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The President submitted a communication from the delegates in the congress of the Confederate States of America in relation to the arms and munitions of war lately taken by the State of Texas from the government of the United States of America. Referred to the committee on Federal Relations.

Mr. Dancy offered the following resolution which was adopted,

“Resolved that the committee on the Constitution be instructed to inquire into the expediency of striking from the constitution Sec. 27 of Article 3, and Section 3 or Article 6 and report the result of their deliberation at such time as they see proper.[’]”

Mr. Chilton offered the following resolution which was adopted,

“Resolved that the committee on Finance be instructed to report immediately some plan by which the contingent expenses of this Convention may be met.[’]”

Mr. Locke offered the following resolution which on motion of Mr. Robertson of Smith was laid on the table.

“Whereas the troops which have been called into the service of the State, both for frontier protection and in the capture of the forts, etc., in the State, have been raised principally if not exclusively west of the Trinity river in this State, and whereas, the capitol of the State being situated more conveniently to the citizen soldiery of the western frontier of the State, and the existence of the fact that on that account calls for regiments, companies etc. are filled before those who reside more remotely have an opportunity to enlist, and whereas the gallant young men of the “east” are equally patriotic, and are eager to serve their country in this hour of its peril, therefore be it

“Resolved that of the regiments to be raised by this Convention a fair and equal opportunity should be awarded to that section of the State.”

On motion of Mr. Terry of Tarrant the Convention adjourned until tomorrow morning at 9 o'clock

City of Austin Texas,
Thursday March 14th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. The Journal of yesterday was read and approved.

The President submitted the following communication.

Austin, March 12th 1861.

To the Secretary of the Convention

Sir,

Your communication enclosing resolutions of the Convention has been received.

I would respectfully refer to the law under which I received my appointment, which makes it my duty to report to the commander in chief, the Governor of the State, and it is made his duty when required "to lay the same before the legislature."

As a subordinate officer I can only furnish official information from my office to the person having the right to call for the same, the commander in chief, Genl. Sam Houston.

Respectfully

A. B. Norton,

Adjt. General of Texas.

On motion of Mr. Terry of Tarrant laid on the table.

Mr. Stell from the committee on Postal Affairs made the following report.

"The committee on Postal Affairs to whom was referred 'an ordinance in relation to U. S. mail contracts' have had the same under consideration, and ask leave to report the same back to the Convention without amendment, and recommend its adoption[']"

On motion of Mr. Stell the rule was suspended and "the ordinance in relation to U. S. mail contracts" read a 2nd time, and ordered to be engrossed.

Mr. Daney offered the following resolution which was adopted,

"Resolved that the committee on Constitution inquire into the expediency of striking out or amending Section 33 of Article 7 of the constitution of the State of Texas, and report the result of their deliberations as soon as convenient.[']"

Mr. Campbell, chairman of the committee on Commerce and Navigation, reported back to the Convention the resolution offered by Mr. T. J. Chambers in relation to making Sabine Pass a port of entry etc. and recommended its adoption.

On motion of Mr. Campbell the rule was suspended and the report and resolution taken up and the resolution adopted.

Mr. Campbell, chairman of the committee on Finance, made the following report.

Committee Room, Austin March 13th 1861.

Hon. O. M. Roberts

President of the Convention.

Sir

The Committee on Finance, to whom was referred an ordinance entitled "An ordinance to raise money for the use and defence of the State of Texas," and sundry resolutions in relation to mileage and per diem and the best way to provide for the same, the precise words of which it is here unnecessary to insert, have had the same under consideration, and have instructed me to report the following ordinances, to-wit:

“An ordinance to raise money to defray the extraordinary expenses arising from the condition of public affairs and to defray the expenses of the Convention.”

“An ordinance to repeal in part Sec. 2 Art. 10 of the constitution, and for other purposes,” and

“An ordinance making appropriations demanded by the extraordinary condition of the country and to defray the expenses of the Convention.”

These several ordinances, it is considered, are in *pari materia*, and should any one of them fail to meet the approval of the Convention the others must either fall or become fatally impaired.

The committee have not failed to appreciate in their full force the exigencies of the times and, conscious of the pressing demands of the State, for the means requisite to place her in a posture of defence, have not been derelict in the performance of the task assigned them, but have given to it repeated and earnest consideration. If they shall have failed in offering to the Convention a plan in unison with their wishes, they must say, in all frankness, that they have no other plan to offer, calculated as less likely than the one proposed to lessen the sacrifice the State in this crisis is constrained to suffer.

In estimating the immediate wants of the State, the committee have considered that there exists an urgent necessity for at least four hundred and odd thousand dollars. Indeed the committee, in view of the apparently impending difficulties, supposed that in fixing the amounts as stated they were observing a degree of parsimony inappropriate to the menacing state of affairs. But to details. The committee, upon calculation furnished by a competent officer of the government, ascertained that to meet the mileage and per diem of the members of the Convention and the per diem of officers of the same, about \$75,000.00 would be needed. That to E. B. Nichols, a patriotic citizen of the State and a member of the Convention, there was due \$24,000, raised on his own credit in the city of New Orleans for fitting out troops for the Rio Grande and for which provision was required. That to meet the expenses of the expedition to Brownsville, under Col. Jno. S. Ford, one which has not yet accomplished its object and which may not for some time, there would, independent of the money raised by Gen. Nichols, be required not less than \$50,000.00. As illustrative of the necessity of this last appropriation, it need only be stated that the expedition has now engaged in its service the steamer *Gen. Rusk* at a chartered price of \$500 per day. That to arm the State \$150,000 was needed, with which to purchase 5000 stands of arms—rifles and muskets—and 2000 of Colts pistols, the last including the arms Major Ben McCulloch has by this Convention been commissioned to buy in or from the State of Virginia. That the expenses

at San Antonio, besides the \$23,000 surrendered by Gen. Twiggs, would call for at least \$50,000, and that other expenses, not now in a condition to be stated with definiteness, would demand as much as \$75,000. These several amounts it will be seen aggregate \$424,000. To provide for this it is thought that the bonds will yield, at 15 per cent. discount, just about a like amount.

