

Mr. Paschal offered the following resolution :

*Resolved*, That this Convention will re establish the Constitution of the State of Texas in force immediately before the 1st day of February, 1861, with such amendments only as may be necessary to conform the same to the existing order of things, growing out of the late war.

Made special order of the day for 11 o'clock to-morrow.

Mr. Jones of Bexar offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to take into consideration the propriety of amending the Constitution so as to increase the number of Judges of the Supreme Court to five, who shall hold the court at but one place, and be in permanent session, except in special vacation.

Also, consider the propriety of compelling the District Judges to hold their courts four times a year in each county, and to exercise original and exclusive jurisdiction over executors, administrators and guardians, under such rules as the Legislature may prescribe.

Adopted.

On motion, the Convention adjourned until 10 o'clock, A. M., to-morrow.

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WEDNESDAY, February 14th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

Mr. Henderson presented the credentials of Mr. Gentry, member elect from Harrison county.

On motion of Mr. Shepard, leave of absence was granted to the Hon. James Shaw, of Burleson county, in consequence of sickness in his family.

Mr. Frazier presented the credentials of himself and Mr. Burke, of Harris county.

Mr. Taylor of Houston presented those of Mr. Stuart, of Galveston. Mr. Smyth, of Newton, also presented his credentials.

On motion of Mr. Taylor of Houston, Messrs. Gentry, Burke, Stuart and Smyth took the oath of office and seats in the House.

Mr. Davis of Webb introduced an ordinance relative to Internal Improvements, amending the Constitution, Sec. 1st, so as to impose a sufficient tax on tax payers living within counties where the county seats thereof are within thirty miles of any proposed road, canal or improvement of bays or coast, to pay half the

principal and interest of cost of said route within a term of twenty years, and providing for appropriations by the Legislature to pay the other under similar provisions.

Section 2 provides for election of an officer, styled a Commissioner on Internal Improvements, by the people of Texas, specifying his duties in the charge of said office.

Section 3 requires the Legislature to enact such rules and regulations as are necessary to carry out the provisions in said ordinance.

Read first time, and, on motion of Mr. Dickson, rule was suspended so as to allow the reading of this and other bills a second time, and referring them to their appropriate committees; thereupon read a second time, and referred to the Committee on Internal Improvements.

Mr. Davis of Webb introduced an ordinance touching the qualifications of voters, which was read a first and second time, and, on motion of Mr. Camp of Upshur, was laid on the table.

Mr. Henderson introduced the following preamble and ordinance:

WHEREAS, The government of the United States, by the exercise of its power during the late war, and the results thereof, has determined that a State has not the constitutional right to secede, and whereas the people of the State of Texas acquiesce in that determination; therefore,

*Be it ordained by the people of Texas, in Convention assembled,* That the Ordinance of Secession passed by a Convention of the people of the State of Texas on the 2d day of March, 1861, be and is hereby repealed.

Read first and second times, and referred to the Committee on Condition of the Country.

Mr. Armstrong introduced an ordinance to amend Sections 12 and 13 of Art. V of the Constitution, which was read first and second times, and referred to Committee on the Executive Department.

Mr. Jones offered the following resolution.

*Resolved,* That the Committee on the Condition of the State be instructed to consider and report upon the propriety of selling to the Government of the United States all of the territory of the State, lying West of a line commencing at some suitable point below the mouth of the Pecos, on the Rio Grande, and running thence to the north-west corner of the most western county lying on Red River, or some other suitable point. The funds arising from such sale to be set apart as a perpetual School Fund.

And that said Committee be further instructed to consider and report upon the expediency of dividing all that portion of the State lying east of the line above designated into three States, for admission into the Union, and, if found to be expedient, to report an ordinance amending the Constitution so as to confer upon the Legislature the power to sell such portion of the public domain as may be designated, and to take the necessary steps for a division of the State, and the adjustment of the rights of each new State in the public domain and the school and university funds, and apportion to each its share of whatever public debt may be existing at the time of the division.

W. E. JONES.

The hour having arrived, the special order of the day, viz: Mr. Paschal's resolution relative to the re-establishing of the Constitution in force prior to February 1st, 1861, was taken up and read.

Mr. Dickson offered the following amendment :

*Be it further Resolved*, That the Committee on the Condition of the Country report an ordinance for the assembling of a Convention on the — day of — for the purpose of revising the Constitution of the State.

Withdrawn.

Mr. Hancock moved to refer Mr. Paschal's resolution to the Committee on the Condition of the State, with instructions to report without delay.

Mr. Davis of Webb moved to amend by instructing committee to report immediately.

