

San Antonio Express.

VOL. II.

SAN ANTONIO, TEXAS, TUESDAY, JULY 14, 1868.

NO. 178.

(Continued from second page.)

Wilson of Brazoria, Wright, Yarborough—62.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Cole, Evans of Titus, Flanigan, W. Flanigan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins, Sorrell—14.

So the amendment was adopted. Armstrong of Lamar moved to amend by adding the name of Mr. Whitmore.

Burnett moved to lay the amendment on the table, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Belfinger, Bledsoe, Bryant of Grayson, Burnett, Carter, Cole, Coleman, Constant, Curtis, Fayle, Foster, Gaston, Glenn, Grigsby, Hunt, Johnson of Harrison, Keigwin, Kendall, Lindsay, Lippard, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Monroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Sumner, Thomas, Varnell, Williams, Wilson of Brazoria, Wright, Yarborough—43.

Nays—Messrs. President, Armstrong of Lamar, Bell, Board, Brown, Caldwell, Degener, Evans of McLennan, Evans of Titus, Flanigan, W. Flanigan, Fleming, Gray, Hamilton of Travis, Harris, Hant, Johnson of Calhoun, Jordan, Kealy, Keuchler, Kirk, Leib, McWashington, Mundine, Patten, Pedigo, Rogers, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Watrous—43.

So the amendment was laid on the table.

Sumner moved the previous question upon the adoption of the resolution.

The question recurring, shall the main question be now put, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellingher, Bledsoe, Brown, Bryant of Grayson, Bryant of Burnett, Carter, Constant, Curtis, Degener, Evans of McLennan, Fayle, W. Flanigan, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Hant, Hant, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendall, Keuchler, Lieb, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Monroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—63.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Cole, Evans of Titus, Flanigan, Gaston, Glenn, Harris, Keigwin, Kirk, Mullins—13.

So the main question was ordered. The question recurring upon the engrossment of the resolution as amended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellingher, Bledsoe, Brown, Bryant of Grayson, Bryant of Burnett, Carter, Constant, Curtis, Coleman, Constant, Curtis, Degener, Evans of McLennan, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Hant, Hant, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendall, Keuchler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Monroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—63.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Cole, Evans of Titus, Flanigan, W. Flanigan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins—14.

So the resolution as amended was ordered to be engrossed.

Johnson of Calhoun moved a suspension of the rules, to put resolution upon its final passage.

Carried.

Resolution, as amended, was read a third time.

The yeas and nays being called for resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellingher, Bledsoe, Brown, Bryant of Grayson, Bryant of Burnett, Carter, Coleman, Constant, Curtis, Degener, Evans of McLennan, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Hant, Hant, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendall, Keuchler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Monroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Rogers,

Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—63.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Cole, Evans of Titus, Flanigan, W. Flanigan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins, Sorrell—15.

So the resolution was adopted.

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

OFFICIAL.

LAW OF THE UNITED STATES,

Passed at the Second Session of the Fortieth Congress.

[PUBLIC RESOLUTION No. 30.]

JOINT RESOLUTION authorizing certain distilled spirits to be issued over to the Surgeon General for the use of the army hospitals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to deliver to the Surgeon General of the army all the distilled spirits produced during the experiments made by the late commission for testing meters for the internal revenue service to be used for the army hospitals, and to be paid for at a reasonable cost out of any moneys appropriated for the purchase of army hospital stores, the amount received to be applied toward the expenses of said commission.

Approved, June 25, 1868.

[PUBLIC RESOLUTION—No. 31.]

A RESOLUTION authorizing a change of mail service between Fort Abercrombie and Helena.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is hereby authorized to change the character of the mail service from Fort Abercrombie, Dakota Territory, to Helena, Montana Territory, to post coach service.

Approved, June 25, 1868.

[PUBLIC RESOLUTION—No. 32.]

