

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-

varro, Parker, Power, Rains, Runnels, Scott, Smyth, Tarrant, Van Zandt, White, Wood, Wright and Young.

Absent—Messrs. Ochiltree, (on account of illness of family,) and Burroughs, sick.

A quorum present—prayer by the Chaplain—the journal of Saturday read and adopted.

Mr. Parker, chairman of the committee on Printing, laid before the Convention certain propositions for the job printing of this body, from Miner & Cruger, which was laid on the table.

The Convention proceeded to the

ORDERS OF THE DAY.

The resolution of Mr. Hogg, of Friday last, authorizing the Hon. Wm. B. Ochiltree (one of the delegates from Nacogdoches county,) to sign the Ordinance adopted by this body of July 4th, was taken up and adopted.

The resolution of Mr. Cuney, providing that the first House of Representatives of the State of Texas shall consist of sixty members, and that for every three representatives there shall be one senator, was taken up, and on motion of Mr. Scott, the resolution was laid on the table.

The resolution of Mr. Tarrant, of Saturday last, authorizing John G. Chambers to receive and draw mileage at the same rate as the members of this body, was taken up.

On motion of Mr. Henderson, Jefferson W. Oliver of Sabine county, was included in the above resolution.

On motion of Mr. Bache, the name of Memucan Hunt of the county of Galveston, was included.

On motion of Mr. Tarrant, the resolution was laid on the table.

The resolution of Mr. Darnell, requiring the committee on General Provisions to enquire into the expediency of providing by law, that property belonging to the wife, shall remain her separate property, &c., was taken up.

On motion of Mr. Young, the last clause of the resolution, providing that the control of the property belonging to the wife, shall be at her own disposal, was stricken out, and the resolution adopted.

Mr. Cunningham offered the following resolution:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of inserting in the Constitution a clause providing for the appointment of an officer in each Judicial district, whose duty it shall be to enquire into, and cause to

be brought before the District Court all cases in their respective districts, of land titles forfeited under the laws of Coahuila and Texas, as well as all lands escheated under any of the laws heretofore existing within the territory of Texas; as also, to enquire into the expediency of setting aside the monies arising from the sale of such lands for the purpose of education, and report thereon to the Convention as soon as practicable.

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

The report of the committee on Privileges and Elections, in the case of Horace Bunham, claiming a seat in this body, from the settlements adjacent to the Three Forks of the Trinity, was taken up, and on motion of Mr. Evans, laid on the table.

On motion of Mr. Horton, the Convention adjourned until 4 o'clock, P. M.

4 O'CLOCK, P. M.

The Convention met pursuant to adjournment—roll called—quorum present.

Mr. Rannels, chairman of the committee on the Legislative Department, made the following

REPORT.

COMMITTEE ROOM, July 11, 1845.

To the Hon. THOS. J. RUSK,
President of the Convention :

The committee on the Legislative Department of the Government, have had under consideration the subject referred to them, and have instructed me to make the following report :

SECTION 1st. Every free white male person who shall be a citizen of the United States, or who is, at the time of the adoption of this Constitution, a citizen of the now Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the county, city, or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans excepted,) shall be deemed a qualified elector.

SEC. 2d. Electors shall, in all cases, except a breach of the peace, treason, or felony, be privileged from arrest during their attendance as electors, and in going to and returning from the same.

SEC. 3d. In apportioning representatives among the several

counties, cities, or towns, entitled to separate representation, regard shall be had to the qualified electors.

SEC. 4th. The legislative powers of this State, shall be vested in two distinct branches, the one to be styled the Senate, and the other the House of Representatives, and both together the "General Assembly of the State of Texas," and the style of their laws shall be, "Be it enacted by the General Assembly of the State of Texas."

SEC. 5th. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general elections, and no longer.

SEC. 6th. All elections by the people, shall be by ballot, until altered by law.

