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On motion, the Convention adjourned until to-morrow morning, at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,  
JULY 10, 1868.

Convention met pursuant to adjournment.

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

The President announced the following communication from Brevet Major-General J. J. Reynolds, transmitting reports from Comptroller :

HEADQUARTERS DISTRICT OF TEXAS,  
Austin, Texas, July 9, 1868.

Hon. E. J. DAVIS,

President of the Convention :

SIR: I have the honor to transmit herewith statements from the Acting Comptroller, giving the information called for by resolutions of the Convention dated July 1, 1868.

I am, Sir,

Very respectfully,

Your obedient servant,

J. J. REYNOLDS,

Brevet Major-General U. S. A.

COMPTROLLER'S OFFICE,

Austin, Tex., July 6, 1868.

His Excellency E. M. PEASE,

Governor of Texas :

SIR: I have the honor to acknowledge the receipt of your communication of the third instant, requesting that I transmit to the Executive Office, as early as practicable, the information desired by the following resolution, passed by the Constitutional Convention on the first instant, to-wit :

*Resolved*, That Brevet Major-General J. J. Reynolds, commanding District of Texas, be, and is hereby respectfully requested to cause the proper accounting officer of the civil provisional government to furnish, for the information of this Convention, complete estimates of the probable receipts into the treasury, and expenditures therefrom for the year ending July 1, 1869, noting the appropriation made by the Commanding General of the Fifth

Military District, by request of His Excellency the Governor, and of this Convention, in addition to those made by the Legislature of 1866."

And, in reply, I beg most respectfully to invite attention to the actual receipts and the actual expenditures of the State government from July 1, 1867, to July 1, 1868, as the data upon which I have made estimates of the receipts and expenditures of the State government, for the period commencing July 1, 1868, and ending June 30, 1869, leaving no margin for contingencies, which it is always proper to provide.

### RECEIPTS OF STATE REVENUE

*During the period commencing July 1, 1867, and ending June 30, 1868.*

Taxes of 1866 and previous years.....	\$42,509 64
Taxes of 1867.....	370,273 81 $\frac{3}{4}$
Taxes of 1868.....	12,755 45
Fees, office.....	5,133 89
Fees, patent.....	2,034 20
Pre-emption.....	400 00
Government dues.....	495 40
Sales of public domain.....	684 00
Sales of public property.....	3,194 30
Money refunded.....	1,606 64
Sales of United States five per cent. bonds (act of October 30, 1866).....	12,000 00
<b>Total.....</b>	<b>\$451,087 33<math>\frac{1}{4}</math></b>

*Treasury Warrants drawn upon State Revenue, during the period commencing first July, 1867, and ending thirtieth of June, 1868.*

For the month of July, 1867.....	\$32,619 97
“ August, 1867.....	29,346 90
“ September, 1867.....	1,564 84
“ October, 1867.....	8,685 80
“ November, 1867.....	27,918 00
“ December, 1867.....	17,880 29
“ January, 1868.....	25,811 55

For the month of February, 1868.. . . . .	15,957 86
“ March, 1868.....	29,855 22
“ April, 1868.....	23,629 81
“ May, 1868.....	15,366 35
“ June, 1868.....	19,348 34

Total amount of treasury warrants drawn.. . . \$247,984 93

*Estimate of the probable receipts and expenditures of the State government, during the period commencing July 1, 1868, and ending June 30, 1869.*

## EXPENDITURES.

Ordinary expenditures for support of State government.....	\$247,984 93
Estimated expenditures of Constitutional Convention.....	125,000 00
Per diem pay and mileage for members of Legislature.....	129,573 61
Contingent expenses of Legislature....	34,135 06
Appropriation for Penitentiary.....	25,000 00
Appropriation for arresting criminals..	25,000 00
Appropriation for pay of officers of first provisional government.....	15,000 00
Appropriation for framing portrait of Gen. Sam. Houston.....	200 00—
Total .....	\$601,893 60

## RECEIPTS.

Total receipts of State revenue from first July, 1867, to first July, 1868.....	\$451,087 33½
The forced collection of “back taxes” being prohibited, \$30,000 at least should be deducted from the above, in estimating	

receipts from July 1, 1868, to July 1, 1869.....	30,000 00—	\$421,087 33¼
Twenty per cent off for causes ex- plained below.....		84,217 46¼
		\$336,869 87
Add cash on hand, say.....	200,000 00	—\$536,869 87
		Leaving a deficit, say.....\$65,023 73

APPROPRIATIONS.

