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TUESDAY, March 27th, 1866.

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

Reports of Committees being in order, Mr. Norton made the following report:

COMMITTEE ROOM, March 27th, 1866

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

The committee on the Condition of the State, having had under consideration an ordinance introduced by the delegate from Lamar, Mr. Armstrong, in regard to submitting the Constitution to the electors of the State, for ratification, have instructed me to report the accompanying ordinance, and recommend its passage:

AN ORDINANCE,

To Provide for submitting certain Ordinances and Amendments to the Constitution to the People of Texas, for their ratification or rejection.

Be it ordained by the People of Texas, in Convention assembled, That all the Amendments made by this Convention to the Constitution of the State, as it existed on the 28th day of Jan'y, 1861, and all the Ordinances pertaining thereto, shall be submitted to the qualified electors of the State, for their adoption or rejection, except the ordinance declaring the ordinance of secession null and void, the ordinance declaring the war debt void, and for other purposes, and the amendment to Article VIII, Freedmen; and 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 fourth Monday in May, 1866, for the purpose of taking the sense of the people of Texas, in regard to the adoption or rejection of all other amendments to the 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 amendments to the Constitution shall say "For the Amendments" on their tickets; those opposed shall say "Against the Amendments." 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 passed to orders of the day.

Mr. Bacon presented the following report and ordinance from the committee on Finance :

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

The committee on Finance, to whom was referred the message of His Excellency A. J. Hamilton, Provisional Governor of the State of Texas, in relation to the Blind Asylum and applications for admission thereto, have had the same under consideration, and have instructed me to report the accompanying ordinance, with the unanimous recommendation that it pass :

AN ORDINANCE,

For the Relief of J. M. Green and others, proper subjects to be the Beneficiaries of the Blind Asylum.

Be it ordained by the people of the State of Texas, in Convention assembled, That for the support of James M. Green, and such other persons as may be applicants and proper subjects for admission into the Blind Asylum prior to the re-opening of said institution under the direction of the Legislature, the sum of three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be expended under the direction of the Governor of said State; and it shall be the duty of the Treasurer to pay the same upon the order or orders of the Governor, out of any moneys in the treasury not otherwise appropriated.

Mr. Saunders moved to suspend the rules, and take up the ordinance.

Carried.

The question being on the engrossment of the ordinance, the same was put, and ordered.

On motion of Mr. Hart, a further suspension was allowed, the bill read a third time, and passed.

Mr. Randolph, from committee on Enrolled and Engrossed Ordinances, made the following report, which was accepted :

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

The committee on Engrossed and Enrolled Ordinances have examined the following ordinances, and find them correctly engrossed and properly signed :

An ordinance amending the 8th section of the Bill of Rights ;

An ordinance on Education ; and

An ordinance to legalize counties heretofore established.

The committee has also examined an ordinance authorizing any county, city or town to become a stockholder in or loan its credit to any company, association or corporation, and find the same correctly engrossed. Respectfully submitted.

Accepted.

ORDERS OF THE DAY.

Mr. Johnson of Tarrant moved to suspend the rule, and take up the report and resolution of the Finance Committee, touching the salary of Gen. Houston; and the Yeas and Nays being called on said motion, stood thus:

Yeas—Messrs. Anderson, Armstrong, Beall, Benge, Bumpass, Camp of Gohad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Hart, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Ranck, Randolph, Record, Reeves, Richardson, Saunders, Saufley, Shields, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Tyus, Varnell, Walker, Whitfield and Young—48.

Nays—Messrs. Bacon, Ball, Bradshaw, Dalrymple, Drake, Giddings, Henderson, Jones of Bastrop, Nelson, Phillips, Shepard, Taylor of Houston, Waul and Woods—14.

So the rule was suspended, and the report and resolution taken up.

Mr. Bumpass proposed the following amendment:

Amend by striking out all of the resolution to the word State, and insert "the Legislature."

Amendment withdrawn.

The question being on the engrossment of the resolution, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Gurley, Hart, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Paschal, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Saunders, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—62.

Nay—Mr. Bradshaw—1.

So the ordinance was ordered to be engrossed.

