

WEDNESDAY MORNING, Aug. 6, 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, M'Gowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Young.

The journal of the preceding day was read and adopted.

Mr. Jones moved to strike out of the journal of yesterday, all that part in relation to the resolution fixing the time of the meeting and adjournment of this body.

Motion lost.

On motion of Mr. Evans, Mr. Jewett was added to the special committee appointed on yesterday to enquire into the amount of land claims issued by this Government, &c.

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

ORDERS OF THE DAY.

The report of the committee on General Provisions, being first in order,

In the 27th section, first and second lines, on motion of Mr. Lipscomb, the words "on which taxes may be levied," were stricken out.

Mr. Lipscomb offered the following as an addition to the 27th section:

"Provided, That the term "occupation" shall not be construed to embrace the right to pursue farming, or the exercise of any mechanical trade."

Which was adopted.

Mr. Love offered the following, to come in at the end of the 27th section, after the amendment of Mr. Lipscomb:

"In assessing lands for taxation, the valuation shall be without reference to any improvement made."

Which was rejected.

Mr. Davis offered the following amendment to the 27th section:

"Provided, the Legislature shall have power to exempt from

taxation, a certain amount of property, which shall not exceed two hundred dollars to each family." Which was rejected.

Mr. Jewett moved the reconsideration of the vote adopting the amendment of Mr. Lipscomb to the 27th section.

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

Ayes—Messrs. Bagby, Bache, Brashear, Clark, Evans, Hogg, Jewett, Moore, Runnels, Smyth and Van Zandt—12.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Brown, Burroughs, Caldwell, Cazneau, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Gage, Henderson, Hicks, Horton, Howard, Hunter, Irion, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Miller, Navarro, Parker, Power, Rains, Scott, Standefer, Tarrant, Ochiltree, White and Young—42.

So the motion was lost.

Mr. Van Zandt moved to insert in the third line, after the word "law," the following:

"Provided, the Legislature shall have power to exempt from taxation, the buildings and appurtenances of religious, literary and charitable institutions."

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

Ayes—Messrs. President Rusk, Armstrong of R., Baylor, Bagby, Bache, Brown, Burroughs, Caldwell, Cazneau, Clark, Cuney, Darnell, Davis, Evans, Forbes, Gage, Henderson, Hogg, Horton, Howard, Hunter, Irion, Jewett, Jones, Kinney, Latimer of R. R., Lewis, Love, Lusk, Lipscomb, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Tarrant, Ochiltree, Van Zandt and Young—45.

Noes—Messrs. Anderson, Armstrong of J., Cunningham, Hicks, Lumpkin, Standefer and White—7.

So the amendment was adopted.

Mr. Howard moved to strike out all after the word "state" in the first line, 27th section.

Mr. Van Zandt moved as a substitute to Mr. Howard's motion to strike out all the section, except the last clause.

Which was accepted by Mr. Howard.

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

Ayes—Messrs. Anderson, Armstrong of R., Bagby, Bache, Clark, Evans, Hogg, Howard, Kinney, Love, McNeill, Moore, Runnels, Smyth, Standefer, Tarrant, Van Zandt, White and Young—19.

Noes—Messrs. President Rusk, Armstrong of J., Baylor, Brashear, Brown, Burroughs, Caldwell, Cazneau, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Gage, Henderson, Hicks, Horton, Hunter, Irion, Jewett, Jones, Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McGowan, Miller, Navarro, Parker, Power, Rains, Scott and Ochiltree—35.

So the motion was lost.

Mr. Van Zandt moved to adjourn until 4 o'clock. Lost.

Mr. Armstrong moved to adjourn until 3 o'clock, P. M. Lost.

Mr. Forbes offered the following amendment, as an addition to the 27th section:

"And further provided, That such income or license tax shall not exceed in amount what would be a uniform ad valorem tax upon the sum taxed as income, or stock vested in such occupation, trade or profession; but this restriction shall not extend to any calling, occupation or business, the prohibiting or restricting of which shall be deemed necessary for the public good and morals." Which was rejected.

Mr. Smyth offered the following as a substitute for the 27th section:

"Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained in such manner as the Legislature shall by law direct. The Legislature shall have power to lay an income tax, and a license tax upon such pursuits and occupations as they may think proper. The Legislature shall also have power to exempt from taxation, a part of all the property belonging to churches, universities, colleges, schools, and such other public institutions as may be of public utility; also, an amount of property belonging to every family, not exceeding in value."

Mr. Caldwell moved that the Convention adjourn until 4 o'clock, P. M.

