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AN ORDINANCE,

Declaring Null and Void the Ordinance of Secession.

We, the People of Texas, by delegates in Convention assembled, acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof, and disclaiming the right of secession, and recognizing an ordinance entitled "An Ordinance to dissolve the union between the State of Texas and the other States united under the compact styled 'The Constitution of the United States of America,'" adopted by a Convention, at Austin, on the first day of February, 1861, to be in contravention to the constitution of the United States, do ordain and declare the same to be null and void *ab initio*.

Received, to come up in order.

Mr. Henderson moved that the special order for the day lie over, in order that the Convention may go into the Committee of the Whole, to proceed to the consideration of the 8th Article of the Constitution, relative to African slavery. Carried.

The hour for adjourning having arrived, on motion of Mr. Saunders, the committee arose, reported progress, asked leave to sit again, and the Convention adjourned until 9 o'clock to-morrow morning.

SATURDAY, February 24th, 1866. -

Convention met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present; journal of yesterday read and adopted.

Reports of committees being in order, Mr. Randolph made the following report from the committee on Engrossed and Enrolled Ordinances:

COMMITTEE ROOM, February 24th, 1866.

To the Hon. J. W. Throckmorton, President of the Convention:

The committee on Engrossed and Enrolled Ordinances have examined the preamble and resolutions calling the attention of the President of the United States to the present unprotected condition of our Indian frontier, and find the same correctly enrolled and properly signed.

BENTON RANDOLPH, Chairman.

Adopted.

Mr. Davis of Cherokee offered the following resolution;

Be it Resolved, by the delegates in Convention assembled, That the 4th Section of the 5th Article of the Constitution of the State of Texas be amended as follows: After the words,

"in any term of six years," in the 3d line of said 4th section, insert the following, viz: "he shall be installed the second week of every regular session of the Legislature," &c.

Referred to committee on Executive Department.

Mr. Degener introduced an ordinance setting apart the public domain west of a line drawn from the mouth of the Rio Pecos to a point on Red river, near the north boundary of the most northern county; Section 2 withdrawing all of said lands from location and survey; Section 3 vesting power in the Legislature to cede all of said territory to the General Government, and setting apart the proceeds as a school fund.

Read first time, and referred to committee on Public Lands.

Mr. Degener, one of the committee on Legislative Department, submitted the following minority report:

COMMITTEE ROOM, February 24th, 1866.

Hon. J. W. Throckmorton, President Convention, Austin:

Mr. President: Disagreeing with the majority of the committee to whom the subject of the Elective Franchise was referred, I proposed to the committee the following amendment, to be inserted after the first section:

"From and after the 4th of July, 1866, every male citizen of the United States, who shall have attained 21 years of age, or become a naturalized citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months in the district, county, city or town, in which he offers to vote, and who shall be able to read and write the English or his native language *understandingly*, shall be deemed a qualified elector."

This being rejected, a further amendment was offered, substituting 1876 for 1866, which was also rejected. Then followed another proposition, to amend the original resolution, so as to make it read, "From and after the 4th day of July, 1866, every male citizen of the United States *born free*," &c., which shared the same fate of the preceding amendments; so that, not being able to agree with the majority of the committee, I beg leave to offer the following minority report:

The majority of the committee on the Legislative Department, to which was referred that part of the Constitution defining the qualifications of electors, having reported in favor of re-adopting that part of the old Constitution which deprives Africans and their descendants of the right of suffrage, I respectfully beg leave to present the following objections to the majority report:

The fundamental principles upon which the American system of government was founded are,

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- 1st. The civil and political equality of all men
- 2d. That they are endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness.
- 3d. That, to insure these rights, governments are instituted among men.
- 4th. That governments derive their just powers from the consent of the governed.

These fundamental principles of American liberty constitute the basis of the Bills of Rights, which, under various modifications, pervade all our constitutional charters. The doctrine, that the foundation of all free government was the right of the *people* to participate in the legislative power, and in the organization of governments, was universally accepted by the early American statesmen, and the framers of the Federal Constitution were careful to confide all power to the *people*, and to provide for the protection of the *whole* people. To illustrate this, it is only necessary to refer to the Constitution itself. In the 2d Sec. of Art. I, the organization of the House of Representatives is provided for as follows: "The House of Representatives shall be composed of members chosen every second year, by the *people*," &c. And still later, when the Constitution was amended, the rights of the *people* were not forgotten, but protected by new safeguards, as may be seen by the following Articles:

"ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the *people* peaceably to assemble, and to petition the government for a redress of grievances."

