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City of Austin Texas, Wednesday March 20th/61.

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. Brown, Mr. Robertson of Bell was excused from attendance upon the Convention on account of sickness.

The President submitted the following communication from the Hon. Geo. Williamson of Louisiana.

New Orleans, La., March 13 1861.

Hon. O. M. Roberts

President of the Texas Convention.

Dear Sir,

I congratulate you personally and officially on the triumphant result of the vote upon the ordinance of secession.

On the 16th ultimo, while in your State, I was requested by the Committee of Public Safety to use my "individual efforts" to procure arms for the State of Texas and also to procure the two pieces of ordnance used at the battle of San Jacinto, known as the "Twin Sisters." I have the pleasure to state that I heartily cooperated with your commissioner, the Hon. J. H. Rogers, in getting such arms as he thought desirable, after the announcement of the news of the surrender of the Military Department of Texas

Immediately on my return I repaired to the State Capital, and after considerable inquiry found that the "Twin Sisters" had been sold several years ago to a foundry in Baton Rouge as *old iron*. Upon applying at the foundry I found one of the guns in a very neglected condition; and ascertained the other was in the possession of a gentleman living in the Parish of Iberville. Having learned these facts, I addressed a letter to the Legislature, recommending that the guns be purchased by the State of Louisiana, put in good order, be well mounted, and presented to the State of Texas.

I am happy to inform you our patriotic and courteous Legislators acted promptly upon the suggestion I had the honor to make; and (as you will perceive from the enclosed letter) the guns will be ready for shipment to Texas in ten or fifteen days. I acknowledge with much pleasure my obligations to the Hon. H. W. Allen of our Legislature for his courteous assistance in placing the suggestion before the honorable body of which he was a member. I trust the guns will soon be again upon the soil they so nobly assisted in rescuing from Mexican tyranny and will be hailed with increased delight because of their auspicious appearance at a time when Texans may again be called to their arms to maintain their rights and free institutions.

I beg leave also to state that while at Baton Rouge, I took occasion

to press upon the consideration of the chairman of the internal improvement committee, (the Hon. N. D. Coleman,) the importance of the joint resolution of your General Assembly with reference to the extension of the Opelousas Rail Road. That honorable gentleman who is always a friend of an enlightened and liberal policy towards public works has made an elaborate report on the subject, a copy of which I hope to be able to send you in a few days. The completion of the road is so important, in a military and commercial point of view, under the new condition of the Gulf States, that I trust the Convention of Louisiana will remove any constitutional restrictions to granting it State aid.

I have thought it my duty to apprise you of the above facts. It is no small gratification to me to know that so far as I have been able my pledges to yourself and the Committee of Public Safety have been redeemed.

With assurances of my profound respect I have the honor to be

Your obdt. svt.

Geo. Williamson.

House of Representatives

Baton Rouge, La. March 7th 1861.

Hon. Geo. Williamson

My Dear Sir

Your letter in relation to the ordnance "Twin Sisters," used at the battle of San Jacinto by the Texans with terrible effect, has been by me presented to the Hon. the Legislature of the State. Action was immediately taken on your letter, a committee appointed to procure the guns, mount the same in a handsome manner, with all the appurtenances for actual service. The sum of seven hundred dollars is appropriated to carry out the above and the committee will have the pleasure of forwarding the guns in good order in ten or fifteen days. Allow me Sir to compliment you upon the result of your good offices in behalf of our gallant sister State and ever believe me

Very truly your friend and obdt. svt.

H. W. Allen.

The President submitted the following communication from our delegates in the congress of the Confederate States.

Montgomery 13th March 1861.

To Hon. O. M. Roberts

President of the Convention of the People of Texas.

Sir

The Texas delegation knowing the uncertainty of the mails have

procured the adoption of a resolution by congress to forward by special messenger an authenticated copy of the constitution of the Confederate States. We herewith transmit the same as furnished us by the president of the convention. We flatter ourselves that the constitution will prove acceptable. The convention have as will be seen adopted in the main the old constitution, making such amendments as give it the interpretation claimed by the South, and a few additions which we consider decided improvements such as the power of impeachment, the origination of appropriations. You will also see the insertion of two extracts from our own constitution, viz: the clause prohibiting extra pay to contractors, and a provision requiring that a law shall have but one caption. When it is recollected that the Wilmost Proviso was smuggled into an appropriation bill, its importance will be at once recognized. The constitution has been submitted to the Alabama convention now in session and we are assured will be ratified on tomorrow. No doubt is entertained by the delegates from the several States of its immediate ratification by the conventions now in session and to assemble.

It being considered by this government necessary to send a commissioner to the convention in Arkansas, our colleague and fellow citizen the Hon. W. S. Oldham was nominated to the highly responsible position. He accepted under the advice and solicitation of such of our delegation as were here.

