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SATURDAY, March 10th, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present.

On motion of Mr. Davis of Cherokee, Mr. Benge was excused on account of indisposition.

Journal of yesterday was read and adopted.

On motion of Mr. Saunders, Mr. Young was excused till Monday morning, on account of indisposition.

On motion of Mr. Allen, Mr. Hart was excused until Monday morning because of sickness.

On motion of Mr. Dalrymple, the assistant Sergeant-at-Arms, Mr. Stubbleford, was excused until Monday morning, because of sickness.

Mr. Armstrong introduced the following

#### ORDINANCE.

*Be it ordained by the people of the State of Texas in Convention assembled,* That immediately after the adjournment of this Convention the Provisional Governor of this State shall issue his Proclamation, directing the Chief Justices of the several counties of this State to cause polls to be opened in their respective counties, at the established precincts, on the 1st Monday in June, 1866, for the purpose of taking the sense of the people of Texas in regard to the adoption or rejection of this Constitution, and the vote of all persons entitled to vote under existing laws shall be received; all voters who may be in favor of adopting the Constitution shall say "for the Constitution" on their ticket; those opposed shall say "Constitution rejected." The election shall be conducted in conformity with existing laws regulating elections, and the Chief Justices of the several counties shall carefully and promptly make duplicate returns of said polls, one of which shall be transmitted to the Secretary of State, and the other deposited in the Clerk's office of the county.

Read first time, and referred to the committee on the Condition of the State.

Mr. Halbert offered the following resolution:

*Resolved,* That — is hereby authorized to sell at public outcry, or otherwise, the machinery for making percussion caps, the property of the State of Texas, and report the same to the Legislature at its next session.

Laid over for consideration.

Mr. Phillips offered the following resolution:

*Resolved,* That the committee on Printing and Contingent Expenses have printed, for the use of the members of the Con-

vention, 200 copies of each ordinance not yet printed, that is or may be reported by the several committees.

Adopted.

Mr. Norris offered the following resolution :

*Be it Resolved by the Convention, That the committees on Public Lands and Indian Affairs be instructed to inquire into the expediency of giving to actual settlers upon the unappropriated public domain of the State, three hundred and twenty acres of land, upon condition that they shall remain upon the same for the space of three years after settlement.*

Adopted.

On motion of Mr. Parsons, Mr. Davis of Cherokee was added to the committee on Condition of the State.

On motion of Mr. Hancock, the Second Assistant Secretary, Mr. Hutchins, was excused from attendance from Monday next until Wednesday evening.

The Convention again proceeded to the consideration of the report of the majority of the committee on Condition of the State, Mr. Slaughter's substitute pending.

Mr. Runnels moved to reconsider the vote taken on last night refusing to adopt the amendment proposed by Mr. Reeves, to the ordinance reported by the majority of the committee on Condition of the State, touching the ordinance of secession.

The vote being taken by Yeas and Nays, stood thus :

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Lindsey, Mabry, Nelson, Norris, Parker, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—50.

Nays—Messrs. Bacon, Bumpass, Davis of Webb, Degener, Flanagan, Hill, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parsons, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Varnell—26.

So the House voted the reconsideration.

The question recurring on the adoption of the amendment offered by Mr. Reeves, and the Yeas and Nays being ordered, stood thus :

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Brad-

shaw, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Johnson of Tarrant, Lindsey, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—44.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Hill, Hurt, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Varnall—30.

So the amendment was adopted.

Mr. Ireland moved the previous question, which being seconded, Mr. Norton moved a call of the House.

Call sustained.

On motion of Mr. Henderson, call suspended.

The question recurring on the motion of Mr. Ireland, the main question was ordered by the following vote :

Yeas—Messrs. Armstrong, Bacon, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Davis of Webb, Degener, Flanagan, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Ireland, Johnson of Titus, Lane, Ledbetter, Mabry, Murchison, Nelson, Norris, Parker, Perry, Phillips, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, and Wilson—49.

Nays—Messrs. Allen, Anderson, Bacon, Dickson, Drake, Halbert, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Lindsey, McCormack, Middleton, Norton, Parsons, Saunders, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, and Woods—28.

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

Yeas—Messrs. Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Ireland, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—36.

Nays—Messrs. Allen, Armstrong, Bacon, Bumpass, Davis of Webb, Degener, Dickson, Drake, Flanagan, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield and Woods—41.

So the House refused to engross the ordinance.

Mr. Davis of Webb made motion to reconsider the vote just taken, refusing the engrossment of the ordinance.

Carried.

On motion of Mr. Gentry, the vote was reconsidered which refused the motion of Mr. Hart to substitute the minority for the majority report, touching the ordinance of secession.

The question recurring on the motion of Mr. Hart, Mr. Waul moved to adjourn. Lost.

