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coming in, and the prospective current wants of the State, forbid the appropriation of any more money from the treasury for the expenses of the Constitutional Convention.

The resolution is respectfully returned without approval.

I am, sir,

Very respectfully,

Your obedient servant,

J. J. REYNOLDS,

Brevet Major General U. S. Army,
Commanding.

Section twenty-seven, upon motion, was adopted.

Section twenty-eight, upon motion, was adopted.

Section twenty-nine upon motion, was adopted.

Section thirty, upon motion, was adopted.

Section thirty-one, upon motion, was adopted.

Section thirty-two, upon motion, was adopted.

Mr. Flanagan moved to strike out from the word "term," in third line, to the word "except," in sixth line.

Amendment agreed to.

Section thirty-three, as amended, was adopted.

Section thirty-four, upon motion, was adopted.

The President announced the death of Mr. Oaks, a member of the Convention.

On motion the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 25, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. McCormick asked leave of absence for Mr. Fayle, indefinitely.

Leave granted.

Mr. Armstrong of Jasper asked leave of absence for Messrs. Evans of Titus, Muckleroy and Gaston.

Mr. Caldwell moved a suspension of the rules to introduce the following

DECLARATION.

Be it declared by the people of Texas in Convention assembled:

That the assessors and collectors of the several counties of this State are required to collect a tax of twenty cents on the hundred dollars worth of property, assessed for State taxes for the year 1868, to pay fees, salary, compensation of delegates and agents, and contingent expenses of this Convention, which assembled by virtue of an act of the Congress of the United States, passed March 23, 1867, entitled "An act supplementary to an act entitled, an act to provide for the more efficient government of the rebel States," passed March 2, 1867, and to facilitate restoration.

SECTION 1. That the taxes herein levied shall be collected and returned by the first day of December, 1868, and the Comptroller shall take all necessary steps and prescribe rules to insure the prompt and efficient collection of the same.

SEC. 2. That the sum of five thousand dollars is hereby appropriated, or so much thereof as may be necessary, for the purchase of books, printing blanks, purchase of stationery, clerk hire, and for contingencies that may arise which are necessary to carry into effect this declaration.

SEC. 3. The Comptroller is hereby required to keep a separate account of all taxes received under this declaration, and the assessors and collectors shall be entitled to commission for collecting the taxes herein levied, as follows: at eight per cent. on the first thousand dollars; at five per cent. on the second thousand dollars; at four per cent. on the third, fourth and fifth thousand dollars; at three per cent. on the sixth, seventh, eighth, ninth and tenth thousand dollars, and one per cent. on all sums over ten thousand dollars.

SEC. 4. The taxes herein levied shall be collected in the same manner as is now provided for the collection of State taxes by the laws in force.

SEC. 5. That all appropriations drawn from the State Treasury for the use of this Convention, shall be reimbursed the State out of the taxes herein levied, and this declaration shall be in force from its passage.

Upon the question to suspend the rules, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Constant, Curtis, W. Flanagan, Fleming, Foster, Goddin, Grigsby,

Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright—48.

Nays—Messrs. President, Armstrong of Jasper, Bryant of Grayson, Cole, Degener, Hunt, Keigwin, Newcomb, Patten—9.

Rules suspended.

Mr. Wright offered an amendment, which was laid on the table.

Mr. Munroe moved the previous question.

Previous question seconded.

The question recurred: "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the second reading of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Brown, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Foster, Goddin, Grigsby, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Milam—39.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Board, Bryant of Grayson, Cole, Constant, Degener, Downing, W. Flanagan, Fleming, Harn, Hunt, Kealy, Keigwin, Kuechler, Newcomb, Patten, Whitmore, Wright—21.

So the declaration passed a second reading.

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

Rules suspended.

Mr. Smith, of Galveston, moved the previous question, upon the final passage of the declaration.

Previous question seconded.

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

So the main question was ordered.

The question recurred upon the final passage of the declaration.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Fayle, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Kirk, Leib, Lindsay, McWashington, Mundine, Munroe, Posey, Rogers,

Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Milam—39.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Cole, Constant, Downing, W. Flanagan, Fleming, Harn, Hunt, Kealy, Keigwin, Kuechler, Newcomb, Patten, Wright—20.

