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APPENDIX II.

REPORTS OF THE COMMITTEE ON PUBLIC SAFETY¹

REPORT NO. 1.

Committee Room,
March 6th, 1861.

To the Hon. O. M. Roberts,

President of the Convention.

The committee on Public Safety beg leave to submit through you to the Convention of the people the following report in detail of the numerous and important matters which were confided to them, both during the sitting of the Convention and during the recess from the adjournment on the 4th day of Feby and the reassembling of the same on the 2nd day of March.

After the passage of the ordinance of secession by the Convention, the committee believing that it would be of the highest importance to secure to the State of Texas the property belonging to the United States then within the State, [and] that the public safety demanded that Texas should have control of the arms and munitions of war within her limits, it was too manifest for the committee to hesitate as to their duty on this subject. The policy of coercion, it was believed, would be adopted by the incoming administration of the late United States government, and with about 2,800 U. S. regular troops stationed

¹The reports of the committee on Public Safety are appended to the Journal and cover pages 225-354 of the manuscript volume. These reports were printed at the time they were made by order of the Convention, and form an octavo volume of 173 pages, entitled "Reports of the Committee on Public Safety to the Convention of the People of the State of Texas, which assembled at Austin, the 28th January, 1861, and re-assembled on the 2nd day of March, 1861: Containing the Missions to San Antonio, to the Rio Grande, and to the N. W. Frontier. Gen'l Roger's mission to Louisiana, to procure arms and the Conference of the Sub-Committee with the late Gov. Houston, with accompanying documents. Austin: Printed by John Marshall, State Printer, 1861." Portions of the reports, together with other matters pertaining to the military operations in Texas during the first half of 1861, are printed in volumes 1 and 53, Series I, of *The War of the Rebellion*. However, copies of the complete reports are so scarce, and the entire proceedings of the committee on Public Safety are so intimately connected with the acts of the Convention that it was deemed best to reprint them in connection with the Journal. The originals of the reports have not been found. It may be of sufficient interest to note that the copy of printed reports, used in connection with the Manuscript Journal in the preparation of the present reprint, was presented by John C. Robertson, chairman of the committee on Public Safety, to O. M. Roberts, president of the Convention, and was subsequently presented by the latter to the University of Texas.

at different points in the State, all of whom were well supplied with arms and ammunition, the committee believed their presence under the command and control of U. S. officers was dangerous to the welfare and safety of the State, especially if they remained here without change until secession of the State of Texas became a finality.

It was also believed by the committee that although many of the army officers in command in the 8th military district of the State of Texas would never consent to use the military forces under their command against the people of Texas, yet the committee did not know and could not how soon the friends of the South might be superseded and our enemies placed in their stead. In view of these facts and the fact that Texas was justly entitled to her share of the public property, and in view of the fact that Texas was without arms for her defense, the committee under the authority of an ordinance of the Convention, passed the 2nd of Feby, 1861, proceeded to set on foot a plan for obtaining possession of the United States property and for the removal of the United States troops from Texas.

The following is a copy of said ordinance:

Resolution of the Convention conferring authority on the committee of Public Safety.

Resolved by the people of the State of Texas, by delegates in Convention assembled. That should the standing committee on Public Safety deem it essential to the public safety to appoint commissioners, officers or persons in reference to taking possession of any of the Federal property within the limits of this State, they shall have power to appoint such and assign them their duties, and give them the instructions under which they shall act; but this power shall only extend to such cases in which the committee may deem prompt action and secrecy absolutely necessary.

That a copy of this resolution, signed by the President of the Convention, and the appointments and instructions, signed by the Hon. Jno. C. Robertson, chairman of said committee, shall be full authority to the person or persons acting under the same, and a full justification for all acts done in pursuance thereof.

Adopted Feby 2nd. A. D. 1861.

Preparatory for the appointment of officers and commissioners under said ordinance, and to insure secrecy as against the enemies of the country, the following proceedings were had by the committee.

On the 3rd of Feby, 1861, it was moved and adopted by the committee that all officers appointed by this committee should be elected by ballot, and the commissioners above named were so elected.

Monday, 4th Feby, 1861.

The following oath was proposed and adopted by the committee to Property of Tarlton Law Library, Jamail Center for Legal Research, The University of Texas School of Law

be administered to each of the committee and all officers and agents employed by it:

"I solemnly swear that I will keep secret all the councils of this committee and all their proceedings; that I will also keep secret all the orders, resolutions and instructions from them that may be committed to me; that I will not divulge them or any of them to any person whatever, unless I am authorized to do so by the said committee.

"I further swear that I will true allegiance bear to the State of Texas, and faithfully execute the orders and instructions committed to me by the Convention so far as in me lies, so help me God."

The Convention, in view of the fact that the business before the committee could not be done during the sitting of the Convention, passed the following ordinance requiring them to continue in session during the recess of the Convention:

"Resolution giving power to the committee to sit during recess, etc.

"Resolved that the standing committee on Public Safety shall continue in session during the recess of the Convention; that they hold their meetings at such times and places as in their judgment the public interest requires; that said committee may grant leave of absence to its members, provided such leave of absence shall not reduce the number left to a less number than nine.

"2nd. Resolved that said committee shall keep a full and accurate journal of their acts in a well bound book,² and report the same to the Convention on the reassembling thereof on the 2nd day of March next."

Adopted, February 4th, 1861.

On the 3rd day of Feby, 1861, the committee having been informed that General Twiggs, who was then in command of the 8th military district in Texas, with head quarters at San Antonio, was a Southern man by birth and friendly to the cause of the South, and would in all probability surrender up to the Convention all the federal property under his control on demand made, passed the following resolution with the hope that civil commissioners might accomplish the purpose of the committee without a display of armed force:

Feby 3, 1861.

On the same day the following resolution was presented and adopted.

"Resolved that Sam A. Maverick, Thos. J. Devine, P. N. Lockett, and Jas. H. Rogers be appointed commissioners to confer with Gen'l D. E. Twiggs with regard to the public arms, munitions of war, etc., under his control and belonging to the government of the U. S., with power to demand and receive the same in the name of the State of Texas, and that said commissioners be clothed with full power to carry

²This book has not been found.

into effect the powers herein delegated and retain possession of such arms, munitions, stores, etc., subject to the order of the Convention of the people of the State of Texas, and report their acts and doings in the premises to the committee on Public Safety."

Pursuant to this resolution, the following commission was issued to T. J. Devine, Sam A. Maverick, P. N. Luckett and J. H. Rogers, clothing them with authority as therein set forth, and with the authenticated copies of the ordinance of the Convention raising the committee on Public Safety, and clothing them with powers to appoint commissioners, etc., and their authority to exhibit to Gen'l Twiggs:

State of Texas
County of Travis

By virtue of the authority vested in the committee on Public Safety, as appears in the foregoing resolution adopted by the Convention of the people of Texas, assembled in the City of Austin on the 28th day of Jany, 1861, You, T. J. Devine, S. A. Maverick, P. N. Luckett and Jas. H. Rogers are hereby appointed commissioners to visit Maj. Gen. Twiggs, commanding in the 8th military division, stationed at San Antonio, and confer with him in the name and by the authority of the people of Texas in Convention assembled, to demand and receive and receipt for all military, medical, commissary and ordnance stores under his control within the limits of the State of Texas, exercising all due discretion for the securing and safe-keeping of the same. To be held by you without diminution or injury, subject to the order of the committee on Public Safety, and in obedience to the provisions of such rules or ordinances as the Convention may prescribe.

Given under my hand, and by order of the committee of Public Safety, at the City of Austin, Feby 5th, 1861.

J. C. Robertson,

Chm'n of the Com. on Public Safety.

Attest.

Thos. S. Lubbock.

Jno. A. Green.

But lest Gen. David E. Twiggs should decline to surrender the government property to the commissioners and delay might prove fatal to the enterprize, the committee thought it prudent to elect Col. Ben. McCulloch to the military rank of colonel of cavalry and commission him accordingly, which they did. The following is a copy of his commission:

Austin Texas, Feby 3, 1861.

The committee do hereby appoint you, Ben. McCulloch, military officer, and order you to hold yourself in readiness to raise men and

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munitions of war whenever called on by the commissioners to San Antonio, and to be governed as directed by the secret instructions given to said commissioners concerning said command, and you will station yourself at the residence of Henry McCulloch and await the communications of said commissioners or the committee on Public Safety.

Jno. C. Robertson,
Chrm'n of the Com. on P. S.

The civil commissioners to San Antonio, T. J. Devine and others, were also furnished with secret instructions to be followed by them should Gen'l D. E. Twiggs refuse to turn over to them the government property. The following is a copy of said secret instructions:

Committee Room, Austin, Feby 6/61.

The committee met at 9 o'clock, A. M. roll called. quorum present.

The following instructions were presented to the committee and adopted:

To Messrs. Sam A. Maverick, Thos. J. Devine, Phillip N. Luckett,
and Jas. H. Rogers.

Gentlemen,

The resolution of the committee of Public Safety by which you were appointed gives the outline of your authority and duty. You are sensible that the trust reposed is of the highest responsibility and involves the most delicate and important duties. In the discharge of that trust you will be governed by the following instructions:

1. You will repair immediately to San Antonio, the head quarters of Gen'l Twiggs, in command of this Department. You will ascertain from him his sentiments in regard to the existing state of affairs, and the position he intends to occupy in reference to the withdrawal of Texas from the Federal Union. If he informs you that he intends to remain in the service of the Federal government and execute its orders against Texas, no further friendly conference with him will be desirable, and you will be governed in your conduct as herein-after instructed; but, if on the other hand, he should express a determination not to remain in the service of the Federal government after the 4th of March next, then

2. You will learn from him the terms and conditions upon which he will render up to the people of Texas the arms and public property under his control in Texas, or if he should suggest to you a plan for the peaceable accomplishment of that object you are directed to adopt and observe such suggestions, if deemed by you practicable, and act

in accordance with it. If, however, he should decline suggesting any plan of action, you will then

3. Demand of him, in the name and by the authority of the sovereign people of Texas, a surrender of all the arms of every description including quartermaster, commissary's, ordnance and medical stores of every description and money and everything else under his control belonging to the Federal government.

4. Should a display of force become necessary in order to make the demand, you will direct Col. Ben. McCulloch to call out and take the command of such force of the volunteer and minute men of the State as will be necessary for that purpose, and then repeat the demand, and then if the demand should be complied with you will take charge of everything turned over to you, taking a complete inventory and executing all necessary receipts. You will do everything in your power to avoid any collision with the Federal troops and to effect the peaceable accomplishment of your mission, and for this purpose he shall obey your instructions.

