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CAPITOL, AUSTIN, TEXAS,  
DECEMBER 30, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Sumner moved the minutes be amended so as to appear that Mr. Mundine offered the declaration releasing frontier counties from county and State tax.

The motion was agreed to.

Mr. Newcomb offered the following petition, and asked its reference to the Committee on State Affairs :

To the Hon. E. J. DAVIS,

President of the Constitutional Convention :

SIR : Your petitioner would respectfully state that he received the appointment of assessor and collector of the county of Bexar, in this State, about two months after the organization of the provisional government under Governor Hamilton, and proceeded to the assessment and collection of taxes in said county, under the laws passed prior to 1861. He also assessed and collected the taxes of said county for the year 1866, and paid the same into the treasury.

Your petitioner would also state that, in order to promptly comply with the law, and speedily to meet the demands of the then exhausted treasury, and owing to his late appointment, he was compelled to engage and pay two deputies to complete the assessment and collection of taxes in due time ; and further, that, upon settlement of his accounts with the Comptroller, he was informed that his commissions, fees, etc., were due only in currency, and not in specie, as the law then in force ; thereby your petitioner sustained a pecuniary loss, his expenses being very heavy in traveling to and from the seat of government to settle his accounts, mileage being allowed at five cents currency per mile, and traveling to the different precincts of the county, pay of deputies, postage, stationery and other incidental expenses, exceeded by far his fees, commissions, etc. ; and as your petitioner sustained a pecuniary loss, he prays that the government refund him his just fees earned in the faithful performance of his duties.

The whole amount was \$1667 44, paid in United States cur-

rency, then being only two-thirds value of specie, leaving a deficit of \$555 81, or balance due me, so as to make it equivalent to specie; which amount (\$555 81) your petitioner asks may be ordered to be paid him from the treasury of the State.

I would respectfully refer you to the inclosed letter from the present Comptroller, and the certificate of the county judge of Bexar county.

And your petitioner will ever pray, etc.

F. H. ARLITT.

### EXTRACT

Of Fees, Commissions, etc., from Account Currents, on file in Comptroller's Office.

#### ACCOUNT FOR 1865.

##### State Tax Account :

Commissions for assessment of \$9,441 66.	\$883 25	
Commissions for collection of \$6,363 12.	290 89	
Commissions for collection of \$4,985 21.	249 41	
Mileage, 170 miles, at five cents.....	8 50	
		\$932 05

##### County Tax Account :

Commissions for assessment of \$536 96..	\$21 48	
Commissions for assessment of \$445 58..	17 82	
		39 30

#### ACCOUNT FOR 1866.

##### State Tax Account :

Commissions for assessment of \$13,276 47.	\$432 76	
Commissions for collection of \$3,626 61.	195 06	
Mileage, 170 miles.....	34 00	
		661 82

##### County Tax Account :

Commissions for assessment of \$849 03, and for collections of \$7 79.....	\$34 27	
		34 27
<b>Total.....</b>		<b>\$1,667 44</b>

It was so ordered.

Mr. Burnett presented petition from citizens of Houston and Trinity counties, asking the passage of an ordinance prohibiting the

sale of liquors within five miles of Pennington Academy, in Trinity county, and asked its reference to the Committee on State Affairs:

PENNINGTON, TEXAS,  
November 25, 1868.

To the Honorable Constitutional Convention of the State,  
Now in session at Austin:

We, the undersigned, citizens of Houston and Trinity counties, residing at the town of Pennington and vicinity, would respectfully represent to your honorable body that we have erected commodious buildings in this town, for both male and female schools; that this little town, situated in the edge of Trinity county, near and on the line between Houston and Trinity counties, at the foot of Tyler Prairie, is surrounded by a well-to-do and prosperous population; and that at this place a large and prosperous school, composed of both sexes, has heretofore been carried on, and with proper protection and legislative guards the school can be kept up, and the youth of our vicinity and surrounding country can be educated and become useful and thrifty citizens. The evil which thwarts our efforts is the vending of ardent and intoxicating liquors. We therefore pray your honorable body to pass an ordinance prohibiting the sale of spirituous or intoxicating liquors within five miles of the town of Pennington, under such penalties as shall effectually prevent the evil.

DANIEL DAILEY,  
J. H. PENNINGTON,  
T. S. WORTHAM,  
And three hundred others.

It was so ordered.

Mr. Flanagan made the following report:

COMMITTEE ROOM,  
December 30, 1868.

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

SIR: Your Committee on Internal Improvements have had before them a declaration to incorporate the Belton Bridge Company.

