

TEXAS | **Tarlton Law Library**
LAW | 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.

Tarrant, Jones of Bexar, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Varnell, Waul and Whitfield—45.

Nays—Messrs. Anderson, Ball, Bradshaw, Camp of Upshur, Davis of Cherokee, Parsons, Record, Runnels, Selman, Shaw and Woods—10.

So the ordinance was ordered to be engrossed.

On motion, Convention adjourned until 9½ o'clock, A. M., to-morrow.

SATURDAY, March 31st, 1866.

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

Mr. Ireland moved to suspend the reading of the journal, and proceed to the consideration of the regular business on the table.

Carried.

The report of the committee on General Provisions, reporting amendments to Sec. 10, Art. VII, General Provisions of the Constitution, was taken up.

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

On motion of Mr. Richardson, the rule was suspended, and the ordinance taken up, read a third time, and passed.

An ordinance reported by committee on Finance, in favor of paying troops called out prior to secession, for protection of the frontier, was taken up.

Mr. Bacon offered the following as a substitute for the ordinance: Strike out all after the caption, and insert the following:

Be it ordained, by the People of the State of Texas, in Convention assembled, That the sum of three thousand one hundred and fifty-eight dollars and seventy-four cents, the amount shown to be due on the pay rolls of said troops, be and the same is hereby recognized as a valid and subsisting claim against the State of Texas; and it shall be the duty of the Legislature of said State, at its first session, to provide for the payment of the same to the persons entitled thereto, or to their legal representatives.

The question being upon the adoption of the substitute, the same was put, and it was adopted.

Mr. Norris offered the following amendment :

Be it ordained by the People of Texas, in Convention assembled, That all Warrants issued for the payment of troops called into service of the State by His Excellency Governor Houston, previous to 2d day of March, 1861, (which remain in the hands of the original owners, their heirs, or legal representatives,) are hereby validated, and the Legislature, at its first session hereafter, shall provide for the payment of the same ; and all amounts due for said service, for which Warrants have not been issued in payment thereof, is hereby validated in like manner.

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

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Upshur, Degener, Drake, Flanagan, Hart, Latimer, Middleton, Perry, Saunders, Shuford, Shaw, Smith of Lamar, Taylor of Houston, and Thomas of Cameron—18.

Nays—Messrs. Ball, Bradshaw, Dalrymple, Davis of Webb, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Lindsey, Nelson, Norris, Norton, Parker, Parsons, Paschal, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Shields, Thompson, Tyus, Varnell, Walker, Waul and Woods—33.

So the House refused to lay the substitute.

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

Mr. Reeves offered to amend the substitute as follows :

Strike out so much of the substitute as provides that the Warrants must be held by the original holder, his heirs or assigns.

Mr. Flanagan moved the previous question. Seconded.

And the question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Bacon, Bengé, Bumpass, Camp of Upshur, Drake, Flanagan, Hart, Latimer, Middleton, Richardson, Saunders, Thomas of Cameron, Varnell, Waul and Whitfield—16.

Nays—Messrs. Ball, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Lindsey, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Runnels, Shields, Slaughter, Thompson, Tyus, Walker, and Woods—34.

So the House refused to order the main question.

Question recurring on the amendment of Mr. Reeves, Mr. Davis of Cherokee moved to lay the amendment on the table.

Lost.

Question recurring on the adoption of the amendment, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Armstrong, Ball, Benge, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Lindsey, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Runnels, Selman, Shields, Shaw, Slaughter, Thompson, Tyus, Walker, and Woods—37.

Nays—Messrs. Bacon, Bumpass, Camp of Upshur, Degener, Drake, Flanagan, Hart, Latimer, Middleton, Saunders, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Waul, Whitfield, and Woods—17.

So the amendment was adopted.

Mr. Ireland offered to amend as follows :

An additional Section.

That all Warrants or evidences of debt against the State before the 2d of March, 1861, that have been merged in new evidences of debt, issued or provided for since the said 2d day of March, 1861, shall be binding and subsisting claims against the State.

