The Convention met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Clark, the Convention resolved itself into committee of the whole, on the report of the Committee on the Legislative department. Mr. Van Zandt in the chair.

Mr. Lusk moved to insert an additional section after the 28th, as follows:

"No person who denies the being of a God, or a future state of rewards or punishments, shall hold any office in the civil departments of the State."—Adopted.

In the 30th section, Mr. Moore moved to strike out "not taxed."—Lost.

The question being on the adoption of the section,

Mr. Lewis proposed to amend by striking out after the words "according to," "the number of qualified electors," and inserting "free white population" or "free population," and for these reasons. As the section stands, it makes qualified electors the basis of representation. Now this may very well indeed suit some of the counties; but it will much better suit the towns and cities; for in them you will find a much greater proportion of population without families than in the country. Take the city of New Orleans; with qualified electors as a basis, that city would be entitled to a much larger amount of representation than the rest of the State. In the city of Galveston, according to the general population, there is certainly a much greater number of electors than in any of the counties, and in some of the large planting counties the proportion of electors to the general population will be much greater than in some of the rest of the counties; for there, as in the cities, you find an unsettled population, a great number of persons without families. In the cities there is a large number of clerks and adventurers, also without families. If then you make qualified electors the basis of representation, you will be unjust to this larger population.

Mr. Love said he did not think the proposition of the gentleman from Montgomery would affect any counties in the Republic, except Galveston, and perhaps Harris. Nor was he certain that it would affect Galveston at all. Children don't die there. There were 250 children at school there when he left home; and the small ones are very numerous. It was not on account of that county that he should object to the proposition, but because it was in violation of every principle of Republican government. Taxation and representation must be equal.
Taxation must be based upon military service; and if you do not represent a man, you cannot force him to do military duty.

Mr. Runnels said, that he should oppose the amendment. It seems to be a well settled principle here that every free male person of twenty-one years of age shall be entitled to vote, and to equal privileges of a political character in all respects. Then if this is a correct principle, by what process of reasoning can you exclude one portion of the community from the right to be fairly and equitably represented in the Legislature of the country? Do women and children pay taxes? They do not. You place a capitation tax upon every freeman twenty-one years of age; and you place them all on an equality with regard to personal and political rights. Then will you deprive a portion of them of an equal weight in the legislation of the country? Will you give a portion of the country an advantage over other portions having equal rights and equal privileges of a political character to be acquired under the Constitution which you are about to adopt? The effect of the amendment must be obvious to every gentleman who will investigate the subject for a moment. It is to exclude the larger planting portions of the community, which are and will be the heaviest tax paying portions from their due weight in representation, and to increase that of those paying a less tax, without regard to due proportion in numbers. If you carry out this principle, you will make it desirable to go out of the country, beyond the reach of such a Constitution and government. If you exclude taxation and property qualification of every kind, place your electors duly qualified upon the same footing all over your State. Was there a gentleman in this Convention, who could seriously urge such a proposition? It seemed to him that nothing could be more preposterous. All the arguments from reason and justice were in opposition to such a scheme. He was not disposed to trouble the committee with any further remarks upon the subject.

Mr. Lewis said, that he did not remember any of the States except Virginia, and perhaps North Carolina, where property is represented. Virginia has a property qualification for voters, and in the apportionment of representation to the several districts, reference is had to property. That State is divided into three departments, in each of which the representation is arbitrary, it is true, but founded upon property. In North Carolina there is perhaps some property qualification influencing the election of Senators; but not the House of Commons or lower House. And he would venture to say that, while population in a majority of the States constitutes the basis of representation; so he thought it was in Mississippi, and so he was certain it was in Alabama. He would read that portion of the Constitution of Alabama, relating to the basis of representation. "The General Assembly shall, at their first meeting and in the year 1820, 1823, 1826, and every six years thereaf-
ter, cause an enumeration to be made of all the inhabitants of the State, and the whole number of the Representatives shall, at the first session held, after making every such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities or towns, entitled to separate representation, according to their respective numbers of white inhabitants, &c. He was inclined to think it was also the basis in all the interior States. It was not the basis in Louisiana, because it could not be made so, on account of the powerful influence exerted over the action of the Convention by the city of New Orleans. As to the justice of a property basis, whether negro property, landed property or cow property, whether direct or indirect, it is equally unjust and inequitable. In the planting counties the proportion of electors is certainly great. For instance, take the counties of Brazoria and Matagorda: they will consist of large plantations, each having its overseer without a family. Then a county having a small population, but voting some three or four hundred strong, will have as great a representation upon this principle, as a county numbering six or eight thousand souls, and voting also three or four hundred. In this case a portion of the white population will not be represented at all. In all commercial cities there is a floating trading population, with no families, who are here to-day, and gone to-morrow. Should no provision be made to guard the country against the influence of such a population?

Mr. Armstrong said he was opposed to striking out. He thought he noticed in the remarks of the gentleman from Montgomery a disposition to create the impression that this House in supporting the report, would evidently be supporting a property qualification. Now he could not see it in that light. He took this view of the subject, that the qualified voters of the country only are entitled to the political privileges of the government, as they are those upon whom its burdens fall. Other portions of the population are under the protection of this, and their rights are of a different character. Then why give them influence in representation, when they are not authorized to vote? Why give them power and control at the ballot box to which they are not entitled under our free government? What difference would there be between authorizing women and children to come up to the ballot box and vote, and giving them such a control as this? The proposition, if adopted, is simply an encouragement to the acquisition of women and children, which is indeed laudable; but perhaps this consideration is not sufficient to entitle them to representation, unless they should be authorized to vote in person.