JOINT RESOLUTION to provide for the sale of the site of Fort Covington, in the State of Maryland.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to sell in entirety or by subdivisions, at public auction to the highest bidder, after thirty days' notice in three daily newspapers in the city of Baltimore, one of which newspapers shall be published in the German language, a certain tract of land belonging to the United States, situated within the limits of the said city, on the Patapsco river, Maryland, known as the site of Fort Covington, containing about two and three-quarters acres, more or less, with all the tenements, rights, and privileges pertaining thereto; and that the proceeds of such sale shall be paid into the treasury of the United States.

Approved, June 25, 1868.

The Macon (Ga.) Journal nominates Fillmore for the Presidency. Is there no insane asylum in Georgia?

New Commission House.

The undersigned have this day associated themselves for the purpose of carrying on a Commission and General Agency business under the style of Sampson & Torrey.

Refer to the following card. S. SAMPSON, G. B. TORREY, May 1, 1868.

CARD.

SAMPSON & TORREY, SAN ANTONIO, TEXAS.

OFFICE—Masonic Building, Soledad Street.

Commission Merchants, Commercial Brokers, and General Agents.

Will attend to the Sale and Purchase of Real Estate and Personal Property, all orders for Supplies, when accompanied by Cash or Produce, Collection of Claims and Accounts, Renting and collecting Rents, Receiving and Forwarding all kinds of Merchandise, order Machinery and Agricultural Implements, &c.

Consignments of Merchandise will receive our particular attention in their sale, and prompt returns made. Buying and selling Horses, Mules, Cattle, Wool, Hides, &c.

Particular attention given to the Examination of all kinds of Machinery as to value and condition. Constantly on hand Steam and Water Pipe and all appliances thereto.

AGENCIES SOLICITED.

REFERENCES.

- Goldfrank, Frank & Co., San Antonio.
- W. F. Bennett, Banker, " "
- F. Jones & Co., " "
- Vidoe & Brother, " "
- San Antonio National Bank, " "
- Major J. H. Kapmann, " "
- Zork & Grisenbeck, " "
- John James, Esq., " "
- John Twobig, Esq., " "
- Bennett & Minter, " "
- John F. Torrey, New Braunfels, " "
- B. A. Bots, Pres. Houston Ins. Co. Houston, " "
- A. J. Burke, Pres. Mutual Ins. Co. Houston, " "
- Hon. P. W. Gray, Houston, " "
- Henry Sampson, Esq., " "
- Ball, Hutchins & Co., Galveston, " "
- Raymond & White, Austin, " "
- Sampson & Henricks, " "
- Kingsbury & Nash, Victoria, " "
- Geo. B. Biddle & Co., New York, " "
- J. Kaufman & Co., Galveston, " "

NORTON & DEUTZ.

Main Plaza, San Antonio.

Hardware & Cutlery.

Woodenware,

LEATHER,

Paints and Glass,

Agricultural Implements.

PUMPS, STOVES, ARMS, &c.

July 7th

ELMENDORF & CO.,

Hardware Merchants,

MAIN PLAZA.

HAVE on hand, and offer for sale

English and American Cutlery,

Iron and Steel of all sizes,

Carpenters Tools,

Mill and Cross-cut Saws of all sizes,

Boring Machines,

Nails of all sizes,

Butts, Hinges, Screws, etc.

Door, Cabinet and Trunk Locks of all kinds,

Shoe Makers and Saddlers Tools and Trimmings

Buckles, Rings, &c.,

Bridle Bits and Webbing,

Oil Cloth, Hames, Collars, &c.,

The Rivets and Kettles, &c., &c.

Steel Hoes and Agricultural Implements, and a general assortment of

HARDWARE.

Also: Paints, Oils,

Turpentine and Glass,

Paint, Shoe and Clothes Brushes,

Petroleum and Lamps,

Colt's Army and Navy Size Pistols,

Powder, Shot and Caps, and all other articles in their line of business at low prices.

Landreth's Garden Seeds

always on hand.

Sole Agents for Herring's Safe's; also, for Planer and Kayser's Sewing Machines.

May 24, 1868. no55tf

F. KALTEYER,

APOTHECARY AND DRUGGIST,

Presidio St., near the Court-house,

SAN ANTONIO.

