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Mr. Graham introduced an ordinance relating to the removal of the United States troops from the limits of the State of Texas, which was read three several times under a suspension of the rules and adopted.

Mr. Campbell introduced "An ordinance to accomplish a union between this State and the confederate States of America" which was read and on motion of Mr. Chilton referred to a committee of five to be appointed by the President.

Mesrs. Campbell, Chilton, Maxey, Devine and Brown were appointed the committee.

Mr. Wiley introduced an ordinance relating to commerce³ which was read and referred to the committee on Commerce, Revenue and Navigation.

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

Austin Texas, Tuesday March 5th 1861.

The Convention met pursuant to adjournment. Roll called, quorum present. Prayer by the Rev. Mr. Perry.

The Journals of the 2nd and fourth inst were read and adopted.

The President submitted communications from R. T. P. Allen of the Bastrop Military Institute, from T. N. Waul delegate from the State of Texas to the congress of the Confederate States of America, from Col. H. E. McCulloch commanding on the Northwestern frontier, from C. G. Forshey of the Texas Military Institute and from S. B. Callahan a resident of the Creek nation. All of which were on motion of Mr. Nelson referred to the committee on Public Safety.⁴

Montgomery Ala. Feby 23d 1861⁵

Hon O. M. Roberts

President of the Texas State Convention

Sir

The enclosed letter from the Secretary of War of the Confederate States is the result of an interview between the President and Secretary of War with the Texas delegation. Learning by Telegraph from Genl. Rogers⁶ that several detachments were in the field and advancing upon the military posts within the borders of Texas, it was

³The original draft of this ordinance has not been found.

⁴The communications from R. T. P. Allen and S. B. Callahan have not been found. While the original of the letter from H. E. McCulloch has not been found, perhaps it is identical with that printed under date of February 25, 1861, on page 368.

⁵A. L. S. in Miscellaneous Papers of the Secession Convention.

⁶See Report of J. H. Rogers, page 313.

thought advisable that such material aid as could be procured from the *Confederation should be obtained in support of the movement.*

The delegation desired a special commissioner with full powers and of such national reputation and character as would obtain the respect of the Federal as well as the State officers, and requested that he be sent at once to Texas to negotiate for or enforce the delivery of the arms and munitions of war now on the soil of Texas.

The difficulties attending the mission was obvious to the President as they will be to you Texas has not yet severed her connection with the United States, and in consequence the President of the Provisional Government could not attempt to control any movement on the soil of Texas or coerce troops under a Government with whom Texas still remained united, and whose presence was recognized and tolerated by the authorities of Texas

The resolution accompanying this letter, together with the latter portion of the communication from the Secretary of War may in skilfull hands be used so as to unite and add to the army of the Confederate States such officers of the army as by duty and inclination would attach themselves to the cause of the South it assures them if worthy that places will be provided for them.

The officers if any considerable number would leave might bring with them their men, and if Texas will assume the responsibility of enrolling or reenlisting companies Battalions or regiments, and will notify the confederacy of the Confederate States, Texas will be relieved and they will be mustered into the service of the Confederate States

Should the officers desire to leave the State with the soldiers, altho' a free and unimpeded transit should be permitted, that would only include the necessary small arms unimpeded by trains and baggage wagons, and the road offering least annoyance to Texas should be determined on all that can be said in connection I know has commended itself to your consideration

We hope that the scission will be bloodless. The Congress of the Confederate States and its Executive are preparing for a vigorous prosecution of war if it ensues and I need not say to you that I take pride in saying here that Texas will send as many troops and as brave an army into the field as the most populous State in the Confederacy. Judges Gregg and Ochiltree are here and have been for sometime. there is every disposition to respect the position and desires of Texas, and your delegation will take pleasure in reflecting the opinions of the State and would invoke directions as to any matter or measure of policy desired by the Convention with the hope that

all may yet be well, that the rupture may be bloodless, and with full confidence that Texas will sustain her high renown

I remain yours truly

T. N. Waul

P. S. The possibility of settling our difficulties by a reconstruction of the Union is never alluded to, and the proposal would receive about the same encouragement as a proposition to re-annex Texas to the State of Mexico.

