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# *Journal of the Secession Convention*<sup>1</sup>

## PREFACE<sub>2</sub>

To our fellow citizens of the State of Texas

The election of a president of the United States by the great sectional party of the North has been accomplished.

The insults, threats and aggressions which have been directed at the honor, the equality, and the happy social existence of the people of Texas and the South for the last forty years have reached a climax.

The people of Texas are justly alarmed at the impending destruction of all that is valuable to freemen.

The distinguished governor of our State has been petitioned by a large number of the citizens of Texas to convene her legislature, preliminary to a convention of the people.

<sup>1</sup>The following appears on the title page of the volume containing the manuscript journal of the Secession Convention:

Record  
of the Journal of the Convention  
of the People of Texas  
which assembled at the City of Austin  
On the 28th day of January A.D. 1861.  
And which abrogated the Articles of Annexation  
between the State and the Government  
of the United States of America, and annexed  
the State of Texas to the Confederate  
States of America.  
Recorded by order of the Convention,  
1861.

<sup>2</sup>This address or call was published in *The State Gazette* (Austin), December 8, 1860. It received following editorial notice: "We invite the attention of our readers to an address signed by many citizens, suggesting an election of delegates on the 8th of January next, to a Convention of the people of Texas, to meet on the 4th Monday of the same month, in this city, to express the sovereign will of the people. Its final action will of course be submitted to a popular vote at the ballot-box for ratification or rejection. Gen. Houston has already declared that he will not stand in the way of the popular wish. . . . It will be seen that Lieut. Gov. Ed. Clark is one of the signers to the address; the Hon. Robert J. Townes is another. We rejoice to see our patriotic citizens of all parties, forgetting past differences and rallying as one man in defense of the honor and safety of our State."

Another call had been prepared a few days before. Ex-Governor Roberts gives following account of it: "On December 3, 1860, after a very anxious consultation, it was determined to make a citizens' call for a convention by meetings in different parts of the State. W. P. Rogers, George M. Flournoy, and O. M. Roberts were selected to draw up the call to be introduced and passed in the said meetings. Where-

Our State constitution has provided that on "extraordinary occasions" the governor "shall have power to convene the legislature."

The legislatures of a number of our sister Southern States have already been called. The evidences of alarm, indignation and resentment, together with a most earnest desire to counsel for their own safety, have come up from the people in every quarter of our State.

Governor Houston has not yet seen proper to convene our legislature; there is reason to hope that he will yet do so.<sup>3</sup>

A legislature cannot express as a convention may the sovereign will of the people of the State of Texas

The constitution does not give either the governor or the legislature the *power* to call a convention. Their doing so would be a mere consent that the people might act. The people have the right to act as expressly provided in our State constitution without such consent. Art. 1st of the Bill of Rights declares "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times the inalienable right to alter, reform, or abolish their form of government in such manner as they may think expedient."

Should the legislature be now called, it could not probably assemble before some time in January, and then it would be too late to provide for a convention, which could not meet until about or after the time of the inauguration of Abraham Lincoln as president of the United States.

If the people proceed now to the election of delegates to a convention (which they have the unquestioned right to do) the legislature will doubtless ratify what the people have done.

Governor Houston very fully recognizes the right of the people to act primarily in this matter, in his letter to the citizens of Huntsville, of November,<sup>4</sup> 1860, wherein he justly says, "Has the time come? If it has, the people who have to bear the burthens of revolution must

upon them, with John S. Ford, repaired to Judge Roberts's office, where he with their assistance drew up the call, copies of which were sent to different points throughout the State and there adopted in mass-meetings and promulgated, so as to give it general notice over the State."—(*A Comprehensive History of Texas*, II, 87.)

The Roberts call (*loc. cit.*) is briefer than the address here printed, it enumerates with greater detail why the assembling of a convention at an early date is necessary, and recommends the same plan for the election of the delegates. Its main point of difference is its silence on the subject of submitting the action of the convention to a vote of the people.

The authority of the secretary of the Convention for including in the Journal the data contained in this preface was conferred by a resolution offered by Mr. Chilton and adopted March 16, 1861.

