

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.

Question recurring on the adoption of report of the majority, the same was put, and adopted.

On motion of Mr. Armstrong, Convention adjourned until 9½ o'clock Monday morning.

MONDAY, March 26th, 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 the following report:

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

The committee on Condition of the State, to whom the subject of preparing an ordinance in regard to the redemption of lands sold for taxes has been referred, regarding the subject as requiring action by this Convention, recommend the passage of the accompanying 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 individuals the amount of money paid for such lands, with ten per cent. interest on said amount from the date of purchase. And where such purchase has been made with currency, or funds other than specie, the owner of such lands shall have the right to redeem the same by paying to such purchaser the value of the amount of the currency or funds paid by him for said lands at the time the same was so paid, with interest upon the same as above stated.

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

Mr. Roberts, chairman of Judiciary Committee, made report as follows:

COMMITTEE ROOM, March 26th, 1866.

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

The Judiciary Committee, to whom was referred two ordinances relating to payments to the school fund in State Treasury Warrants, made by the Railroad Companies, have had the same

R

under consideration, and have instructed me to report the same back, and recommend respectfully to the Convention that neither of them be passed, and that the matters therein involved be left to such action as the Legislature of the State may adopt thereon.

Read, and adopted.

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

COMMITTEE ROOM, March 26th, 1866.

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

The Judiciary Committee, to whom was referred an ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, together with the amendments offered thereto, and the ordinance annulling certain ordinances of the Convention, have had the same under consideration, and have instructed me to report the same back with the amendments thereto annexed, and recommend their adoption. The committee have thought proper to embrace in one ordinance various measures, which will tend to adapt the State government to its proper position, and at the same time preserve the harmony and quiet of the people of the State, by settling the disturbing questions involved in their situation. They hope and trust that their effort to accomplish those objects, will meet with general approbation on the part of the Convention. Respectfully submitted.

Read first time, and, on motion of Mr. Norton, 200 copies ordered to be printed, and made special order of the day for 12 o'clock to-morrow.

Mr. Mabry, one of the committee on General Provisions, made the following report :

COMMITTEE ROOM, March 24th, 1866.

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

The committee on the General Provisions of the Constitution, to which was referred an ordinance providing for the establishment of two branch Penitentiaries, beg leave to return the same, and recommend its passage.

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

Mr. Waul, one of the Finance Committee, made the following report :

COMMITTEE ROOM, March 23d, 1866.

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

The committee on Finance, to whom was referred the report of the committee on Education, have had the same under consideration, and find now due, and belonging to the common school fund, as follows :

6 per cent. Bonds of Railroad Companies,	\$1,758,817 00
Interest due on same to March 1, 1866,	300,614 90
Specie derived from Revenue,	46 83

\$2,058,978 73

They find also,

6 per cent. State Bonds, (manuscript substituted, by the Comptroller, in place of Warrants,	\$320,367 13
10 per cent. interest bearing Warrants,	11,239 71
Non interest bearing Warrants,	1,683 01
5 per cent. United States Bonds,	634,000 00
Interest Coupons on same,	132,700 00
Specie,	26,937 88
Amount received from land sales,	158,409 32

\$1,285,327 05

which has been converted and expended, or in controversy, under the acts of the officers of the State, since the 28th of January, 1861, and before the 5th of August, 1865, or rendered unavailable to said fund by the principle established in the ordinance, declaring the State debt void, by this Convention. The committee find there has been paid into the Treasury, on account of University lands :

Specie on account, principal, and interest on notes,	\$ 37,932 04
10 per cent. interest bearing Warrants,	12,230 39
Non interest bearing Warrants,	10,300 41
Confederate Notes,	114,804 48
Transferred to State Revenue account,	203,901 30

Amounting to	\$379,168 62
Which has been converted and expended, during the war, by the State authorities. They further state that,	
5 per cent. United States Bonds,	\$100,000 00
Specie interest on same,	9,472 26
Specie or coupons, 1 mo. interest,	416 66

Amounting to \$109,888 92 was transferred from the University fund to the State Revenue account in February, 1860, under an act of February 8th, 1860, and should be restored by the State to said fund.

