Mr. Clark remarked that he concurred with others in the opinion, that inasmuch as the Convention had shorn ministers of the gospel of the honors attached to civil life, it would be nothing more than right but they should be relieved from its burdens.

Mr. Hicks said: He should vote no, because it was giving ministers too much; he was willing to make a fair contract with them.

Mr. Lewis moved to amend it, by inserting after the word "Gospel," the words "so long as they continue to exercise the functions of their office," which motion was lost.

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


So the section was adopted.

Mr. Burroughs moved an adjournment to 4 o'clock, P.M.; and on motion of Mr. Howard, the Convention adjourned until half-past 8 o'clock, to-morrow morning.

Friday, Aug. 1, 1845.
Half-past 8 o'clock, A.M.

The Convention met pursuant to adjournment, and was opened with prayer by the Chaplain.

Mr. Holland moved to reconsider the vote of yesterday, adopting the 4th section of the report of the committee on the executive department, upon which the ayes and noes were called, and stood as follows:


Noes—Messrs. Armstrong of R., Bache, Burroughs, Cunningham,

So the vote was reconsidered.

On motion of Mr. Ochiltree, the vote on the previous question, to adopt the 4th section, was reconsidered.

Mr. Jones presented the following protest against the adoption of the 3d section of the executive department, which was ordered to be spread upon the journals:

CITY OF AUSTIN, July 31, 1845.

To the Hon. T. J. Rusk,

President of the Convention:

The undersigned, one of the minority in voting on the adoption of the 3d section of the executive department of the Constitution, with due deference to the opinion of the majority, begs leave to differ with them in opinion, for the following reasons, viz: That majorities ought to control, and although policy may, in some instances, justify a slight variation from the general rule, and a plurality control in local elections, that policy ought not to apply in elections for Chief Magistrate of the State. The section provides that in elections for Governor, the candidate receiving the highest number of votes shall be the Governor, &c. under which provision, if there shall be more than two candidates, the presumption is strong that none of them will receive a majority in cases where much competition may prevail. It is not improbable that one-fifth, or one tenth, of the electors of the state, may elect a Governor, who, on account of his elevated station (and the presumption that he will be the choice of a majority of the people) is vested with power to grant reprieves and pardons, to remit fines and forfeitures, and to have a controlling power in the Legislature, equal to two-thirds of the legislative department of the Government.

The undersigned believes that in an independent State, the controlling power should be vested in the people, and they, or a majority of them, have the exclusive right to delegate that power, and that the aforesaid section is in direct violation of well established principles of free governments.

For the above reasons, and many others which might be urged, the undersigned protests against the adoption of the said section, and respectfully requests that this communication may be spread upon the journals of the Convention.

(Signed.) OLIVER JONES.

A communication was received from the Commissioner of the General Land Office, which, on motion of Mr. Davis, was referred to a select committee of seven members.
Mr. Darnell moved to reconsider the vote adopting the section to exempt ministers of the gospel from working on roads, &c., &c., upon which the ayes and noes were called, and stood as follows:


So the motion to reconsider was lost.

On motion of Mr. Van Zandt, the report of the committee on the executive department was taken up.

Mr. Young moved to strike out all after the word "age," in the 4th section.

As a substitute for Mr. Young's motion, Mr. Horton moved to strike out "four" before the word "years," and insert "three" in the original report.

Mr. Henderson moved to recommit the report to the committee on the executive department. Lost.

The question being on Mr. Horton's substitute.

