

“To all who shall enter the service after the 1st July next, a quantity proportioned to their services and to be hereafter determined.

“Resolved That the lawful heir or heirs of all such volunteers as may have fallen or may hereafter fall in the present struggle with the Mexican government, or who may have died, or may hereafter die from any accident whilst in the service of the Country during the war, shall be granted the quantities of land which would have been due the deceased under the colonization laws, as established by the laws of the land had he survived, and that is to say, one league and labor (——— acres) for a man of family and one-third of a league (——— acres) for a single man. Also that the said heir or heirs shall receive in addition to the land granted as aforesaid, a bounty of 640 acres, as decreed by the Council at San Felipe on the 11th day of Dec. 1835.

“Resolved that every applicant for land under those claims shall present a certificate from the proper officer under whose command he served, the time of service, faithfulness, discharge &c. and that the certificate shall be presented to a land commissioner or such proper agent as might be established by law, as a voucher for the correctness of the claims. Also that these claims may be located on any unappropriated vacant land in the country, but no single grant shall be located in more than one body, nor any grant of 1280 acres in any other form than 2 equal squares; nor any grant of 960 acres in any other form than a square of 640 acres and another square of 320 acres; nor any grant of 640 acres in any other form than a square; nor any grant of 320 acres in any other form than a square. The expenses of surveying, office fees &c shall be borne by the claimant.

“Resolved that no bounty land as herein specified shall be construed so as to affect the rights and privileges to land under the colonization laws as established by the laws of the land of any said volunteer, any more than if it had not been granted.—

On motion of Mr. Childress, that the rule be suspended and the preamble and resolution be put on their adoption; and at the suggestion of the introducer the same was laid on the table.

On motion of Mr. Parmer the Convention adjourned till tomorrow 9 o'clock.

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TUESDAY, MARCH 15, 1836.

The Convention met pursuant to adjournment.

1. Mr. Potter chairman of a select committee to whom was referred that part of the Constitution in relation to lands made the following report. \* \* \* \* \*

On motion of Mr. Gazley the same was referred to the select

committee on the Constitution to correct errors and phraseology of the same.

2. Mr. Fisher of Matagorda, chairman of committee on Naval affairs made the following report on the African Slave trade.

"The committee to whom was referred a letter dated Velasco, March 2d, 1836, from Wm. S. Fisher, Collector, beg leave to observe, that the subject matter of said letter is of such a nature as to involve several important legal questions, which your committee do not consider come within the sphere of their duties; inasmuch as the private rights of some of our valued and respected citizens are therein involved. Yet your committee feel bound to give it as their opinion, that the introduction of African Negroes, is in contravention of the existing Treaties between most nations, and the existing laws of this land. And your committee have no hesitancy in stating their views and belief of the extreme impolicy of either covertly or directly countenancing a traffic, which has called forth the indignant condemnation of nearly the whole civilized world. It is to that civilized world that we now, in our present struggle look for sympathy, and hope from that sympathy to extract assistance.—Almost every nation has proclaimed against this traffic many years since, and denounced it as "Piracy;" and we are bound to believe from the late Message of his Majesty the King of Great Britain that, he has concluded with Denmark, Sardinia and Sweden, new conventions calculated to prevent it, and was in expectation of receiving a ratification of a similar treaty with Spain—that he was engaged in negotiating with other powers of Europe and South America for similar purposes, and hopes ere long, the traffic will be entirely suppressed.

Your committee therefore respectfully suggest that, as a nation just ushered into existence, it most eminently becomes our duty and policy to adapt our measures to the genius and spirit of the age. We must be governed by the opinions of others—we must so regulate our infant steps as to deserve the kind and watchful solicitude of older Nations. But while advocating the broad and abstract principle of justice, let us not by taking a retrospective view, of a doubtful and exciting question, interfere with or violate the just rights of our citizens.

Your Committee therefore in presenting their individual and collective views of the justice and policy of the Traffic in African Negroes, would respectfully beg that your honorable body discharge them from the further consideration of the subject, as being one which does not properly come under their notice."

On motion of Mr. Childress 1000 copies of the report were ordered to be printed.

Mr. Ellis laid before the Convention a communication from Edward Harcourt which was read and referred to the committee on Military affairs.

