificate for pay at the rate of twenty cents for each hundred words recorded.

Resolved further, That the secretary is hereby directed to supervise said record, and see that the same is correctly and properly made.

Mr. Burnett moved the adoption of the substitute.

Substitute adopted.

Mr. Thomas moved to insert \$6 00 per day, instead of twenty cents per one hundred words.

Adopted.

Mr. Gray moved that the whole business be recommitted to the Committee on Contingent Expenses.

Carried.

The President announced the next business in order was upon the following resolution of Mr. Armstrong of Lamar, to adjourn *sine die*:

Resolved, That this Convention adjourn *sine die*, on Friday, the 1st day of August next.

Mr. Bryant of Harris, moved to lay the resolution on the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of Titus, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton, of Travis, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Long, Mackey, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Smith of Galveston, Smith, of Marion, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson, of Milam, Wright—53.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Boyd, Burnett, Cole, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Harris, Harn, Keigwin, Lippard, Morse, Muckleroy, Mullins, Phillips of San Augustine, Rogers, Scott, Slaughter, Whitmore, Yarborough—23.

So the resolution was laid upon the table.

Mr. Thomas moved that the Convention go into Committee on the Whole upon the report of the Executive Committee.

Carried.

[Mr. Whitmore in the chair.]

Committee rose, reported progress, and the adoption of certain sections to the Constitution, and asked leave to be discharged from the further consideration of the report of the Executive Committee.

REPORT OF EXECUTIVE COMMITTEE.

[July 23, 1868—Reported from Committee of the Whole, and made the special order for Monday, July 27, 1868.]

SECTION 1. The Executive Department of the State shall consist of a Chief Magistrate, who shall be styled the Governor, a Lieutenant Governor, a Secretary of State, a Comptroller of Public Accounts, a Treasurer, a Commissioner of the General Land Office, an Attorney General, and a Superintendent of Public Instruction.

SEC. 2. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them, in the presence of both Houses of the Legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the time of his installment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and shall have been a resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

SEC. 5. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law.

SEC. 6. He shall be Commander-in-Chief of the militia of the State, except when they are called into the actual service of the United States.

SEC. 7. He may, at all times, require information in writing from all the officers of the Executive Department on any subject relating to the duties of their offices; and he shall have a general supervision and control over them. He shall have the power of removal of each of said officers for misfeasance, malfeasance, or nonfeasance; but the reasons and causes of such removal shall be communicated in writing by him to the Senate at the first meeting of the Legislature which occurs after such removal, for its approval or disapproval; if disapproved by the Senate, it may restore the displaced incumbent by a vote of that body. If a vacancy occurs in any of the executive offices, by death, resignation or removal, or from any other cause, during the recess of the Legislature, the Governor shall have the power, by appointment, to fill such vacancy, which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation or rejection. If it be confirmed by the Senate, the tenure of office shall continue until the regular return of the periodic election of said officer.

SEC. 8. He shall have power, by proclamation, on extraordinary occasions, to convene the Legislature at the seat of Government; but if the prevalence of dangerous disease, or the presence of the public enemy there, shall render it necessary, then at any other place he may deem expedient.

SEC. 9. He shall from time to time, give to the Legislature information in writing of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end, he may respite a sentence therefore until the close of the succeeding session of the Legislature; provided, that in all cases of remission of fines or forfeitures, or grants of reprieve, or pardon, the Governor shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. Nominations to fill vacancies occurring in the recess of the Legislature, shall be made by the Governor during the first ten days of its session. And should any such nomination be rejected,

the same person shall not again be nominated during the session, to fill the same office.

SEC. 13. During the session of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC. 14. No person holding the office of Governor shall hold any other office, or commission, civil or military.

SEC. 15. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be president of the Senate; and shall have, when in Committee of the Whole, the right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election and be duly qualified; or until the Governor, impeached, absent, or disabled, shall be acquitted, returned, or his disability removed.

