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Mr. Bellinger moved to amend Gonzales county list by substituting the name J. W. Sterbing in place of Sterling.

Mr. Yarborough offered the following resolution :

Resolved, That this Convention ask the Congress of the United States to remove the disabilities of such men, as will be of use as officers to carry on the civil government for the time being, and no more.

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

CAPITOL, AUSTIN, TEXAS,
AUGUST 29, 1868.

Convention met pursuant to adjournment.

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

Mr. Carter asked that Mr. Kirk be excused on account of sickness.

Excused.

Mr. Goddin was excused from paying fine on account of absence without leave.

Mr. Armstrong, of Lamar, moved a suspension of the rules to take up the declaration respecting granting the lands reserved by the Memphis and El Paso railroad company to actual settlers.

Mr. Armstrong, of Lamar, by consent, withdrew the motion.

Mr. Carter renewed the motion.

Rules suspended.

Mr. Degener moved to strike out the words, "and location of genuine land certificates."

Mr. Phillips, of San Augustine, moved to lay the amendment on the table.

Lost.

Mr. Degener, by consent, withdrew his amendment.

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

That all persons being heads of families, or twenty-one years of age, who have settled upon and improved, or who may hereafter settle upon and improve, a portion of the public domain, which has

never been filed upon, located or surveyed, by virtue of some genuine, legal and valid certificate, or other evidence of title to land, previous to such settlement and improvement, shall have the privilege of locating and appropriating a tract of such vacant land, not to exceed one hundred and sixty acres, so as to include said settlement or improvement, in preference to all other claims or claimants, and all files, entries, locations or surveys made so as to interfere with the preference granted by this act shall be null and void.

Mr. Flanagan moved the previous question.

Previous question seconded.

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

The main question was ordered.

The question recurred upon the passage of the declaration.

It was read third time and passed.

The President announced that the business in order was the report of the Committee on Education,* and upon the motion of Mr. Bryant, of Grayson, to strike out section eight of the report.

The Convention refused to strike out.

Mr. Thomas offered the following amendment :

Amend by striking out, after the word "year," in the sixth line, to and including the word "schools," in the seventh line.

Mr. Schuetze moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. President, Caldwell, Carter, Constant, Foster, Hamilton of Travis, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, McWashington, Newcomb, Phillips of Wharton, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—27.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Cole, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Goddin, Harris, Harn, Keigwin, Lippard, Mundine, Phillips of San Augustine, Posey, Slaughter, Thomas, Varnell, Whitmore—27.

So the main question was not ordered.

*For report see page 610.

The question then recurred upon the amendment offered by Mr. Thomas, which was adopted.

Mr. Schuetze offered the following amendment :

In line fifteen, instead of "upon the public free schools," insert "upon public or private schools."

Mr. Smith, of Marion, moved to lay the amendment on the table.

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of Titus, Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Kendal, Lindsay, Lippard, McWashington, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—48.

Nays—Messrs. Armstrong of Jasper, Boyd, Burnett, W. Flanagan, Goddin, Harris, Kuechler, Mundine, Posey, Schuetze, Whitmore, Wilson of Milam—12.

So the amendment was laid on the table.

Mr. Phillips, of San Augustine, offered the following amendment :

Provided, that the Board of Education shall have no authority over the education of the children of this State, unless they have a school fund sufficient to educate the children as contemplated by this and the preceding and following sections of this report.

The amendment was laid on the table.

The question recurring upon the adoption of section eight as amended—

The yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Bellinger, Bryant of Harris, Butler, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Lindsay, McWashington, Newcomb, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—37.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans

of Titus, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Kendal, Kuechler, Mundine, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Scott—23.

So section eight as amended was adopted.

Mr. Talbot offered the following proviso to section nine :

Provided the university fund, as it now exists, in lands, money and credits, shall constitute a special fund for the support of one or more universities, and shall never be used for any other purpose; and until a university is established, the principal of said fund and the interest arising therefrom shall be invested in like manner as provided for the public school fund.

The amendment was adopted.

Mr. Lindsay offered the following amendment:

Section nine, between the words "appropriated" and "that," in the second line, strike out the word "or," and insert "except the four-league grant heretofore made to the several counties of the State, and all funds, lands and other property."

The President announced that the hour had arrived to take up the special order of the day, which was the declaration respecting the Houston and Texas Central and Washington County Railroad Company.*

Mr. Johnson, of Calhoun, moved that Mr. McWashington be excused on account of sickness.

Carried.

Mr. Butler moved that the consideration of the declaration be postponed until Monday afternoon.

Mr. Caldwell moved a call of the House.

Call sustained.

Mr. Caldwell moved to suspend the call of the House.

Call suspended.

The question recurred upon the motion to postpone.

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

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Board, Bryant of Grayson, Butler, Degener, Foster, Glenn, Kuechler, Lippard, Newcomb, Patten, Smith of Marion, Sumner, Thomas, Whitmore, Wilson of Milam—17.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger,

*For declaration see page 907.

Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Williams, Wilson of Brazoria, Wright—44.

So the Convention refused to postpone.