On motion of Mr. Roberts that Capt. Teal and Lieut. Snell be invited to take a seat within the bar of the house—whereupon they were invited by the President to take a seat within the same.

On motion of Mr. Thomas Resolved that the Military committee be instructed to enquire whether there be a Quarter Master General to the Army; by whom appointed whether he be in the public service and what he has done to provide the Army with means and necessaries and what may have been expended by him.

Resolved that they further enquire whether there be a Paymaster, by whom appointed, whether he be on duty, and what funds have been placed at his disposal and what disposition has been made of them.

Resolved further that they be instructed to inquire into the expediency of examining into the conduct of the late commandant of the post of Goliad, and in what manner the public stores and property have been expended and disposed of, and report to this Convention as soon as possible.

And the question being taken thereon it was referred to the Military Committee.

On motion of Mr. Goodrich Resolved that a committee on Indian affairs be appointed to examine and report upon the letter of Mr. Frier communicated to this house; and the question being taken it was decided in the affirmative.

The President appointed Messrs. Goodrich, Robertson and Maverick said committee.

On motion of Mr. Everett, Resolved that a committee of three be appointed to superintend the making out and publishing a copy of the proceedings of this house, and that said committee be authorised to have 500 copies printed and distributed to the members of the house for the benefit of their constituents, and that they have power to forward documents by express riders. Adopted.

The President appointed Messrs. Everett, Fisher, and Gazley said Committee.

On motion of Mr. Rusk Resolved that Henry Teal be appointed a Captain in the regular army of Texas, and that the President of this body issue to the said Teal the corresponding Commission. Adopted.

On motion of Mr. Brigham Resolved That this Convention nominate and appoint three discreet and judicious persons resident citizens of the capital of each county or district in this republic; said three persons shall form a body politic and shall be denominated a police of their respective Counties or districts in which they belong, and the provisional government when formed shall recognize and commission those persons so appointed by this Convention as a police during the War, and assign special duties to them; said persons forming this police shall not receive any

compensation for their services, but shall be exempt from Military duty for the time being:—which was on motion laid on the table.

On motion of Mr. Carson the Convention proceeded to the consideration of that part of the Constitution reported by the committee to which was referred the same.

On motion of Mr. Carson the Select Committee to whom was referred the Constitution had leave to withdraw for the purpose of consummating their labors on the same.

The preamble being first read Mr. Potter moved to strike out the word "civil:" and the question being taken thereon was decided in the affirmative.

Third section being under consideration, Mr. Grimes moved to strike out the "first Monday in October" and insert "first Monday in September." And the question being taken thereon was decided in the affirmative.

On motion of Mr. Rusk, the section was further amended by adding "until Congress shall otherwise provide by law."—

The fourth Section being under consideration, Mr. Power moved to strike out "21" and insert "25"—and the question was taken on striking out.

The yeas and nays being called for by the requisite number, it was decided in the affirmative. Yeas 22—Nays 18.—Those who voted in the affirmative are: Mr. President, Brigham, Everett, Fisher, of Matagorda, Lacy, Latimer, Menefee, Hardiman, Hardin, McKinney, Roberts, Stepp, Scates, Smyth, Taylor, Turner, West.

Those who voted in the negative are—Messrs. Barnett, of Washington, Bowers, Briscoe, Bunton, Carson, Conrad, Crawford, Coleman, Fisher, of Gonzales, Grimes, Legrand, Mottley, Potter, Parmer, Robertson, Rusk, Thomas, Zavala.—18.

The fifth section being under consideration—Mr. Rusk moved to strike out "forty" and insert "fifty." And the question being taken thereon was decided in the negative.

The seventh section being under consideration, Mr. Thomas moved to strike out the word "proviso" of the section: and the question being taken, it was decided in the affirmative.

Mr. Rusk moved to strike out "Indians and free negroes excepted," after the word "population," and the question being taken was decided in the affirmative.

The Eighth section being under consideration, Mr. Potter moved to strike out the word "thirty" and insert "twenty"—and the question being taken was decided in the negative.

The Ninth to the twenty-seventh being read were unanimously adopted.

Article Second, Section 1st, 2nd, 3rd, 4th and fifth having been read,

Mr. Rusk moved to add Sec. 3rd that "Congress shall have power to grant charters of incorporation, and to grant patents and copy

rights"—and the question being taken was decided in the affirmative.