Mr. Van Zandt said: I shall vote against it, because it does not carry out the object of the motion made by the gentleman from Red River. It is said that we are in a state of revolution; and I think the statement is true; I think that, although we are now acting under an organized government, although we are not in a state of chaos, and order and law prevail throughout the land, yet we are emphatically in a state of revolution. We are about to lay aside the forms of government under which we have been acting, and to assume new and other forms. We are just truly about to form a new government, as when the people threw off the Mexican constitution and formed that of '36. Then, as I believe, we are just in the position of a people in a natural state of society, about to form a social compact; and in the formation of that compact, as it is declared in the Bill of Rights, we are all entitled to equal privileges. The 2d article of the Bill of Rights, which we have adopted and engraved, reads as follows: "All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive, separate, public emoluments or privileges, but in consideration of public services." Now, sir, is it not here proposed to draw dis-
sections among those here at the formation of a social compact? Who shall be participators in the benefits of this organization, if not those who are parties to that compact; and are not the people throughout the whole extent of the country, from east to west, and from north to south, as much parties to that compact, as any member of this Convention who shall sign that Constitution? That instrument asserts that all men are entitled to equal rights, and that no man, or set of men, is entitled to exclusive privileges. Then, I say, you violate one of the sacred principles of the Bill of Rights, if you exclude these parties to the compact from the enjoyment of all the offices provided for by the compact. If those who come afterwards should be required to reside here four years, it would present a different case. They are not parties to the compact, and therefore not entitled to all these privileges. We have the right to prescribe through what forms they shall go to attain to the rights of citizens. I believe that four years, then, would be a short enough term, I believe that this is no question of expediency or policy; but a question of right. I say, that if you adopt the principle contended for, you adopt it in violation of the Bill of Rights; that it is anti-republican in its character, and should not receive countenance here.

It is asserted by gentlemen here, that so soon as we are admitted into the United States, every citizen of Texas becomes a citizen of the United States. I say, that neither the laws nor the Constitution of the United States, nor the compact between Texas and the United States, make any such provision. The Constitution of the United States provides that Congress shall have the right to pass naturalization laws; and in consequence of the power thus delegated, the Congress of the United States has proceeded to pass such laws, requiring that individuals born in foreign countries shall reside in the country for five years, take the oath of allegiance, and so forth. As the act of Congress providing for our admission makes no exception to the general law of naturalization, those here, I care not how long they may have been citizens of Texas, I care not if born and bred upon the soil, will now be citizens of the United States, in consequence of annexation, the moment we are admitted into the Union. The law has required a residence of five years. The treaty of 1803, with regard to Louisiana, provides that the citizens of that territory shall be admitted, as soon as consonant with the Constitution of the United States, and as early as practicable to the rights of citizenship. The treaty of 1819 has the same phrase, "as early as practicable under the Constitution and laws of the United States." The treaty formed with Mr. Calhoun has the same feature, if I am not mistaken. By this construction, by implication, you would make men citizens who never swore allegiance to the government, or did any act amounting to the same thing. You would give the foreigners in this country, who are aliens to the United States, an advantage over other foreigners, who emigrate to the United States; an individual, by emigrating to Texas, may thus become a citizen of the United States, with six months' resi-
ence here. I am satisfied that gentlemen have not reflected fully upon this subject. If they had examined the treaties of 1803 and 1819, and the naturalization law of the United States, they would not have found anything to justify the construction they arrive at.

