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WEDNESDAY, March 7th, 1866.

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

Mr. Hancock presented the credentials of B. W. Gillock, member elect from El Paso county.

Referred to committee on Privileges and Elections.

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

COMMITTEE ROOM, March 6th, 1866.

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

The Judiciary Committee, to whom were referred Article IV (Judicial Department) of the Constitution of the State of Texas, adopted by the Convention in 1845, with the subsequent amendments thereto, together with numerous resolutions and ordinances, relating to the subject therein embraced, referred to them by the Convention, have had the same under consideration, and have instructed me to report the accompanying enlargement and amendment of said Article, as a substitute therefor, and to recommend its adoption.

In discharging the duty assigned them they have endeavored to preserve the leading features of the Judicial Department, and to make such improvements and additions thereto as would secure its efficiency.

They have increased the length of the term of service of the judicial officers, and enlarged their salaries.

They have provided for the appointment of the Attorney General and District Attorneys, by the Governor, with the advice and consent of two-thirds of the Senate; because they, in consideration of their duties, should be placed in harmony with the Executive of the State.

They have established a County Court, which, in addition to the business relating to estates of minors, lunatics, and persons *non compos mentis*, has jurisdiction in criminal cases extending to misdemeanors and petty offences, also civil cases, where the matter in controversy does not exceed five hundred dollars.

They have provided for appeals from Justice's courts, and other inferior courts, to the District Court.

They have increased the Justices of the Supreme Court from three in number to five, and required said court to be in session for nine months in the year.

They have conferred such powers upon the Legislature as will facilitate a more complete organization of the courts, for the

dispatch of business, and have left those powers so unrestricted as that the Legislature may improve upon or change such organization, from time to time, as future experience may indicate to be proper.

Their attention has been particularly called, by the changed condition of the country, to the necessity of an increased efficiency and dispatch of business, in all of the courts, both in civil and criminal cases.

To meet this demand, they have conferred criminal jurisdiction upon the County Court, in misdemeanors and petty offences, as they are now, or may hereafter be, defined by law, and required that said court shall be held in each county, at least once in every two months. They have left it also to the discretion of the Legislature to confer civil jurisdiction to the extent of five hundred dollars, upon said court.

Should this court not be found to be adequate to the wants of the country, the Legislature may require District Courts to be held in each county three or four times in each year, instead of twice, as now prescribed by law. Thus it is hoped the means may be employed which will prevent the delay in the administration of the law, which has not only resulted in great detriment to individual and public interests, but has, it is apprehended, greatly weakened the habitual respect of the people for our judicial system.

Other amendments have been made to perfect the system.

They have deemed an increase of salary absolutely necessary in view of the monetary affairs of the country at present; and should the difficulty on that subject be removed at a future time, the salaries as allowed are believed to be not more than sufficient to secure ability and efficiency in the public service.

It is hoped and believed also that extending the term of service of all of the officers will have a most beneficial effect, not only by the inducement held out by the greater permanency of employment in the office, but, what is far more important, by the consequent independence, experience and ability of the officer.

Which is respectfully submitted.

O. M. ROBERTS, Chairman of Committee.

Report received, and ordinance read first time.

On motion of Mr. Taylor of Fannin, the rule was suspended, and report and ordinance were taken up, and 300 copies of the ordinance were ordered to be printed, and it was made the special order for 11 o'clock Monday next.

Mr. Latimer, chairman of committee on Finance, made the following report :

COMMITTEE ROOM, March 7th, 1866.

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

The committee on Finance, to whom was referred the petition of the people of Orange county, asking to be relieved from the State tax now due, and from that which may be imposed for the current year, have had the same under consideration, and have instructed me to report the accompanying ordinance, and recommend its adoption by the Convention :

AN ORDINANCE

For the Relief of the People of Orange County.

Whereas, by the ravages of a tornado in the month of September, 1865, the dwelling houses, corn cribs, barns, stables and fences, together with the crops in the fields, and the timber, on almost every farm or plantation in the county of Orange, was either destroyed or greatly damaged, and in the town of Orange only four houses were left standing, whereby the people of said county are in a destitute condition, and are generally unable to pay the State tax now due, or that which may hereafter be assessed for the current year, therefore :

Be it ordained by the people of Texas in Convention assembled, That all persons who resided in the county of Orange on the 13th of September, A. D. 1865, and all the property in said county, be, and they are hereby, relieved and exempted from the payment of the State tax now due, and of any State tax that may hereafter be imposed for the year 1866.

Read first time, to come up in order.

Mr. Mabry introduced an ordinance to legalize the formation of counties heretofore established, containing an area of less than nine hundred square miles :

SECTION — The acts of the Legislature heretofore, creating counties of less area than nine hundred square miles, are hereby declared to be valid, and of binding force.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Dalrymple offered the following preamble and resolution :
Whereas, in the present financial condition of the country, growing out of the late war, by which great numbers of the people of Texas are unable to meet their immediate liabilities, and
Whereas, judgments will be obtained against them, and their property offered to satisfy the same, therefore :

Be it resolved by this Convention, That all property put up at forced or sheriff's sale, for debts heretofore contracted, shall not be sold unless the same shall realize at least two-thirds of its

appraised value; such appraisement and sale to be regulated in such manner as the Legislature shall direct.

Read first time, and referred to Judiciary Committee.

Mr Spaight introduced the following ordinance, viz :

AN ORDINANCE

Authorizing Suits to be brought against the State.

Be it ordained by the people of Texas in Convention assembled, That Article VII of the Constitution be amended by adding the following Section :

Sec. 38. Suits may be brought against the State in such manner and in such courts as may be by law prescribed, and it shall be the duty of the Legislature to pass a general law providing for the same.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Davis of Webb introduced the following

ORDINANCES,

To be inserted in General Provisions of the Constitution.

