

Journal of Convention
of All the People of Texas

Convened March 1st 1836.

Convention of All the
People of Texas, through their delegates
elect.

The Convention of the people of Texas
on the first day of March in the year of our
Lord, one thousand eight hundred and
thirty six, at the hour of eleven a clock
met, at the house set apart for their use, in
the town of Washington, having been elec-
ted and chosen on the first day of February
of the said year, in virtue of a resolution
of the Provisional Government of Texas,
adopted at San Felipe on the tenth day of
December in the year of our Lord one thou-
sand eight hundred and thirty five, that
a Convention of the people of each muni-
cipality of the three departments of

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Texas should be called to assemble on the first day of March aforesaid, clothed with ample unlimited or plenary powers as to the form of Government to be adopted; providing, that, no Constitution should go into effect until the same be submitted to the people and confirmed by a majority thereof. Whereupon, on motion of Mr Childrep, Mr Collinsworth was called to the Chair and Willis A Farris was appointed Secretary pro tem.

On motion of Mr Farmer, the Chair appointed a committee of three to examine and report on the credentials of delegates elect, whereupon Messrs Farmer, Everett, Childrep, and on motion of Mr Houston Mr Zavala was added.

On motion of Mr Houston the Convention adjourned till two o'clock.

Two o'clock.

The Convention met pursuant to adjournment

The Committee appointed to examine and report upon the credentials of the delegates elect, presented their report and asked for the same to be received, which was done, from which it appeared that the delegates present and entitled to take their seats were as follows, To wit,

From the Municipality of Austin, Thomas Barnett, and C. B. Stewart.

From the Municipality of Brazoria, Edwin Waller, James Collinsworth and J. G. D. Byrns.

From the Municipality of Washington
B. B. Goodrich, G. W. Barnett, James S.
Swicker, and Jesse Grimes.

From the Municipality of Joins S. W.
Bunton, Thomas J. Gayley & R. J. Coleman.

From the Municipality of Gonzales
J. Caldwell and J. Fisher.

From the Municipality of Milam
Sterling C. Robertson, and Geo C. Childress.

From the Municipality of San
Augustine, J. Parnes, S. W. Blount and
E. O. Legrand.

From the Municipality of Sabine
William Clark and James Guins.

From the Municipality of Harrisburg
Lorenzo De Zavalla.

From the Municipality of Jasper
J. A. Everett, and Geo W Smith.

From the Municipality of Matagor-
da Baily Hardiman.

From the Municipality of Jackson
Elijah Stepp

From the Municipality of Shelby. S.
O. Pennington, and William C. Crawford

From the Municipality of Jefferson
W. West. and W. B. Seates.

From the Municipality of Refugio, James
Power, Samuel Houston David Thomas
and Edward Conrad.

From the Municipality of Goliad William
Mottley.

From the Municipality of San Patricio
John Turner.

4.
From the Municipality of Bejas,
Francisco Ruiz,^{Jr} Antonio Navarro, and
J. B. Badgett

From the Municipality of Ocean
Point and vicinity, Robert Hamilton,
Richard Ellis, and Collin McKinney.

From the Municipality of Colorado
M. S. Gacy and William Menifee.

Constituting more than a quorum,
On Mr Potter's motion seconded, the
Convention agreed to go into an election
for a President of their body; whereupon,
Mr Everett nominated Richard Ellis
and being seconded, and the question
taken, Mr Ellis was unanimously elec-
ted president of the Convention, who
was conducted to the chair by Messrs
Collinsworth and Everett.

On motion of Mr Collinsworth
seconded by Mr Legrand the Convention
agreed to go into an election for a Secretary
to their body, whereupon Mr Collinsworth
nominated Mr Farris for Secretary, Mr
West nominated Mr Pease, and Mr Legrand
nominated Mr Kimble, whereupon, the
vote taken stood as follows: For Mr Kimble
24 votes, Mr Farris 10, and Mr Pease 7. So
it appearing that Mr Kimble had received
a majority of all the votes, was declared
by the President duly elected Secretary
of the Convention.

On Mr Potter's motion, seconded,
the Convention agreed to go into an election

for a Sergeant at Arms, and a Door Keeper, whereupon Mr Potter nominated for Sergeant at Arms Mr Esom Parmer, and John A. Hizer for door keeper, and there being no opposition, they were both declared by the President duly electeds

On Mr Goodrich's motion, seconded the Convention agreed to go into an election for an assistant Secretary and an engrossing clerk, Mr Bunton nominated Mr Peas for assistant Secretary, and Mr Goodrich nominated Mr Saul for engrossing clerk, and there being no opposition they were both declared by the President duly elected.

Mr Childrep introduced and read from his place the following resolution "Resolved that the President appoint a Committee to consist of five delegates to draft a Declaration of Independence" To which Mr Parmer offered the following amendment, To wit, "Resolved that the President appoint one delegate from each Municipality as a Committee to draft a Declaration of Independence" whereupon the question being ordered it was decided in the negative; the question recurring upon Mr Childrep's resolution the same was adopted; whereupon the President proceeded to appoint George C. Childrep, James Gaines, Edward Conrad, Collin McKinney and Bailey

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Ardiman, a committee as aforesaid
Mr Gayley introduced the following
resolution. To wit, "Resolved that
the President appoint five delegates to
draft rules for the order and government
of the House", which was read and adop-
-ted, whereupon the President proceeded
to appoint Messrs Gayley, Houston, Potter
Collinsworth and Everett a committee
as aforesaid.

Mr Everett introduced the following
resolution, (to wit) Resolved that the
President appoint three delegates as a
Committee on privileges and elections,
which was read and adopted, whereupon
the President proceeded to appoint
Messrs Everett, Stewart and Coleman
a committee as aforesaid.

Mr Parmer introduced the following
resolution, (to wit, Resolved, that the
President appoint a Committee of three
delegates to wait on Henry Smith
Governor, and Lieutenant Governor
Robinson and Council and notify
them of the formation of the convention,
which was read and adopted. Whereupon
the President proceeded to appoint Messrs
Parmer, Houston and Coleman a com-
-mittee as aforesaid.

On motion of Mr Houston, seconded
the Convention adjourned till to-
-morrow morning nine o'clock

March 2^d 1836⁷
Wednesday (Morning) 9 o'clock

The Convention met pursuant to adjournment, and was called to order by the President.

