

cers of inferior tribunals, shall have jurisdiction in the trial of causes when the penalty for the violation of a law is fine or imprisonment, (except in cases of contempt,) the accused shall have the right of trial by jury."

Which was adopted by the Convention.

Mr. Young offered the following, as a substitute for the fifth section:

"The Judges of the Supreme and District Courts shall be elected by joint vote of both houses of the Legislature, and shall hold their offices for six years."

The chair decided that amendments might be made to the report of the committee on the Judiciary. From which opinion Mr. Howard appealed.

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

#### MONDAY MORNING, Aug. 11, 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, 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, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

Quorum present.

On motion of Mr. Gage, Mr. Howard was excused from attendance on the Convention in consequence of sickness.

The journal of Saturday was read and adopted.

Mr. Hunter moved to re-consider the vote adopting the additional section offered by Mr. Gage, exempting two hundred and fifty dollars worth of household property from taxation.

Mr. Hunter moved to lay the motion on the table. Lost, and vote re-considered.

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

**Ayes**—Messrs. President Rusk, Armstrong of R., Bache, Brashear, Cazneau, Cuney, Darnell, Davis, Evans, Gage, Henderson, Hogg, Holland, Irion, Jewett, Jones, Kinney, Latimer of L., Lewis, Love, Lipscomb, Navarro, Parker, Power, Rains, Runnels, Standefer and Ochiltree—28.

**Noes**—Messrs. Anderson, Armstrong of J., Baylor, Bagby, Caldwell, Clark, Cunningham, Everts, Forbes, Hicks, Horton, Hunter, Latimer of R. R., Lusk, McGowan, McNeill, Miller, Moore, Scott, Smyth, Tarrant, Van Zandt, White, Wright and Young—26.

So the section was adopted.

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

### ORDERS OF THE DAY.

The appeal of Mr. Howard from the decision of the Chair, deciding that amendments could be made to the report of the Judiciary committee, before the same had been engrossed, being before the Convention, was taken up, and the Chair was sustained.

Mr. Young's substitute for 5th section of report of the Judiciary committee, providing for the election of Judges of the Supreme and District Courts, by joint vote of both Houses of the Legislature, being before the Convention, Mr. Davis called for a division of the question. The question on striking out the original section was taken.

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

**Ayes**—Messrs. Armstrong of J., Armstrong of R., Bagby, Cazneau, Cuney, Darnell, Davis, Evans, Gage, Hemphill, Holland, Hunter, Jewett, Latimer of L., Latimer of R. R., Lewis, Lusk, McGowan, McNeill, Scott, Smyth, Wright and Young—23.

**Noes**—Messrs. President Rusk, Baylor, Bache, Brashear, Brown, Caldwell, Clark, Cunningham, Everts, Forbes, Henderson, Hicks, Hogg, Horton, Irion, Jones, Kinney, Love, Lumpkin, Lipscomb, Mayfield, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Standefer, Tarrant, Ochiltree, Van Zandt and White—33.

So the Convention refused to strike out.

Mr. Mayfield moved to amend the substitute offered by Mr. Young, by striking out the words "by the Legislature," and insert "by the people."

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

**Ayes**—Messrs. Bache, Brown, Clark, Cuney, Evans, Hicks, Hogg, Holland, Lewis, Love, Lumpkin, Lipscomb, McNeill, Parker, Power, Rains, Standefer, Tarrant and Ochiltree—19.

**Noes**—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Brashear, Caldwell, Cazneau, Cunningham, Darnell, Davis, Everts, Forbes, Gage, Hemphill, Henderson, Horton, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lusk, Mayfield, McGowan, Miller, Moore, Navarro, Runnels, Scott, Smyth, Van Zandt, White, Wright and Young—38.

Lost.

The question was then taken on Mr. Young's substitute, and rejected.

The ayes and noes stood as follows:

**Ayes**—Messrs. Armstrong of J., Armstrong of R., Bagby, Cazneau, Clark, Cunningham, Darnell, Davis, Evans, Gage, Hemphill, Holland, Hunter, Jewett, Latimer of L., Latimer of R. R., Lewis, Lusk, McGowan, McNeill, Smyth, Van Zandt, Wright and Young—24.

**Noes**—Messrs. President Rusk, Anderson, Baylor, Bache, Brashear, Brown, Caldwell, Cunningham, Everts, Forbes, Henderson, Hicks, Hogg, Horton, Irion, Jones, Kinney, Love, Lumpkin, Lipscomb, Mayfield, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Standefer, Tarrant, Ochiltree and White—33.

Mr. Darnell moved to strike out the words "by the Senate," and insert "two-thirds of both Houses of the Legislature," in 5th section. Lost.

