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Citation: *Journal of the Secession Convention of Texas 1861. Edited from the original in the department of state by Ernest William Winkler, State Librarian. Texas Library and Historical Commission, the State Library. Austin]: Austin Print. Co., 1912. Originally published serially in newspapers.*

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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-

ler, Moore of Burnet, Moore of Fayette, Moss, Nash of Dallas, Nash of Kaufman, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Smith, Rogers of Marion, Rugeley, Shuford, Smith of Fannin, Smith of Bexar, Stapp, Stell, Stewart of Anderson, Stockdale, Terry of Tarrant, Thompson, Throckmorton, Todd, Warren, Watkins, Wharton, Wilcox of Bexar, Wier, Wilson of Hunt, Wilson of Tyler, Word and Wright, 91.

Nays, Messrs. Allen, Anderson of Colorado, Askew, Box, Broaddus, Wm. Chambers, T. J. Chambers, Cox, Dunham, Feeney, Gould, Hall, Hardeman, Hutcheson, Ireland, Johnson of Lamar, Kelly, Koester, Lesueur, Locke, Maltby, McIntosh, Montgomery, Montel, Nauendorf, Neel, Nelson, Robertson of Bell, Robertson of Washington, Ross, Russell, Scarborough, Scott, Scurry, Shepard, Stewart of Gonzales, Wal-ler, Walworth, Wilcox of Denton and Wiley, 37.

The President submitted the following communications, which were referred to the committee on Public Safety.

Texas Schooner *Henry Dodge*

March 2nd 1861.

Sir

Having resigned your commission in the revenue cutter service of the United States, I do by virtue of authority vested in me as captain by the Committee of Safety of the Convention of the people of the State of Texas appoint you a lieutenant of this vessel subject to the approval of said Convention.

Wm. J. Rogers

Captain.

To Lieut. Wm. G. Roche.

Texas Schooner *Henry Dodge*

March 11th 1861.

By virtue of the authority vested in me as captain by the Committee of Public Safety of the Convention of the people of the State of Texas I do appoint you a lieutenant of this vessel subject to the approval of said Convention.

Wm. J. Rogers

Captain.

Texas Schooner *Henry Dodge*.

Galveston, March 12th 1861.

Sir,

When this vessel was taken possession of by authority from the Convention I resigned my commission in the service of the United

States and was immediately placed in command. Lieut. Roche and myself were the only commissioned officers on board at the time. He also resigned, and as the gentleman who was authorized to take possession of the vessel, was instructed to consult me in regard to appointments, and as it is so important that I should have reliable men such that I could associate with, depend upon and consult with, and flattered by the confidence reposed in me, I have appointed Wm. G. Roche and Robert M. Rogers lieutenants, subject to the approval of your honorable body, and as I may be called upon to perform some important duty, and as there is a possibility of my authority being questioned I would respectfully ask that the necessary commissions be sent. Very respectfully

Wm. J. Rogers
Cap't.

To Hon. O. M. Roberts

President of the Convention of Texas, Austin.

I would have addressed your honorable body on taking command of the vessel, but was of the impression that a committee would come down.

Respectfully,
Wm. J. Rogers
Cap't.

Texas Schooner *Henry Dodge*
Galveston March 13th 1861.

Sir.

I would have addressed you upon assuming the command of the vessel, but being of the impression that a committee from the Convention would visit Galveston and I would then have an opportunity to consult with them.

As this vessel is the only naval property that Texas owns, and it is so important that this bay and harbor should be properly guarded, I deem it my duty to earnestly request that she be hauled upon the ways and the necessary repairs put upon her, as the state she is now in renders her inefficient as an active cruising vessel. Every day's delay will be an additional expense. I think with proper economy 1000 or 1200 dollars⁷¹ will be sufficient for the present. I shall until otherwise directed by your honorable body use every precaution in guarding the entrance to the harbour.

Very respectfully
Wm. J. Rogers
Capt.

To Hon. O. M. Roberts

President of the Convention of Texas

⁷¹The Journal has "\$2000;" the original letter has been followed.