Mr. Gazley, Chairman of the Committee appointed to draft rules for the order and government of the House submitted the following resolution and asked that the same might be received as their report, to wit. Resolved that this Convention adopt the rules and orders for conducting business in the House of Representatives of the United States of North America, so far as they are applicable to the proceedings of this body which was adopted

Standing rules and Orders for conducting business in the Convention of Texas.

Touching the duty of the
President.

1st. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2^d. He shall preserve order and decorum; may speak to points of order in preference to other members rising from his seat for

that purpose; and shall decide questions of order, subject to an appeal from the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House

3^d He shall rise to put a question, but may state it sitting

4th Questions shall be distinctly put in this form, to wit, "As many as are of opinion that (as the question may be) say Aye" and after the affirmative voice is expressed, "As many as are of a contrary opinion say No." If the President doubts, or a division be called for, the House shall divide: those in the affirmative of the question, shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the President shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name two others, one from each side to tell those in the negative, which being also reported he shall rise and ~~state~~ state the decision to the House.

5th When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the President.

6. The President shall examine and

correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair, but substitution shall not extend beyond an adjournment.

7 All committees shall be appointed by the President unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given; the house shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

8. In ^{all} other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

9 In all cases of ballot by the House, the President shall vote, in other cases he shall not vote, unless the House be equally divided, or unless his vote be given in the minority, will make the division equal, and in case of such equal division the question shall be lost.

10. In all cases where other than members of the House may be eligible to an office by the election of the House there shall be a previous

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nomination

11. All acts, addresses, and joint resolutions, shall be signed by the President; and all writs, warrants, and subpoenas, issued by order of the House shall be under his hand and seal, attested by the clerks.
- 12 In case of any disturbance or disorderly conduct in the galleries or lobby, the President, (or Chairman of the whole House) shall have power to order the same to be cleared.

Of Decorum and Debate

- 13 When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. President" and shall confine himself to the question under debate, and avoid personality.
- 14 If any member in speaking, or otherwise transgress the rules of the House, the President shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain, and the House shall if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case require it he shall be liable to the censure of the House.

- 15 When two or more members happen to rise at once, the President shall name the member who is first to speak.
- 16 No member shall speak more than twice to the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.
- 17 If a question depending be lost by adjournment ~~be lost~~ of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.
- 18 While the President is putting any question, or addressing the House, none shall walk out of, or across the House, nor, in such case, or when a member is speaking, shall entertain private discourse, nor, whilst a member is speaking, shall pass between him and the chair.
- 19 No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.
- 20 Upon the division and count of the House on any question, no member without the bar shall be counted.
- 21 Every member who shall be in the House when the question is put shall give his vote unless the House for special reasons shall excuse him.
- 22 When a motion is made and seconded it shall be stated by the President; or being in writing it shall be handed to the Chair, and read aloud by the Clerk before debated.

- 23 Every motion shall be reduced to writing, if the President or any member desire it.
- 24 After a motion is stated by the President, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.
- 25 When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged: and no motion to postpone to a certain day, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition, a motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.
- 26 When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The committee of the whole house on the State of Texas; the committee of the whole House; a standing committee, a select committee.
- 27 A motion to adjourn shall be always in order: that and the motion to lie on the table, shall be decided without debate.
- 28 The previous question shall be in this form; "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until, it is decided, shall

preclude all amendment, and further debate of the main question.

29. On a previous question there shall be no debate

30. When a question is postponed indefinitely the same shall not be acted upon again during the session

31. Any member may call for the division of a question, which shall be divided if it **comprehends** questions so distinct that on being taken away, the rest may stand entire for the decision of the House: A motion to strike out and insert shall be deemed inadvisable. But a motion to strike out being lost, shall preclude neither amendment, nor a motion to ~~strike out and~~ insert and strike out.

32. Motions and reports may be committed at the pleasure of the House.

33. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

34. When a motion has once been made and carried in the affirmative or negative, it shall in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day; and such motion shall take precedence of all other questions except a motion to adjourn.

35. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

36. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the order of the day; and no motion on any other business shall be received

without special leave of the House, until the former is disposed of.

37. Petitions, memorials and other papers, addressed to the House shall be presented by the President or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

38 Any fifteen members including the President if there be one shall be authorized to compel the attendance of absent members.

39 Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

40 Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

41 No member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

42 Upon the call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may by order of those present, if fifteen in number, be taken into custody (as they appear, or may be sent for and taken into custody,) wherever to be found,

by special messengers appointed for that purpose.

43. When a member shall be discharged from custody, and admitted to his seat, the house shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger shall, or shall not, be liable to defray the expense of such special messenger.

44. A sergeant at arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sitting, to execute the commands of the House, from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the President.

45. The fees of the sergeant at arms, shall be for every arrest the sum of two dollars, for each day custody and releasment, one dollar; and for traveling expenses for himself or a special messenger going and returning, one tenth of a dollar per mile.

46. It shall be the duty of the committee of elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House

47 The several standing committees of the House shall have leave to report by bill or otherwise

48 No Committee shall sit during the sitting of the House, without special leave.

49 The clerk of the House shall take an oath for the true and faithful discharge of the duties of his office to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

50. Whenever confidential communications are received from the President of the United States the House shall be cleared of all persons except the members, clerks, Sergeant at arms and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the President or any other member shall inform the House that he has communications to make which he conceives ought to be kept secret the house shall in like manner, be cleared till the communication be made, the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

51 The Sergeant at arms and the Doorkeeper shall be sworn to keep the secrets of the House.

52 All questions relating to the priority of business to be acted on, shall be decided on without debate.

Of Bills.

53 Every bill shall be introduced by motion

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For leave, or by an order of the House, on the report of the committee; and in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day notice at least shall be given of the motion to bring in a bill; and every such motion may be committed

54 Every bill shall receive three, several readings in the House previous to its passage, and all bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read, on the same day, without special order of the House.

55 Upon the second reading of a bill, the President shall state it as ready for commitment or engrossment, and if committed, then a question shall be, whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

56 The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "shall this bill be rejected?" if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

57 Not more than three bills, originating in the House shall be committed to the same committee of the whole, and such bills shall be analagous in their

nature, which analogy shall be determined by the President.

58. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

59. All bills ordered to be engrossed shall be executed in a fair round hand.

60. No amendment by way of rider shall be received to any bill on its third reading.

61. When a bill shall pass it shall be certified by the clerk noting the day of its passage at the foot thereof.

Of Committees of the whole House.

62. It shall be a standing order of the day throughout the session, for the House to resolve itself into a committee of the whole House on the state of Texas.

