Thursday Morning, Aug. 14, 1845.

The convention met pursuant to adjournment.

Prayer by the Chaplain.

The select committee, H. G. Runnels, chairman, to whom was referred the senatorial apportionment, made the following report:

Committee Room, Aug. 14, 1845.

To the Hon. THos. J. Rusk,

President of the Convention:

The committee, to whom was referred the section reported by a previous committee, apportioning the senatorial representation among the several districts of the State, have had the same under consideration, and have instructed me to report the section herewith submitted, with due deference to the sense of the Convention in their instructions, not to exceed in number nineteen senators.

Your committee suggest, that they found much difficulty in so arranging that number among the districts, as to give satisfaction; they, consequently, have increased the number to twenty-one, and respectfully recommend its adoption.

H. G. RUNNELS
Chairman.

Substitute.

Until the first enumeration, as provided for by this Constitution, the senatorial districts shall be as follows, to wit: the counties of Fannin and Lamar shall constitute the first district, and elect one Senator; the counties of Red River and Bowie, the 2d district, and elect one Senator; the counties of Fannin, Lamar, Red River and Bowie, conjointly, shall elect one Senator; the county of Harrison the 3d district—shall elect one Senator; the counties of Nacogdoches, Rusk and Houston, the 4th district, shall elect two Senators; the counties of San Augustine and Shelby, the 5th district, shall elect one Senator; the counties of Sabine and Jasper, the 6th district, shall elect one Senator; the counties of Liberty and Jefferson, the 7th district, shall elect one Senator; the counties of Robertson and Brazos, the 8th district, shall elect one Senator; the county of Montgomery, the 9th district, shall elect one Senator; the county of Harris, the 10th district, shall elect one Senator; the county of Galveston, the 11th district, shall elect one Senator; the counties of Brazoria and Matagorda, the 12th district, shall elect one Senator; the counties of Austin and Fort Bend, the 13th district, shall elect one Senator; the counties of Colorado and Fayette, the 14th district, shall elect one Senator; the counties of Bastrop and Travis, the 15th district, shall elect one Senator; the counties of Washington and Milam, the 16th district, shall elect one Senator; the counties of Victoria, Gonzales and
Jackson, the 17th district, shall elect one Senator; and the county of Bexar, the 18th district, shall elect one Senator; the counties of Goliad, Refugio and San Patricio, the 19th district, shall elect one Senator.”

Mr. Brown, from the select committee, to whom was referred the first section of the legislative report, made the following report:

Committee Room, Aug. 13, 1845.

To the Honorable Thos. J. Rusk,

President of the Convention:

The committee, to whom was referred the first section of the report of the committee on the legislative department of the government, with the various amendments proposed thereto, have had the same under consideration; and have instructed me to offer the following report:

The 1st section of the report, with the amendments suggested in alteration thereof, relate first to the qualification of electors, and second, to an extension of the right of citizenship. From the general aspect of some of the amendments, it seems intended to obtain from the Convention, a declaration, to be inserted somewhere in the Constitution, that a class of persons who, under the existing Constitution, and in view of the period when that Constitution will be superceded by another, will probably never become citizens of this Republic, should be made such by the ratification of this Constitution by the people.

This proposal involves a question which, if fully discussed, would require more investigation and consume more time than the short period allotted to this task will allow; but enough may be said in brief space, to demonstrate a few of the most odious objections against it.

The present position of our country is entirely new, and, in some respects, anomalous; besides, the difficulties attending the mode of acquisition resorted to by the United States.

Texas is an independent power, whose sovereignty is unimpaired, but engaged by the strongest public assurances, deliberately made, to surrender that sovereignty, on the happening of certain expected events in the Congress of the United States. Every thing conspires to cast a waveringness over positions which were clear before, and ought to inculcate the greatest caution in our proceedings. If the plighted faith of Texas is entitled to as much weight in our deliberations as her fundamental law, it would be well to inquire if there is not an obligation arising from the spirit of the contract, now resting on us, to abstain from the exercise of powers which are in open conflict with the policy in which we have promised to participate; and whether this restraint ought not to have commenced its effects from the time we assented to the overture, in future to become partners in the national policy of that confederacy, as well as in its government.

