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So the substitute was adopted.

Mr. Pedigo offered the following amendment :

Amend by striking out the whole of section 16, and inserting in lieu thereof the following, viz :

SEC. 16. The President of the Senate shall be *ex-officio* Lieutenant Governor, and 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, return, or his disability be removed.

By leave of the Convention, the amendment was withdrawn.

[Mr. Evans, of McLennan, in the chair.]

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

Amend by inserting after words "shall be," on third line, the words, "twice the per diem or pay of a Senator," and strike out the words "the same as that of the Speaker of the House of Representatives."

Upon motion, the amendment was adopted.

On motion, section 16, as amended, was adopted.

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

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CAPITOL, AUSTIN, TEXAS,  
July 30, 1868.

Convention met pursuant to adjournment.

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

Mr. Hunt, from the Committee on State Affairs, made the following report and accompanying declaration :

COMMITTEE ROOM,  
Austin, Texas, July 30, 1868.

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

SIR: A majority of your Committee on State Affairs, to whom was referred the declaration introduced by the Hon. T. H. Mundine, of the county of Burleson, to extend the right of suffrage to all citi-

zens of the State over the age of twenty-one years, possessing the requisite qualifications for electors, have examined with much care said declaration, and considered the object sought to be accomplished, and have arrived at the conclusion that said declaration ought to be a part of the organic law.

It was said by George Washington that the safety of republican governments depends upon the virtue and intelligence of the people. This declaration is not a new theory of government; for the first time proposed to be made a part of our republican institutions, the idea of extending the elective franchise to females has been extensively discussed both in Great Britain and in the United States.

Your committee are of the opinion that the true basis of republican government must ever depend on the wisdom and virtue of the people.

In this State our system of jurisprudence is a combination of the civil and Spanish law, intermixed with the common law of England; and this peculiar system, just in all its parts for the preservation of the rights of married and unmarried women, is likely to be continued.

The time was when woman was regarded as the mere slave of man; but that time was when ignorance prevailed, and learning was confined to the few. It was believed, in order to perpetuate the pretended Divine right of kings to rule, that the mass of the people should be kept in profound ignorance, and that woman was not entitled to the benefits of learning at all.

It is not remarkable that as the benign principles of Christianity have been promulgated, that free government has steadily progressed, and the natural and Divine rights of woman have been recognized.

That government from which we borrowed the main principles of our free constitution, and from which we wrested our independence, even to this day, though its soil is dedicated to freedom, its people enlightened and christianized, yet it maintains that the individuality of woman, upon marriage, is lost and swallowed up in the superiority of man.

The principles of the common law have gradually given way to our more advanced ideas of civilization. Under the system of laws now in force in many of the States of the American Union, the natural rights which appertain to human intelligence are guarded and protected by the organic and statute laws of the States.

The old Constitution of the Republic of Texas, the Constitution of the State of Texas of 1845, the laws enacted for the protection of married women, the many learned decisions of the Supreme courts of Texas and Louisiana, and other courts, clearly indicate that the march of intelligence is onward, and that our advanced civilization

has approximated to the period when other and more sacred rights are to be conceded.

Is it just that woman, who bears her reasonable portion of the burdens of government, should be denied the right of aiding in the enactment of its laws ?

It may be truly said that all just governments are founded on the consent of the governed ; yet woman has no voice, and her individuality is lost.

The present generation has more educated women than men, as teachers, as writers, as operators, as clerks, in fact, in every department of life ; in faith, in virtue, in knowledge, in sagacity, in the practice of pure religion, we give it as the result of human experience that woman is the equal and, in many respects, superior to man.

When was it, when a down-trodden people were struggling for freedom of thought, of speech, of action, and, above all, the freedom of conscience, that neglected and always faithful woman failed to keep the fires of patriotism continually burning ?

In no age, country or clime, though woman was almost accounted a servant, has her devotion, patriotism, integrity and self-sacrificing disposition been less than that of man.

In all great moral reforms and distribution of universal charity, in the diffusion of knowledge and virtue, woman has borne well her part.

When the blood of the Savior was poured out upon the mount, she was the last to linger about the cross, and the first at the tomb of the resurrected Lord.

The question of extending the freedom of the ballot to woman, may well claim the attention of the law-maker ; and in view of the importance of the subject, a majority of your committee earnestly recommend the passage of the declaration.