Mr. Ochiltree said: I fear, sir, that I am departing widely from a rule adopted by myself, on taking my seat upon this floor, not under any sort of circumstances to be troublesome to the Convention. I trust that I have not hitherto been so; at least, I have obtruded no long speeches upon the House. But, when an argument relating to a matter of so much weight, seems to be directed exclusively at me, I trust I may claim the attention of the Convention to a few remarks in reply. The position taken by the gentleman from Harrison, is one, in my opinion, entirely untenable. I might assert, and I have been told by a gentleman learned in the law, a member of this body, that I have not gone far enough, that every citizen of this country, upon the change of flags will become, to all intents and purposes, a citizen of the United States; that upon our adoption, under the name and designation of the State of Texas, a quasi naturalization takes place; that under the Joint Resolutions, to the terms of which we have given our consent, every inhabitant of this country will become admitted into the national family of the Union, instantly upon the change of government. Whether I would go that far, I will not say now, because it is not necessary. I would ask the gentleman from Harrison if he has given the proper weight to the expression "at as early a period as practicable"? Is that intended to prescribe the ordeal of the naturalization laws to the citizens of the territory? By no means. It means that they shall, at the earliest day, practicable, have the panoply of a State Constitution thrown around them; that they shall have the glorious privilege of living under a written Constitution, adopted by their own delegates in convention assembled. Now, I would ask the gentleman from Harrison how he reconciles the conclusion of his argument with the position he assumes, that every man having a share in the creation of the organic law of the government, should have the same share in the enjoyment of its privileges? What does he do with my friend from Bexar, a gentleman of as much learning, talent and worth, as any upon this floor, and a native born citizen? Shall he be told that he must go through an ordeal of five, six, or seven years, before he can go to the ballot box, or exercise the privilege of a citizen? Will he be obliged to go before the district judge and swear allegiance, after five years residence, or to wait the action of the next Congress, to prescribe a special provision for the native born citizens of Texas, or those here at the formation of the government? Perhaps, when the gentleman from Bexar presents his vote for governor, in a ballot box, and he may be successful, the individual in the position of the gentleman from Bexar, would undoubtedly be embarrassed in his vote; perhaps, his vote would be all but nullified.
edly be entitled to all the rights of a citizen of the State; but with re-
lation to those rights and privileges which pertain exclusively to the
general government, he was not well satisfied that he must not go
through the forms of naturalization.] The gentleman, I am satisfied,
is mistaken in this position. No man can be a citizen of a state who
cannot be a citizen of the United States; the *imperium in imperio*
cannot obtain. A man must be a citizen of the United States to be a citi-
zen of a state. The constitution of a state must contain nothing infringing
the Constitution and laws of the United States. As I have said, I
hold this truth to be self evident, that whenever the United States, by a
joint resolution of Congress, shall accept the Constitution of the State
of Texas, adopted by this Convention, she adopts into her family every
citizen, native born of Texas, or here at the adoption of the Constitution
of '36, and all who shall have lived here six months and taken the oath
allegiance prior to that event. By the very act of adoption, the United
States adopts the citizens of Texas *en masse.*

Mr. Hemphill said: It is argued by the gentleman from Harrison,
that it will be necessary for natural born citizens of Texas, or any citi-
zens, not citizens of the United States, to be naturalized under the laws
of the United States. It would have given me more satisfaction if an-
nexation had been effected by treaty; but, since it is impossible that
should be the case, I think still, notwithstanding all objections which
may be made in Congress, upon the particular subject to which the
gentleman from Harrison has confined his argument, that our being
admitted into the U. States naturalizes all persons who may be citizens of
the State of Texas at the time of adoption. Our case is similar to that
of the State of North Carolina, or any other which adopted the Consti-
tution of the United States. Under the articles of confederation, it was compo-
tent to every State to have its own laws of naturalization, and if a citizen of one State went to another, he was there naturalized,
notwithstanding the difference in the law. When the States afterwards
adopted the Federal Constitution, their citizens were naturalized under
different laws; but when they adopted it, they became naturalized citi-
zens of the United States. I think the gentleman from Harrison has
mistaken the provisions of the treaty of 1819. I think, upon examina-
tion of its articles, it will be seen, as contended by the gentleman from
Nacogdoches, that all persons within the limits of Louisiana, when
ceded by the French republic, were admitted immediately to all the
rights of citizenship of a territory. Not to all the rights of a state;
there are some privileges secured to citizens of states, which are not to
citizens of territories; suing in the United States courts, for example.
The provision of the treaty referred to is, that the inhabitants of the
territory shall be incorporated into the Union as soon as possible. Now
according to the meaning of that provision, and the practice under it,
they had the right to buy property in any of the States, not as aliens,
but as citizens; they were not compelled to be naturalized at all. I do
not suppose there is an instance to be found, where a person who then
lived in Louisiana has been naturalized to become a citizen of the Uni-
ted States. They enjoyed all the rights which belonged to citizens of
territories; they had not the population necessary for a state at that
time. We are admitted upon a very different footing; not purchased
and bought up as a territory, but admitted as a State, with all the rights
and privileges of a state. It is impossible to admit us as a state, unless
we have on admission all the rights and privileges of the old thirteen
States.

