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CAPITOL, AUSTIN, TEXAS,
December 31, 1868.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Flanagan moved a suspension of the rules to take up the International Pacific Railroad bill.

Mr. Hamilton of Travis desired the consideration of the bill postponed till next Saturday.

Agreed to.

The President presented a petition from citizens of St. Marys, and asked its reference to the Committee on Counties and County Boundaries.

It was so referred.

Also a petition from citizens of Starr county, asking a division of the State.

Referred to Committee on Division of the State.

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

COMMITTEE ROOM,
December 31, 1868.

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

SIR: Your Committee have had before them a declaration, introduced by Mr. Buffington from Grimes, asking a charter for a railroad, starting at Bolivar Point and running to Red River, and to be known as the Bolivar Point, Eastern Texas and Red River Railroad Company. Upon examination, it is found that this charter does not contemplate any extravagant action, either by land grants or aid in money, or bonds, but simply to be placed upon a common basis.

Your committee believe it a laudable enterprise, and they are so very anxious for an early development of the State, they feel disposed on their part to favor all legitimate efforts tending to enrich the State.

I am instructed by the committee to report back the declaration and to recommend the passage of the same.

Respectfully submitted,

J. W. FLANAGAN,
Chairman of the Committee.

A DECLARATION

Incorporating the Bolivar Point, Eastern Texas and Red River Railroad Company.

SECTION 1. *Be it declared*, That Levi Jones, A. Buffington, A. T. Munroe, J. R. Burnett, A. M. Bryant, M. L. Armstrong, A. Bledsoe, N. V. Board, P. P. Adams, J. W. Flanagan, John Monroe and C. J. D. Horne, and such other persons as they may associate with them, are hereby declared to be a body politic and corporate, under the name and style of the "Bolivar Point, Eastern Texas and Red River Railroad Company," and by such name may sue and be sued, have a seal and perpetual succession, and shall have the right to have and hold real and personal property in this State to the amount of ten millions of dollars.

SEC. 2. That said company shall have the right to construct a first class double or single track railroad from the water's edge nearest to the middle channel of Galveston Bay, on said Bolivar Point, then along Bolivar Peninsula to the main land; thence northwesterly to a point on Red River, not to exceed fifty miles distant from the town of Warren, with the right to vary to meet the wants of the people of the section not to exceed a distance of sixty miles from a straight line from the main land at Bolivar Point to the designated point on Red River, with the right to build a branch road at any point along their line, in an easterly or westerly direction to the Sabine or Trinity river, with the same right to said branches as herein granted to the main route.

SEC. 3. Said company shall have the right of way along their entire route, not to exceed two hundred feet in width, over all lands of the State, and the free use of rock, timber, gravel and earth thereof, and the terms of the general laws of this State to procure the release of the right of way from the owners of lands along the route; and shall also have the right to construct and operate a telegraph line along their entire route.

SEC. 4. Said company shall have the right to procure, hold and use piers and wharfs at Bolivar Point for the use of the road, and to build and construct bridges across streams along their line or the line

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of their branches; provided, that no right is here given to obstruct navigation.

SEC. 5. The capital stock of said company shall be five millions of dollars, divided into shares of \$100 each.

SEC. 6. Said company shall organize on or before the first day of July, 1869, and shall open books for subscriptions to the capital stock of said company for at least six months, and as much longer as they may see fit, at least at three places in Texas.

SEC. 7. Said company shall commence the construction of their road on Bolivar Point, and shall have completed and in running order at least twelve and a half miles of their road by the first day of January, 1872, and at least twelve and a half miles additional for every twelve months thereafter, until completed, or they are relieved from this obligation.

SEC. 8. Said company shall receive from the State of Texas the same aid in lands that has been or may hereafter be granted to the most favored company in this State.

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

Rules suspended.

Mr. Sumner offered the following amendment:

“Amend by compelling said road to pass through Sherman, Grayson county.”

Mr. Buffington moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. Bellinger, Board, Brown, Butler, Hamilton of Bastrop, Horne, Kealy, Lindsay, Mackey, Newcomb, Posey, Thomas, Vaughan, Wilson of Milam—14.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bryant of Harris, Carter, Cole, Curtis, Downing, Evans of McLennan, Fayle, W. Flanagan, Fleming, Gaston, Goddin, Gray, Harris, Johnson of Harrison, Jordan, Kendal, Kuechler, Kirk, Leib, Lippard, McCormick, McWashington, Morse, Mullins, Patten, Pedigo, Rogers, Ruby, Scott, Slaughter, Smith, Sorrell, Stockbridge, Sumner, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—44.

So the Convention refused to lay on the table.

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

Main question ordered.

