

JOURNALS
of the
TENTH LEGISLATURE
SECOND CALLED SESSION



**Old Capitol Soon After the Fire,
1881**

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SENATE *and* HOUSE
JOURNALS
of the
TENTH LEGISLATURE
SECOND CALLED SESSION
of the
STATE OF TEXAS

October 19, 1864 - November 15, 1864

Compiled and Edited from the Manuscripts in the
Texas State Archives

by

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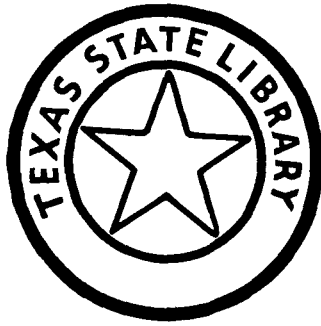
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INTRODUCTION

James M. Day, Director of State Archives, his Staff and the Texas State Library are to be commended for this significant contribution to the history of the Texas Confederate period.

The manuscript of the proceedings of the House for the Session was lost and this journal was reconstructed from newspaper reports and documents in the Archives. This research achievement reflects credit on Mr. Day and those who assisted in this endeavor.

Texas in the fall of 1864 was in a precarious military and economic position and this is reflected by the legislative deliberations contained herein.

Federal forces controlled the Mississippi River and by an effective river patrol system virtually sealed off the Southwest from the Capitol in Richmond and the main portion of the Confederacy. The Trans-Mississippi Department was created to administer the military, economic and civil affairs in Texas, Louisiana, Arkansas, Missouri and the Indian Territory (now Oklahoma). However, all of Missouri and much of the other states were occupied by enemy forces which constituted a constant invasion threat to Texas.

Texas itself had Federal forces in the El Paso and Davis Mountain area and at the mouth of the Rio Grande below Brownsville. Enemy ships blockaded its coastline and fortifications and constant Confederate and State foot and horse patrols were necessary to prevent repeated attempts at landings.

Hostile Indians, bandits and deserters living as desperadoes constantly raided frontier settlers, with great loss in lives and property. A constant dispute raged between the State and the Confederacy as to the responsibility for frontier protection after the Frontier Regiment of State Troops was mustered into Confederate service and transferred elsewhere in 1864. The remaining handful of troops detailed to frontier service was unable to cope with the attacks. The Legislature was besieged with petitions and memorials demanding stronger security measures. The Legislature in turn called upon the Confederate Congress to exempt men for frontier duty.

Mexico was the only neutral foreign nation bordering the South and Texas had been the avenue whereby an impressive overland trade had developed with and through that country. Cotton, the great basis of this commerce, was hauled in ponderous ox-wagon trains for distances up to 500 miles to the Rio Grande. Most of the cotton came from Texas but some came from the other states in the Trans-Mississippi by the inland waterways and an occasional load was even smuggled through enemy lines to reach the state. The wagons returned from Mexico with vital arms, military and medical supplies and consumer goods. Some of this in turn was shipped through enemy lines to other portions of the Confederacy. Because "King Cotton" was the only acceptable product to trade, the State of Texas and the Confederate military and civil authorities actively competed for its purchase and control. This economic struggle for survival is reflected in these legislative proceedings.

In addition to these outside sources of badly needed items, the Legislature encouraged the establishment of small factories within the state, built several of its own and subsidized others by gifts of cash and land to manufacture military and necessary civilian supplies. While the number of manufacturing plants in the fall of 1864 would not be too impressive by present-day standards, it was a creditable accomplishment for that time and the Texas Legislature should be recognized for its part in making the state the "Storehouse of the Confederacy."

The Special Session was called for the primary purpose of strengthening the fiscal affairs of the state. Confederate notes and currency were greatly depreciated as were state treasury warrants. Prices were extremely high and many citizens with things to sell refused to accept payment except in specie.

United States bonds had been exchanged with the Southern government for its obligations and in addition, the state government had used special trust monies such as the school fund and the university fund to the amount of almost \$1,500,000 in an attempt to increase the financial responsibility of both the State and Confederate Treasuries. A number of the plans to alleviate these chaotic conditions were proposed in this session and the record is replete with divergent views on possible solutions.

Like all wartime legislatures, much time in the day-to-day deliberation was consumed by the concern and provisions for the families and dependents of the men in the service. Each session of the Legislature since the beginning of the war made provisions for this worthy cause.

Additional assistance was supplied in this Special Session in the form of 600,000 yards of cloth and a supply of excess thread manufactured by the state penitentiary. It was to be distributed by county commissioners courts either directly to the families involved, or to be sold by them to purchase supplies for the beneficiaries. The state penitentiary had been throughout the war the most successful of the manufacturers in the state, producing hundreds of thousands of yards of cotton and woolen cloth and uniforms. Income from this source constituted 38 percent of the state's income.

Legislative students will note with interest the many details that were handled by the Legislature that are now taken care of administratively. For example, all corporations, private clubs and organizations and schools were chartered directly with the Legislature and many matters of probate required special legislation such as removal of disabilities and change of names. Numerous claims against the state are now lumped together were handled by special bills and resolutions.

The Legislature adopted additional taxes always necessary in times of emergency. A five percent gross sales tax was levied against distilleries with a one percent income tax on gross receipts of all other businesses. An occupation tax on wholesale and retail concerns, as well as the various professions was also passed.

Confederate Texas Legislatures were in almost continuous sessions. Poor pay and inflated currency caused many members to live in tents and covered wagons on the Capitol ground and to cook over campfires.

These Journals reflect the deliberative concept of legislative business. These legislators, many of whom were prominent in business and professional affairs, approached the various crises with courage and in a statesmanlike manner. They were worthy of their distinguished forebears and set an example that has been by and large followed by their successors.

The volumes containing the House and Senate Journals

published by the Texas State Library and edited by James M. Day during the Texas Civil War Centennial, 1961-1965, are valuable Texana additions to a period too long neglected by historians. Over 200 other books have been published or reprinted during this period and much has been done to correct greatly misunderstood concept of Texas' part and place in the Civil War.

These literary contributions, coupled with a farsighted legislative program administered by the Texas State Historical Survey Committee to erect Official Texas Historical Markers commemorating wartime events and scenes of accomplishment, have provided the state with a constructive and dignified observance of the Centennial period.

John Ben Shepperd
President
Texas State Historical Survey Committee

PREFACE

When I came to the Archives in September of 1960, the publication of the journals of the Ninth and Tenth Legislatures had already been approved by the Texas Library and Historical Commission. The first volume, the *Senate Journal of the Ninth Legislature, Regular Session*, appeared in March, 1963. Now, three years later, the last of the eight volumes is printed and with it the entire proceedings of the Texas Legislature are available.

While the editing and printing of the eight books revolved around the writer of this preface, he in no way claims to be completely responsible for their production. All members of the Texas Library and Historical Commission have been encouraging, but Walter E. Long of Austin and C. Stanley Banks, Sr., of San Antonio have been particularly helpful. On the administrative level the Director and Librarian, Dorman H. Winfrey, and the Assistant State Librarian, William K. Peace, have helped to provide the funds from an unusually tight budget. William Carlton and Mrs. Virginia Pollard have answered innumerable budgetary questions, while Paul Loftin, a former State Library employee, and Mary Kay Dunlap have assisted in providing the photographs. On the Archives staff no fewer than six persons have actively assisted in the preparation of the journals. The reliance on Mary Osburn, Donna Yarbrough, and Elizabeth Whitlow is apparent. To those who have written introductions—Mary Laswell, Cooper K. Ragan, Price Daniel, Dorsey Hardeman, Ben Barnes, John Ben Shepperd, Neveille Colson, Walter E. Long, and Barnes Lathrop—goes another word of appreciation.

The journals are printed as a public service and, while they have not to date been big sellers, they have received favorable reviews in the *Southwestern Historical Quarterly*, the West Texas Historical Association Yearbook, *Texana*, and *Texas Military History*. The Texas State Historical Survey Committee saw fit in 1965 to honor four of the books with Awards of Merit. While this immediate recognition is pleasant, it is not the primary purpose of the Archives publication program. The effort is to present primary materials which students of Texas' past can mold into readable, accurate, historical accounts.

The editing of this book has followed the pattern of

previous volumes as closely as possible, but once again, as in some of the previously published journals, portions of the manuscripts have been lost. All of the House journal is missing and a five-year search of the Archives failed to locate it. The Senate journal of the last day of the session, November 15, 1864, is also missing.

Just when the loss of these journals occurred is difficult to determine. One can presume the documents were present in 1914 when the Texas Library and Historical Commission voted to publish these journals. At that time no mention was made that any of the journals were missing. They were not present in 1943 when the National Association of State Libraries published the *Supplement Check List of Legislative Journals*, but the exact date of their disappearance cannot be ascertained.

When the manuscript journals are lacking, an effort had to be made to piece together the fragments which could be located. Contemporary newspapers provided information, particularly the *Dallas Herald* and the *Texas State Gazette* of Austin.

The bulk of the information about the bills was taken from the originals in the Archives. These bills were filed by the bill number assigned by the clerk, and most of the bills contain the information as to when they were introduced and passed through their various readings. This information was extracted from each bill and inserted in the journal on the day of the action. Neither committee reports nor "Original Bills" could be found for the House so none are included.

The regular order of business not being known with certainty, the decision was made to present Bills first to be followed by Messages, Committee Reports, and Commentaries. Perhaps the biggest hiatus in this journal is the lack of a voting record for each member. That simply could not be determined and included.

This preface could not be closed without expressing thanks to Marilyn Von Kohl, Newton Mitchell, Floree Haine, Linda Evans, Clifton Roberts, and Andrew Smith for their assistance, and to the staff of Texian Press who holds the State Library printing contract.

James M. Day
Director of State Archives

PROCLAMATION

BY THE GOVERNOR

To the Senators and Representatives
of the Tenth Legislature:¹

I convene you with reference to the finances of the State. I regret the necessity, but I believe that the interest of the State and the people require it. The reasons are obvious. Since your adjournment, the legislation of Congress has extended to the State the privilege of exchanging one half of the amount of one hundred dollar Confederate Notes in the Treasury for the new issue. This will enable the State to convert nearly if not quite a million dollars in notes of that denomination into the new issue, and thereby place in the Treasury that amount of currency more than you anticipated when in session. The Treasury Warrants which you authorized to be issued to meet the annual appropriation of a million dollars made for the benefit of the families of soldiers and to support the civil list, will from every indication fail to accomplish the objects desired. The provision made by you for sustaining these warrants is under existing circumstances inadequate and are now quoted in the market at from 8 to 10 cents on the dollar, and I see no prospect of their advancing in value. Under existing laws, nearly if not quite two million dollars in these warrants will be put in circulation before the regular session of the Legislature can convene, and yet they will fail in consequence of the great depreciation to afford the relief to indigent families of soldiers that was intended mainly by you in authorizing them to be issued. Thus a large debt will be created against the State, to be funded in Bonds and ultimately redeemed in specie, while the State will not realize in the objects she has in view, perhaps over 10 cents on the dollar of the amount issued. But few of these Warrants are yet issued under the law passed by you, and the further issuance of them should at once be arrested unless measures can be adopted that will give them credit of the

¹From Executive Record Book No. 280, 1863-1865, pp. 141-142 (Archives Division, Texas State Library).

State sufficient value to insure the accomplishment of the objects intended. If the credit of the State cannot be sustained, it should not be used at all unless it shall become absolutely necessary. It would be far better to rely entirely upon Confederate Currency in conducting the affairs of the State and to discharge her obligations as they are created than to use her credit at such ruinous rates. Measures more efficient and better suited to the condition of the State must be adopted if the appropriation for the benefit of the families of soldiers are to avail them anything in many localities. The difference in the value of Confederate currency in different portions of the State make this subject a difficult one, but it must be met and the difficulties solved by you.

For these and other reasons, unnecessary to be here stated, I, Pendleton Murrah, Governor of the State of Texas, do issue this my Proclamation ordering the Legislature of the State of Texas to convene in Extraordinary Session at the Capitol in the City of Austin on Monday the 17th day of October A.D. 1864.

Whereas, it is believed that vacancies exist in several of the Senatorial and Representative Districts of this State,

Now Therefore I do require the Chief Justices of the several counties composing such districts (or two County Commissioners if necessary) upon the receipt of this Proclamation to proceed to have elections held in their respective counties to fill said vacancies after having given not more than ten nor less than five days notice of such election and make returns thereof to the Secretary of State as the law directs.

In testimony whereof I have here-
unto signed my name and caused the
Great Seal of the State to be
Affixed.

Done at the City of
Austin this 15th day September
A.D. 1864 and in the year of the
Independence of Texas the Twenty-
Ninth

By the Governor.

R. J. Townes,
Secretary of State

JOURNAL OF THE SENATE

Wednesday, October 19, 1864²

COMMENTARY:

The third session of the Tenth Legislature was convened to meet on Monday the 17th, but up to today there has been no quorum. We learn there are now 17 Senators and about 50 Representatives in town; therefore, there will, in all probability be a quorum tomorrow. We will endeavor to keep our readers posted with what is going on during the session.

General Wigfall's Speech³

General Wigfall addressed the citizens of Austin as well as the members of the Legislature present, on Wednesday evening last⁴ in the Capitol. His speech was but a repetition of what has been so often published before at various points where he has addressed his constituents that we need not attempt to give an outline of it, as our readers are already familiar with the main features of his argument. His principal object is to produce satisfaction at home, which is certainly a most praiseworthy one, and though we cannot agree with him in some of his views, we are nevertheless much pleased with his speech, which was delivered with a most happy effect and frequently elicited applause from a large and highly appreciative audience.

His defense of the course pursued by Congress was able and argumentative, and if we had ever entertained any doubts about the justice and wisdom of the conscript law, the impressment act, and the act suspending the writ of habeas corpus, they would certainly have been removed by General Wigfall's forcible and unanswerable arguments in their behalf. He denounced demagogism, and complained much of the dissatisfaction with which the passage of these laws had been received by the people. Here we think he was somewhat in error, especially so far as these first two laws are concerned. We have but seldom, rarely ever in fact, heard these laws condemned, or Congress for passing them, but we have heard, and are constantly hearing, loud complaints about the way they are executed. The conscript law would, we believe, give general satisfaction if enrolling officers would do their duty, and were the pro-

²Weekly State Gazette (Austin), October 19, 1864.

³Ibid., October 26, 1864. Wigfall was a Texas Senator in the Congress of the Confederacy.

⁴This would have occurred on Wednesday, October 19, 1864.

visions of the impressment law strictly carried out, we believe no one would complain. The remedy suggested of appealing to General Smith has, we believe, been already tried without success, and the alternative of going to Richmond is hardly practicable at this time, the cure being worse than the disease. His views in relation to the currency, had they been carried out at first, would have worked well enough, but when the government has itself depreciated its own paper, fixing its present value in this department at 20 for 1, we cannot, for the life of us, see how General Wigfall can expect any man who intends to pay his debts and act honestly by his neighbors, to commence and set an example of patriotism by taking it at par. He might take it, to be sure, but we think it would be apt to remain at part in his own hands. While denouncing speculators in the strongest terms imaginable, General Wigfall acknowledged if he had today 10,000 in specie he would go straight to Houston and invest it in Confederate money at—we expected, of course, he was going to say par—but he actually quoted it at 60 for 1, a price we were not aware it had ever yet reached. We confess we cannot see much difference between buying and selling Confederate money at its market value. We have had frequently to sell from necessity and always at less than we had received it for, but we have never bought any because that would be speculating—at least we think so, though General Wigfall evidently thinks differently. We have always regarded the currency as a thing entirely beyond the control of the people, and every effort made by them to sustain it has but made it worse. The government alone which issues it can deal with it, and it rests entirely with them to make it good or not worth the paper on which it is printed. We think this has been so clearly demonstrated by past experience that it needs no argument to sustain it.

While differing widely with General Wigfall in some of his views, we were nevertheless much pleased with his speech, which was bold, manly, and patriotic—just such a speech as the people of Texas needed to stir them up to a proper sense of their duties at home, and we are much gratified that our highly gifted and accomplished Senator has been able to devote so much of his time to home affairs, as a reciprocal exchange of sentiments with some of our leading men, and a tour through our State at this time

will better enable him to learn our wants, and lay them before Congress when he returns to Richmond.

Thursday, October 20, 1864

The Senate organized, and Governor Murrah's message was read as follows:

Executive Department⁵

Austin, Texas, October 20, 1864

Senators and Representatives:

I have convened you again in Extra Session, mainly with reference to the finances of the State. I regret the necessity but I believe that the public interests imperatively require it.

The Treasury Warrants authorized to be issued by the law, approved on May 28 last, are rated so low in value that they will in all probability fail to accomplish the end designed by your legislation. They are quoted at this time in market at from eight to ten cents on the dollar. Before another regular session of the Legislature, nearly if not quite two million of these Warrants under the operations of that law would be outstanding as debt against the State to be funded in bonds, and ultimately to be redeemed in specie, and yet from present indications not over ten cents on the dollar will be realized to the State in the objects proposed. The plan provided for keeping up these Warrants is not attended with the requisites and condition necessary to make such a plan efficient. It would be necessary in order to make the plan successful in preserving the credit of the State and to keep up the value of these Warrants to satisfy the public mind in advance as to the quantity of specie that could be controlled for the purpose named in the law and as to the periods at which it could be employed. The assurances that specie may be so used when it may be found in the Treasury is not a sufficient quantity to inspire the necessary confidence. I consider that experience has established that Treasury Warrants at the present time can only be kept up at a just appreciation by creating for them a general and constant demand approximating the amount issued. The 8 per cent Bonds now outstanding, on which the interest has been regularly paid except for a short period since the 1st of July last, are rated in the market at 25 cents on the dollar or less, and yet the law had been observed in dis-

⁵From Executive Record Book No. 280, 1863-1865, pp. 143-151 (Archives Division, Texas State Library).

charging the interest upon them. There is much more certainty both as to the proportion which the specie interest bears to the amount of these Bonds and as to regularity of its payment than is given to the public mind in the law referred to, as to the amount of specie to be used and the periods when to be used in the purchase of these warrants. It follows, then, that if these issues from the Treasury are to be made in the future and the credit of the State preserved that a plan must be devised which will create for them a constant and general demand approximating the amount issued.

I was exceedingly anxious to carry out in full the law referred to and had arranged my plans and made every effort to do so in order to secure the credit of the State and to give value to the Warrants authorized to be issued mainly for the support of the dependents of officers and soldiers. This was the sole means provided for the support of the Civil government and the class of indigents already referred to and to diminish the value of these Warrants was, of course, to diminish the value of the support these Warrants were in fact to supply the place of Confederate State Notes of which you anticipated the Treasury would be deprived as an available fund for a time by the legislation of Congress upon the currency. Previous to that time the State had been relying almost exclusively upon the Confederate currency to meet her appropriations and discharge her obligations.

Circumstances, some of which have been already made known to the public, prevented me from carrying out the provisions of that law only in part. Exhibits (A) and (B)⁶ herewith presented will furnish you with some of the reasons which influenced me. They are founded in what was represented to be to be absolute and pressing necessities of the soldiery. In ceasing to execute the plan which I had inaugurated save in part, I yielded to what I believed at the time all things considered, the best for the country.

As the objects proposed by this law cannot be realized, it should be repealed and other measures resorted to which will be more efficient.

Your anticipations did not fail as to the result which

⁶These exhibits cannot be located.

the legislation of Congress on the currency would have upon the funds in the State Treasury. But, since your adjournment an act passed by Congress on the 4th of June last extended to the State the privilege of exchanging one half of the Confederate notes of the denominations of one hundred dollars for the new issue instead of funding the bonds.

On the 31st day of August last there was in the Treasury \$1,983,238.56 in Confederate over the denomination of five dollars and \$25,065 of the denomination of five dollars and under and of this amount nearly one million and a half was of the denomination of one hundred dollars. Of this entire sum \$1,539,338.82 stands to State revenue account. You are respectfully referred to the annual report of the Treasurer and to the accompanying statements of the Comptroller. It will be seen from this that there is no money in the Treasury available for ordinary expenditure of the Government nor can it be made available until exchanged for the new issue. When this exchange can be made, I cannot inform you. The Honorable P. W. Gray, Representative of the Confederate States Treasury, gives assurance that the exchange will be made so soon as he is supplied with the new issue for that purpose, but it is uncertain as to the time. There is also due to the State in the new issue from the Confederate government over one million dollars for the products of the Penitentiary and other property sold within the last few months. But when this will be paid is not known, although efforts have been made to gain the information and to collect it. It is to be hoped, however, that these funds will be obtained before a great while.

What is to be the value of the new issue when put in circulation, and what new changes and regulations Congress may make in the laws regulating the currency are matters of uncertainty and furnish additional and serious embarrassment in considering the finances of this State and any future policy in regard to them, dependent as they are and have heretofore been upon that currency. Since the commencement of this struggle, the State has relied almost exclusively upon Confederate notes in the discharge of her obligations and in conducting her public affairs this policy has been observed for the purpose of upholding and sustaining that currency and in order to cooperate in every

practicable way to give strength and credit to the Confederate Government. We have reached a point connected both with the finances of the State and the currency of the Confederacy that makes it absolutely necessary to consider and determine again whether this policy can longer be preserved and the State government sustained and her obligations and duties discharged so long as this contest shall continue for all that is dear to us as a people. The same policy should be observed so far as consistent with the cares and duties devolving upon the State and inseparable from her as a State. A departure from it must be authorized and demanded by necessity in order to be reconciled to sound policy, and such is the feeling of the people and of the authorities of Texas. But the force of changes must be recognized and facts met and dealt with as they present themselves.

One of the leading cares and duties upon the State Government at this time is to provide support for the indigents and dependents of soldiers. This is an obligation which she cannot neglect. It is a measure directly connected with the prosecution of the war and the support of the family of the soldier is as necessary as the support of the soldier. If his family suffers he will suffer. The means provided for the accomplishment of this object should be adequate and certain. The duty of providing these means in the main is devolved directly upon the State government and the burden should be equally borne by all the taxable property of the State. To leave the support of this loss of persons exclusively to the counties would be unjust and oppressive to many of them. The number of those for whom provision must be made by the public is not in proportion to the taxable property in the respective counties. Harrison, for instance, pays taxes on \$8,156,942 worth of property, and yet the dependents to be provided for in that county number only 897, while Henderson County pays tax on property to the amount of \$1,923,710 and the dependents in that county number 789. Such disproportion between the property and the numbers of the indigents exists throughout the counties of the State. The number to be provided for is 74,000.

How, then, is provision to be made for this class of needy and in what way shall it be provided? Will you make the provision in Confederate money? Is not this currency

too uncertain in value to admit of any reliable calculations as to the permanency or adequacy of any provision depending on it? It is confidently believed that the new issue of Confederate Notes will be of far greater value than the old, and yet this belief cannot be relied on as a basis for certain calculation. There is another fact that should not be overlooked in considering this subject, the Confederate currency has been and will in all probability continue to be of much less value in the purchase of the necessaries of life in some portions of the State than in others. In consequence appropriations made for a given number in one section are not equal in value to a like appropriation made for the same number in another section.

This condition of things has been brought about by facts over which these dependents had no control. It is certain, therefore, that if an adequate provision is to be made for this object in Confederate Notes that the appropriation must be greatly increased but how much increased, in consequence of the uncertainties already referred to, it is impossible to determine with any degree of certainty. An increase that would be sufficient in this appropriation will involve the necessity of increased taxation.

In providing for an increased tax it is for you to determine whether this money shall be collected and paid out without reference to its value or whether it shall be collected and paid out at a fixed rate, some basis of value being established. This subject was before you at your former session and further suggestions from me are deemed unnecessary. It is not deemed improper however to say that I do not consider the value of the new issue as yet fixed, and that it may be better than might be inferred from present quotations when the full effect of the laws of Congress upon the currency shall be made known.

Can any other plan be devised by which this object can be accomplished, and save the necessity of the use of increased quantities of Confederate Notes, or a resort to new issues from the State Treasury? If so, it would be more desirable.

The only substitute for a tax in money for this purpose is a tax in kind of the products of the soil, and such a tax, it seems to me, will be attended with great difficulties. There is already a tax of the character imposed by the Confederate government; an additional one levied by the

State will complicate the system and embarrass its execution. And it would also be found a difficult task to proportion a tax on property not devoted to agriculture and on incomes from other sources to the value of the tax imposed upon the production of the soil.

And besides, the collection and distribution of such a tax, if imposed by the State and made uniform, would be attended with serious inconveniences if practicable at all. The largest amount of supplies, if thus collected, would be in counties where least needed. This would involve the necessity of transporting from one county to another and a redundant supply would often be found too remote for transportation to points where a deficiency might exist. And hence would arise the necessity of disposing of the productions where they could not be consumed, or of not collecting them at all. These considerations, it seems to me, would under this system be unsatisfactory and unacceptable, and yet it deserves full consideration.