The argument founded on the Bill of Rights does not hold good, I
think, except to a certain extent. The Bill of Rights, and other portions
of the Constitution, must be construed together; one part is as valid as
another, and there can be no inconsistency between them. I cannot see
why the Governor of the State of Texas should not be required to re-
main as long here as has been required for the Presidency. It is true,
that our foreign relations will be broken off; that the same knowledge
exactly which the President ought to possess, will not be necessary to the
performance of the gubernatorial duties; still the duties will be of ex-
treme importance, particularly for the first three or four years of our
existence as a State. The whole system of laws and government has to
undergo a change; the system of taxation has to be changed. I think
the Governor ought to be acquainted with the history of the country
from the first organization of the government down to the present time;
he ought to know something of the various contracts of colonization;
of the difficulties connected with land titles; something of the policy
which has been kept up, and of the facts belonging to the history of the
present time. He should be well acquainted with the condition of the
country; because, within the next two or three years, our whole policy
has to be settled with regard to our debts and our lands. I shall there-
fore, when the question comes up, vote for a residence of three years.

On motion of Mr. Ochiltree, a call of the House was made.
On motion, the call was suspended.

The ayes and noes being called on the adoption of Mr. Horton's sub-
itute, were as follows:

Ayes—Messrs. Armstrong of J., Baylor, Bagby, Brashear, Bur-
roughs, Caldwell, Cunneen, Cunev, Darnell, Davis, Forbes, Gage,
Hemphill, Henderson, Hogg, Horton, Holland, Hewett, Kinney, Latimer
of R. R., Lewis, Love, Lusk, McGowan, McNill, Miller, Parker, Scott,
Smyth, Standefer, Tarrant, Ochiltree, and White—33.

Noes—Messrs. President, Anderson, Armstrong of R., Bache, Clark,
Cunningham, Evans, Everts, Hicks, Howard, Hunter, Irion, Jones,
Latimer of L., Lumpkin, Lipscomb, Navarro, Power, Rains, Runnels,
Van Zandt, Wright and Young—23.
So the substitute was adopted.

Mr. Van Zandt offered the following amendment to the 4th section, as a substitute for Mr. Horton's amendment:

"Shall be a citizen of the United States, and of this State, and shall have resided within the same five years preceding his election, or shall be a citizen of this State at the time of the adoption of this Constitution."

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


So the substitute was rejected.

A division of Mr. Horton's motion to strike out "four," and insert "three," being called for, the question on striking out was taken.

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


So the word "four" was stricken out.

Various motions were made to fill the blank with 5, 6, 10, 15 and 20. Mr. Lipscomb moved to adjourn to 8 o'clock to-morrow morning.

Lost.

Mr. Lipscomb moved to adjourn to 4 o'clock, p. m. Lost.

Mr. Henderson moved to fill the blank with "nineteen."

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


Noes—Messrs. President, Armstrong of J., Armstrong of R., Bagby, Baylor, Bache, Brashear, Burroughs, Caldwell, Cazneau, Clark,

So the motion was lost.

Mr. Hunter moved to fill the blank with “six.” Lost.

Mr. Cunningham moved to fill the blank with “five.”

Upon which the ayes and noes were called, and stood thus:


Lost.

The question then recurred upon filling the blank with the word “three” before “years,” in the 7th line of the 4th section.

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


Carried.

Mr. Rusk offered the following amendment to the 4th section:

“Provided this section shall not be so construed as to prevent any person who may be a citizen of Texas, at the adoption of this Constitution, from being eligible to the office of Governor.”

Mr. Lusk moved the previous question.

Mr. White moved to adjourn until 4 o’clock, p.m. Lost.
The question, shall the main question be now put? was carried.

The main question being the adoption of the section without the amendment, was put and carried.

