

TEXAS
LAW

Tarlton Law Library
Jamail Center for Legal Research

Citation: *Journal of the Texas State Convention: Assembled at Austin, Feb. 7, 1866. Adjourned April 2, 1866. [Austin, TX.]: Printed at the Southern Intelligencer Office, 1866.*

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to rarebooks@law.utexas.edu.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

Mr. Burke moved the previous question. The House refused to second the motion.

On motion of Mr. Hart, the Convention adjourned until to-morrow at 10 o'clock.

FRIDAY, March 9th, 1866.

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

Mr. Spaight, from committee on Legislative Department, made the following report:

COMMITTEE ROOM, March 9th, 1866.

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

The committee on the Legislative Department, to whom was referred the resolution in relation to the election of Governor, members of the Legislature, and other State officers, have had the same under consideration, and instruct me to report the accompanying ordinance, and recommend its adoption.

Received, to come up in order.

AN ORDINANCE,

Providing for the election of State officers, and fixing the time for the meeting of the Legislature.

SEC. 1. *Be it ordained, by the People of Texas, in Convention assembled,* That an election shall be held on the first Monday in May, A. D. 1866, in the several counties of this State, for all the State and county officers who, under the Constitution and laws, are elected by the people.

SEC. 2. *Be it further ordained,* That the officers elected under this ordinance, shall hold their respective offices from the date of their installation to the first Monday in August, A. D. 1866, and thereafter for the full term prescribed by law.

SEC. 3. *Be it further ordained,* That the Legislature of the State of Texas shall meet at the seat of Government thereof, and begin their session on the first Monday in June, A. D. 1866.

SEC. 4. *Be it further ordained,* That, in order to carry out the provisions of this ordinance, the Provisional Governor of this State be, and he is hereby authorized and requested to issue his proclamation as early as may be, ordering an election to be held in the several counties of this State at the time, and for the purposes specified in this ordinance.

Read first time.

Mr. Roberts made the following report from Judiciary Committee :

COMMITTEE ROOM, March, 1866.

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

The Judiciary Committee, to whom was referred the resolution of the delegate from Travis and Williamson counties, (Mr. Dalrymple,) in relation to a valuation upon forced sales of debtors' property, have instructed me to report the same back, with the recommendation that the Convention should not act upon the same, inasmuch as it is a subject more appropriate for the action of the Legislature, which body will have the same power to act on such a subject as this Convention has. Which is respectfully submitted.

Received, to come up in order.

Mr. Roberts made also the following report :

COMMITTEE ROOM, March 9th, 1866.

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

The Judiciary Committee, to whom was referred the resolution of the delegate from Goliad, (Mr. Camp,) relating to the consolidation of the offices of Sheriff and Assessor, have instructed me to report it back, and ask to be relieved from the consideration thereof, the same subject being now before the Convention in the report of the committee on the Legislative Department.

Respectfully submitted.

Received, to come up in order.

Mr. Phillips made the following report from Judiciary committee:

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

SIR: The committee on the Judiciary, to whom was referred an ordinance relative to the statute of limitation, have instructed me to report a substitute for the same, and recommend its adoption :

Be it ordained by the people of Texas, in Convention assembled, That in all civil actions, the time between the second day of March, 1861, and the second day of September, 1866, shall not be computed in the application of any statute of limitation: actions for offences against penal laws, and causes of action arising ex delicto, are excepted from the provision of this ordinance.

Read first time.

Mr. Gentry offered the following report :

COMMITTEE ROOM, March 8th, 1866.

To the President of the Convention :

The committee on Internal Improvements beg leave to report the accompanying Sec., No. 33, and to recommend its adoption

as a substitute for Sec. 33 of the General Provisions of the Constitution :

The committee has considered the resolution referred to it, relating to the St. Louis and South West Branch Railroad, and beg leave to report the same back, and to recommend their adoption. All of which is respectfully submitted.

I. A. PASCHAL, Chairman.

Received, to come up in order.

SUBSTITUTE

For Sec. 33, Art. VIII, General Provisions of Constitution.