Has just received direct from Europe, a well selected supply of

Drugs, Medicines, Chemicals, etc.,

Among others—

English Colomel,

English Mustard,

Citric Acid,

Acetic Acid,

Oil of Bergamot,

Oil of Lemon,

Lint, &c., &c.

Superior Steel Pens and Pen Holders,

Trusses,

Syringes, &c.

Block Tin,

Glass, and

India Rubber,

Cupping Glasses,

Medicine Chests, Medical Saddle-bags, &c.

Genuine Eau de Cologne.

dec20d1-3m.

NORTON & DEUTZ,

Pay the highest price for

Hides, Skins

AND

WOOL.

July 7th

NOTICE.

The undersigned are now receiving an entirely new, large and well assorted stock which they offer at reduced prices.

July 7th

NORTON & DEUTZ.

SOUTHERN

Real Estate Agency,

For the Purchase and sale of Cotton, Sugar and Tobacco Plantations.

Farming, Gardening, Grazing,

Timber and Mineral Lands,

Dwellings, Mills, Building Lots, &c., &c.

In every section of the Southern States:

Full particulars as to the location, means of access, character and value of lands in the South, given on application to

ROBERT BLOW & SON,

43 South William St., New York.

LOUIS-DUVAL, Agent,

San Antonio, Texas, Corner of Commerce and Soledad Streets. (m)pr12d3

FOR RENT.

THE STORE occupied by Messrs Chrysler, Anderson & Co. Apply to

april7dtf

JNO. C. FRENCH.

Gustav Theisen & Co.,

COMMISSION MERCHANTS.

68 William Street, Corner of Cedar St. New York.

Cards of City Merchants.

STEELE & WILLIAMS,

(Late John Withers & Co.)

Commission Merchants,

Commerce Street,

June 3d & w 3m.) SAN ANTONIO, TEXAS

J. H. WAGAR,

MERCHANT TAILOR.

Plaza House, San Antonio, Texas.

march 9dtf. Latest Paris Fashions.

NOTICE.

Mrs. C. T. Jones wishes to inform her friends that she will commence giving lessons on the Piano-Forte and Singing, on the 1st of February, and desires a share of their patronage.

To be found at the residence of A. W. Briggs, Col. Newton's house. (Jan 30) 3m

TH. SCHLEUNING,

SAN ANTONIO, TEXAS,

IMPORTER,

Wholesale and Retail Dealer in

GROCERIES, WINES, LIQUORS

and Crockery of every description.

Country produce bought.

march 14th w 1

DRESEL & BRIAN,

WHOLESALE & RETAIL DEALERS

Dry-Goods and Groceries,

HATS,

SHOES,

CROCKERY,

NOTIONS.

San Antonio, April 20, 1867. 113tf

WULF & SHETELIG,

Importers

General Commercial Agents,

CHIHUAHUA, SAN ANTONIO,

MEXICO, TEXAS,

je28 cor. Alamo & North streets

E. OPPENHEIMER & CO.

Importers and Dealers in

STAPLE AND FANCY

DRY GOODS, CLOTHING, BOOTS

and Shoes, Hats, Hosiery, Gents'

Furnishing Goods, Notions, &c.

38 & 40 Commerce Street,

(Opposite the Foot Bridge.)

SAN ANTONIO, TEXAS.

Jan 16 tf

GEORGE ROEBER'S

BAR-ROOM,

Main Street, San Antonio, Texas.

HAS the very best of Liquors, Wines, Cigars, &c., &c. where those who derive pleasure from the "O Be Joyful," will find comfort and consolation.

dec24tf

HERTZBERG & SIMON,

DEALERS IN

PIPES,

CIGARS,

TOBACCO

GLASWARE, FANCY GOODS,

TOYS, MOULDINGS, PICTURES

AND STATIONERY.

NEWSPAPER AGENTS.

Gas Burners for Kerrocline Lamps.

feb 17dtf

Hotels.

RESTAURANT.

R. McDONALD would respectfully notify the old patrons of

Whitehead's Restaurant,

that he has located that establishment and will keep constantly on hand the choicest viands to be found in this market.

Don't forget Judge Whitehead's stand on the Main Plaza.