On motion of Mr. Scarborough the rules were suspended and the Convention proceeded to the consideration of "the ordinance to provide for the military defence of the State."

The 3rd section being under consideration,

Mr. Henderson offered the following resolution.

"Resolved that this Convention will elect the field officers of the regiments of artillery and infantry, and that the companies comprised in the mounted regiments shall elect the field officers of the same. ["]

Mr. Stell, in the chair, ruled the resolution out of order

Mr. Dancy offered the following amendment which was adopted.

"In the 3d line, 3d section, strike out the words "all of" etc "each in succession," and insert after "elected" the words "in the order in which they are hereinbefore named."

Mr. Hogg offered the following amendment to come in at the end of the 3rd section. "Provided that the officers of one of said regiments of mounted men, also the officers for inrolling or raising the companies to compose said regiment, shall reside in the eastern congressional district of this State."

On motion of Mr. Chilton the ordinance was laid upon the table for the present, and

The Convention proceeded to the consideration of the special order for this hour.

12 O'clock M.

The President announced that the hour had arrived for administering the oath of office prescribed by "the ordinance to amend the 1st Section of the 7th Article of the constitution of the State of Texas" to the officers of the State government, according to the terms of "the ordinance providing for the continuance of the existing State government," which was adopted on the 14th day of March A. D. 1861, and in pursuance of written notice given the officers therein named by the President of this Convention.

Whereupon the President announced that it was in order for Genl. Sam Houston, the Governor of the State, to come forward and take the oath prescribed in the manner prescribed, should he choose so to do.

Governor Houston not making his appearance, after waiting a reasonable time,

The President announced that it was in order for the other officers named in "the ordinance to provide for the continuance of the existing State government" to come forward and take the oath of office prescribed.

Whereupon the following officers came forward and were qualified.

Edward Clark, Lieutenant Governor of the State.

Clement R. Johns, Comptroller of the State.

Cyrus H. Randolph, Treasurer of the State.
and Francis M. White, Commissioner of the General Land office.

E. W. Cave, the Secretary of State being requested to come forward and take the oath prescribed, and not making his appearance, after waiting a reasonable time the Convention proceeded to other business, when

Mr. Mason offered the following resolution.

“Whereas the Governor and Secretary of State of the State of Texas have failed to appear in this Convention and take the oath prescribed in the ordinance adopted on the 14th day of March A. D. 1861, entitled “an ordinance to provide for the continuance of the existing State government, “therefore,

“Resolved that the office of Governor and Secretary of State of the State of Texas are hereby declared to be vacant.[’’]

Mr. T. J. Chambers offered the following amendment “and that the Lieut. Governor Edward Clark is therefore now the lawful Governor of this State.[’’]

Mr. Ireland offered the following as a substitute for the resolution, “Whereas Genl. Sam Houston, having failed to come forward and take the oath of office as prescribed by this Convention, therefore,

“Be it resolved that this Convention will proceed on Monday next at 12 o’clock, M, to administer the oath of office of governor to Hon. Edward Clark.”

On motion of Mr. Terry of Tarrant the resolution, amendment and substitute were referred to a select committee of “five,” Mr. Terry asking to be excused therefrom.

Messrs. Mason, Chilton, T. J. Chambers, Nelson and Devine were appointed the committee.

Mr. Chilton offered the following amendment which was referred to the same committee. Amend by adding “Provided the 12th Sec. of Art. 5 of the constitution of the State of Texas, be and the same remain in full force and effect so far as it may relate to the duties of lieut. governor.”

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

“Whereas the governor of this State and secretary of state have declined and refused to take the oath of office prescribed by an ordinance of this Convention, be it

“Resolved that a copy of this resolution, and the ordinance providing for the continuance of the State government be furnished by the Secretary of this Convention to the speaker of the house of representatives and president of the senate on the meeting of their respective bodies on the 18th inst.[’’]

Mr. Devine introduced an ordinance relating to the executive department. Read 1st and 2nd times, and referred to the same committee.

The Convention then proceeded to the consideration of the "Army ordinance."

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

Saturday, March 16, 1861. 3 o'clock, P. M.

The Convention met. Roll called. Quorum present.

