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Mr. Runnels, by adopting the 2d section of the report of the committee on General Provisions, in lieu thereof.

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

**Ayes**—Messrs. Baylor, Bagby, Burroughs, Caldwell, Clark, Darnell, Evans, Everts, Forbes, Gage, Henderson, Hogg, Horton, Holland, Hunter, Irion, Latimer of R. R., McGowan, Rains, Standefer, Ochiltree, Van Zandt and Young—23.

**Noes**—Messrs. President Rusk, Armstrong of J., Armstrong of R., Bache, Brashear, Brown, Cazneau, Cuney, Davis, Hemphill, Hicks, Howard, Jewett, Lewis, Lumpkin, Lusk, Lipscomb, McNeill, Moore, Navarro, Parker, Power, Runnels, Scott, Smyth, Tarrant, White and Wright—28.

So the motion was lost, and the section, as offered by Mr. Runnels, was adopted.

The article reported by Mr. Davis, from the select committee, in relation to the Land-Office, was taken up.

Mr. Van Zandt moved to strike out the words "as to make it support itself, without becoming a charge to the State, and shall."

Which motion was carried, and the words stricken out.

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

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#### SATURDAY MORNING, August 9, 1845.

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

**Present**—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bache, Bagby, 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, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White, Wright and Young.

Quorum present—the journal of the preceding day was read and adopted.

Mr. Ochiltree offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to examine Decree No. 308, of the laws of Coahuila and Texas, by which Samuel M. Williams, as empresario, is authorised to create a bank, to be called the "Commercial and Agricultural Bank," and to report to this Convention, whether, in their opinion, (unless prevented by a constitutional restriction,) the said bank will be authorised to be established.

On motion of Mr. Young, the rule was suspended, and the resolution adopted.

Mr. Armstrong of R., moved to re-consider the vote adopting the clause under the head of "Slaves,"

Which motion was laid on the table.

On motion of Mr. Hemphill, the report of the Judiciary committee made on yesterday, upon the subject of forfeitures, was taken up.

Mr. Cunningham moved to lay it on the table. Lost.

Mr. Van Zandt moved to lay it on the table until Monday next. Lost.

The ayes and noes were then called on the adoption of the report, and stood as follows:

Ayes—Messrs. President Rusk, Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Darnell, Davis, Everts, Forbes, Hemphill, Henderson, Hicks, Hogg, Horton, Howard, Irion, Jones, Kinney, Love, Lusk, Lipscomb, McGowan, McNeill, Miller, Moore, Navarro, Power, Rains, Runnels, Scott, Smyth, Standefer, Tarrant and Ochiltree.—37.

Noes—Messrs. Anderson, Armstrong of J., Armstrong of R., Bagby, Clark, Cunningham, Evans, Gage, Holland, Hunter, Jewett, Latimer of L., Latimer of R. R., Lewis, Lumpkin, Parker, Van Zandt, White, Wright and Young—20.

So the report was adopted.

The report of the Judiciary committee on the subject of marriages, made on yesterday, was taken up.

The ayes and noes being called upon the adoption of said report, stood as follows:

Ayes—Messrs. President Rusk, Anderson, Armstrong of J., Armstrong of R., Baylor, Bagby, Bache, Brashear, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Darnell, Davis, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Howard, Holland, Irion, Jewett, Kinney, Latimer of L., Latimer of R. R., Love, Lumpkin, Lusk, Lipscomb, Mayfield, McGowan, McNeill, Miller, Moore, Navarro, Parker, Power, Runnels, Rains,

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Scott, Smyth, Standefer, Tarrant, Ochiltree, Van Zandt, White and Young.—52.

Noes—Messrs. Brown, Evans, Hunter and Lewis—4.

So the report was adopted.

The report of the Judiciary committee, made on yesterday, in relation to the establishment of a chancery court, was taken up and adopted.

On motion of Mr. Gage, the additional section offered by himself, to come in as the 28th section of the General Provisions, was taken up.

Mr. Howard moved to amend after the words "Legislature shall," by inserting the words "have power to provide."

Which was adopted.

Mr. Parker moved to strike out the word "fifty." Lost.

The question was then taken on the adoption of the section offered by Mr. Gage, as amended.

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

Ayes—Messrs. President Rusk, Armstrong of R., Bache, Bra-shear, Cazneau, Darnell, Davis, Evans, Gage, Henderson, Hogg, Holland, Howard, Hunter, Irion, Jewett, Kinney, Latimer of L., Latimer of R. R., Lewis, Love, Lusk, Lipscomb, Navarro, Parker, Power, Rains, Standefer and Ochiltree--29.

Noes—Messrs. Anderson, Armstrong of J., Bagby, Baylor, Brown, Burroughs, Caldwell, Clark, Cunningham, Everts, Forbes, Hemphill, Hicks, Horton, Lumpkin, Mayfield, McGowan, McNeill, Miller, Moore, Scott, Smyth, Tarrant, Van Zandt, White and Young—26

So the additional section was adopted.

