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be authorized to employ a clerk, and that he receive the same compensation allowed the members.

Mr. Evans, of McLennan, offered the following amendment:

“And that said clerk be authorized to swear witnesses.”

Amendment accepted by Mr. Caldwell.

The question recurring upon the engrossment of the resolution, it was ordered to be engrossed.

Mr. Burnett moved a suspension of rules to put resolution on its third reading.

Rules suspended; resolution read a third time, and passed.

Mr. Ruby offered the following resolution:

WHEREAS, A correct idea of the geography of the State should be had by the several members of this Convention, on all questions relative to counties and county boundaries, the division of the State, etc.; therefore, be it

Resolved, That ninety copies of ——— Map of Texas be authorized to be furnished for the use of Convention.

On motion of Mr. Ruby, it was referred to Committee on Printing.

The President announced the order of business to be upon the motion of Mr. Evans, of McLennan, to adopt the majority report of the Judiciary Committee, respecting forced sales by sheriffs.

Mr. Ruby moved the previous question.

Motion, after being seconded, was withdrawn by consent of the House.

On motion of Mr. Smith, of Galveston, the Convention adjourned until Monday morning, at nine o'clock, Mr. Flanagan, of Rusk, having the floor.

CAPITOL, AUSTIN, TEXAS,
JUNE 15, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Carter, Chairman of the Committee on Style, reported as follows:

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Style, to whom was referred the engrossed bills Nos. 1 to 7, inclusive, have examined the same and find them correct, with a few immaterial changes in verbiage, which changes have been made.

Adopted.

Mr. McCormick, Chairman of the Committee on Contingent Expenses, reported as follows :

COMMITTEE ROOM,
June 15, 1868.

Hon. E. J. DAVIS,

President of the Convention :

Your Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Evans, of McLennan, requesting the Commanding General of the Fifth Military District to approve the action of this Convention appropriating the sum of \$125,000, or so much thereof as may be necessary to defray the expenses of the Convention, have had the same under consideration and instruct me to report a declaration amendatory of a declaration making an appropriation, &c., passed on the 10th of June, 1868, so as to extend said appropriation to the Printing and Contingent Expenses of the Convention, and also to report back said resolution offered by Mr. Evans of McLennan, with the recommendation that it be passed.

A. P. McCORMICK,
Chairman.

A Declaration amendatory of a Declaration making an appropriation for the per diem pay and mileage of the Members and per diem pay of the Officers of the Convention, passed by the Convention, June 10, 1868.

SECTION 1. Be it declared by the Delegates of the people of Texas in Convention assembled, That the caption of said declaration, of which this is amendatory, shall be and the same is hereby so amended as to read "A declaration making an appropriation for the per diem pay and mileage of the Members and per diem pay of the Officers of the Convention, and for the Printing and Contingent Expenses of the Convention.

SEC. 2. Be it further declared, That section second of the declaration of which this is amendatory, shall hereafter read and be as follows :

That the sum of \$125,000, or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the mileage and per diem aforesaid, and the Printing and Contingent Expenses of the Convention."

Mr. Caldwell, Chairman of Committee on Lawlessness and Violence, reported as follows :

To the Hon. E. J. DAVIS,

President of the Convention :

SIR: A majority of the Committee, to whom was referred the

resolution requesting General Reynolds to call to his aid a sufficient number of loyal men to suppress the lawlessness and crime so prevalent in the State, have instructed me to report the same back to the Convention, and recommend its passage.

Whereas, Lawlessness and crime exists to such an alarming extent in portions of this State, it is deemed proper to do all in the power of this Convention to protect life and property, and for the suppression of crime; therefore be it

Resolved, That this Convention respectfully request Brevet Major General J. J. Reynolds to call to his aid a sufficient number of loyal men in each county of this State, as in his opinion may be necessary, to aid and assist said Commander in the suppression of crime and the protection of life and property, and the enforcement of the laws; and that the Commanding General take such steps as in his opinion may be necessary for the organization of any men, so called, to his aid into companies or squads.

Mr. Armstrong moved that the rules be suspended to allow consideration of resolution.

Rules suspended. Resolution was then read second time.

Mr. Hamilton, of Travis, offered the following substitute to the resolution of the Committee:

Resolved, 1. That this Convention respectfully urge upon the Congress of the United States, the necessity of authorizing the organization, by this body, of a militia force in the several counties in this State, to act in conjunction with and under the direction of the Military Commander therein, for the protection of the lives and property of the citizens, now every day being preyed upon by assassins and robbers, to an extent unparalleled in the history of civilized communities in time of peace, and which, if not speedily arrested, must result in the destruction of social order.