San Antonio, Jan. 25, 1868. (dtf)

Klopper Hotel.

FIRST CLASS ENTERTAINMENT!

Mrs. KLOPPER calls the attention of her friends to the extra facilities for travelers with teams. Attached to her house is a spacious yard-fronting on the river, where any quantity of stock can be secured.

Commerce street, San Antonio.

THE TARDE HOUSE,

CASTROVILLE, TEXAS.

The above named well-known Hotel is open for the accommodation of the traveling or pleasure-seeking Public. The arrangements are complete throughout, and no pains are spared to make guests comfortable. To those who seek a quiet and elegant home in the country, this Hotel will suit them to a charm, and for comfort and cheapness it has no rival in the State.

V. TARDE. 121tf

NAILS.

300 Kegs, in store and to arrive. For sale low by

une30d3m.

H. GREENT.

City Cards.

SCHULTZ & DUELER,

Commerce Street,

SAN ANTONIO, TEXAS.

Wholesale Manufacturers

OF ALL KINDS OF

Crackers, Candles, Syrups,

AND

Confectioneries,

WEDDING AND BALL CAKES

Made to Order.

—ALSO—

A Select Assortment of

Fancy Groceries,

Such as

Can-Fruits, Jellies,

Preserves, Figs, &c.

TUESDAY, JULY 14, 1868.

Nominees of the National Republican Convention at Chicago, May 21, '68.

For President, U. S. GRANT. For Vice-President, Schuyler Colfax.

TELEGRAMS.—The Herald will not publish telegrams to-day, cause, our dispatches did not come. Poor Herald, you had better fail and stop serving your boarders cold vituals.

Attempted Assassination of Ex-Senator Cooley.

Last Saturday, while Hon. A. O. Cooley, the only loyal member of the State Senate of 1866, was standing in the door of his dwelling at Fredericksburg, he was shot by a man from Fayette Co., by the name of Dixon. Our first reports informed us that the shot would prove fatal, later accounts say Mr. Cooley is alive and may recover.

Mr. Cooley has been a consistent Union man, and his prominence as the single loyal senator in the Throckmorton reign, made him a target for future rebel revenge.

During the term of the Senate, Mr. Cooley wrote a fair chronicle of events from day to day, for publication in this paper; on five different occasions, the manuscript so prepared, was stolen from his desk in the Senate chamber, the thief using skeleton keys to rob his desk.

As the Senate Chamber was under the constant charge of the Sergeant-at-Arms, no one but a member of the Senate could have robbed a desk, each robbery being perpetrated during the sitting of the Senate, and during the temporary absence of Senator Cooley. Consequently but one article from his pungent pen was published.

Mr. Cooley, as well as all prominent Union men in Texas, has frequently been threatened, and like the lamented Black, another of our frontier loyalists, and a member of the Legislature of 1866, boldly stood up for measures that would overthrow the terrorism, which the leaders of the rebellion held over the persecuted Union men of the State. He has been a peaceable, orderly citizen, remaining at home quietly pursuing his duty as District Attorney, and never by word or deed gave intentional offence to mortal man; beloved by a large circle of friends, and admired by the whole West for his fixed and humane principles; the atmosphere cast a gloom over the entire region where he is known.

Dixon is a name well known to the unfortunate Union men of Gillespie and surrounding counties, who were compelled to remain in the Confederacy during the war. The father of the one who attempted this brutal assassination, was the leader of a gang of Partizans, who inhumanly butchered scores of men and boys, relatives of loyal men, who had made their way out of the country and joined the Union ranks. An uncle of this one who attempted to assassinate Senator Cooley, is now under indictment for murder; and the thirst for loyal blood, inculcated by the heinous wast of life at the hands of the rebel officers and men on this frontier, follows them into private life, and the various political organizations known in the South as "Young men's Democratic Association," are merely schools where war worn rebels educate the rising generation to devote their lives in avenging the overthrow of the Confederacy and exterminating Union men.