Your committee are of opinion, that from the time the two republics...
began seriously to negotiate for the union of their territory and governments—at least, from the time when the basis of the compact was reciprocally assented to, a tacit obligation has vested in each, not to interfere with the settled policy of the other; but to admit and reconcile those jarring elements already in existence, resulting from a separate organization, and independent offices. That the most powerful treaties have to yield revolutions in government, your committee will not deny; but the abrogation of the treaty is a necessary consequence.

The proposals for annexation proceeded from the government of the United States, to a community of people whose circumstances, private and political, were clearly ascertained and defined, by its existing Constitution and laws. Should any important and objectionable change take place in the form of government, or policy, in the United States, who would contend that we were bound by our assent to its proposals, rendered before that change? and if we should make any radical alteration in ours, who would contend that the United States were bound to accept us? Because the government of the United States has not exacted, in terms, that we should make no material alteration in the form of our government, or the rights of our people, it does not follow that we are at liberty to do so: for there are principles outside of every act of legislation, and every treaty, which must form or govern its construction. These principles are universal, and everywhere recognized; and would form a cumbrous appendage to any article which they would apply.

But one great and necessary change was contemplated on either side, when the joint resolutions were proposed and acceded to; and the contracting parties having yielded their assent, are bound to endure all the necessary incidents to that change, and no more. By the present Constitution, all persons residing in Texas on the day of the declaration of independence, and persons who might thereafter emigrate, reside six months, and take the oath of allegiance, are citizens—as this Constitution cannot cease to exist until the government is changed; and as this is plainly implied in the joint resolutions, it follows that all who are, or may become citizens of the Republic, by the operation of the Constitution, must become citizens of the United States; and that the U. States are bound to accept us, with all privileges we have acquired under the Constitution in force when they made their overtures, and assigned a distant period for their consummation: thus far, the policy of the United States, resulting from the exercise of the power to pass uniform laws on the subject of naturalization, must be continued; to this length they have consented, but it may well be questioned whether they have consented to any more—whether they have agreed to consequences which do not result from the Constitution; but something in collision with it, and from an abuse of sovereignty about to expire. It would be well understood, that if the sovereignty of Texas had continued, such a change would not have been made; and that we were willing for a feeling to operate against the United States, which, as an independent state, we
would not have allowed to operate against ourselves. It is, also, to be remembered, that naturalization is a contract of which the consent of both parties is an essential part; and that no declaration of ours can make a citizen, without his consent.

Your committee believe, that all the substantial benefits of citizens can be obtained, all dangerous questions avoided, by the plan which they will hereafter recommend, on the other subject; and that it is inexpedient and unsafe, to attempt any greater enlargement of the rights of those inhabitants.

On the other question, the qualifications of electors, your committee declare their belief, that it is among the reserved rights of the states, to constitute their own electors. It is one exercise of the right incident to citizenship to vote; but this right out of the territory of the state which confers it, as some of the other rights of citizenship do, and is no exercise of power by the state, out of its jurisdiction, as the other would be; for the Constitution of the United States makes citizenship in one state, citizenship in all.

The power to qualify electors is not conveyed to the government of the United States, or prohibited to the states, and is therefore reserved. [Art. 10, amendment Con. U. S.] The same voters who elect the most numerous branch of the State Legislature, elect the member to Congress—[See Art. 1, Con. U. S.]

And the federal basis of representation laid down in the 2d section, 1st article of the Constitution of the United States, includes foreigners not naturalized, in the estimate of population: it gives them representation in proportion to their numbers, and it is of no consequence to the general agents of the government, by what number or kind the electoral power is exercised in the States; your committee, therefore, recommend the adoption of the following section, as a substitute for the first section of the report and amendments thereto.