Owing to the depreciation of the Confederate currency and the embarrassment connected with the Treasury from that cause, the support of the civil list of the State government merits your most serious consideration. If the salaries of the officers and employees are to be paid in that currency without any increase in the amount, they will be merely nominal in value as the money is now depreciated, and it becomes a serious question whether the affairs of the government can longer be conducted with proper efficiency and vigor. If the contingent expenses are also to be provided for in this currency, they can only be discharged at its market value. The civil list proper requires about \$300,000 annually, and at 30 for 1 in specie, this sum equals only \$10,000. And yet for months past in a large portion of the State, those receiving this money from the Treasury at par have been forced to pay it out at this rate of depreciation and often greater. Other States, as I am informed though not with accuracy and certainty, have been forced to recognize this depreciation and to conform their policy to it by providing for additional pay for their officers and employees. The Confederate government, influenced by the same cause and by the same necessity, has provided additional means for the support of its employees and its officers in the field. The officer, as I understand, is now allowed a daily ration and the privilege of purchas-

ing another at the cost of the government, and also clothing at the same cost, but as to the amount I am not informed, and besides when stationed in a town or city he has cummulation for quarters, wood, etc., which affords him additional means of living. It is true that the [uniform] of the soldier is nominal, but he is fed and the clothing that he is compelled to purchase is procured at its cost to the government. The employee of the State government has no such privileges and no such provision is made for him, and the money which he receives for his wages or salary he is forced to pay out at its depreciated rates for the means of living. This oppression to the employee in the civil departments of the government does no good to the soldier and furnishes him with no additional comforts. Indeed the State employee is often himself a disabled soldier or one unfit for soldiers in the field, and is yet employed in services essential to the conduct of public affairs. At present many a taxpayer who receives Confederate money at its market value pays it into the Treasury in the discharge of her obligation, and of course the loss by the depreciation falls upon its creditors and servants. It is true that all tax payers do not receive this money at so great a depreciation, but it may be said that nearly all receive it with more or less depreciation allowed upon it.

Why this course of policy should be continued or considered just, is difficult to perceive. The people have not, surely, lost interest in having their State government properly supported and conducted, and I cannot believe, with a proper understanding of this subject that they will be unwilling to provide the necessary means. To sustain the organization of the State government in completeness and vigor and to enable it to discharge its duties promptly and justly, is not to weaken but to strengthen the cause in which we are engaged; it is not to produce but to prevent confusion in public affairs; it is not to oppose but actually to co-operate with the Confederate government in all that involves the public interest. For the duties and obligations devolved upon the Confederate government, and yet their discharge is essential to the welfare of the people. In considering the additional amount in this currency necessary for the purpose under discussion, the same embarrassments are met which were enumerated in alluding to the subjects of the support of soldiers' families. But to recognize the

depreciation of the Confederate currency is not to depreciate it but only to recognize an existing fact in order to regulate a policy according to it.

Congress was forced to recognize the depreciation of the currency before measures could be adopted to remedy the evil, and it is to be hoped that the measures already adopted and those that may hereafter be will be ultimately successful in accomplishing a result so essential. There is patriotism enough in the people to sustain any measures necessary to this end, and for the accomplishment of an object so closely interwoven with the cause of our country, let citizens and public servants zealously labor and co-operate together.

A plan should, if possible, be devised which could with reasonable certainty be relied upon to support both the government of the State and the indigent dependents of soldiers and which will at the same time be as little oppressive as possible. This support comes from the people and must come in some form or other. Should you fail to adjust a satisfactory policy for the State finances based upon the Confederate currency, I respectfully ask a full and mature consideration for the following suggestions. Authorize the issuance of Treasury Warrants in sufficient quantities for the accomplishments of these purposes and the support of the Asylums, and impose a tax which will annually absorb a certain proportion of them. The Warrants issued for these purposes would be distributed to all the counties of the State and thus placed in reach of the taxpayers. A consistent and general demand for them would be created and a tax which would absorb annually, say three-fourths of the amount issued, or a smaller proportion would perhaps be sufficient to keep them up at a high value. It is believed that one million or one million and a quarter annually in Warrants, if their value can be well sustained, will accomplish these objects in connection with other provisions that will be suggested for the benefit of the families of soldiers. Set apart a given amount of the products of the Penitentiary, say, one-third, and if that is not sufficient, more for the benefit of the different counties according to the number of dependents to be provided for. For those counties who do not apply for their proportion of the goods, let the goods be sold, and the proceeds distributed to them. At present while some counties receive products

from the Penitentiary others do not, and they receive nothing as an equivalent. These goods might be sold if thought best for the Treasury Warrants proposed to be issued. But the interest of the counties for whose benefit they may be sold should control this matter.

In addition to this, give the counties as large a discretion as can be given under the Constitution to levy just such a tax for the benefit of these dependents, as is best suited to the condition of the county in respect to currency production. The limit to tax must of course be fixed by law, but beyond that the discretion should be as unlimited as possible, or a tax which would be valuable in one county or in one section of the State would not be valuable or available in another. Caldwell County is already empowered by law to levy a tax in specie for the purpose under discussion, and the Chief Justice informs me that the end is well accomplished, the people satisfied.

The State possesses other resources through which the Treasury Warrants proposed to be issued might be absorbed without imposing a tax and their value preserved, some of which could be made entirely reliable for this purpose, and others not altogether so much so. To some of these I will refer, but cannot recommend a resort to them for the reasons which I shall give:

Land Scrip might be sold and payment in them received. But sound policy forbids the issuance of Land Scrip until the war shall end and our citizen soldiery return home. Real estate is known to be at a low estimate at this time, and Scrip would have to be sacrificed if sold. The consequence would be that they would fall into the hands of the money dealer and the land speculator and be hoarded for future profit and the public domain would be thus frittered away and but little advantage received in return to the State. I have not changed my views that the public domain should be reserved and guarded for the purposes named in the messages heretofore delivered to your honorable body.

All the products of the Penitentiary might be disposed of for these Warrants but this would deprive the soldier in the field of them. The demand for these goods on the part of the Army is constant and urgent. The representations that they are needed for the benefit of the soldiers came not only from the Headquarters of the Trans-Mississippi Department but from officers from Texas in command of

Texas troops. If this necessity does exist, the soldiery should not be deprived of these goods. If it were certainly known that the Confederate authorities could for the future provide a sufficient amount of clothing for the Army, these products might then be disposed of in the manner mentioned. But the condition of things in this department does not warrant a reliance on this so strong as to authorize a policy which would cut off our soldiery from what clothing they may receive directly from that institution. I believe that after fixing by law the proportion of the products to be reserved for the benefit of the families of the soldiers that the remainder should go to the Army, as heretofore. This conclusion is based upon the constant and strong representations made to me as to the necessities of the soldiery as above stated. If you have doubts as to the soldiery receiving the benefits of these products, make such regulations as will secure the benefits to them. I believe myself that they go to the benefit of the Army, but whether the application of them is always most judicious or not, I cannot say. It will be considered that there are other pecuniary obligations imposed on this State beside the discharge of the civil list, and her obligations to the families of soldiers and the means for discharging these obligations can be derived from the Penitentiary by observing the plan indicated.

The Frontier Organization is to be provided for and paid, and there are many other requirements of the State that involve the expenditure of money. The special loan tax, levied in specie to pay the interest of State Bonds, might be collected in these Warrants, and this would absorb about \$80,000 annually. If the interest on railroad bonds was collected in them, it would absorb about \$104,000 annually, but no certain reliance can be placed on the collection of this interest in the absence of compulsion of law.

The supposed assessment of taxable property for the year 1865 will reach \$400,000,000. A tax of fifteen cents on the one hundred dollars on this amount of property will yield \$600,000. This together with the tax of four cents on the one hundred dollars referred to above would amount to \$680,000, and would absorb that amount of Treasury Warrants if the tax was collected in them and this amount might still be increased by the occupation tax.

In this connection the tax imposed upon the sale of

liquors should be fully considered. If it is said that the law now in force in regard to the tax upon the sale of ardent spirits is evaded and disregarded almost universally, and that it neither prohibits the distillation of grain into ardent spirits nor does it yield the revenue that might be expected to the Treasury. If such be the fact with regard to this law, it accomplishes no good as it now stands upon the statute books. If it prohibited the distillation of grain it should remain as it now exists. If, however, the distillation and sale of ardent spirits cannot be prevented, they should be made to pay a heavy tax and might thus be made important in absorbing the state paper. This would still diminish the ad valorem tax necessary to the absorption of the Warrants that might be issued, should this plan be adopted. Should this plan be adopted, it will be necessary to guard against too heavy a tax upon them at first, and the collection of it at too early a period in order to avoid oppression thereby.

Were this plan adopted and if these estimates and calculations be reliable, the collection of taxes in Confederate money might for the present be suspended and the people burdened only with a very light tax on account of the State.

To complete this system and to place the credit of the State on a proper basis, provisions should be made for funding in Bonds of all outstanding Treasury Warrants, or for absorbing them in some other way. These bonds might be made to mature at such periods as you might deem best for the interest of the State to draw interest at 6 per cent from date, but the interest not to be paid until the conclusion of the war. The policy of receiving them in liquidation of railroad bonds and interest thereon might well be considered.

The military authorities of this department have frequently requested that military prisoners who have been condemned to hard labor during the war should be received as laborers into the Penitentiary. There was no authority of law for granting this request, and I therefore declined to do so. I did not consider it impolitic, however, that prisoners condemned to labor for a sufficient length of time to make them useful should be received into the Penitentiary to supply the places of the convicts whose term of service in that institution might expire. The Superintendent, influenced by these considerations, but with-

out authority from me, has received into that institutio quite a number of such prisoners and represented that the make good laborers. I suggest that the authority of law be given for receiving and confining to the Penitentiary as laborers such number of these prisoners as may be useful in the institution and no more.

I again call your attention to the consideration and propriety of extending to the Financial Agent and Director the authority to increase the capacity of the institution by the purchase and introduction of 1,300 additional spindles which they represent could be usefully and profitably employed.

The assessment and collection of taxes is said to be very imperfectly performed and that the State Treasury in consequence of this suffers greatly, whether this failure results from the inefficiency of the laws relating to assessors and collectors or from their failure to perform their duties under the laws, is a matter that should engage your serious attention. It is but just that all property should be assessed, and the taxes paid thereon according to the provisions of the law. If the assessors and collectors are in fault, penalties should be provided which will insure the performance of duty on their part. The amount of specie, for instance, rendered on the assessment rolls for 1864, is \$1,595,134, and the specie tax paid on the sale of merchandise up to the 31st of May amounts only to \$1,812.36. This certainly falls far short of the amount of specie that is supposed generally to exist in the State, and the amount of merchandise sold for it, according to the general impression as to the amount of specie in the State, there should be derived from the two sources above named a sufficient amount to pay the interest on the State Bonds. Whether these impressions are correct or at fault, I know not. If they be correct, the failure lies in the assessment and collection of the tax.

The subject is of sufficient importance to claim your full attention, and if remedies can be provided for the evil, they should be provided. I do not know that any measure short of a thorough change of the laws on that subject will accomplish the result.

I respectfully invite your attention again to the subject

of the Military Board.⁷ The duty of procuring specie to pay the interest on the State Bonds, to procure arms and munitions of war for the Frontier Organization, could with more propriety be devolved upon the Board and the means placed at their disposal for these purposes which are now placed at the disposal of the Executive. And besides, the duties now devolved upon the Board require more means than is provided for them, and a larger discretion in the purchase of cotton, through the medium of which above the objects proposed by existing laws can be accomplished. It is not believed that proper efforts to accomplish these objects could cease with justice to the State or to the people in the present condition of things. To accomplish these objects with certainty the Board should be empowered to purchase cotton partly with specie and partly with bonds, and in this way notwithstanding, the change in regulations in regard to the cotton trade by judicious management the bonds may be employed can be realized to the State at part, in specie or its equivalent. I do not commend a large trade on the part of the State in cotton, but a trade commensurate only with the absolute necessities of the State and the people. The necessity for cotton and wool cards still exists, and the purchase and introduction of them should still be continued, and when sold, they should be sold to the counties for the benefit of the needy at the cost to the State.

And it might well be considered whether medicines might not be introduced to be disposed of in the same way by the Board. There are representatives coming to me from every portion of the State that there is great suffering in consequence of the want of medicines, and that they cannot be procured without the aid of the State in a direct or indirect way.

I, on a previous occasion, called your attention to the consideration of the propriety of declaring subject to military duty to the State all those not liable to duty to the Confederate States, and under the age of sixty. If deemed unnecessary to organize such a force in the respective counties at the present time, provisions might be made for organizing them when the necessity should become apparent. When such a necessity may present itself cannot be foreseen, and yet prudence dictates that we should be prepared

⁷For an examination of the books of the Military Board see Appendix II.

for any emergency that may present itself. God is with us in this fearful struggle, and if true to ourselves, we cannot fail of success.

Pendleton Murrah

COMMENTARY:

Thursday, October 20, 1864^s

The Senate organized on the 20th, since the following business has come before it, and been disposed up to this date, as per subjoined report: petition of County Court of Goliad County, and memorial from Fayette County, relative to the support of soldiers' families, also the memorial of George W. Paschal, were each referred to appropriate committees.

Joint resolution in relation to peace, reconstruction, and independence, with a substitute.

Also a joint resolution in relation to the present war, were reported to Committee on Confederate Relations.

A bill to prevent slaves from carrying arms.

A bill to repeal the liquor law, approved December 15, 1863.

A bill to regulate proceedings in district courts.

A bill to amend Article 819 and 820 of the Penal Code.

A bill to amend Article 401, Part 3, of *Oldham and White's Digest*.

A bill to amend an act to encourage the erection of certain machinery, approved December 13, 1863.

A bill to provide for special terms of district courts.

A bill to authorize and require the sheriffs of their respective counties to administer on the estates of deceased persons in certain cases.

A bill supplementary to an act to suspend all laws for the collection of debts.

A bill authorizing the issuance of writs of sequestration to other counties than that in which a suit is about to be or has been instituted.

These bills, together with the Governor's message, were each separately referred to the appropriate committees, which have not yet reported.

A bill for the relief of Captain C. T. Freeman was, with an amendment, reported favorable by the Committee on Military Affairs.

^sWeekly State Gazette (Austin), October 26, 1864.

A bill to incorporate Osage Academy has passed.

Judge Oldham's Speech⁹

Honorable W. S. Oldham also addressed the citizens and Legislature on Friday evening. He commenced by giving a brief outline of the causes that led to the commencement of the war, and also made some comments on the manner in which it has been conducted on both sides. He next proceeded to define his position in Congress on the Conscript Act, the impressment law, and the act suspending the writ of habeas corpus. He had voted against these measures, believing them to be unconstitutional, though now that they had become laws, he cheerfully acquiesced in their execution. He said the conscript law attempted to establish a precedent for further infringements of the Constitution, and believed the same objects could have been attained by calling out the military in each State. He complained loudly against the appointment of officers from other states to command Texas troops, and said that with some eighty odd thousand men in the field, we had but eight or ten brigadier generals and but one division commander. He produced several forceable arguments to sustain his position as to the unconstitutionality of these laws before referred to, of which we believe but few have ever entertained any doubts, but he did not point out to our satisfaction how the same results might have been attained by any other means. The substitution of the militia for a provisional army in the field, to act together in large bodies would, we think, have been a signal failure, and we know of no other way by which armies sufficiently large to keep the enemy in check could have been raised, except by the means that have been employed, and even these, owing to the way they have been evaded, have been found insufficient to supply all the men needed. The power to raise and support armies, granted in the constitution to Congress, admits of a wide construction, and as Judge Oldham remarked, the Constitution, like the plan of redemption, which had been a subject of controversy for over 1800 years, afforded a wide margin for argument, as to its true intent and meaning. On the currency question, Judge Oldham appeared to differ with his colleague widely. He

⁹This speech was made on Friday, October 21, 1864. The report printed here comes from the *Weekly State Gazette* of October 26, 1864.

said Congress ought to have legislated so as to control the speculative propensities of poor frail human nature, instead of placing temptations in the way of those who were always ready to take advantage of the necessities of the Government. He blamed the Government more than the people for its depreciation, and suggested the only feasible plan that we have yet heard offered, viz., that the Government shall levy its taxes at a specie valuation and receive its own promise to pay at what they are worth in the market, or at what the Government has realized on them. He did not claim originality for this plan, as it was suggested to him by the course pursued by the old Texas Republic, in changing her paper issues from Red Backs, as they were then commonly known, to the system of Exchequer Bills, and which, in the course of a few months, brought her currency from 20 cents to 80 cents on the dollar.

We were rather surprised that Judge Oldham omitted to mention the name of General Houston in connection with this measure, as it is well known that to his wisdom and foresight was attributable this favorable change which took place in the condition of Texan finances while he was President of the Republic. Unfortunately there are but few great statesmen of the present day; therefore, we must be content to take lessons from the wisdom and experience of the past.

In his speech, Judge Oldham was frequently applauded, and the expression of his views on the topics he discussed seemed to give every general satisfaction.

Saturday, October 29, 1864
9 o'clock A.M.

Senate met. Roll called. Quorum present. The Journal of yesterday was read and adopted.

The Committee on Education, Mr. Dickson, Chairman, reported a bill to amend the fifth section of an act to incorporate the New Braunfels Academy and recommended its passage.

Mr. Kinsey made the following minority report:

Committee Room
October 28, 1864

To the Honorable F. S. Stockdale, President of the Senate:

The undersigned members of the Committee on State Affairs to whom was referred the joint resolution of thanks

to the Ninth Regiment of Texas Infantry, beg leave to submit the following minority report, viz:

That the said regiment entered the service of the Confederate States in October, 1861, and were shortly thereafter ordered east of the Mississippi River where they soon met the enemy upon the bloody fields of Shiloh and were ordered with two other regiments from sister states to take a battery of the enemy that was hurling a most distracting fire upon our troops and, notwithstanding the Ninth Regiment, was not supported by the other two regiments, they alone took the battery for which gallantry the name of "Shiloh" was ordered to be enscribed upon their banner, and at the battle of Murfreesboro the Ninth Regiment took a battery, and also at Chickamauga for which the name of Murfreesboro and Chickamauga were ordered to be emblazoned upon their battle flag and Perryville, Jackson and Missionary Ridge were also ordered to be enscribed upon their banner for their bravery upon those bloody fields.

We do not intend by adopting these resolutions to make any insidious distinction when all our troops have fought so bravely, but breathes there a Texian "with soul so cold, so dead," as not to look with pride and pleasure upon that banner "if such there be go mark him well," for him we have no sympathy. Then shall we withhold from the gallant Ninth the slight tribute of respect proposed in said resolutions when we can do so without the slightest reflection or derogation upon any other of the gallant and brave regiments of Texas. We cannot add to the honor of the brave and devoted Ninth Regiment for when their banner is unfurled to the breeze and the world beholds enscribed upon it Shiloh, Perryville, Murfreesboro, Jackson, Chickamauga, and Missionary Ridge, all we can say would add but little to its history written upon its folds, but we could say that we, as the representatives of the people, record with pride a slight tribute of respect to the brave and devoted men who have borne that banner through the storms of so many hard fought battlefields; therefore, we recommend the adoption of said resolutions with the following amendment—strike out the words "for its preservation" in the last line of the first resolution and insert the words "as a perpetual monument to their gallantry and patriotic devotion to their country; also amend the 2nd

resolution by striking out the words "many other fields" after the words "Missionary Ridge;" and further amend by inserting the following additional resolution, viz: *Resolved*, That the Governor is requested to transmit a copy of these resolutions to the colonel of said regiment with a request that he will cause the same to be read on dress parade.

All of which is respectfully submitted.

H. H. Kinsey

J. B. Davis

Rice Maxey

Mr. Harcourt introduced a bill to enable the legal representatives of the late General Thomas Green to collect by due course of law the cost due him as clerk of the Supreme Court. Read 1st and 2nd times and referred to Judiciary Committee.

The Committee on Enrolled Bills reported correctly enrolled, properly signed, and presented to the Governor a bill to incorporate Osage Academy.

Mr. Parsons introduced a bill to repeal an act prohibiting owners or employees of slaves from placing them in charge of farms or stock ranches detached or removed from the homes or places of residence of the owner or employer. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Knox was added to Committee on Frontier Defense.

Mr. Durant introduced a bill for the relief of the heirs of Thomas Moore, deceased. Read 1st and 2nd times and referred to Committee on Private Land Claims.

Mr. Shepard, Chairman of the Committee on State Affairs, reported and recommended the passage of the following bills:

A bill to incorporate the Bastrop Cotton and Wool Manufacturing Company.

A bill supplementary to an act to amend the 3rd section of an act to incorporate the Dallas Bridge Company, approved December 11, 1861, and asked to be discharged from further consideration of the resolution to inquire into the propriety of amending Article 1776 of *Oldham and White's Digest*.

Mr. Durant, Chairman of the Committee on Confederate Relations, made the following report:

Committee Room

October 30, 1864

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Confederate Relations has considered the accompanying joint resolution, and are of the opinion that any action by the Legislature upon the subject contemplated therein is unnecessary; we therefore recommend their indefinite postponement.

The Committee think they comprehend the object of the move, which is to equalize the burdens of this struggle and cause all alike, irrespective of age, to contribute to the resources of the Army and governments, yet this seeming inequality is not the result of the partial or class legislation on the parts of the Confederate Congresses but is the result of natural and uncontrollable causes which no human power can equalize.

The Committee might argue and illustrate, but deem it too apparent to escape the observation of Senate.

Respectfully submitted,
J. W. Durant, Chairman

Mr. Wootten, one of the Committee on Printing, reported a bill to amend the act to regulate publication notices in certain cases and asked that it be referred to the Judiciary Committee.

The Senate then went into Committee of the Whole on joint resolutions concerning peace, reconstruction, and independence. After some time spent therein, the Committee rose and reported progress and asked leave to sit again at 3 o'clock P.M.

Mr. Hartley offered the following resolution:¹⁰

The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met. Roll called. No quorum. Whereupon the Senate adjourned until 9 o'clock A.M. on Monday next.

Monday, October 31, 1864,

9 o'clock A.M.

Senate met. Roll called. Quorum present. The Journal of Saturday was read and adopted.

Mr. Dickson, one of the Committee on the Penitentiary, reported on behalf of the Committee a bill author-

¹⁰This resolution cannot be located in the Archives.

izing the use of the Penitentiary for military convicts and recommended its passage with amendment to strike out "District" and insert "Department."

Mr. Burney, Chairman of the Committee on Private Land Claims, reported a bill for the relief of the heirs of Thomas Moore, deceased, and recommended its passage.

Mr. Throckmorton introduced a bill supplementary to an act authorizing the Comptroller of the State to receive from railroad companies in this state the interest that may be now due or hereafter to become due on their bonds approved December 16, 1863. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Dickson offered the following: *Resolved*, That the Governor be respectfully requested to inform the Senate of the number of wagons, ambulances, horses, mules, and sets of harnesses retained when the Frontier Regiment was turned over to the Confederate States and what disposition has been made of the same. If any of the above should still be on hand, what use is being made of them? Adopted.

Mr. Guinn offered the following: *Resolved*, That the Committee on Military Affairs be requested to take into consideration that propriety of removing from the Frontier Organization all single men therein and report by bill or otherwise as early as practicable. Adopted.

The resolution offered on yesterday by Mr. Hartley relative to an expression of the Senate upon the support and maintenance of soldier's families was considered and laid over informally until 3 o'clock P.M.

Mr. Ford then introduced a bill to amend Article 140, Title III, Chapter IV, Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee.

The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met. Roll called. No quorum. Whereupon an adjournment until $\frac{1}{4}$ past 9 o'clock A.M. tomorrow was moved and carried.

Tuesday, November 1st, 1864
9 $\frac{1}{4}$ o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has duly considered a bill to be entitled an act supplementary to an amendatory of an act to suspend all laws for the collection of debts, approved December 2, 1863, and instruct me to report the same back to the Senate and recommend its rejection.

The bill proposes to allow the collection of debts due for rent by the summary process of the issuance of distress warrants. It is believed by the Committee that no good reason exists for the passage of such a law. This class of claims has generally been contracted since the enactment of the stay law, when it was competent for the parties to secure their payment by special contract.

John T. Harcourt, Chairman

Also reported the following bills and recommended their passage:

A bill to repeal an act prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches detached or removed from the home or place of residence of the owner.

A bill to amend Articles 819 and 820 of Penal Code.

Mr. Davis, one of the Committee on State Affairs, reported a bill to provide cotton cards, wool cards, and medicines for the people in this state. Read 1st time.

