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Mr. Ochiltree moved to fill the blank in the 1st section with the words "time of the adoption of this constitution by the Congress of the United States."

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

Monday morning, August 25, 1845.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The special committee (W. B. Ochiltree chairman) appointed to supervise and make grammatical and other corrections to the different articles of the constitution; reported corrections upon the General Provisions, Education, Slaves and Impeachment.

Mr. Standifer offered the following additional section to the General Provisions, to come in between 23d and 24th sections:

The salaries of the Governor and the Judges of the supreme and district courts are hereby fixed at the minimum established in the constitution, and shall not be increased for ten years.

On motion, of Mr. Hogg, the rule was suspended and the additional section adopted as one of the sections of the General Provisions.

On motion of Mr. Horton, the chairman on printing was authorized to employ George Fisher for the purpose of translating into Spanish language the constitution of the state, at two dollars per page.

On motion of Mr. Young, the report of the revising committee was taken up, and the various corrections to the General Provisions and Education, were adopted by the convention.

On motion of Mr. Anderson, the General Provisions were read section by section.

Mr. Cunningham moved to strike out the 19th section, providing that "all property, both real and personal, of the wife, owned, or claimed by her before marriage, and that acquired afterwards by gift, devise or descent, shall be her separate property," &c.

Mr. Latimer, of Lamar, seconded the motion to strike out, expressing in forcible language his objections to the section.

The convention refused to strike out

Mr. Forbes moved to strike out the 22d section.

Lost.

Mr. Forbes moved to strike out the last clause of the 24th section.

Lost.

Mr. Gage moved to strike out the whole of the 24th section.

Lost.

Mr. Hemphill, from the Judiciary committee, reported the following as an additional section to the General Provisions, to come in after the 21st section :

All titles to land, granted by the government of Spain or Mexico, or of Coahuila and Texas, under the colonization laws, or otherwise, lying within the limits of Texas, and which shall not be recorded or filed for record in the recorder's office of the respective counties in which said land lies, within one year from the meeting of the first legislature under this constitution, shall be forever barred and be considered vacant; provided that the titles to land of minor heirs and femes covert may be exempted from the provisions of this article, in such manner as the legislature may direct.

Mr. Anderson objected to it on the ground that it would injure those who had acquired title by prescription.

Mr. Caldwell made some remarks, objecting to the section on the same ground, and concluded as follows:

Pass that resolution, and it will be understood that occupancy is worth nothing, and that registration is all, I venture to assert, that unless we go to our constitution and inform them of it, man by man, four fifths of them will not place their original titles upon record. They will say that they have not the three dollars necessary to put their titles upon record. It is not required in the United States, or under the laws of Mexico. I admit that it would be a good plan for persons to go and put their titles on record; and we may give an advantage by this which will induce them to do so. But let us not vacate the titles of citizens for not doing it.

Mr. *Loze* said: Whilst I approve of the object, I think there are some difficulties connected with the subject. I know that many original titles belonging to Coahuila and Texas, are now in Mexico, and the titles to many grants issued by the King of Spain cannot be arrived at. This matter should be well understood, before any action of this kind is taken. I think it should be referred to the judiciary committee.

Mr. *Navarro*, as interpreted by Geo. Fisher, Esq. spoke as follows: I concur in the remarks made by the gentlemen from *Dastrop* and

