

**Twiggs Surrender**  
**And the**  
**Evacuation of Texas**

Selected entries from

**The War of the Rebellion:**  
a Compilation of the Official Records of the Union and Confederate Armies

*Resolved*, By the People of the State of Texas, by delegates in Convention assembled, That should the standing committee of 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 to 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 this Convention, and the appointment and instructions signed by the Hon. J. 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.

Done by the People of Texas, in Convention assembled, by their delegates, at the city of Austin, this 2d February, A. D. 1861.

O. M. ROBERTS,  
*President of the Convention.*

Attest:

JOHN A. GREEN.

*Resolved*, That Samuel A. Maverick, Thomas J. Devine, Philip N. Lockett, and James H. Rogers be appointed commissioners to confer with General D. E. Twiggs with regard to the public arms, stores, munitions of war, &c., under his control, and belonging to the United States, with power to demand in the name of the People of the State of Texas, and that said commissioners be clothed with full power to carry into effect the powers herein delegated, and retain possession of said arms, munitions, stores, &c., 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 of public safety.

I certify the foregoing to be a true copy of the resolution adopted by the committee of public safety on the 4th day of February, 1861.

Witness my hand, this 4th day of February, A. D. 1861.

JOHN C. ROBERTSON,  
*Chairman of Committee of Public Safety.*

Attest:

THOS. S. LUBBOCK.  
JOHN A. GREEN.

**THE STATE OF TEXAS, County of Travis:**

By virtue of the authority vested in the committee of public safety, as will appear by the accompanying resolutions, adopted by the Convention of the People of the State of Texas, by their delegates in Convention assembled, at the city of Austin, on the 28th day of January, 1861, you, Thomas J. Devine, Samuel A. Maverick, P. N. Lockett, and J. H. Rogers, are hereby appointed commissioners to visit Major-General Twiggs, commanding the Eighth Division, stationed at San Antonio, and confer with him, and in the name and by the authority of the people of Texas, in Convention assembled, to demand, receive, and receipt for all military, medical, commissary, and ordnance stores, arms, munitions of war, and public moneys, &c., 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 loss or injury, subject to the orders of the committee of public safety, and in obedience to the provisions of such rules as the Convention may prescribe.

Witness my hand and the order of the committee of safety. Done at the city of Austin, this 5th day of February, 1861.

JOHN C. ROBERTSON,  
*Chairman of Committee of Public Safety.*

Attest:

THOS. S. LUBBOCK.  
JOHN A. GREEN.

JOINT RESOLUTIONS concerning the Convention of the People of Texas, called in pursuance of the bill of rights.

Whereas the People of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State and its inhabitants, endangered by the political action of a majority of the States, and the people of the same, have, in the exercise of powers reserved to themselves in the bill of rights, called a Convention, composed of two members for each representative in the legislature from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which Convention, by the terms of the call made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have powers to consider the condition of public affairs, to determine what shall be the future relation of this State to the Union, and such other matters as are necessarily and properly incident thereto, and in case it should be determined by said Convention that it is necessary for the preservation of the rights and liberties aforesaid that the sovereignty of Texas should resume the powers delegated to the Federal Government in the Constitution of the United States and by the articles of annexation, then the ordinance of said Convention resuming said delegated powers and repealing the ratification by the people of Texas of said articles of annexation should be submitted to a vote of the qualified electors of this State for their ratification or rejection: Therefore,

1. *Be it resolved by the legislature of the State of Texas*, That the government of the State of Texas hereby gives its assent to and approves of the Convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.

With a protest against the assumption of any powers on the part of said Convention beyond the reference of the question of a longer connection of Texas with the Union to the people.

Approved, 4th February, 1861.

DEPARTMENT OF STATE,

*Austin, Tex., February 5, 1861.*

I, the undersigned, secretary of state of the State of Texas, do hereby certify that the above and foregoing is a correct copy of the original joint resolution on file in the department of state.

Given under my hand and the seal of the department of state the day and year first above written.

[With the seal.]

W. CAVE,  
*Secretary of State.*

The following communication was received from the commissioners of the State of Texas, viz :

SAN ANTONIO, *February 9, 1861.*

GENTLEMEN: The undersigned would suggest the hour of 12 as a suitable time for meeting, at such place as you may designate. Should that hour not suit your convenience, then such time and place this afternoon as may be decided upon by you.

Very respectfully,

THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of the People of the State of Texas.*

Maj. DAVID H. VINTON,  
Maj. SACKFIELD MACLIN,  
Capt. ROBERT H. K. WHITLEY,

*Military Commissioners appointed to meet Commissioners  
on behalf of the People of the State of Texas.*

Considered, and answered as follows, viz :

SAN ANTONIO, TEX., *February 9, 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 Major-General 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 General 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 obedient servants,

D. H. VINTON,  
*Major and Quartermaster.*  
SACKFIELD MACLIN,  
*Paymaster, U. S. Army.*  
R. H. K. WHITELEY,  
*Captain of Ordnance.*

Messrs. T. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of the People of the State of Texas, San Antonio, Tex.*

The subjoined instructions were received from department headquarters and read, viz :

HEADQUARTERS DEPARTMENT OF TEXAS,

*San Antonio, February 9, 1861.*

The following instructions are furnished for the direction of the military commission appointed in Special Orders No. 20, of this date, from these headquarters, to meet the commissioners on behalf of the convention of the people of Texas :

1. An inventory of the munitions of war now in San Antonio, and, if requisite, inventories at the several posts, except the arms in the hands of the troops, will be laid before the commissioners of Texas for their information.

2. An inventory of quartermaster's stores not required for the movement of the troops out of Texas will also be furnished.

3. Forage for the public animals, clothing, subsistence stores, medical and hospital supplies will not be taken into consideration.

4. The public funds in the hands of disbursing officers of the Department of Texas will not be surrendered, but will be retained for the payment of outstanding debts, as far as practicable, and for the incidental expenses of the movements of the troops.

5. The military commission will exercise such discretionary powers as may conduce to the interests of the troops, and as shall not contravene materially the fair demands of Texas.

6. The military commission will keep a daily record of their meetings, which upon a final adjournment will be compared with the minutes of the proceedings of the commissioners; and should they agree they will be signed and submitted to the commanding general of the department.

By order of Brevet Major-General Twiggs:

W. A. NICHOLS,  
*Assistant Adjutant-General.*

The commission met pursuant to adjournment.

Present: Maj. D. H. Vinton, quartermaster; Maj. S. Maclin, paymaster; Capt. R. H. K. Whiteley, Ordnance Department, on the part of the United States; Thomas J. Devine, Samuel A. Maverick, P. N. Lockett, on the part of the people of the State of Texas.

Absent: J. H. Rogers.

The commissioners of the people of the State of Texas submitted copies of their credentials. These papers are hereto appended, marked Nos. 3, 4, 5, 6, and 7; also the letter of advice accompanying them, marked No. 2.

T. J. Devine stated for himself and colleagues that "we are authorized to demand, on behalf of the sovereign people of Texas, in convention assembled, the delivery of all the public property under the control of Major-General Twiggs, commanding the Department of Texas. The object of the commission now is, to ascertain whether or no said public property will be delivered up."

After conversational deliberation, the commissioners of the people of Texas submitted a paper, of which the following is a copy, viz:

SAN ANTONIO, *February 11, 1861.*

GENTLEMEN: The undersigned, by virtue of the powers vested in us, 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 we have heretofore demanded of Bvt. Maj. Gen. 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:

1. That everything under the control of the general commanding in the Department of Texas shall remain *in statu quo* until the 2d day of March next?
2. That no movement, change of position, or concentration of the troops shall take place?
3. That none of the arms, ordnance, military stores, or other property shall be disposed of before that time, ordinary consumption excepted?
4. That upon the 2d 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 obedient servants,

T. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of the Convention.*

Maj. DAVID H. VINTON,  
Maj. SACKFIELD MACLIN,  
Capt. ROBERT H. K. WHITELEY,  
*Military Commissioners.*

This paper is appended to these proceedings, and is marked G. [Omitted.]

Which having been read, the military commission requested time for its consideration, advising the commissioners of the people of Texas that a day and hour would be appointed to meet them in the future.

Adjourned to meet to-morrow, February 12, at 10 o'clock a. m..

SAN ANTONIO, February 12, 1861.

GENTLEMEN: We, the military commission appointed by Major-General Twiggs, have had the honor to receive your communication of the 11th instant 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 Federal 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:

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

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

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

"4. That upon the 2d 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 first of the foregoing interrogatories we have the honor to state that we are willing that everything shall remain *in statu quo* until the 2d 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 of our common country—or attack upon the troops or military posts in Texas by irresponsible parties coming from any quarter whatsoever.

