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MONDAY, March 5th, 1866.

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

Mr. Spaight presented the petition of citizens of Orange county, asking relief from State tax, or the postponement of its collection until the adjournment of the next Legislature.

Referred to the committee on Finance.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made the following report:

COMMITTEE ROOM, March 5th, 1866.

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

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance making an appropriation to defray the printing and other contingent expenses of the Convention, and find the same correctly enrolled and properly signed.

Received, to come up in order.

Mr. Roberts introduced the following ordinance:

Be it ordained by the delegates of the people of Texas, in Convention assembled, That the permanent preservation of the white race being the paramount object of the people of Texas, the Legislature shall have power to pass all such laws, relating specially to the African race within her limits, as may be necessary and proper to secure their ultimate removal or colonization, so as to give place to an unmixed white race, should it in future be found expedient and practicable, with the co-operation or consent of the United States, or with the co-operation of other States of the Union, with the consent of the United States.

Referred to committee on Legislative Department.

Mr. Paschal offered the following resolution:

Resolved, That the committee on the Legislative Department be instructed to report an ordinance dividing the State into four Congressional Districts, as nearly equal as may be, according to the representative population of each district, as fixed by the third section of the first article of the Constitution of the U. S. Said ordinance to cease to have effect from and after the next apportionment of Representatives in the Congress of the United States.

Adopted.

On motion of Mr. Whitfield, Mr. Lindsey was excused, on account of sickness.

Mr. Burke offered the following preamble and resolution:

Whereas, the people of Texas have witnessed, with pride and pleasure, the noble and manly stand taken by President Johnson,

in defense of the constitutional rights of the Southern States, in allowing them representation in the Congress of the United States, and in opposition to the destructive policy of the radicals, as promulgated by Stevens, Sumner and Phillips. Therefore,

Be it Resolved by the People of Texas, through their Delegates, in Convention assembled, That we cordially endorse and approve of the "reconstruction policy" of the President, and his veto of the Freedman's Bureau bill; and that we will give him our support, and strengthen his hands in the adoption of any and all such measures as will restore the State of Texas and the other Southern States to their rightful position as members of the Federal Union; and that His Excellency Provisional Governor Hamilton is hereby requested to forward a copy of these resolutions to His Excellency Andrew Johnson, President of the United States.

Mr. Burke moved to suspend the rules, and take up the resolution. Lost.

Resolution passed to orders of the day.

On motion of Mr. Henderson, Mr. Bumpass was indefinitely excused from attendance on the Convention, in order to attend his sick colleague.

Mr. Beall's resolution, relative to the meeting and adjournment of the Convention, was taken up.

Mr. Ireland moved to amend by striking out all after the words "2, P. M."

Mr. Spaight moved to substitute for Mr. Ireland's amendment so as to read, "from 10, A. M., to 2, P. M., and from 7, P. M. to 10, P. M."

Mr. Hart moved to lay the whole on the table. Carried.

The hour having arrived, the Convention went into committee of the whole, to consider the report of the committee on the Legislative Department, Mr. Taylor of Houston in the chair.

On motion of Mr. Ireland, committee rose, reported sundry amendments adopted by the committee, and asked to be discharged from a further consideration of the subject.

Mr. Henderson moved to take up the ordinance just reported from the committee of the whole, and act upon it, section by section, together with the amendments made to such sections.

Carried.

Mr. Davis of Webb offered the following amendment to Section 5: In 2d line, in place of the word "five," the word "three" be inserted.

Upon the question of the adoption of the same, the yeas and nays were ordered, and stood thus:

Yeas—Messrs. Bacon, Camp of Goliad, Davis of Webb, Degener, Halbert, Hart, Johnson of Titus, Jones of Bexar, Latimer, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Perry, Ranck, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell, and Young—24.

Nays—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Ireland, Lindsey, Mabry, McCormack, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Smith of Lamar, Spaight, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—49.

So the amendment was lost.

The question being on the adoption of the amendment to the 5th section, as reported by the committee, the yeas and nays were ordered, and stood thus :

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Ireland, Johnson of Tarrant, Lane, Mabry, McCormack, Norris, Parsons, Phillips, Randolph, Record, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Smith of Lamar, Spaight, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Wilson and Woods—44.