SEC. 16. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect, from its own members, a president for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he be impeached, or absent from the State, the president of the Senate for the time being shall, in like manner, administer the government, until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twenty-five hundred dollars per annum, and shall not be increased or diminished during the time for which he may have been elected; and while acting Governor, the same compensation as the Governor would receive for a like period of service in his office, and no more. The president of the Senate for the time being shall have the same compensation as may be given by law to the Lieutenant Governor; and if called upon to administer the government, in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service and no more. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State, during the recess of the Legislature, it shall

be the duty of the Secretary of State to convene the Senate, for the purpose of choosing a president of the Senate for the time being.

SEC. 17. There shall be a Secretary of State appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 18. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially. The seal shall be a star of five points, encircled by an olive and live oak branches, and the words, "The State of Texas."

SEC. 19. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 20. There shall be a Comptroller of Public Accounts elected by the qualified voters of the State, at the same time, and in the same manner, as the Governor is elected, and having the same qualifications; who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the State; give instructions to the assessors and collectors of taxes; settle with them for taxes; take charge of all escheated property; keep an accurate account of all monies paid into the treasury, and of all lands escheated to the State; publish annually a list of delinquent assessors and collectors, and demand of them an annual list of all tax payers in their respective counties, to be filed in his office; to keep all the accounts of the State, audit all the claims against the State; draw warrants upon the Treasurer in favor of the public creditors, and perform such other duties as may be prescribed by law.

SEC. 21. There shall also be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts; who shall hold his office for the same period of time. He shall receive, and take charge of all public money paid into the treasury; countersign all warrants drawn by the Comptroller of Public Accounts; pay off the public creditors upon the warrants of the Comptroller of Public Accounts; and perform all such other duties as may be prescribed by law.

SEC. 22. A Commissioner of the General Land Office shall be elected by the qualified voters of the State at the same time, and in the same manner, as the Governor, Comptroller of Public Accounts, and Treasurer may be elected, who shall hold his office for a like

period of time, and shall possess the same qualifications. He shall be the custodian of the Archives of the land titles of the State; the register of all land titles hereafter granted; and shall perform such other duties as may be required by law.

SEC. 23. There shall be an Attorney General of the State, having the same qualifications as the Governor, Lieutenant Governor, Comptroller of Public Accounts, Treasurer and Secretary of State; who shall be appointed by the Governor, with the advice and consent of the Senate. He shall hold his office for the term of four years. He shall reside at the capital of the State during his term of office. He shall represent the interest of the State in all suits, or pleas, in the Supreme Court, in which the State may be a party; superintend, instruct, and direct the official action of the District Attorneys, so as to secure all fines and forfeitures, all escheated estates, and all public moneys, to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

SEC. 24. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney General; shall each receive for his services the annual salary now fixed by law; and which shall neither be increased nor diminished during their continuance in office.

SEC. 25. Should a vacancy occur in either of the offices mentioned in the last section, (section 24 of this article,) by death, resignation, or otherwise, it shall be filled by appointment by the Governor, if in the recess of the Legislature, and referred by him to the Senate, on its subsequent assembling, for confirmation. If the Senate be in session when such vacancy occurs, then the Governor shall nominate some fit person to that body, to fill out the unexpired term of the office.

SEC. 26. Every bill, which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it with his objection, to that House in which it originated; which House shall enter the objections at large upon the journals of the House, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objection to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within

five days (Sundays excepted,) after it shall have been presented to him, it shall become a law, in like manner as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation, and disapprove any other appropriation, in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had on that part disapproved, as on other bills disapproved by him; but, if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

SEC. 27. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or being disapproved, shall be repassed in the manner prescribed in the case of a bill.

Committees report read and accepted.

Mr. McCormick moved that two hundred copies of the declaration as reported from the Committee of the Whole, be printed and made the special order for Monday, July 27th, at 10 o'clock.

Mr. Talbot moved that the rules be suspended, to allow the Committee on Education to report.

Rules suspended.

Mr. Smith of Galveston, moved that the reading of report be dispensed with and that it be printed.

Carried

To the Hon. E. J. DAVIS,

President of the Convention:

SIR: The undersigned five members of the Committee on Education, beg leave to submit the following statement of our views in regard to the indebtedness of the railroads of the State to the Special School Fund:

We find that by the legislation of 1839 and 1845, 2,302,560 acres of land were set apart to the one hundred and thirty organized counties of the State, as the basis of a perpetual School Fund. About five-sixths of this amount has been located and surveyed.

