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On motion of Mr. Devine the rule was suspended, the ordinance taken up and read a 2nd time.

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

City of Austin Texas.

Tuesday, March 12th 1861.

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

On motion of Mr. Montel, Mr. Scurry was added to the committee on Citizenship.

On motion of Mr. Stewart of Anderson, Mr. Word was added to the committees on Constitution and on Finance.

On motion of Mr. Wright, Mr. Wilcox of Denton was added to the committee on Frontier Protection.

On motion of Mr. Moore of Burnet, Mr. McCraw was added to the committee on Frontier Protection.

On motion of Mr. Coke, Mr. Prendergast was added to the committee on Constitution.

On motion of Mr. Poag, Mr. Adams was added to the same committee.

Mr. Prendergast submitted a communication from W. T. Mechling.⁵⁵ Referred to the committee on Foreign Relations.

Also a communication from L. C. Harby,⁵⁶ referred to the same committee.

Also a communication from Capt. Walker of Lavacca. Referred to the committee on Public Safety.

On motion of Mr. Robertson of Bell, Mr. Wright was added to the committee on Postal Affairs.

Mr. Rogers of Harris, chairman of the committee on Foreign Relations, reported "an ordinance accepting the services of such of the officers of the late army of the United States as have resigned and

⁵⁵W. T. Mechling wrote from San Antonio, March 4th, tendering his services to the State. "I am a graduate of West Point and since 1848 a citizen of this State and am now holding the appointment and doing the duty of Assistant Adjutant General to Col Ben McCulloch commanding this Division of the State." (A. L. S. in Misc. papers of the Secession Convention.)

⁵⁶Levy C. Harby wrote from Galveston, February 25th, "As a Southern man I could not conscientiously hold office under the Federal Government and on the 10th of January resigned my commission. I now beg leave to tender to Texas my services as a naval officer, having been in 1836 her first commissioned Captain under the Provisional government, serving both ashore and afloat . . . I have been for nearly four years in command of the Cutter Henry Dodge; I am perfectly acquainted with the entire coast of Texas." (A. L. S. in Misc. Papers of the Secession Convention.)

offered their services to the State of Texas," and recommended its passage.

The committee on foreign relations instruct the undersigned to report the following ordinance in accordance with a resolution of this Convention.⁵⁸

An Ordinance accepting the services of such of the officers of the late Army of the United States as have resigned and tendered their services to the State of Texas.

The congress of the Confederate States of America having, on the 13th day of February A D 1861, adopted the following resolution, to wit:

"Resolved that the committee on Military Affairs, and the committee on Naval Affairs, be instructed to include in any plan they may have proposed, 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 the States of this Confederacy."

And H. R. Bradfute, J. P. Majors, Henry C. McNeill and Horace Randal having resigned their commissions in the Army of the United States and tendered their services to the State of Texas, now, therefore,

Sec. 1. Be it ordained by the people of Texas, in Convention assembled, that the offers of their services to the State of Texas, by H. R. Bradfute, J. P. Majors, Henry C. McNeill, and Horace Randal be, and the same are hereby accepted, and the President of this Convention is hereby authorized and empowered to issue commissions to them, with such rank and grade in the military service of Texas as they held in the Army and service of the United States, and they are hereby required to report themselves to the War Department of the Confederate States, at Montgomery, Alabama, for orders.

Sec. 2. Be it further ordained that the provisions of the 1st Section of this Ordinance shall be construed, and are hereby declared to apply to all applications for military service from Texas by any person or persons who having held commissions in the military service of the Government of the United States previous to the 2nd day of March A D 1861, and being in good repute in said service at the time of their respective resignations, have resigned or may hereafter resign the same and tender their services to this State.

Sec. 3. That it shall be the duty of the President of this Convention to issue commissions in the usual form to the persons named in the 1st Section of this Ordinance, giving them military rank and au-

⁵⁸D. S. in Misc. Papers of the Secession Convention.

thority as aforesaid, from the people of the State of Texas, and bearing even date with the passage of this Ordinance, and like commissions shall be issued to all such as may hereafter become entitled to the benefits of the provisions of the 2nd Section of this Ordinance, to bear even date with the application for service in such case made.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage.

W. P. Rogers
Chairman.

The Ordinance was read 1st time.

Mr. Flournoy, chairman of the committee on Constitution, made the following report.

