

Friday, July Fourth, A. D. 1845.

This being the day recommended by the President of the Republic of Texas, in his Proclamation bearing date the fifth day of May, A. D. 1845, for the assembling of Delegates in Convention for the purpose of considering the proposition for the annexation of Texas to the United States, and any other proposition which might be made concerning the nationality of the Republic, and of adopting, provisionally, a Constitution to be submitted to the people for their ratification, with a view to the admission of Texas as a State into the North American Union, the Convention met accordingly at the City of Austin, in the Republic of Texas.

On motion of Mr. Isaac Parker, a Delegate from Houston county, Mr. Abner S. Lipscomb, a Delegate from Washington county, was called to the chair, as President *pro tem*.

On motion of Mr. John Hemphill, a Delegate from Washington county, Mr. James H. Raymond was appointed Secretary *pro tem*.

On motion of Mr. Hemphill, it was

"Resolved, That the call of Deputies be made by counties; and that the Deputies present provided with their credentials, be requested to deliver them to the Secretary *pro tem*."

The counties being called, alphabetically, the following Delegates presented their credentials, viz:

From the county of Austin—Phil. M. Cuney.

Brazoria—H. G. Runnels, Robt. M. Forbes.

Brazos—Sam. Lusk.

Bastrop—John Caldwell.

Bexar—José Antonio Navarro.

Colorado—Geo. Wm. Brown.

Fannin—Gustavus A. Everts, Lemuel Dale Evans.

Fort Bend—J. B. Miller.

Fayette—R. E. B. Baylor, James S. Mayfield.

Galveston—R. Bache, James Love.

Goliad—Wm. L. Hunter.

Gonzales—John D. Anderson.

Houston—Isaac Parker, P. O. Lumpkin.

Harris—Francis Moore, jr., I. W. Brashear, Alex. McGowan.

Harrison—Isaac Van Zandt, S. Holland, Edwd. Clark.

Jasper—Geo. W. Smyth.

Jefferson—James Armstrong.

Jackson—Francis M. White.

Liberty—James Davis, Geo. T. Wood.

Lamar—Geo. W. Wright, H. R. Latimer.

Montgomery—John M. Lewis, James Scott, Archibald McNeill.

Matagorda—A. C. Horton.

Milam—Israel Standefer.

Nacogdoches—Thos. J. Rusk, Jos. L. Hogg, Chas. S. Taylor:
Rusk—David Gage.

Robertson—Henry J. Jewett.

Refugio—James Power.

Red River—Albert H. Latimer, Wm. C. Young.

San Augustine—J. Pinekney Henderson, Nicholas H. Darnell.

Shelby—Emery Rains, A. W. O. Hicks.

Sabine—James M. Burroughs.

San Patricio—H. L. Kinney.

Travis—Wm. L. Cazneau.

Victoria—Al S. Cunningham.

Washington—Abner S. Lipscomb, John Hemphill, Van R. Irion.

On motion of Mr. Hemphill, it was ordered that the roll be called, and the Delegates answer to their names; when the following members were shown to be present, viz: Messrs. Anderson, Armstrong of Jeff., Armstrong of Robertson, Baylor, Bache, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of Red River, Latimer of Lamar, Lewis, Love, Lumpkin, Lusk, Lipscomb, Mayfield, McGowan, M'Neill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Taylor, Van Zandt, White, Wood, Wright and Young.

On motion of Mr. Mayfield, it was ordered that the Convention do now proceed to the election of a President of the Convention.

Mr. Runnels put in nomination Thos. J. Rusk.

There being no other nominee, Mr. Rusk was declared duly and unanimously elected President of the Convention.

