

So the section was adopted.

Mr. Mayfield moved to lay the Bill of Rights on the table.—  
Lost.

On motion of Mr. Cazneau, the Bill of Rights was ordered to be engrossed.

Mr. Mayfield offered the following resolution :

“*Ordered*, That the Convention for the future, shall hold but one session per day, which shall be held between the hours of one-half past 8 o'clock, A. M., and 4 o'clock, P. M. of each day, (Sundays excepted.)”

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

Mr. Mayfield moved to adjourn until half past 8 o'clock to-morrow.

The ayes and noes being called, stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J, Armstrong of R., Baylor, Bache, Brashear, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Evans, Gage, Hemphill, Henderson, Hogg, Horton, Irion, Jewett, Jones, Latimer of L., Lewis, Love, Lumpkin, Lusk, Lipscomb, Mayfield, McNeill, Miller, Power, Rains, Runnels, Smyth, Standefer, Tarrant and White—39.

Noes—Messrs. Bagby, Everts, Hicks, Latimer of R. R., McGowan, Parker, Scott, Ochiltree, Wright and Young—10.

So the Convention adjourned until half-past 8 o'clock to-morrow morning.

#### THURSDAY MORNING, July 31, 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, Burroughs, Bagby, Caldwell, Clark, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Gage, Hemphill, 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, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

Quorum present—the journal of the preceding day was read and adopted.

On motion of Mr. Davis, the report of the Executive Committee was taken up.

Mr. Young moved to amend the 2d section, by inserting, after the word "electors," the words "of the State." Adopted.

The section, as amended, was then adopted.

Mr. Jones moved to strike out, in 3d section, 7th line, the words "the highest number of votes," and insert "a majority of all the votes." Rejected.

Mr. Bache moved to insert "after election," in 3d section, 1st line, the words "signed by the judges." Lost.

In the 4th section, 2d line, before the word "years," Mr. Van Zandt moved to strike out "four," and insert "two."

Upon which the ayes and noes were called, and stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brashear, Burroughs, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Gage, Hemphill, Hicks, Hogg, Horton, Holland, Irion, Jewett, Latimer of L., Latimer of R. R., Lumpkin, Lusk, Mayfield, Rains, Scott, Standefer, Tarrant, Van Zandt, Wright and Young—32.

Noes—Messrs. Brown, Caldwell, Evans, Everts, Forbes, Henderson, Hunter, Jones, Kinney, Lewis, Love, Lipscomb, McGowan, M'Neill, Miller, Navarro, Parker, Power, Smyth, Ochiltree and White—21.

So the amendment was adopted.

Mr. Hogg moved to insert, in the 4th section, 5th line, before the words "citizen of the United States," the word "native."

Upon which the ayes and noes were as follows:

Ayes—Messrs. Armstrong of R., Hogg, Lusk, McGowan, and Young—5.

Noes—Messrs. President Rusk, Anderson, Bagby, Baylor, Bache, Brashear, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Horton, Howard, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, Lipscomb, Mayfield, McNeill, Miller, Navarro, Parker, Power, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Wright—50.

So the motion was rejected.

On motion of Mr. Van Zandt, the word "eight," before "years," was stricken out, and "six" inserted.

Mr. Scott moved to strike out the following: "but shall not be eligible for more than four years, in any term of six years."

Upon which the ayes and noes were called, and stood as follows:

**Ayes**—Messrs. President Rusk, Armstrong of R., Baylor, Burroughs, Evans, Everts, Forbes, Howard, Lumpkin, Parker, Scott, Standefer and White—13.

**Noes**—Messrs. Anderson, Bagby, Bache, Brashear, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Navarro, Power, Rains, Runnels, Smyth, Tarrant, Ochiltree, Van Zandt, Wright and Young—44.

So the motion was lost.

Mr. Davis offered the following amendment to the 4th section: "and at the first election, shall have resided in this State two years; and in all other elections, shall have resided in the State four years." Rejected.

Mr. Evans moved to strike out, in 4th section, "and shall have resided in the same four years." Lost.

Mr. Young offered the following amendment:

Strike out all after "age," in the 5th line, 4th section, and insert "shall be a citizen of the U. S.; shall have resided four years in the State immediately preceding the election; or shall be a citizen of Texas at the adoption of this Constitution."

Mr. Henderson moved, as a substitute for the amendment of Mr. Young, to strike out "four," and insert "three," before years, in the 4th section, 7th line, of the original report.

Mr. Horton moved the previous question.

The question—shall the main question be now taken? was put.

Upon which the ayes and noes were called, and are as follows:

**Ayes**—Messrs. Armstrong of J., Armstrong of R., Bagby, Bache, Brashear, Burroughs, Cunningham, Cuney, Forbes, Gage, Hemphill, Hicks, Horton, Howard, Holland, Irion, Kinney, Latimer of L., Latimer of R. R., Lewis Love, Lusk, Lipscomb, McNeill, Miller, Navarro, Power, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree and Wright—34.