Mr. Throckmorton, Chairman of Committee on Military Affairs, reported a substitute for a bill authorizing the Comptroller to receive from railroad companies in this state the interest that may be now or hereafter become due on their bonds, approved December 16, 1863. Also the following report:

October 21, 1864

President of the Senate:

The Committee on Military Affairs to whom was referred a resolution of enquiry as to the expediency of removing from the frontier organization "all single men therein" have considered the same, and would report that the joint select committee of the two houses on frontier organizations have considered the whole question of frontier defense and have reported that the House of Representatives in response to the Governor's special message

thereon, joint resolutions asking of Congress to recognize the frontier organization as provided for by the laws of the State, and to assume the expense of maintaining the same, etc. The Committee have some reason to believe this will be done by Congress, and are therefore of opinion that it is not proper to make the change suggested by the resolution.

Respectfully submitted,

J. W. Throckmorton, Chairman

Mr. Hord introduced a joint resolution on export duties on cotton. Read 1st and 2nd times and referred to Committee on Confederate Relations.

Mr. Ford introduced the following bills:

A bill to amend 2nd section of an act to suspend all laws for the collection of debts. Read 1st and 2nd times and referred to Committee on Judiciary.

A bill to amend Article 754, Title VII of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Hartley introduced a bill to make an appropriation for the inclosure of the State Cemetery. Read 1st and 2nd times and referred to Committee on State Affairs.

The resolution under consideration on yesterday when the Senate adjourned was laid on the table for the present.

A message from the House announced the passage of a bill to change the name of Charles C. Ten Eyck to that of Charles Thomas Pelham. Also a joint resolution requesting the Commander of the Trans-Mississippi Department to grant permanent details to certain persons therein named.

The report of Committee on State Affairs on a bill to amend an act to encourage the erection of certain machinery by donations of land and otherwise, approved December 15, 1863, recommending a substitute was read and substitute adopted. Mr. Harcourt offered the following amendment: "Provided that no bonus shall be allowed to any party who may have erected such buildings or works before the date of the passage of the act to encourage the erection of certain machinery by donations of land or otherwise, approved December 15, 1863." Laid on table by the following vote:

Yeas—Messrs. Burney, Davis, Dickson, Durant, Ford,

Guinn, Hartley, Haskell, Hord, Jowers, Lea, Maxey, Moore of Davis, and Shepard—14.

Nays—Messrs. Charlton, Harcourt, Holland, Kinsey, Knox, Parsons, Throckmorton, and Wootten—8.

The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed by the following vote:

Yeas—Messrs. Burney, Davis, Dickson, Durant, Ford, Guinn, Haskell, Hartley, Hord, Jowers, Knox, Lea, Moore of Davis, and Shepard—15.

Nays—Messrs. Charlton, Harcourt, Holland, Kinsey, Parsons, Throckmorton, Wootten, and White—8.

The following communication was received from the Governor which was read and referred to the Finance Committee:

A bill to re-enact and amend Article 702 of the Code of Criminal Procedure. Read 2nd time. The question being upon the amendment to strike out "only" and insert "or Treasury Warrants or State Bonds." Mr. Harcourt moved to amend the amendment so as to read, "or Treasury Warrants of the State or Confederate Notes at their market value, at the place of the payment to be determined by this court trying the case."

Mr. Jowers moved to refer the bill and amendments to the Committee on Finance. Motion withdrawn. Mr. Harcourt then withdrew his amendment and moved to lay the amendment offered by Mr. Jowers on the table. The yeas and nays stood as follows:

Yeas—Messrs. Harcourt, Hartley, Knox, Shepard, and White—5.

Nays—Messrs. Burney, Charlton, Davis, Dickson, Durant, Ford, Guinn, Haskell, Holland, Hord, Jowers, Kinsey, Lea, Moore of Davis, Parsons, Throckmorton, and Wootten—17.

Mr. Harcourt then offered the amendment proposed by him to Mr. Jowers' amendment. Lost by the following vote:

Yeas—Messrs. Harcourt, Hartley, Knox, Shepard, Throckmorton, and White—6.

Nays—Messrs. Burney, Charlton, Davis, Dickson, Durant, Ford, Guinn, Haskell, Holland, Hord, Jowers, Kinsey, Lea, Maxey, Moore of Davis, Parsons, and Wootten—17.

Mr. Jowers' amendment was then adopted by the following vote:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Durant, Guinn, Haskell, Holland, Hord, Jowers, Kinsey, Lea, Maxey, Moore of Davis, Parsons, Throckmorton, and Wooten—17.

Nays—Messrs. Ford, Harcourt, Hartley, Knox, Shepard, and White—6.

The question then being upon the engrossment of the bill, Mr. Harcourt moved a call of the Senate which was sustained.

A bill to change the name of Charles C. Ten Eyck to Charles Thomas Pelham. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A joint resolution requesting the Commander of the Trans-Mississippi Department to grant permanent details to certain persons therein named. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill supplementary to an act to regulate proceedings in the county courts, approved March 20, 1848. Read 3rd time and laid on the table.

A bill for the relief of the heirs of Thomas Moore. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Throckmorton introduced a bill to repeal 1st section of an act to suspend the location, survey and sale of the public domain except in certain cases, approved December 14, 1863, and to provide for the sale of lands and land scrip. Read 1st and 2nd times and referred to Committee on Public Lands.

A bill authorizing the use of the Penitentiary for the confinement of military convicts. Read 2nd time. Amendment of Committee being considered, it was adopted.

Whereupon the Senate adjourned until 9 o'clock A.M. tomorrow.

Wednesday, November 2, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

The following bills were reported correctly engrossed.

A bill for relief of heirs of Thomas Moore, deceased.

A bill to amend an act to encourage the erection of

machinery by donations of lands and otherwise, approved December 15, 1860.

Mr. Knox introduced a bill to amend Article 773 of the Penal Code. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Ford introduced a bill to amend Article 43 of *Oldham and White's Digest*. Read 1st and 2nd times and referred to Judiciary Committee.

A bill to authorize the use of the Penitentiary for the confinement of military prisoners in this Department. Read 2nd time. Mr. Shepard offered a substitute which was adopted. Mr. Throckmorton offered the following amendment:

“Section 2. That the provisions of this act shall also apply to persons convicted by courts martial of the frontier organization of this State, where such parties are convicted of the offense of desertion or mutiny or of any other offense of which said military courts may have jurisdiction that would by the civil law be a felony.”

The bill and amendments were referred to Judiciary Committee.

Mr. Lea introduced joint resolution concerning an act to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller, approved January 2, 1862. Read 1st and 2nd times and referred to Finance Committee.

Mr. Shepard, Chairman of Committee on State Affairs, reported joint resolutions requesting the Commanding General of Trans-Mississippi Department to grant permanent details to certain persons therein named and recommended its passage. The report was taken up. Bill read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Also recommended the passage of a joint resolution to make an appropriation for the enclosure of the State Cemetery.

A bill to re-enact and amend Article 702 of the Code of Criminal Procedure. Read 2nd time. Mr. Harcourt moved to strike out the word “re-enact” wherever it occurs in the bill. Carried. Mr. Throckmorton moved to strike out “in that currency” and insert “so” after “be.” The bill was re-referred to Judiciary Committee.

A bill supplementary to an act authorizing the Comp-

troller to receive from railroad companies the interest that may be now due or hereafter become due on their bonds approved December 16, 1863. Read 2nd time. The question being on the adoption of the substitute recommended by Committee on Finance, it was postponed by a motion to adjourn. The motion to adjourn was withdrawn, whereupon Mr. Shepard introduced a bill to facilitate the introduction into the several counties of the State of the carding machine invented by Messrs. Johnson and Hayford. Read 1st and 2nd times and referred to Committee on State Affairs. The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present.

A message from the House announced the passage of the following bills:

A bill to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers. Read 1st and 2nd times and referred to Finance Committee.

A bill to incorporate the Houston Paper Mill Manufacturing Company. Read 1st and 2nd times and referred to State Affairs.

A bill to relieve Zepheniah McMillon from the disability of minority. Read 1st and 2nd times and referred to Judiciary Committee.

A resolution to adjourn on the 5th instant. Referred to Committee on Finance.

Mr. Throckmorton, one of the Finance Committee, made the following report:

November 2, 1864

President of the Senate:

The Committee on Finance have considered a bill to amend the 3rd section of an act entitled an act to prescribe what kinds of funds may be paid for certain public dues, approved January 11, 1862. The Committee find that there has been a bill previously reported which embraces as part of the subject matter of this bill from the Judiciary Committee on the question of fines and forfeitures.

The Committee have instructed me to report a substitute for the bill, requiring county officers to receive State Treasury Warrants at par for their fees when they are tendered in payment. The Committee believe that the

officers of the State government and the county officers should fair as nearly alike as possible in regard to pay for their services, and would therefore recommend the passage of the substitute.

J. W. Throckmorton
one of the Committee

The substitute pending at the adjournment this noon was adopted, whereupon Mr. Lea moved to amend the bill by striking out "one half" and insert "the whole or any part thereof." On this amendment the yeas and nays were as follows:

Yeas—Messrs. Burney, Harcourt, Hartley, Haskell, Jowers, Knox, Lea, Shepard, Throckmorton, Wootten, and White—11.

Nays—Messrs. Charlton, Dickson, Davis, Durant, Ford, Guinn, Hord, Kinsey, Maxey, Moore of Davis, and Parsons—11.

The President voted yea.

[Name torn out] . . . offered to amend by inserting after the word "manner" and before "provided" the words "hereafter to be issued." Lost.

Mr. Parsons moved to amend Section 1 by adding after "Treasury Warrants" in 6th line the words "bearing interest." Lost.

The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed by the following vote:

Yeas—Messrs. Burney, Durant, Guinn, Harcourt, Hartley, Haskell, Jowers, Knox, Lea, Throckmorton, Wootten, and White—12.

Nays—Messrs. Charlton, Davis, Dickson, Ford, Hord, Kinsey, Maxey, Moore of Davis, Parsons, and Shepard—10.

The Judiciary Committee, Mr. Harcourt, Chairman, reported a substitute for a bill to amend Article 702 of Criminal Code. Report taken up. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The following report was adopted:

The Committee on Printing to whom was referred the accompanying bill, beg leave to state that as there is not a quorum of said Committee present they ask to report the bill back and recommend its reference to the Judiciary Committee.

G. H. Wootten

The Senate then adjourned until 9 o'clock A.M. to-morrow.

Thursday, November 3, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee recommended the indefinite postponement of a bill to regulate publication notices in certain cases. Also recommended the passage of a substitute for a bill to authorize the Superintendent of the Penitentiary to receive military convicts. Also recommended the passage of a bill to amend Article 754 of the Code of Criminal Procedure. Also the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has duly considered a bill to be entitled an act to amend Article 140 of the Code of Criminal Procedure. The amendment proposed is to authorize slaves to be relieved from illegal restraint or confinement by writ of habeas corpus.

A majority of the Committee are of the opinion that such alteration of the law without restricting its operation to criminal offenses or restraint under legal process would be injurious and might seriously embarrass the military operations of the country when slaves have been impressed to work on railroads, fortifications, etc. I am directed by a majority of the Committee to report the bill back to the Senate and recommend its indefinite postponement.

John T. Harcourt, Chairman

Mr. Lea, Chairman of the Committee on Finance, made the following reports:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a resolution to inquire into the expediency of providing for improved execution of the revenue laws and to examine into the propriety of a general reform of the laws regulating the collection of taxes, has considered the subject and reports as follows:

The Committee does not question the propriety of a general reform of the laws regulating the collection of taxes, but repeated experiments have shown the great difficulty of accomplishing such a reform, and such a change

is manifestly impracticable during the present hasty session of the Legislature.

But the Committee realizes the necessity for employing the best practicable means of promoting the execution of the revenue laws, and considers the suggestion of itinerant inspecting agents as well worthy of a fair experiment. To this end the Committee reports a bill and recommends its passage.

Pryor Lea, Chairman

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a resolution of inquiry into the expediency of discontinuing the sale of State Bonds, has considered the subject and now reports as follows:

As to the eight per cent Bonds sustained by an irrepealable specie tax when sold, the Committee has no hesitation in expressing the opinion that the unsold Bonds should not be disposed of without realizing at least as much in value of specie as eighty cents on the dollar.

And as to the six and seven per cent Bonds authorized by the Legislature at its regular session of last year, the Committee thinks that the laws therefore should be repealed or suspended, except as to contracts, which have been made by the Governor for some portion of the seven per cent Bonds, and which contracts have been executed in full or have been partly executed and are in progress of complete fulfillment and shall be entirely performed so as to require the corresponding issuance of the bonds to persons acting in good faith to the State.

The Committee does not deem it necessary to give the reasons in detail for the foregoing opinions. It were enough to know that the State is not in any emergency which can justify the sale of its first class Bonds at any considerable discount and also to know that the policy of the Legislature in providing for the other Bonds has not been executed as contemplated, and could not now be prosecuted with any reasonable prospect of success or advantage.

Under such circumstances, the Committee reports three bills as necessary for attaining the indicated purpose of relief, as parts of a policy which now seem to be indispensable for placing the State in a proper condition for using its credit on any occasion that may require it. This

policy is to promptly and thoroughly use the State's available means to liquidate its liabilities, whether present or prospective, so as to inspire confidence in the disposition, forecast, and steadiness of Legislative action, without which the State cannot obtain credit on any advantageous terms, even in the greatest emergency, and with which the State can have desirable credit at any time.

Respectfully submitted,
Pryor Lea, Chairman

Two bills included with the report of the Finance Committee are:

A bill to be entitled an act to repeal an act to raise two million dollars or so much thereof as may be necessary by the sale of cotton bonds, to provide for the defense of the State and to repel invasion, and for the purchase of machinery for manufacturing purposes, approved December 16, 1863.

Be it enacted by the Legislature of the State of Texas that the act mentioned in the foregoing caption is hereby repealed, and that this act shall be in force from its passage.

A bill to be entitled an act to suspend in part an act providing for the purchase of cotton by the State to meet the payment of the cotton bonds to be issued in pursuance of the provisions of an act to raise two million dollars or so much thereof as may be necessary by the sale of cotton bonds, to provide for the defense of the State, and to repel invasion, and for the purchase of machinery for manufacturing purposes, approved December 10, 1863.

Be it enacted by the Legislature of the State of Texas as follows:

Section 1. The act above mentioned in the caption, as approved December 16, 1863, is hereby suspended and shall not be executed, except as to contracts which have been made by the Governor, and which have been fully executed or shall hereafter be fully executed, being now in actual progress of fulfillment, so as to require the corresponding issuance and delivery of the Bonds to some person or persons who shall have fairly made and performed his or their part of a contract without any fraud against the State.

Section 2. This act shall be in force from its passage. To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a

joint resolution construing an act to require the financial agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller, approved January 2, 1862, has considered the subject and reports the resolution with a recommendation that it be adopted.

Pryor Lea, Chairman

Mr. Ford introduced a bill to repeal an act to authorize the Governor to appoint certain officers to represent the interest of the State and of the citizens and soldiers of the State at the Headquarters of the Trans-Mississippi Department and at the Headquarters of the District of Texas, New Mexico, and Arizona, approved May 28, 1864. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Knox introduced a bill for the forfeiture of the estates and citizenship of persons, avoiding participation in the existing war for independence either by abandonment of the country, desertion from the Army, or evading their enrollment for military service. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. White introduced a joint resolution in regard to the impressment of beef cattle. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Ford offered the following: *Resolved*, That the Committee on Military Affairs be instructed to inquire whether it is necessary to continue the office of Adjutant and Inspector General, and report by bill or otherwise. Mr. Harcourt proposed to amend the resolution so as to extend the inquiry to the office of Assistant Quartermaster General and the six Brigadier Generals of State Troops. Adopted, and resolution adopted.

The report of Committee on Confederate Relations on resolution relative to providing a special currency for payment on our soldiers recommending its indefinite postponement, was read and adopted.

The report of Judiciary Committee on a bill to authorize the Superintendent of the Penitentiary to receive and employ military convicts was taken up, substitute recommended, adopted, and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The report of the Finance Committee recommending substitute for a bill to amend an act to prescribe what

kinds of funds may be received for certain public dues, approved January 11, 1862. Read and the subject referred to the Judiciary Committee.

Mr. Ford from Judiciary Committee reported a bill to define and fix the time of holding the District Courts in 2nd Judicial District, and recommended its passage with the following amendment: Strike out "one" and insert "two." Strike out "9th" and insert "10th."

The Senate then went into Committee of the Whole on the resolutions concerning peace reconstruction and independence, Mr. Durant in the Chair. After some time spent therein, the Committee rose and reported no progress and asked to be discharged. Report adopted.

The question being on the adoption of the substitute offered by Mr. Wootten, Mr. Shepard moved to lay the substitute on the table. The yeas and nays were as follows:

Yeas—Messrs. Charlton, Davis, Durant, Ford, Guinn, Harcourt, Hartley, Haskell, Hord, Kinsey, Knox, Moore of Davis, Parsons, and Shepard—14.

Nays—Messrs. Dickson, Holland, Jowers, Lea, Maxey, Throckmorton, Wootten, and White—8.

Mr. Throckmorton then offered a substitute which was laid on the table on Mr. Shepard's motion by the following vote:

Yeas—Messrs. Burney, Charlton, Durant, Ford, Guinn, Harcourt, Hartley, Haskell, Hord, Kinsey, Knox, Moore of Davis, Parsons, and Shepard—14.

Nays—Messrs. Davis, Dickson, Holland, Jowers, Lea, Maxey, Throckmorton, Wootten, and White—9.

Mr. Jowers then offered the following amendment: That nothing in these resolutions shall be so construed as to deny that "all political power is inherent in the people and all free governments are founded in their authority and instituted for their benefit, and they have at all times the unalienable right to alter, reform, or abolish their form of government in such manner as they may think expedient."

Laid on table on Mr. Shepard's motion by the following vote:

Yeas—Messrs. Charlton, Durant, Ford, Guinn, Harcourt, Hartley, Haskell, Hord, Knox, Moore of Davis, Parsons, Shepard, and White—12.

Nays—Messrs. Burney, Davis, Dickson, Holland, Jow-



Rufus K. Hartley
Senator from Galveston

Source: Ocie Speer, *Texas Jurists*
(Austin [n.p.], 1936), 630.

ers, Kinsey, Lea, Maxey, Throckmorton, and Wootten—10.

Mr. Hord then moved to amend the resolutions as follows: In preamble, lines 2 and 3 strike out "those of this" and insert "these of the." In 5th resolution in lines 9 and 10, strike out all after "used" down to "exchange." Line 16, strike out "submitted" and insert "subjected;" 4th resolution strike out "alliance" and insert "reunion." Strike out after "magistrate" and "thus" and insert "with the purpose that he should destroy our liberties in disregard of the constitution which he has sworn to support." Strike out "not improbable" and insert "possible." Adopted.

Mr. Kinsey then moved to strike out "notice" in 1st resolution and insert "entertained." Carried.

Mr. Hartley moved to amend by striking out all in Resolution 2 between "policy" and "to." Carried. The resolutions were then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Harcourt then offered the following resolution which was adopted. *Resolved*, That 2000 copies of the joint resolutions on peace, reconstruction and independence be printed for the use of the Senate.

Mr. Ford from the Judiciary Committee reported a substitute for a bill to amend Article 43 of *Oldham and White's Digest*.

Mr. Hartley moved to reconsider the vote passing a bill relative to the railroad companies paying their indebtedness to the State in Treasury Warrants. The bill having been reported to the House, the Secretary was instructed to ask its return.

Mr. White introduced a bill to amend Article 608, *Oldham and White's Digest*. Read 1st and 2nd times and referred to Judiciary Committee.

The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present.

The following communication from the Governor was read and referred to Finance Committee.¹¹

Joint resolutions of thanks to the 9th Regiment of Texas Infantry, with majority and minority reports from Committee on State Affairs. The majority report recom-

¹¹This resolution cannot be located in the Archives.

mending amendments laid on table, minority report recommending amendments. Adopted.

Mr. White offered the following amendment: Insert "also the 2nd Regiment of Texas Volunteers commanded by Colonel Moore at the Battle of Shiloh." Mr. Harcourt moved to refer the subject to the Committee on Military Affairs, with instructions to frame a general bill which shall include all Texas regiments deserving a compliment. Carried.

The report of Committee on Confederate Relations recommending the indefinite postponement of joint resolutions recommending extension of the conscript laws was read and postponed by a motion to adjourn, which was withdrawn when a message from the House informed the Senate of the passage of the following bills.

A bill for relief of heirs of John B. H. Jones. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to authorize the Comptroller to audit and settle the account of L. P. Strong for subsidizing the Tonkawa Indians. Read 1st and 2nd times and referred to Committee on Claims and Accounts.

A bill supplementary to an amendatory of an act to establish a Code of Criminal Procedure, approved August 26, 1856. Read 1st and 2nd times and referred to Committee on Judiciary.

A bill to allow assessors and collectors and chief justices to purchase stationery from the Comptroller's office. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill amendatory of an act to incorporate the Galveston and Houston Junction Railroad Company, approved April 8, 1861, and to amend said act, approved February 25, 1863. Read 1st and 2nd times and referred to Committee on Internal Improvements.

A bill to insure the correct returns of assessment rolls to the Comptroller's Office. Read 1st and 2nd times and referred to Committee on Finance.

A bill for the relief of Luke A. Falvell. Read 1st and 2nd times and referred to Committee on Claims and Accounts.

A bill to incorporate the Southern Minerva Institute. Read 1st and 2nd times and referred to Committee on Education.

Senate's bill to amend an act to encourage the erection of certain machinery by donations of land and otherwise, approved December 15, 1863.

A House bill to amend 4th Section of an act to organize the Supreme Court of the State of Texas, approved May 12, 1846. Read 1st and 2nd times and referred to Judiciary Committee.

The Committee on Enrolled Bills made the following report:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled the following bills, viz,

An act to change the name of Charles C. Ten Eyck to that of Charles Thomas Pelham.

An Act for the Relief of Stephen W. Pipkin and a joint resolution requesting the Commanding General of the Trans-Mississippi Department to grant permanent details to certain persons therein named, all of which being properly signed were this day presented to the Governor for his approval.

D. C. Dickson

The Senate then adjourned until 9 o'clock A.M. tomorrow.

Friday, November 4, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Committee on the Judiciary, recommended the passage of the following bills:

A bill to amend the 4th section of an act to organize the Supreme Court of the State of Texas, approved May 12, 1846.

A bill to amend an act to suspend all laws for the collection of debts, etc., approved December 2, 1863.

A bill to relieve J. H. Benton, S. R. Shepherd, and S. G. Haynes from the disability of minority.

A bill to relieve Zepheniah McMillon from the disability of minority.

Also recommended the indefinite postponement of a bill to amend Article 608 of *Oldham and White's Digest*.

Also the following report:

The Judiciary Committee have duly considered a bill to be entitled an act to enable the legal representatives of General Thomas Green to collect by due course of law without delay the fees due him as Clerk of the Supreme Court, and a majority of the Committee instruct me to report that they consider this a practical and appropriate mode of expressing that sense of gratitude which the people of Texas feel and entertain towards the lamented Green and his bereaved and helpless family.

The amount of fees in each case are generally small and insignificant and it is not believed that this collection can oppress anyone. Nor can it be supposed that anyone will complain or hesitate to make payment when informed that it is for the support and maintenance of the widow and children of Tom Green.

I am instructed by a majority of the committee to report the bill back to the Senate and recommend its passage.

John T. Harcourt, Chairman

Mr. Shepard, Chairman of Committee on State Affairs, reported recommending the passage of the following bills:

A bill to incorporate the Houston City Mills Manufacturing Company.

And a bill to incorporate the Houston Paper Mill Manufacturing Company.

Mr. Charlton, Chairman of Committee on Public Land, reported adversely to the passage of a bill to repeal the 1st section of an act to suspend the location, survey and sale of the public domain except in certain cases.

Mr. Parsons introduced a bill prohibiting the further issue of Treasury Warrants. Read 1st and 2nd times and referred to Finance Committee.

Mr. Durant introduced joint resolutions on the death of General John Gregg. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The report of the Committee on Confederate Relations recommending the indefinite postponement of joint resolutions relative to extending conscriptions laws was adopted.

A bill to amend 5th section of an act to incorporate the New Braunfels Academy. Read 2nd time and re-refer-

red to Committee on Education with instructions to report tomorrow morning.

A bill supplementary to an act to amend the 3rd section of an act to incorporate Dallas Bridge Company. Read 2nd time. Rule suspended. Read 3rd time and passed by a constitutional majority, Messrs. Harcourt, Hartley, Knox, and Lea voting nay.

A bill to incorporate the Bastrop Cotton and Wool Manufacturing Company. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed by a constitutional majority.

The reconsideration of the vote passing the bill to authorize railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and Bonds of the State was taken up and lost by the following vote:

Yeas—Messrs. Charlton, Davis, Dickson, Ford, Holland, Hord, Kinsey, Moore of Davis, Parsons, and Shepard—10.

Nays—Messrs. Burney, Durant, Guinn, Harcourt, Hartley, Haskell, Jowers, Knox, Lea, Maxey, Throckmorton, Wooten, and White—13.

