

months from the day of its passage, and no longer, unless sooner repealed by a Congress of the Republic.

On motion of Mr. Parmer, the report was received.

Mr. Goodrich moved that the rule be dispensed with, and that the Convention resolve itself into a committee of the whole upon the report forthwith.

And the question being taken thereon was decided in the negative. The resolution lies one day on the table, under the rule of the Convention.

On motion of Mr. Gazley,

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; and that suitable persons be appointed by the Executive Committee Commissioners at those places to procure corn, cattle, sugar, coffee and tobacco, with such arms and munitions of war as may be necessary for the troops in service.

Mr. Goodrich moved to amend by inserting between the words "Mina" and "for" "and at the La Bahia crossing of the Brazos;" which was accepted by the introducer of the resolution.

And the question being taken on the adoption of the resolution as amended, it was decided in the affirmative.

Mr. Rusk moved that the resolution be referred to the Military Committee; and the question being taken thereon, it was decided in the affirmative.

Mr. Everitt called for a resolution submitted by him, and laid on the table on Friday last, proposing that the Convention ballot for a committee, to act as an Executive Committee.

The Convention sustained the call, and, on motion of Mr. Goodrich, the resolution was indefinitely postponed.

On motion of Mr. Collinsworth,

Messrs. Thomas, Smith, and Menard were added to the Committee on Military Affairs.

Messrs. S. Rhodes Fisher, John W. Moore, John W. Bowers and Samuel A. Maverick, being absent at the adoption of the Declaration of Independence, asked and obtained leave to sign the same.

On motion of Mr. Childress, the Convention adjourned till tomorrow morning at nine o'clock.

TUESDAY, MARCH 8, 1836.

The Convention met pursuant to adjournment.

The President laid before the Convention a communication from the late Lieut. Govr. Robinson, which being read by the Secretary, was as follows:

EXECUTIVE DEPARTMENT OF TEXAS, }
 Washington, March 4, 1836. }

To the Honl. the President,
 and Members of the Convention:

Gentlemen,—Having been called upon by the constituted authorities of the country, to exercise the power, and discharge the duties of Governor, according to the second article of the organic law, which I have complied with much against my own inclination, but in obedience to what I conceived to be my paramount duty as Lieutenant Governor, the governor being suspended by the competent authority. The right and authority under which I exercised this power, and performed these duties, having been called in question, and made the foundation of, and the excuse for disobedience of orders in some instances, and doubt and indecision in many, very many, highly respectable citizens, to the manifest injury of our beloved country; and not wishing to claim powers not clearly delegated, and unquestionably given by the laws of the land, and sustained by the people of free and independent Texas, I have presented the subject before you, for your consideration and decision, and will bow with pleasure to whatever conclusion you may arrive. I know the tenacity with which the human heart usually clings to power, and the exercise of a little brief authority; but for myself I do unhesitatingly say that it was with great reluctance that I entered upon the discharge of the gubernatorial duties, and I assure you that I will retire from this situation to the tented field, where I hope to render some service, however humble, as a private soldier, and I trust I will meet every freeman who can be spared from other public service. In this her hour of peril and danger, Texas shall not find me wanting in devotion to her interest and honor, and this pledge I am now ready to redeem with my life.

Although I entertain no doubt of my right and duty to act as the Executive of the Country and, in the words of a distinguished statesman of the Land of Washington, “I challenge the test of talents and of time” in regard to the purity of my intentions in the administration of the government. The course I have pursued is *marked, clear and onward*. In the last Convention to the best of my abilities, *independence, and nothing but independence, had my unqualified support*; and every days experience since that time, satisfies me that a declaration of that kind ought to have been made, and any other declaration now, would utterly blast and destroy with a fated mildew, the fond hopes of the friends of the country, here and elsewhere. Yet for Texas I am, and ever have been, ready to make any sacrifice in my power to offer, but that of honor and my oath of office.

Permit me therefore to request your honorable body, so to organise, constitute and remodel the provisional Government, as to

restore harmony, promote union, provide for the common defence and general welfare; and that the public interest may not be prejudiced or injured by the present unhappy state of dissention and disunion.

Allow me to urge upon you the necessity of doing so with as little delay as your other imperative and urgent duties will permit, and I would respectfully say, that I hold my official papers at the disposition of the Convention.

We are now invaded by a ruthless enemy, who gives no quarters, and conscious that a moment ought not to be lost in meeting and repelling him, I will not attempt an argument of the question of the propriety of such an organization; it must be too plain a proposition to need it; and there is neither time nor place for cold debate; but the times call for prompt and energetic action.

The kindness of friends, the confidence reposed, and the duty I owe my country will not permit me to say less, and the urgent and imploring call of our invaded homes will not allow me longer to trespass upon your valuable time, that can otherwise be profitably appropriated.

That Harmony may prevail in your councils, throughout all your arduous labors, as it has in making an unqualified declaration of Independence, and the formation of a Constitution thereon for our Government may be the happy result, is the sincere hope of your

Fellow citizen,

JAMES W. ROBINSON.

The President laid before the Convention a communication from John McMullen, the late President pro-tem of the late General Council, Alexander Thompson and G. A. Patillo, which being read by the Secretary was as follows.

Council Room,
Washington, March 8, 1836.

