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CAPITOL, AUSTIN, TEXAS,  
January 30, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Fayle presented the following petition and resolution :

HOUSTON, January 29, 1869.

Honorable W. R. FAYLE, M. C. :

Please present the following at the proper time :

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

Understanding that the Convention will probably adjourn to meet in some other place than Austin, I am instructed by the Board of Aldermen of this city to extend an invitation to the members to meet here, if they should see proper to meet in this city. The Convention will be provided with a hall and suitable committee rooms free of expense.

J. R. MORRIS,  
Mayor.

RESOLUTION.

*Resolved*, That this Convention adjourn on Wednesday, the third day of February, 1869, at one o'clock P. M., to be reassembled at the city of Houston whenever it may be deemed advisable by the committee elected to represent this body at Washington, or by the Commanding General.

Mr. Patten moved the adoption of the resolution.

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

Yeas—Messrs. President, Board, Brown, Bryant of Harris, Butler, Curtis, Degener, Downing, Fayle, Hamilton of Bastrop, Hunt,

Kendal, Kuechler, Long, McWashington, Mullins, Newcomb, Patten, Slaughter, Smith, Whitmore—22.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Carter, Cole, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Jordan, Kealy, Keigwin, Leib, Lippard, Mackey, McCormick, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—40.

So the Convention refused to adopt.

Mr. Degener rose to a question of personal privilege, and stated the persons named in an account of a meeting opposed to division, in Comal county, given in the Republican to-day, were men mostly disfranchised under the law.

Mr. Smith of Galveston rose to a question of personal privilege, stating that a speech in the Republican of to-day, reported to have been made by Mr. Bryant of Grayson, was incorrect.

Mr. McCormick, from the Committee on Contingent expenses, reported as follows :

REPRESENTATIVE HALL,  
January 30, 1869.

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

SIR : The Committee on Contingent Expenses, to whom was referred the resolution of Mr. Buffington in relation to appropriating fifty thousand dollars, etc., have had the same under consideration, and upon examination are satisfied that an additional appropriation of twenty thousand dollars for the mileage and per diem pay of the members of the Convention, and for the pay of the officers and employes thereof, and an additional appropriation of six thousand dollars for printing and contingent expenses, will be sufficient to meet all of the expenses of sending the Commissioners to Washington, and have instructed me so to report.

I accordingly submit herewith two declarations (providing for said appropriations), as a substitute for the original resolution.

Respectfully,

A. P. McCORMICK,  
Chairman Committee.

## A DECLARATION

Making an appropriation for the printing and contingent expenses of the Convention.

*Be it declared by the people of Texas in Convention assembled:*

That the sum of six thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the printing and contingent expenses of the Convention, and that the certificate of the Secretary of the Convention, approved by the President thereof, shall be a sufficient voucher for the Comptroller to draw his warrant on the Treasurer for the various amounts intended to be covered by this appropriation.

## A DECLARATION

Making an appropriation for mileage and per diem pay of the members, and the pay of the employes, of the Convention.

*Be it declared by the people of Texas in Convention assembled:*

That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the mileage and per diem pay of the members of the Convention, and the per diem pay of the officers and employes of the Convention.

*Be it further declared.* That the certificate of the Secretary of the Convention, approved by the President thereof, shall be a sufficient voucher for the Comptroller to draw his warrant upon the Treasurer for the amounts for the payment of which this appropriation is made.

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

Rules suspended.

Mr. Patten offered the following amendment to the resolution appropriating twenty thousand dollars (\$20,000) for expenses:

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“ Amend by adding six hundred dollars to defray the expenses of the committee to Washington.”

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

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, Cole, Fleming, Gaston, Glenn, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—31.

Nays—Messrs. President, Adams, Brown, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Morse, Mullins, Newcomb, Patten, Phillips of Wharton, Slaughter, Smith, Varnell, Whitmore, Wilson of Milam—32.

So the Convention refused to lay on the table.

The question recurred upon the adoption of the amendment.

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

Yeas—Messrs. President, Adams, Board, Brown, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Morse, Mullins, Newcomb, Patten, Phillips of Wharton, Slaughter, Smith, Varnell, Whitmore, Wilson of Milam—32.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Cole, Fleming, Gaston, Glenn, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—31.

So the amendment was adopted.

Pending the announcement of the vote, Mr. Ruby requested permission to vote; objection being made he withdrew his request.