The Convention of 1856, in addition to the land grant to the counties, set apart for educational purposes the reserved sections of railroad lands, amounting to 2,548,070 acres; making a total land endowment of 4,850,630 acres.

Your committee is of opinion that many years must elapse before any adequate amount will be realized from the sale of these lands.

Any school system we may adopt will have to depend mainly for support upon other sources of income, until the stable reconstruction of laws and society in Texas shall have produced their good fruits in a more general prosperity and the consequent rise in value of real estate.

In 1854, five per cent. United States specie bonds, to the amount of two millions of dollars, were set apart as a special school fund, to be applied towards the payment of teacher's salaries.

To the history of this fund we invite your special attention.

In 1856, authority was given to loan this fund to railroad companies under certain conditions; the companies giving first mortgage bonds payable in ten years, at six per cent. specie, interest, with a further annual payment of two per cent. as a sinking fund. This act was amended in 1858, but these conditions were unchanged.

Under this law, the Houston and Central Railroad, borrowed in 1858-9, \$450,000. The interest on which was paid to March 1st, 1860.

From this date to January 20th, 1864, no interest was paid. In the month of January, March, April, July and August, 1864, there were made so-called payments of interest in State warrants, amounting to \$105,800 00.

The next payment occurred April 23d, 1866, in specie, to the amount of \$10,830 00.

During 1867, five payments were made in specie, the aggregate amounting to \$27,460.

In the opinion of your committee the so-called payment of interest, in State warrants, during the year 1864, amounting to \$105,800, is not an equitable payment and should not be credited as such. This sum deducted, the indebtedness of the Houston and Central road to the School Fund is as follows:

Interest due to March 1st, 1868.....	\$193,284.59
Principal due	432,090.00
Total	<u>\$625,374.59</u>

The indebtedness of the Washington County Railroad is as follows:

Borrowed of the School Fund June 6th, 1859....	\$66,000.00
Paid to sinking fund June 6, 1860	1,320.00
Total principal due	<u>\$64,680.00</u>

Interest due to March 1st, 1868, after deducting all specie payments	\$31,698.19
Total indebtedness to March 1st, 1868	\$96,378.19
There were so-called payments of interest and principal, made in State warrants during the years 1864, and 1865, to the amount of	\$47,090.20
The Buffalo Bayou, Brazos and Colorado Railroad, borrowed from the School Fund at various times, from March 1st, 1858, to December 17th, 1859, Paid to sinking fund	\$420,000.00 12,000.00
Total principal due	\$408,000.00
Interest due and unpaid to March 1st, 1868	\$210,174.55
Total indebtedness to March 1st, 1868	\$618,174.55
There were so-called payments of interest on this account during 1864, made in State warrants amounting to	\$98,019.25
The Houston Tap and Brazoria Railroad company borrowed in 1859 and 1860, in coin	\$300,000.00
Of which there is now due	295,800.00
Interest due to March 1st, 1868	142,845.71
Total indebtedness	\$438,645.71
So-called payments were made in State warrants during the year 1864, to the amount of	\$69,483.33
The Southern Pacific Railroad Company borrowed of the School Fund in 1862, in specie	\$150,000.00
None of which has been paid.	
Interest due to March 1st, 1868	\$52,625.25
Total indebtedness	\$202,625.25
Texas and New Orleans Railroad borrowed of School fund, in coin	\$430,500.00
Interest due March 1st, 1868	\$164,666.25
Total indebtedness	\$595,166.25

RECAPITULATION OF DEBT.

Houston and Texas Central.....	\$625,374.59
Washington County.....	96,378.19
Buffalo Bayou, Brazos and Colorado.....	618,174.55
Houston Tap and Brazoria.....	438,645.71
Southern Pacific.....	202,625.25
Texas and New Orleans.....	595,166.25
	<hr/>
	\$2,576,354.54

Recapitulation of the amount of State warrants issued by the rebel State government during the war, and paid into the State Treasury as a specie payment on the School Fund debt.