H. C. HUNT, Chairman.

T. H. MUNDINE,

BENJAMIN S. WATROUS,

WM. H. FLEMING,

L. P. HARRIS.

## DECLARATION

*Be it declared by the people of Texas in Convention assembled,* That the following shall be a section of the Constitution of the State of Texas, known as — section of — article :

Every person, without distinction of sex, who shall have arrived at the age of twenty-one years, and who shall be a citizen of the

United States, or is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the State of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he or she offers to vote (Indians not taxed excepted) shall be deemed a qualified elector; and should such qualified elector happen to be in another county, situated in the district in which he or she resides at the time of an election, he or she shall be permitted to vote for any district officer; *provided*, that the qualified electors shall be permitted to vote anywhere in the State for State officers; and *provided, further*, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by the constitution.

Mr. Adams, from the Committee on State Affairs, made the following minority report:

Hon. E. J. DAVIS,  
President Convention:

SIR: We, the undersigned, members of Committee on State Affairs, after examining the declaration presented by Mr. Mundine on female suffrage, respectfully present this minority report, and unhesitatingly state that we are opposed to female suffrage; not because we think them of less capacity than men, but, forsooth, we think that by the very law of their nature they are transcending above an active participation in the government of the country, and because of their native modesty and inborn refinement of feeling, causes every true woman to shrink from mingling in the busy noise of election days. They are conscious that they exercise, by keeping themselves in their appropriate spheres, and by exhibiting all those gentle qualities directly opposed to the rougher sex in their capacities as wives and mothers, an influence mightier, far, than that of the elective franchise. We are opposed to it, further, because we believe that the good sense of every true woman in the land teaches her that granting them the power to vote is a direct, open insult to their sex, by the complication that they are so unwomanly as to desire the privilege.

We, therefore, believe that such a declaration should not pass this body of gentlemen.

P. P. ADAMS,  
A. BUFFINGTON.

Mr. Armstrong of Jasper, from Committee on Political or Legislative, made the following minority report :

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

The undersigned, being a minority of the Committee on Legislation, respectfully dissent from so much of the report of the majority and accompanying declaration as proposes to exclude citizens of our State from the privilege of suffrage for participation in the late rebellion, and so dissent for many reasons, some of which are the following :

We believe that the reconstruction acts of Congress are in the nature of a bill of attainder against this State, and against a very large majority of the citizens thereof, and said acts are *ex post facto* in their enactment and intended operation, and in conflict with the Constitution of the United States, which prohibits Congress passing bills of attainder and *ex post facto* laws ; and therefore this Convention can derive no power from said reconstruction acts by which to abridge or deprive this State, and the people thereof, of the right of suffrage, or any privileges connected therewith, for participation in the late rebellion.

The undersigned further hold to the belief that neither the fourteenth article of amendment, or the said reconstruction acts, authorize this Convention to interrupt or defeat any citizen in the exercise of the privilege of suffrage, by him heretofore enjoyed, for participation in the late rebellion ; nor can any citizen be in any manner charged and adjudged without due course of law.

The undersigned hold to the principle that all men are presumed innocent till declared guilty by due course of law, and that no citizen of the United States can be charged by this Convention for rebellion against the government of the United States, nor prosecuted by the government of the United States, for participation in the late rebellion, after three years from the termination of the same.

If the citizens of our State were ever liable to prosecution by the government of the United States for participation in the late rebellion, then we say that all have been fully acquitted and discharged therefrom by the executive proclamations of amnesty and pardon of December 8, 1863, March 26, 1864, May 29, 1865 and July 4, 1868.

Some contend that the government of the United States obtained Texas by conquest from the *de facto* government of the Confederate States, and if that be true (which is not admitted by us), we hold that the people of Texas, as citizens of said *de facto* govern-

ment, parted with to the United States nothing more than their allegiance to said *de facto* government, according to the usages of nations.

And we say further, that the Confederate authorities did not surrender at discretion, but on terms specified in their treaty of surrender, and which terms have been complied with, and being citizens of the United States by operation of said treaty or treaties, neither by the action of Congress or of this Convention can they be disturbed or defeated in the exercise of all the rights and privileges of citizens of the United States and of this State, including suffrage, for participation in the late rebellion.

It is, therefore, our deliberate opinion, that every male citizen of this State, of European or Mexican origin, who is twenty-one years old, is as legally and fully entitled to exercise the privilege of suffrage as Thaddeus Stevens, of Pennsylvania, and we therefore recommend that so much of said majority declaration as provides for the exclusion of persons from the privilege of suffrage for participation in the late rebellion, or for being in any manner connected therewith, be stricken out.

