

TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

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

Content downloaded from

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

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

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

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

Mr. Thompson appealed from the decision of the chair, which was that a motion to adjourn was always in order.

Appeal withdrawn.

Question recurring on the motion to adjourn, Yeas and Nays were ordered, and stood :

Yeas—Messrs. Davis of Webb, Davis of Cherokee, Degener, Gentry, Hancock, Johnson of Tarrant, Jones of Bexar, Lindsey, Murchison, Norton, Parsons, Phillips, Record, Roberts, Saufley, Selman, Shepard, Shields, Taylor of Houston, Thomas of Cameron, Walker and Waul—22.

Nays—Messrs. Anderson, Bacon, Beall, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Flanagan, Giddings, Hill, Hunt, Ireland, Jones of Bastrop, Mabry, McCormack, Norris, Parker, Runnels, Saunders, Slaughter, Smith of Colorado, Thompson and Whitfield—23.

So motion was lost.

On motion of Mr. Davis of Webb, a call of the house was ordered.

Absentees—Messrs. Armstrong, Burke, Dalrymple, Drake, Gurley, Hart, Henderson, Hurt, Lane, Latimer, Ledbetter, Nelson, Paschal, Perry, Randolph, Shepard, Shaw, Smith of Lamar, Taylor of Fannin, Tyus, Varnell and Young.

Mr. Parsons moved to adjourn till 9½ o'clock to-morrow morning. Lost.

Mr. Ireland moved to adjourn till 9 o'clock to-morrow morning. Carried. Pending Mr. Hancock's substitute for 5th section

THURSDAY, March 29th, 1866.

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

Following report was received from the Printing Committee :
COMMITTEE ROOM, March 28th, 1866.

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

The committee on Printing and Contingent Expenses, to whom was referred resolutions in relation to printing the Journals of the Convention, have had the same under consideration, and instruct me to report the following substitute, and recommend its adoption.

WM. E. JONES, Chairman.

Resolved, 1st. That 600 copies of the Journals of this Convention shall be published, on good fair paper, with Small Pica type, forty-three lines to the page, exclusive of the paging

figures, and twenty-seven ems wide, one copy of which shall be sent to each member of the Convention, and one copy to office of the County Clerk of each county in the State, and one copy to the library of each State, and the balance deposited in the office of the Secretary of State.

2d. That the manuscript Journals of the Convention shall, immediately after its adjournment, be deposited by the Secretary in the office of the Secretary of State.

3d. That before the adjournment of the Convention, the committee on Printing and Contingent Expenses shall cause to be published in one paper in Austin, and one in Houston, these resolutions, and invite sealed proposals for printing the Journals with an index, to be paraphrased by the bidder, and specifying the price, per page, at which they will print the Journals and index, and prepare the index; the proposals to be filed in the office of the Secretary of State, within fifteen days after the adjournment, and the printed Journals to be delivered at the same office, within sixty days after the delivery of the manuscript copy.

4th. That on the 16th day after the adjournment of the Convention the Secretary of State shall open the bids and award the printing to the lowest bidder, and deliver to him or to his agent, in this city, the manuscript Journal.

5th. That when the Journals, printed in accordance with these resolutions, shall be delivered to the Secretary of State, he shall approve the account of the printer, which shall be sufficient authority for the Treasurer to pay the same out of any money in the treasury, not otherwise appropriated.

Mr. Jones of Bexar moved to suspend the rule, and take up the report and ordinance made by the committee on Printing and Contingent Expenses, and just read.

Carried.

Ordinance taken up, and read a 2d time.

Mr. Hancock moved to strike out 600, and insert 1000.

Adopted.

Substitute, as amended, ordered to be engrossed.

Rule further suspended, ordinance read a third time, and passed.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made following report;

COMMITTEE ROOM, March 29th, 1866.

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

The committee on Engrossed and Enrolled Ordinances have examined an ordinance appropriating money to defray the

expenses of delegates elected by the Convention to visit Washington, and find the same correctly engrossed.

Accepted.

On motion of Mr. Johnson of Tarrant, Mr. McCormack was excused from further attendance on the Convention.

On motion, Mr. Smith of Colorado was excused from further attendance on the Convention, after to-morrow, because of public business.

Mr. Saufley offered the following resolution :

Resolved, That the committee on Printing report to the Convention, at the earliest practicable moment, the amount of printing done by the respective printing offices in Austin, for the Convention, and what contracts, if any, and with what office, have been made, for the printing of the Constitution, Ordinances, and Journals of the Convention.

