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Perry, Phillips, Runnels, Selman, Shepard, Shields, Smith of Colorado, Tyus, Varnell, Walker, and Waul—30.

Nays—Messrs. Anderson, Ball, Benge, Davis of Cherokee, Gentry, Johnson of Titus, Mabry, Middleton, Nelson, Norton, Record, Reeves, Roberts, Saunders, Saufley, Smith of Lamar, Taylor of Houston, Thompson, Whitfield, and Young—20.

So the motion prevailed.

Mr. Mabry moved to adjourn till 9½ o'clock to-morrow.

Lost.

The question recurring on the 2d division of the motion of Mr. Davis of Webb, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Benge, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Flanagan, Johnson of Titus, Jones of Bexar, Middleton, Norton, Parsons, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shields, Shuford, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield, and Young—29.

Nays—Messrs. Ball, Camp of Goliad, Degener, Gentry, Giddings, Hancock, Henderson, Hurt, Johnson of Tarrant, Ledbetter, Mabry, McCormack, Murchison, Norris, Paschal, Shepard, Smith of Colorado, Thompson, and Varnell—19.

So the Convention refused to adopt the amendment.

Mr. Davis of Webb moved to adjourn till to-morrow, at 9½ o'clock.

Carried by the following vote :

Yeas—Messrs. Benge, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Hancock, Johnson of Tarrant, Jones of Bexar, Ledbetter, Lindsey, Murchison, Nelson, Norris, Parsons, Paschal, Perry, Porter, Record, Reeves, Saunders, Saufley, Selman, Shepard, Shields, Smith of Lamar, and Whitfield—27.

Nays—Messrs. Anderson, Ball, Degener, Flanagan, Gentry, Giddings, Henderson, Hurt, Johnson of Titus, Mabry, McCormack, Middleton, Norton, Phillips, Roberts, Runnels, Shuford, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Varnell, Walker, and Waul—24.

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FRIDAY, March 23d, 1866.

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

The committee on Enrolled and Engrossed Ordinances made the following report :

COMMITTEE ROOM, March 23, 1866.

*Hon. W. M. Taylor, President pro tem. of the Convention :*

The committee on Enrolled and Engrossed Ordinances instruct me to report the preamble and resolutions in regard to the Railroads correctly engrossed.

WELLS THOMPSON, One of Committee.

Accepted.

The resolution of Mr. Porter, to elect Commissioners to proceed to Washington City, was taken up.

Mr. Davis of Cherokee offered the following amendment :

Strike out Convention shall elect by ballot, and insert President pro tem. of Convention shall appoint.

Lost.

Mr. Tyus moved to strike out "five," and insert "three."

Mr. Flanagan proposed to amend: Provided each delegate shall pay his own expenses.

Mr. Armstrong moved to lay the resolution and amendments on the table.

Mr. Armstrong withdrew his motion to lay on the table, and to make it special order for Tuesday next at 11 o'clock; on which the Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Norris, Parker, Paschal, Ranck, Record, Reeves, Saunders, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, Woods and Young—51.

Nays—Messrs. Anderson, Bradshaw, Hill, Jones of Bastrop, Norton, Perry, Phillips, Porter, Richardson, Runnels, Saufley, Slaughter, Taylor of Fannin, Thomas of Cameron, Thompson and Waul—16.

So the subject was postponed.

Mr. Flanagan, in behalf of the Finance Committee, made the following report :

*Hon. W. M. Taylor, President, pro tem., of the Convention :*

The committee on Finance, to whom was referred the accounts of W. A. Smith, Mrs. Julia A. Smith, and Miss Mary E. Smith, for services rendered as Teachers in the Blind and Dumb Asy-

lums, together with accompanying ordinance, have had the same under consideration, and instruct me to report the following ordinance as a substitute therefor, and recommend its passage by the Convention :

#### AN ORDINANCE.

*Be it Ordained*, That the sum of twenty-eight hundred dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the claim of W. A. Smith, Mrs. Julia A. Smith and Miss Mary E. Smith, for services rendered as teachers in the Blind Asylum ; said amount to be paid upon presentation to the treasurer of vouchers properly authenticated.