The question recurred upon the adoption of the declaration.

It was adopted.

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

Rules suspended.

Mr. Butler offered the following amendment :

"Amend by adding the remaining members of the Convention as incorporators."

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

Carried.

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 Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Harris, Carter, Cole, Curtis, Downing, Evans of McLennan, W. Flanagan, Fleming, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Jordan, Kendal, Kirk, Leib, Lippard, McCormick, McWashington, Morse Mullins, Patten, Pedigo, Rogers, Ruby, Slaughter, Smith, Sorrell, Stockbridge, Sumner, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Bellinger, Butler, Hamilton of Bastrop, Kealy, Lindsay, Mackey, Newcomb, Thomas, Vaughan, Wilson of Milam—11.

So the declaration was adopted.

Mr. McCormick moved a reconsideration of the vote adopting the declaration.

Mr. Patten moved to lay the motion to reconsider on the table.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Harris, Carter, Curtis, Downing, Evans of McLennan, W. Flanagan, Fleming, Gaston, Gray, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Jordan, Kendal, Kuechler, Kirk, Leib, Lippard, McWashington, Mullins, Patten,

Pedigo, Rogers, Smith, Sorrell, Stockbridge, Whitmore, Wright—33.

Nays—Messrs. President, Bellinger, Butler, Caldwell, Cole, Fayle, Kealy, Keigwin, Mackey, McCormick, Newcomb, Phillips of San Augustine, Posey, Ruby, Slaughter, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam—23.

So the Convention refused to reconsider.

The President announced the hour of eleven o'clock having arrived, at which the Convention had made the report of the special committee on the condition of the State the order of the day in committee of the whole.

Mr. McCormick moved the Convention resolve itself into committee of the whole upon the report.

Carried.

[Mr. Armstrong, of Lamar, in the chair.]

Committee rose, reported progress and asked to sit again at the next regular meeting of the Convention.

Leave granted.

Mr. Patten moved to adjourn till Monday morning at ten o'clock.

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

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Butler, Cole, Curtis, Downing, Fleming, Gaston, Goddin, Gray, Hamilton of Bastrop, Hamilton of Travis, Harris, Horne, Keigwin, Kendal, Kuechler, McWashing-ton, Mullins, Newcomb, Patten, Pedigo, Rogers, Slaughter, Thomas, Varnell, Vaughan, Whitmore, Williams—33.

Nays—Messrs. Adams, Bledsoe, Board, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Evans of McLennan, Fayle Flanagan, W. Flanagan, Harn, Johnson of Harrison, Jordan, Kirk' Leib, Lindsay, Lippard, Mackey, McCormick, Morse, Munroe, Phillips of San Augustine, Posey, Ruby, Scott, Smith, Sorrell, Stockbridge, Sumner, Watrous, Wilson of Brazoria, Wright—34.

So the Convention refused to adjourn.

Mr. McCormick asked that Mr. Phillips, of Wharton, be excused on account of sickness.

Excused.

Mr. Burnett moved the Convention adjourn till to-morrow morning at ten o'clock.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Buffington, Burnett, Curtis, Flanagan, W. Flanagan, Gaston, Goddin, Johnson of Harrison, Jordan, Leib, Lindsay, Lippard, Mackey, McCormick, Morse, Munroe, Newcomb, Phillips of San Augustine, Posey, Sorrell, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wright—29.

Nays—Messrs. President, Bell, Bellinger, Board, Brown, Bryant of Harris, Butler, Carter, Cole, Downing, Evans of McLennan, Fayle, Fleming, Gray, Hamilton of Bastrop, Harris, Harn, Kealy, Keigwin, Kendal, Kuechler, McWashington, Mullins, Patten, Rogers, Ruby, Scott, Slaughter, Sumner, Varnell, Vaughan, Whitmore, Williams—33.

So the Convention refused to adjourn.

Mr. Varnell moved that the Convention adjourn till Saturday morning at ten o'clock.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Buffington, Butler, Burnett, Cole, Fayle, W. Flanagan, Gaston, Goddin, Harris, Johnson of Harrison, Jordan, Keigwin, Leib, Lindsay, Lippard, McCormick, McWashington, Morse, Munroe, Posey, Rogers, Scott, Sorrell, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright—35.

Nays—Messrs. Bell, Board, Brown, Bryant of Harris, Carter, Curtis, Downing, Evans of McLennan, Flanagan, Fleming, Gray, Hamilton of Bastrop, Harn, Kealy, Kendal, Kuechler, Mullins, Newcomb, Patten, Phillips of San Augustine, Slaughter, Vaughan, Whitmore, Williams—24.

So the Convention adjourned till Saturday at ten o'clock, A. M.