

# TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Journals of the Convention, assembled at the city of Austin on the Fourth of July, 1845, for the purpose of framing a constitution for the State of Texas. Austin: Miner & Cruger, printers to the Convention, 1845.*

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

If you are uncertain whether you need permission to use these materials, please contact us at [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

In the latter clause of the second section, Mr. Armstrong of J., moved to strike out "except for public services"—which was lost.

Mr. Forbes offered the following, to come in as Sec. 3 :

"Governments being instituted for the benefit and general welfare of the people, the burthens shall be equally distributed among all classes, and taxation shall be forever uniform and equal."

Which was rejected.

Amendment to Article 4th,—in 6th line, after the word "conscience" insert the words "in matters of religion."

Adopted.

The following was adopted as an addition to the 4th Article :

"But it shall be the duty of the Legislature to pass such laws as shall be necessary to protect every denomination of Christians in the peaceable enjoyment of their own mode of public worship."

On motion of Mr. Hunter, the word "Christians" was stricken out, and the word "religious" inserted before the word "denominations," so as to read "every religious denomination."

The Convention then proceeded to the following, offered as a substitute to the 6th article by the committee :

"And in all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the fact, under the direction of the Court, as in other cases; but the truth shall not avail as a defence, when malice or a corrupt motive is proved."

Which, while under discussion,

On motion of Mr. Van Zandt, the Convention adjourned until half past 8 o'clock to-morrow morning.

---

WEDNESDAY MORNING, July 16, 1845.

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

Present—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Howard, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lumpkin, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navar-

F\*

ro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, White, Wood, Wright and Young.

The journal of the preceding day was read and adopted.

Mr. Clark, from the committee on Education, made the following report:

COMMITTEE ROOM, July 16, 1845.

*To the Hon. THOS. J. RUSK,*

*President of the Convention:*

The committee to whom was referred that part of the Constitution which relates to the subject of education, have had the same under consideration, and ask leave to submit the following report.

[Signed]

EDWARD CLARK,  
Chairman.

ARTICLE 1st. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature in all future periods of this State, to make suitable provisions for the support and maintenance of public schools.

ART. 2d. The Legislature shall, as early as practicable, establish free public schools throughout the State, and shall furnish means for their support, by taxation on property: and from and after the year eighteen hundred and fifty, it shall be the duty of the Legislature to set apart one-tenth of the annual revenue of the State, as a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the support of free public schools; and no law shall ever be made, directing said fund to any other use.

ART. 3d. All public lands which have been heretofore, or which may hereafter be granted for public schools to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease, for a term not exceeding twenty years, in such manner as the Legislature may direct.

Which report was laid on the table one day for consideration.

The special Finance committee, to whom was referred a resolution instructing them to enquire into "the amount of money which can be collected by a reasonable rate of taxation, and what amount will be sufficient to support a state government for the first year," made the following report:

COMMITTEE ROOM, July 16, 1845.

*To the Hon. THOS. J. RUSK,**President of the Convention:*

The Select Committee, to whom was referred a resolution instructing them to enquire into "the amount of money which can be collected by a rate of reasonable taxation, and what amount will be sufficient to support a state government for the first year," have had the same under consideration, and have instructed me to report:

That, in the present incomplete condition of our State Constitution, from the best data in the possession of the committee, the necessary annual expenses of the government of the State of Texas, will probably be something like the following estimate:

