

said county to fill said vacancy, by choosing another, was also rejected.

The question was then taken on the adoption of the report and resolution of the committee, declaring that Charles B. Stewart is not entitled to a seat in the Convention, as a delegate from Montgomery, and carried.

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

FOUR O'CLOCK, P. M.

The Convention met pursuant to adjournment—Roll called—Quorum present.

On motion of Mr. Davis, the Convention took up the

ORDERS OF THE DAY.

The amendment of the committee to the 30th section of the report of the standing committee on the Legislative Department, being first in order,

On motion of Mr. Cunningham, a call of the Convention was had.

Mr. Darnell offered the following, as an amendment to the amendment of the committee, in the 30th section: "provided that foreigners shall not be included in the numerical strength, until they shall have become citizens, according to the laws of the United States."

On motion of Mr. Mayfield, the report was laid on the table, and made the special order of the day for to-morrow.

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

FRIDAY MORNING, JULY 25, 1845.

The Convention met pursuant to adjournment—Prayer by the Chaplain.

Present—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Burroughs, Bagby, 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., Love, Lumpkin, Lusk,

Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Ochiltree, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, White, Wood, Wright and Young.

The journal of the preceding day was read and adopted.

Mr. Lewis offered the following resolution :

Resolved, That the committee on the Judiciary Department of the Constitution, be instructed to enquire into the propriety of authorizing the Legislature to establish separate chancery courts, whenever it shall be deemed expedient to do so.

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

Mr. Howard offered the following resolution :

Resolved, That as much of the report of the Legislative committee, as relates to the basis of representation, the period of taking the first census, and the apportionment of representation until that time, be referred to a select committee of _____ members, with directions to report upon the same.

Which resolution was laid on the table one day for consideration; the motion to suspend the rule being lost by ayes and noes, as follows :

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brown, Caldwell, Cazneau, Cunningham, Cuney, Forbes, Hemphill, Hogg, Horton, Howard, Hunter, Irion, Jewett, Jones, Kinney, Love, Lipscomb, Mayfield, McGowan, Miller, Moore, Power, Runnels, Ochiltree, White and Wood—31.

Noes—Messrs. Bagby, Brashear, Burroughs, Clark, Darnell, Davis, Evans, Everts, Gage, Henderson, Hicks, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, McNeill, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Van Zandt, Wright and Young—26.

On motion of Mr. Davis, the special order of the day was taken up, being the amendment of the committee of the whole, to the 30th section of the report of the committee on the Legislative Department. Mr. Darnell withdrew his amendment to the amendment of the committee.

On motion of Mr. Mayfield, the amendment of the committee to the said 30th section, and all other sections of the report, that relate to the basis of representation, and the subject of taking the census, was referred to a special committee; upon which the ayes and noes were called, and stood as follows :

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brown, Caldwell, Cazneau,

Cunningham, Cuney, Forbes, Hemphill, Hogg, Horton, Howard, Hunter, Irion, Jewett, Jones, Kinney, Love, Lipscomb, Mayfield, McGowan, Miller, Moore, Power, Runnels, Ochiltree and White—31.

Noes—Messrs. Bagby, Brashear, Burroughs, Clark, Darnell, Davis, Evans, Everts, Gage, Hicks, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, McNeill, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Van Zandt, Wood, Wright and Young—26. Carried.

Mr. Jewett moved that the committee consist of three members from eastern Texas, three from the middle, and three from the western district of the country; which was carried: and,

On motion of Mr. Rusk, three were added from the northern division of the country.

On motion of Mr. Moore, the President was invited to serve on said committee.

The amendment of the committee of the whole, as a substitute to the 31st section, is as follows:

“The first election for Senators and Representatives under this Constitution, shall take place on the _____ day of _____ and shall be conducted as near as practicable, according to the law now in force, regulating elections; and the Senators and Representatives so elected, shall continue in office until the _____ day of _____, 1846, when a general election shall be held for Senators and Representatives, throughout the State, according to law; who shall hold their offices for the term prescribed in this Constitution. The Senators thereafter shall be elected every four, and the Representatives every two years, at such times, places, and in such manner as the Legislature may hereafter prescribe by law:” which was read and adopted by the Convention.

The additional section of the committee, to the 33d section, was also adopted, and is as follows:

“The members of the Legislature shall, at their first session, receive from the Treasury of the State, as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles travelling to and from the place of convening the Legislature.”

The following additional section of the committee was adopted as the last section of the report of the committee on the Legislative Department:

In order to settle permanently the seat of government, an election shall be holden throughout the State, at the usual places of holding elections, on the first Monday in March, 1850, which

shall be conducted according to law; at which time the people shall vote for such place as they may see proper, for the seat of government: the returns of said elections to be transmitted to the Governor, by the first Monday in June. If either place voted for shall have a majority of all the number of votes cast, then the same shall be the permanent seat of government until the year _____, unless the State should sooner be divided. But in case neither place voted for shall have a majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election, to be holden in the same manner, on the first Monday in October, 1850, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the Governor; and the place having the highest number of votes, shall be the seat of government for the time herein provided.

On motion of Mr. Rusk, the report was ordered to lie on the table, and the Secretary required to make out a fair copy, embodying amendments.

On motion of Mr. Anderson, the report of the committee on the Judiciary Department was taken up, after various motions to adjourn.

On motion of Mr. Scott, the Convention resolved itself into committee of the whole, Mr. Horton in the chair. After some time spent therein, the committee rose, and through their chairman, reported progress, and asked leave to sit again. Which report was adopted.

On motion, the Convention adjourned until half-past 3 o'clock.

HALF-PAST THREE O'CLOCK, P. M.

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

On motion, the Convention resolved itself into committee of the whole, on the report of the committee on the Judiciary Department—Mr. Moore in the chair. After some proceeding therein, the committee rose, and through their chairman, reported progress, and asked leave to sit again; which report was adopted.

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

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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