

CAPITOL, AUSTIN, TEXAS,
JANUARY 2, 1869.

Convention met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of Thursday read and adopted.

Mr. Flanagan moved a suspension of the rules to take up a declaration supplemental to a declaration respecting the International Railroad Company.

Rules suspended.

Mr. Varnell introduced the following substitute to the original declaration :

SUBSTITUTE

For a Declaration Supplemental to a Declaration in relation to the International Pacific Railroad, declared August 10, 1868.

WHEREAS, The Legislature of the State of Texas, by an act approved the tenth day of February, A. D. eighteen hundred and fifty-four (1854), entitled "an act to incorporate the Brazos Branch Railroad Company," did grant a charter to the Brazos Branch Railroad Company, and by other acts supplemental thereto did extend the same;

And Whereas, Said company did organize under said charter, and has, within the last two years, in good faith, expended large sums of money in accordance with the provisions of said charter;

And Whereas, Said company has in good faith obtained the control and ownership of the Henderson, Marshall and Jefferson Railroad charter, with the intention of complying with the provisions of said charter and constructing a continuous line of railroad from the eastern boundary of the State of Texas, in a southwesterly direction through the State;

And Whereas, Said companies have organized and been long earnestly engaged in pressing forward their enterprize, and engaging in its behalf the favorable co-operation of capitalists;

And Whereas, There is now pending before the Congress of the United States a bill entitled "a bill to aid in the construction of the International Pacific Railroad from Cairo, in Illinois, to the Rio

Grande river, to authorize the consolidation of certain railroad companies, and to provide homesteads for the laborers on said roads;"

And Whereas, The Convention of the State of Texas, by an ordinance passed August tenth, eighteen hundred and sixty eight (1868), did memorialize Congress, requesting the passage of said bill, and did also grant to said companies the right of way through the State, therefore,

SECTION 1. *Be it hereby enacted and ordained by the people of Texas in Convention assembled,* That the said Brazos Branch Railroad Company be and the same is hereby revived and re-incorporated under the name of the "International Pacific Railroad," with all the rights, grants, immunities, franchises and privileges conceded in said original charter not inconsistent with this ordinance.

SEC. 2. *Be it further enacted and ordained,* That the line of said International Pacific Railroad in Texas be and the same is hereby more clearly defined to commence at or near a point on the eastern boundary line of the State of Texas, where the States of Arkansas and Louisiana join, and to run in a southwesterly direction to the Rio Grande river to or near Laredo, with the right of way, the width of two hundred and fifty feet, for a double track; and to aid in the construction of said road there is hereby granted to said company sixteen sections of land to the mile of track laid on said line, and all the timber, stone, lime, rock and fuel from the public unlocated lands that may be necessary for the construction and maintenance of said road; and if said company complete said road between said points within six years from the passage of this declaration, its right to the public land herein granted shall become absolute.

SEC. 3. *Be it further enacted and ordained,* That said company shall have the right to vary the gauge of said road and branches in Texas so as to correspond with the uniform gauge from Cairo, and to use steel rails of less weight than iron rails required by law, without impairing the right of said Company to the benefits granted to other railroads by the general laws of the State of Texas.

SEC. 4. *Be it further enacted and ordained,* That said company shall have the sole right of constructing and operating telegraph lines along said road and branches, and the right of building the necessary switches, turn-outs, stations and machine shops; of acquiring lands by gift, purchase or otherwise, and selling or disposing of the same; of acquiring, building and using wharves and depots, and exercising all wharf privileges; of establishing and maintaining all the necessary agents to carry on their business, and exercise in Texas all the grants, privileges and franchises which shall be con-

ceded by Congress or the Mexican government in aid of the great work of constructing an International Pacific Railroad from Cairo to the Pacific ocean.

SEC. 5. *Be it further enacted and ordained*, That said International Pacific Railroad Company shall be entitled to all the grants, privileges, immunities and franchises conceded by the laws of Texas, or that may hereafter be conceded under any general law to any other railroad company.

SEC. 6. *Be it further enacted and ordained*, That the said International Pacific Railroad Company shall have the further right to extend two branches of said road from points of intersection to the Gulf of Mexico, and one branch on the old Brazos Branch line, from a point of intersection eastwardly into the long leaf pinery, and the right of way of two hundred feet on the branches, with all the rights, privileges, grants and franchises conceded to the main trunk of the International Pacific Railroad.

SEC. 7. *Be it further enacted and ordained*, That the said International Pacific Railroad be and is hereby authorized to have an office without the State for the transaction of business, with the necessary officers, who may be citizens of other States; provided, said company shall be required to keep an office within the State for transacting business, at which shall be kept original or duplicate books of its accounts; and the President, Secretary and Treasurer, or assistant officers of like grade, shall be residents of the State.

Mr. Patten moved the matter be made the special order of the day for next Wednesday at eleven o'clock, A. M.

The Convention refused to postpone.

Mr. Buffington moved the adoption of the substitute.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Buffington, Burnett, Caldwell, Carter, Cole, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Jordan, Keigwin, Kendal, Keuchler, Kirk, Leib, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Munroe, Newcomb, Pedigo, Posey, Ruby, Scott, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—52.

Nays—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Brown, Hamilton of Bastrop, Kealy, Lindsay, Patten, Thomas—9.

So the substitute was adopted.

Mr. Degener moved to commit the substitute to the committee.

Mr. Flanagan moved the previous question.

Previous question seconded.

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

Upon which the yeas and nays were demanded.

Pending the vote, the President announced that the hour had arrived fixed by the Convention to go into Committee of the Whole upon the report of the Committee on the Condition of the State.

Mr. Flanagan moved the special order be deferred until the vote be taken.

Carried.

The yeas and nays upon the adoption of the main question resulted as follows :

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Jordan, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Morse, Munroe, Pedigo, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—44.

Nays—Messrs. President, Armstrong of Jasper, Brown, Degener, Fleming, Hamilton of Bastrop, Kealy, Kuechler, Lindsay, Lippard, Newcomb, Patten, Ruby, Thomas—14.

So the main question was ordered.

The question recurred upon the final passage of the declaration substituted for the original.

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

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bledsoe, Board, Buffington, Burnett, Caldwell, Carter, Cole, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, Mackey, McCormick, McWashington, Morse, Mullins, Munroe, Newcomb, Pedigo, Phillips of San Augustine, Scott, Smith, Sorrell, Stockbridge, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Armstrong of Jasper, Bellinger, Brown, Degener,

Hamilton of Bastrop, Kealy Lindsay, Patten, Ruby, Thomas, Whitmore, Williams—12.

So the declaration was adopted.

Mr. Patten moved to reconsider the vote by which the declaration was adopted.

Mr. Flanagan moved to lay the motion to reconsider upon the table.

Carried.

Mr. Buffington moved that Mr. Rogers be excused on account of sickness.

Excused.

Mr. Bryant of Harris moved that Mr. Newcomb be added to the Committee on Education.

It was so ordered.

Mr. Newcomb moved to go into Committee of the Whole upon the report of the Special Committee on the Condition of the State.

Carried.

[Mr. Armstrong of Lamar in the chair.]

Committee rose, reported progress, and asked leave to sit on Monday morning at eleven o'clock.

Leave granted.

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