GEO. W. BROWN,
Chairman.

Substitute for the 1st Section of Legislative Report

"Sec. 1. All free male persons, aged twenty-one years and upwards, (Indians not taxed, Africans and descendants of Africans excepted,) who, previous to the adoption of this Constitution by the Congress of the United States, where residents of the Republic of Texas shall be qualified electors in the county in which they may reside.

"Sec. 2. All free male persons aged twenty-one years and upwards, (Indians not taxed, Africans and descendants of Africans excepted) who are citizens of the United States, but were not residents of the Republic of Texas previous to the adoption of this Constitution by the Congress of the United States, who shall have resided in the state one year next preceding an election, and shall reside in the county in which they offer to vote, shall be qualified electors: Provided, nevertheless, that the
right of suffrage shall not be exercised by any non-commissioned officer, soldier, seaman or marine, in the service of the United States."

Mr. Everts introduced the following ordinance:

"It is hereby declared and ordained, by the Deputies in Convention assembled, that the following territory, to wit: beginning at a point where the southern line of the county of Fannin crosses the east fork of Trinity river; thence south with the meanders of the said east fork to its junction with the main fork of the Trinity; thence west to the western edge of the lower Cross Timbers; thence north to the said southern line of Fannin county; thence east along said line to the place of beginning, be, and the same is hereby created an election precinct, and shall be entitled to one representative in the Legislature of the State of Texas, until otherwise prescribed by law: said election precinct, for all other civil and election purposes, except for the survey and location of lands, shall be attached to, and be under the jurisdiction of Fannin county, until otherwise prescribed by law."

Which was laid on the table, to come up among the orders of the day.

On motion of Mr. Wright, the substitute reported by Mr. Russell, chairman of the special committee upon the subject of the senatorial representation, was taken up and adopted, in lieu of the additional section reported by the select committee, upon the same subject, of which Mr. Mayfield was chairman.

The section as substituted, was then adopted.

On motion of Mr. Van Zandt, that portion of the report of the select committee, fixing the apportionment of representation in the representative branch of the Legislature, till the first enumeration under the Constitution, was taken up.

The substitute offered by Mr. Gage, on a previous occasion, on the same subject, was moved by him as a substitute for the report of the select committee.

Mr. Henderson said: I would prefer that the basis of representation should be population: but, as in adopting that basis we might seem to do some injustice to some of the depopulated counties, I am willing to vote for the substitute offered by the gentleman from Rusk. I do it with the view, in some degree, of yielding to the west that influence which they seem to desire to have in the councils of the country hereafter. By giving each county one representative and fixing a high scale, we should deprive a large portion of the country of the weight to which it is entitled. If we were to take population as a basis, I would be willing to take 500 as the number; but under the circumstances, all things considered, I am disposed to fix upon three hundred. And I will say here, that the people are never dissatisfied when taxed in order to give them
their due influence in the Legislature. I have never heard any people complain of paying a tax to support their representatives. They regard it as a privilege and a right to be represented, and, in some degree, equally represented. When I give the vote I do upon this question, I wish it distinctly understood that I do not claim to be over liberal. I think I shall be only giving to the west that which she is entitled to under all the circumstances. The people of that region have suffered inconveniences and hardships from the very beginning down to this day; indeed I may say, they have borne the whole brunt of the fray. Although, whenever circumstances may render it just, I shall be in favor of apportionment according to population, yet I must say on this occasion, that, in my opinion, it would not be doing justice to the west; and I have come to the determination to support the proposition of the gentleman from Rusk from the considerations I have mentioned.

Mr. Love said: I agree with the gentleman from San Augustine as to the disposition of the people to pay their representatives; but I think the proposed number too large. I think that sixty-six members, in biennial sessions, will not get through in six months. Time will be lost in proportion as you increase the number; and for years to come it will be impossible to perform the business of the country. I think that every section of the country ought to be represented fully. But when you give every county one member, it is represented; and whether or not it shall have more, is a matter of little or no consequence. I believe the number reported by the committee is the better one.