During the call of the roll for the Ayes and Noes, and when the name of Mr. Davis of Webb was called, he asked to be excused from voting; and the question being, Shall the gentleman be excused? and being put, he was excused.

On motion, the rule was further suspended, the resolution read a third time, and unanimously passed.

On motion of Mr. Jones of Bexar, Mr. Shepard was added to the committee on Printing and Contingent Expenses.

On motion of Mr. Gurley, the rule was suspended, and the report and resolution of the Finance committee, touching the claim of W. A. Smith et al., as teachers in the Blind Asylum, taken up.

Mr. Shepard moved to amend as follows:

Amend by adding, "and the further sum of three hundred and eighty-five dollars (\$385) is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the claim of Miss Nancy Elizabeth Rust, for the hire of servants to the Deaf and Dumb Asylum; said amount to be paid upon presentation to the treasurer of vouchers properly authenticated.

Adopted.

Mr. Norton offered the following as a substitute for the ordinance as amended:

AN ORDINANCE,

Relating to a Portion of the State Debt.

Be it ordained by the people of the State of Texas, in Convention assembled, That the Legislature, at their first session, shall provide by law for the payment of the undrawn salaries of W. A. Smith, superintendent of the Blind Asylum, of Mrs. Julia A. Smith, Miss Mary E. Smith, and Miss J. S. Smith, subordinate officers of said Blind Asylum, and shall also provide for the payment of the undrawn salaries of J. M. Steiner, superintendent of the Lunatic Asylum, and J. Van Nostrand, superintendent of the Deaf and Dumb Asylum; and to provide, further, for the payment of all just claims and evidences of indebtedness on account of Blind, Deaf and Dumb and Insane Asylums, bearing date subsequent to the 31st day of May, A. D. 1865.

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

The hour having arrived for the consideration of the special order of the day, viz: the resolution to elect by ballot five commissioners, to proceed to Washington, &c., together with the amendments thereto, the same was taken up.

Mr. Armstrong moved to lay the whole subject matter on the table; and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Davis of Webb, Degener, Drake, Flanagan, Hart, Hunt, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Shaw, Taylor of Fannin, Thompson, Tyus, Varnell, Woods and Young—22.

Nays—Messrs. Anderson, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hurt, Ireland,

Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lindsey, Mabry, Nelson, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Walker, Waul and Whitfield,—47.

So the House refused to lay on the table.

The question recurring on the amendment to strike out five, and insert three, Mr. Roberts moved to postpone the consideration of the resolution and amendment till 11 o'clock to-morrow; and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Ball, Benge, Bradshaw, Dalrymple, Davis of Cherokee, Drake, Flanagan, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lindsey, Middleton, Norris, Perry, Phillips, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Selman, Shepard, Shields, Shuford, Smith of Lamar, Taylor of Houston, Thompson, Walker and Woods—38.

Nays—Messrs. Anderson, Armstrong, Beall, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Gentry, Hart, Hill, Lane, Ledbetter, Mabry, McCormack, Nelson, Norton, Parker, Parsons, Paschal, Porter, Ranck, Saufley, Shaw, Slaughter, Smith of Colorado, Taylor of Fanning, Thomas of Cameron, Tyus, Varnell, Waul, Whitfield and Young—34.

So the motion prevailed.

The reports and ordinances of the Legislative Committee majority and minority, touching the election of State officers and fixing the time of the meeting of the Legislature, taken up and read.

Mr. Degener moved to substitute the minority for the majority report and ordinance.

Mr. Davis of Webb moved a call of the House. Lost.

The question being on the adoption of the ordinance reported by the minority of committee in place of majority report,

The hour having arrived for the consideration of the special order of the day, viz: The ordinance affirming certain laws and acts of officers, and for other purposes, the same was taken up, and postponed till the question now before the House is disposed of.

The question recurring on the motion of Mr. Degener to substitute,

Mr. Bradshaw moved to postpone the motion till 3 o'clock this evening. Lost.

The question being on the motion of Mr. Degener, Mr. Davis of Cherokee moved to lay the minority report on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Ireland, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—44.