5. If Gen. Twiggs should indicate a desire not to turn over to you such military stores, arms and other public property until after the 2nd day of March next, but a readiness to do so then, you will then enter into an arrangement to the effect that everything under his command shall remain in *statu quo* until that period, that no movement, change of position or concentration of troops under his command will be allowed, that none of the arms, ordnance, commissary or military stores or other property shall be removed or disposed of. If he refuses to make such arrangements, you will see that no such movement, change, concentration or removal shall take place, and you are authorized to use every means to prevent the same.

6. If after conferring with Gen'l Twiggs you should be of opinion that military force is necessary, you will immediately proceed to assemble the same and communicate by express to this committee. Should the property be turned over to you, you will employ all the necessary clerks and other persons to take charge of the same. You will raise a military force of volunteers or minute men to guard the same safely while it shall be controlled by you.

You are instructed to take the most especial care that nothing shall be wasted or destroyed, but that everything be faithfully guarded and held for the use of the State and to be accounted for.

Whatever military force that shall be raised must be kept in strict subordination and no violation of person or property of any person must under any circumstances be allowed.

If, after your arrival at San Antonio, circumstances shall occur which are not covered by the foregoing instructions, you will imme-

diately report to the committee for further orders unless they be so urgent as not to admit of delay, in which event you must use your discretion, but immediately report your course of action.

You will take all pains to ascertain the tone and temper of the officers and men of the Federal army, and may give them the assurance of the influence of Texas in securing to them the same or higher grades in the service of the Southern Confederacy as those now held by them, if they are inclined to accept the same. Take every pains to conciliate them and attach them in sentiment to the cause of Texas and the South.

You will avoid every appearance of making a proposal to Gen. Twiggs or any officer under his command, which will wound a soldier's pride and honor. They should, however, be reminded that they have been stationed in Texas for the protection and not the subjugation of her people, and that patriotism is incompatible with warring against the liberties of their fellow citizens.

You are specially charged that in the performance of the service assigned you, that you will do nothing that will conflict with the powers herein conferred. You will from time to time make full and complete reports to this committee.

Jno. C. Robertson
Chrm'n of the Com. of Public Safety.

Vested with the authority contained in the commission and secret instructions, three of the commissioners, to wit: Thos. J. Devine, Sam Maverick and P. N. Puckett, on the 6th day of Feby, set out for San Antonio. On the 8th day of Feby, said commissioners forwarded by express to the committee the following communication:

San Antonio, Feby 8th, 1861.

J. C. Robertson, Esq.,

Chrm'n of the Com. of Public Safety.

The undersigned in accordance with their instructions called on Gen'l D. E. Twiggs, and by his request met him at 2 o'clock this afternoon and in presence of Maj. Nichols we stated our mission and presented our credentials, (which Gen. Twiggs did not ask or evince the slightest desire to have read to him or even to look at.) and carried out our interview in accordance with the letter and spirit of our instructions as nearly as practicable.

Gen. Twiggs expressed himself strongly in favor of Southern rights, and caused copies of his letters to the War Department to be read to the committee, in which he asserts that he will not be instrumental in bringing on civil war, and a great deal more in that line

which may mean something or nothing according to circumstances, and he very significantly asserted that we had not seceded.

He expressed a willingness to keep everything under his command as it now is until the 2nd of March next, and would give us information if he should be suspended, and in the event of the State being in favor of secession would, on demand made by the Convention, deliver all up, but expressed a fixed determination to march the troops under his command out with all their arms, transportation facilities, and extra clothing to be delivered to them, etc.

The undersigned, after considerable conversation on the subject of their mission, retired for consultation, and, being desirous of avoiding if possible the necessity for collecting a force around the city for the purpose of compelling a delivery, Mr. Maverick was deputed to obtain from the General a statement in writing of what he was willing to do, in the hope that it would under our instructions be admissible: he refused to make any statement or give any pledge in writing.

Upon ascertaining this fact we determined to send an express without delay to Col. Ben. McCulloch to bring as large a force as he may deem necessary, and as soon as possible to San Antonio.

The substance of Gen'l Twiggs' conversation or verbal offer was this: "that he will hold things as they are, and will if in *command* on the 2nd day of March next deliver to the commissioners all the public property that is not desirable or convenient for him to carry away on or after that time."

He professed great admiration for the manhood, soldiership and patriotism of Gen. Scott, and is evidently inclined to imitate him in the present crisis in many respects.

He is no doubt a good Southern man, as far as hatred to Black Republicanism can make a man such; there is however a higher element than hatred. We do not know to what extent that sentiment prevails with Gen. Twiggs, but we are of the opinion that Gen. Twiggs will not permit it to interfere with what he believes to be due to *himself*.

He spoke during the interview of his feeble health, of his having received an offer from Georgia for a command in that State, and of his having refused it on the ground of ill health. He referred to the great expenditure of the army exclusive of the pay of troops, said it is more than a million and a half, and inquired where Texas could obtain means to meet that outlay which she would lose by seceding. These and other remarks on the question by him forced a somewhat unwilling conviction on the minds of the undersigned that he was decidedly adverse to the secession of Texas. He mentioned the omission of Capt. Ross to do full justice to Sergeant Spangler, and the

omission of Governor Houston to give credit to Major Van Dorn for his success in the Comanche fight, and remarked that these were indications of the temper of Texas toward the officers and men of the army. The conclusion we have arrived at is this, that we must obtain possession of that which now belongs to Texas of right by force, or such a display of force as will compel a compliance with our demands, and that without an hour's unnecessary delay. In all these movements celerity, secrecy and strength should be our motto.

If there are any men to spare on or near the Colorado, we think it would be well for them to move in as large numbers and as speedily as possible towards the city to support if necessary Col. McCulloch's movement. Whatever is to be done up North, it is well should be done speedily. You had better inquire of Messrs. Hall and Hyde of the legislature the condition of Forts Bliss and Quitman, as the men and munitions in those forts could be moved without delay to New Mexico, giving to the Federal government at Washington a large body of troops to hold that country against the Southern movement, and thus build up a free State to injure and annoy us in the not very remote future. By referring to the inclosed order you will see Gen'l Twiggs is preparing for a move. We are decidedly of the opinion for the reasons set forth, with reference to New Mexico, that it will be unwise to permit a single company of U. S. troops to march from any portion of Texas into New Mexico. If the officers are determined to carry them to aid Lincoln's government, let them go by the way of the coast or we can disband them if we so decide. We repeat it, we must not let a single company from Fort Bliss to Fort Brown leave the State by the Kansas, New Mexico or any other route, save the coast.

The captain commanding the ordnance department at this point is not friendly to our cause. He is said to be in possession of about \$40,000 for the construction of the U. S. arsenal; what do you suggest respecting his being compelled to deliver it up, if in his possession, and what course do you suggest in the premises?

We would like to have any suggestions or instructions you may consider necessary; we would adhere to them if circumstances demanded it, (if in our power,) if not we will do what the emergencies of the hour demand, doing what we believe to be our duty, and leaving the consequences to God.

In haste, we remain yours, etc.

Thomas J. Devine,
S. A. Maverick,
P. N. Luckett.

On the 9th of Feby, the committee forwarded by express the following instructions to Col. Ben. McCulloch, the military commander, in addition to those contained in the secret instructions to the commissioners. It was thought prudent and expedient to enlarge his sphere of action since it was now evident that he was called into the field.

To Col. Ben. McCulloch:

Sir:

Having received information that the commissioners Sam A. Maverick and others, sent to San Antonio to confer with Gen'l Twiggs, have under their instructions called you into the field, the committee have resolved to confer upon you the military commission of colonel of cavalry to date as of the 3rd inst, in the district embracing a point on the Rio Grande half way between Forts Duncan and McIntosh and with the frontier to Fort Chadbourne, including San Antonio and all intermediate posts; and in addition to the instructions given to the commissioners heretofore, (with whom you are advised freely to confer on all subjects of interest as far as possible,) you are instructed that:

Should it be deemed advisable to retain any portion or all of the Federal troops in your district in the temporary service of the State, you can do so and assure them that Texas will use her best endeavors with the Southern Confederacy to be formed to have them incorporated into the army of said Confederacy with the same rank now held by them.

In case any or all of them should express a desire to depart the country peaceably, you may permit them so to do upon such terms as will not dishonor them and as will insure the public safety, and in such manner as will insure safety to their persons and property. The committee also desire that the commissioners will, under the powers heretofore given them, furnish such aid and assistance as may be deemed necessary.

In all other matters not contained in these or the previous instructions, you will observe your best judgment and discretion in any emergency which may present itself.

Any information that you may desire to give to the committee will be expressed to Jno. C. Robertson, Galveston, Texas.

Jno. C. Robertson,

Attest:

Chrm'n Com. on Public Safety.

R. T. Brownrigg, Sec'y to Com.

On the 10th of Feby, said commissioners to San Antonio sent the following communication to the committee:

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San Antonio, Feby 10, 1861.

Jno. C. Robertson

Chrm'n Com. on Public Safety.

Dear Sir,

We have nothing to communicate since our letter of the 8th, unless it be the receipt of a communication from Col. McCulloch, informing the undersigned of his having received our communication and that he expected to be at or near Seguin on the 13th or 14th with whatever force he could raise.

After dispatching our communication to you we determined if possible to prevent the necessity of resorting to a display of force around this city; and with that object in view we again communicated with Gen'l Twiggs in writing, requesting from him a written statement of what he was willing to do. The answer to this was an order to Major Vinton, Major Maclin and Captain Whiteley to confer with the undersigned to transact such business as relates to the disposition of public property. On the receipt of this communication on the morning of the 9th, we replied that we would meet the military commission at 12 o'clock that day at such place as they might designate, and if that hour did not suit their convenience then at such time and place as they might designate that afternoon. The answer expressed a desire to meet the committee at Gen'l Twiggs' at 10 o'clock, A. M., on the 11th. We will to morrow present our request in writing, and the answer will enable the committee to judge with a reasonable certainty whether the whole proceeding is not intended for delay, until Gen'l Twiggs can call in several companies from the outposts and the additional reinforcements of several soldiers *en route* with a provision train from the coast for Arizona. Upon one point Gen. Twiggs is fixed and apparently unalterable, that is that the troops in Texas under his command shall retain *all their arms* with the means to carry them out of the State.

What do you think of that? Please give the views of the committee on this and every other subject connected with our mission as fully and speedily as possible. We again repeat that it is not desirable that a single company of U. S. troops shall move to New Mexico or Arizona. If the troops of the Northern government concentrate in either of those territories, we believe from their peculiar position that it will fix their status as "free soil" territories and leave us a nest of hornets to deal with in the future.

We will require means for the subsistence of the troops that may be called out by Gen. McCulloch or from this city and vicinity; we desire some information on this point, as your committee must be aware that the readiness with which the necessary expenses are met in the

commencement may have a salutary influence in many respects upon our cause in the future.

If there is any action had or information obtained respecting the northern posts, it might be desirable that we should be put in possession of such information, as it may influence our action materially.