Another consideration: the expense attending the designation of the white inhabitants is enormous, compared with that of obtaining the number of qualified electors. The number of votes is easily known in consequence of frequent elections, but it is impossible to ascertain the number of women and children with any accuracy without incurring the expense of a census.
Mr. Rennell said: That he would suggest to the consideration of the gentleman from Montgomery, whether it would be just and equitable if Brazoria county, with about four hundred voters, and exceeding one thousand in population, pay a tax equal to that of Montgomery, with a voting population of twelve hundred, which, multiplied by five, would give that county a white population of six thousand, to give Montgomery county six times the representation in the Legislature, of Brazoria, perhaps, not three times the number of qualified electors. Would it not be very unjust and unequal? This system would give the qualified voters of one section of the country four or five times the influence possessed by the qualified voters of another section. It is true, as the gentleman remarked, that portions of the country will consist almost entirely of large plantations, where overseers will be employed, having no families to attend to. But shall these counties of equal ability in paying taxes with others differently situated, be deprived of their due representation according to the number of qualified electors? He was claiming nothing more upon the same principle that every free white man is entitled to vote, and equally bound to contribute to the support of the country, he is entitled to equal weight and privileges in respect to representation.

Mr. Scott said: That he did not rise for the purpose of making a speech. In his own opinion, this was not a matter of much interest to the section of country in which he lived. He was at a loss to understand the argument of the gentleman from Brazoria, in contending that by the basis of representation proposed by his colleague, (Mr. Lewis,) the representation of the tax-paying counties would be diminished. He thought it could only apply to a city population. The city of New Orleans, for instance, and we may have some upon our coast approximating to it, has, frequently, at the time of elections, a floating population perhaps entitled to vote. If the basis of qualified voters should be rejected, and that of the free white population adopted, he could not see how Brazoria would be deprived of her due representation any more than Montgomery; unless you say that there are fewer women and children in the county of Brazoria, according to the number of qualified electors than in Montgomery. He thought the argument good in its application to a city population, but not to a planting population. It might be, that in the county of Brazoria, and some others, there were less women and children according to qualified electors than in other parts of the State. Whether the case or not, he would not now undertake to determine. But until it should be determined to be so, he could see no reason why the planting counties should oppose this basis. He believed that the lower part of the country was less congenial to health, and hence might have a less proportion of women and children than other sections. He would ask if widows and orphans paying a tax, are not entitled to any representation? And the more unhealthy parts of
the country contain; it may be, more women and children who have property paying taxes than the portions further interior.

Mr. Hemphill said: It has been stated that, most of the States, except South Carolina, had adopted free white population as the basis of representation. In that State it is based equally upon wealth and population, taxation and population. Of the number 124, sixty-two represent population, and sixty-two taxation of every species, whether direct or indirect. It is perhaps unnecessary to state the reasons which entered into the compromise of 1808. Previously to that time, the lower portion of the country had all the slave population, and with it all the power in the State; while the upper portion consisted, chiefly of free white population. After a long struggle between population and wealth, this compromise was settled upon. And since that time the upper counties have also filled up with slaves. It was always considered that any given number of slaves in any country would exclude nearly the same number of white people. And it was argued that the white population was excluded from the lower portion of the country, and ought not in consequence to be deprived of all political power. Some of those counties which contributed more to the support of the State than the upper counties, had as much representation with fifty or sixty voters as some of the upper counties with a thousand. He should not enter into a general discussion of the subject. He should only say, as a political axiom it was by no means true that representation should be based upon free white population. It may be stated as a truth, in that part of the Union north of Mason's and Dixon's line; but when you come south of it, there are so many exceptions to it that the reverse is more nearly correct as a political axiom. This question was argued with great force by Governor Morris and others in the Convention; and it was more than a week before the South could succeed in getting a representation for three-fifths of the slave population. Having slaves among us, all these general political truths must be accommodated to the interests of the country. The truth that men are born free and equal, is perhaps undeniable in the Northern States, but at the South it is not only untrue, but preposterous and absurd. The maxim that representation should be based upon population, is not so entirely untrue, but it is altogether unsuited to our circumstances. It is a maxim in the North that slavery is an evil and a curse; and it is equally a political axiom in the South that slavery is not an evil, moral or political, but a benefit.

The amendment was thereupon ordered to be made.

Mr. Jones moved to strike out "40" and "64," and insert "30" and "45," and in the last line to insert "80" in place of "100." Lost.

Mr. Moore moved to insert 150,000. Adopted.

Mr. President Rusk, moved to amend the first part of the section so as to read "It shall be the duty of the Legislature of the State in the year 1848, and every five years thereafter." Adopted.
On motion of Mr. President the 31st section was stricken out and a substitute proposed by him inserted.

In the 32d section, Mr. Cuzeau moved to strike out all after "1850," and insert "after which the seat of government shall be located by the people."

Mr. President Rusk said: I shall vote for that amendment because I desire to see the seat of government settled somewhere. I intend hereafter to offer an additional section providing for an election to be held in 1849, to establish the permanent seat of government. This seat of government question is one which has long caused a great deal of useless discussion and strife in the halls of legislation. I am disposed for many reasons to place it at the city of Austin until the year 1850. It is not a matter of much interest to the people in general where the seat of government is placed. The reason I desire to see it permanently located somewhere is this. If we leave it open, the attention of the first legislature, which will have a good deal of important business to perform, will be attracted to this all engrossing subject. The first legislature will have to pass laws providing for the transition from a separate Republic to a State government, for the arrangement of landed estates in which all the people of the country are deeply and vitally interested, for the settlement of our Indian affairs, and upon other subjects of importance. If then the vexed question of the seat of government is out of the way, the members of that body will devote themselves to the consideration of those important matters with much more calmness and deliberation than could otherwise be expected. The first seat of government established in Texas, opened the door to more fraud and corruption than any thing else which has ever come before the people. In 1836, when the Republic of Texas did not owe a million of dollars; when her arms had been crowned with success, and the attention of the whole country was called to the first Congress which坐for the purpose of establishing those principles which should secure the rights, liberties and interests of the people, that question was thrown before them; the seat of government was established at the city of Houston for purposes of private speculation and individual benefit; the proceeds of all the lots were pocketed by these speculators, and not a dollar was appropriated to Texas. This I conceived to be wrong, wholly wrong in principle. This was the first step, and it was followed by others equally wrong and ruinous. I propose to leave it alone till the year 1850, and then it can be permanently established.