SEC. 33. A well regulated system of Internal Improvements, together with mining and manufacturing, is calculated to develop the resources of the State, and promote the happiness and prosperity of the citizens; therefore, the Legislature shall have power, and it shall be its duty, to encourage the same; and the Legislature shall have power to guarantee the bonds of railroad companies to any amount, not exceeding in any case the sum of fifteen thousand dollars per mile: *provided*, that in no case shall the State guarantee the payment of the bonds of any railroad company, until such company shall have previously graded and prepared at least ten miles of its roadway ready to lay the iron rails thereon, and so on continuously, on each section of the road, until the same may be completed, and which bonds shall always be secured by a lien or first mortgage upon the road, rolling stock, depots, and franchise of the corporation, whose bonds may be guaranteed on such terms and conditions as the Legislature may prescribe: and further *provided*, that all mining companies, incorporated or encouraged by the Legislature, shall pay into the State Treasury a tax of one per cent upon the net proceeds of such mining companies; and in no case shall the State guarantee the payment of the bonds of railroad companies as herein provided, nor shall the State borrow money for any purpose whatever; nor shall it authorize any county, city or town to subscribe for stock in any railroad, manufacturing or mining company, except by a vote of two-thirds of both Houses of the Legislature; and no county, city or town shall ever subscribe for stock in any railroad, manufacturing or mining company, except by a vote of two-thirds of all the votes cast at any election held in such county, city or town for said purpose.

On motion of Mr. Gentry, rule was suspended, and 200 copies of the ordinance ordered to be printed, and made special order for Wednesday next.

Mr. Randolph made the following report from the committee on Enrolled and Engrossed Ordinances:

COMMITTEE ROOM, March 9th, 1866.

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

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 3d Article of the Constitution, and find the same correctly engrossed.

Mr. Wilson introduced the following ordinance :

AN ORDINANCE,

Requiring the Legislature, at its first session, to repeal and amend the laws of this State.

Be it ordained, by the people of Texas, in Convention assembled, That the Legislature shall, at its first session, repeal and amend the laws of this State, civil and criminal, so as to make them conform to the Constitution and laws of the United States, to the Constitution of this State, and to the ordinances adopted by this Convention.

Referred to the committee on General Provisions of the Constitution.

Mr. Beall offered the following resolution :

Whereas, the length of time already consumed by this Convention has exceeded the expectations of the people of the State: and whereas, much time is uselessly occupied by numerous and lengthy speeches,

Resolved, That no member be permitted to occupy the floor for a longer time than ten minutes.

On motion of Mr. Beall, rule was suspended, and resolution read a second time.

Mr. Runnels offered the following amendment :

“And that the Convention proceed to consider the business for which it was assembled exclusively, until the same shall be disposed of.”

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

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

Yeas—Messrs. Armstrong, Bacon, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Gurley, Hancock, Hurt, Jones of Bastrop, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Phillips, Reeves, Roberts, Saunders, Selman, Shepard, Shuford, Smith of Colorado, Smith of Lamar, Varnell, Woods, and Young—33.

Nays—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dickson, Giddings, Halbert, Hart, Henderson, Hunt, Ireland,

Johnson of Titus, Lane, Latimer, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Richardson, Runnels, Saufley, Shields, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—42.

So the motion to lay on the table was lost.

Mr. Runnels' amendment was then adopted.

Mr. Walker offered the following amendment: by striking out "ten," and insert "thirty."

Upon which the Yeas and Nays were ordered, and resulted thus:

Yeas—Messrs. Armstrong, Bacon, Bradshaw, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Gurley, Hancock, Hart, Hunt, Hurt, Ireland, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Saunders, Selman, Shepard, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Woods, and Young—45.

Nays—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Flanagan, Giddings, Halbert, Henderson, Hill, Johnson of Titus, Mabry, Norris, Perry, Richardson, Runnels, Saufley, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Waul, Whitfield, and Wilson—33.

So the amendment was adopted.

Mr. Phillips offered the following amendment: Strike out the preamble. Which was accepted.

Mr. Norton moved to lay the resolution and amendment on the table; on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Bacon, Davis of Webb, Degener, Drake, Flanagan, Gurley, Hancock, Hurt, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Phillips, Record, Reeves, Saunders, Selman, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—30.

Nays—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Frazier, Gentry, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Titus, Latimer, Norris, Parsons, Perry, Porter, Randolph, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul and Whitfield—46.

So the motion to lay on the table was lost.

Question recurring on the adoption of the resolution as amended, Mr. Saufley moved to reconsider the vote adopting the amendment of Mr. Runnels.

Mr. Henderson moved to adjourn for half an hour.

Lost.

Mr. Ireland moved to lay the motion to reconsider on the table; on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Flanagan, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Nelson, Norris, Parsons, Porter, Runnels, Saunders, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Walker, Waul, Whitfield, and Wilson—47.

Nays—Messrs. Armstrong, Davis of Webb, Degener, Gentry, Hancock, Hurt, Jones of Bastrop, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Perry, Phillips, Richardson, Saufley, Selman, Varnell, Woods and Young—22.

Motion prevailed.

Mr. Ireland moved the previous question, on which the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Gentry, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Mabry, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thompson, Walker, Waul, Whitfield and Wilson—50.

Nays—Messrs. Armstrong, Bacon, Davis of Webb, Degener, Flanagan, Hancock, Hurt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Norton, Parker, Perry, Saunders, Shuford, Smith of Colorado, Varnell, Woods and Young—21.

The previous question being ordered, which was the adoption of the resolution, the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Flanagan, Giddings, Halbert, Hart, Henderson,

Hill, Hunt, Ireland, Johnson of Titus, Latimer, Nelson, Norris, Parsons, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shuford, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—45.

Naays—Messrs. Armstrong, Bacon, Davis of Webb, Degener, Drake, Gentry, Hancock, Hurt, Johnson of Tarrant, Jones of Bastrop, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Perry, Phillips, Saunders, Selman, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Varnell, Woods and Young—27.

Resolution was therefore adopted.

Mr. Mabry, by leave of the Convention, made the following report, from the committee on General Provisions Constitution:

COMMITTEE ROOM, March 7th, 1866.

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

The committee on General Provisions Constitution, to which was referred "an ordinance to legalize the formation of counties heretofore established, containing an area of less than nine hundred square miles," have had the same under consideration, and unanimously direct me to report the following, as a substitute for Section 34, Article VII, of the Constitution:

SEC. 34. The Legislature may, from time to time, establish new counties for the convenience of the inhabitants of such new county or counties; *provided*, that no new counties shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area, than nine hundred square miles, unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. *provided, further*, that all counties heretofore created, of less area than nine hundred square miles, are hereby declared to be legally constituted counties. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

Read first time, to come up in order.

The report of the committee on Condition of the State, repealing the ordinance of secession, was taken up.

Mr. Hart's motion to substitute the minority for the majority report being under consideration,

Mr. Parsons moved to adjourn until 3½ o'clock, P. M.

Lost.

Mr. Davis of Cherokee moved to adjourn until 7½ o'clock P. M. Lost.

On the question being put, the Yeas and Nays were ordered, (when Mr. Richardson paired off with Mr. Lindsey, who was absent,) and stood thus :

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—34.

Nays—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—44.

So the motion to substitute was lost.

Mr. Mabry offered the following, as a substitute for the majority report :

AN ORDINANCE.

Declaring void the Ordinance of Secession.

We the people of Texas, by delegates in Convention assembled, recognizing the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, therefore,

Do ordain and declare, That the ordinance of secession, passed by the people of Texas on the 2d of March, 1861, was, in legal contemplation, void, being revolutionary in character, and subject to the general principles applicable to revolutions.

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

7½ o'clock, P. M.

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

The Convention proceeded to the consideration of the substitute offered by Mr. Mabry, for the majority report of the committee on Condition of the State, which was pending on the last adjournment.

Mr. Parsons moved to lay the substitute on the table, on which the Yeas and Nays were ordered and stood :

Yeas—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camo of Upshur, Clements, Dalrymple, Davis of Webb, Degener Dickson, Frazier, Giddings, Halbert, Hurt, Ireland, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Selman, Shepard, Shuford, Spaight Taylor of Houston, Thompson, Tyus, Walker, Waul and Wilson—37.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Cherokee, Drake, Flanagan, Hancock, Hill, Hunt, Johnson of Titus Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Norton, Ranck, Saunders, Sauley, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Woods—31.

Substitute laid on the table.

Mr. Whitfield paired off, in telling the last vote, with Mr. Throckmorton, who was absent, sick.

Mr. Reeves offered the following substitute :

The fate of war having settled the question that the right as heretofore claimed, of a State to withdraw from the Union does not exist,

We the people of Texas, in Convention assembled, order and declare, That we now seek to be restored to the Union, on the basis of such settlement, accepting the same as final renouncing the right of secession as asserted by the ordinance of February 1st, 1861, entitled "an ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the Constitution of the United States of America."

Mr. Parsons moved to lay the substitute on the table.

Motion withdrawn.

Mr. Hancock offered the following substitute :

AN ORDINANCE,

Declaring void the Ordinance of Secession.

We the people of Texas, by delegates in Convention assembled, recognizing the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land and that Texas is, and has been since the consummation of annexation, one of the States of the Union, and her citizens entitled to all the privileges and immunities that are guaranteed by the Constitution and laws of the United States to the citizens of any of the States of the Federal Union,

Do therefore ordain and declare, That the ordinance of secession, passed by the people of Texas on 2d of March, 1861, was, in legal effect, void, being revolutionary in its character, and subject to the general principles applicable to revolutions.

Mr. Parsons moved to lay both substitutes on the table.

Mr. Phillips moved a division of the question.

Mr. Whitfield was allowed to pair off with Mr. Throckmorton.

The Yeas and Nays were ordered on laying Mr. Hancock's motion on the table, and stood :

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Giddings, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norrison, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Saunfels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul and Wilson—37.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Woods—33.

Mr. Selman moved a call of the House.

The question being on laying Mr. Reeves' substitute on the table, the Yeas and Nays were again ordered, and stood :

Yeas—Messrs. Armstrong, Bacon, Ball, Bradshaw, Bumpass, Clements, Davis of Webb, Degener, Flanagan, Frazier, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, Middleton, Murchison, Norton, Norris, Parker, Parsons, Porter, Randolph, Saunders, Shepard, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron and Varnell—40.

Nays—Messrs. Allen, Anderson, Beall, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Drake, Giddings, Halbert, Jones of Bexar, Lane, McCormack, Nelson, Perry, Phillips, Reeves, Roberts, Selman, Smith of Colorado, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson and Woods—31.

So the substitute laid on the table.

Mr. Smith of Colorado offered the following substitute :

SECTION — *Be it ordained by the people of the State of Texas in Convention assembled, That an ordinance passed by a Convention sitting in the city of Austin in the State of Texas,*

on the 1st day of February, A. D. 1861, entitled "an ordinance to dissolve the Union between the State of Texas and the other States, under the compact styled 'the Constitution of the United States of America,'" was, by the force of the Constitution and laws of the United States, null and void.

Mr. Parsons moved to lay the substitute on the table, on which the Yeas and Nays were ordered, and stood :

Yeas—Messrs. Allen, Armstrong, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—39.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Hancock, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Latmer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Woods—35.

So the substitute was laid on the table.

Mr. Hurt offered the following substitute :

We the people of Texas, by delegates in Convention assembled acknowledging the supremacy of the Constitution of the United States, and laws in pursuance thereof, and renouncing the right of secession,

Do ordain and declare, That an ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the Constitution of the United States of America, adopted by a Convention at Austin, on the 1st day of February, 1861, is null and void, and the right of a State to secede from the Federal Government is hereby renounced for all time to come.

Mr. Parsons moved to lay on the table, on which the Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. Bacon, Ball, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Jones of Bastrop, Ledbetter, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Runnels, Saufley, Shepard, Slaughter, Taylor of Houston, Tyus, Walker, Waul and Woods—43.

Nays—Messrs. Allen, Anderson, Armstrong, Beall, Bumpass

Davis of Cherokee, Drake, Flanagan, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, McCormack, Middleton, Norton, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thompson, Varnell, Whitfield and Wilson—29.

So the substitute was laid on the table.

Mr. Mabry offered the following substitute :

Be it ordained by the people of the State of Texas in Convention assembled, That the Constitution of the United States, and laws made in pursuance thereof, having been, since their adoption by the people of Texas, the supreme law of the land, it is hereby declared that no separate State action can annul the same.

Mr. Bradshaw moved the main question, which was seconded.

The Convention refused to order the main question, by the following vote :

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Ireland, Norris, Parsons, Perry, Phillips, Porter, Randolph, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Walker, Waul and Wilson—34.

Nays—Messrs. Armstrong, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Ranck, Reeves, Saunders, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyus, Varnell, Whitfield and Woods—40.

The question recurring on the adoption of substitute offered by Mr. Mabry,

Mr. Parsons moved to lay the substitute on the table.

The Yeas and Nays were ordered, and stood :

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Hurt, Ireland, Murchison, Nelson, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Roberts, Runnels, Saufley, Selman, Shepard, Shuford, Taylor of Houston, Thompson, Tyus, Waul, Whitfield and Wilson—42.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Cherokee, Drake, Flanagan, Hancock, Hill, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Lat-

imer, Ledbetter, Mabry, McCormack, Middleton, Norton, Saunders, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell and Woods—28.

Laid on the table.

Mr. Reeves moved to amend by inserting after the word "thereof," the words "and renouncing the right of secession."

The Yeas and Nays were ordered on the amendment, and stood :

Yeas—Messrs. Allen, Anderson, Ball, Beall, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Perry, Phillips, Randolph, Reeves, Roberts, Saufley, Shepard, Spaight, Taylor of Houston, Tyus, Walker, Whitfield, Wilson and Woods—37.

Nays—Messrs. Armstrong, Bacon, Bradshaw, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Ranck, Richardson, Runnels, Saunders, Selman, Shields, Shaw, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Waul—39.

So the amendment was lost.

Mr. Mabry offered the following amendment :

By striking out the words "annulled and," in last line, and the word "further," in same line.

Mr. Slaughter offered the following substitute :

AN ORDINANCE,

Declaring the Ordinance of Secession Null and Void.

Be it ordained by the people of Texas, in Convention assembled, That an ordinance adopted by a former Convention of the people of Texas, on the 1st of February, 1861, entitled an ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the "Constitution of the United States of America," be and the same is hereby declared null and void, and the claim of the right of the State of Texas to secede from the Union is hereby solemnly renounced.

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