The President elect being thereupon conducted to the chair, addressed the Convention as follows:

Gentlemen of the Convention:

Language would fail me, were I to attempt an expression of my feelings, in being thus, unsought by me, elevated to the position which I now occupy as the President of this honorable Convention, to whose hands is confided the dearest interest of the people of Texas, and whose action upon this occasion I am satisfied will not disappoint the just expectations of the friends of Republican Government. My pursuits in life have not thrown me into situations to become acquainted with the rules of proceedings acted upon by bodies of this kind; and I must in advance ask the indulgence of the Convention towards the errors and mistakes which, I have no doubt, I shall unintentionally fall into. The objects for which we have assembled deeply interest the people of Texas. We have the hopes of our present population as well as the millions who may come after us in our hands. The eyes of the civilized world are upon us. We present this day a bright spectacle to all lovers of freedom and Republican Government.

The history of the world may be searched in vain for a parallel to the present instance of two governments amalgamating themselves into one, from a pure devotion to that great principle—that man, by enlightening his intellect and cultivating those moral sentiments with which his God has impressed him, is capable of self government.

The terms of annexation are alike honorable to the United States and to Texas; and, as a Texian, acting for myself and my posterity, I would not, were it practicable, without in the slightest degree endangering the great question involved, seek to alter the terms proposed to us by the Government of the United States. Texas, animated by the same spirit, and following the bright example of the fathers of the American revolution, has acquired at the cost of blood her freedom and independence from those who would have enslaved her people. She now, with a unanimity unparalleled, enters that great confederacy, to whose keeping the bright jewel of human liberty is confided, content to bear the burthens and share the benefits which Republican Government carries in her train.

Our duties here, although important, are plain and easy of performance. The formation of a State Constitution upon Republican principles is the only act to be performed to incorporate us into the American Union. While we insert those great principles which have been sanctioned by time and experience, we should be careful to avoid the introduction of new and untried theories. We should leave those who are to follow us free to adopt such amendments to the system as their experience and intelligence shall suggest, and their circumstances render necessary.

We have one grand object in view; and that is to enter the great American confederacy with becoming dignity and self respect. Let us then lay aside all minor considerations, and avoid all subjects calculated to divide us in opinion, and march boldly and confidently up to the formation of a Constitution, which, while it secures our own rights, shall satisfy our friends abroad, and meet the sanction of that God to whose bountiful protection Texas is already so much indebted.

The Rev. Chauncey Richardson, by invitation, then addressed the throne of grace in a fervent and appropriate prayer.

On motion of Mr. Van Zandt, it was ordered that the Convention proceed to the election of a Secretary to the Convention.

Mr. Van Zandt nominated Mr. James H. Raymond. Mr. Lipscomb nominated Mr. Joseph Waples.

Mr. Raymond having received a majority of the votes on the first ballot, was declared duly elected Secretary of the Convention.

The Convention being duly organized, proceeded to business.

On motion of Mr. Cazneau, Mr. Navarro was granted permission to engage the services of an Interpreter.

Mr. Lipscomb offered the following resolution, viz.:

“Resolved, That a committee of fifteen be appointed for the purpose of reporting an Ordinance, expressing the assent of this Convention to the propositions made by the President of the United States for the admission of Texas as a State into the Federal Union.”

Read and laid on the the table.

The President informed the Convention that a communication from the President of the Republic of Texas, addressed to the President of the Convention, had been placed upon his table.

On motion of Mr. Van Zandt, the communication of his Excellency the President was taken up, and read as follows:

Executive Department, }
Washington, June 28, 1845. }

To the President and members of the Convention to assemble at Austin on the fourth of July next:

Gentlemen—In compliance with one of the provisions of a Joint Resolution of the present Congress, entitled “A Joint Resolution giving the consent of the existing government to the annexation of Texas to the United States,” approved on the third inst., I now have the honor to transmit you a copy of the said Joint resolution properly authenticated at the State Department.