So the declaration was adopted.

Mr. Johnson, of Calhoun, moved to reconsider the vote adopting the resolution ordering the taking a recess by the Convention, upon the 31st of August.

Mr. Newcomb offered the following resolution :

WHEREAS, It has pleased the Almighty God in His divine providence to take from this world the Hon. Wm. E. Oaks, a delegate of this Convention; therefore, be it

Resolved by this Convention, That we bow in humble submission to the decree of the Omnipotent in the death of our brother delegate Wm. E. Oaks.

Resolved, That in the death of Captain Oaks, as a defender of the Union and a loyal citizen, Texas has lost one of her truest sons.

Resolved, That we deeply deplore his sudden death, and tender his surviving relatives and friends our sincere condolence in their sad affliction.

Resolved, That these resolutions be spread upon the minutes of this Convention, and a copy furnished the wife of the deceased.

On motion, the resolutions were adopted.

Mr. Hamilton, of Travis, asked for leave of absence for Mr. Leib.

Leave granted.

On motion the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. McCormick, chairman of the Committee on Contingent Expenses, offered the following report and accompanying declaration :

COMMITTEE ROOM,
Austin, August 24, 1868.

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

SIR : The Committee on Contingent Expenses, to whom was referred a resolution in reference to the payment of a copying clerk, &c., have had the same under consideration, and beg leave to report that they find that J. F. Stokes has been engaged in copying the journals since 15th day of July, 1868, that his services were needed on account of the great pressure which the business of the Convention has put upon the secretaries ; and that said J. F. Stokes has rendered efficient as well as necessary service ; the committee have, therefore, unanimously instructed me to report the resolution back to the Convention, with the recommendation that it do pass.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary be required to issue to the copying clerk, assisting the secretaries, a certificate for his pay, at four dollars per diem, from the date of his employment.

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

Rules suspended.

And resolution agreed to.

Mr. Patten moved a further suspension of the rules, to put resolution on its passage.

Rules suspended.

Resolution read and passed.

Mr. Armstrong, from the special committee, to whom was referred the petition of John Jackson and others, reported as follows :

COMMITTEE ROOM,
Austin, August —, 1868.

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

The undersigned, of your special committee of three, to whom was referred the petition of John Jackson and others, praying that a new county be created, including territory which now forms part of the counties of Polk, Walker, Montgomery and Liberty, with due respect, say they have examined the petition, and decline recommending the creation of such new county, for several reasons, among which are the following :

The petition does not show who of these signers live in Liberty county, or in which of said counties the signers respectively live.

It does not show that there are a sufficient number of voters in said territory as required in such organization.

Mr. Pedigo, one of this committee, fails to recognize any of these signers as citizens of Liberty county, which he has the honor to represent in this body. The undersigned do not feel free to recommend the transfer of the jurisdiction of any portion of said county without first giving the citizens of each and all of said counties full time and opportunity to present all objections which they may have.

And further say, that the creation of such new county will reduce these counties to a diminutive size, (Liberty county contains an area of 1,600 square miles, Polk 1,188, Walker 854, and Montgomery 852,) and may operate to the removal of the respective county seats of said counties; and furthermore, we believe that it will be better policy, and more likely to give satisfaction to the people by the postponement of further action in this respect till the next meeting of this body, affording thereby an opportunity to present their objections, understanding that there are objections to such new county, not yet fully presented.

And this committee respectfully ask to be discharged from the further consideration of the same.

ARMSTRONG, of Jasper.
H. C. PEDIGO.

