

Pending which motion on motion of Mr. Wharton the Convention adjourned until tomorrow at 11 o'clock, A. M., to meet in secret session.

City of Austin Texas
Thursday, Jany. 31st 1861.

In Secret Session.

The Convention met pursuant to adjournment, at 11 o'clock A. M. Roll called. quorum present.

Mr. Hord presented the credentials of Mr. F. W. Latham, which were received, and Mr. Latham took his seat in the Convention.

Mr. Davidson moved to add Mr. Ganahl to the committee on Public Safety, which was carried

Mr. Jennings moved to add Mr. Latham to the same committee, which was carried.

On motion of Mr. Anderson of Colorado, Mr. Oldham was added to the same committee

On motion of Mr. Chilton, Mr. W. L. Chalmers and Mr. H. H. Haynie were requested to act as Secretaries to the Convention during the temporary absence of the Secretary, occasioned by a family bereavement.

On motion of Mr. Gregg, Mr. Reagan was added to the committee on Federal Relations

By leave, Mr. Maxey submitted the following report,

“The committee charged with the duty of informing the Revd. W. H. Bayless of his election as chaplain of the Convention, beg leave to report that they have performed that duty and the Revd. Gentleman has signified his acceptance of the same.”

By leave, Mr. Gregg offered the following resolution,

“Resolved that the committee on Finance be instructed to confer with such committees as the House and Senate may appoint concerning an appropriation of such funds as the State government may have in possession, and such as it may raise by the ordinary modes of taxation and that the same committee be instructed to report to the Convention a statement of the available means of the State and what appropriations have been made[’] Adopted.

Mr. Chilton offered the following preamble and resolutions,

“Whereas it is the opinion of this Convention that the capacity of a free government for self-reliance depends much upon its capacity for supplying all the reasonable demands of its citizens, and whereas the future may devolve upon the State of Texas a dependence upon her internal resources, and whereas further it is the duty of the leg-

islative department of every government to provide such laws as will foster every branch of industry within its limits, therefore

“Be it resolved, That we most respectfully recommend to the Legislature of this State now in session the propriety of enacting some law giving adequate protection to and extending the fostering care of the State over the manufacturing interests and enterprise of Texas.[’”]

Referred to the committee on Resolutions.

Mr. Muller offered the following resolution

“Resolved that a committee of seven be appointed on ‘Commerce, Revenue and Navigation[’ ’] Adopted.

The question pending when the Convention adjourned last night, viz: the motion to strike out the 2nd section of the ordinance of secession, was taken up.

On motion of Mr. Flournoy the Convention adjourned until 2 ½ o’clock, P. M.

Thursday July 31/61. 2 o’clock, P. M.

The Convention met. Roll called. Quorum present.

Mr. Davidson moved that some delegate be appointed to receive the flag to be presented to the Convention by the ladies. Carried.

The president appointed Jno. A. Wharton to perform that duty.

On motion of Mr. Rogers of Harris the President administered an oath of secrecy to the delegates and officers during the secret sessions, until the seal of secrecy should be removed.

Mr. Nash asked and obtained leave to record his vote in favor of Mr. Wharton’s resolution relative to secession.

The question pending, when the Convention adjourned, viz: the motion to strike out the 2nd section of the ordinance of secession, was again taken up.

Mr. Ireland moved to substitute the motion to strike out the 2nd section by the following to come in at the end of the 1st section “and that this ordinance shall take effect and be in force from and after its passage.

“Sec. 2. to read as follows, ‘That this ordinance shall be submitted to the people of Texas for rejection by the qualified voters on the 23rd day of February A. D. 1861, and unless rescinded by a majority of votes cast, shall remain in effect and be in force from and after its passage.’[’”]

Mr. T. J. Chambers offered the following as a substitute for the substitute, and for the 2nd section of the ordinance.

Sec. 2. Be it ordained that the powers delegated to the government of the United States of America, and now resumed, be de-

posited in the existing government of the State, to be exercised according to the division of powers established in the constitution of the State.