Respectfully,  
ARMSTRONG OF JASPER,  
WEBSTER FLANAGAN:

Mr. Armstrong of Jasper made the following additional report:

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

The undersigned, being one of the Committee on Legislation, respectfully dissents from the report of the majority, and accompanying declaration, proposing to invest negroes with the privileges of citizenship and suffrage, and say it is my opinion that all political power ought to be and remain exclusively with the races of European and Mexican origin, as heretofore, and that the civil rights of negroes should be subject to the control of future legislation, and the undersigned holds to the belief that negroes are without sufficient understanding for the proper exercise of this privilege of suffrage; are only capable of being the instruments of power in the hands of the white race, to the destruction of good government.

The undersigned has based his conclusions of negro incapacity on many grounds, but at present will refer to the size of his brain, the average of which is sixty-six cubic inches, whilst the average of the East Indian is eighty-four, and of the white man ninety-six, as found by scientific Frenchmen in their measurement of one thousand

of each race; and I also refer this Convention to the history of the negro race since Creation.

And the undersigned believes, that owing to the great physical and mental difference between the white and negro races, they can not, ought not, to be connected in the exercise of political power, and believes that the same municipal regulations are not, can not, be adapted to the white and black races, and that the equality of these races is impracticable and inconsistent with God's Providence.

And the undersigned further says, that it is his opinion that the reconstruction acts of Congress, and such action as may be had by this Convention in controlling the question of suffrage, by virtue of said acts, are in direct conflict with the reserved rights of the State and the people thereof.

Therefore respectfully submit the accompanying as substitute for so much of the majority declaration as declares who shall be citizens of the State, and who shall be qualified voters.

Respectfully,

ARMSTRONG OF JASPER.

#### SUBSTITUTE.

That all persons (except Indians not taxed, and Africans and descendants of Africans,) born or naturalized in the United States and subject to the jurisdiction thereof, and aliens (Africans and descendants of Africans excepted,) who have declared their intention to become citizens of the United States, and actually residing in this State, are hereby declared citizens of the State of Texas.

That every male person who is a citizen of the United States and of this State, who shall have resided in this state \_\_\_\_\_ next preceding an election, and \_\_\_\_\_ within the district or county in which he offers to vote (Indians not taxed, Africans and descendants of Africans excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified elector shall be permitted to vote anywhere in the State for State officers; and provided further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

Mr. Pedigo made the following report from the Committee on Counties and County Boundaries:

COMMITTEE ROOM,  
Austin, Texas, July 27, 1868.

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

SIR: I am instructed by the Committee on Counties and County Boundaries to submit the following declaration and ordinance for the creation of new counties, in accordance with a resolution adopted by this Convention, to report by a general declaration such new counties as ought to be created.

Your committee have carefully considered the various memorials from the people, asking for the creation of new counties for their convenience, and find no reason why the prayer of the petitioners should not be granted. Government is designed for the prosperity, happiness and convenience of the people, and inasmuch as counties of convenient size are necessary to the convenience of the people, who are to bear the burden of taxation, I am directed by the committee to earnestly recommend the adoption of the ordinance herewith presented.

H. C. PEDIGO,  
Chairman.

Reading of the following declarations dispensed with, and ordered printed:

### A DECLARATION

Creating the county of Webster.

SECTION 1. *Be it resolved by the people of Texas in Convention assembled:* That a new county to be called Webster, is hereby established out of portions of the counties of Fannin and Lamar, bounded as follows, to-wit :

Beginning at a point on the south boundary line of Lamar county, seven miles east of its west boundary line, thence north to Red River, thence west with the meanders of said river to the mouth of Bois d' Arc creek and with the meanders of said creek to a point ten miles west of the east boundary line of Fannin county, thence south to the south boundary line of Fannin county, thence east with the south boundary line of Fannin and Lamar counties, to the place of beginning.

SEC. 2. *Be it further declared,* That it is hereby made the duty of the people of said county of Webster to proceed to organize said

county in strict conformity to an act entitled "an act approved March 20th, 1848, for the organization of new counties."

SEC. 3. *Be it further declared*, That it shall be the duty of the county court of Fannin county, as soon as convenient after the passage of this declaration, to organize the said county of Webster by holding elections for the purpose of electing all county officers, or recommending suitable persons to the Commander of the 5th Military District to fill said offices.

SEC. 4. *Be it further declared*, That it shall be the duty of the people of said county, after its organization is completed, to hold an election for the purpose of locating the county site, and a majority voting in said election shall determine the location of said county site.

SEC. 5. *And be it further declared*, That in all general elections the people shall vote with the counties from which they were taken until said county of Webster shall be entitled to separate representation.

SEC. 6. *Be it further declared*, That that portion of the people of Webster county, formerly contained in Lamar county, shall pay *pro rata* their proportion of the public debt, due by Lamar county, at the adoption of this declaration, to be ascertained by commissioners appointed for that purpose by the county courts of Webster and Lamar counties.