From a variety of sources every way entitled to confidence and consideration, suggestions have come to the committee that the amount now intended to be provided for would prove greatly inadequate to the wants of the State. To these the committee did not feel that they should defer.

As will have been observed the committee have not considered the subject of making provision for frontier defence. They have supposed that the government of the Confederate States of the South would assume charge of that at an early day, and adequately this expectation will no doubt be realized.

In looking about for resources belonging to the State, resources promising availability from whence to obtain means, the committee have found themselves confronted on the one hand by an empty treasury, and on the other by a plethoric body known as a school fund, into which every successive legislature have appeared to regard it as a sort of religious as well as patriotic duty to empty the property of the people. From statements made to us by the comptroller of the State, there is apparent to a certainty that a large deficit will, by January next, exist in the current income of the State.

By the provisions of Ordinance No. 2, herewith submitted, it will be seen that it is proposed to take from the common school fund the 10 per centum, deducted from the annual revenue of the State, in virtue of Sec. 2 Art. 10 of the constitution, and to apply it as far as necessary to the pay of the interest on the bonds provided for in Ordinance No. 1. To compensate the school fund, the El Paso reserve, estimated to be worth at least \$400,000, and consisting of 212 sections, is perpetually secured to it. The grant is declared organic, part of the constitution and irrevocable. This ought to be regarded as an ample equivalent, for it will be placing it utterly beyond disturbance. Now it is a mere legislative grant and subject to revocation.

Many gentlemen on the committee, and I among them, consider the constitutional provision an outrage upon the people and as demanding abrogation. When placed in the constitution, the State looked to no other means of erecting a common school fund, but since then the money arising from the adjustment of the boundary difficulty with the U. S. has fallen into her hands, and out of it she has appropriated the magnificent sum of \$2,000,000.00, all of which is now productive.

If we only look ahead and anticipate a few years, what a vast le-

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viathan in the shape of a school fund we behold. Ten years hence our State will so have grown in every respect that in lieu of a few hundred thousands of revenue millions will be coming in. Instead of the 10 pr. cent. yielding the modest sum of \$40,000 from \$100,000 to \$200,000 will be extracted from the hard earnings of the people. This in the judgments of a majority of the committee will be liberality with a vengeance. To educate the rising generation, that of the present day must be starved. Besides, what benefit at present does the fund yield to public schools? None I may say. The interest, say by way of illustration 6 pr. ct. on \$40,000, or \$2,400, is only distributed, giving to each scholar in the State the trifling sum of two cents per capita. And, too, this fund, taken from the pockets of the people, is now loaned to railroad companies at 6 pr. ct. when each tax payer, were he allowed to keep it, could loan it at 10 and 12 pr. ct. If it is to be continued, in the name of reason let it out for its value.

Few persons possess anything like a correct idea of the vastness of the common school fund. In railroad bonds, and indemnity bonds of the U. S., there is the magnificent sum of \$2,417,500. Besides this, four leagues of land were given to each county as a school fund, nine-tenths of the railroad reserves and other lands. Competent judges have not hesitated to say that the fund in money and lands amounts in value to from four to five millions of dollars. This being the case is that great charity seriously affected by taking from it the 10 pr. cent fund? The majority of the committee think not.

Ordinance No. 1., herewith reported, it will be seen authorizes the sale of \$500,000.00 of the U. S. Bonds now in the [Treasury] Department.

The committee considered several modes by which to raise the money. It was suggested that the railroad bonds should be pledged—that bonds of the State be issued. These plans were thought inexpedient as involving, if practicable, too great a sacrifice. Hence they concluded to adopt the plan proposed, as the only one left. It is at least a feasible one, and one as little if not less likely to occasion serious loss than the other plans proposed in committee. Just at this moment the committee seemed to think it was both expedient and proper to get rid of the bonds of the U. S., and they deplored the fact that long since they had not been disposed of. But a short time since they were nearly at par. That they should have been gotten rid of, had those administering State affairs duly appreciated the signs of approaching disasters, admits of no doubt. Disposed rather to interpose obstacles to the will of the people, than to watch and guard the public interests, an opportunity has been allowed to escape never again to present itself. What we have to dread is that these bonds may become utterly worthless. Even should they not, already Texas

holds sufficient claims upon the U. S. Government. If they should ever be settled the State may justly reclaim from the other party any loss she may now sustain by being forced to sell the bonds. Ultimately she may have to submit to no loss.

As to the railroad companies, they are absolutely protected. The bonds they will be required to take, they will doubtless find more negotiable than the bonds proposed to be sold. Most amply secured, the bonds in a time of tranquility and confidence would command a premium. Young, with vast landed resources, an enterprising and virtuous population, and out of debt, the securities of the State will occupy a *status* in financial circles unexcelled by that of any other State on this continent.

As to details as to the mode by which the pay of interest on the State bonds, and the redemption of the bonds themselves, it is not necessary to restate them here.

It is due to candor to declare as the fixed conviction of the committee that if the ordinances submitted are not acceptable they have no other plan to propose, and that it will be but right to discharge them from further duty on the subject. They, through their chairman, repeat that their labors and researches have been constant, zealous and thorough. This they say in no spirit of dictation.

