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CAPITOL, AUSTIN, TEXAS,
JANUARY 15, 1869.

Convention met pursuant to adjournment.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of the thirteenth and fourteenth instant read and adopted.
Mr. Flanagan, chairman of the Committee of Internal Improvements, reported as follows:

COMMITTEE ROOM,
January 14, 1869.

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

SIR: Your Committee on Internal Improvements have had before them a declaration introduced by Hon. G. W. Slaughter, for the improvement of the navigation of the bayou to the city of Jefferson, in Marion county, and to incorporate a company for that purpose.

Having examined the same, the committee instruct me to report the same back and recommend its passage.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Also the following report:

COMMITTEE ROOM,
January 13, 1869.

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

SIR: Your Committee on Internal Improvements have had before them a declaration for the relief of the East Texas Railroad Company, and after a careful examination find that said company is not indebted to the State, nor does it ask for any aid, simply an extension of the time to build their road without any forfeiture.

I am instructed unanimously by the committee to report the same back and to recommend its passage.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Also the following report:

COMMITTEE ROOM,
January 13, 1869.

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

SIR : Your Committee on Internal Improvements have had before them a declaration for the incorporation of the Texas Wooden Railroad Company.

After examining the same, the committee instruct me to report the same back to the Convention and to recommend its passage.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Mr. Munroe, chairman of the Committee on Division of the State, reported as follows :

COMMITTEE ROOM,
Austin, January 14, 1869.

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

SIR : The majority of the Committee on the Division of the State, to whom was referred the petition of citizens of Webb, Starr and Goliad counties in favor of the erection of a new State, west of the Colorado, instruct me to report the same back to the Convention with a recommendation that the prayers of the petitioners be granted, so far as the action of this body is concerned.

Respectfully submitted,

A. T. MUNROE,
Chairman Committee.

Report adopted.

Mr. Varnell offered the following resolution :

WHEREAS, Many counties in the State of Texas, and particularly in that portion of the State which I have the honor to represent, have been made bankrupt by the county court system now in force; and

Whereas, The county scrip of many counties is not worth and will not sell for more than twenty cents on the dollar; and

Whereas, County officers and creditors are put to great inconvenience and delay in obtaining their just and adequate dues from said county for their services; and

Whereas, The county tax, authorized to be levied by the law now existing is wholly inadequate for such purposes; therefore be it

Resolved, That the county court of each and every county that may desire to avail themselves of the benefit of this resolution, be authorized to levy a county tax sufficient to meet the demands of said indebtedness and embarrassment.

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

Rules suspended.

Mr. Evans, of McLennan, moved to strike out the words, "And particularly in that portion of the State which I have the honor to represent."

Carried.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Varnell moved a further suspension of the rules to put the resolution on its final passage.

Rules suspended.

Mr. Munroe offered the following amendment:

"Provided, The tax so assessed shall not exceed the present tax for each county."

The question recurred upon the adoption of the amendment.

It was adopted.

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

It was read third time and passed.

Mr. Ruby introduced the following resolution, and asked its reference to Committee on Judiciary:

WHEREAS, On the — day of —, 1858, R. P. Boyce, of Galveston county, entered into contract with the State of Texas, to roof the capitol building thereof; and

Whereas, During the war said Boyce was unable to comply with his contract in keeping said roof in sound condition, because of the then disturbed condition of affairs, and therefore said roof became leaky; and

Whereas, Suit for damages to the amount of \$12,000 has been instituted in the name of the State of Texas, in the District Court of Galveston county, against said R. P. Boyce for non-compliance with his contract in keeping said roof (capitol) in good condition; and

Whereas, The reasons of said R. P. Boyce for not complying with his contract are herein set forth and sufficiently obvious; therefore be it

Declared by this Convention, That the said R. P. Boyce be relieved from any responsibility in the matter for which suit is now instituted, and that the Attorney General of the State be requested to dismiss said cause.

It was so ordered.

Mr. Gray introduced the following resolution :

Resolved, That the special committee of eleven on the constitution be authorized to employ a clerk, who shall receive the same *per diem* as other officers of the Convention, to be paid on the certificate of the Secretary and approval of the President.

Mr. Gray moved a suspension of the rules to take up the resolution.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Gray moved a further suspension of the rules to put the resolution on its final passage.

Rules suspended.

The question recurred upon the final passage of the resolution.

It was read a third time and passed.

