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CAPITOL, AUSTIN, TEXAS,
JANUARY 23, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. McCormick moved that Messrs. W. Flanagan and A. Bledsoe be excused from attendance on the Convention.

Mr. Fayle moved to excuse Mr. Horne, of Fort Bend.

Mr. Evans, of McLennan, asked to be excused indefinitely.

Mr. Butler asked that Mr. Goddin be indefinitely excused.

Upon the motion to excuse, the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong of Jasper, Bell, Bellinger, Board, Burnett, Cole, Fayle, Harris, Harn, Hunt, McCormick, McWashington, Munroe, Newcomb, Patten, Slaughter, Sorrell, Varnell, Vaughan—20.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Carter, Curtis, Degener, Downing, Flanagan, W. Flanagan, Gaston, Gray, Hamilton of Bastrop, Hamilton of Travis, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, Mackey, Morse, Mullins, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Smith, Stockbridge, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

So the Convention refused to grant leave.

The President announced the special committee to inquire into the circumstances relating to the expulsion of Mr. Sumner, to be Messrs. Evans of Titus, Bryant of Grayson, Posey, Wilson of Milam and Downing.

Mr. Newcomb moved a suspension of the rules, to take up a resolution respecting the *per diem* of absent members.

Rules suspended.

Mr. Flanagan moved the previous question.

Previous question seconded.

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

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

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Bryant of Grayson, Buffington, Degener, Hamilton of Bastrop, Keigwin, Lippard, Morse, Patten, Phillips of San Augustine, Rogers, Thomas, Williams, Wilson of Milam—15.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Board, Butler, Cole, Downing, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Johnson, Jordan, Kealy, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Mullins, Mundine, Munroe, Newcomb, Posey, Ruby, Schuetze, Scott, Slaughter, Smith, Stockbridge, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—41.

So the Convention refused to lay on the table.

Mr. Whitmore was excused from voting.

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

Which main question was the engrossment of the resolution.

Main question ordered.

The question recurred upon the engrossment of the resolution.

It was passed to engrossment.

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

By leave of the Convention the motion was withdrawn.

Mr. Bryant, of Grayson, moved a suspension of the rules, to take up the report of the special committee on mileage of delegates.

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

Yeas—Messrs. President, Adams, Bell, Bellinger, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Curtis, Degener, Downing, Gaston, Gray, Hamilton of Bastrop, Hamilton of Travis, Hunt, Jordan, Kuechler, Leib, Lippard, Mackey, Morse, Mundine, Newcomb, Patten, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Sorrell, Stockbridge, Thomas, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—42.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Fayle, Flanagan, W. Flanagan, Fleming, Harris, Harn, Horne, Johnson, Keigwin, Kendal, Long, McCormick, McWashington, Mullins, Munroe, Ruby, Scott, Smith, Varnell, Whitmore, Williams—24.

So the Convention refused to suspend the rules.

Mr. Evans, of McLennan, presented the following petition, and asked its reference to the Committee on Counties and County Boundaries :

TO THE HONORABLE CONSTITUTIONAL CONVENTION OF TEXAS :

Your memorialist respectfully asks your honorable body that they do not cut off any of the territory of either the counties of Falls, Bell or McLennan, alledging as a truth that said counties are now of convenient size, and that the county sites are in the centres thereof, and that the people of said counties do not desire that any dismemberment take place.

Very respectfully,

A. J. EVANS.

It was so referred.

Mr. Flanagan, from the Committee on Internal Improvements, made the following report :

COMMITTEE ROOM,
January 23, 1869.

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

SIR: Your committee have had before them a declaration introduced by Delegate Fayle, incorporating the Ship Channel and Bolivar Point Company, and after examining the same I am instructed to report the same back and to recommend that it pass.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

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

Rules suspended.

The question recurred upon the engrossment of the declaration.

It was engrossed.

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

Rules suspended.

Declaration read a third time and passed.

Mr. Flanagan made the following report from the same committee :

COMMITTEE ROOM,
January 23, 1869.

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

SIR: Your committee have had before them a declaration incorporating the Rock Bridge and Turnpike Company. After examining the same I am instructed to report the same back, and to recommend that it pass.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Also the following:

COMMITTEE ROOM,
January 23, 1869.

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

SIR: Your Committee on Internal Improvements have had before them a declaration presented by Delegate Fayle, incorporating the Houston and Lynchburg Railroad Company, and after examining the same I am instructed to report back the same and to recommend its passage.

Respectfully submitted,

J. W. FLANAGAN,
Chairman Committee.

Mr. W. Flanagan moved the rules be suspended to take up the following declaration incorporating the Rock Creek Bridge and Turnpike Company.

