

PROCEEDINGS

OF THE

GENERAL CONVENTION

OF

DELEGATES REPRESENTING THE CITIZENS AND  
INHABITANTS OF TEXAS:

HELD AT THE

TOWN OF SAN FELIPE, IN AUSTIN'S COLONY, THE FIRST  
WEEK OF OCTOBER, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-TWO.

"The public functionaries of the State, of whatever class they may be, shall at the time of entering upon their offices, take the oath to serve, sustain, and defend the Constitutional Act, the general Constitution, and that of the State, and to discharge faithfully and completely the duties of their offices."

"The observance of the Constitution in all its parts, is one of the most sacred obligations of the inhabitants of the State of Coahuila and Texas, and no one can be absolved from it—neither the Congress nor any other authority."—State Constitution.

In a Republic, the PEOPLE are the true conservators of the Constitution.

BRAZORIA, TEXAS.

1832



## INTRODUCTION AND PREPARATORY NOTE.

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A DEVOTION to written Constitutions, and a strict adherence to their literal interpretation, has been one of the most distinguishing political characteristics of all Anglo-Americans. Under the influence of this sentiment, the Colonies of Texas, composed principally of emigrants from "THE UNITED STATES OF AMERICA," were—by repeated violations of their chartered rights, experienced in the bosom of their immediate society; as well as a general disregard of the Constitution, by the agents of the Federal Government—naturally driven to unite in defence of that sacred Instrument; and to second the efforts of the patriotic projectors of THE PLAN OF VERA CRUZ, so far at least, as to extricate, within the limits of their community, every unlawful obstacle to their enjoyment, and to establish the security of their imprescriptable rights. The people having taken up arms and effected this, the heads of the chief political authorities of Austin's Colony, published the following ADDRESS

### TO THE PEOPLE OF TEXAS:—

The Civil Wars, and infractions of the Constitution, which have unfortunately deranged the administration of government, in all its departments, throughout the Whole Mexican Republic, since December, 1828, have extended their influence to Texas, and the people, in different parts of the country, have been compelled to resort to such measures as their situation would permit, to restore the Constitution, and the authority of the State of Coahuila and Texas, to their proper force and vigor. These measures have heretofore been adopted by the inhabitants of each District, without any general concert: thus exposing Texas to the danger of confusion, which might materially affect the public tranquillity.

The late occurrences have been grossly misrepresented by the enemies of Texas, and efforts have been made, and are continually making, to prejudice our fellow-citizens, in other parts of the Mexican Republic, against the people of Texas, by circulating reports that the object of the late events was to declare this country independent of Mexico, which is absolutely false and without any foundation in truth.

The Indians have commenced depredations on the frontiers of the Rivers *Brazos*, *Colorado*, *Guadalupe*, and *San Antonio*; and the scattered situation of the settlements, imperiously requires that some measures should be adopted for their security.

There are, indeed, many subjects, connected with the welfare of Texas, which ought to be laid before the Constitutional Authorities of the Mexican Nation: and these considerations of safety to ourselves, respect for the character of the people of Texas, the motives which have influenced them, and the sanctity of the cause of the Constitution, as proclaimed in *Vera Cruz*, which we have espoused, have induced the Civil Authorities of the

Municipality of Austin, to recommend that the people of Texas should be consulted at this important crisis; which may be done by the election of Delegates.

It is therefore recommended, that the people of each Town, Precinct, and Civil District in Texas, elect Five Delegates, to meet at the Town of San Felipe de Austin, on the 1st Monday in October next; and that the Civil Authorities order an election, in their respective Districts accordingly, with as little delay as possible.

*San Felipe de Austin, 22d August, 1832.*

(Signed)

HORATIO CHRIESMAN, 1st Alcalde.

(Signed)

JOHN AUSTIN, 2d Alcalde.

Accordingly, Delegates were elected, who convened at San Felipe on the day appointed, and continued their sitting during the week.

The Department was very generally represented, but owing to the shortness of the notice given, the Convention was not so full as it otherwise would have been. The members from Goliad, did not arrive until after the sitting was concluded; but they warmly approbated all that had been done, and especially the objects of the Memorial and petition to the General Government, in relation to the impolitic *Law of the 6th of April*, and the separation from Coahuila. These members determined to remain at San Felipe some days, to see if San Antonio would not send representatives also, with which delegation, (should there have been one) they wished to unite in declaring their concurrence in the measures adopted by the Convention; and also, to appoint a co-delegate to participate in the been done, and especially the objects of the Memorial and Petition to the Government. Members from San Antonio, however, did not arrive; and what was intended to be done in conjunction with that representation, was performed by the Delegation from Goliad, on their part, to the full extent of their Commission. A meeting of the Central Standing Committee, was held for the purpose of communicating with them; when they formally attached their concurrence to the measures adopted by the Convention, and chose DON RAFAEL MANCHOLA, as co-delegate, to accompany the Missions to the General and State Governments.

The proceedings of the Convention will be found in the highest degree interesting, to every one who feels any solicitude for the character and prosperity of the country. Such, have the greatest reason to rejoice at the present progressive course of events, which must inevitably lead to the disenfranchisement of Texas, and place its advancement upon the desirable and fair basis of its unquestionable preeminence in soil, climate, and every thing which attracts capital and rewards industry.

We are proud to be able to say, that we never witnessed in any deliberative body, a more commendable spirit of compromise, and a greater degree of union and harmony in feeling and design, than were displayed thro the whole sitting of the Convention. Whatever differences of sentiment and opinion were evinced during the discussion and consideration of the various subjects which were acted upon, they were happily assimilated without heat, and the Convention may truly be said, to have dissolved, with one feeling—one wish—and one united resolve.

# PROCEEDINGS

## OF THE

# CONVENTION OF TEXAS

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IN compliance with an official request, and public notice to the authorities, and inhabitants of Texas, issued by the First and Second Alcaldes, of the Municipality of Austin, the following Members, representing the different Districts of Texas, met in General Convention, at San Felipe de Austin, on Monday, the 1st day of October, 1832.

### FROM THE DISTRICT OF SAN FELIPE DE AUSTIN:

Stephen F. Austin, Wyly Martin, Francis W. Johnson, Luke Lesassier.

### FROM THE DISTRICT OF VICTORIA:

George B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre.

### FROM THE DISTRICT OF MINA:

Ira Ingram, Silas Dinsmore, Eli Mercer.

### FROM THE DISTRICT OF HIDALGO:

Nestor Clay, Alexander Thompson.

### FROM THE DISTRICT OF SAN JACINTO:

Archibald B. Dobson, George F. Richardson, Robert Wilson.

### FROM THE DISTRICT OF VIESCA:

Jared E. Groce, William Robinson, Joshua Hadly.

### FROM THE DISTRICT OF ALFRED:

Samuel Bruff, David Wright, William D. Lacy, William R. Hensley, Jesse Burnham.

### FROM THE DISTRICT OF LABACA:

William Menifee, James Kerr, George Sutherland, Hugh McGuffin, Joseph K. Looney.

## FROM THE DISTRICT OF GONZALES:

Henry S. Brown, C. Stinnett.

## FROM THE DISTRICT OF MILL CREEK:

John Connell, Samuel C. Douglass.

## FROM THE DISTRICT OF NACOGDOCHES:

Charles S. Taylor, Thomas Hastings.

## FROM THE DISTRICT OF AYISH BAYOU:

Philip Sublett, Donald McDonald, William McFarland, Wyatt Hanks, Jacob Garret.

## FROM THE DISTRICT OF SNOW RIVER:

Thomas D. Beauchamp, Elijah Isaacs, Samuel Looney, James Looney.

## FROM THE DISTRICT OF SABINE:

Benjamin Holt, Absalom Hier, Jesse Parker.

## FROM THE DISTRICT OF TENNEHAW:

William English, Frederick Foye, George Butler, John M. Bradly, Jonas Harrison.

## FROM THE DISTRICT OF LIBERTY:

Patrick C. Jack, Claiburn West, James Morgan.

The Convention was called to order by JOHN AUSTIN, Esq. 2nd Alcalde, and addressed, in the name of the First and Second Alcaldes, as follows:

*Gentlemen of the Convention.*—The invitation for the Convention having been made by the Alcaldes of this Municipality—it may perhaps be expected that we should present to the Convention, the reasons which influenced us to make such a request.