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

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Latimer, Middleton, Murchison, Norton, Parker, Parsons, Richardson, Saunders, Shields, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Walker, Waul, and Whitfield—32.

Nays—Messrs. Ball, Bradshaw, Gentry, Gurley, Hancock, Henderson, Hurt, Ireland, Lindsey, Mabry, Nelson, Paschal, Perry, Phillips, Randolph, Record, Reeves, Saufley, Thompson, Tyus, and Woods—23.

So the House voted to lay the amendment on the table.

Mr. Davis of Webb moved the previous question. Seconded.

Main question ordered.

Question being on the engrossment of the substitute as amended, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Armstrong, Bacon, Benge, Bradshaw, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Ireland, Jones of Bexar, Lindsey, Mabry, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson,

Runnels, Saufley, Shields, Shaw, Slaughter, Thomas of Cameron, Thompson, Tyus, Walker, and Woods—45.

Nays—Messrs. Anderson, Ball, Bumpass, Camp of Upshur, Drake, Flanagan, Latimer, Middleton, Saunders, Smith of Lamar, Taylor of Houston, Varnell, Waul, and Whitfield—14

So the substitute was ordered to be engrossed.

By leave, Mr. Waul introduced the following resolution :

Resolved, That the use of this Hall be tendered to Governor Hamilton at 12 o'clock to-day.

The question being upon the adoption of the resolution, the same was put, and it was adopted.

By leave, Mr. Jones of Bexar introduced the following ordinance :

Be it ordained by the people of Texas in Convention assembled, That the following caption be adopted for the amended Constitution : "We, the people of Texas, acknowledging with gratitude the grace of God in permitting us to make choice of our form of Government, do ordain and establish this Constitution."

Read a first time.

On motion, rule suspended, ordinance read a second time, and ordered to be engrossed.

On motion, rule further suspended, ordinance read a third time, and placed on its passage, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Jones of Bexar, Latimer, Lindsey, Mabry, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Perry, Phillips, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Waul, and Woods—48.

Nays—Messrs. Ireland, Nelson, Norris, Runnels, and Thompson—5.

Mr. Parker moved to suspend the rule, and take up the ordinance validating certain Warrants for the payment of frontier troops.

Mr. Bumpass moved a call of the House.

Lost.

Question recurring on the motion to suspend the rule, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Ball, Beall, Bradshaw, Dalrymple, Davis of

Webb, Davis of Cherokee, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Thomas of Cameron, Thompson, Walker, and Woods—44.

Nays—Messrs. Anderson, Armstrong, Bacon, Bumpass, Camp of Goliad, Camp of Upshur, Degener, Drake, Flanagan, Latimer, Middleton, Saunders, Taylor of Houston, Varnell, Waul, and Whitfield—16.

So the House refused to suspend the rule.

Mr. Walker asked leave to introduce a resolution.

On motion, Convention adjourned till $\frac{1}{2}$ after 3 o'clock.

3 $\frac{1}{2}$ O'CLOCK, P. M.

Convention met ; roll called ; quorum present.

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

COMMITTEE ROOM, March 31st, 1866.

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

The committee on Engrossed and Enrolled Ordinances have examined an ordinance defining the 37th section of the General Provisions of the Constitution, and an ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, and have found the former correctly engrossed, and the latter properly enrolled and signed.

Received and accepted.

Question being on the suspension of the rules to take up an ordinance proposed to be introduced by Mr. Walker, rule suspended, and the following ordinance introduced by Mr. Walker, and taken up by the House :

Be it ordained by the people of the State of Texas, in Convention assembled, That it shall be the duty of the Legislature, at its first session, and from time to time thereafter, to divide the State into convenient judicial districts, so as to assign to each Judge, as nearly as practicable, thirty-two weeks of judicial labor per annum ; and upon such divisions and assignment of labor, the District Judges and District Attorneys of those districts which may be divided and parceled out to other districts shall thenceforth cease to hold their offices : *Provided,* however, that unless the amendments to the Constitution shall be ratified by the people, this ordinance shall be null and void.

Read a first time.

Rule suspended on motion, and ordinance read a second time, and ordered to be engrossed.

