

Mr. Navarro was excused from voting on the question at his own request.

On motion of Mr. Mayfield, the Convention went into committee of the whole, on the said report and resolutions—Mr. Darnell in the chair.

After some proceeding therein, the chairman reported progress, and asked to be discharged from the further consideration of the subject—which leave was granted.

On motion of Mr. Wood, a call of the House was made; and

On motion of Mr. Parker, a further call was dispensed with.

On motion of Mr. Moore, the report of the committee was laid on the table, and the resolution taken up.

Mr. Van Zandt offered the following as a substitute for the resolution of the committee.

*Resolved*, That the seat in the Convention now occupied by the Hon. C. S. Taylor, as a deputy from the county of Nacogdoches, now contested by the Hon. W. B. Ochiltree, be declared *vacant*; and that the same be referred to the people of said county, for the election of a deputy to fill such seat.

After some debate, on motion of Mr. Tarrant, the Convention adjourned until 8 o'clock to-morrow morning.

THURSDAY, July 10, 1845.

The Convention met pursuant to adjournment.

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

The Chair announced the following committee on Education:

Messrs. Clark, Moore, Henderson, Howard, Tarrant, Baylor, Love.

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

c\*

COMMITTEE ROOM, July 10, 1845.

Hon. THOS. J. RUSK,

*President of the Convention :*

The committee to whom was referred the petition of John G. Chambers, praying that he may be admitted to a seat in this Convention, as a delegate from Bowie county, have had the same under consideration, and directed me to make the following report :

They are clearly of opinion, that this case comes under the rule or principle reported by this committee in the case of Galveston and Sabine, and sustained by this House. The committee therefore recommend the adoption of the following resolution :

*Resolved by this Convention,* That John G. Chambers is not entitled to a seat in this House from the county of Bowie.

Which report and resolution were read and laid upon the table to come up among the orders of the day.

Mr. Mayfield introduced the following resolution :

*Resolved,* That a select committee be appointed by the President of the Convention, to consist of seven, whose duty it shall be to enquire into the expediency of ceding and granting to the United States of America, the authority forthwith to occupy and enjoy for the use of the United States forces, all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks and magazines, and all other property and means pertaining to the public defence, belonging to said Republic, exclusive of all arms, armaments, ammunition and munitions of war, which shall be reserved by said Republic until the act of annexation is consummated ; and further, to enquire into the expediency of vesting the Legislature of the State with the power of ceding and granting to the Government of the United States acres of land upon the western, southwestern, and northern frontier and boundaries of the Republic, for the purpose of creating and establishing ports, harbors, forts, barracks, and fortifications upon the Rio Grande, and on the line of frontier from said boundary, through or above the Cross Timbers to the Red River ; and also the propriety of vesting the Legislature with the power of ceding and granting to the United States the public domain of Texas upon the condition of the assumption of the public debt, and making ample provisions for common schools, and educational purposes ; and that the United States pay the expenses incidental to annexation, and of vesting the Legislature with power to ascertain the amount and character of the public debt.

Which resolution was, under the rule, laid on the table one day for consideration.

Mr. Parker presented his credentials as a delegate from Houston county, which, on motion of Mr. Lumpkin, was referred to the committee on Privileges and Elections.

#### THE ORDERS OF THE DAY.

were then taken up.

The question was then taken on the resolution of Mr. Van Zandt, referring back to the people the contested election between Messrs. Taylor and Ochiltree from Nacogdoches county, when the ayes and noes stood as follows:

Ayes—Messrs. Baylor, Cazneau, Clark, Forbes, Horton, Howard, Holland, Kinney, Latimer of L., Love, Mayfield, Power, Scott, Van Zandt, White and Wood—16.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bache, Brashear, Brown, Burroughs, Caldwell, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Henderson, Hicks, Hogg, Hunter, Irion, Jewett, Latimer of R. R., Lewis, Lumpkin, Lipscomb, McGowan, McNeill, Miller, Moore, Navarro, Parker, Rains, Runnels, Smyth, Standefer, Tarrant, Wright and Young—38.

So the resolution was lost.

Mr. Moore moved to recommit the resolution of the committee on Privileges and Elections, to the same committee, with power to send for persons and papers. Lost.

Mr. Moore asked to be excused from voting, which request was refused by the Convention.

On motion of Mr. Wood, a call of the House was made.

The question being taken upon the resolution of the committee on Privileges and Elections, giving to the Hon. W. B. Ochiltree the seat in the contested election between himself and the Hon. C. S. Taylor from Nacogdoches county, the resolution was adopted.

The ayes and noes stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Bache, Brashear, Burroughs, Cunningham, Cuney, Davis, Evans, Everts, Forbes, Hemphill, Henderson, Hogg, Howard, Hunter, Irion, Jewett, Latimer of R. R., Lewis, Love, Lipscomb, McGowan, McNeill, Miller, Moore, Parker, Rains, Runnels, Smyth, Standefer, Tarrant, White, Wright and Young—36.

Noes—Messrs. Armstrong of R., Baylor, Brown, Caldwell, Cazneau, Clark, Darnell, Gage, Hicks, Horton, Holland, Kinney, Latimer of L., Lumpkin, Mayfield, Navarro, Power, Scott, Van Zandt and Wood—20.

On motion of Mr. Wood, Mr. Jewett was added to the committee on General Provisions.

On motion of Mr. Young, Mr. Ochiltree was invited to take his seat in the place of Mr. Taylor.

Mr. Henderson, after a few appropriate remarks, offered the following resolution, which was unanimously adopted.

Whereas, the members of this Convention have learned with emotions of the most profound sorrow, of the death of their distinguished fellow-citizen the Hon. Kenneth L. Anderson, Vice President of the Republic of Texas—

*Be it therefore resolved,* That the members of this Convention will wear the usual badge of mourning for the space of thirty days, as a testimonial of their profound respect for the deceased.

*Resolved,* That the Secretary furnish the family of the deceased with a copy of these resolutions, signed by the President and Secretary of the Convention.

And as a further testimonial of respect for the memory of the deceased, on motion of Mr. Lipscomb, the Convention adjourned until to-morrow morning at half past 8 o'clock.

FRIDAY MORNING, July 11, 1845.

The Convention met pursuant to adjournment.

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

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

Mr. Van Zandt, from the Committee on "Bill of Rights and General Provisions," made the following report:

COMMITTEE ROOM, AUSTIN, July 11, 1845.

To the Hon. THOS. J. RUSK,

*President of the Convention:*

The committee, to whom was referred the Bill of Rights and

# Journals of the Convention, Assembled at the City of Austin on the Fourth of July, 1845, for the Purpose of Framing a Constitution for the State of Texas. - Link Page

<a href="#">Previous</a>	<a href="#">July 9, 1845</a>	<a href="#">25a</a>
--------------------------	------------------------------	---------------------

<a href="#">Next</a>	<a href="#">July 11, 1845</a>	<a href="#">32a</a>
----------------------	-------------------------------	---------------------

[Return to Electronic Index Page](#)