

SATURDAY MORNING, Aug. 2, 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, 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, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

Messrs. Moore and Wood absent on account of sickness.

The journal of the preceding day was read and adopted.

The President of the Convention announced the following special committee, on the communication of the Commissioner of the General Land-Office:—Messrs. Davis, Henderson, Tarrant, Lipscomb, Baylor, Everts and Jewett.

Mr. Parker offered the following resolution :

“Resolved, That this Convention will adjourn *sine die*, on the day of instant, at 6 o'clock P. M.

Which was laid on the table one day, for consideration,

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

ORDERS OF THE DAY.

The amendment of Mr. Ochiltree to the report of the committee on General Provisions, being first in order,

Mr. Cazneau moved that the Convention resolve itself into committee of the whole, on said report. Lost.

Mr. Mayfield moved to strike out, in the 6th section, 2d and 3d lines, “nor shall any appropriation be made for a longer term than two years.” Which was lost.

Mr. Smyth offered the following, as an amendment to the amendment of Mr. Ochiltree:

After the word “purposes,” insert “or for purposes of internal improvement.”

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

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Bagby, Burroughs, Clark, Cuney, Davis, Evans, Everts, Forbes, Henderson, Hogg, Howard, Hunter, Irion, Jones, Latimer of L.,

Latimer of R. R., Lewis, Love, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Miller, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Tarrant, Ochiltree and Young—37.

Noes—Messrs. Armstrong of R., Baylor, Bache, Brashear, Brown, Caldwell, Cazneau, Cunningham, Darnell, Gage, Hemphill, Hicks, Horton, Holland, Jewett, Kinney, Mayfield, Standefer, Van Zandt, White and Wright—21.

So the amendment was adopted.

Mr. Forbes offered the following, as an addition to the 6th section :

After the word "law," in the 5th line, "appropriations for the payment of the judiciary shall be first made; and if there shall be any deficiency in the treasury; such deficiency shall fall upon the other departments of the Government; and, in no case, shall the Legislature have power to issue treasury warrants, treasury notes, or paper of any description, intended to circulate as money."

Mr. Van Zandt moved to strike out that portion of the resolution relating to judges.

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

Ayes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Baylor, Brashear, Bache, Bagby, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, 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, Runnels, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Wright—53.

Noes—Messrs. Anderson, Burroughs, Forbes, Howard and Young—5.

So the clause in relation to the judges was stricken out.

The question was then taken on the latter clause of the amendment, providing that in no case shall the Legislature have the power to issue treasury warrants, &c.

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

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Bache, Brashear, Brown, Caldwell, Cazneau, Clark, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Horton, Howard, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, Lipscomb, Miller, Navarro, Power, Rains, Runnels, Scott, Standefer, Tarrant, Van Zandt, Wright and Young—45.

Noes—Messrs. Burroughs, Cunningham, Henderson, Hicks,

Hogg, Lumpkin, Mayfield, McGowan, McNeill, Parker, Smyth, Ochiltree and White—13:

So the amendment was adopted.

Mr. Wright offered the following, to come in after the words "two years," in 6th section: "except for objects of education."

Which was adopted.

The question was then taken on the 6th section, as amended, and adopted by the Convention.

In section 7th, 1st line, on motion of Mr. Love, the words "for the State at large," were stricken out; also, in 7th line, same section, the word "each" was stricken out, and "such" inserted; and the last "such," in the same line, was stricken out.

Mr. Forbes moved to insert, in 5th line, after the word "county," the word "officer," so as to read "county officer." Carried.

Mr. Lipscomb offered the following as a proviso to the 7th section:

"*Provided*, however, that the provisions of this section shall only apply to such offices as may be filled by the qualified voters of the county or district."

Mr. Howard moved as a substitute to Mr. Lipscomb's amendment, to strike out all of the section after the word "law," in 3d line.

On motion of Mr. Gage, the 7th section, together with all the amendments of the same, was referred to a special committee—Messrs. Gage, Howard, Ochiltree, Mayfield, and Everts, were appointed said committee.

In section 8, Mr. Caldwell moved to strike out all after the word "Constitution," and insert "shall be fixed by the Legislature." Which motion was lost.

The section was then adopted, without amendment.

Mr. Cunningham moved to strike out the 9th section; which motion was lost, and the section adopted.

In section 10, Mr. Mayfield offered the following amendment: After the word "officers," in 2d line, insert "who may wilfully neglect the performance of any duty assigned by law."

Which was adopted; and the section, as amended, was adopted.

On motion of Mr. Burroughs, the 11th section was stricken out.

In the 12th section, Mr. Forbes offered the following amendment, in 3d line:

Strike out "as member of the Legislature," and insert "to," so

as to read "eligible to hold or exercise any office of profit or trust under this State."

Which amendment was rejected, and the section adopted without amendment.

Mr. Hicks moved to strike out the 13th section; which motion was lost.

In second line of said section, Mr. Evans moved to strike out the words "for public officers." Which motion was lost.

Mr. Cunningham offered the following amendment:

Strike out, in 1st line, after the word "who," the words "are now or;" and insert, in the 2d line, after the word "become," the words "after the passage of such law."

Which was rejected.

On motion of Mr. Forbes, the words "are now or," in 1st and 2d lines, were stricken out; and,

On motion of Mr. Rusk, the 13th section, as amended, was stricken out.

Mr. Horton moved to add to the 14th section, the following:

"And for the erection of a penitentiary, at as early a day as practicable." Which was adopted.

Mr. Young moved to strike out the words "civil and," so as to read in "criminal cases only." Lost.

Mr. Henderson moved to strike out the section.

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

Ayes—Messrs. Anderson, Armstrong of J., Bache, Burroughs, Caldwell, Clark, Cunningham, Henderson, Kinney, Latimer of L., Latimer of R. R., Mayfield, Miller, Navarro, Runnels, Smyth, Tarrant and White—18.

Noes—Messrs. President Rusk, Armstrong of R., Bagby, Baylor, Brashear, Brown, Cazneau, Darnell, Davis, Evans, Everts, Forbes, Gage, Hogg, Horton, Howard, Holland, Hunter, Irion, Jewett, Jones, Lewis, Love, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Parker, Power, Rains, Scott, Standefer, Ochiltree, Van Zandt and Young—36. So the motion was lost.

Mr. Darnell moved to strike out the words "shall," and insert the word "may," so as to read "the Legislature may erect a penitentiary," &c. Motion lost.

Mr. Mayfield moved to insert, after the word "penitentiary," the words "and a public school in each county, for the education of the poor;" which motion was debated at some length, and no action taken thereon.

On motion of Mr. Forbes, the Convention adjourned until half-past 8 o'clock, Monday 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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