Read first time, and passed to orders of the day.

Mr. Henderson moved to suspend the rule, and take up the report.

Lost.

Mr. Bacon, in behalf of the committee on Finance, made the following report :

*Hon. W. M. Taylor, President pro tem. of the Convention :*

The committee on Finance, to whom was referred the subject of the payment of troops called into the service of the State by Governor Houston, for frontier protection, prior to the 28th day of January, 1861, have had the same under consideration, and find, from the Comptroller's reports, that there is now due for said service on the pay rolls of said troops, the sum of three thousand one hundred and fifty-eight dollars, and seventy-four cents, (\$3,158 74,) for which no Warrants have ever been drawn, and the majority of said committee instruct me to report the accompanying ordinance for the payment of said sum, with the recommendation that it pass :

#### AN ORDINANCE.

*For the Payment of Troops called into the services of the State of Texas by Governor Houston, for Frontier Protection, prior to the 28th day of January, 1861.*

*Be it ordained by the people of the State of Texas in Convention assembled*, That the sum of three thousand one hundred and fifty-eight dollars and seventy-four cents, due on the pay rolls of said troops, be paid by the proper officer to the persons entitled to the same, or to their legal representatives, out of any money in the Treasury not otherwise appropriated.

Read, and passed to its order.

Mr. Bumpass, in behalf of the Finance Committee, made the following report :

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*Hon. Wm. M. Taylor, President pro tem. of the Convention :*

Your committee, to whom was referred a resolution in regard to paying General Sam Houston's salary, as Governor, for the term for which he was constitutionally elected, in view of the eminent services rendered our State by him, and, as a testimonial of respect to his memory, ask that the accompanying resolution be unanimously adopted by this Convention :

*Resolved*, That His Excellency, A. J. Hamilton, Provisional Governor of this State, be requested to cause to be paid out of any moneys now in the Treasury of this State, not otherwise appropriated, to the widow of General Sam Houston, the sum of nineteen hundred and twenty-five dollars, (\$1,925,) the amount due him as Governor elect of the State for the full term for which he was elected.

Read first time, and passed to the orders of the day.

Mr. Bradshaw introduced the following ordinance :

#### AN ORDINANCE.

*We, the people of Texas, by Delegates in Convention assembled do ordain and declare the following Acts, to wit:* An Act authorizing the Comptroller of the State to receive from Railroad Companies, in this State, the interest that may be now due, or hereafter become due, on their bonds, approved Dec. 16th, 1863; An Act amending an act authorizing the Comptroller of the State to receive from Railroad Companies, in this State, the interest that may be now due, or hereafter become due, on their bonds, approved May 28th, 1864; An Act to authorize Railroad Companies to discharge their indebtedness to the special school fund, with the treasury warrants, bonds and coupons of the State, approved Nov. 15th, 1864; to be unconstitutional, null and void ab initio; and that all payments made under said acts are, in legal contemplation, void; and that the amount said companies owed the State of Texas prior to the 1st day of February, 1861, is yet a legal, valid, subsisting debt against said Companies in favor of the State.

Referred to Judiciary Committee, on motion of Mr. Hancock.

Mr. Taylor of Fannin offered the following ordinance :

#### AN ORDINANCE.

*Be it ordained by the people of Texas, in Convention assembled* That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of the next Legislature.

Referred, after reading first time, to Finance Committee.

Mr. Hill offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be required to take charge of all the Digests, stationery, stamps, water buckets, and other material purchased for the use of the Convention, and turn the same over to the Secretary of State after the adjournment of this Convention.

Adopted.

Mr. Parsons presented the memorial of Mr. S. B. Buckley, which was referred to committee on Finance.