Mr. McNeill offered the following substitute for the 5th section:

"The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their offices for six years. The Judges of the District Court shall be elected by the qualified electors of their respective districts, and shall hold their offices for four years." Rejected.

Mr. Forbes offered the following amendment:

Add to the 5th section, "And upon the expiration of the regular term, or the unexpired portion of any regular term for which any Supreme or District Judge shall have been elected, the same shall be re-nominated by the Governor, subject to the approval by the Senate, as in the first instance of his nomination."

On motion of Mr. Gage, the word "shall" before the words "be re-nominated," was stricken out, and the word "may" inserted.

Mr. Ochiltree moved the previous question.

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

The main question being the adoption of the 5th section, the ayes and noes were called, and stood thus :

Ayes—Messrs. President Rusk, Anderson, Baylor, Bache, Bra-shear, Brown, Caldwell, Everts, Forbes, Hemphill, Henderson, Hicks, Hogg, Horton, Jones, Kinney, Love, Lumpkin, Lipscomb, Mayfield, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Standefer, Tarrant, Ochiltree and White—31.

Noes—Messrs. Armstrong of J., Armstrong of R., Bagby, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Gage, Holland, Hunter, Irion, Jewett, Latimer of L., Latimer of R. R., Lewis, Lusk, McGowan, McNeill, Scott, Smyth, Van Zandt and Young--25.

So the section was adopted.

Section 1st adopted.

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

“The Supreme Court shall consist of three Judges, who shall choose the presiding officer, and two however shall form a quorum to do business.”

Rejected.

Mr. Caldwell offered the following amendment to the 2d section:

Strike out all after “associates” in 2d line, and insert the following: “until such time as the Legislature may deem it expedient to increase the same to three associates, a majority of whom shall at any time form a quorum.”

Lost.

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

“The Supreme Court shall consist of two Judges until the Legislature may increase its number to four.”

Rejected.

The section was then adopted.

Mr. Scott offered the following substitute for the 3d section:

“The Supreme Court shall have appellate jurisdiction co-extensive with the limits of the State in such cases, and under such rules and regulations as shall be prescribed by law; and said Court and the Judges thereof shall have power to issue writs of *habeas corpus*, and such other remedial and original writs as may be necessary to give it a general superintendance and control over the District Courts, and shall hold its sessions at such times and places as the Legislature may prescribe.”

Rejected.

Mr. Armstrong of J., moved to amend after the words "quo warranto," by inserting the words "prohibition and certiorari."

Lost.

Mr. Love offered the following amendment to the 3d section :  
Add, "Provided, the original jurisdiction and control shall only extend to enforcing its own judgments, and compelling the District Judges to proceed to the trial and judgment in a case."

Adopted.

On motion of Mr. Runnels, the vote just taken on the adoption of Mr. Love's amendment was re-considered.

The ayes and noes on the re-consideration, stood as follows :

Ayes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Bagby, Bache, Brashear, Caldwell, Clark, Cunningham, Currey, Darnell, Davis, Gage, Henderson, Hicks, Horton, Holland, Jewett, Mayfield, Moore, Navarro, Rains, Runnels, Scott, Smyth, Tarrant and Van Zandt—27.

Noes—Messrs. Anderson, Baylor, Brown, Evans, Everts, Forbes, Hemphill, Hogg, Hunter, Irion, Latimer of L., Latimer of R. R., Love, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Miller, Parker, Standefer, Ochiltree, White and Young—24.

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

Ayes—Messrs. Anderson, Bagby, Baylor, Brown, Cazneau, Cuney, Evans, Everts, Forbes, Hemphill, Hogg, Hunter, Irion, Latimer of L., Latimer of R. R., Love, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Miller, Parker, Runnels, Standefer, Tarrant, Ochiltree, White and Young—29.

Noes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Bache, Brashear, Caldwell, Clark, Darnell, Davis, Gage, Henderson, Hicks, Horton, Holland, Jewett, Mayfield, Moore, Navarro, Rains, Scott, Smyth and Van Zandt—23.

So the amendment was adopted.

Mr. Hemphill offered the following amendment:

In ninth line, 3d section, after the words "District Courts," insert, "And appeals may be taken from interlocutory judgments, under such rules and regulations as may be prescribed by law and the Supreme Court."

Adopted; and the section as amended was adopted.

Section 8th adopted.

Mr. Smyth offered the following as a substitute for the 9th section :

"The Judges of the Supreme and District Courts, shall receive a compensation for their services, which shall neither be increased or diminished during their continuance in office. The

first Judge of the Supreme Court appointed under this Constitution, shall receive two thousand dollars annually; and the first Judges of the District Court shall receive fifteen hundred dollars annually."