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 shall find it necessary to act under the contingencies mentioned in the next preceding answer.

To the third question we reply, that as it is not the intention of the commanding general to dispose of, or to place out of 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 other commissioners appointed for the purpose, will be yielded under the following conditions, viz: That the moneys in the hands of 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 defense against any 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 received for by agents appointed by said authorities.

We are, gentlemen, very respectfully, your obedient servants,

D. H. VINON,  
*Major and Quartermaster.*  
SACKFIELD MACLIN,  
*Paymaster, U. S. Army.*  
R. H. K. WHITELEY,  
*Captain of Ordnance,*  
*Military Commission.*

Messrs. THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of the Convention of the People of Texas.*

HEADQUARTERS CAMP VERDE,  
February 12, 1861.

MAJOR: I have the honor to acknowledge the receipt of a circular from the headquarters of the department, dated the 4th instant, conveying the information that "the secession act has passed the Convention of this State, to take effect on the 2d day of March next."

By this act Texas has dissolved her connection with the other States, withdrawn her allegiance to the General Government, and declared herself an independent sovereignty, so far as it is in her power to do so. By placing herself outside the Union she has forfeited all claim for further protection by the United States troops, and unless the General Government intends to coerce the State into submission, which I cannot think possible, there does not occur to me any reason for keeping the troops in this department.

Being desirous of concentrating my regiment (the First Infantry) so as to bring the companies more under my control, I respectfully request permission to move out of the department with the five companies now serving here, and join the remainder of the regiment, which is in the Department of the West.

Many strong reasons present themselves to my mind in favor of as early a movement as practicable. It is well known that much hostile feeling exists towards the General Government, and the Army, being the representative of its power, is viewed by a certain class with much dislike. It would require but slight cause to produce a collision, the ultimate results of which no man can calculate.

There is another and, in my opinion, a stronger reason which may be urged for an early movement of the troops. I have it from a source I think reliable that the State authorities intend to require the surrender of the arms in the hands of the men before they leave the State. A demand of the kind would, of course, be resisted by the troops, and if force were used, it would lead to the most disastrous consequences. In the present highly-excited state of a large portion of the inhabitants of Texas, the first blood shed would, I fear, be the prelude to a general attack on the Army. A kind of guerrilla war would follow. The scattered condition of the troops, in small garrisons, at a considerable distance from each other, and dependent for supplies on remote depots, would render concert of action exceedingly difficult, if not impossible, and be very favorable for partisan operations against them.

If the commanding general should deem it proper to authorize the movement, I have to request that the Quartermaster's Department be directed to furnish on my requisition the necessary means of transportation.

I am, major, with much respect, your obedient servant,  
C. A. WAITE,  
Colonel, First Infantry.

Maj. W. A. NICHOLS, *Assistant Adjutant-General,*  
*Headquarters Department of Texas, San Antonio.*

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I am, major, with much respect, your obedient servant,  
C. A. WAITE,  
Colonel, *First Infantry.*

Maj. W. A. NICHOLS, *Assistant Adjutant-General,*  
*Headquarters Department of Texas, San Antonio.*

SAN ANTONIO, *February 14, 1861.*

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 12th instant, 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 instant, relating to the movements 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 by the troops that may be ordered by an authority higher than himself. The question is, consequently, left unanswered so 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 instant.

(NOTE.—In explanation of the words "which object was fully set forth in the conference of the 11th instant," on second page, the undersigned refer to the conversation had at that time with reference to the movements of the troops toward the Kansas and New Mexico frontier, and the Indian country east of Red River.)

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 third 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 acceptable, with the following conditions, viz: 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 exceptions, shall be given up and receipts by the undersigned accordingly given. 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 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 defense against aggression from any source; provided, the troops shall march to the coast, and in detachments of not more than 200, each detachment to be at least three (3) 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 agents authorized to receive and receipt for the same. The remaining portion of the last answer, relating to the means of transportation, &c., for the officers, their families, servants, and property, is accepted according to its terms.

We are, gentlemen, very respectfully, your obedient servants,

THOMAS J. DEVINE,  
P. N. LUCKETT,  
S. A. MAVERICK,

*Commissioners on behalf of Committee of Public Safety.*

Maj. DAVID H. VINTON,  
Maj. SACKFIELD MACLIN,  
Capt. R. H. K. WHITEKY,

*Military Commissioners, acting on behalf of Maj. Gen. David E. Twiggs.*

CAMP COOPER, TEXAS,  
February 14, 1861.

SIR: I have just received information from a source which cannot be doubted that a force is concentrating about this post for the purpose of attacking us, and of taking possession of the public property here. This force is concentrating about the camp—coming in by small parties. An express passed thirty near here yesterday, and the herdsman saw several about the herd yesterday. I shall use what force and vigilance we can to protect ourselves and property.

I am, sir, very respectfully, your obedient servant,  
S. D. CARPENTER,  
*Captain, First Infantry, Commanding Post.*

Major NICHOLS.

SAN ANTONIO, February 15, 1861.

GENTLEMEN: In acknowledgment of your communication of the 14th instant, wherein you disagree as to certain points in our letter of the 12th instant, 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 conferences with you on that subject, inasmuch 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 or 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, General Twiggs having been superseded by Colonel Waite, all the proceedings of the military commission appointed by the former officer 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 cannot but regret that the reasons given in objection to the relinquishment of the funds in the hands of Federal disbursing officers have not met with acquiescence on the part of your commission. They can only hope that, upon reconsideration, your views may undergo a change. Under any circumstances, we trust that the commissioners appointed by the Texas committee of safety will exercise their influence to avert violence, either on the part of any irregular forces or organized military parties of whatsoever 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 obedient servants,  
D. H. VINTON,  
*Quartermaster, U. S. Army,*  
S. MACLIN,  
*Paymaster, U. S. Army,*  
R. H. K. WHITELEY,  
*Captain of Ordnance,*  
*Commissioners on the part of the United States.*

Messrs. THOMAS J. DEVINE,  
SAMUEL A. MAVERICK,  
P. N. LUCKETT,  
*Commissioners on the part of the Convention of the People of Texas.*

A note was ordered and sent, inviting the commissioners on the part of the people of Texas to meet the military commission at General Twiggs' office to-morrow morning, February 16, 1861, at 11 o'clock.

Adjourned.

The military commission met pursuant to adjournment, and finding that during the past night the town of San Antonio had been invaded by armed bodies of Texans, who had seized the property belonging to the United States, it was deemed that no further proceedings on the part of the commission would be of any avail, and they therefore respectfully submit their proceedings at this point for the consideration of the major-general commanding the department, and adjourned *sine die*.

D. H. VINTON,  
*Major and Quartermaster.*  
SACKFIELD MACLIN,  
*Paymaster, U. S. Army.*  
R. H. K. WHITELEY,  
*Captain of Ordnance,*  
*Military Commission.*

[Indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 16, 1861.*

Approved.

D. E. TWIGGS,  
*Brevet Major-General, U. S. Army.*

*Report of Capt. R. H. K. Whiteley, U. S. Ordnance Department, of the seizure of the U. S. Arsenal at San Antonio, Tex.*

TEXAS ARSENAL,  
*San Antonio, February 16, 1861.*

COLONEL: I have the honor to inform you that the troops of Texas entered San Antonio early this morning, and have taken possession of the arsenal and all public storehouses in the city. No property has been disturbed to this hour ( 1 o'clock p. m.), and I think matters will remain *in statu quo* until the 2d proximo, when an ~~agent will be sent~~ by the convention of the people of Texas to receive a Image of the page public property.

I am, sir, very respectfully, your obedient servant,  
R. H. K. WHITELEY,  
*Captain of Ordnance.*

Col. H. K. CRAIG,  
*Chief of Ordnance Department, Washington City, D. C.*

SAN ANTONIO, *February 17, 1861.*

SIR: In our communication of the 16th instant we required a delivery up by you of the positions 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 obedient servants,  
THOS. J. DEVINE, -  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of the Committee of Public Safety.*

Bvt. Maj. Gen. DAVID E. TWIGGS,  
*Commanding Department of Texas.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 17, 1861.*

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 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 defense against aggression from any source.

Very respectfully, your obedient servant,  
D. E. TWIGGS,  
*Brevet Major-General, U. S. Army, Comdg. Dept.*

Messrs. THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,  
*Commissioners on behalf of the Convention of the People of Texas.*

[Inclosure No. 12.]

