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City of Austin Texas, Monday, March 18, 1861.

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

The Journal of Saturday was read and adopted.

Mr. Throckmorton presented the credentials of S. P. Beebe, delegate elect from the county of Denton and others. Referred to the committee on Credentials and the Secretary ordered to enroll his name.

The President submitted a communication from E. B. Nichols, informing the Convention of the evacuation of the posts upon the lower Río Grande by the United States troops.

Galveston March 15th 1861<sup>72</sup>

Hon O. M. Roberts

Pres[ident] Texas Convention

Sir

We arrived at this place this morning, with a portion of the Troops after having made a satisfactory and peaceable arrangement of the object of our mission. The Str. Genl Rusk returns to the Brazos to convey Four hundred of the U. S. Troops to Florida, from thence to be shipped north. Will communicate farther to-morrow by mail, not having the time this morning being so busily engaged getting the Volunteers off.

Respectfully

E B Nichols

Mr. Robertson of Smith, chairman of the committee of Public Safety, made a report.<sup>73</sup>

The communication and report were laid on the table for the present.

The President submitted the following communication for the information of the Convention.

Montgomery Alabama, March 9th 1861.

To Hon. O. M. Roberts

President of the Convention, Austin, Texas.

The permanent constitution is completed and will be forwarded to your convention early in the week.

Howell Cobb

President of Congress.

<sup>72</sup>A. L. S. in Miscellaneous Papers of the Secession Convention.

<sup>73</sup>Perhaps Report No. 3 of the Committee on Public Safety, printed in the Appendix, page 316.

Mr. Scott, chairman of the committee on Credentials, made the following report.

The committee on Credentials to whom was referred the certificate of election of George Mason of Galveston Co., J. L. Holland of Jasper Co., and Samuel A. Wilson of Tyler county, have had the same under consideration, and find the same regular and correct, and recommend that the above named gentlemen be entitled to the privileges of members of this Convention.

Mr. Robertson of Smith, chairman of the committee of Public Safety, made a report.

The President submitted the following communication from Adjutant General Sackfield Maclin.

Head Quarters, San Antonio Texas,  
March 16, 1861.

To the President of the Convention.

Sir,

Enclosed please find a letter addressed to the Commissioners upon the subject of Indian depredations. Such letters are daily reaching these Head Quarters. On Thursday last, I ordered one company of men to the Northwest where the Indians were committing depredations. I shall be compelled to order forty men to day in a different direction, as it is beyond question, that the Indians are committing depredations within thirty five miles of this place. The powers given to me by the Convention for the suppression of Indian hostilities are of course limited, but I will give them a liberal construction for the protection of the citizens, until the Convention shall have time to act.

I have the honor to be, Sir,

Sackfield Maclin.  
Adj. Gen. State of Texas

Laredo Texas March 8 1861<sup>74</sup>

Judge Devine

Com[missione]r etc

Dear Sir

You have doubtless received a communication from Chas Callaghan, R. Martin and myself ere this relative to the exposed condition of this frontier. When writing we were entirely ignorant of the fact yet there were at the lowest possible estimate forty Comanches depredating upon our neighbors within fifty miles of the town. Here I give you a list of ruthless outrages committed so far as known with any degree of certainty, to wit.

<sup>74</sup>A. L. S. transmitted by Sackfield Maclin in above letter. (In *Miscellaneous Papers of the Secession Convention.*)

A party of Indians (at that time and place thought to be sixty strong) attacked the settlements on the rio Frio about the 1st Inst and killed an old man and young man and scalped a young girl about fourteen after having given her a very great number of wounds with their lances and left her for dead. She was not dead when I heard from the Frio last. They then passed down and crossed the Nueces River and at a water hole called "El Gato" they came upon six Mexicans who were going to San Antonio with a caballado of fifty horse. Of these they killed one and wounded one, and took all their horses. They then hurried on (having fresh horses) to Los Ojuelos and from there they went to Aberca in Sapata co. where they killed a Mexican boy, and from there to "Las Animas" where they killed a man (Mexican) thence to "San Antonio viejo" where they killed another man (Mexican) then they went to "Las Ascovas" near Rio Grande City, where rumor says they killed sixteen Mexicans and an American family. Previous to arriving there they had taken two Mexican boys prisoners, who (having been retaken) say that while they were with them, that they came upon four Mexicans a pretty woman and two little children in the road in a buggy and that they killed all the party. They killed the little children by forcing mescal down their throats (of course strangled them) At those lower ranchos they took many horses. A small party from this place went out after them under the command of Don Santos Benavides (our mutual friend Chas Callaghan was in the company) and overtook them yesterd[ay] about twenty miles above Los Ojuelos I suppose in Encinal co. when they had a running fight for two or three miles. Our men killed three Indians (whose scalps they bring to town) and retook the two boys prisoners and nearly all the horses (about one hundred and thirty as near as I can ascertain)

The alarm that this terrible masacre has occasioned is incredible and I assure you if we are to be left at the mercy of these chaps we are lost sure. Nearly or quite all the rancheros this side of the Nueces river have moved into Town, and no one can tell when they will have courage to venture out again. Indians have been seen in two or three small parties both above town and out on the San Antonio road during the time that this large body was below.

