

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 :

COMMITTEE ROOM, August 11, 1845.

To the Hon. THOS. J. RUSK,

President of the Convention :

The committee on the Judicial Department of the government, to whom was referred the 18th section of the article on the General Provisions of the Constitution, have had the same under consideration, and have instructed me to report the following substitute for the said section, viz:

18th. It shall be the duty of the Legislature to pass laws more clearly defining the rights, duties, and obligations of the partners in marriage, in relation to their separate and their common property; authorising, also, a suitable provision out of the estate of the deceased wife or husband, for the surviving partner, where the husband or wife may have died rich, leaving the survivor in necessitous circumstances, due regard being had to the children of the deceased.

19th. No law shall ever be passed vesting in the husband, by virtue of the marriage, the separate property of the wife, as now recognized by law, or depriving her of the portion of the common property to which she is now entitled: nor shall the separate property of either partner ever be made liable for the debts of the other, contracted before marriage.

20th. The Legislature shall provide for recording in the proper office, (under suitable penalties for non-performance,) duly authenticated schedules of the separate property of the wife, within not more than twelve months after the marriage or the acquisition of the property.

All of which is respectfully submitted to the honorable Convention for adoption.

JOHN HEMPHILL, Chairman.

A minority of the said committee made the following report:

To the Hon. THOS. J. RUSK,

President of the Convention :

A minority of the committee on the Judiciary, to whom was referred the 18th section of General Provisions of the Constitution, report, that they dissent from the report of the majority of said committee in that respect, and recommend the following as a substitute for the said 18th section, to be adopted by the Convention.

JAMES ARMSTRONG,
R. E. B. BAYLOR.

Substitute for 18th Section.

The property owned by the wife at the time of her marriage, and such property as shall enure to her during coverture, by gift, will, or descent, shall be her own separate property, and one-third part of the property owned by the husband at the time of his death, including the homestead, shall remain to the widow during her widowhood.

Laws shall be passed providing for the registration of the wife's separate property.

Mr. Runnels, chairman of the Legislative committee, made the following report:

COMMITTEE ROOM, August 12, 1845.

To the Hon. THOS. J. RUSK,

President of the Convention:

The Legislative committee, to whom was referred the section to come in after the sixth section of the General Provisions, have had the same under consideration, and have instructed me to report the same, with the following amendment, to wit:

"Provided, that nothing in this section shall be so construed as to affect the claims of persons against the Republic of Texas, as heretofore existing," and recommend its adoption.

H. G. RUNNELS, Chairman.

All of which reports were laid on the table, to come up among the orders of the day.

Mr. Everts offered the following resolution:

Resolved, That a committee of be appointed to enquire into the propriety of dividing Texas into two congressional districts, agreeably to the act of Congress of the United States, of 1842, upon that subject, in order to elect two representatives for the State of Texas, until the year 1853.

On motion of Mr. Mayfield, the rule was suspended, the blank filled with seven, and the resolution adopted.

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

ORDERS OF THE DAY.

The 21st section of the General Provisions being the special order of the day, was,

On motion of Mr. Jewett, laid on the table.

On motion of Mr. Caldwell, the report of the committee on the Legislative department, was taken up.

Mr. Jewett's amendment to the 1st section offered on yesterday, being first in order, was read by the Secretary.

On motion of Mr. Brown, the 1st section and the amendment, as offered by Mr. Jewett, was referred to a select committee, with instructions to report to-morrow.

Messrs. Brown, Everts, Lipscomb, Hemphill and Latimer of R. R., were appointed the committee.

In 2d section, Mr. Love moved to amend by transposing the words, not altering the sense.

Carried.

The section was then adopted.

In the 4th section, Mr. Forbes moved to strike out the word "district," in second line.

Lost; and section adopted.

In 5th section, Mr. Cuney moved to strike out "two years," and insert "one year," in second line.

Mr. Young called for a division of the question.

The question upon striking out, was taken.

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

Ayes—Messrs. Baylor, Bache, Brashear, Cuney, Evans, Everts, Hunter, Latimer of L. Love, Lipscomb, Mayfield, McNeill, Ochiltree and White—13.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Irion, Jewett, Jones, Latimer of R. R., Lewis, Lumpkin, Lusk, McGowan, Moore, Navarro, Parker, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, Wright and Young—42.

So the question on striking out was lost.

Mr. Runnels offered the following amendment:

Add to the 5th section, "the sessions of the Legislature shall be biennial, at such time as the Legislature shall designate."