The amendment was made.

Mr. Moore moved to strike out "the city of Austin, the present seat of government," and insert "the city of Houston," and addressed the Convention in support of the motion as follows:
In making this motion, Mr. Chairman, I will observe that I only act in accordance with the wishes of a large majority of the people whom I have the honor to represent. And in asserting the claims of that section of the country to the consideration of this honorable body, I would not do the wishes of the people of this place, or any other portion of the country. The people whom I have the honor of representing here, I believe, yield to none within the limits of Texas, in their desire at this time to obtain harmony in the nation's councils, and if they could believe that it could be secured by voting to locate the seat of government here at this period for the term prescribed, they would cheerfully yield their claims to the people of any other section. I know that in this case, a number of other places have been named. I shall speak injudiciously of none—I shall not speak one word of injury to this place. I believe that in all contests, he who wishes to act fairly, will wish the peculiar object of his regard to succeed, on his own merits, and willing to admit, Mr. Chairman, that Austin has peculiar advantages. I know its situation is regarded as one of the most healthy within the limits of the Republic. I know that this fertile valley will always furnish ample resources for the great body of people which will be located here. I know that among these hills, villages and towns will spring up like magic, and the spires of churches will tower to heaven amid these forests and over your fair lawns. I believe that factories will be seen in operation upon this lovely stream now noted for its bounding cascades. I know that the air which blows over your blue mountains is ever pure. I believe too that the citizens of Austin have peculiar claims. When deserted by the government, and left alone to defend their homes from the savage, in the vicinity of the most powerful Indian tribes, whose hunting grounds were adjoining the skirts of their city, they have stood nobly to their posts, and done battle to secure the property belonging to the government from the invading touch of the savage. Congress, as I conceive, unjustly, took the seat of government from Houston and located it at Austin; and by the most solemn pledges of the nation, declared that it should remain permanently here, and authorized the lots to be sold out, pledging the faith of the nation that the value of lands purchased here, should be forever, or for a long term of years increased by the permanent location here of the seat of government. But, sir, whilst I will admit all this, I will also revert to the claims of the city which I have the honor to represent, together with its vicinity. Houston also has claims, not only upon the sympathies, but upon the honor of this country. The Congress which met at Columbia passed a law, that it should remain the seat of government until the year 1840. It was a solemn contract made by the government with the people of that place. Many persons went there upon the strength of this pledge, and purchased property, from the expectation that the seat of government would have remained there. In violation of that law, in violation of right, it was taken from that city, and located here. Therefore, as I consider,
It has claims so far as a contract is concerned, equal to the city of Austin. Now let us speak of the local advantages of the city of Houston. I will speak so that I cannot be contradicted by any record which may be brought at any time. When the number of its population is considered, it is as healthy as any place within one hundred and fifty miles of the coast, not excepting Austin itself. This may seem strange to honorable members who have listened to the foul calumnies and slanders cast against it on account of the epidemic of 1839. But since that period it has been remarkably healthy; and it will compare favorably, in point of mortality with any of the larger cities in the Union. At the time referred to, it will be recollected, there was a great crowd of immigrants rushing into the country: the streets, hotels and boarding houses were crowded almost to suffocation; and they brought with them the pestilence. All places are subject to pestilential epidemics; they may prevail even in cities regarded as the most healthy. With but single exception, Houston has been remarkably healthy. And it is advantageously situated in other respects. Eight public roads leading to all the principal cities and towns within the limits of the Republic, centre there; together with a great highway towards the sea by means of navigation. Of other respects it is central. It is so situated, perhaps, that the great body of the population can have access to it more readily than to any other point in the Republic. It has immediate communication not only with every important point within the limits of the Republic, but also by its channel of navigation it is connected with the chief commercial cities of the U. States. We may look forward to the day, perhaps not distant, when it will be connected with New Orleans, New York, and perhaps Baltimore, by lines of steamers. The people of that city, though deserted by the government, and suffering under great embarrassments and difficulties, are possessed of such peculiar, indeed, I may say, indomitable energy, that they have gone on through every discouragement and overcome all difficulties. It has been constantly advancing and improving, not only in wealth and resources, but also in its morals, and it will now bear a comparison. I say it with confidence, with the best regulated cities throughout the United States. I feel pleasure in asserting this for my fellow citizens. I have travelled in many sections of the U. States, and I have never known a city where better morals prevail, or where there is more disposition to treat each other with kindness. There are other advantages attending that peculiar location: but I will not detain the Convention with arguments in favor of the place, that may fall unheeded on the ears of gentlemen around me. I know that they have their local prejudices, which may yet prevail. There are individuals who have firmly and fully made up their minds to vote for a particular point; and I cannot expect by any arguments of mine, even if enforced with the eloquence of Demosthenes, on a question like this, to change one single vote here. I thought it, however, my duty to the section of country which I represent, and also to
the country at large, to state here succinctly and briefly, and at the same time with decorum and honesty, the peculiar advantages of the place which I have the honor to represent; and I trust, that my honorable friends around me will receive my remarks with kindness, recollecting that I have made no charges against any other place or section, but have only spoken of the merits of my own particular city. I, wish an honorable contest; and I will cheerfully abide the decision of the Convention, whatever it may be. I am anxious that the proceedings of this Convention should be characterized by harmony, wisdom, and prudence. I wish; and we all wish, that all sectional feelings should be put to rest, and all great exciting topics silenced, that the great interests of the Republic at large may prosper. And if the Convention deem it expedient and just to locate the seat of government here, I shall willingly abide their decision.

The question was put, and lost.

Mr. Hemphill moved to strike out "Austin," and insert "Washington." Lost.

Mr. Young moved to strike out "Austin," and insert "Tahuacan Hills." Lost.

Mr. Forbes moved to insert "Velasco," observing that it abounds in fish and oysters, and has a delightful sea breeze. Lost.

Mr. Conley moved to insert "San Felipe." Lost.

Mr. Scott moved to insert "the town of Huntsville, in the county of Montgomery." He deemed it unnecessary and useless to say anything, as he believed every man had made up his mind. But if gentlemen would look at its central location and convenience, he thought they would agree with him that there was no other place more suitable for the seat of government.

Lost.

Mr. Navarro moved to strike out "Austin," and insert "Bexar." He said that if the seat of government were moved there, he would give one league of land for the benefit of the public.

Lost.

Various other motions of a similar character were made and lost; and the section was adopted as amended.

Mr. President Rusk offered an additional section relating to computation, similar to the first part of section 31st, in the report, which, with slight amendment, was adopted.

Mr. President Rusk also offered an additional section, providing for a location by the people of the seat of government in 1849, and giving 27
Mr. Young proposed to substitute "a plurality of the votes."
His object was not to have this perplexing question last for several years. He wished to keep it forever out of the Legislature. And it appeared to him that this question should be left to the people directly. It is to be left at last to the Legislature to fix the seat of government. Why not come to this conclusion at once, and say that the people shall not vote for it? No doubt several places will be nominated, and in this way the people will have no say-so in the matter at all. He thought the place getting the highest number of votes, would in all probability, be the choice of the people.

Mr. Lewis agreed with the gentleman from Red River, that if this question were to be left to the Legislature on the contingency provided for, it might just as well be submitted to that body at once. At all events it is certain that on the first balloting, there will not be a majority for any particular place. And this proposition amounts, under the circumstances, to nothing more nor less than to give the location at once to the Legislature. He thought the section could be so amended as to make it acceptable; for certainly he would be opposed to the location of the seat of government by the Legislature. Nothing will give entire satisfaction but to leave it to the people. If then no choice should be made on the first balloting, he would propose that it should be referred again to the people; and if no place should then receive a majority of all the votes, let the place having the highest number of votes be the seat of government. He thought the whole country would then be satisfied. He would therefore propose an amendment to that effect.

Mr. Young said that he would accept the amendment with one amendment, that if there should be no choice at the first election, the two places having the highest number of votes should be taken for the second.

Mr. President Rusk said he should vote against it for this reason, it might take two years longer; it would be better to settle the question at once by the Legislature.

Mr. Young said, that to obviate objections, 1849 might be stricken out, and 1848 or 1847 inserted, so that the matter would be finally settled by the year 1850.

Mr. Jones said that he was in favor of the additional section as it stood. If at the first election no place should receive a majority of all the votes, the representatives of the people in the Legislature at once.
people believing could settle the question, as satisfactorily as in any other mode; and the people would be saved the trouble and perplexity of being called to vote upon it.

Mr. Jewett thought the only way to settle the question properly was to leave it to the direct vote of the people; thus avoiding the dissatisfaction and other evil consequences which had been the result of former questions of the seat of government.

Mr. Caldwell then proposed to amend by saying "the next annual election." Lost.

The amendment of Mr. Young was then adopted.

Mr. Mayfield suggested that there was no provision made for counting the votes.

Mr. President Rusk moved to strike out "1840" and insert "1850." Adopted.

On motion of Mr. Forbes, the vote adopting Mr. Young's amendment was reconsidered, and the amendment was then withdrawn by the mover.

On motion of Mr. Lusk, the committee rose, reported progress, and asked leave to sit again. Report adopted; and soon after, the Convention adjourned until 4 o'clock, P. M.

4 o'clock, p. M.

The Convention met pursuant to adjournment; and on motion of Mr. Gage, resolved itself into committee of the whole on the report of the committee on the Legislative Department—Mr. Darnell in the chair.

Mr. President Rusk withdrew the section offered by him, and substituted another in lieu of it, which was adopted.

On motion of Mr. Van Zandt, the Convention rose, reported various amendments, and asked to be discharged, &c. Report adopted.

The amendments of the committee were then taken up.

The first amendment of the committee is in section 1st, 1st line—to strike out the word "White,"

On motion of Mr. Lewis, a call of the House was made; and, on motion of Mr. Young, the further call was suspended.

The question was then taken, on the adoption of the amendment, by ayes and noes, as follows:

The following amendment of the committee was adopted: Add, at the end of the 2d section, "provided, that no soldier, seaman, or marine, in the army or navy of the United States, shall be entitled to vote, at any election created by this Constitution."

The amendment of the committee, to strike out the words "General Assembly," wherever they occur in the report, and insert the word "Legislature," was adopted by the Convention.

The amendment of the committee to the 2d section, to strike out the words "as electors," and insert "at elections," was adopted.

In the 7th section, 5th line, the amendment of the committee is as follows: strike out "twenty-five," and insert "twenty-one," upon which, the ayes and noes were called, and are as follow:


So the amendment was adopted.

In section 10th, the amendment of the committee was adopted, and is as follows: strike out the word "and," after "four years," to the word "they," and insert "at the first meeting of the Legislature."

The amendment of the committee to the 14th section, after the word "President," insert pro tem., was adopted.

Also, the 14th section, the amendment of the committee, to insert "two thirds," after the words "majority of," was adopted.

The amendment of the committee to the 16th section—strike out "excepting such parts as, in its judgment, may require secrecy," adopted.

