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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 meritorius 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.)

The committee on Foreign Relations begs leave to report in part, with leave to report further, on a resolution referred to it, as follows, viz: "Resolutions concerning fugitives from service and from justice."

The present subject is fugitives from service, and it is commended to immediate attention of the Convention by many considerations. The subject is conspicuous among the relations, past, present and prospective of this State to other States of the United States of America, and of the Confederate States of America and to foreign countries in general. This State, in taking its new political relation, may well declare its policy on this subject, in a practical manner, so as to be most imposing and effective for accomplishing the important object of mutual extradition between this State and other countries. Extradition of a fugitive from service is based on the justice and comity which one country owes to another, or the unquestionable principle of doing to another what would be claimed. Right to personal service according to local law is property entitled to legal security by appropriate provisions, as any other property. A right of property in any movable subject goes with that subject, even into a foreign country; and it is the general province of municipal law to afford a remedy for loss of property wherever it may be found. Consequently the absence of such a remedy implies a dereliction in the local government to perform its duty, unless some conventional law intervenes to supersede such duty. But a conventional remedy unless plainly preclusive of municipal remedy would be only cumulative; and the duty to provide a municipal remedy would remain. Now there is not any conventional remedy which precludes this State from making appropriate provision for extradition from this State to any other country; nor is it probable that any treaty will preclude this State from the performance of such duty. The constitution, laws and treaties of the United States of America did not preclude any State from accomplishing such extradition by its own officers. That constitution did not give to the federal government exclusive jurisdiction of extradition, even among the States; nor did it give express authority to that government to legislate on this subject; and its constructive authority has not been exercised so as to embarrass any State in its separate action in this respect; so there remained to every State the right and duty of affirmative legislation to promote the original comity and justice which were recognized, not created, but enjoined by that constitution. We may presume that the constitution, laws and treaties of the Confederacy on this subject will be substantially similar to those of the Union. But if those of the Confederacy should be found at any time to trench on State action, yet it would continue effective, as the general rule, except as specially abrogated.

A general provision for such extradition, adopted by this Convention, with reference to every other country, would place this State on the highest eminence of principle. It were enough for her to do right for its own sake, leaving others to imitate or repudiate the example.

But such action on the part of this State would scarcely fail to superinduce favorable reciprocity. Such imitation of our example would have some advantages even from neighboring States of the Confederacy, while from other coterminous countries it would be of inestimable value in the assured security of slaves even on the northern and western borders of this State. So that its whole area as far as eligible could receive such property. All the future must be comprehended to appreciate such facilities for expansion. Every mind will indulge its own speculations; but all can immediately realize some mutual benefits of reciprocal extradition between northern Texas and the Choctaw, Chickasaw, Creek and Cherokee nations, and between western Texas and the neighboring States of Mexico. The assurances are quite satisfactory that such reciprocities would be promptly inaugurated, if this State should establish a conciliatory example.

Moreover, the present institution of such a liberal policy of extradition by this State would conduce to vast results beyond the mere delivery of fugitives. The measure would be identified with the present epoch and constitute a part of the great operation in which this State is participating to establish a system of government which may maintain true liberty for assimilated races of white people on the fundamental distinction between them and the other races of men, with the consequent distinction between free citizens and servants, to be respected by all governments according to rights established by each in its municipal law.

The committee has only touched some points of the subject, considering elaboration as neither necessary or expedient.

With such views the committee respectfully reports herewith the draft for an ordinance and recommends its adoption.

“An ordinance to provide for extradition of persons bound to service, and fugitive therefrom.[’]’ Read 1st time.

On motion of Mr. Ireland 200 copies of said ordinance were ordered to be printed.

On motion of Mr. Jennings it was ordered that 200 copies of ordinances and report from the committee on Citizenship be printed.

An Ordinance to amend the first and second Sections of Article third of the Constitution of the State of Texas.⁶⁹

⁶⁹The report of the committee on Citizenship has not been found. The ordinance here printed is probably one of those referred to; it is copied from the printed bill in Miscellaneous Papers of the Secession Convention.