Resolved, 2. That if protection is not speedily provided in some form by the National Government to the loyal and law abiding citizens of Texas, they will be compelled, in the exercise of the sacred right of self defence, to organize for their own protection.

Resolved, 3. That this Convention have full confidence in Brevet Major General J. J. Reynolds, Commander of the District of Texas, and that to the extent of the means placed at his disposal, he will give protection and preserve peace.

Resolved, 4. That the President of this Convention be requested to forward to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, copies of these resolutions.

The substitute was accepted by Mr. Lippard in the place of the resolutions offered by him.

The preamble and resolutions were then adopted.

Mr. Evans of McLennan offered the following amendment :

Insert after the word "forward," the words "by telegraph at expense of contingent fund of Convention."

Amendment accepted by Mr. Hamilton, of Travis, and adopted.

The question recurring upon the adoption of the preamble and resolution, as amended, it was ordered to be engrossed.

Mr. Hamilton, of Travis, moved a further suspension of rules to put the preamble and resolution upon its final passage.

Rules were then suspended, resolution read a third time and passed.

Mr. Thomas, from the Committee on Printing, made the following report :

To the Hon. E. J. DAVIS,

President of the Convention :

SIR: The Committee on Printing, to whom was referred a resolution offered by Mr. Ruby, relative to the purchase of ninety maps of the State of Texas, for the use of members of this Convention, have had the same under consideration, and are unanimously of opinion that the purchase would be an unnecessary expenditure of public funds. The resolution is therefore reported back to the Convention with the recommendation that it do not pass.

Respectfully submitted,

JAS. W. THOMAS,

Chairman of Committee.

Mr. Davis, of Nueces, introduced the following declaration :

Sections to be incorporated into the Judicial Department of the Constitution.

SECTION —. The Judges of the Supreme and District Courts, the Attorney-General and the District Attorneys and Sheriffs of counties, shall be appointed by the Governor of the State, by and with the advice and consent of the Senate thereof. *Provided*, that this manner of choosing said officers shall continue in force until the first general election held after the year 1877, at which general election the question shall be submitted to the people whether they continue in force this manner of appointing said officers.

SEC. —. The District Court shall be held in each county of the State four times in every year, and Judicial Districts shall be laid off, having this purpose in view; and all counties which do not maintain their organization complete, or may have less than one hundred and twenty qualified jurors, shall be considered disorganized, and shall be attached, for judicial purposes, to the adjoining

organized county, the county seat of which is nearest the county seat of the disorganized county.

SEC. —. The Grand Jury system shall be hereafter dispensed with, and all prosecutions for offences on behalf of the State shall be commenced by information filed in the court having jurisdiction of the offence, by the proper law officer of the State. Such information to be founded on affidavit of some responsible person charging the offence.

On motion, the declaration was referred to the Judiciary Committee.

Mr. Burnett offered the following declaration :

A DECLARATION

Declaring null and void the ordinance of secession, &c.; prohibiting the payment of debts incurred in aid of the rebellion; and repealing all laws that discriminate against persons on account of color, &c.

Be it hereby declared by the Delegates of the People of Texas, in Convention assembled, That the ordinance of secession passed by a pretended convention of the people of the State of Texas, which assembled in the city of Austin on the first day of February, 1861, entitled, "An ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled "The Constitution of the United States of America,"" and all pretended laws, ordinances or acts whatever enacted in the State of Texas in aid of the late rebellion, or which are repugnant to the Constitution of the United States, are and were null and void from the beginning.

Be it further declared, That the payment of any debts incurred by any pretended authority of the State of Texas, or any citizens thereof, in aid of the late rebellion, or for the support of the rebel government, be, and the same is hereby forever prohibited.

Be it further declared, That all laws, ordinances or acts whatever enacted in the State of Texas, before or since the rebellion, that make any discrimination against persons on account of their race, color or previous condition, be, and the same are hereby repealed.

On motion, the declaration was referred to the Judiciary Committee.

Mr. Carter offered the following resolution :

Resolved, That the Committee on Political or Legislative Department be empowered to employ a clerk at a compensation of four dollars per diem, provided that said clerk be employed on any other committee that needs his services, when not employed on Committee on Political or Legislative Department.

It was referred to Committee on Contingent Expenses.

Mr. Evans, of McLennan, offered the following declaration :

Be it declared by this Convention, That the following be a section of the constitution :

SEC. — Taxation shall be equal and uniform throughout the State, and all property shall bear tax in proportion to its value, to be ascertained by law, except such property as the Legislature of Texas, by a three-fourths vote of each House, may exempt. And said Legislature may impose income, occupation, trade and profession taxes. And all real estate in Texas upon which the State, county or corporation taxes are not at any time paid for three consecutive years, shall forfeit *ipso facto* to, and be invested in the State of Texas, to the use and benefit of the county where situated, for educational purposes; and it shall be the duty of the Legislature, at its first session, by law, to provide for having all such forfeitures declared.