In 20th section, the amendment of the committee was adopted—to strike out all after the word "open."

The amendment of the committee to the 26th section—to strike out all enclosed in brackets, which is—"the office of postmaster excepted," was adopted.
The additional section of the committee, to come in between the 28th and 29th sections, is as follows:

"No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of State," which was read.

Mr. Mayfield thought it entirely unnecessary, and useless, unless it should go further, and fix some test.

Mr. Forbes said it seemed to him in direct conflict with the section which says that "no religious test shall ever be required."

Mr. Love said he never saw but one man who denied the existence of a God, and he could never be elected to any office. He had, however, seen many Christians who did not believe in future punishments; and it would not do to exclude them, because they have the very best opinion of God Almighty.

Mr. Scott said there were many denominations of Christians who did not believe in a future state of rewards and punishments: but that we receive them in this life. One of his neighbors, a very good man, who called himself a Universalist, held that doctrine: still he styled himself a Christian, and was as good a citizen, so far as his observation extended, as any other. If either part of the section is adopted, he thought the clause commencing with "or" should be stricken out.

The section was rejected.

The amendment of the committee to the 30th section, was then read as follows: in the 8th line, strike out "the number of qualified electors," and insert "the free population, Indians not taxed, Africans, and descendants of Africans, excepted."

Mr. Moore said: that may operate very unequally in many sections of the country. There is no basis so equal as that of qualified voters. If you adopt a basis of women and children, suppose large factories to be established in a particular section of the country, which may hence contain at one point, some three, four, or five thousand women and children, and perhaps not one-tenth of that number of qualified voters. Yet those manufacturing establishments may control the vote of that section. It may operate very injuriously upon many of our cities, particularly that which I represent.

Mr. Brown said: the question before us is the basis of representation: and adopting the argument that the tendency of the amendment is to diminish the weight of the qualified electors in particular sections of the country, I must oppose it. If any other basis is to be adopted, I think
thought to be taxation; if any thing is able to the right of suffrage, it is that. But to declare on the face of the Constitution that every man with certain qualifications shall vote, and then, in fixing the basis of representation, to say that one person in a particular section of the country shall have the privilege of voting for several candidates, whilst another person in another section shall only vote for one, is an act of injustice, inequality, contradictory to the first section of the report, and one to which I cannot give my assent. Gentlemen have told you, that they are afraid to commit political power to the people of Galveston and other towns. If there are any fears of this class of persons, any danger, from transitory persons, restrict them, and do it openly: and let the restriction operate all over the Republic, but do not fix the stigma of disqualification in particular instances. Five hundred electors in Galveston should have as much weight as five hundred in Montgomery or elsewhere.

If any thing can be allied to this subject, it is taxation. But we are not told here that three-fifths of the slaves shall have their representation, we are not told that the taxable property of all the country shall be represented. Not at all. We are told that the women and children of the country are to be represented, to work political results, favorable to one part of the community, and injurious to the rest. Now, sir, a single man may have as large a stake in the community, he may pay a larger tax than many married men. In this country there is a large class of young men. They have submitted to taxation, have borne the burdens of government, and endured all the hardships and vicissitudes resulting from the political condition of the State. As a class, in virtue, valor, and intelligence, they are exceeded by none; and there is none entitled to greater weight in the councils of the country. I would adopt any basis sooner than assent to this. No reason is assigned for it, but a wrong and unjust one, and there is no reason for it in the abstract. I hope, since it is urged, that the effect of the amendment will be to produce this inequality, that it will meet with the opposition of the House.

Mr. Van Zandt said: It is a fundamental principle that government is founded for the protection and benefit of the whole. Every individual, minor, male or female, has an equal interest in the prosperity of the country. It is impossible, however, in the control of a government that each individual should be qualified to participate. Hence though the right is derived from all, that of voting is vested in the male citizens who have reached twenty-one years of age; that of holding office, in those who have attained certain other ages; and so on. But it seems to me, that all individuals, male or female, old or young, have an interest in the welfare and prosperity of the country, by some means, through themselves or their protectors, they should exercise the rights which originally belonged to them.

I do not know, in practically carrying out this system, what portions of the country it may affect. But I think it best to establish principles...
of government which shall be those of equality, and such as may carry
out the original objects of the formation of society. It should take
away weight from one portion of the country, or give it to another por-
tion. I am still willing to vote for it. I do not believe, however, that its
effect will be so great as gentlemen anticipate. I am satisfied of the
correctness of the remark made by the gentleman from Galveston. I
have noticed a large proportion of children in that city. But there is
the class which I think should not have the same weight with others
founded on that class which is floating throughout the country. Ours is
a planting country. We shall have perhaps large plantations where
you will find individuals who have no families here, or who carry on
their business by overseers. Now I do not believe that in apportioning
representation, a single individual who has no permanent interest, nei-
ther house nor home, in the country, should have the same influence
with another individual and his family who have made this their home
and abiding place.

I am opposed to all property qualification for electors, and also to ba-
ing representation upon property. I believe that the true white popu-
lation is the only proper basis.

Mr. Moore said: I consider this an important matter. It is one
which may in time affect our servile institutions in such a manner as to
jeopardize the safety of the State. It appears to be overlooked, that, as
I before observed, towards the northern section of the country, we have
beautiful water-falls, upon which it is likely that large manufacturing
estabishments will spring up. Around these the slave population will
not congregate. The population will consist chiefly of women and
children. You may have another Lowell in the North; where a few
qualified voters, perhaps some forty or fifty will represent several thou-
ands of women and children. Their voice will be as potent as that of
the largest planting county in the State. That population which will
congregate there may endanger your servile institutions. I do not wish
to protect them by a system of taxation: I consider that a violation of
the principles of republicanism; and I believe that every attempt to do so
by this means will fail of itself. I would protect them by the adoption
of a pure republican basis; I will even say a Democratic basis. In a
pure democracy the people come forward one and all and act in a great
assembly. This is pure democracy: for every man throughout the
State to come forward as they came forward in the old Grecian Repub-
lies, and all vote in concert. In a pure democracy all the people vote.
This cannot be the case in a large extent of country. We must come
as near it as we possibly can; and let portions of the people assemble to
represent the whole. Women do not come: children do not come; but
then these over twenty-one years of age. Then if we wish to adopt a.
And truly republican basis of representation, let it rest upon the qualified voters: it is the only true basis, and resting upon this basis, the servile institutions and all the great institutions which are at the foundation of the prosperity of the country, will be secure.