A DECLARATION

Incorporating Rock Creek Bridge and Turnpike Company.

SECTION 1. *Be it declared by the people of Texas in Convention assembled,* That Mrs. W. E. Weaver, her associates and assigns, are hereby created a body corporate and politic, with the rights and privileges hereinafter set forth. The said Mrs. W. E. Weaver, her associates and assigns, shall have the privilege of con-

structing a bridge across Rock creek, in Hopkins county, at the crossing three miles east of Sulphur Springs, and on the road leading towards Jefferson, Texas; also, the privilege of constructing bridges over the sloughs across said road; also, the privileges of levying the bottom of said stream so as to make the road safe and easy to pass over at all stages of the water.

SEC. 2. *Be it further declared*, That said Mrs. Weaver, her associates or assigns, shall have six months from the passage of this declaration to build and complete the work contemplated by this declaration, and when the work is completed it shall be the duty of the county judge and two or more of the county commissioners to examine the work and road, and if found in good condition, and extending from hill to hill over the whole of the bottom of said Rock creek, a distance of about four hundred yards, and done in accordance with this declaration, then they shall certify the fact under their hands and the seal of the county court, and deliver the same to the said Mrs. W. E. Weaver.

SEC. 3. *Be it further declared*, That said Mrs. Weaver, or assigns, with sureties, shall enter into bond in the sum of two thousand dollars, payable to the county judge of Hopkins county, conditioned to pay all damages any person or persons may sustain in crossing over said road and bridge by reason of said bridges and road being out of repair, and the said bond may be put in suit by any person who has been damaged as aforesaid, said bond to be approved by the county judge and recorded in the office of the county clerk of Hopkins county.

SEC. 4. *Be it further declared*, When all the conditions hereinbefore set forth have been complied with, the said Mrs. Weaver and her associates or assigns shall have the privilege of erecting a toll-gate, and to collect the following tolls: for four horse or ox wagon, fifty cents; for two horse or ox wagon, twenty-five cents; for carriage or buggy, twenty-five cents; for man and horse, ten cents; for loose horses per head, three cents; for cattle per head, three cents; for hogs, sheep or goats, two cents; for footman, five cents; provided, that said Mrs. Weaver and her associates shall not have the right to charge citizens of Hopkins county any toll for passing over said bridge.

SEC. 5. *Be it further declared*, That the exclusive privilege of said road shall extend three miles on either side of said turnpike,

and no crossing shall be made on said creek within said limits without the consent of Mrs. Weaver, her associates or assigns.

SEC. 6. *Be it further declared*, That the privileges herein granted shall continue for ten (10) years from the completion of the work herein contemplated.

SEC. 7. *Be it further declared*, That this declaration be in force from and after its passage.

Rules suspended.

The question recurred upon the engrossment of the declaration.

It was engrossed.

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

Rules suspended.

Declaration read a third time and passed.

Mr. Newcomb moved the Convention adjourn till Monday morning at ten o'clock.

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

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bryant of Grayson, Cole, Curtis, Gaston, Harris, Hunt, Newcomb, Varnell, Williams—11.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Harris, Buffington, Carter, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Hamilton of Travis, Harn, Horne, Johnson, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Thomas, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—45.

So the Convention refused to adjourn.

Mr. Schuetze moved to suspend the rules to allow the consideration of the motion of Mr. Harris to reconsider the vote refusing to engross the report of the Committee on Immigration.*

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

* For report see page 162

Yeas—Messrs. Adams, Bell, Board, Bryant of Harris, Buffington, Butler, Burnett, Cole, Curtis, Degener, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Hamilton of Travis, Harn, Hunt, Johnson, Jordan, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Posey, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam—42.

Nays—Messrs. Presieent, Armstrong of Jasper, Bellinger, Bledsoe, Carter, Gaston, Harris, Kealy, Keigwin, Mackey, Newcomb, Thomas—12.

So the rules were suspended.

The question recurred upon the motion of Mr. Harris to reconsider the vote.

Mr. Newcomb moved a call of the House.

Call not sustained.

The question recurred upon the motion to reconsider.

The Convention adopted motion to reconsider.

Mr. Burnett moved to recommit the matter to the Committee on Internal Improvements.

Motion to recommit, by leave, withdrawn.

The question recurred upon the engrossment of the declaration to incorporate the Liverpool and Texas Steamship Company, limited, as reported from the committee.