Mr. Evans, of McLennan, offered the following additional declaration :

Be it declared by this Convention, That the following be a section of the constitution :

SEC. — That all forced sales of land in this State, by sheriffs, assessors and collectors, assignees in bankruptcy; and by administrators and executors, for purpose to pay debts of decedents, shall be made in quantities and parcels, not less than twenty acres, or more than one hundred acres; and the Legislature, at its first session, shall make provision, by law, for the division of said land by the persons selling the same.

On motion of Mr. Evans, of McLennan, the declaration was referred to Committee on General Provisions.

Mr. Armstrong, of Lamar, offered the following resolution :

Resolved, That the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be sufficient, be, and the same is hereby appropriated to pay the unsettled balance due the civil officers of this State, appointed by Gov. A. J. Hamilton, and that this resolution be forwarded by the President of the Convention to Maj. Gen. Buchanan, asking his approval of the same.

Laid over one day under the rules.

Mr. Degener moved to suspend the rules to take into consideration resolution offered by Mr. Carter, authorizing the Political or Legislative Committee to employ a clerk.

Rules were then suspended, and resolution read a second time.

Mr. Butler offered the following amendment :

Amend by inserting : "Political or Legislative," and strike out the word "Legislature."

Amendment adopted.

The question recurring upon the engrossing of the resolution, it was ordered to be engrossed.

Mr. Butler moved a further suspension of rules.

Rules suspended, resolution read a third time and passed.

The President announced the unfinished business of Saturday was next in order, upon the motion of Mr. Evans, of McLennan, to adopt the majority report of the Judiciary Committee upon "forced sales by sheriffs;" Mr. Flanagan, of Rusk county, being entitled to the floor.

Upon the adoption of the motion, Mr. Butler moved the previous question, which being seconded by the required number, the question was "shall the main question be now put?"

The yeas and nays were demanded and resulted as follows :

Yeas—Messrs. Davis, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bledsoe, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Foster, Glenn, Gray, Hamilton of Bastrop, Hamilton, of Travis, Harne, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mills, Morse, Muckelroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Smith, of Marion, Sorrel, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—71.

Nays—Messrs. Adams, Bellinger, Board, Flanagan, W. Flanagan, Fleming, Goddin, Grigsby, Harris, Keigwin, McCormick, Pedigo, Phillips, of Wharton, Varnell—14.

So the main question was ordered.

The question then recurring upon the adoption of the majority report of the Judiciary Committee, the yeas and nays were called and resulted as follows :

Yeas—Messrs. Bellinger, Bledsoe, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Cole, Curtis, Degener, Evans of McLennan, Fayle, Foster, Hamilton, of Bastrop, Hunt, Johnson, of Harrison, Johnson of Calhoun, Kealy, Kendall, Kuechler, Kirk, Leib, Lindsay, Lippard, McWashington, Mills, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Posey, Ruby, Schuetze, Smith, of Galveston, Smith, of Marion, Sorrel, Sumner, Thomas, Vaughan, Williams, Wilson, of Milam—41.

Nays—Messrs. Davis, Adams, Armstrong of Jasper, Armstrong, of Lamar, Bell, Board, Buffington, Butler, Burnett, Caldwell, Carter, Downing, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Glenn,

Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Jordan, Keigwin, Mackey, McCormick, Morse, Muckelroy, Mullins, Mundine, Pedigo, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright, Yarborough—44.

So the motion was lost, and report rejected.

Mr. Hamilton, of Travis, moved a suspension of rules to take up the minority report with accompanying resolution.

Mr. Phillips, of San Augustine, moved to adjourn until three o'clock P. M.

Lost.

Mr. Sumner moved to adjourn until nine o'clock to-morrow morning.

Carried.

CAPITOL, AUSTIN, TEXAS,

June 16, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report :

COMMITTEE ROOM,
June 15, 1868.

HON. E. J. DAVIS,

President of the Convention :

SIR : The Committee on Engrossed Bills instruct me to report the following resolutions as correctly engrossed.

Resolution 1. That the Special Committee on Lawlessness and Crime be authorized to employ a clerk, and that said clerk be authorized to swear witnesses.

Resolution 2. That the Committee to examine the Penitentiary of the State, or any one or more of them at their discretion, be authorized to proceed to Huntsville to carry into effect the order of this Convention, and that they be authorized to employ an accountant to aid them in their investigations.

Respectfully submitted,

A. T. MUNROE,
Chairman.

Report adopted.

Mr. Johnson, of Calhoun, offered the following resolution :

Resolved, That besides the duties of Enrolling and Engrossing,