T. N. W.

War Department

Montgomery Feby 23rd 1861⁷

To the Delegates from Texas to the Congress of the Confederate States.
Gentlemen:

In response to the communication submitted by you to the President, in relation to the military complications in your State, he has instructed me to say that he appreciates the embarrassments of your position, and in his anxiety to remove them is disposed to assume every responsibility compatible with the relations of this Government to the State of Texas. But, as you are aware, this Government has no official notification of the secession of your State from the Government of the United States, and, until this occurs, however hopeful the President may be of the result of the reference of the action of your Convention to the popular vote, you will readily perceive that this Government could not assume formal jurisdiction over the questions submitted by you. The President, however, instructs me to say, that he considers it due to international courtesy, that the Government of the Confederate States, Texas included, after her withdrawal from the United States, should accord to the troops belonging to that Government a reasonable time within which to depart from her territory. The probability is that the Government of the United States would not be inclined to keep these troops within your territory after the secession of your State. Should it be otherwise, the President does not hesitate to say that all the powers of this Government should be promptly employed to expel them. Meantime, it is considered by the President, under the circumstances, that it would be proper in the Authorities of Texas to suspend any attack upon the forts, arsenals, or other military occupations of the Government of the United States within her territory, as this Government is charged with the power to negotiate and to conduct all military operations.

It may be proper to add that, deeming it probable a portion of the officers and men belonging to the army of the United States now stationed in Texas may, after the secession of your State, consider their allegiance due rather to this Government than to the Government of

'A. L. S.

the United States, and under the influence of this sentiment may feel inclined to acknowledge that allegiance by reporting themselves here, I do not doubt the disposition of this Government to receive them favorably. The special facts, however, suggestive of this belief are better known to yourselves than to this Department, and you will, I doubt not, communicate them to the authorities of your State.

I have the honor to be,

L. P. Walker
Secty of War.

Hall of the Congress of the Confederate States of America
Montgomery Alabama February 13th 1861

Mr. Conrad offered the following resolution, which was read three times and adopted

Resolved that the Committee on Military Affairs, and the Committee on Naval Affairs, be instructed to include in any plan they may propose for the organization of the Army and Navy suitable provisions for such officers of the Army and Navy of the United States as may have tendered a resignation of their Commissions in consequence of their adhesion to any or all of the States of the Confederacy

I hereby certify that the above is a correct copy of the Journal of Congress and of the original resolution on file in my office

Given under my hand at Office, in the City of Montgomery, this 23d February A D 1861

Johnson J. Hooper
Secretary of the Congress C. S. A.

On motion of Mr. Flournoy the further counting of election returns during the sitting of the Convention was postponed until the 15th inst., and on motion of Mr. Brown the President and Secretary were instructed to open and estimate the election returns received in the meantime as they come in.

Mr. Campbell, chairman of the select committee of five to which was referred the "Ordinance in relation to a union of the State of Texas with the Confederate States of America['']", reported the same back to the Convention and recommended its passage without amendment.

To the Hon. O. M. Roberts,

President of the Convention of Texas:⁸

The Select Committee of five to whom was referred the ordinance entitled "An ordinance in relation to a union of the State of Texas with the confederate States of America," with instructions to report

⁸The report of the committee and the ordinance printed below are taken from the original printed bill in Miscellaneous Papers of the Secession Convention.

the same this morning, having had the same under consideration and deeming amendments thereto unnecessary, report the same without amendment and recommend its immediate adoption.

All of which is respectfully submitted.

Robt. C. Campbell,
J. M. Maxey,
Thos. J. Devine,
Jno. Henry Brown,
Geo. W. Chilton.

An ordinance in relation to a Union of the State of Texas with the Confederate States of America.

Whereas, the Convention of this State has received information that the Congress of the [2]⁹ confederate States of America, now in session at the city of Montgomery, in the State of [3] Alabama, has adopted a Constitution for a Provisional Government, to remain in force [4] one year from the inauguration of the President, which Constitution is modelled on that [5] of the United States of America; and whereas as a seceded State, it becomes expedient [6] and proper, as involving her safety and present and future welfare, that Texas should join [7] said Confederacy, and share its destinies; and whereas, a delegation consisting of seven [8] members has already been elected by the Convention to the Congress of the Confederacy [9] aforesaid, therefore

The People of Texas in Convention assembled, have ordained and declared, and do hereby [2] ordain and declare, that the delegation aforesaid to the Congress aforesaid be and they are [3] hereby instructed, and we do accordingly instruct them, in behalf of the State, and as [4] representing its sovereign authority, to apply for the admission of this State into said [5] Confederacy, and to that end and for that purpose, to give in the adhesion of Texas to the [6] provisional Constitution of said confederate States; and which said Constitution this Convention [7] hereby approves, ratifies, and accepts.