Galveston upon this subject. And I will state in addition, that this article is entirely impracticable, as well as absolutely monstrous and absurd. There are a great many Mexican citizens, who were formerly inhabitants of Texas, having lived upon the Nueces, at Goliad, Bexar, and at various points in the present Republic of Texas, at that time in states composing a part of the Mexican confederacy. Some of them left of their own accord; some were forced away by the army of Texas, and others were compelled by the armies of Mexico to go beyond the Rio Grande. Some of them carried their titles with them; and some of the archives of Bexar, Goliad, and San Patricio, were carried beyond the Rio Grande. Some who have titles to lands embraced in the present limits of Texas, were never inhabitants of Texas. There are some persons owning lands by virtue of grants made by the King of Spain, and by the authorities of Tamaulipas, Coahuila and Texas. Many of them have never come to Texas, but these grants are in their possession. Is it now reasonable that these men should be compelled, within one year after the assembling of the first Legislature, to rescind these titles? Are they bound to do it? Are these laws and this Constitution binding upon persons who have never been inhabitants of the country, or those who obtained their titles to property previously to the formation of this Constitution and that of the Republic? Further: this Convention, by accepting the resolutions of the United States' Congress, in the name of the people of Texas, on the 4th day of July, has solemnly agreed to submit the settlement of the boundary question entirely to the government of the United States. Now, I ask, is it for a moment reasonable to suppose that the Mexican government, in adjudicating her difficulties and settling the question of limits with the government of the United States, will not insist upon it as a condition *sine qua non*, that all the grants, rights, privileges, and prerogatives of these Mexican citizens shall be respected and confirmed? Is it a reasonable supposition that these men who never were in Texas, are to lose their rights? And is not the Mexican government in duty bound to sustain and support the claims of her citizens, not only of those who were, previously citizens of Texas, and left the country, making common cause with her, but even of those who never were in Texas, and have titles to lands here in their possession? In my opinion, clearly their right will be insisted upon by the Mexican government, and the United States cannot get over it. In case the Mexican government shall claim some two, three, four or five hundred men as citizens, then owing allegiance to that country, and who at the time of the final settlement of this matter, may perhaps think proper to immigrate to Texas, because their interest and their lands are here, and could not do so previously, because they might be compelled to emigrate from Texas, is it reasonable to suppose that the United States' government will not accede to it? If then this claim shall be insisted upon by the government of Mexico, will it not be incumbent upon the government of the United States to accede to it? What then will a clause like

this amount to in the Constitution? And if this Constitution with that clause is presented for the ratification or acceptance of the Congress of the United States, and this question arises, will not that Congress, in all probability, return it as inadmissible, as not carrying out the resolutions which we have previously agreed to? I believe there is not an honorable member of this Convention, who, if he will put the question to himself, and consult his own conscience, will not see at once that this article is not unreasonable and impracticable in effect, but to all intents and purposes contrary to justice and equity, and such as no man can conscientiously vote for. I appeal to the honorable feelings of gentlemen of this Convention, to take this matter into serious consideration, before they adopt a provision of this kind.

Mr. Cunningham offered the following as a substitute for the one offered by the committee:

The Legislature shall have power to pass laws requiring all persons having a title to lands derived from the government of Spain, Mexico, or that of the State of Coahuila and Texas, or any other state or authority, to register the same within a reasonable time, in the county in which the lands lie, under penalty of the forfeiture of the same.

On motion of Mr. Hemphill, the additional section reported and the substitute were referred to the committee on the judiciary.

On motion of Mr. Lewis, Mr. Cunningham was added to the committee on the judiciary.

Mr. Forbes offered the following amendment to the 30th section:

And all corporate bodies heretofore vested with banking or discounting privileges, either by the laws of Coahuila and Texas or of the Republic of Texas, are hereby declared null and void.

Mr. Mayfield moved to amend by adding to the end of the section "that all colonization contracts entered into with the Secretary of State or President, be declared null and void."

Mr. Young moved the previous question.

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

The main question being the passage of the article on the General Provisions;

The yeas and nays were called, and stood as follows;

Yeas—Messrs. President, Anderson, Armstrong of R., Bagby, Baylor, Bache, Basham, Brown, Burroughs, Clark, Cuyey, Dardell, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Irion, Jones, Lewett, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin,

Lusk, Lipscomb, McGowan, McNeill, Miller, Navarro, Parker, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Vandt, Wright and Young—43.

Noes—Messrs Caldwell, Cazneau, Cunningham, Evans, Forbes, Hunter, Mayfield, and White—9.

So the article passed.

On motion of Mr. Ochiltree, the Schedule was taken up; and,

On motion of Mr. Henderson, the first blank was filled with the words "organization of the state government."

On motion, all the blanks in the second section were filled with the same words.

Mr Forbes offered the following as an additional section:

All corporate bodies with banking or discounting privileges, having been prohibited by this Constitution, all persons or corporate bodies vested with banking or discounting privileges by the laws of Louisiana and Texas, or the Republic of Texas, are hereby prohibited from the exercise or use of such banking or discounting privileges.

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

Ayes—Messrs Bagby, Baylor, Brashear, Clark, Evans, Forbes, Gage, Hunter, Jewett, Lutmer of L, Lutmer of R R, Mayfield, Tarrant, Ochiltree, Van Zandt, White, Wright and Young—18.