It is with the most sincere gratification that we can assure you that the prospects of the government are of the brightest and most auspicious character.

We take occasion to tender to you individually and to the members of the Convention over whom you preside our highest regards.

We are very respectfully,

Thomas N. Waul,  
John Hemphill,  
John Gregg,  
W. B. Ochiltree,  
John H. Reagan.

The President submitted the following communications.

Austin March 20th 1861

Hon. O. M. Roberts

President of the Convention of the State of Texas.

Sir

I herewith deliver to you a copy of a communication to me by the

Hon. Howell Cobb, president of the congress of the Confederate States of America, together with the enclosed communication from the Hon. Howell Cobb to you. Also a communication from the delegates of Texas in the congress of the Confederate States of America.

Your obdt. servt.

S. A. Lockridge.

Montgomery 12 March 1861

Sir

By authority of the congress I have appointed you to carry to the president of the State convention of Texas a communication containing a certified copy of the constitution of the Confederate States of America.

Respectfully,

Howell Cobb

To Col S A Lockridge of Texas

Convention of the Confederate States of America.

Montgomery, Alabama, March 12th, 1861.

Hon. O. M. Roberts,

Austin Texas

Sir

I herewith transmit to you a certified copy of the constitution of the Confederate States of America, as it was finally adopted by the unanimous vote of the convention, to be placed before the State convention over which you preside, for its approval and ratification.

It will be seen that the convention here have conformed to the general wish of the people of these States, in adopting a constitution upon the general principles of the constitution of the United States. The departures from the provisions of that instrument have been suggested by the experience of the past and are intended to guard against the evils and dangers which led to a dissolution of the late Union. This constitution is now submitted, with confidence, to the State conventions for their action.

Respectfully

Howell Cobb

President of Convention C. S. A.

[The "Constitution of the Provisional Government of the Confederate States of America" and the "Constitution of the Confederate States of America," recorded on pages 168-189 of the MS. Journal of the Secession Convention and which would, if copied, appear at

this point, have been omitted since they are readily accessible in print elsewhere. See, *Statutes at Large of the Provisional Government of the Confederate States of America*, 1-22; Gammel, *Laws of Texas*, IV, 1539-1555, and V, 31-40.]

On motion of Mr. Wiley 200 copies of the constitution of the Confederate States were ordered to be printed.

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

The committee on the Constitution have instructed me to report the accompanying ordinance, which in their opinion embraces all the amendments to our State constitution which are necessary and proper to be made.

The committee have deemed it inexpedient to make any change in the State constitution, except to adapt it to the fact of our separation from the late "United States" and our confederation with the "Confederate States of America" and provide safety and security to the State and the people thereof. The committee are satisfied that there are many grave defects in our present State constitution which they do not seek to remedy directly by the accompanying ordinance, and to cure which, they do not think, comes necessarily within the scope of their duties.

They have however suggested an amendment to the 37th Sec. of the General Provisions, Art. 7 of the State constitution, which it is believed will accomplish a speedy revision or amendment of that instrument, should the people desire that it should be revised or in any particulars amended.

The committee have also suggested the correction of an inaccurate expression in the 25th Section of the 3rd Article of the constitution.

All of which is respectfully submitted.

"An ordinance amending the constitution of the State of Texas, so as to adapt the same to the present political condition and relations of said State[?]" Read 1st time.

On motion of Mr. Cox 200 copies of the report and ordinance were ordered to be printed.

Mr. Locke, chairman of the committee on Engrossments, reported as correctly engrossed—

"An ordinance relating to the expenses, debts and liabilities of the Convention.[?]"

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

The committee on Credentials to whom were referred the certificates of election of S. P. Beebe of Denton county; Jno. R. Henry, of Limestone county; and Jas. M. Harrison, of Van Zandt county have considered the same and are of the opinion that the above named gentlemen have been duly elected in their respective districts, and that they are entitled to membership in this Convention: all of which is respectfully submitted.

Mr. Graham of Rusk introduced an ordinance to confer jurisdiction over the forts, navy yards, arsenals and light houses in the State of Texas upon the Confederate States of America. Read 1st time.

An Ordinance to confer jurisdiction over the forts, navy yards, arsenals and light houses in the State of Texas upon the Confederate States of America.<sup>76</sup>

Sec 1 Be it ordained by the people of the State of Texas, in Convention assembled, That the provisional government of the Confederate States is hereby authorized to use, occupy and hold possession of all Forts, Navy Yards, Arsenals and Light houses and their appurtenances in this State, and shall repair and rebuild said Forts, Navy Yards, Arsenals, and light houses at its discretion, until this ordinance is repealed by a Convention of the people of this State.

Graham of Rusk

On motion of Mr. Graham the rule was suspended and the ordinance read a 2nd time.