Our informant, a citizen of Gillespie county says: "The father of said Dixon was a member of a band of murderers, which hanged Union men during the so-called; and was killed by Confederate troops under Hunter, in an attempt to arrest him. As Mr. Cooley had no hand in it, it must have been a political deed, done as it seems by order of the Grand Cyclops of the K. K. K."

A superintendent of police once made an entry in his register, from which the following is an extract:

"The prisoners set upon me, called me an ass, a precious dolt, a scarecrow, a ragnullia and an idiot—all of which I don't feel to be true."

THE CONVENTION.

THIRTIETH DAY.

CAPITOL, AUSTIN, TEXAS, July 8, 1868.

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

Mr. Cole made a minority report from the special committee on lawlessness and violence, as follows:

Hon. E. J. Davis, President of the Convention:

The undersigned, one of the special committee on lawlessness and violence, while admitting the correctness of the figures in the committee's report made on June 30th, respectfully dissents from the comments and conclusions of the committee as set forth in said report, and asks that this dissenting report be spread upon the journal of the Convention.

Respectfully submitted, COLLE, of Hopkins.

Mr. Burnett moved the suspension of the rules, to allow committee on public land to report.

Rules suspended.

Mr. Lippard, from the committee on public lands, reported as follows:

COMMITTEE ROOM, July 3, 1868.

To the Hon. E. J. Davis, President of the Convention:

Sir:—The committee on public lands, to whom was referred the following bills, to wit:

A bill by Mr. Carter, bearing date June 23, 1868;

A bill by Mr. Pedigo; bearing date June 24, 1868;

A bill by Mr. Lindsay, bearing date June 26, 1868;

And a bill by Mr. Patten, bearing date June 29, 1868;

Have had the same under consideration, and, after a thorough examination of said bills, are of opinion that they more properly belong to a strictly legislative body and cannot be entertained by this Convention. Said bills are hereby returned, with a recommendation that they be rejected by the Convention.

The committee will so soon as possible report articles to be a part of the Constitution, authorizing the Legislature to pass such bills as will supply the want now felt.

The committee would respectfully suggest and recommend to the Convention that the Secretary of the Convention be instructed to number each bill presented to the Convention, believing thereby to facilitate the work of the Convention.

J. H. LIPPARD, Chairman committee on public lands.

Mr. Burnett offered the following minority report:

COMMITTEE ROOM, July 6, 1868.

To the Hon. E. J. Davis, President of the Convention:

Sir: The undersigned, of the committee on public lands, dissent from so much of the report of said committee as reports back, and recommends the rejection of the declaration offered by Hon. H. C. Pedigo, with reference to the relinquishment by the State of all her right to minerals, etc.; and we respectfully recommend the adoption of the declaration for the following reasons, to wit:

The majority of the committee in their report style the said declaration as legislative, and without reference to the merits or policy of the measure, suggest that it would more properly come before the Legislature, but we are of opinion that the declaration is fundamental in its character, and it is a proper matter to be incorporated among the provisions of our organic law.

The reservation by the State of all minerals beneath the surface of the earth, had its origin in the days of darkness and barbarism; it was the principle of the common law of England, and also obtained in the civil and Spanish law, from the latter of which it became a general principle in our own law. It was incorporated into our statutory law in 1857; in the days of the Republic, and it has been held that this special recognition of the doctrine was only declaratory of the existing law, and that the general principle was applicable to all grants of land by the State; so it may now be unquestioned that the State has a legal claim to all salt springs, gold and silver mines, copper, lead, and other minerals beneath the surface of all lands granted by the State.

While such reservation may be suited to Governments which recognize the "Divine right of Kings," yet we believe it is dictated by a narrow and arbitrary spirit, and is totally at variance with the genius of free republicanism. We believe our government has derived no substantial benefit from the reservation; but on the contrary, that its effect has been and will continue to be to retard the development of the great mineral wealth of the State, of which we have so often justly boasted, and to which we confidently look as a source of future wealth and prosperity. It seems to us it would be better for the State to relinquish all her claims to these minerals, which would encourage the rightful owners of the soil to develop the mineral resources of the country, and in the increased value of the lands, etc., the State would be fully compensated for the relinquishment. We believe the adoption of this Declaration would be in keeping

with the enlightened and liberal spirit of this age of progress and improvement, and that it would redound to the interest of the State and the whole people.

