

THE
ORDINANCES AND RESOLUTIONS

OF THE

CONVENTION

Held in the City of Austin 28th of January, 1861,
February 24th, 1861.

AUSTIN
1861

ORDINANCES

PASSED BY THE

STATE CONVENTION.

No. 1.—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."

Whereas, the Federal Government has failed to accomplish the purposes of the compact of union between the States, in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens; and, whereas, the action of the Northern States of the Union is violative of the compact between the States and the guarantees of the Constitution; and, whereas, the recent developments in Federal affairs, make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interest and prosperity of the people of Texas and her sister slaveholding States, instead of permitting it to be, as was intended, our shield against outrage and aggression: therefore,

Section 1. We, the People of the State of Texas, by delegates in Convention assembled, Do declare and ordain, that the ordinance adopted by our convention of delegates, on the 4th day of July, A. D. 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into union with other States and became a party to the compact styled "The Constitution of the United States of America," be, and is hereby repealed and annulled; that all the powers, which by said compact were delegated by Texas to the Federal Government, are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact, and is a separate sovereign State, and that her citizens and people are absolved from all allegiance to the United States, or the Government thereof.

Sec. 2. This ordinance shall be submitted to the people of Texas for their ratification or rejection by the qualified voters thereof, on the 23d day of February, 1861, and, unless rejected by a majority of the votes cast, shall take effect and be in force on and after the 2d

(1519)

4

Ordinances.

day of March, A. D. 1861. Provided, that in the Representative district of El Paso, said election may be held on the 18th day of February, 1861.

Adopted in Convention, at Austin City, the first day of February, 1861.

No. 2.—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.

Section 1. The people of Texas in Convention assembled, Do declare and ordain, and it is hereby declared and ordained, that a general election shall be held on the 23d day of February, A. D. 1861, for the purpose of rejecting or ratifying the ordinance of secession of the State of Texas from the United States of America, passed by this Convention on the first day of February, A. D. 1861.

Sec. 2. The said election shall be held in the usual manner, except that each county shall be an electoral district, and the vote returned by the proper officer of such county to the President or Secretary of this Convention, at Austin.

Sec. 3. The election shall be held at each precinct by the presiding officer of such precinct, either with or without an order of election from the Chief Justice of the county.

Sec. 4. The returns from the precincts shall be made on or before the 26th day of February, 1861, either to the Chief Justice, County Clerk, or any one of the County Commissioners of the respective counties.

Sec. 5. The manner of making returns to the Chief Justice, County Clerk, or Commissioner, shall be the same as that used in the ordinary elections, and the returns made to the President or Secretary of the Convention, shall be made in the manner now prescribed by law for making returns of elections to the office of Secretary of State.

Sec. 6. It shall be the duty of the officer to whom the returns of his county shall be made, to count the votes and certify the result, and transmit the same to the President or Secretary of the Convention, in duplicate, at different times, by mail, or by some discreet person, on the 26th day of February, or sooner, if complete returns of the county shall have been sooner made; and also deposit a copy of said returns in the County Clerk's office.

Sec. 7. The aggregate vote shall be counted by the President and Secretary of the Convention, on or after the 2d day of March, A. D.

(1520)

1861, as the Convention may determine; and the result of the vote of the State shall be then proclaimed by the President and Secretary of the Convention, or either of them.

Sec. 8. The manner of voting shall be by ballot, "For Secession," or "Against Secession," and each qualified elector shall be permitted to vote in any county of the State.

Sec. 9. The citizens of the county of El Paso may hold the election, for the purpose herein specified, on the 18th day of February, A. D. 1861.

Adopted in Convention, at Austin, on this the first day of February, A. D. 1861.

No. 3.—AN ORDINANCE

To secure the friendship and co-operation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations of Indians.

Be it ordained by the People of Texas, in Convention assembled, That Simeon Hart and P. T. Herbert be appointed Commissioners, to proceed at once to the territories of Arizona and New Mexico, with instructions to invite the co-operation of the people of said territories in the formation of a Southern Confederacy.

And be it further ordained, That James E. Harrison, James Bourland, and Charles A. Hamilton be and they are hereby appointed Commissioners to proceed, at once, to the Choctaw, Chickasaw, Cherokee, Seminole, and Creek nations, with instructions to invite the speedy and prompt co-operation of the people of said nations in the formation of a Southern Confederacy.

Be it further ordained, That said Commissioners are hereby authorized and empowered to act separately or jointly, as may be best, and that each one of said Commissioners be commissioned by the President of this Convention, attested by the Secretary; and that they also be furnished with an attested copy of the ordinance of secession, and that they be instructed to lay the same before the people of said territories and nations; and the President of this Convention be instructed to correspond immediately with the proper authorities of the States of Mississippi and Arkansas, requesting them to appoint Commissioners from said States to co-operate with the Texas Commissioners in their mission to the Indian nations.

Adopted in Convention, at Austin, on the 4th day of February, A. D. 1861.

No. 4.—AN ORDINANCE

Relating to the removal of the United States Troops from the limits of the State of Texas.