Very respectfully,

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett.

To this communication the chairman of the committee returned the following answer, which met with the approbation of the committee:

Austin, Texas, Feby 12, 1861.

Thos. J. Devine, S. A. Maverick, P. N. Luckett,

Commissioners.

Gentlemen:

Your letter bearing date the 10th inst. to me has been received. In view of the committee's departure this afternoon for Galveston they can not be got together even if it were necessary; the result of the action of the committee on the subjects contained in this communication, I think, is full and hope will meet your views. The committee do not wish to dishonor the army by requiring of them anything which would seem to do so. If you have to resort to force (actual) and are successful, then we suppose, of course, they would be vanquished and must submit to your terms; but if you treat with them as gentlemen, as equals, of course, we would not desire anything dishonorable to be yielded by them, but this is mere speculation on my part. The instructions we think will meet with your views, if not, you have a large discretion. As to whether they should be permitted to go out into Arizona and New Mexico, the committee have very wisely left that matter discretionary with you. It is the opinion however of some of the committee that it can make but little difference in which direction they leave the country.

It is suggested that they might land below the mouth of the Rio Grande and travel up into Arizona and New Mexico; besides if it is the policy of the U. S. of the North to concentrate a force in those territories we could not prevent it by requiring these to go by way of the coast. It is a matter of some importance to know how they could subsist in those territories at this time. The productions of those territories could not subsist them a week without ruin to the few who are there. Many of the committee do not think Gen'l Twiggs would be so recklessly regardless of his native South as to inaugurate a

guerrilla warfare upon her border. But, gentlemen, you are in the midst of the circumstances and can best judge of what to do. Relying upon your wisdom and prudence we leave it with you.

We will start to-day for Galveston, where we hope to get some money, and if successful we will promptly express a part to you.

In behalf of the committee I assure you of our sincere desire for your success in your patriotic enterprise, and of our personal regard for each of you.

I have the honor to remain, your obd't serv't,

Jno. C. Robertson,
Chrm'n Com. on Public Safety.

The committee remained in painful suspense, and looked with no ordinary anxiety for the next news from said commissioners and from Col. McCulloch, believing, as they did, that a conflict was inevitable. The committee felt many gloomy forebodings, not that they doubted the result of the conflict, for they had every confidence in the gallantry and chivalry of the Texas volunteers and in the military skill, prudence and bravery of the officer in command. The committee likewise drew great consolation from their reliance upon the prudence and wisdom of the commissioners. The committee were happily relieved by the following communication from the commissioners, which is submitted with the accompanying documents:

San Antonio, Feby 18, 1861.

Hon. Jno. C. Robertson

Chairman of the committee on Public Safety.

Sir:

We have at last completed the principal part of the business confided to our management. In our communication of the 8th inst., we informed you that we had called in the aid of the volunteer force under Col. Ben. McCulloch; he arrived on the Salado, five miles from this city, on the evening or night of the 16th inst, with about 500 men, and marched into town about 4 o'clock, A. M., with about one half of his force, when he was joined by about 150 K. G. C.'s and about the same number of citizens who were not members of the order, and about the same number from the Medina, Atascosa and the country west of this city. At 5 o'clock the men were in positions around the arsenal, the ordnance, the Alamo and the quarters in the commissary buildings occupied by one company of the Federal troops, and at the same time the tops of the buildings commanding the arsenal and ordnance ground were occupied. We, in accordance with our instructions, repeated the demand, and after considerable delay came to an

arrangement with Gen'l Twiggs, the substance of which was that the U. S. troops in San Antonio, 160 in number, should surrender up the position held by them and that all public property under the command of the officer in San Antonio be delivered over to the undersigned. The troops to retain their side arms, camp and garrison equipage, and the facilities of transportation to the coast, to be delivered up on their arrival at the coast. This morning we effected an arrangement with General Twiggs by which it is agreed that all forts in Texas shall forthwith be delivered up, the troops to march from Texas by way of the coast, the cavalry and infantry to retain their arms, the artillery companies being allowed to retain two batteries of light artillery of four guns each, the necessary means of transportation and subsistence to be allowed the troops on their march towards the coast; all public property to be delivered up. We might possibly have retained the guns at Fort Duncan by a display of force, which display of force would have cost the State eight times the value of the batteries of light artillery. Your instructions, however, counseled avoiding collision with the Federal troops if it could be avoided. Gen. Twiggs having repeatedly asserted in the presence of the military commission and ourselves that he would die before he would permit his men to be disgraced by a surrender of their arms, that the men under his command had never been dishonored or disgraced and they never should if he could help it. By this arrangement at least \$1,300,000 worth of property will belong to the State, the greater portion of which would be otherwise destroyed or squandered. By this arrangement we are freed, without bloodshed or trouble, from the presence of the Federal troops; they cannot go to New Mexico or to Kansas to fix freesoilism on the one, or to be the nucleus of a northern army in the other to menace our frontier in the future. The labor performed by the undersigned in the business undertaken by them has been neither light nor pleasant; we have adhered to the letter and the spirit of our instructions, and exercised our discretion only when it became absolutely necessary. We had some anxious hours resting upon us from the time the volunteer force commenced closing around the city until after the surrender of the posts held by the United States troops. Our force must have been at 8 o'clock, A. M., not less than 1100 men under arms, and a more respectable looking or orderly body of men than the volunteer force it would not be easy to find. We have taken measures to secure the public property and have authorized Major Sackfield Maclin, paymaster, U. S. A., and who, as you will perceive from the army list, stands high upon the same, to act as adjutant and inspector general and chief of ordnance, combining the business of three departments in one. This economises ex-

pense and gives the State for the present the services of a man competent to the duties assigned him, capable of preventing the confusion and consequent loss that would fall upon the State by the appointment of an incompetent person. Maj. Maclin is a true southern man; he resigns his commission in the Federal army, giving up an income from that government of nearly \$4,000 pr. annum. We address him as colonel for the purpose of giving him an honorable stand in his expectations or claims on the Southern Confederacy in some future military appointment. His appointment by the undersigned lasts until set aside by you or the Convention's order. Please let us know whether you approve of this action. Capt. Reynolds has been acting as assistant quartermaster at San Antonio; he will resign his commission as captain in the U. S. army; we have for the same reasons set forth in Maj. Maclin's case appointed him chief quartermaster, and have combined with the former duties the labor of the commissary department, which has heretofore had a first and second assistant commissary. We have likewise consolidated with his duties the office of military storekeeper, narrowing down the expense as much as possible. A building rented by the U. S. government as a commissary department, soldiers' quarters, general staff, etc., we have determined to release the State from any liability for, as the commissary stores can be stored in the Alamo buildings; said buildings rent for \$6,000 a year. In furnishing the U. S. troops transportation facilities, the officers representing the State will be busily employed for some time. When we can obtain a breathing spell we will go into further details; we will select agents to give receipts and hold the public property left at the posts, until otherwise directed.

We remain respectfully, etc.

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,

Commissioners on behalf of the Com. on Public Safety.

The following report from Col. Ben. McCulloch is herewith also submitted:

Head Quarters, Middle Division,
State Forces, San Antonio, Texas.

Hon. J. C. Robertson

Chrm'n of the Com. on Pub. Safety.

Sir.

On the receipt of the order of the commissioners calling on me to raise men for the purpose of securing the property, arms, etc., of the

United States, at San Antonio, immediately I proceeded to take steps to collect such a force as would be sufficient to accomplish the purpose. To Texans a moment's notice is sufficient when their State demands their service.

On the night of the 15th inst., by 12 o'clock, a force of near 400 men from the adjacent counties had assembled on the Rio Salado. At 3 o'clock, A. M., the 16th, we took up the line of march for the city; at 4 o'clock, when near the suburbs, ninety men were ordered to dismount and enter the city on foot, when I posted them in such positions as commanded those occupied by the Federal troops. The main body came in on horseback; at daylight several volunteer companies of San Antonio turned out promptly, and co-operated with us to aid the State;³ orders were given to the troops under my command not to fire until fired upon. In a very short time it was ascertained that no resistance would be offered. The Federal troops were requested to keep within their quarters until the commissioners should agree upon the terms by which the arms and other property of the Federal government should be surrendered to the State.

This was decided by the commissioners and General Twiggs before 12 o'clock, M., wherefore I instantly informed the forces under my command of the fact, and of there being no necessity for their remaining away from their ploughs and other peaceful avocations. They left immediately for their homes, conscious of having rendered service to their State, and giving offence to no one save her enemies.

To make distinctions where all acted so nobly would be as unwise as unjust, but I cannot refrain from expressing my thanks to all for their gallant and prompt response to the call of their State, and my admiration for their orderly conduct whilst we held the city.

Having performed the duty assigned me by the enclosed order, I now report myself ready to perform such service as shall be assigned me by your committee or the commissioners appointed by you. The commissioners have very kindly relieved me of many duties common to officers commanding. It being my duty only to organize and command such forces as may be necessary to secure and guard the public property in my division in charge of persons appointed by the commissioners to receive the same from the Federal officers.

³The force under Col. McCulloch included a battalion from Gonzales, under Col. Jones, Captains Ashby and Key; Captain Martin's company from Seguin; the Alamo City Guards, Capt. Edgar; Ward Company No. 2, Captain Newton; Alamo Rifles, Capt. Prescott; Capt. E. H. Rogan's company, from Lockhart; and Capt. Jett's company. The following companies of K. G. C.'s: San Antonio Castle, Col. Wilcox; Charles Bickley Castle, Capt. Teel; Pleasanton Castle, Capt. Walker; New Braunfels Castle, Capt. Thomas; Seguin Castle, Capt. Herron; Castroville Castle, Capt. Paul. Maj. Wm. Scurry's Command from De Witt county.—*The State Gazette*, March 9, 1861.

I have this day appointed W. T. Mechling my assistant adjutant general, with the rank of captain.

sir, very respectfully, your obd't serv't,

Ben. McCulloch,
Colonel commanding.

Head Quarters, Department of Texas,
San Antonio, Feby. 18th, 1861.

General Orders, }
No. 5. }

The State of Texas having demanded through its commissioners the delivery of military posts and public property within the limits of this command, and the commanding general desiring to avoid even the possibility of a collision between the Federal and State troops, the posts will be evacuated by their garrisons, and these will take up, as soon as the necessary preparations can be made, their line of march out of Texas by way of the coast, marching out with their arms, (the light batteries with their guns,) clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops prepared for attack or defense against aggressions from any source.

The troops will carry with them provisions as far as the coast.

By order of Brevet Major General Twiggs,

U. A. Nichols,
Ass't Adj't General.

San Antonio, Feby 18th, 1861.