Mr. Patten offered the following amendment :

Amend by adding \$153, to meet deficit in the expenses of Mr.

M. C. Hamilton, one of the delegates sent to Washington in July last, and who remained over in the expectation of a September session of Congress until it was manifest that no such session would be holden, say to the 15th September, and where necessary expenses amounted to \$553, he having received at the Treasury, on leaving, the sum of \$400.

Mr. Hamilton, of Travis, moved to add \$100 for Mr. C. Caldwell. The amendment as amended was adopted.

Mr. Butler 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 as amended.

It was adopted.

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

Rules suspended.

The question recurring upon the final passage of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellingier, Board, Brown, Bryant, Buffington, Butler, Burnett, Carter, Degener, Downing, Fayle, Flanagan, Gray, Hamilton of Bastrop, Harris, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, Mackey, Morse, Mullins, Mundine, Newcomb, Patten, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith, Varneil, Whitmore, Wilson of Milam—39.

Nays—Messrs. Armstrong of Jasper, Bell, Bryant of Grayson, Cole, Evans of Titus, Fleming, Gaston, Glenn, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, McCormick, McWashington, Phillips of San Augustine, Posey, Ruby, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—26.

So the resolution was adopted.

Mr. McCormick moved the rules be suspended to take up the resolution appropriating \$6000 to pay contingent expenses and printing.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

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

Rules suspended.

Resolution read a third time and passed.

Mr. Phillips, of Wharton, from Committee on Commerce and Manufactories, reported as follows :

COMMITTEE ROOM,  
Austin, January 30, 1869.

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

SIR: Your Committee, having examined the application of the Houston Mutual Life Insurance Company for an act of incorporation, find nothing in the application of an exceptional character, but simply an act of incorporation, and understanding that the city of Houston is in need of such an institution, a majority of your Committee report in its favor.

Respectfully,  
PHILLIPS, of Wharton,  
Chairman Committee.

#### A DECLARATION

To incorporate the Houston Mutual Life Insurance Company.

*Be it declared by the people of the State of Texas in Convention assembled :*

SECTION 1. That J. R. Morris, H. G. Pannell, Wm. R. Fayle, H. H. Dooley, John Brashear, Robert Brewster, W. A. Daly, O. C. Drew, E. S. Graham, A. Wettermark, A. B. Hall and A. J. Burke, their associates and successors, be and they are hereby constituted a body corporate and politic under the name and style of "The Houston Mutual Life Insurance Company;" and, by that name and style shall have perpetual succession; and be capable, in law, of suing and being sued, plead and being impleaded, answering and being answered unto, defending and being defended against, in all manner of actions, suits, complaints, and causes; may make, have and use a common seal, and the same may change or alter at pleasure.

SEC. 2. The said corporation shall have power and authority to make and enter all manner of contracts and agreements for insurance of lives of persons, and may make, execute and issue policies of insurance of every kind and nature whatsoever for the insurance of

Rules suspended.

Resolution read a third time and passed.

Mr. Phillips, of Wharton, from Committee on Commerce and Manufactories, reported as follows :

COMMITTEE ROOM,  
Austin, January 30, 1869.

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

SIR: Your Committee, having examined the application of the Houston Mutual Life Insurance Company for an act of incorporation, find nothing in the application of an exceptional character, but simply an act of incorporation, and understanding that the city of Houston is in need of such an institution, a majority of your Committee report in its favor.

Respectfully,  
PHILLIPS, of Wharton,  
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#### A DECLARATION

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SEC. 2. The said corporation shall have power and authority to make and enter all manner of contracts and agreements for insurance of lives of persons, and may make, execute and issue policies of insurance of every kind and nature whatsoever for the insurance of



human life ; and may do and perform, generally, every act and thing to the business of life insurance belonging, or in any wise appertaining ; and may re-insure said corporation, or cause the same to be re-insured against loss on, or by any risk or risks which may be hereafter taken by said company ; and may, for the benefit of said corporation, purchase, from time to time, any policy or policies of insurance, or other obligation or obligations issued, or to be issued, by said corporation.