Three Judges of Supreme Court,	\$2,000	\$6,000
Six District Judges,	1,500	9,000
Six District Attorneys,	300	1,800
Contingent Expenses,	500	500
		<hr/>
Annual expense of Judiciary,		\$17,300 \$17,300
		<hr/>
Governor,	2,000	2,000
Secretary of State,	1,000	1,000
Comptroller,	1,000	1,000
Treasurer,	1,000	1,000
Attorney General,	500	500
Contingent Expenses,	500	500
		<hr/>
Annual expense of Executive Department,	\$6,000	\$6,000
		<hr/>
Sixty members of Legislature, at \$3 per day,	\$10,800	
Mileage,	3,000	
Six Clerks, at \$3 per day, each,	1,080	
Four Door-keepers and Sergeant-at-Arms,	720	
Contingent Expenses,	1,200	
Contingent Printing for both Houses,	1,000	
Printing Laws and Journals,	2,500	
Two Chaplains, at \$3 per day,	360	
		<hr/>
Expenses of the Legislative Department,	\$20,660	\$20,660
		<hr/>
Amount carried over,		\$43,960

	Amount brought over,		\$43,960
Pension to	Col. Neal,	\$200	
"	Joseph Cecil,	300	
"	M. J. Garcia,	100	
		<hr/>	
Amount of Pensions,		\$600	\$600
			<hr/>
Annual expense of State Government,			\$44,560

Your committee have purposely omitted to take into account, in this estimate, the expenses of the General Land Office. They believe that that office can be made, and the situation of the country imperiously demands that it should be made to defray its own expenses. In this way every man would contribute to the support of that office, in proportion to the interest he has in it.

The committee have also endeavored to make an estimate of the probable revenue, from which the expenses of a state government are to be defrayed; and, by comparing the return of the Secretary of the Treasury for the years 1843 and 1844, (the only data in their possession) they arrive at the following conclusion as to the probable amount of direct and license taxes, for the ensuing year, at the rates now established by law, viz:

Specific tax,	\$19,756 88	
Ad valorem tax,	22,736 64	
Poll,	4,000	
License,	5,000	
	<hr/>	
	\$51,492 52	
From which, deduct	4,000	expense of as-
sessing and collecting.		
Balance,	<hr/>	
	\$47,492 52	

The committee would remark, that the specific tax on most articles on which specific tax is laid, is equal to about one-fifth of one per cent.; and as we will probably adopt an article in our constitution, requiring that taxation shall bear equally on all kinds of property, it will be necessary, (or at least proper) to raise the tax on land, which is now only one-tenth of one per cent., to one-fifth of one per cent., to produce the contemplated equality of taxation. This, from the best calculation we can make, would augment our revenue about eighteen thousand dollars; which, added to \$47,492 52, would make an aggregate of sixty-five thousand four hundred and ninety-two dollars fifty-two cents.

Under the operation of the laws now in force, the direct tax has proved a very precarious source of revenue, not more than an average of one-half having, heretofore, been collected; and as Texas, when she becomes a state, must depend entirely on that source of revenue, your committee would suggest the propriety of making some constitutional provision which will ensure a more prompt and efficient collection in future.

J. B. MILLER, Chairman.

Five hundred copies of said report were ordered to be printed.

Mr. Lewis offered the following resolution:

*Resolved*, That the following mode of revising, reforming, or amending the Constitution be referred to the committee on the Bill of Rights and General Provisions.

#### MODE OF REVISING THE CONSTITUTION.

When experience shall point out the necessity of amending the Constitution, and when a majority of all the members elected to each house of the General Assembly, shall, within the first twenty days of their stated annual session, concur in passing a law specifying the alterations intended to be made, for taking the sense of the good people of this State, as to the necessity and expediency of calling a Convention. It shall be the duty of the several sheriffs and other returning officers, at the next general election which shall be held for Representatives after the passage of such law, to open a poll for, and make return to the Secretary of State for the time being, of the names of all those entitled to vote for Representatives who have voted for a Convention; and if, thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for Representatives, have voted for a Convention, the General Assembly shall direct that a similar poll shall be opened and taken for the next year; and if, thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for Representatives, have voted for a Convention, the Legislature shall, at its next session, call a Convention, to consist of as many members as there shall be in the House of Representatives, and no more, to be chosen in the same manner and proportion, at the same places, and at the same time that Representatives are, by citizens entitled to vote for Representatives, and to meet within three months after the said election, for the purpose of adopting, amending, or changing this Constitution. But if it shall appear, by the vote of either year as aforesaid, that a majority of all the citizens entitled to vote for Representatives did not vote for a Convention, a Convention shall not be called.