Adopted.

ORDERS OF THE DAY.

The engrossed ordinance appropriating money to defray the expenses of the four commissioners to the City of Washington, taken up, read a third time, and the question being on the final passage of the ordinance, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Lane, Ledbetter, Lindsey, Mabry, McCormack, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—52.

Nays—Messrs. Benge, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Jones of Bexar, Middleton, Murchison, Norton, Paschal, Saunders and Thomas of Cameron—13.

So the ordinance was passed.

By leave, the special committee raised to draft an address to the President of the United States made following report :

COMMITTEE ROOM, March 29th, 1866.

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

The select committee appointed to prepare an address to His Excellency the President of the United States, expressive of the sentiments of the Convention, and the desire of the people of the State of Texas to cultivate friendly feelings with their brethren throughout the Union, and to be restored to their Constitu-

tional rights as a State and people, respectfully present the accompanying address, and recommend its adoption.

J. K. P. RECORD, Chairman.

To His Excellency, Andrew Johnson, President of U. States :

The people of the State of Texas, by delegates in Convention assembled, having been in session from the 7th of February, deliberating upon the condition of the country, and the change necessary to be made in their State Constitution to conform to the existing order of things, and having completed their work, have thought proper to make a brief statement of their action and proceedings to your Excellency.

We acquiesce in the situation resulting from the war, and in the exposition of views set forth by yourself, as to our status as a people, and we beg leave to assure you that cheerfully and cordially we have endeavored to conform to your policy by our action in Convention.

Herewith we transmit to you an official copy of the ordinances and resolutions, and the Constitution of Texas, as adopted by this Convention, and to them we invite your attention.

It will be seen that we have by solemn action declared the ordinance of secession null and void. We have recognized the fact that those heretofore our slaves are now free, and declared that hereafter neither slavery nor involuntary servitude, except for crime, shall exist in this State. We have ordained that the Freedmen shall be protected in their rights of persons and property; that they shall have the right to sue and be sued; to acquire, hold and transmit property, and to testify in the courts, and we have determined to give them equality before the law. We believe that so long as this class of persons remain among us they will receive, by legislative enactments, ample protection. We have by ordinance declared the entire debt growing out of, and accruing during, the war null and void, and forbidden the Legislature assuming or providing for the payment of any portion thereof. Henceforth no debts contracted or incurred, directly or indirectly, by the Confederate States, or by its agents or its authority, will be paid by the State of Texas. All the acts and proceedings of the Convention of 1861 have been by us declared null and void. In as complete and full a manner as language can express, we have declared ourselves upon these important questions, which have been deemed so vital to sustaining your policy. In good faith, and without any mental reservation, whatever, we have spoken. Acknowledging the supremacy of the Constitution of the United States, and of all laws passed in pursuance thereof, and in consonance therewith, we have

sought to give expression to our sentiments in unmistakable terms. The views and opinions many of us entertained in the past, the long cherished sentiments of the Southern people, which were left to the arbitrament of arms, having been decided against us, are by us relinquished and forever renounced. The past, with all its memories, sad and sorrowful, should be "buried out of sight."

The olive branch of peace extended to us by your kindly hand we accept in grateful spirit, and we trust that a returning sense of justice will induce our Northern friends to admit us to that equality of position which rightfully we are entitled to in Congress and in every department of the Government.

The true interpretation has been ably proclaimed by you. If the Southern States could not secede from the Union, constitutionally, as was claimed by the majority in Congress, then are we not in the Union as States, and entitled to all the privileges, and having all the rights of co-ordinate States? Will not those who claim to be our brethren concede to us the full measure of brotherly love, or will they keep the word of promise to the ear to break it to the hope?

A brave and chivalrous people, having taken the obligations to support the Constitution, and the proclamations and laws, and having given the earnest of their faith by work such as we herewith present, may be relied upon as loyal, and worthy of every confidence.

A magnanimous and just people should not attempt to maintain control over any portion of their territory by the military power, when the people themselves are ready and willing to do their duty as good citizens.

We ask only for that which is lawful, for the rights of the people of the State of Texas, as guaranteed by the Constitution.