The undersigned, commissioners on the part of the State of Texas, fully empowered to exercise the authority undertaken by them, have formally and solemnly agreed with Brevet Maj. Gen. David E. Twiggs, U. S. Army, commanding the Department of Texas, that the troops of the U. S. shall leave the soil of the State by the way of the coast; that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan, and the battery of the same character at Fort Brown, and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, etc., etc., and transportation.

It is the desire of the commission that there be no infraction of this agreement on the part of the people of the State. It is their wish on the contrary that every facility shall be offered the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at various posts, other than that above recited for the use of the troops, will be turned over to agents to be appointed by the commission, who will give due and proper receipts for the whole, to the officers of the army, whom they relieve from the custody of the public property.

Thos. J. Devine,
P. N. Luckett,
S. A. Maverick,

Com'rs on behalf of the Com. on Pub. Safety.

Your committee herewith submit to the Convention a full and complete report of the commissioners to San Antonio, in regard to the subject of their mission.

San Antonio, March 2nd, 1861.

To Jno. C. Robertson,

Chairman of the Com. on Public Safety.

Sir:

The undersigned commissioners, appointed by the Committee of Public Safety to visit San Antonio and confer with Brevet Maj. Gen. David E. Twiggs, U. S. A., Comdg. Department of Texas, on the subject of the public property in the State under his control, and to demand the delivery of the same should it be deemed necessary, submit the following as a report of their proceedings and a statement of subjects connected therewith.

Having arrived in San Antonio, the commissioners on the evening of the 7th ult. communicated with Gen. Twiggs, when it was arranged that the next day should be the time for a formal interview with him respecting the subject intrusted to their care. Upon calling on him, the subject of the visit and extent of the powers conferred upon the commissioners were stated and the present condition and future prospects of the State were set forth as reasons why Federal property should be yielded up and the Federal troops removed beyond the limits of the State. In answer to these views and demands, that officer stated that "Texas was not out of the Union and would not be before the 2nd day of March, that for his part he would obey the orders of his government but would not draw his sword against the people of Texas, and referred to his 'order book' for proof of his having so declared in his communications to the War Department." In reply to a question respecting his removal from Texas, he admitted that he might be superseded and would only say that "all should remain as it was then until after the 2nd of March, when if Texas seceded he would then deliver up to the regularly constituted authorities of Texas all the public property under his control, other than that

required for the use of the troops on their march to New Mexico." The credentials of the commissioners were presented and their contents stated, but no intimation was given either by word or gesture that he desired either to inspect or hear them read. The interview was prolonged for some time but nothing more tangible elicited, save his expressed determination to carry the troops to New Mexico and his resolve to lose his life sooner than permit them while under his command to be deprived of the arms pertaining to their respective corps. After the termination of the interview, the commissioners upon consultation deputed one of their number to call on Gen. Twiggs and request from him a written statement of what he would be willing to perform on or after the 2nd of March. He declined giving a written statement but informed the commissioners that a military commission would be selected to confer with the commissioners on the subject of the disposition of the public property. Believing that Gen'l Twiggs would neither do nor consent to anything being done that might possibly place him in a false or an apparently false position, either before the government whose interests he represented or before any portion of the American people, and being satisfied that the complications likely to ensue from the command of the Department passing into other hands or by reason of orders from Washington, being also of the opinion that the labors of the undersigned and the military commission would result in nothing but delay and that the best interests of Texas demanded that the troops amounting to nearly 3000 should not be permitted to march into New Mexico to hold and settle the condition of that Territory as a freesoil region, or into Kansas to form the nucleus of an army to harass and waste our frontier in the event of coercion being attempted by the Northern government, and that over \$500,000 worth of transportation facilities as likewise the cavalry horses would be lost to the State by permitting the Federal troops to pass into either New Mexico, Kansas or the Indian Territory, it was determined that prompt and vigorous action was necessary. In view of this consideration and in accordance with previous instructions an express was dispatched that evening to Seguin calling on Col. Ben. McCulloch to assemble as large a force of the volunteers and minute men of the State as could be immediately collected and without delay to hasten to San Antonio. The next day a communication was received from General Twiggs, informing the commissioners that Maj. Vinton, chief quartermaster, Maj. Maclin, paymaster, and Capt. Whiteley, chief of ordnance, were appointed to act as a military commission to meet the undersigned respecting the disposition of the Federal property. A conference was had on this subject which resulted only in expressions on the part of Major Vinton and Capt.

Whiteley that it was proper and necessary that the troops should leave Texas by the Kansas route, that a considerable time would be necessarily consumed in arranging the heads of the various subjects to be discussed, and much time required to examine the different points raised. This conference terminated without any advance being made towards an agreement for the delivery of the government property or the departure of the troops from Texas, and resulted in nothing save an increased belief on the part of the undersigned that delay was the object in view sought to be obtained by Gen. Twiggs in appointing the military commission and the end for which two of that body (Maj. Vinton and Capt. Whiteley) were acting. Two other interviews were had in which the same purpose was apparent, and at the last interview held Maj. Vinton, in reply to a question by the commissioners as to when an answer would be given to their last communication, stated that "a reply would be given some time between that day and the 2nd of March." This closed the interviews and a second express was sent to Col. McCulloch with suggestions respecting his movements.

On the morning of the 16th, that officer entered San Antonio with his command and being joined by the city companies, and about 100 citizens of San Antonio, and those from the Medina and Atascosa, the Alamo, commissary and arsenal buildings were surrounded and commanding positions secured before daylight, on the roofs of the adjoining buildings. At 6 o'clock, A. M., a demand in writing in accordance with their instructions was again made on Gen. Twiggs for the surrender of all public property and posts, and the interview between that officer and the undersigned resulted in the surrender of the posts held by the Federal troops and the delivery of all public property in San Antonio to the commissioners. The U. S. troops were permitted to retain their clothing, etc., etc., and marched out that evening to encamp at the San Pedro Springs, about one mile from the city, there to remain until transportation was furnished to convey them to the coast.

The property and posts in the city are held and guarded by seventy citizen soldiers. Negotiations were continued during the 17th, and on the evening of the 18th were terminated by Gen. Twiggs agreeing that all posts held by the Federal troops should be yielded to the commissioners, as likewise all public property under his control, that the troops should retain the arms belonging to the respective corps, which included two batteries of light artillery, the clothing of the men, the necessary stores, etc., etc., for an orderly movement to the coast, the transportation facilities, on reaching the coast, to be delivered up to the agents authorized to receive them.

The arrangements entered into between the commissioners and the general commanding the Federal troops in Texas it is believed are the best (so far as regards the safety of the State, its honor and pecuniary interest) that could be made. At the same time no humiliating conditions or unnecessary restrictions have been imposed on the officers of the late U. S. government. The departure of the troops by the way of the coast was viewed from the beginning by the commissioners as a measure of precaution coupled with a question of property; both ends have been attained. The permitting of two batteries of light artillery to leave the State has been a subject of complaint on the part of some of our people. Those persons however do not consider or ignore the fact that these batteries belong to and constitute as completely the arms of an artillery corps as do the muskets of the infantry, or sabre or carbine of the cavalry, that with Texas it was a mere question of property not exceeding \$8,000 in value, with Gen. Twiggs, his officers and men it was a question of honor, a principle dear to the humblest as to the highest soldier in the army; that Gen. Twiggs had repeatedly declared he would sacrifice his life sooner than see his men dishonored or disgraced by being deprived of their arms. It is true the eight guns could have been secured, but at a cost to the State of more than twenty times their value in the payment and subsistence of the volunteer force necessary for that purpose, to which might be added the probabilities of a collision with its attendant loss of life and the grave consequences necessarily resulting therefrom. In addition to this may be stated the loss to Texas of all the mule teams, cavalry horses, etc., at the upper posts of Bliss, Quitman, Davis, Stockton, Lancaster, Hudson and Fort Clarke, which would have been carried with the troops at these posts into New Mexico, with the humiliation of a distinguished and honored soldier and the officers and men under his command.

For the correspondence between the undersigned, Gen. Twiggs, Col. McCulloch and the military commission, see documents numbered from 1 to 16 inclusive.⁴

In estimating the value of the property secured to the State, no exact statement can be made of the amount remaining at the different posts until inventories are received from the agents dispatched to those points. The entire value secured to the State may be estimated at a fair valuation as being worth not less than \$1,600,000. It consists as follows:

At the San Antonio depot, cost of arsenal grounds,	
buildings and material of every kind on the ground. . . \$	51,500.00

⁴The documents do not bear these numbers.

Ordnance stores, including arms, powder and ammunitions of every kind.....	282,132.26
Brass guns, howitzers, etc., etc., at different posts in Texas	24,635.00
Quartermaster's stores.....	178,666.00
Commissary stores.....	19,702.87
Medical and hospital stores.....	30,175.00
Soldiers' clothing, camp and garrison equipage.....	194,997.26
Total amount of property at San Antonio, including cannon at different posts valued at \$24,635.00.....	781,808.39
It is estimated that the mules, cavalry horses, transportation facilities, camels, provisions and other property at the various posts, exclusive of buildings, will amount at first cost to not less than.....	700,000.00

Making in all available to the State for purposes connected with the defence of the frontier and for other uses, should the same become necessary, total.....\$1,481,808.39

The cost of placing the above property at its various locations has cost the Federal government not less than \$100,000

Surplus of funds seized in San Antonio, estimated, \$23,472.00.

For lists of the above property see exhibits marked A, B, C, D, E, F, G, H, I, J and K.⁵

For lists of persons retained for the present in the public employment in connection with the quartermaster's and commissary department, see report of agent, marked exhibit L.

The successor of Gen. Twiggs, Col. C. A. Waite, arrived in this city a few hours after the negotiations with Gen. Twiggs had been closed. Since that time the undersigned have been actively engaged in settling questions connected with the movements of troops towards the coast, and arranging the necessary means for their transportation.

Competent persons have been selected to proceed to and take charge of the property at the posts about being abandoned by the Federal troops. Bonds with sufficient securities have been required and given for the faithful execution of the duties entrusted to the agents. Small detachments of men for the protection of the buildings and public property at each post have been dispatched under the orders of Col. McCulloch. The detachments sent to the different posts vary in number from ten to twenty-five. They will remain at the points designated until further action is had by the Convention or legislature of the State, on this subject. See document number 25.

⁵These lists are not recorded in the Journal, nor have they been found.

On the morning of the 25th ult., information having been received that Capt. King, U. S. A., encamped with his company near this city, had enlisted a soldier to serve in the army of the late U. S. government, a note was dispatched to Col. Waite, demanding the immediate discharge of the enlisted man and requesting that no further enlistments should be permitted by him in Texas. For his reply, announcing the discharge of the soldier and stating that nothing of the kind would be permitted by him, see documents Nos. 17 and 18.

In the performance of the duties confided to the undersigned in reference to obtaining all public moneys or funds, the most determined unwillingness to give any information has been displayed by the disbursing officers in this city with the exception of Maj. Maclin, Capt. Reynolds, asst. quartermaster, and Capt. W. P. Blair, chief of commissary department.