2. Be it further ordained, That the delegation appointed by this State to the Congress of [2] the Confederate States of America, are hereby instructed to aid and co-operate as members [3] of said Congress, in the making of a permanent Constitution for the same, provided, [4] however, that the Constitution created shall not become obligatory on this State till approved [5] by the people, in such way as shall be determined upon.

3. Be it further ordained, That the President of the Convention immediately transmit, [2] through such channel as he may select, a copy or copies of this Ordinance, to the Congress [3] at Montgomery, and the members of Congress from this State.

⁹The numbers in brackets indicate the lines of the printed bill.

On motion of Mr. Anderson of Colorado the rule was suspended [and] the report and ordinance taken up and read.

Mr. Robertson of Washington moved that the ordinance be made the special order for the day for 3 o'clock P. M., and that 250 copies be printed for the use of the Convention

Mr. Ireland moved to lay that motion on the table. Lost.

The motion to postpone until 3 o'clock and print prevailed.

Mr. Graham from the committee on Credentials made the following report.¹⁰

The committee on Credentials to whom were referred sundry certificates of election and applications for seats in the Convention, beg leave to report that they have examined the credentials presented, and find that William Nash has been duly elected as a delegate from the representative district composed of the counties of Kaufman, Henderson and Van Zandt :

That D. M. Stapp and Wilkins Hunt have been duly elected as delegates from the representative district composed of Victoria, DeWitt, Jackson and Calhoun counties, to fill vacancies occasioned by the resignation of J. J. Holt and Fielding Jones.

That Charles A. Russel has been duly elected from the district composed of Karnes, Bee, and Live Oak counties, to fill the vacancy occasioned by the resignation of John Littleton,

That W. A. Montgomery has been duly elected from Washington county to fill the vacancy of W. S. Oldham resigned.

That T. J. Word has been duly elected as floating delegate from the counties of Houston, Anderson and Trinity to fill the vacancy of John H. Reagan resigned.

That J. A. Chambers and George H. Bagby have been duly elected as delegates from the county of Red River.

That Tignal W. Jones has been duly elected in place of O. Loftin resigned, from the county of Smith.

That James W. Henderson has been duly elected a delegate from the county of Harris to fill the vacancy caused by the resignation of William McCraven.

All of which is respectfully submitted.

M. D. Graham
Nath'l Terry
A. P. Wiley
T. J. Devine

Com tee

Mr. Robertson of Washington offered the following resolution

¹⁰This report has been compared with and made to conform to the original in Miscellaneous Papers of the Secession Convention.

“Resolved that the President appoint a committee of five to wait on his Excellency the Governor of the State and inform him that the Convention has reassembled, and that the people have ratified the ordinance of secession, and that in the further action of the Convention the cooperation of the Executive Department is respectfully requested. [”]

Mr. Broaddus offered the following as a substitute.

“Resolved that a committee of five be appointed to inform the Governor of this State that this Convention is again in session, that it has counted the vote of the people on the ordinance of secession and the result is 46,129 votes for secession, and 14,697 votes against secession, and that the Convention has declared that the State of Texas has seceded from the United States of America. [”]

Mr. T. J. Chambers moved to refer the resolution and substitute to a select committee of five. Lost.

Mr. Ireland offered the following as a substitute for the substitute.

“Resolved that a committee of five be appointed to wait on his Excellency Gov. Houston and inform him that Texas is a free, sovereign and independent State, and that her connection with the government of the United States of America has ceased, and that the Convention is ready for business. [”]

On motion of Mr. Jennings, laid on the table.

Mr. Montgomery offered the following substitute for the original resolution and substitute.

“Resolved that a committee of five be appointed to wait on his Excellency the Governor and inform him that the Convention has reassembled, and that the ordinance of secession has been ratified by the people, and that the State of Texas is and has been from the 2nd day of this current month a free, sovereign and independent State.”

Mr. Henderson moved to lay the substitute on the table. Lost. And the substitute was adopted.