Sec. 3. Be it ordained that there shall be an election held on the 23rd day of February next for a governor and members of the legislature of the State in accordance with the last apportionment and the existing laws, and under such further regulation as the present legislature may deem expedient, and the said governor and members of the legislature to be thus elected shall enter upon the discharge of their respective duties on the 2nd day of March next, and continue in the exercise of their powers until they may be superseded by others to be elected and installed according to the existing laws; provided the action of this Convention shall be ratified by a majority of the members elected. And in order that the will of the people may be ascertained each voter shall endorse on his ticket the word 'ratified' if it be his will to sustain the action of the Convention, and if his will be to reject the action of the Convention then he shall endorse on his ticket the word 'rejected'; and if a majority of the votes cast shall be in favor of rejecting the action of this Convention, then the members elected shall assume the character of a convention, clothed with full powers to execute the will of the people: and in the meantime this ordinance shall be the supreme law of the land.

Sec. 4. Be it ordained that there shall be elected on the 1st day of February next by a joint vote of this Convention and the present Legislature seven delegates to represent the State of Texas in a convention to be composed of delegates from as many slave States as have already or may hereafter dissolve their connection with the government of the United States and may desire to cooperate in the adoption of measures for their common safety and defence, and to agree upon a basis of a new confederacy of slave States, provided that the State of Texas shall not be bound as a member of said confederacy until the constitution thereof shall be ratified by the people of Texas.

Sec. 5. Be it ordained that the present Legislature is hereby authorized and enjoined to watch over and provide for the safety of the State, and to see that it suffer no detriment at the hands of its enemies until another legislature be duly installed, and for this purpose it is authorized to adjourn and assemble at will, to pass all laws necessary to carry into full effect the powers heretofore delegated but now withdrawn from the Federal Government, and in the name of the State to contract such debts and to bind the State therefor,

not to exceed five millions of dollars as may be necessary for the defence of the country.

Done at the Capitol in the City of Austin this the 30th day of Jan'y. A. D. 1861.

On motion of Mr. Robertson of Smith the main question was ordered, being the motion to strike out the second section of the ordinance, the same was put and the vote stood thus

Yeas, Mesrs. Campbell, Casey, Wm. Chambers, T. J. Chambers, Clopton, Davenport, Dean, Field, Feeny, Herbert, Hicks, Holt, Luckett, Maltby, McKay, Mills, Ochiltree, Peck, Poag, Pope, Rogers of Marion, Scott, Taylor, Todd, Ward, Warren and Wier, 29.⁵

Nays, Mesrs. President, Abercrombie, Adams, Allen, Anderson of Cherokee, Anderson of Colorado, Armstrong, Askew, Batte, Beasley, Box, Burroughs, Burdett, Burton, Black, Blythe, Bradshaw, Brahan, Broaddus, Brown, Chambers of Titus, Charleton, Chilton, Chisum, Clark, Clayton, Cleveland, Coke, Cook, Dancy, Davidson, Devine, Diamond of Cooke, Diamond of Grayson, Donalson, Dunham, Edwards, Earley, Fall, Flournoy, Ford of Caldwell, Ford of Cameron, Frost, Galloway, Ganahl, Gould, Graham of Bee, Graham of Rusk, Gray, Green, Gregg, Hardeman, Hays, Hill, Hobby, Hogg, Hooker, Hord, Howard, Hoyle, Hughes, Hutchison, Ireland, Jennings, Johnson of Lamar, Johnson of Titus, Jones, Kelly, Koester, Lesueur, Lea, Lester, Littleton, Lock, Lofton, Lubbock, Maxey, McCraven, McCraw, McIntosh, Miller, Moore of Burnett, Moore of Fayette, Moore of Henderson, Montel, Moss, Muller, Nash, Nauendorf, Neel, Nelson, Newsome, Neyland, Nichols, Nicholson of Dallas, Nicholson of Fannin, Norris, Obenchain, Oldham, Palmer, Payne of Hopkins, Payne of Henderson, Portis, Prendergast, Preston, Price, Rainey, Rains, Reagan, Rector, Rhome, Robertson of Bell, Robertson of Smith, Robertson of Washington, Rogers of Harris, Ross, Rugeley, Runnels, Shufford, Scurry, Shepard, Smith of Bexar, Smith of Fannin, Stell, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Fort Bend, Terry of Tarrant, Thomasson, Thompson, Throckmorton, Waller, Walworth, Watkins, Wharton, Wilcox, Wiley, Williams of Lavacca, Williams of Lamar, Wilson, Work and Wright, 143. [Correct total 145.]