The committee conclude by saying that the period is that of revolution. We should not if we could overlook the fact. To such a period it naturally belongs to suffer sacrifices, and to such a period debt is incidental. Our State is young and with a great future before her. What we now do in creating State liabilities in order to [secure?] State protection a few years of tranquility and prosperity will efface. But if we fail or refuse to make due provision, when provision is needed in order to meet and repel imminent danger, we shall not only have to feel the upbraidings of the people but our own self reproaches.

All of which is respectfully submitted.

Robt. C. Campbell
Chmn. Com. on Finance.

An ordinance to raise Money to defray the extraordinary expenses arising from the condition of Public Affairs and to pay the expenses of the Convention.⁶⁵

The People of Texas, in Convention assembled, have ordained and declared, and do ordain and declare as follows, to wit:

Section 1. That there shall be withdrawn from the Treasury of the State five [2] hundred thousand dollars of the Bonds, known as the

⁶⁵Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of the line of the printed bill.

“five per cent. Indemnity Bonds [3] of the United States Government,” and the same placed in the hands of a Commissioner,[4] hereinafter named, for sale at their current value.

Sec. 2. That any law now in force, requiring said bonds to receive the endorsement [2] of the Governor of the State, be and the same is hereby repealed.

Sec. 3. That the Commissioner to sell said U. S. Bonds shall dispose of the same at [2] as little loss to the State as possible, and when sold he shall report the sale to the [3] Treasurer of the State and pay into the Treasury, subject to appropriation by the [4] Convention, the proceeds arising from the sale. The Commissioner may negotiate said [5] bonds, within or without the State, as he may deem expedient and proper for the [6] interest of the State.

Sec. 4. That the Rail Road enterprises of the State may suffer no injury the Governor [2] shall cause to be prepared in proper form and duly signed five hundred State bonds [3] of one thousand dollars each, amounting in the aggregate to five hundred thousand [4] dollars, the equivalent in amount to the U. S. Bonds withdrawn and ordered to be sold, [5] and deposit them in the place of said U. S. Bonds, to be issued in lieu of said U. S. Bonds [6] to the Railroad companies authorized under existing laws of the State, to demand the [7] same as a loan in their behalf. Said State Bonds shall bear date with the date of withdrawal [8] of the U. S. Bonds, shall bear an interest of six per cent. per annum, and be [9] made payable on the 1st day of July, A. D. 1871. In the body of said State Bonds [10] shall be inserted a brief statement of the fund credited by ordinance for the payment of [11] interest and principal.

Sec. 5. That so much of Sec. 33, Art. 7, of the Constitution as limits the creation [2] of a State debt to the sum of one hundred thousand dollars be and the same is hereby [3] modified and changed so as to include and not inhibit the debt created by this ordinance.

Sec. 6. That the bonds authorized to be created by this ordinance may be adequately [2] and securely provided for, it is here declared and ordained that the securities now in the [3] proper department of the State government, arising from the sale of the fifty league [4] grant of University lands or the money arising from the payment of said securities or [5] so much as may be paid by the 1st day of July, 1871, as also the remainder of said [6] University fifty league grant amounting to some one hundred and forty-six sections, or [7] its proceeds when sold, shall be set aside and is hereby set aside and constituted a sinking [8] fund for the sole and exclusive purpose of redeeming the principal of said State [9] Bonds, when due, and payable on said 1st day of July, 1871.

Sec. 7. That as money, accruing from said University security

and land, shall be paid [2] into the State Treasury, the same shall, by the joint action of the Comptroller and [3] Treasurer, be loaned out, on undoubted security, at an interest of from eight to twelve [4] per centum, per annum, payable, both principal and interest, annually, and on a credit [5] of one year from the date of the loan, and, thereafter in like manner, till required to pay [6] and satisfy the said State Bonds hereinbefore authorized to be made.

Sec. 8. That should the Commissioner, appointed by this act, ascertain that the rate [2] of discount on the U. S. Bonds would involve too great a sacrifice to the State, and that [3] the State Bonds ordered by this ordinance to be deposited in lieu of them can be negotiated [4] at a lower rate of discount, then, and in that case, the Commissioner, upon replacing [5] the U. S. Bonds, may withdraw the State bonds created by this ordinance and [6] proceed to negotiate the same; provided, however, that the State Bonds issued for negotiation [7] shall bear an interest of eight per centum per annum and be made payable [8] principal and interest at the counter of the Citizens Bank, in New Orleans, in the State [9] of Louisiana.

Sec. 9. That E. B. Nichols, of Galveston, is hereby appointed Commissioner to negotiate [2] the bonds hereinbefore mentioned, and that for his services and his traveling [3] expenses, ten dollars per day be allowed him.

Sec. 10. That to meet the pressing wants of the Convention the Comptroller is hereby, [2] if practicable, instructed to sell in the city of Austin, or other place in the State, [3] one hundred thousand dollars of the U. S. Bonds of the amount authorized to be sold [4] by the first section of this ordinance, provided the same can be sold at a fair value, [5] otherwise to place the same with the balance of the bonds in the hands of the [6] Commissioner.

Sec. 11. That in due and proper time, the Comptroller and Treasurer of the State [2] shall appoint some qualified person as Commissioner for the purpose of selling the [3] remainder of the fifty league University grant hereinbefore designated as part of the [4] sinking fund, and to such Commissioner they shall allow such compensation as may [5] appear to them equitable and right. Before entering upon his duties said Commissioner [6] shall take an oath, well and faithfully to perform the duties assigned him.