<sup>3</sup>The proclamation of Governor Houston, convening the legislature in extra session on January 21, 1861, is dated December 17, 1860.

<sup>4</sup>Governor Houston's letter to the citizens of Huntsville, dated November 1, 1860, is printed in the *True Issue* (La Grange), November 29, 1860.

themselves effect the work." It is then clear that he will abide the expression of the people's will.

Therefore, partaking of the feeling of solicitude common to our fellow citizens, and believing that concert of action is universally desired, and it being necessary that some basis should be set forth to ensure such concert, the undersigned citizens of Texas, residing in different portions of the State, having had an opportunity of conversing with a large portion of our fellow citizens of the State, and pretending only to an authority equal to that of a similar number of our fellow citizens in any locality, and prompted alone by a most earnest and we trust patriotic desire for concert of action,<sup>5</sup>

#### Suggest:

That an election of delegates be held on the 8th day of January, A. D. 1861, or as soon thereafter as practicable, when any county may not be able to hold an election on that day, to assemble in a convention of the people of Texas at the city of Austin, on the 4th Monday in January A. D. 1861, or as soon thereafter as practicable.

That said election be ordered unofficially by the chief justice of each county or district, or in case of his failure or refusal to act forthwith, then by any one or more of the county commissioners, or in case of the refusal of the latter to act forthwith, then by a committee of five citizens of such county or district.

That the qualifications of electors shall be the same, and as near as practicable the manner of holding such election be the same, as that provided for by the laws of the State of Texas of force governing elections for members of the legislature.

That the returns of said elections be made to the person or persons ordering the same, as soon after the same shall have been held as practicable; and that the certificate of election be issued immediately by such person or persons to whomsoever shall have received the largest number of votes polled.

And where there is under the new apportionment a representative district composed of more than one county, the votes polled shall be returned to the person or persons ordering an election in the county of said district, the chief justice of which is, under said apportionment bill, made the returning officer of such district; and the certificates of election shall be issued by such person or persons.

That said election be upon the basis of the new apportionment bill, approved February 6th, A. D. 1860, except that there be no representation for the senators provided for in said apportionment, but

<sup>5</sup>This paragraph is quoted by Roberts (*loc. cit.*, 89), but its sense is destroyed by careless proofreading. The list of signers to the address as quoted by Roberts of the *United States Library and Congress* is as follows: "The undersigned citizens of Texas School of Law

that each county or district elect two delegates for each member of the house of representatives to which it may be entitled; so that the number of said delegates shall be just double the number of members in the house of representatives in said legislature.

That the action of said convention be submitted to the people for ratification or rejection at the ballot box at the earliest practicable time after its adjournment

We trust that the newspapers throughout the State will publish this mode of action and urge its adoption.

We hope that those counties where a slight change of programme will be necessary will not regard such change as imperably objectionable, for we can assure all that the above has been deemed to accord more with the general wish than any particular plan yet proposed by any county, and is arrived at from full and free consultation with a number of persons from all sections of the State.

We further recommend to our fellow citizens that they at once put forward candidates for said convention.

D. M. Prendergast, Limestone Co.	R. T. Brownrigg.
John Gregg, Freestone Co.	J. C. Higgins, Bastrop Co.
L. K. Preston, Galveston.	A. H. Parrish.
A. A. Kemble, Waxahatchie.	J. E. Rector.
W. S. Oldham, Washington Co.	J. E. McCord, Hays Co.
J. B. Banks, Travis Co.	Jas. P. Neal, Travis Co.
Jas. H. Fry, Webberville.	Wm. Lee Chalmers, Travis Co.
Jesse Billingsley, Bastrop Co	Geo. W. Guess, Dallas.
Roger Q. Mills, Navarro Co.	Morris R. Reagan.
C. M. Winkler, Do.	Jno. A. Green.
C. Reich, Guadalupe Co.	Geo. J. Durham.
Clement R. Johns, Hays Co.	W. C. Pitts.
Geo. W. White, Travis Co.	Ed. Clark.
T. D. Moseley.	T. J. Chambers, Chambers Co.
C. H. Randolph, Houston Co.	W. N. Hardeman.
George Flournoy.	Junius W. Smith, Tarrant Co.
Joseph Lee.	Wm. Byrd.
Jno. R. Baylor, Parker Co.	Jno. A. Wharton, Brazoria Co.
George Baylor, Do.	B. S. Whitaker, Lampasas Co.
S. Crosby.	M. L. Cooksey, Do.
W. J. Darden, Colorado Co.	T. C. Jackson, Do.
Wm. P. Stapp, Calhoun Co.	R. J. Moore, Do.
W. W. Apperson.	John Burleson, Do.
Louis Horst.	S. Fletcher, Do.
Jno. B. Costa.	Mark Bean, Do.
Thomas Green.	J. P. Gibson, Do.

