

WEDNESDAY MORNING, Aug. 13, 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, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

Quorum present—journal of yesterday was read and adopted.

The Chair announced the following committees, to wit :

Upon Mr. Everts' resolution to enquire into the propriety of dividing Texas into two Congressional Districts,—Messrs. Everts, Young, Davis, Lewis, Horton, Caldwell and Miller.

Upon Mr. Ochiltree's resolution to supervise the several articles of the Constitution,—Messrs. Ochiltree, Lipscomb, Hemphill, Smyth, Runnels, Mayfield, Henderson, Baylor and Tarrant.

Mr. Kinney, at his request, was granted leave of absence during the remainder of the session.

Mr. Mayfield, chairman of the Select committee upon the subject of the apportionment of representation, reported the following as a portion of his report made on yesterday :

Until the first enumeration, as provided for by this Constitution, the Senatorial Districts shall be as follows, to wit : the counties of Fannin and Lamar shall constitute the 1st district, and elect one Senator ; Red River and Bowie, the 2d, and elect one Senator ; Harrison, the 3d, and elect one Senator ; San Augustine and Shelby, the 4th, and elect one Senator ; Nacogdoches, Rusk and Houston, the 5th, and elect two Senators ; Sabine and Jasper, the 6th, and elect one Senator ; Liberty and Jefferson, the 7th, and elect one Senator ; Harris and Fort Bend, the 8th, and elect one Senator ; Montgomery, the 9th, and elect one Senator ; Robertson and Brazos, the 10th, and elect one Senator ; Galveston and Brazoria the 11th, and elect one Senator ; Washington and Milam, the 12th, and elect one Senator ; Fayette and Bastrop, the 13th, and elect one Senator ; Travis and Gonzales, the 14th, and elect one Senator ; Austin, Matagorda and Colorado, the 15th, and elect one Senator ; Jackson, Victoria and Goliad,

the 16th, and elect one Senator; the county of Bexar, the 17th, and elect one Senator.

Mr. Bache offered the following resolution;

Resolved, That the contract entered into with Samuel Highsmith, to carry an extra mail once a week to La Grange, be rescinded from and after next Saturday.

On motion of Mr. Young, the rule was suspended.

Mr. Mayfield offered the following amendment:

"And that the resolution subscribing for five hundred copies of the "New Era," be rescinded."

Mr. Gage moved to lay the resolution and amendment on the table.

Lost.

Question on Mr. Mayfield's amendment lost.

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

Ayes—Messrs. Armstrong of J., Baylor, Bagby, Bache, Bra-shear, Burroughs, Clark, Darnell, Evans, Forbes, Henderson, Hicks, Hogg, Holland, Hunter, Jones, Latimer of L., Latimer of R. R., Lewis, Love, McGowan, Miller, Moore, Power, Rains, Scott, Smyth, Van Zandt, Wright and Young—30.

Noes—Messrs. President Rusk, Anderson, Armstrong of R., Brown, Caldwell, Cazneau, Cunningham, Davis, Everts, Gage, Hemphill, Horton, Irion, Jewett, Kinney, Lumpkin, Lusk, Lipscomb, Mayfield, McNeill, Navarro, Parker, Runnels, Standefer, Tarrant, Ochiltree and White—27.

So the resolution was adopted.

On motion of Mr Bagby, the Convention took up the

ORDERS OF THE DAY.

On motion of Mr. Gage, the subject of the apportionment of representation in the report of the committee on the Legislative department, was taken up.

Mr. Van Zandt moved to take up the 9th section, settling the basis of representation in the Senate.

Mr. Darnell moved to go into committee of the whole on the question of representation in the Senate.

Lost.

The question was then taken on Mr. Van Zandt's motion to take up the 9th section, which was carried.

Mr. Lewis moved to amend the substitute of the committee to the 9th section, by striking out the words "qualified electors," in

third line, and insert "of free inhabitants, Indians not taxed, Africans and descendants of Africans, excepted."

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

Ayes—Messrs. Armstrong of R., Bagby, Burroughs, Clark, Evans, Gage, Hogg, Holland, Latimer of L., Lewis, Lumpkin, Parker, Power, Scott, Smyth, Van Zandt and Young—17.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Baylor, Bache, Brashear, Brown, Caldwell, Cazneau, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Hemphill, Henderson, Hicks, Horton, Hunter, Irion, Jewett, Jones, Kinney, Latimer of R. R., Love, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Rains, Runnels, Standefer, Tarrant, Ochiltree, White and Wright—40.

So the motion was lost.