Respectfully submitted, JAMES R. BURNETT, SAM W. JOHNSON.

Of the Committee on Public Lands. Lippard, from the same committee, made the following report upon the resolution of Yarborough:

COMMITTEE ROOM, July 3, 1868.

To the Hon. E. J. Davis, President of the Convention:

Sir: The committee upon public land, to whom was referred a resolution offered by Mr. Yarborough, have had under consideration, and have the honor to report the following:

A statement from the General Land Office appended to the report of the late Attorney General shows that Captain Stephen Crosby, late Commissioner of the General Land Office, is a defaulter to the extent of \$7,839 34 in coin; of this aggregate amount \$3,766 10 appears to be due individual depositors, and \$4,078 24 to the State. Individual depositors have to look to the ex-Commissioner alone, who they voluntarily made their banker, for their deposits.

So far as the State is concerned, it can, and ought to recover against him and surties.

Your committee are clearly of opinion that in no case should any deposit made during rebel rule be treated as legal and valid; they are unable to perceive why persons who aided and abetted the rebellion should be permitted to take advantage of their own wrong, and claim now to be insured by a loyal Convention against losses incurred through the default of a rebel State officer.

They hold, that in justice they can go no further than to concede that in case a recovery is had against Crosby and his surties, the amount recovered should be credited to those by whom it was deposited, provided their deposits were made prior to February 1st, 1861.

Your committee are not convinced that such a number of "widows and orphans" made deposits prior to the date specified, as to warrant their being made the entering wedge for breaking into the Treasury in the manner and to the extent contemplated by the resolution under consideration.

For the foregoing and other reasons, they recommend that the resolution do not pass.

J. H. LIPPARD, Chairman Committee on Public Lands.

Newcomb offered the following declaration and asked its reference to the committee on general provisions:

Be it declared by the people of Texas in Convention assembled, that the following shall be a section in the Constitution of this State:

Sec. — All children born in this State out of wedlock, are legitimate for all purposes of law and fact; and it shall be the duty of the Legislature to pass an act enabling such persons to inherit the estates of their parents, and to enforce all the obligations of parents to child.

Referred to committee on general provisions.

Smith of Galveston offered the following as proposed sections to the Constitution, and asked their reference to the executive committee:

Section — There shall be elected by the qualified voters, at stated periods fixed by law, a Comptroller of Public accounts, and a Treasurer, who shall hold their offices until their successors are qualified.

Sec. — The Comptroller shall be the chief fiscal agent of the State; shall have a salary equal to the Governor of the State, and shall have the power to nominate through the Governor to the Senate for confirmation, all Assessors and Collectors of Taxes for the several counties, and to suspend or remove from office for incompetency, neglect of duty, or malfeasance in office, and to appoint their successors subject to the action of the Senate.

Referred to the Executive Committee.

Evans of McLennan offered the following:

Whereas, The people of Texas, on the — day of —, A. D. 1861, were in the enjoyment of, submitting to, and abiding by a good and lawful State government, republican in form, to wit: a State Constitution, framed by delegates in convention assembled, of date August 27, A. D. 1845, and which had been duly accepted by the Congress of the United States of America, of date December 29th, 1845, and laws made in pursuance thereof; and whereas, to wit: on the — day of February, A. D. 1861, a portion of the people of Texas did make an abortive attempt to overthrow the aforesaid Constitution of A. D. 1845, and to transfer their allegiance from the United States of America to another government; and whereas, said attempt to overthrow the said State government and to transfer their allegiance to another government, engendered a conflict of arms, and whereas, said conflict of arms all civil State government in Texas was lost; and whereas, the Congress of the United States of America has graciously permitted the people of Texas to meet in Convention to frame a State constitution and civil government in Texas. Therefore, we, the delegates of the people of Texas, in their name and for them, do declare that the Constitution of A. D. 1845, with the following additions, subtractions, changes and alterations, shall, when accepted by the Congress of the United States, be the State Constitution for the people of Texas.

