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CAPITOL, AUSTIN, TEXAS,
January 26, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. McCormick asked leave of absence for Messrs. W. Flanagan and Horne.

Mr. Gray, on motion, was excused for the day.

Mr. Thomas rose to a point of order, stating that the name of Mr. Sumner had not been called at the commencement of the morning session.

The President decided the point of order in the negative.

Mr. Varnell offered the following

RESOLUTION.

WHEREAS, A prejudice exists in some of the Northern and Western States against the introduction into said States of Texas cattle, in consequence of a disease having appeared amongst the native cattle in some of the Northwestern States, supposed to have been communicated by Texas cattle introduced into said States in the summer months; and,

Whereas, It has been demonstrated beyond question, by years of experience, that Texas cattle can be introduced into the Northern and Northwestern States in the season of frosts without any danger whatever of communicating disease to the native or any other cattle in said States; and,

Whereas, Some of said Northern and Northwestern States are proposing to pass laws absolutely prohibiting the introduction of Texas cattle into said States; therefore,

Be it resolved by the people of Texas in Convention assembled, That the passage of laws by any of the said States prohibiting the introduction therein of Texas cattle during the season when it is well known no disease will be communicated by them, is an unjust discrimination against a very large and growing interest of this

State, and a direct interference with commerce between the States, as guaranteed by the Constitution of the United States; and,

Be it further resolved, That the President of this Convention be requested and instructed to forward certified copies of these resolutions to the Governors of the several Northern and Northwestern States, to be by them laid before the Legislatures of their respective States, and also a copy to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States.

The President decided that under the rules the resolution could not be acted upon.

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

COMMITTEE ROOM,
January 26, 1869.

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

SIR : Your committee have had before them a declaration in relation to the Corpus Christi Ship Channel, and after an examination of the same I am instructed to report it back, and to recommend its passage.

Respectfully submitted,
J. W. FLANAGAN,
Chairman Committee.

DECLARATION

For the relief of John M. Moore, assignee of J. W. Vineyard.

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That an act entitled an act supplementary to an act to incorporate the city of Corpus Christi, approved February 16, 1852, approved February 13, 1854, and that an act to donate public lands to certain parties therein named for the improvement of the channel between Corpus Christi and Aransas Pass, approved August 22, 1856, be, and the same are hereby re-enacted, ordained and declared to be valid and in full force and effect.

SEC. 2. That a certain ordinance passed by the Mayor and Board of Aldermen of the city of Corpus Christi on the 15th day of

April A. D. 1858, entering into a contract with Dean S. Howard & Co., to dig and construct a ship channel from Corpus Christi to Aransas Bay across the mud flats, be, and the same is hereby declared to be legal, valid and of binding force on said city and said Dean S. Howard & Co., and their assigns, and that said John M. Moore, assignee of J. W. Vineyard, and agent and contractor of the city of Corpus Christi for the completion of said channel be, and he is hereby confirmed in all the rights, privileges, immunities and franchises heretofore conferred on said Dean S. Howard & Co. and said J. W. Vineyard and his assigns by the Legislature of the State of Texas in the different acts relating to said ship channel and the proceedings of the Mayor and Board of Aldermen of the city of Corpus Christi at any time passed relating thereto; and that said John M. Moore, his heirs, assigns or legal representatives shall have a reasonable time for the completion of said channel in accordance with the provisions of the charter and supplementary acts herein referred to; that is to say, at least two years from the date and passage of this declaration.

SEC. 3. That the city bonds of the said city of Corpus Christi issued by Ruben Holbien, acting mayor of said city in the year 1858 to said D. S. Howard & Co., for the payment of which the revenues arising from said ship channel are pledged, and which said bonds were transferred to J. W. Vineyard, and by said J. W. Vineyard to said John M. Moore, be, and the same is a good, valid and subsisting lien on the revenues arising from said channel; but the said city of Corpus Christi shall in no event be considered as responsible for these bonds, and that the transfers and assignments of said bonds are valid and vest all the rights and of the said Dean S. Howard & Co. and said J. W. Vineyard in said John M. Moore and his assigns.