Believing the Convention might have use for them, I also transmit herewith transmit copies similarly authenticated of the following official documents:

1. Joint Resolution for annexing Texas to the United States, approved March 1st, 1845;
2. A Proclamation recommending the election of Deputies to the Convention, issued by me on the 5th of May last;
3. A Proclamation declaring to the people of Texas the actual situation of their affairs, with respect to Mexico, and a cessation of hostilities between the two countries,—issued by me on the 4th inst.;
4. Conditions Preliminary to a Treaty of Peace between Mexico and Texas,—signed by the former at the City of Mexico on the 19th of May last, and since rejected by the Senate of Texas, together with the correspondence in relation to the same;
5. A communication under date of the 26th inst., from the Hon. E. Allen, Attorney General of the Republic of Texas, charged *ad interim* with the direction of the Department of State, to the Hon. A. J. Donelson, Chargé d’Affaires of the United States, on the subject of a probable renewal of hostilities by Mexico, and the consequent introduction of the U. States troops for the defence of the country;
6. Copies of two communications from the State Department to Mr. Ashbel Smith, dated 10th of May and 26th of June, 1845; and

7. Joint Resolution relative to the introduction of United States troops, and for other purposes.

I have the honor to be, Gentlemen, with the greatest respect, your most obedient servant,

(Signed,)

ANSON JONES.

On motion of Mr. Mayfield, the Convention dispensed with the reading of the accompanying documents, with the exception of the Joint Resolution annexing Texas to the United States, and the communication and documents were laid on the table for the present.

On motion of Mr. Gage, the resolution offered by Mr. Lipscomb, for the appointment of a committee of fifteen, was taken from the table, read and adopted.

Whereupon the President appointed the following members to compose the committee, viz.: Messrs. Lipscomb, Moore, Caldwell, Everts, Love, Van Zandt, Henderson, Casneau, Evans, Runnels, Hemphill, Lewis, Baylor, Davis and Smith.

On motion of Mr. Mayfield, the communication of his Excellency the President, together with the documents accompanying, were referred to the above appointed committee.

The special committee, after an absence of some time, returned, and through their chairman made the following report:

Committee Room, July 4th, 1845.

To the Hon. THOS. J. RUSK,

President of the Convention:

The committee to whom was referred the communication of his Excellency the President of the Republic, together with the accompanying documents, have had the same under consideration, and have instructed me to report the following Ordinance, and recommend its adoption by the Convention.

(Signed,)

ABNER S. LIPSCOMB,

Chairman.

AN ORDINANCE.

Whereas, the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were offered by the President of the United States on the first day of March, 1845; and

Whereas, the President of the U. States has submitted to Texas the first and second sections of the said resolution as the basis upon which Texas may be admitted as one of the States of the said Union; and

Whereas the existing government of the Republic of Texas has assented to the proposals thus made,—the terms and conditions of which are as follow:

JOINT RESOLUTION FOR ANNEXING TEXAS TO THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, to wit: First—said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments,—and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, 1846. Second—said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines and armaments, and all other means pertaining to the public defence, belonging to the said Republic, shall retain all the public funds, debts, taxes and dues of every kind which may belong to or be due and owing to the said Republic: and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third—New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution; and such States so may be formed out of that portion of said territory lying south of thirty six degrees thirty minutes, north latitude, commonly known as the Missouri Compromise Line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire: and in such State or States as shall be formed out of said territory north of said Missouri Compromise Line, slavery, or involuntary servitude (except for crime) shall be prohibited.”*

Now, in order to manifest the assent of the people of this Republic, as is required in the above recited portions of said resolutions, we, the Deputies of the people of Texas in Convention assembled, in their name and by their authority, do ordain and declare that we assent to, and do

cept the proposals, conditions and guarantees contained in the first and second sections of the Resolution of the Congress of the U. States aforesaid.

[Here follow the names of the Delegates.]