Sec. — The duration of all offices in this State, when not otherwise provided under this Constitution, shall be for the term of four years.

Sec. — In all cases where the Governor has the authority under this Constitution, or the laws made in pursuance thereof, to appoint to office, he shall also have the authority to remove from the same, for malfeasance in office, neglect of duty, or other good cause; *provided*, that a statement of the cause shall, at the time of removal, be furnished the party interested, and shall also be filed of record in the office of the Secretary of State.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Flanagan offered the following resolution :

Resolved, That the committee on Condition of State be instructed to consider and report upon the propriety of dividing the State, by the Trinity river as a line, and forming a separate State out of the territory embraced between the Trinity river and the Louisiana line, including in Eastern Texas what has heretofore been the First Congressional District of Texas, excepting therefrom the territory west of the counties of Dallas, Collin and Grayson, and, if found expedient, to report an ordinance amending the Constitution so as to confer upon the Legislature the power to take such steps for a division of the State, and the adjustment of the rights of Eastern Texas in the public

domain and the school fund, and apportion to each of the States its share of whatever public debt may be existing at the time of such division.

Adopted.

ORDERS OF THE DAY.

The amendment proposed by Mr. Roberts, and pending at the hour of the last adjournment, viz: An amendment to the 29th Section to the 3d Article of the Constitution, again taken up, and,

On motion of Mr. Davis of Cherokee, the main question, the engrossment of the bill, was ordered by the following vote:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Drake, Flanagan, Gentry, Hart, Henderson, Hurt, Ireland, Lane, Latimer, Mabry, Middleton, Murchison, Norris, Parker, Randolph, Record, Richardson, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Whitfield, Wilson and Young—42.

Nays—Messrs. Allen, Bryan, Dalrymple, Davis of Webb, Degener, Dickson, Giddings, Gurley, Halbert, Hancock, Hill, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Nelson, Norton, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Varnell, Walker, Waul and Woods—38.

So the House ordered the main question.

And the main question being put, (the engrossment of the ordinance,) the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Drake, Flanagan, Gentry, Hart, Henderson, Hurt, Ireland, Johnson of Tarrant, Lane, Latimer, Mabry, Middleton, Nelson, Norris, Parker, Randolph, Record, Richardson, Saunders, Saufley, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Whitfield and Young—41

Nays—Messrs. Bacon, Bryan, Dalrymple, Davis of Webb, Degener, Dickson, Giddings, Gurley, Halbert, Hancock, Hill, Hunt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Norton, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Roberts, Runnels, Selman, Shepard, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, Waul, Wilson and Woods—39.

So the bill was ordered to be engrossed.

Mr. Slaughter moved to reconsider the vote ordering the ordinance to be engrossed.

Mr. Slaughter withdrew his motion to reconsider.

Mr. Slaughter renewed his motion to reconsider.

Mr. Henderson moved to lay the motion to reconsider on the table.

The Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Halbert, Hart, Henderson, Hurt, Johnson of Titus, Lane, Latimer, Middleton, Murchison, Nelson, Norris, Parker, Record, Richardson, Saunders, Saufley, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Whitfield, Wilson and Young—40.

Nays—Messrs. Armstrong, Bacon, Bryan, Dalrymple, Davis of Webb, Dickson, Frazier, Giddings, Gurley, Hancock, Hill, Hunt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Selman, Shepard, Slaughter, Smith of Colorado, Spaight, Thompson, Tyus, Varnell, Walker, Waul, and Woods—40.

So the House refused to lay the motion to reconsider on the table.

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

Mr. Norton moved to suspend the call.

Lost.

Mr. Hunt having agreed to pair off with Mr. Lindsey, who was absent in attendance on a sick friend,

On motion of Mr. Hart, the call was suspended.

The question recurring on the motion to reconsider, the same was put, and the reconsideration refused, by the following vote :

Yeas—Messrs. Armstrong, Bacon, Bryan, Dalrymple, Davis of Webb, Dickson, Giddings, Gurley, Hancock, Hill, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Selman, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, Waul and Woods—39.

Nays—Messrs. Allen, Anderson, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Halbert, Hart, Henderson, Hurt, Johnson of Titus, Lane, Latimer, Middleton,

Murchison, Nelson, Norris, Parker, Record, Richardson, Saunders, Saufley, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Whitfield, Wilson, and Young.—41.

The Convention refused to reconsider.

Mr. Henderson moved to take up Article VIII. Freedmen.

Lost.

The report and ordinances from the committee on Condition of the State, in regard to the ordinance of secession, taken up.

Reports and ordinances read.

Mr. Hart moved to substitute the minority report for that of the majority.

Mr. Flanagan moved to adjourn till 3 o'clock.

Lost.

On motion of Mr. Slaughter, Convention adjourned till 7½ o'clock this evening, pending Mr. Hart's motion.

7½ 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. Hart to substitute the minority for the majority report of the committee on the Condition of the State, touching the ordinance of secession, again taken up.

Mr. Gentry moved that the Convention vote upon the proposition without further discussion.

On motion of Mr. Hart, the Convention adjourned until 9½ o'clock, A. M., to-morrow.

THURSDAY, March 8th, 1866.

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

Mr. Smith of Colorado made the following report:

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

The committee on the General Provisions of the Constitution having had under consideration the power and propriety of a county, city or town becoming a stockholder, or loaning its credit, instruct me to report the accompanying ordinance, and recommend its adoption, in order that there may be no doubts attending the exercise of such power in the manner prescribed in the proposed ordinance:

SEC. —. Any county, city, or town of this State may become