Mr. Chilton moved to amend by adding, “and is ready to receive any communication in writing from him”

On motion of Mr. Jennings laid on the table, and the resolution was then adopted.

The President announced the following as the committee, viz: Messrs. Montgomery, Robertson of Washington, Ireland, Jennings and Broaddus.

On motion of Mr. Robertson of Washington, Mr. Ireland at his own request was excused and Mr. Rogers of Harris appointed in his place.

Mr. Wiley introduced “an ordinance to provide for the continuance of the existing State government, upon the officers thereof taking a new oath of office”¹¹ Read 1st time.

¹¹The original draft of this ordinance has not been found.

Mr. Montgomery offered the following resolution, which was laid over one day under the rule, for consideration.

“Resolved that a committee of five be appointed by the President to revise the rules of order of the House of Representatives so as to make the same applicable to the Convention and report tomorrow morning at 10 o’clock. [”]

Mr. Stapp introduced the following resolution which was adopted.

“Resolved that the committee of Safety be instructed to inquire into the expediency of a proper distribution of such artillery as may be in possession of the State and as may be necessary for the protection of the passes into the harbors of Texas, that is to say, Sabine, Galveston, Matagorda, Aransas, and Point Isabel, and that they be requested to report as early as practicable by ordinance or otherwise. [”]

Mr. Terry of Tarrant offered the following resolution which was adopted

“Resolved that in view of the exigencies of the times the committee of Safety be instructed to inquire into the necessity of purchasing other arms in addition to those already owned by the State, the number and kind required for immediate use, if any, and the necessity of sending an agent at once for their procurement, and report to the Convention as early as possible.”

Mr. Devine introduced an ordinance respecting public property.¹²
Read 1st time.

Mr. Moore of Burnet offered the following resolution.

“Resolved by this Convention that we hail with delight the announcement that the congress of the Confederate States of America have unanimously elected the gallant soldier and able statesman Jefferson Davis president, and the talented statesman A. H. Stephens vice-president, and that we have every confidence in their ability, integrity and patriotism to fill the high and responsible positions they now occupy. [”]

Mr. Shepard offered the following as a substitute.

“Resolved that this Convention has received with the highest gratification the intelligence of the election of Jefferson Davis of Mississippi as president, and A. H. Stephens of Georgia as vice-president of the provisional government of the Southern Confederate States

“Resolved that the Secretary of this Convention be instructed to communicate the foregoing resolution to our delegates at Montgomery, to be presented to the congress of the Confederate States”

On motion of Mr. Stockdale the resolution and substitute were referred to the committee on Resolutions.

The President announced the following as the committee to define treason against the State of Texas under the resolution of Mr. Whar-

¹²This ordinance was adopted without amendment.

ton adopted on yesterday. Messrs. Wharton, Lea, Jones, Hutcheson, Ireland, Rugeley and Gould.

On motion of Mr. Chilton, Mr. Jones was added to the committee on Foreign Relations.

On motion of Mr. Brown, Messrs. Stapp and Henry were added to the committee on Commerce and Navigation.

On motion of Mr. Portis the vote on yesterday adopting the resolution authorizing the appointment of committees on Judiciary, the Constitution, the Legislative and Executive, was reconsidered.

On motion of Mr. Portis the resolution was amended by striking out all relating to a Judiciary, Legislative and Executive committee, and the resolution as amended was then adopted.

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

Tuesday March 5th 3 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The President announced the following standing committee on the Constitution, viz: Messrs. Wiley, Runnels, Graham of Rusk, Jennings, Maxey, Poag, Coke, Stockdale, Scurry and Anderson of Colorado.

On motion of Mr. Graham of Rusk, Mr. Runnels was added to the committee on Finance, and Mr. Maltby to the committee on Commerce and Navigation.

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

Mr. Brahan offered the following resolution which was adopted.

“Resolved that a standing committee on Citizenship to consist of seven members be appointed by the President of this Convention.”

Orders of the Day.

The hour having arrived for the special order the Convention proceeded to the consideration of “The ordinance in relation to a union of the State of Texas with the Confederate States of America. [”]

Mr. Terry of Tarrant moved to lay the ordinance on the table for the present. Lost by the following vote,

Yeas, Messrs. Adams, Allen, Bagby, Broaddus, Earley, Hogg, Hooker, Hunt, Jennings, Rhome and Shepard, 11.