Eighty-one appropriations were made by the Eleventh Legislature (so called), for the support of the State Government for the two years 1867 and 1868, amounting in the aggregate to..... \$595,900 00

These appropriations have been increased by nineteen additional appropriations made by the Commanding General, to-wit:

Contingent expenses of the office of Superintendent of Public Instruction.....	\$225 00
For publishing Twenty-fifth volume Texas Reports.....	5,184 00
For support of the Lunatic Asylum.....	3,000 00
For support of the Blind Asylum.....	2,900 00
For support of the Deaf and Dumb Asylum.....	6,000 00
For keeper and night watch of Capitol.....	800 00
For night watch of General Land Office.....	550 00
For night watch of treasury building.....	550 00
For contingent expenses of Executive Office.....	500 00
For postage and contingent expenses of Secretary of State....	500 00

For books and stationery of Comptroller's office, including blanks and binding.....	2,500 00	
For postage and contingent expenses of Comptroller's office...	600 00	
For repairs on Capitol.....	700 00	
For extra pay of draftsman in photo-lithographic bureau, General Land Office.....	300 00	
For materials and chemicals for said bureau.....	600 00	
For salary of extra clerk in State Treasurer's office.....	1,200 00	
For contingent expenses of State Treasurer's office.....	200 00	
For distribution of Twenty-fifth volume Texas Reports.....	200 00	
For salary to sexton of State Cemetery.....	100 00	
For stationery for the Convention, June, 1868.....	1,000 00	
For Supreme Court, for printing and pay to librarians.....	1,500 00	
For support of the State Penitentiary.....	25,000 00—	53,209 00
Total amount of appropriations.....		\$649,109 00
Out of which there has been paid up to July 1, 1868.		413,438 59
Leaving amount credit of all appropriations for 1867 and 1868, on the first of July, 1868.....		\$235,670 41

I am of the opinion that the receipts for the period commencing first July, 1868, and ending thirtieth June, 1869, will fall short of the receipts for the corresponding period of the previous year, of at least one-fifth, for the following reasons, to-wit:

The deranged condition of the machinery of this office, occasioned by the removal of assessors and collectors, and the failure of the appointees, in many instances, to qualify; because of vacancies now existing in the office of assessor and collector, in many counties; the decrease in the business of the country, made apparent by the returns of occupation taxes. And, in addition to these causes, it is proper to state that His Honor Judge Winston Banks, of the Eighth Judicial District, has granted a perpetual injunction, restraining the

assessor and collector of Hopkins county from collecting the tax levied under the law upon Crumby & Withers, for retailing ardent spirits in quantities less than a quart. I am aware that this decision of Judge Banks only affects the particular case adjudicated; but it is presumed that others will take the hint, and that this decision will materially decrease the receipts of the treasury. I have, however, made no estimate of what that decrease will be.

The *forced* collection of "back taxes" has been prohibited, which will lessen the receipts of the present year (1868) to a very considerable amount as compared with the receipts of 1867—say, at least \$30,000.

The additional appropriations which may be made by the Commanding General, the Constitutional Convention, or the Legislature, should one assemble, are not considered in this estimate. Nor is the direct tax due the United States considered, because enough is shown to make it apparent that the treasury will certainly be empty before first July, 1869; and it is not reasonable to suppose any revenue to be derived from the tax which may be levied by the Convention to reimburse the treasury for the amount expended in its behalf, will be paid into the treasury before first of January, 1870.

I have the honor to be,

Your obedient servant,

(Signed)

GEO. C. RIVES,

Acting Comptroller.

On motion of Mr. Armstrong, of Lamar, the report was referred to the Committee on Finance.

Mr. Fayle, Chairman of the Committee on Enrolled Provisions, made the following report:

Hon. E. J. DAVIS,

President of the Convention:

The Enrolling Committee have had bills, numbering 19 to 24 inclusive, under examination and find them to be correctly enrolled, to-wit:

No. 19, Resolution ordering the printing of 400 copies of the report of Wm. Alexander, Esq., late Attorney General of Texas.

No. 20, Resolution, defining the powers of this Convention.

