

Ayes—Messrs. Anderson, Armstrong of R., Brown, Cazneau, Clark, Evans, Everts, Hemphill, Holland, Jewett, Latimer of L., Latimer of R. R., Mayfield, Standefer, Tarrant, Van Zandt, Wright and Young—18.

Noes—Messrs. President Rusk, Armstrong of J., Baylor, Bache, Brashear, Caldwell, Cuney, Darnell, Forbes, Gage, Henderson, Hogg, Horton, Howard, Hunter, Irion, Jones, Kinney, Love, Lumpkin, Lipscomb, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Smyth, Ochiltree, White and Wood—33.

So the report and resolutions were rejected.

Mr. Tarrant moved to adjourn until 8 o'clock, to-morrow morning.

Mr. Young moved to adjourn until half after 8 o'clock.

The ayes and noes being called for, stood—ayes, 19; noes, 31.

Mr. Van Van Zandt moved to adjourn until 10 o'clock, to-morrow morning

The ayes and noes being called for, stood—ayes, 19; noes, 32.

Mr. Hicks moved to adjourn until half after 9 o'clock, to-morrow. Lost.

On motion of Mr. Mayfield, the report of the majority of the committee was laid on the table.

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

SATURDAY, July 12, 1845.

The Convention met pursuant to adjournment.

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

The absentees—Messrs. Anderson, Burroughs, Davis, and Kinney, were reported to be sick.

Prayer by the Chaplain—the journal of the preceding day was read and adopted.

The President announced the Select committee contemplated by the resolution of Mr. Mayfield, of Thursday last, enquiring into the propriety of ceding to the United States, certain lands on the Western and South-western frontier, for military purposes, &c. Committee consisted of Messrs. Mayfield, Love, Runnels, Hemphill, Cazneau, Tarrant and Anderson.

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 petition of Horace Bunham, praying that he may be admitted to a seat in the Convention, as a delegate from the settlements adjacent to the three forks of the Trinity, have had the same under consideration, and ask leave to make the following report:

From the evidence before the committee, they have ascertained that the constituents of the memorialist are resident citizens of the adjacent counties of Nacogdoches and Robertson; that the said counties of Nacogdoches and Robertson being already duly represented in the Convention, the prayer of the memorialist should *not* be granted. Your committee therefore recommend the adoption of the following resolution:

Resolved by the Convention, That the counties of Nacogdoches and Robertson being already duly represented in this body; the memorialist is not entitled to a seat as a delegate in this Convention.

J. B. MILLER, Chairman.

Report laid on the table, to come up among the orders of the day.

Mr. Hemphill, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, July 11, 1845.

To the Hon. THOS. J. RUSK,

President of the Convention:

The committee to whom was referred the subject of the Judicial Department of the government, respectfully report that they have had the same under consideration, and recommend the following provisions to be incorporated in the Constitution.

JOHN HEMPHILL, Chairman.

SEC. 1. The judicial power of this state shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the legislature may, from time to time, ordain and establish; and such jurisdiction may be vested in corporation courts, as may be deemed necessary, and be directed by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two associates, any two of whom shall form a quorum.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the state; and the Supreme Court and judges thereof shall have power to issue Writs of Injunction, Mandamuses, Quo-Warrantos, Habeas Corpus, and such other remedial and original writs as may be necessary to give it a general superintendance and control over the District Courts; and shall hold its sessions once every year, between the months of October and June inclusive, at not more than three places in the state.

SEC. 4. The Supreme Court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

SEC. 5. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts.

SEC. 6. The Judges of the Supreme Court, first appointed under this Constitution, shall hold their offices for four years; and all vacancies which may occur during that period, shall be filled for the remainder of the term. The Judges appointed immediately after the expiration of the said term, and to fill all subsequent vacancies, shall hold their offices for seven years.

SEC. 7. The Judges of the District Courts, first appointed under this Constitution, shall hold their offices for three years; and all vacancies which may occur during that period, shall be filled for only the remainder of the term. The Judges of the District Courts, appointed immediately after the expiration of said term, and to fill all subsequent vacancies, shall hold their offices for six years.

