

Box, Black, Blythe, Broaddus, Brown, Wm. Chambers, T. J. Chambers, Chambers of Red River, Chambers of Titus, Clayton, Coke, Cook, Davenport, Devine, Dunham, Early, Hall, Hardeman, Hays, Henry, Hill, Henderson, Hooker, Howard, Hoyle, Hunt, Ireland, Jennings, Jones, Lester, Locke, Lubbock, Mason Mattox, Maxey, McCraw, Miller, Montgomery, Moore of Burnet, Moore of Fayette, Montel, Moss, Nash of Dallas, Nash of Kaufman, Nauendorf, Neel, Nelson, Nicholson of Dallas, Nicholson of Fannin, Payne of Hopkins, Portis, Prendergast, Rainey, Robertson of Bell, Rogers of Marion, Ross, Rugeley, Scott, Scurry, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of Gonzales, Stockdale, Terry of Tarrant, Thompson, Waller, Walworth, Warren, Watkins, Wharton, Wiley, Wilson and Word, 79.

Nays, Messrs. Alien, Armstrong, Askew, Brahan, Chilton, Chisum, Clark, Cleveland, Cox, Dancy, Davidson Fall, Feeney, Ford of Caldwell, Gould, Graham of Rusk, Hicks, Hogg, Holland, Hutcheson, Keller, Koester, Lea, Luckett, McIntosh, McCall, Moore of Henderson, Newsom, Norris, Obenchain, Palmer, Peck, Poag, Preston, Rhome, Robertson of Washington, Rogers of Harris, Russell, Shuford, Shepard, Stell, Throckmorton, Wier, Wileox of Bexar and Wright, 43.

Mr. Jennings moved to reconsider the vote just taken, and to lay that motion on the table.

On motion of Mr. Nelson the Convention adjourned until tomorrow morning at 9 o'clock.

City of Austin, Texas,

Wednesday, March 13th 1861.

The Convention met pursuant to adjournment. Roll called. quorum present. Prayer by the chaplain. The Journal of yesterday was read and adopted.

The President submitted a communication and muster roll of Capt. James H. Rogers company of Marion Co. referred to the committee on Public Safety.

Mr. Locke, chairman of the committee on Engrossment, made the following report.

“The committee on Engrossment have examined the following ordinances and find them to be correctly engrossed, to-wit:

1st “An ordinance respecting public property.”

2nd “An ordinance to authorize the purchase of arms for the use of the State.”

3rd “An ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled the constitution of the United States of America”

4th "An ordinance to secure the friendship and cooperation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Cherokee and Seminole nations of Indians."

5th "An ordinance prescribing the mode of election to be held for the rejection or ratification of the ordinance of separation of the State of Texas from the United States of America."

6th "An ordinance in relation to a union of the State of Texas with the Confederate States of America."

7th "An ordinance in relation to custom house officers and customs revenue."

8th "An ordinance to provide for the enrollment, publication and preservation of the ordinances of this Convention"

9th "An ordinance relating to the removal of the United States troops from the limits of the State of Texas.[""]

Mr. Montel offered the following resolution, which was laid over one day for consideration.

"Whereas a great deal of precious time has heretofore been lost by long and irregular debate, and whereas a number of the delegates to this Convention are anxious for the despatch of business in order to be enabled to return to their homes at an early day; therefore be it

"Resolved that hereafter no member of this Convention shall speak more than once, nor more than five minutes on the same question, except by leave of the Convention"

Mr. Payne of Hopkins introduced an ordinance to amend the 1st Section of the 7th Article of the constitution of the State of Texas.

An Ordinance to amend the 1st Section of the 7th Article of the Constitution of the State of Texas⁶³

Be it ordained by the people of Texas in Convention assembled, That the 1st Section of the 7th Article of the Constitution of the State of Texas be so amended as to read as follows, to wit: Members of the Legislature, and all officers under the State government before they enter upon the duties of their offices and all officers now in office shall take the following oath or affirmation

"I (A B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform the duties incumbent on me asaccording to the best of my skill and ability, agreeably to the Constitution and laws of this State and of the Confederate States of America while Texas may remain one of said Confederation; And I do further solemnly swear (or affirm) that since the adoption of the Constitution of this State I being a citizen thereof have not fought a duel with dealy weapons within this State nor out

⁶³D. S. in Misc. Papers of the Secession Convention.

of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. So help me God.[']]

Payne of Hopkins.

Read 1st time.

Rule suspended; read 2nd time and on motion of Mr. T. J. Chambers laid on the table for the present.

Orders of the Day.

The hour having arrived for the consideration of the "ordinance to provide for the protection of the State of Texas,[']]" on motion of Mr. Cleveland it was postponed for the present

The Convention having under consideration last night upon adjournment the motion of Mr. Jennings to lay upon the table the motion to reconsider the vote ordering the engrossment of the ordinance to amend the 1st Section of the 7th Article of the constitution of the State of Texas, the same being next in order, was taken up.

By leave Mr. Jennings was allowed to withdraw the motion to lay upon the table the motion to reconsider.

The motion to reconsider prevailed.

Mr. Jones offered a substitute for the substitute offered by Mr. Maxey.

Mr. Maxey moved to lay the substitute offered by Mr. Jones upon the table. Lost.

The substitute offered by Mr. Jones was adopted in lieu of the one offered by Mr. Maxey.

