

The President then announced the following special committee: Messrs. Darnell, Davis, Lewis, Hemphill and Runnels. And,

On motion, the President was added to said special committee.

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

### MONDAY MORNING, August 18, 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, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Howard, Hunter, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, Lusk, Lipscomb, Miller, Moore, Navarro, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

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

Messrs. Burroughs and Parker were excused from attendance, in consequence of sickness.

Mr. Gage offered the following resolution:

*Resolved*, 'That the members of this Convention shall not be entitled to per diem pay for services performed in this Convention after Thursday, the 21st instant.'

Which was laid on the table one day for consideration.

Mr. Lusk offered the following, as an article of the Constitution:

"There shall be appointed annually, by the Treasurer of this State, one Assessor and Tax Collector, for each county, who shall be residents of the county for which they may be appointed, whose duties, obligations, and responsibilities, shall be prescribed by law."

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

### ORDERS OF THE DAY.

The General Provisions being first in order, was taken up.

Mr. Rusk offered the following, as a substitute for the 21st section:

"Whereas, it is believed that the colonization contracts heretofore entered into by the President of Texas, as well as the laws authorizing said contracts, assigning large tracts of country to certain individuals, for the purpose of colonization, were unconstitutional, and calculated, in their operations, to deprive the citizens of Texas of their just rights, and that the terms annexed to them have not been complied with by the contractors;

"The Legislature is prohibited from extending any further time to the contractors, or dispensing with any conditions attached to them; and they shall, at their first session, pass such laws as may be necessary to institute judicial investigations, for the purpose of enquiring into and annulling said contracts, *provided* they are proven to be illegal and void: *further provided*, the actual settlers already in said colonies, shall be guaranteed in their just rights to their quantum of land, as settlers."

Mr. Mayfield offered the following amendment to the 21st section:

Strike out "but the rights to lands of actual settlers already introduced, in conformity with the terms of the contract, are hereby guaranteed," and insert, "*Provided, always*, that any actual colonists who shall be residing within the limits of any of the said several colonies at the time of the final action of the United States Congress upon this Constitution, and shall be engaged in the cultivation of the soil, or any of the mechanic arts, shall be entitled to the land secured, or attempted to be secured to him, her, or them, by virtue of said colonization laws or contracts."

Mr. Runnels offered the following amendment to Mr. Mayfield's amendment:

Strike out "the final action of the United States Congress upon this Constitution," and insert "the time of the adoption of this Constitution by the people of Texas;" and strike out the words "secured or," in the tenth line.

Accepted by Mr. Mayfield.

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

4 O'CLOCK, P. M.

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

On motion of Mr. McGowan, Mr. Moore was excused from attendance on the Convention on account of sickness.

The 21st section of the General Provisions, together with Mr. Mayfield's amendment, were taken up.

The question on Mr. Mayfield's amendment was debated at considerable length, and no action taken.

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

TUESDAY MORNING, Aug. 19, 1845.

The Convention met pursuant to adjournment—prayer by the Chaplain.

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

The journal of yesterday was read and adopted.

Mr. Anderson filed the following protest, which was ordered to be spread upon the journals :

*To the Hon. THOS. J. RUSK,*

*President of the Convention :*

As a delegate from the county of Gonzales, availing myself of an essential privilege, ask leave, most respectfully, to spread upon the journal of the Convention, my protest against the adoption of the first section of the Legislative report, together with the reasons which influenced me in so doing.

I consider that the adoption of the section referred to many of the rights of individuals who are now residing in this country, in good faith and strong attachment to free institutions, are denied the most important privilege of aiding in the promotion of those who are to represent and determine upon the great interest of the community. It is true, the section referred to extends the privilege of franchise to all those who may have strictly complied with all the requirements of the naturalization laws of the Republic of Texas, up to the adoption of this Constitution ; but the true condition of the country, as well as the peculiar situation of individuals, justifies the assertion, that there will be many who will be wholly excluded from the right of franchise, by a strict adherence to the principles contained in the second section, (and

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