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

## ORDERS OF THE DAY.

The report of the Special committee, (Mr. Davis, chairman,) in relation to the Land Office, being first in order, was taken up; and,

On motion of Mr. Lusk, the article reported by said Special committee, was laid on the table.

On motion of Mr. Jewett, his motion made on yesterday, to re-consider the vote adopting the section of the General Provisions as offered by Mr. Runnels, to provide by law for the compensation of all officers, agents, &c., and to prohibit them from

granting extra compensation to officers, &c., was taken up and re-considered; and,

On motion of Mr. Jewett, referred to the committee on the Legislative Department.

Mr. Scott offered the following amendment, to come in at the end of the clause on slaves:

"The foregoing clauses concerning slavery, shall not apply to that portion of territory lying north of thirty-six degrees and thirty minutes north latitude; but therein, slavery, or involuntary servitude, (except for crime,) is hereby prohibited;" which was,

On motion of Mr. Moore, referred to the committee on the Judiciary.

On motion of Mr. Hemphill, the report of the committee on General Provisions was laid on the table for the present; and,

On motion of Mr. Hemphill, the resolution offered by himself on the 30th of July, providing that no provision of this Constitution shall be so construed as to authorise the passage of any law by which a citizen of either of the States of the Union shall be excluded from any of the immunities and privileges to which he is entitled under the Constitution of the United States, was taken up, and referred to the committee on the Judiciary.

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

The first section of the Schedule was read by the Secretary.

On motion of Mr. Rusk, the Schedule was laid on the table.

On motion of Mr. Van Zandt, the 18th section of the General Provisions was referred to the committee on the Judiciary.

On motion of Mr. Van Zandt, the Secretary was required to make out a fair copy of the General Provisions, with the amendments, except such portions as are laid on the table and referred to committees.

Mr. Love moved to adjourn until Monday morning, 8 o'clock.

Lost.

Mr. Ochiltree offered the following resolution:

*Resolved,* That a committee of nine persons be appointed by the President, whose duty it shall be, carefully to supervise the several reports which have been adopted by the Convention; to compare them, correct ungrammatical expressions, without altering the sense; and report them to the Convention at the earliest day practicable.

Which was laid on the table one day for consideration.

On motion of Mr. Anderson, the preamble to the Constitution was taken up; and,

On motion of Mr. Howard, the same was laid on the table.

Mr. Hemphill, chairman of the committee on the Judiciary, to whom was referred the article of the Constitution in relation to the judicial powers of the State, reported the same back to the Convention, with sundry amendments and additional sections; and,

On motion of Mr. Cazneau, the report of the committee was taken up.

The Secretary then read the amendments as offered by the committee.

1st. To the 5th section add the following: "and they shall hold their offices for six years." Adopted.

2d. Strike out the 6th and 7th sections. Adopted.

3d. In the 13th section strike out between the words "Legislature" and "shall," "he," and insert "and who." Adopted.

4th. In the 17th section, between the words "and" and "over," in the line next to the last, insert the following: "original jurisdiction and general control."

Mr. Howard moved to recommit the amendments to the Judiciary committee. Lost.

Mr. Howard offered the following amendment to the fourth amendment of the committee:

"Provided that the original jurisdiction hereby conferred on the District Court, shall not be so construed as to authorise the District Judge to grant letters of administration." Rejected.

The fourth amendment of the committee was then adopted.

Mr. Lipscomb offered the following amendment:

"Add to the 17th section, "under such regulations as shall be prescribed by law." Adopted.

Fifth amendment, additional section: "in the trial of all causes in equity, in the District Court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law."

Which additional section was adopted by the Convention.

Sixth amendment, additional section, as follows:

"In all causes arising out of contract, before any inferior judicial tribunal, where the amount in controversy shall exceed dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury."

On motion of Mr. Ochiltree, the blank was filled with "ten," and the section adopted.

Seventh amendment, additional section, as follows:

"In all cases where Justices of the Peace or other judicial offi-

cers of inferior tribunals, shall have jurisdiction in the trial of causes when the penalty for the violation of a law is fine or imprisonment, (except in cases of contempt,) the accused shall have the right of trial by jury."

Which was adopted by the Convention.

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

"The Judges of the Supreme and District Courts shall be elected by joint vote of both houses of the Legislature, and shall hold their offices for six years."

The chair decided that amendments might be made to the report of the committee on the Judiciary. From which opinion Mr. Howard appealed.

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

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#### MONDAY MORNING, Aug. 11, 1845.

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

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

Quorum present.

On motion of Mr. Gage, Mr. Howard was excused from attendance on the Convention in consequence of sickness.

The journal of Saturday was read and adopted.

Mr. Hunter moved to re-consider the vote adopting the additional section offered by Mr. Gage, exempting two hundred and fifty dollars worth of household property from taxation.

Mr. Hunter moved to lay the motion on the table. Lost, and vote re-considered.

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