The committee on the Constitution to whom were referred an ordinance "to prevent citizens of the United States under certain circumstances from suing in the courts of this State" and "an ordinance in relation to district and justices courts in this State" have had the same under consideration and have instructed me to report the accompanying ordinances as substitutes therefor and recommend their adoption.

An Ordinance to prevent the Citizens of the United States under certain circumstances from suing in the Courts of this State.⁵⁹

1st. Be it ordained and declared by the people of the State of Texas, in Convention assembled, That no citizen of any State while such State remains a party to the Union styled and known as the government of the United States of America, nor any person acting for him either as agent, attorney, assignee or otherwise shall be allowed to sue in any of the Courts of this State, on any cause of action against any person whomsoever, until the said government of the United States shall have acknowledged the independence of the new government, styled the Confederate States of America, and until peaceful relations have been established between said governments. Provided that the foregoing provisions shall not be construed to apply to any suit in which real estate is the subject matter in controversy.

An Ordinance in relation to District and Justices Courts in this State.⁶⁰

Sec. 1st It is ordained that from and after the adoption of this Ordinance, no term of any District or Justice's Court shall be held in this State, except for the trial of Criminal Causes, before the 1st day of July A D 1861; Provided that this Ordinance shall not inter-

⁵⁹ ⁶⁰MSS. in Misc. Papers of the Secession Convention.

fere with the institution of suits and the issuance of any process as may be necessary to prepare them for trial, nor shall it prevent the issuance of any remedial writs; Provided further that all executions upon Judgments rendered in District Courts and not yet returned, shall be returnable to the fall term of said Courts.

“An Ordinance in relation to district and justices courts in this State” read 1st time.

“An ordinance to prevent the citizens of the United States under certain circumstances, from suing in the courts of this State” read 1st time.

Mr. Shepard, chairman of the committee on Citizenship, made the following report.

“The committee on Citizenship to which was referred an ordinance on that subject have had the same under consideration and have instructed me to report the accompanying substitute and recommend its passage.[’’]

“An ordinance concerning citizenship” read 1st time.

Mr. Rogers of Marion offered the following resolutions.

That in view of the exposed condition of the coast of the State, and the impossibility of the Convention forming any plan for providing any means for its defence without a just knowledge of its capabilities therefore, [Resolved,] That W. H. Stephens, late an officer in the United States Army, in the engineer department, be and he is hereby appointed to take charge of the same department for the State of Texas, and that he be invested with the rank and pay of major of engineers, according to the regulations of the United States Army, for the State of Texas.

2. Resolved that W. H. Stephens be at once invited to visit the Convention, with a view to rendering to this Convention such information as may be in his possession regarding the necessary defence of the Gulf coast and the property thereon situated belonging to the State of Texas.

On motion of Mr. Davidson the resolutions were referred to the committee on Public Safety.

Mr. Shepard offered the following resolution which was referred to the same committee.

“Resolved that W. H. Stephens, late an officer of the United States Army, be requested to take charge of the coast defence of this State, and that he report to this Convention as soon as practicable his plan for that purpose, with assurances that this Convention will use all laudable means to procure for him an appointment in the regular army of the Confederate States of America with rank equal or su-

terior to the rank recently held by him in the army of the United States of America. [']

Mr. Montgomery introduced "an ordinance for submitting the constitution for the permanent government of the Confederate States of America to the people of Texas for ratification." Read 1st and 2nd times and referred to the committee on Federal Relations.

Mr. T. J. Chambers offered the following resolution which was referred to the committee on Commerce and Navigation.

"Be it resolved by the people of Texas in Convention assembled, that our representatives in the congress of the Confederate States of America be requested to procure the passage of an ordinance to make Sabine Pass in this State a port of entry and to provide for the appointment of a collector for the same, and also for its military defence with such fortification, armament and garrison as the president of said States may direct."

Mr. Campbell introduced "an ordinance in relation to the United States mail contractors in the State of Texas."

An Ordinance in relation to U. S. Mail Contractors in the State of Texas.⁶¹

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

First. That this State guarantees and will make good, with the contractors for carrying the mails in the same, so much of their compensation as may be repudiated by the Government of the United States and which the Confederate States may not adopt.

Second. That the several post masters of the State will, as heretofore ordered by the U. States of America, pay to mail contractors the sums in their hands respectively, before, on and after the 2nd day of March instant, unless otherwise instructed by the Post Master General of the Confederate States, this State hereby resigning any supposed right she has thereto.