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

Ordinance substituting Sec. 37, General Provisions, taken up, read a third time, and placed on its final passage.

Mr. Runnels moved to amend by striking out \$15,000, and insert \$10,000.

Motion put, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Bradshaw, Bumpass, Davis of Cherokee, Flanagan, Ireland, Latimer, Lindsey, Mabry, Middleton, Murchison, Parsons, Perry, Ranck, Roberts, Runnels, Saunders, Shaw, Tyus, Whitfield, and Woods—24.

Nays—Messrs. Bacon, Camp of Goliad, Camp of Upshur, Dalrymple, Degener, Gentry, Gurley, Hart, Henderson, Hurt, Jones of Bexar, Nelson, Norton, Norris, Parker, Paschal, Phillips, Randolph, Record, Saufley, Shields, Smith of Lamar, Taylor of Houston, Varnell, Walker, and Waul—26.

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

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Gurley, Hancock, Hart, Henderson, Hurt, Jones of Bexar, Latimer, Lindsey, Mabry, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Randolph, Record, Roberts, Saufley, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Walker, Waul and Whitfield—39.

Nays—Messrs. Ball, Bengé, Bradshaw, Camp of Upshur, Davis of Cherokee, Ireland, Middleton, Ranck, Runnels, Saunders, and Shaw—11.

So the ordinance was passed.

Ordinance appropriating certain moneys to W. A. Smith *et al.*, because of services as teachers in the Blind Asylum, at Austin, taken up.

Question being on the motion of Mr. Saunders to lay the substitute on the table, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Anderson, Armstrong, Beall, Bengé, Bumpass, Camp of Upshur, Drake, Flanagan, Hart, Latimer, Middleton, Parker, Phillips, Ranck, Saunders, Shaw, Taylor of Houston, Thomas of Cameron, Waul, Whitfield and Woods—21.

Nays—Messrs. Bacon, Ball, Bradshaw, Davis of Webb,

Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Nelson, Norton, Norris, Parsons, Paschal, Perry, Randolph, Record, Roberts, Runnels, Saufley, Smith of Lamar, Tyus and Walker—29. So Convention refused to table the substitute.

The question being on the adoption of the substitute, the said substitute was amended as follows :

After —, in the — line, add amounting to \$2800.

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

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Bradshaw, Davis of Webb, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Norton, Norris, Parker, Parsons, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shields, Slaughter, Thompson, Tyus, Walker, Waul and Woods—35.

Nays—Messrs. Anderson, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Latimer, Middleton, Nelson, Paschal, Perry, Phillips, Ranck, Saunders, Shaw, Taylor of Houston, Thomas of Cameron, Varnell and Whitfield—23.

So the substitute was adopted.

Question being on the engrossment of the substitute,

Mr. Davis of Webb moved to amend as follows :

At the end of the substitute, as follows : And the amount really due under these claims shall first be ascertained and reported upon by the Comptroller.

Adopted.

Mr. Ranck moved to amend as follows :

Amend by striking out all that part referring to undrawn salaries.

On a motion to lay the amendment of Mr. Ranck on the table, the Yeas and Nays were called, and stood :

Yeas—Messrs. Ball, Beall, Bradshaw, Davis of Webb, Gentry, Gurley, Hancock, Henderson, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Nelson, Norton, Norris, Parker, Parsons, Perry, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shields, Slaughter, Smith of Lamar, Tyus, Walker, Waul and Woods—33.

Nays—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Latimer, Middleton, Paschal, Phillips, Ranck, Saunders, Shaw, Taylor of Houston, Thomas of Cameron, Varnell and Whitfield.

So the amendment was laid on the table.

Mr. Whitfield proposed an amendment.

Mr. Gentry moved the previous question.

Mr. Hart moved call of the House.

Ordered.

Mr. Runnels moved a suspension of the call.

Lost.

Mr. Camp of Goliad moved to adjourn till 7½ o'clock.

Lost.

Roll called. Absentees—Messrs. Porter, Shuford, Varnell and Degener.