Mr. Boyd made the following minority report from the Committee on Penitentiary :

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

As one of the committee appointed to visit the State Penitentiary, I respectfully present the following minority report. I cannot concur in the majority report, believing that the statements which, by implication, reflect upon the character of different agents, are unjust:

In a former report from the committee, a full statement as to the convicts, etc., has been presented, and that subject will not again be particularly noted. I dissent from the majority because,

FIRST, The report, after speaking of the salary of the present Superintendent, and proceeds arising from board of guard, reflects to some extent upon this officer. In my intercourse with Mr. Bell, and my examination of his books, I found him to be using all his energy to administer the institution economically and prudently,

providing, as far as he could, with the limited means at his disposal, for the health and comfort of the convicts. I found nothing in his official acts, as well as private intercourse, derogatory to the character of a gentleman. The fact that the guard board with him, and his provisions are purchased by the wholesale, is no evidence of malfeasance. This was the custom long before he came into the office; and, from my observation, the guard should board where they do, and be subject to his control at all times, he being charged with the grave responsibility of safely keeping the convicts. If any of them are dissatisfied with their boarding house, as seems to be the case in the majority report, the service is not compulsory, and they can leave and find service elsewhere. Others can be employed. I do not think it prudent or advisable for the guard to be allowed to scatter around promiscuously, and probably be absent at some critical moment. What I have said of Mr. Bell can be justly applied to Colonel Sinks, the Financial Agent. From what I could learn from a limited acquaintance, and, laboring as he does under the pressure of limited finances, he deserves at least credit for his acts.

In the majority report another reflection is made in reference to the administration of the previous financial agent, Dr. Dickson, whose acts and accounts I have, with some care, inquired into. It is shown that, from September, 1866, to July, 1867, the average price paid for cotton was seventeen cents per pound, and the operation following that in September or October, 1866, cotton could be had at seven to nine cents. This may be so. I did not inquire; but it is not material. It has not been long since the store-room and cotton there were burned. There is no provision for insurance; and no law I know of authorizes the agents to go in debt and pay ten to twelve per cent. interest on the money necessary to pay for a year's supply of cotton in order to get it cheap. The agent had to take the cotton at the price it bore in the market, as he needed and could purchase; and the implication that the loss of the difference in fluctuation of the value of cotton is chargeable to him is unjust. I have examined his vouchers upon which his books are based, and find no grounds for complaint. Nor is the agent culpable because, at the advance of cotton, he purchased cotton and run the factory, when, as shown in the report of the majority, the depreciation in price of fabrics reduced sales to below the actual value of raw material, without reference to wear and tear of merchandise and full labor; and, though the institution be leased out, I do not see that these difficulties can be solved or obviated. I have, so far as I could do so, examined the vouchers, books and accounts of the previous agent, Dickson, and find no discrepancy or malfeasance; and, though his books may not be as perfect as the rules of counting houses re-

quire, I found them neat, balanced, and closed, making a fair and honest showing of his business. Each item in the books, so far as I could observe, was supported by proper vouchers; and the statement in the majority report that \$14,034, of funds received, is not shown on his books, and he is thereby guilty of culpable neglect, is error.

The report is cautiously worded, refusing to directly say his books are evidence of malfeasance, but states just enough to leave that impression on the mind, and do injustice to a man whose honor is unimpeached. His reports up to July, 1867, were made out together with a full statement of the superintendent, showing the internal working of the institution, and finances, up to that date. The vouchers neatly filed, numbered and abstracted, accompanied the same, and was passed upon by the Comptroller, W. L. Robards, no error being found, and I found none since that period, and up to the time he left his office. His report was also made out in proper form, consisting of vouchers, abstracts, specie and merchandize, accounts and final account of merchandize and account current. This last report was presented to the directors appointed by Governor Pease, and they declined examining the same, though urged by the agent. The refusal caused delay, and so it remained, as under the law, before the financial agent's account can be admitted in the Comptroller's office, it must be examined and approved by the directory. This subsequent report and the books for that period I have looked into and find no error. The vouchers and reports are in the Comptroller's office, and any one can examine as to the correctness of my statements. The amount, \$14,034, omitted, as stated in the majority report, is accounted for by proper vouchers. It is true Perkins, Swenson & Co., and the others, are not charged on the books of the agency, for, as I understand the books, Dickson never sent them any goods, and, as in case of the others, the funds came into their hands as agents of McMahan & Co., and is accounted for to Dickson in his report. And I do not see any sense in encumbering the books with duplicate accounts relating to the same matter, which is embraced and fully accounted for in Dickson's account with McMahan, and shown by return sales of McMahan & Co., which are introduced as vouchers to his report. I cannot see any secret suppression in the matter, and the imputation, unless better founded, I cannot endorse. I do not know what other members of the committee have done, but having the interests of the State on one side and the integrity of its officers on the other, have tried to get at the facts, and do justice to both. Nor do I concur in the idea that because offices which necessitate confidence in men and whenever there is a chance to steal from the public it is never passed, and that, therefore, all officials are rascals, and the judgment upon their

character is by consent. I do not endorse this, though I know or believe that bad men do get into office as well as good men.