The report of Committee on State Affairs adversely to the propriety of amending Article 1776 of *Oldham and White's Digest* was read and adopted.

A message from the House informed the Senate of the passage of the following bills:

A bill to amend the 12th and 24th sections of an act entitled an act to authorize and require county courts to regulate roads, appoint overseers, etc. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill making an appropriation to defray the contingent expenses of the office of Attorney General. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to extend the time for the redemption land sold or to be hereafter sold for taxes. Read 1st and 2nd times and referred to Finance Committee.

A bill making an appropriation for enclosing the State Cemetery. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to provide for the exchange of so much of the old issue of Treasury Notes of the Confederate States, now in the Treasury of the State, for the new issue as is author-

ized by the act of Congress that now exists or may hereafter be passed. Read 1st and 2nd times and referred to Finance Committee.

A bill supplementary to an act entitled an act regulating juries, approved May 4, 1846. Read 1st and 2nd times and referred to Judiciary Committee.

A bill to authorize the use of the Texas Penitentiary for the confinement of convicts from the States of Louisiana, Arkansas, and Missouri. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill for the relief of the heirs of Thomas Moore, deceased, from the Senate.

A joint resolution in relation to claims held by counties, corporations, and citizens of Texas for labor performed and money expended in aid of the military defense of the State during the present war. Read 1st and 2nd times and referred to Committee on State Affairs.

And Senate's joint resolution on the death of General John Gregg, from the Senate.

The report of Judiciary Committee recommending the rejection of a bill supplementary to and amendatory of an act to suspend all laws for the collection of debts, etc., was considered and adopted by the following vote:

Yeas—Messrs. Burney, Charlton, Dickson, Durant, Ford, Guinn, Harcourt, Haskell, Holland, Knox, Maxey, Moore of Davis, Parsons, and Wootten—14.

Nays—Messrs. Davis, Hartley, Hord, Jowers, Kinsey, Lea, Shepard, Throckmorton, and White—9.

The report of Committee on Military Affairs on a resolution of inquiry relative to the removal of all single men from the frontier organization was read and adopted.

A bill to provide cotton cards, wool cards, and medicines for the people of this State. Read 2nd time and made special order for tomorrow at 10 o'clock A.M.

The Senate then adjourned until 9 o'clock A.M. tomorrow.

Saturday, November 5, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Ford, Chairman of Committee on Printing, made the following report that the Committee had contracts

with the *State Gazette* proprietors for printing 2000 copies of joint resolution concerning peace, reconstruction, and independence, for \$15 in specie or its equivalent, the Senate furnishing the paper.

Mr. Harcourt, Chairman of Committee on Judiciary, recommended the passage of the following bills:

A bill supplementary to an act to regulate juries, approved May 4, 1846.

A bill to amend 2nd section of an act to suspend all laws for the collection of debts.

A bill supplementary to an act amendatory of an act to establish a Code of Criminal Procedure. Also the following report:

The Judiciary Committee has duly considered a bill to be entitled an act to provide for holding special terms of the district court and to repeal the 1st section of that subject of an act approved December 16, 1863, and instruct me to report that the experiment attempted by the act of December 16, 1863, does not serve to justify any further effort to provide for holding special terms of the district court. The Committee are of the opinion that no necessity exists for holding such courts, and that no practical good can result therefrom, and direct me to return the bill to the Senate and recommend that it do not pass.

John T. Harcourt, Chairman

Mr. Dickson, Chairman of Committee on Education, reported a bill to incorporate the Southern Minerva Institute with the following amendment and recommended its passage. Amend by adding after the word "kinds" in line 14, "not to exceed in value 200,000."

Mr. Guinn, Chairman of Committee on Claims and Accounts, reported recommending the passage of a bill to Comptroller to audit and settle the account of L. P. Strong for subsidizing the Tonkawa Indians, with the following amendment: "Provided the said claims shall be approved by the Governor."

The Committee on Confederate Relations, Mr. Durant, Chairman, recommended the passage of joint resolutions relating to export duties on cotton.

Mr. Throckmorton from Finance Committee recommending on behalf of the Committee the passage of a bill to extend the time for the redemption of land sold for taxes.

Mr. Lea, Chairman of Committee on Finance, made the following reports:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill from the House styled a bill to be entitled an act to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers, has carefully considered the subject and a majority now reports a substitute for the bill.

A majority also reports another bill to be taken in connection with the substitute in the Senate's consideration of the whole subject.

The Chairman would respectfully remark that a further report is far advanced in preparation, but that little time and great difficulties have caused it to be yet unfinished. Although it may not be very extensive when done, yet its substance is necessary for presentation of associated portions of the subject, requiring connected consideration.

Submitting the present as only a partial report, the Chairman would respectfully ask leave to report in full next Monday morning.

In the mean time, during such considerations of the reported subjects as the Senate may think proper, oral explanations can be made by members of the Committee.

Pryor Lea, Chairman

The Committee on Military Affairs made the following report:

President of the Senate:

The Committee on Military Affairs have considered the resolutions complimentary to the Ninth Regiment of Texas Troops, together with the amendment and report of the minority of the Committee.

The Committee have instructed me to report the accompanying resolutions as a substitute for the amendment and as an amendment to this report of the minority of the Committee, and after striking out the last resolution of the minority report, we recommend that the resolutions as proposed to be amended be passed.

The Committee on Enrolled Bills, Mr. Dickson, Chairman, reported the following bills correctly enrolled, properly signed, and presented to the Governor.

A bill to amend the act to encourage the erection of

certain machinery by donations of land and otherwise, approved December 15, 1863.

A bill for relief of heirs of Thomas Moore, deceased.

On Mr. Dickson's motion, the report of Finance Committee made this morning was taken up. The House bill and the substitute reported by the Committee were severally read. The bill to regulate the disposal of cloth and thread manufactured at the Penitentiary was read 1st time. Mr. Dickson moved to lay the substitute proposed by the Committee on the table, whereupon the yeas and nays stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Ford, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—10.

The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present. The House bill to provide more effectually for the support and maintenance of soldiers being on its 2nd reading, Mr. Dickson moved to strike out "1,000,000." Carried. Mr. Guinn moved to fill blank with "400,000." Mr. Moore of Davis moved "600,000." Mr. Jowers moved "800,000." Mr. Shepard moved to fill the blank with "all the surplus cloth made at the Penitentiary." Mr. Shepard's amendment was ruled out of order. Mr. Shepard then moved to fill with "1,100,000." Lost; "800,000 was lost. Mr. Jowers proposed "750,000." Lost, and "600,000" was lost on call of yeas and nays as follows:

Yeas—Messrs. Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, and White—10.

Nays—Messrs. Burney, Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—12.

Mr. Burney moved "500,000." Lost, and "400,000" lost. Mr. Dickson moved to reconsider the vote which struck out "1,000,000," whereupon Mr. Jowers moved to postpone the reconsideration of the bill until Monday next. Motions were withdrawn when Mr. Throckmorton moved to recon-

sider the vote refusing to insert "600,000." Carried. The question then recurred on filling the blank with "600,000."

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Throckmorton, Wootten, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, and Shepard—9.

Mr. Hord then offered the following amendment: "The provisions of this act to distribute cloth to the counties shall apply only to such counties as shall within _____ days after the passage of this act notify the Superintendent of the Penitentiary that they wish to receive the same. Another reminder of such cloth shall be sold or offered for sale to the Confederate States and the proceeds shall be distributed to the counties which have not signified their willingness to receive the cloth" to be inserted after the words "provided" and "section," all between those words being stricken out. Adopted. Mr. Guinn moved to fill blank with "90 days." Carried. Mr. Guinn moved to strike out of the bill all that relates to levying and collecting taxes.

The Senate then adjourned until Monday morning 9 o'clock.

Monday, November 7, 1864

9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of Saturday was read and adopted.

Mr. Dickson, Chairman of Committee on Education, reported a bill to amend the act to incorporate New Braunsfels Academy, back to the Senate for its action, the Committee being unable to agree.

Mr. Shepard, Chairman of Committee on State Affairs, reported adversely to the passage of joint resolutions in relation to claims held by county corporation and citizens of Texas in aid of military defense, and recommended the indefinite postponement of a bill to amend 12th and 24th sections of an act to authorize county courts to regulate roads, appoint overseers, etc. The same Committee recommended the passage of the following bills:

A bill to allow assessors and collectors and chief justices to procure stationery from the Comptroller's office. A bill to authorize the use of the Penitentiary for the confinement of convicts from Louisiana, Arkansas, and Mis-

souri, and a bill making an appropriation to defray the expenses of Attorney General's office for 1864 and 1865, which on motion was taken up, read 2nd time, and passed to 3rd reading. Rule suspended, read 3rd time and passed.

The report of Judiciary Committee on a bill to amend 4th section of act to organize the Supreme Court of the State of Texas was on motion taken up. Bill read 2nd time. Mr. Harcourt moved to amend by inserting "and in addition to the duties now required by law of the clerks of the Supreme Court each of the clerks appointed under this act shall be required to act as librarian in keeping and preserving the books of the Supreme Court." Adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Selman presented the memorial of the citizens of Van Zandt County relative to changing the time of holding the district court. Also a bill to change the time of holding the district courts in 16th Judicial District. Read 1st time. Rule suspended. Read 2nd time and referred to Judiciary Committee.

Mr. Jowers introduced joint resolutions relative to the purchase of clothing and provisions from quartermasters and commissaries in certain cases. Read 1st and 2nd times and referred to Committee on Confederate Relations.

A message from the House informed the Senate of the passage of the following bills:

A bill to protect persons in the right to consult counsel in certain cases. Read 1st and 2nd times and referred to Judiciary Committee.

Joint resolution concerning the distribution of medicines.

A bill to prohibit the sale of ardent spirits and liquors within 10 miles of the town of Huntsville, except for certain purposes. Read 1st and 2nd times and referred to Committee on Judiciary.

A bill supplementary to and amendatory of an act to incorporate the Guadalupe Manufacturing Company. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to raise revenue by levying an occupation tax on the distillation and sale of spiritous liquors and an income tax on the sale of spiritous malt and various liquors.

Read 1st and 2nd times and referred to Finance Committee.

The bill to provide more effectually for the support and maintenance of soldiers being under consideration at the adjournment of the Senate on Saturday, the amendment offered thereto by Mr. Guinn was considered and lost by the following vote.

Yeas—Messrs. Burney, Durant, Guinn, Harcourt, Lea Knox, Shepard, and Throckmorton—8.

Nays—Messrs. Charlton, Davis, Dickson, Ford, Haskell, Holland, Hord, Jowers, Kinsey, Maxey, Moore and Davis, Parsons, Wootten, and White—14.

Mr. Throckmorton offered the following amendment which was adopted: "Provided that the counties which have not heretofore received the amount of cloth from the Penitentiary to which such counties are entitled under the regulation heretofore adopted for distributing cloth to the counties shall have until the 1st day of April, 1865, to apply for and receive the same and the amount of cloth still due such counties shall be taken out of the amount herein before in this act set aside for distribution provided further that such counties shall pay for the cloth as heretofore."

Mr. Parsons moved to amend by adding in Section 5 after the word "act" in 24th line, the words, "during his continuance in said service." Adopted.

Mr. Throckmorton offered the following to come in at end of Section 2. "It shall be the duty of the Superintendent and Directors of the Penitentiary to calculate the cost of transportation to the various counties in the State and shall make a due allowance for the same in distributing said cloth that is every county in proportion to the list of beneficiaries shall be considered equally entitled, but the counties remotely situated from the Penitentiary shall receive more cloth and those approximate to it shall receive less cloth in proportion to the distance and cost of transportation."

Mr. Maxey offered the following as an amendment to Mr. Throckmorton's proposed amendment: Strike out all after the word "cloth" in the 5th line and insert as follows: "and shall distribute to the several counties a sufficiency of cloth in addition to the quantity provided for in

this act to pay the transportation of the cloth to the several counties.”

A motion to lay on the table was lost by the following vote:

Yeas—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

Nays—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

The amendment was then amended as proposed by Mr. Maxey. The amendment was then laid on the table. Mr. Charlton then moved to reconsider the vote adopting the 1st amendment offered this day by Mr. Throckmorton, whereupon the yeas and nays being called stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

The question recurring on the adoption of the amendment, Mr. Maxey offered the following as a substitute: “Provided it shall be the duty of the financial agent to distribute to the counties which were entitled to cloth under existing laws and which have not recovered their quota the quantity to which they are entitled in addition to the quantity appropriated by this act.” Mr. Maxey by leave withdrew the amendment and offered the following in its stead: “provided however that nothing in this act shall be so construed as to prohibit the counties which have not heretofore received their quota of cloth under regulations upon the subject of distributing cloth for soldiers’ families from receiving their proportion with other counties that have received cloth from the Penitentiary.” Adopted by the following vote:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

Mr. Harcourt then proposed the following as an

amendment: "and no distribution shall be made under the provisions of this act until the former distribution shall be equalled by setting apart to counties which have not so received their quota of cloth the amount due them." This amendment being under discussion, Mr. Lea having the floor gave way to a motion to adjourn until tomorrow morning 9 o'clock which was put and carried.

Tuesday, November 8, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Shepard, Chairman of Committee on State Affairs, on behalf of the Committee recommended the passage of the following bills:

A bill to repeal an act to authorize the Governor to appoint certain officers to represent the interests of the soldiers and citizens of the State at the headquarters of the Trans-Mississippi Department.

A bill for relief of the heirs of John B. H. Jones.

Joint resolutions concerning the distribution of medicines and a bill supplementary and amendatory of an act to incorporate the Guadalupe Manufacturing Company.

Mr. Harcourt, Chairman of Judiciary, reported a bill to protect persons in the right to consult counsel in certain cases, and recommended its passage.

Also the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has considered a House bill to be entitled an act to prohibit the sale of ardent or spiritous liquors within ten miles of the courthouse in the town of Huntsville, Walker County, except for medicinal purposes, and the Committee are fully sensible of the enormity of the evils arising from the use of intoxicating liquors, but it is believed by a majority of the Committee to be contrary to the spirit of the age, and the policy of the government to undertake to control the appetities of our fellow men in prohibiting legislation.

If there be a majority of the citizens within the limits of the ten miles specified in the bill who are in favor of the passage of such a law, they must possess enough moral influence to discountenance and suppress the evil complained of, and this moral influence is believed to be a surer

and fuller remedy than would be found in any legislative prohibition. I am directed by a majority of the Committee to return the bill to the Senate and recommend that it be laid on the table.

John T. Harcourt, Chairman

Mr. Durant, Chairman of the Committee on Confederate Relations, on behalf of the majority reported recommending the passage of joint resolutions authorizing the purchase and supplies from quartermasters and commissaries in certain cases.

Mr. Lea, Chairman of Finance Committee, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill from the House styled a bill to be entitled an act to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers, has carefully considered the subject and a majority of the Committee now reports adversely to the bill, preferring the adoption and maintenance of other measures which may sustain a different policy for providing aid for indigent dependents of Texan officers and soldiers.

This result has been attained without entire concurrence, even among the majority, as to a few details of the approved general policy. Hence some argumentative views of particulars may be properly regarded as emanating from a minority, including the Chairman, while a majority concur in the principal characteristics and recommendations of the report.

In the first place, it is proper to observe what is the purport of the measure referred to the Committee.

The House bill proposed in substance that the indigent dependents of Texan soldiers shall be mainly supported by distributing to the several counties at the Penitentiary the cloth and thread there manufactured, except some small portions necessary for supplying subsistence and materials for this institution and other direct wants of the State. Most of the cloth is entirely made of cotton, and the other small portion is mixed of cotton and wool. There is but little thread, consisting only of small fractions, left as unused excesses of what is prepared for weaving. Without the reservations for the Penitentiary and other direct wants

of the State, it is estimated that the Penitentiary might supply one million yards of cloth of such distribution, if not prevented by some disaster, and so the bill proposed this amount of such appropriation.

The bill further proposed in substance that the several counties shall provide for their respective portions of such dependents whatever additional support they may need, and to this end the county courts are to have the power of levying county taxes not higher in rate than the State taxes, with the privilege of collecting in specie in any county where the court shall so order, and with the additional privilege of commuting for other articles, as now allowed by law.

The Committee is persuaded that such a measure must rest on a supposed necessity arising from an assumption of inability to devise any plan that would be eligible for supporting such dependents by ordinary pecuniary resources.

The Committee is well apprised of discouraging circumstances which cause many persons to concede that no adequate alternative policy can be adopted, so as to supercede that of the House bill, but such a concession appears to be so hasty and inconsiderate as to require more deliberate consideration.

With all due respect for the present impressions of persons who sustain the policy of this bill, the Committee feels constrained to present other plans, and to solicit for them a careful and unbiased comparison.

Is the assumption correct that the financial condition of the State actually requires that the products of the Penitentiary must be specifically divided among the county courts to be administered by them for supporting the dependents of our soldiers?

The Committee emphatically answer in the negative.

Although the supporters of the bill hold the affirmative of a necessity for it, yet the Committee is quite willing to stake the result on conclusively proving the negative.

Among the numerous considerations which impress conviction on the Committee, it must select and present only a part of them, and this must be done with brevity. Circumstances forbid any attempt to make a full discussion of the subject, which would otherwise justify extended elaboration to correct errors and exhibit truths, to aid in redeeming and establishing the financial credit of the State.

Although past operations have brought all State paper to extremely discreditable depreciation, yet the unnecessary causes of such discredit are so manifest and the public resources are so great and available in comparison with the liabilities, that former failure affords no evidence against future success, except as an indication of unwillingness to employ the means at command to restore, increase, and establish State credit.

The Committee cannot doubt that the Legislature has the immediate and absolute control of means which could rapidly recuperate the public credit, so that State paper would soon be very near to par with specie.

To attain this result there would not be any necessity to increase the ad valorem tax on property. The present rate of this tax and the mode of payment in Confederate paper should be continued until the other resources had become successfully operative.

And like remarks are applicable to the poll tax.

The present tax in kind should likewise be continued on specie, Treasury Notes of the Confederate States, Treasury Warrants of this State, and bank notes, also the present specie tax on foreign bills of exchange and other evidence of foreign funds.

Obligations for personal appearances in court to answer for crimes might be payable only in specie as the best arrangement for assuring attendance.

But with the foregoing exceptions a general rule could be promptly established to bring dues to the State to the following terms for payment:

Let specie as the primary alternative be the standard for finding the rates of payment. Then let Confederate Treasury Notes as a second alternative, in commutation for the specie, be receivable at their current value, which might be determined by the rate at which the Confederate government should be receiving its own notes for specie dues, while such rate should approach the real value in general market. And, as a third alternative in like commutation, let all State liabilities be receivable at par, whether they be on Bonds or on the Comptroller's Warrants, authorizing the Treasurer to make payments (erroneously called "Treasury Warrants"). But this third alternative, if necessary, at any time could include all or any part of the State Bonds, and further on an extreme emergency,

this alternative might include only certain portions of the Warrants. Yet the inclusion of any liability to the extent of it necessarily would compromise the highest claim to State credit which would prompt the reception of any liability, whether due or not due, whenever the demand could be made to control the supply, without oppression of any essential interest, so as to keep all State paper at some figures approaching equality with specie.

The primary alternative would not require the actual payment of any specie, and it would be used as a mere regulation of the practical payments to be entirely made by the other alternatives.

The second alternative of receiving Confederate Notes cannot be at fault for depreciating this currency while making a demand for it and while taking it at the governmental rate when approaching real value or at the market value if the government should arbitrarily and materially depart therefrom. The taking of the paper as the circulation, which abounds in comparison with specie and State paper, would make payment practicable in every part of the country, and would obliterate the difficulty of payment where both specie and State paper should be scarce, particularly when this paper should be nearly absorbed.

The third alternative of receiving State paper must enhance its value in proportion to the demand for it, and the difficulty of procuring it until it should be regarded as an equivalent of the other alternatives or the lower one in case of difference.

The foregoing statements present some of the most plain and familiar principles of credit and of exchange as axioms to be applied to State liabilities and legislative resources.

The outstanding State liabilities consist of the following particulars, stated without precision, but nearly approaching accuracy.

First, warrants about	\$1,300,000
Second, eight per cent bonds about	916,000
Third, seven per cent bonds about	200,000

The current annual issues will consist of the following particulars, according to present laws, this statement being

also without precision, but nearly approaching accuracy.

First, warrants on accounts of dependents of officers and soldiers \$1,000,000

Second, warrants on civil list, about 300,000

It is now considered probable that some plan will be adopted by which the State will be relieved from the future expense of the frontier defense, except some small amount.

In view of the State liabilities it is now proper to consider the legislative resources for ultimately meeting all demands and for currently sustaining the credit of the State and its paper.

It is not deemed proper to predicate any present calculation nor policy on the claim of this State against the United States, although this debt may hereafter be of considerable value.

And, considering the liberality which may be continued towards the Confederate government, its liabilities to this State without abandonment are not here reckoned as parts of the Legislative resources now to be relied on, except the Confederate notes of the new issue, to be received under an authorized exchange for notes of the old issue.

The following summary will show some of the resources which the Legislature may use with perfect confidence in their reliability.

There is no reason to doubt that not long hence about \$1,000,000 of Confederate Notes of the new issue will be received from the Confederate government in exchange for notes of the old issue.

It is confidently estimated that the ordinary taxes payable in the new issue will annually yield at present rates about \$2,000,000.

These two sources will furnish notes of the new issue far beyond any absolute demands for such funds. And the large surplus can be applied for what it is worth in market to aid in some necessary exporting of cotton to purchase specie and other articles which must be obtained from abroad.

We now come to subjects which allow the application of the proposed plan of receiving payments in the triple alternative above stated. And these subjects must be presented in the briefest manner that may show the applicability of such general rule for payments.

The railroad companies are indebted to the State a trustee for the School fund about \$1,800,000 of specie liability, yet policy dictates that the alternate modes of payment should be allowed.

All taxes on licenses for occupations should be conformed to the alternative plan, and they might be regulated so as to make a large aggregate demand without burdening desirable occupations, especially by those taxing distillers.

This alternative policy should be applied to taxes on all sales of distilled spirits, fermented liquors, and wines whether domestic or imported: [except domestic wines] and whether the sales be by wholesale or by retail, and whatever should be the modes of assessment.

The same policy should be applied to mercantile transactions in general, whether the taxes be imposed on the articles as purchased or as sold.

And it is worthy of special notice that the taxes on merchandise including the sales of drinkables might be extended so as to make any desirable demand, especially on consumers at least, on ultimate and principal payers of taxes.

All office fees accruing to the State should be subjected to the same alternative terms of payment.

All fines should be brought within the same general rule.

Payments under existing laws for university and other lands should be made in the same way.

And so payments should be made for public lands by again opening the Land Office, if the other demands should leave any doubt of adequacy to sustain the credit of the State and its paper.

It was unnecessary to attempt detailed calculations of the extent of demands that might arise from the sources already stated, especially as their extent in the discretion of the Legislature need not be limited except by the occasion. It were enough to know, as any fair estimate must show, that a portion of these demands could thus control the value of all outstanding liabilities of the State, and of all the issues of its paper that are now authorized by law, and that these demands without pressing them to any inconvenient extent, could soon absorb the State's indebtedness, so that only a small amount of its paper would be

extant beyond the sum that owners would be disposed to hold on account of the established value of State paper and credit.

But the same policy should be adopted as to some county taxes, especially in parts of the State where the circumstances require the levying of such taxes in specie.

And the same alternative mode of payment should be applied to sales of the cloth and thread of the Penitentiary. But the Penitentiary resources are not to be considered a primary reliance because their continuance depends on various contingencies. During the existence of such means, they should be used as aids to a permanent system whose principal object should be to sustain the general credit of the State by maintaining that of its paper.

Such a policy would harmonize all interests. The Penitentiary goods might advantageously go to the Confederate government while the proceeds would come to the State Treasury and the State paper would be the best possible reliance for maintaining its civil administration of government, and for sustaining the dependents of our officers and soldiers.

The whole project of the House bill is in direct conflict with all these interests. The continuance of the Penitentiary is its uncertain basis. And details are manifestly unequal, unjust, and inadequate with reference to its avowed object.

But want of time and opportunity prevents this report from being further extended.

The Committee presents a substitute for the House bill to amend a former law providing aid for the same persons, and a collateral bill is also presented to regulate the disposal of Penitentiary goods.

Very respectfully submitted,
Pryor Lea, Chairman

The Committee on Enrolled Bills reported as follows:
Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled the following bills, viz.,

An act to incorporate the Bastrop Cotton and Wool Manufacturing Company.

An act supplementary to an act entitled an act to

amend the 3rd section of an act to incorporate the Dallas Bridge Company, approved December 11, 1861.

Joints resolutions on the death of General John Gregg.

An act making an appropriation to defray the contingent expenses of the office of Attorney General.