The people of the State of Texas, by their delegates in Convention assembled, ordain that Section first of Article third shall hereafter read as follows:

Article III.

Section 1. That all persons who were citizens of the State of Texas on the second [2] day of March, eighteen hundred and sixty-one; all persons born after that time of a parent, [3] citizen of this State; or of a parent residing in and entitled to acquire the rights of [4] citizenship in this State; all citizens of either the Confederate States of America or [5] of any State which may hereafter be admitted into union with the Confederate States [6] of America on terms of equality with them, immigrating to and permanently residing in [7] this State; all persons naturalized by the Constitution and laws of the Confederate States [8] of America and of this State (Indians not taxed, Malays, Hindoos, Chinese, Negroes and [9] their descendants, Peones or persons held to labor for life, a term of years, or an indefinite [10] time, by the law of the country from which they may have emigrated to this [11] State, and all persons convicted of crimes declared infamous by the laws of this State [12] not to include political offences in foreign countries respectively excepted) shall be citizens [13] of the State of Texas.

The second Section of Article third shall hereafter read as follows:

Sec. 2. All free male citizens of this State over the age of twenty-one years who shall [2] have resided in this State one year next preceding an election, and the last six months [3] in the district, county, city or town, in which they offer to vote shall be deemed qualified [4] electors; and should any such qualified elector happen to be in any other county, [5] situated in the district in which he resides at the time of an election, he shall be permitted [6] to vote for any district officer, and qualified electors shall be permitted to vote [7] anywhere in the State for State officers, provided that no soldier, seaman or marine in [8] the regular army or navy of the Confederate States of America, shall be entitled to vote [9] at any election created in this Constitution.

Mr. Locke submitted the following report.

The committee on Engrossment beg leave to report that they have examined the bill entitled "an ordinance to amend the 1st Sec. of the 7th Art. (General provisions) of the constitution of the State of Texas" also an ordinance, entitled "an ordinance to provide for the continuance of the existing State Government," and find the same correctly engrossed.

Mr. Graham of Rusk introduced "an ordinance concerning foreign coin." Read 1st and 2nd times and,

On motion of Mr. Henderson referred to the committee on the Constitution.

Mr. Cleveland introduced "an ordinance amending the 37 Sec. of the 7th Art. of the constitution of the State of Texas." Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Hicks offered the following resolution

"Resolved that the committee on the constitution be instructed to report an ordinance authorizing the legislature to provide for calling a Convention to amend the constitution, whenever it may in the judgment of the legislature need amendments."

Referred to the committee on Constitution.

Mr. Lea offered the following resolution which was referred to the committee on Commerce and Navigation.

"Resolved that the representatives of this State in the congress of the Confederate States of America be instructed to use their exertions to procure such provisions as will place the principal entrances into bays of Texas on terms of legal equality as to ports of entry and collection districts, with a common privilege of transit from any district through any other district for exportations of bonded goods, so that merchants may have opportunities without legal embarrassments, and with best facilities to use the most eligible routes of transit."

Mr. Mason presented a communication from the committee of safety of Galveston county which was laid on the table, and,

Introduced "An ordinance to guard the State from invasion by sea." Read 1st and 2nd times and referred to the committee on Commerce and Navigation.

On motion of Mr. Campbell, Mr. Mason was added to the committee on Commerce and Navigation.

Mr. Kelly introduced the following resolution which was referred to the committee on the Constitution.

"Whereas it is believed that United States district courts as heretofore held in the State of Texas have been detrimental to the best interests of the citizens of said State, and whereas it is believed that the business heretofore transacted by said court can be as well or better done by the district courts of the State, therefore,

"Resolved by the people of Texas in Convention assembled that we recommend to our delegates in the congress of the Confederate States to use their influence to abrogate and annul similar courts in the constitution of the Confederate States so far as relates to civil suits, giving such powers to the district courts of the State."

Mr. Campbell introduced the following resolution which was adopted.

"Resolved that this Convention has heard with profound satisfaction of the election of Jefferson Davis of Mississippi, and Alex-

ander H. Stephens of Georgia to the offices of president and vice-president of the provisional government of the Confederate States of America, and that in their well known ability, experience and patriotism the country possesses ample guarantees that the high and important functions confided to them will be so administered in these times of peril as to redound to the safety, security and best interests of the people.