Which resolution was referred to the committee on General Provisions.

Mr. Forbes offered the following resolution :

*Resolved*, That the committee on General Provisions of the Constitution, be instructed to enquire into the expediency of prohibiting the passage of any law taking away, or altering the legal remedy for the collection of debts which was in force and in operation at the time of the creation of the debt; and that the said committee report to the Convention as early as practicable, the result of their enquiry.

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

Mr. Parker offered the following resolution :

*Resolved*, That the Convention will go into the election of a Printer to print the Journals of the Convention, on the inst., at eleven o'clock, A. M.

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

On motion of Mr. Howard, the ordinance of this body of the 4th inst., accepting the proposition of annexation, and the resolution inviting the United States' troops into Texas, were ordered to be spread upon the journals in the Spanish language, as follows:

### ORDENANZA.

Por cuanto el Congreso de los Estados Unidos de America ha pasado unos Acuerdos que proveen la agregacion de Tejas a aquella union y cuyos acuerdos fueron aprobados por el Presidente de los Estados Unidos, el dia primero de Marzo de mil ochocientos cuarenta y cinco, y por cuanto el Presidente de los dichos Estados Unidos ha sometido a Tejas la primera y segunda seccion de dichos acuerdos, como la base sobre la cual Tejas deba de ser admitido como uno de los Estados de la citada Union; y por cuanto el Gobierno actual de la Republica de Tejas ha asentido a las proposiciones asi hechas, cuyos terminos y condiciones son del tenor siguiente:

### “DECRETO

*“Para agregar Tejas a los Estados Unidos.*

*ACORDADO por el Senado y por la Camara de Representantes de los Estados Unidos de America, en Congreso reunido: Que el Congreso consiente en que el territorio propiamente incluido dentro, y de derecho perteneciente a la Republica de Tejas sea erigido en un nuevo Estado, con el titulo del ESTADO*

DE TEJAS con un Gobierno de forma republicana, que sea adoptado por el pueblo de la dicha Republica de Tejas, por medio de diputados reunidos en Convencion, con el consentimiento del actual Gobierno, á fin de que sea admitido como uno de los Estados de esta Union."

"ACORDADO: Que el antecedente consentimiento del Congreso esta dado bajo las condiciones, y con las garantias siguientes, a saber:

"*Primera:* El Estado supradicho será formado, quedando sugeto al ajustamiento que haga este Gobierno en todo question que se suscitare por algun otro Gobierno sobre los limites, y con la constitucion hecha para su gobierno patentizando el haber sido aprobada por el pueblo de dicha Republica de Tejas, será transmitida al Presidente de los Estados Unidos con el objeto de que la presente al Congreso para su final despacho, el dia primero de Enero de mil ochocientos cuarenta y seis ó antes.

"*Segunda:* El dicho Estado, despues de ser admitido en la Union, y despues, de haber cedido á los Estados Unidos todos los edificios publicos, fortificaciones, cuarteles, puertos, armada, arsenales, almazenes, armas, armamentos y toda otra propiedad y medios pertenecientes á la defensa publica, de propiedad de dicha Republica de Tejas, quedará con todos sus fondos publicos, con las deudas activas y pasivas, de toda clase que le perteneciesen, á dicha Republica; y quedará igualmente con todas tierras validas y disponibles, situadas dentro de sus limites, las que serán aplicadas al pago de las deudas, y las responsabilidades de dicha Republica de Tejas, y el sobrante de las dichas tierras, despues de pagadas dichas deudas y responsabilidades quedará á la disposicion del dicho Estado; pero en ningun caso, serán dichas deudas y responsabilidades al cargo del Gobierno de los Estados Unidos.