The want of harmony and system in the administration of the institution, and of proper order and rules in the accounts and vouchers, is the result of defective laws and the ever changing and vacillating policy of appointing new officials. By the time one agent begins to learn his duty, and from experience be able to provide for the demands upon him, he is ousted, and some new aspirant, who, perhaps, unable to make a living by honest labor, or to manage his own finances (if he ever had any) is put to school to learn at the expense of the State the duties of the position. I find this to be the history of that institution, and unless some wholesome change be made, and these difficulties obviated, the institution will always be bankrupted. To this cause do I attribute the confusion that has prevailed there. It is evident that the institution has within the last eighteen months sustained heavy losses in the sale of its manufactured fabrics, but to give any positive reason is not so easy, showing how and why it occurred, as several causes seem to be blended. The overflow of Galveston damaged one hundred and fifty-eight bales of goods, as shown in McMahon's account, but to what extent is not known, as the committee have taken no proof on the subject. I find no report of any Board of Survey assessing the loss by that. Another fact, all cotton fabrics in the fall of 1867 fell very much below their usual standard, and sales made at this period did not realize the cost of raw material by perhaps one or two per cent. It was error, perhaps, in the agent, not restricting the sale of the goods in the hands of his agents, McMahon & Co., but at the time he was prostrate with yellow fever, and when he could act had his own and the duties of superintendent to discharge. The new appointees by Governor Pease, in consequence of yellow fever, failed to come. The clerk ran away from the fever, the guard sickened and died, and the financial agent had to telegraph to Galveston for a guard that was fever proof, and finally, when stricken down by the disease himself, he employed General Besser's former financial agent to keep the books and attend to the duties of the office, refusing to close the office notwithstanding his own life was endangered, and knowing he had been removed, he still remained at his post and did his duty. But few men would have done this, and the statement of the facts is sufficient evidence of his integrity.

I attach a copy of the agreement with McMahon & Co., in regard to the sale of the goods. I am no commercial man, but think the latitude allowed them in the sale of the goods consigned to them rather unlimited, but from the papers, if any culpability exists, it must attach to them, unless they can show that at the time the goods

were forced upon the market, and sacrificed by them at prices less than the cost of the raw material, (which they must have known) and that it was to meet an actual demand for money by the financial agent, which they did not have to advance, they ought to be accountable for the deficit.

The policy of the agent to consolidate the sales, was, I think, better than to scatter them over the country and bring different agents of the same goods in competition. In my examination of the charges of McMahan & Co., I do not think, in every instance, they correspond with his written undertaking, and should be inquired into. I am informed by parties that McMahan & Co. were to make regular returns to the agent, showing his accounts, but had it been done during the prevalence of the epidemic, the agent could not have attended to it then, being prostrate with fever. Another cause of heavy expenditure, with no corresponding income from the same source, was the surplus convicts, some 150 or 160, that, under Throckmorton's administration, were hired to work on the railroads, and the State Penitentiary thus relieved of that expense, were thrown back upon the institution to be clothed and supplied with medicines, and no employment for them; and here it will be well to observe, that in order to avoid the gradually increasing surplussage of idle hands that must be fed, clothed, etc., the institution must be enlarged or a new one erected.

It was my intention to present specie reports, showing quarterly receipts of expenditures and receipts during the administration of Dickson and the present incumbent; but it could not be done in the limited time allowed me, as I had no clerk. I could, therefore, only compare the books and vouchers and examine the report of the agent as heretofore stated.