By leave, Mr. Jones of Bexar introduced following ordinance ;

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That all the State, County and District Officers, under the Constitution as proposed to be amended, shall be elected on the fourth Monday in June next ; if the amendments to the Constitution are adopted by the people the officers elected shall hold their offices under the Constitution as amended, and if rejected they shall hold their offices under the present Constitution.

Read a first time.

On motion, rule suspended, ordinance taken up, read a second time, and ordered to be engrossed.

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

By leave, Mr. Beall offered following resolution :

Resolved, That the Secretary of this Convention be required to superintend the publication of the Journals of this Convention, and to distributing the same as contemplated by the resolution ordering the printing of the Journals ; and that he be continued in office for the purpose until said work shall have been completed. He shall be further required to take charge of and forward the letters, and other mail matter, that may come to any member, and forward such documents of the Convention as each member may be entitled to.

On motion, Mr. Smith of Lamar was excused from attendance on the Convention, during the day and night, on account of indisposition.

On motion, the Convention adjourned till half after 7 o'clock to-night, pending Mr. Beall's resolution.

7½ O'CLOCK, P. M.

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

Resolution pending at last adjournment, namely, that authorizing the Secretary to superintend the printing of the Journals, &c., of the Convention, taken up.

Mr. Flanagan moved to lay the resolution on the table.

Lost.

Question recurring on the adoption of the resolution, the Yeas and Nays were ordered, and stood :

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bengé, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Gentry, Gurley, Hancock, Henderson, Hill, Ireland, Mabry, Middleton, Nelson, Norris, Perry, Porter, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shaw, Slaughter, Taylor of Houston, Tyus, Waul, Whitfield and Woods—36.

Nays—Messrs. Armstrong, Davis of Webb, Flanagan, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Murchison, Norton, Parker, Phillips, Ranck, Richardson, Shields and Thomas of Cameron—15.

Mr. Parker asked leave to introduce a resolution.

The motion was put, and lost.

Mr. Norton introduced, by leave, the following resolution :

Resolved, That Article XIII, Schedule of the Convention of 1845, Section 2 of Article XI, and, also, Section 36 of Article VII, General Provisions, be stricken out, the same being obsolete.

Read first time.

Rule suspended, read second time, and ordered to be engrossed.

Rule further suspended, read third time, and passed.

Mr. Beall offered the following resolution :

Resolved, That this Convention will stand adjourned, *sine die*, Monday, 2d April, at 10 o'clock, A. M.

Mr. Jones of Bexar moved to amend by inserting 1 o'clock, P. M.

Adopted.

Mr. Gentry moved to amend by inserting Tuesday in lieu of Monday.

Lost.

Question being on the adoption of the resolution, the same was put, and adopted.

Ordinance exempting the county of Orange from taxation for one year was taken up.

The same was read, and ordered to be engrossed.

On motion of Mr. Waul, rule was suspended, and ordinance taken up for a third reading.

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

COMMITTEE ROOM, March 31st, 1866.

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

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

An Ordinance, defining the 37th section of the General Provisions of the Constitution.

An Ordinance, amending Section 10 of the General Provisions of the Constitution.

An Ordinance, adopting caption for the Amended Constitution.

An Ordinance, fixing the time for the election of officers under the Amended Constitution.

And An Ordinance, to equalize the labor, and make uniform the terms, of Judicial Districts.

The committee has also examined ordinance validating warrants issued for the payment of troops called into service prior to the 2d day of March, 1861, and find the same correctly engrossed.

Respectfully submitted.

Read, and accepted.

Question recurring on the ordinance for the relief of the people of Orange county, the same was put, and the ordinance was passed.

Mr. Runnels moved to suspend the call of the House.

Lost.

The report of Judiciary Committee, touching a valuation upon forced sales, taken up, and report adopted.

Ordinance providing the mode and manner of calling a Convention taken up, read a second time, and ordered to be engrossed.

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

The engrossed ordinance validating certain warrants, therein named, issued to troops called out by General Houston, taken up, read a third time, and passed.

