



Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas Constitutional Convention (1868-1869).* Austin, TX: Tracy, Siemering & Co., printers, 1870.

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CAPITOL, AUSTIN, TEXAS,
August 26, 1868.

Convention met pursuant to adjournment.

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

Mr. Smith, of Galveston, moved to suspend the rules to take up the following resolution :

WHEREAS, This Convention having adopted a declaration to levy a tax to pay the expenses of the Convention, it is therefore

Resolved, That Brevet Major General J. J. Reynolds be requested to authorize the payment of the warrants issued to the members and officers for their pay due up to the time of the recess.

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

Yea—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Downing, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright —52.

Nay—Messrs. Armstrong of Jasper, Boyd, Cole, Degener, Flanagan, Keigwin, Patten, Phillips of San Augustine—9.

Rules suspended, resolution read and adopted.

Mr. Smith, of Galveston, moved a further suspension of rules to put resolution on its passage.

Rules suspended.

Mr. Buffington moved to amend by inserting the words "and officers" after the word members.

Adopted.

The question recurring upon the final passage of the resolution, it was read a third time and passed.

Mr. Smith of Galveston, moved to suspend the rules to consider the motion to reconsider the vote by which the tax bill was passed.

Rules suspended.

The question recurred upon the motion of Mr. Caldwell to lay that motion upon the table.

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

Yea—Messrs. Armstrong of Lamar, Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, W. Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Leib, Lindsay, Long, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Smith of Galveston, Stockbridge, Vaughan, Watrous, Wilson of Brazoria, Wright—33.

Nay—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Cole, Degener, Downing, Flanagan, Fleming, Glenn, Harn, Kealy, Keigwin, Keuchler, Kirk, Lippard, Mackey, McWashington, Newcomb, Patten, Phillips of San Augustine, Ruby, Schuetze, Slaughter, Smith of Marion, Thomas, Varnell, Whitmore, Williams, Wilson of Milam, Yarborough—34.

So the Convention refused to lay on the table.

The question recurred upon the motion to reconsider.

[Mr. Whitmore in the chair.]

Upon that motion, the yeas and nays were demanded and resulted thus:

Yea—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Butler, Carter, Cole, Constant, Degener, Downing, Flanagan, W. Flanagan, Fleming, Glenn, Kealy, Keigwin, Lippard, Mackey, McWashington, Newcomb, Patten, Phillips of San Augustine, Slaughter, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—32.

Nay—Messrs. Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Curtis, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kendal, Keuchler, Leib, Lindsay, Long, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—37.

So the Convention refused to reconsider the vote adopting the tax bill.

The President announced the business in order was section thirty-five of the report of the Committee on Political and Legislative.*

* For report see page 561.

Section thirty-five, on motion, was adopted.

Mr. Thomas offered the following as an additional section :

It shall be the duty of the Legislature, immediately, to expel from the body any member who shall receive or offer a bribe, or suffer his vote to be influenced by promise of preferment or reward; and every person so offending and so expelled shall (forever) thereafter be disabled from holding any office of honor, trust or profit in this State.

Mr. Degener moved to amend by striking out the word "forever."

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

Lost.

The amendment was adopted.

The section as amended was adopted.

Mr. Buffington offered the following as an additional section :

SEC. —. The first Legislature shall pass such laws as will authorize the clerks of the district court, and the justice of the peace, of the several counties, to issue executions after the adjournment of each term of their respective courts, against the plaintiff and defendant for all costs created by them in any suit or suits therein.

The question being upon the adoption of the section, it was not adopted.

Section thirty-six, on motion, was adopted.

Mr. Lindsay moved to strike out the word "three" at the end of line four of section thirty-seven.

Carried.

Section thirty-seven, on motion, was adopted.

Mr. Bryant, of Grayson, moved to strike out the word "eight" and insert "six" in second line of section thirty-eight.

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

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

Yea—Messrs. Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Butler, Burnett, Caldwell, Carter, Degener, Downing Flanagan, W. Flanagan, Foster, Grigsby, Hamilton of Travis Harris, Harn, Horne, Johnson of Calhoun, Jordan, Keigwin, Kendall, Keuchler, Kirk, Lindsay, Long, McWashington, Mundine, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—44.

Nay—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Cole, Constant, Curtis, Goddin, Johnson of Harrison, Kealy, Leib, Newcomb, Patten,

Phillips of Wharton, Smith of Marion, Thomas, Whitmore, Wilson of Milam, Wright, Yarborough—22.

