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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.

The President presented a communication from Mr. R. S. Walker,¹⁵ relating to a military company, which on motion of Mr. Stell was referred to the committee on the Public Safety.

On motion of Mr. Scott, Mr. Hall was placed on Mr. Ochiltree's committees, and Mr. Baxter on Mr. Pope's committees.

Mr. Maxey offered the following resolution which was adopted

"Resolved that the Rev. Mr. Perry of the Methodist Episcopal Church be requested to act as chaplain to the Convention during its present session, and that the Secretary inform him of the passage of this resolution."

Mr. Robertson of Washington from the committee on Public Safety submitted the following report.

"The committee on Public Safety to whom was referred the communication of Col. C. G. Forshey, superintendent of the Texas Military Institute, in relation to the flag recently adopted by Louisiana, respectfully report that the suggestions therein made may be of some importance but the committee not having time to investigate the matter from the press of other business ask to be discharged from its further consideration.[?"]

Texas Military Institute, Fayette County.

February 22, 1861.¹⁷

Hon. H. K. Elgee,

Dear Sir,

From the public prints I infer that the flag, recently adopted as the national flag of Louisiana, was designed chiefly [by] yourself; you will therefore pardon the liberty I take in addressing you.

My object is to call your attention, however late, to the striking resemblance of the colors and designs you have adopted to the national flag of Texas, and to suggest whether this resemblance is not calculated to produce awkward, and perhaps serious mistakes; and at the same time, to claim for this State a priority in the adoption of her flag so great as to give her a prescriptive title on land and sea.

On the 10th day of Dec. A. D. 1836 the first Congress of the Republic of Texas adopted a national flag, "whose conformation shall be an azure ground with a large golden star central," and "for the naval service, Union-blue, star central, with 13 stripes of red and white." This was amended in 1839 to "*white* star with five points."

This beautiful and tasteful banner was not adopted without adequate consideration. In the year 1835 a company of volunteers was raised at Harrisburg, Tex., and a flag was presented to Capt. Andrew Robinson for his company by a lady (Mrs. Sarah B. Dodson). It

¹⁵The letter from R. S. Walker has not been found.

¹⁷L. S. in Miscellaneous Papers of the Secession Convention.

was a tri-color of Red, White and Blue, with a white five pointed star set in a ground of red.

About the same time, Col. Ward's command on its way to Texas was presented, at Columbus Georgia, with a similar flag, made and presented by a young lady of that State, (Miss Troutman,) which flag had so eventful a history, as to hallow its memory in Texian affection. It was made of plain white silk, and bore an azure star of five points on either side, with patriotic inscriptions in English and Latin. This flag was unfurled with the banner of Independence, at Velasco. Jan 8, 1836. It was carried to Goliad by Col. Fannin, and was unfurled beneath the blood-red sword that waved over it to protect it at Velasco. On the 8th of March, six days after the Declaration of Independence, Col Fannin received the news by express, and in the wild enthusiasm of joy he fired a salute of artillery, and kept the Lone Star flag flying at the top of his lofty staff till sunset. When the last gun was fired, the flag was lowered as usual, and on its descent caught in the halliards and was torn to fragments! When Fannin evacuated Goliad to join Houston under orders, he left a small fragment fluttering at the head of the first flag-staff on which was unfurled the banner of Texan Independence. Alas! it witnessed in a few days the slaughter of those whose joyous enthusiasm had torn it into tatters.

The fittings up of the Lone Star flag, during the march of the army from Gonzales to San Jacinto, were various, but by common consent the Lone Star was universal, and the star the only characteristic thing that marked them. The Congress in enacting the flag in December following did but ratify what had become universal in the public mind. There is no old Texian who does not to this day fire with the memory of other times and renew a patriotic youth, when his eye greets this beautiful banner.

The thirteen stripes were doubtless adopted for reasons similar to those which governed your committee and Convention in placing them upon the flag of Louisiana. The ancestors of the Texian patriots were the citizens and soldiers of the thirteen original States that purchased American Independence: and this device, whether of White and Red, or white, red and blue as you have tastefully arranged them, may well be adopted by all the States that withdraw from the American Union. The noble banner is a common heritage, and for our confederate flag I hope to see no alteration of the old banner of the Union, except that the number of the Stars shall be different and typify the number of the States that unite in the Confederation. The specific type for each State, should be her coat-of-arms, or some choice design, on the field at the head of the flag.