So the Convention refused to strike out the 2nd section of the ordinance

The following communication was taken from the President's table and read

⁵While only 27 names appear in the list above, *The State Gazette* (Austin), February 9, 1861, also reports the total as being 29.

Austin Jany. 31st 1861.

To the Hon. O. M. Roberts

President of the Convention of Texas.

Sir,

I have the honor to inform you that I have been appointed a commissioner by the Convention of South Carolina for the purpose of laying the Ordinance of Secession of that State before your Convention, and respectfully inviting your cooperation in the formation with us and other seceding States of a Southern Confederacy.

I herewith enclose you my commission as such and respectfully suggest that it will afford me great pleasure to appear before your Convention and discharge the duties of my commission at any time, after to day, that will comport with the convenience and pleasure of your body.

I have the honor to be

Jno. McQueen.

Mr. Reagan offered the following resolution which was adopted.

“Resolved that the President appoint a committee of “five” to wait upon the commissioner from South Carolina, and inform him that his communication of this date has been received and that it will be the pleasure of this Convention to receive him or any communication he may desire to make on to morrow at 2 ½ o’clock, P. M.[’]”

On motion the Convention adjourned until 8 o’clock, P. M.

Thursday Jany 31st 1861. 8 o’clock, P. M.

The Convention met. Roll called. Quorum present.

Mr. Taylor asked and obtained leave to change his vote on the motion to strike out the 2nd section of the ordinance of secession.

Mr. Scarborough, delegate elect from Cameron and Hidalgo counties, came forward, presented his credentials and took his seat.

Mr. Davidson offered a resolution relative to the arms and arsenal of the State which was referred to the committee on Public Safety

Mr. Rainey proposed to amend the ordinance of secession as follows, after the word “Union” in the 4th line insert the following words, “is violative of the compact between the States and the guarantees of the Federal Constitution” and after the word “and” in the same line insert “Whereas”. Adopted.

Mr. Scurry offered the following resolution by leave,

“Resolved that S. Hart and P. T. Herbert be appointed commissioners to Arizona,” which was referred to the committee on Public Safety.

By leave Mr. Ochiltree offered the following resolution,

“Resolved that it is the opinion of the people of the State of Texas, through their delegates in Convention assembled expressed, that the principle embraced in what is known as the ‘Monroe Doctrine’ is of the most vital importance to the State of Texas, and will be of equal importance to any confederation of the slave States hereafter to be established, and that our delegates hereafter to be appointed to represent the State of Texas in a convention of the seceding States to be held in the City of Montgomery on the day of next be required to present said matter to the consideration of said convention, and to urge upon the same the enforcement of said doctrine.”

Referred to the committee on Federal Relations

The President announced Messrs. Reagan, Ochiltree, Gregg, Frost and Abererombie a committee to wait on the commissioner from South Carolina.

On motion of Mr. Ireland the doors of the Convention were thrown open.

Mr. Brown offered the following amendment to the 1st Section 6th line of the ordinance after the words “the Southern people” insert the words “Texas and her sister slave-holding States.” Adopted.

Mr. Nelson offered the following resolution which was adopted.

“Resolved that this Convention will proceed to vote upon the ordinance of secession without debate tomorrow at 12 o’clock, M. [”]

Mr. Howard proposed to amend the ordinance as follows: Add to Sec. 2nd the following proviso, “Provided that in the representative district of El Paso said election may be held on the 18th day of Feby. A. D. 1861.[”] Adopted.

Mr. Gray offered the following amendment: Insert [“]Sec. 3. All rights of property or contracts acquired or vested under the constitution of the United States or laws or treaties in pursuance thereof or under the laws of the State, which are not incompatible with this Ordinance shall remain as valid as before its adoption.[”]

On motion of Mr. Nelson the previous question was ordered, which being the engrossment of the ordinance, the same was put and carried.