That so much of the common school fund, 5 per cent. United States Bonds and coupons, amounting to \$766,700 00, as may be used for the payment of the direct tax due the United States Government, should be placed to the credit of said fund, and

secured by State Bonds; and the balance of said amount, should any portion thereof be traced and recovered, ought to be restored, and placed to the credit of the school fund, in such manner as the Legislature may hereafter provide.

The committee recommend that the State be released from any other, or further liability to said funds: the various amounts having been lost in the general destruction consequent upon the war, liable to the same objections, and dependent upon the same principles governing the Convention in their action upon the State indebtedness incurred during the war.

They recommend as a substitute for the ordinance referred to them for consideration the accompanying ordinance, and ask its adoption by the Convention:

AN ORDINANCE,

Securing the Common School and University Funds, and for other Purposes.

Be it ordained by the people of Texas, in Convention assembled, That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent. United States bonds, and interest transferred from the University fund to the State Revenue account, in February, 1860; and when issued, they shall be placed in the Treasury to the credit of said fund.

SEC. 2. *Be it further ordained,* That all 5 per cent. United States Bonds and coupons, transferred from the common school fund since the 28th of January, 1861, that are in the possession of, or may be recovered by the State, shall be secured to said fund; and any portion of said bonds or coupons, that may be used for the payment of the direct tax due the United States, shall be secured by coupon bonds of the State, and placed to the credit of said fund; and the Legislature of the State is hereby directed to carry this section into effect.

SEC. 3. *Be it further ordained,* That the Legislature of this State shall have no authority, and are hereby forbidden to assume, or provide by taxation, or otherwise, for the payment of any other claim, or pretended liability of the State, to said funds, not enumerated in this ordinance.

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

Mr. Thompson, one of the committee on Enrolled and Engrossed Ordinances, made the following report:

To Hon. W. M. Taylor, President pro tem. of Convention

The committee on Enrolled and Engrossed Ordinances instruct

me to report the ordinance to amend the 9th section of Bill of Rights correctly enrolled and signed.

Received, and adopted

Mr. Slaughter, one of a select committee touching a consideration of the subject of dividing the State into Judicial Districts, made the following report :

COMMITTEE ROOM, March 24th, 1866.

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

The select committee, to whom was referred the resolution of the delegate from Smith, (Mr. O. M. Roberts,) directing an inquiry into the expediency of dividing the State into Judicial Districts, so as to diminish the number of districts, have had the same under consideration, and are of opinion that it is inexpedient.

Read, and passed to orders of the day.

Mr. Whitfield, one of the committee on Education, made the following report :

COMMITTEE ROOM, March 26th, 1866.

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

The committee on Education, to whom was referred the 10th Article of the Constitution and proposed amendment to the 2d Section of the Bill, having had the same under consideration, and a majority of the committee instruct me to report back the ordinance in its original state, and recommend its adoption as engrossed, without the proposed amendment, or any other.

Report received.

Mr. Waul submitted the following report in behalf of a minority of the same committee, touching the same subject :

COMMITTEE ROOM, March 26th, 1866.

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

A minority of the committee on Education, to whom was recommended Article X of the Constitution, with the amendment offered in Convention, dissenting from the majority of the committee, beg leave to report the following amendment, and recommend its adoption :

AMENDMENT.

Strike out, in Sec. 2d, all in the 6th line after the word exclusively, to the word and, in the 7th line, and insert, for education.

Read a first time.

On motion of Mr. Whitfield, the rule was suspended, and the reports of the majority and minority taken up.

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

The hour having arrived for the consideration of the special

order of the day, the same was taken up, and, on motion, postponed till 11½ o'clock, this day.

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

Yeas—Messrs. Bacon, Benge, Camp of Goliad, Davis of Webb, Degener, Drake, Giddings, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Parker, Paschal, Phillips, Ranck, Roberts, Saunders, Shepard, Shields, Shaw, Smith of Lamar, Thomas of Cameron, Tyus, Varnell, and Waul—28.

Nays—Messrs. Anderson, Armstrong, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Hancock, Hart, Henderson, Hurt, Lane, Lindsey, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Perry, Porter, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Selman, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Whitfield, Woods, and Young—41.

So the motion to substitute was lost.

