

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,

as deputy from the district of country embracing the settlements at and near the forks of the Trinity river, beg leave to report—

That in the opinion of the undersigned, there is no similarity between this case and any other which has been presented to the consideration of this Convention, but that this case involves all the arguments urged in support of those cases, besides many other potent and equitable considerations, the most important of which are—

First,—That owing to the remote and sequestered situation of the settlements at the Forks of the Trinity, the President's Proclamation recommending the Convention, was not received by them until nine days prior to the time therein recommended for holding the election; that the settlements are comprised within a portion of Nacogdoches and Robertson counties; that it is the distance of two hundred and fifty miles from the nearest point in those settlements, to the town of Nacogdoches, (the county seat of Nacogdoches county)—that it is the distance of one hundred and sixty to one hundred and seventy miles from the place at which this election was held, to Franklin, (the county seat of Robertson county,) and that consequently, it was impossible for these voters to comply with the requisition of the President as in his Proclamation is contained; that this disability originated not by their act or consent, but by reason of the shortness of the time between the receipt of the Proclamation and the time therein specified for holding the election.

Second,—That these settlements, from common dangers and common interests, are cemented into, and actually form a distinct community, cut off by stretches of uninhabited, and, in some districts, uninhabitable country, from the several settlements in the surrounding counties: Therefore it is, that neither Nacogdoches or Robertson, have ever extended their civil or political jurisdiction over these settlements.

Thirdly,—The boundary line separating the counties of Fannin, Robertson and Nacogdoches, are so illy marked and defined, that it is frequently a matter of extreme doubt which of these several counties have the jurisdiction.

Fourthly,—These settlements now number over three hundred citizens, and are filling up more rapidly than any other portion of Texas.

It is a mistake, to suppose that this section of the country is represented by the deputies from Nacogdoches and Robertson;—they have but one representative, the memorialist whose claims are now the subject of consideration.

In view of the foregoing considerations, the undersigned recommends the adoption of the following resolution:

L. D. EVANS.

*Resolved*, That Horace Bunham is entitled to, and that he be permitted to take his seat in this Convention, as deputy from the district of country comprising the settlement at and adjacent to the Three Forks of the Trinity river.

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

The Convention then proceeded to the

### ORDERS OF THE DAY.

The report of the committee on the Bill of Rights and General Provisions of the Constitution, was taken up, and on motion of Mr. Cunningham, it was laid on the table for the present.

The report of the committee on Privileges and Elections, and also the report of a minority of said committee, in the case of Horace Bunham, claiming a seat in this body from the settlements near the Three Forks of the Trinity, was taken up.

On motion of Mr. Evans, the Convention went into committee of the whole, on the substitute offered by a minority of said committee—Mr. Lewis in the chair.

After some proceeding thereon, the committee rose and reported progress, and were by leave of the Convention, discharged from the further consideration of the subject.

On motion of Mr. Evans, Mr Hensley was allowed to appear as attorney, and address the Convention in behalf of the claims of the said Horace Bunham.

Mr. Young moved to lay the report on the table till to-morrow, which was lost.

The question was then taken on the adoption of the substitute as offered by Mr. Evans, giving to Mr. Bunham a seat in this body, as a delegate from the settlements of the Three Forks of the Trinity.

The ayes and noes being called, stood as follows:

Ayes—Messrs. Evans, Everts, Hunter, Latimer of L., Latimer of R. R., Tarrant, Wright and Young—8.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Forbes, Hemphill, Henderson, Hicks, Hogg, Horton, Howard, Holland,

Irion, Jewett, Jones, Kinney, Lewis, Love, Lumpkin, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Van Zandt, White and Wood—48.

So the report of Mr. Evans was rejected.

The question was then taken on the report of the committee on Privileges and Elections, declaring that said Horace Bunham is not entitled to a seat in this body, and the report and resolution of the committee were adopted.

The resolution of Mr. Cunningham of yesterday, instructing the committee on the Judiciary to enquire into the expediency of inserting a clause in the Constitution, providing for the appointment of officers to enquire into and cause to be brought before the District Court for adjudication, land titles forfeited under the laws of Coahuila and Texas, &c., was taken up.