**Noes**—Messrs. President Rusk, Anderson, Baylor, Brown, Caldwell, Cazneau, Clark, Darnell, Davis, Evans, Everts, Henderson, Hogg, Hunter, Jewett, Lumpkin, Mayfield, McGowan, Parker, Runnels, Van Zandt, White and Young—23.

Carried.

The main question being the adoption of the section without the amendments, was put and carried.

In 5th section, in regard to compensation of Governor, Mr. Burroughs moved to strike out "\$2,000," and insert "\$1,500."

A division of the question being called for, the question upon striking out was taken ;

Upon which the ayes and noes were called for, and stood as follows :

Ayes—Messrs. Anderson, Baylor, Bagby, Brashear, Burroughs, Caldwell, Davis, Evans, Everts, Forbes, Hicks, Hogg, Hunter, Jewett, Latimer of L., Latimer of R. R., M'Gowan, Parker, Rains, Runnels, Scott, Standefer and White—23.

Noes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Bache, Brown, Cazneau, Clark, Cunningham, Cuney, Darnell, Gage, Hemphill, Henderson, Horton, Howard, Holland, Irion, Jones, Kinney, Lewis, Love, Lumpkin, Lusk, Lipscomb, Mayfield, McNeill, Miller, Navarro, Power, Smyth, Tarrant, Ochil-tree, Van Zandt, Wright and Young—35.

So the question on striking out, was lost.

Mr. Hunter moved to strike out the word "first," before "Governor," in 5th section. Lost, and the section adopted.

Mr. Howard moved to strike out, in the 6th section, 2d line, the words "and of the militia."

Mr. Love offered the following amendment to the 6th section :

"But the Governor shall not take command in person, when the army is in actual service."

Rejected, and the section adopted.

Mr. Van Zandt offered the following substitute for the 12th section :

"There shall be a Seal of State, which shall be kept by the Governor, and used by him officially. The said seal shall be a star of five points, encircled by an olive and live-oak branches, and the words—'The State of Texas.'"

Adopted.

Mr. Lewis moved to strike out the 4th section.

Upon which the ayes and noes were called, and stood as follows :

Ayes—Messrs. Anderson, Armstrong of R., Bache, Brashear, Burroughs, Darnell, Davis, Hicks, Hogg, Horton, Howard, Holland, Hunter, Irion, Jones, Latimer of L., Lewis, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Parker, Rains, Scott, Standefer and Ochiltree—27.

Noes—Messrs. President Rusk, Armstrong of J., Bagby, Baylor, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Jewett, Kinney, Latimer of R. R., Love, Mayfield, Miller, Navarro, Power, Runnels, Smyth, Tarrant, Van Zandt, White, Wright and Young—31.

So the motion was lost.

In 15th section, 5th line, Mr. Lewis moved to strike out "two-thirds," and insert "a majority."

The same motion having been put and lost, on a previous day, the President decided the motion not to be in order; from which decision Mr. Henderson appealed, and the chair was sustained.

Mr. Lipscomb moved to strike out the entire section.

Mr. Forbes moved the previous question.

The question—shall the main question be now taken? was put.

Upon which the ayes and noes were called, and stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of R., Bagby, Baylor, Bache; Brashear, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Forbes, Hemphill, Henderson, Hicks, Horton, Holland, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Love, Mayfield, Miller, Navarro, Rains, Runnels, Scott, Van Zandt, White, Wright and Young—35.

Noes—Messrs. Armstrong of J., Brown, Darnell, Davis, Evans, Everts, Gage, Hogg, Howard, Hunter, Lewis, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Parker, Smyth, Standefer, Tarrant and Ochiltree—21.

Carried.

The main question being the adoption of the section,

The ayes and noes were called, and stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of R., Bache, Bagby, Brashear, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Forbes, Gage, Hemphill, Henderson, Horton, Howard, Holland, Jewett, Jones, Latimer of L., Latimer of R. R., Love, Lumpkin, Mayfield, McNeill, Miller, Navarro, Parker, Rains, Runnels, Scott, Smyth, Van Zandt, White, Wright and Young—38.

Noes—Messrs. Armstrong of J., Baylor, Brown, Darnell, Davis, Evans, Everts, Hicks, Hogg, Irion, Lewis, Lusk, Lipscomb, McGowan, Standefer, Tarrant and Ochiltree—17.

So the section was adopted.

In 16th section, Mr. Lewis moved to insert, after the words "two Houses," the words "of the Legislature." Adopted.

Mr. Love offered the following as an additional section, to come in between the 16th and 17th sections:

"Nominations to fill all vacancies that may have occurred during the recess, shall be made to the Senate, during the first ten days of its session; and should any nomination so made, be rejected, the same individual shall not again be nominated, during

the session, to fill the same office; and should the Governor fail to make nominations to fill any vacancy, during the session of the Senate, such vacancy shall not be filled by the Governor, until the next meeting of the Senate." Adopted.

Mr. Howard offered a substitute for the 19th section, providing for the appointment of a State Treasurer and Comptroller of Public Accounts—to be appointed by the Governor, and confirmed by two-thirds of the Senate, which was decided to be out of order.