“Resolved that a copy of the foregoing resolution be communicated to our members of congress at Montgomery.”

The President submitted the following to the Convention

In obedience to an ordinance ratifying the constitution of the provisional government of the Confederate States, I appointed Capt. Jno. G. Todd and Stephen P. Hollingsworth Esq. to carry the same to our delegates in the congress at Montgomery, Alabama, and issued to each of them a commission of which the following is a copy.

O. M. Roberts,
President of the Convention.

March 15th, 1861.

Commission.

Austin Texas, March 6th 1861.

To the Hon. Jno. Gregg, W. S. Oldham, W. B. Ochiltree, T. N. Waul, Jno. H. Reagan, John Hemphill, Lewis T. Wigfall, Delegates, etc.

Dear Sirs,

By the authority of the Convention I have appointed Capt. Jno. G. Todd and Stephen P. Hollingsworth Esqr. to bear these despatches to you. It has been entrusted to both in order to prevent any failure and to facilitate the greatest despatch. Mr. Hollingsworth will return to Austin immediately, subject to your directions on the subject.

With great respect, yours truly

O. M. Roberts
President of the Convention.

The President submitted the following communication.

To the Hon. Jno. D. Stell, Vice-President of the Convention.

I beg leave to report that in discharging the duties imposed upon me by the resolution of this Convention authorizing the raising of \$100,000.00, I appointed E. B. Nichols, of Galveston, a delegate of this Convention, a commissioner to negotiate a loan, and in order to facilitate the disbursement of the fund obtained under said loan, I appointed the same person also the disbursing agent, inasmuch as I

could not, consistently with other duties, superintend the same, which fully appears by the report of the committee of safety, and by the report which said Nichols will make to the Convention of his acts. This is submitted to the Convention as showing the manner in which I have discharged the duty assigned me.

O. M. Roberts
President of the Convention.

On motion of Mr. Jennings the communication was referred to the committee on Finance.

On motion of Mr. Montgomery the Secretary announced the sum total of the official vote received up to this time upon the ratification or rejection of the Ordinance of Secession, which was as follows

For secession 46,129; against secession 14,697 votes; majority for secession 31,432 votes.

On motion of Mr. Dancy 1000 copies each of the ordinance to amend the 1st Section of the 7th Article (General provisions) of the State constitution, and "the ordinance to provide for the continuance of the existing State government,["'] were ordered to be printed.

On motion of Mr. Cleveland, Mr. Maxey was granted leave of absence.

Orders of the Day.

The hour having arrived for the special order, the Convention proceeded to the administration of the oath of office to such officers of the State government as were delegates to the Convention, as follows.

The Hon. Thos. J. Devine, judge of the 4th judicial district, administered the oath of office to the Hon. O. M. Roberts as associate justice of the supreme court of the State

Mr. Justice Roberts of the supreme court then administered the oath of office to

Thomas J. Devine, judge of the 4th judicial district.

A. W. O. Hicks, judge of the 5th judicial district.

Wm. S. Todd, judge of the 8th judicial district.

George Flournoy, as attorney general of the State, who has been notified by the President to appear and take the same at this hour.

To D. M. Stapp, collector of customs in the district of Saluria

To F. S. Stockdale, J. W. Throckmorton, J. N. Fall, Jno. G. Chambers, senators of the State legislature from their respective districts

To Eli H. Baxter, Jas. W. Henderson, Wm. Clark, Wm. H. Stewart, Jas. Walworth and Allison Nelson, representatives in the State legislature from their respective districts

To W. Hunt, county commissioner, Victoria County

To Chas. De Montel, county commissioner, Medina County

To Sam S. Smith, county clerk, Bexar County
 To J. L. Holland, county treasurer, Jasper County
 To E. M. Ross, chief justice, Bandera county
 To T. M. McCraw, as justice of the peace and county commissioner
 of Llano county.