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

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Benge, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Giddings, Hancock, Henderson, Hurt, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Nelson, Norris, Parker, Paschal, Phillips, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Walker, Waul, and Whitfield—49

Nays—Messrs. Beall, Bradshaw, Camp of Goliad, Flanagan, Gurley, Hart, Murchison, Norton, Parsons, Perry, Porter, Ranck, Runnels, Shaw, Varnell, Woods, and Young—17.

So the Article passed.

Report of the committee on General Provisions, touching the propriety of amending Section 8, Bill of Rights, taken up.

The hour having arrived for the consideration of the special order of the day, the reconsideration of the vote refusing to divide the State into Congressional Districts, the same was taken up.

Mr. Roberts moved to lay the motion to reconsider on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Beall, Benge, Bradshaw, Bumpass, Giddings, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Nel-

son, Parsons, Ranck, Richardson, Roberts, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Walker, Waul, and Whitfield—32.

Nays—Messrs. Bacon, Ball, Burke, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Hart, Henderson, Hurt, Middleton, Murchison, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Runnels, Saunders, Thomas of Cameron, Tyus, Varnell, Woods, and Young—31.

So the motion prevailed.

The question again recurring on the report of the committee on General Provisions, touching the propriety of amending 8th section Bill of Rights, and the question being, shall the gentleman from Bexar, (Mr. Paschal,) speak a second time thereon, and being put, the leave was granted.

The question recurring on the adoption of the report of the committee, the same was put, and the report adopted.

The question being on the amendment of the committee, Mr. Waul moved to amend by striking out one hundred dollars, and insert twenty dollars.

On motion of Mr. Runnels, the amendments were laid on the table.

The question recurring on the amendment reported by the committee, the Yeas and Nays being ordered, stood thus :

Yeas—Messrs. Anderson, Armstrong, Ball, Bradshaw, Drake, Gurley, Hancock, Hart, Hunt, Johnson of Tarrant, Jones of Bastrop, Lane, Ledbetter, Lindsey, Mabry, Nelson, Norris, Randolph, Richardson, Roberts, Runnels, Saufley, Shepard, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Varnell, Walker, Waul, and Woods—33.

Nays—Messrs. Beall, Camp of Upshur, Dalrymple, Davis of Webb, Giddings, Henderson, Hill, McCormack, Middleton, Norton, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Saunders, Selman, Thomas of Cameron, and Whitfield—20.

So the amendment was adopted, and ordinance ordered to be engrossed.

On motion of Mr. Mabry, the rule was suspended, the ordinance as amended was taken up, and placed on its third and final reading.

The question being on the passage of the ordinance, the same was put, and the ordinance passed, and was ordered to be enrolled.

The ordinance touching the organization of counties with an

area of less than 900 square miles, reported by the committee on General Provisions, taken up.

Mr. Mabry offered the following as a substitute:

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 county 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 a part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

Mr. Davis of Webb proposed to amend as follows:

Provided that no new county shall be laid off where less than two hundred qualified jurors are at the time resident therein.

Mr. Norton moved to lay the amendment of Mr. Davis of Webb on the table.

Lost.

Mr. Paschal moved to strike out two hundred, in the amendment of Mr. Davis of Webb, and insert 120.

Accepted by Mr. Davis.

The question being on the adoption of the amendment of Mr. Davis of Webb, the same was put, and the amendment adopted.

Mr. Norton moved to amend by striking out 120, and inserting 75.

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

Carried.

The question recurring on the adoption of the substitute of Mr. Mabry, Mr. Jones of Bexar proposed to amend the substitute as follows:

Strike out in 5th line the words, of less area than 900 square miles.

Accepted by Mr. Mabry.

The question recurring on the adoption of the substitute of Mr. Mabry as amended, adopted.

The question being on the engrossment of the ordinance, Mr. Flanagan moved to amend by striking out 900, and inserting 500.

Mr. Saufley moved to lay the motion of Mr. Flanagan on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bengé, Bradshaw, Bumpass, Dalrymple, Davis of Cherokee, Gentry, Giddings, Hancock, Henderson, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Richardson, Roberts, Rannels, Saufley, Selman, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Walker, Waul, and Woods—45.

