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Citation: *Journals of the Convention of the Free, Sovereign, and Independent People of Texas, in General Convention, Assembled. H.P.H. Gammel, The Laws of Texas, 1822-1897, Volume 1. Austin: The Gammel Book Company, 1898, pp. 821-904.*

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Mr. Carson asked and obtained leave to be excused from serving on the committee proposed to be raised.

Whereupon the president appointed Messrs. Potter, Everett and Fisher, of Matagorda, said committee.

On motion of Mr. Childress, the house again took up the report of the committee of the whole upon the constitution.

On motion of Mr. Carson, after the words, "divided into," the words "three departments," and shall forever remain separate and distinct, were inserted in article third, section first.

SECTION 22. On motion of Mr. Menifee, after the words "enacted by," the words "the senate and house of representatives of the," were inserted.

SEC. 5. On motion of Mr. Childress, after the words "shall be," the words "not less than," were inserted.

SEC. 6. On motion of Mr. Rusk, the word, "November," was stricken out, and the word "December" inserted.

SEC. 10. On motion of Mr. Rusk, the latter clause was stricken out, and the following inserted, to wit: "And report the same to the senate, within ten days after the next congress may be convened, and if the senate shall reject the same, the president shall not renominate the same person for the same office."

The president presented the resignation of John Adraham Hizer, as door-keeper, which was read and received.

Mr. Potter from the special committee on naval affairs, asked leave to report, which he did.

On motion of Mr. Rusk, the report was referred back to the same committee.

On motion of Mr. Parmer, the house adjourned till to-morrow morning, nine o'clock.

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#### FRIDAY, MARCH 10, 1836.

The convention met pursuant to adjournment.

The president laid before the house a communication from Mr. Samuel St. John, Jun.

On motion of Mr. Rusk, *Resolved*, by the convention of the people of Texas, that the thanks of this convention, for themselves, and upon the part of the people of Texas, be presented to Mr. Samuel St. John, Jun., for the liberal donation of five thousand dollars, which he has made to our cause, by his letter dated at Mobile, on the 22nd day of February, last.

*Resolved*, That the president of this convention communicate to Mr. St. John, a copy of this resolution, with a suitable acknowledgment to the generous donor.

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

Mr. Parmer moved that Mr. A. G. Briscoe, from the municipality

of Harrisburg, be invited to take a seat in this convention, as a delegate from said municipality. And the question being put by the chair, it was decided in the affirmative.

On motion of Mr. Rusk, that the rule of the house to prevent any further business being taken up, until the completion of the constitution, without the concurrence of two-thirds of the house be suspended.

And the motion being taken on suspending the rule, and taking up the ordinance in relation to the militia, and physical force of the country; and the question having been put by the chair, it was unanimously agreed to, and then, on motion of Mr. Rusk, that the same be referred to a select committee of three;

And the question being put by the chair, it was agreed to; whereupon,

The president appointed Messrs. Rusk, Thomas, and Benton, said committee.

On motion of Mr. Carson,

The original Declaration of Independence was produced by the secretary, and signed by James B. Woods and A. Briscoe.

The convention then proceeded to the orders of the day upon the constitution; Mr. Thomas in the chair.

Article 3, sec. 14. On motion of Mr. Carson, strike out the whole of said section, and insert in lieu thereof;

“The president shall have power by and with the advice and consent of the senate, to appoint a secretary of state, and such other heads of executive departments as may be established by law;”

And the question being put by the chair, it was decided in the affirmative.

SEC. 15. On motion of Mr. Gasley, strike out the whole section, and insert in lieu thereof: a division of the question was called for on striking out, and decided in the affirmative.

The question then recurred on inserting, and was decided in the affirmative. “Every citizen of the republic who has attained the age of twenty-one years, and resides at least six months within the district or county where the election is held, shall be entitled to vote for members of the general congress.”

Mr. Parmer moved to strike out “twenty-one;” and the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by the number required by the rule of the convention;

Those who voted in the affirmative are Mr. Barnett of Austin, Bowers, Bunton, Childress, Clark, Crawford, Goodrich, Lacy, Le-grand, Menifee, Motley, Parmer, Pennington, Robertson, Rusk, Stepp, Twiner, Waller.

SEC. 18. Those who voted in the negative are

Mr. President, Blount, Brigham, Briscoe, Barnett of Washington, Collinsworth, Carson, Conrad, Everett, Fisher of Gonzales, Fisher

of Matagorda, Gasley, Hardin, Hamilton, Hardiman, Latimer, McKinney, Moore, Maverick, Potter, Powers, Roberts, Swisher, Smith, Scates, Thomas, Taylor, West,—28.