Nays—Messrs. Armstrong, Bacon, Benge, Davis of Webb, Davis of Cherokee, Degener, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Lane, Ledbetter, Murchison, Norton, Parker, Paschal, Ranck, Saunders, Shields, Smith of Colorado, Taylor of Fannin, Thomas of Cam., Varnell and Young—26.

So the minority report was laid on the table.

The question being on the engrossment of the ordinance reported by the majority of the committee on Legislative Department,

Mr. Phillips offered to amend as follows:

Add to the end of the second section the following: And in case the amendments to the Constitution shall be rejected, then and in that case the person receiving the highest number of votes for Judge of the Supreme Court shall be Chief Justice, and the next two persons receiving the highest number of votes shall be Associate Justices of said court; and the person receiving the highest number of votes for County Judge shall be Chief Justice of the county.

Mr. Parsons offered the following as a substitute for the amendment of Mr. Phillips:

Sec. 1. After the word "laws," in the 3d line, and before the word "one," insert the words "as they existed before 1st day of February, 1861." Then add to third section the words "and should the amendments to the Constitution, proposed by this Convention, increasing the number of Supreme Court Judges, be adopted by the people, then the Governor shall, by his proclamation, direct that two additional Justices of the Supreme Court be elected at the first general election after the adoption of the amendments proposed by this Convention, and the five shall then elect a Chief Justice, as directed by the Constitution amended."

The question being on the adoption of the substitute of Mr. Parsons, the same was put, and the substitute lost.

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

Mr. Hancock offered to amend as follows :

Amend by adding after the word "State," in third line, 1st section, the word "district," and after the word "law," in last line of Section 2, the words "as if elected on said first Monday."

Adopted.

Mr. Hancock offered to further amend :

Strike out the word May, and insert June.

And the question being on the adoption of said amendment, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Perry, Porter, Ranck, Reeves, Richardson, Roberts, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker and Young—44.

Nays—Messrs. Ball, Beall, Bradshaw, Burke, Camp of Upshur, Dalrymple, Flanagan, Gentry, Giddings, Gurley, Henderson, Ireland, Mabry, Nelson, Norris, Parsons, Phillips, Randolph, Record, Runnels, Saufley, Selman, Shepard, Taylor of Houston, Thompson, Tyus, Waul, Whitfield and Woods—29.

So the amendment was adopted.

Mr. Walker offered to amend as follows :

Strike out the word fourth, before the word June, and insert the word second.

On motion of Mr. Slaughter, the amendment was laid on the table.

Mr. Benge offered to amend by striking out the word July, in 2d section, and insert September.

On motion, laid on the table.

On motion of Mr. Hunt, the word July was stricken out, in the third section, and the word August inserted.

Mr. Flanagan offered to amend as follows :

Provided, That there shall be two representatives elected from the 1st Congressional District, and two from the 2d Congressional District.

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

Lost.

Mr. Taylor of Fannin offered the following as a substitute for the amendment of Mr. Flanagan :

SEC. 1. *Be it ordained by the people of the State of Texas, in Convention assembled, That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law.*

SEC. 2. The First District shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers and Polk.

The Second Congressional District shall consist of the counties of Davis, Marion, Bowie, Upshur, Titus, Red River, Lamar, Hopkins, Wood, Van Zandt, Kaufman, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskel, Jones, Shackelford, Stephens, Johnson and Ellis.

The Third Congressional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Bosque, Coryelle, Hill, Navarro, Matagorda, Wharton and Erath.

And the Fourth Congressional District shall be composed of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Menard, Kimball, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar, Wilson, Gonzales, DeWitt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullen, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick and El Paso.

On motion of Mr. Saunders, Convention adjourned till 7½ to-night, pending the substitute of Mr. Taylor of Fannin.

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. Taylor of Fannin for the amendment of Mr. Flanagan, to the ordinance providing for an election for State and County Officers, and fixing a time for the meeting of the Legislature, again taken up.

The substitute ruled out of order.

Question being on the adoption of the amendment of Mr Flanagan,

Mr. Norton offered the following as a substitute for the amendment :

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law.