All of which being signed by the President of the Senate and Speaker of the House of Representatives were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

Mr. Parsons introduced a bill to repeal Article 256 of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee. Also a bill punishing with death the crime of horse stealing. Read 1st and 2nd times and referred to Judiciary Committee.

The question pending at the adjournment on yesterday was considered and the Senate adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present. The question before the Senate was informally passed over when Mr. Ford introduced a joint resolution concerning the books of the Military Board. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Harcourt, Chairman of Judiciary Committee, reported recommending the passage of a bill to define the time of holding the district courts in the 16th Judicial District.

The question before the Senate at its adjournment this noon was taken up when Mr. Dickson moved to lay Mr. Harcourt's amendment on the table. The yeas and nays stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Hartley, Haskell, Holland, Jordan, Jowers, Kinsey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—10.

The question then recurred on the adoption of Mr. Maxey's proposed amendment:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Durant, Harcourt, Hartley, Haskell, Holland, Hord, Jordan,

Jowers, Kinsey, Knox, Lea, Moore of Davis, Parsons, Shepard, Throckmorton, Wootten, and White—21.

Nays—Mr. Ford—1.

The question being on the passage of the bill to 3rd reading, the Senate adjourned until 9 o'clock A.M. tomorrow.

Wednesday, November 9, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Guinn, Chairman of Committee on Claims and Accounts recommended the passage of a bill for relief of Luke A. Falvell.

Mr. Guinn introduced a bill making an appropriation for repairing the Executive Mansion. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Burney introduced a bill to dispose of sundry property belonging to the State. Read 1st and 2nd times and referred to Finance Committee.

A message from the House informed the Senate of the passage of the following:

A bill to provide for the destruction of Treasury Warrants and coupons of the State Bonds paid into the Treasury. Read 1st and 2nd times and referred to Committee on Finance.

Joint resolution concerning peace, reconstruction, and independence.

A bill to repeal certain laws therein named. Read 1st and 2nd times and referred to Committee on Finance.

A bill amendatory of an act to regulate the estraying of stock in certain counties therein named. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill more effectually to provide for the support and maintenance of families and dependents of Texas soldiers, being on its passage to 3rd reading. Mr. Ford offered the following amendment:

Strike out sections 1, 2, 3 and 4 and insert.

Section 1. That 600,000 yards of the cloth and all the excess of thread manufactured by the State Penitentiary be and the same is hereby appropriated annually for the support and maintenance of the indigent families and dependents of Texas soldiers, to be used as follows: said cloth

and thread shall be sold by the Financial Agent of the Penitentiary in the City of Houston at public auction to the highest bidder for specie, after notice shall be given for three successive weeks in two newspapers published in the City of Houston having the largest circulation of the time and plan of said sale, and a sale shall be made once in every two months.

Section 2. It shall be the duty of the Financial Agent of the Penitentiary after paying the expenses of the transportation and sale of said cloth immediately after cash sale to pay over the proceeds thereof into the State Treasury.

Section 3. The money coming from the proceeds of the sales of cloth and thread as herein before provided for shall be distributed to the several county courts of the indigent families and dependents of Texas soldiers in the manner provided by law for the distribution of appropriations heretofore made; provided that nothing in this act contained shall be so constructed as to prevent the county courts of the counties which have not heretofore received the amount of cloth to which they were entitled under distributions heretofore made from directing the Financial Agent of the Penitentiary within ninety days from the approval of this act to sell the amount of cloth to which said counties may be entitled at the time and plan and upon the terms upon which the cloth in this act appropriated is required to be sold and the Financial Agent of the Penitentiary shall pay into the Treasury the proceeds of said sales to be distributed to the counties entitled to the same; provided there is a sufficient amount of said cloth left to pay such counties after as much of said cloth as may be necessary to meet the appropriation in this act made and for bartering to obtain subsistence, material and labor for the Penitentiary.

Laid on the table by the following vote:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—12.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Throckmorton, and Wootten—10.

Mr. Hord offered the following amendment to Section 1. Strike out all after the word "State" in the last sentence and insert "to be distributed by said county court to the indigent families and dependents of soldiers in their re-

spective counties." Mr. Maxey moved to lay the amendment on the table. Yeas and nays were as follows:

Yeas—Messrs. Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—11.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

The President voted nay.

The question being upon the adoption of the amendment the yeas and nays were as follows:

Yeas—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

Nays—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—12.

Mr. Guinn offered to amend by adding at the end of Section 4, "Provided further that in no case shall the cloth be sold or bartered at less than its market value." Mr. Dickson moved to lay on the table.

Yeas—Messrs. Charlton, Davis, Dickson, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—11.

Nays—Messrs. Burney, Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—12.

The amendment was then adopted. Mr. Hartley then offered the following amendment: Strike out all after the word "to" in 9th line of Section 4 and insert "distribute it to the indigent families and dependents of Texas soldiers and those engaged in the naval or marine service of the State or Confederate government according to their necessities."

Mr. Charlton moved to lay the amendment on the table. **Carried.**

The question shall the bill pass to 3rd reading being about to be put, Mr. Ford moved a call of the Senate which was sustained. The Senate not being full, a bill to provide for two itinerant revenue agents was taken up and read 2nd time. Mr. Hord moved to strike out "itinerant" wherever it occurs in the bill. **Carried.** The bill was then referred to a select committee. Messrs. Hord, Lea, Harcourt,

Throckmorton, and Ford were announced a said committee. Whereupon the Senate adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met. Roll called. Quorum present.

The call of the Senate having been suspended by the adjournment, the yeas and nays were called on the passage of the bill in relation to the support of soldiers' families, to its 3rd reading. Messrs. Shepard, Parsons, and Jowers were on motion appointed a committee to wait upon and receive the votes of Messrs. Jordan and Selman, who were unable from indisposition to be in the Chamber.

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Haskell, Holland, Jordan, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—11.

Mr. Selman was excused from voting. Mr. Throckmorton moved to suspend the rule. Yeas and nays were as follows:

Yeas—Messrs. Burney, Davis, Dickson, Durant, Ford, Guinn, Haskell, Holland, Hord, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, Throckmorton, Wootten, and White—17.

Nays—Messrs. Harcourt, Hartley, Knox, Lea, and Shepard—5. So the motion was lost, 4/5 being required.

A bill to amend the 5th section of an act to incorporate the City of New Braunfels was read 2nd time and informally passed over.

Mr. Maxey introduced a bill concerning the distribution of cloth from the Penitentiary. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Lea, Chairman of Committee on Finance, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance to which was referred a bill to be entitled an act to amend the first section of an act entitled an act to regulate the manner of liquidating claims for payment under appropriations made by the Legislature, approved May 28, 1864, has considered the subject and now reports the bill with a recommendation that it do not pass.

The object of the bill appears to be the including of the pension list in the provisions of the law to be amended. It is possible that some of the persons on this list should have some improved provision made for them, but the Committee is not satisfied of the existence of any such case, while there is good reason to believe that the list is now excessive in numbers and actually needs material reform.

Wherefore this Committee further reports a resolution that inquiry be made as to the condition of said list.

Pryor Lea, Chairman

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a House bill styled a bill to be entitled an act to insure correct returns of assessment rolls to the Comptroller's office, has considered the subject and now reports the bill with a recommendation that it be passed.

Pryor Lea, Chairman

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a House bill styled a bill to be entitled an act to provide for the exchange of so much of the old issues of the Treasury Notes of the Confederate States as is now or may be hereafter in the Treasury for the new issue as is authorized by the acts of Congress that now exist or may hereafter be passed, has considered the subject and now reports the bill with a recommendation that it be passed but with an amendment as submitted herewith, to be the second section of the act.

Pryor Lea, Chairman

The Senate then adjourned until 7 o'clock P.M.

Senate met, roll called, no quorum.

An adjournment until 9 o'clock A.M. tomorrow was moved and carried.

Thursday, November 10, 1864

9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Parsons, Chairman of Committee on Internal Im-

provements, recommended the passage of a bill to amend an act to incorporate the Galveston and Houston Junction Railroad Company.

Mr. Holland presented a resolution to adjourn *sine die* on Monday the 14th instant. The resolution was taken up. Mr. Guinn moved to insert at 11 o'clock P.M. Mr. Maxey moved to lay the consideration of the subject until 3 o'clock P.M. on Saturday next. There being a tie vote, the President voted yea.

A bill more effectually to provide for the support and maintenance of the families and dependents of Texas soldiers was taken up. Read 3rd time and the yeas and nays on its final passage stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Ford, Haskell, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Guinn, Harcourt, Hartley, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—10.

Mr. Harcourt made a question of order that a 2/3 vote was required to pass the bill, it being an appropriation for private or individual purposes and the President having decided that the bill had passed. Mr. Harcourt appealed and the yeas and nays being called were all given in support of the decision except Mr. Harcourt, who voted nay, so the bill passed.

A bill to amend Article 43 of *Oldham and White's Digest*. Read 2nd time. Substitute offered by Judiciary Committee. Adopted, and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

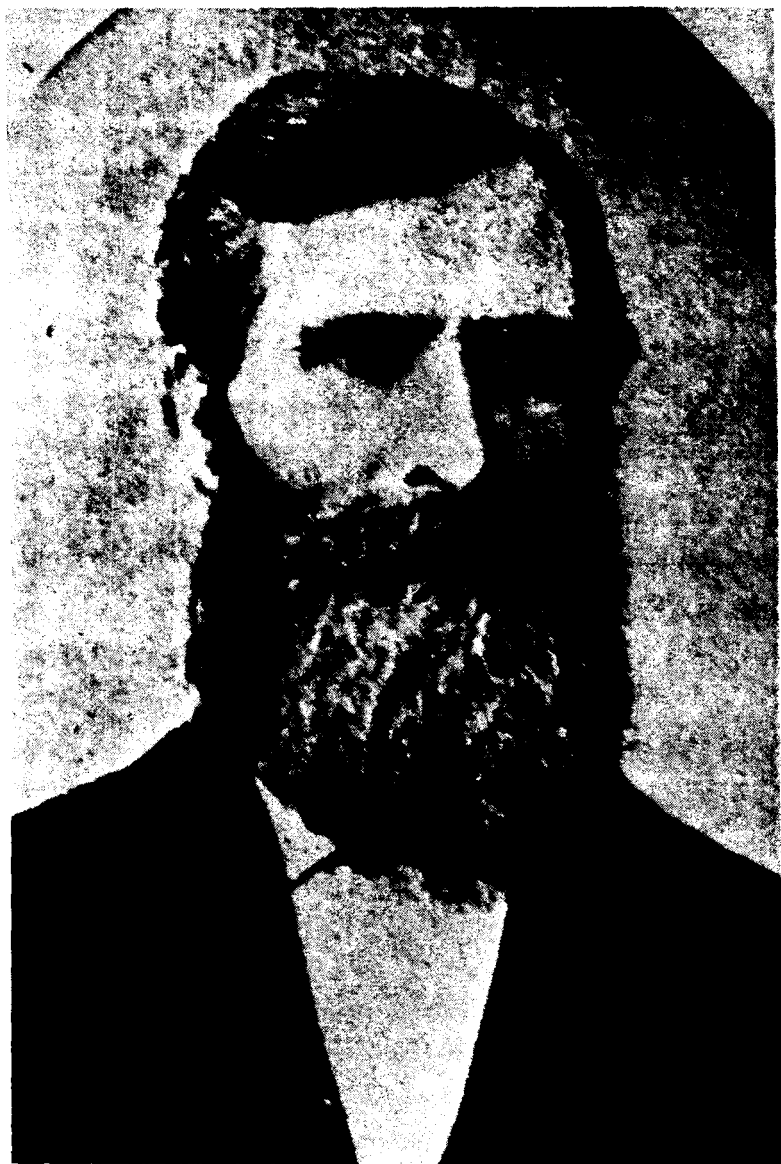
A bill to amend the 5th section of an act to incorporate New Braunfels Academy. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and the yeas and nays on its passage stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Durant, Guinn, Hartley, Holland, Hord, Knox, Maxey, Moore of Davis, Parsons, Shepard, Throckmorton, and Wootten—16.

Nays—Messrs. Ford, Harcourt, Haskell, Jowers, Kinsey, Lea, and White—7.

A message was received from the House informing the Senate of the passage of the following bills:

A bill to abolish the Military Board and provide for



William Quayle
Senator from Norton's Grove

Source: *Confederate Veteran*,
X, No. 8 (August, 1902), 373.

closing up the business thereof. Read 1st and 2nd times and referred to Committee on State Affairs.

A joint resolution in regard to the impressment of beef. Read 1st and 2nd times and referred to Committee on State Affairs.

A joint resolution in relation to the purchase of cotton cards, wool cards, and medicines. Read 1st and 2nd times and referred to Committee on State Affairs.

A resolution to adjourn *sine die* on Saturday, 12th instant, at 9 o'clock A.M.

The Senate then adjourned until 9 o'clock A.M. tomorrow.

Friday, November 11, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Davis from Committee on State Affairs recommended the passage of a bill amendatory of an act to regulate the estraying of stock.

Mr. Maxey from same committee made the following reports:

Honorable F. S. Stockdale, President of the Senate:

The Committee on State Affairs, to whom was referred a joint resolution in regard to the impressment of beef, have had the same under consideration and a majority have instructed me to report the same back to the Senate and recommend its passage. The Committee would not be understood as being opposed to the Confederate military authorities impressing beef when it is necessary to feed the gallant soldiers in the field if the holders of the beef were to refuse to sell, but they can see no justification for an agent of the government who unlawfully makes impressments of cattle to be driven to Mexico and sold, and they trust that such acts have not the sanction of the Government.

Rice Maxey
one of the Committee

To Honorable F. S. Stockdale, President of the Senate:

The Committee on State Affairs, to whom was referred a bill to be entitled an act concerning the distribution of cloth from the Penitentiary, have had the same under con-

sideration and a majority of the Committee have directed me to report the same with expression of opinion that it ought to pass, with the following amendment to come in at the foot of the bill between the words "to" and "and" in the 2nd line from the bottom, to wit: "Provided, however, that to authorize any county to receive its portion of cloth under this act it shall be necessary for the chief justice of the county to notify the Financial Agent of the Penitentiary within ninety days from the passage of this act of his intention to take the cloth, otherwise the said county shall not be entitled to the benefits of this act."

Rice Maxey

one of the Committee

The Finance Committee through Mr. Throckmorton reported a substitute for a bill to provide for the destruction of Treasury Warrants and coupons of the State Bonds paid into the Treasury.

Mr. Jowers presented the petition of L. S. Robb in relation to stopping unweaned calves so as to use the milk of the cow.

Mr. Lea, Chairman of Finance Committee, made the following reports:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a House bill styled a bill to be entitled an act to repeal certain acts therein named, has considered the subject and now reports the bill, with a recommendation that it be passed with two amendments herewith presented, as parts of this report.

Amendments proposed by the Committee

1. Strike out all of the bill after the word "repealed" immediately preceding the proviso, and insert the following:

". . . except as to their operation on contracts, which have been made by the Governor, and which have been fully executed or which shall hereafter be fully executed, being now in actual progress of fulfillment, so as to require the corresponding issuance and delivery of the bonds to some person or persons who shall have made and performed, respectively, their parts of contracts without any fraud against the State.

Section 2. This act shall be in force from its passage.

2. At the end of the caption add "except as to specified contracts."

The Committee does not deem it necessary to give reasons for these amendments beyond what they exhibit.

Pryor Lea, Chairman

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill to be entitled an act to dispose of sundry property belonging to the State, has considered the subject and now reports the bill, with a substitute, and a recommendation that the latter be passed.

Pryor Lea, Chairman

A bill to define the time of holding the district courts in the 16th Judicial District. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to define the time of holding the district court in the 2nd Judicial District. Read 2nd time. Amendment of Judiciary Committee adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to provide for the destruction of Treasury Warrants was on motion taken up. Read 2nd time. Substitute recommended by Committee on Finance was read and adopted, and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A message from the House informed the Senate that the House had concurred in the Senate amendments to a bill to more effectually provide for the support and maintenance of families and dependents of Texas soldiers.

Senate joint resolutions concerning the books of the Military Board.¹²

Joint Resolutions from the House in relation to soldiers in the Penitentiary.

A bill to prescribe what kind of funds shall be received in the payment of certain taxes. Read 1st and 2nd times and referred to Committee on Finance.

A bill to dispose of sundry property belonging to the State was taken up, read 2nd time, substitute adopted and bill passed to 3rd reading. Rule suspended, read 3rd time and passed.

¹²See Appendix II.

A bill to amend 2nd section of the law suspending all laws for the collection of debts. Read 2nd time, amendments adopted and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill providing for exchange of old issue of Confederate Notes for the new issue. Read 2nd time. Amendments of Committee on Finance adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

The Committee on State Affairs recommended that joint resolutions relating to the impressment of beef cattle do not pass, Mr. White dissenting. Mr. White moved to take up the report. Carried. Mr. White then moved to lay the report on the table. Lost. The report was then adopted.

A bill to amend Article 754 of Code of Criminal Procedure. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to repeal an act prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches detached from home of owner. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill for relief of Luke A. Falvell. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to provide cotton cards, wool cards, and medicines for the people of this State. Read 2nd time and referred to Judiciary Committee.

Mr. Wootten offered a resolution restricting the debates to ten minutes for each member. Laid on table for one day's consideration.

The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present.

The Committee on Enrolled Bills reported correctly enrolled, properly signed, and presented to the Governor the following:

A bill to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers.

And a bill to amend the 4th section of an act to organize the Supreme Court.

Mr. Harcourt, Chairman of Judiciary Committee, reported and recommended the passage of a bill to amend an act to reorganize 17th Judicial District.

Joint resolutions concerning the distribution of medicines. Read 2nd time. Passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill for relief of the heirs of John B. H. Jones, deceased. Read 2nd time, amended and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to amend Article 140, Title 1111, Code of Criminal Procedure, with report to Judiciary Committee recommending its indefinite postponement. Read 2nd time. Mr. Ford moved to lay the report on table. Lost. The report was then adopted.

A bill to relieve Zepheniah McMillon from the disability of minority. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

The Committee on State Affairs through Mr. Davis reported a joint resolution in relation to the purchase of cotton by the county courts and recommended its reference to Judiciary Committee. Report taken up and adopted.

Mr. Dickson introduced a bill to authorize the Treasurer to employ some suitable person to sign his name in certain cases. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to allow assessors and collectors and chief justices to purchase stationery from the Comptroller's office. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

The Senate then adjourned until 9 o'clock A.M. tomorrow.

Saturday, November 12, 1864

9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Jowers presented the petition of John M. Moore, which was referred to Committee on State Affairs.

The Committee on Enrolled Bills reported the following correctly enrolled, properly signed, and presented to the Governor:

Joint resolutions concerning peace, reconstruction and independence.

Joint resolutions concerning the books of the Military Board.

Mr. Harcourt, Chairman of Judiciary Committee, made the following report:¹³

A bill to insure correct returns of assessment rolls to the Comptroller's office. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to extend the time for the redemption of land sold for taxes. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Joint resolution construing an act to require the financial agent of the Penitentiary to settle his accounts quarterly with the Comptroller. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill concerning the disposal of cloth made at the Penitentiary. Read 2nd time. Amendments of Committee on State Affairs adopted and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The resolution restricting debates to ten minutes was read and adopted.

The report of Finance Committee on a bill to amend the 1st section of an act to regulate the manner of liquidating claims for payment under appropriation made by the Legislature was read and adopted.

A bill to make an appropriation for the enclosure of the State Cemetery. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to dispose of the surplus cloth and thread manufactured at the Penitentiary. Read 2nd time and ordered to be engrossed by the following vote:

Yeas—19.

Nays—Messrs. Hartley, Kinsey, and Parsons—3.

Joint resolution relative to the export duties on cotton. Read 2nd time. Mr. Hartley offered the following amendments: First, strike out "The consequence of this management persevered in cannot fail to be the cessation of production, and with it all revenue derived from that source Nor has this been the only veil resulting from this vicious system." Lost. Second, strike out "a further consequence

¹³This report cannot be located in the Archives.

of this system has been that the country seeing large outlay for cotton purchased and the small return have become suspicious of speculation and convinced of mismanagement, and men who were at first willing to give them cotton to support the Army are now loth to sell it to any government agent." Lost.

The resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Joint resolution in relation to 9th Regiment of Texas Infantry. Read 2nd time. Amendments of Committee on Military Affairs adopted and resolution ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The following majority and minority reports were submitted by the Judiciary Committee.¹⁴

Mr. Lea, Chairman of Finance Committee, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill from the House styled a bill to be entitled an act to raise revenue by levying an occupation tax on the distillation and sale of spiritous liquors, and an income tax on the sale of spiritous, malt, and vinous liquors, has considered the subject, and now reports the bill with a substitute and recommends that the latter be passed.

Pryor Lea, Chairman

A message from the House informed the Senate of the passage of the following bills:

Joint resolution relative to cotton and wool cards. Read 1st and 2nd times and referred to Committee on State Affairs.

Bill to repeal an act and part of an act therein named. Read 1st and 2nd times and referred to Committee on Finance.

Bill for relief of E. McLaughlin. Read 1st and 2nd times and referred to Committee on Military Affairs.

Bill to provide for the publication of synopsis of the decisions of Supreme Court. Read 1st and 2nd times and referred to Committee on Judiciary.

Bill making appropriation for contingent expenses of 2nd Extra Session of the 10th Legislature. Read 1st time.

¹⁴These reports are missing and cannot be located in the Archives.

Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Substitute for Senate bill to amend Article 702 of Code of Criminal Procedure.

. . . and asking for joint committee to consider a bill authorizing the purchase of cotton and wool cards. Messrs. Wootten, Hord, and Davis were announced as the Senate Committee.

A bill making an appropriation to pay the per diem mileage of members and per diem of officers of 2nd Extra Session of the 10th Legislature.

And have concurred on Senate amendments to the following bills:

A bill to be entitled an act to provide for the exchange of the old issue of Treasury Notes of the Confederate States now in the Treasury of the State for the new issue.

An act to define and fix the time of holding the district court in the 2nd Judicial District of the State of Texas.

An act to provide for the destruction of Treasury Warrants and coupons of the State Bonds paid into the Treasury.

A bill for the relief of the heirs of John B. H. Jones.

Senate's bill concerning the distribution of cloth from the Penitentiary, with an amendment. Concurred in.

Senate's bill to authorize the Treasurer to employ some suitable person to sign his name in certain cases, with amendment. Concurred in.

Senate bill to amend 5th section of an act to incorporate the New Braunfels Academy.

A bill to incorporate the Holly Springs Manufacturing Company.

A joint resolution in relation to frontier organization.

House has agreed to Senate's amendment to resolution to adjourn *sine die*.

A bill making an appropriation to pay the per diem and mileage of members and per diem of officers of 2nd Extra Session of the 10th Legislature. Read 1st time. Rule suspended. Read 2nd time. Mr. Harcourt offered the following amendment: "and if there be no funds in the Treasury a certified account shall be given to each member for the amount due him." Mr. Jowers offered an amendment. The amendments were laid on table. Rule suspended. Bill read 3rd time and passed.

A bill to amend an act to revive and continue in force an act to incorporate the Galveston and Houston Railroad Company. Read 2nd time. Rule suspended. Read 3rd time and passed by constitutional majority.

A bill supplementary and amendatory of an act to incorporate the Guadalupe Manufacturing Company. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed by constitutional majority, Mr. Hartley voting nay.

A message from the House announced the adoption of a substitute for Senate's bill to amend Article 702 of Criminal Procedure which was taken up and made special order for 4 o'clock P.M.

A bill to raise a revenue by levying an occupation tax on the distillation and sale of spiritous liquors and an income tax on the sale of spiritous malt or vinous liquors. Read 2nd time, substitute offered by Committee on Finance. Adopted. Mr. Kinsey offered the following amendment: "Amend by adding to the 2nd section as follows: And any person or persons increasing his, her, or their still on which he, she, or they shall have paid a license on or shall add another still in the distillation of liquors to the one he, she, or they shall have paid a license on shall be guilty of all the penalties prescribed by this act and punished accordingly.

H. M. Kinsey

The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

The House substitute for Senate's bill to amend Article 702 of the Code of Criminal Procedure was taken up and Senate refused to pass it and Messrs. Harcourt, Guinn, and Lea were made Committee of Conference.

The following report was made:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled an act for the relief of the heirs of John B. H. Jones, deceased.

An act to allow assessors and collectors and chief justices to purchase stationery at the Comptroller's office.

An act to relieve Zepheniah McMillon of the disability of minor.

An act to amend the 5th section of an act to incorpor-

ate the New Braunfels Academy, passed February 5th, 1858.

Joint resolutions concerning the distribution of certain medicines.

An act to define and fix the time of holding the district courts in the 2nd Judicial District of the State of Texas.