Mr. Carson moved the further amendment: "Provided, however, all young men, of the age of eighteen years and upwards, who shall have served faithfully in the present war for independence, shall be entitled to vote in the county in which they reside, for members of the general congress, upon their producing certificates of such faithful service."

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

On motion of Mr. Gasley, the convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Potter, that John Abram Keiser, door-keeper of the convention, have leave of absence; and that Joshua Canter be appointed to fill the vacancy.

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

SEC. 16. On motion of Mr. Barnett, of Washington, that the blank be filled "by ballot;"

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

Mr. Potter, chairman of the committee on naval affairs, asked leave to make the following report; and to enable the committee to make their report, he would move that the rules be suspended, for the purpose of enabling the convention to act upon the report.

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

The report was read, and on motion of Mr. Potter, it was received and adopted.

The 7th section of the constitution being under consideration, and on motion of Mr. Ellis, the same was stricken out.

The 8th section being under consideration, on motion of Mr. Carson, the same was stricken out.

The 12th section being under consideration, Mr. Briscoe moved to strike out the same;

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

The 13th section being under consideration, Mr. Grimes moved to strike out "six hundred and twenty-five," and insert "nine hundred;"

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

The 15th section being under consideration, Mr. Maverick moved to strike out the whole of the section.

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

On motion of Mr. Rusk, the rule was so far suspended as to authorise the house to take up the following preamble and resolution.

Whereas, the late provincial government of Texas has ceased from the exercise of its functions, and whereas, the power of extending pardon to persons convicted of crime, was by the late convention, vested in the governor and council, the two co-ordinate branches of that government: and whereas, this convention is expressly vested by the terms of their election, with plenary power, touching the well-being of Texas: and whereas, the power of conferring relief, from the severity and extreme rigor of the law, in peculiar cases, is an important, and sometimes a deeply interesting function of government, which should never be permitted to lapse into nonentity, or which is fully equivalent to revert to the people, the source of all power, who are incapable of the specific exercise of any; therefore, be it, and it is hereby

*Resolved*, That the power of granting pardon or reprieve, in all cases of judicial conviction of crime, resides in this convention, and may be rightfully exercised by them.

On motion of Mr. Rusk, that the papers of John M. Smith and others, be referred to a select committee of five, with leave to report upon the same;

Whereupon, the President appointed Messrs. Rusk, Childress, Conrad, Barnett, of Washington and Waller.

On motion of Mr. Zavala,

*Resolved*, That an interpreter be appointed by the convention, charged with the duty of translating into the Spanish language the constitution and laws of the republic of Texas;

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

Mr. Rusk presented the petition of Col. Morgan; which was received and referred to a select committee of three;

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

Whereupon the President appointed Messrs. Rusk, Carson and Hardeman said committee.

On motion of Mr. Barnett, of Washington,

*Resolved*, That the committee on military affairs be instructed to draw up and to report to this convention, a commission for Joseph T. Bennett, captain of a volunteer company, now at this place; and that he, the said Bennett, be authorized to draw upon the government for all sums necessary to provision his company on their march, to whatever point they may be ordered;

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

On motion of Mr. Hardeman, the house adjourned until ten o'clock to-morrow morning.

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SATURDAY MARCH 11, 1836.

The convention met, pursuant to adjournment.

Mr. Collinsworth, chairman of the committee on military affairs, made the following report; to wit:

CONVENTION HALL, MARCH 12, 1836.

*To Captain Joseph L. Bennett.*—SIR,—You will proceed immediately to the head quarters of the commander-in-chief, and report yourself to him: upon which, and being mustered into service, he will forward to the proper authority the necessary certificate; and commissions for yourself and inferior company officers will be regularly issued. On your way to head quarters, you will be authorized to purchase, on the credit of the government, such provisions as may be necessary for the use of your company, enjoining on you strict economy. And when you cannot otherwise obtain provisions, you are authorized to press such as may be absolutely necessary: but in doing this, you will act with the greatest forbearance, and in such manner as to avoid, as far as possible, all individual distress: and should it be necessary for you to kill any stock, you will keep an account of the marks and brands, so that their proper owners may be compensated: and when you purchase provisions on the faith of the government, you will give the owners certificates therefor.

JAS. COLLINSWORTH,  
*Chairman of committee on  
military affairs.*

Which, on motion, was received and concurred in.

Mr. Rusk, chairman of the select committee to whom was referred the memorial of James Morgan made and submitted the following report thereupon, to wit:

“The com. to whom was referred the petition of J. Morgan Esq. beg leave to make the following report:—That they have had the said petition under consideration and are of opinion, that the provisional government had no authority vested in them to lay impost duties; and therefore propose the following resolution:

*Resolved* that the act laying imposts, passed by the provisional government is null, void and of no effect; and therefore