Mr. Robertson of Washington moved to refer the ordinance to the committee on Constitution.

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

On motion of Mr. Ireland the ordinance was amended by striking out the word "provisional."

On motion of Mr. Lea the ordinance was amended by striking out the following: "at its discretion until this ordinance is repealed by a convention of the people of this State," and inserting in lieu thereof the following: "While this State shall continue a member of said confederacy."

The ordinance was then ordered to be engrossed.

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

<sup>76</sup>A. D. in Miscellaneous Papers of the Secession Convention.

Mr. Robertson of Washington offered the following resolution which was adopted.

“Resolved that the officers having charge of arms, ordnance stores, quartermaster’s and commissary’s stores at the various posts recently surrendered to the State of Texas by the stipulations with Gen. Twiggs be authorized and required to furnish such articles and stores in their several departments as may be required by the two regiments of mounted men, ordered into the field, the one by the president of the Confederate States, the other by this Convention, upon the requisition of the proper officers of said forces.”

Mr. Wm. Chambers offered the following resolution.

“Resolved that it is the sense of this Convention that the permanent constitution adopted by the congress of the Confederate States should, if approved on examination, be ratified by this Convention.”

Mr. Gould offered as a substitute:

“An ordinance to empower the legislature to submit the permanent constitution of the Confederate States of America to the people.” Read 1st time.

Rule suspended, read 2nd time and on motion of Mr. Montgomery both resolution and ordinance were referred to the committee on Federal Relations

Mr. Mason introduced an ordinance for the more complete protection of the State of Texas. Read 1st time.

On motion of Mr. Dancy the Convention adjourned until 7 ½ o’clock, P. M.

Wednesday, March 20th/61. 7 ½ o’clock, P. M.

The Convention met. Roll called. Quorum present.

On motion of Mr. Stell leave of absence was granted to Mr. Gould, delegate from the counties of Leon and Madison, from and after to day.

#### Orders of the Day.

The ordinance to raise money to defray the extraordinary expenses arising from the condition of public affairs, and to pay the expenses of the Convention was taken up and read.

On motion of Mr. Stell the 1st section was amended by striking out the word “five” in the 1st line and inserting in lieu thereof the word “one” [and] by striking out all after the word “same” in the 3rd line and inserting in lieu thereof the following: “to be sold by the comptroller at the current value and the proceeds to be applied to the pressing wants of this Convention.”



On motion of Mr. Campbell the ordinance was amended by striking out the 2nd and 3rd sections.

On motion of Mr. Stell the 4th section was amended by striking out in the 2nd and 3rd lines the words "five" and inserting in lieu thereof the word "one" and by striking out all after the word "be-half" in the 7th line and inserting in lieu thereof the following: "and that the governor shall cause to be prepared State bonds to the amount of \$400,000.00 in sums of \$1000.00 each with coupons attached, embracing the several payments of interest thereon at the rate of 10 pr. ct. payable semi-annually, the principal of said bonds to be made payable at the Citizens Bank of New Orleans on the 1st day of July, A. D. 1871, and in the body of said bonds shall be inserted a brief statement of the fund specified in this ordinance for the payment of the principal and interests of said bonds."

On motion of Mr. Dancy the ordinance was amended by striking out "ten" and inserting in lieu thereof "eight" before the words *per centum*.

On motion of Mr. Dancy the 5th section was stricken out.

On motion of Mr. Stell the 6th section was amended by inserting after the word "principal" in the eighth line, the words "and interest."

On motion of Mr. Brahan the 7th section was amended by striking out the words "on undoubted security" in the 3rd line and inserting in lieu thereof the following: "upon personal security together with a mortgage on either personal property in slaves or real estate; provided that three times the value be taken for each dollar loaned."

On motion of Mr. Stell the 8th section was stricken out.

On motion of Mr. Gray the 9th section was stricken out"

On motion of Mr. Campbell the 13th section was amended by inserting after the word "purchasers" the word "at or above said minimum."

On motion of Mr. Portis the 14th section was amended by striking out, in the 2nd line, the words "as far as practicable."

On motion of Mr. Throckmorton the 14th section was further amended by adding thereto the following: "And any lands so forfeited shall be resold under the direction of the comptroller and treasurer."

On motion of Mr. Ford of Caldwell the 11th section was amended by inserting before the word "comptroller" in the 1st line, the word "governor."

Mr. Ford of Caldwell offered the following amendment as a substitute for the 15th section:

"Some MS. memoranda of the Secretary of the Convention show that section 10 was struck out on motion of Mr. Stell. (Miscellaneous Papers of the Secession Convention.)

“That the section of this ordinance creating a sinking fund of the University securities and lands, or their proceeds, shall after it accomplishes the purposes of this ordinance constitute a part of the University fund.”