So the amendment was laid on the table.

Mr. Degener offered the following substitute for section thirty-eight.

The members of the Legislature shall, at their first session, hereafter, receive from the treasury of the State, as their compensation, \$300 annually and eight dollars for each twenty-five miles in traveling to and from the seat of government. The above rates of compensation shall remain till changed by law.

Mr. Flanagan moved the previous question on the adoption of section thirty-eight.

Previous question seconded.

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

The main question was ordered.

The question recurring upon the adoption of section thirty-eight, the yeas and nays were demanded and resulted thus:

Yea—Messrs. Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Degener, Downing, Flanagan, W. Flanagan, Fleming, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Kirk, Leib, Lindsay, Mackey, Long, McWashington, Mundine, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—51.

Nay—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Constant, Goddin, Newcomb, Smith of Marion, Thomas, Whitmore, Wilson of Milam, Yarborough—14.

So section thirty-eight was adopted.

Mr. Flanagan moved to strike out section thirty-nine.

The section was struck out.

Mr. Schuetze moved that the members of the special committee to visit the Blind Asylum be excused from the morning's session..

Excused.

Mr. Lindsay offered the following amendment to section forty in fifth line:

Strike out the word "proposed," in fifth line, and insert the words "thirteenth and," and at the end of the word "article" add the letter "s."

The amendment was adopted.

Section forty, as amended, on motion, was adopted.

Mr. Lindsay moved to strike out section forty-one.

The Convention agreed to strike out.

Mr. Caldwell offered the following as an additional section to the report :

SECTION —. The city of Austin is hereby declared to be the seat of government of this State until removed by an election of the people, and the title for the third of a league, surveyed by virtue of the headright certificate of Samuel Goucher, which was selected and condemned to the use of the Republic of Texas, under an act entitled "An act on the permanent location of the seat of Government," approved the fourteenth day of January, A. D. 1839, be, and the same is hereby confirmed, any irregularity or failure to make proper parties, or other defects in the proceedings had under said act, to the contrary notwithstanding; provided, nevertheless, that any person having an adverse claim to said land may, at any time within one year from the adoption of this Constitution, institute proceedings against the State in the district court of Travis county, to which all other adverse claimants, who are known, shall also be made parties, and upon the final hearing of the same, if it shall appear that the said owner of such land, at the time of its condemnation, has never received compensation therefor, he shall have judgment for compensation, as provided by an act of the Legislature of the State of Texas, entitled "an act for quieting the title to real estate in the city of Austin," approved eighteenth December, 1857, and any proceedings that may have been instituted under the thirty-third section of article third, of the so-called constitution of 1866, shall be stayed until this constitution is ratified or rejected.

Section withdrawn by consent.

Mr. Caldwell moved that the consideration of sections forty-three, forty-four, forty-five and forty-six, be postponed until after recess.

Mr. Armstrong, of Jasper, moved to strike out section forty-two.

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

Yea—Messrs. Armstrong of Jasper, Bellinger, Board, Boyd, Bryant of Grayson, Cole, W. Flanagan, Glenn, Harris, Keigwin, Kirk—11.

Nay—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Flanagan, Fleming, Foster, Hamilton of Travis, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leio, Lindsay, Long, Mackey, McWashington, Mundine, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith

of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—52.

So the Convention refused to strike out.

Mr. Lindsay offered the following amendment to section forty-two in second line:

Strike out the letter "a" in second line, and insert letter "s" to the word "citizens," in said line, and insert the word "are" at the end of said line, after the word "and."

The amendment was adopted.

Mr. Varnell offered the following amendment to section forty-two.

Strike out of second line from the word "thereof" to the word "and."

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

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

Yea—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant of Harris, Buffington, Caldwell, Curtis, Degener, Downing, Flanagan, Fleming, Foster, Glenn, Grigsby, Hamilton of Travis, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Smith of Marion, Stockbridge, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

Nay—Messrs. Boyd, Board, Bryant of Grayson, Burnett, Carter, Cole, W. Flanagan, Harris, Johnson of Harrison, Keigwin, Sumner, Thomas, Varnell—13.

So the amendment was laid upon the table.

The question recurred upon the adoption of section forty-two, as amended.

It was adopted.