63. In forming a committee of the whole House, the President shall leave his chair, and a chairman to preside in committee, shall be appointed by the President.

64. Upon bills committed to a committee of the whole house, the bill shall first be read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

65. All amendments made to an original

motion in committee, shall be incorporated with the motion and so reported.

66 All amendments made to a report committed to a committee of the whole House shall be noted and reported as in cases of bills.

67 All questions whether in a committee or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

68 No Motion or proposition for a tax or charge upon the people shall be discussed the day in which it is first made or offered, and every such proposition shall receive its first discussion in a committee of the whole House

69 No sum or quantum of tax or duty voted by a committee of the whole house, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House, and so in respect to the time of its continuance.

70 All proceedings, touching appropriations of money shall be first discussed in a committee of the whole House.

71 The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

72 No standing rule or order of the House shall be rescinded or changed without one days notice being given of the motion therefor. Nor shall any rule be

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Suspended except by a vote of at least two thirds of the members present. Nor shall the order of business, as established by the rules of the house, be postponed or changed except by a vote of at least two thirds of the members present.

73 It shall be in order for the committee on enrolled bills to report at any time.

74 No person shall be permitted to perform divine service in the chamber occupied by the convention unless with the consent of the President.

On Mr Collinsworth's motion, seconded, Mr Willis A Farris was allowed to take a seat at the Secretary's table to note and report the proceedings of the convention.

Mr Potter introduced the following resolution, to wit, "Resolved that a committee be appointed consisting of one member from each Municipality represented in the convention for the purpose of drafting a constitution for Texas, and that the same be reported so soon as practicable to this body, which was read and adopted; whereupon the President proceeded to appoint Messrs Potter, Stewart, Waller, Gimmes, Coleman, Fisher, & Buntow, Farmer (Chairman) Gaines, Zavala, Everett, Hardiman, Stepp, Crawford, West, Power, Navaro, McKinney, Menifee, Matley and Stenard a committee as aforesaid.

The committee to whom was assigned the duty of drafting a Declaration of Independence, presented through their Chairman Mr Childrep the Declaration of Independence that will hereinafter

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follow, and asked that the same be received by the convention as their report.

Mr Houston moved that the report be received by the convention which on being seconded was done.

On Mr Collinsworth's motion, seconded, the House resolved itself into a committee of the whole upon the report of the committee on independence.

Mr Collinsworth was called to the Chair, whereupon Mr Houston introduced the following resolution; Resolved that the Declaration of Independence reported by the Committee be adopted, that the same be engrossed, and signed by the delegates of this Convention, and the question being put the resolution was unanimously adopted.

The Unanimous
Declaration of Independence
Made by the Delegates of the People
of Texas, In general Convention at
the town of Washington on the
3rd day of March 1836.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from its being a guarantee, for the enjoyment of these inestimable and inalienable rights, it becomes ^{an instrument} in the hands of evil Rulers for their oppression.

When the Federal Republican Constitution of this country which they have sworn to support, no longer has a substantial existence, and the whole nature of their government, has been forcibly changed

without their consent, from a restricted federative republic, composed of Sovereign States, to a consolidated central military despotism, in which every interest is disregarded, but that of the army and the Priesthood, both, the eternal enemies of civil liberty; but the ever ready minions of power, and the usual instruments of tyrants.

When, long after the spirit of the constitution has departed, moderation is, at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth, to force a new government upon them at the point of the bayonet.

When in consequence of such malfeasance, and abdication on the part of the government, anarchy prevails and civil society is dissolved into its original elements. In such a crisis, the first law of nature—the right of self-preservation—the inherent and inalienable right of the people, to appeal to first principles, and to take their political affairs into their own hands, in extreme cases,— enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to secure them from impending dangers, and to secure their welfare and happiness.

Nations as well as individuals, are amenable for their acts, to the public opinion of mankind.

A statement of a part of our grievances is therefore submitted to an impartial world, in justification, of the hazardous, but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the Earth.

The Mexican government by its Colonization laws, invited and induced the Anglo American population of Texas, to Colonize its wilderness, under the pledged faith of a written Constitution, that they should continue to enjoy that constitutional liberty, and republican government, to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, in as much as the Mexican Nation have acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who having overturned the constitution of his own country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far distant seat of government by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate State government, and have in accordance, with the provisions of the national constitution, presented

to the general Congress, a republican constitution, which was without ~~just~~ cause contemptuous-ly rejected.

It incarcerated in a dungeon for a long time one of our citizens for no other cause, but a zealous endeavour to procure the acceptance of our constitution, and the establishment of a State government.

It has failed and refused, to secure on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee, for the life and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain) and altho it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government.

It has suffered the military commandants stationed among us, to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms the State Congress of Coahuila and Texas, and obliged our Representatives, to fly for their lives, from the Seat of Government, thus depriving us of the fundamental political right of Representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities and in defiance of the laws and the Constitution.

It has made piratical attacks upon our commerce by commissioning foreign desperadoes and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a National Religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms which are essential to our defence; the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our Country both by sea and by land with intent to lay waste our territory and drive us from our homes, and has now a large mercenary army, advancing to carry on against us, a war of extermination.

It has through its emissaries incited the merciless savage, with the scalping knife and tomahawk, to massacre the inhabitants of our defenceless frontiers.

It hath been, during the whole time of our connexion with it, the contemptible sport and victim, of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt and tyrannical Government.

These, and other grievances were patiently borne by the people of Texas, until they reached that point, at which forbearance ceases to be a virtue. We therefore took arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior; we are therefore forced to the melancholy conclusion, that the Mexican

people have acquiesced in the destruction of their liberty, and the substitution thereof, of a military government, that they are unfit to be free, and incapable of self government; the necessity of self preservation therefore, now decrees our eternal political separation.

We, therefore, the Delegates, with plenary powers of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessity of our condition, do hereby resolve and declare, that our political connexion with the Mexican Nation, has forever ended, and that the people of Texas, do now constitute a free, sovereign and independent Republic, and are fully invested with all the rights and attributes, which properly belong to independent Nations, and conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme arbiter of the destinies of Nations

Richard Ellis, President
of the Convention & Delegate
from Red River.