SEC. 3. The affairs of said corporation shall be managed by a board of twelve directors, all of whom shall be residents of this State and be qualified as is provided in section five of this ordinance, and elected in the manner hereinafter prescribed. Said directors shall, within a reasonable time after the annual election in each year, meet at the office of said company, in the city of Houston, and elect from among their number a President and Vice-President, whose term of office shall continue until the first Monday in the month of January then next following, and until their successors shall be duly elected ; and said Board of Directors shall have power to designate and appoint such other officers, agents and servants for said corporation, as may be by them deemed necessary or expedient for properly conducting, managing, transacting or carrying on the business of said corporation, and to regulate and fix the rate of compensation of all officers, agents and servants whatsoever of said corporation. Said directors shall also have power to determine and declare, by by-laws, what number of said board less than the whole number, not less than five, shall constitute a quorum for the transaction of business, and shall also have power to fill any and all vacancies which may occur by death, resignation or otherwise, in said board, or in the office of president or vice-president, by the appointment of some other person or persons to serve for the residue of the term.

SEC. 4. To the end that the term of service of one-third of the whole number of said Board of Directors shall expire at the end of each and every year, the said board shall, by lot, be divided into three classes having an equal number of directors in each class, and shall respectively expire as follows : That of the first class in one year ; that of the second class in two years ; and that of the third class in three years. And on the first Monday in the month of January of each and every year hereafter there shall be holden at the office of the company, in the city of Houston, between such hours of the day as shall be named or designated by the Board of Directors, an election for directors in the place and stead of those whose term of service shall then expire, of which said election previous notice of

not less than ten days shall be given by public advertisement in some one or more newspapers printed in the city of Houston; and it shall be the duty of the Board of Directors, at some meeting of said board prior to any such election, to appoint three competent persons, not directors in said corporation, to act as inspectors of such election, to superintend and conduct the same, and to certify to said board the result thereof. If, from any cause, such election cannot be holden, or shall not take place on that day, said corporation shall not, for that cause, be dissolved, but the same may be holden on any other subsequent day which may be designated by said board, of which like previous notice shall be given, and the old directors shall continue to serve until their successors shall be duly elected. Nothing in this declaration contained shall be so taken or construed as to render any director ineligible to re-election to said office of directors.

SEC. 5. No person shall be eligible to the office of director in this company who is not either the bona fide holder and owner of at least ten shares of the capital stock of the corporation, or who is not the holder of a policy of insurance issued by this company, either on his own life or the life of some other person, for his use and benefit, for an amount not less than five thousand dollars. At all elections for directors of this company, each stockholder shall be entitled to cast one vote for each share of the capital stock owned and held by him or her, and holders of policies issued by this company shall be each entitled to one vote; but no such policy holder who may happen to hold more than one policy on the same life shall be entitled to cast more than one vote. Persons entitled to vote at any such election may do so by proxy, but no proxy shall be allowed to cast more than one hundred votes unless the votes offered to be cast or voted by him shall all be the votes of one and the same stockholder or policy holder, as the case may be.

SEC. 6. For the better and more complete security of all persons concerned in the insurance of any life insured in this corporation, the board of directors thereof are authorized and empowered to create or establish a joint capital stock, which shall not exceed in the amount the sum of five hundred thousand dollars, and which shall be divided into five thousand shares of one hundred dollars each, and issued on the terms and conditions following, that is to say: Five dollars per share shall be paid by each subscriber at the time of subscribing for such shares, and the residue thereof shall be paid in installments of not more than ten dollars on each share, at such times as the board of directors may designate and appoint for the payment

thereof, sixty days' notice of any such call being given by advertisement in some newspaper printed in the city of Houston; provided, however, that should the intervening losses and liabilities of the company amount in the aggregate to a sum greater than the amount or sum of the then available means of the corporation, the board of directors may require a further and additional amount or sum of the unpaid installments to be paid on sixty days' notice that the same is required, said notice to be given in manner as aforesaid. The payment of all deferred or unpaid installments due from subscribers for stock shall be secured by bonds of the subscribers, with good and sufficient sureties, to be approved by the board of directors, and conditioned in effect for the payment of all and every installment, at such time as payment thereof may be required by the board of directors, or the same may be secured by deed of trust, or by the deposit of collaterals with said company, or in any other manner which may be approved by the board of directors. There shall be declared, from time to time, on said capital stock, dividends of twelve per cent. per annum, payable in semi-annual installments, in the months of January and July respectively in each and every year; provided, always, that no dividend shall at any time be paid which will in any manner impair the said capital stock; but in such case, for any such dividend or dividends, or for such part thereof as may be unpaid on the first day of January in each year respectively, scrip may be issued to the stockholders by said corporation, bearing interest at a rate not exceeding the rate of twelve per cent per annum; and such scrip when so issued shall have priority to and shall be paid before any dividend which may subsequently be declared shall be paid. Dividends may be withheld on any share or shares of stock on which any installment is due and unpaid.