Mr. Phillips, of San Augustine, introduced the following resolu-

tion, and asked its reference to the Committee on Division of the State :

Resolved, That the question of a division of the State of Texas into two or more States, together with the metes and bounds of such new States proposed to be formed, shall be submitted to the qualified voters of the present State of Texas for their approval or disapproval at the same time the Constitution is submitted for ratification or rejection.

It was so referred.

Mr. Flanagan, by permission, reported as follows :

COMMITTEE ROOM,
January 15, 1869.

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

SIR: Your Committee on Internal Improvements have had before them a declaration for the incorporation of the Young Men's Real Estate Company in the city of Austin. The Committee have examined the same, and unanimously come to the conclusion that it is a praiseworthy enterprize, and I am instructed to report it back and to recommend the passage of the same.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Mr. Hamilton, of Travis, moved a suspension of the rules to consider declaration as reported by the committee.

Rules suspended.

The question recurred upon the adoption of the declaration.

It was adopted.

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

Rules suspended.

Declaration read a third time and passed.

Mr. Pedigo moved a suspension of the rules to take up a declaration for the relief of the Eastern Texas Railroad Company.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

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

Rules suspended.

Declaration read third time and passed.

Mr. Evans, of McLennan, moved a suspension of the rules to take up a declaration attaching a portion of Guadalupe county to Wilson county.

Rules suspended.

The question recurred upon the adoption of the declaration.

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

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Harris, Buffington, Carter, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, Gray, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lippard, Long, Mackey, Mullins, Mundine, Munroe, Patten, Pedigo, Ruby, Schuetze, Scott, Smith, Sorrell, Stockbridge, Watrous, Whitmore, Williams, Wilson of Milam, Wright—39.

Nays—Messrs. President, Bell, Bellinger, Brown, Bryant of Grayson, Butler, Cole, Fayle, Gaston, Hamilton of Bastrop, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, McCormick, Mc-Washington, Morse, Newcomb, Phillips of San Augustine, Posey, Rogers, Sumner, Thomas, Vaughan, Wilson of Brazoria—26.

So the declaration was ordered to be engrossed.

Mr. Hamilton, of Travis, by permission, introduced a declaration concerning the sale of the unappropriated public domain of the State of Texas to the United States, and asked its reference to the Committee on State Affairs.

It was so ordered.

Mr. Thomas introduced the following substitute :

WHEREAS, The question of a division of the State has agitated this Convention to the almost entire exclusion of its legitimate business for the past five weeks, and

WHEREAS, The Constitution of the United States expressly declares that no new State shall be erected within the jurisdiction of any other State without the consent of the Legislature of the State concerned as well as of the Congress, and

WHEREAS, It is but just and right that the people should be heard on so grave a subject as the division of the State, therefore,

Be it resolved by the Delegates of the people of Texas in Convention assembled, That the question of a division of the State be and it is hereby referred to the people and to the Legislature, and that resolutions or declarations relating thereto shall not hereafter be entertained by this body, but if presented shall be immediately declared out of order by the President.

Mr. Newcomb moved the previous question upon the adoption of the resolution as reported by the Committee of the Whole.

Previous question seconded.

Mr. Sumner moved a call of the House.

Call sustained by the following delegates:

Messrs. Sumner, Bryant of Grayson, Hamilton of Travis, Mackey, Leib, Keigwin, Watrous, Posey, Stockbridge, Rogers, Thomas, Fleming, Wilson of Brazoria, Mundine, Cole, Kealy, Harn, Phillips of San Augustine, Bell, Armstrong of Jasper, Schuetze—21.

Absentees—Messrs. Coleman, Foster, Horne, Mills—4.

The President directed the following communication, addressed by him to the Commanding General, to be read:

HALL OF THE CONVENTION,
Austin, Texas, January 14, 1869.

GENERAL: I have to call your attention to an obstacle which has prevented the progress of business in this Reconstruction Convention.

Under the rules of the Convention fifteen or more members can sustain a "call of the Convention," as it is termed. When this is done the business under consideration is suspended and absent members are sent for. All members who are on the roll of the Convention are considered as belonging to the body, though they may not have been here since the meeting on the seventh of December, and unless they have been excused on account of sickness or other good cause they must be brought in.