It will take a good accountant at least one month to make out the papers for such a report. But to give an idea of the working capacity of the institution, I will state that in the year 1867 the factory produced 1,401,65 yards, viz: 1,203,430 yards osnaburgs, 58,810 yards cotton jeans, 86,180 yards of woolen kersey, 13,463 yards of woolen plaids, 3,024 yards of sheeps' gray. Besides this it produces a large quantity of thread of various kinds, manufactures some furniture, plows, shoes and hats. The expense per quarter is from \$40,000 to \$70,000, varying in proportion to the amount of supplies and material. The 1,401,065 yards, at an average value, would yield, at twenty cents, the annual sum of \$280,213 00. But it must be remembered that a large amount of the fabrics are consumed annually in clothing, &c., but against this stands the receipts of other materials and manufactured articles. From this rough estimate it will be observed that if the institution

could be disencumbered of old debts and the surplus hands, and a settled policy adopted, it should yield some revenue to the State. Under the present law the financial agent has to pay sheriffs and guards for transportation of convicts to the Penitentiary, and this is a heavy item of expense. As an instance, from Brownsville, on the Rio Grande, last year, was sent, at one time, forty-two convicts, from one term of the district court there. The expense and mileage of sheriffs and guards cost the Penitentiary \$3,776 32 in gold, and the charge was reduced at that.

It seems to me that a change in the law in this respect is necessary, and require each county to meet these expenses and thus relieve the Penitentiary of the burden.

With proper regulations, and a stable financial policy, a revenue annually will be paid to the State by that institution.

Very respectfully submitted,

J. B. BOYD.

We concur in the above report with J. B. Boyd.

C. T. DUVAL,

— HARN,

J. R. SCOTT.

Reading dispensed with and ordered to be printed.

Mr. Goddin made the following report from the Special Committee respecting petition from citizens of Polk county for the creation of San Jacinto county :

COMMITTEE ROOM,
Austin, August —, 1868.

Hon. E. J. DAVIS,

President of the Convention :

The undersigned, appointed on a special committee, to whom was referred a declaration and petition of the people of Polk county, praying the creation of a new county out of a part of Polk, Walker, Montgomery and Liberty counties, as defined by petition of said citizens of said parts of counties, beg leave to report that the inhabitants of said territory are subjected to many and serious difficulties to the interest of the loyal people of said territory. Outside of heavy ferriage in crossing and re-crossing Trinity river, there are many other streams of a difficult crossing in high water, which are frequently dangerous and impossible to cross. They are, also, at such a remote distance from their respective county sites as to render it impossible to attend courts, or other proceedings at their county sites, without incurring such expense as in their impoverished

condition they are not able to incur. The minority of your committee, therefore, beg leave to report and recommend that this prayer of said petitioners to establish the new county of "San Jacinto" be granted by the Convention.

M. H. GODDIN,
for Minority.

Mr. Flanagan, from the Committee on Internal Improvements, reported as follows :

COMMITTEE ROOM,
Austin, Texas, August 24, 1868.

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

Sir : Your committee have had before them a petition presented by the Hon. W. Bledsoe, of Dallas county, signed by many persons, asking the Convention to levy a tax of \$5000, in specie, or to authorize the county court of Dallas to do so, and to tax the citizens of the town of Dallas sixty cents on the \$100 and the people in the body of the county twenty cents on the \$100, for the purpose of cleaning out a portion of Trinity river.

Your committee are of opinion that they have no power in this State to regulate the currency of the United States, and that the specie claim goes beyond our power. They are of the further opinion, that they would not, under any circumstances, have the power to tax the citizens of the town of Dallas as petitioned for, sixty cents on the \$100, and the citizens of the body of the county twenty cents on the \$100. The premises considered, they instruct me to report back the declaration, leaving the whole matter with the county court and people of Dallas county, and that it do not pass this Convention.

All of which is respectfully submitted.

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

Mr. Flanagan made the following additional report from the same committee :

COMMITTEE ROOM,
August 25, 1868.

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

SIR : Your committee have had before them a declaration supple-

mental to a declaration in relation to railroads, dated August 10, 1868.

Upon the investigation of this subject the committee arrived at the conclusion that not only the railroad interest required the relief sought in this declaration, but that it is a conclusive fact that to the State it is also, certainly, a great enterprise such as this contemplated, is entitled to ground for a double track; and as the claim for land, so far as the eastern portion of the State is concerned, it is a matter of little importance, as there are no vacant lands in that range of country.