(Additions, subtractions, changes and

alterations noted according to the Constitution as found printed in Oldham & White's Digest.

1st. Add to bill of rights.

Sec. 22. All persons, without regard to race, color, or previous condition (except Indians not taxed, born or naturalized in the United States, and inhabitants of this State, are citizens of this State. They shall have and enjoy the same civil and political rights and privileges, and be subject to the same duties, burdens, pains, and penalties.

2d. In Article 3, Sec. 1, line first, strike out the word "free;" in line four strike out "Republ. c." and insert "State;" in line six strike out "Africans and descendants of Africans."

3d. In Art. 3, Sect. 2, strike out entire section.

4th. In Article 3, Section 6, line three, strike out "Republic" and insert "State."

5th. In Art. 3, Sect. 11, line three, strike out word "Republic" and insert word "State."

6th. Arrange Art. 3, Sects. 29, 30 according to report of committee on apportionment.

7th. Arrange Art. 2, Sect. 32, according to report of committee on apportionment.

8th. In Art. 3, Sect. 33, strike out all of said section after the word "government" in line three.

9th. In Art. 3, Sect. 34, line two, strike out "three" and insert "six" and in line "three" strike out three and insert "six."

10th. Strike out Section 35, Art. 3, entire, and insert in stead thereof as follows:

The city of — shall be the capital of Texas for a period of twenty years, commencing in 1870, and until otherwise located by the people.

11. In Art. 4, Sec. 2, line one, strike out "two" and insert "four."

12. Art. 4, Sec. 5, strike out entire and insert:

Sec. 5. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and they shall hold their offices for a period of four years.

13. In Art. 4, Sec. 6, line two, strike out the word "appointed," and in three strike out twice and insert "three times."

14. In line two; Sect. 7, Art. 4, strike out the words "two thousand" and insert "four thousand," and in line three strike out the words "seventeen hundred and fifty," and insert "three thousand."

15. In Art. 4, Sec. 11, lines one and two, strike out the words "who shall be elected by the qualified voters for members of the Legislature," and insert "who shall be appointed by the District Judge of the district," and in line three, after the word "by" insert "the District Judge," in line five, after the word "clerk" strike out the section and insert "to fill the vacancy."

16. Strike out Sec. 12, Art. 4, and insert:

Sec. 12. There shall be elected by the qualified electors of the State, an Attorney General, and a District Attorney for each Judicial District who shall hold their offices for four years, and said Attorney General shall receive a salary of four thousand dollars annually, and said District Attorneys the sum of one thousand dollars each annually and such perquisites as may be fixed by law.

17. In Art. 4th, Sec. 13, line two, strike out the word "sheriff," and in line five strike out the word "sheriffs," and strike the last sentence and insert in its stead, "The District Judge shall appoint one sheriff for each county in his district, who shall hold his office for four years, subject to removal by the District Judge, and by indictment and conviction."

18. In Art. 5th, Sec. 4th, line one, strike out two and insert "four;" and in line three strike out the words "for more than four years in any term of six years," and insert "in re-election."

19. In Art. 5, Sec. 5, line three, strike out "two" and insert "four."

20. In Art. 5, Sec. 13, line eight, strike out the words "the Lt. Governor," and the words "House of Representatives and no more," and insert "The Lt. Governor shall receive such salary, as by law may be fixed, and he shall receive the sum of two thousand dollars annually until fixed by law."

21. In Art. 7, Sec. 6, and the following sentence, And any ballot, or vote, cast for any person who by the laws of the United States, or this State, is ineligible to the office for which he is voted for, shall be deemed and held null and void; and the person or persons who are eligible and having the greatest number of votes shall receive the certificate or evidence of election.

22. Art. 7, Sec. 22, line four, after the word "lots" insert the words "excluding impotents;" and in line five strike out the word "hereafter."