SEC. 2. The First District shall be composed of the counties of Anderson, Angelina, Cherokee, Kaufman, Henderson, Van Zandt, Wood, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers and Polk.

The Second Congressional District shall consist of the counties of Davis, Harrison, Marion, Bowie, Upshur, Titus, Red River, Lamar, Hopkins, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskell, Jones, Shackelford, Stephens, Johnson and Ellis.

The Third Congressional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Colorado, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freesone, Limestone, Falls, McLennan, Bosque, Coryelle, Hill, Navarro, Matagorda, Wharton, and Erath.

And the Fourth Congressional District shall be composed of the counties of Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Menard, Kimball, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar, Wilson, Gonzales, DeWitt, Karnes, Gohad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullen, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick and El Paso.

Question being on the adoption of the substitute, and the Yeas and Nays being called for stood thus :

Yeas—Messrs. Bacon, Ball, Benge, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Hart, Henderson, Hill, Hurt, Murchison, Norton, Norris, Paschal, Perry, Reeves, Richardson, Saunders, Saufley,

Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus and Varnell—32.

Nays—Messrs. Anderson, Armstrong, Bumpass, Burke, Drake, Giddings, Hancock, Hunt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Mabry, Middleton, Phillips, Record, Roberts, Smith of Colorado, Walker, Waul, Whitfield and Woods—22.

So the substitute was adopted.

Question being on the adoption of the substitute as a part of the ordinance,

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

Yeas—Messrs. Anderson, Armstrong, Bumpass, Burke, Camp of Upshur, Drake, Giddings, Hancock, Hart, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Middleton, Randolph, Record, Roberts, Saufley, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Waul, Whitfield and Woods—33.

Nays—Messrs. Bacon, Ball, Bengé, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Henderson, Hill, Murchison, Norton, Norris, Parker, Paschal, Perry, Phillips, Reeves, Richardson, Saunders, Shuford, Shaw, Thomas of Cameron, Tyus and Varnell—27.

So the substitute was laid on the table.

Question being on the engrossment of the ordinance as amended, Mr. Davis of Cherokee offered to amend as follows :

And in the event of tie vote between any two or more of the candidates, a new election shall be ordered.

On motion, laid on the table.

Mr. Hancock moved to reconsider the vote striking out May, and inserting June, in the 1st section of the ordinance.

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

Yeas—Messrs. Armstrong, Bacon, Bengé, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, McCormack, Middleton, Murchison, Parker, Paschal, Perry, Ranck, Reeves, Richardson, Saunders, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—39.

Nays—Messrs. Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Henderson,

Ireland, Mabry, Nelson, Norton, Norris, Parsons, Phillips, Record, Roberts, Runnels, Saufley, Selman, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—30.

The motion was carried.

Mr. Gentry offered the following amendment :

“ Strike out 4th, in the 1st line, and insert 1st.”

Mr. Jones of Bastrop moved to lay the amendment on the table, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, McCormack, Murchison, Norton, Parker, Paschal, Perry, Ranck, Richardson, Saunders, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—38.

Nays—Messrs. Anderson, Ball, Beall, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Ireland, Mabry, Middleton, Nelson, Norris, Parsons, Phillips, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Slaughter, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—33.

So motion prevailed.

On motion of Mr. Varnell, the previous question was ordered.

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

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Giddings, Gurley, Hancock, Hart Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, McCormack, Murchison, Nelson, Norris, Parker, Paschal, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Shepard, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—56.

Nays—Messrs. Ball, Davis of Webb, Degener, Flanagan, Gentry, Ledbetter, Mabry, Middleton, Norton, Taylor of Fannin, and Thompson—11.

So the engrossment was ordered.

On motion of Mr. Camp of Goliad, the rule was suspended, and the ordinance placed on its third and final reading.

Question being on the passage of the ordinance, the same was put, and the ordinance passed.

The report and ordinance of the Legislative Committee, touching the Constitution, taken up.

Mr. Norton offered to amend the 2d section so as to make it read :

“ All other amendments that may be made by this Convention shall be submitted to the people, to be voted on separately, at the first general election, for their acceptance or rejection ; and such amendments as receive a majority of the votes cast shall become a part of said Constitution, and not otherwise.”