Sec. 12. That said last named Commissioner shall, after giving notice of the said [2] sale, in such papers and in such places, and for such length of time as he may appoint, [3] shall proceed at the periods herein named, to wit: on the 1st Monday in November, [4] 1861, on the first Monday of November, 1862, and on the 1st Monday of November, [5] 1863, and from day to day at or [as] near the land as he may think proper proceed to offer [6] said lands for sale at auction,

and sell the same, provided however that the same shall [7] not except, as hereinafter provided for, be sold at a price under three dollars per acre.

Sec. 13. That said lands shall be sold in alternate half sections, unless the tract [2] adjoining that sold, be a fraction of a section; and in making the sales, the Commissioner [3] shall only sell one-third of the whole quantity now remaining unsold, it being the [4] intent and meaning of this section that an equal quantity, if practicable in the judgment [5] of the Commissioner, shall be sold at the times appointed for the three several [6] sales. At the last sale, should any tract or tracts fail to find a purchaser or purchasers, [7] the same shall be sold for what it or they will bring.

Sec. 14. That the sales shall be on a credit ending on the 1st day of January A. D. [2] 1869, the notes, as far as practicable, being taken in installments of one year, and bearing [3] interest of eight per cent per annum, the interest on the whole amount of purchase [4] money, payable at the times appointed by the Commissioner for the payment of the [5] notes. That in case any debtor for said lands remain in default for any two payments, [6] both the payments made and the land shall be forfeited to the State. The State [7] shall only make title when the debt and interest are fully paid.

Sec. 15. That the section of this ordinance, creating a sinking fund of the University [2] securities and lands or their proceeds, shall and they are hereby declared to be organic [3] and as part of the Constitution irrevocable until the fund accomplishes its purpose [4] after which, should any remain, it shall inure as the part of the University fund.

Sec. 16. That all State laws hostile to or inconsistent with this ordinance are [2] repealed.

Robert C. Campbell,
Chairman of Finance Committee.

An Ordinance to repeal in part the 2nd Section, Article 10, of the Constitution, and for other purposes.⁶⁶

The People of Texas, in Convention assembled, have ordained and declared, and do ordain and declare as follows, to wit:

Section 1. That so much of section 2, article 10, of the Constitution of the State as [2] provides for deducting from and setting apart as a fund for public Free Schools, ten per [3] centum of the annual revenue, and the law passed on the 11th day of February, 1850, [4] (vide Oldham & White's Digest, p. 59, art. 132,) in pursuance thereof, be and they are [5] hereby abrogated and repealed.

⁶⁶Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of the line of the printed bill.

Sec. 2. In order to replace on a permanent footing the fund taken from the common [2] school fund by the first section of this ordinance, the lands now surveyed, and their [3] proceeds when sold, known as the alternate sections along the line of the Memphis, El [4] Paso and Pacific Railroad, in about 212 sections, are hereby declared to belong to and [5] constitute part of the Common School Fund, and, that the grant created by this section [6] may be perpetual, the same is hereby declared to be organic and as part of the Constitution [7] of the State irrevocable.

Sec. 3. That the semi-annual interest accruing upon the bonds, provided for by an [2] ordinance, entitled "an ordinance to raise money to defray the extraordinary expenses [3] arising from the condition of public affairs, and to pay the expenses of the Convention," [4] may be punctually met, the ten per centum school fund mentioned in the first section of [5] this ordinance, as the same is received into the State Treasury, is, as far as may be [6] required therefor, hereby appropriated to pay and satisfy said semi-annual interest, and [7] which interest, when paid, shall be distributed as the income from the common school [8] fund is now distributed.

Sec. 4. That when said semi-annual interest is paid, the residue of said ten per centum [2] school fund is to pass into the general fund of the Treasury, subject to appropriation [3] as in other cases.

*An Ordinance making appropriations demanded by the extraordinary condition of the country and to defray the expenses of the Convention.*⁶⁷

The People of Texas, in Convention assembled, have ordained and declared, and do ordain and declare, as follows, to wit:

Sec. 1. That there is hereby appropriated, out of any money in the Treasury of the [2] State not already appropriated, or out of any money arising from a sale of bonds [3] authorised by this Convention, the sum of eighty thousand dollars, for the mileage and [4] per diem of the members and the per diem pay of the officers of the Convention, said [5] mileage and per diem being rated as now rated in behalf of members and officers of the [6] Legislature, and the certificate of the Secretary of the Convention shall be authority to [7] the Comptroller to draw his warrant on the Treasury for the several amounts the [8] members and officers of the Convention are entitled to.

Sec. 2. That an additional pay of five dollars a day be allowed the Secretary of the [2] Convention.

Sec. 3. That out of the money to be raised by a sale of Bonds, the following appropriations [2] are hereby made: To reimburse E. B.

⁶⁷Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of the line of the printed bill.

Nichols, for money expended in fitting [3] out the expedition to Brownsville and the incidental expenses of the expedition, fifty [4] thousand dollars, which amount the Treasurer will hold subject to the warrant of the [5] Comptroller in favor of said Nichols, upon passing his vouchers. To purchase 5000 [6] stand of improved arms, muskets and rifles, and 2000 Colt's pistols, one hundred and [7] fifty thousand dollars, subject to the warrant of the Comptroller, to the order of the President [8] of this Convention. To pay incidental expenses of the proceedings of the Convention [9] or its agents, fifty thousand dollars, subject to disbursement as in the case of [10] the last appropriation. To pay Geo. Simeox for enrolling Secession Ordinance twenty [11] dollars.