SEC. 4. That for the payment of said bonds and the further costs of constructing said ship channel, if any there be, that the said John M. Moore and his assigns are hereby authorized, empowered and required to proceed to the collection of tolls on all steamships, steamboats, sail vessels and water crafts of every description passing through or using any part of said channel at rates not to exceed five cents per barrel of freight carried by said steamships, steamboats, sail vessels and water crafts as provided for and expressed in the charter and supplementary acts hereto referred to; and any steamship, steamboat, sail vessel or water craft using said channel and refusing to pay for the same as herein provided and expressed, shall pay double the amount of the toll herein mentioned, to be recovered

before any court of competent jurisdiction, and the owner or owners of said channel shall have a lien on every such steamship, steamboat, sail vessel or other water craft using said channel until said toll is paid, and may enforce his claim thereto as aforesaid in any court of competent jurisdiction; and it shall only be necessary before taking judgment against said vessel or water craft and the owners thereof, to serve the captain, master or person in charge of said vessel or water craft with the ordinary process issued in civil causes by the court having jurisdiction of claims of a similar amount; *Provided*, however, That no tolls shall be collected unless said channel is kept in good condition and at least five feet deep at ordinary tides; *Provided*, further, That after two years from the passage of this declaration no tolls shall be collected unless said channel is at least eight feet deep at ordinary tides.

SEC. 5. That from and after the completion of said channel to a depth of eight feet and a width of one hundred feet and the conditions and provisions of an act entitled an act to donate lands to certain persons therein mentioned for the improvement of the channel between Corpus Christi and Aransas Pass approved August 22, 1856, have been complied with, that the said John M. Moore and his assigns be, and are hereby authorized to demand and receive the lands from the State of Texas which were authorized to be given by said act last referred to as soon as said channel should be completed to the depth of eight feet and one hundred feet wide.

SEC. 6. That this declaration shall take effect and be in force from and after its passage.

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

Rules suspended.

The question recurred upon the adoption of the resolution.

Resolution adopted.

Mr. Flanagan 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. Flanagan, from the same committee, reported as follows :

COMMITTEE ROOM,
January 26, 1869.

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

SIR: Your committee have had before them the following declaration to incorporate the Port Sullivan, Belton and Northwestern Railroad Company, and after examining the same, I am instructed to report it back, and to recommend that it pass.

Respectfully submitted.

J. W. FLANAGAN,
Chairman Committee.

A DECLARATION

To incorporate the Port Sullivan, Belton and Northwestern Railroad Company.

SECTION 1. That Thomas J. H. Anderson, F. M. Hall, Blanton Streetman, Hugh Davis, H. C. Ghast, C. G. Forshey and William White, of Milam county, and Elisha Embree, Chamberlin F. Miller, E. S. C. Robertson and J. H. Haldeman, of Bell county, and their successors and assigns, be and they are hereby declared a body corporate and politic, with capacity to sue and be sued; to receive, hold and convey property; to contract debts, and to issue bonds, notes and other evidences of debt, and in general to have all the powers, functions, immunities and privileges of a person or body corporate, under the name and style of "The Port Sullivan, Belton and Northwestern Railroad Company;" to have a president, secretary, directors and other officers, and a seal, which shall represent and bind the company in their transactions.

SEC. 2. The object of the company shall be to build, own, maintain and operate a railroad from the Texas Central road, at or near Hearne Station, in Robertson county, by way of Port Sullivan, in Milam county, to Belton, in Bell county; and thence in a north-westward direction to the boundary of the State of Texas.

SEC. 3. The capital stock of said company shall be one million dollars, with the privilege to increase the same, at the option of the directory, to five millions; to be divided into shares of one hundred dollars each; but the company may organize on the subscription of ten thousand dollars, and the payment of five per cent. upon the same.

SEC. 4. The company shall commence operations, and have surveyed to Belton their route, and put into running order, as hereinafter provided in section five, at least six miles of their road, prior to the first day of January, A. D. 1870.

SEC. 5. The company shall have the power and authority to construct such temporary wooden railroad, with narrow gauge and light cars, as may answer the present demands of trade and travel, and to use the same instead of an iron track, until the demands of commerce shall indicate the need of iron rails, and to use such horse or steam power for transportation as the directory may choose; provided, that they shall incur all the obligations and responsibilities of common carriers.

SEC. 6. They shall have the authority to bridge the Brazos river and other streams on their line without draws, and to establish ferries across streams for their own railroad uses.