Campbell

Read 1st and 2nd times and referred to the committee on Postal Affairs.

Mr. Davidson introduced an ordinance declaring certain acts and correspondence felony, and providing punishment for the same. Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Hicks offered the following resolution which was adopted.

"Resolved that his Excellency Gov. Houston be requested to transmit to this Convention a copy of the communication lately received by

⁶¹D. S. in Misc. Papers of the Secession Convention.

him from the secretary of war of the government of the Confederate States of America, together with the act of congress of the Confederate States accompanying said communication, relative to the arms and munitions of war as well as the public property surrendered to the commissioners on the part of the State of Texas by Brevet Maj. Genl. David E. Twiggs, late of the United States Army, commanding in the Southern Division of said army, at San Antonio, and that the Secretary of the Convention be directed to transmit forthwith a copy of this resolution to his Excellency.[""]

Mr. Nelson offered the following resolution.

“Resolved that the commissioners having in charge the money recently belonging to the government of the United States be instructed to pay to Jesse Mercer of the county of Comanche the sum of \$2070.00 for the lease of Camp Colorado by the United States, and that a copy of this resolution signed by the President shall be sufficient warrant for the payment of said claim.”

Mr. Cleveland moved to indefinitely postpone the resolution.

On motion of Mr. Wm. Chambers, the previous question was ordered on that motion, and the motion prevailed by the following vote.

Yeas, Messrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Beazley, Box, Black, Blythe, Brahan, Broaddus, Campbell, Wm. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Hicks, Hill, Hobby, Hogg, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Johnson of Lamar, Jones, Koester, Lesueur, Lea, Locke, Maltby, Mason, Mattox, Maxey, McCraw, McIntosh, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsom, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Peck, Poag, Portis, Prendergast, Preston, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Rugeley, Runnels, Scott, Seurry, Shuford, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson, Word and Wright, 121.

Nays, Messrs. T. J. Chambers, Henderson, McCall, Moss, Nelson, Payne of Hopkins, Rainey, Rogers of Harris and Russell, 9.

Orders of the Day.

“An ordinance to appoint a quartermaster general and commis-

sary," being under consideration when the Convention adjourned on yesterday, was read.

Mr. Robertson of Smith offered the following as a substitute.

"An ordinance concerning the arms, ordnance stores, quartermaster's stores and commissary's stores, recently surrendered to the State of Texas by the stipulations between the commissioners of the State and Brevt. Major Genl. David E. Twiggs."⁶²

Mr. Davidson offered "an ordinance providing for the temporary safe-keeping of the public stores, arms, munitions and public property of every description," as a substitute for the original ordinance and substitute.

On motion of Mr. Montgomery laid on the table.

On motion of Mr. Nelson the substitute offered by Mr. Robertson of Smith was adopted in lieu of the original ordinance

The ordinance was then ordered to be engrossed.

On motion of Mr. Graham of Rusk the rule was suspended, the ordinance was read a 3rd time and adopted.

Mr. Robertson of Smith, chairman of the committee on Public Safety, reported "an ordinance to provide for the protection of the State of Texas," and recommended its adoption. The ordinance was read 1st time.

On motion of Mr. Graham of Rusk the rule was suspended, the ordinance read a 2nd time and 200 copies ordered to be printed.

On motion of Mr. Rainey, the ordinance was made the special order for tomorrow at 10 o'clock a. m.

On motion of Mr. Broadbuss the Convention adjourned until seven o'clock, this evening.

Tuesday March 12 1861 7 o'clock P. M.

The Convention met. Roll called. Quorum present.

Mr. Shepard offered the following resolution which was laid over one day under the rule.

"Resolved that for the balance of the week the meetings of the Convention shall be at 9 o'clock, A. M., and sit until 2 P. M.

The communication from his Excellency, the Governor, to a committee of the Convention, under consideration several days since when the convention adjourned, being next in order, was taken up read, and, on motion of Mr. Montgomery, laid on the table.

Mr. Henderson moved to suspend the rule and take up the ordinance in reference to the district and justices courts of this State, reported by the committee on Constitution this morning.

On motion of Mr. Wm. Chambers laid on the table.

⁶²This ordinance was adopted without being materially changed by amendment.

On motion of Mr. Wm. Chambers "the ordinance to amend the 1st Sec. of the 7th Article of the State constitution was taken up under a suspension of the rules which obtained by the following vote.