“An ordinance to raise money to defray the extraordinary expenses arising from the condition of public affairs and to pay the expenses of the Convention.[’] Read 1st time.

“An ordinance to repeal in part the 2nd Section of the 10th Art. of the Constitution and for other purposes.[’] Read 1st time.

“An ordinance making appropriations demanded by the extraordinary condition of the country, and to defray the expenses of the Convention.[’] Read 1st time.

Mr. Robertson of Bell submitted the following report from a minority of the committee.

Committee room, March 14, 1861.

Hon. O. M. Roberts

President of the Convention

The undersigned, a minority of the committee on Finance, beg leave to dissent from that portion of the report of the majority of the committee made to the Convention on this morning, which recommends the repeal of the 2nd section of the 10th art. of the constitution. The section proposed to be repealed reads as follows:

“The Legislature shall as early as practicable establish free schools throughout the State, and shall furnish means for their support by taxation on property; and it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools, in the several districts of the State, the fund thus created shall remain as a charge against the State passed to the credit of the free common school fund.”

It will be observed that this clause of the constitution is the very ground work of the common school system of the State and, in connection with the other sections of the 10th article of the constitu-

tion, constitutes the entire basis upon which the whole system rests. It is also worthy of notice that this section contains two distinct propositions. The first is that the legislature shall as early as practicable establish free schools throughout the State and shall furnish means by taxation on property for their support. The second proposition requires the legislature "to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools." The legislature has not fully complied with the first one of these requirements. Free schools throughout the State have been established, but no tax has been levied, as this clause requires, upon property to support them. The one-tenth becomes a permanent fund, and is also to go to the support of free schools, and the legislature is prohibited from ever diverting this fund. The first one of these requirements was to take effect in the future at such time as the legislature might deem the scholastic population sufficient and the finances of the State would permit the establishment of free schools. The last requirement, setting aside the one-tenth of the revenue, took immediate effect. Therefore should the Convention repeal this section of the constitution the effect will be not only to take one-tenth of the revenue from the school fund but it will also destroy the constitutional provision which requires the establishment and support of free schools, so happily provided for in the organic law of the State, and leave the system dependent wholly upon the caprice of subsequent legislation.

By an act of the legislature of date January 31st, 1854, two millions of the United States five per cent bonds were set aside as a fund for the support of free schools, the bonds to be loaned to railroads and the interest accruing to be distributed among the counties. By another act the one-tenth of the revenues which had previously accrued, and were afterwards to accrue, were required also to be invested in the five per cent bonds and loaned in the same manner. Other acts require the proceeds arising from the sale of the public domain to be added to the school fund. It is from these several sources that we have for distribution, in the year 1860, among the several counties the sum of \$104,447.00. The number of the scholastic population amounting to 101,000. So we find that, if the money was distributed equally among the scholars, there would be something over one dollar to each one. But, in a spirit of liberality and justice worthy the age in which we live, and actuated by the highest and truest sense of duty, the legislature wisely provided that the whole amount of the school fund subject to distribution shall be applied to the payment of the tuition, first, "of all children whose parents or guardians are unable to pay the same, of orphans whose tuition has not been paid, and the

children of widows who have no greater amount of property than is secured by the constitution from forced sale." If, after the indigent children, orphans and the children of widows have been provided for, there remains a surplus, it is to be divided among the paying patrons. Thus it will be seen that the whole amount derivable from all sources is barely sufficient to do more than provide the means of an ordinary education for those unfortunate children who are without fortune, friends or relatives to protect, educate and fit them for society. Never, in any age or country, has there been a more wise, just and humane provision of law. It is not only the poor unfortunate children of Texas who are to be reclaimed from ignorance and a feeling of inferiority unworthy of freemen, but the wealthy classes are alike to be benefitted on account of the superior intelligence of those who sit upon juries, and who will constitute a large proportion of that society of which ourselves and our children are to be members. Surely then the representatives of the people of Texas will not destroy this fund which has heretofore been regarded as sacred, and which is the hope of so many of the widows, orphans and helpless ones of our noble State.

The undersigned are of the opinion that no necessity exists, or is likely to occur, which requires this provision of the organic law to be repealed. And we are very far from admitting that we are without resources to meet the interest on the \$500,000 of State bonds proposed to be issued.

There is yet due the State on the University lands heretofore sold and to be paid before January 1869, of principal and interest \$155,938.20. There remains unsold of the University lands 164,200 acres. There can be realized from these lands, to be sold as proposed by the committee, by January 1869, \$523,600.44. Then, add the proceeds of the sales of the 135,680 acres of land in the Memphis El Paso Railroad reserve, to be sold in the same manner as the University lands, at a minimum price of two dollars per acre, and we will have the further sum of \$325,758, making a sum total of principal and interest derivable from these sources up to January, 1869, of something over one million of dollars, leaving untouched the one-tenth of the revenues set aside by the constitution for the support of free schools.

It may not be uninteresting to reflect a moment and contemplate what the amount of this school fund will be fifty years hence if fostered and protected. Taking \$36,000 as the basis, the amount for this year, and supposing the increase of property and its value at 10 pr. et. pr. annum, at the end of fifty years we have a fund from this source of \$46,293,688, the interest on this vast sum to be distributed

for the support of schools, and accumulated so imperceptibly as not to be felt by the people.

