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of the State, and report such ordinances, in reference to the same, as may be deemed proper.

Adopted.

Mr. Throckmorton moved to reconsider the vote fixing the hours of meeting and adjourning.

Carried.

Mr. Norton moved to strike out 9 o'clock, and insert 10 o'clock, and strike out 2 o'clock.

Carried.

On motion, the House adjourned until 10 o'clock to-morrow morning.

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TUESDAY, February 27th, 1866.

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

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

COMMITTEE ROOM, February 26th, 1866.

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

The committee on General Provisions of the Constitution, to whom was referred a resolution requesting the committee to inquire into the propriety of engrafting in the Constitution of the State a provision, requiring the Legislature to enact suitable laws for the observance of the day known as the Christian Sabbath, have had the same under consideration, and a majority of said committee instruct me to report:

That, by the Constitution of the United States, and the statutes of this State, ample protection is afforded every denomination of believers for the free enjoyment of their religious opinions, and the free exercise of their peculiar modes of worship; that in the opinion of a majority of your committee, it is unnecessary for the law to go further.

Received, to come up in order.

Mr. Reeves, one of committee on General Provisions of the Constitution, submitted the following minority report:

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

A minority of the committee, to whom was referred the resolution respecting the adoption of a clause in the Constitution requiring the Legislature of the State, to enact suitable laws for the due observance of the day known as the Christian Sabbath, beg leave to make the following minority report, and recommend the adoption of the following amendment:

ART. VII, SEC. 37. It shall be the duty of the Legislature to enact suitable laws for the due observance of the day known as the Christian Sabbath. Received, to come up in order.

Mr. Latimer made the following report from committee on Finance :

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

The committee on Finance have instructed me to report the accompanying ordinance, directing the first Legislature that shall assemble in this State to assume and pay the amount of the direct tax, apportioned to the State under the act of Congress approved August 5th, 1861, and recommend its passage.

Received.

#### ORDINANCE.

*The People of Texas, in Convention assembled, hereby Ordain and Decree, That the first Legislature, after the adjournment of this Convention, shall assume and pay to the United States the direct tax apportioned to this State, under the act of Congress approved August 5th, 1861.*

Received, to come up in order.

Mr. Dalrymple, chairman of committee on Indian Affairs, made the following report :

COMMITTEE ROOM, February 26th, 1866.

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

The committee on Indian Affairs, to whom was referred an ordinance in relation to frontier protection, making a treaty with certain tribes of Indians, and the appointment of commissioners for that and other purposes, have had the same under consideration, and instruct me to report, that they recommend the following as a substitute therefor :

Whereas, the north and north-west frontier of the State has heretofore been, and now is, depredated upon by savage tribes of Indians, and it has become unsafe and dangerous to the citizens settled upon said frontier to remain longer ; and many of the counties heretofore settled have been depopulated ; and it is evident that, without efficient protection to life and property, the settlement upon the frontier must and will be broken up, and recede still further into the interior, to the great detriment, not only of the citizens thus ruined, but to the interests of the whole State,

*Wherefore, be it ordained, by the People of Texas, in Convention assembled, That the Governor of the State be, and he is hereby required, to make propositions, through three commissioners appointed by him, to the two civilized tribes of Indians living north of Red River. the Choctaws and Chickasaws. to*

cede to them, or either of those tribes, the right to hunt upon that part of the territory of Texas hereinafter defined, exclusive of all other Indians, except such as they permit to hunt with them; upon condition that they, the said tribe, or tribes, will guarantee protection to the frontier settlers from depredators coming in or passing out through said territory and hunting grounds. The hunting grounds to be occupied by said tribe, or tribes, to consist of all the territory belonging to the State of Texas lying above the Indian Territory, north of Red River, and the territory south of Red River to Pease River up to the State line.

Said commissioners shall be empowered to treat with one or both of said tribes for the purpose aforesaid, under instructions from the Governor of the State, but shall, in no case, enter into any stipulation that prohibits the extension of the frontier settlements, or the occupation of said territory by citizens or soldiers for all lawful purposes.

*Be it further ordained,* That the Governor of the State be required to appoint, immediately, a suitable man to repair at once to Washington City, to make known to the President and Secretary of War the true condition of the frontier of Texas, and to procure the consent of the General Government for the State of Texas to enter into said treaty with said tribes of Indians, for the purpose herein before mentioned; and also to press upon the consideration of the Government the urgent necessity of immediate action in sending troops to occupy the line of posts heretofore occupied by United States forces, between Red River and the Rio Grande; who shall, while on his way to Washington, if he can do so without delay, see and confer with the Military Commanders of this district and department, and urge upon them the necessity of immediately occupying said posts with a sufficient force for the protection of the frontier.