SEC. 7th. No person shall be a Representative, unless he shall be a citizen of the United States, or, at the time of the adoption of this Constitution, a citizen of the now Republic of Texas, and shall have been an inhabitant of this State two years next preceding his election; and the last year thereof, a citizen of the county, city, or town, for which he shall be chosen; and shall have attained the age of twenty-five years at the time of his election.

SEC. 8th. All elections by the people, shall be held at such time and place, or places, in the several counties, cities, or towns, as is now, or may hereafter be designated by law.

SEC. 9th. The whole number of Senators shall, at the several periods of making the enumeration, be fixed by the General Assembly: and apportioned among the several districts, to be established by law, according to the number of qualified electors; and shall never be less than one-fourth, nor more than one-third of the whole number of Representatives.

SEC. 10th. The Senators shall be chosen, by the qualified electors, for the term of four years; and, on their being convened, in consequence of the first election, they shall be divided by lot, from their respective districts, into two classes, as nearly equal as can be. The seats of Senators of the first class, shall be vacated at the expiration of the first two years; and of the second class, at the expiration of four years; so that one-half thereof shall be chosen biennially, thereafter.

SEC. 11th. Such mode of classifying new additional Senators, shall be observed, as will, as nearly as possible, preserve an equality of number in each class.

SEC. 12th. When a Senatorial District shall be composed of

two or more counties, it shall not be separated by any county belonging to another district.

SEC. 13th. No person shall be a Senator, unless he shall be a citizen of the United States, or, at the time of the adoption of this Constitution, a citizen of the now Republic of Texas, and shall have been an inhabitant of this State three years next preceding the election; and the last year thereof, a resident of the district for which he shall be chosen: shall have attained to the age of thirty years, and shall have paid a state and county tax.

SEC. 14th. The House of Representatives, when assembled, shall choose a Speaker, and its other officers; and the Senate shall choose a President, and its other officers. Each House shall judge of the qualifications, and elections, of its own members; but a contested election shall be determined in such manner as shall be directed by law: a majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

SEC. 15th. Each House may determine the rules of its own proceedings, punish members for disorderly behaviour, and, with the consent of two-thirds, expel a member—but not a second time for the same cause.

SEC. 16th. Each House shall keep a journal of its proceedings, and publish the same—excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

SEC. 17th. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election, to fill such vacancies.

SEC. 18th. Senators and Representatives shall, in all cases except of treason, felony, or breach of the peace, be privileged from arrest, during the session of the General Assembly; and in going to and returning from the same—allowing one day for every twenty miles such member may reside from the place at which the General Assembly is convened.

SEC. 19th. Each House may punish, by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence; or for obstructing any of its proceedings: provided such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 20th. The doors of each House shall be kept open, ex-

cept on such occasions as, in the opinion of the House, may require secrecy.

SEC. 21st. Neither House shall, without the consent of the other, adjourn for more than three days—nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

SEC. 22d. Bills may originate in either House, and be amended, altered or rejected, by the other; but no bill shall have the force of a law until, on three several days, it be read in each House, and free discussion be allowed thereon—unless, in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill, having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

SEC. 23d. All bills for raising revenue, shall originate in the House of Representatives; but the Senate may amend, or reject them, as other bills.

SEC. 24th. Each member of the General Assembly shall receive, from the public treasury, a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

SEC. 25th. No Senator or Representative shall, during the term for which he shall have been elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; and no member of either House of the General Assembly shall, after the first session of the Legislature, after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the General Assembly; nor shall the members thereof, be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided for.

SEC. 26th. No Judge of any court of law, or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff, or Collector, or any person holding a lucrative office under the United States, (the office of post-master excepted,) or this State, shall be eligible to the General Assembly: provided, that officers of the militia, to which there is attached no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

SEC. 27th. No person who, at any time, may have been a collector of taxes, or who may have been otherwise entrusted

with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public monies with which he may have been entrusted.

SEC. 28th. Ministers of the Gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel, or Priest, of any denomination whatever, shall be eligible to the General Assembly.

SEC. 29th. Elections for Senators and Representatives, shall be general throughout the State; and shall be regulated by law.