Ordinance providing for a stay of execution, &c., taken up, read a second time, and the question being on its engrossment,

Mr. Waul moved to amend as follows :

SEC. — *Be it further ordained,* That whenever, by reason of any ordinance passed by this Convention, any right of action is revived, which, under the operation of the laws heretofore enacted, may have been barred by limitations, the same shall be maintained only on condition that no interest on the claim shall be allowed from and after the same was barred.

SEC. — *Be it further ordained,* That no execution shall issue in any case until the Legislature shall so provide.

And the question being on the adoption of said amendment, a motion was made to lay on the table, and the Yeas and Nays being called, stood :

Yeas—Messrs. Bacon, Beall, Bumpass, Camp of Upshur, Davis of Webb, Hancock, Hart, Ireland, Johnson of Tarrant, Mabry, Murchison, Norton, Ranck, Saunders and Shaw—15.

Nays—Messrs. Anderson, Armstrong, Bengé, Bradshaw, Camp of Goliad, Dalrymple, Drake, Flanagan, Gentry, Henderson, Latimer, Middleton, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Shuford, Slaughter, Taylor of Houston, Tyus, Varnell, Walker, Waul, Whitfield and Woods—36.

Mr. Shields offered the following amendment to the amendment :

Insert in lieu of "after same was barred," "1st day of March, 1861."

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

Yeas—Messrs. Bengé, Dalrymple, Flanagan, Gentry, Gurley, Hill, Johnson of Tarrant, Latimer, Mabry, Middleton, Norris, Perry, Porter, Record, Reeves, Richardson, Runnels, Saufley, Shields, Shuford and Varnell—21.

Nays—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Hancock, Hart, Murchison, Norton, Parker, Parsons, Paschal, Phillips, Ranck, Randolph, Roberts, Saunders, Thomas of Cameron, Walker, Waul, Whitfield and Woods—28.

Mr. Camp of Upshur offered to amend as follows :

Provided, That Clerks of the District and Supreme Court shall be allowed to issue execution for costs and sheriffs' fees in each case, when a judgment is rendered.

Mr. Flanagan moved to lay on the table.

Carried.

Mr. Hart moved to amend as follows :

Provided, That Hunt county shall be excepted from the operation of this ordinance.

Accepted.

Question being on adoption of Mr. Waul's amendment, and the Yeas and Nays being called, stood thus :

Yeas—Messrs. Anderson, Armstrong, Beall, Bengé, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gentry, Gurley, Hart, Johnson of Tarrant, Latimer, Mabry, Middleton,

Norton, Parker, Perry, Phillips, Porter, Ranck, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Shuford, Shaw, Tyus, Walker, Waul, Whitfield and Woods—36.

Nays—Messrs. Bradshaw, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Hancock, Henderson, Hill, Murchison, Norris, Parsons, Paschal, Saunders, Selman and Thomas of Cameron—15.

Mr. Gentry offered the following as an amendment to the 1st section.

Strike out "conditioned that the security shall be given upon the property of the debtors."

Adopted.

Mr. Roberts offered following amendment :

"Strike out the Section 3, relating to statute of limitation."

Mr. Flanagan offered the following for the 1st, 2d, 3d, 4th, and 5th sections of the ordinance :

"There shall be a stay of execution on all judgments heretofore rendered, or that may hereafter be rendered, until the adjournment of the first Legislature convened after the adjournment of this Convention, leaving the matter with the Legislature."

Adopted.

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

Yeas—Messrs. Anderson, Armstrong, Ball, Bengé, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Gentry, Johnson of Tarrant, Latimer, Mabry, Middleton, Nelson, Norton, Norris, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Runnels, Shields, Shuford, Slaughter, Taylor of Houston, Tyus, Varnell, Walker, Waul, Whitfield and Woods—37.

Nays—Messrs. Bacon, Davis of Webb, Hancock, Murchison, Parker, Paschal, Saunders and Thomas of Cameron—8.

So the ordinance was ordered to be engrossed.

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

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

Carried.

Mr. Gentry moved to suspend the rule, and place the ordinance as engrossed on its third and final reading, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bengé, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of

Cherokee, Drake, Flanagan, Gentry, Gurley, Hart, Henderson, Hill, Johnson of Tarrant, Latimer, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Shuford, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—46.