After giving it a careful examination, the committee, many of them being well acquainted with the crossing and wants of the pub-

lic, approve most cordially the enterprise, and I am instructed by a majority of the committee to report back the ordinance, and to recommend the passage of the same.

All of which is respectfully submitted.

J. W. FLANAGAN,  
Chairman Committee.

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

Rules suspended.

The question recurred upon the adoption of the declaration.

It was adopted.

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

Rules suspended.

Mr. Armstrong of Lamar offered the following amendment:

"And be completed within two years."

Amendment accepted.

The question recurred upon the final passage of the declaration as amended.

It was read third time and passed.

The following additional report from said committee was also read:

COMMITTEE ROOM,  
December 30, 1868.

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

SIR: Your Committee on Internal Improvements have had before them a declaration to incorporate the Austin Bridge Company, and after mature deliberation they came to the conclusion that the charter ought not to be granted, as asked for in said declaration. They require three (3) years before commencing, which the committee believe to be unwarrantable, and might very much prejudice the constructing of a bridge by other parties at a much earlier date.

The declaration also requires that no person or persons shall build a bridge or keep any ferry within five miles of Austin. This

the committee think very objectionable, and calculated to cripple a laudable enterprise.

Respectfully submitted.

J. W. FLANAGAN,  
Chairman Committee.

Mr. Munroe moved a suspension of the rules to take up the report of the Committee on Contingent Expenses, paying Enrolling Clerk and Sergeant-at-Arms mileage.

Rules suspended.

Mr. Lippard offered the following amendment:

"And all other officers of the Convention."

Mr. Flanagan 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:

Yea—Messrs. Adams, Bell, Bellinger, Poard, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Downing, Fayle, Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Jordan, Kealy, Kendall, Kuechler, Kirk, Lindsay, Mackey, McWashington, Morse, Mullins, Munroe, Phillips of San Augustine, Rogers, Ruby, Smith, Sorrell, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Wilson of Brazoria—33.

Nay—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Butler, W. Flanagan, Hamilton of Bastrop, Keigwin, Lippard, McCormick, Newcomb, Pedigo, Slaughter, Thomas, Whitmore, Williams, Wilson of Milam, Wright—18.

So the main question was ordered.

The question recurred upon the adoption of the resolution.

It was adopted.

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

Rules not suspended.

Mr. Munroe moved a suspension of the rules to take up the resolution to pay *per diem* to the widow of Honorable Mr. Mullins, deceased.

Rules suspended.

Mr. Flanagan offered the following amendment:

"Amend by adding the name of Dr. P. P. Adams, and all others that have been absent and regularly excused by the Convention, so that the said delegates may draw any allowance due them, now withheld on account of such absence."

Mr. Burnett moved the previous question.

Previous question not seconded.

Mr. Buffington moved that the whole matter be re-committed to the committee.

Carried.

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

WHEREAS, During the rebellion the names of certain counties in this State were changed in honor of leading men of the rebellion; therefore,

*Be it Resolved*, That the name of Davis county be changed to Latimer; Johnson, to Munroe; Baylor, to Blunt; Hood, to Carter; Shelby, to Morril.

It was so referred.

Mr. Evans of McLennan introduced a declaration granting relief to the Waco Tap Railroad, and asked its reference to the Committee on Internal Improvements without reading.

Mr. Newcomb introduced the following resolution, and asked its reference to the special committee on pay of absent and deceased members:

WHEREAS, On or about the twenty-first July last, B. W. Gray, member of this Convention, was indefinitely excused from attendance on the Convention on account of sickness of his wife, and soon afterward a resolution was passed cutting off the *per diem* pay of absentees; therefore be it

*Resolved*, That Mr. Gray be allowed his *per diem*, and the Secretary of the Convention is hereby required to draw his warrant upon the treasury for the same.

It was so referred.

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

It was so referred.

Mr. Burnett moved the rules be suspended to take up the report of the Committee on the Condition of the State.

Mr. Hamilton of Bastrop moved that the Convention go into Committee of the Whole upon the report.

Carried.

[Mr. Armstrong of Lamar in the Chair.]

Committee rose, reported progress, and asked permission to sit again to-morrow morning at eleven o'clock.

Leave granted.

The President appointed Mr. Brown on the Committee of Emigration; Mr. Mullins on Committee on Public Lands; Mr. Brown on Committee on Contingent Expenses; Mr. Mullins on Committee on Commerce and Manufactures; to fill vacancies caused by death and resignation.

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

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