Received, to come up in order.

Mr. Davis of Webb presented a petition from sundry freedmen, asking the right of suffrage.

Referred to committee on Legislative Department.

The report of the committee on Legislative Department, recommending a substitute for Art. III of the Constitution, was taken up.

Mr. Henderson moved to go into committee of the whole.

On motion of Mr. Slaughter, the consideration of the 1st Sec. of the substitute was postponed until the minority report of Mr. Degener could be printed, and, on motion, it was made the special order for 12 o'clock, on Thursday next.

Mr. Hancock, chairman of committee on General Provisions of the Constitution, made the following reports :

COMMITTEE ROOM, February 26th, 1866.

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

The committee on General Provisions of the Constitution, to whom was referred a resolution relative to a change of the 8th Sec. of the bill of rights, have had the same under consideration, and unanimously direct me to report the following provision to said Section as an amendment thereto, to-wit :

*Provided*, That in criminal prosecutions, the punishment whereof shall be fine, not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or either, or any less punishment, the accused may be tried for the same by a jury or otherwise, as the Legislature may provide, and recommend its passage.

Received, to come up in order.

COMMITTEE ROOM, February 26th, 1866.

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

The committee on General Provisions of the Constitution, to whom was referred a resolution proposing to amend the 34th Sec. of Art. VII of the Constitution, by striking out the proviso in said Section, have had the same under consideration, and unanimously direct me to report, that they do not think it expedient to make said proposed amendment.

Received, to come up in order.

On motion of Mr. Gentry, the special order for the hour (report of committee on Education) was postponed until 11 o'clock to-morrow.

The Convention then went into committee of the whole, to consider the report of the Legislative Department, proposing a substitute for Art. III of the Constitution.

On motion of Mr. Waul, the committee arose, reported progress, and asked leave to sit again at 7 o'clock this evening, to which time the Convention stood adjourned.

7 o'clock, P. M.

Convention met ; roll called ; quorum present.

The Convention again went into committee of the whole, on consideration of the report of the committee on Legislative Department, reporting a substitute for the 3d Article of the Constitution.

The committee rose, reported progress, and asked leave to sit again at 11 o'clock, to-morrow.

Report adopted.

Mr. Hancock moved to reconsider the vote engrossing an

ordinance reported by the committee on General Provisions of the Constitution, as a substitute for Art. VIII of the Constitution.

On motion, the Convention adjourned until 9½ o'clock to-morrow, A. M., pending Mr. Hancock's motion.

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WEDNESDAY, February 28th, 1866.

Convention met pursuant to adjournment. The President being sick, the Convention was called to order by the Secretary. Prayer by the chaplain. Roll called; quorum present.

The President being absent, the Convention proceeded to ballot for a President pro tem.

Mr. Whitfield nominated Mr. Henderson.

Mr. Hart nominated Mr. Dickson.

Mr. Davis of Webb nominated Mr. Hart.

Messrs. Taylor of Fannin, Davis of Webb and Bumpass were appointed Tellers.

On telling the vote, it appeared that Mr. Henderson had received 20 votes, Mr. Dickson 51 votes, and Mr. Hart 2 votes.

Mr. Dickson, having received a majority of all the votes cast, was declared by the Secretary duly elected President pro tem. of the Convention.

Messrs. Shepard and McCormack conducted the President to the chair.

The journal of yesterday was read and adopted.

Mr. Roberts, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, February 28th, 1866.

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

The Judiciary Committee, to whom was referred the resolution of the gentleman from Dallas, (Mr. Record,) in relation to the establishment of a rule of evidence where Confederate paper currency was meant by the expression of "dollars and cents," in a contract, have had the same under consideration, and request me to report the accompanying ordinance, and recommend it to the favorable consideration of the House. They do not recommend it to establish a new rule, so much as to settle the rule of evidence beyond question—which is respectfully submitted.

*Be it Ordained by the Convention,* That in all suits now pending, or that may hereafter be instituted, upon contracts in writing made since the 2d day of March, 1861, and prior to the 2d day of July, 1865, payable in dollars and cents, parol testi-