"ART. 2. A well regulated militia being necessary to the success of a free-state, the right of the *people* to keep and bear arms shall not be infringed."

"ART. 4. The right of the *people* to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated."

"ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the *people*."

"ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it, are reserved to the States respectively, or to the *people*."

The founders of the Republic of Texas, acknowledging the right of the *people* to govern, declare in their Bill of Rights that "all political power is inherent in the *people*, and that all

"our governments are founded on their authority, and instituted for their benefit"

As the people of Texas have declared their belief in this doctrine, and assuming that this Convention will reaffirm it, it remains for us, in framing our organic law, to see to it that every action shall harmonize with these great and acknowledged principles of human liberty

If all political power is inherent in the people of Texas, by what authority can we prohibit any portion of the people from the free exercise of that most important of all political power, *the right of suffrage*, as is proposed by the report of the majority, which, if adopted, would forever exclude a large portion of the people of Texas from any participation in the affairs of the government, against which injustice I hereby solemnly protest

In demanding the right of suffrage for the colored citizen of our State, I do not ask for the establishment of any *new* principle, or any untried experiment, but that we give practical effect to our own theory of government, by returning to the usages adopted by the founders of the American republic. Under the Articles of Confederation, Congress acted directly upon the subject of suffrage, in the organization of territorial governments, which were to result in State governments. The celebrated ordinance of the 3d of April, 1784, drafted by Jefferson, authorized the "free males of full age," without distinction of color, to take part in forming these governments, and the still more famous ordinance of July 13th, 1787, vested the right of suffrage in all the "free male inhabitants of full age," who had certain qualifications of freehold or residence. It is also true, that under the Articles of Confederation, and long subsequent to the adoption of the Federal Constitution, the free colored man was a voter, and that the framers of the Constitution intended by the word "*people*," all classes and complexions. In proof of this, it is only necessary to refer to the Journals of the Convention which adopted the Articles of Confederation, which record the fact that, when the 4th Article was under consideration, which proposed that the "free inhabitants of each of these States shall be entitled to all privileges and immunities of free citizens in the several States," the delegates from South Carolina moved to insert the word *white*, so as to make it read "*free white inhabitants*," that only two of the eleven States represented voted to sustain the motion. South Carolina, thus signally defeated, tried another expedient to accomplish the same object, and again failed, thus placing upon an imperishable record their consistency,

and their determination to make no invidious distinctions between races or colors.

It is also an important historical fact, that at the time of the adoption of the Federal Constitution, there was but *one* State, (South Carolina,) whose Constitution distinguished in this respect against the colored man.

The Constitution of Massachusetts provided that every male person, being 21 years of age, and possessing certain property qualifications, should have the right to vote.

The Constitution of New York gave the right of suffrage to every male inhabitant of full age, with certain property qualifications.

In New Jersey, the Constitution provided that *all* inhabitants of the colony, who were of full age, and worth fifty pounds, were entitled to vote.

The Constitution of Pennsylvania allowed that every freeman, of 21 years of age, who had paid taxes, should enjoy the right of an elector.

In Maryland, the right to vote was extended to *all freemen* who possessed a certain amount of property.

Virginia and Delaware gave the right of suffrage to *all men* who had a common interest with and attachment to the community.

The Constitution of North Carolina provided that *all freemen* who had paid taxes should be entitled to vote.

Georgia made electors of all citizens and inhabitants who paid taxes.

The colonial charters of Rhode Island and Connecticut made no distinction on account of color or race.

The Constitution of Tennessee provided that every freeman who possessed a freehold should be entitled to vote; and for nearly forty years, the colored man of Tennessee exercised the elective franchise.

The Legislature of Colorado, at its first session, in 1861, passed a law, establishing the qualifications of voters, making no distinction of color or race.

Thus I have presented undoubted historical evidence that the founders of our republic, and of the individual States composing it, practically enforced their theory, (so eloquently expressed in the Texas Declaration of Rights, that "all political power is inherent in the people,") by giving to the whole people, without distinction of color, equal political rights and privileges.

