

Curtis, Degener, Downing, Evans of McLennan, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kuechler, Kirk, Long, McWashington, Muckleroy, Munroe, Newcomb, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Talbot, Thomas, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—35.

So the Convention refused to strike out section 22.

Mr. Evans, of McLennan, offered the following amendment;

Amend section 22, line one, by inserting after the word "individuals" the words "and banking companies or corporations."

On motion, the amendment was adopted.

Mr. Armstrong, of Jasper, moved to strike out the word "shall" and insert the word "may."

Lost.

Mr. Sumner offered the following amendment:

By making second line read as follows: "or other paper to be circulated as money."

Mr. Degener moved the previous question.

Mr. Phillips, of San Augustine, moved a call of the House.

Call sustained.

On motion, the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,  
August 15, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Whitmore, from the Committee on Finance, reported as follows:

COMMITTEE ROOM,  
Austin, August, 1868.

Hon. E. J. DAVIS,

President of the Convention:

Your Committee to whom was referred a resolution offered by Mr. Johnson, of Harrison, authorizing the Secretary of the Convention to grant James B. Cassidy a certificate for ——— dollars, for writing done for the secretaries of the Convention, have had the

same under consideration, and request me to report the same back and ask its passage.

Mr. Whitmore moved to suspend the rules to take up report.

Lost.

Mr. Pedigo, Chairman of the Committee on Counties and County Boundaries, reported as follows :

COMMITTEE ROOM,  
Austin, August 14, 1868.

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

Your Committee on Counties and County Boundaries, to whom was referred a declaration, introduced by Mr. Mundine, to define the line between the counties of Burleson and Brazos, and also memorials from divers citizens of Burleson county upon the same subject, have had under consideration the said declaration and memorials, and a majority of the Committee have instructed me to report that the action proposed involves local considerations with which your Committee do not feel themselves fully acquainted ; nevertheless they report back the declaration, believing that its adoption will promote the convenience of the people immediately affected by it.

All of which is respectfully submitted,

H. C. PEDIGO,  
Chairman.

Mr. Stockbridge offered the following declaration and asked its reference to the Committee on Public Debt.

### DECLARATION

For the relief of M. K. Rion.

SECTION —. *Be it declared by the people of Texas in Convention assembled*, That the Comptroller is hereby directed to audit and pay to M. K. Rion the sum of two thousand and five hundred dollars, with interest thereon for twelve months.

It was so referred.

Mr. Kealy offered the following resolution, and asked its reference to the Committee on General Provisions :

*Be it resolved*, That all persons engaged in any profession, mercantile, mechanical, or any business of labor whereby they make their living, and are heads of families and own no homesteads, in lands, town or city lots, they shall be entitled to an exemption of \$2,000 from all debts.

Mr. Wilson, of Brazoria, offered the following declaration, and asked its reference to the Committee on General Provisions:

*Be it declared by the people of Texas in Convention assembled,* That it shall be the duty of the first Legislature after the adoption of this constitution to levy a special road tax upon the property of all persons in this State, and appropriate the same\* to the building of bridges and improvement of public roads in the different counties in the State, under such rules and regulations as said first Legislature shall provide.

It was so referred.

Mr. Sumner offered the following declaration, and asked its reference to Committee on Political and Legislative:

*Resolved,* That any person who shall hinder by threats, acts, or any other kind of intimidation, or shall discharge from his employment any person for exercising the right of franchise for voting in any election, shall be deemed guilty of crime and misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined in a sum not less than — dollars, nor more than — dollars, and shall be declared disfranchised and deprived of the right of voting at any election created by this constitution for the term of — years.

It was so referred.

The President announced the business in order was the unfinished business of yesterday, being upon the twenty-second section of the report of the Committee on General Provisions.\*

Mr. Buffington moved the previous question.

Previous question seconded.

Mr. Phillips, of San Augustine, moved a call of the House.

Call sustained.

Mr. Carter moved a suspension of the call.

Carried.

Mr. Phillips, of San Augustine, moved a call of the House.

Call not sustained.

Mr. Buffington asked leave of absence for Mr. Bryant, of Grayson.

Leave granted.

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

The main question was ordered.

The question recurred upon the passage of section twenty-two as amended.

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

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Board,

\*For report see page 236.

Bryant of Harris, Buffington, Degener, Downing, Evans of McLennan, Hunt, Kendal, Kuechler, Lippard, Long, Morse, Muckleroy, Newcomb, Oaks, Ruby, Schuetze, Thomas, Williams, Yarborough—23.

Nays—Messrs. Armstrong of Lamar, Bell, Boyd, Brown, Burnett, Caldwell, Carter, Cole, Constant, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—50.

So the Convention rejected section twenty-two.

Mr. Smith, of Galveston, moved to strike out section twenty-three.

[Mr. Evans, of McLennan, in the chair.]

Mr. Jordan moved to reconsider the vote striking out section twenty-two.

The question recurred upon the motion to strike out section twenty-three.

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

Yeas—Messrs. Bell, Board, Boyd, Burnett, Caldwell, Carter, Cole, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Kendal, Kirk, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wright—41.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Brown, Buffington, Constant, Degener, Downing, Fleming, Gaston, Glenn, Goddin, Hunt, Jordan, Kuechler, Lippard, Morse, Muckleroy, Oaks, Patten, Schuetze, Thomas, Williams, Wilson of Milam, Yarborough—26.

So the Convention agreed to strike out section twenty-three.

The question recurred upon the motion to reconsider the vote rejecting section twenty-two.