The question recurred upon the motion to postpone the consideration of sections forty-three, forty-four, forty-five and forty-six.

Mr. Whitmore moved to postpone each section by a separate vote.

The question recurred upon the postponement of the consideration of section forty-three, until the tenth of December next.

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

Yea—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Cole, Curtis, Flanagan, W. Flanagan, Fleming, Glenn, Grigsby, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun,

Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. President, Buffington, Degener, Downing, Foster, Kuechler, Newcomb, Patten, Smith of Galveston, Smith of Marion, Varnell, Whitmore—12.

So the Convention agreed to postpone the consideration of section forty-three.

Section forty-four was postponed.

On the question to postpone the consideration of section forty-five, the yeas and nays were demanded and resulted thus:

Yea—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Burnett, Caldwell, Carter, Cole, Curtis, Flanagan, W. Flanagan, Foster, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Long, Mackey, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Sumner, Thomas, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. President, Bryant of Harris, Buffington, Degener, Downing, Kuechler, Lippard, Newcomb, Patten, Varnell, Whitmore, Williams, Yarborough—13.

So section forty-five was postponed.

Section forty-six, on motion, was postponed.

Section forty-seven, on motion, was postponed.

The President announced the next business in order was the consideration of the report of the Committee on Education.

Mr. Buffington moved that the consideration of the report be made the special order for the tenth day of December next.

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

Yea—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Glenn, Hamilton of Travis, Harris, Harn, Horne, Keigwin, Kirk, Leib, Lindsay, Mackey, Newcomb, Phillips of San Augustine, Rogers, Scott, Stockbridge, Thomas, Vaughan, Wilson of Brazoria, Wright—33.

Nays—Messrs. President, Bryant of Harris, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Foster, Grigsby, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Long, McWashington, Mundine, Patten, Phillips of Wharton, Smith

of Galveston, Smith of Marion, Sumner, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—30.

So the report was postponed.

Mr. Varnell moved that the vote adopting section forty-two of the report of the Committee on Political and Legislative be reconsidered.

Lost.

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. Jordan presented a petition from the citizens of Goliad county, asking the relinquishment of State taxes, to enable them to build a jail, and asked its reference to the Committee on State Affairs.

Mr. Horne made the following report from special committee :

COMMITTEE ROOM,
Austin, Texas, August 26, 1868.

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

SIR: Your committee appointed to ascertain up to what date the reporter of this Convention has written out the speeches and debates beg leave to report that no speeches or debates have as yet been written out by the reporter in any regular order, and seventy days is estimated by the reporter as the time necessary in which to make such writing, and that he would not do the same for less than fifteen dollars per day.

Respectfully,

W. E. HORNE,
JAS. W. THOMAS.

Mr. Flanagan, from the Committee on Internal Improvements, made the following report :

CITY OF AUSTIN, August 26, 1868.

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

SIR: Your committee have had before them a declaration for the relief of the Texas Central Railroad, and from the testimony before your committee they find that this road is in better condition than any road in the State, and that it deserves all it asks. I am instructed by a majority of the committee to recommend the passage of the declaration.

J. W. FLANAGAN,
Chairman of the Committee.

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 \$529,074.96, 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.

Mr. Foster offered the following declaration, and asked its reference to the Committee on Contingent Expenses.

DECLARATION.

WHEREAS, The proprietors of Flake's Bulletin have shown the Convention the generous courtesy to send each member of the Convention one copy of their daily issue regularly, from the date of the assembling of the Convention, which compliment the Convention has heretofore properly acknowledged by a resolution of thanks; and

WHEREAS, The session of the Convention has been protracted beyond the time then contemplated by said proprietors; and

WHEREAS, Said Flake's Daily Bulletin has industriously and faithfully placed before the people of this State the actions of the Convention; therefore, be it

Resolved, That, as a further evidence of the appreciation of the courtesy shown the Convention, and of the service rendered the people of Texas by said proprietors in their furnishing the public with

a full report of our proceedings, we respectfully tender to the said proprietors of said Daily Bulletin the sum of —— dollars, to be paid out of the contingent fund of the Convention.

Referred to the Committee on Contingent Expenses.