SAN ANTONIO, *February 17, 1861.*

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 instant, viz, that the troops shall leave Texas by the 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, &c.,

THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of the Committee of Public Safety.*

Bvt. Maj. Gen. DAVID E. TWIGGS, *U. S. Army,*  
*Commanding Department of Texas.*

*Report of Surg. E. H. Abadie, U. S. Army, of events at San Antonio, Tex.*

MEDICAL DIRECTOR'S OFFICE,  
*San Antonio, Tex., February 17, 1861.*

SIR: I have the honor to report the political changes which will or have already closed our military functions in this department.

In the night, or a little before day, of the 16th, some 1,200 or 1,500 Texan troops, commanded by Maj. Ben. McCulloch, acting under the orders of commissioners appointed by the Convention which had passed the ordinance for the secession of Texas, quietly took possession of the arsenal and arms, quartermaster and commissary property at this depot, and demanded its unconditional surrender by General Twiggs. After a stormy conference between the department commander and the commissioners, who had been here with their demands since the 8th instant, the general has acceded to their demands, and the two companies of United States troops marched out of the town in the afternoon and went into camp until arrangements could be made to transport them to the coast.

No orders have as yet issued from the headquarters, nor is it known what disposition will be made of the remaining troops. The medical and hospital property is yet under my charge, nor has the hospital been disturbed. So soon as orders issue they will be duly communicated.

I am, sir, very respectfully, your most obedient servant,

E. H. ABADIE,

*Surgeon, U. S. Army, and Medical Director.*

Brig. Gen. THOS. LAWSON,

*Surgeon-General U. S. Army, Washington City, D. C.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 18, 1861.*

GENTLEMEN: Your communication of the 17th instant, which you say is a reply to mine written yesterday, the 17th instant, was received last night. I consent to the conditions that the troops shall leave Texas by the 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 deemed 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 in a demand which, you must see, I am not at liberty to grant.

Very respectfully, your obedient servant,

D. E. TWIGGS,

*Brevet Major-General, U. S. Army, Comdg. Dept.*

Messrs. THOS. J. DEVINE,

S. A. MAVERICK,

P. N. LUCKETT,

*Commissioners on behalf of the Convention of the People of Texas.*

[Inclosure No. 14.]

SAN ANTONIO, *February 18, 1861.*

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 cavalry, shall be *retained* by the troops under your command; all other public property, as set forth in our previous communication, to be delivered up to agents authorized to receive it.

We remain, respectfully, your obedient servants,

THOS. J. DEVINE,  
P. N. LUCKETT,  
S. A. MAVERICK,

*Commissioners on behalf of Committee of Public Safety.*

Bvt. Maj. Gen. DAVID E. TWIGGS, *U. S. Army,*  
*Commanding Department of Texas.*

[Inclosure No. 15.]

GENERAL ORDERS, }  
No. 5. }

HDQRS. DEPARTMENT OF TEXAS,  
*San Antonio, February 18, 1861.*

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 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:

W. A. NICHOLS,  
*Assistant Adjutant-General.*

[Inclosure No. 16.]

CIRCULAR.]

SAN ANTONIO, *February 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 Bvt. Maj. Gen. David E. Twiggs, U. S. Army, 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 and the battery of the same character at Fort Brown, and shall be allowed the necessary means for regular and comfortable movement, provisions, tents, &c., 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,  
P. N. LUCKETT,  
S. A. MAVERICK,

*Commissioners on behalf of Committee of Public Safety.*

*Report of Bvt. Maj. Gen. D. E. Twiggs, U. S. Army, of the seizure of U. S. Arsenal and Barracks at San Antonio, and surrender of military posts, &c., in the Department of Texas.\**

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 19, 1861.*

SIR: I have the honor to inclose herewith the proceedings of a military commission, constituted by virtue of Special Orders No. 20 of this year, from this department, to meet the commissioners on the part of the State of Texas. It will be observed that the meetings of the commissioners were abruptly terminated by the entrance into this city, on the morning of the 16th instant (before day), of an armed body of State troops, numbering over 1,000 men, under Col. Ben McCulloch. On that morning I received a summons requiring me "to deliver up all military posts and public property held by or under your [my] control." It is herewith, marked No. 9. I immediately (with Major Nichols) proceeded to my office, and found the troops and public property surrounded by the Texans. After a conversation with the commissioners, in presence of all my staff and the officers of the post, it was agreed that the United States troops should march out of the city, taking with them their arms, clothing, camp and garrison equipage, and all the necessaries for a march out of Texas.

On the 17th instant I received another summons from the commissioners (copy herewith, marked No. 10), to which I replied under the same date, a copy of which is herewith, marked No. 11. The commissioners replied to this (copy herewith, No. 12), stating the conditions of the march out of Texas (see letter referred to in the proceedings of the commission), and demanding the surrender of the guns of the light batteries, a demand to which I could not accede. The commissioners were instructed to demand that the route of the troops should be by way of the coast. I objected to this strongly until I found that, unless I yielded that point, there would be immediate collision, and deeming it probable that by yielding this I could save the guns of the light batteries, I reluctantly did so. (See my letter of the 18th instant, marked No. 13, addressed to that body.) The commissioners, in reply (copy herewith, No. 14), accepted my conditions. I have to remark that whilst the commissioners were in session the State troops were in rapid march upon the city of San Antonio. General Orders, No. 5, herewith (No. 15), will inform you of the disposition of the troops. A copy of the circular of the commissioners is also herewith, No. 16.\*

I have the honor to be, very respectfully, your obedient servant,

D. E. TWIGGS,

*Brevet Major-General, U. S. Army, Comdg. the Dept. of Texas.*

Lieut. Col. L. THOMAS,

*Asst. Adjt. Gen., Headquarters of the Army, Washington, D. C.*

[Inclosure No. 1.]

*Proceedings of a military commission constituted by virtue of the following order, viz:*

SPECIAL ORDERS, }  
No. 20. }

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 9, 1861.*

A military commission, to consist of Maj. David H. Vinton, quartermaster, Maj. Sackfield Maclin, paymaster, and Capt. Robert H. K. Whiteley, Ordnance Department, is hereby appointed to meet the commissioners on behalf of the Convention of the People of Texas—Messrs. Thos. J. Devine, Saml. 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 demand of the State of Texas.

By-order of Brevet Major-General Twiggs:

W. A. NICHOLS,  
*Assistant Adjutant-General.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 21, 1861.*

GENTLEMEN: I have been informed by Captain Reynolds, assistant 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 Bvt. Maj. Gen. David E. Twiggs, U. S. Army, commanding the Department of Texas," that "the necessary means for regular and comfortable movement, provisions, tents, &c., 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, &c. 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 intrusted 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 Captain Reynolds, and seized *prior* to the agreement between the commissioners and General Twiggs, I have to require that they may be returned to him immediately.

I am, gentlemen, very respectfully, your obedient servant,

C. A. WAITE,

*Colonel, Commanding Department.*

Messrs. T. J. DEVINE,

P. N. LUCKETT,

S. A. MAVERICK,

*Commissioners on behalf of Committee of Public Safety.*

SAN ANTONIO, February 22, 1861.

SIR: We are in receipt of your communication of the 21st instant, in which you state that "the funds placed in the hands of Captain Reynolds, assistant 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 Bvt. Maj. Gen. David E. Twiggs, commanding the Department of Texas," that "the necessary means for regular and comfortable movement, provisions, tents, &c., 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, &c. You further state: "The words 'public property' do not include money, and certainly not money in the hands of disbursing officers," &c. You likewise state that "a proper construction of the agreement referred to will not authorize the retention of the funds lately in the possession of Captain Reynolds, and seized *prior* to the agreement between the commissioners and General Twiggs," and "I (you) have to require that they may be returned to him immediately."

In reply to that portion of your communication referring to our agreement with General Twiggs, for the comfortable movement of the troops, &c., 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 engagement.

With reference to that portion of your communication relating to the words "public property, not including money," &c., we have to say that if the word "money" was not used in our last communication to General Twiggs, it was simply owing to the fact that our communication of a previous date, as well as our original demand on General Twiggs, contained that word and its equivalents. That communication in which we agreed to the terms of the note of the 18th instant, in which General 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 General Twiggs, it will be found in the demands made by that officer and several others for transportation, &c., and freely furnished by the undersigned, although no reference is made in express terms to this obligation in any of the notes age of the page General Twiggs and the undersigned, and the reference is only found in our communication of the 14th instant to the military commission. We might still further add that the military commission, as well as General 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, General Twiggs has acted upon portions of our answer of the 14th instant, although such portions were not set out in our reply of the 18th, it shows that he understood that 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 all 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 1. 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 in the performance of your official duties on the 8th day of February, 1861.

Question 2. 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 and where was this disbursement or change made.

Question 3. 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.

Question 4. Please state what amount in specie or coin has come into your possession since the 8th of February, 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 of February, 1861.