SEC. 7. The said corporation shall not advance or loan any part of its funds on pledge or hypothecation of the capital stock of said corporation, but for any debt, claim or demand whatever, including unpaid installments on stock which may be at any time due and owing to said corporation, by or from any member or stockholder therein, either as principal or surety for another, the said corporation shall have the benefit of a lien, and the same is hereby declared a lien, on any and all shares of stock belonging to such debtor or stockholder, whether the said shares of stock be paid up in whole or in part; and any such stock, on which said corporation may have a lien as aforesaid, may, on thirty days' notice, be sold at public sale to the highest bidder, for cash, and the proceeds and avails of such sale shall be applied, first, to the payment of the proper costs and expenses of such sale; next, to the payment of the debt, claim or

demand so due and owing to said company; and the residue, if any shall be paid over to said stockholder or his legal representatives. Should the proceeds of such sale, however, not be sufficient in amount to pay the expenses attending such sale and the demand due to the company, in any such case payment of the deficit may be enforced by suit. When the capital stock shall be fully paid in, certificates of stock shall be issued to those who may be entitled to receive the same.

SEC. 8. All transfers of shares of stock in this corporation shall be made on the books of the corporation, and in all such cases of such transfer the old certificate shall be surrendered to the company to be canceled, and a new certificate shall be issued, in lieu thereof, to the person to whom any such transfer shall or may be made; but no transfer of any share or shares of said capital stock on which said company may have a lien, as provided in the next preceding section, shall be made without the assent of said corporation until such debt, claim or demand shall be fully paid and satisfied. In case transfer shall be made of any share or shares of stock, with the assent of said corporation, before the unpaid installments shall have been fully paid, the bond or other security, given by the party transferring the same, may be canceled or surrendered, and a new bond or other security may be taken from the party to whom such transfer is made, to be approved by the Board of Directors as provided for in section seven of this declaration.

SEC. 9. Should the Board of Directors at any time become satisfied that the bond or other security of any stockholder is insufficient to secure to the prompt payment of every installment due by such stockholder, they may require such stockholder to execute and deliver to the corporation such other further and additional security as they may deem proper, at or within such time as the board shall designate, to be approved as aforesaid, and so on, as often as the said security may be considered or deemed by said board insufficient; and should any stockholder fail to give the required further and additional security within the time so designated by the board for that purpose, it shall be lawful for said company to sell, or cause to be sold, the stock held by such stockholder in the same manner and upon like notice as hereinbefore provided in relation to sales made in case of default being made in the payments of installments due upon stock, the payment of which may have been required by the board, and the avails and proceeds of any such sale shall be applied to the payment of the costs and charges of such sale; and the amount due and owing from such delinquent stockholder or obligor

to the said company, and any surplus that may remain shall be paid over to such stockholder or obligor, and his bond shall thereupon be canceled; but in case the said proceeds and avails shall not be sufficient to pay the expenses attending said sale, and the sum due the company on said stock, then, and in every such case, payment of any such deficit may be enforced by suit.

SEC. 10. The President and Directors of said corporation shall have power to establish, from time to time, and enforce such by-laws, rules and regulations for the good government of said corporation as they may deem necessary, the same not being contrary to the Constitution of the United States or of the State of Texas; and generally to do and perform, or cause to be done and performed, any act, matter or thing which the interest of said corporation may from time to time require to be done and performed.

SEC. 11. The Board of Directors may from time to time invest the capital stock, accumulated premiums for insurance, and surplus avails, and profits of the business of said corporation, in any funded debt or public securities created, or which may hereafter be created, by any law of the United States, in the bonds or other securities of the State of Texas, in the bonds or other securities of any city or county in this State, in mortgages or real estate, deeds of trust and promissory notes, and may sell, transfer or exchange the same and re-invest the proceeds and avails thereof in such manner as they may deem conducive to the interest, benefit and advantage of said corporation.

SEC. 12. Any policy of insurance issued by this company for the use, benefit or advantage of the wife, widow, children, father or mother of any person whose life may be insured by said corporation, shall not be held or made liable for any debts, contracts or engagements of the person whose life is or may be so insured; and all such insurance, in the event of the decease of the person whose life is or may be so insured, shall be paid to the person or persons beneficially interested therein, to be held by him, her or them free, and discharged of and from all pre-existing debts, contracts and engagements whatever of the person deceased.