The ayes and noes being called on adjournment, stood thus:

Ayes—Messrs. President Rusk, Armstrong of R., Baylor, Bache, Brashear, Caldwell, Cazneau, Clark, Darnell, Evans, Hogg, Horton, Hunter, Irion, Jewett, Jones, Kinney, Lewis, Love, Lusk, Lipscomb, Miller, Moore, Navarro, Parker, Power, Rains, Scott, Smyth, Standefer, Tarrant, Van Zandt and White—33.

Noes—Messrs. Anderson, Armstrong of J., Bagby, Brown, Burroughs, Cunningham, Cuney, Davis, Everts, Forbes, Gage, Henderson, Hicks, Howard, Latimer of R. R., Lumpkin, McGowan, McNeill, Ochiltree and Young—20. Carried.

4 O'CLOCK, P. M.

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

Mr. Van Zandt offered the following as a substitute for Mr. Smyth's substitute:

Strike out all after the word "state," in first line, to the word "the" in fourth line, and insert "all property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of the Legislature may think proper to exempt from taxation."

Mr. Smyth then withdrew his amendment.

Mr. Howard offered the following amendment to the amendment of Mr. Van Zandt, to come in at the end of said amendment:

"But the Legislature shall have power to levy a specific tax upon gold and silver plate, pleasure carriages, billiard and all other gaming tables, playing cards, furniture of foreign manufacture, and all malt, vinous and spirituous liquors and distilleries."

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

Ayes—Messrs. Baylor, Burroughs, Evans, Gage, Hogg, Howard, Hunter, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, Navarro, Power and White—17.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Bache, Brown, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Everts, Forbes, Hemphill, Henderson, Hicks, Horton, Irion, Jewett, Lumpkin, Lipscomb, McGowan, McNeill, Miller, Moore, Parker, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree and Van Zandt—36.

So the amendment was rejected.

Mr. Lipscomb offered the following amendment to Mr. Van Zandt's amendment:

"But no such exemption shall extend beyond the next succeeding session of the Legislature."

Rejected.

The ayes and noes were then called on the adoption of Mr. Van Zandt's amendment, and stood thus:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bagby, Bache, Clark, Darnell, Davis, Evans, Everts, Hemphill, Horton, Jewett, Kinney, Latimer of L., Latimer of R. R., Lumpkin, McGowan, McNeill, Miller,

Moore, Navarro, Parker, Power, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt and Young—34.

Noes—Messrs. Brown, Burroughs, Caldwell, Cazneau, Cunningham, Forbes, Gage, Henderson, Hicks, Hogg, Howard, Hunter, Irion, Jones, Lewis, Love, Lusk, Lipscomb and Runnels—29. Adopted.

Mr. Evans offered the following as a substitute for the 27th section as amended:

“That all property subject to be taxed in this State, shall be taxed in proportion to its value.”

Mr. Horton moved the previous question, which motion was carried.

The main question being the adoption of the 27th section as amended,

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

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bagby, Bache, Clark, Cunningham, Davis, Everts, Gage, Hemphill, Hicks, Horton, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lipscomb, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt and Young—39.

Noes—Messrs. Brown, Burroughs, Caldwell, Cazneau, Darnell, Evans, Forbes, Henderson, Hogg, Howard, Hunter, Love, Lusk, Runnels and White—15.

So the section as amended was adopted.

Mr. Ochiltree offered the following as an additional section, to come in after the 28th section:

“The Legislature of this State shall be precluded from passing laws authorizing the sale of intoxicating liquors in quantities less than one gallon.”

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

Ayes—Messrs. Baylor, Bagby, Cunningham, Davis, Hicks, Hogg, Howard, Lusk, McNeill and Ochiltree—10.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bache, Brown, Burroughs, Caldwell, Cazneau, Clark, Darnell, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Horton, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, Lipscomb, McGowan, Moore, Miller, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, White and Young—44.

Which was rejected.

Mr. Hogg offered the following as an addition to the 28th section:

"Provided, that the Legislature may provide by law for the establishment of one State Bank for the use of the State."

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

Ayes—Messrs. Hogg, Kinney, Lumpkin and White—4.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Horton, Howard, Hunter, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, Lipscomb, McGowan, McNeill, Miller, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt and Young—49.

So the amendment was rejected.

In the 28th section, Mr. Hunter moved to strike out all after the word "shall" to the word "banking," and insert the word "exercise."

Which motion was lost.

The question was then taken on the adoption of the 28th section.

The ayes and noes being called, stood thus:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Horton, Howard, Hunter, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McNeill, Miller, Navarro, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Young—46.

Noes—Messrs. Hicks, Hogg, Kinney, Love, McGowan, Power and Runnels—7.

So the section was adopted.

The 29th section was adopted.

In 30th section, on motion of Mr. Rusk, the blank was filled with "twenty," so as to read, "no corporation hereafter to be created, shall ever endure for a longer term than twenty years, &c."

On motion of Mr. Anderson, 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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