Whereas, the terms of an agreement between the Commissioners of this Convention and Brevet Maj.-Gen. Twiggs, Commander of the Military Department of Texas, require that the troops now within the jurisdiction of Texas shall be removed from the State, by way of the coast, as soon as possible; therefore,

Be it ordained by the People of Texas, in Convention assembled, That all monies, transports, vessels, or other supplies sent to Texas, after the 18th of February, 1861, by the government or authorities of the United States of America, necessary and intended in good faith to facilitate the removal of troops from this State, shall not be seized or otherwise interfered with by the authorities or citizens of the State of Texas.

Done at the City of Austin, Texas, on the 4th day of March, A. D. 1861.

No. 5.—AN ORDINANCE

In relation to a union of the State of Texas with the Confederate States of America.

Whereas, the Convention of this State has received information that the Congress of the Confederate States of America, now in session at the city of Montgomery, in the State of Alabama, has adopted a Constitution for a Provisional Government, which Constitution is modelled on that of the United States of America, and, whereas, as a seceded State, it becomes expedient and proper that Texas should join said Confederacy and share its destinies; and, whereas, a delegation, consisting of seven members, has already been elected by the Convention to the Congress of the Confederacy aforesaid; therefore,

Section 1. The People of Texas, in Convention assembled, Have ordained and declared, and do hereby ordain and declare, that the delegation aforesaid, to the Congress aforesaid, be, and they are hereby instructed, and we do accordingly instruct them, in behalf of the State, and as representing its sovereign authority, to apply for the admission of this State into said Confederacy; and to that end and for that purpose, to give in the adhesion of Texas to the provisional Constitution of said Confederate States; and which said

Constitution, this Convention hereby approves, ratifies, and accepts.

Sec. 2. Be it further ordained, That the delegation appointed by this Convention to the Congress of the Confederate States, be and they are hereby authorized to act in said Congress as the duly accredited representatives of the State of Texas: Provided, however, that any permanent Constitution which may be formed by said Congress shall not become abigatory on this State until approved by the people in such way as shall be determined upon.

Sec. 3. Be it further ordained, That the President of the Convention immediately transmit, through such channel as he may elect, a copy or copies of this ordinance to the Congress at Montgomery, and the members of Congress from this State.

Done at Austin City, March 5th, A. D. 1861.

No. 6.—AN ORDINANCE

In relation to Custom House Officers, and Customs Revenue.

The People of Texas, in Convention assembled, Have ordained and declared, and do ordain and declare as follows, to-wit:

First. All Custom House officers and Light House keepers in office in this State (including all such as may have resigned in consequence of the anticipated secession of this State from the Federal Union) on the 2d day of March, 1861, by appointment from the United States of America, shall remain in office and continue to perform the duties of the same, till superseded by either the government of this State, or that of the Confederate States of America: Provided, however, they shall respectively enter into bonds payable to the State, in an amount not less than that of the bonds given by them respectively to the United States of America; the condition being the same, with good and sufficient security, to be approved by any District Judge of the State, and also by taking the official oath prescribed by this Convention.

Second. That the collectors of the customs aforesaid, shall close their accounts of customs, and also their accounts as disbursing officers, up to the second day of March, 1861, showing the balance for or against said officers, which balance, if in favor of the United States of America, together with all revenue which had been received since said 2d day of March, 1861, and all hereafter collected—after deducting the necessary expenses for disbursement, shall be deemed and taken to be the property of the State, and accounted for to the Comptroller of the State, and paid into the Treasury of the State, to the credit of the Convention, and by the Treasurer to be disbursed in such way as the Convention may hereafter point out.

Third. That the tariff laws of the Confederate States of America, assessing duties, fixing the fees of office and regulating the registra-

(1523)

tion of vessels, shall be observed and followed by the several collectors of Customs of the State: Provided, however, that duties shall not be imposed or collected upon goods, wares, and merchandise imported into the State from the Confederate States of America.

Done at the City of Austin, Texas, March 8th, 1861.

No. 7.—AN ORDINANCE

To authorize the purchase of Arms for the use of the State.

We, the people of the State of Texas, in Convention assembled, Do declare and ordain, and it is hereby declared and ordained, that Major Ben McCulloch be, and is hereby appointed Commissioner to purchase, or otherwise obtain for the State of Texas, one thousand Colt's revolvers, and one thousand Morse's rifles, with the necessary cartridges and accoutrements; or a like number of such other weapons of similar character as he may approve, and as can be obtained. And he is hereby authorized and empowered to pledge the faith of the State of Texas for the fulfilment of any contract or contracts he may enter into in pursuance to this ordinance: Provided, however, that the purchase money for said arms shall not be made payable until the first of August, A. D. 1861: And further provided, that the amount to be paid shall be no more than the market value, with interest, for these weapons.

Adopted in Convention, at the City of Austin, the 9th day of March, in the year of our Lord, A. D. 1861.

No. 8.—AN ORDINANCE

To provide for the enrollment, publication, and preservation of the Ordinances of the Convention.

Section 1. We, the People of the State of Texas, in Convention assembled, Do ordain and declare, and it is hereby ordained and declared, that the ordinances of this Convention shall be correctly and duly enrolled and signed by the President and Secretary of the Convention, and deposited in the office of the Secretary of State, and there remain as part and parcel of the archives of the State. And the Secretary of State is hereby authorized and required to furnish certified copies thereof in the manner now prescribed by law in relation to other certified copies from said office.

Sec. 2. And be it further ordained and declared, That it shall be the duty of the Secretary of State to superintend the printing of the ordinances of the Convention, and he shall keep a register

(1524)