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| Charles B Stewart | Joseph B. Badgett |
| Thomas Barnett | Wm D Lacy |
| James Collinsworth | Wm Menifee |
| Edwin Waller | John Fisher |
| Asa Brigham | Matthew Caldwell |
| John S. D. Byrom | William Mottey |
| Grant Ruiz | Lorenzo D. Zavalla |
| Antonio Navarro | Albert A. Latimer |
| Stephen A. Everett | James Power |
| Geo. W. Smyth | Sam Houston |

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|----------------------|------------------------------------|
| Elijah Stepp | David Thomas |
| Claiborne West | Edw ^d Conrad |
| William B. Seates | Martin Parnes |
| M. B. Menard | Edwin A. Legrand |
| A. W. Hardin | Stephen W. Blount |
| J. M. Bunton | James Gaines |
| Thomas S. Gayley | Wm Black Jun ^r |
| R. M. Coleman | Sydney A. Pennington |
| Sterling C. Robinson | Wm Harrell Crawford |
| Geo. C. Childers | John Turner. |
| Bailey Hardiman | Benj ^m Briggs Goodrich. |
| Robert Potter | G. W. Barnett |
| Thos Jefferson Rust | James G. Swisher |
| Charles S. Taylor | Sepee Grimes |
| John S. Roberts | S. Rhodes Fisher |
| Robert Hamilton | John W. Moore |
| Collin McKinney. | John W. Bowers. |

On motion of Mr Houston. Seconded,
the committee of the whole was permitted to
rise and report progress.

Mr Goodrich introduced the following
resolution, To wit, Resolved that five copies of
the Declaration of Independence be prepared and
one to be sent forthwith to Bejar, one to Goliad,
one to Nacogdoches, one to Brazoria, one to San
Felipe, and one to Natchitoches; and that the prin-
-ter at San Felipe be requested to print in hand bill
form, for distribution one thousand copies, and that
a committee of three be appointed to carry the
above resolution into effect, which was adopted,
whereupon the President proceeded to appoint
Messrs Goodrich, Parnes and Byrom as a committee
afresaid.

Thomas Barnett from the Municipality of Austin appeared and took his seat as a delegate of this Convention.

On motion of Mr Goodrich, seconded, the House adjourned to the hour of two o'clock.

Two O'clock

The House met according to adjournment, the House called to order

Mr Asa Brigham from the Municipality of Brazoria appeared and took his seat as a delegate of this Convention.

Mr Latimer appeared from the Municipality of Pecan Point and vicinity, and took his seat as a delegate of this convention

Messrs Rusk, Taylor and Roberts of Nacogdoches appeared and took their seats as delegates of this Convention.

On motion of Mr Houston, seconded, when the House proceeded to the election of an assistant clerk, Mr F. W. Jackson was nominated by Mr Houston and was elected unanimously, in place of Mr Peas declined.

Mr Menard from the Municipality of Liberty appeared and took his seat as a delegate of this Convention

Mr Crawford introduced the following resolution, to wit, "Resolved that a committee of three be appointed by the President to superintend the procurement of carriers to send expresses to the Army with such suitable directions as may be thought necessary by this convention which was adopted, whereupon the President proceeded to appoint Messrs Crawford, Lacy

and Baldwin.

On motion of Mr Pottes seconded, the House adjourned till tomorrow morning 9 o'clock.

March 3^d 1836 (Thursday Morning)

The Convention met pursuant to adjournment, and being called to order.

The Committee of privileges and elections presented their report on the contested elections between Meeps Fished and Royall of the Municipality of Matagorda, and between Meeps McMullen and Bowers of the Municipality of San Patricio, which on motion of Mr Childrep seconded, were laid on the table till tomorrow.

Mr Hardin from the Municipality of Liberty appeared and took his seat as a Delegate of this Convention.

Mr Everitt introduced the following resolution, "Resolved that this House proceed to ballot for a committee to act as an executive committee till such time as a more perfect form of provisional Government may be established, which was at his instance laid on the table till tomorrow."

Mr Everitt introduced the following resolution, "Resolved that a committee of three be appointed by the President of this House, to call upon the late Governor Smith and the late Governor Robinson, and the late acting Council, that they be requested to deliver up to them all documents or papers in any wise connected with the late provisional government and to inform them, that their functions as provisional Officers ceased on the first day of march, which was laid on the table at his instance till tomorrow morning."

Mr Overitt introduced the following resolution, "Resolved, that a committee of three be appointed to form an oath to be administered to the executive committee, and every officer in the service of the Convention or who may be appointed by this convention, which was laid on the table at his instance till tomorrow.

Mr Overitt introduced the following resolution "Resolved that this Convention go into an election for a Major General to have command in chief of all the forces (regular and volunteers) now in the field or to be raised, and to be under the direction of this convention and that he be forthwith ordered to the field," which was laid on the table at his instance.

The committee appointed to procure suitable carriers to forward expresses, made report recommending to the convention, the acceptance of the services of Major Caldwell, to proceed forthwith to the frontier to ascertain the true situation of the enemy, which was on motion seconded, was received and concurred in.

On motion of Mr Hardiman, seconded, Messrs Houston, Hamilton, Collinsworth and Thomas, were added to the committee appointed to draft a Constitution.

Mr Coleman asked leave to be discharged from the committee on privileges and elections which was granted, and Mr Legrand was appointed in his stead.

On motion of Mr Overitt the House adjourned to the hour of two o'clock.

At two o'clock the House met according to adjournment and being called to order.

Mr Buntun introduced the following resolution

"Resolved that a committee of five be appointed to enquire into the actual condition of our Army, the number of Officers, grades, where stationed, what force they command and the number of privates now in the field, what their condition as to clothing, the quantity of provisions and munitions of war, now in the country and where at, and make report of the same, which was adopted.

Mr Rush introduced the following resolution

"Resolved that the President appoint a committee consisting of one member from each Municipality to report as early as practicable a constitutive act for the purpose of organizing the physical force of the country for its defence against its enemies which was adopted.

Mr Conrad introduced the following resolution,

Whereas land titles have been recently granted by Commissioners, to individuals under the Colonization laws, whilst many brave and worthy men, with equal claims, have been prevented by serving in the field for similar privileges, notwithstanding the decree of a former convention, ordering all such proceedings to be suspended, therefore, "Resolved that all land Commissioners or agents whatever entrusted with the disposition of Public land, close their offices, suspend the granting of titles, and all matters whatsoever connected with the disposal of public lands forthwith and that if any titles should be granted in defiance of this authority, such titles shall be null and void, and the individual so offending shall be subject to a fine of Ten thousand Dollars and imprisonment for twelve months; which on motion of Mr Thomas was laid on the table till tomorrow.

On motion of Mr Collinsworth the papers and

and the accounts transmitted to the Convention be referred to a committee of five delegates for examination and report.