The party that our men fought was thirty eight strong. Several were supposed to have been wounded, but the party do not count those that they did not get.

I hope in all conscience Judge you will endeavor to do something for this part of the country. I know not by what means but they seem to understand that the troops are rapidly moving from these

posts. And nothing can surprise me as to what they will dare to do for I assured you they have no fear of the Mexicans.

I am very respectfully

John C Ewins

P. S.

The Troops leave on Monday next. It is not known for certain that the Indians that went down on this side of the Nueces are the same that were on the Frio. Many persons think they were different parties. These crossed the San Antonio road at "Tancacias" and those from the Frio are said to have passed down by the Souse on the N. E. of the Nueces river. Up to date we have heard nothing from the east side of the Nueces river etc.

Mr. Hays offered the following resolution which on motion of Mr. Brown was referred to the committee on Constitution

"Whereas the enlargement of the powers of the federal judiciary of the late United States, so as to embrace matters purely local and properly within the cognizance of the State tribunals, was a gross abuse of the federal system,

"Resolved therefore that it is the sense of this Convention that the jurisdiction of the federal courts of the Confederate States shall be so defined and restricted by law as to avoid a repetition of such abuses; and more especially that the admiralty powers of said courts should be limited to cases arising below tide water; that in other cases the citizens of the respective States should not be subjected to suit in said courts, unless when the Confederate States or one of the States composing the same shall be a party; and that said courts should not be permitted to exercise appellate jurisdiction over the State courts in any case whatever.['']

Mr. Chisum introduced an ordinance to amend the 34th Section of the 7th Article (General provisions) of the constitution of the State of Texas. Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Chambers of Red River offered the following resolution

"Resolved that when this Convention adjourns on Tuesday the 19th inst, that it will adjourn *sine die*.

On motion of Mr. Montgomery laid on the table.

Mr. Montgomery offered the following resolution which was adopted.

"Resolved that a committee of three be appointed by the President to confer with a like committee on the part of the House of Representatives of the Texas Legislature to arrange at what hours it will suit the convenience of said House of Representatives to allow the use of their hall for the sitting of this Convention.['']

The President appointed Messrs. Montgomery, Nelson and Smith of Fannin as the committee.

Mr. Kelly introduced an ordinance calling a convention to alter or amend the constitution of the State of Texas. Read 1st and 2nd times and referred to the committee on Constitution

Mr. Chilton introduced an ordinance to repeal the 27th Section of the 3rd Article of the constitution. Read 1st and 2nd times and referred to the committee on the Constitution.

Mr. Kelly offered the following resolution.

“Resolved that this Convention adjourn *sine die* on Friday the 22nd inst, at 10 o'clock, P. M. of said day. [”]

Mr. Chilton moved that it be referred to the committee on Business. Lost.

On motion of Mr. Terry of Tarrant the resolution was laid on the table.

#### Orders of the Day.

The ordinance to provide for the military defence of the State, being under consideration on Saturday last when the Convention adjourned, was taken up and read.

Mr. Norris offered a substitute for the ordinance.

Mr. T. J. Chambers offered the following amendment as a substitute for the substitute offered by Mr. Norris.

“Sec. 15. Be it further ordained that the regiments of infantry and artillery and the corps of engineers, herein provided for, shall not be called into active service or entitled to pay until they are accepted as a part of the military establishment of the Confederate States of America, or in case of emergency they may be called out partly or wholly by the governor of the State, and this ordinance shall be immediately communicated to the president of the Confederate States, and for that purpose a commissioner shall be elected by this Convention to bear to him the same, and to concert measures with the said president for the complete military defense of this State and to agree upon such modifications of this ordinance as may be deemed necessary and proper, provided that the two regiments of mounted men shall not be diminished or withdrawn from the frontier whilst an enemy remains to infest or menace it.” Adopted.

Mr. Gray moved that the ordinance be referred to the committee on the Constitution, with instructions to report such amendments to the same as may be deemed necessary to give full power to and make it the duty of the legislature to provide for the protection of the frontier. Lost.

On motion of Mr. Nelson the Convention adjourned until half past seven o'clock, P. M.

Monday, March 18, 1861. 7 ½ o'clock, P. M.