On motion of Mr. Moore, a call of the house was made; and, on motion of Mr. Burroughs, a further call of the house was suspended.

The question then was upon the adoption of the substitute as offered by Mr. Gage:

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


So the substitute was adopted.

Mr. Scott moved to strike out, after "Gonzales," the word "two," and insert "one."
Upon which the ayes and noes were called and stood as follows:


So the motion was lost.

Mr. Brashear moved to strike out "one," after "Fort Bend," and insert "two." He said that this county actually polled more votes than the county of Gonzales. It was his opinion, that the people, let them live where they might, were entitled to equal political power, and equal political rights. For these reasons, and these only, he made the motion.

The motion was lost.

The vote was then taken upon the adoption of the additional section, and stood as follows:


So the additional section as substituted was adopted.

The 26th section of the report on the legislative department was taken up.

On motion of Mr. Van Zandt, the words "or any foreign government" were inserted in 3d line, after the word "state."

Mr. Van Zandt offered the following amendment:

"And no person shall, at the same time, hold or exercise any two offices or appointments of trust or profit under this State.

Mr. Lipscomb moved to insert the word "agencies," after the word "offices."

Accepted by Mr. Van Zandt.
Mr. Hemphill said, he doubted the propriety of inserting as a provision in the Constitution, that a man shall hold no two offices. He thought it better to leave it as at common law, that no man should hold two offices which are incompatible. He would like to know, under this provision, whether the probate judge could act as a notary public, or whether the clerk of the probate court could act as register or clerk of the board of land commissioners? Perhaps it would take several little offices to enable a man to make a living.

Mr. Van Zandt said, the Legislature might assign further duties to any office; and it would not follow that the officer held two offices.

The amendment was adopted, and the section as amended adopted.

On motion of Mr. Kinney, the 32d section providing for the seat of government remaining at Austin until 1859, &c., of same report, was taken up.

Mr. Brashear offered the following, as a substitute for the section:

"The first session of the Legislature, after the adoption of this Constitution by the Congress of the United States, shall be held at the city of Austin; the qualified electors of the State, at the first election for members of the Legislature, shall, on their ballots, designate by name, such place as they may deem most eligible for the location of the seat of government of the State of Texas; and the returns of said election shall be transmitted to the Speaker of the House of Representatives, within the period of twenty days after the said election: if any one place thus voted for, shall receive the majority of the whole number of votes polled, the Legislature shall permanently locate the seat of government at that place; but if no place have a majority of all the votes polled, it shall be the duty of the Legislature to provide for an election, to be held by the first day of July thereafter; at which election, the two places which, at the previous election had received the highest number of votes, shall be put in nomination; and the returns shall be made to the Governor of the State, within twenty days after the holding of said election; and if either of the said places receive a majority of the votes given in; the same shall be the permanent seat of government of this State, until the year 1860, at which time it shall be the duty of the Legislature to provide by law, to carry out the will of the people, on the subject of the location of the seat of government after that time."

Mr. Rusk said, it offered as a substitute, it was out of order.

The previous question was called for.

Mr. Moore said, he would inquire if the section had not been adopted?

Mr. Rusk said, he would second the call for the previous question. This was an exciting subject; if thrown in here as a fire brand, it would cause a great deal of ill feeling.
Mr. Jones rose to a point of order. He would inquire whether the substitute had not been taken up and adopted by the House. If so, this is out of order.