Mr Potts introduced the following resolution to wit, Resolved that Col Jesse Benton and Lieutenant Griffin Barn be and they are hereby authorized to raise a regiment of rangers, the officers of which shall be commissioned by the authority of this Convention, the said regiment of rangers to receive the same pay and rations that are provided for the regular Army, the said regiment to enroll themselves during the war and be subject at all times to the orders of the Commander in Chief, of the public forms which was adopted.

Mr Goodrich introduced the following resolution. Resolved that no legislation subject shall be acted on by this Convention after this day the 3^d of March, except such as relates directly to the defence of the Country, which was laid on the table on motion of Mr Breitt till tomorrow.

Mr Gayley introduced the following resolution, "Resolved, that a committee of five be appointed to devise and report to this Convention, a suitable flag for the Republic of Texas, On motion of Mr Houston, seconded, the President was placed on the Committee,

Mr Goodrich introduced the following resolution Resolved that the thanks of this Convention be presented to Messrs Baker & Borden Editors of the Telegraph, for the file of their paper presented to them, which was unanimously adopted.

On motion of Mr Menifee, seconded, the House adjourned till tomorrow morning 9 o'clock.

March 4th - 1835 33

Friday Morning 9 O'clock

The convention met pursuant to adjournment and was called to order by the President.

Mr. Everett obtained leave to call up the report submitted on yesterday and laid on the table till to day, in case of the contested election between Messrs Mc Mullen and Bowers from the Municipality of San Patricio, which is as follows.

The Committee of privileges and elections, Respectfully ask leave to report that the Honorable John Turner came before the ^{said} committee and attested that his constituents instructed him to protest against Mr. Mc Mullen being received as a member of this convention. That the grounds on which the protest was founded, was that many volunteers who desired to vote on the day of election, were not allowed to vote, by a majority of the judges of the election, that he heard at least four say that they intended to vote for Mr. Bowers, and that he is clearly of opinion that many others would have voted for Mr. Bowers. Your Committee differs in opinion, and respectfully desire the sense of the House to be taken on it, Your committee is fully of opinion that Mr. Bowers should be invited to take a seat in this House.

S. A. Everett Chairman

C. B. Stewart

Mr. Coleman assenting with a majority of the Committee

Whereupon, Mr. Childrep submitted the following resolution. Resolved, that inasmuch as there are two contested elections pending before this convention, viz, that between Messrs Mc Mullen and Bowers, and

that between Messrs Royal & Fisher, and inasmuch as there is and will be contradictory statements and evidence before this body, and probably great doubt and uncertainty will exist as to who ought to have the seats referred to, and inasmuch as there is not time before the probable adjournment of this body to refer the question back to the people for a new election, and as it is desirable that there should be a full representation of all the people, and that the Convention should have the assistance of representatives from those Municipalities, and that all dissensions, and irritating questions should now be earnestly avoided, therefore be it resolved, through the plenary powers vested in this Convention, that each of the above named gentlemen be allowed to take their seats in this Convention as members thereof, that those who are now here be allowed to do so immediately, and the others whenever they appear and make their application. Whereupon the question being taken upon the adoption of the resolution the same was decided in the Negative.

And the question of concurrence with the report of the Committee being taken, the same was decided in the affirmative, and Mr Bower allowed to take the seat

The Committee had leave to call up the report submitted on yesterday and laid on the table till to day in the case of the contested election between Messrs Fisher and Royall from the Municipality of Spatagorda, which is as follows.

Your Committee of privileges and elections ask leave respectfully to report, that after a patient

examination of various documents laid before your committee in regard to an election held in the Municipality of Matagorda, said election being contested by Messrs Royall and Fisher, have come to the conclusion that S. Rhodes Fisher is legally elected and entitled to a seat in this house.

In drawing this conclusion your committee would respectfully state to the house that among the returns of elections there is one from Goliad held among the Volunteers on the 5th January, at that election Mr Royall received 16 votes, the person who discharged the troops at that post appeared before your committee and testified, that he discharged said volunteers on the evening of the 11th, and morning of the 12th of January, and it appears further in evidence that a part at least of said volunteers voted a-gain, and your committee are unanimously of opinion that said votes were not legal votes, and they ought not to be counted, and in making up this report, they have, therefore, left them entirely out. It appears further in evidence that three men on their way from the Army to the United States, did vote at a house where they stopped for the night, and as is certified their votes were taken between the hours of eight and nine o'clock. Your committee are unanimously of opinion that the above three votes should not be counted as they were clearly illegal, and have accordingly thrown them out, as said persons who so voted did immediately thereafter leave the country, and also that the votes were taken after the time of election. Your committee are

Therefore of opinion that Mr S. Rhode Fisher's name ought to be enrolled among the members of this House

S. A. Overitt, Chairman
 W. C. Legrand }
 C. B. Stewart. }

Mr Farmer Chairman of the Committee appointed to wait on Governor Smith, Lieutenant Governor Robinson and Council made report as follows, to wit,

Mr President

The committee appointed to wait on Governor Henry Smith, Lieutenant Governor Robinson and Council, and inform them of the formation of this Convention, beg leave respectfully to report that they have given the information required by your resolution

Martin Farmer Chairman

Mr Collinsworth introduced a resolution, asking that the rule of the House that resolutions shall lie on the table one day, be suspended and that the same be acted upon immediately, and on motion the resolution was laid on the table to be taken up at pleasure

On motion of Mr Overitt the house adjourned to the hour of two a clock.

Two o'clock

The Convention met pursuant to adjournment

Whereupon Mr Collinsworth called up his resolution laid on the table, and the same being read as follows, to wit, Whereas, We are now in a state of revolution, and threatened

by a large invading army from the Central Government of Mexico, and whereas our present situation, and the emergency of the present crisis, renders it indispensably necessary that we should have an army in the field; and whereas, it is also necessary that there should be one superior head or Commander in Chief, and due degrees of subordinations defined, established and strictly observed; therefore be it resolved, that General Sam Houston be appointed Major General, to be Commander in chief of all the land forces of the Texian Army, both, Regulars, Volunteers and Militia, while in actual service, and endowed with all the rights, privileges and powers, due to a Commander in chief in the United States of America, and that he proceed forthwith to take command, establish head quarters, and organize the Army accordingly.