SEC. 8. The State shall be divided into convenient Judicial Districts (and each District shall not contain more than seven counties.) For each district there shall be appointed a Judge, who shall reside in the same, and hold the courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

SEC. 9. The Judges of the Supreme Court shall receive a salary not less than _____ dollars annually,

and the Judges of the District Courts a salary not less than _____ dollars annually; and the salaries of the Judges shall not be diminished during their continuance in office.

SEC. 10. All Judges of the Supreme and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas:" all prosecutions shall be carried on in the name and by the authority of the State of Texas, and conclude "against the peace and dignity of the same."

SEC. 11. The District Courts shall have original jurisdiction in all criminal cases, and in all civil cases when the matter in controversy amounts to one hundred dollars: and the said courts and judges thereof shall have power to issue all remedial and original writs that may be necessary to give them a general superintendance and control over inferior jurisdictions.

SEC. 12. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, appoint an Attorney General, who shall hold his office for _____ years; and a District Attorney for each district, who shall hold their offices for two years; and the duties, salaries and perquisites of the Attorney General and District Attorney, shall be prescribed by law.

SEC. 13. There shall be appointed, for each county, a convenient number of Justices of the Peace, one Sheriff, one Coroner, and a sufficient number of Constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as the legislature may direct: Justices of the Peace, Sheriff and Coroner, shall be commissioned by the Governor.

SEC. 14. No judge shall sit in a case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When all or any of the Supreme Court shall be thus disqualified, the court shall certify the same to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of the said case; when the judges of the District Courts are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The

disqualifications of judges of inferior tribunals shall be remedied, as may hereafter be by law prescribed.

SEC. 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates.

On motion, five hundred copies of the report and articles were ordered to be printed.

Mr. Evans made the following counter report:

COMMITTEE ROOM, July 12, 1845.

To the Hon. the President of the Convention:

The undersigned begs leave to state that he dissents, in many respects, from the majority of the committee on the Judiciary: and that he will be ready, in due time, to lay before the Convention his own views in relation thereto.

L. D. EVANS.

Mr. Jewett offered the following resolution:

Resolved, That the committee on the General Provisions of the Constitution be instructed to enquire into the expediency of suspending the colonization contracts made by the President of Texas, by guaranteeing to the colonists actually settled in conformity to the contracts, their rights to land, and authorizing the contractors to institute suits against the State for the recovery of any indemnity to which they may be equitably entitled.

On motion of Mr. Jewett, the rule requiring the resolution to lay on the table for one day, was suspended, and the resolution adopted.

Mr. Cuney offered the following resolution:

Resolved, That the House of Representatives of the first Legislature of the State of Texas, shall consist of sixty-one members; and that for every three representatives there shall be one senator, to be apportioned in this ratio as nearly equal as may be, among the several counties of the republic.

Which resolution was read and laid on the table one day for consideration.

On motion of Mr. Lipscomb, Mr. Forbes was added to the committee on Printing.

Mr. Ochiltree moved that the Convention go into an election of a Reporter.

On motion of Mr. Van Zandt, the motion of Mr. Ochiltree was

so amended that a committee of three was appointed to enquire into the propriety of electing for this body a Reporter.

The President appointed Messrs. Ochiltree, Van Zandt and Cazneau, said committee.

The Convention then proceeded to the

ORDERS OF THE DAY.

The resolution of yesterday for the appointment of an additional clerk to copy the journals for the printer, and to copy reports for committees, &c., was taken up and adopted.

Mr. Ochiltree nominated for that office, H. P. Bee.

Mr. Caldwell " " Alfred Lucket.

Mr. Mayfield " " Joseph Waples.

Messrs. Forbes and Tarrant were appointed tellers.

After counting out the votes, it was found that

H. P. Bee received	20 votes.
A. W. Lucket "	20 "
Jos. Waples "	15 "

Neither candidate having received a majority of all the votes, the Convention proceeded to a second ballot.

The votes being counted, it was found that

H. P. Bee received	28 votes.
A. W. Lucket "	22 "
Jos. Waples "	5 "

H. P. Bee having received a majority of all the votes given, was declared duly elected.

Mr. Ochiltree from the committee to whom was referred the subject of the election of a Reporter, reported that it was expedient that the Convention go immediately into said election.