Having discharged our duties under the call of His Excellency the Provisional Governor, and being about to disperse to our respective homes, we cannot refrain from expressing our cordial approbation of your course as President of the United States, and particularly our approval of your restoration policy, and we pledge to you the support, earnest and thorough, of the people of Texas, in all measures that will tend to restore the State to its pristine position among the States of the American Union.

Our prayer will be for your continued health and prosperity, and for the successful administration of the Government.

God save the Union, and preserve the Constitution and the liberties of the people!

Resolved, That the foregoing address be signed by the officers

and delegates, and together with an official copy of the ordinances, acts and resolutions, therein enumerated, be sent to His Excellency, Andrew Johnson, President of the United States.

Question being on the adoption of the report, and

Mr. Paschal, having the floor, was called to order under the ten minutes rule.

Mr. Davis of Webb moved to suspend the rule, to allow the gentleman to proceed.

Lost.

Mr. Waul moved to postpone, till 7½ o'clock to-night, any further action on the address.

Mr. Wood moved to indefinitely postpone the whole matter, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Bacon, Benge, Bradshaw, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Gurley, Hart, Ireland, Jones of Bexar, Middleton, Murchison, Nelson, Parker, Parsons, Paschal, Phillips, Ranck, Richardson, Runnels, Selman, Shepard, Shuford, Shaw, Smith of Lamar, Tyus, Varnell and Woods—32.

Nays—Messrs. Anderson, Ball, Beall, Bumpass, Dalrymple, Drake, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Lindsey, Mabry, Norton, Norris, Perry, Porter, Randolph, Record, Reeves, Roberts, Saufley, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Waul and Whitfield—31.

So the motion prevailed.

Mr. Ireland moved to excuse Mr. Hunt after to-day.

Carried.

Mr. Shepard moved to excuse Mr. Ledbetter after to-morrow night.

Lost.

On motion, Mr. Jones of Bexar was allowed to introduce the following ordinance :

Resolved, That an additional sum of four thousand dollars be appropriated, or so much thereof as may be necessary, to defray the contingent expenses of the Convention.

Read first time.

Mr. Degener moved to suspend the rule and take up ordinance for second reading.

Carried, and the ordinance read second time.

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

On further motion of Mr. Degener, the ordinance was read third time, and passed.

Mr. Flanagan moved suspension of the rule, to introduce a resolution.

Lost.

An ordinance to allow a city or town to become a stockholder, or loan its credit to incorporated companies, was taken up, read a third time, and passed.

Mr. Beall asked and was granted leave to introduce an ordinance, and report :

COMMITTEE ROOM, March 29th, 1866.

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

The committee on Finance have had several resolutions under consideration, respecting the ordering of the next election, and request me to report the following ordinance :

W. P. BEALL.

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That an election authorized by this Convention to be holden on the fourth Monday in June, 1866, for State, District, County and Municipal Officers, and for the adoption or rejection of the amendments to the Constitution, shall be held, counted, and returns made in accordance with the law now in force, except that the presiding officers of the several precincts in the different counties shall make their returns within five days after said election, and the Chief Justice shall open and count out said votes on the fifth day after said election.

2. *Be it further ordained,* That polls shall be opened and register made of all persons voting on the amendments to the Constitution, and if a majority of those voting on said amendments vote "for the amendments," then they shall be final, and if said majority be "against the amendments," they shall be considered rejected.

3. *Be it further ordained,* That the election on the subject of the amendments be *viva voce*.

4. *Be it further ordained,* That the returning officers throughout the State shall make returns of said elections to the Secretary of State, on or before the first Monday in August next.

5. *Be it further ordained,* That His Excellency the Provisional Governor be requested to co-operate in the execution of this ordinance.

Mr. Hancock moved to strike out the exception in Section first.

Withdrawn.

Mr. Smith of Colorado offered a substitute for the ordinance and proposed amendments. Substitute withdrawn.

Mr. Hancock offered to amend by striking out the 3d section of the ordinance introduced by Mr. Beall.

Withdrawn.

Mr. Norton moved to strike out the words "*viva voce*," and insert "by ballot," and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Bacon, Bengé, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Johnson of Tarrant, Ledbetter, Mabry, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Porter, Ranck, Record, Richardson, Saunders, Shaw, Smith of Lamar, Thomas of Cameron, Thompson, Walker, Whitfield and Woods—36.