SEC. 7. And shall be authorized to charge tolls upon their bridges and ferries, when used for public purposes, subject, however, to such limitation as to rates as the county courts in which they lie shall deem necessary and proper to fix.

SEC. 8. They shall be authorized, when in the judgment of the county courts of the counties through which the main line may pass, or lie adjacent to, it may be for public interest and necessity to build branch lines of their roads through or to such points in said counties as said courts may indicate, with same provision as to temporary wooden tracks as above described and provided; and the said counties shall be authorized to make such appropriations to aid in the construction of said branch roads as are provided by law for the main lines; and may proceed, at the discretion of the county court, to make and pay such appropriation under the general law.

SEC. 9. Whenever the said company shall construct the iron track according to the requirements of the general law, they shall be placed on the footing of the most favored companies as to grants of lands, the wooden track described being but temporary in its character, and to be replaced by the iron rails as early as the demands of trade and travel shall require it.

SEC. 10. This declaration shall have effect from the date of its passage.

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

Rules suspended.

The question recurred upon the engrossment of the declaration.

It was engrossed.

Mr. Patten 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. Flanagan moved a suspension of the rules to take up the declaration incorporating the Texas Wooden Railroad Company.

On the motion to suspend the rules the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Burnett, Carter, Cole, Degener, Downing, Flanagan, W. Flanagan, Gaston, Hamilton of Travis, Harris, Johnson, Jordan, Keigwin, Kendal, Kuechler, Leio, Lippard, McWashington, Morse, Mullins, Mundine, Patten, Phillips of Wharton, Smith, Sorrell, Stockbridge, Varnell, Wilson of Milam, Wright—34.

Nays—Messrs. Armstrong of Lamar, Brown, Bryant of Grayson, Buffington, Curtis, Fleming, Hamilton of Bastrop, Hunt, Kealy, McCormick, Newcomb, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Slaughter, Thomas, Vaughan, Whitmore, Wilson of Brazoria—21.

So the Convention refused to suspend the rules.

Mr. Patten introduced the following

RESOLUTION.

Resolved, That this Convention do adjourn on Monday, February 1, 1869, at twelve M., subject to be re-assembled, at any time, by the Commanding General or by a majority of the committee who were elected to proceed to Washington.

Mr. Thomas offered the following

SUBSTITUTE.

Resolved, That no adjournment of this body take place until a constitution shall have been perfected and an ordinance framed submitting the constitution to the people, for ratification or rejection.

Resolved, further, That no business shall be in order other than the formation of a constitution, until the same shall have been completed.

Mr. Degener moved to lay the substitute on the table.

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

Yeas—Messrs. President, Adams, Board, Brown, Butler, Burnett, Carter, Degener, Downing, Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Varnell, Vaughan, Whitmore, Wilson of Milam—29.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Cole, Curtis, Fleming, Gaston, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—30.

So the Convention refused to lay on the table.

The question recurred upon the adoption of the substitute.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Burnett, Cole, Curtis, Fleming, Gaston, Hamilton of Travis, Harn, Johnson, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—34.

Nays—Messrs. President, Adams, Board, Brown, Butler, Carter, Degener, Downing, Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Kendal, Kuechler, Lippard, Mullins, Newcomb, Patten, Ruby, Slaughter, Varnell, Vaughan, Whitmore, Wilson of Milam—25.

So the substitute was adopted.

Mr. Flanagan 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.

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Butler, Burnett, Cole, Curtis, Downing, Fleming, Gaston, Hamilton of Travis, Harn, Johnson, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Wilson of Brazoria, Wright—42.

Nays—Messrs. Board, Brown, Carter, Degener, Flanagan, Hamilton of Bastrop, Harris, Hunt, Kendal, Kuechler, Lippard, Mullins, Newcomb, Patten, Ruby, Slaughter, Varnell, Vaughan, Whitmore, Wilson of Milam—20.

So the resolution was adopted.

Mr. Butler moved that a majority of the Committee on the Constitution be instructed to report this evening, at half-past seven o'clock.

It was so ordered.

Mr. Davis of Nueces offered the following resolution as amendatory of the rules :

Resolved, That all speeches shall be limited, hereafter, to five minutes on any subject.