The ayes and noes being called, on the adoption of the section as it stood, was as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Gage, Hemphill, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Navarro, Parker, Rains, Runnels, Scott, Smyth, Standefer, Ochiltrie, Van Zandt, White, Wright and Young—50.

Noes—Messrs. Forbes, Howard, Lumpkin, Power, and Tarrant—5.

Carried.

Mr. Jones moved the rejection of the 2d section, relating to the militia.

Upon which the ayes and noes were called, and stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Brown, Caldwell, Cazneau, Davis, Gage, Hemphill, Henderson, Hogg, Jones, Latimer of L., Lumpkin, Lusk, Mayfield, McGowan, Miller, Parker, Rains, Runnels, Tarrant, Ochiltrie, White and Young—25.

Noes—Messrs. Armstrong of R., Baylor, Bagby, Bache, Brashear, Burroughs, Clark, Cunningham, Cuney, Darnell, Evans, Everts, Forbes, Hicks, Horton, Howard, Holland, Hunter, Irion, Jewett, Kinney, Latimer of R. R., Lewis, Love, Lipscomb, McNeill, Navarro, Power, Scott, Smyth, Standefer, Van Zandt and Wright—33.

Lost.

Mr. Hunter moved to strike out the word "shall," and insert the words "may be required to." Lost.

Mr. Anderson moved to insert, before the words "conscientious scruples," "from cowardice or."

Mr. Young offered the following substitute for the 2d section:

"No licensed Minister of the Gospel shall be required to do

military duty, work on roads, or serve on juries, in this State."

Mr. Latimer of L., moved the previous question.

The question—shall the main question be now taken? was put.

Upon which the ayes and noes were called, and stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of R., Baylor, Bagby, Bache, Brashear, Burroughs, Clark, Cunningham, Davis, Evans, Forbes, Gage, Hemphill, Henderson, Hicks, Horton, Holland, Irion, Jewett, Jones, Kinney, Latimer of L., Lewis, Lumpkin, Lusk, Mayfield, Miller, Navarro, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree and Van Zandt—38.

Noes—Messrs. Armstrong of J., Brown, Caldwell, Cazneau, Darnell, Everts, Hogg, Howard, Hunter, Latimer of R. R., Love, Lipscomb, McNeill, Power, Runnels, White and Young—17.

Carried.

The main question being the adoption of the section, the ayes and noes were called, and stood as follows:

Ayes—Messrs. Armstrong of R., Baylor, Bache, Bagby, Brashear, Burroughs, Clark, Cunningham, Evans, Everts, Forbes, Hicks, Horton, Howard, Holland, Hunter, Irion, Latimer of L., Latimer of R. R., Lewis, Love, Lipscomb, McNeill, Navarro, Power, Scott, Smyth, Standefer and Van Zandt—29.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Brown, Caldwell, Cazneau, Darnell, Davis, Gage, Hemphill, Henderson, Hogg, Jewett, Jones, Kinney, Lumpkin, Lusk, Mayfield, Miller, Parker, Rains, Runnels, Tarrant, Ochiltree, White and Young—26.

The substitute for the 2d section, offered by Mr. Young, having been cut off by the previous question, was re-offered by him, as an additional section.

Mr. Lewis moved to amend it, by inserting, after the word "Gospel," the words "so long as they continue to exercise the functions of their office."

Which motion was lost.

The ayes and noes being called, on the adoption of the section, stood thus:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brown, Caldwell, Cazneau, Clark, Darnell, Davis, Forbes, Gage, Hemphill, Hogg, Horton, Holland, Hunter, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, McNeill, Miller, Navarro, Parker, Power, Rains, Runnels, Smyth, Standefer, Tarrant, Ochiltree, White and Young—41.

Noes—Messrs. Burroughs, Cunningham, Evans, Everts, How-

ard, Henderson, Hicks, Irion, Lumpkin, Mayfield and Scott—11.

So the section was adopted.

Mr. Cazneau moved to lay the report on the table. Lost.

Mr. Parker moved the engrossment.

Mr. Burroughs moved an adjournment to 4 o'clock, P. M.; and,

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

#### FRIDAY MORNING, Aug. 1, 1845.

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

Present—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brashear, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Gage, 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, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

Quorum present—the journal of the preceding day was read and adopted.

Mr. Brown was excused from attendance on the Convention, in consequence of sickness.

Mr. Holland moved to reconsider the vote of yesterday, adopting the 4th section of the report of the committee on the Executive Department.

Upon which the ayes and noes were called, and stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Bagby, Baylor, Caldwell, Cazneau, Clark, Darnell, Davis, Evans, Everts, Forbes, Gage, Horton, Holland, Hunter, Jones, Latimer of R. R., Love, Lipscomb, McGowan, McNeill, Miller, Navarro, Parker, Power, Runnels, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Young—35.

Noes—Messrs. Armstrong of R., Bache, Burroughs, Cunningham, Hemphill, Hicks, Hogg, Howard, Irion, Jewett, Kinney, Latimer of L., Lewis, Lumpkin, Lusk, Rains, Scott and Wright—18.

So the vote was reconsidered.

On motion of Mr. Ochiltree, the vote on the previous question to adopt the 4th section, was reconsidered.



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