To which Mr Gayley submitted the following amendment, "And that General Sam Houston retain such command until the election of a chief magistrate of this Government, and to continue in such office, unless superseded by order of the Government, subject however to the General orders of the Government, "de facto" until the general organization agreeably to the Constitution and always amenable to the laws and civil authorities of the Country," which was accepted by Mr Collinsworth.

Whereupon Mr Coleman moved that the resolution and the amendment be laid on the table, which was seconded and the question being taken upon Mr Coleman's motion was decided in the negative.

The question recurring upon the resolution

as it stands, was decided in the affirmative and the resolution adopted,

Mr Everett moved that the House adjourn till tomorrow morning nine o'clock, Mr Parmer suggested nine o'clock Monday morning, unless the President call the Convention together sooner, which was assented to by Mr Everett, so the House adjourned till Monday morning nine o'clock, unless called together sooner by the President.

March 6th³⁶ Sunday morning 10 o'clock

The President called the convention together and informed them that he had received by express a letter from Col. W. B. Travis, Commandant of the Alamo at Bexar, that might require the immediate action of the House, which being read by the Secretary,

Mr Parmer moved that a thousand copies be presented in hand bill form by the editors Mepis Baker and Borden of San Felipe, which was ordered.

Mr Samuel A. Mavericks delegate from the Municipality of Bexar appeared and took his seat.

On motion of Mr Childrep, Capt I Cook was invited to take a seat in the bar of the House, in testimony of regard for the services he has rendered to Texas in her struggle for freedom.

On motion of Mr Houston Lieutenant Thornton, and, on motion of Mr Potter, Capt Burke were invited to a seat in this house as a tribute due their gallantry in defending the cause of Texas.

Mr J. Rhodes Fished from the Municipality of Matagorda appeared and took his seat.

Mr Houston asked leave to address the chair explanatory of his former course as Commander in Chief, the delicacy of his position under the decrees and orders

of the Provisional Government; rendered his acknowledgements to the Convention for his reappointment as commander in chief, and took his leave for the Army at Texas.

Mr Potter introduced the following resolution Resolved that the safety of the Country is threatened in a manner, which makes it the duty of all her citizens to hasten to the field.

Resolved that the members of this Convention while they keep steadily in view the organization of the government, will in the present emergency adjourn to meet in the Camp of our Countrymen, there or elsewhere to complete the business of the Convention.

Resolved, that a Committee of five members be appointed, clothed with all the powers, residing in this Convention, to raise and organize the Militia and Volunteers, provide supplies of provisions and ammunition for the troops, and to draft an appeal to the people of Texas and of the United States, explaining our situation and the motives of our adjournment; which was supported by Mr Potter with much earnestness.

Messrs Collinsworth, Childrep, and Rusk opposed the adoption of the resolution, and was taken thereupon, and determined in the negative.

Mr Childrep was called to the chair by the President.

Mr Thomas introduced the following resolution "Resolved that a standing Military Committee consisting of five members, be appointed, which was adopted, whereupon the chair proceeded to appoint Messrs Collinsworth, Rusk, Power, Gains and

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Fisher of Gonzalez

Mr James Woods from the Municipality of Liberty appeared and took his seat.

On motion of Mr Pennington, leave was given to all the delegates of this Convention who were absent on the adoption of the Declaration of Independence now to sign the same.

On motion of Mr Pennington leave was given to all the delegates of the House adjourned till tomorrow morning 9 o'clock.

March 7th Monday Morning Nine o'clock
The Convention met pursuant to adjournment and the House being called to order by the President.

The Committee on privileges and elections through their Chairman, reported that they had examined the credentials of election of John W. Moore, of the Municipality of Harrisburg, and that he is entitled to ~~take~~ his seat as a delegate of this Convention, which on motion of Mr Parmer was received and concurred in; whereupon Mr Moore took his seat.

Mr Goodrich introduced the following resolution, to wit, Resolved that a committee of three members of this body be appointed, to inform our Commissioners now in the United States, that we have declared independence, and to urge upon them the necessity of using their utmost exertions, to bring about as soon as practicable, the recognition of the Independence of Texas by the Congress of the United States of the North, now in session; laid on the table one day, according to the rule of the House.

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In obedience to a resolution introduced by Mr Baunton, to appoint a committee to consist of five members of this Convention, to enquire into the actual condition of the Army, - number of Officers, and the number of Privates in the field, the President proceeded to appoint, Messrs Baunton, Barnett (of Washington) Legrand, Fisher (of Gonzales) Fisher (of Matagorda) a Committee

Mr Potter presented a communication from the late Governor Henry Smith, covering several documents, which on motion of Mr Conrad, was laid on the table.

In pursuance of an order, on motion of Mr Collinsworth, the documents transmitted to the Convention, ~~was~~ committed to a Committee of five, to examine and report upon; the President proceeded to appoint, Messrs Collinsworth, Gayley, Hamilton, Childrep, and Goodrich a committee.

On motion of Mr Hardiman, the letter of H. B. W. Hill to Mr Geo C. Childrep, enclosing his bill of exchange, on N. & S. Dick & Co of New Orleans for five thousand dollars, for the use and benefit of Texas, enclosed by Governor Smith's communication, was read by the Secretary. Whereupon Mr Potter introduced the following resolution (to wit) Resolved that the thanks of the convention be tendered to H. B. W. Hill Esq of Nashville, for his generous and warm hearted offer of assistance to the people of Texas in their struggle for independence,

And that the President of this Convention, communicate this resolution to Mr Hill, in such manner, as he may deem most acceptable to the feelings of that Gentleman, which was unanimously adopted.

Mr Rush, chairman of the Committee to whom was assigned the duty of reporting a Constitutive act, to organize the physical force of the Country, offered a report; which was on motion of Mr Parmes received, whereupon, Mr Goodrich moved the suspension of the rule of the house, and that the report be acted on; the question being taken was negatived, and laid on the table by a rule of the house.

Mr Gayley introduced the following resolution to wit, "Resolved that Military depots be established at the La Bahia crossing of the Colorado, and at the town of Mina, for the purpose of supplying the Army with provisions, and munitions of war, ~~as may be necessary for the troops in service~~ and that suitable persons be appointed by the executive Committee, Commissioners at those places, to procure corn, cattle, sugar, coffee & tobacco, with such arms and munitions of war, as may be necessary for the troops in service; to which Mr Goodrich offered the following Amendment, "and the La Bahia crossing of the Brassos" to follow the word Mina, which

was accepted.

Mr Rusk then moved that the resolution be referred to the Military Committee, which was done.