To W. A. Allen, deputy surveyor, Hardin County.
 To C. M. Lesueur, county commissioner, Milam County.
 To A. S. Broaddus, notary public, Burleson County.
 To Jos. P. Wier, notary public, Hill County.
 To Thos. J. Nash, county commissioner, Dallas County.
 To Lewis P. Moore, notary public, Henderson County.
 To Alfred M. Hobby, notary public, Refugio County.
 To Chas. A. Russell, county surveyor, Karnes County.

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

Friday, March 15th 1861. 3 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The ordinance to provide for the military defense of the State,
 special order for the day, being next in order was taken up, and the
 question being upon the engrossment of the 3rd section as amended,
 the same was read.

Mr. Stell moved a reconsideration of the vote taken on yesterday,
 which resulted in laying upon the table the substitute for the 3rd
 section offered by Mr. Nicholson of Fannin.

On motion of Mr. Cleveland the motion to reconsider was laid upon
 the table by the following vote

Yeas, Mesrs. President, Adams, Allen, Armstrong, Askew, Batte,
 Box, Brahan, Brown, T. J. Chambers, Chambers of Titus, Chilton,
 Clayton, Cleveland, Davidson, Devine, Feeney, Ford of Caldwell,
 Green, Hardeman, Hays, Henry, Hill, Hobby, Holland, Hunt, Jones,
 Koester, Lea, Lubbock, Mason, McCall, McCraw, Miller, Montgomery,
 Moore of Burnet, Moore of Henderson, Montel, Moss, Nash of Dallas,
 Nash of Kaufman, Nauendorf, Neel, Nicholson of Dallas, Norris,
 Obenchain, Poag, Portis, Preston, Robertson of Washington, Rogers
 of Marion, Rugeley, Runnels, Scarborough, Scurry, Shepard, Smith
 of Bexar, Stapp, Stockdale, Taylor, Terry of Tarrant, Todd, Waller,
 Walworth, Watkins, Wharton, Wier and Wilcox of Bexar, 68.

Nays, Meers. Bagby, Beazley, Black, Broaddus, Wm. Chambers,
 Chisum, Clark, Coke, Cox, Daney, Davenport, Dean, Dunham, Early,
 Fall, Gould, Graham of Rusk, Hall, Henderson, Hicks, Hogg,
 Hooker, Hoyle, Hutcheson, Jennings, Johnson of Lamar, Kelly, Les-
 ter, Locke, McIntosh, Moore of Fayette, Nelson, Newsom, Nicholson
 of Fannin, Payne of Hopkins, Prendergast, Rhome, Robertson of

Bell, Russell, Scott, Shuford, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonazles, Thompson, Throckmorton, Warren, Wilcox of Denton, Wiley, Wilson, Word and Wright, 53.

On motion of Mr. Graham of Rusk, the special order was laid over for the present.

The President submitted the muster roll of Capt. F. E. Finney's company of volunteers, called the Hopkins Rifles. Referred to the committee on Public Safety.

Also the muster roll of Capt. R. J. Lee's company of cavalry, called Red River Rangers. Referred to same committee

Also the muster roll of Capt. Wm. P. Townsend's company of cavalry, called Sterling Guards. Referred to same committee.

The President submitted, through Mr. Chilton, the following communications

Austin Texas March 14th 1861.

Hon. Geo. W. Chilton.

Dear Sir.

You are respectfully requested to present to his Excellency General Sam Houston, Governor of the State of Texas, the accompanying notice and copy of ordinances, at your earliest convenience, and report your action thereon to the Convention, and oblige

Your most obt. servt.

O. M. Roberts

President of the Convention.

Austin, Texas, March 14th 1861.

To His Excellency, Sam Houston,

Governor of the State of Texas.

Sir,

An ordinance has this day been adopted by the people of the State of Texas, in Convention assembled, prescribing an oath of office for all officers of the State of Texas who held office on the 2nd day of March 1861, and those thereafter elected to office.

By the provisions of said ordinance it is made my duty, as President of the Convention, to notify you of this action and appoint a day and hour, within three days from the passage of the same, at which said oath shall be administered to the Governor, Lieutenant Governor, Treasurer, Comptroller, Secretary of State, Attorney General and Commissioner of the General Land office in open Convention in the Representative Hall.