Nays—Messrs. Bradshaw, Davis of Webb, Degener, Hancock, Ireland, Jones of Bexar, Murchison, Parker, Saunders, Selman, Thomas of Cameron, and Varnell—12.

Mr. Parker moved to reconsider the vote refusing to suspend the rule.

Carried.

Question being on the suspension of the rule, the same was put, and the rule suspended.

Ordinance taken up, and

On motion of Mr. Hart, amended as follows :

“*Provided*, Hunt county shall be exempt from the operation of the ordinance.”

Ordinance read a third time, and passed.

The House being announced as full, the call was suspended.

On motion of Mr. Saunders, a call of the House was ordered.

Mr. Paschal asked leave to introduce an ordinance.

Not granted.

Mr. Hancock moved to adjourn till 9½ o'clock Monday morning.

Yeas and Nays were ordered and stood :

Yeas—Messrs. Armstrong, Benge, Bumpass, Camp of Goliad, Drake, Hancock, Hart, Hill, Latimer, Murchison, Nelson, Parsons, Ranck, Record, Saufley, Thomas of Cameron, Varnell, Whitfield and Woods—19.

Nays—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Middleton, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Reeves, Roberts, Runnels, Saunders, Selman, Shields, Shuford, Slaughter, Taylor of Houston, Thompson, Tyus, Walker and Waul—40.

Mr. Gurley moved to suspend the call of the House. Lost.

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

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Drake, Hancock, Hart, Hill, Nelson, Ranck, Record, Saunders, Thomas of Cameron, Varnell, Whitfield and Woods—18.

Nays—Messrs. Ball, Beall, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Middleton, Murchison, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shields, Shuford, Slaughter, Thompson, Tyus, Walker and Waul—38.

Ordinance to grant 320 acres of land to actual settlers taken up, read a second time.

Mr. Mabry moved to amend as follows :

Amend by adding after the enacting clause " that the Legislature shall never dispose of any part of the public domain of the State by pre-emption."

On motion to lay the above amendment on the table, the Yeas and Nays were called for, and stood :

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Bengé, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gurley, Hart, Hill, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Reeves, Richardson, Roberts, Saunders, Selman, Shields, Shuford, Taylor of Houston, Tyus, Varnell, Walker, Waul and Woods—44.

Nays—Messrs. Anderson, Camp of Upshur, Hancock, Ireland, Mabry and Whitfield—6.

Question recurring on the engrossment of the ordinance,

Mr. Davis of Cherokee moved the previous question.

Seconded.

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

Yeas—Messrs. Anderson, Armstrong, Beall, Bumpass, Camp of Goliad, Camp of Upshur, Drake, Hancock, Hart, Henderson, Hill, Mabry, Nelson, Paschal, Randolph, Thomas of Cameron, Varnell, Whitfield and Woods—19.

Nays—Messrs. Ball, Bengé, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Middleton, Murchison, Norton, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Slaughter, Taylor of Houston, Thompson, Tyus and Waul—40.

Mr. Mabry moved a call of the House. Lost.

Mr. Hancock moved to adjourn till Monday morning, 10 o'clock, and the Yeas and Nays being called for stood :

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Hancock, Hart, Henderson, Hill, Mabry, Nelson, Paschal, Porter, Randolph, Saunders, Thomas of Cameron, Whitfield and Woods—22.

Nays—Messrs. Ball, Benge, Bradshaw, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Ireland, Johnson of Tarrant, Latimer, Lindsey, Middleton, Murchison, Norton, Norris, Perry, Phillips, Ranck, Reeves, Richardson, Roberts, Saufley, Selman, Shields, Shuford, Slaughter, Taylor of Houston, Thompson, Tyus, Varnell, Walker and Waul—34.

The main question was ordered, which was the engrossment of the ordinance.