Nays—Messrs. Beall, Bradshaw, Camp of Upshur, Drake, Flanagan, Giddings, Ireland, Lindsey, Nelson, Norris, Perry, Phillips, Randolph, Reeves, Runnels, Saufley, Shields, Smith of Colorado, Taylor of Fannin, Tyus, Varnell and Waul—22.

So the amendment was adopted.

Mr. Davis of Webb moved to strike out the word fifth, and insert seventh, in the last line, to 1st section.

Amendment withdrawn.

Mr. Norton moved to amend as follows :

Provided that the people shall vote upon the following Articles, as amended, separately :

Article III, Legislative Department ; Art. IV, Judicial Department ; Art. V, Executive Department ; Art. X, Education ; the ticket of each voter being printed or written "for," or "against" these Articles, respectively.

Mr. Roberts moved to lay the proposed amendment on the table.

Motion prevailed.

Mr. Smith of Colorado offered to amend as follows :

And if it appear that a majority of all the votes given upon the amendments be in favor of accepting them, then the Governor will issue his proclamation of the fact, and thenceforth the amendments shall constitute a part of the Constitution of this State, from the date of the election ; but if a majority be for rejecting them, then they shall not take effect.

Mr. Davis of Webb moved that the original ordinance, as amended, and the proposed amendments, be committed to the committee on Legislative Department, with instructions to consider and report at 7½ o'clock this evening.

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

U

The main question being put, the ordinance was ordered to be engrossed.

On motion, rule suspended, and the ordinance placed on its third and final reading.

Mr. Lindsey offered to amend as follows :

And where two or more counties compose a district, the return shall be made to the returning Chief Justice of the district on the 12th day after the election.

Adopted.

Mr. Waul offered to amend as follows :

CAPTION.

An Ordinance for the Ratification of the Amendments to the Constitution, and for other purposes.

Adopted.

The question being on the final passage of the ordinance, the same was put, and the ordinance passed.

On motion of Mr. Jones of Bexar, the vote adopting the substitute, reported by the Printing Committee, for a resolution referred to said committee, relative to printing the Journals of the Convention, was reconsidered.

On motion of Mr. Jones of Bexar, the blank in the substitute was filled up with "60."

Question then recurring upon the adoption of the committee's substitute for original resolution, Mr. Gentry offered the original resolution for the substitute, which the President declared out of order, and the substitute was adopted.

Mr. Waul, from committee on Finance, made the following report :

COMMITTEE ROOM, March 28th, 1866.

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

The committee on Finance, to whom was referred an ordinance requiring the assessment and collection of taxes for the year 1866, ask leave to report that they have considered the same, and will recommend its passage as amended by the committee.

All of which is respectfully submitted.

On motion, the rule was suspended, and the report and ordinance taken up.

Mr. Record moved to amend the ordinance as follows :

That a tax of fifty cents be levied and collected for each dog in the State.

Mr. Beall moved to amend the amendment as follows :

Provided, That dogs of good character, and which bark well, are exempted from the provisions of this ordinance.

Mr. Ireland moved to lay the amendment of Mr. Beall on the table.

The Yeas and Nays were ordered, and stood thus :

Yeas—Messrs. Armstrong, Bacon, Ball, Bumpass, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Hart, Hunt, Hurt, Ireland, Jones of Bexar, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Saunders, Saufley, Selman, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Walker, Waul, Woods, and Young—47.

Nays—Messrs. Anderson, Beall, Bengé, Davis of Cherokee, Flanagan, Ledbetter, Norton, Ranck, Record, Richardson, Varnell, and Whitfield—12.

So the amendment was laid on the table.

Mr. Hurt moved to amend by excepting hounds of full blood.

On motion of Mr. Hart, the report of the committee was adopted.

On motion of Mr. Runnels, the main question was ordered, which being the engrossment of the ordinance, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Bacon, Beall, Bengé, Bumpass, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Drake, Gentry, Giddings, Hancock, Henderson, Hurt, Ireland, Johnson of Tarrant, Lindsey, Mabry, Murchison, Nelson, Parker, Phillips, Randolph, Richardson, Roberts, Runnels, Shields, Shaw, Slaughter, Smith of Lamar, Tyus, Waul, Woods, and Young—35.

Nays—Messrs. Armstrong, Ball, Bradshaw, Degener, Flanagan, Hill, Ledbetter, Middleton, Norton, Norris, Paschal, Perry, Porter, Ranck, Record, Saunders, Saufley, Shuford, Taylor of Houston, Thompson, and Varnell—21.

