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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.

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-

mony may be introduced to show the intention of the parties to the transaction; and where it shall be made to appear that dollars in Confederate paper currency was intended, its marketable value at the time of maturity shall be recovered. And the same rule shall obtain where such currency was the consideration of a contract which was otherwise valid.

Received, to come up in order.

Mr. Randolph made the following report :

COMMITTEE ROOM, February 28th, 1866.

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

The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 8th Article of the Constitution, and find the same correctly engrossed.

Accepted.

Mr. Ball offered the following preamble and resolution :

Whereas, there are a large number of citizens of the State of Texas whose business is exclusively stock raising, and many of them living in that portion of the State that is not adapted to farming; and, in consideration of the fact that there is no provision made in the Constitution for the encouragement of that class of men to engage in the business of stock raising as an occupation: therefore,

Be it Resolved by the Convention, That the committee on the General Provisions of the Constitution of the State be instructed to inquire into the expediency of reserving from forced sale and execution, in addition to the present exemption, at least 300 head of cattle, 50 head of horses, and 500 head of sheep.

Adopted.

Mr. Latimer moved to suspend the rules, in order to proceed to the consideration of the ordinance of secession.

Lost.

The motion of Mr. Hancock, to reconsider the vote ordering the engrossment of Article VIII of the Constitution, was put and carried.

Mr. Henderson moved to recommit the ordinance to the committee reporting it.

Carried.

On motion of Mr. Hancock, the Second Assistant Secretary, Mr. Hutchins, was excused from attendance this evening.

On motion of Mr. Saunders, Mr. Hill was excused, on account of sickness.

Mr. Giddings moved to suspend the rules, in order to take up the report of committee on the Legislative Department.

Carried.

Mr. Giddings then moved to recommit the 23d section to the committee.

Carried.

On motion of Mr. Waul, the house adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met; roll called, and quorum present.

Mr. Gentry offered the following resolution, which was adopted:

Resolved, That the Secretary of this body be authorized to employ such assistance as may be necessary, from this date until the end of the session, in order to transact the clerical duties of this Convention.

Mr. Wilson offered the following resolution:

Resolved, That the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of funds now in the State treasury not otherwise appropriated, for the purpose of defraying the funeral expenses of the Hon. George W. Smyth, deceased; and the Secretary of this Convention is hereby authorized and required to draw upon the State treasurer for a sufficient amount of money to pay such expenses, and to settle the same.

Which was adopted.

The Convention thereupon went into committee of the whole, pursuant to adjournment.

On motion of Mr. Davis of Webb, the committee rose, and, through the chairman, reported progress, and asked leave to sit again at 11 o'clock, A. M., to-morrow.

Report adopted.

Mr. Allen moved that the rules be suspended, and the report of the Legislative committee be taken up.

The motion prevailed.

Rule suspended, and the report taken up; when Mr. Ireland made the following report:

The committee on the Legislative Department, to whom was referred the 22d section of the bill reported by the committee on the — instant, unanimously instruct me to report the enclosed, as a substitute for said section, and recommend its passage, to wit:

SEC. 23. No person holding any office under the government of the United States, or any foreign government, shall be eligible to a seat in the Legislature of this State; nor shall any person holding any office of profit or trust under this State be a member of the Legislature of this State, if he hold such office when he

offers to take his seat as Legislator. No person shall hold two offices of trust or profit under this State—provided, one person may hold the offices of District and County Clerk; one person, Sheriff, Assessor and Collector; and the County Commissioners shall be ex-officio Justices of the Peace and Notaries Public.

Received, to come up in order.

Mr. Allen moved that the 27th and 28th sections of the bill reported by the Legislative committee be re-referred; which motion prevailed, and the sections were recommitted, with instructions to report by 11 o'clock, A. M., to-morrow.

On motion of Mr. Hart, Mr. McCormack was added to the committee on the Legislative Department.

The orders of the day were then taken up.

Mr. Drake's resolution, limiting delegates, in making speeches upon any question, to fifteen minutes, was, upon vote, lost.

The hour having arrived for the special order, namely, the report of the committee on Privileges and Elections, it was, on motion of Mr. Hart, postponed till 11 o'clock, A. M., on Monday next.

On motion of Mr. Davis of Webb, Mr. Shaw was added to the committee on Finance.

On motion of Mr. Hancock, Mr. Mabry was added to the committee on the General Provisions of the Constitution.

The report of the committee on Finance was taken up, with regard to the per diem pay of the members of the Convention; when Mr. Frazier moved to strike out eight, wherever it occurs in the ordinance, reported by the committee, and insert fifteen; which was lost.

Mr. McCormack moved to strike out eight, where it occurs, and insert five. Lost.

Report of the committee adopted, and the ordinance ordered to be engrossed.

Mr. Beall moved to strike out eight, where it occurs in the ordinance, and insert seven and a half. Lost.

On motion of Mr. Gentry, the rule was suspended, the ordinance read a third time, and placed upon its final passage.

Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Allen, Armstrong, Ball, Benge, Bryan, Bradshaw, Bumpass, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Gentry, Giddings, Gurley, Halbert, Hancock, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Lindsey, Mabry, Middleton, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Ranck, Reeves, Richardson, Roberts,

Runnels, Saufley, Selman, Shepard, Shields, Shuford, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Tyus, Varnell, Walker, Waul, Wilson and Woods—59.

Nays—Messrs. Anderson, Beall, Burke, Hunt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Norton, Record, Shaw, Whitfield—13.

On motion, Mr. Smith of Colorado, the Convention adjourned till 10, A. M., to-morrow.

THURSDAY, March 1st, 1866.

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

On motion of Mr. Norton, Mr. Johnson of Titus was excused on account of sickness.

Mr. Henderson, chairman of the committee on the Legislative Department, made following report:

To the President of the Convention:

The committee to whom was referred the 27th and 28th Sections of the printed bill on the Legislative Department, have instructed me to report that the blanks in said Section should be filled with "February 6th, 1860," and ask the adoption of said amendment.

J. W. HENDERSON, Chairman.

Received, to come up in its order.

On motion of Mr. Henderson, the above report, and the one made by Mr. Ireland, last night, on Section 23 of the same ordinance, was referred to the committee of the whole, and made special order of the day for to-day at 11 o'clock.

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

COMMITTEE ROOM, February 28th, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention:

The committee on the General Provisions of the Constitution, to whom was referred Article VIII of the Constitution, have considered the same, and unanimously recommend that Section 1st of said Article be amended by striking out all of the last line, after the word "and," and insert in lieu thereof, "all criminal prosecutions against them shall be conducted in the same manner as prosecutions for like offences against the white race, and they shall be subject to like penalties." And amend the 2d Section by striking out all after the word "same." in the 4th