*THE REASONS ARE THESE:*

1st. The Revolution which commenced at Vera Cruz, on the 2d January last, under the command of Gen. Santa Ana, reached this remote section of the Nation, and movements of a warlike character have taken place—the consequence of which has been, that the Military Garrisons have all been compelled to quit the Country. These movements have been greatly misrepresented by the enemies of Texas, and have been attributed to objects entirely different from the true ones. It was, there-

fore, considered to be highly important to the interest of Texas, and of the Nation, to counteract these misrepresentations, by a plain statement of facts; and that a decided declaration should be made by the people of Texas, convened in General Convention, of our firm and unshaken adhesion to the Mexican Confederation and Constitution, and our readiness to do our duty as Mexican Citizens.

2d. The 11th article of the Law of the 6th of April, 1830, which prohibits natives of the United States of the North, from emigrating to these Colonies, has entirely paralyzed the advancement and prosperity of Texas, and exposed it to be filled with a bad and useless population. That Law also severs families and friends, by preventing a removal to this country of many who remain behind in the United States, and for whose reception in this country, preparations had been made by their relatives and friends, who came out as pioneers for that purpose. This point was deemed by the Alcaldes, to be one of sufficient importance to be noticed in a Memorial to the Government, by a Convention of Texas, praying for a repeal, or modification of that article.

3d. The Land Business to the East of Austin's Colony, still remains in a very unsettled and uncertain state, and the Alcaldes were also of opinion that this was a subject which ought to be represented to the General Government.

4th. The Tariff, as now established, operates very injuriously against the agriculture and advancement of the infant settlements of Texas; and the Alcaldes were of opinion, that it would be proper for the Convention to represent this matter, and respectfully petition for a reduction of the duties on such articles as could not be easily transported into the interior as contraband, and are of indispensable necessity to the farmers of Texas. These four topics embrace all that the Alcaldes had in view, at the time of making the request for this Convention. It is considered by us, that it is the duty of the people of Texas, to lay their situation before the General Government, in order that such Legislative aid may be afforded us, as the general good of the Nation, and of Texas, may require; and to accompany it with a firm declaration of our unshaken allegiance to the Mexican Constitution and Nation. All which is respectfully submitted for the consideration of the Convention.

Several persons were then nominated for President and Secretary; and on motion, it was ordered, that the Convention be adjourned until 3 o'clock, P. M., and then enter upon the election of Officers.

The Convention met agreeably to adjournment, and proceeded to the election of a President and Secretary, by ballot:

# THE VOTES STOOD—

FOR PRESIDENT,			FOR SECRETARY,	
S. F. Austin,	31 votes		F. W. Johnson,	34 votes
W. H. Wharton,	15 "		C. D. Taylor,	11 "

So S. F. Austin was elected President, and F. W. Johnson, Secretary.

S. F. Austin, was then conducted to the Chair, and returning his thanks to the House, he made a short address relative to the objects of the Convention; which were, he said, to exercise the Constitutional right of representing to the Government, the situation of the people of Texas, and to

ask for such Legislative aid as the Convention might deem necessary, and especially to petition for a repeal of the 11th article of the Law of the 6th of April, 1830, which totally paralyzes the improvement of Texas, by embarrassing the emigration to it of natives of the United States of the North: to ask for a modification of the Tariff, and an adjustment of the land business to the East of the River San Jacinto: and to represent the defects in the local Government, and administration of justice in Texas, as now organized.

On motion of Mr. Bruff, it was ordered, that a committee be immediately appointed for the purpose of drafting Rules and Regulations for the Government of this Convention.

In lieu thereof, the Rules of the Senate of the State of Missouri, were proposed, and adopted, so far as applicable to the proceedings of the Convention.

On motion of Mr. Lesassier, it was resolved, that a committee of five persons be appointed to draft a Memorial to the Federal Government, praying the repeal of the 11th article of the Law of the 6th of April, 1830—and also to set forth to the Government, the toils, and difficulties, and dangers encountered by the Colonists in the early settlement of Texas:—and their respect for, and attachment to, the Constitution and Laws of the Republic—and report to the Convention in a reasonable time.

Whereupon, the following persons were appointed to compose said committee:

Luke Lesassier, William H. Wharton, Jonas Harison, Geo. Sutherland, P. C. Jack.

At the request of the mover, W. H. Wharton was appointed chairman of said committee.

On motion of Mr. Lesassier, it was resolved, that a committee of five be appointed to draft a petition to the Federal Government, praying a reduction of duties on articles, of the first necessity, imported into Texas—and also, that the committee make such an exposition as will prove to the Government, as far as practicable, that the reduction of duties would increase the revenue of the country.

Whereupon, the following persons were appointed to form said committee:

Charles D. Sayre, James Morgan, Jared E. Groce, Charles S. Taylor, J. K. Looney.

On motion, George B. McKinstry, and John Austin were added.

At the request of the mover, Mr. Sayre was appointed chairman of said committee.

On motion, the Convention adjourned until Tuesday, 9 o'clock, A. M.

TUESDAY, October 2.

The Convention met agreeably to adjournment.

On motion of Mr. Harison, it was resolved, that a committee of ten be appointed, to take into consideration the situation of the land business to the East of San Jacinto; and report to this Convention, such memorial or memorials, to the State, or General Government, or to both, as the committee deem necessary.



Whereupon, the following persons were appointed to compose said committee:

Jonas Harison, William McFarland, William English, Philip Sublett, Jacob Garrett, Charles S. Taylor, Benjamin Holt, Wyatt Hanks, Frederick Foye, Elijah Isaacs.

On motion, P. C. Jack, and James Morgan were added.

On motion of Mr. Hensley, it was resolved, that five members be appointed a committee, to inquire into the Indian affairs of Texas; and fix on some plan for the protection of the frontiers.

Whereupon, the following persons were appointed to form said committee:

William R. Hensley, Samuel Looney, Nestor Clay, C. Stinnett, Jesse Burnham.

On motion of John Austin, it was resolved, that a committee of five be appointed, to report the best mode to regulate the Custom-House affairs in Texas, until said offices are filled, and regulated by the General Government—and also to report that the Tariff be observed, until the Government shall direct the reorganization of the Custom-House Establishment.

Whereupon, the following persons were appointed to compose that committee:

John Austin, Nestor Clay, William McFarland, Wyly Martin, George Sutherland.

On motion of Mr. Lesassier, it was resolved, that a committee of five be appointed to petition the State Government for a donation of land to Texas; for the purpose of creating a School Fund, to provide for the future establishment of Primary Schools—and report to this Convention in a reasonable time.

Whereupon, the following persons were appointed to form said committee:

Luke Lesassier, William McFarland, William Meniffee, Samuel Bruff, Thomas Hastings.

Mr. Dinsmore introduced a resolution, to take into consideration the propriety of Texas' petitioning for a separate State Government—which was laid on the table.—Leave was obtained by Mr. Dinsmore to withdraw his resolution.

On motion, the Convention adjourned until Wednesday, 11 o'clock, A. M.

### WEDNESDAY, October 3.

The Convention met agreeably to adjournment.

On motion of Mr. McFarland, it was resolved, that a committee, composed of two members from each district, be appointed, to report the expediency or in expediency of petitioning for a State Government; and that they be authorized to report such petition, or otherwise.

On motion of Mr. Clay, the Yeas and Nays were called for, on the foregoing resolution.

## YEAS.

F. W. Johnson,  
 L. Lesassier,  
 G. B. McKinstry,  
 William H. Wharton,  
 Charles S. Taylor,  
 Ira Ingram,  
 Silas Dinsmore,  
 Eli Mercer,  
 Robert Wilson,  
 Joshua Hadly,  
 Samuel Bruff,  
 William Menifee,  
 James Kerr,  
 Hugh McGuffin,  
 J. K. Looney,  
 Thomas Hastings,  
 Hyman Hantz,  
 Philip Sublett,

D. McDonald,  
 William McFarland,  
 Wyatt Hanks,  
 Thomas D. Beauchamp,  
 Elijah Isaacs,  
 Samuel Looney,  
 Benjamin Holt,  
 A. Hier,  
 Jesse Parker,  
 William English,  
 Frederick Foye,  
 John M. Bradley,  
 Claibourn West,  
 James Morgan,  
 H. S. Brown,  
 C. Stinnett,  
 John Connell,  
 Samuel C. Douglass.