Noes—Messrs. President, Anderson, Armstrong of R, Bache, Brown, Caldwell, Cunningham, Cuney, Darnell, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Irion, Jones, Lewis, Love, Lumpkin, Lusk, Lipscomb, McGowan, McNeill, Miller, Navarro, Parker, Rains, Runnels, Scott, Smyth, and Standefer—32.

Rejected.

Mr. Mayfield offered the following as an additional section:

All agencies for the colonization or settlement of any of the vacant or unappropriated lands of Texas, made and entered into with the President, or Secretary of State of Texas, or any person from and after the adoption of this Constitution by the people of Texas, are from and after that time revoked.

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

Ayes—Messrs. Armstrong of R, Baylor, Brown, Burroughs, Caldwell, Clark, Evans, Hunter, Jewett, Lunykon, Mayfield, McNeill, Runnels, Scott, Tarrant, Van Zandt, White and Wright—18

Noes—Messrs. President, Anderson, Bagby, Bache, Cazneau, Cunningham, Cuney, Darnell, Forbes, Hemphill, Henderson, Hicks, Hogg,

Horton, Holland, Irion, Jones, Latimer of L., Latimer of R. R., Lewis, Lusk, Lipscomb, McGowan, Miller, Navarro, Parker, Rainis, Smyth, Standefer, Ochiltree and Young—31.

So the additional section was rejected.

The 3d section was taken up and the amendment of the committee on the judiciary, to wit: between the words "repugnant" and "to," in the 2d line, insert "to the Constitution of the United States, the joint resolution for annexing Texas to the United States or."

Adopted.

The section as amended was then adopted.

Mr. Love offered the following as an amendment to the 4th section:

Every person now subject to any fine, penalty or forfeiture for the commission of any political offence against the Republic of Texas, shall be and are hereby released, discharged and acquitted from all liability arising from such offence, under any law now in force, and are hereby restored to all the rights and privileges of which they have not been divested by the judgment of a judicial tribunal having competent jurisdiction.

Mr. Lipscomb offered the following amendment to the amendment offered by Mr. Love, which was accepted:

On this condition, however, that all such offenders shall take the oath of all guards to support the Constitution of this State and of the United States, within twelve months after the acceptance of this Constitution by the Congress of the United States.

Mr. Bagby moved the previous question.

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

The main question was the adoption of the original section, which question prevailed.

Mr. Henderson offered the following as additional sections to the Schedule, to come in after the 4th section:

Sec 5 Immediately after the adjournment of this Convention, the President of this Republic shall issue his proclamation directing the chief justices of the several counties of this Republic, and the several chief justices and their associates are hereby required to cause polls to be opened in the several counties at the established precincts, on the second Monday of October next, for the purpose of taking the sense of the people of Texas in regard to the adoption or rejection of this Constitution, and the votes of all persons entitled to vote under the existing laws of this Constitution, shall be received. Each voter shall express

his opinion by depositing in the ballot box a ticket whereon shall be written "the Constitution accepted," "or the Constitution rejected," or some words clearly expressing the intention of the voter. The election shall be conducted in conformity with the existing laws regulating elections, and the chief justices of the several counties shall carefully and promptly make returns of said polls to the Department of State of this Republic.

Sec 6 Upon the receipt of the said returns, or on the first Monday of November next, if the returns be not sooner made, it shall be the duty of the President, in presence of such officers of his cabinet as may be present, and of all persons who may choose to attend, to compare the votes given for the ratification or rejection of this Constitution; and if it shall appear from the returns that a majority of all the votes given is for the adoption of the Constitution, then it shall be the duty of the President to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the Constitution of this State, to go into operation and be of force and effect, on the acceptance of the same by the Congress of the United States. and the President of this Republic is authorized and required to transmit to the President of the United States, so as to be received early in December next, the said Constitution, certifying under the great seal of the Republic the number of votes given at the polls for the rejection or adoption of the Constitution, and the majority of the votes given for its ratification.