"*Tercera:* Nuevos Estados de extension conveniente, con tal que no pasen de cuatro en número en adiccion al dicho Estado de Tejas, y teniendo una poblacion suficiente, con el consentimiento del dicho Estado podrán formarse del territorio del mismo, de aqui en adelante, cuyos Estados tendrán el derecho de ser admitidos conforme á las disposiciones de la Constitucion federal. Los Estados que fueren formados de la parte del dicho territorio situada al sur de los treinta y seis grados y treinta minutos de la latitud septentrional, mejor conocido por la '*Linea del compromiso del Missouri,*' serán admitidos en la Union, con la esclavitud ó sin ella, segun lo desease el pueblo de cada uno de los dichos Estados que solicitare la admision. Y en los Estados que fuesen formados del citado territorio, situado al Norte de la mencionada '*Linea del compromiso de Missouri,*' la esclavitud ó

servidumbre involuntaria queda prohibida, ecepto en los casos de pena criminal.”

POR TANTO, á fin de manifestar el consentimiento del pueblo de esta Republica, segun queda requerido por las precitadas partes de los mencionados acuerdos. NOS los diputados del pueblo de Tejas en Convencion reunidos, en su nombre y de su autoridad, ordenamos y declaramos, que convenimos con las proposiciones y aceptamos las condiciones y garantias, contenidas en la primera y segunda seccion del decreto del Congreso de los Estados Unidos precitados.

Hecho en la Convencion, en la ciudad de Austin, en la Republica de Tejas, á los cuatro dias del mes de Julio, de mil ochocientos cuarenta y cinco.

[Firmado]

THOS. J. RUSK,  
Presidente.

Doy fé,

JAS. H. RAYMOND,

Srio. de la Convencion.

Traducido por GEO. FISHER,

Interprete nombrado por la Convencion.

#### ACUERDO.

*Sobre que se introduscan las Ferzas de los Estados Unidos, en Tejas.*

QUEDA ACORDADO por los Diputados del pueblo en Convencion reunidos, Que el Presidente de los Estados Unidos de America, que autorizada y requerido por el presente, para que sin demora, ocupe y establezca puestos militares sobre la frontera y los puntos espuestos de esta Republica, y para que introduzca á ese efecto y para la defensa del territorio y del pueblo de Tejas las fuerzas que fuesen necessarias y convenientes para el mismo fin; y el Presidente de la Convencion queda requerido para que lo ponga en el conocimiento del Gobierno de los Estados Unidos, por medio del ministro del citado Gobierno acreditado cerca de esta Republica.

Aprobado Julio 7, de 1845.

[Firmado]

THOS. J. RUSK,  
Presidente.

Doy fé,

JAS. H. RAYMOND,

Secretario de la Convencion.

Traducido por GEO. FISHER,

Interprete nombrado por la Convencion.

A mocion del Sr. Howard, fue acordado, que la Ordenanza de esta Convencion fecha en cuatro del actual, aceptando las proposiciones sobre aneccion, y el Acuerdo convidando las tropas de los Estados Unidos á Tejas sean registrados en el Protocolo de esta Convencion, en el idioma Castellano, como sigue: (aqui los documentos.)

On motion of Mr. Kinney, one thousand copies of the said documents were ordered to be printed.

On motion of Mr. Wood, Messrs. Darnell, Cuney and Armstrong of J., were added to the committee on General Provisions.

The Convention then proceeded to the

### ORDERS OF THE DAY.

The substitute for the 6th article of the Bill of Rights, offered by the committee of the whole, being first in order, was taken up. The question was then taken on the substitute, and rejected by the Convention.

The amendment of the committee to the 12th article, after the word "limb," insert "nor shall a person be again put upon trial for the same offence, after verdict of 'not guilty;'" was read and adopted.