SEC. 7. *Be it further declared*, That this *pro rata* tax, hereinbefore mentioned, shall be collected in accordance with the plan adopted by Lamar county, for the extinguishment of its public debt. *Provided*, however, that the county court of Webster county shall only enforce the collection of twenty-five per cent. annually, of the *pro rata*. And, provided further, that no tax shall be levied for this purpose prior to the year 1869.

SEC. 8. *Be it further declared*, That section —, of this declaration be so amended as to read, "Honey Grove is hereby declared to be the county site of Webster county."

SEC. 9. *Be it further declared*, That this declaration take effect and be in force from and after its passage.

## A DECLARATION

### Creating the County of Oakland.

SECTION 1. That all the territory comprised within the following lines, shall be a new county, to be called the county of Oakland, to-wit:

Beginning at the point where Denton creek in Gonzales county,

unites with Pluck creek in Gonzales county, thence north forty-one degrees, west twenty-four miles; thence north thirty-seven degrees, east sixteen and three-fourth miles, thence south seventy-five and a half degrees, east fourteen and three-fourth miles, thence south thirty-three degrees, east seventeen and three-fourth miles, thence in a direct line to the place of beginning.

SEC. 2. That the town of Hopkinsville, in the present county of Gonzales, shall be the county seat of said county of Oakland.

SEC. 3. That at the first general election hereafter held for county officers, the said county of Oakland shall be organized by the election of such officers as other counties have under the laws of this State, and that William J. Stemberry, N. T. Miller, and K. L. Fry, be and they are, hereby appointed commissioners, with full power and authority to superintend and conduct said election and give certificates to the persons elected.

## A DECLARATION

### Creating the County of Delta.

SECTION 1. *Be it declared by the people of Texas in Convention assembled:* That all the territory comprised within the following boundaries, shall be a new county, to be called the county of Delta. Beginning in the county of Hopkins at a point the confluence of the north and south Sulphur prongs of Red River, thence south with the south fork of said Sulphur to a point the confluence of south and middle Sulphur, thence up middle Sulphur to the ninety-sixth degree of longitude, thence with said lines north to the point where said line crosses north Sulphur, thence with the meanders of the said north Sulphur to the place of beginning.

SEC. 2. *And be it further declared,* That it is hereby made the duty of the county court of the county of Hopkins, to organize said county of Delta in strict conformity to an act entitled "an act to organize new counties, approved March 20th, 1845.

SEC. 3. *It is hereby further declared,* That it shall be the duty of the people of said county to recommend to the Commanding General of the Fifth Military District, suitable persons to fill all the offices in said county; Provided, however, if no election shall be held for that purpose, then application is to be made to the Military Commander.

SEC. 3. *And be it further declared,* That the qualified registered voters of said county shall locate the county seat; a majority of those voting shall be sufficient for that purpose.

SEC. 4. It shall be the duty of the county court to levy a special tax, which shall not exceed in amount that collected by the laws now in force, and said court is hereby authorized to issue county bonds, payable in five years from the date of issuance. Interest upon said bonds shall be paid yearly. The bonds and taxes so collected to be used in building a court house and jail for said county.

## A DECLARATION

### Creating the County of Richland.

SECTION 1. *Be it declared by this Convention*: The following territory, to-wit:

Beginning at the north-west corner of Freestone county, Texas, thence running south sixty degrees west to eastern boundary of McLennan county, thence north thirty degrees west with the north-east line of said McLennan county to the north-east corner thereof, thence on a straight line to the south-west corner of Ellis county, thence north sixty degrees east with the south-east line of the same to a point opposite the place of beginning, thence south thirty degrees east to the place of beginning, shall be and constitute a new county to be called the county of Richland.

SEC. 2. That the Commanding General of the Fifth Military District is hereby requested to appoint a county judge, county clerk, and all the other officers to which a county in Texas is entitled in and said county.

SEC. 3. That the county judge or the county commissioners of said county, upon their qualification, shall proceed to select the county site thereof.

SEC. 4. That said county, for the purpose of district court jurisdiction, shall be and remain for the present, a part of Hill county, Texas.

## A DECLARATION

### Creating the County of White.

SECTION. 1. *Be it declared by the people of Texas in Convention assembled*: That all the territory comprised within the following boundaries, shall be a new county, to be called the county of White, having Pilot Point as county site of said county of White, to-wit:

Beginning on the east bank of Elm Fork of Trinity river, on the south boundary line of a survey made for J. W. Visor, about ten miles north, forty-five degrees east from the town of Denton, thence south-east to the south-west corner of a survey made for T. Button, on Doe branch, thence east to the east boundary line of Denton county and passing said line corner in Collin county, thence north parallel with the west boundary line of Collin county to the north boundary of Collin and passing said line six miles corner in Grayson county, thence west and parallel with the north boundary line of Denton to Elm Fork of Trinity, thence with the meanderings of the stream to the place of beginning.