On motion of Mr. Henderson to lay the amendment of Mr. Norton on the table, the Yeas and Nays were called, and stood thus :

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Giddings, Gurley, Henderson, Hunt, Hurt, Ireland, Jones of Bastrop, Ledbetter, McCormack, Nelson, Norris, Parker, Paschal, Phillips, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shaw, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Armstrong, Ball, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Johnson of Tarrant, Jones of Bexar, Mabry, Murchison, Norton, Parsons, Perry, Ranck, Record, Saunders, Selman, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—26.

So the amendment was laid on the table,

Mr. Mabry offered to amend as follows :

Amend by adding the following to Section — :

“ And that the 3d section of the ordinance declaring void the public debt be submitted to a direct vote, separately from the amendments to the Constitution.”

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

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hurt, Ireland, Jones of Bastrop, Jones of Bexar, Ledbetter, Middleton, Murchison, Nelson, Parker, Paschal, Perry, Phillips, Ranck, Richardson, Runnels, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, Woods and Young—42.

Nays—Messrs. Ball, Burke, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Johnson of Tarrant, Mabry, McCormack,

Norton, Norris, Parsons, Randolph, Record, Reeves, Roberts, Saufley, Selman, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker and Waul—27.

So the motion was carried.

Mr. Phillips proposed to amend as follows :

Add to the end of the 2d section the following :

“The ordinance on the subject of secession.”

Amendment adopted.

Mr. Hancock proposed to substitute for the words “ordinance declaring the war debt void, and for other purposes,” the following :

That the 1st and 2d sections of an ordinance entitled “An ordinance declaring the war debt void, and for other purposes,” adopted by the Convention, be and the same are hereby declared to be final, and forever binding on the State; but the 3d section shall be submitted to a direct vote of the people, to be taken separately and distinctly from all other measures.

SEC. 2. At the first general election, after the adjournment of this Convention, the qualified voters throughout the State may vote separately on said 3d section, and it shall be the duty of the Provisional Governor to issue his proclamation accordingly, giving such instructions as may seem most appropriate, in order to obtain the sense of the people on the question involved in the section referred to.

SEC. 3. Should a majority of the legal votes cast be against the section, the whole subject matter contained therein shall remain subject to the future action of the Legislature.

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

Yeas—Messrs. Anderson, Bacon, Beall, Bengé, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Jones of Bastrop, Middleton, Murchison, Nelson, Parker, Paschal, Perry, Phillips, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, Woods and Young—36.

Nays—Messrs. Armstrong, Ball, Bradshaw, Burke, Dalrymple, Gentry, Giddings, Gurley, Hancock, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Norris, Parsons, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Tyus and Waul—33.

So the substitute of Mr. Hancock was laid on the table.

On motion of Mr. Bacon, the previous question was ordered.

The question being on the engrossment of the ordinance, the Yeas and Nays were ordered, and stood :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Hill, Hunt, Hurt, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Parsons, Paschal, Perry, Phillips, Reeves, Richardson, Roberts, Saunders, Saufley, Shuford, Shaw, Slaughter. Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—47.

Nays—Messrs. Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Ireland, Johnson of Tarrant, Jones of Texas, Ledbetter, Mabry, Norton, Norris, Parker, Ranck, Randolph, Record, Runnels, Selman, Shepard, Smith of Colorado and Thomas of Cameron—22.

So the ordinance was ordered to be engrossed.

Mr. Davis of Cherokee moved to suspend the rule, and take up the ordinance for its third and final passage.

Carried.

The question being on the final passage of the ordinance,

Mr. Hart moved to amend by adding to Section 1: And the ordinance assuming the United States Direct Tax.

Adopted.

Mr. Roberts offered following amendment :

Insert after the word general election, the words "on the fourth Monday in June, 1866."

Adopted.

Mr. Davis of Webb offered the following substitute :

SEC. 1. *Be it ordained by the people of Texas in Convention assembled*, That the following ordinances adopted by this Convention : the ordinance entitled "Freedmen," adopted as a substitute for Article VIII in the Constitution in force on the 28th of January, 1861 ; the ordinance declaring the war debt void, and for other purposes ; the ordinance in relation to secession, together with all other amendments that may be made by this Convention, shall be submitted to the people, at the, &c.