Question 5. Please state the amount of funds connected with your department on hand in specie, coin, drafts, or other evidences of money or credits, 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 eighteen 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 a sense of duty, however, alike demand that all measures proper and necessary for 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 obedient servants,

THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of Committee of Public Safety.*

Col. C. A. WAITE, *U. S. Army,*  
*Commanding Department of Texas.*

*Report of Bvt. Maj. Larkin Smith, Eighth U. S. Infantry, of the seizure  
of U. S. property at San Antonio, Tex.*

CAMP SAN PEDRO, TEX., *February 23, 1861.*

COLONEL: In compliance with instructions that I should report such information as I possess on the subject of the events which transpired in San Antonio on the 16th instant, I have the honor to state as follows:

For several days previous to the 16th there were many rumors of the formation of forces to take possession of the public property at the depots. They were not generally credited until the 14th, when more reliable information was received that a strong force of citizens was collecting from the counties to the east and northeast. This was confirmed on the 15th, and it was generally understood that several hundred men would enter the city the next morning. The orders given to the guard were, that they should not resist a large organized force, but to preserve the public property from depredation by individuals or any mob, as usual. The troops, consisting of Company I of the First, and A of the Eighth Infantry, were to form at quarters and await further orders in case of the approach of any considerable force.

At fifteen minutes of 4 o'clock on the morning of the 16th, I received a message from the officer of the day that a large armed force was entering the city. Repairing to my company quarters, a low, one-story building, marked B on the accompanying plot,\* situated in the yard used as a depot for ordnance, the men were formed, and ordered to remain at their quarters. I then proceeded to the Army offices in the building marked A, where officers were awaiting developments rather than orders, it being understood that no resistance would be made. A few minutes after, some eighty armed citizens took position across the street at the point C, and another party in the lot at H. Returning towards my company quarters, I found a strong party on the street leading to the plaza, some of them ascending the stairs to the second story of the ordnance building, D. Approaching them, I was accosted by two persons, who seemed surprised at being observed. One of them was announced as Colonel McCulloch. I informed him that the house on the corner was occupied by soldiers. He said he could not help that. I asked, "Perhaps you will tell me what you intend to do," to which he replied that his force was in commanding positions, and would take possession of all the public property, after which, if anything was wanted, it would have to be asked of the commissioners, and that the persons of my men were secure, and would not be molested. During this conversation, he gave me to understand that the force on the east side of the river served to prevent my company and that of the First Infantry at F from uniting. In the mean time his people were mounting to the roof of the ordnance building, of the house adjoining on the south, and of the Masonic Hall at G. About one hour after this conversation, having heard that it was intended to demand the arms in the hands of our men, I sought Colonel McCulloch, and asked him if I had understood him rightly that the persons of the soldiers would not be molested. He answered, "Yes." I stated that they would consider their persons very much molested if their arms were interfered with. He replied, "That is a question for the commissioners to determine." I added that such an attempt would be followed by serious consequences, which would be painful to all concerned, and suggested that he would confer with his commissioners on that subject if he had not been instructed upon it. He signified his intention to obey their instructions, whatever they might be, at any cost, and added: "Some of you had better arrange this matter quickly, or my men will do it for you," thus intimating that they might not be controlled.

Near 7 o'clock Colonel McCulloch came to me with a letter, addressed to the commander of the Department of Texas. I informed him that I was not the officer, and referred him to you as commanding the post. These matters were all reported to you.

At 10 o'clock I particularly reported the situation of my company, in contracted quarters, and so completely surrounded and commanded by the citizens' force that no man could move without having several hundred guns pointed at him, at the option of that force, and that they had been in this situation nearly six hours. You notified the department commander of this. It seemed to be of consequence, in yielding to the Texas commissioners, that *these two companies* should leave the State "by the way of the coast." On this point you are better informed than I am; my knowledge of it is incomplete. I understood, however, that our troops would not be permitted to leave their quarters if this demand was not acceded to, and that it was the one measure to restore quiet.

About 11 o'clock the order was given to prepare to go into camp, and at 3 p. m. the two companies marched out of the city, and formed their camp at this place.

I am, very respectfully, your obedient servant,

LARKIN SMITH,

*Major by Brevet, Captain, Eighth Infantry.*

Lieut. Col. WILLIAM HOFFMAN,

*Eighth Infantry, Commanding San Antonio Barracks.*

HEADQUARTERS DEPARTMENT OF TEXAS,

*San Antonio, February 25, 1861.*

GENTLEMEN: I have already acknowledged the receipt of your letter of the 22d instant, 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 departments 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 assurance of General Twiggs that he had 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 obedient servant,

C. A. WAITE,

*Colonel, Commanding Department.*

Messrs. T. J. DEVINE,

S. A. MAVERICK,

P. N. LUCKETT,

*Commissioners on behalf of the Committee of Public Safety.*

*Reports of Col. C. A. Waite, First U. S. Infantry, of events from February 19 to April 23, 1861.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, February 26, 1861.*

COLONEL: I have the honor to report that in compliance with Special Orders No. 22, Adjutant-General's Office, Washington, January 28, 1861, I assumed command of the Department of Texas on the 19th instant.

I send herewith, by Bvt. Lieut. Col. D. T. Chandler, U. S. Army, a image of the page, dated the 19th instant, of Brevet Major-General Twiggs, giving a full account of the forcible entry into and occupation of this city by the troops of this State, on the 16th instant, together with the proceedings of the military commission therein referred to, and the papers connected with it.\*

On my arrival in San Antonio, I found the city filled with armed men. The public property, including the funds in the hands of Captain Reynolds, assistant quartermaster—some ten thousand dollars—had been seized by an armed force under Col. Ben. McCulloch, who was acting under the authority of the commissioners on behalf of the Convention of the People of Texas, and that General Twiggs had already entered into an agreement with said commissioners, in which he stipulated that all the posts should be evacuated, the public property surrendered to the State authorities, and that the troops should leave Texas by way of the coast. An order for the evacuation of the posts was immediately issued by General Twiggs. The moment the secession movement commenced, the people of Texas became much excited on that subject, and immediately after the passage of the secession ordinance, several large bodies of Texans were collected and threatened an attack upon some of our posts. Their main object appeared to be the public property. No one at a distance can form a correct idea of the state of public feeling. There is a strong feeling against the General Government, and the Army, being the representative of its power, shares that dislike.

The troops in this department are stationed at different camps or posts in small garrisons, and spread over a very large extent of country. To concentrate a sufficient number to make a successful resistance, after the Texans had taken the field, was not practicable. Besides, we had no large depot of provisions to move upon, and the means of transportation at the posts were so limited that the troops could have taken with them a supply for only a few days. An attempt to bring them together under these circumstances would have, no doubt, resulted in their being cut up in detail before they could get out of the country. Under these circumstances, I felt it my duty to comply with the agreement entered into by General Twiggs, and remove the troops from the country as early as possible. With this view, arrangements are being made to bring the troops to the coast in time to meet the transports, if possible. Under this date I have made the necessary requisition for transports, and have indicated the points of embarkation and the number of the troops. The commissioners of this State will communicate with the government of Louisiana, and will endeavor to get such authority as will permit the troops, if necessary, to go up the Mississippi River. If such authority is granted, Colonel Chandler will be advised of it, and will give you the necessary information.

In connection with the matter of this communication, I inclose a copy of a letter I addressed to these headquarters, under date of 12th instant, whilst in command of Camp Verde, which contains the expression of my views previous to entering upon the duties of my present position. I will add that armed bodies of men are moving upon some of the posts within this command, Camp Cooper being one of them, as you will perceive by the copy of Captain Carpenter's letter of the 14th instant, inclosed herewith. Other posts are also threatened.

I am, colonel, very respectfully, your obedient servant,  
C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

Lieut. Col. L. THOMAS,  
*Assistant Adjutant-General, Headquarters of the Army, &c.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, February 26, 1861.

COLONEL: I have the honor to inclose herewith a statement of the number of troops serving in the Department of Texas, and have to request that transportation may be furnished for them from Indianola and Brazos Santiago to such points as the Lieutenant-General commanding the Army shall direct. My arrangements are that the Third Infantry and two companies of the Second Cavalry shall embark at the Brazos, and that the remaining eight companies of the Second Cavalry, the five companies of the First Infantry, and the nine companies of the Eighth Infantry shall proceed to Indianola, and take shipping at that place. I have estimated for the full allowance of officers' servants and laundresses, not knowing the exact number there are. I have no doubt there will be the full number of laundresses. Each transport should be supplied with a sufficient quantity of provisions, water, and fuel for the voyage, as it will not be safe to depend upon the resources of Texas for any of the articles required. It is very important that I should know as early as possible the time the transports will be on the coast, their tonnage, extent of supplies, and the number of troops that each one will be directed to receive on board, in order that I may have the troops at the points of embarkation, and may be enabled to apportion them understandingly. The difficulty of subsisting them, after a movement is commenced, owing to the limited means of transportation, renders it necessary to retain the companies at their posts as long as possible.