Nays, Messrs. Anderson of Colorado, Armstrong, Askew, Box, Burditt, Blythe, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chilton, Clayton, Coke, Cox, Daricy, Davenport, Diamond of Cooke, Dunham, Fall, Flournoy, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Green, Hardeman, Heary, Henderson, Hill, Howard, Hoyl, Hutcheson, Hunt, Ireland, Jones, Kelly, Koester, Lesueur, Lea, Lubbock, Maltby, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, 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, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Ross, Rugeley, Russell, Scurry, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Waller, Watkins, Wharton, Wier, Wiley, Williams of Lavacca, and Wilson, 91.

Mr. Stockdale moved to amend by striking out, in the 6th line of the preamble, the words "As involving her safety and present and future welfare." Carried.

Mr. Lea moved to amend by striking out in the 3rd and 4th line of the preamble the words "to remain in force one year from the inauguration of the president." Carried.

Mr. Wiley moved to amend by inserting in the 3rd line of the 1st section after the word "hereby" the words "re-elected and"

On motion of Mr. Wharton laid on the table.

Mr. Wiley moved to strike out the 2nd section.

Mr. Graham offered the following as a substitute for the motion of Mr. Wiley and the 2nd section of the ordinance.

"Sec. 2. Be it further ordained that the delegation appointed by this Convention to the congress of the Confederate States be and they are hereby authorized to act in said congress as the duly accredited representatives of the State of Texas. Provided however that any permanent constitution which may be formed by said congress shall not become obligatory on this State until approved in such way as shall be determined upon." Adopted.

Mr. Dancy moved to amend by striking out in the 3rd line of the 1st section the words "and we do accordingly instruct them." Lost. And the ordinance as amended was adopted by the following vote.

Yeas, Messrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Beazley, Box, Burditt, Black, Blythe, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chilton, Clark, Cleveland, Coke, Cox, Dancy, Davenport, Davidson, Devine, Dunham, Earley, Fall, Flournoy, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Green, Hardeman, Hays, Henderson, Hill, Hogg, Hooker, Howard, Hoyl, Hughes, Hunt, Hutcheson, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lea, Locke, Lubbock, Maltby, Maxey, McCraw, McIntosh, Miller, Moore of Burnet, 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, Rainey, Rhome, Robertson of Smith, Rogers of Harris, Ross, Rugeley, Runnels, Russell, 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, Waller, Watkins, Wharton, Wier, Wiley, Williams of Lavacca, Wilson and Wright, 109.

Nays, Mesrs. Montgomery and Robertson of Washington, 2.

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

City of Austin Texas, Wednesday March 6th/61.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Hon. Mr. Maxey.

Mr. Lesueur offered the following resolution which was adopted.

“Resolved that the President appoint a committee of five on Contingent Expenses.”

On motion of Mr. Devine, Mr. Davidson was added to the committee on Foreign Relations.

On motion of Mr. Maxey, Mr. T. W. Jones was added to the committee on the Constitution.

On motion of Mr. Wiley, Mr. Wharton was added to the committee on Finance

The President presented a communication from John Gregg and Wm. B. Ochiltree, delegates from the State of Texas to the congress of the Confederate States at Montgomery.¹³

Mr. Portis moved to spread the same of [on] the Journals.

Mr. Ireland offered as a substitute to furnish a copy of the same to the *State Gazette* for publication.

On motion of Mr. Brown the communication was referred to the committee on Federal Relations.

The President submitted a communication from W. C. Dalrymple in reference to the occupation of Camp Cooper.¹⁴

On motion of Mr. Henderson it was referred to the committee on Public Safety.

By leave, Mesrs. Baxter, Hall, Lester, Moore of Fayette, Preston, Scott and Wilcox were allowed to record their votes in favor of the ordinance in relation to a union of the State of Texas with the Confederate States of America.

The President presented a communication from Mr. Hamner¹⁵ which on motion was referred to the committee on the Public Safety.

The President presented a communication from Col. J. S. Ford¹⁵ which was read.

¹³See page 117.

¹⁴While the original letter from W. C. Dalrymple has not been found, perhaps it is identical with that printed under date of February 23, 1861, on page 384.

¹⁵The letters from Mr. Hamner and Colonel Ford have not been found.