Mr. Van Zandt moved the previous question.

The question, shall the main question be now taken? was put and carried.

The main question, the adoption of the 9th section, was put and carried.

Section 10th adopted.

Mr. Standefer offered the following as an additional section:

"The Legislature shall not have power to increase or diminish the salary of the Governor or Judges, for ten years from the adoption of this Constitution by the people."

Which was, on motion of Mr. Rusk, laid on the table.

Section 11th adopted.

On motion of Mr. Hemphill, the report was laid on the table for the present.

The committee on the Judiciary made the following report:

COMMITTEE ROOM, Aug. 11, 1845.

*To the Hon. THOS. J. RUSK,  
President, &c.,*

The committee on the Judiciary, to whom was referred a resolution exempting that portion of the territory of Texas, lying north of thirty-six degrees thirty minutes north latitude, from the operation of the clauses in the Constitution in relation to slavery, and prohibiting within that portion of our limits, slavery or involuntary servitude, except for crimes; also, a resolution declaring that no provision of the Constitution should be so construed as to authorize the passage of any law, by which a citizen of either of the States of the Union, shall be excluded from the enjoyment of any of the immunities and privileges to which he is entitled under the Constitution of the United States,—have had the same under consideration, and have instructed me to report, and respectfully recommend for adoption the following amendment to the 3d section of the Schedule as reported by the committee on the General Provisions of the Constitution, viz:

Between the words "repugnant" and "to" in the second line, insert "to the Constitution of the United States, the Joint Resolution for annexing Texas to the United States, or."

This amendment, it is believed, will accomplish every beneficial purpose which could be attained by the adoption of the resolutions referred for our consideration. J. HEMPHILL, Ch'n.

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

On motion of Mr. Moore, the report of the committee on the Judicial Department was again taken up.

In the 12th section, Mr. Armstrong of J., moved to strike out the word "amount" and insert "value." Carried.

Mr. Jewett offered the following amendment to the 12th section:

Strike out all down to the word "interest" inclusive, and insert "The District Courts shall have original jurisdiction of all criminal cases, of all suits in behalf of the State, to recover penalties, forfeitures and escheats, and of all cases of divorce, and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest."

Adopted; and the section as amended adopted.

Section 13th adopted.

In section 14th, Mr. Hemphill moved to fill the first blank with "three years."

Lost; and,

On motion of Mr. Van Zandt, the blank was filled with "two years."

On motion of Mr. Van Zandt, the second blank was filled with "two years."

Mr. Davis offered the following substitute for the 14th section:

"The Legislature shall elect by joint vote of both Houses, one Attorney General for the State, and one District Attorney for each judicial district, who shall hold their offices for the term of two years, and should a vacancy occur, it shall be filled by the Governor until the end of the next session of the Legislature, and their duties, salaries and perquisites shall be prescribed by law."

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

Ayes—Messrs. President Rusk, Armstrong of J., Baylor, Bagby, Brown, Cazneau, Clark, Darnell, Davis, Gage, Hemphill, Hogg, Horton, Holland, Hunter, Jewett, Kinney, Latimer of R. R., Lewis, Lipscomb, McNeill, Moore, Navarro, Runnels, Standefer and Young—26.

Noes—Messrs. Anderson, Armstrong of R., Bache, Brashear, Caldwell, Cunningham, Cuney, Evans, Everts, Forbes, Henderson, Hicks, Irion, Jones, Latimer of L., Love, Lumpkin, Lusk,

Mayfield, McGowan, Parker, Rains, Scott, Smyth, Tarrant, Ochiltree, Van Zandt and White—28.

So the substitute was rejected.

Mr. Lewis offered the following amendment to the 14th section :

“And there shall be elected by joint vote of both Houses of the Legislature, one District Attorney.”

Mr. Anderson offered the following as a substitute for Mr. Lewis' amendment:

“And there shall be a District Attorney for each district, who shall be elected by the qualified voters thereof.”

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

Ayes—Messrs. Anderson, Armstrong of R., Bache, Brashear, Brown, Caldwell, Clark, Cuney, Evans, Everts, Forbes, Hogg, Holland, Jewett, Latimer of L., Mayfield, McGowan, Parker, Rains, Standefer, Tarrant, Ochiltree, Van Zandt and Young—24.

Noes—Messrs. President Rusk, Armstrong of J., Bagby, Baylor, Cazneau, Cavanaugh, Darnell, Davis, Gage, Hemphill, Henderson, Hicks, Horton, Hunter, Irion, Jones, Kinney, Latimer of R. R., Lewis, Love, Lumpkin, Lusk, Lipscomb, McNeill, Miller, Moore, Navarro, Runnels, Scott, Smyth and White—31.