## NAYS.

Wyly Martin,  
 John Austin,  
 Nestor Clay,  
 Alexander Thompson,  
 A. B. Dobson,  
 George Sutherland,  
 Yeas, 36—Nays, 12.

George F. Richardson,  
 Jared E. Groce,  
 William Robinson,  
 W. R. Hensley,  
 Jesse Burnham,  
 George Butler.

Whereupon, the following persons were appointed to compose said committee:

*From the District of San Felipe de Austin:*—Wyly Martin, Luke Lesassier.

*From the District of Victoria:*—W. H. Wharton, John Austin.

*From the District of Mina:*—Silas Dinsmore, Eli Mercer.

*From the District of Hidalgo:*—Nestor Clay, A. Thompson.

*From the District of San Jacinto:*—A. B. Dobson, George F. Richardson.

*From the District of Viesca:*—J. E. Groce, Wm. Robinson.

*From the District of Alfred:*—W. R. Hensley, J. Burnham.

*From the District of Labaca:*—W. Menifee, G. Sutherland.

*From the District of Nacogdoches:*—C. S. Taylor, H. Hantz.

*From the District of Ayish-Bayou:*—William McFarland, W. Hanks.

*From the District of Snow-River:*—E. Isaacs, S. Looney.

*From the District of Sabine:*—B. Holt, A. Hier.

*From the District of Tennehaw:*—G. Butler, J. M. Bradley.

*From the District of Liberty:*—C. West, James Morgan.

*From the District of Gonzales:*—H. S. Brown, C. Stinnett.

*From the District of Mill-Creek:*—J. Connell, S. C. Douglass.

On motion of Mr. McFarland, it was resolved, that a committee of seven members be appointed, to recommend some uniform mode of organizing the militia of Texas.

Whereupon, the following persons were appointed to compose said committee:

William McFarland, W. Hanks, N. Clay, J. E. Groce, J. Austin, George Sutherland.—On motion, F. W. Johnson; and J. K. Looney were added to said committee.

On motion of Mr. Beauchamp, it was resolved, that a committee of five members be appointed, to petition to the State Government to pass a law authorizing the people of Texas (whose native language is English) to have all their transactions, and obligations, written in the English language, except those which have an immediate connection with Government.

Whereupon, the following were appointed to compose said committee:

Thomas D. Beauchamp, Jared E. Groce, James Kerr, C. S. Taylor, Ira Ingram.

On motion of Mr. Taylor, it was resolved, that a committee of five be appointed to memorialize the State Government, on the subject of lands granted to, and petitioned for, by the North American tribes of Indians—so as to remove much anxiety evinced by them, which is founded on misrepresentation.

Whereupon, the following members were appointed to form said committee:

Charles S. Taylor, W. McFarland, Jonas Harison, Wyly Martin, John Austin.—On motion, P. Sublett, J. M. Bradly, and W. Hanks were added.

On motion of Mr. Beauchamp, the Convention adjourned until 3 o'clock P. M.

The Convention met agreeably to adjournment.

Mr. Groce, Chairman of the committee to whom was referred the resolution on the Tariff, reported the following petition.

*To the General Congress of the United Mexican States:*

The inhabitants of Texas, assembled in general Convention, by means of delegates, at the town of San Felipe de Austin, respectfully represent, that the duties on articles of the first necessity to the inhabitants, which are not, and cannot be, manufactured in Texas, for several years to come, are so high as to be equivalent to a total prohibition: that many other articles which are prohibited by the Tariff, are of the first necessity to the settlers of Texas; and as the people, in this section of the Republic, are yet almost without resources, and are generally farmers who make their support by cultivating the land, and have no manufacturing establishments yet erected within the limits of Texas—they respectfully petition the General Government, to grant for three years, the privilege of of introducing free of duty, such articles as are indispensable to the prosperity of Texas; among which, this Convention beg leave to enumerate the following, viz: Provisions, Iron & Steel, Machinery, Farming Utensils, Tools of the various Mechanic Arts, Hardware & Hollow-ware, Nails, Waggon and Carts, Cotton Bagging and Bale Rope, coarse Cotton Goods and Clothing, Shoes & Hats, Household & Kitchen Furniture, Tobacco for

chewing in small quantities, Powder, Lead & Shot, Medicines, Books & Stationary.—The foregoing articles include the principal imports made use of, and wanted by the inhabitants of Texas; many of them are prohibited, and on those which are allowed to be introduced, the duties are so high that they amount to a prohibition. The trade to Texas is small, and the resources limited, but if fostered by a liberal policy on the part of the general Government, it will, in a few years, yield a revenue of no small importance.

(Signed)

J. E. GROCE, Chairman.

Which, after being read, was laid on the table.

On motion of Mr. Dinsmore, it was ordered that the report of the committee on the Tariff be taken up and acted upon by the Convention.

Mr. Dinsmore then moved to amend the report by substituting the word money for that of resources; so as to read—are yet almost without money.—Question submitted, and decided in the negative.

On motion of Mr. Lesassier, the report was adopted, without amendment.

Mr. Wharton, chairman of the committee on the repeal of the 11th. Article of the law of the 6th. of April 1830, reported a memorial to the National Congress, praying for a repeal of said article, which was unanimously adopted.

### *To the Federal Congress of Mexico:*

Your memorialists, representatives of all the Anglo-Americans in Texas, in general Convention met, taking advantage of that sacred and republican privilege, of making known their wants and grievances, which is guarantied to them by the Constitution of their adopted country, respectfully represent, that they have viewed, and still view, with sentiments of the deepest regret and mortification, the passage and the present existence of the 11th Article of the law of the 6th. of April 1830. This law is obnoxious to your memorialists, for many reasons. Independent of its withering influence on all the hopes of Texas, it implies a suspicion of our fidelity to the Mexican Constitution. Such suspicion we humbly conceive to be utterly unwarranted; and we will endeavor to prove it so, by taking a re-view of our conduct from the passage of the first Colonization law up to the present period.

In the year 1823, the Congress of the Mexican Nation invited the citizens of the United States of the North to become inhabitants of Texas, giving to each family one setio of land for so doing. This donation of land, sounds largely at a distance. Considering, however, the difficulties with which the taking possession of it was environed, it will not be thought so magnificent a bounty, nor so entire a gratuity. Had these lands have been previously pioneered by the enterprize of the government, and freed from the insecurities which beset a wilderness trod only by savages; had they have been in the heart of of an inhabited region, and accessible to the comforts and necessities of life; had the government have been deriving an actual revenue from them; could it have realized a capital from the sale of them, then we admit that the donation would have been unexampled in the history of national liberty. But how different from all this, was the real state of the case? The lands in question,

were situated in a wilderness of which the Government had never taken possession.—They were not sufficiently explored to obtain that knowledge of their character and situation, which would be necessary to a sale of them. They were in the occupancy of savages. They were shut out from all commercial intercourse with the world, and inaccessible to the commonest comforts of life; nor were they brought into possession and cultivation, without much toil and privation, and patience and enterprize, and loss of lives from Indian hostilities and other causes. Under the smiles of a beneficent Heaven, however, the untiring perseverance of the immigrants, in a great degree, triumphed over all natural obstacles; it reduced the forest into cultivation, made the desert smile, established commercial intercourse with the rest of the world, and expelled the savages, by whom the country was infested.

From this, it must appear that the lands of Texas, although nominally given, were in fact really, and dearly bought.—It may here be premised, that a gift of lands by a nation to foreigners, on condition of their becoming citizens, is immensely different from a gift, or sale, from one individual to another.—In the case of individuals, the donor, or seller, loses all further claims upon the lands parted with. But in this case, the Government only gave wild lands that they might be redeemed from a state of nature, that the obstacles to a first settlement might be overcome, and that they might be placed in a situation to augment the physical strength, and the power, and the revenue of the nation.—Is it not obvious, that Mexico now holds the same jurisdiction over the Colonized lands of Texas, that all nations hold over nineteen-twentieths of their Territory?—For the first six or seven years after the commencement of our settlements in Texas, we gratefully admit, that our enterprize was animated, and our hardships alleviated, by the kindness and liberality of the Mexican Government. We insist, however, that this beneficent disposition of the Government, was followed by gratitude, and loyalty on our part.

