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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.

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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.

On motion, rule suspended, and the original resolution and report thereon referred to the committee on Finance.

The question pending at the last adjournment, viz: the amendment of Mr. Davis of Webb to the 28th Section, again taken up; on the adoption of which the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Armstrong, Bacon, Dalrymple, Davis of Webb, Degener, Flanagan, Gurley, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Norton, Parker, Paschal, Perry, Reeves, Saunders, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Thompson, Tyus, Varnell, and Young—30.

Nays—Messrs. Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Clements, Dickson, Drake, Frazier, Giddings, Halbert, Hancock, Hart, Henderson, Hunt, Hurt, Ireland, Lane, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Record, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Spaight, Taylor of Fannin, Taylor of Houston, Whitfield, Wilson, and Woods—42.

So the amendment was lost.

The question recurring on the adoption of the amendments to Sec. 28, proposed by the committee of the whole, the question was put on the adoption of the first amendment, and the same was adopted.

The question being on the adoption of the second and third amendments, Mr. Henderson moved to lay said amendments on the table, and the Yeas and Nays being called for, stood as follows:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Bryan, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Gentry, Giddings, Gurley, Halbert, Hancock, Hart, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Woods, and Young—71.

Nays—Messrs. Bacon, Clements, Frazier, Jones of Bastrop, Selman, and Wilson—6.

The motion prevailed.

On motion, Sec. 26, passed over last night, and the motion of Mr. Roberts to strike out said Section, were taken up, and Mr. Henderson offered a substitute for said Section and the motion of Mr. Roberts, as follows :

SEC. 26. The Legislature shall have no power to exempt, by law, any person or persons from serving on juries, working on roads, from militia duty, or any other public service, on account of their profession or calling.

Mr. Roberts moved to lay the substitute of Mr. Henderson on the table.

The Yeas and Nays being called for on said motion, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bryan, Burke, Camp of Goliad, Camp of Upshur, Clements, Davis of Webb, Degener, Drake, Flanagan, Frazier, Giddings, Gurley, Halbert, Hunt, Hurt, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Murchison, Nelson, Parker, Parsons, Paschal, Perry, Phillips, Randolph, Record, Reeves, Roberts, Saunders, Selman, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, Waul, Wilson, and Woods—51.

Nays—Messrs. Ball, Benge, Bradshaw, Dalrymple, Davis of Cherokee, Dickson, Gentry, Hancock, Hart, Henderson, Ireland, Johnson of Tarrant, Lane, Lindsey, Mabry, Middleton, Norton, Norris, Porter, Runnels, Saufley, Shaw, Taylor of Houston, and Thomas of Cameron—24.

Laid on the table.

On motion, Convention adjourned until 3½ o'clock, P. M.

3½ o'clock, P. M.

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

The question pending at the hour of the last adjournment, viz : The motion of Mr. Roberts to strike out Sec. 26 of the bill reported by the committee on the Legislative Department, again taken up.

On motion of Mr. Waul, Mr. Camp of Goliad was excused from attendance on the House till Monday next, on account of sudden business of importance.

The question recurring on the motion of Mr. Roberts to strike out —, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Beall, Bryan, Bumpass, Camp of Upshur, Clements, Davis of Webb, Dickson, Flanagan, Frazier, Halbert, Hunt, Jones of Bexar, Latimer, Ledbetter, McCormack, Nelson, Norton, Paschal, Phillips, Randolph, Record,

Reeves, Roberts, Selman, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Taylor of Fannin, Tyus, Walker, Wilson, and Woods—36.

Nays—Messrs. Anderson, Bacon, Ball, Bengé, Bradshaw, Burke, Dalrymple, Davis of Cherokee, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hurt, Ireland, Jones of Bastrop, Lindsey, Middleton, Murchison, Norris, Parker, Parsons, Perry, Porter, Runnels, Saunders, Saufley, Smith of Lamar, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Waul, Whitfield, and Young—38.

Convention refused to strike out.

Mr. Wilson offered the following amendment, viz :

No person who denies the being of a God, or of a future state of rewards and punishments, shall hold any office in the civil department of this State.

Mr. Davis of Cherokee moved to lay said amendment on the table.

On which motion the Yeas and Nays were called for, and stood thus :

Yeas—Messrs. Anderson, Bacon, Ball, Bryan, Bradshaw, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Henderson, Hunt, Jones of Bastrop, Ledbetter, Lindsey, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Roberts, Saunders, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, and Varnell—44.

Nays—Messrs. Armstrong, Beall, Bengé, Bumpass, Burke, Camp of Upshur, Flanagan, Halbert, Hancock, Ireland, Johnson of Titus, Jones of Bexar, Latimer, McCormack, Nelson, Norris, Record, Reeves, Runnels, Saufley, Shields, Shuford, Smith of Lamar, Waul, Whitfield, Wilson, Woods, and Young—28.

Laid on the table.