So the substitute was rejected.

Mr. Rusk offered the following as a substitute for Mr. Lewis amendment, and the entire section, which was accepted by Mr. Lewis:

“There shall be appointed by the Governor, by and with the advice of two thirds of the Senate, one Attorney General, who shall discharge the duties of District Attorney for the district in which the Seat of Government may be situated. There shall be elected by joint vote of both Houses of the Legislature, a District Attorney for each of the other districts, who shall hold their offices for two years, whose salaries and duties shall be prescribed by law.”

Mr. Van Zandt moved to strike out that portion of the substitute which makes the Attorney General the District Attorney in the district in which the Seat of Government is situated.

Mr. Anderson moved the previous question.

The question, shall the main question be now taken? was put and carried.

The main question was the adoption of the section, which was put and carried.

Mr. Lusk moved a re-consideration of the vote adopting the 14th section.

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

Ayes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Baylor, Caldwell, Clark, Cazneau, Darnell, Davis, Gage, Hemphill, Hogg, Horton, Holland, Hunter, Irion, Jewett, Latimer of R. R., Lewis, Love, Lusk, Lipscomb, McNeill, Miller, Parker, Runnels, Scott, Standefer, Tarrant and Ochiltree—30.

Noes—Messrs. Anderson, Bagby, Bache, Brashear, Brown, Cunningham, Cuney, Evans, Everts, Forbes, Henderson, Hicks, Jones, Kinney, Latimer of L., Lumpkin, Mayfield, Moore, Navarro, Rains, Smyth, Van Zandt, White and Young—24.

So the vote was re-considered.

The ayes and noes being then called on the adoption of the 14th section, stood thus:

Ayes—Messrs. Anderson, Bagby, Bache, Brown, Caldwell, Cunningham, Evans, Everts, Forbes, Henderson, Hicks, Jones, Latimer of L., Lumpkin, Lusk, Mayfield, Navarro, Parker, Rains, Smyth, Van Zandt and White—22.

Noes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Baylor, Brashear, Cazneau, Clark, Cuney, Darnell, Davis, Gage, Hemphill, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of R. R., Lewis, Love, Lipscomb, McNeill, Miller, Moore, Runnels, Scott, Standefer, Tarrant, Ochiltree and Young—32.

Lost; and section rejected by refusing to adopt.

Mr. Rusk offered as an additional section to come in as the 14th section, the substitute offered by himself to Mr. Lewis' amendment, which had been cut off by the previous question.

Mr. Hemphill offered the following as a substitute for the additional section offered by Mr. Rusk:

"The Governor shall nominate, and by and with the advice and consent of the Senate, appoint an Attorney General, who shall hold his office for two years; and there shall be elected by joint vote of both Houses of the Legislature, a District Attorney for each judicial district, who shall hold their offices for two years; and the duties, salaries and perquisites of the Attorney General and District Attorneys shall be prescribed by law."

Adopted.

Mr. Rusk moved that that portion of the section which relates to Attorney General, be stricken out.

Lost; and the section adopted.

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

4 O'CLOCK, P. M.

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

The 15th, 16th and 17th sections of the Judiciary Report, were adopted.

Mr. Evans offered the following as an additional section, to come in after the 15th section:

“Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided for by law.”

Adopted.

Mr. Evans offered the following as an additional section:

“The Legislature shall have power to vest in Clerks of courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases, the powers thus granted shall be specified and determined.”

Rejected.

The report of the committee on the Judicial Department of the Government, was ordered to be engrossed.

On motion of Mr. Anderson, such reports as have been ordered to be engrossed, were referred to the committee on Printing, with instructions to have printed a sufficient number for the use of the members.

On motion of Mr. Jewett, the 21st section of the General Provisions, was made the special order of the day for to-morrow.

On motion of Mr. Bagby, the report on the Legislative Department was taken up; and,

On motion of Mr. Young, it was laid on the table for the present.

The resolution offered by Mr. Ochiltree on the 9th inst., providing for the appointment of a committee to supervise the several reports, &c., was taken up and adopted.

The resolution offered by Mr. Davis on the 11th inst., authorizing the appointment of a committee to prepare an Ordinance for the change of the present form of Government for a State Government, was taken up and laid on the table.

The resolution offered by Mr. Burroughs on the 28th ult., to regulate the proceedings of the Convention, was taken up, and laid on the table.

On motion of Mr. Davis, the report on the Legislative Department was again taken up.

