

tion, it will confirm those now in favor of the measure, and augment their number.

Mr. *Ochiltree* said he was still of the same opinion, but as he did not wish to stifle investigation, he would withdraw his motion.

On motion of Mr. *Moore*, the substitute offered by Mr. Baylor was adopted.

Mr. Darnell offered the following resolution:

Resolved, That the Committee on General Provisions be instructed to enquire into the expediency of providing by law, at the earliest day practicable, that all or one-half the property belonging to the wife, by deed, gift, bequest or inheritance at the time of her marriage, shall remain the property of the wife, as also one-half of the property of the husband at the time of marriage shall vest, as also one-half of all property that shall be acquired after marriage, after the payment of all just debts shall likewise vest in the wife; also the proceeds of the property belonging to the wife shall be at her own disposal.

Which resolution was read and laid on the table one day for consideration.

Mr. Miller offered the following resolution:

Resolved, That the President of this Convention be and is hereby authorized and requested to make a requisition upon the Secretary of the Treasury for *six thousand dollars*, to be used for the *per diem* pay and mileage of the members, and the contingent expenses of the Convention.

On motion of Mr. Young, the rule was suspended requiring the resolution to lay on the table one day, and the resolution was taken up and adopted by the Convention.

On motion of Mr. Van Zandt, the Convention adjourned until Monday morning, 9 o'clock.

Monday, July 14th, 1845.
9 o'clock, A. M.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The resolution of Mr. Hogg, of Friday last, authorizing the Hon. Wm. B. Ochiltree (one of the delegates from Nacogdoches county,) to sign the ordinances adopted by this body of July 4th, was taken up and adopted.

The resolution of Mr. Cuney, providing that the first House of Rep-

representatives of the State of Texas shall consist of sixty members, and that for every three Representatives there shall be one Senator, was taken up, and on motion of Mr. Scott, the resolution was laid on the table.

The resolution of Mr. Darnell, requiring the committee on General Provisions to enquire into the expediency of providing by law that property belonging to the wife shall remain her separate property, &c., was taken up. On motion of Mr. Young, the last clause in the resolution, providing that "the control of the property belonging to the wife shall be at her own disposal," was stricken out, and the resolution adopted.

Mr. Cunningham offered the following resolution:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of inserting in the Constitution a clause providing for the appointment of an officer in each Judicial District, whose duty it shall be to enquire into, and cause to be brought before the District Court, all cases in their respective Districts, of land titles forfeited under the laws of Coahuila and Texas, as well as all lands escheated under any of the laws heretofore existing within the territory of Texas; also to enquire into the expediency of setting aside the monies arising from the sale of such lands for the purposes of education, and report thereon as soon as practicable.

Which was read, and laid on the table one day for consideration.

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

4 o'clock, P. M.

The Convention met pursuant to adjournment.

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

Committee Room, Austin, }
July 11th, 1845. }

Mr. President:

The committee on the Legislative Department of the Government have had under consideration the subject referred to them, and have instructed me to make the following report:

Sec. 1. Every free white male person who shall be a citizen of the United States, or who is, at the time of the adoption of this Constitution, a citizen of the now Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the county, city, or town, in which he offers to vote (Indians not taxed, Africans and descendants of Africans excepted,) shall be deemed a qualified elector.

Sec. 2 Electors shall, in all cases, except a breach of the peace, treason or felony, be privileged from arrest during their attendance as electors, and in going to and returning from the same.

Sec. 3. In apportioning representatives among the several counties, cities or towns, entitled to separate representation, regard shall be had to the qualified electors.

Sec. 4 The legislative powers of this State shall be vested in two distinct branches, the one to be styled the Senate and the other the House of Representatives, and both together the "General Assembly of the State of Texas," and the style of their laws shall be, "Be it enacted by the General Assembly of the State of Texas."

Sec. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general elections, and no longer.

Sec. 6. All elections by the people, shall be by ballot, until altered by law.

Sec. 7. No person shall be a Representative, unless he shall be a citizen of the United States, or, at the time of the adoption of this Constitution, a citizen of the now Republic of Texas, and shall have been an inhabitant of this State two years next preceding his election; and the last year thereof, a citizen of the county, city or town, for which he shall be chosen; and shall have attained to the age of twenty-five years at the time of his election.

Sec. 8. All elections by the people, shall be held at such time and place or places, in the several counties, cities or towns, as is now, or may hereafter be, designated by law.

Sec. 9 The whole number of Senators shall, at the several periods of making the enumeration, be fixed by the General Assembly; and apportioned among the several districts, to be established by law, according to the number of qualified electors; and shall never be less than one-fourth, nor more than one-third, of the whole number of Representatives.