Mr. Hemphill moved to strike out "biennial," and insert "annual," in the amendment.

Lost.

Mr. Van Zandt moved to amend the amendment by striking out after the words "time as," "the Legislature shall designate," and insert "shall be prescribed by law."

Adopted; and the amendment as amended, adopted.

Mr. Ochiltree offered the following as a substitute for the section as amended:

"Until the year 1850, the members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of one year from the commencement of the general

election, and no longer ; and the sessions of the Legislature until that time, shall be annual. After the year 1850, the members of the House of Representatives shall serve for the term of two years, and no longer ; and the sessions of the Legislature shall be biennial : *Provided*, that the Governor shall have the power to convene the Legislature upon extraordinary occasions."

On motion of Mr. Davis, a call of the Convention was ordered ; and,

On motion of Mr. Moore, the call was suspended.

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

Ayes—Messrs. Bache, Brashear, Everts, Hemphill, Hunter, Love, Mayfield, Navarro, Ochiltree and White—10.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bagby, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Daruell, Davis, Evans, Forbes, Gage, Henderson, Hicks, Hogg, Horton, Holland, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, McGowan, McNeill, Moore, Parker, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, Wright and Young—43.

So the substitute was rejected.

Mr. Clark offered the following amendment, as a substitute for the section :

"Members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election."

Rejected.

Mr. Forbes moved to insert the word "biennially," after the word "chosen."

Lost.

On motion of Mr. Anderson, the vote rejecting the substitute offered by Mr. Clark, was re-considered, and the amendment adopted.

The section as substituted, was then adopted.

Mr. Forbes offered the following, as an additional section, to come in after the 5th section :

"The regular sessions of the Legislature shall not exceed sixty days ; and any legislative enactment passed after the expiration of such sixty days, shall be null and void ; and when convened upon extraordinary occasions by the Governor, its action shall be confined to the object for which the Legislature shall be assembled : but this provision shall not apply to the first session of the Legislature held under this Constitution."

Mr. Anderson offered the following amendment to the amendment, to come in after the words "sixty days," in the second line: "unless a press of business would require a longer session."

Rejected.

Mr. Mayfield moved to amend by striking out "sixty days," and inserting "thirty days."

Lost.

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

Ayes—Messrs. Baylor, Brashear, Burroughs, Cuney, Forbes, Hunter, Latimer of L., McGowan, Runnels, Ochiltree and White—11.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of B., Bagby, Brown, Bache, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Everts, Evans, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Irion, Jewett, Jones, Latimer of R. R., Lewis, Love, Lumpkin, Lusk, Mayfield, McNeill, Moore, Navarro, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Van Zandt and Young—40.

So the additional section was rejected.

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

4 O'CLOCK, P. M.

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

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

COMMITTEE ROOM, August 12, 1845.

Hon. THOS. J. RUSK,

President of the Convention:

The committee on the Judiciary, to whom was referred a resolution authorising the Legislature to erect new states out of the territory of Texas, of convenient size, not exceeding four in number, in addition to this State, whenever sufficient population may authorise such erection, agreeably to the provisions of the Constitution and laws of the United States, to be admitted as separate States into the Union, have had the same under consideration, and have instructed me to report, and recommend the following as a substitute; viz:

The Legislature of this State is authorised to consent to the formation of new States out of the territory of the State; and said new States are to be formed in accordance with the terms and conditions of the 2d section of the Joint Resolution for annexing Texas to the United States.

And the same is respectfully submitted.

JOHN HEMPHILL, Chairman.

Mr. Parker, chairman of the committee on Printing, made the following report:

COMMITTEE ROOM, August 12, 1845.

Hon. THOS. J. RUSK,

President of the Convention:

The committee on Printing, who were authorised by a resolution of this Convention of the 19th ultimo, to have one thousand copies of the Ordinance of the 4th of July, accepting the propositions of the Congress of the United States; also, of the Resolution of the same body of the 7th of said month, authorising and requiring the President of the United States to occupy Texas with the forces of the United States, printed in the Castilian language, have the honor to report, that they have complied with the said duty; having authorised Mr. George Fisher, the Interpreter and Translator to the Convention, to superintend the work, and distribute the same to those portions of the Republic of Texas inhabited by the people for whose benefit and in whose behalf the said documents were printed. They further beg leave to report, that the said Interpreter and Translator, in the discharge of this duty, has given the distribution to the said documents in the manner and form set forth in his report upon the subject, which report is hereby accompanying, and made a part of this report.