I therefore in the discharge of said duty most respectfully notify and advise you, as Governor of the State of Texas, that on Saturday the 16th day of March 1861, at 12 o'clock, M, the Convention will be

prepared to receive your Excellency, and the appointed officers under said ordinance, to administer the oath of office prescribed.

Trusting that said day and hour may suit the convenience of your Excellency, I have the honor to be your obdt. servt.

O. M. Roberts,
President of the Convention.

Representative Hall,
Austin Texas March 15, 1861.

To the Hon. O. M. Roberts;
President of the Texas State Convention.

Sir,

In compliance with your written request, handed me on yesterday, I called at the Executive Office at 1/2 past 4 o'clock, P. M.,⁷⁰ of the 14th inst., but did not find the Governor in office. Deeming it but due to Gen'l Houston that the action of the Convention should be made known to him at as early a period as possible, I ventured to trespass upon his private moments, and called at the Executive Mansion, at 8 o'clock, P. M., when I had the pleasure of meeting his Excellency, and delivered into his hands your communication and a certified copy of "An ordinance to amend the 1st Section of the 7th Article (General provisions) of the Constitution of the State of Texas," and also a certified copy of "An ordinance to provide for the continuance of the existing State government," adopted March 14th 1861. I did not demand an immediate reply from the Governor, but agreed to call upon his Excellency at 1 o'clock P. M. of to day; which I accordingly did, at the Executive Office, in the City of Austin.

At that time, the Governor, Genl. Sam Houston, handed me the communication from yourself and also the copies of the ordinances above named, with the request that I should return them to you, and state that he did not acknowledge the existence of the Convention, and should not regard its action as binding upon him. As I am reporting a conversation, for the accuracy of which I am alone responsible, I will only add that the Governor expressed a high regard for the individual members of the Convention, which he requested I should communicate.

Having discharged the duty imposed upon me, I have to request that you will lay this report, together with the accompanying documents, before the Convention for such action as may be necessary and proper.

I have the honor to remain your obdt. servt.

Geo. W. Chilton.

⁷⁰The Journal gives the time as "1 1/2 o'clock, P. M." The original report of Mr. Chilton has been followed.

On motion of Mr. Terry of Tarrant the Convention adjourned until 9 o'clock, to morrow morning.

City of Austin Texas, Saturday March 16/61.

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

Mr. Word presented the credentials of Samuel A. Wilson, a delegate elect from the county of Tyler vice Philip A. Work resigned. Referred to the committee on Credentials, and the Secretary ordered to enroll his name.

By leave Mr. Chilton offered the following resolution which was adopted.

“Resolved that the Secretary of the Convention be and he is hereby instructed to incorporate in the Journals of the Convention the citizens call upon which the Convention was assembled, and also the act of the legislature approving and endorsing the same, together with the vote thereon in each house.[”]

Mr. Scarborough offered the following resolution.

“Whereas it has come to the knowledge of this Convention that hostile Indians have commenced depredations on the frontier, therefore, be it resolved that Col. Jno. S. Ford and Henry McCulloch, who have been assigned commands by this Convention, be and they are hereby authorized to retain in their said commands not to exceed 1000 mounted men each until this Convention, the legislature of the State, or the government of the Confederate States makes other and more permanent arrangements.

“Resolved that Cols. Ford and McCulloch be instructed to proceed at once to secure the safety of the frontier of the State.[”]

Mr. T. J. Chambers offered the following amendment to come in after the word “once” in the last line but one, “To complete and perfect their respective regiments so as to comprehend 1000 men each and.”

On motion of Mr. Hogg the resolution and amendment were laid on the table by the following vote.

Yeas, Mesrs. President, Adams, Armstrong, Bagby, Baxter, Beazley, Burditt, Black, Blythe, Brahan, Brown, Campbell, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Dancy, Davenport, Davidson, Dean, Devine, Earley, Fall, Ford of Caldwell, Graham of Rusk, Green, Hays, Henderson, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hooker, Hoyle, Hunt, Jennings, Jones, Lea, Lester, Lubbock, Mason, McCall, McCraw, Mil-