Mr. Mayfield moved the adoption of the Ordinance: upon which question the ayes and noes were taken, and stood as follows:

Ayes—Messrs. President, Anderson, Armstrong of J., Armstrong of R., Baylor, Brashear, Brown, Burroughs, Caldwell, Cazneau, Clark, Cunningham, Cuney, Darnell, Davis, Evans, Everts, Forbes, Gage, Hemphill, Henderson, Hicks, Hogg, Horton, Holland, Hunter, Irion, Jewett, Kinney, Latimer of R. R., Latimer of L., Lewis, Love, Lumpkin, Lusk, Lipscomb, Mayfield, McGowan, M'Neill, Miller, Moore, Navarro, Parker, Power, Rains, Runnels, Scott, Smyth, Standefer, Taylor, Van Zandt, White, Wood, Wright and Young—55.

No—Mr. Bache—1.

So the Ordinance was adopted.

On motion of Mr. Mayfield, it was ordered that the Ordinance be signed by the President and members of the Convention, and attested by the Secretary of the Convention.

Mr. Jewett offered the following resolution:

Resolved, That a committee of five be appointed, to prepare standing rules for conducting the business of the Convention. Adopted.

Whereupon, the President appointed Messrs. Jewett, Darnell, Van Zandt, Latimer and Caldwell, as said committee.

Mr. Jewett offered the following resolution:

Resolved, That the Rules of the House of Representatives, for the government of said House, at the 9th Congress, shall be adopted; and govern the deliberations of this Convention, so far as applicable, until such time as the committee appointed to draft rules, may report the same. Adopted.

On motion of Mr. Davis, it was ordered that copies of the Ordinance adopted by this Convention; giving its assent to the annexation of Texas to the Government of the United States, be, by the President of this Convention transmitted to the President of this Republic; and that he be requested to transmit an authenticated copy of the same to the President of the United States; also, the President of the Convention to transmit to Maj. A. J. Donelson, Chargé of the United States near this Republic, a copy of the same—to be, by him, communicated to his Government.

Mr. Love offered the following resolution:

Resolved, That the members of this Convention wear crape on their left arm, for one month, as a testimony of their regret for the decease of Gen. ANDREW JACKSON. Unanimously adopted by the Convention.

On motion of Mr. Van Zandt, it was ordered that a copy of the above resolution, signed by the President and Secretary of the Convention, be transmitted to the family of Gen. Andrew Jackson, deceased.

On motion of Mr. Hemphill, the Convention adjourned until to-morrow morning, 10 o'clock.

Saturday, 5th July, 1845.

The Convention met pursuant to adjournment.

Prayer by the Rev. Chauncey Richardson:

Mr. Caldwell offered the following Ordinance :

AN ORDINANCE

Relative to the introduction of the United States' Troops into Texas.

Whereas, the Government of the United States having passed resolutions, by which Texas may be annexed and incorporated into the American Union; and

Whereas, the Delegates of the people, in Convention assembled, having acceded to the proposals submitted by the President of the United States, to the Government of Texas—and by said Government submitted to the people thereof, and to this Convention; and

Whereas, there are many tribes of Indians, belonging to the United States of America, located within, and adjacent to, the territory of Texas; therefore, for the security and tranquility of our frontier,

Be it ordained by the Delegates of the people in Convention assembled, That the President of the U. States be, and he is, hereby, requested, to occupy, without delay, the frontier of this Republic, with such troops as may be necessary for its defence; and the President of Texas is requested to make known the same to the Government of the United States, through their representative near this Republic;

Read first time.

On motion, rule suspended—read second time; and,

On motion of Mr. Gage, referred to a special committee, composed of Messrs. Gage, Mayfield, Caldwell, Cazneau, Lewis, Hemphill, Young, Hunter, Anderson and Cunningham,

On motion of Mr. Jewett, the Convention proceeded to its further organization.

Mr. Hemphill nominated for Assistant Secretary, Thomas Green. Mr. Anderson nominated A. W. Lockett. Mr. Wright nominated Jas. S. Gillett. The Convention then proceeded to ballot; and Mr. Green, having received a majority of all the votes given, upon the first balloting, was declared duly elected 1st Assistant Secretary of the Convention.

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