Four members (Messrs. W. W. Mills, of El Paso, Presidio county, H. H. Foster, of Colorado county, C. E. Coleman, of Harrison and Panola counties, and G. Yarborough, of Upshur and Wood counties,) have not been in attendance since the Convention met, on the seventh December.

With regard to the absence of Messrs. Coleman and Foster no explanation has been given, and they are believed to have left the

State. I am informed that Mr. Yarborough (who is of advanced age) is at home in a distant county, and is quite infirm, and does not probably ever intend to return to the Convention.

Mr. Mills was said to have intended being present at this session, and I believe he has written here to that effect; but we are now in the sixth week of this session, and he is still absent. His residence (El Paso) is too distant for the possibility of getting him here within any reasonable time.

Two or three weeks of this session have been wasted and business blocked, under "call of the Convention," to send for these and other members, and we are at this moment under a suspension of business for the same reason.

All other members absent have either resigned or been excused for cause. Therefore members cannot, in my opinion, be brought here, and the necessity of the case requires some prompt remedy.

There is some doubt whether the Convention would be authorized to declare these offices vacant and, accordingly, I think it my duty to submit to the General Commanding the consideration of some remedy that he may deem himself authorized to apply to the case, and thus enable us to bring our duties to a close.

Respectfully,

EDMUND J. DAVIS,

President of the Convention.

To Major-General E. R. S. Canby, U. S. A.,
Commanding Fifth Military District,
Austin, Texas.

Mr. Hamilton of Bastrop moved a suspension of the "call."

Call sustained by the following delegates:

Messrs. Sumner, Bryant of Grayson, Hamilton of Travis, Mackey, Leib, Keigwin, Watrous, Posey, Stockbridge, Rogers, Thomas, Fleming, Wilson of Brazoria, Mundine, Cole, Kealy, Harn, Phillips of San Augustine, Bell, Armstrong of Jasper, Schuetze—21.

Absentees—Messrs. Coleman, Foster, Horne, Mills—4.

Mr. Slaughter 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, Bell, Bellinger, Hamilton of Bastrop, Hamilton of Travis, Harn, Hunt, Keigwin, Kuechler, Leib, Mackey, McCormick,

McWashington, Morse, Mundine, Pedigo, Posey, Rogers, Schuetze, Slaughter, Sorrell, Stockbridge, Thomas, Vaughan, Watrous, Williams, Wright—29.

Nays—Messrs. President, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Harris, Johnson of Harrison, Jordan, Kealy, Kendal, Lippard, Long, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Scott, Smith, Sumner, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam—41.

So the Convention refused to adjourn.

Mr. Patten moved the Convention take a recess till to-morrow morning at ten o'clock.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Evans of McLennan, Hamilton of Travis, Harris, Harn, Hunt, Keigwin, Long, Mackey, McCormick, McWashington, Morse, Mundine, Posey, Rogers, Schuetze, Slaughter, Sorrell, Vaughan, Watrous, Williams, Wright—20.

Nays—Messrs. President, Adams, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Gray, Hamilton of Bastrop, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Kirk, Lippard, Mullins, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Scott, Smith, Stockbridge, Sumner, Thomas, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam—13.

So the Convention refused to take a recess.

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

Call sustained by the following delegates :

Messrs. Sumner, Bryant of Grayson, Hamilton of Travis, Mackey, Leib, Keigwin, Watrous, Posey, Stockbridge, Rogers, Thomas, Fleming, Wilson of Brazoria, Mundine, Cole, Kealy, Harn, Phillips of San Augustine, Bell, Armstrong of Jasper, Schuetze—21.

Absentees—Messrs. Coleman, Foster, Horne, Mills—4.

Mr. Carter introduced the following

2D SESS.—19

RESOLUTION.

Resolved, That a special committee of three (3) be appointed to enquire into the absence, from this body, of Messrs. C. E. Coleman, H. H. Foster and W. W. Mills, members of the Convention who, have failed to appear at the present session of the Convention, or to render any excuse for their absence; said committee to report, by resolution or otherwise, at the earliest day practicable.

Mr. Monroe moved to amend by adding the name of Z. Yarborough.

Amendment adopted.

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

The yeas and nays were demanded and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Gray, Hamilton of Bastrop, Harris, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Newcomb, Patten, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Varnell, Vaughan, Whitmore, Wilson of Milam, Wright—55.

Nays—Messrs. Fleming, Hamilton of Travis, Harn, Kealy, Mackey, Posey, Rogers, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria—13.