Fifty years hence the population of this great State will have increased to millions, and notwithstanding such vast increase in the population as we know will take place, yet the school fund will have so increased, and even long before the period alluded to, that not only the indigent and orphan children can be educated by the State, but every child of Texas, of however exalted or humble parentage, can be most munificently cared for and educated. Let those who this day control the destinies of Texas not prove recreant to the high trust committed to them by those men whose strong arms and stout hearts redeemed Texas from Mexican tyranny and bigotry, and who so wisely conceived and inaugurated this just and humane policy of educating the masses. It is idle to say that the people have complained of this provision of the constitution. When they do it will be time enough to consider of its repeal.

In addition to the foregoing constructions, it may not be improper to suggest that the history of past legislation abundantly establishes the fact, that but for the constitutional inhibition on the powers of the legislature the entire amount of the revenue would from session to session be appropriated and expended, and it is confidently believed that whatever amount is placed by the organic law beyond the reach of the legislative appropriations will be almost a clear saving to the tax payers of the State.

It should be remembered that the school fund is not an idle fund, but that as it accumulates it is to be invested in the bonds of Railroad companies in the State. Thus it will be seen that every class of our citizens is benefitted. And every one acquainted with the history of the State must know that had it not been for the blending of the school system with that of internal improvements, Texas this day would have been destitute of railroads, and without that certain prospect of having the vast interior of our State penetrated by these arteries of trade and commerce. Let us guard and foster these two great interests of the State, and let them go hand in hand together. By so doing we conceive the truest and best interests of the State will be subserved.

The undersigned will add that it may not be improper, in their judgment, to so amend the organic law as to provide that the one-tenth of the annual revenues of the State, sufficient for the ordinary expenses of carrying on the State government, shall be a permanent fund for the support of free schools, and that the one-tenth should not be taken from any increase of the taxes which may

have to be levied to meet the extraordinary expenditures, such as the debt already contracted for frontier defence or to repel invasion.

Respectfully presented,

J. W. Throckmorton,

Wm. H. Stewart,

E. S. C. Robertson.

On motion of Mr. Campbell 200 copies of the reports and ordinances were ordered to be printed.

Mr. Terry of Tarrant moved to reconsider the vote, taken on yesterday, engrossing the ordinance to amend the 1st Sec. of the 7th Art. (General Provisions) of the State constitution.

Mr. Anderson of Colorado moved to lay that motion on the table Lost by the following vote.

Yeas, Mesrs. Adams, Anderson of Colorado, Armstrong, Askew, Bagby, Baxter, Blythe, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Clopton, Devine, Early, Hardeman, Hooker, Hoyle, Ireland, Koester, Moore of Henderson, Nauendorf, Nicholson of Dallas, Nicholson of Fannin, Peck, Poag, Portis, Rainey, Robertson of Smith, Rugeley, Ross, Runnels, Scurry, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Thompson, Todd, Waller, Warren, Watkins, Wier, Wiley and Wilson, 46.

Nays, Mesrs. President, Allen, Batte, Box, Burditt, Black, Brahan, Broaddus, Brown, Campbell, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Dunham, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Howard, Hunt, Hutcheson, Jennings, Johnson of Lamar, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mason, McCall, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Newsome, Norris, Palmer, Payne of Hopkins, Prendergast, Rhome, Robertson of Washington, Rogers of Harris, Rogers of Marion, Russell, Scarborough, Scott, Shuford, Shepard, Smith of Bexar, Stell, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Walworth, Wharton, Wilcox of Bexar, Wilcox of Denton, Word and Wright, 90.

And the motion to reconsider prevailed.

Mr. Terry of Tarrant moved a reconsideration of the vote adopting the amendment of Mr. Wiley, as amended by the amendment of Mr. Stewart of Gonzales, to the ordinance. Carried.

Mr. Henderson moved to lay the amendment on the table. Carried by the following vote.

Yeas, Mesrs. President, Adams, Allen, Bagby, Batte, Box, Burditt,

Black, Blythe, Brahan, Broaddus, Brown, Campbell, Chambers of Red River, Chilton, Clarke, Cleveland, Coke, Clayton, Cook, Cox, Dancy, Davenport, Davidson, Dean, Dunham, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Howard, Hutcheson, Jennings, Johnson of Lamar, Jones, Kelly, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mason, McCall, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Neel, Nelson, Newsom, Nicholson of Fannin, Norris, Palmer, Payne of Hopkins, Prendergast, Rhome, Robertson of Bell, Robertson of Washington, Rogers of Harris, Rogers of Marion, Scott, Shuford, Shepard, Stell, Stockdale, Terry of Tarrant, Thompson, Throckmorton, Wharton, Wilcox of Bexar, Wilcox of Denton, Word and Wright, 93.

Nays, Mesrs. Anderson of Colorado, Armstrong, Askew, Baxter, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Clopton, Devine, Earley, Hardeman, Hooker, Hoyle, Hunt, Ireland, Koester, Nauendorf, Nicholson of Dallas, Obenchain, Peck, Poag, Portis, Preston, Rainey, Robertson of Smith, Ross, Rugeley, Runnels, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Taylor, Todd, Waller, Walworth, Warren, Watkins, Wier, Wiley, and Wilson, 43.

Mr. Portis moved the previous question which was ordered.

And the ordinance was ordered to be engrossed.

On motion of Mr. Henderson the rule was suspended the ordinance read a 3rd time and passed by the following vote.

Yeas, Mesrs. President, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Baxter, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Feeney, Fall, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Hicks, Hill, Hogg, Hobby, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jennings, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Maltby, Mason, McCall, McCraw, McIntosh, Miller, Montgomery, Moore of Burnett, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of

Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson, Word and Wright, 137.

Nays, Mr. Adams, 1.

Mr. Ireland moved a reconsideration of the vote just taken.

On motion of Mr. Moore of Henderson that motion was laid on the table.

