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CAPITOL, AUSTIN, TEXAS,
December 18, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

The President decided on the point of order raised by Mr. Butler yesterday, respecting the right of Mr. Bryant, of Grayson, to vote outside the bar, that the result would remain as recorded.

The President caused the following communication from his Excellency, E. M. Pease, Governor of Texas, respecting the action taken to give validity to the declarations passed by the Convention, to be read:

EXECUTIVE OFFICE,
Austin, December 17, 1868.

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

SIR—I have the honor to acknowledge the receipt, on the fifteenth instant, of your letter of that date, transmitting a resolution of the body over which you preside, requesting me to communicate to the Convention, "What steps or actions I have taken to give effect and force to the ordinances passed by that body at its last session touching the rights, privileges and interests of the Houston and Texas Central Railroad Company, and also the rights, which the people of this country claim to have in the school fund which is invested in the railroad bonds of these and other companies, and to furnish a copy of any guarantee or receipt which I may have given to the agents or officers of said Central Road."

In compliance with the terms of said resolution, I have the honor, through you, to inform the Convention that the ordinances or declarations, requiring me to advertise and sell the Texas and New Orleans Railroad, the Southern Pacific Railroad, and the Houston Tap and Brazoria Railroad, made no appropriation of money to enable me to pay the expenses of carrying them into execution, and no action has yet been taken by this office under them.

Under the ordinance or declaration respecting the Houston and

Texas Central, and the Washington county railroad companies, Wm. R. Baker, the President of the said Houston and Texas Central Railway Company, on the thirtieth of November last, tendered to me, on behalf of said company, seven hundred and six bonds for one thousand dollars each, of the seven per cent land grant, sinking fund, first mortgage gold interest bearing bonds of said company, described in said ordinance or declaration, for the whole amount of principal and interest due to the State by the said Houston and Texas Central Railway Company and the Washington County Railroad Company on the first day of July, A. D. 1868, including the sums paid by each of said companies in the treasury warrants or bonds of the State; the amount due as aforesaid being seven hundred and five thousand eight hundred and six dollars and sixteen cents, which said bonds, in obedience to the requirements of said ordinance or declaration, and so far as authority was vested in me as Governor under the same, I accepted in full satisfaction and discharge of the amount due to the State of Texas on the sums borrowed from the special school fund of said State by the said Houston and Texas Central and the Washington County Railroad Companies.

The document executed by me in favor of said company, showing this action, is recorded in the office of the Secretary of State, and a certified copy thereof is herewith transmitted.

This was all that I could do under the said ordinance or declaration; the original bonds of said companies, for the amount borrowed by them from the school fund, not being in my custody or under my control, I could not carry out that provision which required me to cancel and deliver them to the Houston and Texas Central Railway Company.

It will be seen that the amount of the bonds received exceeds the actual amount due from said companies on the first day of July, A. D. 1868. For this excess a portion of the coupons due on the first of January, 1869, was cut off from the bonds.

The bonds so received from said company have been placed, for safe keeping, in the vault of the State treasury, to await the future action of the Convention or the State government when reorganized.

Very respectfully, your obedient servant,

E. M. PEASE.

Mr. Keigwin presented a petition from citizens of Brazos county, and asked its reference to the Committee on Internal Improvements.

It was so referred.

On motion, Mr. Horne was added to the Committee on Emigration.

Mr. McCormick, from the Committee on Contingent Expenses, reported as follows:

COMMITTEE ROOM,
December 18, 1868.

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

SIR—The Committee on Contingent Expenses has instructed me to report the accompanying declaration, appropriating fifteen thousand dollars for the printing and contingent expenses of the Convention.

If the Convention decides to take the same number of papers as were taken at the summer session, and it remains in session sixty days, it is believed the appropriation provided for in the declaration is not too large. The cost of the papers and of the postage necessary to send them to the people amounts to about \$180 per day, or \$10,800 for sixty days. For printing bills, procuring stationery, letter postage, wood, lights, etc., the remainder of the appropriation is not more than adequate.

Respectfully,

A. P. McCORMICK,
Chairman.

A DECLARATION

Making an Appropriation for the Printing and Contingent Expenses of the Convention.

Be it declared by the people of the State of Texas in Convention assembled: That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to pay the printing and contingent expenses of the Convention.

Be it further declared, That the certificates of the Secretary of the Convention, approved by the President thereof, shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer for the various items of printing and contingent expenses, to meet which this appropriation is made.

Mr. Phillips, of San Augustine, introduced the following declaration, and asked its reference to the Judiciary Committee:

WHEREAS, There is much lawlessness and crime, and frequent acts of murder and assassination in this State, without due punishment under the laws thereof, therefore

Be it resolved by the people of Texas in Convention assembled: That a tax of five thousand dollars be levied upon the property of each and every county in the State in which a murder is committed, said tax of five thousand dollars to be paid over to the family or relations of him or her so murdered. Should such murder occur on or about the line of any county, so that it may be difficult to determine in which county such murder was committed, then and in that case the tax shall be levied upon the two or more counties joining them; said tax shall be levied and collected by the county assessor and collector as other taxes, and paid over as above directed.