Mr. Camp of Goliad moved to lay the substitute on the table.

The Yeas and Nays being ordered, stood :

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Giddings, Gurley, Hart, Hurt, Jones of Bastrop, Lindsey, Norris, Parsons, Paschal, Perry, Phillips, Porter, Record, Reeves,

Richardson, Roberts, Runnels, Saufley, Shaw, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—36.

Nays—Messrs. Armstrong, Bengé, Burke, Davis of Webb, Degener, Flanagan, Gentry, Hancock, Hill, Ireland, Johnson of Tarrant, Jones of Bexar, Lane, Mabry, Middleton, Murchison, Norton, Parker, Ranck, Saunders, Shepard, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Varnell and Young—27.

So the substitute was laid on the table.

Mr. Paschal offered the following substitute :

Resolved, That the action of this Convention upon all amendments to the Constitution adopted be final, without being submitted to a vote of the people.

Mr. Saunders moved to lay the amendment on the table.

On motion of Mr. Runnels, the previous question was seconded.

The question being shall the main question be now put, the Yeas and Nays were called, and resulted :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bengé, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Hill, Hunt, Hurt, Ireland, Jones of Bastrop, Lane, Lindsey, Mabry, Murchison, Nelson, Paschal, Perry, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shaw, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Woods and Young—44.

Nays—Messrs. Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Johnson of Tarrant, Ledbetter, McCormack, Middleton, Norton, Norris, Parker, Phillips, Record, Shepard, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron and Thompson—21.

So the main question was ordered.

The question being on the final passage of the ordinance, the Yeas and Nays being ordered, stood :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bengé, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gurley, Hart, Hill, Hurt, Jones of Bastrop, Lane, Lindsey, Murchison, Nelson, Paschal, Perry, Porter, Reeves, Richardson, Roberts, Saunders, Saufley, Shuford, Shaw, Slaughter, Taylor of Fannin, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Woods and Young—42.

Nays—Messrs. Davis of Webb, Degener, Gentry, Giddings, Hancock, Hunt, Ireland, Johnson of Tarrant, Ledbetter, Mabry, Middleton, Norton, Norris, Parker, Randolph, Selman, Shepard, Smith of Colorado, Thomas of Cameron, Thompson and Varnell—21. So the ordinance passed.

Mr. Hurt moved to adjourn until 9 o'clock to-morrow morning. Lost.

An ordinance, "making valid the laws and acts of officers therein mentioned, and for other purposes," was taken up, and read.

On motion, the rule was suspended, and the ordinance taken up section by section, to receive amendments.

Mr. Paschal proposed to amend 1st section as follows :

Third line, after Constitution add "and laws," and after State add "as now amended or."

Fifth line, after State add "except so far as they relate to the sale or disposal of the public lands, University fund, or common school fund."

Seventh line, after "State" add "here declared valid."

Eighth line, after Constitution add "and laws." Same line, substitute "they" for "it." Strike out the proviso at the end.

On motion of Mr. Hart, the Convention adjourned till 9½ o'clock to-morrow, pending the amendment of Mr. Paschal.

WEDNESDAY, March 28th, 1866.

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

Mr. Waul offered the following resolution :

Whereas, there are many ordinances of vital interest to the people of the State of Texas reported by committees, and ready for the action of this Convention; and whereas, an adjournment to-day would defeat said ordinances, and render a large portion of the work heretofore performed unavoidable; therefore,

Resolved, That so much of a resolution as designates this as the day for the final adjournment of the Convention, be and the same is hereby rescinded.

Mr. Waul moved to suspend the rule, and take up said resolution. Carried.

Mr. Davis of Cherokee offered to amend as follows :

Provided no new business of a general character shall be considered by this Convention.

Withdrawn.

The question being on the adoption of the resolution, the Yeas and Nays were ordered, and stood :

Yeas—Messrs. Armstrong, Ball, Camp of Gohad, Dalrymple, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Hen-