No. 21, Resolution, appropriating twenty-five thousand dollars or so much thereof as may be necessary for the apprehension of desperadoes.

No. 22, Resolution, amending the rules governing the Convention, so that a simple resolution, or resolutions relating to the gov-

ernment of the Convention may be disposed of upon a vote at first reading.

No. 23. Resolution, appropriating the sum of two hundred dollars to frame the portrait of General Sam Houston.

No. 24. Resolution appropriating \$15,000 for the payment of the civil-officers of the State appointed by Provisional Governor A. J. Hamilton.

Respectfully submitted,

WM. R. FAYLE,

Chairman of the Committee on Enrolled Provisions.

Report adopted.

Mr. Whitmore, Chairman on the Committee on Finance, offered the following reports :

COMMITTEE ROOM,  
July 8th, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Finance, to whom was referred a resolution of Mr. Patten, respectfully return the same, and declare, that

First, the Reporter's services should not be discharged, but that the publication of the speeches should be dispensed with, that a manuscript copy should be written out and preserved in the State Secretary's office for future use.

Secondly, the newspaper question having progressed so far in the Convention, the Committee deems any action on this subject unnecessary.

Third, the Committee would ask that, that portion of Mr. Patten's resolution which refers to the various employes of the Convention, be referred to the Committee on Contingent Expenses.

All of which is respectfully submitted,

G. W. WHITMORE,

Chairman.

COMMITTEE ROOM,  
July 8th, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Finance report on a resolution introduced by Mr. Leib, to-wit :

That burying grounds, public school houses, houses used exclusively for public worship, institutions of purely-public charity, pub-



lic property used exclusively for any public purpose, shall never be taxed; and respectfully recommends that said resolution do not pass.

With much respect,

G. W. WHITMORE,  
Chairman.

Mr. Glenn offered the following Minority report :

COMMITTEE ROOM,  
Austin, July 8, 1868.

Hon. E. J. DAVIS,

President of the Convention:

SIR: The undersigned members of the Committee on Finance beg leave to dissent from the Majority report, from said Committee in relation to retaining the services of a Reporter; and respectfully ask that the services of said reporter be dispensed with; for the reason that the purposes and ends contemplated by the Convention in his appointment has failed, and no material benefits seeming to result to the Convention or the country at large from his labors, we therefore hope that he may be discharged; and the concomitant expenses thereby cut off.

Respectfully submitted,

MARSHALL GLENN,  
G. W. WHITMORE.

Mr. McCormick, Chairman of Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,  
July 10th, 1868.

Hon. E. J. DAVIS,

President of the Convention:

The Committee on Contingent Expenses, in view of the fact that the official Reporter employed by the Convention, has found himself unable to report the debates of the Convention, from day to day, for publication currently, with the business on which they occur; and that no proper opportunity can be furnished members for correcting the reports of their speeches, and not thinking it proper to recommend the incurring the additional expense for the reporting of the debates, have instructed me to report the accompanying resolution dispensing with the reporting of the debates which may occur after the passage of said resolution. They are of opinion, that according to the terms of this contract, the official reporter should furnish the Convention with debates which have occurred or shall have

been had in the Convention up to the date of the passage of said resolution, and have, therefore, provided that he shall deposit with the Secretary of the Convention his report written in the ordinary English character, of the debates had up to that time, before receiving a certificate entitling him to pay for the same.

Respectfully submitted,

A. P. McCORMICK,  
Chairman.

Resolved, 1. That the services of John Tovell, engaged on the — day of June, 1868, to report the debates of this Convention, be now and henceforth dispensed with.

2. That the Secretary of the Convention be, and he is hereby authorized to settle with the said John Tovell at the rate of fifteen dollars per day from the date of his said employment, until the date of the passage of this resolution, upon the condition precedent, however, that the said John Tovell shall fairly write out in the ordinary English character, the debates which shall have taken place during the period of his said employment; and the Secretary is instructed not to furnish said John Tovell with any certificate of amount due him until said debates are thus written out and deposited with said Secretary.

3. The certificate of the Secretary, that this resolution has been complied with, and showing the number of days between the date of said John Tovell's said employment as reporter and the date of the passage of this resolution, and the amount due therefor, shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer in favor of said John Tovell for said amount so certified to be due, to be paid out of the appropriation made or approved by the Commanding General for the expenses of this Convention.

