

The ordinance introduced by Mr. Walker, relative to the right of secession, was read second time, and referred to committee on Condition of the State.

The report of Mr. Hancock, chairman of committee on General Provisions of the Constitution, relative to the prevention of marriages between the white and African races, was read and adopted.

Mr. Saufley's resolution, relative to the collection of debts, was taken up, read second time, and on motion of Mr. Roberts, that portion of the resolution instructing the committee was stricken out, and resolution referred to committee on Condition of the Country.

The report of Mr. Roberts, chairman of committee on Judiciary, relative to the furniture and records of the Supreme Court, was taken up and adopted.

The report of Mr. Jones, of Bexar, chairman of committee on Printing and Contingent Expenses, relative to contracting for the city papers, was taken up and adopted.

Mr. Henderson moved that the Convention go into committee of the whole, and that Mr. Dickson be called to the chair, on the report of the committee on Legislative Department, reporting certain amendments to the Constitution.

Mr. Hart moved to print 100 copies of the report.

Mr. Jones of Bexar, moved to increase the number to 300 copies, and to be printed on writing paper.

Mr. Dickson moved that it be made the special order for Thursday, at 11 o'clock.

Both motions carried.

The hour having arrived for the special order, viz: the report of the committee on Privileges and Elections, Mr. Latimer moved a further postponement of one day.

Mr. Phillips moved to postpone until Friday, at 11 o'clock

Carried.

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

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TUESDAY, February 20th, 1866.

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

Reports of committees being in order, Mr. Henderson, chairman of committee on Legislative Department, made the following report:

*To Hon. J. W. Throckmorton, President of Convention :*

The committee on the Legislative Department, to whom was referred the resolution instructing the committee to report on the propriety of striking out the 27th Section Article III of the Constitution of 1845, a resolution proposing an amendment to Section 5, same Article, and an amendment to Section 24, same Article, have had all of said resolutions under consideration, and the committee instruct me to report that the subjects to which they refer have been fully considered, as set forth in their report now before the Convention: they, therefore, ask to be discharged from the further consideration of the subject.

Read, to come up in order.

Mr. Shepard, in behalf of the committee on General Provisions of the Constitution, made the following report :

*Hon. J. W. Throckmorton, President Convention :*

The committee on General Provisions of the Constitution, to whom was referred a resolution to divide the State into Congressional Districts, have had the same under consideration, and instruct me to report, that this duty devolves on the Legislature of the State, by Section 4, Article I, of the Constitution of the United States, and ask to be discharged from further consideration of the subject.

Read, to come up in order.

Mr. Camp of Goliad offered the following resolution :

*Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of consolidating the offices of sheriff, and assessor and collector.

Adopted.

Mr. Richardson offered the following resolution :

*Resolved*, That the committee on Finance inquire into the propriety of requiring assessments and payments of taxes on lands being made in the counties where the lands are situated, and report by ordinance, or otherwise. Lost.

Mr. Richardson introduced an ordinance providing for the per diem pay and mileage of the members, and per diem pay of officers, of the Convention, and appropriating money for the same.

Read first time, and referred to the committee on Finance.

Mr. Ranck offered preamble and resolution relative to the protection of the Indian frontier.

Read first and second times, and referred to committee on Indian Affairs.

Mr. Bumpass introduced an ordinance relative to the State assuming the direct tax levied upon the State of Texas by the United States.

Read first time, and referred to committee on Finance.

Mr. Burke offered the following resolution :

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of amending the Constitution of the State of Texas, so as to engraft therein this provision : That State officers appointed by the Governor, under the Constitution and laws of the State of Texas, shall not be removed before the expiration of the term for which they were appointed, unless such removal be approved by the State Senate. But the Governor shall have power, in case such officer or officers should neglect or violate the duties of their office, to suspend their functions, and appoint another to discharge the same, until the next session of the Legislature, thereafter, and that the Governor report the same to the Senate for its final action. Adopted.

Mr. Saunders introduced an ordinance declaring the act of secession null and void, *ab initio*, and declaring illegal all other acts of the so-called Secession Convention.

Mr. Stuart moved to reject the ordinance, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dickson, Frazier, Gentry, Giddings, Gurley, Hunt, Ireland, Norris, Parsons, Porter, Randolph, Record, Richardson, Selman, Shepard, Spaight, Stuart, Thomas of Grimes, Thompson and Wilson—28.

Nays—Messrs. President, Allen, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Halbert, Hancock, Hart, Henderson, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Parker, Perry, Phillips, Ranck, Reeves, Roberts, Saunders, Saulley, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Smyth of Newton, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—52.

Lost.

Mr. Runnels asked to be, and was excused from voting on the question of rejecting the ordinance.

Mr. Roberts moved that it be referred to committee on Condition of the State. Carried.

Mr. Norris introduced an ordinance relative to the Supreme Court, and election of Supreme Judge and two Associates, and providing for the appointment of District Judges and District Attorneys by the Supreme Court, and for the appointment by

the District Judges of Clerks of the District Courts, and Sheriffs, and to hold their offices during the pleasure of the District Judge; and providing for the election, in each county, of a Chief Justice, who shall have jurisdiction to try and dispose of civil cases of ——— dollars exclusive of interest, except when the title to real estate is in controversy, in which case it shall go to the District Court; of all criminal cases known as petty offences, and shall have jurisdiction as an examining and committing court, in all cases known as felonies. Said Justice, together with the Justices of the Peace of the county, one-third of whom shall constitute a quorum, shall constitute a County Court for police purposes. Also, making the Chief Justice *ex officio* Judge of Probate, and providing for the election of Justices of the Peace, and defining their terms of office.

Read first time, and referred to committee on Judiciary.

Mr. Walker offered the following resolution to amend the 9th Section of the Bill of Rights, as follows:

SECTION 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of a writ of *habeas corpus*, returnable in the county where the offence is committed, or to such other county as the same may, by consent of parties, be made returnable.

Read first time, and referred to committee on General Provisions of the Constitution.

Mr. Selman presented the memorials of L. B. Bullard and H. L. Elliott, of Smith county, which were referred to committee on General Provisions of Constitution, without reading.

On motion of Mr. Henderson, the Convention proceeded to the orders of the day.

Report of committee on General Provisions of Constitution, relative to striking out Article VIII of Constitution, and substituting another therefor, was taken up, read, and on motion of Mr. Hart, was made special order for 11 o'clock to-morrow.

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

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WEDNESDAY, February 21st, 1866.

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