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

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

Yeas—Messrs. Bell, Board, Boyd, Butler, Burnett, Caldwell, Carter, Cole, Constant, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, McCormick, McWashington, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Buffington, Curtis, Degener, Downing, Evans of McLennan, Fleming, Glenn, Goddin, Johnson of Harrison, Jordan, Kendal, Keuchler, Lippard, Long, Morse, Muckleroy, Oaks, Patten, Ruby, Schuetze, Thomas, Williams, Wilson of Milam, Yarborough—29.

So the Convention laid the motion to reconsider upon the table.

Mr. Johnson, of Calhoun, asked leave of absence for Mr. Bellinger for an indefinite period.

Leave granted.

Mr. Smith, of Galveston, moved to reconsider the vote striking out section twenty-three, and to lay the motion upon the table.

Upon the motion to lay upon the table, the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Bell, Board, Boyd, Butler, Burnett, Caldwell, Carter, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wright—44.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Buffington, Constant, Curtis, Downing, Evans of McLennan, Fleming, Jordan, Kendal, Keuchler, Lippard, Morse, Newcomb, Oaks, Patten, Schuetze, Thomas, Williams, Wilson of Milam—23.

So the Convention laid the motion upon the table.

Mr. Evans, of McLennan, offered the following additional section to the report on the Committee on General Provisions :

That the aggregate amount of debts heretofore contracted by the Legislature shall never exceed five hundred thousand dollars, except

in case of war, to repel an invasion, or suppress an insurrection, and to sustain common schools; provided, always, that the Legislature of Texas may use her credit to any sum in aid of internal improvements, by levying a tax sufficient to pay for the interest of such sum employed in internal improvements, and a one per cent. sinking fund.

Mr. Smith, of Galveston, offered the following substitute:

It shall be the duty of the Legislature to provide by law, in all cases where State debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal, and all such laws shall be irrevocable until principal and interest are fully paid.

The question recurred upon the adoption of the substitute.

It was adopted as an additional section.

Mr. Evans, of McLennan, moved to insert the words "or county" after the word "State."

The amendment was adopted.

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

It was adopted.

Mr. Wright offered the following as an additional section.

That the State Legislature shall have power to loan the credit of the State to any railroad or manufacturing company, upon the mortgaging by said company of a sufficient amount of land to secure the amount of said credit thus loaned.

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

Carried.

Mr. Carter offered the following substitute to section twenty-four:

The Legislature may from time to time create new counties for the convenience of the people; provided, however, that no new county shall be created which shall contain, or reduce the county or counties, or either of them from which it may be taken, to a less area than six hundred square miles, except by the concurrence of a majority of two-thirds of each branch of the Legislature.

Mr. Flanagan moved to reject the substitute.

The Convention refused to reject.

The question recurred upon the adoption of the substitute to section twenty-four.

It was adopted.

Mr. Armstrong, of Lamar, offered the following as a substitute for the section as adopted:

New counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles, and which shall

contain a population of four hundred qualified voters. No line of such county shall approach the courthouse of any old county, from which it may be taken, nearer than twelve miles. No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of the qualified voters in such part taken off, and in all cases where an old county may be reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of the qualified voters of said county, nor shall said old county be reduced to less than six hundred square miles; provided that all the new counties formed by this Convention are hereby declared to be constitutional, and shall vote with the counties from which they are taken for all State offices, until they are entitled to separate representation.

The question recurring upon the adoption of the substitute, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bledsoe, Board, Brown, Cole, Curtis, Evans of Titus, Flanagan, Gaston, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Mackey, McWashington, Morse, Mundine, Munroe, Phillips of Wharton, Schuetze, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria—34.

Nays—Messrs. Armstrong of Jasper, Bellinger, Burnett, Carter, Constant, Degener, Downing, Evans of McLennan, Fleming, Newcomb, Patten, Pedigo, Phillips of San Augustine, Rogers, Ruby, Slaughter, Talbot, Thomas, Whitmore, Wilson of Milam, Wright—21.

So the substitute was adopted.

Mr. Davis, of Nueces, offered the following amendment:

At end of section: "Provided that no new county shall be created where less than one hundred and fifty qualified jurors are resident therein."

The amendment was adopted.

Mr. Thomas moved to amend by striking out "400" and insert "600."

Mr. Flanagan moved the previous question upon the adoption of the substitute to section twenty-four as amended.

Previous question seconded.

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

The main question was ordered.

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

It was adopted.

Mr. Armstrong, of Jasper, offered the following amendment to section twenty-five :

In section twenty-five, in second line, strike out all after the word "constitution," and insert the words "until otherwise provided by law."

Amendment adopted.

Mr. Hamilton, of Travis, moved to amend by striking out after the word "of," in the first line, to the word "are," inclusive, and inserting the words "State officers."

Agreed to.

Upon motion, section twenty-five, as amended, was agreed to.

Mr. Flanagan moved to strike out section twenty-six.

Carried.

Mr. Evans, of Titus, rising to a question of personal privilege, requested a person, refusing to give evidence, now restrained of his liberty, by order of this Convention, be brought before the Convention.

The sergeant-at-arms was ordered to bring the person before the Convention.

The sergeant-at-arms reported the person at the bar of the House.

Mr. Caldwell moved that said person be discharged upon his testifying before the Committee on Lawlessness and Crime.

The Convention agreed to the motion.

On motion the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,  
AUGUST 17, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Butler, from the Committee on Penitentiary, offered a report.

By consent of the Convention, the report was temporarily withdrawn.

The President announced the business in order was the report\* of the Committee on General Provisions.

Mr. Flanagan moved to strike out section twenty-seven.

Carried.

\* For report see page 236.