SEC. 2. *And be it further declared*, That it is hereby made the duty of the county court of Collin county to organize said county of White in strict conformity to an act, entitled an "act to organize new counties, approved March 20th, 1845."

SEC. 3. *It is hereby further declared*, That it shall be the duty of the people of said county to recommend to the Commanding General of the Fifth Military District, suitable persons to fill all the offices in said county; Provided, however, no election shall be held for that purpose.

Mr. Fayle introduced the following declaration, and asked its reference to the Committee on Internal Improvements without reading.

### DECLARATION

Incorporating the Bolivar Point and Houston Ship Channel Company.

*Be it enacted by the people of Texas in Convention assembled:*

SECTION 1. That R. O. Love, W. J. Hutchins, J. G. Tracy, J. H. H. Perkins, Elias Dibble, A. S. Richardson, J. S. Bachelder, W. A. Daly, M. N. Brewster, S. Harper, Sandy Parker, C. B. Sabin, J. C. C. Winch, J. H. Manly, Richard Allen, J. R. Morris, A. McGowan, Erastus Carter, T. W. House, F. D. Allan, W. R. Baker, C. E. Gregory, H. R. Allen, John Shearn, S. S. Bearce, J. P. Blessing, Charles Chapman, M. J. Elliott, T. H. Scanlon, R. Cohen, M. DeChauncey, Shade Croome and Theodore Behring, of Harris county, T. H. Mundine, of Burleson county, Texas, W. Sprague, of Rhode Island, E. M. Haines and J. A. Logan, of Illinois, and James W. Nye, of Nevada, and their associates and successors, be and hereby are created a body corporate and politic,

under the name and style of the Bolivar Point and Houston Ship Channel Company, with the authority in said corporate name to contract, sue and be sued, to plead and be impleaded with, to grant and sell, mortgage, pledge, purchase, receive and hold both real and personal property, to borrow money, and to issue its bonds for the payment thereof, to make by-laws for its regulation and government, and generally to do and perform all such acts and things as may be necessary, proper for, or incident to the fulfillment of its obligations, or the maintenance of the rights under this act accruing, and consistent with the Constitution of the State of Texas.

SEC. 2. That the said company shall have the exclusive right to construct a ship basin in the city of Houston, to such extent as may be requisite for the facilities of commercial purposes, and all wharves necessary thereto; and a ship channel from said basin through Buffalo Bayou, and the waters lying between said bayou and the Gulf of Mexico, to the said Gulf at Bolivar channel, and for the said purpose shall be authorized to perform such dredging, construct such locks, and make such excavations in the said bayou, and on the banks thereof, and in the waters aforementioned, and through the bars which lie in said waters between the mouth of Buffalo Bayou and Bolivar Channel, as may seem to them proper and necessary for the purposes of excavating said basin, and of widening said channel, and deepening said bayou; they shall have the right to remove such portion of earth upon the banks as may be necessary to make said channel from nine to fourteen feet deep, and to make said bayou one hundred and fifty feet wide at its narrowest part; and to make such ship basin of the required extent, and to appropriate such lands as may be necessary for these purposes, making compensation to the owners thereof in accordance with the general railroad law of the State.

SEC. 3. That the said company, after the channel has been constructed to a depth and capacity sufficient for sea-going vessels drawing nine feet of water, to reach the city of Houston, shall be authorized to collect toll of all vessels passing through said channel, or discharging on its margin, such tonnage and wharfage as said company may establish, not to exceed that which the city of Houston is now authorized by law to impose upon all vessels arriving within its limits; and should the city of Houston cede to said company its privilege of collecting tonnage of all vessels navigating Buffalo Bayou within its corporate limits, as hereinafter provided for in this act; then the said company shall also be privileged to collect exclusive tonnage of all vessels navigating said channel and bayou, at a rate not exceeding twice the amount collected by the city of Houston for the whole route, and in similar proportion for fractional parts.

SEC. 4. That the capital stock shall be one million dollars, with the privilege of increasing the same, from time to time, to five million dollars, said stock to be divided into shares of fifty dollars each, five per cent. of which shall be paid on subscription, and the balance in installments of twenty per cent each; provided, that not more than one installment shall be called for every three months. Each share shall entitle the holder to vote in person, or by proxy, at the meetings of said company; said stock only to be transferable on the books of said company, either by the owner or his attorney.