Your committee would respectfully suggest the propriety of referring to the committee on the Legislative department, to enquire into the expediency of apportioning to the inhabitants of that part of the Santa Fe territory which, in the opinion of this Convention, is properly included in, and of right belongs to the Republic of Texas, two Representatives and one Senator, for the Legislature of the future State of Texas.

Your committee would also respectfully suggest the propriety and the necessity of translating the Constitution of the future State of Texas, so soon as the same shall have been adopted; as

also any ordinance that may be adopted by this Convention, into the Castilian language, and that a sufficient number of the same be printed and promulgated for the use and information of that part of the citizens of Texas inhabiting the western frontier, with the view of their re-organizing, according to the provisions of the said Constitution, from an independent national government to that of a State of the American Union.

All of which is respectfully submitted,

ISAAC PARKER, Chairman.

Which reports were laid on the table, to come up among the orders of the day.

Mr. Parker moved that the Convention take only one thousand copies of the "New Era," this week.

Mr. Mayfield moved to amend by inserting "that from and after this time, the Convention will subscribe for five hundred copies only of the 'New Era,' weekly."

Accepted by Mr. Parker, and adopted by the Convention.

Mr. Mayfield, chairman of the Select committee, to whom was referred the sections of the Legislative Department, in regard to the apportionment of representation, made the following report:

COMMITTEE ROOM, August 12, 1845.

Hon. THOS. J. RUSK,

President of the Convention:

The majority of the Select committee, to whom was referred the third, ninth, and thirtieth sections of the report of the committee on the Legislative Department, together with the subject of the census,—after consideration thereon, and viewing the subject in all its bearings, have instructed me to report as follows:

1st. That the Legislature shall, at its first session under this Constitution, provide by law for taking an enumeration of the free population of the State; after which, the basis of representation in the House of Representatives shall be governed by such enumeration.

2d. Until such an enumeration shall be made, the number of Representatives in the House shall be forty-six, except as hereinafter provided for, to be chosen as follows: one for each county, and one for every five hundred qualified voters therein; and after the first enumeration, the House of Representatives shall consist of not less than forty-five, nor more than ninety members, and apportioned according to population.

3d. That the Senate shall consist of not less than nineteen, nor more than thirty-three members, shall be apportioned as hereafter provided, and shall be chosen by the qualified electors of the senatorial district.

I am also instructed to report, that a majority of the committee agree to the propriety of laying off one new county, to be taken from the territory of Nacogdoches, Robertson and Fannin counties, and give to it one Representative, until the first enumeration: and also, that the county of Bexar be allowed, until such time, one additional Representative.

All of which is respectfully submitted.

J. S. MAYFIELD,

Chairman of Select Committee.

Substitute reported by the Committee.

9th. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors; and shall never be less than nineteen nor more than thirty-three.

30th. The Legislature shall, at their first meeting, and in the year one thousand eight hundred and fifty, and in not less than every four, no more than every eight years thereafter, cause an enumeration to be made of all free inhabitants (Indians not taxed, Africans, and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, entitled to separate representation, according to the number of free population in each, and shall not be less than forty-five nor more than ninety.

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

The report of the committee on the Legislative Department, was taken up.

On motion of Mr. Van Zandt, the sixth section was stricken out.

In 7th section, Mr. Moore moved to strike out the word "now," where it occurs before "Republic."

Carried.

Mr. Davis moved to strike out "year," and insert "six months."

Lost.

On motion of Mr. Runnels, the word "and" in third line, was stricken out, and "or," inserted.

On motion of Mr. Henderson, the word "to," in the fifth line, before "twenty-one," was stricken out.

The section was then adopted.

Mr. Anderson offered the following amendment: add to eighth section—"and the election for Governor and members to the Legislature, shall be held at a different time from the elections for county officers."

Rejected, and the section adopted.

On motion of Mr. Horton, the vote adopting the amendment of Mr. Runnels to the eighth section, to strike out "and," and insert "or," was re-considered; and,

The question on striking out and inserting, lost.

The 9th section was laid on the table.