The question was then taken upon the adoption of the substitute.

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

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Bagby, Baylor, Bache, Brashear, Brown, Caldwell, Cazneau, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Hemphill, Henderson, Hicks, Horton, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of R. R., Lewis, Love, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Power, Rains, Runnels, Standefer, Tarrant, Ochiltree, White and Wright—44.

Noes—Messrs. Armstrong of R., Burroughs, Clark, Evans, Gage, Hogg, Latimer of L., Lumpkin, Lusk, Parker, Scott, Smyth, Van Zandt and Young—14.

So the substitute was adopted.

Mr. Hogg moved to strike out "nineteen," and insert "thirteen."

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

Ayes—Messrs. Armstrong of R., Brashear, Burroughs, Bagby, Hicks, Hogg, Horton, Irion, Jones, Latimer of L., Lumpkin, Lusk, McGowan, McNeill, Parker, Power, Rains, Scott, Smyth, Standefer, Ochiltree and Young—22.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Baylor, Bache, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Holland, Hunter, Jewett, Kinney, Latimer of R. R., Lewis, Love, Lipscomb, Mayfield, Miller, Moore, Navarro, Tarrant, Van Zandt, White and Wright—36.

So the motion was lost.

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

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

Ayes—Messrs. Anderson, Armstrong of J., Baylor, Bache, Brown, Cazneau, Cunningham, Guney, Davis, Everts, Forbes, Hemphill, Horton, Hunter, Jones, Kinney, Latimer of L., Lipscomb, Lusk, Mayfield, Miller, Moore, Navarro, Power, Tarrant, White and Wright—27.

Noes—Messrs. President Rusk, Armstrong of R., Brashear, Burroughs, Bagby, Caldwell, Clark, Darnell, Evans, Gage, Henderson, Hicks, Hogg, Holland, Irion, Jewett, Latimer of R. R., Lewis, Love, Lumpkin, McGowan, McNeill, Parker, Rains, Runnels, Scott, Smyth, Standefer, Ochiltree, Van Zandt and Young—31.

So the motion for the previous question was lost.

The question was then taken on Mr. Young's motion to strike out "nineteen," and insert "fifteen:" and,

On motion of Mr. Parker, a division of the question was made.

The ayes and noes were then called on striking out "nineteen," and are as follows:

Ayes—Messrs. Armstrong of R., Bagby, Brashear, Burroughs, Evans, Gage, Hicks, Hogg, Horton, Irion, Jones, Latimer of L., Lumpkin, Lusk, McGowan, McNeill, Parker, Power, Rains, Scott, Smyth, Standefer, Ochiltree and Young—24.

Noes—Messrs. President Rusk, Anderson, Armstrong of R., Baylor, Bache, Brown, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Forbes, Hemphill, Henderson, Holland, Hunter, Jewett, Kinney, Latimer of R. R., Lewis, Love, Lipscomb, Mayfield, Miller, Moore, Navarro, Runnels, Tarrant, Van Zandt, White and Wright—34.

So the motion to strike out was lost, and the section adopted.

On motion of Mr. Van Zandt, the 30th section, together with the substitute of the committee, were taken up.

On motion of Mr. Zandt, the words "entitled to separate representation," in the seventh and eighth lines of the substitute, were stricken out.

Mr. Caldwell moved to insert "forty-eight," between the words "hundred" and "and," in the second line; and also, in the second line, to strike out the words "not less than every four, nor more than."

Carried.

Mr. Brown moved to strike out the words "free population," wherever they occur, and insert "qualified electors."

Mr. Darnell moved to adjourn to 4 o'clock, P. M.

Lost.

The ayes and noes being called on Mr. Brown's motion to amend, stood as follows :

Ayes—Messrs. Anderson, Bache, Brashear, Brown, Cuney, Forbes, Hemphill, Jones, Love, Miller, Power, Runnels and White—13.

Noes—Messrs. President Rusk, Armstrong of R., Bagby, Baylor, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Evans, Everts, Gage, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Latimer of L., Latimer of R. R., Lumpkin, Lusk, Lipscomb, Mayfield, McNeill, Navarro, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, Wright and Young—41.

So the motion was lost.

The section as substituted was then adopted.

On motion of Mr. Ochiltree, the Convention adjourned until 4 o'clock.

FOUR O'CLOCK, P. M.

Convention met—roll called—quorum present.

The report of the select committee being first in order, apportioning representation in the Senatorial branch of the Legislature, till the first enumeration, as provided for in the Constitution.

Mr. Forbes moved that the Convention resolve itself into committee of the whole on the subject. Lost.