The question was taken to strike out the 16th section, as amended by the committee, and lost by ayes and noes, as follows:

Ayes—Messrs. President Rusk, Burroughs, Caldwell, Cazneau, Darnell, Evans, Forbes, Gage, Hemphill, Henderson, Horton, Latimer of L., Latimer of R. R., Lumpkin, Lipscomb, Parker, Runnels, White, Wright and Young—20.

Noes—Messrs. Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Clark, Cunningham, Cuney, Davis, Everts, Hicks, Hogg, Howard, Holland, Hunter, Irion, Jewett, Kinney, Lewis, Love, Lusk, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Power, Rains, Scott, Smyth, Standefer, Tarrant, Van Zandt and Wood—37.

The amendment of the committee, to strike out the word "proper," in the 4th line of the 20th article, was adopted.

In the 21st article, the proposition of the committee to strike out the words "General Assembly," wherever it occurs, and insert "Legislature," was adopted.

Mr. Howard offered the following amendment to the 6th article, to come in after the word "evidence;" "but in other cases the truth shall not avail as a defence, unless published from correct motives, and for purposes of public good."

Mr. Mayfield offered, as an amendment to the amendment of Mr. Howard, the following:

"And in all publications injurious to female reputation, the facts thereof shall not be enquired into, but shall be deemed false and libellous." Both of which were adopted by the Convention, by the ayes and noes, as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of R., Baylor, Brown, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Love, Lusk, Mayfield, McNeill, Miller, Navarro, Runnels, Smyth, Standefer, Tarrant, Van Zandt, Wood, Wright and Young—33.

Noes—Messrs. Armstrong of J., Bache, Brashear, Burroughs, Caldwell, Everts, Forbes, Gage, Hemphill, Henderson, Howard, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Lipscomb, McGowan, Moore, Parker, Power, Rains, Scott and White—23.

Mr. Forbes offered the following amendment to the 6th article: insert after the word "capacity," in the third line, the words "or seeking and canvassing for public office;" which was rejected.

Mr. Brown moved to reconsider the vote on the adoption of Mr. Mayfield's amendment to the 6th article, which motion was lost.

Mr. Lewis offered the following substitute to the substitute of the 6th article:

"In prosecutions for the publishing of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court."

Mr. Mayfield offered the 19th section of the Tennessee Constitution, as a substitute to Mr. Lewis' substitute, which reads as follows:

"That the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any branch or officer of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man; and every citizen may freely speak, write and print, on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of

the court, as in other cases:" which was adopted, as a substitute for the substitute.

Mr. Cunningham moved to adjourn until 4 o'clock P. M. Lost.

Mr. Evans offered the following as a substitute to Mr. Mayfield's substitute:

"No citizen shall ever be punished for speaking, writing, printing, publishing or circulating his opinions, on any subject, either by civil suit or indictment, unless malice be proven or implied:" which was rejected.

Mr. Gage called for the previous question, which was carried, —the question being on the 6th article, as amended.

Mr. Moore moved a reconsideration of the previous question; which motion was lost.

The 6th article, as amended, was then adopted by the Convention.

Mr. Mayfield offered the following amendment to the 9th article, 6th line: after the word "prohibit," insert the word "bail," and after the word "found," in the same line, insert the word "upon," which was adopted.

Mr. Anderson moved that the Convention adjourn until 4 o'clock, P. M. Lost.

Mr. Armstrong of J., offered the following amendment to the 13th article: after the word "made," in the 2d line, strike out all the article, and insert "and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person:" which was under consideration, when,

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

#### FOUR O'CLOCK, P. M.

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

Mr. Armstrong's amendment to the 13th article being under consideration,

Mr. Anderson offered the following, as an amendment to the amendment: after "compensation being made," insert "or sufficient indemnity given." Amendment rejected.

Mr. Armstrong's amendment was then adopted.

Mr. Caldwell moved to strike out "unless by the consent of such person." Motion lost.