Mr. Gage offered the following, as an additional section, to come in after the eighth:

"Until after the first enumeration and apportionment under this Constitution, the following shall be the apportionment amongst the several districts and counties of this State: the counties of Fannin and Lamar, shall elect one Senator; Red River and Bowie, one; Harrison, one; San Augustine and Shelby, one; Nacogdoches, Rusk and Houston, two; Sabine and Jasper, one; Liberty and Jefferson, one; Harris and Fort Bend, one; Montgomery, one; Robertson and Brazos, one; Galveston and Brazoria, one; Washington and Milam, one; Fayette and Bastrop, one; Travis and Gonzales, one; Austin, Matagorda and Colorado, one; Jackson, Victoria and Goliad, one; Refugio and San Patricio, one; and the county of Bexar, one Senator.

"The county of Montgomery shall elect four Representatives; the counties of Red River, Harrison, Nacogdoches, Harris and Washington, shall elect three Representatives each; The counties of Fannin, Lamar, Bowie, Shelby, San Augustine, Rusk, Houston, Sabine, Liberty, Robertson, Galveston, Brazoria, Fayette, Colorado, Austin, Gonzales and Bexar, two Representatives each; the counties of Jasper, Jefferson, Brazos, Milam, Bastrop, Travis, Matagorda, Jackson, Fort Bend, Victoria, Refugio, Goliad and San Patricio, one Representative each."

Mr. Burroughs moved to lay the additional section on the table.

Lost.

On motion of Mr. Mayfield, the additional section was laid on

the table, to come up with the report of the Select committee upon the same subject.

Mr. Hogg offered the following, as an additional section:

"The first Legislature shall be composed of thirty-seven Representatives, and thirteen Senators, and no more, until an enumeration of the inhabitants shall be made, and an apportionment made of representation upon the basis of free population: *Provided*, that the House of Representatives shall not consist of less than thirty-seven members, nor more than one hundred members, and that the Senate shall not consist of less than thirteen members, nor more than fifty; which said enumeration and apportionment shall be made by the year one thousand eight hundred and fifty, at such time and under such regulations as the Legislature may by law direct: and until the said enumeration and apportionment shall be made, the county of Fayette shall be entitled to one Representative; the county of Fort Bend to one Representative; the county of Galveston, to one; the county of Harris, to two; the county of Harrison, to two; the county of Houston, to one; the county of Lamar, to one; the county of Liberty to one; the county of Montgomery, to three; the county of Nacogdoches, to two; the county of Red River, to two; the county of Shelby, to one; the county of Washington, to two; the county of San Augustine, to one; the county of Rusk, to one; the county of Sabine, to one; the county of Robertson, to one; the counties of Gonzales and Goliad, to one; the county of Travis, to one; the county of Austin, to one; the county of Bastrop, to one; the county of Bexar, to one; the county of Bowie, to one; the county of Brazoria, to one; the county of Colorado, to one; the county of Fannin, to one; the counties of Brazos and Milam, to one; the counties of Jasper and Jefferson, to one; the counties of Matagorda and Jackson, to one; and the counties of San Patricio, Refugio and Victoria, to one Representative.

Until the said enumeration and apportionment shall be made, "the counties of Galveston and Harris shall be entitled to one Senator; the county of Montgomery, to one Senator; the counties of San Augustine, Sabine and Shelby, to one Senator; the counties of Nacogdoches and Houston, to one Senator; the counties of Austin, Washington and Colorado, to one Senator; the counties of Harrison and Rusk, to one Senator; the counties of Fannin and Lamar, to one Senator; the counties of Red River and Bowie, to one Senator; the counties of Liberty, Jefferson and Jasper, to one Senator; the counties of Brazoria, Matagorda and Fort Bend, to one Senator; the counties of Robertson, Brazos, Milam and Travis, to one Senator; the counties of Bexar,

Goliad, San Patricio, Refugio, Jackson and Victoria, to one Senator."

Which was laid on the table, to come up with the report of the Select committee before mentioned.

In section 10th, Mr. Evans moved to strike out all after the word "term," and insert "two years."

Lost.

Mr. Baylor moved to strike out "four years," and insert "three years," in regard to the term of service of Senators.

Lost.

Mr. Cuney offered the following, as a substitute for the 10th section :

"Senators shall be chosen by the qualified electors, for the term of three years ; and on their being convened in consequence of the first election, they shall be divided by lot from their respective districts, into three classes, as nearly equal as can be ; the seats of the first class shall be vacated at the end of the first year ; and of the second, at the expiration of two years ; and of the third class, at the end of three years ; so that one-third thereof shall be chosen annually thereafter."

Rejected ; and the 10th section adopted.

Mr. Everts moved to strike out the 11th section.

Lost ; and the section adopted.

In the 12th section, Mr. Hemphill moved to strike out the word "separated," and insert "divided."