Under the Constitution the free colored man continued to exercise the right of suffrage, until the slave system had acquired

sufficient power to effect, by its insidious diplomacy, a radical change in the organic law of nearly every State, disfranchising a large portion of the people, who were thus deprived of that political power, which had been the boast of our Fathers, and which was the chief corner stone of American liberty; but now that slavery has been blotted out by the blood of the nation, it is but just and reasonable that the rights of the people should be restored to them.

The Federal Constitution stipulates, that "the United States shall guarantee to every State in this Union a republican form of government."

That it may be clearly understood what Congress considers a republican form of government, I respectfully beg leave to submit the following extracts from a series of resolutions, lately presented to the Senate of the United States, which clearly indicates the line of our duty, and the course we *must* pursue in order to be admitted to the Union.

The preamble and resolution read as follows :

"Resolutions declaring the duty of the United States to guarantee republican governments in the rebel States on the basis of the Declaration of Independence, so that the new governments shall be founded on the consent of the governed, and the equality of all persons before the law.

"*Resolved*, That it is the duty of the United States, at the earliest practicable moment, consistent with the common defense and the general welfare, to re-establish, by act of Congress, republican governments in those States where loyal governments have been vacated by the rebellion, and thus to the full extent of their power fulfil the requirement of the Constitution, that "the United States shall guarantee to every State in this Union a republican form of government."

"That in determining the extent of this duty, and in the absence of any precise definition of the term 'republican form of government,' we cannot err if, when called to perform this guarantee under the Constitution, we adopt the self-evident truths of the Declaration of Independence as an authoritative rule, and insist that in every re-established State, the consent of the governed shall be the only just foundation of government, and that all persons shall be equal before the law."

"That independent of the Declaration of Independence, it is plain, that any duty imposed by the Constitution, must be performed in conformity with justice and reason, and in the light of existing facts; that therefore, in the performance of this guar-

antee, there can be no power under the Constitution to disfranchise loyal people, or to recognize any such disfranchisement.

“That the United States, now called at a crisis of history to perform this guarantee, will fail in duty under the Constitution, should they allow the re-establishment of any State, without proper safeguards for the rights of all the citizens.

“That the path of justice is also the path of peace, and that for the sake of peace, it is better to obey the Constitution, and conform to its requirements, in the performance of the guarantee, to re-establish State governments on the consent of the governed and the equality of all persons before the law, to the end that the foundation thereof may be permanent, and that no loyal majorities may be again overthrown or ruled by any oligarchical class.”

The amendment proposed by the majority report, tried by this test, falls fatally short of its requirements. It not only disfranchises nearly one half of the loyal citizens of this State, but makes this disfranchisement perpetual, hereditary and insurmountable. It clings to each man and his posterity forever, if there be a traceable thread of African descent. No achievements of war or peace, no acquisition of property, no education, no mental power or culture, no merits can overcome it.

Texas, as an independent Republic, and as a State of the Union, has tested the value of the constitutional provision now under consideration, and the result has been the perfect demonstration, that the system is essentially and practically oligarchical, in such a sense as actually and seriously to have endangered the public peace, and the success of republican institutions.

Suppose now, with the lights thus afforded us, we adopt the report of the majority, and incorporate into our Constitution a provision disfranchising a large portion of the loyal citizens of the State, and with that instrument in our hands, ask to be admitted into the Union, could we have a reasonable hope of success? Does any man believe that Congress would be so unmindful of its duty and its pledges, as to admit us with a Constitution so far behind the spirit of the age and the demands of the nation, in view of the changed condition of affairs, besides being so unjust and so entirely anti-republican?

Another objection to the report of the majority is based upon the fact that if we refuse to enfranchise the freedman we reduce our representation in the Congress of the United States, and thus materially weaken our political power.

The Congressional Joint Committee on Reconstruction have

passed to the following amendment to the Constitution of the United States:

"Article — Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians, not taxed; *provided, that whenever the elective franchise shall be denied or abridged in any State, on account of race or color, all persons of such race or color shall be excluded from the basis of representation.*

This amendment, or some act equivalent to it, will undoubtedly pass, and become a law. As an amendment to the Constitution, its ratification by three-fourths of all the States in the Union will be required; and judging by the tone of the northern press, and by other indications of public sentiment north and west, its ratification will be certain.