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

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

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant of Grayson, Butler, Burnett, Downing, Fayle, Flanagan, Hamilton of Bastrop, Kendal, Kuechler, Lippard, Morse, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Sorrell, Varnell, Whitmore, Wilson of Milam—29.

Nays—Messrs. Bryant of Harris, Buffington, Carter, Cole, Curtis, Fleming, Gaston, Hamilton of Travis, Harn, Harris, Johnson, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—30.

So the Convention refused to suspend.

Mr. Buffington offered the following resolution :

RESOLUTION

Providing for the election of an additional delegate to Washington, and for providing a fund to pay the expenses of the delegation to Washington.

1. *Resolved*, That this Convention shall elect an additional delegate to Washington, who shall reside in that portion of the territory of this State north of the thirty-second parallel north latitude, west of the Trinity river.

2. *Resolved*, That the sum of six thousand dollars (\$6000) be and the same is hereby appropriated out of any moneys in the treasury at the disposal of this Convention, and not otherwise appropriated, to defray the expenses of the commissioners of this Convention to Washington, and which shall be paid over to said delegation, and used by them in paying their expenses; and that the certificate of the Secretary of the Convention shall be a sufficient voucher to authorize the Comptroller to draw his warrant in favor of the President upon the Treasurer for said appropriation.

Mr. Butler rose to a point of order that under the rules no business could now be entertained but the consideration of the Constitution.

Mr. McCormick moved that Mr. Wilson, of Brazoria, be permitted to print remarks upon the immigration bill, passed yesterday. Leave granted.

Mr. Buffington moved to adjourn till half-past nine o'clock tomorrow morning.

Mr. Flanagan rose to a point of order that the Convention can not adjourn under the rule adopted this morning.

The point of order was sustained.

On motion, the Convention took a recess until this evening at half-past seven o'clock.

EVENING SESSION—HALF-PAST SEVEN O'CLOCK.

Convention met at half-past seven o'clock.

No quorum.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Harris moved to adjourn till half-past nine o'clock to-morrow morning.

Lost.

Absentees—Messrs. Phillips of Wharton, Bryant of Harris, Curtis, Evans of Titus, Fayle, Jordan, McWashington, Posey, Slaughter, Vaughan, Watrous, Williams, Wright—13.

Messrs. Phillips, of Wharton, and Evans, of Titus, were excused on account of sickness.

Mr. Hamilton, of Travis, moved to adjourn till half-past nine o'clock to-morrow morning.

Lost.

Mr. Thomas moved a suspension of the call.

Call suspended.

Mr. Hamilton, of Travis, moved to adjourn till to-morrow morning at half-past nine o'clock.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellingier, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Fleming, Gaston, Gray, Hamilton of Travis, Harris, Kealy, Keigwin, Kuechler, Mundine, Phillips of San Augustine, Rogers, Ruby, Schuetze, Scott, Stockbridge, Thomas, Watrous—26.

Nays—Messrs. President, Armstrong of Jasper, Board, Butler, Downing, Degener, Flanagan, Hamilton of Bastrop, Harn, Horne, Hunt, Johnson, Leib, Lippard, Long, Mullins, Morse, Newcomb, Patten, Ruby, Smith, Sorrell, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam—26.

So the Convention refused to adjourn.

Mr. Gray offered a report from the Committee on Constitution.

Mr. Mundine moved the reading of the report be dispensed with, and that the report be printed.

Mr. Patten moved to lay the motion of Mr. Mundine on the table.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Absentees—Messrs. Bryant of Harris, Curtis, Fayle, Jordan, Kendal, Posey, Slaughter, Vaughan, Williams, Wright—10.

Mr. Mundine moved to adjourn till half-past nine o'clock to-morrow morning.

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

Yeas—Messrs. Adams, Armstrong of Lamar, Armstrong of Jasper, Bell, Bellinger, Bryant of Grayson, Buffington, Cole, Fleming, Gray, Gaston, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kuechler, Kirk, McWashington, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Schuetze, Stockbridge, Thomas, Watrous—28.

Nays—Messrs. President, Brown, Board, Burnett, Carter, DeGENER, Downing, Flanagan, Hamilton of Bastrop, Horne, Hunt, Johnson, Lippard, Long, Morse, Mullins, Newcomb, Patten, Ruby, Smith, Sorrell, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam—25.

So the Convention adjourned till half-past nine o'clock to-morrow morning.