Your committee are further informed upon this subject, that in the west, in the range proposed for this road, that the domain is all, or a large portion, taken up in large Mexican grants; but they do not pretend to be well informed upon the subject. Many of the delegates, we presume, are.

The premises all considered, your committee, or a large majority of them, instruct me to report back the ordinance, and recommend the adoption of the same.

All of which is respectfully submitted.

J. W. FLANAGAN,

Chairman of Committee on Internal Improvements.

Mr. Kirk introduced the following declaration, and asked its reference to the Committee on Internal Improvements.

DECLARATION

Respecting the Central Railroad Company.

WHEREAS, The Houston and Texas Central Railway Company has become the owner, by purchase, of the Washington County Railroad; and

WHEREAS, The said Houston and Texas Railway Company, and the Washington County Railway Company, were indebted, on the first day of March, A. D. 1868, to the State of Texas, for sums borrowed from the Special School Fund, in the sum of \$539,074.96, and are further indebted for accrued interest since the first day of March, 1868; and

WHEREAS, The said Houston and Texas Central Railway Company is desirous to extend the Washington County Branch to the city of Austin as soon as it can be done, and to build their main trunk to Red river in the shortest time possible and upon the best ground, and to strike said river at such point as will enable said

company to form a connection with any railroad that may be built southward from Kansas, or Missouri, to Red river; and

WHEREAS, The ability of said company to build said main trunk and branch roads would be greatly increased by the consent of the State to exchange the six per cent. bonds of said companies for the seven per cent. gold bearing bonds of the said Houston and Texas Central Railway Company; and

WHEREAS, It is believed that such exchange can be made without, in any manner, endangering the security of the School Fund;

Therefore be it declared by the people of Texas in Convention assembled:

That the Washington County Railroad is hereby declared to be a branch of the Houston and Texas Central Railroad, and shall henceforth be known and called the Western Branch of the Houston and Texas Central Railway, and shall be controlled and managed by the said Houston and Texas Central Railway Company; and the said Houston and Texas Central Railway Company shall have the right to extend the said western branch of their road from the town of Brenham, in Washington county, to the city of Austin, by the most eligible route, as near an air-line as may be practicable.

Second. That it is hereby made the duty of the Provisional Governor to accept, from the Houston and Texas Central Railway Company, the seven per cent. land grant, sinking fund, first mortgage, gold-bearing bonds of said company for the whole amount of principal and interest due to the State from the said Houston and Texas Central Railway Company and the said Washington County Railway Company, on the first day of July, A. D. 1868; and to cancel the bonds now held by the State against said companies.

Third. The Houston and Texas Central Railway Company is hereby authorized to build its main trunk from its present northern terminus, by the most eligible route, to be selected by the engineer or engineers of the company, to any point on Red river, within thirty miles of the town of Preston, in Grayson county.

Fourth. This declaration shall take effect from and after its passage.

KIRK.

It was so referred.

Mr. Patten offered the following

DECLARATION.

WHEREAS, The following named railroad companies were, on the first day of March last, indebted to the Special School Fund of the State of Texas the following amounts:

Houston and Texas Central Railroad Company: principal, \$599,164.35; interest, \$108,191.21; total, \$707,255.56.

Buffalo Bayou, Brazos and Colorado Railroad Company: principal, \$420,000; \$177,819.25; total, \$597,819.25.

Washington County Railroad Company: principal, \$66,000; interest, \$24,775.16; total, \$90,775.16. And

WHEREAS, Said companies have, and do, refuse to settle and pay the interest due the said School Fund; therefore, be it

Resolved, First—That the Provisional Governor of the State of Texas be, and he is hereby authorized and instructed to proceed against said railroad companies, according to law, for the collection of the principal and interest, as stated above.

Resolved, That the above named railroad companies have forfeited their charters, for non-compliance with the terms thereof.

Resolved, That twenty-five thousand dollars, or so much thereof as may be necessary, be, and is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to carry out the above resolutions.

Mr. Patten moved a suspension of the rules for the consideration of the resolution.

The Convention refused to suspend the rules.