Lost ; and the section adopted.

On motion of Mr. McNeill, all after the words "thirty years," in the 13th section, was stricken out.

Mr. Lusk moved to strike out "thirty," and insert "twenty-five years."

Lost.

On motion of Mr. Hemphill, the words "by the Congress of the United States," were inserted after the word "Constitution," in the second line.

Mr. Everts moved to strike out the word "accepted," and insert "approval," before the words "of this Constitution."

Lost ; and the section as amended, was then adopted.

In the 14th section, on motion of Mr. Bache, the words "a majority of," were stricken out, where they occur before the words "two-thirds."

The section was then adopted.

Section 15th adopted.

Mr. Hemphill gave notice, that, at the proper time, he would move a re-consideration of the vote striking out the following por-

tion of the 15th section, viz: "excepting such parts as in its judgment may require secrecy," in regard to publishing the proceedings of the Legislature.

The 15th section was adopted.

The 17th section adopted.

Mr. Van Zandt moved a re-consideration of the vote adopting the 17th section.

Lost.

On motion of Mr. Clark, the word "of," in the 18th section, first line, was stricken out.

The section was then adopted.

The 19th section adopted.

Mr. Hemphill offered the following amendment:

Add to the 20th section, "except in such cases as in the judgment of the Legislature, may require secrecy."

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

Ayes—Messrs. Brashear, Caldwell, Cazneau, Cunningham, Darnell, Everts, Gage, Hemphill, Henderson, Hicks, Hogg, Jewett, Latimer of L., Lumpkin, Navarro, Parker, Rains, Scott, Standefer, Wright and Young—21.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Clark, Cuney, Davis, Evans, Forbes, Horton, Holland, Huuter, Irion, Jones, Latimer of R. R., Lewis, Love, Lusk, Mayfield, McGowan, McNeill, Moore, Power, Rannels, Smyth, Tarrant, Ochiltree, Van Zandt and White—32.

So the amendment was rejected, and the section adopted.

Mr. Hunter moved to re-consider the vote adopting the 14th section.

Lost.

The 21st and 22d sections adopted.

Mr. Everts moved to strike out the 23d section.

Lost; and the section adopted.

The 24th section adopted.

In the 25th section, Mr. Mayfield moved to strike out the following: "nor shall the members thereof (Legislature) be capable of voting for a member of their own body, for any office whatever, except it be in such cases as is herein provided for."

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

Ayes—Messrs. Caldwell, Evans, Everts, Gage, Hemphill, Henderson, Jewett, Lumpkin, Mayfield, Navarro, Tarrant, Ochiltree and Wright—13.

Noes---Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bagby, Bache, Brashear, Burroughs, Clark, Cuney, Darnell, Davis, Forbes, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jones, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, McGowan, McNeill, Moore, Parker, Power, Rains, Scott, Smyth, Standefer, Van Zandt, White and Young—38.

So the motion was lost.

Mr. Mayfield moved to insert after the word "place," the words "of their creation," and after the word "whatever," the words "of their creation," so as to read "be eligible to any office or place of their creation."

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

Ayes—Messrs. President Rusk, Bagby, Burroughs, Caldwell, Cazneau, Darnell, Evans, Everts, Gage, Hemphill, Henderson, Jewett, Lumpkin, Lusk, Mayfield, McNeill, Navarro, Standefer, Tarrant, Ochiltree and White—21.

Noes—Messrs. Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Clark, Cunningham, Cuney, Davis, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jones, Latimer of L., Latimer of R. R., Lewis, Love, McGowan, Moore, Parker, Power, Rains, Scott, Smyth, Van Zandt and Young—29.

So the motion was lost.

Mr. Everts moved to strike out all after the word "term," in the third line.

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

Ayes—Messrs. President Rusk, Bagby, Caldwell, Cazneau, Darnell, Evans, Everts, Gage, Hemphill, Henderson, Mayfield, McNeill, Navarro, Power, Smyth, Standefer, Tarrant, Ochiltree and White—19.

Noes—Messrs. Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Burroughs, Clark, Cunningham, Cuney, Davis, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, McGowan, Moore, Parker, Rains, Scott, Van Zandt and Young—30.

So the motion was lost.

On motion of Mr. Bache, the following words were stricken out: "after the first session of the Legislature, after his election, and," between the words "shall" and "during," in the 4th and 5th lines; also the words ("the remainder of,") in the 5th line.

The section was then adopted.

On motion of Mr. Gage, 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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