To the Honl. the President and members of the Convention:

The undersigned members of the General Council, have understood, from some source, that the verbal notice given us a few days since by a committee of your honorable body, that "the Convention were organized," was deemed a sufficient announcement that the powers of the provisional Govt. had ceased. This, from our understanding of the organic Law, we did not think to be the case, nor that we could be relieved without some declaration on the part of the Convention; accordingly, we replied verbally to your Committee, that we were ready to deliver the archives of the Council into the hands of the Convention, or any authority acting as a Government, provisional or otherwise.

The unfortunate difficulties that arose between the different branches of the provisional government, of which it is unneces-

sary to speak at this time, in some measure crippled its operations and prevented it from acting with that energy so necessary in a crisis like the present. This state of things, we expected, would induce the convention to organize immediately, some temporary authority to meet the present exigencies of the country.

† We would not suppose that the convention superseded the provisional government, without some declaration on their part of such fact; if it is so deemed by your honorable body, or any authority is designated to receive the archives, we are ready to deliver them, and with pleasure return to our homes and the field.

JOHN McMULLEN,

† Prest. pro tem. of the Gen. Council.

ALEX. THOMPSON,

G. A. PATILLO.

On motion of Mr. Parmer,

The communications were referred to the committee on public documents.

Mr. Potter introduced the following preamble and resolution:

Whereas, the securing to 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 the cover of forgery 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 inquire 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, (empresarios excepted) shall be null and void and of no effect. All titles which may have been issued to any individual, under any pretence whatsoever, since the act of the late Consultation closing the Land offices, shall be null and void and of no effect; and in the future adjustment of land titles, 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.

Mr. Pennington offered the following amendment:

Resolved, also, that all surveys that have been made since the seventeenth 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 by the introducer of the preamble and resolution.

On motion of Mr. Potter, that the rule, requiring the preamble and resolutions to lay one day on the table, be dispensed with; and that the preamble and resolution with the amendment be forthwith put upon its passage.

And the question being taken thereon, it was decided in the affirmative, by two-thirds of the members present.

Whereupon the Convention resolved itself into a committee of the whole house upon the preamble and resolution, with the amendment.

Mr. Grimes in the chair.

And after some time spent therein, Mr. Grimes reported that the committee of the whole house had had under consideration a preamble and resolution, proposing to the committee on the constitution, the propriety of inserting in that instrument a provision, that no claim of eleven Leagues of Land shall be valid, and that the committee had refused the reference and rejected the preamble and resolution.

On motion of Mr. Grimes, the report was received and agreed to.

On motion of Mr. Childress, the Convention adjourned till two o'clock P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Conrad,

Resolved, that the Convention proceed to ballot for three Commissioners whose duties 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., &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 office, 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 lies on the table one day, under the rule of the house.

Mr. Rusk called for the report made by the committee to draft a constitutive act to organize the physical force of the country, which was laid on the table on Friday last; and the house sustained the call, and the report being read,

On motion of Mr. Bunton, the convention resolved itself into a committee of the whole upon said report, Mr. Thomas in the chair; and after some time spent therein, the committee rose, and Mr. Thomas reported that the committee of the whole house had had under consideration, the report of the committee appointed to draft a constitutive act, to organize the physical force of the country, had instructed him to report progress and ask leave to set again.

On motion of Mr. Thomas, the report was received.

On motion of Mr. Mottley,

Resolved, That a committee of three be appointed to examine the subject in relation to the Mexican prisoners, and report to this house the best course to be adopted in regard to their future disposition, and that they have power to retain said prisoners.

On motion of Mr. Thomas the resolution was laid on the table.

Mr. Rusk introduced the following preamble and resolution:

Whereas information having reached this convention of the embodying of 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 Bexar.

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

And the question being taken thereon, it was decided in the affirmative.

The President laid before the convention the petition of J. G. Robertson, praying to be discharged from imprisonment.

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

On motion of Mr. Pennington.

Resolved, That the late Governor Smith, the late Lieutenant Governor Robertson, 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, the late Lieutenant Governor Robertson, and the late Council, with copies of this resolution, and request them to furnish said information.

And the question being taken thereon, it was decided in affirmative.

Whereupon, the president appointed Messrs. Pennington and Badgett, said committee.

On motion of Mr. Hardeman,

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, on motion of Mr. Collinsworth, was laid on the table.

On motion of Mr. Parmer,

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 in the field, shall be subject to draft the same as private citizens.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Parmer,

The convention adjourned till to-morrow morning, nine o'clock.

WEDNESDAY, MARCH 9, 1836.

The Convention met pursuant to adjournment.

Mr. Parmer, chairman of the committee appointed to draft a constitution, made the following report:

We, the people of Texas, in order to form a government, establish justice, ensure domestic tranquility, provide for the common defence and general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the republic of Texas.

ARTICLE I.

SECTION 1. The powers of this government shall be divided into legislative, executive and judicial. All legislative power herein granted, shall be vested in a senate and house of representatives, which shall be styled the congress of the republic of Texas.

SEC. 2. The members of the house of representatives shall be chosen every year, on the first Monday of October, by the qualified electors, and shall serve for the term of one year from the day of the commencement of the general election.

SEC. 3. No person shall be a representative unless he be a citizen of the republic, and an inhabitant of the county, district or municipality for which he shall be chosen, and shall have obtained the age of twenty-one years.

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