Mr. Howard offered the following as an additional section:

“No member of this Convention shall be eligible to the office of Governor, Lieutenant Governor, Judge, Secretary of State, Treasurer or Attorney General, at the first election, or appointment, under this Constitution.”

Mr. Love offered, as a substitute for the additional section offered by Mr. Howard, “No member of this Convention shall be eligible to fill any office created by this Constitution, for one year after its adoption by the people.” Which was accepted by Mr. Howard.

Mr. Rusk moved to refer the bill and amendments to a special committee of three. Lost.

The question being on the additional section,

Mr. Love said, that he had for some time contemplated offering an amendment of this nature, when the report of the committee on General Provisions should be reached; and the gentleman from Bexar having offered one of a similar character, he proposed the substitute as better suited to his views. He honestly and sincerely thought it best to adopt some such provision, that it might be fully understood we are making a Constitution for the people, and not for ourselves; that we may go home with clean hands, and present it to the people as our honest labor and work for the benefit of the country at large.

Mr. Howard said: It was offered with sincerity; for he believed it a salutary provision. Nor is it without precedent; a similar provision is to be found in the Constitution of France, of 1791. He cited that precedent to show that it is not entirely novel. He did not conceive that it would or could possibly wound the feelings of any gentleman here; because not a single gentleman who had addressed this assembly has any ambition at all; all disavow it. When gentlemen upon this floor have advocated what is generally called the largest liberty, when they have gone for a large extension of popular rights, the insinuation has been repeatedly thrown out, that such gentlemen were electioneering, that they were ambitious. He wished to take away all such weapons; that when this instrument is offered to the people, it may stand upon its own basis alone. Then, as the gentleman from Galveston says, it will go to the people with much higher credit, if none of the members of this Convention are to be eligible for office. Then as we are not ambitious, as nobody here wants any office, and as there are so many good reasons in its favor, he hoped it might be adopted.
Mr. Wright moved the previous question; which was carried. The main question being the engrossment of the bill, was put and carried.

The Convention adjourned until 4 o'clock, P. M.

4 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Gage, the report of the committee on General Provisions was taken up.

Mr. Lewis moved that the Convention resolve itself into a committee of the whole. Lost.

In 1st section, Mr. Mayfield moved to strike out all that portion of the oath or affirmation that requires members of the legislature and all officers to swear that they have not fought a duel, nor acted as second, &c.

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


Motion lost.

In the same section, 7th line, Mr. Evans moved to strike out the words "being a citizen of this State." Lost.

Mr. Cunningham moved to insert after the word "officers," in section 1, 1st line, the words "of this State." Lost.

Mr. Hemphill moved to insert, in same section, 10th line, after the word "offending," "nor have I committed any other high crimes." Lost.

Mr. Anderson moved to amend by inserting "peccadillos." Lost.

Mr. Young moved the main question.

The question—shall the main question be now taken? was put and carried.

The main question being the adoption of the section, the question was put and carried.

In section 2d, 4th line, Mr. Runnels moved to strike out "confession in open court," and insert the words "voluntary confession." Lost, and section adopted.
On motion of Mr. Anderson, the words “or misdemeanors” were stricken from the 31 line of the 4th section.

On motion of Mr. Davis, the words “serving on juries” were inserted in the 1st line of the 4th section, after the word “office.”

Mr. Burchoughs moved to strike out all of the 4th section, down to the word “misdemeanor,” in 3d line. Lost, and section adopted.

Mr. Cazeau moved to strike out the section between the 4th and 5th, which excludes from office all persons engaged in fighting a duel.