Mr. Parsons introduced the following ordinance :

AN ORDINANCE,

*Giving further time for the redemption of Lands sold for Taxes.*

*Be it ordained by the Delegates of the people of Texas in Convention assembled*, That the owners of all lands sold for taxes since the 1st day of February, 1861, shall have two years from the passage of this ordinance to redeem the same, by paying to the State, where such lands have been purchased by the State, the amount of taxes due upon the same ; and where such lands have been purchased by individuals, by paying to such individual the amount of money paid for such lands, with ten per cent. interest on said amount from the date of purchase.

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

On motion of Mr. Camp of Goliad, the vote adopting the resolution in regard to Blucher Hutchins, page, &c., was reconsidered.

Mr. Camp of Goliad then offered the following resolution :

That it is the sense of this body that the porters receive three dollars per day for their services.

Mr. Parker moved to strike out three, and insert five, in the resolution.

On motion of Mr. Hancock, the whole matter was referred to committee on Contingent Expenses.

Mr. Hart introduced the following ordinance :

*Resolved by this Convention*, That an additional sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the mileage and per diem pay of the members and officers of this Convention.

Read a first time.

Rule suspended, ordinance taken up, read a second time, and ordered to be engrossed.

Rule further suspended, ordinance passed.

On motion of Mr. Henderson, the Convention proceeded to the

## ORDERS OF THE DAY.

Article IV, Judicial Department, taken up, and the question pending at the hour of the last adjournment, viz:

The amendment of Mr. Norton to strike out all after the words "and at," in the 3d section, and insert, Tyler, in Smith county, and Houston, in Harris county, proceeded with.

Mr. Record proposed to amend the amendment of Mr. Norton, by striking out Tyler, in Smith county, and inserting Dallas, in Dallas county.

Mr. Waul moved to lay the amendments on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Giddings, Gurley, Hancock, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, McCormack, Nelson, Parker, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, and Woods—48.

Nays—Messrs. Armstrong, Bengé, Davis of Cherokee, Flanagan, Gentry, Henderson, Mabry, Norton, Norris, Parsons, Record, Saunders, Saufley, Selman, and Whitfield—15.

The motion prevailed.

Mr. Paschal offered the following as a substitute for Sec. 10, Article I V: The District Court shall have exclusive original jurisdiction of all criminal cases not within the jurisdiction of special Criminal Courts, and Justices of the Peace of all civil cases, of all suits, complaints and pleas whatever, where the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; of all suits in behalf of the State, to recover penalties for forfeitures and escheats, and of all cases of divorce; and the trial of all cases in the District Court shall be without regard to any distinction between law and equity; and the said Courts, or the Judges thereof, shall have power to issue all writs necessary to enforce their own jurisdiction, and to give them a general superintendence over inferior jurisdictions; and in the trial of all criminal cases, the jury trying the same shall find and assess the amount of the fine to be inflicted, or fine imposed, except in capital cases, and where the punishment or fine imposed shall be specifically imposed by law; and the Legislature may require sessions of the District Courts to be held in populous counties, for the trial of special or general business, not exceeding four times each year.

The question being on the adoption of the substitute, and Mr. Parsons having the floor, was called to order by the President under the ten minute rule, and the question being, shall the gentleman proceed, and being put, the leave was granted.

By leave, Mr. Paschal withdrew his substitute.

Mr. Bumpass offered the following as a substitute for the whole Article :

Substitute the 4th article of the old Constitution of 1845 for the proposed amendment, with the following amendment: in old Constitution, in Sec. 2, insert after the word Chief Justice, in first line, "four associates, with equal salaries."

Mr. Walker proposed to amend 2d paragraph of Sec. 1st by inserting after the word "State," and in lieu of the words, "with such jurisdiction," the following: with such criminal jurisdiction, co-extensive with the limits of the county wherein such city may be situated.

Adopted.

Mr. Whitfield moved to amend as follows :

Amend the 5th section: third line, strike out ten years, and insert four; fourth line, strike out three thousand five hundred, and insert two thousand five hundred.