The provisions of this amendment would apply to all States where suffrage is based on color, whether north or south, although practically the effect would be felt only in the late slave States.

If the colored men of the South are *all* counted in to measure the right of representation, and are then all disfranchised, the whites in the late slave States will be represented in Congress by *thirty-three* more members than an equal number of whites in the northern States. This would be unjust, because unequal, and will not be permitted. On the contrary, if we enfranchise our blacks, and they are then included in the basis of representation, we shall go back into the Union with *thirteen* more representatives than we were entitled to before the abolition of slavery.

Again, if the Southern States should follow the example which Texas is about to present, and refuse to enfranchise the negro, and he is therefore excluded from the basis of representation, we shall return to the Union with an immense loss of political power in the House of Representatives, having at least *twenty* members less than we were entitled to before 1861.

When Texas was a member of the Union, three-fifths of her slave population were represented in Congress, and it is now for us to determine by our own acts whether we will have our entire population included in the basis of representation, thus increasing the political power of the State, or diminishing it by allowing nearly one-half of our inhabitants to go unrepresented.

We are reminded by His Excellency, Gov. Hamilton, in his late message, that "by the voice of the American people, assuming the form of constitutional law, slavery has been abolished," and he suggests that this radical change should be fully recog-

nized in the amended Constitution, by providing for the new condition of the freedmen, by giving them civil and political rights on an equality with the white population of the State, and that the enjoyment of these privileges should not depend upon the accident of birth or color, and that, should "we fail to make these political privileges depend upon rules of universal application, we will be betrayed into the error of legislating under the influence of ancient prejudice," and that any system of laws intended to deprive the colored race of the actual fruits of liberty will meet with resistance from the Congress of the United States.

The report of the majority entirely ignores these words of wisdom and of patriotism. Instead of conforming to the new condition of affairs, it presents for our acceptance a pro-slavery provision of the Constitution adopted in 1845, and retained in the amended Constitution of 1861.

The former Constitutions of Texas were framed so as to protect the institution of slavery, and therefore consistently deprived the colored man of the rights pertaining to citizenship; but now that slavery is abolished, our relations to the colored race are materially changed. Those who were lately slaves, having "no rights which a white man was bound to respect," are now freemen, entitled to all the rights and privileges of American citizens. Under the slave system these people enjoyed the protection of their masters, whose interest impelled them to surround their property by all necessary safeguards; but now this protection is withdrawn, and henceforth their grievances are to be redressed by the law, and their rights maintained by our courts. Born upon the soil, and attached to it by a variety of associations and interests, they will, despite our desires or our efforts to the contrary, remain with us. As the cloud of ignorance and oppression by which they have so long been overshadowed is gradually dispelled by education and the change in public sentiment, they will enter into all the industrial and business pursuits of our people, and thus become a power in the State, whose presence and influence cannot be ignored. Our own interest therefore imperatively demands that we should deal justly by these people, that our laws should afford them ample protection, that we should extend to them the hand of kindness, encourage their efforts towards elevation, and do whatever may be necessary to make them good and useful citizens, lest they become a pest and a scourge to society.

To extend to the freedmen the right of suffrage would elevate them in their own estimation, give them increased importance in

every community, and would extend over them a shield so broad that it would effectually protect them against wrongs and oppressions to which they would otherwise be subjected.

The colored people of our State constitute an important part of the body politic. As citizens they will be called upon to sustain an equal share of the public burthens; in common with other members of the community, they will be taxed to support the government, and to pay their share of the debt incurred for their emancipation; as property holders, they will have a permanent interest in the welfare of the State, and if ever the necessity should arise, they will be required to shed their blood in defence of our common country. Who then will say that they should be deprived of the rights of citizenship?

It has been suggested that the mass of our colored people, because of their ignorance, and want of education, are unfit to exercise the right of suffrage. The same objection can with equal force be urged against a certain class of white men, but no one pretends, in their case, that the objection is valid; and if we would avoid class legislation, we must make the same rule apply to both.

If this objection be good as applied to the present generation of blacks, it cannot apply to the next, or to future generations, because the General Government, through the agency of the Freedmen's Bureau, has already amply provided for their education, and when this Bureau shall have been withdrawn, our own school system will continue the work so auspiciously commenced, and as we are legislating for generations to come, this objection is without force, and unworthy of further consideration.

We are also met with the objection that if we enfranchise the negro, white men, and especially his late master, will control his vote. With this we have nothing to do. It is *our* duty, and *our* business, to give him the right of suffrage, and *his* to exercise it as he pleases. White men are usually divided into political parties, and if they have the control of colored voters, the colored vote will be divided, and if the whites vote all together, they will be no stronger if the colored men vote with them.

On large plantations, the relation of employers and employed may occasionally operate to give the planter some undue control over the laborers. So it was formerly but falsely said that wealthy capitalists, who employed a large number of workmen, held them in political bondage, but no one ever suggested this as a reason why they should be disfranchised; but if the late slave-holders really believe they can control the votes of their emancipated slaves, I appeal to them to sustain my views, that

they may avail themselves of this new and important element of political power.

It is sometimes urged with apparent solemnity, that if the negro is enfranchised, it would result in a war between the two races. All the bloody feuds between the white and black races, of which history gives any account, were the result of injustice and oppression at the hands of the superior race. Men are not apt to make war upon their friends, or upon those who have conferred great and lasting benefits upon them; but the history of the human race is full of bloody illustrations to the contrary. Wrongs and injustice may be submitted to for a time, but the hour of retribution is certain to come: therefore, if we would live in peace and harmony with the colored race, from which we cannot be separated, and whose destiny is so indissolubly interwoven with our own, we must do them no wrong, practice no injustice upon them, but, being the superior race, protect them from all harm, and bestow upon them every right and privilege which their changed condition justly demands.

These people were called upon to defend with their lives the integrity of the Union, and thousands of them are still under arms, ready to perish in defence of their native land; and they are now every where clamoring for the right of suffrage. The last battle in Virginia had scarcely ceased before they held conventions in Petersburg, Richmond and Alexandria, declaring by resolutions their desire and their right to vote. Their example was soon followed by the colored men of Tennessee, Mississippi, Alabama, North and South Carolina, and Louisiana, who, in large conventions, have demanded the same right. Their petitions to Congress are of daily occurrence, while, at the same time, they are maintaining, at the seat of government a large and talented delegation of black men, for the purpose of urging their claims upon Congress and the President. Since the discussion on this subject has commenced, Congress has, by an overwhelming majority, passed a law giving unconditional suffrage to the colored people of the District of Columbia.

Thus has the agitation of this question been commenced and carried forward, with extraordinary vigor. Those who demand this right are counted by millions; and let no man suppose that the agitation will cease, or that its fervor or intensity will abate, until their claims are satisfied.

Let us, then, learn wisdom from the history of the past, and, without compulsion from any quarter, cheerfully accord to our own freedmen rights and privileges long unjustly withheld, thus

insuring our peace and prosperity, and their gratitude and friendship for evermore,

In consideration of the importance of this subject, and the views herein presented, I respectfully beg leave to offer the following resolution: That so much of the report of the committee as relates to the right of suffrage be referred to a select committee, with instruction to report an amendment to provide for the prospective admission of the freedmen to the right of suffrage.

E. DEGENER.

Read, to come up in order.

Mr. Taylor of Houston made the following report from the committee on Education:

COMMITTEE ROOM, February 23d, 1866

Hon. J. W. Throckmorton, President of the Convention:

The committee on Education, to whom were referred various resolutions asking information in relation to the amount and condition of the common school fund, and the amount of lands set apart for school purposes, &c., have had the same under consideration, and instruct me to report that there is now due and belonging to the Common School fund as follows, to wit:

Balance due upon principal of railroad companies,		
in bonds,	-	\$1,753,317 00
Interest due on same, to March 1, 1866,	-	300,614 90
		<hr/>
Total amount due by railroads,	-	2,053,931 90
" " " on land sales,	-	158,409 32
School Fund,	-	1,139,651 24
		<hr/>
Whole amount of School Fund,	-	3,351,992 46

The State is indebted to the University Fund as follows, viz.

To U. S. Bonds,	-	\$100,000 00
Interest on the same,	-	9,888 92
Amount received on account of University lands sold,	-	197,792 12
		<hr/>
Total amount of University Funds,		\$397,686 04

The several Counties in the State are entitled by law to four leagues of land each, for school purposes. 82 counties have received patents for the full amount of their lands; 23 counties only a portion, and 51 counties none at all. Acres of University lands located, 220,866; acres sold, 58,683; total amount University lands located and unsold, 162,183 acres.