SEC. 5. That upon the completion of the said channel, as provided for in this act, the company shall be entitled to receive from the State such grants of land as are granted to railroads under any act or acts heretofore passed.

SEC. 6. That the city of Houston shall be authorized and privileged in its corporate name to become a subscriber to the stock of said company, in an amount equal to one-third of the capital stock of the same, and to issue her bonds to cover said subscription, payable ten years after date of issuance, and bearing issuance at the rate of seven per cent. per annum, payable semi-annually, with coupons attached representing the same; said bonds to be received by the company at such rate as may be agreed upon between the mayor and board of alderman of the city of Houston and said company; provided, however, that said bonds shall not be issued or subscribed at a less rate than seventy-five cents on the dollar; that said subscription shall only be made by a two-thirds vote of the city council, in conjunction with the mayor; and that the bonds so issued shall bear the seal, and be signed by the city secretary and mayor.

SEC. 7. That upon issuing said bonds, as provided for in the preceding section, the city council shall by ordinance provide for the levying of a special tax, to be collected semi-annually on all property subject to taxation within the city limits, for the payment of the interest on said bonds issued, and the money so collected by tax shall not be used for any other purpose whatsoever; provided that such ordinance levying special tax shall not be enforced unless agreed to by the people at an election held for that purpose, at the Court House, due notice of which election shall have been given two months previous thereto, and the tickets be inscribed "For," or "Against tax for Ship Channel."

SEC. 8. The city of Houston on subscribing to the stock of said company, shall cede to the same all right and privilege existing under the city charter, to collect tonnage of all vessels navigating Buffalo Bayou within the city limits; provided, that all dividends arising to the city upon its stock in said company shall be set apart

as a sinking fund for the liquidation of said bonds, and the city shall retire said bonds by consecutive numbers, as fast as said sinking fund shall enable her to do so.

SEC. 9. That the stock held by the city of Houston shall not be transferable, unless the city shall first retire the bonds authorized to be issued under this act; and that the privilege of collecting duties on tonnage ceded to said company shall continue so long as said company shall keep said channel open to a depth of at least nine feet, and to a width of not less than one hundred and fifty feet at its narrowest part; and upon a failure to do so, it shall revert back to the city of Houston; and provided further, that whenever said company shall increase its capital, the city shall be privileged in like manner as heretofore stated, to subscribe one-third of the increased amount.

SEC. 10. The management of said company shall be confided to a board of eleven directors (exclusive of the mayor, should the city subscribe), consisting of R. O. Love, W. R. Baker, F. D. Allan, C. B. Sabin, John Shearn, W. J. Hutchins, J. O. C. Winch, M. N. Brewster, Richard Allan, L. S. Bearce and J. S. Bachelder, of whom R. O. Love shall be President; C. B. Sabin, Vice President; John Shearn, Secretary, and W. J. Hutchins, Treasurer. Said board of directors shall continue in office until one year after one hundred and fifty thousand dollars have been subscribed and paid in. Thereafter they shall be elected annually by the stockholders from among themselves. And should the city of Houston subscribe to the stock of said company, the mayor shall act as a director, and vote as such at all meetings of the board.

SEC. 11. The directors shall be elected annually from the stockholders, and shall elect from their number a president, vice president, secretary and treasurer; they may also appoint such other officers and agents as they may consider necessary and proper, and require bonds for the faithful performance of their duties; they shall make by-laws for conducting the affairs of the company; and for their own guidance they shall keep, or cause to be kept, accurate records of all their transactions, and the meetings of the company, and of the receipts and disbursements throughout; which books shall be subject at all time to the inspection of the stockholders, and they shall cause to be published in pamphlet form, at least once a year, a full report of the condition, finances and transactions of the company.

SEC. 12. That the said company shall be authorized to construct and own such dredge boats, tugs, machinery, tools, wharves, slips, buildings, or other property, of any and every description, as may be necessary, convenient for, or incident to the prosecution or man-

agement of the said ship basin and ship channel; and the directors shall be further authorized to receive subscriptions to the stock of said company in money, land, town lots, real or personal estate of any description, at such valuation as may be determined upon between them and the person subscribing the same, and to hold or alienate the same, or realize money on the same by mortgage or otherwise. But the directors shall not be authorized to issue bonds in any way affecting the dividends to be derived by the city of Houston on its stock, until said bonds of the city shall have been retired; nor shall any bonds affecting the franchise or property of the company be issued by the directors, unless authorized by a vote of three-fourths of the stockholders, at a meeting held for that purpose, after thirty days' notice.