On the evening after the surrender of the property and posts in San Antonio, the safe of Capt. Reynolds, in his office at the Alamo, was taken possession of. The amount of public funds contained therein is between nine and ten thousand dollars. This amount is more than covered by the debts previously contracted with, and due citizens.

With a view of securing to the people of Texas the sums due them, and to prevent the money from being carried out of the State, as also with the intention of securing any surplus funds, and for the purpose of ascertaining the debts due our citizens with the desire of having some reliable data upon which the State might act with reference to the honest or fraudulent claims that will in all probability be brought against her as the recipient of the Federal property in Texas, the commissioners repeatedly requested a statement from the disbursing officers of the funds and credits belonging to their departments, with a list of the debts contracted by them in the State. On the 22nd of Feby, 1861, the request was again made and the questions set forth in document numbered 20 were presented and answers required. Capt. Blair, commissary, and Major Maclin, paymaster, have answered. By the answer of Capt. Blair it will be seen that the debts exceed the funds and credits of his department. From the statement of Maj. Maclin it appears that the sum of \$23,472.00 will remain after all claims against his department have been liquidated. This money is supposed to be *en route* from New Orleans to this city, and measures have been taken by the undersigned to seize and secure it. Upon receiving the answers of Capt. Blair and Major Maclin the guards placed upon their offices were immediately withdrawn. See answers of Capt. Blair and Maj. Maclin, marked Nos. 27 and 28.

Major Vinton, chief quartermaster, Maj. McClure, paymaster, and

Capt. Whiteley, chief of ordnance, having refused to answer or give any information on the subject, the guards placed upon their offices on the 27th ult., still remain. It is proper to state that Major Mac-
lin and Capt. Blair were willing from the beginning of the inquiry to make a statement and that guards were placed at their offices more for the purpose of preventing invidious remarks than from any other cause. For further information respecting the demand for public funds, see documents numbered from 2 to 28 inclusive.

In a previous communication you were informed that Major Mac-
lin had been appointed to take charge of the ordnance department and to act as adjutant and inspector general until further action by your body or the Convention. He has resigned his position in the U. S. army and has entered upon the duties assigned him. You were also informed that Capt. Reynolds had been appointed to control the quar-
termaster's department, etc. He has tendered his resignation and is awaiting the action of the authorities at Washington. Messrs. Mav-
erick and Luckett are at present, assisted by competent agents, per-
forming the duties connected with the quartermaster's department.

The two companies of U. S. troops formerly stationed in this city passed through on their march to the coast this morning.

The expenses connected with the action of the commissioners have been paid or to some extent assumed by them, while the outlay caused by the transportation of the U. S. troops to the coast will be paid by their officers. The expenses incident to the protection and manage-
ment of the property now belonging to Texas must be paid by her. An estimate of the liabilities which have accrued will be presented for your consideration. All needless expenses have been cut off, both as regards the rent of buildings and the employment of men. A still greater reduction will be made in a few days.

All of which is respectfully submitted.

Thos. J. Devine,
P. N. Luckett,
S. A. Maverick,

Com'rs on behalf of Com. of Public Safety.

Austin, March 6th, 1861.

To Hon. Jno. C. Robertson

Chairman of Com. of Safety.

As a supplement to the preceding report, the undersigned would state that, having received information three days before the arrival of the force under Col. McCulloch at San Antonio, that four wagons with arms and fixed ammunition had been dispatched, two via Indianola for Fort Brown and two for Fort Mason, a force was im-
Property of Tarlton Law Library, Jamail Center for Legal Research, The University of Texas School of Law

diately sent in pursuit. The teams on the Indianola road were overtaken about forty miles, and those destined for Fort Mason about sixty miles from San Antonio. The wagons were brought back to that city and their contents deposited in the ordnance department.

Having received information on the evening of the 2nd inst. that depredations were being committed on public property at Camp Verde by some of the soldiers of company A, 1st Infantry, U. S. A., a note was immediately forwarded to Col. Waite informing him of the fact and that such depredation was considered a violation of the stipulations entered into between Gen. Twiggs and the undersigned and that the officers and men belonging to any company committing any depredations in the future would be held personally liable, and requested Col. Waite to remove the troops from that post without delay. Capt. Frank Hubert's company of Washington county volunteers, numbering twenty-five men under the command of Lieut. Haynes, then in San Antonio, were directed to march next morning at daylight for Camp Verde and there remain for the protection of the public property and buildings until further orders.

The public funds alluded to in the preceding report as being *en route* from the coast to San Antonio were seized by a portion of Capt. Edgar's company of Alamo Guards, acting under the orders of the commissioners, on the morning of the 4th inst. and are now in the Alamo buildings under guard, subject to the action of the Convention. See report of commissioners, marked exhibit W.

In conclusion it may be proper to add that in view of the uncertainties connected with the attempt to force the general commanding the Federal troops in Texas into a surrender of the positions held by the troops under his command, and a delivery up of the public property under his control in Texas without bloodshed, the consequences resulting from which no man could foresee, the city authorities deemed it proper and necessary to close all places of public resort in the city of San Antonio upon the arrival of the troops under the command of Col. McCulloch, and during the time the troops raised in the city as well as those from other counties remained under arms.

In connection with this subject it may be added that a more orderly body of men under similar circumstances never appeared under arms, their conduct throughout was of a character well calculated to reflect the greatest credit upon themselves and the cause to uphold which they had left their homes and appeared in arms.

All of which is respectfully submitted.

Thomas J. Devine

On behalf of the commissioners.

It will thus be seen that all the U. S. troops stationed on the Indian frontier, and the frontier bordering on Mexico along the Rio Grande, have been removed and are on the line of march to the Gulf coast. The moral of their presence to prevent Indian depredations having been destroyed it is thought that the frontier is in most imminent danger and they have evidence of very recent murders in that region.

The committee believe that the people along the whole line of the frontier are true and loyal to the cause of the South, and look with intense anxiety for the Convention to furnish them with immediate and prompt protection. Encouraged and aided by the enemies of Texas the Indians will, unless timely assistance be furnished, commit the most horrid depredations. With the view of rendering to the frontier this protection, and that it may be accomplished speedily and efficiently, as well also to show the government of the Confederate States, of which we hope soon to become a member, that we are not unmindful of what is due to our people, and as an indication to that government of what is expected for our defense, and particularly to save the lives of our women and children in that region, the committee instruct me to report an ordinance for the raising of volunteer forces, which they hope the Convention will find it expedient to adopt.

I have the honor to remain, very respectfully,

Jno. C. Robertson,
Chrm'n of the Com. on Public Safety.

Correspondence between the Commissioners to San Antonio, Gen. Twiggs and the Military Commission

San Antonio, Feby 8th, 1861

Dear Sir:

In reference to the interview which the undersigned had with you this morning in the presence of Major Nichols in regard to the public property, and your disposition to keep the same in its present position until March the 2nd proximo, the undersigned beg you will be so kind as to give them in writing such statements as you may deem material and proper on that subject.

With high consideration, your obd't servt's,

Thos. J. Devine,
Sam. A. Maverick,
P. N. Luckett,

Comr's on behalf of the Convention of the People of Texas

To Brevet Maj. Gen. D. E. Twiggs
Commanding Dep't of Texas

Head Quar's, Dep't of Texas,
San Antonio, Feby 9, 1861.

To Mesrs. Thos. J. Devine, Sam A. Maverick, and P. N. Luckett.

Comr's on behalf of the Convention of the people of Texas, San Antonio, Texas.

Gentlemen:

I am directed by the commanding general of the Department to acknowledge the receipt of your communication of the 8th inst., and to inform you in reply that he has this day appointed a military commission to meet the commissioners on behalf of the Convention of the people of Texas to transact the necessary business respecting the disposition of the Federal property.

I am, gentlemen, very respectfully, your obd't serv't,

U. A. Nichols,
Ass't Adj't Gen.

Head Quar's Dep't of Texas,
San Antonio, Feby 9th, 1861.

Special Orders, }
No. 20. }

A military commission to consist of Major David H. Vinton, quartermaster, Major Sackfield Maclin, paymaster, and Captain Robt. H. K. Whiteley, ordnance department, is hereby appointed to meet the commissioners on behalf of the Convention of the people of Texas, Mesrs. Thos. J. Devine, Sam'l A. Maverick and P. N. Luckett, at such times and places as may be agreed upon, to transact such business as relates to the disposition of the public property, upon the demands of the State of Texas.

By order of B't Maj. Gen. Twiggs,

U. A. Nichols,
Ass't Adj't Gen.

San Antonio, Feby 9th, 1861.

Gentlemen:

We have the honor to acknowledge the receipt of your communication of this date, in which you appoint 12 o'clock to-day or at any hour this afternoon for meeting you to consider the business connected with our several commissions. We regret that we have not been able to conform to your appointment. The want of instructions from Maj. Gen'l Twiggs, delayed by untoward circumstances, will prevent our meeting with you to-day, but we will, if it suits your convenience, have the honor to receive you at Gen'l Twiggs' office, on

Monday at 9 o'clock, A. M., to enter upon the business you may then lay before us.

We are, gentlemen, most respectfully, your obd't servants,
 D. H. Vinton, Major and Quartermaster,
 Sackfield Maclin, Paymaster, U. S. A.
 R. H. K. Whiteley, Capt. of Ordnance.

To Mesrs, T. J. Devine, S. A. Maverick, P. N. Luckett,
 Comr's on behalf of the people of the State of Texas, San Antonio,
 Texas.

San Antonio, Feby 11th, 1861.

To Major D. H. Vinton, Major Sackfield Maclin, Captain R. H. K.
 Whiteley, Military Commission.

Gentlemen :

The undersigned, by virtue of the powers vested in them, do now demand of you, in the name and by the authority of the sovereign people of the State of Texas, in convention assembled, as they have heretofore demanded of Brevet Major General David E. Twiggs, commanding in the Department of Texas, a delivery of all the arms of every description, military stores, including quartermaster's, commissary and medical stores and public moneys and everything else under the control of the general in command, belonging to the Federal government.

If an affirmative answer is not given to this demand, the following questions are submitted for your consideration, and answers to the same are respectfully required.

Do you consent and agree to the following stipulations :

1st. That everything under the control of the commanding general in the Department of Texas shall remain in *statu quo* until the 2nd day of March next?

2nd. That no movement, change of position or concentration of the troops shall take place?

3rd. That none of the arms, ordnance, military stores or other property shall be disposed of before that time, (ordinary consumption excepted) ?

4th. That upon the 2nd day of March the public property in Texas shall, without delay, be delivered up to the undersigned or such other commissioners, who may be authorized to act on behalf of the Convention ?

An answer is respectfully required.