Mr. Lindsay offered the following

DECLARATION :

Be it declared by the people of Texas in Convention assembled, That the following newspapers be, and they are hereby authorized and requested to publish in the form of "extras," of their several journals, for distribution among the people, copies of the Constitution, as far as passed upon by this Convention; that is to say, that the Austin Republican publish five thousand copies for distribution among the people of the counties of Colorado, Fayette, Lavaca, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, San Saba, Lampasas, Burnett, Llano, Hays, Caldwell and Guadalupe; that the San Antonio Express publish five thousand copies for distribution in the counties of Jackson, Mason, Menard, Kendal, Edwards, Kerr, Gillespie, Blanco, Bandera, Bexar, Comal, Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Zavalla, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, Coryell and El Paso; that the Freie Presse fur Texas publish five thousand copies for distribution among the German population in the State wherever located; that Flake's Bulletin publish five thousand copies for distribution in the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos and Washington, that the Galveston Republican publish five thousand copies for distribution in the counties of Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Hill, Bosque and Navarro; that the McKinney Messenger publish five thousand copies for distribution in the counties of Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Young, Johnson, Ellis, Erath, Wood, Hood and Taylor; that the Paris Vindicator publish five thousand copies for distribution in the counties of Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin and Grayson; that the Tyler Index publish five thousand copies for distribution in the counties of Anderson, Cherokee, Harrison, Henderson, Houston, Rusk, Sabine, San Augustine, Shelby and Smith; that the Union Republican, at Huntsville, publish five thousand copies for distribution in the counties of Jasper, Jefferson, Liberty,

Nacogdoches, Newton, Orange, Panola, Polk, Trinity, Tyler, Hardin, Chambers, Van Zandt and Wood.

That the said several newspapers distribute these "extras" published by them respectively, and present their respective accounts for liquidation and settlement at the reassembling of this Convention, in December next.

Mr. Lindsay moved that the rules be suspended to consider the declaration.

Rules suspended.

Mr. Sumner moved that the declaration be referred to the Committee on Printing.

The Convention refused to refer the declaration to the Committee.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Jordan offered the following declaration :

Be it declared by the people of Texas in Convention assembled. That Brevet Major-General J. J. Reynolds, Commander of the Fifth Military District, be and he is hereby respectfully requested to order the relinquishment of the State tax to the county of Goliad, assessed for the year 1868, for the purpose of building a jail in and for said county; and that he be further requested to order the holding of a special term of the district court in said county, for the purpose of bringing up the docket.

Mr. Jordan moved a suspension of rules to take up the declaration.

Rules suspended.

Mr. Flanagan offered the following amendment:

Amend by adding Rusk county.

Mr. Sumner moved the whole matter be laid on the table.

Carried.

Mr. Downing offered the following declaration :

Resolved, That Mrs. Eleana Oaks, widow of W. E. Oaks, deceased, is hereby authorized to draw all pay and mileage due said W. E. Oaks.

That said Mrs. Oaks is authorized to draw pay up to the 31st day of August, 1868.

Mr. Slaughter moved to suspend the rules for the consideration of the declaration.

Rules suspended.

Resolution read and agreed to.

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

And that an appropriation be made by the Convention of three hundred dollars, or so much thereof as may be necessary, to pay all funeral expenses and erect a tombstone over his remains.

The amendment was adopted.

The question recurred upon the declaration.

It was adopted.

Mr. Degener raised a question of privilege, and requested the following declaration be published in the official newspaper of this Convention, it being omitted in the proceedings of the 21st inst.

A DECLARATION

Supplemental to a declaration in relation to railroads, declared August 10, 1868.

SECTION 1. *Be it further declared*, That the right of way intended to be granted by said declaration shall extend to the width of two hundred and fifty feet, for the purpose of a double track; and where it runs through the public lands, the State grants it in full property; and where the same runs through the lands of individuals, said company may acquire the same by purchase or condemnation under the law.

SEC. 2. The said International Pacific Railroad Company shall have the further right to extend two branches of said road from points of intersection to the Gulf of Mexico, with all the rights and franchises which appertain to the main trunk of said road.

SEC. 3. And the line of said International Pacific Railroad, in Texas, is more clearly defined, to commence at or near a point on the east boundary line of the State, where the States of Arkansas and Louisiana join, and to run south-west to the Rio Grande, to or near Laredo; and to aid in the construction of said road, and enable the company to furnish homesteads to freedmen and other operatives upon the road, there is hereby reserved to said company all public unlocated land for twenty miles on each side of said line, to aid in the construction and maintenance of the road, in the way of timber, stone, lime and fuel; and if the company complete said road between said points within six years from date, its right to the public land within said reservation shall become absolute.