SEC. 13. The real estate which it shall and may be lawful for said corporation to purchase, have, hold, use and convey, shall be as follows: First—Such as shall or may be requisite or necessary for the use of said corporation in the transaction of its business. Second—Such as may from time to time be conveyed to it by way of mort-

gage or deed of trust for the purpose of securing to said corporation the payment of any debt or debts, loan or loans, sum or sums of money which may be due and owing thereto. Third—Such as may be conveyed to said corporation absolutely in payment or satisfaction of any debt or debts, loan or loans, sum or sums of money which may be due and owing to said company. Fourth—Such as may from time to time be bought by said corporation at any sale or sales made under any execution, judgment, decree or order of court, mortgage or deed of trust; and all such real estate to which said corporation shall or may become entitled, save and except such as may be necessary and requisite for its accommodation and use in transactions of its business, shall be sold and disposed of by said corporation within fifteen years from and after the date at which it shall or may acquire title thereto; and it shall not be lawful for said corporation to have and hold any piece or parcel of ground for a longer period than fifteen years from the time at which it shall or may become entitled to the same, except as above excepted.

SEC. 14. So soon as the same may be practicable after the first Monday in the month of January, in each and every year, it shall be the duty of the officers of said corporation to cause to be prepared a true and correct general balance statement of the affairs of the corporation for the preceding year, ending on the thirty-first day of December then last past, which shall contain and show: First—The amount of premiums received and the amount of interest received from loans and investments of every kind for and during the year. Second—The amount of the expenses and liabilities of the company for and during same period. Third—The amount of losses incurred during the same period. Fourth—The balance remaining with said company, the kind and nature of the security by which all loans are secured, and the amount of actual cash on hand; which said statement shall be recorded in a book to be prepared and kept for that purpose; which said book shall at all times (during the usual hours for the transaction of business), be open and subject to the inspection or examination of any stockholder or policy holder of said corporation who may desire to inspect or examine the same.

SEC. 15. The capital stock accumulations from payments of premiums, and all increase and accumulation of funds of the company from all sources whatever, shall be held liable to and for the payment of all losses, expenses and liabilities incurred by said company; and shall not be withdrawn for division or other distribution in any manner whatever among holders of policies of insurance issued by said company, who may by the terms and conditions of any such pol-

icy be entitled to participate or share in profits and earnings of said company, so long as there shall or may be outstanding liabilities of said corporation ascertained to be due and unsettled, except in the manner provided in sections number seventeen and number eighteen of this declaration. The directors may from time to time determine the rate of premium which shall be paid by any applicant for insurance, and regulate the manner, terms and time and times of payment thereof; and should default be made in the payment of any premium due or to become due and owing to said company, or any part thereof, at the time at which the same ought to be paid, then and in such case the policy on which said premiums may be so due and owing, shall by reason of such default become forfeited, and shall no longer be of any force or effect whatever, and said company shall be fully exonerated and discharged from any and all liability by reason or on account of such policy; and all premiums which shall or may have been paid thereon to said company, as well as all and every unredeemed dividend which shall or may be due thereon, at the time of such default, shall become and be deemed forfeited to said company; provided, always, that the Board of Directors may in their discretion set aside any such forfeiture, and reinstate any such forfeited policy and dividend on such terms and conditions as to the said directors may seem reasonable and proper.

SEC. 16. The officers of said corporation shall, on the first Monday in the month of January in each and every year, or so soon thereafter as may be practicable, make, or cause to be made, in writing, a statement or exhibit showing the condition of the affairs of said company on the thirty-first of December then last past, and if, as shown by such statement or exhibit, after the payment of all losses, liabilities and expenses of the company, and after creating a contingent fund, which, together with the capital stock, shall, in the judgment of the Board of Directors, be a sufficient provision for all outstanding risks for the year preceding the date of such statement, there shall remain a surplus, each insured member who may be entitled to share in the profits of the company, and whose policy may not have become forfeited, shall be entitled to be credited on the books of said company for such proportional part of any such surplus as the sum of the annual premiums paid by such member shall bear to the aggregate sum or amount of such surplus as may be so declared to be remaining, but no such dividend shall be actually redeemed or paid off until such time as the assets of the company, inclusive of capital stock, shall amount to the sum of four hundred thousand dollars. Whenever the sum or amount of said assets shall be over and above said sum of four hundred thousand dollars, such