Mr. Record moved the previous question. Seconded.

The question being shall the main question be now put, and being submitted, was ordered.

The main question being the passage of the Article, and the Yeas and Nays being ordered, stood thus :

Yeas—Messrs. Anderson, Bacon, Ball, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Jones of Bastrop, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Norris, Parker, Paschal, Perry, Phillips, Porter, Record, Reeves, Richardson, Roberts, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Varnell, Walker, Waul, and Woods—38.

Nays—Messrs. Armstrong, Beall, Benge, Bradshaw, Bumpass, Burke, Drake, Flanagan, Hart, Johnson of Tarrant, Jones of Bexar, Latimer, Middleton, Nelson, Norton, Parsons, Ranck, Rannels, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Whitfield—28.

So the Article passed, and was ordered to be enrolled.

On motion, the Convention refused to adjourn till 3 o'clock this evening.

On motion, the Convention refused to adjourn till 7½ o'clock, this evening.



Mr. Shuford moved to adjourn till 9½ o'clock to-morrow.

Lost.

Article V, Executive Department, taken up and placed on its final passage.

Mr. Shuford moved to adjourn till 9½ o'clock to-morrow morning, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Dalrymple, Hart, Hill, Parker, Parsons, Record, Saunders, Saufley, Selman, Shuford, Taylor of Fannin—12.

Nays—Messrs. Anderson, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Runnels, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Walker, Waul, and Woods—51.

So Convention refused to adjourn.

The question recurring on the passage of the Article, Mr. Norton proposed to amend as follows :

Strike out four, and insert two.

On motion of Mr. Henderson, the main question was ordered.

The question being on the final passage of the Article, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Jones of Bastrop, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Norris, Parker, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Shepard, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Walker, and Waul—45.

Nays—Messrs. Bumpass, Dalrymple, Flanagan, Johnson of Tarrant, Mabry, Middleton, Nelson, Norton, Parsons, Record, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, and Whitfield—19.

So the Article passed, and was ordered to be enrolled.

Mr. Saunders moved to reconsider the vote rejecting the ordinance to divide the State into Congressional Districts.

Mr. Henderson moved to postpone the consideration of the motion to reconsider till Monday at 11 o'clock.

Carried.

On motion of Mr. Smith of Lamar, Convention adjourned till 9½ o'clock to-morrow.

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SATURDAY, March 24th, 1866.

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

On motion of Mr. Jones of Bastrop, Mr. Allen and Mr. Johnson of Titus were excused from further attendance on the Convention.

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

COMMITTEE ROOM, March 22d, 1866.

*Hon. W. M. Taylor, President, pro tem., Convention:*

The committee on Condition of the State, to whom was referred an ordinance on the subject of Mines, Minerals, Salines, &c., report the accompanying ordinance, and recommend its passage:

#### AN ORDINANCE,

*On the subject of Mines, Minerals, Salines and Oil Springs.*

SECTION 1. *Be it ordained by the people of Texas in Convention assembled,* That all mines, minerals, salines, oil springs or wells, and all precious metals or minerals, heretofore discovered or used, or which hereafter may be discovered, shall be, and the same are hereby declared to be, the property of the rightful owner of the land in which the same may be situated, subject to such uniform rate of taxation as the Legislature may impose.

Read first time, and passed to the orders of the day.

Mr. Phillips, one of the committee on Legislative Department, and in behalf of said committee, made following report:

*Hon. W. M. Taylor, President, pro tem., of Convention:*

The committee on the Legislative Department, to whom was referred an ordinance relative to a Constitution for the State of Texas, have instructed me to report a substitute for the same, and to recommend its adoption.

#### AN ORDINANCE,

*Defining the Constitution of the State of Texas.*

SEC. 1. *Be it ordained by the people of Texas in Convention assembled,* That the Constitution of the State of Texas shall be as follows: