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THURSDAY, MARCH 10, 1836.

The Convention met pursuant to adjournment.

On motion of Mr. Rusk,

Resolved, That the late Governor Henry Smith, the late Lieutenant Governor Robertson, the late Council, the late Treasurer, the late Auditor and Comptroller of public accounts, be requested to deliver to the house, all the books, papers, journals, correspondence, contracts, orders, laws, and all other papers connected with or relating to their several offices.

Resolved, That the secretary of the 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.

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

Mr. Gains, chairman of the committee appointed to examine and report upon the subject of the future disposition of the Mexican prisoners, made the following report:

That all commissioned officers and chaplains in the Mexican army, who are now or may be taken prisoners, shall be held in close confinement, and shall be responsible to pay for their support; they shall be from time to time subject to be exchanged according to the usages of war, or as this government may hereafter think proper.

All non-commissioned officers and privates shall be distributed amongst the inhabitants of Texas, under such rules as this government may adopt, always being subject to be exchanged and dealt with according to the rules of war; that the said prisoners shall be compelled to do bodily labor for their support, and that said inhabitants will be compelled to treat said prisoners as Mexican hired servants.

Should any of said prisoners desert, they shall be tried by a court martial and punished accordingly.

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

Mr. Hardeman called for the resolution laid on the table, proposing to lay all subject matter on the table, not connected with the constitution, until the adoption of that instrument, and the house sustained the call.

Whereupon, Mr. Rusk offered the following amendment: "Unless taken up by two thirds of the house, without debate," which was accepted by the introducer of the resolution.

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

The president laid before the Convention, the letter of Mr. G. B. Franks; and

On motion of Mr. Childress, the same was referred to the committee on military affairs.

On motion of Mr. Potter,

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 entitled to all the privileges as 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, whatever; 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 condition 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 future litigation, the validity of the above mentioned grants; provided, however, that in no case whatsoever, shall any of the above mentioned grants interfere with the actual settler, 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 the 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 name or by agent, 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 this requirement, the individual so failing shall forfeit to the republic all interest, right and title, in and to,

all lands within the limits of Texas, whether claimed or owned in their own name, or by agent; nor shall any alien ever hold land within the limits of Texas, whether claimed or owned in their own name, or by agent.

On motion of Mr. Menifee, the preamble and proviso was laid on the table.

Mr. Bunton, chairman of the committee appointed to inquire into, and report upon, the condition of the army, number of officers, and privates, &c., made the following report:

Your committee, to whom was referred the present situation of the army, and the quantity of public stores, and munitions of war, now on hand, and where deposited, report, that under present circumstances, your committee cannot obtain the requisite information to enable them to make a report correct, in all its details, they therefore submit the following, for the information of the house, viz:

The number of officers now in commission are as follows:

One Major General; one Adjutant General; and the appointment of the other officers of the staff of the Major General, to-wit: one Inspector General; one Quarter Master General; one Pay Master General; one Surgeon General, and four Aid-de-Camps; we cannot ascertain.

The officers of the regular army consist of

INFANTRY.—One Colonel; one Lieutenant Colonel; one Major; Captains, ten in number; first Lieutenants, ten; second Lieutenants, ten.

ARTILLERY.—One Colonel; one first Lieutenant Colonel; one second Lieutenant Colonel; one Major; one second Major; Captains, ten; first Lieutenants, ten; second Lieutenants, ten; third Lieutenants, nine.

CAVALRY.—One Lieutenant Colonel; one Major; Captains, six; first Lieutenants, six; second Lieutenants, six; Cornets, six.

RANGERS.—One Major; three Captains; three first Lieutenants, and three second Lieutenants.

VOLUNTEER OFFICERS.—One Colonel; one Lieutenant Colonel; and one Major; two Captains; one first and one second Lieutenants.

Your committee will observe, that from the returns herewith submitted, they find that one individual holds the rank of colonel in the artillery, and also colonel in the volunteer service.

Of the regular army, there appears to be sixty privates; thirty infantry are stationed at Goliad, and thirty cavalry at the fortress of Bexar.

Of the volunteer army, there are 390 at Goliad, commanded by Colonels Fannin and Ward, and Major Mitchell; and 130 at Bexar, under the command of Lieutenant Colonel Travis.

The officers of the Navy are, one Captain; one first Lieutenant; one second Lieutenant, one Third Lieutenant.

Marine service, one first Lieutenant; one second Lieutenant; Surgeons, one.