An act to provide for the destruction of the Treasury Warrants, coupons of the State Bonds, and Bonds of the State that have been paid or may hereafter be paid into the Treasury and cancelled by the Treasurer and turned over to the Comptroller as voucher.

An act to provide for the exchange of so much of the old issue of the Treasury Notes of the Confederate States as now or may be hereafter in the Treasury for the new issue as is authorized by the acts of Congress that now exist or may hereafter be passed.

An act for the relief of Luke A. Falvell.

All of which being properly signed were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

A bill to amend Article 819 and 820 of the Penal Code. Read 2nd time and indefinitely postponed.

A bill supplementary to an act to regulate the proceedings in county courts in estates of deceased persons was taken up. Read 3rd time. Mr. Throckmorton moved to strike out "constitutional currency" and insert "specie." Carried and bill passed.

A bill to incorporate the Houston City Mills Manufacturing Company. Read 2nd time and passed to 3rd reading. Rule suspended. Rule suspended. Read 3rd time and passed by Constitutional minority, Mr. Lea voting nay.

Mr. Shepard, Chairman of Committee on State Affairs, made the following report:

To the President of the Senate:

The Committee on State Affairs have considered a bill to be entitled an act to amend the first section of an an act to regulate the manner of liquidating claims for payment under appropriations made by the Legislature, approved May 28, 1864, and a majority of the Committee

have instructed me to report the same back to the Senate and recommend its passage.

C. B. Shepard, Chairman

Mr. Hord introduced the following: *Resolved*, That the Chairman of the Joint Committee on the Military Board be authorized to pay the expenses of the investigation out of the contingent fund for the 2nd Extra Session of the 10th Legislature. Adopted.

Mr. Kinsey from Committee on State Affairs reported a substitute for a bill to facilitate the introduction of the carding machine of Messrs. Johnson and Hayford.

A bill authorizing the Comptroller to audit and settle the account of L. P. Strong for subsidizing the Tonkawa Indians. Read 2nd time. Amendment of Committee on Claims and Accounts adopted. Rule suspended. Read 3rd time and passed.

A bill to incorporate the Houston Paper Mill Manufacturing Company. Read 2nd time. Mr. Hartley moved to strike out "other articles." Carried and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed by constitutional majority, Mr. Jowers voting nay.

A bill to regulate the unsold Bonds of the State sustained by a specie tax. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Wootten introduced a bill to authorize the Adjutant and Inspector General to appoint a chief clerk. Read 1st and 2nd times and referred to Committee on Military Affairs.

The adjournment resolution from the House was amended so as to read "on Tuesday 15th instant at 7 o'clock A.M."

The following report was presented:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has considered a joint resolution of the House in relation to the purchase of cotton by the county courts of the several counties, and the committee not having time to inquire into the merits of the subject instruct me to return the same to the Senate and ask to be discharged from their further consideration.

John T. Harcourt, Chairman

A bill to remove the disability of minority from cer-

tain persons therein named. Read 2nd time. Mr. Dickson moved to amend by inserting the name of Leonidas Moody Bragg of Grimes County. Carried, and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to enable the legal representatives of General Thomas Green to collect by due course of law without delay the costs due him as clerk of the Supreme Court. Read 2nd time and ordered to be engrossed.

A bill amendatory of the act to regulate the estraying of stock. Read 2nd time. Mr. Burney moved to amend so as to make the operation of the bill general. Carried, and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill supplementary to an act regulating juries. Read 2nd time. Rule suspended. Read 3rd time and passed.

Mr. Hord from select committee reported on behalf of the majority a substitute for a bill to provide for two revenue agents.

A bill to provide for holding special terms of the district courts. Read 2nd time and the report of Judiciary Committee adversely to its passage was read and laid on table. The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Hord moved to reconsider the vote adopting the resolution authorizing the Chairman of Joint Committee on Military Board to pay the expenses of the investigation out of the contingent fund. Carried. The resolution was then unanimously adopted.

Mr. Throckmorton offered the following resolutions which were adopted: The expenses incurred by the committee appointed by the Legislature to investigate the Military Board in procuring a clerk to be paid out of the contingent fund of the Legislature according to the price agreed to be paid by the Committee.

A bill to amend Article 608 of *Oldham and White's Digest*, Read 2nd time. The question being on the adoption of the report of Judiciary Committee recommending its indefinite postponement, Mr. White moved to lay the report on table. Lost. The report was then adopted.

Mr. Harcourt made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Free Conference between the two houses, to which were referred a Senate bill to be entitled

an act to amend Article 702 of the Code of Criminal Procedure, and a House substitute, have considered the subjects and have come to the following understanding:

The Committees recommend that the bill as passed by the Senate be adopted in place of the substitute of the House, and that thus the bill be passed.

John T. Harcourt, Chairman
Senate Committee

M. H. Bowers, Chairman
House Committee

A bill to amend an act to regulate publication notices in certain cases. Read 2nd time and indefinitely postponed.

Joint resolution relative to the purchase of supplies from quartermasters or commissaries. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill supplementary to an amendatory of an act to establish a Code of Criminal Procedure. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to amend 12th and 24th sections of an act to authorize county courts to regulate roads, appoint overseers, etc. Read 2nd time, the report of Committee on State Affairs recommending its indefinite postponement. Report laid on table and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley introduced a bill to establish the salary of the Chief Clerk of the Treasurer's office. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The Senate then adjourned until 9 o'clock A.M. on Monday next.

Monday, November 14, 1864
9 o'clock A.M.

Senate met, roll called, quorum present.

Mr. Lea, Chairman of Finance Committee, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill from the House styled a bill to be entitled an act to

repeal an act and part of an act therein named, has considered the subject and now reports the bill with a substitute, and recommends that the latter be adopted and passed.

The Committee recommends this measure both for its intrinsic propriety and as one means of adjusting a connected system of measures now before the Legislature, the adoption of which, in substance, appears to have become necessary for the financial credit of the State and its paper, and for support of dependents of Texan soldiers.

Pryor Lea, Chairman

The following report was presented:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled an act concerning the distribution of cloth from the Penitentiary.

An act to extend the time for the redemption of land sold or to be hereafter sold for taxes.

An act to insure correct returns of assessment rolls to the Comptroller's office.

The same being properly signed has been presented to the Governor for his approval.

D. C. Dickson, Chairman

Mr. Ford, Chairman of Committee on Military Board, made the following report:¹⁵

Mr. Harcourt made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has duly considered a bill to be entitled an act to amend Article 773B of the Penal Code, and instruct me to report that the object of the amendment is to arrest an evil practice of some transient persons in the western part of the State who are not citizens of this State and who take advantage of the times—obtain money from our citizens, under the premise of performing certain personal service, and then leave the State without complying with their engagements.

I am directed to report the accompanying substitute and recommend its adoption and the passage of the bills.

John T. Harcourt, Chairman

The report was taken up. Bill read 2nd time, a substi-

¹⁵This report cannot be located in the Archives.

tute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The report of Committee on Finance made this morning was on motion taken up. Bill read 2nd time, substitute adopted.

Mr. Kinsey offered the following amendments: Amend the 2nd section by striking out all in the said section after the word "operative" in the 6th line and insert "for more than five hundred thousand dollars in Texas Treasury Warrants which shall be forthwith paid, and that the amount to be paid as one appropriation for the support of the dependents of soldiers' families for the year 1865, shall be paid in Confederate Treasury Notes of the new issue, \$500,000 of which shall be paid on the 1st day of March, 1865, and \$500,000 on the 1st day of September of the same year.

Mr. Hartley offered to amend the amendment by striking out the 2nd section of the bill. Lost. The question recurring, Mr. Kinsey's amendment was taken and the amendments were laid on table.

Mr. Harcourt then offered the following amendment which was lost: Strike out after the words "might be made" in the 1st section the words, "in liabilities of the State, either by Comptroller's Warrants in its Treasury or by its Bonds including their coupons at par with specie." And insert in lieu thereof, "Confederate Treasury Notes of the new issue."

Mr. Dickson moved to strike out all that portion of the bill which authorizes issuing Treasury Warrants for support of soldiers' families for 1865.

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Ford, Harcourt, Hartley, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, Shepard, Throckmorton, and White—17.

Nays—Messrs. Guinn, Haskell, Hord, Knox, Lea, and Wootten—6.

The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley introduced a bill to authorize the County Court of Galveston County to borrow money to support the indigent persons of said county. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Shepard offered the following: a joint resolution rescinding the time fixed for adjournment.

Mr. Shepard, Chairman of Committee on State Affairs, recommended the passage of a bill making an appropriation for inclosing the State Cemetery, with following amendment: Strike out "Ten" and insert "Two."

The following report was presented:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled an act to authorize the Treasurer of the State to employ some competent person to sign his name in certain cases and making an appropriation therefor an act supplementary to an act entitled an act to regulate proceedings in the county courts, approved March 28, 1848.

An act to incorporate the Houston City Mills Manufacturing Company.

An act supplementary to and amendatory of an act entitled an act to incorporate the Guadalupe Manufacturing Company.

An act to authorize the Comptroller to audit and settle the accounts of L. P. Strong for subsidizing the Tonkawa Indians.

An act making an appropriation to pay the contingent expenses of the 2nd Extra Session of the 10th Legislature.

An act making an appropriation to pay the mileage and the per diem of members, and the per diem of officers of the second Extra Session of the 10th Legislature.

An act to incorporate the Houston Paper Mill Manufacturing Company.

An act amendatory of an act entitled an act to incorporate the Galveston and Houston Junction Railroad Company, approved April 8, 1861, and to amend said act, approved February 28, 1863.

An act to amend the 12th and 24th sections of an act to authorize and require county courts to regulate roads.

An act supplementary to an act entitled an act regulating juries, approved May 4, 1846.

An act supplementary to and amendatory of an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856.

All of which being properly signed were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

A bill to repeal the 1st section of an act to suspend the location, survey, and sale of the public domain except in certain cases. Read 2nd time. The report of Committee on Public Lands recommending that the bill do not pass was adopted.

A bill to reorganize the 17th Judicial District. Read 2nd time. Mr. Harcourt offered a substitute which was adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to protect persons in the right to consult counsel in certain cases. Read 2nd time and passed to 3rd reading. Read 3rd time and passed.

A bill to repeal certain laws therein named. Read 2nd time. Mr. Throckmorton offered a substitute which was adopted. Mr. Ford moved to strike out all in relation to the purchase and importation of medicines. Lost, and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed by the following vote:

Yeas—Messrs. Burney, Davis, Ford, Guinn, Haskell, Jordan, Jowers, Knox, Lea, Maxey, Moore of Davis, Shepard, Throckmorton, Wootten, and White—15.

Nays—Messrs. Charlton, Dickson, Harcourt, Hartley, Holland, Hord, Kinsey, Parsons, and Selman—9.

Mr. Shepard made the following report:
To the Honorable F. S. Stockdale, President of the Senate:

The Committee on State Affairs to whom was referred the following bills, viz, a bill making appropriation to cover and repair the Executive Mansion.

A bill to abolish the Military Board to provide for closing up the business thereof.

A joint resolution relative to cotton and wool cards.

Also a petition of John M. Moore.

We have for want of time been unable to consider the said bills and resolution and memorial with that care which their importance merits. The Committee therefore have instructed me to report the same back to the Senate for their consideration and request that the Committee be discharged from further consideration of the same, and recommend the passage of a bill to incorporate the Austin Iron Company.

C. B. Shepard, Chairman

The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to authorize the Governor to purchase 80,000 pair of cotton and 20,000 pair of wool cards. Read 1st time. Rule suspended. Read 2nd time. Mr. Harcourt moved to indefinitely postpone. Carried.

The following report was presented:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred the following subjects, now returns them to the Senate and asks to be discharged from further consideration of them because each of them has been embraced in other measures which have received such action as to supercede the necessity for any further action or report of this Committee.

A bill to be entitled an act to prescribe what kind of funds shall be received in the payment of certain taxes, from the House.

A Senate bill prohibiting the further issuance of Treasury Warrants.

Two petitions, one from Goliad County, and another from Fayette County, concerning support for soldiers' families.

Two petitions for repeal of what is called the liquor law.

And a joint resolution concerning adjournment.

The Committee has no other subjects under consideration and thus clears its table of all subjects which have been referred to it.

Pryor Lea, Chairman

Mr. Maxey introduced a bill supplementary to an act to provide more effectually for the support and maintenance of families and dependents of Texas soldiers. Read 1st time. Rule suspended. Read 2nd time. Mr. Kinsey moved to strike out 500,000 and insert 100,000. Mr. Hartley offered a substitute for the bill and amendment. The bill and amendments and substitute was made special order for 10 o'clock P.M.

Mr. Jowers introduced a bill fixing the salary of private secretary of the Governor and making an appropriation therefor. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to incorporate the Holly Springs Manufacturing Company. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Mr. Ford moved to strike out the words "corn meal and flour." Carried. Rule suspended. Read 3rd time and passed by a constitutional majority.

The following communication from the Governor was read:¹⁶

Executive Department

Austin, November 14, 1864

Senators and Representatives:

I feel it my duty to announce to you officially that the Financial Agent of the Penitentiary has in his possession five hundred thousand dollars or more, in Confederate Notes of the new issue collected for the products of the Penitentiary sold. This fact has been made known to me since you assembled here and as it may have an influence upon your legislation upon the finances, I deem it my duty to make it known to you.

If Treasury Warrants are to be issued under any plan that will cause them to be sacrificed in the market and the credit of the State thereby depreciated it would be better that these Confederate Notes should be used to accomplish the objects proposed by the issuance of Treasury Warrants rather than use those Warrants under any system which will cause them to be at a low value in market.

It is proposed to issue Treasury Warrants to meet the appropriation for the support of the dependents of officers and soldiers due in September last. I have no reserve in saying that it would be a better policy to use the Confederate Notes of the new issue for this purpose than to issue State Treasury Warrants under any system that will not, from the date of its adoption, cause them to be valued in market in comparison with specie at fifty cents or more on the dollar. If the credit of the State is to be used at all for the support of the State government and for the support of the families of soldiers, let it be so used that its promises will be received and regarded at par, or an approach to it in the market and in trade.

If a system of this kind cannot be adopted by the Legislature, issue no Treasury Warrants, provide in some way

¹⁶This message is taken from Executive Record Book No. 280, 1863-1865, pp. 166-168 (Archives Division, Texas State Library).

for the support of the families of soldiers, and rely for the other necessities of the government upon the Confederate currency.

Statement of Confederate Notes, Old Issue,
in the Treasury of the State of Texas,
subject to be funded and exchanged

In \$100.00 notes received before July 1, 1864		1,626,300.00
In \$50's, \$20's, and \$10's received before July 1 and \$5's re- ceived before October 1, 1864		915,197.69
Total amount received before July 1 and October 1, 1864		2,541,497.69
One half of the above amount to be funded at par, in coupon non-taxable bonds payable in 20 years with interest at 4% per annum payable half year- ly, under act of June 14, 1864	1,270,748.84	
One half to be exchanged from New Issue, under act of June 14, 1864		1,270,748.85
Received in \$50's, \$20's, and \$10's after July 1, 1864	274,613.73	
subject to discount of 33%	91,537.91	
To be exchanged for New Issue under act of February 17, 1864	183,075.82	183,075.82
Total amount to be exchanged		1,453,824.67

I certify that the above statement is correct.

Comptroller's Office

Austin, December 31, 1864

W. S. Robards, Comptroller

P. Murrah

A bill to provide for the publication of a synopsis of decisions of Supreme Court. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed

Mr. Dickson moved to take up a bill to abolish the Military Board and to provide for closing up the business thereof. Carried. Bill read 2nd time and made special order for 10 o'clock P.M.

A bill to amend 1st section of an act to regulate the manner of liquidating claims under appropriations made by the Legislature approved May 28, 1864. Read 2nd time. Mr. Harcourt moved ot strike out "Treasury Warrants" and insert "Confederate Treasury Notes of the new issue." Laid on table informally.

The following report was presented:

Report of Committee of Confederate Relations on bill to repeal an act and part of an act therein named.¹⁷

Report adopted, Mr. Hartley voting nay.

The following report was then presented:

President of the Senate:

The Committee of Conference on the House bill to be entitled an act to repeal an act and part of an act therein named, and the Senate's bill as a substitute therefor, have considered the same, and have agreed to recommend the Senate to recede from its bill and as a part of the same series of measures for the support of soldiers' families would recommend to the Senate to pass the House bill amendatory of the bill to distribute the Penitentiary cloths.

J. W. Throckmorton, Chairman
Senate Committee

D. M. Prendergast, Chairman
House Committee

A bill to allow the use of the Penitentiary for the confinement of convicts from the states of Louisiana, Arkansas, and Missouri. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Joint resolution in relation to frontier organization. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to amend 1st section of an act to regulate the manner of liquidating claims under appropriations made by the Legislature, approved May 28, 1864. The question being on the adoption of Mr. Harcourt's amendment, Mr. Guinn moved a call of the Senate which was sustained. The Senate not being full, the Senate proceeded to consider a bill to incorporate the Southern Minerva Institute. Read 2nd time, amendment of Committee on Education adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed by constitutional majority.

¹⁷This report cannot be located in the Archives.

The following report was presented, taken up, and considered and adopted:

To the Honorable F. S. Stockdale, President of the Senate, and the Honorable M. D. K. Taylor, Speaker of the House:

The Committees of Free Conference between the two Houses, to which were referred a House bill to be entitled an act to raise revenue by levying an occupation tax on the distillation and sale of spiritous liquors, and an income tax on the sale of spiritous, malt, and vinous liquors, and the Senate's substitute, a bill to be entitled an act to raise revenue from occupation, income, and poll taxes, have considered the subjects, and now report that they recommend the adoption and passage of the Senate's substitute, with the following amendments:

In Section 8, after the word "merchant" insert "whose business may be wholesale, retail, or commission." Then strike out "five" and insert "three."

In Section 8, strike out the clause concerning tannery.

In Section 9, as to Negro traders, strike out "fifty" and insert "two hundred."

In Section 9, strike out "one hundred dollars" and insert "one dollar for each mile of the length of the route."

In Section 9, strike out "or doctor."

In Section 10, at end of first division add "on each doctor ten dollars."

In Section 10, strike out the clause as to a keeper of a boarding house.

In Section 11, strike out the provision as to stage and hack drivers.

In Section 12, strike it out.

In Section 14, at the end add "provided that permanent residents shall be allowed three months for their respective terms of assessment, return, and collection."

Section 15, strike out "as near as practicable" and insert "every three months."

In the caption strike out "and poll;" also, after "occupation" insert "and."

Pryor, Lea, Chairman
Committee of Senate
J. T. Brady, Chairman
Committee of House

The call of the Senate having been suspended, Mr.

Harcourt's amendment to the bill to amend 1st section of act to regulate the manner of liquidating claims under appropriations, etc., being under consideration. The bill was referred to Committee on Finance.

A bill to abolish the Military Board being special order for this hour 10 P.M. was taken up. Read 2nd time, and question being on the passage of the bill to a [torn] Mr. Hord moved a call of the Senate which was sustained. The Senate not being full a joint resolution in relation to claims held by counties, corporations, etc., was taken up. Report of Committee on State Affairs adversely to the bill was adopted.

Mr. Dickson offered the following resolution: *Resolved*, That the Secretary of the Senate be required to record the Senate Journals of the 2nd Extra Session of the 10th Legislature, for which service he shall receive three hundred dollars payable out of the contingent fund of the Legislature. Adopted.

The call being suspended the question on passing to its 3rd reading the bill to abolish the Military Board recurred, when the bill was laid on the table.

A joint resolution in relation to cotton and wool cards. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed. A motion to reconsider was made and carried. Mr. Guinn moved to amend by striking out "and those contracts for." Adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A joint resolution in relation to the impressment of beeves. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill making an additional appropriation for the support of the government for years 1864 and 1865. Read 1st time. Rule suspended. Read 2nd time. Mr. Jowers offered amendment for purchasing stationery for assessors and collectors and chief justices by the Comptroller. Adopted. Bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A message was received from the House informing the Senate of the passage of the following bills:

Joint resolution in relation to the State Penitentiary.

A bill amendatory of an act to regulate the estraying of stock, with nonconcurrence of House in Senate amendments.

Senate's bill to establish the salary of Chief Clerk of the Treasurer's office.

House bill making an appropriation for recovering or repairing roof of Governor's Mansion.

. . . and have adopted Report of Committee of Conference on bill to amend Article 702 of the Code of Criminal Procedure. Have also adopted report of Joint Committee on bill to provide for introduction of cards into this State.

Have refused to adopt Senate's substitute to a bill to raise revenue by occupation and income tax.

And also Senate's substitute to bill to repeal an act and part of an act therein named on the disagreement on the revenue by occupation and income tax. Senate adheres and asks for Committee on Conference. The same action was had on the bill to repeal an act and part of an act therein named. Messrs. Lea, Guinn, and Dickson were appointed Committee of Conference on Revenue Occupation and Messrs. Throckmorton, Haskell, and Knox on the last named bill.

The House has passed bill to amend Section 4 of an act more effectually to provide for the support and maintenance of families of Texan soldiers.

House bill to provide for the prompt return of Negroes who run away from Confederate service.

Senate's bill to make an appropriation for inclosing the State Cemetery.

Senate joint resolution of thanks to the 9th Regiment of Texas Infantry and other Texas Troops.

Senate's joint resolution in relation to the purchase of supplies from quartermasters and commissaries in certain cases.

Senate bill to define and punish the offence of obtaining money under false pretence of performing personal service.

House joint resolution in regard to frontier organization and House bill supplementary to an act making an appropriation to defray the expenses of defending the frontier for 1864 and 1865.

Senate's joint resolutions in relation to export duties on cotton and Senate's bill to regulate the disposal and unsold bonds of the State sustained by a specie tax.

A substitute for a Senate bill to dispose of sundry articles belonging to the State.

Senate's bill to regulate the salary of private secretary to the Governor.

Senate's bill to authorize railroad companies to pay their indebtedness to the State with Treasury Warrants and State Bonds.

House adoption of report of Committee of Conference on a bill raising revenue by tax on occupations and incomes.

House bill making additional appropriations for the support of the government for 1864 to 1865.

House refusal to adopt Senate's substitute bill to repeal certain acts therein named.

House bill to make an appropriation to recover or repair the roof on the old Land Office.

House bill to fix the salaries of the several librarians of the Supreme Court.¹⁸

COMMENTARY:

November 15, 1864
The Legislature¹⁹

This body adjourned *sine die* on yesterday at 7 o'clock A.M. [P.M.]. It is impossible with the means at our command to give our readers in our present issue more than a general outline of what has been done. We begin today the publication of the laws passed, which will be found on the outside of our paper. Their publication will be continued until all are laid before the people, when they can better judge whether the legislation of this Extra Session has resulted in any permanent good. The most important measures, indeed the only questions which caused the call of the Legislature, were left untouched until the last day or two of the session and were then rushed through both Houses without that degree of consideration which their importance seemed to demand. Our readers have already been informed of the passage of the peddling, truck, Penitentiary cloth bill, as it has been commonly styled. This seemed to be the *leading* measure of the session, and the financial policy was made to await definite action on this.

¹⁸The remainder of the journal for this session cannot be located.

¹⁹*Weekly State Gazette* (Austin), November 16, 1865.

The issue of the Treasury Warrants has been restricted to the payment of the civil list, and the appropriation of \$500,000 due last September to the counties for the support of soldiers' families. It is estimated that there is now outstanding in this currency about \$1,300,000. The additional issues will probably in the next twelve months swell that sum to \$2,000,000. Taking these figures as the outside bound of the issues (and we think the calculation not far wrong) a demand has been created by the levy of an occupation and an income tax estimated in the aggregate at about \$1,000,000. Then it is thought that the value of the State property, which has been ordered to be sold will increase the demand three or four hundred thousand dollars. The different railroad companies have been permitted to pay their indebtedness to the Special School Fund in State liabilities. This will further increase the demand. So taking all together, the demand for our State paper may very nearly or quite equal the supply.

The families and dependents of our soldiers will be entitled under the provisions of the cloth law, which seems to have been passed for their special benefit, each to the proceeds of eight yards and fraction of the Penitentiary fabrics. An amendment offered in the Senate during the consideration of this bill providing for the distribution of the cloth *directly* to the beneficiaries was voted down. We think the policy of the distribution for the end proposed, in any shape, a bad one. It looks too much like huckering legislation, a sort of peddling arrangement, which is calculated to divert the honest industry of the country and create a *bartering trade* unworthy of a great State, with great resources, like Texas. But it is the policy. We must make the most of it.