The question recurred upon the adoption of the substitute to the declaration, with amendments as originally introduced.

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Lippard, Mundine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—50.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Bryant of Grayson, Butler, Degener, Downing, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore—12.

So the substitute was adopted.

Mr. Davis offered the following amendment:

In fifth line insert the word "interest" before "gold," and after the word "bonds," in sixth line, the words "are also payable in gold and," and insert at the end of section four "provided that all laws and parts of laws concerning the said Houston and Texas Central Railroad, or said Washington County Railroad, not in conflict with the foregoing provisions, shall be considered as still in force; and provided further, that the government of the State shall be at any time authorized to interfere by such measures as may be thought necessary by the Legislature to prevent neglect of said railroads, so that the same may always remain a competent security to the State for the amount due as above set forth."

The proposed amendments were accepted.

Mr. Patten offered the following substitute:

WHEREAS, The following railcad 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
	————— \$707,255 56

Buffalo Bayou, Brazos and Colorado Railroad Company—	
Principal.....	\$420,000 00
Interest.....	177,819 25
	————— \$597,819 25

Washington County Railroad Company—	
Principal.....	\$66,000 00
Interest.....	24,775 00
	————— \$90,775 00

And Whereas, Said companies have and do refuse to settle and pay the interest due the said school fund, therefore be it

Resolved, 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 charter for a 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. Harn moved to lay the substitute on the table.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. President, Bledsoe, Bryant of Harris, Butler, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Slaughter, Smith of Marion, Thomas, Whitmore, Yarrow—15.

So the substitute was laid upon the table.

Mr. Harn moved the previous question.

Previous question seconded.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Caldwell moved a suspension of the call of the House.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. Bledsoe, Bryant of Grayson, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Sumner, Thomas, Whitmore, Williams—13.

*So the call was suspended.

Mr. Armstrong, of Lamar, asked leave of absence for Mr. Bryant, of Harris.

Leave granted.

Mr. Bryant, of Grayson, asked leave, after Monday, for himself and Messrs. Sumner and Thomas.

Leave granted.

Mr. Buffington moved to reconsider the vote by which the Columbus, San Antonia and Rio Grande Railroad bill was passed:

Mr. Patten moved to adjourn until four o'clock this afternoon.

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

Yeas—Messrs. President, Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Johnson of Harrison, Kendal, Kuechler, Lippard, Newcomb, Posey, Ruby, Schuetze, Smith of Marion, Thomas—22.

Nays—Messrs. Armstrong of Lamar, Boyd, Buffington, Caldwell, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mundine, Munroe, Patten, Phillips of San Augustine, Phillips of Wharton, Scott, Slaughter, Smith of Galveston, Stockbridge,

Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—40.

So the Convention refused to adjourn.

Mr. Flanagan moved to adjourn until three o'clock.

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

Pending the vote, the House adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum Present.

Mr. Munroe, from the Committee on Engrossed Provisions, reported provisions from forty-seven to sixty-one correctly engrossed.

Report adopted.

Mr. Caldwell moved a suspension of the rules to take up the substitute to the declaration respecting the Texas Central and Washington County Railroad Company.

Mr. Patten moved the Convention adjourn until nine o'clock, Monday morning.

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

Yeas—Messrs. President, Lippard, Patten, Rogers, Smith of Marion—5.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Degener, Downing, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton, of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Mundine, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—54.

So the Convention refused to adjourn.

The question recurred upon the suspension of the rules.

The Convention suspended the rules.

Mr. Patten offered the following substitute :

Resolved, That a committee of three be appointed by the President to investigate the financial condition of the Houston and Texas

Central Railroad Company and the Washington County Railroad Company, and report to this Convention, after the recess, if the School Fund of the State will be jeopardized by accepting the bonds of said companies as now proposed.

Mr. Harn moved to lay the substitute on the table.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Scott, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milan, Wright—42.

Nays—Messrs. President, Bryant of Grayson, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore, Yarborough—12.

So the substitute was laid on the table.

Mr. Thomas offered the following amendment:

Strike out the word "passage" at the end of fourth section, and insert "ratification by the people of this State."

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

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milan, Wright—45.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Degener, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore—10.

So the amendment was laid on the table.

Mr. Horne moved the previous question.

Previous question seconded.

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

Main question ordered.

The question recurred upon the adoption of the substitute to the declaration.

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. Armstrong of Jasper, Bellinger, Bryant of Grayson, Degener, Downing, Johnson of Harrison, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore, Yarborough—14.

So the declaration was agreed to.

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

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Bryant of Grayson, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Slaughter, Smith of Marion, Thomas, Whitmore, Yarborough—12.

Four-fifths voting in the affirmative, the rules were suspended.

Mr. Patten offered the following amendment :

In line fifteen strike out "twenty" and insert "fifteen."

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

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan,

Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. President, Bryant of Grayson, Bryant of Harris, Downing, Kuechler, Lippard, Newcomb, Patten, Slaughter, Smith of Marion, Thomas, Whitmore, Yarborough—13.

So the amendment was laid upon the table.