Sec. 7. Should this Constitution be accepted by the people of Texas, it shall be the duty of the President, on or before the first Monday in November next, to issue his proclamation directing and requiring elections to be holden in all the counties of this Republic, on the first Monday in December next, for the offices of Governor, Lieutenant Governor, members of the Senate and House of Representatives of the State Legislature, in accordance with the apportionment of representation directed by this Constitution; and also for members of the House of Representatives of the Congress of the United States; and returns for the members of the Legislature of this State shall be made to the Department of State of this Republic, and those for that of Governor and Lieutenant Governor shall be addressed to the Speaker of the House of Representatives, endorsed "election returns of \_\_\_\_\_ county for Governor," and directed to the Department of State, and should, from any cause whatever, the chief justices of counties fail to cause to be holden any of the polls of elections provided for by this Constitution, at the times and places herein directed, the people of the precinct where such failure exists, are hereby authorized to choose managers, judges and other officers to conduct said elections.

Sec 8. Immediately on the President of this Republic receiving official information of the acceptance of this Constitution by the Congress of the United States, he shall issue his proclamation convening at an early day the Legislature of the State of Texas at the seat of government



established under this constitution, and after the said legislature shall have organized the Speaker of the House of Representatives shall in presence of both branches of the Legislature, open the returns of the election for Governor and Lieutenant Governor, count and compare the votes, and declare the names of the persons who shall be elected to the office of Governor and that of Lieutenant Governor, who shall forthwith be installed in their respective offices, and the Legislature shall proceed, as early as practicable, to elect Senators to represent this State in the Senate of the of the United States.

Sec. 9. It shall be the duty of the President of Texas, immediately after the inauguration of the Governor, to deliver to him all records, public money, documents, archives and public property of every description whatsoever under the control of the Executive branch of the government, and the Governor shall dispose of the same in such manner as the Legislature may direct.

Sec. 10. That no inconvenience may result from the taking effect of this Constitution, it is declared that the laws of the Republic, relative to the duties of officers, both civil and military of the same, shall remain in full force, though contrary to this Constitution, and the duties of their several offices shall be performed in conformity with the existing laws, until the organization of the government of the State under this Constitution. That the offices of President, Vice President, of the President's Cabinet, Foreign Ministers, Chargés and agents and others repugnant to this Constitution shall be superseded by the same, and that all others shall be bolden and exercised until they expire by their own limitation, or be superseded by the authority of this Constitution, or laws made in pursuance thereof.

Sec. 11. The first general election for Governor, Lieutenant Governor and members of the Legislature, after the organization of the government, shall take place on the first Monday in November, 1847, and shall be held biennially thereafter, on the first Monday in November, and the Governor and Lieutenant Governor elected in December next, shall hold their offices until the installation in office of the Governor and Lieutenant Governor to be elected in 1847.

Mr. Caldwell moved to lay the additional sections on the table. Lost.

Mr. Mayfield moved to have 100 copies of the additional sections printed. Lost.

On motion of Mr. Back, 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. Scott moved that Mr. C. B. Stewart be allowed to take his seat in the Convention, as deputy from the county of Montgomery.

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

**Ayes**—Messrs. President, Anderson, Bagby, Baylor, Bache, Bra-  
steat, Cuney, Darnell, Evans, Forbes, Hemphill, Horton, Holland,  
Jones, Latimer of L., Lipscomb, McGowan, McNeil, Miller, Navarro,  
Rains, Scott and Young—23.

**Noes**—Messrs. Armstrong of R., Cazneau, Clark, Cunningham,  
Gage, Henderson, Hicks, Hogg, Hunter, Irion, Jewett, Latimer of R. R.,  
Lumpkin, Lusk, Mayfield, Parker, Smyth, Standefer, Ochiltree and  
White—20

So Mr. Stewart was permitted to take his seat.

Mr. Mayfield moved to declare the Seat of Sam Houston vacant.

The ayes and noes thereon were called, and stood as follows:

**Ayes**—Messrs. Anderson, Baylor, Bache, Bagby, Caldwell, Cazneau,  
Cuney, Evans, Forbes, Hemphill, Horton, Jones, Lipscomb, McGowan,  
McNeill, Miller, Navarro, Scott and Smyth—19.

**Noes**—Messrs. President, Armstrong of R., Clark, Cunningham,  
Darnell, Gage, Henderson, Hicks, Hogg, Holland, Hunter, Irion,  
Jewett, Latimer of L., Latimer of R. R., Lumpkin, Lusk, Mayfield,  
Parker, Rains, Standefer, Tarrant, Ochiltree, Van Zandt, White and  
Young—26.