The Yeas and Nays were ordered, and stood :

Yeas—Messrs. Armstrong, Bacon, Ball, Benge, Bradshaw, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Gurley, Hill, Johnson of Tarrant, Latimer, Lindsey, Murchison, Norton, Norris, Parker, Perry, Phillips, Ranck, Record, Reeves, Roberts, Saunders Shields, Shuford, Slaughter, Varnell, Walker and Waul—31.

Nays—Messrs. Anderson, Beall, Bumpass, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Hancock, Hart, Ireland, Mabry, Middleton, Nelson, Parsons, Paschal, Porter, Randolph, Richardson, Saufley, Selman, Taylor of Houston, Thomas of Cameron, Thompson, Tyus and Whitfield—25.

Mr. Hart moved to adjourn till 9 o'clock Monday morning.

Lost.

Mr. Lindsey asked and was excused on account of sickness.

Report of committee on Condition of the State, in relation to division of the State, was taken up, and read.

Mr. Hart moved to adjourn till 9 o'clock Monday morning.

Yeas and Nays ordered, and stood :

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Hancock, Hart, Henderson, Hill, Lindsey, Middleton, Paschal, Porter, Randolph, Record, Shaw, Taylor of Houston, Whitfield and Woods—23.

Nays—Messrs. Ball, Benge, Bradshaw, Davis of Webb, Degener, Flanagan, Gentry, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Latimer, Mabry, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, and Waul—37.

So the Convention refused to adjourn.

The President announced that the House was full, which suspended the call.

So the question on the engrossment of the ordinance providing to pay the claims of W. A. Smith, *et al.*,

Mr. Whitfield offered a substitute as follows :

Be it ordained, That the Comptroller of the Treasury shall audit the accounts of the Superintendents of the Blind, Deaf and Dumb, and Lunatic Asylums and ascertain the amounts due each, for salaries and liabilities incurred after the 31st day of May, 1865, up to the time Governor Hamilton took charge of the State Government, and such amounts as he may find due each, he shall issue his warrants for the same, and it shall be the duty of the Legislature to provide for the payment of the same.

Mr. Saunders offered an amendment as follows :

Be it further ordained, That such of the State officers and clerks who drew no pay from the treasury in any description of funds from the 2d day of March, 1861, to the 15th day of June, 1865, and who faithfully performed the duties of their offices, shall be entitled to receive a warrant, from the Comptroller, for the amount undrawn, which warrant shall be paid by the State Treasurer in United States currency.

Declared out of order.

Laid on the table.

Question recurring on adoption of the substitute,

Mr. Whitfield offered to amend as follows :

Be it further ordained, That the Comptroller of the Treasury shall ascertain the amount of undrawn salaries of the deaf and crippled clerks of the different departments, and issue his warrant for the same, which shall be paid by the Legislature.

Laid on the table.

Mr. Gurley offered the following as a substitute :

Provided, That the undrawn salaries of teachers of the Blind Asylum, amounting to \$2,800, be paid, and also the sum of \$380 to Misses Rust.

Adopted.

Question being on the engrossment of the ordinance, the same was ordered.

Motion was made to suspend the rule, and take up the ordinance for a third reading.

Yeas and Nays were ordered, and stood :

Yeas—Messrs. Bacon, Ball, Beall, Bradshaw, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant,

Jones of Bexar, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Perry, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Slaughter, Taylor of Houston, Thompson, Tyus, Walker and Waul—41.

Nays—Messrs. Anderson, Armstrong, Camp of Goliad, Camp of Upshur, Flanagan, Hart, Latimer, Murchison, Parker, Phillips, Ranck, Saunders, Shuford, Shaw, Thomas of Cameron, Varnell, Whitfield and Woods—18.

So House refused to suspend the rule.

Mr. Hart moved to adjourn till 9 o'clock Monday morning.

Lost.

Mr. Henderson raised the point of order, that the bill had been read three several days, it being past the hour of 12 o'clock at night.

The Chair was sustained.

Mr. Davis of Cherokee moved to reconsider the vote adjourning the Convention on Monday the 2d of April.

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

COMMITTEE ROOM, March 31st, 1866.

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

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

An Ordinance for the relief of the people of Orange county.