So the resolution was adopted.

The President appointed Messrs. Carter, McCormick and Patten the committee called for by the resolution.

Mr. Burnett moved to take a recess till this evening at seven o'clock.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Butler, Burnett, Curtis, Downing, W. Flanagan, Hamilton of Travis, Harris, Lippard, Morse, Patten, Rogers, Schuetze, Slaughter, Sorrell, Wright—21.

Nays—Messrs. Armstrong of Lamar, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Carter, Cole, Degener,

Evans of McLennan, Evans of Titus, Fayle, Flanagan, Fleming, Gaston, Hamilton of Bastrop, Harn, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Mullins, Mundine, Munroe, Newcomb, Phillips of San Augustine, Posey, Ruby, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—48.

So the Convention refused to take a recess.

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

Call sustained by the following delegates :

Messrs. Sumner, Bryant of Grayson, Hamilton of Travis, Mackey, Lieb, Keigwin, Watrous, Posey, Stockbridge, Rogers, Thomas, Fleming, Wilson of Brazoria, Mundine, Cole, Kealy, Harn, Phillips of San Augustine, Bell, Armstrong of Jasper, Schuetze—21.

Absentees—Messrs. Coleman, Foster, Horne, Mills—4.

Mr. Burnett moved the call of the House be suspended.

Call sustained by the following delegates :

Messrs. Sumner, Bryant of Grayson, Hamilton of Travis, Mackey, Leib, Keigwin, Watrous, Posey, Stockbridge, Rogers, Thomas, Fleming, Wilson of Brazoria, Mundine, Cole, Kealy, Harn, Phillips of San Augustine, Bell, Armstrong of Jasper, Schuetze—21.

Absentees—Messrs. Coleman, Foster, Horne, Mills—4.

Mr. Flanagan moved the Convention take a recess till 7 o'clock this evening.

Carried.

EVENING SESSION—SEVEN O'CLOCK.

Mr. Carter, from special committee, appointed at the morning session, to inquire into the cause of absence of certain delegates, reported as follows :

REPRESENTATIVE HALL,

January 15, 1869.

Hon. E. J. DAVIS,

President of the Convention :

SIR: Your Special Committee appointed to inquire into the circumstances of the absence of Messrs. Mills, Yarborough, Coleman

and Foster, have had that matter under examination, and have made such inquiry and received such evidence as satisfies the committee that Mr. Yarborough's health and age have hitherto prevented, and will continue to prevent his attendance upon this Convention at its present session; that Messrs. Coleman and Foster are either not in the State, or if in it their place of habitation is not known to those residing in the Districts represented by said delegates, and other evidence, not proper to embody in this report, has satisfied the committee that said Coleman and Foster will not attend the present session of the Convention, and cannot be brought in by the Sergeant-at-Arms or a special messenger. The committee believe that Mr. Mills has purposed attending this session of the Convention, but has hitherto probably been kept away by urgent private business, by the difficulty and danger of travel from El Paso to the Capital at this time, and probably by stress of weather. That letters have been received from him by his friends here, indicating that he would arrive in Austin about this time.

Under all the circumstances of the case, your committee venture to suggest a modification of Rule 55 of the Convention, and have instructed me to report the accompanying resolution, which is respectfully submitted, with the recommendation that it be adopted by the Convention.

Respectfully,

CARTER,
Chairman Committee.

Resolved, That Rule 55 of the Convention shall hereafter be and read as follows:

55. Fifteen members shall be necessary to sustain a call of the Convention; and upon a call of the Convention, the names of the members shall be called alphabetically by the Secretary, and the absentees noted; after which the names of the absentees shall be called again; if they do not answer, the sergeant at-arms or a special messenger may be sent for them, and the question pending shall be without a motion laid on the table until such of the absentees as have been in attendance upon the Convention within five days next preceding the day on which such call is made, shall appear, or the call be suspended.

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

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

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant of

Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Flanagan, W. Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, McCormick, McWashington, Mullins, Munroe, Newcomb, Patten, Pedigo, Ruby, Scott, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wilson of Milam, Wright—41.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Brown, Cole, Fleming, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, Mackey, Moise, Mundine, Phillips of San Augustine, Posey, Rogers, Sorrell, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria—26.

So the Convention refused to suspend the rules.

Mr. Buffington moved the Convention adjourn till to-morrow morning at 10 o'clock.

Carried.