So the ordinance was ordered to be engrossed.

Mr. Gentry moved to suspend the rule, and take up the ordinance for its final passage.

Mr. Degener moved to amend thus :

Africans and their descendants excepted.

Mr. Runnels moved the previous question. Seconded.

The main question was ordered, and the Yeas and Nays called for on the final passage of the ordinance, and stood :

Yeas—Messrs. Anderson, Bacon, Beall, Bengé, Bumpass, Camp of Upshur, Dalrymple, Davis of Webb, Drake, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lindsey, Mabry, Murchison, Nelson, Parker, Phillips,

Randolph, Richardson, Roberts, Runnels, Shepard, Shields, Shaw Slaughter, Smith of Lamar, Tyus, Walker, Waul, Woods, and Young—37.

Nays—Messrs. Armstrong, Ball, Bradshaw, Degener, Flanagan, Ledbetter, Middleton, Norton, Norris, Paschal, Perry Porter, Ranck, Record, Saufley, Shuford, Smith of Colorado Taylor of Houston, Thompson, and Varnell—20.

So the ordinance was passed.

On motion of Mr. Roberts, Mr. Walker was added to the committee on Revision.

On motion of Mr. Davis of Webb, Convention adjourned til 7½ o'clock to-night.

7½ o'clock, P. M.

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

Omnibus ordinance, with substitute for 5th section offered by Mr. Hancock, again taken up.

Mr. Saunders arose to speak to the question. The President ruled him out of order. Mr. Saunders appealed from the ruling of the chair; whereupon the Yeas and Nays were demanded and stood thus:

Yeas—Messrs. Benge, Bumpass, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hill, Ledbetter, Middleton, Murchison, Norton, Norris, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Selman, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Walker, Waul and Whitfield—37.

Nays—Messrs. Anderson, Camp of Upshur, Giddings, Hart, Hurt, Record, Richardson, Runnels and Saufley—9.

So the appeal from the decision of the chair was sustained.

Question recurring on the adoption of the substitute, Mr. Saufley moved the previous question.

Seconded.

Mr. Norton moved a call of the house.

Ordered.

Mr. Saufley withdrew the motion for the previous question.

Mr. Norton withdrew the motion for a call of the House.

Mr. Degener moved to lay the 5th section of the ordinance and the substitute on the table.

Motion ruled out of order.

Mr. Degener moved to lay the substitute on the table. Lost.

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

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Dalrymple, Davis of Cherokee, Davis of Webb, Flanagan, Gentry, Gurley, Hancock, Henderson, Hill, Jones of Bexar, Lane, Mabry, McCormack, Murchison, Parker, Parsons, Paschal, Saunders, Shields, Slaughter, Smith of Lamar, Taylor of Houston, and Walker—28.

Nays—Messrs. Ball, Beall, Bengé, Bradshaw, Burke, Camp of Upshur, Degener, Giddings, Hart, Hunt, Hurt, Ireland, Middleton, Nelson, Norris, Norton, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Shepard, Shaw, Smith of Colorado, Thomas of Cameron, Tyus, Varnell, Waul and Whitfield—33.

So the substitute was lost.

Mr. Norton moved to strike out the 5th section.

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

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Gentry, Giddings, Gurley, Henderson, Hill, Hunt, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Tyus, Walker, Waul and Whitfield—38.

Nays—Messrs. Armstrong, Bacon, Bengé, Bumpass, Camp of Goliad, Davis of Webb, Degener, Drake, Flanagan, Hart, Jones of Bexar, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Paschal, Ranck, Saunders, Shields, Shuford, Shaw, Smith of Lamar, Thomas of Cameron and Varnell—26.

So the motion prevailed.

Mr. Record moved to amend as follows :

Strike out the words "recognized as," in 4th line 5th section.

By leave the amendment was withdrawn by the mover.

Mr. Davis of Webb moved to amend as follows :

Insert after the word "recognized," in 4th line, "by the highest military authority in this State;" and strike out "an actual," in 6th line, and in place of same insert "a;" and at end of line add "directly or indirectly."

Mr. Gentry moved to amend the first amendment by adding the words, "or in the Trans-Mississippi Department."

Accepted.

Mr. Giddings moved to lay amendments on the table.

On motion, a division of the question was granted; and the question being on the first amendment, the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Davis of Cherokee, Gentry, Giddings, Gurley, Hill, Hunt, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Tyus, Walker, Waul and Whitfield—33.