The Convention met. Roll called. Quorum present.

By leave Mr. Montgomery made the following report.

"The select committee appointed to confer with the committee of the House of Representatives with reference to the use of the hall of the House by this Convention beg leave to report, that they have discharged the duty imposed upon them, have conferred with the committee of the House, and that the Hall is tendered by the House of Representatives to the use of the Convention from and after the hour of 2 o'clock, P. M., of each day."

On motion of Mr. Locke the rule was suspended, report taken up, read and adopted, and the committee discharged.

The Convention then proceeded to the consideration of the special order: The question being upon the adoption of the substitute for the 15th section offered by Mr. T. J. Chambers.

On motion of Mr. T. J. Chambers the amendment was amended by adding "And provided further that the regiment of mounted men to be raised by the recruiting officer, sent by the government of said Confederate States and now here, shall be considered as one of the regiments of mounted men contemplated by this ordinance"

The amendment as amended was then adopted.

On motion of Mr. Montgomery the section was amended by striking out all between the words "Confederate States" and the word "provided."

Mr. Stapp offered "an ordinance for the protection of a [the] frontier" as a substitute for the entire ordinance

On motion of Mr. Howard laid on the table.

Mr. Norris offered a substitute for the ordinance, entitled "An ordinance to provide in part for the military defence of the State."

Mr. Moore of Fayette offered the following amendment as an additional section.

"Sec. 11. That this ordinance shall be and remain in full force and effect until otherwise provided by act of the legislature of Texas or by act of the congress of the Confederate States." Adopted.

The substitute was then adopted by the following vote.

Yeas, Messrs. President, Allen, Anderson of Colorado, Armstrong, Batte, Beazley, Black, Brahan, Broaddus, Brown, Campbell, Wm. Chambers, Chambers of Red River, Chambers of Titus, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Cook, Cox, Dancy, Davidson, Dean, Dunham, Feeney, Ford of Caldwell, Ganahl, Gould, Graham of Rusk, Gray, Green, Hall, Hardeman, Hays, Henderson, Henry, Hill, Holland, Hooker, Hoyle, Hutcheson, Ireland, Johnson of Lamar, Jones, Kelly, Koester, Lesueur, Lea, Lester, Locke, Lubbock, Mason, McCall, McCraw, McIntosh, Montgomery, Moore of Burnet, Moore of

Fayette, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Newsome, Nicholson of Dallas, Norris, Obenchain, Palmer, Payne of Hopkins, Poag, Portis, Prendergast, Preston, Rainey, Robertson of Smith, Robertson of Washington, Ross, Rugeley, Runnels, Russell, Scarborough, Scott, Scurry, Shepard, Smith of Fannin, Stapp, Stell, Stewart of Anderson, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wilcox of Bexar, Wilcox of Denton, Wiley, Wilson of Hunt, Wilson of Tyler and Word, 108.

Nays, Mesrs. Adams, Baxter, Box, Blythe, T. J. Chambers, Chilton, Davenport, Devine, Earley, Hicks, Hobby, Hogg, Jennings, Maltby, Moore of Henderson, Nicholson of Fannin, Rhome, Rogers of Marion, Shuford, Smith of Bexar, Throckmorton, Todd and Wright, 23.

Mr. Throckmorton moved to amend by adding the additional section.

“That for the subsistence of the mounted regiment herein provided for, it is made the duty of the governor of the State to immediately advertise for sealed proposals to furnish such rations and other requisites as to make the service of said mounted regiment effective. That the proposals for furnishing the subsistence and other requisites shall not be for a less time than three months, and shall be let to the lowest and best bidder. That for the purpose of carrying out the provisions of this ordinance the sum of fifty thousand dollars of the five per cent. United States bonds now in the treasury be appropriated, or so much thereof as may be necessary; and it is made the duty of the governor to cause to be issued State bonds bearing six per cent. interest to take the place of the United States bonds so used.”

Mr. Jennings moved the previous question. Carried and the ordinance was ordered to be engrossed.

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

Mr. Henderson moved a reconsideration of the vote just taken

Mr. Ireland moved to lay motion on the table. Carried.

On motion of Mr. Campbell the ordinances reported from the Finance committee on the 14th inst. were taken up and made the special order for tomorrow at 3 o'clock, P. M.

Mr. Stapp offered the following resolution.

“Resolved that there shall be printed for the use of and distribution by the delegates of this Convention 1000 copies of the ordinance adopted by the Convention on the 16th inst. declaring the office of governor and secretary of state vacant.”

On motion of Mr. Dancy the resolution was laid on the table

On motion of Mr. Henderson the Convention adjourned until tomorrow at 2 o'clock, P. M.