Mr. Talbot offered the following declaration:

WHEREAS, There is now in the Treasury of the State of Texas the sum of fifty-nine thousand four hundred and seventy-nine dollars in specie, belonging to the common School Fund, which is drawing no interest;

Therefore, be it declared by the people of Texas in Convention assembled, That the Provisional Governor be, and he is hereby authorized and requested to invest the sum of fifty-eight thousand dollars of said amount in United States bonds, so that said sum may be drawing interest thereon, for the benefit of the common School Fund of the State.

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

Rules suspended.

Mr. Wilson, of Brazoria, was excused from attendance this evening.

Mr. Caldwell moved to insert the words "gold bearing bonds." Amendment agreed to.

The question recurred upon the adoption of the resolution.

It was adopted.

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

Rules suspended.

Declaration read and adopted.

Mr. Harn introduced the following declaration :

SECTION 1. *Be it declared by this Convention*, That T. C. Harn, and such other persons as he may associate with himself, are hereby incorporated under the name of the "Navasota, Washington 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 where the road from Navasota crosses the Brazos River, to the town of Washington, in Washington county, Texas.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, within three 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 the 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; 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 wagon, fifty cents, other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and all other property not mentioned in proportion to the above rates.

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

Mr. Harn moved a suspension of the rules for the consideration of the declaration.

Rules suspended.

On motion the reading of the declaration was dispensed with.

Declaration passed a second time.

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

Rules suspended.

Declaration read by caption, and carried.

Mr. Kealy introduced the following resolution :

Resolved, That, whereas the county sites of each county in the State of Texas that are located in the geographical center of the county, or in the limits prescribed by law, there shall not be any territory taken from said county, unless by consent of a majority of the legal voters of the county, at any general election.

Mr. Kealy moved a suspension of the rules for the consideration of the resolution.

Withdrawn.

Laid over under the rules.

Mr. Flanagan called up, under the rules, the supplemental declaration respecting the International Pacific Railroad Company.

Mr. Patten moved to lay the declaration upon the table.

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

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Degener, Foster, Hamilton of Travis, Hunt, Kealy, Kuechler, Lindsay, Lippard, Long, Mackey, Newcomb, Patten, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—24.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Goddin, Grigsby, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kirk, Leib, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—43.

So the Convention refused to lay on the table.

Mr. Hamilton, of Travis, moved to make the declaration the special order for the 10th day of December next.

Mr. Caldwell moved the previous question upon the passage of the declaration.

Previous question seconded.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Morse was excused on account of sickness.

Mr. Butler was excused on account of sickness.

The question recurred: "Shall the main question be now put?"

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

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Boyd, Brown, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Leib, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—39.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Bryant of Grayson, Degener, Downing, Fleming, Foster, Hunt, Johnson of Harrison, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam—30.

So the main question was ordered.

The question recurred upon the adoption of the declaration.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Brown, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson of Milam, Wright—44.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Burnett, Degener, Downing, Fleming, Foster, Hunt, Kuechler, Lindsay, Lippard, Long, Mackey, Newcomb, Patten, Posey, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Whitmore—26.

So the declaration was adopted.

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

Motion withdrawn.

Mr. Webster Flanagan called up the declaration respecting the Mexican Gulf Railroad Company.

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

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

Yeas—Messrs. President, Bledsoe, Bryant of Harris, Bryant of Grayson, Degener, Downing, Hunt, Kendal, Lippard, Long, Newcomb, Patten, Rogers, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—21.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Brown, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Kirk, Leib, Mackey, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—43.

So the Convention refused to lay on the table.

Mr. Patten moved to adjourn until to-morrow morning at nine o'clock.

Lost.

The question recurring upon the final passage of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Brown, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Schuetze, Smith of Galveston, Stockbridge, Sumner, Varnell, Watrous, Williams, Wright—42.

Nays—Messrs. President, Bledsoe, Bryant of Grayson, Bryant of Harris, Degener, Downing, Hunt, Kendal, Kuechler, Lippard, Long, Newcomb, Patten, Posey, Rogers, Slaughter, Smith of Marion, Talbot, Thomas, Whitmore, Wilson of Milam—21.

So the declaration was adopted.

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