The only portion of our conduct, during this period, that could be tortured into any thing like disloyalty, was the Fredonian disturbance, at Nacogdoches, in 1826. And when it is considered by whom these disturbances were originated, and by whom quieted, instead of exciting the suspicion of Government, we respectfully conceive that, that transaction should have confirmed its confidence in our patriotism.

The disturbance alluded to, originated with some fifteen or twenty infatuated individuals. The great mass of the settlers, were opposed to their mad design, which they testified by capturing the conspirators, and putting them in custody, before the arrival of a single Mexican soldier.

Was there any thing in this calculated to awaken the suspicions of Government?

Bad and desperate men, there will always be found, in every community. There will always likewise be, a portion capable of being easily misled; and is it not really a matter of astonishment, that in this instance, the bad, the desperate, the dissatisfied, and the misguided, were limited to so insignificant a number?

Excepting this disturbance, which was opposed by ninety-nine hundredths of the settlers, and which was quieted by their zeal and patriotism, we repeat it, that up to the passage of the Law of the 6th of April, 1830, our conduct was orderly and patriotic.

The passage of this law, was a mortifying and melancholy occurrence for Texas. It was mortifying to us, because it must have been founded on a suspicion that we were disposed to rebel: such suspicions did us great injustice—for we had uniformly exhibited strong proofs of our attachment to the Constitution.—It was a melancholy event for us, for it blasted all our hopes, and was enough to dishearten all our enterprize.

It was peculiarly mortifying, because it admitted into Texas all other nations, except our friends and countrymen of the United States of the North; except the fathers and brothers of many of us, for whom we had emigrated to prepare comforts and homes, and whose presence, to gladden our firesides, we were hourly anticipating. Yes! this law closed the door of emigration on the only sister Republic, worthy of the name, which Mexico can boast of, in this New World. It closed the door on a people, among whom, the knowledge and foundations of National Liberty, are more deeply laid, than among any other on the habitable Globe.—It closed the door upon a people who would have brought with them to Texas, those ideas of Republican Government, in which, from birth, they had been educated and practised.—In short, it closed the door upon a people who, generously and heroically, aided Mexico in her revolutionary struggle; and who were the first and foremost to recognize, and rejoice at the obtainment of her Independence.—Is it for a moment to be supposed, that the European parasites of power, to whom, now alone, the door of emigration is left open\*—that those who have been taught from infancy to disbelieve in the natural equality of mankind—who are unacquainted with Constitutions, even in name—who, politically speaking, have never been accustomed to think or legislate for themselves—who reverence the arm of Monarchical rule—who pay adulation at the feet of an hereditary nobility—and who have contemplated Republics, only in theory, and at a distance—is it, we repeat, to be supposed, that immigrants of this description, will contribute more to the advancement of liberty, and the welfare of the Republic, than emigrants from that land of liberal sentiments, that Cradle of Freedom, that Mother of Constitutional Heroes, the United States of the North? If such be the fact, habit and education must go for nothing, and all experience is set at naught, and contradicted.

Your memorialists having, as they trust, and respectfully conceive, shown to your Honorable Bodies, that their conduct, up to the passage of the Law of the 6th of April, was orderly and patriotic, will now turn your attention, to their conduct since that period.

This law was sufficient to goad us on to madness, in as much as it blasted all our hopes, and defeated all our calculations; in as much as it showed to us, that we were to remain scattered, and isolated, and unhappy tenants of the wilderness of Texas, compelled to gaze upon the resources of a lovely and fertile region, undeveloped for want of population, and cut off from the society of fathers and friends in the U. S. of the North—to prepare homes and comforts suited to whose age and infirmities, many of us had patiently submitted to every species of privation. But what was our conduct? As peaceful citizens, we submitted. The wheels of Government were not retarded in their operation by us.

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\*The mass of Europeans are here alluded to.—Many Republicans among them are brilliant exceptions to these remarks.

Not a voice, nor an arm was uplifted. We had confidence in the correct intentions of Government, and we believed and hoped, that when the momentary excitement of the day had subsided, a returning sense of justice and liberality, would give this obnoxious law, a brief duration. For more than two years we have remained in this peaceful—this un murmuring attitude. About this time, the heroic and patriotic Gen. Santa Ana arose, as the vindicator of Liberty and the Constitution. We had confidence in the purity of his motives. We believed that the evils which he battled to redress, were of an alarming and crying magnitude, of no less a magnitude, than an utter disregard of the Constitution, on the part of the vice-president and his ministers—with Gen. Santa Ana we united, as fellow labourers in the same sacred cause, preferring rather to perish in defence of the violated charter of our rights, than to live in acquiescence to acts of arbitrary and unconstitutional power. What we have done in this matter, is known to government and to the world. It was all in defence of rights, liberties and guaranties that were spurned and trampled upon.

Here, we would ask, what was there in all this, to induce a suspicion of our disloyalty to the Constitution? Was it our remaining quiet for more than two years after the passage of the Law of the 6th of April? Was it in declaring for the Constitution, and in hazarding all we held dear, in its defence? Would it not have been as easy to have taken advantage of the troubles of the interior, and to have declared, and battled for, independence? Was ever a time more opportune and inviting? Why did we not then declare for independence? Because, in the honest sincerity of our hearts, we assure you, and we call Almighty God to witness the truth of the assertion, that we did not then, that we do not now wish for independence. No! there is not an Anglo-American, in Texas, whose heart does not beat high for the prosperity of the Mexican Republic; who does not cordially and devoutly pray, that all parts of her territory will remain united to the end of time; and that she will steadily and rapidly advance, in arts, and in arms, and in agriculture, and in commerce, and in manufactures, and in learning, and in virtue, and in freedom, and in all that can add to the splendour and happiness of a great nation. As an evidence that we wished not for independence, nor for a coalescence with the United States of the North, your memorialists would respectfully refer your Honorable Bodies to the following fact:

A short time since, it was rumoured amongst us, that the President of the United States of the North, expressed a determination to make the Naches, instead of the Sabine river, the line between the two Republics.—This, hitherto unheard of claim, provoked the indignation of every inhabitant of Texas, and our constituents have, with one voice, called upon us to memorialize your Honorable Bodies, on the subject of the injustice of such a demand. May it please your Honorable Bodies, your memorialists trust that they have conclusively shown, that the whole tenor of their conduct has been characterized by good order and patriotism.

The destroying influence of the Law of the 6th of April, 1830, upon the prospects of Texas, has been only incidentally attended to—that effect of the law, being too obvious to require expatiation or argument. This law is, likewise, as injurious to the National Revenue at large, as to us individually: for it is evident that the greatness, the power, the wealth,

and the independence of a nation, depend upon a proper development of its resources. Can the resources of Texas be properly developed with this law hanging over it? We believe not. We believe under such circumstances, it would remain the comparative wilderness it now is.

Experience shows, that native Mexicans will not settle in it. But should they do so, it would nothing augment the physical force of the nation; for it would only be taking population from one part of the Republic, to place them in another. Will Europeans settle it? We believe Europeans, of the right description to benefit the country, will not—for thousands of reasons. Our hopes then, for a development of the resources of Texas, are naturally turned to the United States of the North: to a people who have been trained in the school of Republicanism; whose Constitutions are adapted to the climate, and who have been brought up to the cultivation of such articles as will always be the staples of Texas.—Against them, alone, however, the door is closed; which, we contend, is equally injurious to us, and to the National Revenue. Another point of view, in which the Law of the 6th of April is objectionable, and has been productive of numberless difficulties, is this: the garrisons with which all parts of Texas, have been lately crowded, must have grown out of this law, and have been sent here to enforce it. They could not have been sent here for our protection; for when they came, we were able to protect ourselves; and at the commencement of the settlements, when we were few, and weak, and scattered, and defenceless, not a garrison—no; not a soldier, came to our assistance. In the presence and vicinity of these garrisons, the Civil arm has generally been paralyzed and powerless; for many of the officers were law-despisers, who set the political authorities at defiance, brought them into contempt, and trespassed, in every respect, upon the rights and privileges of their fellow-citizens. When all of these things are considered, we cannot but believe, that the former characteristic justice and liberality of your Honorable Bodies, will return to our aid, and bring about an immediate repeal of this, to us, ever to be deprecated measure.

