

Mr. Navarro moved to strike out the word "frontier" in the resolution of the committee. Lost.

The question was then taken on the resolution of the committee, and adopted—by ayes and noes as follows :

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Davis, Darnell, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Taylor, Van Zandt, White, Wood, Wright and Young—54.

No—Mr. Evans.

Mr. Mayfield moved that a copy of the resolution be transmitted to the President of Texas by the Secretary. Carried.

Mr. Everts presented the memorial of Horace Bunham, praying to be admitted as a member of this body, from the "Trinity Colony," which was referred to the committee on Privileges and Elections.

After various motions to adjourn, on motion of Mr. Forbes, the Convention adjourned until to-morrow morning at half past 8 o'clock.

TUESDAY MORNING, July 8, 1845.

The Convention met pursuant to adjournment.

Present, Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Burroughs, Brown, Caldwell, Cazneau, Cunningham, Clark, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of L., Latimer of R. R., Love, Lumpkin, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Taylor, Van Zandt, White, Wood and Young.

Quorum present—prayer by the Chaplain—the journal of the preceding day read and adopted.

Mr. Jewett, chairman of the Committee on Rules, reported as follows:

COMMITTEE ROOM, July 8, 1845.

Hon. THOS. J. RUSK,

President of the Convention :

The committee appointed to prepare standing rules for the Convention, ask leave to make the following report: in framing the rules herewith submitted, they have endeavored to preserve a due regard to freedom in debate, and the despatch of public business.

HENRY J. JEWETT,
Chairman.

Which report was laid on the table, to come up among the orders of the day.

Mr. Love introduced the following resolution :

Resolved, That the Committee on General Provisions be instructed to report a "Bill of Rights," to be prefixed to the Constitution.

Which was adopted.

Mr. Davis offered the following resolution :

Resolved, That the Rev. Chauncey Richardson be requested to deliver a discourse upon the subject of education, in the Convention Hall, this day at half past 11 o'clock, A. M.

Mr. Lipscomb offered an amendment, by way of substitute :

Resolved, That the Hall of the Convention be tendered to the Rev. C. Richardson, or any other persons who may choose to deliver an address upon the subject of education, after the Convention shall have adjourned for this day.

Mr. Clark offered the following resolution :

Resolved, That the President of the Convention appoint a standing committee upon the subject of education.

Mr. Young moved that said committee consist of fifteen members. Lost.

Mr. Brown offered the following resolution :

Resolved, That the subject of education be referred to the Committee on the State of the Nation. Lost.

Mr. Lewis offered the following resolution :

Resolved, That the subject of education be referred to the special consideration of the Committee on General Provisions.

Lost.

The question was then taken on the resolution of Mr. Clark, for appointing a standing committee on education, and carried.

On motion of Mr. Moore, the committee was ordered to consist of seven members.

The report of the Committee on Privileges and Elections, on

the memorial of the citizens of Galveston, and Jefferson W. Oliver, was taken up.

On motion of Mr. Burroughs, the question was divided.

The first question in the report of the committee, is as follows :

“Your committee are fully persuaded, that in making up their decision, they *cannot go beyond* the proclamation of the President, apportioning the number of delegates; for howver informal, and without authority, the action of the President may have been, its ratification by the Legislative Department of the Government, and general acceptance by the people, have clothed the same with all the force and effect of a law of the land.”

The question being taken on this part of the report of the committee, was adopted by the House, by the ayes and noes as follows :

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cuney, Darnell, Davis, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Van Zandt, White, Wood, Wright and Young—51.

Noes—Messrs. Cunningham and Evans—2.

The question was now taken on the second part of the report of the committee, unfavorable to the claims of Memucan Hunt as a member from Galveston county; which part of said report was adopted by the House.

The question was then taken on the third part of the report of the committee, unfavorable to the claims of Jefferson W. Oliver, as a delegate from Sabine county, and adopted by the House.

Mr. Navarro announced to the House, that his colleague, Volney E. Howard, one of the delegates from Bexar county, was present; and, on his motion, Mr. Howard came forward, presented his credentials, and took his seat.

On motion of Mr. Hemphill, the President appointed a committee of two, consisting of Messrs. Hemphill and Caldwell, to wait upon the Hon. A. J. Donelson, Chargé d’Affaires of the United States, and invite him to a seat within the bar of the Convention.