Making in all one hundred and twenty-eight commissioned officers, exclusive of the third one commission of the same individual.

Your committee have also learned, (though not officially,) that Captain Turner has arrived, on board the Tamaulipas, with a company of fifty-six men; and that Captain Teal has now under his command forty regular troops.

Statement of the leading articles of provisions belonging to government, and deposited at the following places, to wit:

Brazoria or Velasco—16,579 pounds of bacon; 154 barrels of flour; 207 bushels of corn.

Matagorda.—389 barrels of flour; 50 do. pease; 25 sacks coffee; 18 barrels sugar; 20 do. vinegar; 35 boxes soap; 11 do. tobacco; 40 barrels beans; 2 tierces rice; 1 barrel brandy; 1 do. port wine; 15 do. bread.

Munitions of war.

Velasco or Brazoria.—2000 pounds of lead; 60 bags musket balls; 154 kegs powder.

Velasco.—100 carbines; 75 sabres; 50 pair pistols; 440 muskets; 200 cartridge boxes with belts.

Clothing.—Brazoria or Velasco.—200 pair of blankets; 366 jackets; 366 pantaloons; 570 pair of socks; 62 shirts.

There are also many smaller articles at each place, the particulars of which will be seen by reference to the accompanying invoices, and a quantity of ordnance and munitions at Bexar, as per report No. 1.

J. W. BUNTON, Ch'n. of Com.

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

On motion of Mr. Zavala,

Resolved, That an interpreter shall be appointed by this convention, charged with the duty of translating the constitution and laws of this government into the Spanish language; which was laid on the table under the rule of the house.

On motion of Mr. Bunton, the committee appointed to inquire into and report upon the condition of the army, number of officers and privates, was discharged from further consideration of the subject.

Mr. Gains moved to reconsider the resolution commissioning Messrs. Black and Burnett captains, to raise a company of volunteers to disperse the Indians, supposed to be embodied near the San Antonio road.

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

Mr. Gains moved that the resolution be recorded. And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Everett,

Resolved, That a committee of five be appointed to act as a standing committee of finance; which was laid one day on the table under the rule of the house.

Messrs. Badgett and Penington, a special committee appointed to wait upon the late Governor Smith, the late Lieutenant Governor Robertson, and Council, ask for certain papers and information, made the following report:

Your committee, who was appointed to wait on the late Governor Smith, Lieutenant Governor Robertson and Council, beg leave to report the following:

Governor Smith states that he is unable to furnish the required information, as his archives are in his office at San Philip. Lieutenant Governor Roberson refuses to report to your committee as Lieutenant Governor. The Council furnished the following information.

J. B. BADGETT, and
S. O. PENINGTON.

List of officers of the regular army, appointed by the general council.

INFANTRY.—Edward Burleson, Colonel; Henry Millard, Lt. Colonel; Wm. Oldham, Major.

Captains—James Collinsworth, Andrew Briscoe, James Tarleton, Amasa Turner, Henry Teal, R. M. Coleman, George F. Richardson, John M. Allen, John F. Martin, John Bird.

First Lieutenants—James W. Tinsley, V. Bennet, J. W. Shepard, Wm. A. Smith, George English, Jabez Fitch, John Bonman, Franklin Hardin, F. W. Thornton, Wm. S. Stilwell.

Second Lieutenants—Milton Hardin, Jefferson Allcorn, ——— McCloskey, D. L. Kokernott, Henry Fisher, Leonard H. Mabbitt, Benjamin F. Saunders, Wm. E. Hooth, Martin K. Snell, Wm. E. Miller.

ARTILLERY.—James W. Fannin, Jr., Colonel; James C. Neil, first Lieut. Colonel; David B. Maccomb, second Lieut. Colonel; F. W. Johnson, first Major; T. F. L. Parrott, second Major.

Captains.—Ira Westover, Samuel Williams, I. N. Moreland, Peter J. Menard, Geo. W. Poe, James H. Blunt, B. C. Wallace, James S. Lester, Joseph Bonnel, Robert L. Morris.

First Lieutenants.—John D. McAllister, Almerion Dickinson, John Henry, John Chaffin, Lucius W. Gates, A. H. Jones, Thomas H. McIntire, Samuel G. Hanks, Francis White, Prior Bryan.