An Ordinance validating all warrants issued for the payment of troops called into service prior to the 2d day of March, 1861.

An Ordinance striking out Article XIII, Schedule of the Constitution of 1845, Section 2d of Article XI, and Section 36 of Article VII, General Provisions.

An Ordinance defining the 37th and 38th sections of the General Provisions of the Constitution.

An Ordinance concerning the collection of debts.

BENTON RANDOLPH, Chairman.

Mr Jones of Bexar offered following resolution :

Resolved, That the delegate from Van Zandt (Mr. Norton) be authorized to superintend the printing and distribution of the Constitution as amended, and approve the account of the printer for the same, which shall be sufficient authority for its payment by the Treasurer, and that the per diem of the delegate be continued while so employed, after the adjournment, for not more than three days.

Adopted

Mr. Jones of Bexar made following report from committee on Printing, &c. :

COMMITTEE ROOM, 31st March, 1866.

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

The committee on Printing and Contingent Expenses report the accompanying accounts as approved by the committee, for printing and contingent expenses :

EXPENSES OF CONVENTION TO 31st MARCH.

Post Office, bill to date,	\$475 87
Petmecky, bill for locks and keys,	12 00
Biberstein & Melasky,	81 74
Gust Palm, for repairing clock,	10 00
Domschke, for repairs to lamp,	5 00
Sampson & Henricks,	196 90
A. B. Palm's bill,	221 53
Intelligencer, bill up to 16th March, inclusive,	933 00
Gazette, bill from 1st March up to 20th do.,	655 00
Sampson & Henricks, bill 16th March,	3 50
A. B. Palm, 27th March,	2 90
Leigh Chalmers, for Porter,	75 00
Ashford Miner, Page,	126 00
Henry Briggs, Page,	30 00
John Burleson, Page,	99 00
C. Holmes, Porter,	18 00
Gazette, bill from 22d to 31st March, inclusive,	435 00
Telegraph, bill for advertising,	9 00
Post Office, bill,	110 12
Intelligencer,	406 00
Robert Homan, Page,	30 00
Spencer Pierce,	28 00
Edward Carrington,	54 00
Blucher Hutchins,	126 00
Phillip Calhoun,	165 00
Jacob Rust,	165 00
Stuart TenEyck,	165 00
John Burleson, Page,	15 00
— Hampton, Page,	15 00
	<hr/>
	\$4,771 56

Ordinance for division of State taken up, and read.

Mr. Bradshaw moved to adjourn till 8 o'clock Monday morning. Lost.

Mr. Bradshaw moved a call of the House.

Not seconded.

Mr. Norris offered a substitute for the bill.

On motion of Mr. Saufley, Convention adjourned till 9 o'clock Monday morning, pending substitute of Mr. Norris.

MONDAY, April 2d, 1866.

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

By leave, Mr. Norton introduced the following ordinance :

Resolved, That Art. III, Legislative Department, be amended by adding to the same the following section :

SEC. 32. The Legislature shall proceed as early as practicable to elect Senators to represent this State in the Senate of the United States, and also provide for the election of Representatives to the Congress of the United States.

Read a first time.

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

On motion, rule further suspended, ordinance read a third time, and passed.

By leave, Mr. Henderson *et al.* filed the following protest :

The undersigned members of the Convention beg leave to enter their solemn protest against the passage of the ninth section of an ordinance, making valid the laws and acts of officers therein mentioned, and for other purposes, and to make the following statement of the facts that led to the necessity of placing our names on the journal, in favor of a proposition that we believe to be utterly inconsistent with, and obnoxious to every principle of justice. This section was reported by the committee on the Judiciary, and its adoption recommended in connexion with a large number of other matters that we deem to be, not only of paramount importance to the country, but indispensable to its peace and prosperity, as will be seen by reference to the first and other sections of this ordinance. When this ordinance came up for action, both on its engrossment and final passage, it was taken up and acted on section by section, and before opportunity was given for amending or striking out this section, the previous question was ordered both on the second and third reading, and hence we were driven to the alternative of recording our votes in favor of this section in order to avoid the defeat