It was so referred.

Mr. Adams offered the following resolution:

Resolved, That the hall of this Convention be tendered to the Episcopal Church on Tuesday, the 29th instant, day and evening, for the purpose of celebrating a Sabbath school festival.

Mr. Adams moved a suspension of the rules to consider resolution.

Rules suspended.

Mr. Davis moved to substitute "Senate Hall."

Carried.

The question recurred upon the adoption of the resolution as amended.

It was adopted.

Mr. Munroe moved a suspension of the rules to take up the resolution offered yesterday, providing for the subscription of Sunday newspapers by the Convention.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bellinger, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Hamilton of Travis, Harris, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Lindsay, Mackey, McCormick, McWashingtion, Munroe, Newcomb, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Slaughter, Smith, Sorrel, Stockbridge, Sum-

ner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—52.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Butler, Degener, Glenn, Hamilton of Bastrop, Long, Morse, Mullins, Patten, Varnell, Wilson of Milam—13.

So the rules were suspended.

Mr. Hamilton, of Bastrop, moved that the resolutions offered by the Special Committee on the Expenses of the House be substituted for the resolution of Mr. Munroe.

Mr. Caldwell moved to lay the substitute upon the table.

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

Yeas—Messrs. Adams, Bellinger, Buffington, Burnett, Caldwell, Carter, Cole, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Johnson of Harrison, Kealy, Keigwin, Kendal, Keuchler, Mackey, McCormick, McWashington, Mullins, Pedigo, Ruby, Smith, Stockbridge, Sumner, Vaughan, Watrous, Williams, Wilson of Brazoria—33.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Butler, Degener, Downing, Evans of Titus, Gaston, Glenn, Hamilton of Bastrop, Jordan, Morse, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Scott, Slaughter, Sorrel, Thomas, Varnell, Wilson of Milam, Wright—29.

So the substitute was laid upon the table.

The hour of eleven o'clock having arrived, the President announced the special order of the day to be the resolution of Mr. Caldwell, tendering the thanks of the Convention to Brevet Major General J. J. Reynolds.

Mr. Caldwell 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 resolution.

It was adopted.

Mr. Hamilton moved a suspension of the rules to put the resolution on its passage.

Rules suspended.

The question recurred upon the passage of the resolution.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Hamilton of Travis, Harris, Johnson of Harrison, Jordan, Kealy, Kirk, Lindsay, Mackey, McCormick, McWashington, Morse, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Sorrel, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—44.

Nays—Messrs. Bledsoe, Bryant of Harris, Curtis, Downing, Evans of Titus, Glenn, Hamilton of Bastrop, Kendal, Kuechler, Long, Mullins, Newcomb, Patten, Scott, Slaughter, Smith—16.

So the resolution was adopted.

Mr. Degener moved the previous question upon the passage of the resolution respecting newspapers.

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. Bellinger, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Fayle, W. Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kuechler, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Pedigo, Posey, Rogers, Slaughter, Smith, Sorrel, Stockbridge, Sumner, Vaughan, Watrous, Williams, Wilson of Brazoria—40.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Board, Bryant of Harris, Cole, Evans of Titus, Flanagan, Glenn, Hamilton of Bastrop, Kirk, Lippard, Long, Morse, Mullins, Patten, Phillips of San Augustine, Ruby, Scott, Thomas, Varnell, Wilson of Milam, Wright—24.

So the resolution was adopted.

The President announced that the business next in order was the resolution of Mr. Newcomb, to repeal the rule of the Convention respecting division.

Mr. Hamilton, of Brastrop, moved the previous question.

Previous question seconded.

Mr. Sumner moved a call of the House.

Call sustained.

Absentees—Messrs. Bell, Coleman, Horne, Hunt, Johnson of Calhoun, Mills, Phillips of Wharton, Whitmore, Foster—9.

Mr. Patten moved that the call of the House be suspended.

Carried.

Mr. Sumner moved a call of the House.

Call sustained.

Absentees—Messrs. Bell, Coleman, Foster, Horne, Hunt, Johnson of Calhoun, Mills, Phillips of Wharton, Scott, Whitmore—10.

Mr. Buffington moved that the Convention adjourn until to-morrow morning at ten o'clock.

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

Yeas—Messrs. Bellinger, Brown, Bryant of Grayson, Buffington, Degener, Goddin, Hamilton of Bastrop, Kuechler, Long, McCormick, McWashington, Morse, Mundine, Newcomb, Patten, Pedigo, Ruby, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Milam—23.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Lindsay, Lippard, Mackey, Mullins, Munroe, Phillips of San Augustine, Posey, Rogers, Scott, Slaughter, Smith, Sorrel, Stockbridge, Sumner, Wilson of Brazoria—44.

So the Convention refused to adjourn.

On motion the Convention adjourned till to-morrow morning at ten o'clock.