Mr. Mayfield said: It occurred to him that the object of this section was amply provided for in the preceding: “other high crimes and misdemeanors”: that would give the legislature the power of acting upon this matter, if we require the incorporation of any such principle in our laws. To engrate it upon the Constitution, he looked upon as absurd; and thought that such a principle, if established in our Constitution at this juncture, would lead to greater evils than those which it was expected to cure and heal. If we make this sudden assault upon the practice of duelling, however it may be reprobated, men will necessarily be driven to some other course, when suffering under real or imaginary injuries; in some cases, to assassination of the bloodiest character. For there are individuals in every community, who, when they have received a serious personal injury, would be willing to meet the individual who has inflicted it, fairly in a duel; but who, if disfranchised for so doing, if to be cut off from the immunities of holding office and suffrage, if to be deprived of all the sacred rights which belong to every freeman, would be driven to become assassins; to waylay by the roadside, to administer poison, and resort to every other method of revenging their injuries, rather than deprive themselves of the high privilege belonging to every citizen of a free State. He hoped it would not be adopted.

Mr. Anderson differed in opinion with the gentleman from Fayette. He hoped the section would be retained. It was aimed at the evil which preyed upon the country for a great while, and he anticipated none of the results imagined by the gentleman, if the clause should be retained. The practice of duelling is at war with the present enlightened spirit of the age. It was repudiated by the intelligent Greeks and Romans; it grew up in the darker ages of Europe. It is a relic of barbarism; and in every enlightened country the greatest efforts have long been made to eradicate it. This provision may be efficacious in some extent as a preventive at least; it may lend support to the spirit of public opinion, which must ultimately put an end to this practice. Gentlemen might say that public opinion is the only remedy. But public opinion, like every thing else, must have its commencement. The law should give it inception, and it will continue to grow in proportion as the law gains and supports that public opinion. Gentlemen will say this matter,
can be reached by the legislature. He was anxious that such a provision should be placed in the Constitution; statutes have been passed from time to time, but without effect.

The ayes and noes were called on striking out, and stood as follows.


Mr. Jones moved to strike out the word "either" before the words "within the State," and the words "or out of it" after the word "State," in 3d line of 4th section.

Mr. Everts moved to amend the amendment of Mr. Jones, by striking out the words "either within," in 3d line, and insert the words "or who shall leave this State with an intention to fight a duel, and who shall actually so fight out of the State.

Mr. Davis moved the previous question.

The question—shall the main question be now taken? was put and carried.

The main question—the adoption of the section, was carried.

In the 5th section, Mr. Love moved to strike out the words "by ballot," and insert "viva voce." I am of opinion, said he, that if we have annual elections for the legislature, and annual sessions, and vote viva voce, we shall be able to keep the political atmosphere pure, and the independence of the people will be perfect. I have ever thought the system of voting by ballot a sneaking business. No freeman or independent man ought to be ashamed or afraid to give his vote in such a manner as to make known for whom or for what he votes. It is not necessary here to go into the frauds and impositions daily practised under the system by ballot; they are known to all. There cannot be any reason in this country for the vote by ballot. We have no tenants here. It may be said, and has been said, that in other countries, where the control of the landlord over the tenant is great, that if the vote of the latter were known, it might operate to his prejudice. Not so in Texas. We have no tenantry; and in all probability never will have to any extent. We have an extensive country, rich and fertile, where the poor man can have his land for nothing, already cleared to his hands; and if he
chooses to work, he need not be tenant to any one. This reason might
have some force, perhaps, in large States, where they have become
densely populated. At present, the evil does not exist anywhere in this
country. I believe it is more in consonance with republican virtue and
republican principles, for every man to march up in the face of day, and
vote, without fear, favor or affection, for whom he chooses.

Mr. Howard said: That he wished to offer a substitute. He would
move to strike out after the word "ballot," the words "until the Legis-
lature shall otherwise direct."