I need scarcely remind you how recent is the Independent national

history of Texas, and how widely her flag became known during the Republic's existence, [and] how honorably it was sustained during her naval history.

During the whole of her history as a State of the American Union, this flag (with a five pointed star in a field of blue) has been her banner; and the addition of thirteen stripes or sometimes a mere sheet of white and red has been a matter of option with those who made or used it. For example the Texas Military Institute flag, used by the cadets on special occasions, was made with scrupulous accuracy by Texian girls, and presented to them on the 21st of April 1857 at the celebration of the anniversary of the battle of San Jacinto. Probably no more exquisitely wrought banner, or one of more tasteful beauty, ever bore the Lone Star in Texas or elsewhere. It bears the large white star of five points in the center of the blue field, with thirteen small stars forming a circle round it, and thirteen stripes of red and white, forming the body of the flag. When it was made, we had no anticipation of the necessity of its re-enactment as a national flag. We should surrender it with great reluctance, for we have been educating Texan youth to do and to dare for their country beneath its folds; and much as we respect our noble neighbor, the chivalrous Louisiana, we cannot consent to surrender her our colors, but must claim them as our own by prescription and by affection.

In conclusion I would remark that the Lone Star has at various times, I know not how early, been used as a banner of Revolution, and as such it might still be used temporarily, without liability to the objections I would respectfully urge against its adoption by Louisiana. In fact, tradition (and history perhaps) claims that it was used within the limits of Louisiana nearly half a century since, as the standard of [the] Florida Revolution. I am not informed of all the facts, but if this circumstance has led to the adoption of this emblem by the Louisiana Convention, the motive must command the respect due to that other motive which has so tastefully interwoven Hope, Virtue and Valor into thirteen stripes in the flaunt of your banner. But this wandering, Revolutionary Star is, we respectfully urge, no longer liable to national appropriation. It finished its sublimest achievement, when it conquered for freedom the vast and fertile empire of Texas. It was fit, in the highest sense, that here it should find its rest, and here dispense its perennial lustre upon the banner that floats over its noblest conquest.

I shall have the pleasure to transmit a copy of this letter to the President of the Convention of Texas, on its re-assembling on the 2nd day of March. I remain very respectfully,

Caleb G. Forshey,
Supt. Texas Mil. Inst.

Hon. O. M. Roberts,
 Prest. Convention¹⁸

Dear Sir,

When I completed my letter this morning, I had not observed my chart of national flags as critically as I should. I find that we are not the sole claimants of a *Lone Star*, even should Louisiana drop her pretensions.

The Republic (or Colony) of Liberia has for her colors a white, five pointed star, in a field of blue; and thirteen stripes, alternate red and white, in the flaunt.

The Republic of Chili has a white five pointed star, in a field of blue; and the flaunt, white above and red below, two colors and two belts only, in the flaunt.

It is scarcely necessary to remark that the distance, and the smallness of the commerce of these two proprietors, are such as to render their colors unimportant to us.

It is well, however, in a review of this subject to have before you all the information respecting like colors in use by others.

I remain very respectfully Yours

March 1, 1861

C. G. Forshey.

Mr. Moore of Burnet introduced "an ordinance to prescribe the oath of office to be taken by the officers of the State of Texas" Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Rogers of Harris introduced "an ordinance to procure additional arms for the State of Texas."¹⁹ Read 1st and 2nd times and referred to the committee on Public Safety.

Mr. Davidson introduced "an ordinance relative to allegiance and fealty"¹⁹ Read 1st and 2nd times and referred to the committee on Constitution.

Mr. Stewart of Gonzales introduced an ordinance directing the disposition of a portion of the personal property lately surrendered to Texas by Gen'l Twiggs.¹⁹ Read 1st and 2nd times and referred to a special committee of five.