Nays—Messrs. Benge, Bumpass, Davis of Webb, Degener, Drake, Flanagan, Hart, Jones of Bexar, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Ranck, Selman, Shaw, Thomas of Cameron and Varnell—19.

So the first amendment was laid on the table.

During the call of the roll for the preceding Yeas and Nays, when the name of Mr. Shields was called, he asked to be excused from voting, for the reason that he had agreed to pair off with Mr. Spaight, on the ordinance embracing the subject matter of the 5th section, now under discussion; and the question being put, the gentleman was excused.

The question being on laying the second amendment on the table, and the Yeas and Nays being taken, stood thus :

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul and Whitfield—35.

Nays—Messrs. Bumpass, Davis of Webb, Degener, Flanagan, Jones of Bexar, Middleton, Murchison, Norton, Parker, Paschal, Selman, Shaw, Thomas of Cameron and Varnell—14.

So the second amendment was laid on the table.

Mr. Davis of Cherokee moved the previous question.

Seconded.

Mr. Davis of Webb moved a call of the house.

Lost.

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

Lost.

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

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

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Camp of Upshur, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves,

Roberts, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—35.

Nays—Messrs. Armstrong, Bengé, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Jones of Bexar, Lane, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Runnels, Saunders, Shields, Shuford, Shaw, Thomas of Cameron and Varnell—22.

So the ordinance was ordered to be engrossed.

Mr. Ireland moved to suspend the rule, and take up the ordinance, and place it on its third and final reading; and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker and Whitfield—33.

Nays—Messrs. Armstrong, Bengé, Bumpass, Davis of Webb, Degener, Flanagan, Hart, Jones of Bexar, Lane, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Record, Saunders, Selman, Shuford, Shaw, Thomas of Cameron and Waul—22.

So the House refused to suspend the rule.

Mr. Gentry moved to reconsider the vote ordering the engrossment of the ordinance.

Mr. Slaughter moved to lay the motion to reconsider on the table.

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

Yeas—Messrs. Armstrong, Beall, Bengé, Bradshaw, Bumpass, Gentry, Hart, Hunt, Lane, Lindsey, Middleton, Nelson, Norton, Parker, Parsons, Paschal, Perry, Reeves, Saunders, Selman, Shuford, Shaw, Taylor of Houston, Thomas of Cameron, and Waul—25.

Nays—Messrs. Ball, Burke, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Gurley, Hancock, Henderson, Ireland, Ledbetter, Mabry, Murchison, Norris, Phillips, Randolph, Record, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Thompson, Tyus, Varnell, Walker and Whitfield—28.

So the house refused to adjourn.

Mr. Norton moved to adjourn till 9¼ o'clock to-morrow.

Mr. Runnels made the following point of order, viz: that after a motion had been put and lost, another motion to adjourn could

not be entertained until some intervening question. The chair ruled against the point, stating that a motion to adjourn was always in order.

Mr. Runnels appealed from the decision of the chair.

On motion, the Convention adjourned till 9 o'clock to-morrow morning, pending Mr. Runnels' appeal.

MONDAY, March 30th, 1866.

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

On motion of Mr. Saunders, Mr. Young was excused from further attendance on the Convention after to-day, because of serious indisposition in his family.

On motion of Mr. Whitfield, Mr. Burke was excused from further attendance on the Convention, because of serious indisposition.

Mr. Giddings offered the following resolution :

Resolved, That we will remain in session until all the business before the Convention is disposed of.

Withdrawn.

By leave, Mr. Runnels withdrew his appeal from the decision of the chair, which was pending at the hour of the last adjournment.

Mr. Slaughter withdrew his motion to lay the motion of Mr. Gentry, to reconsider the vote ordering the omnibus ordinance to be engrossed, on the table.

Mr. Gentry withdrew his motion to reconsider the vote ordering the omnibus ordinance to be engrossed.

Mr. Henderson moved to suspend the rule, and take up the omnibus ordinance, ordered to be engrossed last night.

Carried.

Mr. Roberts offered to amend 5th section as follows :

Strike out the words, "recognized as," in the 5th section.

Question being on the adoption of said amendment, Mr. Davis of Webb 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.

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

Mr. Norton moved to amend as follows :

Amend Section 8 by striking out, in second line, "the 2d day