SEC. 13. That the directors of said company shall have power to dispose of the shares in its capital stock in such manner and on such terms as they may deem best for the interests of the company, and that an agreement in writing whereby any one shall become a subscriber for stock may be enforced by said directors in the name of the company in any court having jurisdiction; and that vacancies in the board of directors may be filled by the board from among the stockholders.

SEC. 14. That the dividends arising out of the profits of the company shall be made semi-annually, but no dividend shall be made impairing the capital stock.

SEC. 15. That the office of the company shall be located in the city of Houston, and that this act of incorporation shall continue in force for one hundred years, unless sooner forfeited, and shall take effect from the passage of this act.

It was so referred.

Mr. Boyd introduced the following resolution, and asked its reference to the Committee on Counties and County Boundaries.

*Resolved*, That the following section be incorporated in the new constitution, and made a part thereof:

That the Legislature shall, at its first session after the adoption of this constitution, provide an act allowing the seats of justice that are now or hereafter established in any of the counties of this State to be removed only upon condition that all depreciation of property, to owners, occasioned by the said removal, shall be fully and adequately made up by compensation therefor.

It was so referred.

Mr. Thomas offered the following resolution:

*Be it resolved*, That this Convention will not establish any new

county the creation of which would reduce the county or counties, or any one of them from which it is proposed to be taken, to a less area than nine hundred square miles ; and, further, that the consideration of all declarations relating to the creation of such new county or counties is hereby indefinitely postponed.

Mr. Thomas moved a suspension of the rules to take into consideration the resolution.

Lost.

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

*Resolved*, That no resolution, declaration, or any new matter, shall be introduced into this Convention from and after Saturday (next) first day of August, and that this Convention will confine its action to such matters alone as are now on the Speaker's table, and such other matter as will be reported by committees.

Laid over under the rules.

Mr. Ruby moved that the rules be suspended, to allow consideration of a resolution for the pay of mail carrier Slaughter.

Rules suspended.

Mr. Armstrong, of Lamar, moved that the resolution be referred to Committee on Contingent Expenses.

It was so referred.

Mr. Hamilton, of Travis, offered the following :

## DECLARATION.

WHEREAS, This Convention has information that many children and other persons, citizens of Texas, are held captive by the Indians; and

WHEREAS, The funds subject to the control of the Governor for the relief of such persons who are, have been, or may hereafter be held captive, or as prisoners of war, by the Indians, is insufficient for the purpose ; therefore,

*Be it ordained by the people of the State of Texas in Convention assembled*, That the sum of ten thousand dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any of the funds in the treasury not otherwise appropriated, to be used by the Governor, under such rules as he may prescribe, in procuring the release of children or other persons, citizens of this State, who are now, have been, or may hereafter be held captive, or as prisoners of war, by the Indians.

Mr. Hamilton, of Travis, asked the suspension of the rules for immediate consideration of the resolution.

Rules suspended.

The question recurred upon the second reading of the declaration.

Read a second time and agreed to.

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

Rules suspended, resolution read third time and passed.

Mr. Sumner offered the following resolution :

*Resolved*, That the Enrolling Clerk of this Convention be added to the Committee to Investigate the Riot at Millican, to act in the capacity of clerk.

Mr. Sumner moved that the rules be suspended to consider resolution.

Rules suspended.

Resolution read and agreed to.

Mr. Thomas asked to be excused from service on the committee appointed to proceed to Millican, and that Mr. Constant be added to the committee.

Motion of Mr. Thomas agreed to.

The President announced the business in order was upon the motion to reconsider the vote by which the amendment offered by Mr. Evans, of McLennan, to the report of the Committee on Internal Improvements, was laid on the table.

Mr. Hamilton, of Travis, moved that the whole matter be made the special order for next Tuesday, the fourth of August, at ten o'clock.

Carried.

Mr. Constant offered the following resolution :

*Be it declared by the people of Texas in Convention assembled*, That the canine species are property, and as such are subject to a capitation tax.

Mr. Evans, of McLennan, moved the rejection of the resolution.

Resolution rejected.

Mr. Carter offered the following resolution :

*Resolved*, That the sum of sixteen dollars per day be the per diem of the Hon. E. J. Davis, and that the Secretary of the Convention be instructed to issue to him a certificate for that amount.

[Mr. Evans, of McLennan, in the chair.]

Mr. Hamilton, of Travis, moved a suspension of the rules for immediate consideration of the resolution.

Rules suspended.

Objection being made by the President, at the request of the President of the Convention, leave was granted for the withdrawal of the resolution.

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

*Resolved*, That the Comptroller be directed to draw upon the Treasurer his warrant for the amount of pay due the Postmaster for his services, as set forth by the Secretary's certificate.

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

Lost.