Mr. Nelson introduced an ordinance to protect inventors who are citizens of Texas, or citizens of the Confederate States of America."¹⁹ Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Wm. Chambers introduced "an ordinance in relation to offences against the sovereignty of the State."¹⁹ Read 1st and 2nd times and referred to the committee on Treason.

Mr. Campbell introduced "an ordinance in relation to the enroll-

¹⁸A. L. S.

¹⁹The original draft of this ordinance has not been found.

ing, publication and preservation of the acts and journals of the Convention."¹⁹ Read 1st and 2nd times and referred to the committee on Business.

Mr. Davidson offered the following resolution which on motion of Mr. Green was referred to the committee on Finance.

“Resolved that a special committee of five be appointed with instructions to enquire into the expediency of converting a sufficient amount of State securities into cash to relieve the State from its present demands upon the treasury, or to provide such other ways and means as they may deem necessary to enable the State to meet the current expenses of the government and report by resolution or otherwise.[”]

Mr. Wiley introduced “an ordinance in relation to the jurisdiction of the courts of this State.[”]¹⁹ Read 1st and 2nd times and referred to the committee on Constitution.

Mr. Nelson introduced “an ordinance to provide against the release of persons indicted in the United States District court in the State of Texas.”¹⁹ Read 1st and 2nd times and referred to the committee on Constitution.

On motion of Mr. Roberts (President), Messrs. Flournoy and Davidson were added to the committee on the Constitution.

On motion of Mr. Wiley, Mr. Palmer was added to the committee on Resolutions.

Mr. Payne of Hopkins offered the following resolution, which on motion of Mr. Locke was referred to the committee on Business.

“Resolved that the President appoint a standing committee on Postal Affairs whose duty it shall be to take into consideration the condition of the mail service of Texas at present.[”]

Mr. Anderson of Colorado offered the following resolution which was adopted.

“Resolved that the committee on Finance be instructed to arrange and determine the per diem pay and mileage of the members and the per diem pay of the officers of this Convention, and that they be required to report by ordinance or otherwise at an early day.[”]

On motion of Mr. Wharton, Messrs. Campbell and Stell were added to the committee on Finance.

Mr. Norris offered the following resolution which was adopted.

“Resolved that the committee on Finance be instructed to devise ways and means for defraying the regular and contingent expenses of this Convention.[”]

Mr. Portis offered the following resolution which was adopted

“Resolved that a committee consisting of one from each judicial

¹⁹The original draft of this ordinance has not been found.

district in the State be appointed to take into consideration the constitution of the Confederate States of America, and to report such changes, alterations and amendments as they may think desirable to be incorporated into the permanent constitution of the Confederate States of America.''

Mr. Stewart of Gonzales offered the following resolution which was adopted.

“Resolved that a special committee of five be appointed by the President on Frontier Protection, which committee shall consist of the delegates who represent the frontier counties, and that said committee be instructed to draft and report an ordinance for the protection of the frontier against the Indian depredations, and that the said committee report upon the ordinance for the sale of the horses, mules, wagons etc introduced this morning.[’’]

Mr. Chilton introduced “an ordinance reserving to the State of Texas the exclusive control of her public domain”²⁰ Read 1st and 2nd times and referred to the committee on Constitution.

On motion of Mr. Norris, Mr. Rainey was added to the committee on Finance.

Orders of the Day.

The resolution offered by Mr. Terry of Tarrant, proposing to send commissioners to the border States, being next in order, was taken up, read, and on motion of Mr. Jennings, laid on the table.

The resolution offered by Mr. Gregg, declaring it to be the sense of this Convention, that as few changes should be made in the State constitution as were necessary to adapt the same to our separation from the United States government was taken up and read.

On motion of Mr. Anderson of Colorado the resolution was amended by adding “and connection with the Confederate States of America.”

On motion of Mr. Chilton the resolution was laid on the table for the present.

The ordinance to provide for the continuance of the existing State government, upon the officers thereof taking a new oath of office, being next in order, was taken up, read and on motion referred to the committee on Constitution.

On motion of Mr. Jennings the Convention adjourned until tomorrow at 10 o'clock, A. M.

City of Austin Texas. Thursday, March 7th/61.

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

²⁰The original draft of this resolution has not been found.