That justice, that liberality, we now most respectfully, and solemnly, and unanimously, and confidently invoke.

(Signed)

W. H. WHARTON, Chairman.

On motion of Mr. Lesassier, the Convention adjourned until to-morrow, 11 o'clock, A. M.

THURSDAY, October 4.

The Convention met agreeably to adjournment.

W. D. C. Hall appeared and took his seat.

Mr. McFarland, Chairman of the committee on the expediency, or in-expediency of petitioning for a State Government, for Texas, made a Report; which was, on motion of Mr. Wharton, referred to a select committee of three, for revision.

Messrs. McFarland, Wharton and Lesassier, were appointed to compose said committee.—On motion of Mr. Clay, it was ordered, that S. F. Austin, Esq. be added to said committee.

Samuel Hoit, a member from the district of Mina, appeared and took his seat.



On motion of Mr. Wharton, it was resolved, that the President recommend to the Convention, a suitable person as translator of its proceedings; and that the President supervise the translations, when made.

Whereupon, the President recommended Mr. ALEXANDER GREAVES, as translator, who was unanimously appointed by the Convention.

On motion, the Convention adjourned until Friday, 9 o'clock, A. M.

FRIDAY, October 5.

The Convention met agreeably to adjournment.

Mr. McFarland, chairman of the select committee, to whom was referred the memorial for the admission of Texas into the Union as a State, reported the memorial with an amendment; which was adopted, and is as follows:

*To the Sovereign General Congress of the Republic of Mexico:*

The inhabitants of all Texas, met in General Convention, at the Town of San Felipe de Austin, by means of delegates, for the purpose of making known their wants to the Government—most respectfully represent, that they desire the separation of Texas from Coahuila, believing such separation indispensable to their mutual happiness and prosperity; and that, ultimately, such division would produce the most happy results to the Mexican Republic.

Coahuila being so distant from the population of Texas, and so widely variant from it in interests—the rights and wants of the people of Texas, cannot be properly protected and provided for, under the present organization, admitting the several Departments of the Government of the State to be prompted by the utmost purity of intention, in their efforts for the administration of justice.

Coahuila and Texas, are dissimilar in soil, climate and productions, in common interests, and partly in population—the representatives of the former, are numerous, and those of the latter few—in consequence of which, any law passed peculiarly adapted for the benefit of Texas, has only to be the effect of a generous courtesy. Laws happily constructed for the benefit of Coahuila, and conducive to its best interests, might be ruinous to Texas—such are the conflicting interests of the two countries. For instance, the unconstitutional law, prohibiting any but native Mexicans from retailing merchandize—which extends to the exclusion of naturalized citizens, from any participation in that employment.

Another reason, which should interest the sympathies of the Republic, and enlist the aid of the Government, in favor of Texas, is its locality being adjoining the territory of a powerful nation, whose established policy towards the aborigines, has a tendency to flood Texas with Indian emigrants, of a character dangerous in the extreme. The wide extent of wilderness, forming a natural boundary between Texas and Coahuila, places an indispensable barrier in the way of Coahuila's extending the efficient means of defence she might wish. This circumstance alone, demands that all the energies of Texas should be embodied, to prevent that calamity which threatens this favoured country, and which, nothing short of a well regulated government of a free, unshackled, and independent State, can provide against.

For these reasons, and many others, which the General Congress will readily conceive, and in view of the decree of the 7th of May, 1824, allowing the people of Texas, so soon as their situation would permit to appear as a distinct state, to report to Congress for their resolution—also, in connection with the 11th section of the Federal Constitution, guaranteeing them a representative in Congress, whatever may be their population; and considering duly, the benefits that would result, both to Texas and to the nation, we entertain no doubts of the favorable reception of this petition.—The people of Texas, present the strongest assurances of their patriotic attachment to the Constitution, and to the Republic—pledging all and every interest in life, for the support of their declaration.

Therefore, they most respectfully petition, that that part of the Mexican Republic, known by the name of Texas, shall become a separate state of the Confederacy, to be placed upon an equal footing with any of the States of the Union.

(Signed)

W. McFARLAND, Chairman.

John Austin, chairman of the committee relative to the Custom-House Department, made their report.

Mr. Hensley moved the following amendment to said report; to add, after the words "general Tariff,"—taking from such officers bonds, with good and sufficient security, to pay over the money collected according to law. The amendment was received.

The report, as amended, was adopted, and read as follows:

*Report of the Committee on the subject of the Custom-House.*

The Committee is of opinion, that this Convention should not interfere with the Tariff regulated by the General Government; but recommend that officers be appointed at the several Ports—viz.—Matagorda, Brazoria, and Galveston Bay, by the Alcalde of the respective Jurisdiction, to collect tonnage duty on foreign vessels, in accordance with the regulation of the general Tariff, taking such officer's bond, with good and sufficient security, to pay over the money according to law; and requiring them to make a report quarterly to the Alcalde of the Jurisdiction in which they reside. And that the method of ascertaining the tonnage of vessels which may enter the ports of Texas, shall be by showing the Registers of said vessels, to the officer directed to receive the dues.

(Signed)

JOHN AUSTIN, Chairman.

On motion of Mr. Harison, leave of absence was granted to Mr. Mercer, on account of extreme indisposition.

Mr. Lesassier, chairman of the committee to petition the State Government for a donation of land, as a School Fund, presented their report.

Mr. Bruff moved that the blank in said report be filled with twenty-five leagues.—Mr. Groce moved that it be filled with one hundred leagues; and Mr. Ingram that it be filled with one hundred and fifty.

Mr. Wharton moved that this report be laid on the table indefinitely; which was negatived—the yeas and nays were as follows:

YEAS.—Geo. B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre, Ira Ingram, A. B. Dobson, George F. Richardson, Jared E. Groce, W. R. Hensley, James Kerr, J. K. Looney, Hyman Hartz,

Thomas D. Beauchamp, Samuel Looney, A. Hier, George Butler, John Connell—17.

NAYS—Wyly Martin, F. W. Johnson, L. Lesassier, Silas Dinsmore, Samuel Hoit, Alexander Thompson, Robert Wilson, William Robinson, Joshua Hadly, Samuel Bruff, Jesse Burnham, William Menifee, George Sutherland, Hugh McGuffin, Charles S. Taylor, Thomas Hastings, Philip Sublett, D. McDonald, W. McFarland, Wyatt Hanks, Jacob Garret, Elijah Isaacs, Benjamin Holt, Jesse Parker, William English, Frederick Foye, John M. Bradley, Jonas Harison, Patrick C. Jack, Claiborne West, James Morgan, H. S. Brown, C. Stinnett, Samuel C. Douglass—34.

The several motions to fill the blank were withdrawn by the movers: and, on motion of Mr. Wharton, it was ordered that said blank be filled, by asking the Government to make such a donation as it may think proper.

The President called Mr. Lesassier to the chair, and retired on account of indisposition.

The report of the committee for a donation of land was adopted as amended.

*To His Excellency, the Governor, and the Honorable, the Legislature of the Free and Sovereign State of Coahuila and Texas:*

The inhabitants of Texas, represented by delegates, chosen for the purpose of making known their wants to that Supreme Government, and assembled in General Convention, in the Town of San Felipe de Austin, respectfully represent that, from the commencement of the settlement of Texas, up to the present time, no step has been taken to encourage public education, and to create a fund exclusively devoted to that object.—They would respectfully suggest, that intelligence is the main pillow of republican institutions, and that without it no Republic can be long-lived—that in every well regulated community, where free principles predominate, education among every class of society, has occupied the attention of the patriot statesman—that the Government of the State of Coahuila and Texas, heretofore, so liberal, and ever munificent in grants of lands to individuals, will, it is hoped, be equally so, in the grant of land for so useful and patriotic an object as will be the dissemination of knowledge through every part of society. Under these considerations, your memorialists pray a grant of as many leagues of land, for the promotion of education, as the Legislature, in its liberality, shall think proper to bestow; to be made to Texas as the foundation of a fund for the future encouragement of Primary Schools, in Texas, in which will be taught the Castilian and English Languages: and they further pray, that the said grant be made to the Ayuntamientos in Texas, for the use and benefit of the people in Texas, and for the object aforesaid, with the express condition that the said lands shall not be sold or otherwise disposed of, until the voice of the people of Texas, be taken thereon; and your memorialists conclude with a declaration of their attachment to the Republic of Mexico, and of their devotion to the Federal Constitution, and also of that of Coahuila and Texas.