Nays—Messrs. Bacon, Bradshaw, Camp of Goliad, Davis of Webb, Degener, Halbert, Hart, Johnson of Titus, Jones of Bexar, Latimer, Ledbetter, Lindsey, Murchison, Nelson, Norton, Parker, Paschal, Perry, Porter, Ranck, Reeves, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Young—30.

Adopted.

Mr. Davis of Webb moved to strike out the word "next," in third line of 5th section.

Amendment withdrawn.

Mr. Smith of Colorado moved to insert the word "white" before "citizen," in first line.

Adopted.

Mr. Bradshaw moved to insert the word "white" before "citizen," in — line, Section 10.

Adopted.

The question being on the adoption of the amendment, to strike out 3 and insert 5, as proposed by committee of the whole,

Mr. Waul offered, as a substitute for the committee's amendment, the following, viz :

Insert, after "State," in second line, "at the time of his election, and a resident of the State five :"

Which was adopted by the House as part of the section.

Mr. Ireland moved to amend Section 11, by substituting the words, "may be prescribed by law," for the words, "each House may provide."

Lost.

The question being on the adoption of the amendment proposed by the committee of the whole to Section 13, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Burke, Davis of Webb, Dickson, Giddings, Gurley, Hunt, Johnson of Titus, Latimer, McCormack, Murchison, Norton, Phillips, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shuford, Smith of Lamar, Spaight, Taylor of Fannin, Varnell, Walker, Waul, Whitfield and Wilson—32.

Nays—Messrs. Benge, Camp of Goliad, Camp of Upshur, Clements, Davis of Cherokee, Drake, Gentry, Halbert, Hancock, Hart, Henderson, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Nelson, Norris, Parker, Parsons, Paschal, Perry, Porter, Ranck, Randolph, Record, Reeves, Selman, Shaw, Smith of Colorado, Taylor of Houston, Woods and Young—34.

So the amendment was lost.

The question being on the adoption of the amendment proposed by the committee of the whole,

Mr. Smith of Colorado proposed to amend the amendment of the committee, by striking out the words, "Chief Justice acting as," which amendment was adopted; when the House adopted the amendment proposed by the committee of the whole, as amended, and made it part of the section.

The question being on the adoption of amendments to Section 20, as proposed by the committee of the whole, it was adopted.

Mr. Shuford proposed to amend Section 21, by adding thereto the following: "Unless by a vote of three-fourths of both Houses."

Lost.

The question being on the adoption of the amendments proposed by the committee of the whole to Section 23,

Mr. Spaight offered a substitute for the section, as proposed to be amended by the committee of the whole.

Mr. Beall moved that the Convention adjourn till half after 3 o'clock. Lost.

On motion, the Convention adjourned until 7½ o'clock, P. M.
7½ o'clock, P. M.

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

On motion of Mr. Henderson, the Reporter was excused for the evening, on account of sickness.

Question pending when the House adjourned, to wit: Mr. Spaight's substitute for Section 23 of Art. III of the Constitution, again taken up, and the question recurring on the adoption of the substitute, the same was put, and the Convention refused to adopt it.

The question then recurring on the amendments proposed by the committee of the whole, when Mr. Waul offered to amend as follows:

Strike out "nor for a member of their own body for a Senator in the Congress of the United States, although he may resign his seat," in the 6th and 7th lines.

Upon which the Yeas and Nays were called, and stood thus:

Yeas—Messrs. Ball, Beall, Benge, Burke, Dalrymple, Gurley, Halbert, Hunt, Johnson of Tarrant, Jones of Bexar, McCormack, Nelson, Parker, Parsons, Shepard, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Waul and Woods—21.

Nays—Messrs. Anderson, Armstrong, Bacon, Bradshaw, Camp of Goliad, Camp of Upshur, Clements, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Frazier, Gentry, Giddings, Hancock, Hart, Henderson, Ireland, Johnson of Titus, Jones of Bastrop, Ledbetter, Lindsey, Mabry, Middleton, Murchison, Norton, Norris, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shaw, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Whitfield, Wilson, and Young—48.