Mr. Flanagan offered the following amendment :

Amend the eighth section of the bill so that the same shall read as follows :

That for the purpose of further assisting the said corporation in promoting this enterprise and inducing immigration to the State, there shall be and is hereby granted to the said company five hundred thousand acres of land out of the unappropriated public domain of the State as follows :

Whenever five hundred emigrants shall be introduced into the State, under the direction of said company, and the said company shall lay before the Governor of the State the certificate of the American consul at the port from which the vessel bringing said emigrants sailed showing the number of emigrants said vessel sailed with, and also the certificate of the officer of customs of the port in the State of Texas where said vessel arrives, stating that said vessel has landed the number of emigrants named in the certificate of the American consul as above provided, then the Governor shall make his requisition upon the Commissioner of the Land Office for certificates to be issued to the said company for twenty thousand acres of

the public land, each certificate to be for six hundred and forty acres ; and upon such requisition by the Governor, the Commissioner of the Land Office shall issue certificates to the said company for said twenty thousand acres of land. And so upon every subsequent introduction of five hundred emigrants into the State by the said company, and evidence of the fact being laid before the Governor, he shall make his requisition upon the Commissioner of the Land Office in favor of said company for twenty thousand acres of the public land ; and upon such requisition the Commissioner of the Land Office shall issue certificates to said company for twenty thousand acres of land, until in this manner the said five hundred thousand acres of land shall have been granted to the said company.

Amend ninth section by adding to it after the word "estates," the following words :

And provided further, that the said bond shall be conditioned that the said company shall introduce into the State at least twelve thousand five hundred emigrants from Europe within five years from the date of the execution and delivery of said bond.

And provided further, that said bond shall be conditioned that at least one-fifth of the whole number of emigrants introduced shall be adult males.

Mr. Degener moved to recommit the declaration to the Committee on Immigration.

Mr. W. Flanagan moved to lay the motion to recommit on the table.

Withdrawn.

Mr. Degener moved that the Convention adjourn till ten o'clock on Monday morning.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Bryant of Grayson, Burnett, Degener, Evans of McLennan, Fleming, Harris, Hunt, Jordan, Kealy, Keigwin, Newcomb, Patten, Thomas, Whitmore, Williams—19.

Nays—Messrs. President, Adams, Bell, Board, Bryant of Harris, Buffington, Butler, Carter, Cole, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Hamilton of Travis, Harn, Horne, Johnson, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—43.

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So the Convention refused to adjourn.

The President decided a motion to lay the motion to recommit on the table could not be entertained.

The question recurred upon the motion to recommit.

The Convention refused to recommit.

The question recurred upon the adoption of the amendment offered by Mr. Flanagan.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Cole, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—51.

Nays—Messrs. Carter, Degener, Evans of McLennan, Hunt, Kealy, Mackey, Newcomb, Patten, Rogers, Thomas, Williams—11.

So the amendment was adopted.

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Newcomb moved the Convention adjourn till Monday morning at ten o'clock.

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

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Bryant of Grayson, Burnett, Carter, Degener, Evans of McLennan, Fleming, Harris, Hunt, Kealy, Keigwin, Mackey, Newcomb, Thomas—16.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Bryant of Harris, Buffington, Butler, Cole, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Gaston, Hamilton of Travis, Harn, Horne, Johnson, Jordan, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Patten, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—45.

So the Convention refused to adjourn.

The question then recurred, "Shall the main question be now put?" which main question was the engrossment of the declaration as amended.

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

Yeas—Messrs. Adams, Bell, Bryant of Harris, Buffington, Butler, Burnett, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Gaston, Hamilton of Travis, Harn, Horne, Johnson, Jordan, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Patten, Ruby, Schuetze, Scott, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—42.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Bryant of Grayson, Carter, Degener, Fleming, Harris, Hunt, Kealy, Keigwin, Mackey, Newcomb, Rogers, Thomas, Williams—17.

So the main question was ordered.

The question recurred upon the engrossment of the declaration.

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

Yeas—Messrs. Adams, Bell, Bryant of Harris, Buffington, Butler, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Hamilton of Travis, Harn, Horne, Johnson, Jordan, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Morse, Mullins, Mundine, Munroe, Ruby, Schuetze, Slaughter, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—39.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Bryant of Grayson, Burnett, Carter, Degener, Fleming, Harris, Hunt, Kealy, Keigwin, Mackey, Newcomb, Patten, Rogers, Thomas, Whitmore, Williams—19.

So the Convention engrossed the declaration.

On motion, Messrs. Pedigo, Mackey, Degener, Munroe and Evans of McLennan were excused from attendance on the Convention.

On motion the Convention adjourned till Monday morning at ten o'clock.