APPENDIX I

MEMBERS AND OFFICERS

OF THE

SENATE

TO THE

TENTH LEGISLATURE

SECOND CALLED SESSION

LIST OF THE NAMES, &c., OF MEMBERS AND OFFICERS OF THE SENATE OF THE TENTH LEGISLATURE, SECOND CALLED SESSION

NAME	DIST.	RESIDENT COUNTY	POST OFFICE	COUNTIES REPRESENTED
Hartley, Rufus K.	1	Galveston	Galveston	Galveston, Liberty, Jefferson, Chambers
Charlton, N. B.	2	Tyler	Woodville	Polk, Tyler, Jasper, Newton, Orange, Hardin
Kinsey, H. M.	3	San Augustine	San Augustine	Angelina, Nacogdoches, San Augustine
Holland, Spearman	4	Panola	Carthage	Sabine, Shelby, Panola
Parsons, Jesse H.	5	Rusk	Henderson	Rusk
Beasley, S. W.	6	Upshur	Gilmer	Harrison, Upshur
Moore, John W.	7	Davis	Linden	Davis, Bowie
Wootten, G. H.	8	Red River	Clarksville	Titus, Red River
Maxey, Rice	9	Lamar	Paris	Lamar, Hopkins
Guinn, Robert Henry	10	Cherokee	Rusk	Cherokee
Jowers, William George				
Washington	11	Anderson	Palestine	Houston, Anderson, Trinity
Selman, B. T.	12	Smith	Tyler	Wood, Smith, Van Zandt
Weatherford, Jefferson	13	Dallas	Lancaster	Kaufman, Dallas, Henderson
Davis, James B.	14	Fannin	Bonham	Fannin, Hunt
Throckmorton, James W.	15	Collin	McKinney	Grayson, Collin
Jordan, A. N.	16	Harris	Houston	Brazoria, Fort Bend, Harris
Dickson, David Catchings	17	Grimes	Anderson	Montgomery, Grimes, Walker
Durant, J. W.	18	Leon	Centerville	Madison, Leon, Robertson, Brazos, Burleson
Peck, William M.	19			Limestone, Freestone, Navarro, Ellis
Quayle, William	20	Tarrant	Norton's Grove	Johnson, Tarrant, Erath, Parker, Palo Pinto

**LIST OF THE NAMES, &c., OF MEMBERS AND OFFICERS OF THE SENATE OF THE TENTH
LEGISLATURE, SECOND CALLED SESSION**

NAME	DIST.	RESIDENT COUNTY	POST OFFICE	COUNTIES REPRESENTED
Montague, Daniel	21	Cooke	Gainesville	Cooke, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Stephens, Shackelford, Jones
Harcourt, John T.	22	Colorado	Columbus	Matagorda, Wharton, Colorado, Fayette
Shepard, Chauncy B.	23	Washington	Brenham	Austin, Washington
White, Sam Addison	24	Victoria	Victoria	Calhoun, Jackson, Victoria, DeWitt, LaVaca
Ford, Spencer	25	Caldwell	Lockhart	Gonzales, Guadalupe, Caldwell
Moore, A. W.	26	Bastrop	Bastrop	Bastrop, Travis, Hays
Haskell, J. A.	27	Milam	Cameron	Milam, Williamson, Burnet, Bell, Lampasas
Burney, George E.	28	McLennan	Waco	Falls, Coryell, McLennan, Bosque, Comanche, Brown, Hamilton, Eastland, Callahan, Coleman, Taylor, Runnels, Hill
Lea, Pryor	29	Goliad	Goliad	Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, McMullen, LaSalle, Dimmit
Knox, W. B.	30	Bexar	San Antonio	Bexar

LIST OF THE NAMES, &c., OF MEMBERS AND OFFICERS OF THE SENATE OF THE TENTH LEGISLATURE, SECOND CALLED SESSION

NAME	DIST.	RESIDENT COUNTY	POST OFFICE	COUNTIES REPRESENTED
Cooley, A. O.	31	Gillespie	Fredericksburg	Blanco, Comal, Bandera, Kerr, Gillespie, Llano, San Saba, Medina, Uvalde, McCulloch, Concho, Mason, Menard, Kimble, Edwards, Dawson, Kinney, Maverick, Atascosa, Frio, Zavala
Hord, Edward R.	32	Cameron	Brownsville	Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval
Magoffin, James Wiley	33	El Paso	El Paso	El Paso, Presidio

OFFICERS OF THE SENATE

- | | |
|-----------------------|---------------------|
| de Cordova, Phineas | Secretary |
| Raymond, N. C. | Assistant Secretary |
| Clements, R. H. | Sergeant at Arms |
| McCall, John | Doorkeeper |
| Gilleland, William M. | Enrolling Clerk |
| Thomas, Henry | Engrossing Clerk |
| Langdon, _____ | Chaplain |

APPENDIX II

REPORT

OF A

SPECIAL

LEGISLATIVE COMMITTEE

CONCERNING THE

MILITARY BOARD

Committee Room November 1864

Honorable F. S. Stockdale	President of the Senate
" M. D. K. Taylor	Speaker of the House of Representatives

The Joint Committee of the two Houses appointed at the late extra-session of the Tenth Legislature to make an investigation of the acts of the Military Board from its organization have made as full an investigation as the means accessible to them would permit and now submit their report. For the sake of perspicuity and accuracy the operations of the two Boards are presented separately.²⁰

Old Board

1st	"What amount of money or property has been received by said Board?"	It has received
	In United States Bonds	\$364,000
	" " Coupons	29,975
	8% State Bonds	579,000
	Confederate States	
	Treasury Notes	75,000=\$1,047,975
	From sales of goods as per general stock account	906,837.22
	Excess in sale of steamer	
	Bayou City	7476.76
	Tucker, Sherrod and Co. interest	814.44
	Short, Briscoe and Co. interest	1295.50
	Premium account amount premium and interest on sales state bonds	16,927.60
	Premium account in gold on of state bonds	28.40
	Excess in sale of wagon &c by N. G. Shelley at Brownsville	497.00
	Money and balance of account for goods received from sundries as per balance sheet	\$227,038.70 <hr/> 2,126,752.68

²⁰Military Board Reports Folder, Military Board Papers (Archives Division, Texas State Library).

II. "What disbursements or expenditures have been made and for what?"

Amount deposited in		
State Treasury	\$183,995.07	
Goods delivered to		
the state	180,158.04	
Amount paid for nails to		
cover Land Office	26.24 =	864,199.36
Expended for purchase of		
goods as per general		
stock account		896,011.20
Expended for obstruction		
of Buffalo Bayou	\$ 3029.66	
Discount on U.S.		
Bond(44)	7100.00	
Expenses to sell same	1505.30	
Expense account of Board		
for salary, fuel, sta-		
tionery, traveling, &c.	5319.59	
Amount of goods short		
of invoice	172.83	
P. De Cordova error in		
balance account	3.00	\$ 17,357.88
Amount expended on account		
of cotton purchases, pur-		
chase of arms and muni-		
tions of war. spinning		
jennies and money ad-		
vanced to sundry parties as		
per balance sheet		452,549.42
Expended for foundry		146,414.55
" " cap factory		21,441.25
1200 pr. wool cards in hand		
B. Hendricks	15,926.06	
	<hr/>	
	\$1,912.979.71	
Cash on hand in certified		
accounts and C.S. notes,	213,772.92	
and specie as per	<hr/>	
balance sheet	2,126,752.68	

III. "What money or effects the board has on hand?"
Certified accounts on the

Confederate States	90,307.50	
C. S. Treasury notes	123,455.42	= \$213,772.92
Specie		
Stock in hand of ordnance stores		
Medicines, stationery, cards, etc. etc. as per balance		24,778.81
Cotton in hands of agents		488,345.79
		<hr/>
Balances of accounts due the Board as per balance sheet		999,610.68
		<hr/>
		1,726,508.20

IV. The following are the liabilities of the board

To State of Texas for funds received U. S. Bonds &c		\$1,047,975.00
Ball, Hutchings and Co. for balance account		83,006.65
Travis Rowden Co.		610.22
Antonin Wall for Engine		1,643.00
Droege, Oetling and Co. balance of account	\$94,530.75	
Droege, Oetling and Co. for amount received by N. G. Shelly from sale of swords and percussion caps delivered him by Droege, Oetling and Co. for which no invoice has been furnished	3,800	98,330.75
F. R. Lubbock amount ad- vanced by him to the Board in specie and paid J. T. D. Wilson on contract		9,500.00
Brazoria County amount remitted for cards not delivered		1,260.00
Certified accounts to indi- viduals for cotton		360.00
Contingent fund balance account		191.10
		<hr/>
		\$1,192,876.76

The difference in the amount of money and effects on hand and the liabilities being excess of sales amounting to

	533,631.44
	\$1,726,508.20

- V. The stock on hand as shown by the books of the Board and the accompanying vouchers is reported to be in the hands of Capt. B. Hendricks . . . except—
- | | | |
|---|-----------|-----------|
| 1268 pieces boling and | \$ 951.00 | |
| 422 lbs. rope which are in hands of J. M. Moore | 126.00 | |
| 50 rifles in hands of Billups & Hassel | 3000.000 | |
| 101 rifles in hands of M. H. Bonner | 3030.00 | \$7107.60 |

The Board reports in addition to the above stocks the reception of 1536 pairs of cotton cards
 10 boxes printing paper
 100 oz quinine. received by them and placed in hands of Capt. B. Hendricks for which no invoice has been received by them and consequently not noticed in their books.

- VI. We find that of the cotton charged to the Board in paragraph III of this report, it shipped and has at various places 3872 bales. There are besides the above mentioned cotton, which is charged to it, 871 bales which have not been paid for, as shown by a communication from its secretary.

- VII. "What contracts has the Board made, and upon what terms?"

Mr. J. M. Moore was appointed an agent on the 29th April 1862, to proceed to Mexico to purchase arms, munitions of war and other articles of necessity—four thousand bales of cotton. They further agreed to place this cotton at San Antonio, and he was authorized to make his purchases on the faith of it. Mr. Moore was to be allowed fifteen per cent on the amount of the purchases he should make. He

obligated himself to pay all expense arising from commissions for forwarding, the wages of necessary clerks and agents, and all expenses, except that of the transportation or hauling, and this was to be borne by the Board.

A contract was made with *Jno. M. Swisher & Co.* as agents. Mr. Swisher was to proceed to Europe and purchase with the funds furnished to him, munitions of war and supplies. For this purpose he was furnished with three hundred thousand dollars in United States bonds, twelve thousand one hundred and seventy five dollars in matured coupons, and two thousand dollars in gold. The parties were to receive a liberal compensation for their services, in proportion to their success in procuring supplies. A contract was made with *Ball, Hutchings and Co.* That firms was to buy 1000 bales of cotton, to sell the same, and they were allowed five per cent on the gross sale. They were to procure the necessary transportation to take the cotton to place of shipment, to export and transport it to Europe. The expense of transportation and exportation was borne by the Board. *Ball, Hutchings and Co.* were to purchase in England 30,000 pairs cotton cards and on the amount of this purchase were allowed 50%.

Mr. J. T. D. Wilson was employed to purchase in Mexico munitions of war and army supplies. This he did according to an invoice furnished, and refused compensation for his services, except his traveling expenses.

Contracts were made, one with *Short, Briscoe & Co.* for 5000 stand of arms, and one with *Tucker, Sherrod & Co.* for 3000 pistols. The legislature has relieved both these parties from their contracts.

A contract was made with *Gatewood & Co.* for powder at \$200 per pound, on which they received the sum \$6097.76 in sulphur and saltpetre.

A contract was made with *George Pfeiffer & Co.* for 10,000 pounds of rifle powder at \$175 a pound, to be delivered at Corpus Christi. On this contract Mr. Pfeiffer has received 150 bales of cotton at cost

since. This is to be charged to him on the delivery of the powder.

A contract was made with *Billups & Hassel* for 700 rifles at \$30.00 each. A part of these were delivered when the parties were relieved by the Legislature from the delivery of the rest. The same parties are now under contract for 300 rifles at 60.00 each, in currency. 50 of them have been delivered. Three contracts have been made with *Whitescarver, Campbell & Co.* The first was for 350 rifles at \$30.00 each, and the third for 200 rifles at \$30.00 each. Another contract was made with that firm for pistols at \$100.00 each, which agreement was not carried out.

Messrs. Droege, Oetling & Co. by order of the Honorable Pryor Lea purchased a variety of goods, ordnance stores, stationery & c. to be paid for in cotton. They were to sell the cotton for which service they were to receive [?]%, and 12% interest per annum for advancing.

A contract was made with *Lavanburg & Bros.* according to which they were to purchase in Mexico munitions of war, and army supplies, and for which they were to receive [%] %.

A contract was made with John D. Henderson. The Board was to import for him for the manufacture of cotton and woolen fabrics spindles & looms to the value of \$25000.00. The importation was to be at the risk of Henderson. He placed at the disposal of the Board 500 bales of cotton, and agreed to transport it to any point in the State as directed by the Board free of charge. The Board had the privilege of selling the cotton whenever they deemed it necessary to reimburse themselves.

A contract was made with *W. S. Read & Co.* to take charge of the foundry at Austin. That firm agreed to manufacture five batteries of six guns each, with a carriage and caisson for each gun. Each gun with its carriage and caisson was to be furnished at \$800 in specie.

The Board has made several contracts with the *Travis Powder Company* and the *San Antonio Powder Company*, the details of which we deem unimportant.

VIII. "What the Board has done in manufacturing and introducing supplies?"

The answer to this question will be best found in the foregoing paragraph, and in the "general stock account" herewith reported. We will remark simply, that among other articles there have been imported and received 1614 cartridge boxes, 1096 powder flasks, 125 sabres, 14261 pounds powder, and 797,000 percussion caps.

There have been manufactured in the state and received 2 Nichols guns, 1695 rifles, 299 lances, and 6762 pounds of powder. The cap factory has produced 3,164,554 percussion caps.

IX. "Has any agent or subagent of the Military Board purchased cotton with any other kind of funds than such as is provided by said Board?"

In answer to this we have to say, none, so far as we have been able to ascertain.

New Board

I. The new Board has received money and property as follows.—

From the State Treasurer in		
Confederate States notes	\$	50,952.00
From the State Treasurer in		
State Warrants		25,000.00
From the State Treasurer in		
Specie		532.00
		\$ 76,484.00
From Sales of Cotton		
and Wool Cards	\$36986.00	
From Sales of Goods		
and medicines	365.38	
Being proceeds of sales		
of goods &c delivered on		
its order by Captain		
Hendricks out of stock		
of the old Board	\$37,351.38 =	37,351.38

Amounts received from sundry parties on account of old Board as shown by balance sheet		\$228,888.81
State bonds from <i>Ball Hutchings & Co.</i> placed in their hands by the old Board		25,000.00
Received from sundry parties, by loan in specie		729.50
		<hr/>
Total		\$368,453.69
II. It has on hand		
In C. S. notes		125,256.69
" 8% State Bonds		25,000.00
" State Warrants		13,920.35
" Stocks on hand as per balance sheet		1,594.00
" Certified accounts on the Confederate States		125,664.54
		<hr/>
		\$291,435.58
III. It has paid out		
An account of Foundry	\$7,040.75	
" " " Cap Factory	8,216.75	
" Interest & Premium	5,008.23	
" Freight, Office & Travelling Expenses	3,501.38	\$23,767.11
		<hr/>
III. Amount brought forward	23,767.11	
Demurrage freight for cotton to the Brazos not delivered	935.50	
Paid on account State for stationary for S. C. Reporter and nai to cover Capitol	367.00	
For caps delivered to Confederate States	5,400.00	30,969.61
Paid to sundry parties as per balance sheet		46,048.50
		<hr/>
		\$77,018.11

IV. They have made contracts as follows.

With W. M. Rust & Co. for powder to be delivered at \$1.00

a pound, at the rate of 5000 pounds a month from Sept 1st 1864. The company agreed to sell all their powder to the Board. The Board agreed to take powder enough to cover for work done for them at the foundry and for purchases made by the company from the Board, for the purpose of manufacturing the powder, and the contract was to be terminated at the pleasure of the Board.

- " Johnson & Dewey. They were permitted to ship 75 bales of cotton to be invested in machinery, and if they failed to introduce the same, half of the cotton was forfeited to the State.
- " Groesbeck & Alexander— They were to export 540 bales of cotton, to Mexico. They were to give the State 7 cents a pound in specie in lieu of the same amount in State Bonds.
- " Travis Powder Co. The company were to furnish rifle powder at \$100 per pound in specie. The company should purchase from the Board such articles as they needed to assist them in the manufacture and were to buy for them at specie rates. The company agreed to sell to the board all the powder they made, except such amount as the board should authorize them to sell to purchase articles necessary to carry on their work.
- " N. B. Tanner— For 500 Mississippi rifles, he was to deliver 30 per month at \$20.00 each in specie, and the contract was to terminate at the will of the Board.

With Johnson & Chandler— They were to export 200 bales of cotton. On arrival in Mexico half of it became the property of the Board. With the proceed, of their half they were to purchase a set of wool card machinery and appurtenances. If they imported the machinery the half of the cotton taken by the Board to be returned to them. Should they not import it, then said half to be paid for by the Board in State Bonds. The Board was to sell said half whenever it should think it to the interest of all the parties.

- " Billups & Son— For manufacture of 100 Mississippi rifles at \$100.00 each in new issue of Confederate notes. The contract was to last until January 1st,

1865, or as long thereafter as the Board should require.

- " A. M. Alexander— He was made an agent of the Board. He was to purchase and export cotton. One third of his investment was to be with state bonds furnished by the Board. The other two thirds was to be with specie furnished by Alexander. The Board put into this arrangement \$25,000 in bonds, and Alexander agreed to put in \$50,000.00 in specie. Alexander agreed to deliver at Austin 25,000 pair of cotton cards at \$1.00 a pair in payment of the bonds.
- " Wheat & Fletcher— They agreed to export 600 bales of cotton and to introduce machinery. In default of so doing, one half of the proceeds of the cotton to be forfeited to the State. If the machinery should be imported, then after deducting all the expenses, the net profits should be divided, and for half of these the parties give the State the specie, and receive in lieu state bonds.

The following contracts are similar to the contract immediately foregoing.

With Joseph Lander & Co.,	for 300 bales of cotton
" Trinity Mills Manufacturers & Co.	" 300 " " "
" Chappell Hill Manufacturers & Co.	" 1000 " " "
" Cairo Manufacturers & Co.	" 300 " " "
" W. H. & J. H. Williams "	" 500 " " "
" Nance & Moffitt	" 250 " " "
" Henry Burige	" 300 " " "

The following contracts were also made by the board

With Osgood & Lavender—They agreed to transport and export from 144 to 244 bales of cotton, which was to be sold by the agent of the Board. Half the net profits in gold was to be paid over to them, and the other half retained by the Board, for which it was to give the parties State Bonds.

- " W. G. Thompson & Co. They agreed to purchase and export to Mexico for the Board 200 bales of cotton—To sell the same and invert the process in such articles as the Board should designate, bagging, rope, tin, iron &c.— and they agreed to bring

the articles purchased to Austin and sell them to the Board at 50% advance on cost and transportation.—

” Brown & Todd— They take the cap factory for 1 year. They take the stock at cost price. They were to have the use of the machinery and tools. The Board was to furnish them with working materials. The stock and material is to be paid for in caps at \$3.00 a thousand, and when fully paid for the balance of the caps furnished are to be paid for at \$3.50 a thousand. All the caps manufactured are to be delivered to the Board.

V. What the Board has done in manufacturing and introducing supplies and machinery, may be gathered from what we have said in the foregoing.

VI. Whether any agent or subagent has purchased cotton with any other kind of funds than such as is provided by the Board, we have to say that we have not been able to ascertain if such be the fact. Such has not been the case so far as we have been able to learn, or have intimation of.

GENERAL REMARKS

The old Military Board did a large amount of business, it received and disbursed at different times over \$2,000,000, it had many agents in its employ. It was engaged in exporting and manufacturing and its business was necessarily varied and somewhat complicated.

In the discharge of these various duties there is exhibited in the books and papers of the Board much energy and zeal on the part of the members, and in the history of the military operations of the department we find evidence of the service it has rendered in arming and clothing troops in the field—in furnishing them medicines and munitions of war in the part borne in the re-capture of Galveston by the Steamer Bayou City fitted out by them and in the number of percussion caps manufactured and furnished the army for the spring campaign on the Red River &c. &c. &c.

It has been remarked that the Board had in its employ many agents. This was made necessary by the duties they were charged to perform. It was impossible for them to

give their personal attention and supervision to all the affairs to be transacted by them. As well as the committee has been able to judge them, agents were selected with judgement and proved quite efficient though the charges of some of them particularly of Ball Hutchings and Co. seems to be large.

There was a disagreement between the former Board and one of its agents—Mr. J. M. Moore and his account remains unsettled. Among the articles delivered by him to the board while acting as agent was a lot of powder—some 40,000 pounds. The Board declined to approve the action of Moore in the purchase of the powder upon the ground that it was of inferior quality and also refused to allow him a credit for it. This powder is, however, in the possession of the Board and is being guarded at some expense to the State. Mr. Moore has expressed his readiness and anxiety to come to a settlement; but the committee is informed that he can find no one who feels inclined to make the settlement. The Old Board declines to act because it has ceased to be a Board and the New Board think it best to ask the advice of the committee, because it made no contract with him and received none of the goods delivered by him. The power of the New Board in this respect seems obvious to the committee.

The act re-organizing the Military Board provides that "it shall succeed to all the duties of the existing military board and shall take charge of all its unfinished business; and the powers of this board shall be as then heretofore conferred on the military board."

It is alike important to the agent and to the State that the accounts of the former should be in some manner settled.

If the powder is the property of the State it may be needed for use and will very likely deteriorate from causes arising from loss of time. Another matter of importance is the condition of a considerable amount of property which should properly be in possession of the board. It will be seen from this report that there is on hand among the effects of this Board a considerable amount of valuable property which has not been turned over to the New Board.

The committee is informed that this property is in the possession and under the control of Capt. B. Hendricks who is not the proper custodian of it and who merely al-

lows it to remain in his possession as a matter of convenience. The vouchers, letters, papers, most of the contracts and money in the hands of the Old Board have not been turned over to the New Board nor have the books of the Old Board been followed.

The committee in preparing this report have relied mainly upon the books, vouchers and papers of the Board for the facts reported. For nearly all the transactions of the Board vouchers have been produced—a few are wanting in transactions of minor importance. It may be well here to state that no invoice has been produced on the 12,000 pairs of cards heretofore reported to be in the hands of Capt. Hendricks and not included in the stock on hand. In the investigations of the committee we have been greatly aided by the efficient services of Mr. Robert Barr, the clerk of the committee. It also affords us pleasure to bear testimony to the readiness manifested by the members of both the old and new Boards in aiding the committee in its investigations, and their disposition shown upon every occasion to facilitate the investigation upon every point.

Spencer Ford

E. R. Hord

Committee on part of
the Senate

M. W. Baker

Ed Gibbons

Committee on part of
the House

APPENDIX III

EXECUTIVE MESSAGES

TO THE

SENATE

OF THE

TENTH LEGISLATURE

SECOND CALLED SESSION

Austin, October 27, 1864
Executive Department²¹

Senators and Representatives:

I herewith place before you a copy of an Act of Congress approved February 16, A.D. 1864. There is no law of the State authorizing the appointment of an officer for the objects contemplated by that law, and it is for you to determine the propriety of making provision for such appointment. I would respectfully suggest, however, that one officer could not discharge the duties contemplated by the law of Congress, situated as this military department is, in regard to the states east of the Mississippi River.

If such officers are deemed necessary and useful, provisions should be made for appointing one for the east and one for the department west of the river.

Executive Office
Austin, October 31, 1864

Senators and Representatives:

I place before you a communication from His Excellency Henry W. Allen, Governor of the State of Louisiana, and respectfully invite your attention to its contents.

This subject was urged upon my attention by His Excellency in previous letters, but he was informed that there was no authority of loss for receiving into the Penitentiary convicts from another State. I see no objection to extending this courtesy to the State of Louisiana at the present time.

Executive Office
Shreveport, Louisiana
October 21, 1864

His Excellency Governor P. Murrah
Sir:

I have the honor to request that your Excellency recommend to the Legislature of Texas at its current session the passage of an act permitting Louisiana convicts to be confined in your Penitentiary, wholly at the expense of this State, until a suitable place of confine-

²¹From Executive Record Book No. 280, 1863, 1865, pp. 152-166 (Archives Division, Texas State Library).

ment and punishment can be provided or until the termination of the war.

Your Excellency is aware, as are doubtless the honorable members of the Texas Legislature, that the extensive and well appointed Penitentiary of Louisiana was destroyed by the enemy in 1862, and its inmates to the number of five hundred or more were discharged. Those convicted in the Penitentiary have necessarily been consigned to our parish jails. These latter are insecure and without the appliances necessary to putting in force the labor portion of their punishment.

For any information that may be required on this subject, I beg leave to refer you to my commissioner, the Honorable F. H. Farrar. Earnestly hoping that this request will receive your Excellency's favorable and early consideration, I remain,

Very respectfully your obedient servant,
Henry W. Allen
Governor of Louisiana

Executive Department

Austin, Texas, October 31, 1864

Senators:

I have this day appointed Colonel John Burk of Marshall in the County of Harrison in the State of Texas, Adjutant and Inspector General, vice Colonel D. B. Culberson, resigned to which I respectfully ask your advice and consent.