(Signed)

L. LESASSIER, Chairman.

On motion of Mr. Bruff, the Convention adjourned until 3 o'clock, P. M.

The Convention met agreeably to adjournment—Mr. Lesassier in the chair.

On motion of Mr. Ingram, it was ordered that a committee be appointed, to take into consideration the expediency and importance, of appointing a Central Committee of Vigilance, Safety, and Correspondence, in the Town of San Felipe de Austin; as also the expediency and importance of appointing permanent Sub-Committees, in all the districts and sections of Texas, for the purpose of circulating information of events of importance to the interest of the people, throughout every settlement in the country; and furthermore, instructed to report the names of said Central and Sub-Committees, for the consideration of this Convention; and authorised to report the general duties of said Committees.

Whereupon, the following persons were appointed to compose said committee:

Ira Ingram, G. B. McKinstry, Robert Wilson, J. K. Looney, James Kerr.

Mr. Taylor, chairman of the committee, on the subject of the claims of the North American Tribes of Indians, in Texas, made the following report, which was accepted:

*To the Ayuntamiento of Nacogdoches:*

The people of Texas, met in General Convention, with anxiety make known, that they view with regret and concern, the present unfortunate situation of the North American Tribes of Indians residing in Texas, and much deplore the transactions which have occasioned it; and in as much, as a portion of our affairs, in relation to government, are in the same condition, it will be convenient for us, and perhaps not an improper duty, to inquire into and apply for a redress of the Indian grievances.

It is known that the Cherokees claim by way of grant, a tract of country situated about 30 miles to the N. W. of Nacogdoches; which claim they have been told, is worth about as much as the paper it is written on. — The Shawnees also, as well as others, have settled in the country, and have been promised possessions. The promise is still protracted.

When the Indian, inclined as he is to believe a promise made, eventually must be fulfilled, becomes frequently the dupe of craftiness and oppression, he naturally becomes discontented, unfriendly and hostile; and in the present instance might be made troublesome to us.

The Indians' repeated request to obtain their rights, are unattended to, because an accredited agent of the Government has been illegally suspended by a military officer, who in continuance of his system of deception and conciliation, and with a view to enlist their aid, declared to the Cherokees, (at the time we began to evince a disposition of throwing from our necks, the insupportable weight of Military oppression)—“The Americans grasping for land, intend making the attempt of driving all my countrymen from this State, and an extirpation of you all will soon follow.”

But the conflict at an end, some of our fellow-citizens explaining to them the true causes which impelled us to arms; and they seeing a large number of our native Mexican fellow-citizens had taken up arms in our

behalf, they seemingly became convinced that we fought for justice to ourselves, and with respect to the rights of every Indian.

But unfortunately just at this time, and while they were being told the Government would put them in possession of their lands, one or two of our fellow-citizens, without authority, run off, and included in a survey, part of the Cherokee claim or grant; consequently creating, by such an act, a disposition on the part of those Indians, to credit any gross misrepresentation made to them; and to give to former apprehensions the guise of truth, and they are now losing past confidence in all individual protestations or advice;—like the wrecked bark, which having crossed a wide expanse of ocean, is in sight of her destined port, but without the friendly sails that propelled her, and without any visible aid, or probable chance of assistance!

Under these circumstances, we most respectfully solicit your Honorable Body, to investigate the affairs, and learn the wishes of the North American Tribes of Indians, in relation to their lands, so that they may become assured of our friendship, by active steps taken in their behalf, and to the end, that they may not be intruded upon unlawfully or unjustly.

And lastly, we beg the Ayuntamiento, of Nacogdoches, will make known to the Indians that the disposition of the people of Texas is, to assist them in obtaining good titles to, and possession of land, and not to deprive them of that which they already claim.

(Signed)

C. W. TAYLOR, Chairman.

Mr. Ingram, chairman of the committee, recommending central and sub-committees throughout Texas, made their report; which was adopted, and reads as follows:

MR. PRESIDENT:—The Committee to whom was referred the consideration of the question of establishing standing Central and Sub-Committees of safety, vigilance, &c. throughout Texas—having given the subject their best attention, beg leave to report:—

That they deem such organization both expedient and important; that it is the only one which the recommendatory powers of this Convention can adopt, to protect so extended and scattered a population as that of Texas, and to give its inhabitants, in case of emergency, the benefit of the means within their control.

Your committee is of opinion, the general duties of such Central and Sub-Committees, would be best discharged by keeping up a regular and stated correspondence with each other, on all subjects relating to the peace and safety of the frontier—and on all relating to the tranquility of the interior; and they should endeavor, by a conciliating, patriotic and magnanimous policy, to impress upon the public mind, the high importance of making every sacrifice but the sacrifice of honor and principle, to the all-important and transcendent object of united counsels. United, our strength and resources are more than adequate to our defence in any possible event. Disunited, we may become an easy pray, even to a handful of cowardly invaders.

Your committee would recommend, that it be the duty of the sub-committees to notify the civil and military authorities, most contiguous to them, of the approach of danger, in the shortest time practicable, in all cases; and that it be the duty of the central committee, on receiving simi-

lar information, to circulate it to the civil and military authorities throughout the country, thro, or by means of the sub-committees, or otherwise, as shall most expedite its transmission. It is further recommended, that the central committee have power, on application of the people, to appoint sub-committees in such place and neighborhoods as may not be accommodated by this report.

Your committee beg leave further to recommend, that a circular be prepared by the president of this convention, to be signed by him and countersigned by the secretary, and that one or more copies thereof be sent to the central committee, and at least one to each sub-committee; and furthermore, that in the absence, inability, or indisposition of the chairman of any such sub-committee to act, that each any every other member of the same, be authorized to receive, open, and answer all despatches, from whatever source, addressed to said committee or their chairman as chairman of the same. It is further recommended, that all vacancies be filled by the central committee, or by its majority, on nomination of the committee in which such vacancy may have occurred, provided a nomination be sent in; but where none is received in a reasonable time after the vacancy occurs, then your committee would recommend, that the central committee proceed to fill such vacancy without delay.

Your committee recommend, that the central committee have power to call a Convention of Delegates from all Texas, at such time and place as they think proper. That the central committee be instructed to furnish the delegate elected by this convention to go to Mexico, with a letter embracing such matters of fact as may be connected with the object of his mission; and with such arguments connected therewith, as may in their opinion be calculated to aid the said delegate in the discharge of his high and important trust.

Your committee recommend for the consideration of the Convention, the following list of names for the Central and Sub-Committees:

#### CENTRAL COMMITTEE :

Francis W. Johnson, James B. Miller, Stephen F. Austin, Lewis L. Veeder, Robert Peebles, Wyly Martin, Wm. Pettis.

#### SUB-COMMITTEES :

*For the District of Sabine:*— — McMahon, — — Smith, Benjamin Holt.

*For the District of Tenehaw:*—G. Butler, E. Rains, Jonas Harison.

*For the District of Nacogdoches:*—C. S. Taylor, H. Hartz, Thomas Hastings.

*For the District of Cow Bayou:*—Claiborne West, G. A. Patillo, David Garnder.

*For the District of San Jacinto:*—D. G. Burnett, George F. Richardson, Wm. P. Harris.

*For the District of Mina:*—Samuel Hoit, Robert H. Williams, Eli Mercer.

*For the District of Snow-River:*—Samuel Lewis, Ephraim Thompson, Major Dailey.

*For the District of Ayish-Bayou:*—John G. Love, Baily Anderson, Isaac W. Barron.

*For the District of Anahuac:*—James Morgan, G. M. Patrick, J. C. Reed.

*For the District of Liberty:*—P. C. Jack, H. B. Johnston, A. B. Harden.

*For the District of Labaca:*—Hugh McGuffin, G. Sutherland, John Andrews.

*For the District of Gonzales:*—Eli Mitchell, H. S. Brown, Thomas R. Miller.

*For the District of Alfred:*—William Robinson, W. R. Hensley, Samuel Bruff.