Mr. Lipscomb said: I am not much in the habit, Mr. President, of intruding my opinions upon the committee. I am generally content with giving my votes according to the dictates of my best judgment. But the subject now before us is one upon which I have thought and reflected much. The moment in which I saw that we were to be admitted into the Union as one entire State, in expressing the joy and gratification inspired by that result, I could not but be alarmed at the same time, in reflecting upon the position in which we find ourselves. I felt satisfied that our vast territory, with its variety of soil and variety of climate, would have at no distant day an equal diversity of population. I and do believe that above the latitude of 33 deg. 30 min., slave property will not be valuable, and whenever it is not valuable it will not be employed: it is a country where that species of labor can never be employed to advantage in the culture of cotton or sugar: a country which must be confined to grain-growing and stock raising by the employment of white labor. And I believe that the vast country north of 33 deg. 30 min. will admit of a very dense population, a population that will control the destiny of all south of it, when acting together. I, too, am opposed to restricting the free exercise of suffrage. I wish as nearly as practicable to establish our government upon a free basis. But call it Democracy, Federalism, or what you please, I do say that with me self preservation is the first law of nature: and we should cast away the rights of experience, and the benefits of all prudent calculation, if we were not to take into consideration the situation we are now in, and that in which we may be a few years hence. Every man now upon this floor, is representing a county whose latitude and climate are adapted to a slave holding population. Not so with the country above 33 deg. 30 min. Now what has been the course pursued by the recent Convention in the State of Louisiana? There the democracy of the land had a great majority in the Convention. That Convention was influenced so far by prudent considerations of this nature, that they have a provision fixing an arbitrary representation for the city of New Orleans. And why? Because they were instructed by the history of the past, that the slave population of that city was annually diminishing, and the white population increasing; they saw that the city was fast losing all interest in protecting the owners of slaves, and for this reason they disregarded every taunt that might be thrown upon them for their departure from the principles of democracy, and imposed a restriction required by the exigencies of the case. In doing so, I believe they acted with prudence: and that if they had not done so, fifteen years would not have passed over, before slavery would have been abolished in the State of
I am an old man, almost the oldest man in this House. I have not long to live; and if I had, I have not much property to protect. But I tell you, if you do not throw some protection around this species of property, if you do not guard it by some checks or balances in your Constitution, that fifteen years will not elapse before slavery will be abolished here in Texas, at the ballot box. Our beautiful country is so divided as to confine the slave population chiefly to one part of it, and the free white population to another. Mr. President: the abolitionists of the North are a shrewd people: they will see our situation, and they are not blind to it now.

With these views, I am opposed to the amendment. The original section I know affords but little protection: it does perhaps some little, for the large slave-holding districts. But I am not satisfied with it. I shall oppose the amendment, in the hope, that henceforth some plan will be introduced which will effectually protect this kind of property. I am not in favor of looking to protection in the popular branch of the Legislature: I am opposed to any other basis than that of qualified electors. But I wish to secure it in the Senate, without having as yet digested any particular scheme, or having any favorite plan to suggest. The Convention can consider the subject, and perhaps devise some scheme which will be acceptable to all.

Mr. Henderson said: If we had a third scheme, Mr. President, before the House, I might perhaps be induced to change my opinion upon this subject. But unless a more acceptable amendment is prescribed than that made in committee of the whole, I shall feel bound to support the plan then adopted. I cannot, sir, be alarmed by the imaginary dangers held out in terror over us. It seems to me a most ridiculous notion, that the abstractions of the North will be moved to come to Texas by their desire to abolish slavery; that they will leave their homes in the land in which they reside, and immigrate to a slave State situated in the extreme South-west, while the wide extent of the North-western country is open to them, where they can freely enjoy their own peculiar opinions, and where the institutions of the country are in accordance with their views. Would they come here if they have all the horror of our institutions, which it is represented they have, for the purpose of living under our laws as they exist? Is it to be supposed that they would be so disinterested? I, for one, have never attributed to those people any such degree of disinterestedness. It seems to me this argument is not supported by reason. But we are told by other gentlemen that there is a number of persons in this country whom it is our duty to protect, and whose rights should be represented. Sir, are not our wives and children entitled to our protection? Have they no rights in this country? Have not the great mass of the population a claim upon us? Or are we sent here alone by the lords of the soil who control elections,
and are we to administer wholly to their dispositions and wishes? I think we have done sufficiently in protecting females from being represented by their own sex; I think we assume enough when we do that much; and that when we come to fix the basis of representation, we should have regard not only to the males over the age of twenty-one, but to the whole white population of the country. Is a widow, for example, entitled to no privileges, to no weight in the legislative councils of your country? Look into many of the counties of this Republic, and you will find numerous classes of that kind. And could you say that you would have no regard to the situation of these women, whose husbands have been stricken down in battle, and whose voice is still at the polls? It seems to me that you would be striking at the very basis upon which you are about to form your State Government. And I would ask my democratic friend from Harris, if a scheme like this is in accordance with the views he has expressed on former occasions? I would ask him whether these women and children whom he would disfranchise by the course which he proposes to take, have no rights? But we are told by some gentlemen that we should adopt an unjust rule in disregarding qualified electors, or in other-words having regard to the whole free white population, in fixing the basis of representation; while in another breath they tell you that you should pay regard to property; that you should have a basis of population and wealth combined; or that you should adopt a combined basis of the slaves of our country and the free white population. I think it very unfair, other gentlemen think it very fair; that negroes, who have no political rights, should occupy precisely the same position with our wives and children. Now, if it is right that we should adopt the Federal basis of representation, and include and estimate the slave population, is it not more just that white females and children should be taken into consideration? We are obliged here, if we intend to do justice, to take into consideration in fixing the basis of representation upon the whole free white population of the country, including women and children: while on the other hand I feel no sort of obligation to take into consideration the property of any man whether in slaves, land, or cattle. These views induce me to insist upon the amendment proposed or adopted in committee of the whole until a more equitable plan shall be clearly presented to my mind. Until then, I shall not feel at liberty to disregard any portion of the free white population of Texas.