excess may, from year to year thereafter, be applied towards the redemption of the dividends of each year, in whole or in part, as may be determined by the Board of Directors; provided, always, the said assets shall, in the judgment of said directors, exceed in amount the value of the policies then actually in force, in an amount or sum equal to the sum of the said dividends so to be redeemed or paid off; but no dividend or dividends of any subsequent year shall be redeemed or paid so long as the dividend or dividends of any preceding year shall be unprovided for. The Board of Directors may, in their discretion, declare any such dividend or dividends (the payment whereof may be postponed) entitled to bear interest at a rate not exceeding the rate of twelve per cent. per annum.

SEC. 17. In case the decease of any person whose life may be insured by said corporation, and whose policy shall not have been forfeited at the time of such decease, the amount of insurance to be paid by the company in such case, together with any unredeemed dividend or dividends then standing to the credit of such policy, after deducting such sum as may be due and owing to said corporation on account of premiums, notes, or other indebtedness of the beneficiary to said corporation, shall be paid to the person or persons who may be entitled to demand and receive the same under and by virtue of the terms and conditions of the policy in such case within ninety days from and after the time at which notice and satisfactory proof of death shall have been furnished to the Board of Directors, and by them duly approved according to the provisions of the by-laws of said corporation relating to such necessary proof.

SEC. 18. Suits at law may be instituted and prosecuted by said corporation against any stockholder or member thereof, and also by any stockholder or member thereof against said corporation, but no suit on any policy of insurance issued by this corporation shall be commenced or maintained until the end of ninety days next after delivery of due notice and proof of death to said corporation; and in all suits by and against said corporation, no stockholder or member of said corporation who may be otherwise a competent witness shall be declared incompetent or disqualified as a witness because of his being a stockholder or member of this corporation.

SEC. 19. The chief or principal office or place of business of this company shall be located in the city of Houston, in this State, but agencies may, from time to time, be established by said company at any other place or places in this State, or in any other State or territory of the United States.



Mr. Newcomb, from the special committee appointed to consider the most practicable mode of printing the journals, reported as follows :

AUSTIN, Texas,  
January 30, 1869.

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

SIR : The special committee appointed to inquire into the most practicable mode of publishing the journals of the Convention, beg leave to submit the following report and resolutions agreed upon by the committee :

Your committee find that the journals of the Convention are the most voluminous ever made by any similar, or rather legislative body in the State.

The journals as published give but a portion of the real matter which properly belongs to the proceedings, and which should be published to make them complete. These journals will make a volume, or volumes, of over one thousand pages brevier type, and over two thousand pages of pica type, forty-four lines long and twenty-six ems wide. This is a low estimate.

The first assistant secretary, who is thoroughly acquainted with the matter, makes the estimate double this number of pages.

One establishment has offered to do the work on an estimate of one thousand pages pica type, at four-tenths of a cent a page, or four thousand dollars.

Your committee is confident this is an incorrect estimate, and that if the work is given out on this basis, it will cost at least twelve thousand dollars.

The sum usually paid by the State for collecting and publishing the journals of the Legislature is from ten thousand to twelve thousand dollars, and at least this amount would be necessary for printing of the journals of this Convention, if done in accordance with the laws of the State, and in the State.

If economy and good work are to be considered, your committee would advise that this matter be left to the care of the President of the Convention and the other delegates to Washington, giving them the authority to have the work done at the North, which would save at least one-half the money it would take to have the work done in the State, besides the advantage of having the work done under the supervision of the President of the body, who is thoroughly acquainted with the proceedings.

The collating of the journals is also a work that should be entrusted to capable hands, and should be considered by the Convention.

It might be well to wait the publication of the journals until the fact is known that the labors of the Convention are at an end, but as the Convention may desire to act upon the matter now, your committee beg leave to submit the following resolution, as suggesting the best and most economical plan for having the journals published.

JAMES P. NEWCOMB,  
G. T. RUBY.

### RESOLUTION.

Providing for the publication of the journals of the Convention.

*Resolved, by the people of the State of Texas in Convention assembled:*

That the delegates elected by the Convention to proceed to Washington be, and the same are hereby authorized to contract with some good publishing house, printing firm, or parties, and have published five hundred or one thousand copies of the journals of this Convention, in a neatly bound volume or volumes; and said contract shall be awarded to the lowest bidder of at least four competing publishing houses, printing firms, or parties; and the style and manner of such publication of said journals shall be discretionary with and under the immediate supervision of said delegates, who are authorized to do and perform all acts necessary to carry this resolution into effect.