We remain, gentlemen, very respectfully, your obd't servants,
 Thos. J. Devine,
 S. A. Maverick,
 P. N. Luckett,

Commissioners on behalf of the Convention.

San Antonio, Feby 12, 1861.

To Messrs. T. J. Devine, S. A. Maverick, P. N. Luckett

Com'rs on behalf of the Convention of the people of Texas.

Gentlemen:

We, the military commission, appointed by Maj. Gen'l. Twiggs, have had the honor to receive your communication of the 11th inst., while in convention, demanding of us "in the name and by the authority of the sovereign people of Texas, in convention assembled," a delivery of "all arms of every description, military stores, including quartermaster's, commissary and medical stores, and public moneys and everything else under the control of the general in command, belonging to the government," adding that, "if an affirmative answer is not given to this demand" you submit the following questions for our consideration and reply, viz:

"Do you consent and agree to the following stipulations:

1st. "That everything under the control of the general commanding in the Department of Texas shall remain in *statu quo* until the 2nd day of March next?

2nd. "That no movement, change of position, or concentration of troops shall take place?

3rd. "That none of the arms, ordnance, military stores or other property shall be disposed of before that time, ordinary consumption excepted?

4th. "That upon the 2nd day of March, the public property in Texas shall without delay be delivered up to the undersigned or such other commissioners who may be authorized to act on behalf of the Convention?"

To the 1st of the foregoing interrogatories we have the honor to state that we are willing that everything shall remain in *statu quo* until the 2nd day of March next; provided, that the general commanding the Department shall not receive orders from higher authority than himself to remove the troops from Texas, or find it necessary to resist the inroads of marauding parties of Indians, the enemies of Texas and our common country, or attacks upon the troops or military posts in Texas by irresponsible parties coming from any quarter whatever.

With regard to your second proposition, it is hereby agreed that no movement or change of position of the troops shall take place, unless the commanding general should find it necessary to act under the contingencies mentioned in the next preceding answer.

To the 3rd question we reply that it is not the intention of the commanding general to dispose of or to place out of the reach of the authorities of Texas any of the property otherwise than to meet with

it the common wants of the military service; so do we agree to your proposition.

And to your last inquiry, we have to remark that a compliance with the demands of Texas, whether made through you or any other commissioners appointed for the purpose, will be yielded under the following conditions, viz: That the moneys in the hands of the disbursing officers being out of the control of the commanding general and considered as peculiarly a matter of individual accountability to the treasury of the United States by those officers, involving the responsibility of their bondsmen, and being necessary for the payment of the troops and debts already contracted in Texas, they will not be relinquished on the demand of Texas. That the troops now in the Department of Texas shall retain their legitimate arms in possession, and march out of Texas with them; the requisite ammunition, clothing, and camp and garrison equipage, quartermaster's stores, subsistence, medical and hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence against aggression from any source. That the officers of the general staff at Department headquarters, their families and movable property shall be transported in their egress from Texas by the public means now at this depot, which means shall be retained for that purpose, and when such service shall have been performed the said means shall be surrendered to the regularly authorized persons to receive them. That all property delivered up to the authorities of Texas, under the foregoing stipulations, shall be receipted for by agents appointed by said authorities.

We are, gentlemen, very respectfully, your obd't servants,

D. H. Vinton, Major and Quartermaster,
Sackfield Maclin, Paymaster, U. S. A.,
R. H. K. Whiteley, Captain of Ordnance.

San Antonio, Feby 14, 1861.

Major D. H. Vinton, Major S. Maclin, Captain R. H. K. Whiteley,

Military commission acting on behalf of Maj. Gen. D. E. Twiggs.

Gentlemen:

The undersigned commissioners, on behalf of the Convention of the people of the State of Texas, acting through the committee of Public Safety, have had the honor to receive your communication of the 13th inst., while in conference, and have the honor to reply to the answers contained in your note as follows:

We are unable to accept as satisfactory your answer to that question in our note of the 11th inst., relating to the movement or position of

the troops in Texas, as your reply, by a reasonable construction of its language, if not in express terms, asserts the right and intention of the general in command of the Department of Texas to make any movement of the troops that may be ordered by an authority higher than himself. The question is consequently left unanswered as far as it relates to the object which the undersigned had in view in presenting this question for consideration, which object was fully set forth in the conference of the 11th inst. If the question be considered as answered by your reply to it, then the undersigned are constrained to consider it as a substantial denial of their demand on that subject.

The non-acceptance of the terms contained in your second answer rests upon the same reasons as those set forth in reply to your first answer. The 3rd answer is as the undersigned had reason to believe it would be, and is accepted.

The terms embraced in your reply to our last inquiry are accepted with the following conditions: 1st, that all moneys in Texas for the payment of the troops, or the liquidation of debts of every description incurred on behalf of the Federal government, shall be considered applicable to those purposes, and be turned over to the commissioners for their disposal accordingly, and guarantees will be given by the undersigned for the prompt payment of the same, and all funds in Texas held for the Federal government, not included in the above exception, shall be given up and receipted for by the undersigned. That portion of the last answer is accepted which claims the retention by the troops in Texas of their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence from any source; provided the troops shall march to the coast in detachments of not more than 200, each detachment to be at least three days march apart and upon arriving at the point or points of embarkation the teams or means of transportation with the artillery, (if any be taken by the troops,) shall be delivered up to the agent appointed to receive and receipt for the same. The remaining portion of the last answer relating to the means of transportation for the officers, their families, servants and property is accepted according to its terms.

We are, gentlemen, very respectfully, your obd't servants,

Thos. J. Devine,

P. N. Luckett,

S. A. Maverick,

Com'rs on behalf of Com. of Pub. Safety.

San Antonio, Feby 15, 1861.

To Messrs. Thomas J. Devine, Sam A. Maverick, P. N. Luckett.

Commissioners on the part of the Convention of the people of Texas.

Gentlemen :

In acknowledgement of your communication of the 14th inst., wherein you disagree to certain points in our letter of the 12th inst., the undersigned have the honor to say that the conditions you prescribe for the movement of the Federal troops from Texas will necessarily check for a short time, at least, further conference with you on that subject, in as much as it is one over which we have no control.

The commander of the Department, whoever he may be, whether acting under his own judgment, or by the advice and instructions of his superiors, has exclusive authority in such cases, and to him must we refer the present one, with a report of all our proceedings for his approval or disapproval, and in view of an immediate change of commanders of the Department of Texas, Gen. Twiggs having been superseded by Col. Waite, all the proceedings of the military commission appointed by the former officers must be submitted for the consideration and sanction of the latter, whose duty it will be to execute whatever measures that may be recommended and adopted under the action of that committee.

The undersigned would respectfully remark that they can not but regret that the reasons given in objection to the relinquishment of the funds in the hands of the Federal disbursing officers have not met with acquiescence on the part of your commission: they can only hope that upon re-consideration, your views may undergo a change. Under any circumstances, we trust that the commissioners appointed by the Texas committee of Safety will exert their influence to avert violence, either on the part of any irregular forces or organized military parties of whatever size. Believing that everything may be done in a manner honorable to the present contending parties and for the quiet and safety of the community in which we reside, we have full faith that your commission will so act as to bring about results which may prevent a collision between the troops of Texas and those of the Federal government.

We are, gentlemen, very respectfully, your obed't servts,

D. H. Vinton, Major and Quartermaster,

Sackfield Maclin, Paymaster, U. S. A.,

R. H. K. Whiteley, Captain of Ordnance.

San Antonio, Texas, Feby 16, 1861,
6 o'clock A. M.

To the Officer in Command of the Department of Texas:

Sir:

You are hereby required, in the name and by the authority of the people of the State of Texas, in Convention assembled, to deliver up all military posts and public property held by or under your control.

Respectfully, etc., etc.,

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett,

Com'rs on behalf of the Com. of Pub. Safety.

San Antonio, Feby 17th, 1861.

Brev't Maj. Gen. D. E. Twiggs,

Commanding department of Texas.

Sir:

In our communication of the 16th inst., we required a delivery up by you of the position held, and public property held by or under your control, as commander in this Department. As no reply, save your verbal declaration, (which declaration was that you "gave up everything,") has been given to our note, and as the undersigned are most anxious to avoid even the possibility of a collision between the Federal troops and the force acting on behalf of the State of Texas, a collision which all reflecting persons desire to avoid and the consequences of which no man can predict, we again demand the surrender up to the undersigned of all the posts and public property held by you or under your control in this Department. Please answer immediately.

We have the honor to remain, your obd't servants,

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett,

Com'rs on behalf of the committee of Public Safety.

Head Quarters, Dep't of Texas,
San Antonio, Feby 17, 1861.

Mesrs. Thos. J. Devine, S. A. Maverick, P. N. Luckett,

Com'rs on behalf of the Com. of Pub. Safety.

Gentlemen:

In reply to your communication of this date, I have to say that you are already aware of my views in regard to the delivery of the Property of Tarlton Law Library, Jamail Center for Legal Research, The University of Texas School of Law

public property of this Department, and I now repeat that I will direct the positions held by the Federal troops to be turned over to the authorized agents of the State of Texas; provided the troops retain their arms and clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops from Texas, prepared for attack or defence against aggressions from any source.

D. E. Twiggs,
Brv't Maj. Gen'l U. S. A., Comd'g the Dep't.

San Antonio, Feby 17, 1861.

To Brv't Maj. Gen. D. E. Twiggs,
Comd'g the Department of Texas.

Sir :

In reply to your communication of this date, we have to say that we accept the terms therein set forth, with the conditions stated in our note of the 14th inst., viz: that the troops shall leave Texas by way of the coast, and upon arriving at the point or points of embarkation will deliver up to the authorized agents appointed for that purpose all means of transportation of every kind used by them, as likewise the artillery if any be taken.

Respectfully, etc., etc.,

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett,

Com'rs on behalf of the committee of Public Safety.

Headquarters, Dep't of Texas,
San Antonio, Feby 18, 1861.

To Mesrs. Thos. J. Devine, S. A. Maverick, P. N. Luckett,

Com'rs on behalf of the Convention of the people of Texas.

Gentlemen :

Your communication of the 17th inst., which you say is a reply to mine, written yesterday, the 17th inst., was received last night. I consent to the conditions that the troops shall leave Texas by way of the coast, with the provision expressed in my communication of yesterday.

As to the condition of surrendering the guns of the light batteries, that, you must see, would be an act which would cast a lasting disgrace upon the arms of the United States, and, under no circumstances, can I believe that the State of Texas would demand such

a sacrifice at my hands, and more particularly so after I have yielded so much to meet what I deem to be due to the State, and to avoid any unnecessary collision between the Federal and State troops. In this view of the case, I am sure you will not insist on a demand which, must see, I am not at liberty to grant.

I am, gentlemen, very respectfully, your obd't servant,

D. E. Twiggs,

Brev't Maj. Gen. U. S. A., Comd'g the Dep't.