The President announced the unfinished business in order was the report of the Executive Committee, acted upon yesterday.

Section seventeen, upon motion, was adopted.

Section eighteen, upon motion, was adopted.

Section nineteen, upon motion, was adopted.

Mr. Buffington offered the following amendment :

Strike out all of first line after "accounts," and all of second line to "who," and insert, "appointed by the Governor, by and with the advice and consent of the Senate."

On motion of Mr. Flanagan, the amendment was laid on the table.

Mr. Thomas offered the following amendment :

Amend by striking out the word "to," before the word "keep," in line seven.

Amendment agreed to.

Mr. Munroe offered the following amendment :

Section 20. Strike out, in second line, the words : "and having the same qualifications," and insert, "and who shall be at least twenty-five years of age ; a citizen of the United States ; and shall have been a resident and citizen of the State of Texas for one year immediately preceding his election."

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong, of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Carter, Cole, Coleman, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Hamilton, of Travis, Harn, Horne, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Slaughter, Smith, of Galveston, Stockbridge, Thomas, Varnell, Wilson, of Milam, Wright, Yarborough—46.

Nays—Messrs. President, Bell, Bryant, of Harris, Butler, Burnett, Curtis, Degener, Downing, Evans, of McLennan, Foster, Gaston, Goddin, Hunt, Kendal, Kuechler, Lippard, McCormick, McWashington, Munroe, Newcomb, Patten, Posey, Ruby, Schuetze, Watrous, Whitmore, Williams, Wilson, of Brazoria—28.

So the amendment was laid on the table.

Mr. Slaughter offered the following amendment :

Section 20. Ninth line : amend by striking out " prescribed," and insert, " required of him."

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

Carried.

Section twenty, upon motion, was adopted.

Mr. Munroe offered the following amendment :

Amend by inserting, in second line, instead of the words, " having the same qualifications as the Governor and Comptroller of Public Accounts," the words, " shall be twenty-one years of age, and an elector for members of the Legislature."

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Carter, Cole, Evans, of Titus, Fayle, Flanagan, Fleming, Gaston, Goddin, Grigsby, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mills, Morse, Muckle-roy, Mullins, Mundine, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Smith, of Galveston, Stockbridge, Thomas, Varnell, Watrous, Wilson, of Milam, Wright, Yarborough—45.

Nays—Messrs. President, Bell, Bryant, of Harris, Butler, Burnett, Curtis, Degener, Downing, Evans, of McLennan, Foster, Hunt, Jordan, Kendal, Kuechler, Lippard, McCormick, McWashington, Munroe, Newcomb, Oaks, Patten, Posey, Ruby, Slaughter, Smith, of Marion, Whitmore, Wilson, of Brazoria—27.

So the amendment was laid on the table.

Mr. Evans, of McLennan, offered the following amendment :

Amend, in line one, section 21 : strike out the word " also," after the word " shall."

Amendment agreed to.

Mr. McCormick moved to strike out the letters " mp," in the word " Comptroller," and insert the letter " n."

Amendment adopted.

Section twenty-one, upon motion, was adopted.

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

Strike out of fourth line, after the word " register," the words " of " and " all ;" and after the words " land titles," succeeding, the words " hereafter granted."

On motion, the amendment was laid on the table.

Mr. Munroe offered the following amendment :

Amend by inserting in the third line, in place of the words, " and shall possess the same qualifications," the words, " and shall be

twenty-one years of age, and a qualified elector for members of the Legislature.”

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

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CAPITOL, AUSTIN, TEXAS,  
JULY 31, 1868.

Convention met pursuant to adjournment.

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

Mr. Degener, from the Finance Committee, made the following report :

Reading dispensed with, and ordered to be printed.

COMMITTEE ROOM,  
July 31, 1868.

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

SIR: Pursuant to a resolution passed by the Convention, to request the Commanding General to cause the Comptroller of Public Accounts of Texas to transmit for the use of the Convention a series of statements, two voluminous documents were transmitted to the Convention, and referred to the Committee on Finance.

The documents are herewith returned, and your committee beg leave to observe that it was never their good luck to examine a report which gave so full and lucid a statement of the complicated machinery of the finances of our State, as that of Acting Comptroller George C. Rives.

The statements enter into the minutest details, and any synopsis drawn therefrom cannot do justice to a report which must be intimately studied to fully appreciate its value, and the amount of labor spent for compiling the same.

Your committee hold, however, that they would be failing in their duty if they did not reply to the eleven interrogatories of the Convention, by giving the aggregate amounts as furnished by the respective statements of the Comptroller; deem it, however, appropriate to confine themselves to such remarks only as are absolutely necessary, or of an especial interest.