Mr. Brashear having gained the floor, spoke as follows: it is with all due respect for the intelligence, patriotism and democratic pride of this body, that I beg leave to offer a few remarks touching a subject which, if not already settled by predetermination and agreement, I yet hope to see take its proper course. And I trust that gentlemen who, upon this floor have so fully and emphatically committed themselves to the broad principles of democracy, by their declamation on all popular subjects, will give practice to their professed doctrine, by referring over to the people the location of the site of government. It belongs to them, and they are fully competent to act upon and settle it, in their primary assemblies; and it will be perfectly convenient for them to do it, when voting to elect members to fill the first State Legislature. A large majority of them now expect it; they have frequently asked and demanded it, through their agents in Congress, though without success, on account of the inequality of representation. I have endeavored to direct my course here, and regulate my votes and acts, by giving strict attention to the able and learned discussions of gentlemen, whose intelligence, wisdom and experience eminently qualify them to give a neat finish to the proud superstructure which is to be the work of our hands, and which is now the object of the most profound deliberation and the deepest anxiety to this grave body. And I trust that such a tone, substance and feature may be given to this important work, as to check in all after time, all wild and reckless legislation, and guaranty to the present population of Texas the inestimable privileges of liberty and equal political power, securing the transmission of the rich heritage unimpaired to generations yet unborn. The location of the seat of government so immediately affects the interests and convenience of the masses, from whom government sucks directly its existence, that I, for one, am willing to indulge them with the settlement of this one little solitary matter, so convenient for their action at their primary assemblies, at a time to be prescribed by their agents here. I am willing to test their capacity to act themselves, and I believe that no person would be so impudent and suicidal as to deny, at this day, to the democracy of the land, capability for self government. A new and resplendent era now dawns upon Texas. She is passing through the ordeal of a civil revolution. She is represented on this floor by her delegates, with trust powers given them—to do what? To dispense equal political power, and to secure equal political rights to her citizens, in establishing this organic law. They have constructive or implied power, to adjust and settle such local matters for the people, as it is inconvenient for them to arrange in their primary assemblies; in such a manner, if I understand the nature and extent of this high trust, as to suit us nearly as possible their general con-
venience, and meet the just requirements of a majority, after having properly consulted and compromised their various and conflicting interests.

Upon what impartial or tenable grounds, can gentlemen correctly show that something should be done for the immediate relief of Austin, at the expense of the whole people? Do the people not stand perfectly assured, that both former rights and former wrongs are bound to stand in stale, quo for the time being, and that the present and future are to be provided for, and promptly and faithfully attended to? It is true that Austin has suffered in consequence of the course pursued by the government; and has not Houston likewise suffered by the reckless and faithless course of the government? The first removal certainly created a precedent for the second; and though the first desertion had neither precedent or expediency to justify it, the latter certainly had both. And have not hundreds of individuals in Texas, who perhaps never saw either Houston or Austin, and never sympathised with their unfortunately gulled citizens, their sympathies, being perhaps sufficiently exhausted in their own behalf, been a little swindled, if not entirely broken up, particularly those who have fallen victims to the wily machinations of the profligate and corrupt Land commissioners? Whence did that bound of wild beasts emanate? Whence did they derive the power and authority which they so vilely perverted into a machine to swindle the world? From the government, sir. And I would further ask, if the government itself has not directly taken down numbers of patriotic capitalists, by failing to meet its engagements?

I would further ask, for the general information of the people, how the seat government came to be located at Austin? Did not the Congress of '37 and '39, after agreeing to remove from Houston, and failing to agree upon a point, modestly hand over to five commissioners the power entrusted to them, sixty in number, directly by the people, and say in substance and fact, if not in words, certainly I think without precedent: Be it enacted by the Republic of Texas in Congress assembled, that the President of said Republic is hereby ordered to convene, by proclamation the next annual Congress, at such point as may be elected and established by our five chosen commissioners, to whom we, acting for the people, have transferred such plenary power, as we have authority to do, to select for the people a safe and convenient place for the enactment of their laws and the transaction of their general business? And here was the chosen spot, for what reasons, or from what motives, I know not — of my own knowledge. And how has it been kept here? Certainly, I think, in consequence of the distracted interests of the country, and the great inequality of representation.