I am also instructed by a majority of said committee to report, that they have carefully, and with great deliberation, examined the 10th Article of the Constitution of the State of Texas, as adopted in 1845, and recommend the adoption of the accompanying ten Sections, in lieu of the four Sections as they now stand in said 10th Article of said Constitution; and they also recommend the adoption of the accompanying ordinance to secure the payment, by the State, of the funds due to the common school and university funds. All of which is respectfully submitted.

Received, to come up in order.

Mr. Taylor of Houston also introduced the following

ORDINANCE,

To provide for the Payment, by the State, of the Sums of Money due the Perpetual Public School Funds:

SECTION 1. The Legislature, at its first session, shall provide that the Governor shall cause to be issued the Coupon Bonds of the State, to an amount equal to the sum now due the perpetual public school fund by the State, said bonds to be placed to the credit of the school fund; these bonds to draw interest at a rate of not less than six per centum per annum; and also to provide, in like manner, for the payment of the sum due the university fund by the State. The bonds issued as above provided for shall bear interest from the date of their issuance.

Read first time.

Mr. Taylor of Houston moved a suspension of the rules, in order that the report might be taken up.

Carried.

And he further moved, that 300 copies be printed, and made special order for Tuesday next, at 11 o'clock.

Carried.

Mr. Hancock made the following report from committee on General Provisions of the Constitution:

Hon. J. W. Throckmorton, President of Convention:

The committee on General Provisions of the Constitution instruct me to report to the Convention, that they have had under consideration the expediency of reserving from forced sale and execution the different kinds of personal property specified in the accompanying resolution; and that it is the opinion of the committee, that inasmuch as the Constitution, by Sec. 22, Art VII, provides that "the Legislature shall have power to protect by law, from forced sale, a certain portion of the property of all heads of families," therefore a sufficient and wiser remedy is afforded already, than could be provided by the regulation o

the subject in the organic law of the land; for which reason they are of opinion that it is not expedient that any change be made in the principle contained in the Constitution on this subject as quoted above.

Received, to come up in order.

On motion of Mr. Hart, the Convention went into committee of the whole, to take into further consideration the report of the committee on General Provisions of the Constitution, relative to Art. VIII of the Constitution.

On motion of Mr. Throckmorton, the committee rose, and asked leave to be discharged from further consideration of the subject.

On motion of Mr. Gentry, the Convention adjourned until 7 o'clock this evening.

7 O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The question was on the adoption of Mr. Roberts' substitute for the amendment of Mr. Slaughter's.

Mr. Throckmorton moved to amend by adding "all" after the word "person," in the seventh line of Sec. 2.

Mr. Roberts accepted the amendment. Thereupon the substitute was adopted.

Mr. Davis of Webb moved to strike out all from word "involving," in second line, to word "property," in third line inclusive. Also, all from words "The Legislature" to the end.

Lost.

Mr. Jones of Bexar moved to amend as follows:

SEC. 2. Africans, and descendants of Africans, shall not be prohibited or excluded on account of their color or race as witnesses in any case, civil or criminal, as to facts occurring subsequent to the 19th of June, 1865; the credibility of their testimony to be determined by the court or jury hearing the same.

Mr. Waul moved to strike out after the word "facts," to "five," inclusive, and insert "hereafter occurring."

Mr. Jones accepted the amendment.

Mr. Spaight offered the following as a substitute for Mr. Jones' amendment:

SUBSTITUTE FOR SEC. 2.

SEC. 2. It shall be the duty of the Legislature, at its next session, and from time to time thereafter, to pass such laws as will protect the freedmen of this State in the enjoyment of all their rights of person and property, and guard them and the

State against the evils that may arise from their sudden emancipation.

The Yeas and Nays being called for on the adoption of substitute, stood thus :

Yeas—Messrs. Bryan, Burke, Camp of Upshur, Giddings, Mabry, Middleton, Parsons, Perry, Randolph, Saufley, Slaughter, Spaight, Waul, and Williams—14.