*For the District of Hidalgo:*—Nestor Clay, A. Thompson, John P. Cole.

*For the District of Victoria:*—John Austin, Charles D. Sayre, George B. McKinstry, Charles B. Stewart, W. D. C. Hall.

*For the District of Viesca:*—Jesse Grimes, Francis Holland, John Bowman.

*For the District of Bastrop:*—R. Andrews, T. G. Gazley, Bartlett Sims. All of which is respectfully submitted.

(Signed)

IRA INGRAM, Chairman.

John Austin, chairman of the committee, to whom was referred the subject of recommending an uniform mode for organizing the Militia of Texas, made the following report, which was adopted:

The committee to whom was referred the reporting of an uniform mode of organizing the militia of Texas, report as follows:

1st. The committee recommend the plan or regulation made by the Ayuntamiento of Austin, which ordains—

Article 1. The Militia of the Municipality shall be organized into one regiment, to be composed of two battalions, and twelve companies.

Art. 2. The companies shall be formed as follows:—the west side of the Brazos river, within the Precinct of Victoria, shall form one company district; the precinct of San Jacinto one; that of Viesca, one; that of Hidalgo, one; that of Bastrop, one; that of Alfred, one; that of Mina, one; that of Labaca, one; that of San Felipe, one; that of Gonzales, one; and that of Mill Creek, one.

Art. 3. Each company shall be composed of one Captain, three Lieutenants, four Sergeants, three Corporals, one Quarter-master Corporal, and the number of men within the district.

Art. 4. The Field Officers and Staff, shall consist of one Colonel, one Lieutenant-Colonel, one Major, one First Adjutant, one Second Adjutant, one Quarter-Master, one Surgeon, and one Surgeon's mate. The Colonel may appoint the non-commissioned officers of his staff, as he may think proper.

Art. 5. The first battalion shall be composed of the districts of San Felipe, Mill Creek, Hidalgo, Viesca, Alfred and Bastrop, to be numbered from one to six, in the order they stand in the article.

Art. 6. The first battalion shall be composed of the companies on the west and east side of the Brazos in the Precinct of Victoria, and of the Districts of Mina, San Jacinto, Labaca, and Gonzales, to be numbered from one to six, in like manner.

Art. 7. Every man within the Municipality, able to bear arms, over the

age of sixteen and under fifty years, shall be liable to militia duty, and shall arm himself with gun and equipments.

Art. 8. The elections for officers and non-commissioned officers, shall be held in each company district, the second Saturday of October next. The alcalde shall give notice in each district, and appoint a central place for holding each election, and a person who shall preside, aided by two tellers and a secretary, to be appointed by the militia present, at the opening of the polls. The election shall commence at 10 o'clock, A. M. and close at 4 o'clock, P. M.

Art. 9. The militiamen shall, at the same time, vote for a Colonel, a Lieutenant-Colonel, and Major. The staff officers of the regiment, shall be appointed by the field officers.

Art. 10. The returns of the elections, shall be made within ten days from the time they are held, by the respective presidents, tellers, and secretaries, to the President of the Ayuntamiento; which body shall issue a certificate to each of the officers and non-commissioned officers who are elected. A record of the same shall be made, and a book kept for that purpose in the archives of the Ayuntamiento.

Art. 11. All vacancies shall be supplied by elections ordered by the commandant of the regiment, on receiving notice thereof.

Art. 12. Any officer, or non-commissioned officer, who removes out of the limit of the district for which he was elected, shall lose his commission by such removal.

Art. 13. The penalty for non attendance of a company muster, shall not exceed fifty dollars for officers, and ten dollars for non-commissioned officers and privates.

Art. 14. Ungentlemanly conduct, or disobedience of orders, or neglect of duty by officers, shall be punished by cashiering, suspension for a time, reprimand or fine, at the discretion of the court martial.

Art. 15. Disrespect to superiors, neglect of duty, or disobedience of orders, by non-commissioned officers or privates, shall be punished by arrest under guard, public reprimand, or fine, at the discretion of the court martial: provided, that in actual service, the officer in command can resort to such punishment as the exigency may require; but always on his own responsibility, as liable to punishment himself, should a competent court martial decide that such punishment was excessive, or improperly executed or applied.

Art. 16. Sleeping on post or deserting it, shall be punished at the discretion of the court martial.

Art. 17. There shall be general, regimental and special court martials.

Art. 18. The general court martial shall be convened by the commandant of the regiment, except when the charges are against said commandant, in which case it shall be convened by the Ayuntamiento, and shall try all charges against officers, including the commander of the regiment, and all offences committed by officers, non-commissioned officers and privates, when the punishment is death. This court shall be composed of not less than five, nor more than thirteen members, to be nominated by the commandant of the regiment, or should he be accused, then by the Ayuntamiento.

Art. 19. The regimental court martial shall be convened by the commandant of the regiment, and shall be composed of three commissioned officers, to be nominated by him. This court shall try all charges against



non-commissioned officers and privates, except when the punishment is death. Two or more of such regimental courts may be convened at the same time, in different places, to impose fines for non attendance at company musters, or refusing to obey a draft, or other disobedience or neglect of duty.

Art. 20. Special court martials may be convened by an officer in command of the regiment, or a detachment, when in actual service. These courts shall have the same power as the regimental court martial.

Art. 21. It shall be discretionary with the commandant of the regiment to order company, battalion and regimental musters, when ever he may deem it necessary, and to form regulations for classing and drafting the militia.

Art. 22. One volunteer uniform company may be raised in each battalion, which shall not exceed fifty men in the aggregate. Such company shall be subject to the orders of the commandant of the regiment or battalion, and the rules prescribed in this regulation, but may form bye-laws for their own internal regulations.

Art. 23. It shall be the duty of the field officers, to suggest to the Ayuntamiento, such amendments to this regulation, as experience may indicate as necessary.

2nd. The committee recommend, that the Districts of Nacogdoches, Ayish Bayou, Tennehaw, Snow River, and Sabine form one regiment.

3rd. That the District of Liberty, and the inhabitants east of said settlement, on the Sabine river, and those of Cow-Bayou, form one battalion.

4th. This committee request the Ayuntamiento of Nacogdoches, to organize its militia agreeably to this plan, and also the Ayuntamiento of Liberty, and make return of the officers elected, to the Ayuntamiento of Austin.

5th. The committee recommend, that a Brigadier-General be elected, to take command of the whole militia.

6th. That so soon as may be, after the organization of the militia, the Ayuntamiento of Austin shall order an election for Brigadier-General, by the commissioned officers of the two regiments.

(Signed)

JOHN AUSTIN, Chairman.

On motion of Mr. Harison, it was resolved, that a committee of two persons be appointed to represent to the Legislature of Coahuila and Texas the necessity of appointing a Surveyor-General for Texas, and that said committee recommend Francis W. Johnson, as a qualified person to fill that post:

Whereupon, Jonas Harison, and Luke Lesassier were appointed to compose said committee.—On motion, S. F. Austin was added.

Mr. Hensley, chairman of the committee, relative to the protection of Austin's and Dewitt's Colonies against Indian depredations, made the following report, which was accepted:

*To the Honorable, the Convention, now in Session:*

Gentlemen:—In accordance with the trust reposed in your committee, appointed for the purpose of making inquiry into the Indian affairs

of Texas, and to fix on some plan for the protection of the frontiers, beg leave respectfully to report:

1st. That, from the best information that we can obtain, we find the Indians are daily committing some depredations on the frontier of our country; such as murdering our citizens, stealing our horses, &c.

2nd. That we are of the opinion, the best mode of defending our frontier, is that immediately after the organization of the militia of Austin's and Dewitt's Colonies, the first battalion be required to furnish forty men, properly officered, to serve on our frontier for the term of forty days.

3rd. That in anticipation of the expiration of the time of said detachment, the second battalion be required to furnish the same quota of men, to serve a like term of forty days; and so alternately, each battalion of said regiment furnishing its quota of forty men, in anticipation of the close of the term of those in service.

(Signed) W. R. HENSLEY, Chairman.

Mr. Meniffee moved, that the sense of the Convention be taken, whether there shall be one or two delegates sent to Saltillo, and Mexico, to bear the mission of this Convention.

Whereupon, it was resolved by the Convention, that only one delegate should be sent.