Here was the chosen spot. The reasons and motives for the location, I neither know nor care for. But did the move, let me ask, give satisfaction to a majority of the people? And how has it been kept here? Have one third of the people ever expressed themselves satisfied with the location? The Western members, although representing the most
diminutive minority perhaps ever known in the affairs of freemen, had
the shrewdness and tact to keep it here for years, against the will and
the expressed wishes of the people. But in the course of events, the
chief magistrate of the nation, emanating directly from, and responsible
directly to the people for all his acts, did remove it. Have a majority
of the people ever rebuked him for the act? If any gentleman may so
think, I can only say, that there is a wide difference of opinion between
us. And how was it brought back here? Perhaps partly by barter, and
certainly by that well known minority representation, in which Goliad
presented a bold and extended front of five against the docile one thousand
tax paying freemen of Montgomery. Has not this been a subject which
has agitated the public mind ever since the moment when reckless spec-
culation and perverted contrivance placed the seat of government here?
An overwhelming majority of the people loudly and sternly protested
against this act, so fraught with mischief and injury to the most vital inter-
ests of the people. Is there a solitary member here who believes that
a majority of the people wish the seat of government located at Austin
until 1850, and then to be voted on by the people, which will consum-
et for years more, and in effect leave it here for seven years? And if
there is any force in the argument now presented, that, as the State is
poor, it will be economy to hold the next five sessions in these old build-
ings, may it not be urged with fourfold force five years hence? Will
not pride, extravagance and management, in the next five years, generate
desire for new and more stately buildings, that will cost the govern-
ment twenty times the worth of these old things? Will not the people
be taxed, and have to pay in the next five or seven years, some thirty or
forty thousand dollars, to erect more costly and magnificent buildings,
which even then will not satisfy the taste and fancy of the Western gen-
tlemen, if we may draw an inference from data furnished here in olden
times? And we all know who have to bear the burthen of the govern-
ment. Now, can it be doubted that if the question is referred immedi-
ately to the people, such propositions will be made by contending points
for its permanent location, that it will not cost the State one cent? If I
am any judge of snakes, to locate it here for the next five years, will be
in effect to rivet the location hard and fast upon the people, with all its
inconveniences, against the express will of a large majority, and at a
cost to them of thousands, when other points would furnish all necessary
and good buildings gratuitously.

Have not the people frequently instructed their agents in Congress to
remove back the seat of government from a place without the borders of
the settlements and surrounded by Indian hunting grounds, to some in-
terior point most convenient and central to the great body of the citizens
to whom the government turns its face when hungry? And if it is a
trivial matter to members, where they meet for legislative action, as they
receive mileage, is it of no importance to the people, to whose taxes it
adds some thousands? What recompense and indemnity have they,
for the great trouble and expense they are put to in coming here for their patents, and the risks they have run with regard to the safety of their land papers? This point is perhaps the most remote in the most sparsely populated part of Texas; a point selected by five commissioners, deputized in the most extraordinary manner, to act in behalf of the people, and speculate a little perhaps for a few. I am told on this floor that one of the commissioners, who is now no more, acknowledged, or rather voluntarily stated, that bribery was made use of in the case.

The seat of government has been removed from this place, not from base motives, not from cowardice; but because the interests of the people required it, and neither justice nor expediency justified its retention here. And whenever any important emergency has arisen in the affairs of Texas, has not the distinguished man to whom I have alluded, been always found to possess both the nerve and the wisdom to meet the crisis; and has he not been always sustained by the people? Malice and vindictiveness may hurl their shafts at him; it may be fondly imagined that he is politically immolated; but in my view he occupies too elevated a position not to laugh to scorn the impotent attempts of the would-be Titans of the moment.