Mr. Parker offered the following amendment to the section :

“The counties of Nacogdoches and Rusk, to one Senator ; the county of Houston and the judicial county of Burnet, as now defined by law, one Senator :—the election of Senator in this district shall be under authority of, and returns made to the county of Houston.”

Mr. Parker moved to lay the amendment, offered by himself, on the table.

Lost.

Mr. Young offered an amendment to Mr. Parker's amendment, as follows :

“The county of Nacogdoches, one Senator ; and the counties of Houston and Rusk, one Senator.”

Which was rejected.

Mr. Parker's amendment was then taken up and rejected.

Mr. Cuney offered a substitute for the additional section proposed by the committee, which is as follows :

“Fannin and Lamar, one Senator ; Red River and Bowie, one Senator ; Harrison, one Senator ; Shelby and San Augustine,

one Senator; Jefferson and Liberty, one Senator; Nacogdoches and Rusk, one Senator; Houston, Brazos and Robertson, one Senator; Montgomery, one Senator; Harris, one Senator; Galveston, one Senator; Brazoria and Matagorda, one Senator; Austin and Fort Bend, one Senator; Washington and Milam, one Senator; Travis and Bastrop, one Senator; Fayette and Colorado, one Senator; Jackson, Gonzales and Victoria, one Senator; Refugio, Goliad and San Patricio, one Senator; Bexar, one Senator; Sabine and Jasper, one Senator."

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

Ayes—Messrs. Brashear, Caldwell, Cazneau, Cuney, Forbes, Hemphill, Henderson, Horton, Jones, Love, Lipscomb, McGowan, Miller, Moore, Runnels and Smyth—16.

Noes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brown, Clark, Cunningham, Darnell, Davis, Everts, Gage, Hicks, Hogg, Holland, Hunter, Irion, Jewett, Kinney, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Mayfield, McNeill, Navarro, Parker, Power, Rains, Scott, Standefer, Tarrant, Van Zandt, White, Wright and Young—38.

So the substitute was rejected.

Mr. Forbes offered the following, as a substitute to the section reported by the committee, by striking out all after the words "as follows, to wit," and inserting "the counties of Brazoria and Fort Bend, one Senator; Matagorda, Jackson and Victoria, to one Senator; Austin and Colorado, to one Senator; Washington, to one Senator; Fayette and Gonzales, to one Senator; Bastrop and Travis, to one Senator; Bexar, Goliad, Refugio and San Patricio, to one Senator; Robertson, Brazos and Milam, to one Senator; Montgomery, to one Senator; Harris, to one Senator; Galveston, to one Senator; Liberty and Jefferson, to one Senator; Jasper and Sabine, to one Senator; San Augustine and Shelby, to one Senator; Houston, Rusk and Nacogdoches, to two Senators; Harrison, to one Senator; Red River and Bowie, to one Senator; Lamar and Fannin, to one Senator."

Mr. Van Zandt moved to lay the additional section and substitutes on the table, for the present.

Lost.

Mr. Anderson moved the previous question.

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

Ayes—Messrs. Anderson, Armstrong of J., Armstrong of R.

Bagby, Bache, Cunningham, Davis, Gage, Kinney, Latimer of L., Lusk, Lipscomb, Moore, Navarro, White and Wright—16.

Noes—Messrs. President Rusk, Baylor, Brashear, Brown, Caldwell, Cazneau, Clark, Cuney, Darnell, Everts, Forbes, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Jones, Latimer of R. R., Lewis, Love, Lumpkin, Mayfield, McGowan, McNeill, Miller, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt and Young—40.

So the motion for the previous question was lost.

The question was then taken on Mr. Forbes' substitute, which was rejected.

On motion of Mr. Jones, the section reported by the select committee, was referred to a select committee of six, to be composed of members from the eastern, middle, and western portions of the country, with instructions to report to-morrow morning.

On motion of Mr. Mayfield, the committee were instructed to fix the maximum number of Senators at nineteen.

On motion of Mr. Hogg, the committee were instructed to take into consideration the number of voters in each county and district.

Mr. Hemphill moved to instruct the committee to take into consideration the facts why the western counties did not vote a larger number at the last presidential election.

Which motion was debated at considerable length, and no action taken thereon.

Messrs. Runnels, Cazneau, Moore, McNeill, Ochiltree and Tarrant, were appointed the select committee.

Mr. Young moved to adjourn to half-past 8 o'clock, to-morrow morning.

Lost.

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

THURSDAY MORNING, August 14, 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, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg,

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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