Mr. Flanagan moved to adopt the amendment offered by Mr. Davis.

The amendment was adopted.

Mr. Flanagan moved the previous question.

Previous question seconded.

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

Lost.

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

The main question was ordered.

The question recurred "Shall the declaration, as amended, be passed?"

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

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Butler, Caldwell, Cole, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Degener, Downing, Johnson of Harrison, Keuchler, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore, Yarborough—14.

So the Convention adopted the declaration.

Mr. Newcomb offered the following declaration:

WHEREAS, This Convention has at a former day of this session, resolved not to consider the matter of division of the State until the Congress of the United States shall act thereon; and

WHEREAS, Messrs. M. C. Hamilton and C. Caldwell, delegates

from this body to Congress, have reported that it is the wish of a majority of Congress that this Convention should take the initiative in this matter; therefore

Be it ordained by the people of Texas in Convention assembled, That the consent of the people of this State is given that all that portion of the territory of the State beginning in the mid-channel of Pass Coballo, where it enters the Gulf of Mexico, thence up the middle of the main channel thereof, and up Matagorda Bay, to the mouth of the Colorado river; thence up the main channel of said river, with the meanders thereof, to the thirty-second parallel of north latitude; thence due west on said parallel to the Rio Grande river; thence down said river with the meanders thereof, to the Gulf of Mexico, to the place of beginning, may be erected into a new State, and the citizens thereof are authorized to adopt a constitution, and submit the same to Congress for approval.

Mr. Patten moved to suspend the rules to take up the declaration.
Motion withdrawn.

Mr. Flanagan offered the following declaration :

Be it resolved by this Convention of the people of Texas, That the consent of this Convention is given to the formation of a new State within the limits of Texas, to be embraced within the following boundaries :

Beginning at a point in the middle of the channel between Galveston Island and Bolivar Point; thence through Galveston Bay to the mouth of Trinity river; thence up the main channel of said Trinity river to the mouth of Bois d' Arc, (or east fork of the Trinity river;) thence up said Bois d' Arc Creek to the northwest corner of Kaufman county; thence north to the south-west corner of Fannin county, thence north with the western border of Fannin county to the Red River; thence down said Red River to the eastern boundary of the State of Texas to the Gulf of Mexico, to the point of beginning. And the people within said boundaries are authorized to form a constitution, and submit the same to Congress for approval.

Mr. Thomas offered the following declaration :

Be it ordained by the people of Texas in Convention assembled, That Africans, and descendants of Africans, now residing in Texas, shall receive land as follows: Every head of a family shall be entitled to one hundred and sixty acres, and every single man of the age of twenty-one years and upwards, shall be entitled to eighty acres; provided, however, that it shall be the duty of the Legisla-

ture to set apart and cause to be sectionized so much of the vacant public domain lying in the unsettled portion of this State, as in the judgment of that body shall be sufficient for the execution of this ordinance.

Mr. Thomas offered the following resolution :

Be it resolved, That all newspapers taken by this Convention be and they are hereby discontinued from and after the thirty-first day of the present month.

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

Rules suspended.

Resolution read and agreed to.

Mr. Patten moved a further suspension of the rules for the passage of the resolution.

Rules suspended and resolution passed.

Mr. Davis offered the following resolution :

Resolved, That the declarations heretofore adopted directing the sale of the Memphis and El Paso Railroad, the Houston and New Orleans Railroad, and the Houston and Brazoria Tap Road, be and the same are hereby amended so as to require a notice of six months before sale by the Governor.

Mr. Flanagan moved to reject the resolution.

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

Yeas—Messrs. Bell, Bellinger, Board, Bryant of Harris, Bufington, Evans of Titus, Flanagan, W. Flanagan, Hamilton of Travis, Johnson of Calhoun, Jordan, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Varnell, Wilson of Brazoria, Wright, Yarborough—21.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Grayson, Butler, Carter, Constant, Curtis, Degener, Downing, Fleming, Foster, Goddin, Grigsby, Harris, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Keuchler, Lippard, Long, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam—38.

So the Convention refused to reject.

The question recurred upon the question to suspend the rules.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Butler, Constant, Degener, Foster, Goddin, Grigsby, Harn, Kealy, Keigwin, Keuchler, Lippard, Long, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Wilson of Milam, Yarborough—29.

Nays—Messrs. Bell, Bellinger, Board, Buffington, Caldwell, Cole, Curtis, Evans of Titus, Flanagan, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright—27.

So the Convention refused to suspend the rules.

Mr. Patten moved to adjourn until Monday morning, at nine o'clock.

Lost.

Mr. Hamilton of Travis moved to adjourn until eight o'clock this evening.

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

Yeas—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Buffington, Caldwell, Constant, Evans of Titus, Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kirk, Mundine, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Talbot, Varnell, Watrous, Wright—30.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Butler, Cole, Curtis, Degener, Downing, Foster, Grigsby, Jordan, Kealy, Kendal, Keuchler, Lippard, Long, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith of Marion, Sumner, Thomas, Whitmore, Wilson of Milam, Yarborough—28.

So the Convention refused to adjourn.

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