By leave Mr. Mason, of the select committee appointed this morning, made the following report.

"The select committee to which were referred various resolutions and ordinances, with reference to the failure and refusal of certain officers of the State of Texas to take the oath of office prescribed by "An ordinance to continue the existing State government," adopted March 14th 1861, beg leave to report that they have duly considered the same, and beg leave to submit the accompanying ordinance, as a substitute therefor and respectfully ask its adoption.

"An ordinance in furtherance of an ordinance to provide for the continuance of the existing State government[']" Read 1st time.

Rule suspended, read 2nd time, and ordered to be engrossed.

Rule further suspended, read 3rd time and adopted by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, 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, Clopton, Coke, Cox, Dancy, Davenport, Davidson, Dean, Devine, Dunham, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Hardeman, Hays, Henry, Henderson, Hicks, Hill, Hobby, Holland, Hogg, Hooker, Howard, Hoyle, Hutchison, Hunt, Ireland, Jennings, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Mason, Maltby, McCraw, McCall, McIntosh, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson,

Todd, Waller, Walworth, Watkins, Warren, Wharton, Wier, Wilcox of Bexar, Wiley, Wilson of Tyler, and Word, 127.

Nays, Mesrs. Clark, Throckmorton, Wilcox of Denton and Wright, 4.

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

On motion of Mr. Ireland that motion was laid on the table.

The Convention then proceeded to the consideration of the special order, "The ordinance to provide for the military defence of the State."

The amendment offered by Mr. Hogg, to come in at the end of the 3rd section, was adopted by the following vote.

Yeas, Mesrs. President, Adams, Allen, Anderson of Colorado, Armstrong, Bagby, Beazley, Baxter, Box, Black, Blythe, Broaddus, Wm. Chambers, Chambers of Red River, Chilton, Chisum, Clark, Clayton, Coke, Cox, Dancy, Davenport, Davidson, Dean, Devine, Flournoy, Ford of Caldwell, Graham of Rusk, Hays, Henderson, Hicks, Hill, Hobby, Hogg, Hooker, Jennings, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Maltby, McCraw, McIntosh, Miller, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nash of Dallas, Neel, Newsom, Nicholson of Dallas, Nicholson of Fannin, Payne of Hopkins, Poag, Portis, Prendergast, Rhome, Robertson of Bell, Robertsen of Smith, Rogers of Marion, Ross, Rugeley, Russell, Runnels, Scarborough, Shuford, Scurry, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Taylor, Terry of Tarrant, Thompson, Throckmorton, Todd, Waller, Warren, Watkins, Wharton, Williams of Lamar, Wilson of Hunt, Wilson of Tyler and Wright, 89.

Nays, Mesrs. Brown, Campbell, T. J. Chambers, Cleveland, Hoyle, Lubbock, Mason, McCall, Montel, Montgomery, Nelson, Norris, Obenchain, Palmer, Preston, Robertson of Washington, Smith of Fannin, Walworth, Wier, Wilcox of Denton, and Wiley, 21.

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

On motion of Mr. Baxter that motion was laid on the table.

The 3rd section as amended was then adopted.

Mr. Allen moved to amend the 4th section by striking out the 4th, 5th and 6th lines. Lost.

The 4th section was then adopted.

Mr. Broaddus moved to amend the 5th section by striking out the words "this Convention" and inserting in lieu thereof "by the members of each company." Laid on the table.

On motion of Mr. Robertson of Smith the 5th section was amended by adding, "And said officers so elected shall be the enlisting officers for said regiments of artillery and infantry and shall proceed immediately after their election to enlist men for this service."

The 5th section as amended was then adopted.

On motion of Mr. Scurry the 6th section was amended by striking out the word "United" before the word "States" wherever it occurs in the ordinance and inserting in lieu thereof the word "Confederate."

The 6th section as amended was then adopted.

On motion of Mr. Dancy the 7th section was amended by striking out the words "with the rank of major" after the words "quarter-master general," "commissary general" and "surgeon general," and by inserting the word "each" after "paymaster general" in the 4th line.