Mr. Throckmorton offered the following amendment to section 6

“Provided that the provisions of this ordinance shall not interfere with the provisions of an act of the legislature approved on the day of \_\_\_\_\_, A. D. 1861, which makes the 10 pr. ct. treasury warrants issued on account of the debt incurred for frontier defence receivable in payment for the University lands heretofore sold.”

Mr. Chilton moved the indefinite postponement of the ordinance and amendments.

On motion of Mr. Jennings the ordinance and amendments were laid upon the table by the following vote.

Yeas, Mesrs. President, Allen, Armstrong, Beazley, Beebe, Black, Broaddus, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chisum, Clark, Clayton, Cleveland, Clopton, Coke, Davenport, Dunham, Edwards, Feeney, Ford of Caldwell, Gould, Green, Harrison, Hays, Henry, Hicks, Hogg, Holland, Hooker, Howard, Hunt, Ireland, Jennings, Johnson of Lamar, Jones, Kelly, Lea, Lester, Locke, Mason, McCall, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Moore of Henderson, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Palmer, Payne of Hopkins, Portis, Prendergast, Preston, Rhome, Robertson of Washington, Ross, Russell, Shuford, Shepard, Warren, Watkins, Wier, Wiley, Wilson of Tyler and Word, 73.

Nays, Mesrs. Adams, Anderson of Colorado, Bagby, Baxter, Batte, Brahan, Campbell, Cox, Dancy, Davidson, Dean, Earley, Ganahl, Gray, Hall, Hoyle, Koester, Lubbock, Maltby, McCraw, Poag, Rainey, Robertson of Smith, Rogers of Marion, Runnels, Scott, Scurry, Smith of Fannin, Stewart of Anderson, Terry of Tarrant, Thompson, Throckmorton, Waller, Wharton, Wilcox of Denton and Wilson of Hunt, 38.

The Convention then proceeded to the consideration of the “ordinance to repeal in part the 2nd Sec. Article 10 of the constitution, and for other purposes.”

Mr. Stell moved to amend section 2nd by inserting at the commencement thereof the following: “That one *per centum* of the annual aggregate tax of this State shall be set apart and appropriated to the common school fund, and the whole amount shall be disbursed annually including the fiscal year 1871 to the common schools according to law; and.” Carried.

On motion of Mr. Stell the ordinance was amended by striking out

the 3rd and 4th sections.

Mr. Broaddus moved to lay the ordinance on the table. Lost by the following vote.

Yeas, Mesrs. President, Adams, Allen, Beebe, Broaddus, T. J. Chambers, Chambers of Titus, Chisum, Coke, Daney, Davenport, Dunham, Feeney, Ford of Caldwell, Gray, Green, Hays, Henry, Hogg, Johnson of Lamar, Jones, Kelly, Lester, Locke, Mason, McCraw, Miller, Montgomery, Moore of Fayette, Nash of Dallas, Palmer, Poag, Prendergast, Preston, Rainey, Rhome, Robertson of Washington, Rogers of Marion, Shuford, Shepard, Stapp, Stockdale, Throckmorton, Wilcox of Denton, Wiley, Wilson of Tyler and Word, 47.

Nays, Mesrs. Anderson of Colorado, Armstrong, Bagby, Baxter, Batte, Beazley, Black, Brahan, Campbell, Wm. Chambers, Clayton, Cleveland, Clopton, Cox, Davidson, Dean, Earley, Ganahl, Gould, Hicks, Harrison, Hobby, Holland, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Koester, Lea, Lubbock, Maltby, McCall, Moore of Burnet, Moore of Henderson, Montel, Nash of Kaufman, Nauendorf, Neel, Newsome, Nicholson of Fannin, Norris, Obenchain, Payne of Hopkins, Portis, Robertson of Smith, Ross, Runnels, Scott, Scurry, Smith of Fannin, Stell, Stewart of Anderson, Terry of Tarrant, Thompson, Waller, Warren, Watkins, Wharton, Wier and Wilson of Hunt, 64.

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

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City of Austin Texas, Thursday, March 21 1861.

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

The Journal of yesterday was read and adopted.

By leave Mr. Feeney was allowed to record his vote in favor of the adoption of the "Ordinance to provide for a union of the State of Texas with the Confederate States of America."

Mr. Robertson of Smith chairman of the committee on Public Safety made a report.<sup>78</sup>

On motion of Mr. Montgomery 500 copies of the report, and 500 copies of the report submitted on the 18th inst. from the same committee, were ordered to be printed<sup>79</sup>

"An ordinance to provide for the settlement of the debts and lia-

<sup>78</sup>Perhaps, Report No. 9 of the Committee on Public Safety, page 398.

<sup>79</sup>In the MS. Journal this paragraph follows the caption of the ordinance printed in the paragraph next below.