Mr. Caldwell said: The discussion, Mr. President, appears to me to have widely deviated from the amendment under consideration. The question before us is, whether in fixing the basis of representation, regard shall be had to the free white population, or to the number of qualified voters. The gentleman from San Augustine objects to the basis of the male population of voters, and prefers that of the whole white population, because, as he says, the women and children of the country,
our wives and our daughters and sisters should be represented upon the
floor; and not property; and he would hence contend that no security
should be given to that kind of property which is held by so uncertain a
Tenure, slave property. [Mr. Henderson explained; he said that he
had not intended to intimate that he would not be disposed to afford any
security in the power of this body to give to that species of property]
by the proposition before us, adequate protection, so far as I can under-
stand it, is afforded to the wives and daughters of every inhabitant of
Texas. It is true that every voter who goes to the polls has not a wife,
nor perhaps a daughter. But I will venture the assertion, that there is
so few one of them who has not a mother or a sister. And in exer-
cising the right of suffrage, and sending individuals to the legislature, to
enact laws for them, they will not hold them harmless, if they fail to
give protection to those mothers and sisters. Therefore, as I understand
it most clearly, women and children are already represented through
the medium of the qualified electors of the Republic. The gentleman
from San Augustine also thinks it strange that any one should suppose
for a moment that the abolitionists of the North might possibly travel
to the South for the purpose of revolutionizing our institutions. Sir,
has the gentleman not forgotten that the statesmen of the North opposed
the incorporation of Louisiana because it was encouraging slavery, giving
the preponderance to the Southern portion of the Union over the
North, and destroying the balance of power necessary to exercise con-
trol over Southern institutions? Has he not forgotten that in the ac-
quisation of Florida, Texas was given up without any equivalent, purely
for the purpose of weakening the South and destroying Southern
institutions? Does he not think that the same individual who gave
up Texas, and who is still active in life, and at the head of a powerful
party, may raise up inducements to populate the whole Northern sec-
tion of our country by a white population imbued with abolition prin-
ciples? Are they themselves so ignorant as to believe that even if loca-
lized among them they would be compelled to hold slaves? Can they not,
or be secret among us in sufficient numbers to occupy the whole of the
Northern portion of the country? Whether this plan of representation
bong to democracy or whiggery, I care not, nor do I know. But if
it is necessary to self-preservation, if it is required for the protection of
our rights and our property, I am prepared to vote for it, whether a
Whig or a Democratic scheme. I hold that party differences have no-
thing to do with the principle now before us for discussion. I do not
think it at all improbable that the abolitionists will have our situation
in view; and may oppose any division of our country, in order tothrow
in a population which will ultimately control the question of slavery at
the ballot box. Such a thing is possible, and I believe even probable;
but if there is only a possibility of such an event, I think it our bounden
duty to adopt any measure which may have the slightest tendency to
protect the rights and give security to the property of the present inhab-
That stands in the report, and against the amendment of the committee, and if any proposition shall be brought forward, in my view, calculated to protect the rights against the efforts of the abolitionists, I shall certainly vote for it.

Mr. Howard said: I will go as far as any reasonable man can go, in my opinion, to protect slave property. But if we are to protect it, let us have some measure by which we will protect it. If gentlemen wish this protection in the shape of representation, there is but one way, the Federal basis. But it has nothing to do with the present question before us. It is perfectly immaterial. So far as the slave question is concerned, whether you say that qualified electors or that free population, shall constitute the basis of representation. For is it not sufficiently evident, if it is the policy of any party in the United States to throw in here a population, to demolish our institutions, that it is to be done by the qualified electors, and not by the rest of the population? Because the qualified electors alone can act upon the subject; not the widow or the minor, not property, but the qualified electors alone. Then let it be placed upon its true foundation, and not as a bugbear be brought in where it has no place. There are two principles upon which representation, may rest, and but two, the one property, the other numbers. In my humble opinion, gentlemen who have argued against the amendment, strangely confound both principles. They do not seem to me to direct their arguments either against the one, or the other. They do not propose property, nor free population, but go entirely upon the assumption that the qualified electors are the only power in the country, which ought or can properly be represented, because the qualified electors practically control it. I deny that the principle is sound or just. I maintain that each class of the population which helps to support the burthens of government, which helps to pay taxes, whether entitled to vote or not, is entitled to a voice in our political institutions, and to have its interest respected and represented, under any form of government, we may choose to adopt. This strikes me as too plain to require much contrast or argument. Has not a female who owns a thousand slaves, or a hundred thousand acres of land, a right to some protection? Is it not fair and proper that her interest should be looked to? Are the interest and rights of the orphan, who pays a large amount of taxes, to be entirely overlooked in any fundamental law which we may adopt? And is a man of twenty one, not worth perhaps more than the coat upon his back, entitled to more protection and more voice in the country than one holding this large amount of property? I deny the justice of any such principle. I say that all the great interests of the country are, and ought to be, protected by every government which looks to human liberty and right. But there is another class of people, a large class, a property holding class, who support the burthens of government, and contribute
in the wealth and prosperity of the country, who are entirely overlooked by this provision making qualified electors the only basis. We have here a large European population. It will take five years, under the laws of the United States, to make a European a qualified elector. In the mean time his property is subject to taxation; he is bound to fight the battles of the country; to serve in its armies; to work on its highways, and aid in defraying all the expenditures of the government. Now, sir, it has been said, and may probably be said again, by some gentlemen, that they distrust this population; that it may, perchance, attack some of the institutions of the country. But how? By their property—by the taxes they pay to the government? No, sir, but by being qualified electors. If you wish to reach them, have the nerve to say that no foreigner shall be a qualified elector. Say what you mean, and do what you say, and then you will make yourself understood. But I say, that as a matter of justice, so long as you admit their immigration, tax them, and make them bear the burthens of government, they are entitled to have their interests guarded and protected. They ought not to be entirely overlooked before they acquire the rights of citizenship. I say that their property, the interests by which they are identified with the country, ought to be represented; ought to have a voice in the government and they can have that voice only by making free population the basis of representation. Gentlemen talk about democracy. Whose voice is louder upon this theme than that of the gentleman from Harris? I have been looking up to him as my leader. But I must repudiate him as my leader, if he takes a position so much at war not only with abstract justice, but with the positions assumed by his political friends in the United States.