On motion of Mr. Portis the rule was suspended and the ordinance to provide for the continuance of the existing State government was taken up and read a 2nd time.

On motion of Mr. Rainey the ordinance was amended by striking out the proviso to the 2nd section.

Mr. Lea offered a substitute for the ordinance

On motion of Mr. Wiley the substitute was laid on the table by the following vote.

Yeas, Mesrs. Adams, Allen, Armstrong, Bagby, Batte, Baxter, Beazley, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Coke, Dancy, Davenport, Davidson, Devine, Dunham, Earley, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Hicks, Hill, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lester, Locke, Lubbock, Maltby, McCraw, McIntosh, Miller, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newcom, Nicholson of Dallas, Nicholson of Fannin, Obenchain, Palmer, Payne of Hopkins, Peck, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Thompson, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wiley, Wilson and Word, 111.

Nays, Mesrs. Askew, Chambers of Red River, Cox, Dean, Fall, Henderson, Hobby, Johnson of Lamar, Lea, McCall, Montgomery, Moore of Burnet, Norris, Robertson of Washington, Shuford, Shepard, Terry of Tarrant, Throckmorton, Wilcox of Bexar, Wilcox of Denton, and Wright, 21.

Mr. Hicks offered the following amendment to come in at the end of the 3rd section. "And all members of this Convention who are now here and hold office under the State shall take the oath prescribed

at 12 o'clock M. on the day after the adoption of this ordinance." Adopted.

Mr. Hogg offered the following amendment to come in at the end of the 4th section. "And the President of this Convention is hereby required to cause to be forwarded a copy of this ordinance to the chief justice of each county in the State, and the chief justice of each county on receipt of the same shall forthwith notify the several officers of their respective counties of the existence of this ordinance." Adopted.

On motion of Mr. Flournoy the ordinance was amended by inserting in the 4th line of the 3rd section after the word "days" the words "Sundays excepted."

Mr. T. J. Chambers offered the following amendment to come in at the end of the 2nd section. "And if any such officer, after having so refused to take said oath or affirmation, shall attempt to exercise the powers of said office, or refuse to deliver up to his successor the records of said office or any other property appertaining to said office, he shall be deemed and held to be guilty of a high crime and subject to the penalty of treason, and all his pretended official acts shall be null and void"

On motion of Mr. Chilton the previous question was ordered, which was the engrossment of the ordinance, and the ordinance was ordered to be engrossed.

On motion of Mr. Rainey the rule was suspended and the ordinance read a 3rd time.

Mr. Portis offered the following amendment to come in after the word Texas, at the end of the 3rd line in the 2nd section "adopted by this Convention on the 14th day of March A. D. 1861," which was adopted.

On motion of Mr. T. J. Chambers the previous question was ordered and the ordinance adopted by the following vote.

Yeas, Mesrs. President, Allen, Armstrong, Askew, Bagby, Baxter, Beazley, Box, Burditt, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Clopton, Coke, Cox, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lester, Locke, Lubbock, Maltby, Mason, McCraw, McIntosh, Miller, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauenderf, Neel, Nelson, Newsom, Nicholson of Dallas, Nicholson of Fannin, Obenchain, Palmer, Payne of Hopkins, Peck,

Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Smith, Rogers of Marion, Ross, Rugeley, Runnels, Scarborough, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson and Word. 119.

Nays, Mesrs. Clark, Dancy, Lea, McCall, Montgomery, Norris, Robertson of Bell, Russell, Shuford, Shepard, Throckmorton, Wilcox of Denton and Wright, 13.

Mr. Rainey moved to reconsider the vote just taken.

On motion of Mr. Rainey the motion was laid on the table

Orders of the Day.

“The ordinance to provide for the protection of the State of Texas,[’] being the special order for to day at 11 o’clock A. M. was taken up and read.

By leave Mr. Wilcox of Bexar offered the following resolution

“Resolved that when the Convention takes up the ordinance for the military defence of the State it will entertain no other proposition until said ordinance is consummated and passed.”

Mr. Wilcox moved a suspension of the rule in order that the resolution might be put upon its adoption

On motion of Mr. Wharton the Convention adjourned until 7 o’clock, to night.

Thursday, March 14th 1861. 7 o’clock, P. M.

The Convention met. Roll called. Quorum present.

The motion of Mr. Wilcox to suspend the rule in order to put upon its adoption the resolution offered by him this morning, being under consideration when the Convention adjourned, prevailed

On motion of Mr. Dancy it was indefinitely postponed.

On motion of Mr. Terry of Tarrant the Convention proceeded to the consideration of the special order, “The ordinance to provide for the protection of the State of Texas” by sections.

On motion of Mr. Wilcox of Bexar the caption was amended so as to make it read “An ordinance to provide for the military defence of the State”

Mr. T. J. Chambers offered the following as a substitute for the 1st section of the ordinance.

“Sec. 1. Be it ordained by the people of Texas, in Convention assembled, that an army of volunteers shall immediately be raised and mustered into the service of the State of Texas, consisting of two regiments of mounted men, one regiment of infantry, one regiment of artillery and a corps of engineers. Each of said regiments shall be

composed of ten companies, and each company shall consist of not less than sixty-four and more than one hundred men rank and file. The corps of engineers shall consist of one major, two captains, four lieutenants and such number of men and other officers as may be detailed from the service for their assistance by the officer commanding the army."

Mr. Dancy moved to amend the substitute so as to make it read "One regiment of mounted men and one regiment composed of one battalion of infantry and one battalion of artillery."

On motion of Mr. Cox the amendment offered by Mr. Dancy was laid on the table.