On motion of Mr. Wilcox of Bexar the 7th section was further amended by striking out in the 11th line the words "President of this Convention" and inserting in lieu thereof "Governor of this State"

The 7th section, as amended, was then adopted.

On motion of Mr. Jennings the 8th section was amended by striking out the word "enlisting" before the word "officer" and inserting in lieu thereof the words "enrolling and mustering."

On motion of Mr. Cleveland the section was further amended by striking out, in the 1st line, the words "elected by this Convention" and inserting in lieu thereof the words "appointed by Edward Clark, Governor of the State"

Mr. Terry of Tarrant moved to amend the section so as to make it read "two enrolling and mustering officers for each regiment"

On motion of Mr. Jennings laid on the table.

The 8th section was then adopted.

On motion of Mr. Todd of Caldwell the Convention adjourned until 8 o'clock, to night.

Saturday, March 16th 1861, 8 o'clock, P. M.

The Convention met. Roll called. Quorum present.

The ordinance to provide for the military defence of the State, being under consideration when the Convention adjourned, was taken up, the question being upon the adoption of the 9th section.

The 9th section was adopted.

The 10th section was adopted.

On motion of Mr. Brown the 11th section was amended by striking out in the 2nd line the words "such oath or affirmation as may be" and inserting in lieu thereof "the oath or affirmation"

On motion of Mr. Lea the 11th section was amended by adding "But this requirement shall cease upon the adoption and acceptance of said force by the government of the Confederate States of America."

The 11th section was then adopted.

The 12th section was then adopted.

Mr. Payne of Hopkins moved to amend the 13th section by inserting after the word "wherever" in the 6th line the words "and whenever," and by adding at the end to the section the following: "That fact to be determined by the president or other constituted authority of the Confederate States of America."

Mr. Wiley moved to strike out the whole section.

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

Mr. Kelly offered, as a substitute for the amendment, to amend by striking out all after the word "frontier" in the 5th line.

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

Mr. Jones moved to lay the amendment offered by Mr. Payne on the table. Lost.

The amendment of Mr. Payne was then adopted.

Mr. Stewart of Gonzales offered the following amendment

"The military corps of engineers and the regiments of artillery and infantry provided for in this ordinance shall not be organized or raised or enrolled until after the assent of the Confederate States of America shall have been obtained, and for that purpose the President of this Convention is hereby authorized to employ a bearer of despatches to the government of the Confederate States of America and return the answer thereto."

On motion of Mr. Robertson of Smith, laid on the table.

The 13th section was then adopted.

Mr. Hall moved to amend the 14th section by adding at the end thereof: "Provided that the regiments of artillery and infantry provided for in this ordinance shall in no case be called into active service unless authorized by the proper authorities of the Confederate States."

Mr. T. J. Chambers moved to amend the amendment by inserting after the word "infantry" the words "and corps of engineers"

Mr. Wm. Chambers moved to lay the amendment and the amendment to the amendment on the table.

Mr. Henderson called for a division of the question, and the amendment offered by Mr. T. J. Chambers was laid on the table.

The amendment offered by Mr. Hall was laid upon the table by the following vote.

Yeas, Messrs. Adams, Anderson of Colorado, Bagby, Beazley, Box, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chilton, Clayton, Cleveland, Coke, Cox, Davidson, Devine, Earley, Flournoy, Ford of Caldwell, Hardeman, Hays, Hill, Holland, Hobby, Hogg, Hooker, Howard, Hoyle, Hunt, Ireland, Jones, Koe ter, Lea, Lubbock, Mason, Maltby, McCall, McCraw, Montgomery.

Montel, Moss, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson, of Dallas, Nicholson of Fannin, Norris, Portis, Preston, Rainey, Rhome, Robertson of Smith, Robertson of Washington, Rogers of Marion, Ross, Russell, Scarborough, Shuford, Scurry, Shepard, Smith of Bexar, Stapp, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, and Wilson of Tyler, 76.