I am, sir, very respectfully, your obedient servant,

C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

Lieut. Col. L. THOMAS,

*Assistant Adjutant-General, Headquarters Army, New York.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, February 26, 1861.

*Statement of the number of troops to be removed from the Department of Texas, in compliance with General Twiggs' agreement with the commissioners on the part of the State of Texas.*

	Number of companies.	Medical officers.	Field officers.	Company officers.	Ordnance sergeants and hospital stewards.	Enlisted men.	Laundresses.	Officers' servants.	Aggregate.
<i>To embark at the Brazos.</i>									
Third Infantry .....	10	3	3	25	4	762	40	34	871
Two companies, E and G, Second Cavalry ..	2			6		121	8	6	141
Total .....	12	3	3	31	4	883	48	40	1,012
<i>To embark at Indianola.</i>									
Second Cavalry (8 companies) .....	8	4	2	17	3	588	32	25	671
First Infantry (5 companies) .....	5	2	2	13	4	385	20	17	443
Eighth Infantry (9 companies) .....	9	5	1	19	4	472	36	21	558
Total .....	22	11	5	49	11	1,445	88	63	1,672
Grand total .....	34	14	8	80	15	2,328	136	103	2,684

Besides the officers and enlisted men included in the above list, there are one doctor and one paymaster stationed at Fort Brown, and one paymaster at Fort Bliss. One ordnance sergeant is stationed at Brazos Santiago, and a hospital steward at Fort Brown.

C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

SAN ANTONIO, TEX., *February 26, 1861.*

SIR: I have the honor to report that I was this morning forcibly dispossessed of my office, including my public funds and official records and papers, by an armed force represented to be under the personal command of one of the commissioners of the committee of safety of the State of Texas. On attempting to enter my office, after such possession had been taken, I was warned by a sentinel stationed over the door that admittance was not allowed.

Respectfully, your obedient servant,

W. B. BLAIR,  
*Captain and C. S.*

The ASSISTANT ADJUTANT-GENERAL, U. S. ARMY,  
*Department of Texas, San Antonio.*

SPECIAL ORDERS, } HEADQUARTERS DEPARTMENT OF TEXAS,  
No. 34. } *San Antonio, February 26, 1861.*

Bvt. Lieut. Col. D. T. Chandler, U. S. Army, will proceed to the headquarters of the Army and deliver the dispatches with which he is charged. He will travel with all possible haste, as it is important that the information contained in the communications intrusted to his charge should reach Washington as early as possible.

On arriving in Louisiana, Colonel Chandler will communicate with the governor of that State, and ascertain if a safe transit for the troops evacuating Texas will be afforded through the State of Louisiana, with permission to purchase the necessary supplies and secure the required means of transportation. For this purpose he will deliver a communication addressed to the governor of that State by the commissioners on behalf of the committee of public safety of the State of Texas. After having complied with these instructions, Colonel Chandler will return to San Antonio.

By order of Col. C. A. Waite:

W. A. NICHOLS,  
*Assistant Adjutant-General.*

OFFICE OF A. A. C. S.,  
*San Antonio, Tex., February 27, 1861.*

MAJOR: I have the honor to report that yesterday morning, about 11 o'clock, my clerk was ordered out of my office by Dr. P. N. Lockett, one of the commissioners of the Texan Convention, and a man with a musket in his hand posted as a sentinel over the office. About 12 m. yesterday, not knowing what was the matter, I attempted to enter my office, and was peremptorily ordered not to enter by the above-mentioned man with a musket. This morning I am informed by the man walking in front of my office door with a musket in his hand that myself and clerk have permission to go into my office. I have received no official information of the authority by which my office was closed, and by which my books, papers, and other articles of private property were, without explanation, forcibly taken from my charge and possession.

Very respectfully, your obedient servant,

T. G. WILLIAMS,  
*First Lieutenant, First Infantry, A. A. C. S.*

Maj. W. A. NICHOLS, *Assistant Adjutant-General,*  
*Department of Texas, San Antonio, Tex.*

SAN ANTONIO, *February 28, 1861.*

This is to certify that Capt. W. B. Blair, commissary of subsistence, having produced to the undersigned a statement of the public funds, evidences of the same, and the amounts of credits in favor of his office, together with the amount due citizens of Texas for supplies furnished on account of his office, and it being understood and agreed to by Capt. W. B. Blair and the undersigned that he will, to the extent of the means on hand, or that may hereafter come into his control, liquidate without delay the claims of the citizens aforesaid; that the undersigned will not interfere with, or permit any interference with, such funds or credits as are now or may hereafter come into his possession or into the State of Texas for his disbursement or control, so far as it may be in the power of the undersigned to prevent any interference or attempt to interfere with said funds or credits on hand or *in transitu*. It being understood and agreed to by both parties that should any surplus of existing means or credits remain after the payments of said debts, and the furnishing necessary supplies for the troops, that the surplus so remaining shall be turned over to the undersigned or such other commissioners as may represent the State of Texas in the premises.

THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of Committee of Public Safety.*

W. B. BLAIR,  
*Captain, C. S., U. S. Army.*

SAN ANTONIO, *February 28, 1861.*

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THOS. J. DEVINE,  
S. A. MAVERICK,  
P. N. LUCKETT,

*Commissioners on behalf of Committee of Public Safety.*

W. B. BLAIR,  
*Captain, C. S., U. S. Army.*

*Report of Lieut. Col. Wm. Hoffman, Eighth U. S. Infantry, of the seizure  
of U. S. property at San Antonio, Tex.*

HEADQUARTERS SAN ANTONIO BARRACKS,  
*Texas, March 1, 1861.*

SIR: Pursuant to the orders of the commander of the department, I have the honor to submit the following report of the taking possession of the public property in San Antonio on the morning of the 16th ultimo:

That the matter may be clearly understood, I will premise by stating that when I assumed command of this post (on the 11th) negotiations were in progress to fix the terms on which the public property would be turned over to the State authorities. Soon after the receipt of the order relieving General Twiggs, and placing Colonel Waite in command of the department, it was reported that a body of State troops were being collected to come into the town to take possession of the property by force. To meet such a state of things I inquired of the general commanding under what circumstances I should use ball cartridges. He replied, under no circumstances, and added that he would not be the first to shed blood, or to that effect. I gave orders accordingly, and directed that the arms should not be loaded: but on reflection I deemed it best to have them loaded, and told the general I would understand his order to give me this latitude, the men being ordered not to fire except to resist an attempt to disarm them.

On the evening of the 15th, having what seemed to be reliable information that the troops of Texas, acting under the authority of the State commissioners, would during the night enter the town and take possession of the storehouses, I ordered that the guard at the quartermaster's store should make no resistance to any organized force, but should report its presence to the quartermaster. I directed further that on the approach of troops, or the occurrence of any unusual excitement in the town, it should be reported to me, and that company officers and the companies should be warned to be ready for any emergency. I would have preferred to have left the depot in charge of the quartermaster's watchman, as with these orders the guard would only be acting in that capacity; but the general thought it advisable to have the guard as security against individual depredations.

Soon after 4 o'clock of the morning of the 16th I was notified that there was some excitement in town, and on repairing to my office, adjoining the quarters of Company I, First Infantry, I heard the corporal of the guard report to the officer of the day that in consequence of a demand by a large force that he should surrender he had withdrawn his guard from the depot.

In a very short time the building used as an arsenal was taken possession of, and companies of armed men occupied the streets near where our companies were quartered, and in front of the commissary building. A thousand to twelve hundred men are reliably said to have been in the town at the time. Things remained in this state, without any noise or disturbance of any kind, till some time after daylight, when, supposing the Texas commissioners were conferring with the general, to whom I had reported these occurrences, I returned to my quarters for a short time. In a few minutes a note addressed to the commander of the Department of Texas, from the Texan commissioners, was brought to me through a misunderstanding, which I delivered to Major Nichols, assistant adjutant-general, and I notified the commissioners that the general would be in his office after breakfast.

I had ordered that our men should not leave their quarters, but should be prepared to resist any attempt to take their arms; and between 9 and 10 o'clock, wishing to relieve them from this constraint, and to avoid any chance of accidental collision, I proposed to move the command into camp at a convenient distance from town. The commissioners objected to this arrangement, unless I would assure them that I would not move from the camp except to leave Texas by the coast. I told them I could give no such assurance without the consent of the general commanding, as I might be otherwise ordered. After some discussion of the feasibility of the plan of the troops going out by Indianola and up the Mississippi, with the approbation of General Twiggs, who was present, I gave the assurance asked for, and immediately issued the necessary orders for the companies to go into camp. The headquarters of the post and Eighth Infantry and band of the Eighth remain in town.