The effect will be, said he, to deprive the Legislature of any power
on the subject. I will merely observe that the ballot has been, as I un-
derstand, the republican rule in this country. It is now a great prin-
ciple for which the liberal party in England is struggling. And I can
conceive of no reason, of no rule of right, which requires that I, on the
day of election, should look at my neighbor's ballot, to see how he
votes. I think he should be at liberty to exercise this right without
control or influence; that he should be governed in his vote by his own
judgment and sense of propriety. It is well known to every one who
has paid any attention to the subject, that the Conservative party in Eng.
land, by a species of intimidation, by having the power to know how
every man votes, exert a species of control which is repudiated by the
whole liberal party. I conceive that this would be a dangerous rule to
establish; though it might not, at this time, operate badly in Texas.
Whenever the country shall become densely populated, whenever com-
merce and manufactures shall spread themselves, and the credit sys-
tem take root in the community, the viva voce system will be felt and exer-
cised, as I conceive, prejudicially to the rights and liberties of the
people.

Mr. Van Zandt said: I shall vote for the amendment of the gentle-
man from Bexar. I was in favor of it on the committee, but the major-
ity were in favor of the section as it now stands. I believe his reason-
ing is correct; especially when we take into consideration that we shall
probably have large manufacturing establishments in the country.
Merchants to some extent control the votes of their debtors; and, no
doubt, those who deal upon credit will be able to control the elections.

Mr. Davis said: I agree with the gentleman from Bexar. I believe
that there will be a large amount of tenantry in this country. I know
there is a very large quantity of land owned by a few individuals, almost
enough, in some instances, to compose a county. There is a great
probability that these lands will not be disposed of by these individuals.
It is sometimes the case that individuals are disposed to vote for the
strongest man, and if the votes are taken viva voce, the state of the polls
at each precinct will be known, and have a powerful influence on the
voting. I do not believe that the Legislature ought to have the power of changing the system. It should be by ballot.

The question was put on the amendment of Mr. Love, and the ayes and noes being called stood as follows:


So the motion was lost.

The question being on the amendment of Mr. Howard,

Mr. Mayfield said: I shall vote against the amendment for the purpose of leaving the Legislature of the country, whenever public opinion or necessity may demand a different policy, free, and at liberty to adopt it. In my opinion, in framing this Constitution, we should not be sedulous to fix and fasten our own peculiar opinions upon the country for all time to come. I flatter myself, that there are none in this assembly who would not be willing, that posterity should take advantage of the improvements of the age, and that there should be some liberty left to them, to change or modify the laws of the country, as circumstances and the force of public opinion may seem to require.

Mr. Lusk said: That he would not himself go as far forward as some gentlemen seemed desirous to do, in making the Constitution. He would confine himself to the wants of the people who sent him here; he did not know what might take place hereafter. If posterity want a remedy, they can do as we have done; let us act for the time being.

Mr. Jewett said: He believed firmly in the omnipotence of the Convention, but was not so thoroughly convinced of its omniscience. He would vote for retaining the section as it was, as he was willing to give a little to do to the Legislatures to come after us.

The ayes and noes being called, on the motion of Mr. Howard, stood as follows:


So the motion was lost.

The section was then adopted by the Convention.

Mr. Mayfield moved to lay the report on the table. Lost.

Mr. Ochiltree moved to insert in 6th section, 3d line, after “ten years,” and no appropriation for private or individual purposes shall be made without the concurrence of two-thirds of both houses of the Legislature.” Adopted.

In the same section, Mr. Mayfield moved to strike out “nor shall any appropriation be made for a longer term than two years.”

On motion of Mr. Evans, the Convention adjourned until half-past 8 o’clock, tomorrow morning.

Saturday, Aug. 2d, 1845.

Half past 8 o’clock, A. M.

The Convention met pursuant to adjournment, and was opened with prayer by the Chaplain.

The President of the Convention announced the following special committee on the communication of the Commissioner of the General Land Office:

Messrs. Davis, Henderson, Tarrant, Lipscomb, Baylor, Everts and Jewett.

Mr. Parker offered the following resolution:

Resolved, That this Convention will adjourn sine die on the day of instant, at 6 o’clock, P. M.

Which was laid on the table one day for consideration.

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

ORDERS OF THE DAY.

The amendment of Mr. Ochiltree to the report of the committee on General Provisions, being first in order, Mr. Cazneau, moved that the Convention resolve itself into committee of the whole on said report. Lost.