San Antonio, Feby 18, 1861.

To Brv't Maj. Gen. D. E. Twiggs, U. S. A.,

Commanding Department of Texas:

Sir:

In reply to your communication of this date, we have to say that we accept the terms therein stated, viz: that the two batteries of light artillery, with the arms for the infantry and calvary, shall be *retained* by the troops under your command, all other property as set forth in our previous communication to be delivered up to agents authorized to receive it.

We remain, respectfully, your obd't servants,

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett,

Com'rs on behalf of the Com. of Public Safety.

Headquarters, Dep't of Texas,

San Antonio, Feby 18, 1861

General Orders, }

No. 5. }

The State of Texas having demanded through its commissioners the delivery of the military posts and public property within the limits of this command, and the commanding general desiring to avoid even the possibility of a collision between the Federal and State troops, the posts will be evacuated by their garrisons, and these will take up, as soon as the necessary preparations can be made, the line of march out of Texas by way of the coast, marching out with their arms, (the light batteries with their guns,) clothing, camp and garrison equipage, quartermaster's stores, subsistence, medical, hospital stores, and such means of transportation of every kind as may be necessary for an efficient and orderly movement of the troops, prepared for attack or defence against aggression from any source.

The troops will carry with them provisions as far as the coast.

By order of Brv't Major Gen. Twiggs,

U. A. Nichols,

Ass't Adj't Gen'l.

San Antonio, Feby 18, 1861.

The undersigned, commissioners on the part of the State of Texas, fully empowered to exercise the authority undertaken by them have formally and solemnly agreed with Brevet Maj. Gen. David E. Twiggs, U. S. A., commanding the Department of Texas, that the troops of the United States shall leave the soil of the State by the way of the coast, that they shall take with them the arms of the respective corps, including the battery of light artillery at Fort Duncan, the battery of the same character at Fort Brown, and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, etc., etc., and transportation.

It is the desire of the commission that there shall be no infraction of this agreement on the part of the people of the State. It is their wish, on the contrary, that every facility shall be afforded the troops. They are our friends. They have heretofore afforded to our people all the protection in their power, and we owe them every consideration.

The public property at the various posts, other than that above recited for the use of the troops, will be turned over to agents, to be appointed by the commission, who will give due and proper receipts for the whole to the officers of the army, whom they relieve from the custody of the public property.

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett,

Com'rs on behalf of the Com. of Public Safety.

San Antonio, Bexar Co.,

Feby 8th, 1861.

Col. Ben. McCulloch:

Sir:

The undersigned, by virtue of the powers vested in them by the committee of Public Safety, do hereby authorize and direct you in the name and by the authority of the State of Texas to call out and collect such numbers of the volunteer force or "minute men" as you may deem necessary for securing and protecting the public property at San Antonio. Upon the assembling of the force, you will proceed

without delay to San Antonio, and report to the undersigned when you arrive in the vicinity of the city.

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs of Com. of Public Safety.

Correspondence with Col. Waite, and Lists of Volunteers sent to various Posts.

San Antonio, Feby 22, 1861.

Col. C. A. Waite:

Sir.

Your communication of the 20th inst., making a requisition on us for 100 wagons and 600 mules, has been duly considered, and the necessary orders will be issued to carry out the requisition.

Very respectfully, your obd't servants,

P. N. Luckett,
Thos. J. Devine,
S. A. Maverick,
Commissioners.

San Antonio, Feby 25, 1861.

Col. C. A. Waite:

Sir:

We have just learned that on Saturday Capt. Jno. H. King, of the infantry, enlisted a man in his company. If such is the case, we demand that he be immediately discharged, and that no further enlistments take place.

Respectfully, your ob'dt servants,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,
Com'rs on behalf of the Com. of Public Safety.

Headquarters, Dep't of Texas,
San Antonio, Feby 26, 1861.

To Messrs. Thos. J. Devine, S. A. Maverick and P. N. Luckett,
Commissioners, etc.

Gentlemen:

In answer to your letter of the 25th inst., I have to say that I have directed Captain King to discharge immediately the man he

enlisted. I shall take measures to prevent the enlistment, in future, of any citizen of Texas.

I am, gentlemen, very respectfully, your obd't serv't,

C. A. Waite,
B't Col. U. S. A., Comd'g the Dep't.

Headquarters, Dep't of Texas,
San Antonio, Feby 21, 1861

Gentlemen:

I have been informed by Capt. Reynolds, ass't quartermaster, that the funds placed in his hands, pertaining to the quartermaster's department, and for which he is personally accountable to the Treasury, have been seized by an armed body of Texans, and are no longer in his possession.

The commissioners on the part of the State of Texas "formally and solemnly agreed with B't Maj. Gen. David E. Twiggs, U. S. A., commanding the Department of Texas," that "the necessary *means* for regular and comfortable movement, provisions, tents, etc., etc., and transportation shall be allowed the troops, and that the public *property* at the various posts, other than that above recited," shall be turned over to agents, etc. The words "public property" do not include *money*—and certainly not money in the hands of disbursing officers, who are personally accountable for it to the treasury of the United States. Their bondsmen, their private property and their commissions are pledged to their government for the faithful disbursement of the funds entrusted to them.

Believing that a proper construction of the agreement referred to will not authorize the retention of the funds lately in the possession of Capt. Reynolds, and seized *prior* to the agreement between the commissioners and Gen'l Twiggs, I have to require that they may be returned to him immediately.

I am, gentlemen, very respectfully, your obd't servant,

C. A. Waite,
Col. U. S. A., Comd'g Dep't.

To Messrs. Thos. J. Devine, P. N. Lockett, S. A. Maverick,
Commissioners on behalf of the committee of Public Safety.

Head Quarters, Dep't of Texas,
San Antonio, March 5, 1861.

Official copy.

U. A. Nichols, Ass't Adj't Gen'l

San Antonio, Feby 22nd, 1861.

To Col. C. A. Waite, U. S. A.,
Comd'g Dep't of Texas.

Sir:

We are in receipt of your communication of the 21st inst., in which you state that the "funds placed in the hands of Capt. Reynolds, ass't quartermaster, and pertaining to his department, have been seized by an armed body of Texans, and are no longer in his possession." You likewise state that "the commissioners formally and solemnly agreed with Brev't Major Gen. D. E. Twiggs, Comd'g the Dep't of Texas, that the necessary means for regular and comfortable movement, provision, tents, etc., and transportation shall be allowed the troops, and that the public property at the various posts, other than that above recited, shall be turned over to agents, etc." You further state that the words "public property do not include money, and certainly not money in the hands of a disbursing officer, etc." You further state "that the proper construction of the agreement referred to will not authorize the retention of the funds lately in the possession of Capt. Reynolds, and seized prior to the agreement between the commissioners and Gen. Twiggs, and you (I) have to require that they may be returned to him immediately." In reply to that portion of your communication referring to our agreement with Gen. Twiggs for the comfortable movement of the troops, etc., we have to remark that our actions with reference to the movement of the troops will attest our willingness to perform our part of the agreement, and we are now, as we have been heretofore, ready and willing to carry it out, according to the letter and the spirit of the agreement. With reference to that portion of your communication relating to the words "public property not including money, etc.," we have to say that if the word money was not used in our last communication to Gen. Twiggs, it was simply owing to the fact that our communication of a previous date, as well as our original demand on Gen. Twiggs, contained that word and its equivalents; that communication in which we agreed to the terms of the note of the 18th inst. in which Genl. Twiggs claimed the retention of two batteries of light artillery, refers to our previous communications, in which we claimed all public property, and the reason is apparent, we claim no interest in or desire to meddle with private property, but we do now, as we have heretofore done, claim as public property all money belonging to or held for the benefit of the Federal government; again, if it were necessary to show that nothing was withdrawn by the undersigned from their original and repeated demands, or understood to

have been withdrawn on our part by Gen. Twiggs, it will be found in the demands made by that officer and several others for transportation, etc., and freely furnished by the undersigned although no reference is made in express terms to this obligation in any of the notes between Gen. Twiggs and the undersigned, and the reference is only found in our communication of the 14th inst. to the military commission. We might still further add that the military commission, as well as Gen. Twiggs, repeatedly disclaimed any right on the part of the officer in command to control disbursing officers in their disposition of the public funds. If then Gen. Twiggs has acted upon portions of our answer of the 14th inst., although such portions were not set out in our reply of the 18th, it shows that he understood the referring to that communication was a substantial embodiment of its terms in the communication in which we referred to it. A consideration of these facts will show the necessity for a complete understanding of all matters connected with or operating in any manner upon the question of our right to obtain possession of or control the funds of the Federal government in Texas, such funds being subject however to the payment of legitimate claims due either to soldiers or citizens. For this purpose the undersigned submit the following questions to be answered by the various disbursing officers, or heads of departments and certified to respectively by them on honor.

Question 1st. Please state what amount of funds in specie, coin, drafts or otherwise were in your custody, or under your control for purposes connected with your department, or the performance of your official duties, on the 8th day of Feby. 1861.

Question 2nd. Please state what portion of that amount has been disbursed or changed from its original condition between that day and the time of answering this question, and how or where was this disbursement or change made.

Question 3rd. Please state what amount of indebtedness exists against your department at the time of answering this question, and the persons claiming the same, as nearly as it is in your power to do [so].

Question 4th. Please state what amount in specie or coin has come into your possession since the 8th of Feby, 1861, and what amount has been placed to your credit, or at your disposal for purposes connected with your department, in other cities of the Union since the 8th Feby 1861.

Question 5th. Please state the amount of funds connected with your department, on hand, in specie, coin, drafts, or other evidences of money or credit, and please state the amounts of the respective

credits in this city and with whom, as likewise in other cities of the Union. It is hoped that the preceding five questions will be submitted to the various disbursing officers residing in this city, and an answer is required within the next 18 hours.

The commissioners do not desire, on the contrary it is their determination that nothing shall be done by or through their agency that is likely to cause unpleasant consequences. Our instructions and sense of duty, however, alike demand that all measures proper and necessary for the securing the public funds for the benefit of the State of Texas shall be attempted, and if possible carried to a successful termination.

We remain very respectfully, your obd't serv'ts.

Thos. J. Devine,

S. A. Maverick,

P. N. Luckett,

Com'rs on behalf of Com. of Public Safety.

Head Quar's, Dep't of Tex
San Antonio, Feby 25th, 1861.

To Messrs. Thos. J. Devine, P. N. Luckett, S. A. Maverick,
Commissioners, etc., etc., San Antonio.

Gentlemen,

I have already acknowledged the receipt of your letter of the 22nd inst. and the pressure of my public duties must be my apology for not answering it at an earlier date.