Mr Overitt called up a resolution submitted by him, and laid on the table on Friday last, proposing that the House ballot for a Committee, to act as an executive committee, which on motion of Mr Goodrich, was indefinitely postponed.

On motion of Mr Collinsworth, Messrs D. Thomas, George W. Smyth, and Mr. B. Minard were added to the Committee on Military affairs.

Messrs S. Rhodes Fisher, John W. Moore John W. Bower and Samuel A. Maverick, asked and obtained leave to sign the Declaration of Independence

On motion of Mr Childrep the House adjourned till tomorrow morning 10 o'clock

March 8th 30 Tuesday Morning 10 o'clock
The Convention met pursuant to adjournment and was called to order by the President

The President laid before the House a communication from the late Lieutenant Governor Robinson, and a communication from John Mc Bullen, president pro tem. of the late General Council, and Alexander Thompson and A. G. Patillo, which were read, and on motion referred to the Committee on public documents.

Mr Collinsworth chairman of the Committee on

Committee on public documents, submitted a report upon the loan contracted by the government Commissioners, and recommending the adoption of the proposition of John G. Lamm to raise troops, as a part of the report which was received and laid on the table till tomorrow.

Mr Potts introduced the following resolution, "Whereas the securing the people of Texas, in the fair and undisturbed enjoyment of their lands, is an object of paramount consideration with this Convention, and whereas, certain designing persons in Texas, combined with others who live in distant parts, and are not citizens of Texas, are seeking, under cover of forged, or fraudulent grants, to cheat the people of Texas, out of large and valuable portions, of their lands, which if not put down, would oppress the individual settlers and cripple the resources of the Country, so as to put it out of the power of the government, to make suitable provisions in lands, and otherwise for our volunteers now in the field, or who may hereafter serve the public cause; therefore,

Resolved that the Committee on the Constitution be instructed to enquire into the propriety of inserting in that instrument a provision to the following effect, (viz) No claim of eleven leagues of land or more, shall be valid, and all titles issued to any individual, under any pretence whatsoever for more than one league and a labor of land, (Compresarios excepted) shall be null and void and of no effect, - all titles which may

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have been issued to any individual, under any pretence what ever, since the act of the Consultation, closing the land offices, shall be null and void, and of no effect, and in the future adjustment of land titles, every settler in the actual occupancy of land, not previously located by others, in accordance with the principles of this provision, shall enjoy a preference over all other persons.

This Convention, or the Congress which may succeed it, will make provisions for carrying this Article into effect, and no legislative act or Judicial decision shall ever be made in contradiction to the foregoing clause. To which Mr Pennington offered the following amendment, "Resolved also that all surveys that have been made since the 17th Day of October last are null and void, unless the grantee actually resided on the same at the time the survey was made, east of the Trinity River," which was accepted.

Whereupon Mr Potter moved, that the Convention resolve itself into a Committee of the whole house, which they did, Mr Grimes in the Chair, to Consider the reference of the resolution, with the amendment to the Constitution Committee, and the question being taken, the same was refused.

On motion of Mr Nash, the Committee now reported the resolution

On motion of Mr Childrep the Convention adjourned to the hour of 2 o'clock.

9 O'clock P.M.

The Convention met pursuant to adjournment, and being called to order by the President.

Mr Conrad introduced the following resolution, Resolved that this convention proceed to ballot for three Commissioners, whose duty it shall be to proceed to the different land offices of Texas, and examine strictly into the State and condition of the same; the quantity of land still unappropriated, its location &c. the Circumstances attending the disposition of all grants for more than the quantity of land established by the Colonization laws, to whom granted, and for what Consideration, and to Collect all other information, in relation to the conducting of land matters, which may be considered useful, and report the same to the executive, as soon as practicable, also that it shall be the duty of the said Commissioners, to take custody of all titles, books and papers, whatsoever, connected with the Land offices, and convey them to the seat of government, if considered safe from the ravages of the enemy, or if not, to such other place or places, as may be deemed proper, which was laid on the table by a rule of the house

Mr Rush Chairman of the Committee upon a Constitutional act, moved that it be discharged, which was done.

Mr Rush obtained leave to take up the report submitted to the House, and received on Friday last, upon a constitutional act

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And upon the motion of Mr Bunton, the house resolved itself into a committee of the whole, upon the report; Mr Thomas in the chair, when after considering in part of the report, the Committee rose, reported progress to some extent, and asked leave to sit again.

Mr Motley introduced the following resolution, Resolved that a committee of three members of this body be appointed to examine the subject in relation to the Mexican prisoners and report to this house the best course to be pursued adopted, in regard to their future disposition, and that they have power to retain said prisoners,

Mr Rusk introduced the following resolution, Information having reached this Convention of the embodying a large force of Indians above the San Antonio road. Be it Resolved by this Convention, that Captain Black and Captain Bennett be authorized to raise a company of Volunteers not to exceed fifty men, and proceed forthwith to the place specified, to disperse them, and after so doing proceed to Texas.

Resolved further, that said Captains Black and Bennett be authorized, to prep provisions, if not to be obtained otherwise, and draw upon the future government of Texas for the reasonable expenses of said expedition,

Resolved, that said services shall not in any way operate, to excuse any from the usual Military duties hereafter required, which was adopted,

The President laid before the House the petition of J. G. Robertson, praying to be discharged from imprisonment, which was received, and on motion, laid on the table till tomorrow.

Mr Pennington introduced the following resolution, Resolved that the late Governor Smith, and the late Lieutenant Governor Robinson, and the late Council be required to lay before this House, the names of all the Officers of the regular army, appointed by the Council of the Provisional Government, giving information as far as possible when they were appointed, where they are located, and upon what duty, if any, and their grade, together with all other officers appointed in the ranging ~~corps~~.

Resolved, that a committee of two, be appointed to wait on the late Governor Smith, and the late Lieutenant Governor Robinson, and the late Council, with copies of this resolution, and request them to furnish said information, which was adopted. Whereupon, the President proceeded to appoint Messrs Pennington and Badger, a committee aforesaid.

Mr Hardiman introduced the following resolution, Resolved that all subjects not directly connected with the Constitution of this Republic, lay on the table until that instrument be adopted by this Convention, which was laid on the table.

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Mr Farmer introduced the following resolution
Resolved, that all commissioned officers in
the regular Army, who have not the number of
men required by law under their command, or
who are not already in the field, shall be subject
to draft the same as private citizens, which was
adopted.