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

Hon. E. J. DAVIS,

President of the Convention:

The Committee on Printing, to whom was referred a resolution proposing to discontinue certain newspapers heretofore subscribed to for the use of this Convention, have had the same under consideration and recommend that the resolution be so amended as to accept one thousand copies of the Austin Daily Republican at eight cents per number, and five hundred copies of the San Antonio (tri-week-

ly,) Free Press, at seven cents per number, and that the resolution thus amended be adopted.

Respectfully submitted,  
 JAS. W. THOMAS,  
 Chairman of the Committee on Printing.

Mr. Schuetze moved a suspension of rules to take up the report of the Committee on Printing.

Rules suspended.

Mr. Degener moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurring, "shall the main question be now put?"

The main question was ordered.

Mr. Slaughter moved that the previous question be withdrawn.

Carried.

Mr. Evans, of McLennan, moved to lay the whole matter upon the table.

The yeas and nays being demanded resulted thus :

Yeas—Messrs. Bell, Brown, Carter, Constant, Degener, Evans of McLennan, Hamilton of Travis, Harris, Harne, Lindsay, Long, McWashington, Newcomb, Patten, Pedigo, Phillips of Wharton, Posey, Schuetze, Scott, Smith of Marion, Stockbridge, Vaughan, Watrous, Williams, Yarborough—25.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Cole, Coleman, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, McCormick, Morse, Muckleroy, Mullins, Mundine, Munroe, Oaks, Phillips of San Augustine, Rogers, Ruby, Slaughter, Smith of Galveston, Sorrell, Sumner, Talbot, Thomas, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—55.

So the Convention refused to lay the resolution on the table.

Mr. McCormick offered to amend as follows: "And if these papers be continued they publish the journals of the Convention."

Amendment agreed to.

Mr. Degener moved the previous question, upon the passage of the resolution as amended.

Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The question recurring upon the second reading of the resolution, it was read a second time and agreed to.

Mr. Burnett moved a further suspension of rules to put resolution on its final passage.

Rules suspended.

Resolution read third time and passed.

Mr. Talbot, Chairman of the Committee on Education, made the following report:

HON. E. J. DAVIS,

President of the Convention:

Your Committee on Education, which was added to the Special Committee to attend the examination of the Blind School, at the close of its session, would, in addition to the report of the Special Committee, present the following:

The examination commenced on the 30th of June, and continued through that and the succeeding day.

Upon consulting the records of the Superintendent, we find that the largest number of pupils attending the school during the session was nineteen, and the smallest fifteen, which number was present at the examination.

It was one of the objects of our visit, to ascertain, as far as our limited time would permit, the methods of instruction, and the internal police and regulations of the school; and in all these particulars we would say, it merits our full approbation. The officers and teachers were polite and obliging, and the pupils attentive, interested, and cheerful, and their happy faces showed that they had a full appreciation of the stores of intellectual wealth they were laying up in their minds.

The studies pursued during the session are, in addition to the common English branches, Algebra, Geometry, Natural Philosophy, Astronomy, Philosophy of Natural History, Science of Government, and the French language, together with vocal and instrumental music.

The examination of the several classes to which your committee listened, was of a highly interesting character, and gave abundant evidence that the pupils had received thorough and accurate instruction in the various studies pursued by them; and the recitations throughout were characterized by a degree of promptness and correctness not surpassed by schools composed of seeing pupils.

Several of the younger pupils were called upon to read, which they did with great facility and correctness. They read from books upon various subjects, where the words were long and difficult, with apparently the same ease, and with as little hesitation as those who

see. One little girl, seven years old, particularly attracted our attention. She read in the third reader with as much fluency and propriety as any child we ever listened to.

As the time of the committee was limited, and they could not be present through the whole examination, the Superintendent requested them to call for such classes as they might wish to hear. They accordingly directed the teacher, Dr. Baker, to examine his first class in intellectual algebra. The class consisted of four members, three females and one male, the youngest of which was thirteen years old. The exercises included the solution of problems producing equations containing one unknown quantity, those producing equations containing two unknown quantities, elimination by the various methods, the formation of powers, numerical and literal, and the solution of problems producing incomplete, and complete equations of the second degree.

The committee regarded the examination in this branch, in addition to what had preceded it, as a sufficient test of the attainments of the pupils in all the studies pursued by them. The result was extremely gratifying. Every question proposed was answered, and every problem was solved with a facility and accuracy truly astonishing, manifesting a degree of mental discipline your committee had never witnessed in any school.