Houston and Texas Central.....	\$105,800 00
Washington County.....	47,090 20
Buffalo, B. B. and Colorado.....	98,019 25
Houston Tap and Brazoria.....	69,483 33
	<hr/>
	\$320,392 78

Your committee is of opinion that none of these so-called payments made by railroads in State warrants, during the late war, should be allowed by the loyal State government.

The policy of the so-called government of the State during the war was to maintain the value of their paper money, or warrants issued for the carrying out of purposes hostile to the United States, and having this purpose in view, the pretended law was passed under which these payments were made.

The foregoing being considered, and your committee being desirous to recommend such a declaration as will secure the school fund of the State in its just claims against these roads, as well as to give the companies a fair opportunity to relieve themselves of these claims without hasty sacrifice of property, I have been instructed to report the following declaration, and to ask that it be incorporated into the Constitution.

DECLARATION

Providing for the sale of such railroads of this State as may be indebted to the school fund.

SECTION 1. *Be it declared by the people of Texas in Convention assembled,* That the railroads within this State which are

indebted to the school fund, to-wit: The Buffalo Bayou, Brazos and Colorado railroad; the Washington County railroad; the Houston and Texas Central railroad; the Houston Tap and Brazoria railroad; the Southern Pacific railroad, and the Texas and New Orleans railroad, shall be sold by the Governor of the State, either at public auction or private sale, as he may order, to any company or individual that will; in the particular case, assume the entire debt that may be due from the railroad to the said school fund; such sale to be under the following terms and conditions:

The company or individual purchasing any of the railroads sold under this provision, to deposit in the treasury of the State, at the time of such sale, the one-fourth part of such indebtedness, which said fourth part may be used, under the supervision of the Governor, in putting the railroad sold in good running order, or in extending the same.

That the company or individual purchasing any of said railroads under the provisions thereof, shall have a term of twenty years within which to complete payment of the indebtedness to the school fund, the payment to be made in equal semi-annual installments, with interest at six per cent. per annum, payable also semi-annually. That should any company or individual, who may purchase under the provisions hereof, fail to make any of the semi-annual payments, either of the amount of indebtedness to said school fund, or of interest due, then the whole amount of such indebtedness and interest shall become due, and the railroad in possession of such company or individual shall be again sold by the Governor, under the terms and conditions of this declaration.

Provided, That, in making the first sale of any of the said railroads, as hereinbefore provided, the Governor shall give a preference to the company or individual at present owning the same.

Provided further, That should the Governor not be able to sell any of said railroads, under the terms and conditions of this declaration, then he may sell the same at public auction unconditionally, for such sums as may be offered for the same.

Provided further, That the indebtedness of said railroads, hereinbefore mentioned, is intended to include the total amount of principal and interest due from said railroads without regard for any pretended payment made during the late rebellion, when such payments were made in any other currency than gold and silver.

JOSEPH W. TALBOT,
Chairman.

J. G. LIEB,

JACOB KUECHLER,

JAMES P. BUTLER.

RALPH LONG,

G. J. RUBY,

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

CAPITOL, AUSTIN, TEXAS,
JULY 24, 1868.

Convention met pursuant to adjournment.

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

Mr. Hamilton, of Travis, rose to a privileged question.

In the report of the debate upon the Millican disturbance, instead of the language, "I admit that the colored men were wrong," it should have been, "admit that the colored men were wrong."

The President announced the appointment of Mr. Thomas upon the Committee to proceed to Millican in place of Mr. Curtis, declined.

Mr. Carter, from the Committee on Political or Legislative, made the following report :

COMMITTEE ROOM,
July 23, 1868.

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

SIR : A resolution offered by Mr. Adams, in reference to the regulation of charters.

A resolution offered by Mr. W. Flanagan, in reference to licensing gaming houses.

Your Committee are of the opinion that these resolutions should have been referred to the Committee on General Provisions.

Returning the same, your Committee respectfully ask to be excused from further consideration of the same, and that they be referred to the Committee on General Provisions.

All of which is respectfully submitted.

CARTER,
Chairman *pro tem.* Committee on Political or Legislative.

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

Resolved, That the Committee to investigate the Millican murders be authorized to employ a clerk.