Lost.

On motion of Mr. Young, the Schedule was taken up.

The additional sections offered by Mr. Henderson being before the  
Convention, Mr. Forbes moved to have them read. Lost.

Mr. Rusk offered the following amendment to the 1st section:

“And at the same time the vote shall be taken for and against an-  
nexation.”

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

**Ayes**—Messrs. President, Anderson, Armstrong of R., Baylor, Brown,  
Caldwell, Cazneau, Cunningham, Cuney, Darnell, Evans, Forbes,  
Gage, Hogg, Horton, Stewart, Holland, Hunter, Irion, Jewett, Jones,  
Lewis, Lumpkin, Lipscomb, Mayfield, McGowan, Miller, Navarro,  
Parker, Ronnels, Scott, Standefer, Tarrant, Ochiltree, White and  
Wright—36.

**Noes**—Messrs. Bache, Bagby, Brashear, Burtoughs, Clark, Hem-  
phill, Henderson, Hicks, Latimer of L., Latimer of R. R., Lusk, Mc-  
Neil, Rains, Smyth, Van Zandt and Young—16.

Motion carried.

Mr. Rusk moved to have the additional sections offered by Mr. Henderson, read section by section.

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

**Ayes**—Messrs. President, Anderson, Baylor, Brown, Caldwell, Cazneau, Darnell, Evans, Forbes, Gage, Henderson, Hogg, Horton, Stewart, Holland, Hunter, Jewett, Jones, Lipscomb, Mayfield, McGowan, Navarro, Parker, Runnels, Scott, Smyth, Standefer, Tarrant and White—29.

**Noes**—Messrs. Armstrong of R., Bagby, Bache, Brashear, Burroughs, Clark, Cunningham, Coney, Hemphill, Hicks, Irion, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, McNeil, Miller, Rains, Ochikree, Van Zandt, Wright and Young—23.

So the motion prevailed.

Mr. Rusk moved to strike out "ballot" and insert "*viva voce*," in regard to voting for or against the Constitution, &c. Carried.

Mr. Rusk moved to strike out the word "second," before the words "Monday in October," and insert "first."

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

**Ayes**—Messrs. President, Anderson, Baylor, Brown, Caldwell, Cazneau, Darnell, Forbes, Gage, Hogg, Horton, Stewart, Holland, Hunter, Jewett, Jones, Lumpkin, Mayfield, Navarro, Parker, Runnels, Standefer, Tarrant and White—24.

**Noes**—Messrs. Armstrong of R., Bache, Bagby, Brashear, Burroughs, Clark, Cunningham, Coney, Evans, Hemphill, Henderson, Hicks, Irion, Latimer of L., Latimer of R. R., Lewis, Lusk, Lipscomb, McGowan, McNeil, Miller, Rains, Scott, Smyth, Ochikree, Van Zandt, Wright and Young—23.

So the motion was lost.

The 5th section was then adopted.

Mr. Henderson moved to strike out the word "first," before "Monday in November" and insert the word "second."

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

**Ayes**—Messrs. Armstrong of R., Bache, Bagby, Brashear, Burroughs, Clark, Cunningham, Coney, Evans, Hemphill, Henderson, Hicks, Horton, Holland, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McNeil, Miller, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Ochikree, Van Zandt, and Young—34.

**Noes**—Messrs. President, Anderson, Baylor, Brown, Caldwell, Cas-

neau, Darnell, Forbes, Gage, Hogg, Stewart, Hunter, Mayfield, McGowan, Navarro, Runnels, White and Wright—18.

So the motion prevailed.

Mr. Mayfield offered the following amendment:

Insert, after "United States," in 15th line, 6th section, the words "in duplicate, one by a special messenger, and one through the mail."

Mr. Henderson offered the following amendment:

Strike out the words "on the acceptance of the same by the Congress of the United States," and insert "from and after the organization of the state government under this Constitution," in the 12th and 13th lines of the 6th section.

Adopted; and section as amended adopted.

Mr. Rusk moved to strike out "members of the House of Representatives of the United States Congress," in section 7th. Adopted.

Mr. Brown moved to strike out the 3d section. Lost.

Mr. Henderson moved to strike out "first" before Monday in December," and insert "second." Carried.