Sec. 10. The Senators shall be chosen by the qualified electors, for the term of four years; and, on their being convened, in consequence of the first election, they shall be divided by lot, from their respective districts, into two classes, as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years; so that one half thereof shall be chosen biennially, thereafter.

Sec. 11 Such mode of classifying new additional Senators shall be observed, as will, as nearly as possible, preserve an equality of number in each class.

Sec. 12. When a Senatorial District shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

Sec. 13. No person shall be a Senator, unless he shall be a citizen of the United States, or, at the time of the adoption of this Constitution a citizen of the now Republic of Texas, and shall have been an inhabitant of this State three years next preceding the election; and the last year thereof a resident of the district for which he shall be chosen; shall have attained to the age of thirty years, and shall have paid a state and county tax.

Sec. 14. The House of Representatives, when assembled, shall choose a Speaker and its officers; and the Senate shall choose a President, and its other officers. Each House shall judge of the qualifications, and elections, of its own members: but a contested election shall be determined in such manner as shall be directed by law: a majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day; and compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Sec. 15. Each House may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member—but not a second time for the same cause.

Sec. 16. Each House shall keep a journal of its proceedings, and publish the same—excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

Sec. 17. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election, to fill such vacancies.

Sec. 18. Senators and Representatives shall, in all cases except of treason, felony or breach of the peace, be privileged from arrest, during the session of the General Assembly; and in going to and returning from the same—allowing one day for every twenty miles such member may reside from the place at which the General Assembly is convened.

Sec. 19. Each House may punish, by imprisonment during the session, any person, not a member, for disrespectful or disorderly conduct, in its presence; or for obstructing any of its proceedings; provided such imprisonment shall not, at any one time, exceed forty-eight hours.

Sec. 20. The doors of each House shall be kept open, except on such occasions as, in the opinion of the House, may require secrecy.

Sec. 21. Neither House shall, without the consent of the other, adjourn for more than three days—nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

Sec. 22. Bills may originate in either House, and be amended, altered or rejected, by the other; but no bill shall have the force of a law until, on three several days, it be read in each House, and free discussion be allowed thereon—unless, in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to

dispense with this rule: and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

Sec. 23. All bills for raising revenue, shall originate in the House of Representatives; but the Senate may amend, or reject them, as other bills.

Sec. 24. Each member of the General Assembly shall receive, from the public treasury, a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

Sec. 25. No Senator or Representative shall, during the term for which he shall have been elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term; and no member of either House of the General Assembly shall, after the first session of the Legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the General Assembly; nor shall the members thereof, be capable of voting for a member of their own body, for any office whatever, except it be in such cases as herein provided for.

Sec. 26. No Judge of any court of law, or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff or Collector, or any person holding a lucrative office under the United States, (the office of post-master excepted,) or this State, shall be eligible to the General Assembly: provided that officers of the militia, to which there is attached no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

Sec. 27. No person who, at any time, may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public monies with which he may have been entrusted.

Sec. 28. Ministers of the Gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions: therefore, no Minister of the Gospel, or Priest, of any denomination whatever, shall be eligible to the General Assembly.

Sec. 29. Elections for Senators and Representatives shall be general, throughout the State; and shall be regulated by law,

Sec. 30. The General Assembly shall, at their first meeting, and in the year one thousand eight hundred and fifty, and in not less than every four, nor more than every eight years thereafter, cause an enumeration to be made of all the free white 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 Re-

representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly and apportioned among the several counties, cities or towns, entitled to separate representation, according to the number of qualified electors in each; and shall not be less than forty, nor more than sixty-four, until the number of free white inhabitants (Indians not taxed, Africans and descendants of Africans, excepted, shall be one hundred thousand, and after that event, such ratio that the whole number of Representatives shall never be less than sixty, nor more than one hundred.

Sec. 31. The members of the General Assembly shall, at their first session after the adoption of this Constitution by the Congress of the United States, receive from the treasury of the State, as their compensation, three dollars per day for each day they shall be in attendance on, and three dollars for every twenty miles travelling to and from, the place of convening the General Assembly. The first general election for Senators and Representatives of the General Assembly shall be held on the first Monday and day following, in the month of November, one thousand eight hundred and forty-six, and shall be held biennially thereafter, on the first Monday and day following, in the month of November.