As required by the colonel commanding the department the reports of Major Smith and Captain King are submitted herewith. [Nos. 5 and 6.]

Very respectfully, your obedient servant,

W. HOFFMAN,

*Lieutenant-Colonel Eighth Infantry, Commanding.*

ASSISTANT ADJUTANT-GENERAL,

*Headquarters Department of Texas, San Antonio, Tex.*

*Report of Capt. John H. King, Eighth U. S. Infantry, of the seizure of U. S. property at San Antonio, Tex.*

CAMP SAN PEDRO, TEX., *March 1, 1861.*

SIR: By your order I report to you that I was on duty as officer of the day at San Antonio Barracks on the 15th ultimo. At night the guard at the Alamo had orders not to load their muskets, and not to resist in case an armed force attempted to seize the public property. Some time before daybreak the corporal at the Alamo reported to me that the citizen troops we had been expecting for a day or two had arrived in the city. Our soldiers were notified of it, and the sentinels withdrawn from their posts.

I am, sir, very respectfully, your obedient servant,

JNO. H. KING,

*Captain, First Infantry.*

Lieut. Col. W. HOFFMAN,

*Eighth Infantry, Commanding San Antonio Barracks, Tex.*

QUARTERMASTER'S OFFICE,  
HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 1, 1861.*

MAJOR: On the 26th ultimo I had the honor to report, verbally, to the colonel commanding the department that I, with my clerks and messenger, had been summarily ejected, by order of the Texas commissioners, from the room occupied by me as the office of the chief quartermaster of the Department of Texas; that a sentinel from the Texas troops was placed over the room, and that all access thereto by myself and employes was thereby cut off and prohibited. I have now further to report that the commissioner who executed the order of ejection gave no reason for his conduct; that when asked if I could have access to my papers, gave no satisfactory answer, and when the keys of my iron safe, containing a small amount of public funds, were offered to him, he declined to receive them. I have since applied to the commissioner to remove the restrictions thus imposed without success—no reply being vouchsafed. What good results they may have expected from the course they have thought proper to pursue is more than I can conjecture, but I have to complain that it has been productive of great inconvenience to the service in which I have the honor to serve. It has debarred me from a free exercise of my functions as chief quartermaster, and has been the means of shutting up papers essential to the settlement of the accounts of officers at several of the posts requiring my action. It seems to be an arbitrary exercise of power, conceived in a spirit of retaliation for some act, of which the commander of the department may, perhaps, be more conversant than I am, or else to coerce me into acts as repugnant to my feelings of honor as they are contrary to my duty toward my Government and a proper integrity to my bondsmen—of which the commander of the department may have some conception.

I respectfully ask the mediation of the colonel commanding the department with the commissioners for the removal of the obstructions to the performance of my duties above pointed out.

Very respectfully, your obedient servant,

D. H. VINTON,

*Major and Quartermaster.*

Bvt. Maj. W. A. NICHOLS,  *Adjutant-General,*  
*Headquarters Department of Texas, San Antonio.*

SAN ANTONIO, TEX., *March 2, 1861.*

MAJOR: I have the honor to report, for the information of the colonel commanding, that on the 26th ultimo, while in the regular discharge of my duties, I was ejected from my office, which was taken possession of in the name of the State of Texas, in the manner following:

About 10 o'clock a. m. an armed body of men were marched to the door of my office, where they were posted by the person in command, and instructed in an undertone. I continued discharging my duties afterward for probably thirty minutes, when one of the commissioners, Mr. P. N. Lockett, of the State of Texas, entered, and ordered me to close my safe and office, and cease to transact any further business, saying that he took possession in the name of the State of Texas. I closed the door of my safe and office, and have since been prohibited from entering the latter by the sentinel stationed there.

I am, sir, very respectfully, your obedient servant,

DANIEL McCLURE,

*Paymaster, U. S. Army.*

Bvt. Maj. W. A. NICHOLS,  
*Assistant Adjutant-General, U. S. Army.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 2, 1861.*

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 United States Quartermaster's Department, and those which may accrue during the stay of the United States troops within the limits of the State of Texas.

That I will exert the full extent of 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 station to the coast, and to enable them to embark, shall be retained and held subject to such expenditure.

I am, gentlemen, very respectfully, your obedient servant,  
C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

Messrs. THOS. J. DEVINE,  
P. N. LUCKETT,  
S. A. MAVERICK,

*Commissioners on behalf of Committee of Public Safety, San Antonio.*

Approved by the undersigned commission on behalf of committee of public safety.

THOMAS J. DEVINE.  
S. A. MAVERICK.  
P. N. LUCKETT.

SAN ANTONIO, TEX., *March 2, 1861.*

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. LUCKETT,

*Commission on behalf of Committee of Public Safety.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 3, 1861.*

COLONEL: Your letter of the 15th February, containing directions for the movement of the troops out of this Department in case Texas should secede, was handed to me by Lieutenant Putnam on the 1st instant. The several communications forwarded by Brevet Lieutenant-Colonel Chandler, Third Infantry, which I trust will reach you by the 8th instant, will inform you of the condition of affairs in this department up to the 25th ultimo. Previous to that date the commissioners of the State demanded of me certain statements in relation to the funds in the hands of disbursing officers, the known object of which was to enable them to seize all moneys belonging to the United States for the benefit of Texas. (See paper B.) To this demand I refused compliance. (Paper marked C.) On the morning of the 25th ultimo an armed force, acting under the commissioners of the State, took forcible possession of the offices occupied by Major Vinton, quartermaster; Major McClure, paymaster; Captain Whiteley, Ordnance officer; Captain Blair, commissary of subsistence, and Lieutenant Williams, depot commissary; ejected these officers and their clerks from their offices, and placed a sentinel at the doors. (See papers marked C<sup>1</sup>, C<sup>2</sup>, C<sup>3</sup>, C<sup>4</sup>, C<sup>5</sup>.) About the time of their taking possession of the offices they notified me that the means of transportation would be withheld, and consequently the movement of the troops prevented, until these demands were complied with. After a delay of some days an arrangement was made with the commissioners, whereby the restrictions imposed on the Quartermaster's and Commissary Departments were removed, and the means of transportation again placed at my disposal. Major Vinton and Captain Blair are now in the discharge of their proper duties. The conditions of the agreement whereby they were permitted to again take charge of their offices will be found in papers marked D<sup>1</sup>, D<sup>2</sup>.

Previous to making this agreement it was ascertained that after expending all of the available funds on hand there would be outstanding debts to the amount of some eight thousand dollars against the Commissary Department and nearly double that sum against the Quartermaster's Department. The offices of Major McClure and Captain Whiteley are still held by a guard, and I understand that the commissioners have referred their cases to the Convention, now in session at Austin, for further instructions.

I inclose, also, copies of my letters alluded to in the communication by Colonel Chandler (marked E and F\*); therein accidentally omitted. I likewise inclose copies of letters of Colonel Hoffman and Bvt. Maj. L. Smith, Eighth, and Captain King, First Infantry, relating particularly to the circumstances attending the forcible seizure of the public property in San Antonio on the 16th ultimo by the State troops, &c., marked, respectively, H, I, K. †

I am, colonel, very respectfully, your obedient servant,

C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

Lieut. Col. L. THOMAS, *Assistant Adjutant-General,*

*Headquarters of the Army, Washington, D. C.*

TEXAS ARSENAL, *San Antonio, March 3, 1861.*

MAJOR: I have the honor to inform the colonel commanding the Department of Texas that on the 25th ultimo a guard was placed in my office, in the Ordnance Department, on the corner of Solidad and Rivers streets, San Antonio, by order of the commissioners of the Convention of the People of Texas, which being a *direct and gross insult* to me, a commissioned officer of the United States Army, and being powerless to prevent or redress such great wrong, I immediately withdrew from that office.

I am, sir, very respectfully, your obedient servant,

R. H. K. WHITELEY,  
*Captain of Ordnance.*

Maj. W. A. NICHOLS, *Assistant Adjutant-General, U. S. Army,*  
*Headquarters Department of Texas, San Antonio, Tex.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 6, 1861.*

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COLONEL: I have the honor to acknowledge the receipt of your communications forwarded by Major Porter, assistant adjutant-general, which were delivered to me on the 4th instant by Lieutenant Major, Second Cavalry. Major Porter was to leave Indianola on the 2d instant for Brazos Santiago.