Mr. Devine made the following report from the committee appointed to wait on the Governor

Committee room Jan. 31st/61.

To the President of the Convention

The committee appointed to confer with the Governor upon the subject of our federal relations report that we have waited on him according to appointment, and have received as the result of our

conference the accompanying communication in writing from him, and herewith report the same for the consideration of the Convention.

Jno. H. Reagan,
 Jno. D. Stell,
 P. W. Gray,
 W. P. Rogers,
 Thos. J. Devine.

Executive Department
 Austin Texas, Jany. 31st/61.

To Messrs. Reagan, Gray, Rogers, Stell and Devine.

Committee of the Convention.

Gentlemen,

The Executive has had the honor to learn at your hands of the passage of a resolution by the Convention assembled expressing a desire on the part of that body "to act in harmony with the different departments of the State government" upon matters touching our federal relations

Through the action of the Legislature of the State of Texas, a co-ordinate department of the government, the Executive has received official information that the Convention assembled has been recognized as possessing powers within the scope of the call under which its delegates were elected, the same to be submitted to a vote of the people at the ballot box for their ratification or rejection; not only does this action on the part of the Legislature commend the Convention to my consideration, but the high character and respectability of the delegates composing it, commands my respect.

I can assure you, gentlemen, that whatever will conduce to the welfare of our people will have my warmest and most fervent wishes, and when the voice of the people of Texas has been declared through the ballot box, no citizen will be more ready to yield obedience to its will or risk his all in its defence than myself. Their fate is my fate. Their fortune is my fortune. Their destiny my destiny, be it prosperity or gloom, as of old I am with my country.

For the courtesy paid me by the Convention and for the kind sentiments expressed by the committee receive my thanks, and you can assure the Convention of the readiness of the Executive to act in harmony with the Convention in securing an expression of the popular will in the matter touching our federal relations and that he will cheerfully confer with any committee appointed for that purpose

Very respectfully

Sam Houston.

Mr. Wiley proposed to amend the ordinance by adding at the end of the 1st section the following, "And that her citizens and people

are absolved from all allegiance to the United States or the government thereof''

On motion the Convention adjourned until 11 o'clock, A. M. on to **morrow**.

City of Austin Texas,
Friday, Feby. 1st 1861.

The Convention met pursuant to adjournment. Roll called. quorum present. prayer by the chaplain.

On motion of Mr. Stell the reading of the Journal was dispensed with for the present

The President announced Mesrs. Muller, Rhome, Hobby, Latham, Casey, McCraven and Edwards a committee on Commerce, Revenue and Navigation

Mesrs. Rogers of Harris, Runnels, Ireland, Lea, Scurry, Terry of Tarrant and Burroughs a committee on Foreign Relations.

Mr. Portis offered the following resolution which was adopted.

''Resolved that the Governor, Lieut. Governor, Judges of the Supreme and District courts be invited to seats within the bar of the Convention.['']

Mr. McCraven moved that a committee be appointed to wait upon the Governor and Lieut. Governor and invite them to seats within the bar of the Convention. Carried.

The President appointed Mesrs. McCraven, Hogg, Coke, Chilton and Casey said committee.

Mr. Flournoy offered the following resolution which was adopted.

''Resolved that a committee of five be appointed by the President to arrange chairs for the Governor, Lieut. Governor, Chief and Associate Justices of the Supreme Court, Speaker of the House of Representatives and Judges of the District and Federal courts.['']

On motion of Mr. Runnels, Mr. Clopton was added to the committee on Foreign Relations instead of Mr. Runnels.

The President appointed Mesrs. Flournoy, Wiley, Rogers of Marion, Graham of Rusk, and Maxey a committee to arrange seats for the Supreme Judges, Speaker of the House of Representatives, Senators and Representatives

The Governor was then announced who received and accepted an invitation to a seat on the right of the President.

The hour having arrived for the special order, viz: the ordinance of secession was taken up, read a 3rd time and passed by the following vote.

Yeas, Mesrs. President, Abercrombie, Adams, Allen, Anderson of Colorado, Anderson of Cherokee, Armstrong, Askew, Batte, Beazly,