On motion of Mr. Hoit, it was resolved, that no new business be admitted before the Convention after this day.

On motion of Mr. Kerr, it was resolved, that the Central Committee be requested to correspond with the inhabitants of San Antonio, Labahia, and Victoria, to inform them of the proceedings of this Convention, and to solicit them to cooperate to procure a repeal of the 11th article of the Law of the 6th of April, 1830: and also, invite those districts of country, to concur with us to procure a State Government for Texas.

On motion of Mr. Kerr, the Convention adjourned until Saturday, 9 o'clock A. M.

#### SATURDAY, October 6.

The Convention met agreeably to adjournment.

Wyly Martin moved, that the Convention now proceed, in compliance with the resolution adopted yesterday, to the election of a suitable person to bear the mission of this Convention, to the State and General Governments: and he recommended W. H. WHARTON for that service.

Whereupon, the Convention proceeded to said election, *vive voce*, and Mr. Wharton was unanimously elected.

Mr. Wharton, in his place, presented the Convention his thanks for their confidence.

On motion of Mr. Hoit, it was resolved, that a committee of five persons be appointed, to devise ways and means to defray the expenses of the Delegate to Mexico.

Whereupon, Messrs. Hoit, Groce, Harison, Morgan, and Kerr, were appointed said committee.—On motion, it was ordered, that S. F. Austin, W. D. C. Hall and C. S. Taylor be added to said committee.

On motion of Mr. Jack, it was resolved, that this Convention proceed to recommend to the people of Texas, a suitable person as Brigadier Gen-

eral. Captain WYLY MARTIN was, thereupon, unanimously recommended as a suitable person for that office.

On motion of Mr. Lesassier, the Convention adjourned until 4 o'clock P. M.

The Convention met agreeably to adjournment.

Mr. Harison, chairman of the committee to whom was referred the situation of the land business east of the San Jacinto, made the following report, which was unanimously adopted.

*To His Excellency, the Governor of the State of Coahuila and Texas:*

The inhabitants of Texas, convened in General Convention of Delegates, in the Town of San Felipe de Austin, for the purpose of representing their situation to the Government, respectfully set forth to your excellency: that from the year 1821, up to the present time, a number of industrious citizens have settled in the district of country between the San Jacinto, and Sabine Rivers; and that the settlers have made extensive and valuable improvements in farms, mills, cotton gins, and machinery; and having uniformly been obedient to the Constitution, in the year 1828, grants of land were made to them by the government, and Don Juan Antonio Padilla was appointed Commissioner to issue the titles. Unfortunate circumstances prevented the said Commissioner from completing the objects of his commission, and the business remained in suspense. In 1831, Don José Francisco Madero was appointed Commissioner by the government for the same purpose, but unfortunately he was arrested by military authority, and prevented from issuing the titles.

These repeated delays and embarrassments have defeated the paternal intentions of the government, in favor of the inhabitants of that remote section of the State, who still remain in the most cruel uncertainty as to their land titles. Relying on the grants made in 1828, and the Colonization Laws, they have made, as has been said, important improvements; and if fostered by the government, will be an efficient defence of the frontier against Indians, or other enemies. The uncertainty of their situation, causes an uneasiness among the inhabitants, and cannot be favorable to the public tranquility, and is in the highest degree prejudicial to the prosperity of the country. The number of inhabitants is sufficient for the establishment of new Ayuntamientos. The organization of the local government in that section of the State, is very defective. There are but two Ayuntamientos between the San Jacinto and Sabine Rivers; one at Nacogdoches, and one at Liberty, on the Trinity. The greatest inconveniences and evils may arise from such a state of things; for a large portion of the inhabitants are almost without any local government.

Influenced by these reasons, and the most firm and decided attachment and adhesion to the Constitution of the Republic, and of the State, and the most sincere desire for our country's prosperity, this Convention respectfully petition, that your Excellency will be pleased to appoint a Commissioner, duly authorized to give titles of possession to the inhabitants living between said San Jacinto and Sabine Rivers: and to establish the Ayuntamientos in conformity to the Laws of Colonization.

(Signed)

J. HARISON, Chairman.

Mr. Hoit, chairman of the committee to whom was referred the subject of ways and means to defray the expences of the Delegate to Mexico, made the following report, the recommendations of which were adopted:

The committee to whom was referred the resolution in relation to a supply of means to defray the expenses of a Delegate, on his mission to the Mexican Congress, and devise ways by which the same may be raised, have had the subject matter under consideration, and have unanimously agreed, that the sum of \$2000 will be necessary: and propose to the Convention, that said sum be raised by subscription from the people.

That one person be appointed from each Precinct, whose duty it shall be to obtain subscriptions, and when obtained to forward them to Walter C. White, Esq. whom we propose to be appointed Treasurer-General, whose duty it will be to obtain subscriptions at San Felipe de Austin, and also to receive such sums as may be forwarded to him by said Precinct Treasurers, and pay the same over to Wm. H. Wharton, Esq. or order, when called on. The committee would further recommend, that the delegates from each precinct nominate to the President of this Convention, a suitable person to obtain said subscriptions, and that the President issue his letter of appointment accordingly. The committee would further recommend, that the Precinct Treasurers be instructed to make return of what money they have collected, on or before the first day of December next; and also continue a monthly return, until they are informed by the Treasurer-General the required sum of \$2000 is collected.

All of which is respectfully submitted.

(Signed)

S. HOIT, Chairman.

On motion of Mr. McFarland, it was ordered, that the following be added as an amendment to the report of the committee, to whom was referred the subject of reporting some uniform mode of organizing the militia of Texas:

Resolved, that an election of company and regimental officers be held on the first Saturday in November next.

On motion of Mr. Bruff, it was resolved, that the Secretary be directed to make out a fair statement of the proceedings of this Convention, and transmit them to the printing office in Brazoria for publication, and the Ayuntamiento pay the expence.

Mr. Harison, chairman of the committee on the appointment of a Surveyor-General, made the following report, which was received by the Convention:

The committee to whom was referred the subject of petitioning the Government to create a Surveyor-General for Texas, and to recommend F. W. Johnson for that station, beg leave to report, that as the subject is of great importance, and accompanied with much detail, in setting forth the proper fees of compensation for surveying, and the various duties of said office, they, therefore, ask that the discharge of the duties of this committee be postponed until after the adjournment of the Convention; and that they then have the power to draw up a suitable petition to Government, and also; draft a law calculated to effect the object desired, in time to forward by our Representative to Congress.

(Signed)

J. HARISON, Chairman.

Mr. Beauchamp, chairman of the committee to whom was referred the subject of petitioning the State Government for a law authorising the people of Texas to transact their business in the English language, except such as relate to the Government, made a report, which was rejected.

On motion of Mr. Taylor, it was resolved, that a deputation of four persons be appointed Commissioners to assist the Ayuntamiento of Nacogdoches in their inquiries into the affairs of the North American Tribes of Indians: and that William McFarland, Thomas Hastings, James Bradshaw, and Elisha Clapp, form said Commission.

The following persons were recommended and appointed District Treasurers.

District of Alfred, *William Robinson*; Gonzales, *Eli Mitchell*; San Jacinto, *George F. Richardson*; Hidalgo, *Thomas S. Saul*; Mill Creek, *A. Kuykendall*; Mina, *R. R. Royall*; Labaca, *J. Kerr*; Viesca, *Jesse Grimes*; Bastrop, *B. Sims*; Liberty, *W. Shaw*; Cow Bayou, *Geo. A. Patillo*; Anahuac, *G. M. Patrick*; Nacogdoches, *John S. Roberts*; Ayish Bayou, *B. Lindsey*; Snow River, *S. Lewis*; Tennehaw, *John English*; Victoria, *Asa Brigham*; Sabine, *Major McMahon*.

The President having retired for a moment;

On motion of Mr. Hoit, it was resolved, that the thanks and approbation of the Convention be presented to *Col. S. F. Austin*, for the very able, dignified and impartial manner in which he has sustained the duties of the chair.

Resolved, that the thanks and approbation of the Convention be presented to *F. W. Johnson, Esq.* for the able and faithful discharge of his duties as Secretary.

On motion of Mr. Kerr, the Convention adjourned *sine die*.

(Signed)

S. F. AUSTIN, *President*.

F. W. JOHNSON, *Secretary*.