The difficulty of placing provisions at Brazos Santiago for the use of the troops whilst awaiting the arrival of the transports, the collection of a large Texan force at Brownsville or in its vicinity, which would render a depot at that place insecure, and the small number of United States troops on the Rio Grande below Fort McIntosh, have induced me to change my arrangements so far as to have all the troops embark at Indianola. Should it, however, be deemed expedient hereafter to have a part of the troops embark at the Brazos, the transports can easily be ordered from Indianola to that point. I have, therefore, to request that all of the vessels sent out to take the troops may be directed to proceed to Indianola.

Two companies of the Third Infantry (Johns' and Clitz's) were ordered to Fort Brown from Ringgold Barracks to relieve the artillery, and as it is probable that they reached that post before the arrival at Brazos of the steamer Daniel Webster, I presume they embarked with the artillery. Major Porter wrote me that he would "make every effort to take with me [him] the garrison of Ringgold Barracks."

I am, colonel, very respectfully, your obedient servant,

C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

Lieut. Col. L. THOMAS, *Assistant Adjutant-General,*  
*Headquarters of the Army, Washington, D. C.*

P. S.—I beg that it may be borne in mind that I am dependent entirely on the commissioners on the part of Texas for the use of the means of transportation which were heretofore under the control of the Quartermaster's Department. As difficulties are daily occurring to retard our operations, and frequently to delay the march of the troops, I cannot feel that certainty of having them at the points selected for concentration at any given time that I should do if entirely independent of the commissioners, and free to act agreeably to my own judgment.

Very respectfully,

C. A. WAITE,

*Colonel, U. S. Army, Commanding Department.*

EXECUTIVE OFFICE,  
Baton Rouge, La., March 6, 1861.

Messrs. MAVERICK, LUCKETT, and DEVINE,  
*Commissioners on behalf of the Committee of  
Public Safety of the State of Texas :*

GENTLEMEN: I have, in compliance with the wishes of the authorities of your State, authorized Maj. Gen. Braxton Bragg, Louisiana Army, to extend every facility and courtesy, consistent with the safety of our State, to the United State troops in transit through Louisiana, by way of the Mississippi River. I take pleasure in stating to you that Major-General Twiggs, late commanding the Department of Texas, was recently welcomed to New Orleans with civic and military honors worthy of his bravery, his talents, and his long and very distinguished services.

I remain, gentlemen, very respectfully, your obedient servant,

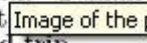
THO. O. MOORE,  
*Governor of the State of Louisiana.*

HEADQUARTERS FORT MCINTOSH, TEX.,  
March 11, 1861.

MAJOR: I have the honor to acknowledge the receipt of your letter of the 11th instant, with other packages. I have to state in reply that, in compliance with instructions from the General-in-Chief, communicated by Maj. F. J. Porter, assistant adjutant-general, on the 4th instant, from Fort Brown, I shall commence the march on Fort Brown tomorrow morning. I have the transportation provided for the movement. Major Porter states that funds are provided at Fort Brown to defray expenses of transportation, and urges me to hasten my march. Doubtless he has communicated with the commander of the department in the matter.

Lieutenant Davis, A. A. Q. M., is turning over the property which does not move with the command to Mr. Charles Callaghan, who is the agent of the State of Texas to receive the United States property at this post.

Major French, with his command, was on the 5th instant near Edinburgh, about sixty miles from Fort Brown. In a note to me of the 6th instant, Colonel Backus states: "Bowman's company moves to-morrow by land light, the baggage by water. Major Porter is very anxious to expedite your march. Don't delay a moment. Two companies of infantry go out with the artillery."

I trust my course in marching on Fort Brown will be approved by the commanding officer of the department, and that his plans will not be embarrassed thereby. They might be at the mouth of the river, as I have already reported to Major Porter that I should lose no time in commencing the march on Fort Brown. I have heard no news of the troops above. I would state that I shall march with about twenty-five days' rations for the command, and all the forage on hand. I shall dispatch an express to you this evening, and request that  paid at San Antonio the sum of twenty-five dollars the round trip.

I am, sir, most respectfully, your obedient servant,

C. C. SIBLEY,

*Major, Third Infantry, Commanding Post.*

Maj. W. A. NICHOLS, *Assistant Adjutant-General,  
Department of Texas, San Antonio, Tex.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 13, 1861.*

COLONEL: The want of co-operation on the part of the commissioners, who have the entire control of the means of transportation; the great distance from this place to El Paso; the uncertainty in relation to the condition of things at the several posts on the Upper Rio Grande, especially in regard to their facilities for the transportation of baggage, supplies, &c.; and the difficulties which attend the march of troops and the movement of trains at this season of the year over a large portion of the route, have caused so many delays that I was not able until yesterday to entirely complete the arrangements necessary to bring the troops down from those distant posts.

The three companies at El Paso will probably leave that post about the 25th of this month, and, with the four companies now at Fort Quitman, Fort Davis, and Fort Stockton, may be expected to be at the coast and ready to embark in about forty days from that date. The last returns show the strength of the several companies to be fourteen officers and about four hundred and twenty-six enlisted men, laundresses, &c. As it is not possible for the companies above mentioned to embark before the first week in May, transports for that number of troops will not be required until that time.

To a certain extent, the same uncertainty as to the time the troops can be assembled and ready for embarkation, which prevented my stating in any of my former communications the exact time the transports would be wanted, still hangs over our future movements. This arises from the confused condition of affairs in this department, the interference of the commissioners, and my having but a limited control over the means necessary to move the troops.

I am now concentrating the troops at a camp established at Green Lake, some twenty miles from Indianola, the nearest point to the coast where pure water, fuel, and good grazing can easily be obtained.

By my present arrangements I think I shall be able to assemble by the 10th of April and have ready for the transports some forty-five officers and thirteen hundred men, and by the 10th of May I hope to have the remainder of the troops in a position ready to embark. All the troops will embark at Indianola.

I am, colonel, very respectfully, your obedient servant,  
C. A. WAITE,  
*Colonel, Commanding Department.*

Lieut. Col. L. THOMAS,  
*Assistant Adjutant-General,  
Headquarters of the Army, Washington, D. C.*

Hon. L. POPE WALKER :

SIR: Your letter of March 2d [1st] has been received by his Excellency Governor Houston, and I am instructed to reply.\*

The people of Texas, by their vote on the 23d ultimo, having severed their connection with the United States, Texas, on the 2d day of March, the present month, assumed once again the position of a sovereign and independent State. No act of the people since that period, and certainly none anterior to it, has warranted the construction that Texas is other than independent. Your letter of March 2, however, informs his excellency that the President of the Confederate States "assumes control of all military operations in this State." The inference, therefore, is that Texas is regarded as one of the Confederate States, and as such subject to the Provisional Government established for the same.

While Texas has by the vote of a majority of the people determined to resume once again the nationality with which she parted on becoming annexed to the Federal Union, her position before the world, and especially in relation to the Confederate States, seems to be misunderstood. This may arise from the fact that the Convention which assembled in Austin on the 28th day of January last, and has since reassembled, elected seven delegates to the Convention of seceding States at Montgomery, who, on the 2d of March, as his excellency has been unofficially informed, took their seats in the Congress of the Confederate States, by virtue of which Texas was declared one of the Confederate States. Leaving out of question the fact that on the 2d of March the said delegates had no information as to the withdrawal of Texas from the Federal Union, there is no evidence that they had received any warrant from the people of Texas for the act. The Convention which elected them as delegates represented but a minority of the people of Texas. The legislature delegated to it the power to submit the question of secession to a vote of the people. Neither by the terms of the call under which the delegates were elected, the vote they received, nor the act of the legislature recognizing them to perform the function assigned, were they empowered to elect delegates to aid in the formation of a provisional government with other States, who, after creating the same, should constitute themselves members of Congress.

The object of the Convention was declared to be to provide the mode by which the people of Texas should reassume their complete sovereignty. Yet, judging from the tenor of your communication, Texas was on the day provided for declaring her independence of the United States, and before any considerable portion of her people knew the result of the vote, again deprived of her sovereignty, and, instead of an independent nation, became one of the Confederate States, subject to a government which her people had no share in making, and a constitution which but few of them had ever seen.