In regard to the five questions proposed in your communication, and your request that "the various disbursing officers, or heads of department," be required to furnish you with answers "certified to" by them "on honor" I have to state that I have no power to compel a compliance with your wishes. An order of that kind would be illegal, and they would not be bound to obey it. As regards myself, if I were to issue an order that would endanger the public funds, or cause a disposition of them not sanctioned by law, I should place my commission in jeopardy and render myself liable for the amounts involved. In relation to the payment of the claims against the United States, I would remark that the disbursing officers by whom the debts were contracted are the proper persons to pay them, as they alone can know the amounts actually due.

I will here repeat what I have more fully stated in a former communication, that I cannot recognize the right of Texas to claim any portion of the funds in the hands of the disbursing officers. In this view of the case I am confirmed by the most positive assurances of

Gen. Twiggs, that he has not at any time or in any way consented to the transfer of the public funds to the State of Texas.

I am, gentlemen, very respectfully, your obd't serv't,

C. A. Waite,
Col. U. S. A., Comd'g the Dep't.

Head Quar's, Dep't of Texas,
San Antonio, March 2nd, 1861.

To Messrs. T. J. Devine, P. N. Luckett, S. A. Maverick,
Com'rs on behalf of the Com. of Public Safety, San Antonio.
Gentlemen:

I here repeat in writing the substance of the remarks made verbally to you yesterday, with respect to the funds on hand, the existing debts of the U. S. quartermaster's dep't, and those which may acerue during the stay of the U. S. troops within the limits of the State of Texas.

That I will exert to the full extent my authority to cause to be paid to the citizens of Texas all just demands they may hold against the United States pertaining to the quartermaster's department, or that may hereafter be contracted by said department, so far as the funds on hand will permit, and further that, it having been ascertained that the available funds on hand are not sufficient to liquidate the present outstanding demands, I will cause an estimate to be made for such further sums as may be deemed sufficient—it being understood and agreed to by said commissioners that such sums as may be necessary for the hire of teamsters, lighters, the purchase and delivery of forage, fuel and other supplies, and to meet all the expenditures necessary for a "regular and comfortable movement" of the troops on their march from their present stations to the coast, and to enable them to embark, shall be retained and held subject to such expenditures.

I am, gentlemen, very respectfully, your obd't serv't,

C. A. Waite,
Col. U. S. A., Comd'g Dep't of Texas.

Approved by the undersigned commissioners on behalf of the committee of Public Safety.

Thos. J. Devine,
S. A. Maverick.

San Antonio Texas, March 2/61.

We the commissioners on behalf of the committee of Public Safety will place at the disposal of the commanding officer of the troops in

Texas such means of transportation as are at our command, to be used by said troops in transporting their baggage, provisions, forage and other supplies to such points on the coast as have been selected for embarkation.

Thos. J. Devine,
S. A. Maverick,
P. N. Lockett,

Com'rs on behalf of the Com. of Pub. Safety.

Circular

Head Quar's, Dep't of Texas,
San Antonio. Feby 25th, 1861.

Sir:

As some of the companies in the Department have already evacuated their posts, deeming the requirements of General Order No. 5 immediate, the Department commander calls the attention of post commanders to the condition as therein expressed, viz: "As soon as the necessary preparations can be made;" the "necessary preparations" will be made at these Head Quarters, and no troops will be put in motion until orders for such purpose shall be issued from the Department.

Should, however, any of the companies within this command have left their stations and be found, on receipt of these instructions, on the march for the coast, they will not consider the above requirements as operative upon them but will continue their line of march.

I am sir, respectfully, your obd't serv't,

U. A. Nichols,
Ass't Adj't Gen'l.

Copy of circular addressed to post commanders. For the State commissioners, etc., San Antonio Texas.

Office of Commissioners,
San Antonio, March 2nd, 1861.

To Col. C. A. Waite, U. S. A.
Comd'g Dep't of Texas,

Sir:

We are credibly informed that after the departure of Capt. Maclin's company from Camp Verde, the soldiers of Company A, 1st Infantry, burned up a chest of saddler's tools belonging to the Federal government, left by Capt. Brackett to be placed in the quartermaster's store. Five days after, on the night of the return of that company to Camp Verde, the men broke into the hospital and after consuming the

liquor destroyed all they could not conveniently appropriate to their own use; the night after, they broke into the carpenter's shop and destroyed everything that was not appropriated by them to their own use.

We desire to call your attention to this transaction, as it is not in the spirit or according to the letter of the agreement between Gen. Twiggs and the undersigned. We have to request that this company be removed as soon as possible from Camp Verde. The officers and men of Company A will be held liable for any destruction of property or other outrage which they may fail to prevent or be guilty of.

We remain respectfully, etc., etc.,

Thos. J. Devine,
S. A. Maverick,
P. N. Luckett,

Com'rs on behalf of the Com. of Public Safety.

Head Quarters, San Antonio,
Texas, March 2nd, 1861.

To the Commissioners

Sirs:

I have the honor to report that

1. Lieut. S. W. McCallister, of Capt. Jordan's company, with one sergeant, one corporal and eighteen privates are *en route* for Fort Davis.

2. Sergeant C. Denman, of Capt. Teel's company, with one corporal and fifteen privates are *en route* for Camp Stockton.

3. Lieut. J. C. Moody, of Capt. Teel's company, with one corporal and fifteen privates are *en route* for Fort Lancaster.

4. Sergeant T. L. Wilson, of Capt. Teel's company, with one corporal and fifteen privates are *en route* for Camp Hudson.

5. Lieut. B. E. Benton, of Seguin, has orders to repair immediately to Fort Mason with 20 mounted men.

6. Lieut. Jas. Paul, of Castroville, has orders to repair immediately to Camp Verde with 25 mounted men.

7. Lieut. W. Adams, of Uvalde, has orders to repair immediately to Fort Inge and Camp Wood; 10 mounted men at the former, and 25 mounted men at the latter place, in all 35 men.

8. Capt. T. T. Teel and Lieut. Bennett are awaiting orders with fifteen privates each to garrison Fort Duncan and Fort Clarke.

9. Lieut. Benton, Lieut. Paul, and Lieut. Adams furnish their respective detachments with arms and ammunition; also, horses.

10. If it be deemed advisable to muster the detachments of Lieuts.

Col. McCulloch did not deem it necessary that they should report at these headquarters for that purpose.

I am, sirs, respectfully, etc.

W. T. Meehling,
Capt. and Ass't Adj't Gen.

To. Hon. T. J. Devine, S. A. Maverick, P. N. Lockett, Commissioners.

Head Quarters, San Antonio,
Texas, March 1st, 1861.

To the Commissioners:

Sirs:

I have the honor to report that I mustered and inspected the several detachments of State troops who are to occupy Forts Davis and Lancaster, Camps Stockton and Hudson, and report them encamped about eight miles west of this city, ready to march at a moment's notice.

Enclosed is a copy of the order assigning them to their posts and order of march.

I am, sirs, respectfully, your obedient servant,

W. T. Meehling,
Capt. and Ass't Adj't Gen.

To. Hon. T. J. Devine, S. A. Maverick, P. N. Lockett, Commissioners.

Answers of Capt. Blair and Maj. Maclin.

Memorandum of Subsistence, Funds and Liabilities in the Office, and under the control of the Commissary of Subsistence:

Funds.

On deposit in New Orleans,	\$2,943.00
On hand in coin,	4,633.47
	<hr/>
Total,	\$7,576.47

Liabilities.

For flour delivered and in course of delivery, at various posts,	\$5,604.20
To fill requisitions for current expenditures at the various posts,	8,498.69
	<hr/>
Total,	\$14,102.89

The above embraces the whole of the public funds under my control of all kinds and descriptions, and all evidences thereof.

W. B. Blair, Capt. C. S.

San Antonio, Feby 28, 1861.

San Antonio, Texas, Feby 28th, 1861

To the Commissioners :

Gentlemen :

In answer to your demand to be informed of the amount of public money received and expended by me since the 31st day of October, 1860, as well as the amount now on hand and on deposit to my credit, I remark :

That on the 20th of Jany, 1861, deposited to my credit in the Treasury, New Orleans,	\$25,000.00
On the 22nd Feby, in the Treasury, New Orleans,	50,000.00
Deposited to my credit in the Treasury, New York, on the 1st of Feby, 1861,	5,000.00

Making total to my credit since the 31st day of October, 1860,	\$80,000.00
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Since the date of above deposits, I have expended in paying the public dues from the deposits in New Orleans,	\$36,649.66
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Expended from the deposit in New York,	3,877.50
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Total expended from the above deposits.	\$40,527.16
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Leaving balance to be accounted for \$39,472.84.

which will be explained as follows, viz:

Draft drawn by me in favor of Lt. Thos. M. Jones. U.

S. A., on deposit in New Orleans, and now <i>en route</i> to this place,	\$30,000.00
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Balance in Treasury New Orleans,	8,550.34
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Balance in Treasury New York,	1,122.50
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Total amount on hand, on deposit, and <i>en route</i> to this place,	\$39,472.84
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It is impossible for me to say with a positive certainty what amount it will require to pay the troops (for whom the estimate upon which the above funds were furnished) to the present date. but I am pretty certain that sixteen thousand dollars will be sufficient.

Please allow me to say that there may be some errors in this hasty report, but I feel well assured that the errors are slight.

I have the honor to be, gentlemen, respectfully, your obd't serv't,
 Sackfield Maclin,
 Late Paymaster, U. S. A.
 To T. J. Devine, S. A. Maverick, P. N. Lockett, Commissioners.

REPORT NO. 2.

General Rogers's Mission.

Committee Room, March 7th, 1861.

To the Hon. O. M. Roberts,
 President of the Convention.

The committee on Public Safety beg leave to report through you to the Convention that on the 14th day of February they were in session at the city of Galveston, and at that time they felt the great necessity of having more arms than were to be found in the State, and the Hon. Geo. Williamson, commissioner from Louisiana to Texas, being then in that city, they caused the chairman of the committee to address him a communication, which with the answer thereto is herewith submitted:

Galveston, Texas, Feby 14, 1861.

To Geo. Williamson,
 Commissioner from Louisiana to the State of Texas:

Dear Sir:

The committee on Public Safety regret to have to make known to your State through yourself the unfortunate condition of Texas as to arms for her people. Should coercion be the policy of the incoming administration at Washington, we hope to bring into the field as many strong arms and brave hearts as our Southern sisters, but in this crisis we must ask them to lend us whatever spare arms they may have. The committee beg to know of you what assurances you can give to Texas in behalf of your gallant State on this subject. Especially, sir, would we ask of you your individual efforts in our behalf to secure for us the two pieces of ordnance, well known in the history of Texas as the "Twin Sisters." We are informed that they are now in the hands of the State of Louisiana, having been lately taken from the Federal government.

In conclusion, sir, allow me in behalf of the committee to extend to you the highest regards of each member for yourself personally.