Nays, Mesrs. Armstrong, Askew, Baxter, Black, Blythe, Broaddus, Chisum, Clopton, Dancy, Davenport, Dean, Dunham, Fall, Feeney, Gould, Graham of Rusk, Hall, Henderson, Henry, Hicks, Hutcheson, Kelly, Lester, Locke, McIntosh, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nash of Dallas, Newsome, Palmer, Payne of Hopkins, Prendergast, Runnels, Scott, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Thompson, Waller, Warren, Wiley and Word, 44.

The 14th section was then adopted.

Mr. Shepard moved to amend by adding the following.

“Sec. 15. This ordinance shall be subject to amendment or repeal by the legislature of the State, unless the force raised under it shall be received into the service of the Confederate States of America.[’]”

On motion of Mr. Terry of Tarrant laid on the table by the following vote.

Yeas, Mesrs. Adams, Allen, Anderson of Colorado, Armstrong, Askew, Box, Black, Blythe, Brahan, Brown, Campbell, Wm. Chambers, T. J. Chambers, Chilton, Clayton, Chisum, Cleveland, Coke, Cox, Davenport, Davidson, Devine, Earley, Ford of Caldwell, Graham of Rusk, Hays, Hill, Hobby, Hogg, Hooker, Howard, Hoyle, Hunt, Jones, Kelly, Koester, Lea, Lubbock, Mason, Maltby, McCall, McCraw, Moore of Burnet, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson of Dallas, Norris, Portis, Preston, Rainey, Rhome, Robertson of Smith, Rogers of Marion, Scarborough, Shuford, Scurry, Smith of Bexar, Stapp, Stockdale, Taylor, Terry of Tarrant, Throckmorton, Walworth, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, and Wilson of Tyler, 76.

Nays, Mesrs. Bagby, Baxter, Beazley, Broaddus, Chambers of Red River, Chambers of Titus, Dancy, Dean, Dunham, Fall, Feeney, Gould, Green, Hall, Hays, Henderson, Henry, Hill, Hutcheson, Ireland, Lester, Locke, McIntosh, Montgomery, Moore of Fayette, Moore of Henderson, Newsome, Nicholson of Fannin, Palmer, Payne of Hopkins, Prendergast, Robertson of Washington, Runnels, Russell, Scott, Shepard, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Gonzales, Thompson, Waller, Warren, Wiley, Wilson of Hunt, and Word, 46.

Mr. Stewart of Gonzales moved to amend by adding the following.

"Sec. 15. Be it further ordained that the President of this Convention shall forthwith transmit by a special messenger a copy of this ordinance to the government of the Confederate States of America for its approval and acceptance, and request said government, after making such changes in said military force and organization as it may deem proper, to notify this State of such changes and modifications as soon as practicable, and after said notification to this State, the Hon. Edward Clark, Lieut. Governor, shall immediately cause such notifications and changes to be made."

Mr. Anderson of Colorado moved to strike out the word "lieutenant" before the word "governor."

Mr. Terry of Tarrant moved to lay the amendment and the amendment thereto on the table.

On motion of Mr. Henderson a division of the question was ordered, and the Convention refused to lay either on the table.

The amendment offered by Mr. Anderson was then adopted.

On motion of Mr. Robertson of Washington the amendment was further amended by striking out all after the word "acceptance"

Mr. Portis moved to amend further by striking out all after the words "Confederate States of America." Lost.

On motion of Mr. Throckmorton the amendment was further amended by striking out "a special messenger."

The amendment as amended was then adopted as the 15th section of the ordinance

Mr. Gould moved to amend by adding the following as,

"Sec. 16. Be it further ordained that one of the mounted regiments, the artillery regiment, and corps of engineers, shall not be organized or called into service until they are required under the authority of the Confederate States; unless needed for the defence of the State of which the legislature, or if they be not in session, the governor shall judge."

On motion of Mr. Throckmorton laid on the table.

The Convention having concluded the consideration of the ordinance by sections, Mr. Cleveland moved to amend the 5th section by striking out in the 2nd line the words "elected by this Convention" and inserting in lieu thereof the words "appointed by Edward Clark, Governor of the State," and also by striking out all after the word "2nd lieutenant" down to and including the words, "military force." Adopted.

On motion of Mr. Wharton the Convention adjourned until Monday morning at 10 o'clock.