Accepted.

Mr. Bumpass moved to lay amendment on the table.

Carried.

Mr. Paschal moved to postpone the action of the House on the matter until to-morrow, 11 o'clock. Lost.

Mr. Roberts moved to refer to special committee of one from each of the standing committees, with instructions to report to-morrow.

Mr. Bumpass moved to lay Mr. Roberts' motion on the table.

Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Bryan, Bumpass, Camp of Goliad, Clements, Davis of Webb, Degener, Dickson, Flanagan, Gentry, Giddings, Halbert, Hart, Hunt, Johnson of Titus, Lane, Mabry, Norris, Paschal, Phillips, Porter, Randolph, Richardson, Runnels, Saunders, Shields, Shuford, Smyth of Newton, Spaight, Stuart, Taylor of Harris, Thomas of Grimes, Thompson, Varnell, Whitfield, and Wilson—36.

Nays—Messrs President, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Frazier, Hancock, Henderson, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Nelson, Norton, Parker, Parsons, Perry, Ranck, Record, Reeves, Roberts, Saufley, Selman, Shepard, Slaughter, Smith of Colorado, Smith of Lamar, Tyus, Walker, Waul, Woods, and Young—45.

Mr. Roberts' motion was adopted.

Mr. Jones' resolution was called for, and read.

A motion was made to refer it to the Committee on the Condition of the State.

The Yeas and Nays being called for, stood thus :

Yeas—Messrs. President, Armstrong, Benge, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsay, McCormack, Murchison, Nelson, Norton, Parker, Paschal, Ranck, Reeves, Roberts, Saunders, Shields, Slaughter, Smith of Colorado, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Woods, and Young—33.

Nays—Messrs. Anderson, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Flanagan, Frazier, Gentry, Giddings, Gurley, Halbert, Hancock, Hart, Henderson, Hunt, Ireland, Johnson of Titus, Lane, Latimer, Mabry, Middleton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Richardson, Runnels, Saufley, Selman, Shepard, Shuford, Smith of Lamar, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thomas of Grimes, Whitfield, and Wilson—50.

Mr. Jones' resolution was lost.

Mr. Parsons moved that Mr. Burke be added to the Committee on the Condition of the State.

Carried.

Mr. Roberts offered the following resolution :

*Resolved*, That the Committee on Indian Affairs be requested to consider and report upon the propriety of authorizing the Legislature, or Governor of the State, to cede to the United States the exclusive occupation, for fifty years, of the territory of this State north-west of a line drawn from some point high up on Red River, above the present settlements, and running to El Paso, or some other point on the Rio Grande, upon the terms of establishing posts on said line, and giving such other guarantees of protection to our Indian frontier as will secure that object.

Adopted.

Mr. Saunders introduced an ordinance requiring the State of Texas to assume the payment of the Special Tax on real estate, assessed by the Government of the United States.

Read first and second times, and referred to the Committee on Finance.

Mr. Ireland offered the following resolution:

*Resolved*, That the Committee on the General Provisions of the Constitution be, and they are hereby instructed to report an ordinance, to be incorporated into the Constitution, declaring all marriages that may hereafter take place between the white races and Africans, and descendants of Africans, null and void.

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

Lost.

Resolution adopted.

Mr. Shuford offered the following resolution:

*Resolved*, That we, the Delegates in Convention assembled, do hereby declare our gratification at the opportunity of resuming our federal relations with the General Government.

Mr. Dickson moved to refer it to the Committee on the Condition of the Country.

Mr. Davis, of Webb, moved to lay that motion on the table.

Mr. Dickson made the following point of order:

That a motion to lay a motion, tending to the disposal of a matter already before the House, is out of order. If it is desired to be laid on the table, it must be on a motion to lay the original resolution on the table.

The Chair sustained the point.

On motion of Mr. Hurt, Mr. Smyth, of Newton, was added to the Committee on the Condition of the Country.

Mr. Flanagan introduced an ordinance amending the 22d Section of Art. VI of the Constitution of the State.

Mr. Paschal moved to refer it to the Committee on the General Provisions of the Constitution.

The President announced the following as the Special Committee on Mr. Paschal's resolution, with instructions to report to-morrow:

*Special Committee*—Mr. Roberts, Chairman; Bumpass, Jones of Bastrop, Spaight, Flanagan, Smith of Colorado, Mabry, Shuford, McCormack, Smyth of Newton, Young, Gentry, Saunders.

On motion, the House adjourned until 10 o'clock to-morrow morning, pending Mr. Paschal's motion relative to Mr. Flanagan's proposed changes in the Constitution.