There was another exercise of which your committee desire to speak, and that was the examination of a class of four boys in the Constitution of the United States, and the principles of Republican Government. The text books studied by this class were Young's Science of Government, and Sullivan's Political Class Book, and the recitation showed that those books had been used to good purpose.

The musical performances during the examination, and at the concert, given by the school on Wednesday evening, consisting of a choice selection of pieces, both vocal and instrumental, were of a high order, and fully satisfied the committee that the school, during the session, had enjoyed superior advantages for the cultivation of this pleasing accomplishment, and to the blind, almost indispensable branch of education.

In conclusion, your committee do not hesitate to express their entire approbation of the manner in which this institution is conducted, and do most cordially recommend it to the fostering care of this Convention.

The examination above referred to continued two days, and your committee not feeling at liberty to devote their entire time to it deputed one of their number, the Hon. D. C. Constant, whose atten-

dance continued throughout the entire examination, and to whom your committee are indebted for this report.

JOSEPH W. TALBOT,  
Chairman of Committee on Education.

Mr. McWashington offered the following resolution :

*Resolved*, That the following be a section of the Constitution:

ARTICLE —

SECTION —. All marriages solemnized or had among free persons of color whilst in bondage, according to the rites existing among said persons, are hereby declared to be legal and binding, and are hereby made valid ; and all children born of said marriages are declared legitimate for all purposes.

SEC. —. It shall be the duty of the Legislature to provide, by law, to protect the persons named in section — in this article, in all their rights as married persons.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Lippard offered the following resolution:

*Resolved, by the people of Texas in Convention assembled*, That the following shall be a section of the Constitution of this State.

SECTION —. That capital punishment shall not be inflicted in this State.

On motion the resolution was referred to the Judiciary Committee.

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

*Be it declared*, That the Sergeant-at-Arms be requested to examine Committee Room, No. 3, in the basement of the Capitol, and report how said room is now occupied; and if he should find it a store room for firewood, then to report to this body how much firewood is in the room, who it belongs to, and report the relative importance of using said room to store a cord of wood, or for the purpose of a committee room; and that he report who has the control of the Capitol of Texas, and what part, if any, this Convention can occupy, and how long without damage to other and more important interests.

Laid over one day under the rules.

Mr. Jordan offered the following declaration :

*Be it declared by this Convention*, That all sects in religion, of

whatever denomination, shall be by law protected in all their rights and religious exercises from malicious disturbance, and from all injuries to property on lands set apart and consecrated to the worship of God; but the doctrines, discipline, and distinctive peculiarities of any of the denominations or sects in religion, shall never be the subjects of legislation in this State; nor shall any favor or privilege ever be granted by law to any one sect, above that which is secured to all sects and denominations in religion.

Mr. Slaughter offered the following resolution :

*Resolved*, That the Committee to which was re-committed the memorial to Congress, asking the removal of disabilities of certain persons, be and are hereby instructed to have said list of names printed, with the indorser of each name respectively set opposite the name, and that a copy of the same be laid upon the desks of members as soon as possible.

Mr. Slaughter moved the suspension of rules to take up resolution.

Lost.

Mr. Ruby offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be directed and authorized to keep the various rooms used by this Convention for committee purposes cleanly, and in such condition as may conduce to the comfort of the temporary occupants thereof.

The President announced the business in order was upon the motion of Mr. Mills to reconsider the vote by which the consideration of the substitute offered by Mr. Hamilton, of Travis, to the report of the Committee on Division of the State, was postponed.

Mr. Smith, of Galveston, asked leave to print his remarks upon the question.

Leave granted.

Mr. Hamilton, of Travis, requested leave of absence for ten days for Mr. Sorrell, of Limestone.

Leave granted.

Mr. Smith, of Galveston, asked leave of absence for Mr. Johnson and Mr. Bryant for to-morrow.

Leave granted.

Mr. Burnett moved that the rules be suspended so that the Convention might adjourn until this evening, at four o'clock.

Lost.

Mr. Schuetze moved a suspension of the rules as to adjournment, so as to allow Mr. Lindsay to finish his remarks.

Carried.

Under the rules, the Convention adjourned until to-morrow morning, at nine o'clock.