Mr. Caldwell moved to adjourn until 8 o'clock, to-morrow morning. Lost.

Mr. Mayfield moved to strike out the words "the President shall issue his proclamation," and insert "the chief justice shall order an election."

Upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. President, Caldwell, Cazneau, Gage, Hogg, Horton, Holland, Hunter, Mayfield, Runnels and White—11.

Nays—Messrs. Armstrong of R., Baylor, Bachs, Bagby, Brashear, Brown, Burroughs, Clark, Cunningham, Cuney, Darnell, Evans, Hemphill, Henderson, Hicks, Stewart, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McGowan, McNeil, Miller, Navarro, Parker, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, Wright and Young,—39.

Lost.

Mr. Henderson moved to strike out "first" before "Monday in December," and insert "third."

Mr. Mayfield moved to amend by inserting "that Secretary of State, Attorney General, &c., shall not receive any more pay than similar officers of the state government."

Upon which the yeas and nays were called, and are as follows:

Yeas—Messrs. Caldwell, Gage and Mayfield—3.

Noes—Messrs. President, Armstrong of R., Baylor, Bache, Bagby, Brashear, Brown, Burroughs, Cazneau, Clark, Cunningham, Cuney, Darnell, Evans, Hemphill, Henderson, Hicks, Hogg, Horton, Stewart, Holland, Hunter, Irion, Jewett, Jones, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McGowan, McNeil, Miller, Navarro, Parker, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, White, Wright and Young—46.

So the motion was lost.

The question was then taken on the amendment of Mr. Henderson, to strike out "first Monday."

Which was carried.

On motion of Mr. Henderson, the word "Ordinance" was stricken out and "Constitution" inserted.

Mr. Caldwell moved to insert "all goods, wares and merchandize imported from the United States, being the manufacture of the same, after the acceptance of this Constitution by the Congress of the United States, shall be imported free from duty."

Mr. Lipscomb moved the previous question, which was carried by ayes and noes, as follows:

Ayes—Messrs. Armstrong of R., Bache, Bagby, Brashear, Burroughs, Clark, Cunningham, Cuney, Darnell, Evans, Forbes, Hemphill, Henderson, Hicks, Stewart, Holland, Irion, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lusk, Lipscomb, McGowan, McNeil, Miller, Rains, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, Wright and Young—36.

Noes—Messrs. President, Baylor, Brown, Caldwell, Cazneau, Gage, Hogg, Horton, Hunter, Jones, Love, Mayfield, Navarro, Parker, Runnels and White—16.

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

Mr. Rusk offered the following as an addition to the 8th section:

The Legislature shall also adopt such measures as may be required to cede to the United States at the proper time, all public edifices, fortifications, barracks, ports, harbors, navy, navy yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, now belonging to the Republic of Texas, and to make the necessary preparations for transferring to the said U. States, all custom houses and other places for the collection of import duties, and other foreign duties.

Which was adopted.

Mr. Runnels moved to amend the 8th section, so as to provide for the election of Representatives to the United States' Congress as well as Senators.

Which amendment was adopted.

Mr. Rusk moved to adjourn until to-morrow morning, 8 o'clock.  
Lost.

Mr. Mayfield gave notice that he would take this opportunity to give his views in full upon the merits of the Ordinance; and

On motion of Mr. Latimer of L., the Convention adjourned until 8 o'clock, to-morrow morning.

Tuesday morning, Aug. 26, 1845.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Anderson gave written notice that he would move a re-consideration of the vote adopting a section of the General Provisions, providing for amending the Constitution.

Mr. Caldwell, from a special committee, made the following report:

Committee Room, Aug. 26, 1845.

To the Honorable THOS. J. RUSK,

President of the Convention:

The committee, to whom was referred the case of Post Captain E. W. Moore, for want of time having been unable to examine into the subject matter referred to them, they therefore express no opinion upon the merits of the case, but recommend the passage of the following resolution:

JOHN CALDWELL, Chairman.

*Resolved*, By the Delegates of the people in Convention assembled, That in closing their labors as the representatives of the people, they are constrained by a sense of duty to their country and their gallant fellow citizen E. W. Moore to recommend him to the favorable consideration of the American government, and that he may be retained and provided for in the naval service thereof.

On motion, the rule was suspended.