Mr. Everts offered the following as a substitute for the first section:

"Every free male person, who shall be a bona fide inhabitant of Texas, at the time of the adoption of this Constitution by the Congress of the United States, and who shall have attained the age of twenty-one years, (Indians, Africans and descendants of Africans excepted,) shall be deemed a qualified elector; and thereafter, all free male persons, who shall be citizens of the United States, and who have resided in this State one year next preceding the day of election, and who shall have attained to the age of twenty-one years, (Indians, Africans and descendants of Africans excepted,) shall be entitled to vote in the county in which they shall reside: Provided, that no officer, soldier, or marine, in the service of the United States, shall be eligible to a vote."

Mr. Davis moved to amend, by restricting Indians from the privilege of voting, until the fourth generation.

Rejected.

Mr. Davis then moved to restrict Indians and their descendants from voting until the Legislature authorize it by enactment.

Lost.

Mr. Hemphill offered the following as a substitute for Mr. Everts' substitute for the first section:

"Every free male citizen, (Indians not taxed, Africans and descendants of Africans excepted,) who at the time being hath attained the age of twenty-one years, and resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except at elections to fill the offices of Governor or Lieutenant Governor: Provided, that no officer, soldier or marine, in the service of the United States, shall be eligible to a vote."

Mr. Jones moved the previous question.

The question, shall the main question be now taken? was put and lost.

The yeas and noes were called for, and were as follows:

Yeas—Messrs. Armstrong of R., Baylor, Bagby, Cunningham, Gage, Henderson, Hicks, Horton, Jones, Latimer of L., Latimer of R. R., Lumpkin, Miller, Navarro, Power, Rains, Tarrant, Ochiltree, Van Zandt and Young—20.

Noes—Messrs. President Rusk, Armstrong of J., Bache, Brown, Caldwell, Clark, Cuney, Darnell, Davis, Evans, Everts, Forbes, Hemphill, Hogg, Holland, Hunter, Irion, Jewett, Lewis, Love,

Lusk, Lipscomb, Mayfield, McGowan, McNeill, Moore, Parker, Scott, Smyth and Standefer—30.

Lost.

The question on Mr. Hemphill's substitute, was taken and carried.

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

**Ayes**—Messrs. Bache, Brashear, Cunningham, Cuney, Evans, Forbes, Hemphill, Love, Lusk, McNeill, Navarro, Power and Ochiltree—13.

**Noes**—Messrs. President Rusk, Armstrong of J., Armstrong of R., Bagby, Baylor, Brown, Caldwell, Cazneau, Clark, Darnell, Davis, Everts, Gage, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of R. R., Lewis, Lumpkin, Lipscomb, Mayfield, McGowan, Miller, Moore, Parker, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, White, Wright and Young—42.

Lost; and section rejected.

On motion of Mr. Moore, the word "now" before the word "Republic," was stricken out.

Mr. Hunter moved to strike out the word "citizen," in third line, and insert "inhabitant."

Lost.

Mr. Brown moved to insert after the word "Constitution," the words "by the Congress of the United States."

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

**Ayes**—Messrs. President Rusk, Armstrong of R., Bache, Brashear, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Davis, Evans, Forbes, Gage, Hemphill, Hogg, Holland, Irion, Kinney, Latimer of R. R., Love, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Young—40.

**Noes**—Messrs. Armstrong of J., Bagby, Baylor, Darnell, Everts, Hicks, Hunter, Jewett, Jones, Lewis, Mayfield and Rains—12.

Carried.

Mr. Scott offered the following amendment to 1st section:

Insert after the word "elector," in eleventh line, "and any such qualified elector who may happen to be in any county, city or town, other than that of his residence, at the time of an election, or who shall have removed to any county, city or town, within six months preceding the election, from any county, city or town

in which he would have been a qualified elector, had he not so removed, may vote for any state or district officer, or member of Congress for whom he could have voted, in the county of his residence, or the county, city or town from which he may have so removed."

Adopted.

Mr. Jewett offered the following amendment, to come in after the word "elector," in the 11th line, and after Mr. Scott's amendment:

"And all free male persons, with the exceptions above stated, who are *bona fide* inhabitants of Texas at the time of the adoption of this Constitution by the people, or the acceptance thereof by the Congress of the United States of America, shall be entitled to and enjoy all the rights and immunities of citizens of this State."

Mr. Forbes moved to refer the section and amendments to the Judiciary committee.

Lost.

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

TUESDAY MORNING, August 12, 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, 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, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

A quorum present—the journal of yesterday was read and adopted.

Mr. Hemphill, chairman of the Judiciary committee, made the following report :

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