Second Lieutenants.—Joseph Cady, Robert H. Foot, C. R. Sharp, Alexander Farmer, Ashmore Edwards, Thomas J. Stansbury, Monroe Edwards, Dugald McFarlane, E. B. W. Fitzgerald, William Simmons.

Third Lieutenants.—Wm. C. Wilson, Wm. Eaton, Robert I. Calder, Walter Lambert, John P. Borden, George Scott, Preston Savory, Rob't L. Redding, Bennett McNelly.

CAVALRY.—Wm. B. Travis, Lt. Colonel; Wm. P. Miller, Major.

Captains.—Jesus Cuellar, Robert Wilson, John H. Forsyth, B. J. White, Haden Edwards, Wm. G. Hill.

First Lieutenants.—C. K. Simmons, M. W. Smith, Allen Lamson, Wm. M. Eastland, Placido Benavides, Wm. Bracken.

Second Lieutenants.—Joseph E. Scott, Wm. S. Blount, John M. Thruston, Manuel Carbajal, James Drake, I Bevie, Jr.

Cornetts.—E. Y. Barbs, John V. Morton, Prospect McKay, W. O. Llewellyn, John Goodrich, Darwin M. Stapp.

RANGING CORPS.—R. M. Williamson, Major.

Captains.—John J. Tumlinson, Wm. W. Arrington, J. W. Burton.

First Lieutenants.—George M. Petty, Jesse McCoy, Wade Horton.

Sec. Lieutenants.—Joseph W. Rogers, Littleton Tumlinson, Thomas Robbins.

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

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

On motion of Mr. Conrad, the convention resolved itself into a committee of the whole, upon the report of the committee appointed to report an ordinance to organize the physical force of the country; Mr. Conrad in the chair, and after some time spent therein, on motion of Mr. Rusk, the committee rose, and Mr. Conrad reported that the committee of the whole had had under consideration, the report of the committee appointed to draft an ordinance to organize the physical force of the country, and had instructed him to report the same as amended.

On motion of Mr. Rusk, the rule was dispensed with, and the report of the committee of the whole upon the ordinance, reported by the committee appointed to organize the physical force of the country, was read the second time.

Mr. Parmer moved that the word "sixteen" be stricken out.

And the yeas and nays being called for by Mr. Parmer, and two other members, and was decided in the affirmative.

Yeas 26, Nays 18.

Those who voted in the affirmative, are Mr. President, Messrs. Barnett, of Austin, Barnett, of Washington, Clark, Crawford, Conrad, Everett, Fisher, of Gonzales, Grimes, Goodrich Hardin, Hamilton, Hardeman, Lacy, Legrand, Latimore, Menifee, M'Kinny,

Menard, Parmer, Pennington, Stepp, Smyth, Stewart, Taylor and Waller.

Those who voted in the negative, are Messrs. Blount, Badgett, Brigham, Bowers, Bunton, Coleman, Childress, Gazley, Mottley, Power, Robertson, Rusk, Swisher, Scates, Thomas, Turner, West and Woods.

On motion of Mr. Parmer, the word "seventeen" was inserted in lieu of the word "sixteen."

On motion of Mr. Parmer, Messrs. Willis A. Faris, and John McLeod, were appointed assistant secretaries of the convention.

On motion of Mr. Parmer, the house adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

Mr. Samuel P. Carson, from Red River, appeared, produced his credentials and took his seat, and asked and obtained leave to sign the declaration of independence.

On motion of Mr. Conrad,

Resolved, That the committee on military affairs be instructed to report the proper manner of furnishing, both the regular and volunteer army of Texas, with a proper number of Surgeons, and a Surgeon General, to the medical department of the army.

Mr. Conrad moved that the rule be dispensed with; and that the resolution be put upon its passage.

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

The question then recurring upon the adoption of the resolution, which was decided in the affirmative.

On motion of Mr. Collinsworth, the convention took up the report of the committee of the whole upon the constitution.

On motion of Mr. Parmer, the convention took a recess till half past seven o'clock.

HALF PAST SEVEN O'CLOCK, P. M.

The convention met pursuant to adjournment.

The President laid before the house sundry communications, and,

On motion of Mr. Rusk, the same was referred to the committee upon public documents.

Mr. Carson stated that he had received information of the arrival of the Brutus and Invincible, at the mouth of the river Brazos, destined for the service of the republic of Texas; and that it was important to commission those vessels; he would therefore, move that a select committee on naval affairs be raised, to inquire into and report in relation thereto.

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

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.

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