23. Strike out entire Art. 7 and Sec. 27, and insert:

Sec. 27. Taxation shall be equal and uniform throughout the State. All property shall bear tax in proportion to its value, to be ascertained by laws, except such property as the Legislature may by a two-thirds vote of both Houses exempt. And the Legislature shall have power to levy trade, income, occupation and profession taxes. And all lands in Texas upon which the taxes, State, county, corporation, or railroad, shall not be paid at any time for three consecutive years, shall forfeit ipso facto to the State of Texas, for the use and benefit of the county where situated, and for a school purpose, and the Legislature shall at its first session make and keep in force laws under which all forfeitures of land shall be declared

in the courts of the county.

24. In Art. 7, Sec. 30, strike out the entire section and insert the following:

Sec. 30. The county courts for police purposes, or other officers exercising the functions now exercised by said court, shall have power to pledge the faith and credit of their respective counties to aid in the construction of railroads, or other internal improvements, in the form of bonds or subscriptions. And they shall have the power to assess and collect a tax on all taxable property in the county, not to exceed two per cent. annually upon the value of the property.

25. Add the following section:

Sec. 37. All forced sales of real estate in Texas, by sheriffs, marshalls, assessors and collectors, assignees in bankruptcy, constables or other officers, administrators and executors for the purpose of paying debts of decedents, and by guardians of minors, shall be made in parcels not less than twenty nor more than one hundred acres, and the Legislature at its first session shall provide for the division of land sold by the officers selling.

26. Strike out Art. 8 entirely.

27. Strike out Art 11 entirely.

Evans of Titus offered the following resolution:

Resolved, that the special committee on lawlessness and violence be instructed to produce to the convention or to any member of the convention who may desire to examine the same, all the testimony on which the report of June 30th, is based, especially the records of the State Department, particularly the official reports of the Clerks of the District Courts.

2nd. The records of the Freedmen's Bureau.

3rd. The sworn statements of the witnesses.

Mr. Evans of Titus moved the suspension of rules to allow consideration of resolution.

Convention refused to suspend rules.

Smith of Galveston offered the following and asked its reference to committee on general provisions.

Sec. — That all ordinances and resolutions passed by any convention of the people, and all acts and resolutions of any Legislature conflicting or inconsistent with the constitution of the United States and the statutes thereof, and with this constitution, and in derogation of the existence or position of this State as one of the States of the United States of America, are hereby declared null and void from the beginning.

Referred to committee on general provisions.

Thomas offered the following resolution:

Resolved, That the Secretary be instructed to discontinue all newspapers heretofore ordered for the use of this convention except 500 copies of the Austin Daily Republican which he is authorized to continue at a cost not to exceed ten cents for each number.

Evans of McLennan in the chair. Davis of Necess asked a suspension of the rules to take up resolution respecting the sending of Mr. Hamilton of Bastrop and Mr. Caldwell to Washington.

Rules suspended.

Davis offered the following amendment to the original resolution:

Amend, by inserting at the end of the original resolution:

3d. The appointment by this convention of Registrars of voters previous to the coming election.

4th. Such other matters as may be referred to the action of Congress by this convention.

Resolved 2d. That the sum of eight hundred dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds at the disposal of this convention to pay the expenses of travel of said committee in going to and returning from Washington.

Summer moved the adoption of the amendment. Seconded.

Caldwell moved that Mr. Evans of Titus be permitted to occupy the floor 30 minutes over the time allowed by the rules.

Leave granted.

Wright moved the special order of the day at 10 o'clock be postponed until after the consideration of resolution before the convention.

On motion the rule as to the regular hour of adjournment was suspended.

On motion the convention adjourned at 11 o'clock this afternoon.

4 o'clock, P. M.

Roll called. Quorum present.

Question recurred upon the adoption of the amendment, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Burnett, Carter, Coleman, Constant, Curtis, Deane, Evans of McLennan, Faye, Fleming, Foster, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Horn, Johnson of Harris, Johnson of Calhoun, Jordan, Keely, Kendall, Keochlet, Lee, Lindsay, Lippard, Long, Mackey, McComick, McWashington, Mills, Mundine, Monroe, Newcomb, Patten, Phillips of San Augustine, Phillips, Wharton, Posey, Boggs, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Telford, Thomas, Watson, Whitman, Williams.

(Continued on first page.)