It is known to every thinking man that the march of population will be westward. The small farmers will locate there; the large planters will remain in the East and upon the coast; and the system of absenteeism will exist there. I will not say that feeling has had any influence, but if it has, it is unfair.

Finally, it does strike me that there has been a great deal of unmeaning declamation upon the subject of slavery. I will adopt any measure which gentlemen may propose, to secure that institution. But its security lies beyond the puny and mad attacks of the abolitionists of the North; it lies in the nature of things. So long as slavery shall be more profitable than free labor, it will exist; and all attacks upon it abroad and at home will be impotent. Indeed, if it shall ever perish, it will be undermined by the superior cheapness and advantages of free labor. Its security rests upon a pecuniary interest, and as long as that pecuniary interest finds a place in the country, so long slavery will remain a permanent institution. It can only be abolished by the slave holders themselves, and will never perish in any portion of the U. States, in any other manner. But if gentlemen wish to protect it by saying in the Constitution that it shall never be abolished, let them go that far; if they think...
it necessary to adopt the Federal basis, let them do that, but why insist upon this puny defence, based upon the difference between free white population and qualified electors, which gives no political power to the institution at all? It would be a dangerous doctrine to promulgate to the world, if there is any danger of foreign attacks, that the institution can be supported in no other way than by an unjust and unequal provision in our fundamental law. I look upon it as too safe to require any such impotent defences.

For these reasons, I go for free population instead of qualified electors, as the basis of representation.

Mr. Armstrong, of Jefferson, said: Before giving my vote, Mr. President, I feel compelled to make a few additional remarks. It is contended that qualified electors are not a proper basis of representation. If they are not, then they are not properly electors; and if the inhabitants are the proper basis, the inhabitants are the electors. If they are entitled to representation by voting by proxy, they are entitled to vote at the ballot box themselves. Then if gentlemen wish to have the free white population all at the ballot box, they must do away with the system of laws now in force in England, the U. States and Texas. Society has for a thousand years ascertained and defined the rights of women and children. But if history be defective, and society has been derelict in properly ascertaining these rights; if the basis of representation is the women and children, and these are not allowed to vote by the present laws, they should now be allowed to come forward to the polls and vote in person. If all power is in the people, and if you understand by the people women, children and men, then I say they have the right to be represented by women and children, and this cannot be the case unless the means is afforded them of choosing their own representatives. Whenever we wish to change the Constitution, men, women and children must all have a hand in changing it. Gentlemen, I think, have mistaken their situation; they seem to have imagined themselves in a state of nature; they have forgotten the existence of such things as civil liberty and civil government. The gentleman from Harrison says that women and children are entitled to protection. Now, what protection do they want but that which is afforded by their natural protectors, and by the laws? While they are minors, are they not under the protection of the law and their guardians? What greater protection than that of a parent or guardian? Can we say that there have been no laws passed for their benefit heretofore, because they have never heretofore been heard in the halls of legislation, either by themselves or delegates selected from among themselves?

I say if widows and negroes have the right to vote, let it be so represented. If women and children have the right to have a hand in making the laws, give them an opportunity of voting for their representatives and delegates.
The Convention adjourned until to-morrow morning, at half past 8 o'clock.

Thursday, July 24th, 1845,
Half-past 8 o'clock, A. M.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

After some business relating to the mails,

The committee on Privileges and Elections made the following report:


To the Hon. T. J. Rusk,
President of the Convention:
Your committee, to whom was referred the memorial of a portion of the citizens of Montgomery county, praying that Charles B. Stewart be permitted to take a seat in this Convention, as deputy from said county, have had the same under consideration, and directed me to make the following report:

From the evidence before the committee, they are of opinion Charles B. Stewart is not entitled to a seat in this Convention; they, therefore, recommend the passage of the following resolution:

Resolved, That Charles B. Stewart is not entitled to a seat in this Convention, as deputy from the county of Montgomery.

J. B. MILLER,
Chairman.

Mr. Scott offered the following substitute:

Whereas, the county of Montgomery is entitled to four delegates or deputies, in this Convention, by the basis of representation fixed in the President's proclamation, and sanctioned by this body; and,

Whereas, it appears to this Convention, that the electors of said county voted for, and elected Gen. Sam. Houston, as one of said deputies,