Mr. Evans offered the following, as a substitute for the 2d article: "all citizens have equal rights, and no man, or class of

men is entitled to exclusive, separate emoluments or privileges." Substitute rejected.

Mr. Evans offered the following section, to come in as the 15th section: "no person shall ever be held liable on any promise, to answer for the debt, default or miscarriage of another." Amendment rejected.

Mr. Evans offered the following, as a substitute for the 20th article: "the right of citizens to assemble in primary meetings, and to instruct those invested with the powers of government, touching their common good, shall remain inviolate." Substitute rejected.

Mr. Scott offered the following, as a substitute for the 14th article: "the person of a debtor, when there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law."

Mr. Moore called for a division of the question.

The question on striking out was then put and lost.

Mr. Scott offered the following, as an amendment to the 14th article: after the word "debt," add "in consequence of inability to pay."

Mr. Mayfield offered the following, as a substitute for Mr. Scott's amendment: "except in cases of public officers, executors, administrators, or guardians, who shall be found in default upon a settlement of their accounts, as such."

The ayes and noes being called on the adoption of the substitute, were as follows:

Ayes—Messrs. Anderson, Armstrong of R., Baylor, Caldwell, Cazneau, Clark, Cuncy, Darnell, Davis, Evans, Hogg, Horton, Holland, Hunter, Jewett, Jones, Kinney, Latimer of R. R., Love, Lusk, Lipscomb, Mayfield, McGowan, Miller, Moore, Power, Runnels, Standefer, Tarrant, Van Zandt, White, Wood, Wright and Young—34.

Noes—Messrs. President Rusk, Armstrong of J., Bache, Bra-shear, Burroughs, Cunningham, Everts, Forbes, Gage, Hemp-hill, Henderson, Hicks, Howard, Irion, Latimer of L., Lumpkin, McNeill, Navarro, Parker, Rains, Scott and Smyth—22.

So the substitute was adopted.

Mr. Scott moved to amend the substitute by inserting after "guardians," "and all other trustees." Lost.

The question then recurred on the adoption of the substitute, as the 14th article of the Bill of Rights, which was carried in the negative by ayes and noes, as follows:

Ayes—Messrs. Anderson, Baylor, Caldwell, Cunningham, Cu-

ney, Davis, Forbes, Hogg, Horton, Howard, Hunter, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Mayfield, McGowan, Navarro, Runnels, Standefer, Tarrant, White, Wright and Young:—25.

Noes—Messrs. President Rusk, Armstrong of J., Armstrong of R., Bache, Brashear, Burroughs, Clark, Darnell, Evans, Everts, Gage, Hemphill, Henderson, Hicks, Holland, Irion, Love, Lumpkin, Lusk, Lipscomb, McNeill, Miller, Moore, Parker, Power, Rains, Scott, Smyth, Van Zandt and Wood—30.

Mr. Hemphill offered the following amendments to the 8th section, viz: strike out all to the word "the," in the 2d line, and insert in lieu, "in all criminal prosecutions:" add, at the end of the article, the following: "no person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offences against the laws regulating the militia:" which were adopted.

On motion of Mr. Jewett, the Bill of Rights was ordered to lay on the table, and the Secretary instructed to have a correct copy of the same, with the amendments made out.

After several motions to adjourn for a longer time, the Convention adjourned until to-morrow morning, half-past 8 o'clock.

---

#### THURSDAY MORNING, July 17, 1845.

The Convention met pursuant to adjournment—prayer by the Chaplain.

Present—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Howard, Holland, Hunter, Irion, Jewett, Jones, Kinney, Latimer of L., Latimer of R. R., Love, Lumpkin, Lewis, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Van Zandt, White, Wood, Wright and Young.

The journal of the preceding day was read and adopted.

On motion of Mr. Gage, the resolution to establish land offices in eastern Texas, was taken up.

Propositions were made to establish land offices at several different points, all of which, together with the original resolution, were, on motion of Mr. Forbes, referred to the committee on the State of the Nation.