Nays—Messrs. Armstrong, Bacon, Beall, Camp of Upshur, Davis of Webb, Degeher, Flanagan, Gurley, Murchison, Norton, Tyus, Varnell, and Whitfield—14.

So the motion was laid on the table.

The question recurring on the substitute of Mr. Mabry as amended, Mr. Lindsey offered to amend by striking out the words, laid off, and insert, organized.

Mr. Flanagan moved to lay the whole subject matter on the table.

Lost.

Question recurring on the amendment of Mr. Lindsey, and being put, the same was adopted.

Question recurring on the engrossment of the ordinance, Mr. Ranck moved to amend by inserting the words at proper place, "except Kendall county."

On motion of Mr. Jones of Bexar, laid on the table.

Mr. Jones of Bexar proposed to amend as follows :

Strike out all after the word "until," in 7th line, and insert in lieu thereof the words, "the next apportionment of representatives thereafter."

Adopted.

On motion of Mr. Saufley, the rule was suspended, the ordinance placed on its third reading, passed, and ordered to be enrolled.

By leave, Mr. Davis of Cherokee introduced the following

ORDINANCE:

Be it ordained by the people of the State of Texas in Convention assembled, All vacancies that may occur by death, resignation, or otherwise, in any office made elective by the Constitution of this State, and not otherwise provided for, the successor to said office shall only be elected to fill the unexpired term of the former incumbent.

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

Mr. Davis of Webb offered the following resolution :

Resolved, That the Chaplain of this Convention shall be entitled to the per diem pay of a member, to date from the commencement of the session, and shall draw the same under the regulations applicable to the members.

Mr. Hancock offered the following substitute :

The Chaplain shall be paid as other officers of this Convention, from the time of his employment.

Which was accepted by Mr. Davis of Webb.

Question recurring on the adoption of the resolution, the same was adopted.

On motion, Convention adjourned until 7½ o'clock to-night.

7½ o'clock, P. M.

Convention met ; roll called ; quorum present.

ORDERS OF THE DAY.

Report of the Legislative Committee, touching the propriety of striking out 27th section, Article III, of the Constitution taken up, and the report adopted.

Report of the committee on Condition of the State, touching encouragement of manufacturing and mining interests, taken up and the report adopted.

Report of committee on General Provisions, touching the exemption of certain personal property from forced sale, taken up, and the report adopted.

An ordinance, to exempt one thousand dollars' worth of personal property from forced sale, taken up, read a second time and referred to the Judiciary Committee.

The report of the committee on Internal Improvements, touching a system of internal improvements, mining and manufacturing, taken up, and the question being on the engrossment of the ordinance,

Mr. Phillips moved to amend as follows :

1. Strike out from the word prescribe, in the 12th line, to the word companies, inclusive, in the 14th line.

2. Strike out the 19th, 20th and 21st lines.

3. Strike out, in the 16th line, from the word provided, to the word nor, in the 16th line.

On motion of Mr. Mabry, a division of the question was granted.

And the question being put on the adoption of the first amendment, the same was adopted.

The second amendment withdrawn by Mr. Phillips.

On motion of Mr. Paschal, the words " mining and " were stricken out of 1st line, 1st section.

Question recurring on Mr. Phillips' amendment to strike out 19th, 20th and 21st lines; the Yeas and Nays were called, and stood:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Drake, Hart, Hunt, Johnson of Tarrant, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Norton, Phillips, Roberts, Runnels, Saunders, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson; Varnell, Waul and Woods—29.

Nays—Messrs. Anderson, Bradshaw, Davis of Webb, Degener, Flanagan, Gentry, Giddings, Gurley, Henderson, Hurt, Ledbetter, Mabry, Norris, Parsons, Paschal, Perry, Porter, Ranck, Randolph, Reeves, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Walker and Whitfield—28.

So the amendment was adopted.

Mr. Mabry offered the following amendment:

Amend by striking out "the sum of fifteen thousand dollars per mile," and insert "one half the cost per mile," in 6th line.

Mr. Benge moved to lay the whole subject on the table, whereupon the Yeas and Nays were called, and stood:

Yeas—Messrs. Armstrong, Bacon, Benge, Bradshaw, Burke, Camp of Upshur, Davis of Webb, Davis of Cherokee, Hart, Hunt, Johnson of Tarrant, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Parsons, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyus, Varnell, Waul and Woods—30.