Mr. Roberts offered the following substitute :

SEC. — *We, the people of the State of Texas, in Convention assembled*, acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof, do ordain, that an ordinance passed on the 1st of February, A. D. 1861, by the Convention then assembled at the city of Austin, and adopted by the people of the State, on the 2d of March, 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," be and the same is hereby declared null and void.

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

7½ O'CLOCK, P. M.

Convention met ; roll called ; quorum present.

The question pending at the hour of the last adjournment, viz : the substitute of Mr. Roberts for the minority report, again taken up.

The question recurring on the adoption of said substitute, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Hunt, Ireland, Lindsey, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—38.

Nays—Messrs. Armstrong, Bacon, Bengé, Bumpass, Davis

of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Henderson, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, and Young—38.

So the substitute was lost.

Mr. Saufley offered the following substitute :

*Resolved*, That the ordinance of secession, as passed by the people of Texas in Convention assembled, March 2d, 1861, having been settled by the fate of war, therefore,

*We, the delegates of the people of Texas, in Convention assembled*, accept the settlement as final, and forever renounce the right of any State to secede from the Federal Union, fully acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof.

Mr. Davis of Webb moved to lay the substitute on the table.

Yeas and Nays being ordered, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Murchison, Norton, Parker, Perry, Ranck, Richardson, Saunders, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Tyus, Varnell, and Young—41.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Gurley, Henderson, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Slaughter, Spaight, Taylor of Houston, Thompson, Walker, Waul, Whitfield, and Wilson—34.

So the substitute was tabled.

Mr. Hancock offered the following substitute :

#### AN ORDINANCE,

*Declaring the nullity of the so called 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, adopted in Convention at Austin city on the 1st day of February, A. D. 1861.*

The people of the State of Texas, by their delegates, in Convention assembled, fully recognizing that the Constitution and the laws of the United States made in pursuance thereof, and

all treaties made under the authority of the United States, are the supreme law in all the States of the American Union known as the United States, do therefore ordain and declare, that the pretended act of secession, called an ordinance to dissolve the union between the State of Texas and the other States, united under a compact styled the Constitution of the United States of America, adopted in Convention at the city of Austin, on the 1st day of February, A. D. 1861, was, from the beginning, null and void.

The question recurring on the adoption of the substitute, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Bengé, Bumpass, Davis of Webb, 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, Perry, Ranek, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, and Young—38.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke,\*Camp of Upshur, Clements, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—36.

So the substitute was adopted.

Mr. Davis of Cherokee paired off with Mr. Selman, who was absent, sick, in counting the last vote.

The question recurring on the adoption of the substitute of Mr. Hancock for the majority report, Mr. Slaughter offered the following as a substitute :

#### AN ORDINANCE,

*Declaring the Ordinance of Secession null and void.*

*Be it ordained by the people of Texas, in Convention assembled,* That we acknowledge the supremacy of the Constitution of the United States, and the laws passed in pursuance thereof, and that an ordinance adopted by a former Convention of the people 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, united under the compact styled Constitution of the United States of America," be and the same is hereby declared null and void, and the right heretofore claimed by the State of Texas to secede from the Union, hereby distinctly renounced.

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

On motion of Mr. Johnson of Tarrant, the Convention adjourned until Monday morning, 9½ o'clock, pending Mr. Richardson's motion to lay Mr. Slaughter's substitute on the table.

MONDAY, March 12th, 1866.

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

Mr. Norton, chairman of committee on Condition of the State, made report;

COMMITTEE ROOM, March 12th, 1866.

*Hon. D. G. Dickson, President, pro tem., of Convention:*

The committee on the Condition of the State, having had several resolutions referred to them, upon the subject of extending relief to debtors, have had the same under consideration, and beg leave to report the accompanying ordinance, and recommend its passage

#### AN ORDINANCE,

*To provide for the Payment of Debts.*

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the Legislature shall have power to pass laws for the relief of debtors, by authorizing a stay of execution upon judgments heretofore rendered, or which may be hereafter rendered, upon debts and liabilities heretofore contracted or incurred, by a stay of execution, from year to year, or from court to court, for not more than four years, upon condition that the interest and one-fourth of the principal be paid in each year: and the Legislature shall provide in all such cases for securing creditors by liens upon such property of the debtors, and otherwise, as may be necessary and proper.

SEC. 2. The Legislature may also restrain the collection of debts heretofore contracted, secured by deeds of trust and mortgages, upon the same terms as they may prescribe for stay of execution upon judgments.

SEC. 3. It is hereby declared that all statutes of limitations heretofore passed shall be deemed and held to be inoperative from the first day of February, eighteen hundred and sixty-one, to this time.

Read first time, and takes its place among orders of the day.

Mr. Roberts, chairman of committee on the Judiciary, made report: