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On motion of Mr. Thomas,

*Resolved*, That a standing military committee, consisting of five members, be appointed by the President.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Collinsworth, Rusk, Power, Gaines and Fisher of Gonzales, said committee.

Mr. James Woods, from the municipality of Liberty, appeared, produced his credentials, and took his seat as a delegate of the Convention.

On motion of Mr. Pennington,

Leave was given to all the delegates of the Convention, who were absent at the time of the adoption of the Declaration of Independence, to sign the same.

On motion of Mr. Pennington,

The Convention adjourned till to-morrow morning at nine o'clock.

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MONDAY, MARCH 7, 1836.

The Convention met pursuant to adjournment.

Mr. Everett, chairman of the committee on privileges and elections, reported that the committee had examined the credentials of election of John W. Moore, of the municipality of Harrisburg, and that he is entitled to a seat in this Convention.

On motion of Mr. Parmer,

The report was received and agreed to, whereupon Mr. Moore took his seat as a delegate of the Convention.

On motion of Mr. Goodrich,

*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.

The resolution lies one day on the table under the rule of the Convention.

Mr. Potter presented a communication from the late Governor Henry Smith, which,

On motion of Mr. Conrad,

Was laid on the table.

On motion of Mr. Hardeman,

The letter of H. K. W. Hill, esq., to Mr. George C. Childress, enclosing his bill of exchange on Messrs. N. & J. Dick & Co. of New Orleans for five thousand, for the use and benefit of Texas,

enclosed by Governor Smith's communication, was read by the secretary.

On motion of Mr. Potter,

*Resolved*, That the thanks of the Convention be tendered to H. K. 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 a manner as he may deem most acceptable to the feelings of that gentleman.

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

Mr. Rusk, chairman of the committee appointed 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, made the following report:

*An Ordinance to organise the Militia of the Republic of Texas.*

Whereas, the present exigencies of the country are such as imperiously demand the immediate organization of its physical force for its prompt and energetic defence, against a large invading army of merciless enemies; who are waging a war of extermination against all ages, sexes and conditions of our population; and

Whereas it is the bounden duty of every man who asks of the country protection of his person and property, to stand forth in such a crisis in its defence.

SECTION 1. *Be it, therefore, ordained by the delegates of the people of Texas, in Convention assembled, and it is hereby ordained and decreed by the authority of the same*, That all able bodied males (Indians and slaves excepted) inhabitants of Texas, over the age of seventeen, and under the age of fifty, and who are not hereinafter exempted, shall be liable and subject to do militia duty; *Provided, also*, That all those under and above that age, shall have the privilege of enrolling their names and subjecting themselves to duty.

SEC. 2. *Be it further ordained by the authority aforesaid*, That it shall be the duty of this Convention to appoint one man in each municipality, district or county, whose duty it shall be, within ten days after the reception of the notice of his appointment, accompanied by a copy of this ordinance, to take and register, in a book to be kept by him for that purpose, the names of all those in his district or county, liable to do duty under the provisions of this act; true transcript copies of the names so taken, to be made out by him, properly certified, one copy to be sent to the executive, one to the commander-in-chief of the army, and another to be posted up at the most public place in the district or county; *Provided*, That in the district or county of Nacogdoches, there shall be one additional individual appointed, whose duty it shall be to make

out separately, the names of all natives therein liable to serve, and that they, when drafted or ordered out, shall be organized in a separate corps.

SEC. 3. *Be it further ordained by the authority aforesaid,* That the executive authority established by the Convention, (and that until such authority be established, the President of this body) shall have power, at all times, to order out the militia, by draft or otherwise, for a term to be specified by him (not to exceed, at any one time, six months,) in case the exigencies of the country may require it; *Provided,* That not more than two-thirds of the militia shall be required to be in service at any time, and the militia, when so ordered out, shall be under the command and direction of the commander-in-chief of the army.

SEC. 4. *Be it ordained by the authority aforesaid,* That when the service of any portion of the militia shall be required, the Executive, or the President of this body, as the case may be, shall issue his orders and transmit them to the persons appointed in each district or county, setting forth the number of men required from each, and it shall be the duty of such person to make out, on separate slips of paper, the names of all the persons therein liable to do militia duty, which names, when so made out, shall be deposited in the manner hereinafter directed in a hat or box, in the presence of three disinterested persons, who are not, by the provisions of this act, liable to do militia duty, and after the said names shall be well mixed up, and shaken by each of the three persons; they shall cause to be drawn from the hat or box, one at a time, by a child under the age of ten years, the number so required for service. The names to be placed in the hat or box in the following manner, to wit: The names of all persons who have not been in the service shall be placed therein and drawn before the names of those who have served, or are now serving, or shall during this campaign, and before any draft enter the service; and all those who have served for a shorter period than one month, or may in the present campaign serve for a shorter period than one month, shall be first drawn before those who have or may in this campaign serve for one month or upwards. *Provided,* no person shall be entitled to any of the benefits of these exceptions who shall not before the day of the draft, of which five days notice shall be given, furnish satisfactory proof, either in writing or by the testimony of two respectable witnesses, to the person appointed to enroll the names, of his having performed such service; which names when so drawn shall be entered on a list, and certified by the said citizens, and copies thereof furnished to the executive and the commander-in-chief of the army. It shall then be the duty of the persons so appointed, to muster those so drawn out and registered into service on a day to be specified by him, and at some convenient place in the district or county, when they shall proceed to elect suitable

officers to command them, agreeable to the provisions of the law in existence in relation to the organization of the army, which officers shall be commissioned by the executive officer of the government for the time being.

SEC. 5. *Be it ordained by the authority aforesaid,* That every person so drawn or drafted as aforesaid, when required to muster into service shall be and is hereby required to prepare himself with a rifle or musket, one pound of powder, one pound lead, a shot pouch, powder horn and knapsack, unless he will swear he is unable to do so, without injury to his family.

SEC. 6. *Be it ordained by the authority aforesaid,* That if any individual, after having been so drawn and notified, shall fail or refuse to muster into service, either by himself or substitute, without a reasonable excuse, to be judged of by three disinterested persons to be chosen by the person appointed to register the names and sworn to decide the same, he shall be forthwith arrested as a deserter and tried by a Court-Martial and punished agreeable to the rules and articles of war of the United States of America in time of war. And also on conviction thereof before any court of law hereafter appointed, having competent jurisdiction, he shall forfeit one half of his property to the use of the Republic, the other half shall be vested fully and completely in his wife and children, or wife or children if he have any; and he shall never hold any office of honor, trust or profit under the Government, be admitted as a witness in court, or vote for any office.

SEC. 7. *Be it ordained by the authority aforesaid,* That when an individual shall be so drawn and mustered into service, he shall not again be required to enter the service until the others who have not served shall be drafted in the same manner as before provided.

SEC. 8. *Be it ordained by the authority aforesaid,* That it shall be the duty of every individual moving into a district or county within ten days after his arrival therein, to report himself to the person so appointed in such district or county to enrol the names, and on failure to do so he shall be fined the sum of twenty-five dollars, to be collected by the order of any judicial officer by distress and sale of his property forthwith, which fine shall be paid into the treasury and go to the use of the army. And any persons coming into the district or county and remaining there ten days without reporting himself for military duty shall be liable to serve before all other persons.

SEC. 9. *Be it ordained by the authority aforesaid,* That the person so appointed to register the names, shall have power to appoint one or more under him, not exceeding five, for the purpose of enabling him, with the greater despatch to complete the business; provided those appointed under him shall not be thereby exempted from doing military duty.

Sec. 10. Be it ordained by the authority aforesaid, That in case the person so appointed fail or refuse to discharge the duties required of him by this act, he shall be fined the sum of two hundred dollars, to be collected by the order of any civil officer by distress and sale of his property forthwith.

Sec. 11. Be it ordained by the authority aforesaid, That in case of death, resignation or other vacation of said office, the highest civil officer in the district or county or jurisdiction shall discharge the duties until the appointment shall be filled by the executive officer of the government, who shall have power to fill the same.

Sec. 12. Be it ordained by the authority aforesaid, That when any requisition is made on any district, county or jurisdiction for a certain number of men, the citizens of the same shall be at full liberty to volunteer their services for the time required, and that when they so volunteer and serve, they shall be exempt from further service until their time arrives, in the same manner as if they had been drafted.

Sec. 13. Be it ordained by the authority aforesaid, That whenever a Regiment, battallion or company present themselves to the authorities of the Republic, they shall be received into the service for any term, not less than three months or longer than the continuance of the war, on the same conditions as others; and shall have the officers, their numbers entitle them to according to the laws, commissioned by the Executive of the Republic, whenever said officers shall produce satisfactory evidence of their election by the volunteers entering the service.

Sec. 14. Be it ordained by the authority aforesaid, That all acting judges, postmasters and executive officers of the Government, together with those appointed to register the names, shall be exempted from militia duty.

Sec. 15. Be it ordained by the authority aforesaid, That the pay, allowance and rations of the militia shall be the same as heretofore established by the existing laws and ordinances on that subject.

Sec. 16. Be it ordained by the authority aforesaid, That all officers commissioned by the late provisional government, who are not in actual service, and who are not exempt by the provisions of this act, shall be liable and subject to draft the same as others; provided they do not within ten days after the publication of this act repair to the field.

Sec. 17. Be it ordained by the authority aforesaid, That all cases not herein provided for, shall be governed by the military Laws of the United States of America, so far as they are applicable to our circumstances and situation.

Sec. 18. Be it ordained by the authority aforesaid, That this ordinance remain in full force for and during the term of twelve

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.

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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:

( 853 )