Lost.

The question again recurring on the adoption of the amendments proposed by the committee of the whole, the same was put, and the amendments were adopted.

The question being on the adoption of the substitute proposed by the committee of the whole to Section 24, the same was put and adopted.

Mr. Wilson offered the following amendment to the substitute, as adopted by the Convention, viz:

Amend by striking out "Collector," after Sheriff, and inserting "Assessor;" and by striking out "Assessor" after Treasurer, and inserting "Collector;" so as to read "Sheriff and Assessor, and Treasurer and Collector."

The question recurring upon the adoption of said amendment, the same was put, and the amendment was lost.

Mr. Allen offered the following amendment to the substitute, as adopted by the Convention, viz :

Strike out all after the second proviso, and insert, " Provided, further, the Legislature may provide by law for one person to hold one or more county offices."

The question recurring upon the adoption of said amendment, the same was put, and the amendment was adopted.

Mr. Davis of Webb moved to insert the following to the word " nor " in the substitute, viz :

No Judge of any Court of Law or Equity, Secretary of State, Attorney General, Clerk of any Court of Record, Sheriff, or Collector, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature.

Mr. Clements offered the 25th Section of Art. III of the present Constitution as a substitute for the whole.

Adopted.

Mr. Gentry moved to amend, by adding to the 24th Section, that one person may hold two or more county offices, if so provided by the Legislature.

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

Lost.

The amendment was then adopted.

Mr. Davis of Webb moved to amend : After the word salary, insert the words, " the office of Notary Public."

Adopted.

The 26th Section being under consideration, Mr. Roberts moved to amend by striking out Section 26, as to Ministers of the Gospel.

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

Yeas and Nays ordered, and stood thus :

Yeas—Messrs. Allen, Anderson, Ball, Bradshaw, Burke, Camp of Upshur, Davis of Cherokee, Degener, Drake, Gentry, Gurley, Hancock, Hart, Henderson, Ireland, Jones of Bastrop, Lindsey, Mabry, Murchison, Norris, Parker, Parsons, Perry, Porter, Richardson, Runnels, Saufley, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Waul, Whitfield and Young—35.

Nays—Messrs. Armstrong, Bacon, Beall, Bengé, Camp of Goliad, Clements, Dalrymple, Davis of Webb, Dickson, Giddings, Halbert, Hunt, Johnson of Tarrant, Jones of Bexar, Ledbetter, McCormack, Middleton, Nelson, Norton, Phillips, Randolph,

Record, Reeves, Roberts, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Tyus, Walker and Wilson—34.

Laid on the table.

Mr. Camp of Upshur moved to reconsider the vote.

On motion of Mr. Selman, a call of the house was ordered.

On further motion of Mr. S. the call was suspended, and the question for reconsidering the vote tabling the amendment was put and carried; and, on further motion, the section was passed over for the present.

Section 28 being under consideration, as reported by the committee of the whole,

Mr. Davis of Webb moved to strike out all down to "electors, in fourth line, and insert, "The Legislature shall, at its first session under this Constitution, cause an enumeration to be made of all the inhabitants (including Indians taxed) of the State, designating their color and age, following in this respect the classification of the U. S. census, and designating also the number of white citizens and qualified electors. The Legislature shall also cause a similar census to be made in the year 1875, and every ten years thereafter.

Mr. Phillips moved to adjourn until 10 o'clock to-morrow morning. Lost.

Question recurring on amendment of Mr. Davis of Webb,

On motion of Mr. Ireland, Convention adjourned until 10 o'clock to-morrow morning, pending Mr. Davis of Webb's amendment.

TUESDAY, March 6th, 1866.

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

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

MARCH 4th, 1866.

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

The Judiciary Committee, to whom was referred the resolution seeking an inquiry into the propriety of subscribing for copies of Paschal's Digest of the Laws of Texas, having considered the same, instruct me to report it back, and recommend its reference to the committee on Finance. Respectfully submitted,

O. M. ROBERTS.