Nays—Messrs. President, Allen, Armstrong, Ball, Beall, Bengé, Bumpass, Camp of Goliad, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Gentry, Gurley, Hart, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Jones of Bastrop, Lane, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Nelson, Norton, Norris, Paschal, Phillips, Porter, Ranck, Record, Richardson, Roberts, Saunders, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thomas of Cameron, Tyus, Varnell, Walker, Whitfield and Young—60.

Lost.

Mr. Mabry moved to strike out Section 2.

Mr. Parsons moved to amend by striking out all after the word legislation, in sixth line in Section 1 ; which Mr. Mabry accepted as a part of his amendment.

Mr. Armstrong moved to adjourn until 9 o'clock to-morrow.

Lost.

Mr. Henderson moved to lay Mr. Mabry's amendment on the table.

Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. President, Allen, Armstrong, Bengé, Bryan, Bumpass, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Gentry, Giddings, Gurley, Hart, Henderson, Hunt, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Paschal, Perry, Phillips, Ranck, Record, Richardson, Roberts, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Young—60.

Nays—Messrs. Anderson, Ball, Beall, Burke, Camp of Upshur, Clements, Mabry, Norris, Parsons, Porter, Randolph, Saufley, Selman, and Thompson,—15.

Laid on the table.

Yeas and Nays were ordered on Mr. Jones' substitute to Mr.

Roberts' amendment, and stood thus :

Yeas—Messrs. Camp of Goliad, Davis of Webb, Degener, Flanagan, Hart, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Latimer, McCormack, Murchison, Norton, Parker, Paschal, Ranck, Shields, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, Waul and Young—22.

Nays—Messrs. President, Allen, Anderson, Armstrong, Ball, Beall, Benge, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lane, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Richardson, Roberts, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Grimes, Tyus, Walker, Whitfield and Wilson—51.

Rejected.

Mr. Degener offered the following amendment :

No person shall be excluded from giving evidence, on account of his race or color.

Laid on the table, on motion of Mr. Henderson.

Mr. Roberts moved to adjourn.

Motion lost.

Mr. Davis of Webb moved to adjourn until 9 o'clock Monday morning.

Yeas and Nays ordered, and stood thus :

Yeas—Messrs. Allen, Armstrong, Ball, Beall, Benge, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Hart, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Murchison, Nelson, Parker, Parsons, Paschal, Perry, Ranck, Selman, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, Walker and Waul—35.

Nays—Messrs. President, Anderson, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Frazier, Gentry, Giddings, Gurley, Hunt, Ireland, Lindsey, Mabry, Middleton, Norton, Norris, Phillips, Porter, Randolph, Record, Richardson, Roberts, Saunders, Saufley, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Grimes, Tyus, Whitfield, and Wilson—37.

House refused to adjourn.

On motion of Mr. Davis of Webb, a call of the House was ordered.

Call suspended.

Mr. Smith of Colorado moved to reconsider the vote adopting

the rule in relation to meeting and adjournment of the Convention.

Mr. Throckmorton moved to lay on the table until Monday morning.

Carried.

On motion of Mr. Parsons, Convention adjourned until 9 o'clock Monday morning.

MONDAY, February 26th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

On motion of Mr. Record, Mr. Harwood was indefinitely excused, on account of sickness.

On motion of Mr. Shields, Mr. Jones of Bexar was excused for the same reason, until to-morrow morning.

Mr. Drake offered the following resolution:

Resolved, That members of this Convention be allowed to speak but fifteen minutes, only, and but once on any one question.

Laid over one day, for consideration.

The Convention proceeded to the consideration of Mr. Roberts' amendment to the 2d Section of the ordinance to amend the 8th Article of the Constitution.

Mr. Waul moved to add to the Section, "as to facts hereafter occurring." Lost.

Mr. Smith of Colorado offered the following amendment:

Provided, That in all civil cases in which they may be heard to testify as witnesses against a white person, it shall be in open court, and only as to matters that may occur hereafter. The Legislature shall have power to authorize them to testify as witnesses in all cases, subject to the general rules of evidence applicable to all races of men.

Lost.

Mr. Gentry offered the following amendment:

Insert after the word "witnesses," in the 2d Section, the words "orally, and to all facts occurring after the passage of this ordinance."

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

Carried.

Mr. Ireland moved to re-commit the whole subject to the committee on General Provisions of the Constitution, with instructions to report as soon as possible. Lost.