The ayes and noes being called on the adoption of the resolution, stood as follows :

Ayes—Messrs. Anderson, Armstrong of J., Armstrong of R., Brashear, Clark, Cunningham, Everts, Evans, Forbes, Gage, Hemphill, Hunter, Irion, Jewett, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Mayfield, McNeill, Moore, Parker, Runnels, Tarrant, Van Zandt, Wright, Wood, White and Young—29.

Noes—Messrs. President Rusk, Baylor, Bache, Brown, Caldwell, Cazneau, Cuney, Davis, Henderson, Hogg, Horton, Howard, Jones, Kinney, Love, Lusk, Lipscomb, McGowan, Miller, Navarro, Power, Rains, Scott, Smyth and Standefer—25.

So the resolution was adopted.

The resolution of Mr. Holland of yesterday, providing for the establishment of a Land Office at the town of Marshall, was taken up.

Mr. Davis moved to amend, by establishing a Land Office also at the town of Swartwout in Liberty county.

Mr. Latimer of Lamar, moved to strike out "Marshall in Harrison county," and insert "Henderson in Rusk county."

On motion of Mr. Van Zandt, the resolutions and amendments were laid on the table.

On motion of Mr. Van Zandt, the Convention proceeded to the consideration of the Bill of Rights.

Mr. Moore offered a preamble to be prefixed to the Constitution, which is as follows :

#### PREAMBLE.

We, the people of the Republic of Texas, having the right to admission into the Government of the United States of Ame-

rica, in pursuance of a Joint Resolution of the American Congress, entitled a "Joint Resolution for annexing Texas to the United States," approved March 1st, 1845,—in order to establish justice, ensure tranquillity, provide for the common defence, and secure to ourselves and our posterity, the rights of life, liberty and property—acknowledging with grateful hearts the goodness of the great Ruler of the Universe, in affording us an opportunity deliberately and peacefully, without fraud, violence, or surprise, of forming a new Constitution of Government, and devoutly imploring his direction in accomplishing this important object: Do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Texas, and do ordain and establish the following Constitution."

On motion of Mr. Mayfield, the Preamble was referred to the committee on General Provisions.

On motion of Mr. Baylor, the Convention resolved itself into committee of the whole on the Bill of Rights—Mr. Lewis in the chair.

After some proceeding thereon, the committee rose, reported progress, and asked leave to sit again.

Report adopted.

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

4 O'CLOCK, P. M.

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

On motion of Mr. Latimer of R. R., the rule requiring a separate journal of the Committee of the Whole to be kept, was suspended for the present. He also gave notice, that he would on to-morrow, move to dispense with said rule.

On motion of Mr. Cazneau, the Convention went into committee of the whole—Mr. Cazneau in the chair.

After various amendments, therein, the committee rose and reported the Bill of Rights, with the amendments, to the Convention, and asked to be discharged from their further consideration.

Which report was adopted.

On motion of Mr. Van Zandt, the Bill of Rights was taken up by the Convention. The amendments of the Committee of the Whole being first in order, were taken up severally, and adopted by the Convention.

In the latter clause of the second section, Mr. Armstrong of J., moved to strike out "except for public services"—which was lost.

Mr. Forbes offered the following, to come in as Sec. 3 :

"Governments being instituted for the benefit and general welfare of the people, the burthens shall be equally distributed among all classes, and taxation shall be forever uniform and equal."

Which was rejected.

Amendment to Article 4th,—in 6th line, after the word "conscience" insert the words "in matters of religion."

Adopted.

The following was adopted as an addition to the 4th Article :

"But it shall be the duty of the Legislature to pass such laws as shall be necessary to protect every denomination of Christians in the peaceable enjoyment of their own mode of public worship."

On motion of Mr. Hunter, the word "Christians" was stricken out, and the word "religious" inserted before the word "denominations," so as to read "every religious denomination."

The Convention then proceeded to the following, offered as a substitute to the 6th article by the committee :

"And in all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the fact, under the direction of the Court, as in other cases; but the truth shall not avail as a defence, when malice or a corrupt motive is proved."

Which, while under discussion,

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

WEDNESDAY MORNING, July 16, 1845.

The Convention met pursuant to adjournment, and was opened with prayer by the Chaplain.

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, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navar-

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