SEC. 30th. The General Assembly shall, at their first meeting, and in the year one thousand eight hundred and fifty, and in not less than every four, nor more than every eight years thereafter, cause an enumeration to be made of all the free white inhabitants, (Indians not taxed, Africans and descendants of Africans excepted,) of the State, designating particularly the number of qualified electors, and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities or towns, entitled to separate representation, according to the number of qualified electors in each; and shall not be less than forty, nor more than sixty-four, until the number of free white inhabitants (Indians not taxed, Africans, and descendants of Africans excepted,) shall be one hundred thousand; and after that event, such ratio that the whole number of representatives shall never be less than sixty, nor more than one hundred.

SEC. 31st. The members of the General Assembly shall, at their first session after the adoption of this Constitution by the Congress of the United States, receive from the treasury of the State, as their compensation, three dollars per day for each day they shall be in attendance on, and three dollars for every twenty miles travelling to and from the place of convening the General Assembly. The first general election for Senators and Representatives of the General Assembly, shall be held on the first Monday and day following in the month of November, one thousand eight hundred and forty-six, and shall be held biennially thereafter, on the first Monday and day following in the month of November.

SEC. 32d. The first session of the General Assembly, after the adoption of this Constitution by the Congress of the United States, shall be held at the city of Austin, the present Seat of

Government, and thereafter, until the year one thousand eight hundred and fifty, and until the Legislature shall otherwise provide by law for a temporary or permanent Seat of Government. Elections for members of the first session of the General Assembly, shall be held on the first Monday and day following of January next, and shall be governed in all respects by the laws of the existing government, regulating elections, and shall be convened by the President of the existing government at the earliest day practicable after the adoption of this Constitution by the Congress of the United States.

All of which is respectfully submitted.

H. G. RUNNELS, Chairman.

On motion of Mr. Caldwell, 500 copies were ordered to be printed.

Mr. Lipscomb offered the following resolution :

Resolved, That a committee be appointed, to consist of seven members, to enquire and report to the Convention the amount of money which can be collected by a reasonable rate of taxation, and what amount will be sufficient to support the State Government for the first year.

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

The President announced the following committee, contemplated by the resolution :

Messrs. Miller, Caldwell, Moore, Tarrant, Holland, Henderson and Smyth.

Mr. Jewett offered the following resolution :

Resolved, That the Secretary direct one of his assistants, to copy for the use of the Convention, the Colonization Contracts made by the President of the Republic, now on file in the General Land Office.

On motion of Mr. Van Zandt, the rule was suspended, and the resolution adopted.

Mr. Holland offered the following resolution :

Whereas, the citizens of the Republic of Texas labor under great inconvenience in the transaction of their business in the General Land Office, owing to the great extent of the territory,
Be it therefore—

Resolved, That the committee on General Provisions be instructed to enquire into the propriety and expediency of establishing a Land Office at the town of Marshall, in the county of

Harrison, for the transaction of the business of the General Land Office, for the counties of

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

On motion of Mr. Moore, the report of the committee on the Executive Department was taken up, and on motion of Mr. Caldwell, it was made the special order of the day for to-morrow.

On motion of Mr. Van Zandt, the report of the committee on the Bill of Rights, was made the special order of the day for 9 o'clock to-morrow morning.

On motion of Mr. Cazneau, the Convention adjourned until to-morrow morning at half past 8 o'clock.

TUESDAY MORNING, July 15, 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, Navarro, Parker, Power, Runnels, Rains, Scott, Smyth, Standefer, Tarrant, Van Zandt, White, Wood, Wright and Young.

Absent—Mr. Burroughs, reported sick,—and Mr. Ochiltree, who obtained leave of absence.

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

Mr. Evans, from the minority of the committee on Privileges and Elections, made the following report:

COMMITTEE ROOM, July 12, 1845.

*To the Hon. THOS. J. RUSK,
President of the Convention:*

The undersigned, dissenting from the majority of the committee on Privileges and Elections, to whom was referred the memorial of Horace Bunham, who claims a seat in this Convention,

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

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