Nays—Messrs. Anderson, Ball, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Henderson, Hill, Hurt, Ledbetter, Mabry, McCormack, Norton, Norris, Paschal, Phillips, Porter, Randolph, Record, Reeves, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Walker and Whitfield—29.

So the ordinance and amendments were laid on the table.

Mr. Hill, one of the committee on Printing and Contingent Expenses, made the following report:

COMMITTEE ROOM, March 26th, 1866.

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

The committee on Printing and Contingent Expenses have had under consideration the subject of paying the Porters and Pages hired by the Sergeant-at-Arms, to wait upon the Convention, and have instructed me to recommend that they receive, as compensation for their services, the sum of three dollars per day, during the time they shall have served.

Report adopted.

Mr. Paschal, by leave, introduced the following ordinance :

AN ORDINANCE,

Be it ordained, That the Chief Justice of any county in which there is any town or city, entitled to municipal officers, shall cause separate polls to be opened on the same day of the election of State and County Officers, for the election of municipal officers, and which election shall be in accordance with the charters and laws regulating such municipal elections; and the municipal officers so elected shall continue in office until the next regular election for such city or town officers, and until their successors are duly qualified.

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

Report and ordinance allowing counties, cities and towns to lend their credit to railroad companies, taken up.

Mr. Phillips offered following as a substitute :

No county, city or town shall lend their credit to, nor take stock in, any railroad or other incorporate company.

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

Yeas—Messrs. Anderson, Ball, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hurt, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Murchison, Norton, Norris, Paschal, Porter, Ranck, Randolph, Shields, Shuford, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Walker, Whitfield and Woods—34.

Nays—Messrs. Armstrong, Bengé, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Hart, Hunt, Johnson of Tarrant, Middleton, Nelson, Parsons, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shepard, Shaw, Taylor of Fannin, Thompson, Tyus, Varnell and Waul—28.

So the House tabled the substitute.

The question recurring on the adoption of the report,

Mr. Roberts proposed to amend as follows :

At the end of the ordinance. *Provided,* the annual tax levied to pay the said obligations, or the interest thereon, shall be levied only upon real estate, and shall not exceed the annual State tax, levied on the same real estate.

Mr. Taylor of Fannin moved to adjourn till 9 o'clock, tomorrow morning.

Lost.

Question being on the adoption of Mr. Roberts' amendment, the same was put, and lost.

Question recurring on the engrossment of the ordinance, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Murchison, Norton, Norris, Parker, Pashal, Perry, Ranck, Randolph, Reeves, Saufley, Shields, Taylor of Houston, Thomas of Cameron, Walker, Whitfield and Woods 33.

Nays—Messrs. Armstrong, Bacon, Ball, Bengé, Bradshaw, Bumpass, Camp of Upshur, Davis of Cherokee, Hart, Johnson of Tarrant, Lane, Nelson, Phillips, Record, Roberts, Runnels, Saunders, Selman, Shepard, Shaw, Taylor of Fannin, Thompson, Tyus, Varnell and Waul—25.

So the ordinance was ordered to be engrossed.

Mr. Shepard, by leave, made the following report:

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

A majority of the committee on General Provisions of Constitution, deeming it advisable that there should be some check on future legislation on the subject of contracting debts by the State, have instructed me to report the accompanying ordinance, and recommend its adoption as an additional section to the General Provisions of the Constitution:

ORDINANCE,

To be added to the General Provisions of the Constitution, and constitute Section —.

Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, (unless in case of war, to repel invasion, or suppress insurrection,) they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest, and of the principal when the same shall become due.

And the said law shall be irrevocable, until principal and interest are fully paid and discharged, or unless the repealing law contain some other adequate provision for the payment of the principal and interest of the debt.

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

Mr. Thompson moved to reconsider the vote tabling the substitute for Section 33, Article VII, of the Constitution.

On motion of Mr. Gentry, the consideration of the motion to reconsider was postponed till 12½ o'clock to-morrow.

On motion, the Convention adjourned till 9½ o'clock to-morrow morning.