Thos. Moore, Burnet Co.	Edward Bailey.	Do.
H. E. McCulloch, Guadalupe Co.	T. N. Waul.	
S. G. Sneed, Sr., Travis Co.	Wm. Carleton.	
C. E. Burns, Robertson Co.	J. H. Lightfoot.	
T. D. Robertson,	Do.	James E. Harrison.
P. H. Smith,	Do.	Robert J. Townes, Travis Co.
A. T. Rainey, Anderson Co.	A. R. Crozier,	Do.
Jno. J. Good, Dallas Co.	J. M. Steiner,	Do.
Jno. T. Pruitt, Travis Co.	C. Kyle, Hays Co.	
R. M. Bomar, Caldwell Co.	M. D. Graham, Rusk Co.	

(The foregoing address was generally adopted and acted upon by the people of the State, and may be regarded as the origin of the plan of the election of the delegates who afterwards composed the convention. In the meantime the governor of the State convened the legislature in extraordinary session on Monday Jany. 21st 1861, one week preceding the meeting of the convention; upon its assembling the legislature passed the following)

#### Joint Resolution

concerning the Convention of the People of Texas, called in pursuance of the Bill of Rights.

Whereas the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State and its inhabitants, endangered by the political action of a majority of the States, and the people of the same have, in the exercise of powers reserved to themselves in the bill of rights, called a convention, composed of two members for each representative in the legislature from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which convention, by the terms of the call, made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have power to consider the condition of public affairs, to determine what shall be the future relations of this State to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the Federal Government in the constitution of the United States, and by the articles of annexation, then the ordinance of said convention resuming said delegated powers and repealing the ratification by the people of Texas of said articles of annexation should be submitted to a vote of the qualified electors of this State for their ratification or rejection; therefore,

1. Be it resolved by the Legislature of the State of Texas, That the Government of the State of Texas hereby gives its assent to and approves of the convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.

Approved Feby. 4th 1861. by the Governor "With a protest against the assumption of any powers on the part of said convention, beyond the reference of the question of a longer connection of Texas with the Union to the people"

Upon the passage of the Joint Resolution in the senate the vote stood.

For the resolution, Messrs. Blanch, Britton, Chambers, Duggan, Dulany, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Hyde, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Schleicher, Shepard, Stockdale, Walker and Whaley, 25.

Against the resolution, Messrs. Hart, Paschal, Rains, Throckmorton and Townes, 5.

In the house of representatives the vote stood,

Yeas, Messrs. Speaker (M. D. K. Taylor), Anderson, Baxter, Barclay, Benevides, Billingsley, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Culberson, Cumbey, Dale, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Duncan, Ellett, Flewellin, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manley, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Short, Smith, Speights, Stewart, Waelder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede, 70.

Nays, Messrs. Camp, Clark, Edwards, Epperson, Norton, Owens, Redgate, Taylor of Fannin, and Whitmore, 9.<sup>6</sup>

<sup>6</sup>A list of the names with nativities, ages, time of immigration, residences, occupations and postoffices of the senators and representatives of the eight legislature is printed in the *Journal of the House of Representatives, Eight Legislature, 722-729*. The vote in the senate was taken January 28, 1861, (*Journal of the Senate of Texas, Extra Session of the Eighth Legislature, 51*). The vote in the house of representatives had been taken earlier on the same day. There are several discrepancies in the lists of yeas and nays as set forth above and those recorded in the house journal (*Journal of the House of Representatives... , Extra Session of the Eighth Legislature, 61*).