*Resolved,* There is hereby appropriated and set apart out of any moneys now in the Treasury, belonging to the Convention, or which hereafter may be collected under the tax law of the Convention, accruing in the Treasury, to defray all necessary expenses to carry these resolutions into effect, the sum of (\$5000) five thousand dollars, or so much thereof as may be necessary; and the Comptroller is hereby required to draw his warrant upon the Treasurer for so much of this sum as may be necessary to defray the expense of such publication and incidental expenses thereto, upon a certificate signed by the chairman of the delegation, and approved by three members thereof.

Mr. McCormick offered the following

### SUBSTITUTE.

*Resolved,* That there shall be printed at the office of the Austin

Republican, an official journal of the United States, one thousand copies of the journal of this Convention, the same to be printed in small pica type, to be forty-four lines long, exclusive of the fold, and twenty-seven ems wide, without side-notes, upon a good quality of book paper; the said journals to be neatly folded and stitched and trimmed.

2. *Resolved*, That it shall be the duty of the Secretary of the Convention to furnish the publishers of the Republican, immediately after the adjournment of this Convention, with the journals, and when printed the manuscript journals shall be returned to the Secretary of State, who shall deposit them in his office, to be filed with the archives of the State government. The Secretary of the Convention shall also furnish to said publishers a comprehensive index of the journals, which shall be printed at the end of the same, and charged for at the same rate herein provided for the printing of the journals.

3. *Resolved*, That the whole number of journals authorized to be printed shall be delivered to the Secretary of the Convention within sixty days after the adjournment of the Convention, two copies of which shall be sent to each member of the Convention, one copy to the office of the county clerk of each county, the residue to be deposited in the office of the Secretary of State, for the use of the State and to exchange with other States.

4. *Resolved*, That there shall also be printed at the said office one thousand copies of the constitution and declarations of this Convention, in the same style and manner provided for the journals, and at the same rates of pay, to be delivered to the Secretary and disposed of by him as provided for the journals of this Convention.

5. *Resolved*, That the rates of printing herein provided for shall be one-half ( $\frac{1}{2}$ ) of a cent per page for the whole number of pages ordered to be printed, to be paid in United States currency.

6. *Resolved*, That the accounts of the publishers shall be approved by the Secretary of the Convention, whose certificate to the Comptroller of Public Accounts shall be sufficient voucher for that officer to draw his warrant on the Treasurer for the account thereof.

7. *Resolved*, That the per diem of the Secretary of the Convention shall continue, whilst superintending the printing herein pro-

vided for, after the adjournment of the Convention; provided, that the time charged for shall not exceed sixty days.

Mr. Smith of Galveston moved to lay the substitute upon the table.

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

Yeas—Messrs. President, Board, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Degener, Downing, Evans of Titus, Flanagan, Gaston, Hamilton of Bastrop, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Whitmore, Wilson of Milam—27.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Buffington, Cole, Curtis, Fayle, Fleming, Glenn, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Watrous, Williams, Wilson of Brazoria, Wright—34.

So the Convention refused to lay the substitute upon the table.

Mr. Board moved to adjourn until this evening at the usual hour.

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

Yeas—Messrs. President, Armstrong of Jasper, Board, Brown, Bryant of Harris, Butler, Curtis, Downing, Hamilton of Bastrop, Harris, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Morse, Mundine, Newcomb, Patten, Ruby, Slaughter, Watrous, Whitmore, Wilson of Milam—25.

Nays—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Degener, Evans of Titus, Fayle, Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harn, Kealy, Keigwin, Leib, Long, Mackey, McCormick, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Smith, Sorrell, Stockbridge, Thomas, Williams, Wilson of Brazoria, Wright—36.

So the Convention refused to adjourn.

Mr. Patten moved a call of the House.

Call sustained by the following delegates :

Messrs. Degener, Varnell, Smith, Long, Johnson, Wilson of Milam, Patten, Newcomb, Bryant of Harris, Kendal, Mullins, Hamilton of Bastrop, Downing, Whitmore, Butler, Slaughter.

Mr. McWashington on motion of Mr. Hamilton of Travis, was excused from operation of the rule of the House, being absent during call of the House.