Sec. 32. The first session of the General Assembly, after the adoption of this Constitution by the Congress of the United States, shall be held at the City of Austin, the present Seat of Government, and thereafter, until the year one thousand eight hundred and fifty, and until the Legislature shall otherwise provide by law for a temporary or permanent Seat of Government. Elections for members of the first session of the General Assembly shall be held on the first Monday and day following of January next, and shall be governed in all respects by the laws of the existing government, regulating elections, and shall be convened by the President of the existing government, at the earliest day practicable after the adoption of this Constitution by the Congress of the United States.

All of which is respectfully submitted.

H. G. RUNNELS, Chairman.

On motion of Mr. Caldwell, 500 copies were ordered to be printed.

Mr. Lipscomb offered the following resolution:

Resolved, That a committee be appointed, to consist of seven members, to inquire and report to the Convention the amount of money which can be collected by a reasonable rate of taxation, and what amount will be sufficient to support the State Government for the first year.

Mr. Lipscomb said that he did not know whether a resolution of this kind was in conformity with the usual mode adopted in bodies like this. If we had a committee of Ways and Means, it would be proper perhaps

for that committee to make the inquiry. But having no such committee, this appeared to be the only method of arriving at information, which by him and perhaps by many other members was deemed of importance. To vote advisedly, it was necessary first to know the probable amount which could be collected by taxation, and also the amount reasonably demanded for the support of the State Government until the taxer should be collected. Without this information, he should vote in the dark. He for one was unwilling that the State should go in debt the first year of its existence. He would much rather the officers should serve without pay.

On motion of Mr. Caldwell, the rule requiring the resolution to lie on the table for one day, was suspended, and the resolution adopted.

The President announced Messrs. Lipscomb, Caldwell, Moore, Tarrant, Holland, Henderson and Lewis, as the committee contemplated by the resolution. On motion of Mr. Lipscomb, he was excused from serving on the committee, and Mr. Miller was substituted in his place.

Mr. Caldwell moved that Mr. Smyth, of Jasper, be added to the committee.

Mr. Lewis said he was just about to make the same proposition, and that Mr. Smyth be substituted for himself, as the committee was already sufficiently large. He was willing to aid as far as he could in the attainment of the object, but Mr. Smyth was certainly much better informed upon the subject. He had been chairman of the committee on Ways and Means in the last Congress, and performed the duties of that position with great ability. He was particularly acquainted with the condition of the finances of the country; and could refer to facts.

Mr. Smyth was substituted in place of Mr. Lewis on the committee.

Mr. Jewett offered the following resolution :

Resolved, That the Secretary direct one of his assistants to copy for the use of the Convention, the Colonization contracts made by the President of the Republic, now on file in the General Land Office.

On motion of Mr. Van Zandt, the rule was suspended, and the resolution adopted.

Mr. Holland offered the following resolution :

Whereas, the citizens of the Republic of Texas labor under great inconvenience in the transaction of their business in the General Land Office, owing to the great extent of the territory :

Be it therefore Resolved, That the committee on General Provisions be instructed to inquire into the propriety and expediency of establishing a Land Office at the town of Marshal, in the county of Harrison, for the

transaction of the business of the General Land Office for the counties of _____.

Which was read, and laid on the table one day for consideration.

On motion of Mr. Moore, the report of the committee on the Executive Department was taken up, and on motion of Mr. Caldwell, it was made the special order of the day for to-morrow.

On motion of Mr. Van Zandt, the report of the committee on the Bill of Rights, was made the special order of the day for 9 o'clock, to-morrow morning.

On motion of Mr. Cazneau,

The Convention adjourned until to-morrow morning, half past 8 o'clock.

Tuesday morning, July 15th, 1845.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Evans, from the minority of the Committee on Privileges and Elections, made the following report:

Committee Room, July 12th, 1845.

To the Hon. the President:

The undersigned, dissenting from the majority of the committee on Privileges and Elections, to whom was referred the memorial of Horace Burnham, who claims a seat in this Convention as a deputy from the district of country embracing the settlement at and near the forks of the Trinity river, begs leave to report:

That in the opinion of the undersigned, there is no similarity between this case and any other which has been presented to the consideration of this Convention, but that this case involves all the argument urged in support of those cases, besides many other potent and equitable considerations, the most important of which are—That owing to the remote and sequestered situation of the settlements at the forks of the Trinity, the President's proclamation recommending the Convention was not received by them until nine days prior to the time therein recommended for holding the election. That the settlements are comprised within a portion of Nacogdoches and Robertson counties—that it is the distance of 250 miles from the nearest point in those settlements to the town of Nacogdoches, (the county seat of Nacogdoches county;) that it is the distance of 160 to 170 miles from the place at which this election was held, to Franklin, (the county seat of Robertson county,) and that consequently it was impossible for these voters to comply with the requisi-

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