On motion of Mr. Dancy the substitute was amended by striking out the words "And deliberately" in the oath.

Mr. Wiley moved to amend by inserting after the word "Texas" the following, "And ordinances of the Convention which assembled at Austin on the 28th day of January A. D. 1861." Adopted by the following vote.

Yeas, Messrs. Anderson of Colorado, Armstrong, Askew, Bagby, Baxter, Beazley, Box, Black, Blythe, Brahan, Campbell, Wm. Chambers, T. J. Chambers, Chambers of Titus, Chilton Chisum, Clayton, Clopton, Cook, Davidson, Dean, Devine, Dunham, Hardeman, Hays, Hobby, Hooker, Hoyle, Ireland, Koester, Lubbock, Maltby, Maxey, McCraw, Moore of Burnet, Montel, Nash of Dallas, Nash of Kaufman Newsom, Nicholson of Dallas, Obenchain, Payne of Hopkins, Peck, Poag, Portis, Preston, Rainey, Rhome, Robertson of Smith, Ross, Rugeley, Runnels, Scarbrough, Scurry, Smith of Bexar, Smith of Fannin, Stapp, Stewart of Anderson, Stewart of Falls, Stewart of

Gonzales, Terry of Tarrant, Todd, Waller, Walworth, Warren, Watkins, Wharton, Wier, Wiley and Wilson, 71.

Nays, Messrs. President, Adams, Allen, Batte, Broaddus, Brown, Chambers of Red River, Clark, Cleveland, Coke, Cox, Dancy, Davenport, Earley, Fall, Feeney, Flournoy, Ford of Caldwell, Gould, Graham of Rusk, Green, Hall, Henry, Henderson, Hicks, Hill, Hogg, Holland, Howard, Hughes, Hutcheon, Jennings, Jones, Kelly, Lesueur, Lea, Lock, Mason, Mattox, McCall, McIntosh, Miller, Montgomery, Moore of Fayette, Moore of Henderson, Moss, Nauendorf, Neel, Nelson, Nicholson of Fannin, Norris, Palmer, Prendergast, Robertson of Bell, Robertson of Washington, Rogers of Harris, Rogers of Marion, Russell, Scott, Shuford, Shepard, Stell, Stockdale, Thompson, Throckmorton, Wilcox of Bexar, Wilcox of Denton, Word, and Wright, 69.

On motion of Mr. Stewart of Gonzales the substitute was further amended by adding after the amendment of Mr. Wiley "and reassembled on the 2nd day of March following."

On motion of Mr. Brown the substitute was further amended by striking out the following, "Secession of the State of Texas from the late Union of the United States of America on the"

The substitute as amended was adopted in lieu of the original ordinance.

Mr. Jennings moved to lay the ordinance on the table. Lost.

Mr. Rainey moved to amend by inserting after the word "Confederacy," the words "And hold any allegiance to said State paramount to all other political obligation"

On motion of Mr. Portis the previous question was ordered, which was the engrossment of the ordinance.

The ordinance was ordered to be engrossed.

Mr. Portis moved a suspension of the rule in order to put the ordinance upon its adoption, upon which the count stood, 88 yeas, 32 nays.

The President, Mr. Henderson in the chair, decided that the motion was lost as it required a four-fifths vote to suspend the rule in this case.

Mr. Chilton appealed from the decision of the chair upon the ground that a two-thirds vote only was required to suspend the rule.

The Convention sustained the chair in its decision.

On motion of Mr. Nelson "the ordinance to provide for the protection of the State of Texas" was taken from the table, read and

On motion of Mr. Terry of Tarrant made the special order for to-morrow at 11 o'clock A. M.

On motion of Mr. Word he was excused from the committee on Finance, and Mr. Stewart of Anderson added in his place.

The President submitted a communication from the delegates in the congress of the Confederate States of America in relation to the arms and munitions of war lately taken by the State of Texas from the government of the United States of America. Referred to the committee on Federal Relations.

Mr. Dancy offered the following resolution which was adopted,

“Resolved that the committee on the Constitution be instructed to inquire into the expediency of striking from the constitution Sec. 27 of Article 3, and Section 3 or Article 6 and report the result of their deliberation at such time as they see proper. [”]

Mr. Chilton offered the following resolution which was adopted,

“Resolved that the committee on Finance be instructed to report immediately some plan by which the contingent expenses of this Convention may be met. [”]

Mr. Locke offered the following resolution which on motion of Mr. Robertson of Smith was laid on the table.

“Whereas the troops which have been called into the service of the State, both for frontier protection and in the capture of the forts, etc., in the State, have been raised principally if not exclusively west of the Trinity river in this State, and whereas, the capitol of the State being situated more conveniently to the citizen soldiery of the western frontier of the State, and the existence of the fact that on that account calls for regiments, companies etc. are filled before those who reside more remotely have an opportunity to enlist, and whereas the gallant young men of the “east” are equally patriotic, and are eager to serve their country in this hour of its peril, therefore be it

“Resolved that of the regiments to be raised by this Convention a fair and equal opportunity should be awarded to that section of the State.”

On motion of Mr. Terry of Tarrant the Convention adjourned until tomorrow morning at 9 o'clock

City of Austin Texas,
Thursday March 14th 1861.

The Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. The Journal of yesterday was read and approved.

The President submitted the following communication.

Austin, March 12th 1861.

To the Secretary of the Convention

Sir,

Your communication enclosing resolutions of the Convention has been received.