Mr. Hamilton of Travis moved that Mr. Adams be excused after to-day from attendance upon the Convention.

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

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellingier, Butler, Burnett, Cole, Evans of Titus, Fayle, Fleming, Gaston, Gray, Hamilton of Bastrop; Harris, Harn, Hunt, Kealy, Keigwin, Kendal, Kuechler, Leib, Mackey, McCormick, McWashington, Mundine, Patten, Phillips of San Augustine, Rogers, Schuetze, Scott, Slaughter, Smith, Sorrell, Stockbridge, Thomas, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—41.

Nays—Messrs. President, Board, Brown, Bryant of Harris, Carter, Curtis, Downing, Flanagan, Johnson, Jordan, Lippard, Long, Morse, Mullins, Newcomb, Phillips of Wharton, Ruby, Varnell, Williams—20.

Carried.

Mr. Butler asked that Mr. Whitmore be excused after to-day.

Carried.

Mr. Schuetze moved the Convention adjourn till Monday morning at half-past nine o'clock.

Lost.

On motion the Convention adjourned until half-past seven o'clock this evening.

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EVENING SESSION—HALF-PAST SEVEN O'CLOCK.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Mr. Fayle asked leave of absence for Mr. Bryant of Harris and Curtis.

Leave granted.

Mr. Bryant of Grayson offered the following

## RESOLUTION.

WHEREAS, C. W. Bryant, delegate to this Convention from Harris county, is charged with the crime of an assault with the intent to commit a rape upon a girl of eleven years of age, on the \_\_\_\_\_ day of January, 1869, in the county of Travis; and

WHEREAS, After an elaborate investigation of said charge on habeas corpus, Judge Thornton, a district judge of the State, has adjudged on this day that the said charge is sustained by the testimony; therefore,

*Be it resolved by the delegates of the people in Convention assembled,*

That the said Bryant be and he is hereby expelled from this Convention.

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

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

Yeas—Messrs. President, Board, Brown, Butler, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Hamilton of Bastrop, Johnson, Jordan, Kendal, Kuechler, Long, McCormick, McWashington, Mullins, Newcomb, Patten, Ruby, Schuetze, Slaughter, Smith, Whitmore, Williams—28.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant of Grayson, Buffington, Burnett, Cole, Evans of Titus, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, Lippard, Mackey, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Sorrell, Stockbridge, Thomas, Varnell, Wilson of Milam, Wright—34.

So the Convention refused to lay on the table.

Mr. Bryant of Grayson moved the previous question.

Previous question seconded.

Mr. Butler moved a call of the House.

Call sustained by the following delegates, to wit:

Messrs. Degener, Jordan, Flanagan, Johnson, Board, Kuechler, Long, Smith, Fayle, Curtis, Kendal, Mullins, Downing, Newcomb, Hunt, Butler, Patten, Hamilton of Bastrop, Williams, Ruby.

Absentees—None.

Mr. Patten moved the Convention adjourn till Monday morning at nine o'clock.

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

Yeas—Messrs. President, Adams, Bell, Board, Brown, Butler, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Gray, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Rogers, Ruby, Schuetze, Slaughter, Smith, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—32.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Degener, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Sorrell, Stockbridge, Thomas, Varnell, Watrous, Wright—33.

So the Convention refused to adjourn.

Mr. Flanagan moved to adjourn till half-past eight o'clock on Monday morning.

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

Yeas—Messrs. President, Adams, Bell, Board, Brown, Butler, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Gray, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Slaughter, Smith, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—31.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bryant of Grayson, Buffington, Burnett, Carter, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Thomas, Varnell, Watrous, Wright—34.

So the Convention refused to adjourn.

Mr. Degener moved to adjourn till the regular hour on Monday morning.

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

Yeas—Messrs. President, Adams, Bell, Bellinger, Board, Brown, Butler, Carter, Curtis, Degener, Downing, Evans of Titus, Fayle, Flanagan, Hamilton of Bastrop, Hunt, Johnson, Jordan, Kendal, Kuechler, Lippard, Long, Mullins, Newcomb, Patten, Ruby, Schuetze, Slaughter, Smith, Whitmore, Williams, Wilson of Milam, Wright—33.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bryant of Grayson, Buffington, Burnett, Cole, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Leib, Mackey, McCormick, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Sorrell, Stockbridge, Thomas, Varnell, Watrous, Wilson of Brazoria—32.

So the Convention adjourned.

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