Mr. Hortan said: I feel it to be a duty which I owe to myself, as one of the unfortunate individuals alluded to by the gentleman in his elaborate discourse, to ask him one question, which I hope he will answer. Is he acquainted with the law under which the commissioners acted in locating the seat of government? Perhaps he labors under the same delusion with many others in this Republic. The act appointing the commissioners, required that the seat of government should be located north of the San Antonio road. Where does that road run? From the town of Bastrop across to the town of Tenoxitilan. We were necessarily compelled under our oaths to locate the seat of government north of that road; and if any individual can point out a more appropriate place than the one selected, I have never yet seen it. I know not what influenced the rest of the commissioners; but for my own part I know that I acted conscientiously in doing what I did. I have never repented it; and I trust I never shall. If I were to give way to my feelings upon this subject, it might create dissatisfaction and ill feeling, which I would be the last to do. I shall therefore refrain from making any further remarks at this time.

Mr. Moore moved to lay the substitute on the table.

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


So the motion was lost.

Mr. Hemphill moved to strike out "city of Austin," and insert "Independence."

Mr. Van Zandt moved the previous question.

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

Lost.

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

The main question being the adoption of the section without the amendments:

The ayes and noes being called stood as follows:


So the section was adopted.

On motion the Convention adjourned until 4 o'clock, p. m.

4 o'clock, p. m.

The Convention met pursuant to adjournment.—Roll called—Quorum present.

Mr. Armstrong gave notice, that he would move a reconsideration of the vote adopting the 22d and 27th sections of the General Provisions, one in relation to exempting property from forced sale, and the other in relation to taxation.

The 27th section was adopted.
Mr. Henderson moved to strike out the 28th section.

On motion of Mr. Van Zandt, a call of the House was made.

Mr. Young moved to suspend the call.

Lost.

On motion of Mr. Moore, the call was suspended.

On motion of Mr. Forbes, the 28th section was laid on the table.

Section 29th adopted.

In 31st section, Mr. Darnell moved to strike out "four years," and insert "two years," in relation to the term of service of senators.

Mr. Forbes moved a call of the Convention.

Lost.

The ayes and noes were called on the adoption of Mr. Darnell's motion to amend, and stood as follows:


On motion of Mr. Hemphill, the section was referred to the Committee on the State of the Nation.

The 28th section was then taken up.

Mr. Van Zandt moved the previous question.

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

The main question being the adoption of the section:

The ayes and noes were called, and stood thus:


Noes—Messrs. President, Bagby, Clark, Darnell, Davis, Evans, Everts, Gage, Henderson, Holland, Hunter, Jones, Latimer of L., Lewis,
So the section was adopted.

In 33d section, Mr. Moore moved to strike out "three," and insert "two"—(per diem pay of members of legislature.)

A division of the question being called for, the question on striking out was put and lost.

Mr. Forbes moved to strike out "three," and insert "two."

Mr. Young moved to amend, by inserting "four."

Lost.

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


Lost.

Mr. Brown moved to amend, by inserting "three dollars per day for forty days, and no pay thereafter."

Mr. Parker moved to strike out "forty days," and insert "sixty days."

Lost.

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


So the motion was lost.
The section was then adopted.
Mr. Gage moved to adjourn until half-past 8 o'clock, tomorrow morning.
Lost.
The 1st section of the report, together with the substitute reported by the select committee, Mr. Brown chairman, was taken up.

Mr. Love moved to lay the section and substitute on the table.

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

Friday, Aug. 15th, 1845.

The Convention met pursuant to adjournment.
Prayer by the Chaplain.

Mr. Cunningham filed the following protest to vote given heretofore given, adopting the 31st section of the legislative department.

Austin, August 14, 1845.

The undersigned having voted against the 31st section of the Constitution relating to the legislative department of the government, establishing the number of representatives in the first legislature of Texas, and apportioning the same among the respective counties, begs leave to respectfully protest against the adoption of the said section for the following reasons:

1st. The large number of the representatives will necessarily subject the people of the western portion of the country—already impoverished, by their patriotic efforts to support and maintain the independence of the country, to an onerous tax, from which they ought, if possible, to be relieved.

2d. The apportionment of the representatives among the respective counties is unjust and injurious to the rights and interests of the people of the western portion of the state, inasmuch as it deprives them of their due weight in the legislation of the state, by changing the constitutional apportionment in the legislature of the country.