Article third—Fifth Section being under consideration—Mr. Le-grand moved to strike out the word "three" and insert "two"—and the question being taken was decided in the negative.

Mr. Parmer moved to strike out "thirty five" and insert "thirty" and the question being taken was decided in the negative.

The Seventh section being under consideration, Mr. Potter moved to fill the blank as follows, "I, A. B. president of the Republic of Texas do solemnly swear (or affirm as the case may be) that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect and defend the Constitution of the Republic, so help me God," and the question being taken was decided in the affirmative.

Article fourth. The eighth section being under consideration Mr. Potter moved to add "provided no judge shall sit upon a cause determined by him in the Court below;" and the question being taken was decided in the affirmative.

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On motion of Mr. Gazley it was Resolved that Colonel Daniel Pitman be authorized as assistant quarter-master to furnish supplies to the volunteers and regulars who are preparing to march to the head quarters of the Texian army.

Mr. Rusk Chairman of the select committee upon the Constitution reported by resolution:

Resolved that the Constitution so far as reported be read over carefully, section by section, with a reasonable pause between, so that each member of the Convention may take his memorandums by sections first; and that it be again read by sections for adoption.

The Constitution being under consideration— \* \* \* On motion of Mr. Rusk, Resolved that a committee of three be immediately appointed to draw copies of the late act organising the militia and that the President of this body issue his orders under the provisions of that act ordering out one third of the militia:" which was adopted; and thereupon the President appointed Messrs. Carson, Collinsworth and Childress said committee.

On motion of Mr. Powers Resolved that a select committee of two be appointed to superintend expresses:—The President appointed Messrs. Parmer and Waller said Committee.

On motion of Mr. Rusk the Convention adjourned till 9 o'clock to-morrow morning.

HALF PAST SEVEN O'CLOCK, P. M.

The convention by unanimous consent proceeded to business.

Art. 4th Section eleventh being under consideration—Mr. ——— moved to add "no new county shall be laid off unless it be done upon the petition of one hundred free male inhabitants of the

territory sought to be laid off in a county, and unless the said territory shall contain nine hundred square miles"—and the question being taken was decided in the affirmative.

A letter from Genl. Sam Houston, announcing the fall of the Alamo, was read by the President.

On motion of Mr. Potter the Convention adjourned till tomorrow 8 o'clock.—

MARCH 16TH, 1836.

Wednesday Morning, 9 o'clock.

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

Mr. Collinsworth, Chairman of the Committee of Finance, submitted a report as to the claims of Messrs. McKinney & Williams against the Government, which was laid on the table.

On motion of Mr. Waller, an address to the people of the United States of America, was ordered to be prepared to accompany the letter of General Sam Houston, Commander in Chief of the Army, &c., announcing the fall of the Alamo.

Mr. Briscoe introduced the following resolution: Resolved, That a committee of three be appointed to arrange for the publication of the intelligence from San Antonio, which was, on the question being taken, was decided in the negative.

Mr. Collinsworth, Chairman of the Committee on Military Affairs, asked leave for said committee to be discharged, which was done.

On motion of Mr. Rusk, that portion of the Constitution denominated the general provisions was taken up for its final reading.

Mr. Rusk offered the following amendment to the twelfth Section, "and all titles issuing upon such Surveys shall be null and void." On motion the Ayes and Nays were taken and decided in the Negative. Those who voted in the affirmative were Messrs. Hardin, Legrand, Menard, Navaro, Roberts, Rusk, Smyth and Taylor,—eight.—Those who voted in the Negative are Messrs. Barnett of Washington, Briscoe, Blount, Badget, Brigham, Byrom, Barnett of Austin, Bowers, Bunton, Collinsworth, Carson, Coleman, Childress, Clark, Crawford, Everette, Fisher, of Gonzales, Fisher of Matagorda, Grimes, Goodrich, Hamilton, Hardiman, Lacy, Latimore, Menefee, McKinney, Motley, Moore, Maverick, Potter, Parmer, Pennington, Power, Robertson, Swisher, Stapp, Stewart, Thomas, Turner, Waller, Wert, Woods, and Zavalla, forty-three.

Mr. Parmer asked and obtained leave to be discharged from further attendance as a delegate of this Convention.—Mr. Walker asked and obtained leave to be discharged from further attendance as a delegate to the Convention.

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