SEC. 4. Said company shall have the right to vary the guage of

said road and branches in Texas, so as to correspond with the uniform gauge from Cairo, without impairing the right of said company to the benefits granted to other railroads by the general laws of Texas, which shall include the right of constructing and operating telegraph lines along said road and branches ; of building the necessary switches, turn-outs, stations, machine shops ; of purchasing, selling and disposing of lands ; of acquiring and using wharves and depots and wharf privileges ; of establishing and maintaining all the necessary agents to carry on their business, and exercising in Texas all the grants and franchises which shall be conceded by Congress and the Mexican government, in aid of the great work of constructing an International Pacific Railroad from Cairo to the Pacific ocean.

It was so ordered.

Mr. Slaughter rose to a question of privilege, and requested that the journal might show that, on the twenty-second of August, he moved to insert the McKinney Messenger in place of the newspaper published at Marshall, Texas.

It was so ordered.

Mr. Talbot offered the following resolution :

Resolved, That the newspapers of the State which have been requested to publish copies of the constitution for distribution, be also requested to publish, along with the constitution, the project of a common school system reported by the Committee on Education, which has not yet been acted on by the Convention, but postponed till the reassembling of this body, in December next.

By consent, the resolution was withdrawn.

Mr. Stockbridge moved to reconsider the vote postponing the consideration of the report of the Committee on Education until the tenth day of December, 1868.

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

Yea—Messrs. President, Armstrong of Lamar, Bellinger, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, Fleming, Goddin, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lippard, McWashington, Mundine, Munroe, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—47.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Buffington, W. Flanagan, Harris, Keigwin, Lindsay, Long, Rogers, Thomas, Vaughan—13.

So the motion prevailed.

Mr. Fleming called up the report of the Committee on Counties and County Boundaries, the question being upon the third reading of the report.

Mr. Thomas moved to postpone the consideration of the subject until the tenth day of next December.

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

Yea—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Burnett, Constant, Degener, W. Flanagan, Kealy, Kendal, Kirk, Lindsay, Posey, Rogers, Ruby, Smith of Marion, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria —22.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, Fleming, Foster, Goddin, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Leib, Lippard, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Schuetze, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Whitmore, Wilson of Milam, Wright, Yarborough—36.

So the Convention refused to postpone.

The question recurred upon the final passage of the report.

Mr. Bryant of Grayson moved to adopt the declarations, as reported from the committee, separately.

Mr. Sumner moved a call of the House.

Call not sustained.

The question recurred upon the passage of the declaration creating the county of Webster.

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

Yea—Messrs. President, Armstrong of Lamar, Bell, Buffington, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, Fleming, Foster, Goddin, Harris, Harn, Jordan, Leib, Lippard, Long, McWashington, Mundine, Munroe, Patten, Phillips of Wharton, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright, Yarborough—34.

Nays—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Burnett, Constant, W. Flanagan, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Newcomb, Phillips of San Augustine, Posey, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Williams—25.

So the declaration was adopted.

The question recurred upon the passage of the declaration creating the county of Delta.

It was adopted.

The question recurred upon the passage of the declaration creating the county of Richland.

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

Yea—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, Fleming, Foster, Goddin, Jordan, Kendal, Lippard, Long, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Scott, Slaughter, Stockbridge, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright, Yarborough—32.

Nay—Messrs. Armstrong of Jasper, Bellinger, Board, Bryant of Grayson, Burnett, Constant, W. Flanagan, Harris, Harn, Horne, Johnson of Harrison, Kirk, Leib, Lindsay, McWashington, Phillips of San Augustine, Posey, Rogers, Ruby, Smith of Galveston, Sumner, Talbot, Thomas, Varnell—24.

So the declaration was adopted.

Mr. Foster called up the report of the special committee respecting the Memphis and El Paso railroad lands.

Mr. Degener moved to strike out, "subject to genuine land certificates."

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Degener moved a call of the House.

Call sustained.

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

CAPITOL, AUSTIN, TEXAS,
AUGUST 27, 1868.

Convention met pursuant to adjournment.

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

Mr. Johnson, of Calhoun, moved a suspension of the rules to take up resolution providing for sending Messrs. Hamilton and Caldwell to Washington, and appropriating three thousand dollars for the payment of expenses.