On motion the Convention adjourned till
tomorrow morning 9 o'clock

March 9th 50

Wednesday Morning 9 o'clock

The Convention met pursuant to adjournment,
and being called to order by the President,

Mr Farmer Chairman of the Committee to
draft a Constitution, submitted a report in part,
and asked leave to sit thereupon, which was
received and read, whereupon, on motion of
Mr Everett, the Convention resolved itself into
a committee of the whole, upon the report
there made; Mr Everett in the Chair, and on
motion of Mr Roberts, after sundry amend-
ments, the Committee rose, reported progress
and begged leave to sit again.

The House adjourned till 2 o'clock.

Two o'clock

The Convention met according to adjourn-
ment, and was called to order by the President

On motion of Mr Thomas the House
resolved itself into a committee of the
whole, Mr Thomas in the chair, upon
the report of the Committee to draft
a Constitution, and after sundry-

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amendments, the Committee rose, on motion of Mr Rusk, reported progress, and asked leave to sit again.

Mr Childers introduced the following resolution, to wit, "Whereas the African slave trade being abhorrent to the laws of God, and the feelings of all civilized nations; the encouragement of all such inhuman traffic shall be made piracy by the laws of the land, and all persons legally convicted, before the legitimate tribunals, of being hereafter engaged in it, either directly by capturing Africans, or purchasing them out of slave ships, or knowingly from those who may have previously bought them, shall suffer the punishment of death, and such captured persons, be disposed of in such manner as may be hereafter prescribed by Congress: provided that this article, shall not be construed to prohibit emigrants from bringing their slaves into the country. And that no free people of color shall ever be admitted to reside in the Republic after the ratification of this Constitution, which was on motion referred to the Committee to draft the Constitution.

On motion of Mr Menifee the convention adjourned till tomorrow morning nine o'clock.

March 10th - 1830
Thursday Morning 9 o'clock

The convention met pursuant to adjournment and was called to order by the President.

Mr Rusk introduced the following resolution, "Resolved that the late Governor Henry Smith, the late Lieutenant Governor Robinson, the late Council, the late Treasurer, the late Auditor and Comptroller of public accounts, be requested to deliver to this House, all the books, papers, journals, correspondence, contracts, laws, and all other papers, connected with, or relating to their several offices,

Resolved that the Secretary of this House make out and hand forthwith, to each of the before mentioned individuals, each a copy of this resolution, and request of them, the books and papers referred to, which was adopted.

Mr Gains, chairman of the committee appointed to examine and report upon the subject of the Mexican prisoners, made report, which was received, and on motion laid on the table till tomorrow.

Mr Hardiman called up his resolution, submitted and laid on the table on yesterday, laying all matters on the table, not connected with the subject of the Constitution; Whereupon, Mr Rusk offered the following amendment, "unless taken up by two thirds of the House, without debate", which was accepted, when the resolution with the amendments was adopted.

The President laid, before the convention, the letter of Mr G. W. Tranks, and on motion

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referred to the Committee on Military affairs.

Mr Potter introduced the following resolution, Resolved that all persons, (Slaves and Indians excepted) residing in Texas, on the day of the Declaration of Independence, shall be considered as citizens of the Republic and intitled to all the privileges of such. The citizens of Texas shall be entitled to, and are hereby confirmed in their lands, in the following manner, and proportions, viz, every man of family shall be entitled to a league and a labor of land, and every single man of the age of twenty one years, shall be entitled to a third of a league of land, which several portions of land the persons entitled to the same, shall be privileged to locate on any vacant lands; and all citizens now settled in Texas, shall in the location of their lands, be entitled to include their settlement in preference over all other persons, or claims, what-ever, except those from whom such settler may have received his settlement, by rent or lease, and it shall not be obligatory on the settler to live on his land, but he shall have the lines plainly marked.

And whereas there is good reason to believe, that many fraudulent grants of land, or grants, the conditions of which have never been complied with, have been located in Texas, therefore, be it ordained that the first Congress, which shall convene under the Constitution, shall establish such tribunals, as it, in their wisdom

may think proper, to adjudicate and determine without the right of appeal, or further litigation, the validity of the above mentioned grants; provided however that in no case whatever, shall any of the above mentioned grants, interfere with the actual settlers, in the occupancy of the land, or being a citizen of Texas, may rightfully claim it as his head right, under this Constitution, or the Colonization laws of the Mexican Government. - Provided that nothing herein contained, shall deprive any Citizen of Texas, of rights already vested by the laws of the land.

It shall be the duty of Congress, to provide for the volunteers, who have so faithfully served Texas, in the field, or who may hereafter serve against the enemy, by setting apart, so much of the most valuable portions of the public lands as will answer that purpose. - In the event of the death, without will, of any person entitled to land under this Constitution, or the colonization laws of Mexico, his children or next of kin, shall inherit his land, - each and every person holding or claiming land in Texas, either in their own names, or by agent, shall within six months, from the date of the Declaration of Independence, become citizens of this Republic, and reside during the war, within the limits of Texas, unless absent on public business, or on leave, according to law; and in every case of failure to comply with the requirements the individual so failing, shall forfeit to the Republic

all interests, right, & title, in and to, all lands, within the limits of Texas, whether claimed or owned in their own names, or by agent; nor shall any alien, ever hold land within the limits of Texas, whether claimed, or owned in their own names, or by agent."

Laid on the table by rule of the House

Mr. Burnton Chairman of the Committee appointed to enquire into, and report upon, the Condition of the Army, number of officers, private &c. made report which was received and concurred in

Mr. Zavalla introduced the following resolution, Resolved that an interpreter shall be appointed by this Convention, charged with the duty of translating the Constitution and laws of the government, into the Spanish language, which was laid on the table by a rule of the House.

On motion of Mr. Burnton the committee appointed to enquire into the state and condition of the Army &c. was discharged.

On motion of Mr. Gains, the resolution commissioning Capt. Black and Bennett, Captains, to raise a company of Volunteers to disperse the Indians, supposed to be embodied near the San Antonio road was rescinded.

Mr. Everett introduced the following resolution, Resolved that a Committee of five be appointed to act as a standing committee of finance, laid on the table by a rule of the House.

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Meepes Badget and Pennington, a special committee, appointed to wait on the late Governor Smith, the late Lieut Governor Robinson, and Council, and ask for certain information, therein mentioned, made report, which was received; reading dispensed with, and referred, on motion of Mr Kusk to Military Committee.

On motion of Mr Conrad, the House took up the Ordinance, reported by the Committee appointed to draft an ordinance to organize the Physical force of the Country, and have ~~report~~ the same as amended.