Yeas, Mesrs. Adams, Allen, Anderson of Colorado, Armstrong, Askew, Bagby, Batte, Baxter, Beazley, Box, Black, Blythe, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Chilton, Chisum, Clayton, Cleveland, Cook, Cox, Davenport, Davidson, Dean, Devine, Dunham, Fall, Feeney, Flournoy, Ford of Caldwell, Hall, Hardeman, Hays, Henderson, Hill, Hobby, Holland, Hooker, Howard, Hoyle, Hunt, Hutcheson, Ireland, Jones, Koester, Lesueur, Lester, Locke, Lubbock, Luckett, Maltby, Mason, Mattox, Maxey, McCraw, Miller, Moore of Burnet, Moore of Henderson, Montel, Moss, Nash of Dallas, Nauendorf, Neel, Nelson, Newsom, Nicholson of Dallas, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Preston, Rainey, Robertson of Smith, Robertson of Washington, Rogers of Marion, Rugeley, Russell, Scott, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Waller, Walworth, Warren, Watkins Wiley, Wilson and Word, 101.

Nays, Mesrs. Clark, Clopton, Coke, Dancy, Earley, Gould, Hicks, Henry, Hogg, Jennings, Johnson of Lamar, Kelly, Lea, McIntosh, Montgomery, Moore of Fayette, Nash of Kaufman, Nicholson of Fannin, Peek, Prendergast, Rhome, Robertson of Bell, Rogers of Harris, Shuford, Shepard, Stewart of Falls, Thompson, Throckmorton, Wier, Wilcox of Denton and Wright, 31.

And the ordinance [was] read the 2nd time.

Mr. Stockdale offered a substitute, which was adopted.

On motion of Mr. Portis the substitute was amended by inserting after the word "Texas" in the oath "and hold that allegiance paramount to all political obligations" and by striking out the words "and regard the foregoing declaration as paramount to all other political obligations," which came in at the close of the 1st section of the oath.

Mr. Wiley moved to lay the ordinance on the table. Lost.

Mr. Maxey offered a substitute for the ordinance, which proposed to adopt the oath as it now stands in our State constitution, with the necessary changes of the "Confederate States of America" in place of the "United States" and "March the 2nd 1861" as the date.

Mr. Ford of Caldwell moved to recommit the ordinance with the proposed substitute to the committee on the Constitution.

On motion of Mr. Wiley, that motion was laid on the table.

Mr. Portis moved the previous question, which was ordered, and the ordinance was ordered to be engrossed by the following vote.

Yeas, Mesrs. President, Anderson of Colorado, Bagby, Beazley,

Box, Black, Blythe, Broaddus, Brown, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Clayton, Coke, Cook, Davenport, Devine, Dunham, Early, Hall, Hardeman, Hays, Henry, Hill, Henderson, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Jones, Lester, Locke, Lubbock, Mason Mattox, Maxey, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson of Dallas, Nicholson of Fannin, Payne of Hopkins, Portis, Prendergast, Rainey, Robertson of Bell, Rogers of Marion, Ross, Rugeley, Scott, Scurry, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Waller, Walworth, Warren, Watkins, Wharton, Wiley, Wilson and Word, 79.

Nays, Messrs. Allen, Armstrong, Askew, Brahan, Chilton, Chisum, Clark, Cleveland, Cox, Daney, Davidson Fall, Feeney, Ford of Caldwell, Gould, Graham of Rusk, Hicks, Hogg, Holland, Hatcheson, Keller, Koester, Lea, Luckett, McIntosh, McCall, Moore of Henderson, Newsom, Norris, Obenchain, Palmer, Peck, Poag, Preston, Rhome, Robertson of Washington, Rogers of Harris, Russell, Shuford, Shepard, Stell, Throckmorton, Wier, Wilcox of Bexar and Wright, 43.

Mr. Jennings moved to reconsider the vote just taken, and to lay that motion on the table.

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

City of Austin, Texas,

Wednesday, March 13th 1861.

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

The President submitted a communication and muster roll of Capt. James H. Rogers company of Marion Co. referred to the committee on Public Safety.

Mr. Locke, chairman of the committee on Engrossment, made the following report.

“The committee on Engrossment have examined the following ordinances and find them to be correctly engrossed, to-wit:

1st “An ordinance respecting public property.”

2nd “An ordinance to authorize the purchase of arms for the use of the State.”

3rd “An ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled the constitution of the United States of America”