Mr. Montgomery moved to lay on the table the substitute offered by Mr. T. J. Chambers. Lost.

And the substitute [was] adopted.

The first section as amended was then adopted.

Mr. Wiley offered the following as a substitute for the 2nd section.

"That said volunteer force shall be enlisted into the service of the State of Texas or of the Confederate States for the term of twelve months if not sooner discharged; provided, however, that should the government of the Confederate States adopt and accept said force as a portion of its military organization, then the same shall be considered in the service of said government and subject to such laws and regulations as may be adopted by the same."

Mr. Nelson moved as a substitute for the substitute offered by Mr. Wiley, to amend the 2nd section by striking out the words in the 3rd line, "State of Texas become one" and insert in lieu thereof "government," and by striking out the words "the government thereof" in the 4th line of the same section. Adopted.

And the amendment [was] adopted.

Mr. Allen moved to amend by striking out in the 1st line of the 2nd section the word "enlisted" and inserting in lieu thereof "enrolled and mustered." Adopted.

The second section was then adopted.

On motion of Mr. Wilcox of Bexar the 3rd section was amended by striking out the word "two" in the 2nd line, before the word "majors" so as to make the section read "one major" instead "two majors."

Mr. Payne of Hopkins offered the following amendment to come in after the word "ordain" in the 1st section. "That there shall be appointed by the President of this Convention, by and with the advice and consent of a majority of the members of the Convention, a brigadier general who shall have the chief command of said military force, subject to continuance in office by the president of the Confederate States of America," and, also striking out in the 5th and

6th line the following words, "and the senior colonel of said military force shall command the same"

On motion of Mr. Cleveland laid on the table

Mr. Nicholson of Fannin offered the following as a substitute for the section as amended.

"Be it further ordained that for the command of the regiment of artillery and infantry there shall be elected by this Convention, for each of said regiments, one colonel, one lieutenant colonel and one major; and for the corps of engineers, one major, two captains, and four lieutenants; and for the command of the two regiments of mounted men, there shall be elected by the men composing each of said regiments, one colonel, one lieutenant colonel and one major; and all officers of equal grade shall take precedence, to be evidenced by commission which shall be issued by the President of this Convention, and the senior colonel of said military force shall command the same, and be subject and report to such authority as this Convention may direct."

Mr. Wilcox of Bexar moved to lay the substitute on the table. Carried by the following vote:

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Box, Brahan, Brown, Campbell, T. J. Chambers, Chilton, Clayton, Cleveland, Cox, Davidson, Devine, Feeney, Flournoy, Ford of Caldwell, Hardeman, Hays, Henry, Hill, Howard, Hunt, Ireland, Jones, Koester, Lea, Lubbock, Maltby, Mason, McCall, McCraw, Miller, Montgomery, Moss, Newsom, Nicholson of Dallas, Norris, Obenchain, Palmer, Payne of Hopkins, Portis, Preston, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Shuford, Scurry, Shepard, Stapp, Stell, Stockdale, Taylor, Terry of Tarrant, Waller, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton and Wright, 67.

Nays, Mesrs. Bagby, Batte, Baxter, Black, Blythe, Broaddus, Wm. Chambers, Chisum, Clopton, Coke, Dancy, Davenport, Dean, Dunham, Earley, Gould, Graham of Rusk, Hall, Henderson, Hicks, Hobby, Hogg, Holland, Hooker, Hoyle, Jennings, Kelly, Locke, McIntosh, Moore of Fayette, Nash of Dallas, Nash of Kaufman, Nelson, Nicholson of Fannin, Peck, Prendergast, Rhome, Russell, Scott, Smith of Fannin, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Thompson, Throckmorton, Warren, and Word, 47.

On motion of Mr. Ford of Caldwell the Convention adjourned until tomorrow morning at 10 o'clock.

City of Austin Texas,
Friday, March 15, 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

The Journal of yesterday was read and adopted.

Mr. Moss submitted a communication from Capt. Jas. Walker, of the county of Lavaca. Referred to the committee on Public Safety.

Mr. Ireland from the committee on Foreign Relations made the following report.

“The committee on Foreign Relations instruct me to report that they have examined the application of Lieutenant Stephens, who held a commission in the army of the United States, and believing him to be a meritorious applicant recommend that his services be accepted under the conditions and provisions of an ordinance reported by your committee, entitled ‘an ordinance accepting the services of such of the late officers of the army of the United States, as have resigned and tendered their services to the State of Texas.’ Your committee have also had under consideration the application of Thos. G. Williams, and the committee are not informed of the resignation of said Williams of the commission held by him in the army of the United States. That they have also had under consideration the application of Jno. M. Bronaugh and W. T. Maclin, and we are advised that neither of these gentlemen held commissions in the army of the U. S. at the date of secession, or shortly before that period, and therefore think it improper to entertain these applications. Your committee desire to be understood as not intending to give any opinion as to the merits or demerits of these gentlemen, and only intend to say by this report that it has been formerly determined by the committee and endorsed by the Convention, that we would only act upon the applications of such persons as held commissions in the army of the United States and who has resigned in consequence of secession.

“All of which is respectfully submitted.[”]

The President submitted a communication from Capt. W. A. Wallace of the county of Bexar.⁶⁸ Referred to the committee on Public Safety.

Mr. Lea, chairman of the committee on Foreign Relations, submitted the following report.

⁶⁸W. A. Wallace wrote from Selma, Bexar county, March 10th, that he had raised a company of which he had been elected captain, and tendered their services to the State. (A. L. S. in Miscellaneous Papers of the Secession Convention.)