Section 29 being under consideration, Mr. Waul offered the following substitute therefor, viz :

SEC. 29. The Legislature shall cause an enumeration to be made every ten years, commencing on the 6th day of February, 1875, of all the inhabitants (including Indians taxed) of the State, designating particularly the number of qualified electors, and the sex, age, and color of all others, herein following the classification of the United States census, and the whole number of representatives shall, at the several periods of making such

enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of white population in each, and shall not be less than forty-five, nor more than ninety: *Provided*, that there shall be an enumeration and apportionment made in the year 1870 in the manner herein directed.

Mr. Shepard offered the following substitute for the original section and the substitute of Mr. Waul, viz:

The Legislature shall, in the year A. D. 1870, and again in the year 1875, and every ten years thereafter, cause to be made an enumeration of all the inhabitants of the State, designating particularly the number of qualified electors, (Indians taxed,) and negroes; and the whole number of representatives shall, at the several periods of making such enumeration, be apportioned by the Legislature among the several counties, cities or towns, according to the free population in each, and shall not be less than forty-five, nor more than ninety.

Which substitute was laid on the table, on motion of Mr. Henderson.

The question recurring on the adoption of the substitute offered by Mr. Waul, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bengé, Bradshaw, Bumpass, Davis of Webb, Degener, Dickson, Gentry, Giddings, Halbert, Hancock, Hunt, Ireland, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Paschal, Perry, Phillips, Randolph, Record, Reeves, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Wilson, and Young—51.

Nays—Messrs. Burke, Clements, Davis of Cherokee, Drake, Flanagan, Frazier, Gurley, Hart, Henderson, Parsons, Porter, Runnels, Saunders, Saufley, Shuford, and Whitfield—16.

Adopted.

Mr. Smith of Colorado offered the following amendment to the substitute as adopted, viz: strike out "white" in the 6th line from the bottom.

Mr. Henderson moved to lay the motion "to strike out" on the table.

On which motion the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Bacon, Ball, Bengé, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Webb, Davis of

Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Halb Hart, Henderson, Hurt, Ireland, Johnson of Titus, Latin Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Nor Parker, Parsons, Perry, Porter, Randolph, Record, Saund Saufley, Selman, Shields, Shuford, Shaw, Smith of Lan Taylor of Houston, Tyus, Varnell, Whitfield, Wilson, Wood and Young—49.

Nays—Messrs. Anderson, Armstrong, Beall, Dickson, Giddings, Gurley, Hancock, Hunt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Paschal, Phillips, Reed, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Walker, and Waul—Laid on the table.

Mr. Taylor of Fannin offered the following amendment, to come in after white population, "and all others who are taxed."

Mr. Hart moved to lay said amendment on the table.

On which motion the Yeas and Nays were called for, and stood as follows :

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Bengel, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Halbert, Hancock, Hart, Henderson, Ireland, Johnson of Titus, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Roberts, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, Whitfield, Wilson, Woods, and Young—53.

Nays—Messrs. Anderson, Dickson, Giddings, Gurley, Halb Hart, Hurt, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Paschal, Phillips, Reeves, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, and Waul—21.

Laid on the table.

On motion of Mr. Henderson, the blank in Section 29 be filled with the words "6th of February, 1860."

Mr. Parsons proposed to add after the words "Indians taxed" "and such other inhabitants as the Legislature may see fit to enumerate."

Mr. Davis of Cherokee moved to lay amendments on the table.

On which motion the Yeas and Nays were called for, and stood thus :

Yeas—Messrs. Bacon, Ball, Bradshaw, Bumpass, Burke, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake,

Flanagan, Gentry, Halbert, Hart, Henderson, Ireland, Johnson of Titus, Lindsey, Mabry, Middleton, Murchison, Norton, Parker, Porter, Record, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Whitfield, Wilson, and Young—38.

Nays—Messrs. Anderson, Armstrong, Beall, Bengé, Camp of Upshur, Clements, Dickson, Giddings, Gurley, Hancock, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Parsons, Paschal, Perry, Phillips, Randolph, Reeves, Richardson, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Varnell, Walker, Waul, and Woods—36.

Laid on the table.

The 30th Section being under consideration, Mr. Henderson offered a substitute for the amendment proposed by the committee of the whole, viz: strike out \$7 50, and insert \$8.

Mr. Whitfield moved to lay the amendment and the substitute therefor on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Beall, Burke, Flanagan, Hunt, Ledbetter, Norton, Randolph, Record, Saunders, Saufley, Selman, Shaw, Thomas of Cameron, Thompson, Whitfield, and Young—17.

Nays—Messrs. Bacon, Ball, Bengé, Bumpass, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Frazier, Gentry, Gurley, Halbert, Hancock, Hart, Henderson, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Reeves, Richardson, Roberts, Shepard, Shields, Slaughter, Smith of Lamar, Spaight, Taylor of Houston, Tyus, Varnell, Walker, Waul, and Woods—48.

Motion was lost.

On motion of Mr. Henderson the substitute was adopted.

On motion, the substitute as adopted was adopted as part of the Section.

Mr. Roberts offered the following amendment:

Sec. 29. Amend by striking out of the third line the words "number of qualified electors," and inserting instead thereof the words, "amount of taxes assessed upon property situated within such districts, provided no district shall have more than one Senator."

Pending which amendment, on motion of Mr. Hart, the Convention adjourned till 9½ o'clock to-morrow.