Admitting even that the Convention had power to elect delegates and m[Image of the page]press to the Provisional Government of the Confeder[Image of the page]facts show that even in its estimation the delegates elected were not empowered to annex Texas to said Provisional Government on the 2d day of March, and that, until official information is received that Texas has been admitted as one of the Confederate States, Texas maintains the independent position resulting from the vote of her people on the 23d of February. The Convention itself did not, until the 5th day of March, pass an ordinance ratifying the constitution of the Provisional Government of the Confederate States and instructing its delegates to apply for the admission of Texas. There can be no other conclusion, therefore, than that, at the time your communication was addressed to his excellency, Texas was not, even in the estimation of the Convention, one of the Confederate States, and, therefore, not subject to the Provisional Government or in any way under the "control" of its President. Until, therefore, his excellency is informed from some official source that the people of Texas have parted with their sovereignty and become a part of the Government on whose part you write, I am instructed to say he cannot recognize any obligation to the same. The people alone have the right to say what form of government they will have; and while his excellency fully appreciates the fact that your communication has been addressed him with a conviction arising from the presence of delegates from Texas in the councils of the Provisional Government that the people have acted, but frankly assures you that such, in his opinion, is not the case.

It also becomes my duty to inform you that his excellency has notified the Convention, whose delegates are accredited to Montgomery, that he does not recognize it as a convention of the people of Texas, its powers having terminated with the reference of the question of secession to a vote of the people of Texas. Since the submission of the ordinance he has had no correspondence with the Convention other than to deny their authority.

His excellency had no intimation of the proposed operations against the forts and arsenals upon the frontier until after they had been taken in possession by the Convention. I feel at liberty to say, however, that none of the arms, munitions of war, forts, &c., lately held by the United States in Texas have come into the possession of his excellency or officers acting under him, except the post at Camp Cooper, which was taken possession of by Col. W. C. Dalrymple, of the State troops. The United States cavalry, some two hundred and fifty in number, were allowed to take up the line of march to San Antonio, where all the public property, arms, &c., excepting side-arms of officers, are to be delivered to competent State authority. His excellency is informed that a number of the other military posts, with the public property thereto belonging, have fallen into the possession of agents of the Convention, who have acted without his knowledge or sanction, and still hold the same independent of his authority. He has learned that by the terms of the agreement made the troops are permitted to carry off their arms and artillery companies their field batteries.

The public property lately belonging to the United States being nearly all in the possession of the Convention, the information you desire can be obtained at its hands. I will also state that an ordinance was passed by that body on the 9th instant declaring the title to all such property vested in the State of Texas.

I take pleasure in assuring you, on the part of his excellency, that nothing but a sense of the obligation he owes to the people and a desire to maintain their rights and interests leads him to the course indicated in this communication. The States which have formed the Provisional Government have his ardent wishes for their welfare and prosperity. The people of Texas are now bound to them in feeling and sympathy no less closely than when members of a common Union. Like circumstances induced withdrawal from the Union. Like peril and uncertainty are before them. No matter what the position of Texas may be, she cannot but feel that ties of no common nature bind her to those States. But however close those ties may be in feeling, there are requirements due the national pride and dignity of a people who have just resumed their nationality which do not sanction the course pursued in annexing them to a new government without their knowledge or consent.

His excellency desires me to tender you the assurances of his esteem and consideration.

Very respectfully, your obedient servant,

E. W. CAVE,  
*Secretary of State.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 16, 1861.*

COLONEL: I have the honor to forward herewith a copy of a letter received from Maj. C. C. Sibley, Third Infantry, reporting the movements of the troops on the Rio Grande. The distance from Fort McIntosh to Fort Brown is about two hundred and thirty miles, and Major Sibley's command may be expected to arrive at the latter place about the 24th instant.

I have not recently received any official information of the condition of affairs at Fort Brown, but, from the reports which have reached me, do not anticipate any difficulty with the State troops.

Colonel Bonneville being out of the department, and Colonel Backus having received a leave of absence on account of his health, the command of the Third Infantry will devolve on Major Sibley.

I am, colonel, very respectfully, your obedient servant,  
C. A. WAITE,  
*Colonel, Commanding Department.*

Lieut. Col. L. THOMAS, *Assistant Adjutant-General,*  
*Army Headquarters, Washington, D. C.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, March 16, 1861.*

COLONEL: I have the honor to transmit herewith copies of a correspondence between Capt. B. H. Hill, First Artillery, commanding Fort Brown, and E. B. Nichols, representing himself to be a commissioner on the part of Texas, in relation to the surrender of Fort Brown and the public property at that post.

It will be seen by these communications that a very large force was collected at Brazos Santiago, acting under the authority of the State Convention, for the purpose, it is believed, of forcing the garrison of Fort Brown to surrender or evacuate the post. The firm course pursued by Captain Hill, and their dislike to attack a post so well provided with light artillery, no doubt prevented a serious collision.

Nearly all of the State troops came from Eastern Texas via Galveston, and were raised and prepared for a movement about the time negotiations were commenced with General Twiggs. By the last information from Fort Brown, our troops hold that post, and no further difficulty was anticipated.

I am, colonel, very respectfully, your obedient servant,  
C. A. WAITE,  
*Colonel, U. S. Army, Commanding Department.*

Lieut. Col. L. THOMAS,  
*Assistant Adjutant-General, Headquarters of the Army.*

INDIANOLA, TEX., *March 26, 1861.*

Hon. L. P. WALKER, *Secretary of War:*

SIR: I have the honor to report my arrival at this place, and to inform you that the troops of the United States are yet in camp at Green Lake, about twenty miles from the coast, awaiting transports to remove them. They are ignorant yet of their destination. I have seen but two of the officers, Maj. E. K. Smith and Lieut. Thornton Washington. The former has resigned, and is on his way to Montgomery to offer his services to the Southern Confederacy. Major Smith has always been considered by the Army as one of its leading spirits, and his career in Mexico and subsequently won for him from the Government during the

administration of President Pierce, and when General Davis was Secretary of War, a high appointment in the Second Regiment of Cavalry. He is so well known to the President, however, that it would be superfluous to say anything to call his attention to his merits as an officer. If I have been appointed colonel of Cavalry, as I have heard, it would be very gratifying to me to have him appointed lieutenant-colonel in my regiment.

Lieut. T. Washington has tendered his resignation, and has written to you by Major Smith, offering his services to the Southern Army. He was aide-de-camp to General Twiggs until the general left Texas, and was the adjutant of his regiment. He was also for a while the acting assistant adjutant-general at department headquarters. These positions, assigned him by his superior officers will speak more in his behalf than anything I can say. He desires an appointment in the Quartermaster's Department or Adjutant-General's Department. He is well qualified to fill either station.

I think I shall have no difficulty in securing many of the troops and officers. I leave in a few minutes for the Green Lake camp. The Army, I am told by Major Smith, is strongly for the South, and he has no doubt but that the troops would all like to go with us if they had the opportunity.

Very respectfully, sir, I am, your obedient servant,

EARL VAN DORN,

*Colonel, C. S. Army.*

AUSTIN, TEX., March 26, 1861.

His Excellency JEFFERSON DAVIS, *President, &c.*:

SIR: On yesterday the Convention adjourned. On Saturday last, 23d instant, the ordinance of ratification was passed—made a finality, with but one dissenting vote.

I would draw your particular attention to the state of the former U. S. Army within this State. An impression had grown up before my arrival that the rank and file of the Army was not desired by the President of the Confederate States, and nothing has been done to obtain their services in the Army of the Confederate States. I am satisfied from authentic sources that a large majority of the Second Cavalry could be obtained if the proper officer was here. You are aware, and certainly much better informed than I am, of the effect of discipline and the *esprit de corps* that exists even among the privates of any regular army. In addition to that, I am sure that our State service can afford no inducements, not only on account of the want of permanency, but really the want of respect and antagonism they feel to militia, volunteers, and uneducated officers. In addition, they feel some mortification as to their capitulation and the terms by which they feel they are expelled by State force from our territory.

I feel satisfied if Colonel Van Dorn was here holding the command, even though the necessities or requirements of the service might demand his removal within a short period, he could obtain the best men in the United States service. I would earnestly urge his being sent here immediately. They are now collecting in large numbers, and recruiting depots established at convenient points, each recruiting officer being of the former U. S. Army, and when obtainable attached to the Second Cavalry. Besides obtaining the flower of the old Army and weakening the power of our enemies, we save an enormous expense, and obtain the best body of troops for our service. I hope this will have your most favorable consideration. In addition, there is a vast amount of arms, ammunition, transportation, horses, mules, &c., that require immediate attention.

I will further state that Maj. G. Tom Howard will furnish subsistence upon your desire for the horses and men until a definite contract can be made.

Permit me to call your attention to the application of George Fairfax Gray, who has been our State engineer since he resigned his commission in the U. S. Navy. His abilities, scientific attainments, and great experience in the management of heavy ordnance would commend him to your consideration with great force for immediate service.

Our State is gliding on quietly under the administration of Governor Clark. General Houston, since he was deposed, has sunk quietly beneath the waters and left not a ripple upon the surface.

Yours, respectfully,

T. N. WAUL.