Mr. Henderson offered the following resolution, expressive of the gratitude of this Convention, to Ex-President Tyler and his Cabinet :

Resolved, That the early and resolute stand taken by John

Tyler, whilst he was President of the United States, to restore Texas to the bosom of the republican family, has secured to him the gratitude and veneration of the people of Texas.

Resolved, That the like sentiments are due to the assistance afforded Mr. Tyler, by the able members of his cabinet, who, with a noble enthusiasm, espoused the cause of annexation as a national question; and co-operated faithfully in securing its consummation, by the passage of the law which has enabled the people of Texas to become a portion of the Union.

Resolved, That the President of the Convention be directed to furnish a certified copy of these resolutions to Mr. Tyler, and to each member of his cabinet, viz: Hon. John C. Calhoun, George M. Bibb, W. Wilkins, John Y. Mason, John Nelson, Charles A. Wickliffe, and to the family of A. P. Upshur, dec'd, and the family of G. W. Gilmer, dec'd.

Which was unanimously adopted.

Mr. Miller, from the Committee on Privileges and Elections, made the following report:

COMMITTEE ROOM, July 9, 1845.

To the Hon. the President of the Convention :

Your committee, to whom was referred the memorial of W. B. Ochiltree, setting forth that he is entitled to the seat in this Convention now occupied by the Hon. Charles S. Taylor, as one of the delegates from the county of Nacogdoches, and praying that he may be placed in possession of the same, have had the same under consideration; and after a full examination of the vouchers and evidences accompanying the memorial, and a due consideration of the principles involved in the settlement of the question, ask leave to make the following report :

From the evidence and vouchers before the committee, they have been enabled to arrive at the following facts:

The election held at the Saline was informal, and without the authority of law. The returns of said election were received by the Chief Justice of Nacogdoches county, and taken into the general count of the votes received by the several candidates, as if received from a regularly appointed precinct, and strictly according to law; that of the votes taken at said precinct, "Hugh Ochiltree" received nine votes; that no such individual resides in the county of Nacogdoches; that W. B. Ochiltree was the only Ochiltree then a candidate before the people of Nacogdoches, for a seat as delegate in the Convention; that the nine votes given for "Hugh Ochiltree," were intended for "W. B. Ochiltree;" that giving to W. B. Ochiltree these nine votes, the aggregate num-

ber of votes received by him, would be 242, leaving a majority over the Hon. Charles S. Taylor, of three votes; and that the said W. B. Ochiltree received, therefore, the third highest number of votes cast by the citizens of Nacogdoches.

With these facts before them, your committee are of opinion that, in deciding between the claims of the memorialist and the present occupant of the seat claimed, they can only be directed by what they deem to be the express will of the electors. From the best evidence before them, and the peculiar circumstances of the case, your committee are satisfied that the nine votes polled for "Hugh Ochiltree," were clearly intended for W. B. Ochiltree; and that the said W. B. Ochiltree, having received the third highest number of votes polled, is, therefore, duly entitled to a seat in this Convention, as the third delegate from the county of Nacogdoches.

Your committee submit the facts above stated to the consideration of the Convention, and recommend the adoption of the following resolution:

Resolved, by this Convention, That W. B. Ochiltree, having received the third highest number of votes given by the citizens of Nacogdoches, at the late election for delegates, is, therefore, entitled to the seat now occupied by the Hon. Charles S. Taylor.

[Signed]

J. B. MILLER,

Chairman.

On motion of Mr. Van Zandt, the report was laid upon the table, for the present.

Mr. Caldwell moved to adjourn until to-morrow morning, 9 o'clock. Lost.

Mr. Mayfield moved 10 o'clock. Lost.

On motion of Mr. Evans, the member from Bowie, Mr. Tarraut, came forward, and took his seat as a member of this body.

On motion of Mr. Mayfield, the House adjourned until 8 o'clock, to-morrow morning.

WEDNESDAY MORNING, July 9, 1845.

The Convention met pursuant to adjournment.

Present—Messrs. President Rusk, Armstrong of R., Armstrong of J., Baylor, Bache, Brashear, Burroughs, Caldwell, Clark, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Gage, Hemp-hill, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Lati-

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