The rule requiring the resolution to lay on the table one day for consideration, was suspended, and the resolution adopted by ayes and noes, as follows:

Ayes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Baylor, Brashear, Brown, Caldwell, Cazneau, Clark, Cuuey, Darnell, Forbes, Hemphill, Henderson, Hicks, Hogg, Horton, Howard, Holland, Irion, Jewett, Jones, Latimer of L., Lewis, Love, Lumpkin, Mayfield, McGowan, Miller, Moore, Navarro, Runnels, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt and Wright—38.

Noes—Messrs. Bache, Cunningham, Evans, Everts, Gage, Hunter, Latimer of R. R., Lusk, Lipscomb, McNeill, Parker, Power, Rains, Scott, White, Wood and Young—17.

Mr. Hemphill nominated for the office of Reporter, Mr. Wm. F. Weeks.

There being no other nomination, Mr. Weeks was declared duly elected Reporter for the Convention.

On motion of Mr. Cuney, the Convention took up the report of the committee on Privileges and Elections, in the case of John G. Chambers, of Bowie county.

Mr. Darnell moved to re-commit the report to the same committee. Lost.

On motion of Mr. Wright, the report of the committee was so amended as to read "that he is not entitled to his seat under the rule of the Convention."

Mr. Latimer of L., moved to refer the report to a select committee of five. Lost.

And the report of the committee on Privileges and Elections as amended, was adopted by the Convention.

Mr. Tarrant offered the following preamble and resolution:

Whereas, the Chief Justice of Bowie county having issued writs of election, for the election of an additional delegate from said county, and John G. Chambers having received the second highest number of votes polled in said election for delegate, and having, in compliance with the wishes of the voters of Bowie county, attended upon the Convention to obtain a seat as a deputy from said county, Therefore

Be it resolved, That the said John G. Chambers is entitled to receive and draw mileage, at the same rate as the members of this Convention, to be drawn from the fund appropriated by the last session of Congress, to defray the expenses of this Convention.

Which resolution was read and laid on the table one day for consideration.

Mr. Mayfield's resolution of Friday, requiring the committee on Education to enquire into the expediency of setting apart a portion of the annual revenue of the State for the support of common schools, &c., was taken up and adopted.

Mr. Parker's resolution of yesterday, requiring the committee on the Judiciary to take into consideration the propriety of incorporating a provision in our State Constitution, securing to the State the right of adjudicating the land titles of the same, &c., was taken up.

Mr. Lipscomb moved that the resolution lay on the table.

Mr. Love moved its reference to a select committee. Carried.

Mr. Forbes moved a reconsideration of the vote referring the resolution to a select committee, which was carried.

Mr. Moore offered the following resolution as a substitute:

Resolved, That the committee on the Judiciary be, and are hereby instructed to take into consideration how far the title to lands owned by the citizens of Texas will be affected by an adjudication of their rights in the federal courts of the United States, and report to this Convention the result of their deliberations; which was adopted.

Mr. Darnell offered the following resolution:

Resolved, That the committee on General Provisions be instructed to enquire into the expediency of providing by law, at the earliest day practicable, that all, or one-half of the property belonging to the wife by deed, gift, bequest or inheritance, at the time of her marriage, shall remain the property of the wife; and that one-half of the property of the husband at the time of marriage, shall vest in the wife; as also one-half of all property that shall be acquired after marriage, after the payment of all just debts, shall likewise vest in the wife; also, the proceeds of the property belonging to the wife shall be at her own disposal.

Which resolution was read and laid on the table one day for consideration.

Mr. Miller offered the following resolution:

Resolved, That the President of this Convention be, and he is hereby authorized and requested to make a requisition upon the Secretary of the Treasury for six thousand dollars, to be used for the per diem pay and mileage of the members, and the contingent expenses of the Convention.

On motion of Mr. Young, the rule was suspended requiring the resolution to lay on the table one day, and the resolution was taken up and adopted by the Convention.

On motion of Mr. Van Zandt, the Convention adjourned until 9 o'clock to-morrow morning.

MONDAY, July 14, 1845.

The Convention met pursuant to adjournment.

Present—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, 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, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Na-

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