Respectfully,
Pendleton Murrah
November 1, 1864

Unanimously confirmed.

P. DeCordova, Secretary of the Senate

Executive Department

Austin, Texas, November 3, 1864

Senators:

I have the honor to submit the following appointments of Notaries Public, to which I respectfully ask your advice and consent.

Austin County

J. P. Osterhaut, re-appointed

Bexar County

Julius Hayer, vice E. H. Florian
Andrew Dove, vice Julius Haffuer

Burleson County

James Floyd, re-appointed
R. M. Dixon, vice James S. Holliday

Cooke County

Lemuel Gooding, vice J. E. Hughes

Colorado County

Wesley Smith, vice H. E. Jorat
R. J. Putney, vice Clement Allen

Angelina County

Thomas B. Windham, vice J. W. Guinn

DeWitt County

Achilles Stapp, vice Oliver H. Stapp

Ellis County

Valentine Sevier, vice M. M. Knight

Fort Bend County

John Fletcher, vice Charles H. Kendall
George H. Schley, vice Benjamin F. Atkins
David Ferguson, vice John H. Wright
Preston Perry, vice Ira Fuller
Thomas W. DeWitt, vice John W. Crump

Fayette County

William P. Smith, vice William Gorham
William B. Anderson, vice Robert Zapp
A. B. F. Kerr, vice U. Gregory

Freestone County

Joseph Lynn, re-appointed

Grayson County

J. D. Dumas, vice George W. Newsome

Gonzales County

Robert S. Miller, vice Benjamin F. Batchelor

Grimes County

John Smith, vice Hiram R. Freeman
James Nowlin, vice L. S. Mooring

Hays County

Ransom G. Blanton, original appointment

Hopkins County

William M. Ewing, vice Charles G. Lyon

Hill County

John P. Bailey, vice J. R. Grover

Lamar County

Philip Miles, vice H. H. Henderson

Leon County

John C. Glover, vice Henry M. Cook

Limestone County

B. F. Lynn, re-appointed

Menard County

P. Caughlin, original appointment

William Taylor, original appointment

Live Oak County

Robert Dougherty, original appointment

Panola County

Joseph J. Wilson, vice John M. Vauker

D. D. Howard, vice Alexander Birdsong

James M. Langtry, vice Thomas Ellison

Polk County

Daniel S. Jeagers, vice Daniel Jeagers

J. W. Moore, vice Daniel S. Jeagers

Alexander Johnson, vice John Mann

Rusk County

N. G. Bagby, re-appointment

Sabine County

Gilbert Mackechney, vice Philip F. Beddo

Shelby County

Thomas F. Brittain, vice Elkana Samford

Thomas P. Pain, vice Joshua W. Hooper

Smith County

Rufus R. Collier, re-appointment

Samuel Pinkerton, re-appointment

Joseph S. McKey, re-appointment

D. F. Bancroft, re-appointment

Titus County

Henry Jones, vice A. G. Hamilton

Alexander Glass, vice Elam Riddle

James Smith, vice Campbell English

H. S. Cherry, vice Seborn Bickerstaff

Travis County

E. Stockton

Nelson Rector, vice P. Priestley

Uvalde County

J. M. McCormick, vice James H. Tucker

William E. Pafford, original appointment

Upshur County

J. W. Wright, vice J. E. Harrison

Victoria County

R. H. Coleman, vice John S. Nicholson

Samuel Gaylord, vice James A. Moody

Walker County

Joseph Werner, re-appointment

William E. Watkins, vice Henry Beaham

Williamson County

Thomas Chapman, vice W. C. Dalrymple

Respectfully,
Pendleton Murrah

Executive Department
Austin, Texas, November 3, 1864

Senators:

In response to the resolution adopted by the Senate asking for a statement exhibiting fully what action has been had under the act to raise \$2,000.00 or so much thereof, approved December 10, 1863, and also an act providing for the purchase of cotton by the State, approved December 16, 1863, I respectfully refer your honorable body to an answer, in part, to this interrogatory to my message delivered on May 11 last to the Extra Session of the Legislature in which I fully explained the course pursued by me under the two laws referred to, and gave my reasons for so doing. And I also refer you to answers made by me on this subject on May 17 in response to resolutions adopted when you were in session in May last.

As to the course pursued by me with reference to the contracts made under the plan adopted for procuring cotton, explained in the message referred to since you were in session before. I respectfully invite your attention to Exhibits (A) and (B) which accompanied my regular message to the present session of the Legislature.

As to who purchased Bonds, it will be seen by examining the official papers referred to that only those obtained Bonds who furnished cotton. In other words, the cotton, it will be seen, is to be sold and bonds given in exchange for the amount of specie which it may bring. The papers contained in Exhibit (B) furnished by the Texas Loan Agency at Eagle Pass and Laredo, will explain to

some extent the practical operation of this plan at those points on the Rio Grande. No Bonds as yet have been issued, nor will they be until certificates of the sales of cotton and the amount due the claimant are presented and filed. Then the bonds will be issued.

As to the amount of money received under this cotton plan and paid into the Treasury and the disposition of it, I respectfully refer you to Exhibit (A) from the office of the Treasurer.

I regret to be unable to place before you the full amount of cotton received under this plan on the Rio Grande, the amount still on hand, and the amount disposed of, together with an estimate of what may be realized to the State. I expected this information before this, and had instructed Colonel Nichols, the agent of the State, to furnish it. It will be seen that it has been only partially received if forwarded, although Colonel Nichols has assured me it should be finished at the earliest practicable moment.

Captain John S. Williams, who has been assisting Colonel Nichols at Eagle Pass, informs me that he has forwarded full statement of the transactions of the office at that place, but they have been received only in part, as you will see by the papers contained in Exhibit (B).

As to the persons from whom cotton was purchased, it will be at once seen by you that I cannot furnish the information, since so many of these contracts have been abandoned upon the appeal made by me to the contractors after my conference with General Smith in July last, shown by Exhibit (B), accompanying my message to the Legislature at its present session, nor can it be furnished until complete lists are furnished of the names of those who may deliver cotton upon their contracts upon the Rio Grande.

The papers from the offices at Eagle Pass and Laredo contained in Exhibit (B), will furnish many of these names. In connection with the information which I furnished in response to question propounded by you when in session in May last, I placed before your honorable body all the information in my possession from the agent of the State in relation to those who had entered into contracts.

In conclusion, I would say that my directions are positive to the State Agent to close this whole cotton transaction as soon as practicable, and make full returns thereof.

Pendleton Murrah

Executive Department

Austin, November 8, 1864

Senators and Representatives:

It has been frequently represented to me from the Headquarters of the District of Texas, New Mexico and Arizona, that sheriffs failed to report to the Labor Bureau runaway slaves in their custody who are in the employ of the Confederate government.

The act approved April 8, 1861, which controls this subject and virtually repeals all other laws upon it, does not require of the sheriffs to inform the owners except by publication in a newspaper of the imprisonment in jail of his runaway slaves. The consequence of this failure promptly to report to the Labor Bureau the fact that a runaway slave in government has been placed in jail results not only in the loss of the labor of the slave to the government but often in the loss of the slave to the owner, resulting from long imprisonment.

Sometime since, I addressed a circular to the sheriffs of the different counties requesting them to report promptly to the Labor Bureau such runaway slaves that might be in their custody, and who were in government employ. But this request carried with it no legal obligation upon the sheriff.

As newspapers are now scarce in the state and their circulation uncertain and limited, I think that good would be accomplished by making it obligatory upon sheriffs and all others having possession of a runaway slave to make known the fact to the owner or proper custodian of the slave by letter as early as possible, or by some other means not involving expense.

I do not advise repeal of the law which requires the publication of runaway slaves in newspapers, but only suggest this as an additional means of ensuring to the owner or proper controller speedy information as to the arrest and detention of the slave.

There are also complaints made at the fees for the arrest and detention of runaway slaves are required by sheriffs to be paid in specie, or its equivalent in Confederate money, at its market value. It is urged that this exaction is onerous, as it requires a large amount of Confederate money to pay such charges.

I submit for your consideration in connection with this

paper an extract from the letter of Major General Walker upon this subject, and also a letter of Captain H. McKay of the Negro Labor Bureau. I do not know that any remedy can be provided, but it was proper that the subject in the present condition of the country and of the currency should be fully considered, particularly as there are so many slaves in the employ of the government, and if they are injured by long imprisonment in the jails, the loss will fall on the owner.

Pendleton Murrah

Executive Department

Austin, Texas, November 11, 1864

Senators:

I have this day appointed the following named parties Notaries Public, to which I respectfully ask your advice and consent:

Anderson County

William R. Rogers, vice John Wolverton, Jr.

Austin County

C. C. Hock, vice D. J. Parker

Burnett County

Josiah Fowler, original appointment

_____ Ainsworth, original appointment

William Davidson, original appointment

Davis County

J. J. Williams, original appointment

J. M. C. Connally, original appointment

Harris County

Algernon P. Thompson, vice James W. Wynne

Houston County

James R. Bracken, re-appointment

Jasper County

Moses C. Moulton, re-appointment

Goliad County

W. C. Cartright, original appointment

Bee County

James G. Cleary, original appointment

Hays County

Albert Heaton, vice W. O. Hutchison

Liberty County

James E. DeBlanc, vice John H. Robb

George W. Tubbs, vice P. B. Worsham

Newton County

William J. Hines, vice John Moore
A. B. McMahon, vice David McMahon
W. C. Gilchrist, vice Dector Ford

Nacogdoches County

Henry Pool, vice John R. Clute
A. A. Nelson, vice W. W. Barrett
A. Stephens, vice S. T. Barrett
W. H. Rumbolt, original appointment
Duncan Crisp, vice M. W. Burk

Orange County

Lastis Vincet, vice W. B. Ellis

Polk County

R. T. Walker, re-appointment

Red River County

Wiley W. Giddings, re-appointment
Francis M. Simons, re-appointment

Respectfully,
Pendleton Murrah

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
TENTH LEGISLATURE
SECOND CALLED SESSION

Austin, Texas
October 17-19, 1864

The House met Monday, October 17, 1864, but a quorum was lacking. By October 19, about 50 Representatives had assembled, but a quorum was still lacking.¹

General Louis T. Wigfall, Confederate States Senator, addressed the citizens of Austin and the members of the Legislature present on Wednesday evening, October 19.²

Thursday, October 20, 1864
3 P.M.

An election for the Chief Clerk was held. J. B. Morris was elected on the 2nd ballot in place of W. D. Miller, resigned.³

The governor's message was read.⁴ The House proceeded to business.⁵

Friday, October 21, 1864

BILLS:

House Bill 20, to be entitled an act to define and fix the time of holding the district courts in the Second Judicial District of the State of Texas was introduced and read the 1st time.

House Bill 34, to be entitled an act to incorporate the Bastrop Cotton and Wool Manufacturing Company was read the 1st time. Rule suspended, read 2nd time and ordered to be engrossed.

¹Weekly State Gazette (Austin), October 19, 1864.

²The context of Wigfall's speech is printed in the Senate Journal for October 19, 1864, in the first section of this book.

³Weekly State Gazette (Austin), October 26, 1864; Dallas Herald, October 29, 1864.

⁴See the Senate Journal of October 20, 1864, for the full text of Governor Murrah's speech.

⁵Weekly State Gazette (Austin), October 26, 1864.

COMMENTARY:

The Governor's message contains many good and valuable suggestions, and a basis for rather a long session—rather too long for the state of the private finances of gentlemen generally composing the Legislature. I am under the impression that we will have a short session.⁶

Friday evening

The Honorable W. S. Oldham, Confederate States Senator, addressed the citizens of Austin and the Legislature.⁷

Saturday, October 22, 1864

BILLS:

House Bill 18, to be entitled an act to incorporate the Houston Paper Mill Manufacturing Company, was read the 1st time and referred to the Committee on State Affairs.

House Bill 20, to be entitled an act to define and fix the time of holding the district courts in the Second Judicial District, was read the 2nd time and ordered to be engrossed.

House Bill 23, to be entitled an act for the relief of the heirs of John B. H. Jones, deceased, was read the 1st time and referred to the Committee on the Judiciary.

House Bill 36, to be entitled an act for the relief of Stephen W. Pipkin, was read the 1st and 2nd times and ordered to be engrossed.

Monday, October 24, 1864

BILLS:

House Bill 15, to be entitled a bill for the relief of James H. Benton, Samuel R. Shepherd, and Samuel G. Haynes from disabilities of minority, was read the 1st time.

House Bill 20, an act to define and fix the time of holding the district courts in the 2nd Judicial District, was read the 3rd time and passed.

House Bill 34, an act to incorporate the Bastrop Cotton and Wool Manufacturing Company, was read the 3rd time, amended, and passed by constitutional majority.

House Bill 35, to be entitled an act supplementary to

⁶John C. McCoy, Representative from Dallas, District 44, was the correspondent for the Dallas *Herald*. His letter of October 21, 1864, was published in the *Herald* of October 29.

⁷The context of Oldham's speech is printed in the Senate Journal for October 20, 1864, in first section of this book.



John C. McCoy

Representative from Dallas

Source: William S. Speer and John Henry Brown (eds.), **The Encyclopedia of the New West** (Marshall, Texas: United States Biographical Publishing Company, 1881), 150.

an act entitled an act to amend the 3rd section of an act to incorporate the Dallas Bridge Company, approved December 11, 1861, was read the 1st time.

House Bill 36, an act for the relief of Stephen W. Pipkin, was read the 3rd time and passed.

Senate Bill 4, to be entitled an act to amend an act to reorganize the 17th Judicial District and to prescribe the time for holding courts therein, was read the 1st time.

Senate Bill 14, to be entitled an act to incorporate the Osage Academy, was read the 1st time.

Tuesday, October 25, 1864

BILLS:

House Bill 12, to be entitled an act supplementary to an act entitled an act to regulate proceedings in the county courts pertaining to estates of deceased persons, approved March 20, 1848, was read the 1st time. Rule suspended, read the 2nd time and ordered to be engrossed. Rule further suspended, read the 3rd time and passed.

House Bill 15, an act for the relief of James H. Benton, Samuel R. Shepherd, and Samuel G. Haynes from the disability of minority, was read the 2nd time and ordered to be engrossed.

House Bill 35, an act to amend the 3rd section of an act to incorporate the Dallas Bridge Company, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 27, to be entitled an act for the relief of Zepheniah McMillon of the disability of minority, was read the 1st time.

Senate Bill 4, an act to amend an act to reorganize the 17th Judicial District and to prescribe the time for holding courts therein, was read the 2nd time and ordered to be engrossed.

Senate Bill 14, to be entitled an act to incorporate the Osage Academy, was read the 2nd time.

LETTER:

. . . I understand the Finance Committee of the House have agreed upon a plan for the support of the dependents of officers and soldiers in our armies. They will propose to appropriate a certain amount of the fabrics of the penitentiary to be distributed to the different counties, to be sold by them for provisions. The deficit to be made up by

authorizing the counties to levy a special specie tax, payable in provisions at fixed prices. From what I can learn I think the House will adopt some plan similar to the above.⁸

Regarding House Bill 35: I have succeeded in again passing a bill allowing the Dallas Bridge Company until six months after the ratification of a treaty of peace to rebuild the bridge at Dallas. The bill is now before the Governor. Whether he will veto it, as he did last winter, remains to be seen. I hope he will sign it.⁹

Wednesday, October 26, 1864

BILLS:

House Bill 1, to be entitled an act to incorporate the Southern Minerva Institute, was read the 1st time.

House Bill 15, an act for the relief of James H. Benton, Samuel R. Shepherd, and Samuel G. Haynes from the disability of minority, was read the 3rd time and passed.

Substitute for House Bill 17, to be entitled an act amendatory of an act entitled an act to incorporate the Galveston and Houston Junction Railroad Company, referred to the Committee on Military Affairs.

House Bill 18, an act to incorporate the Houston Paper Mill Manufacturing Company, was read the 2nd time and ordered to be engrossed.

House Bill 19, an act to incorporate the Houston City Mills Manufacturing Company, was read the 2nd time and ordered to be engrossed.

House Bill 26, to be entitled an act for the relief of Luke A. Falvell, was read the 1st time.

House Bill 27, an act for the relief of Zepheniah McMillon of the disability of minority, was read the 2nd time and ordered to be engrossed.

House Bill 30, to be entitled an act providing more effectually for the support and maintenance of indigent families and dependents of Texas soldiers, was reported by the Finance Committee¹⁰ and read the 1st time.

Senate Bill 4, an act to amend an act to reorganize the 17th Judicial District and to prescribe the time for holding

⁸John C. McCoy letter dated October 25, 1864, published in Dallas Herald, November 5, 1864.

⁹Ibid., letter dated November 7, 1864, published November 12, 1864.

¹⁰Weekly State Gazette (Austin), November 2, 1864.

courts therein, was read the 3rd time and passed.

Senate Bill 14, an act to incorporate the Osage Academy, was read the 3rd time and passed.

COMMENTARY:

Since the beginning of the session the following memorials, petitions, resolutions and bills have also been introduced and acted upon:¹¹

The memorials of county courts of Marion, Grayson, Bastrop, Limestone, Washington, and Burleson counties, and of J. W. Ferris, Judge of the 16th Judicial District, were referred to appropriate Committees. The memorials of the Chief Justice of Fannin County, and of the heirs of Daniel P. Choat were reported back unfavorably.

Petitions were also presented from George W. Paschal, the Chief Justice of Travis County, and W. Frank Carter, the citizens of Henderson County, each of which were referred to the appropriate committees.

RESOLUTIONS:

A resolution for which a substitute was afterwards adopted was offered requesting the Governor to inform the House what amount of bonds have been used for the purchase of cotton, what price paid, how the same has been disposed of, when and by whom, and also the amount realized thereon.

A resolution was adopted to enquire into the expediency of abolishing the Military Board.

A resolution requesting the Governor to inform the House whether or not any permits have been granted to export cotton by virtue of any State authority to individuals or corporations, and if issued or granted, to whom, and when and for what amount, and for what purpose said permits were issued or granted, was read and laid over, under the rule.

Other than previously mentioned bills, the following six have been referred to the appropriate committees, which have not yet reported:¹²

A bill to be entitled an act to amend Article 960, 962, and 964 of the Code of Criminal Procedure.

¹¹*Ibid.*, October 26, 1864.

¹²Originals of the unnumbered bills in this list cannot be located in the Archives. So far as can be ascertained, they did not pass.

House Bill 10, to be entitled an act to insure the correct returns of assessment rolls to the Comptroller's Office.¹³

A bill to be entitled an act to exempt certain hands and employees engaged in the manufacture of iron from working the public roads.

House Bill 31, to be entitled an act to amend the 12th and 24th sections of an act entitled an act to authorize and require county courts to regulate roads, appoint overseers, etc.¹⁴

A bill to be entitled an act amending an act defining duties of District Attorneys.

A bill to repeal the Liquor Law.

A bill to attach Palo Pinto to the 16th Judicial District has been reported with a recommendation that it do pass.

Senate Bill 13, to be entitled an act to amend an act to encourage the erection of certain machinery, by donation of lands and otherwise, approved December 15, 1863, was reported favorably.¹⁵

The Finance Committee, which is considering the bill for the relief of soldiers' families, proposed to set apart 750,600 yards of cloth. The bill has been very carefully drawn, and reflects great credit upon the judgement and ability of the gentlemen composing the same.¹⁶

Thursday, October 27, 1864

BILLS:

House Bill 1, an act to incorporate the Southern Minerva Institute, was read the 2nd time and ordered to be engrossed.

House Bill 26, an act for the relief of Luke A. Falvell, was read the 2nd time and ordered to be engrossed.

COMMENTARY:

Letters were laid before the Legislature from General Smith in reference to the price charged by the State for cloth from the Penitentiary, viz: \$1.80 per yard, and urging

¹³The date of introduction and first reading of this bill is not given on the original in the Archives.

¹⁴Ibid.

¹⁵A notation on the original of this bill states that it was read the first time on November 3.

¹⁶John C. McCoy letter dated October 27, 1864, published in Dallas Herald, November 5, 1864.

a reduction of the same. Also, a letter from the President of the Confederate States in relation to the Frontier Organization, regretting that he cannot exercise the power to exempt the same from the Conscript Law; but consenting to detail a sufficient number after enrollment for the defense of the frontier.¹⁷

Friday, October 28, 1864

BILLS:

House Bill 22, to be entitled an act to allow assessors and collectors and chief justices to purchase stationery from the Comptroller's Office, was read the 1st time.

COMMENTARY:

G. M. Brazier, Representative from Houston County, died in Austin yesterday and was interred in the State Cemetery today.¹⁸

Saturday, October 29, 1864

BILLS:

House Bill 11, to be entitled an act to extend the time for the redemption of land sold or to be hereafter sold for taxes, was read the 1st time and referred to the Committee on Finance.

House Bill 13, to be entitled an act supplementary to and amendatory of an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856, was read the 1st time.

House Bill 17, amendatory of an act to incorporate the Galveston and Houston Junction Railroad Company, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 30, an act providing more effectually for the support and maintenance of indigent families and dependents of Texas soldiers, was read the 2nd time.

Monday, October 31, 1864

BILLS:

House Bill 14, to be entitled an act supplementary to an act entitled an act regulating juries, approved May 4, 1846, was read the 1st time and referred to the Committee on the Judiciary.

¹⁷Ibid.

¹⁸Dallas Herald, November 19, 1864.

House Bill 21, to be entitled an act to provide for the exchange of so much of the old issue of Treasury Notes of the Confederate States now in the Treasury of the State for the new issue as is authorized by the act of Congress that now exist or may hereafter be passed, was read the 1st time and referred to the Committee on Finance. The Committee reported a substitute, which was read.¹⁹

House Bill 31, to be entitled an act to amend the 12th and 24th sections of an act entitled an act to authorize and require county courts to regulate roads, appoint overseers, etc., was read the 1st time.²⁰

Tuesday, November 1, 1864

BILLS:

House Bill 30, an act providing more effectually for the support and maintenance of indigent families and dependents of Texas soldiers, was ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 32, to be entitled an act to amend the 4th section of an act to organize the Supreme Court of the State of Texas, approved May 2, 1846, was read the 1st time and referred to the Committee on the Judiciary.

MESSAGE:

Executive Department

Austin, Texas, November 1, 1864

Gentlemen of the House of Representatives:

In response to the resolution adopted by your Honorable Body, in relation to property left on hand by the Frontier Regiment, I submit the statement of the Assistant Quartermaster General of the State, showing the wagons, teams, harnesses, etc. left on hand, and the disposition made of them.

As to Quartermaster's stores, camp, and garrison equipage, etc., it will require time to make out a detailed statement in writing of the amount that was left on hand at the time referred to, and the quantity disposed of since. This statement, however, shall be placed before you, so soon as it can be made out. It was thought best to retain

¹⁹Weekly State Gazette (Austin), November 2, 1864.

²⁰The Weekly State Gazette (Austin), October 26, 1864, stated that this bill was referred to the "appropriate committee," but it had not been reported back to the House by October 26.

a few wagons and teams on hand to meet the requirements of the Frontier Organization, in case the Provost Guard should be organized as contemplated by the law passed by you at an extra session before, in addition to those employed in transporting for the organization as it now stands.

Arrangements have been made with reference to some of these teams, as will be seen from the accompanying statement which are intended to free the State from the expense of feeding the teams, and at the same time yield some income when not employed in the public service.

It will be seen, that there are a few extra mules yet on hand, which I have directed to be sold, except a sufficient number to keep up the teams.

Respectfully submitted,
Pendleton Murrah²¹

COMMENTARY:

House Bill 30, which has been discussed in a Committee of the Whole nearly every day since [October 26], section by section, and, after numerous amendments, was passed [this] evening, after which a resolution to adjourn on the 5th was adopted.²²

The resolution was not concurred in by the Senate. It was found that business so accumulated that it will probably prolong the session until about [November 14].²³

Wednesday, November 2, 1864

BILLS:

House Bill 4, to be entitled an act to authorize the use of the Texas Penitentiary for the confinement of convicts from the states of Louisiana, Arkansas, and Missouri, was read the 1st time.

House Bill 6, to be entitled an act to protect persons in the right to consult counsel in certain cases, was read the 1st time.

House Bill 10, an act to insure the correct returns of

²¹Executive Record Book No. 280, 1863-1865, pp. 156-157 (Archives Division, Texas State Library). The statement of the Assistant Quartermaster General cannot be located.

²²Weekly State Gazette (Austin), November 2, 1864.

²³John C. McCoy letter dated November 7, 1864, published in Dallas Herald, November 12, 1864.

assessment rolls to the Comptroller's Office, was read the 2nd time and ordered to be engrossed.

House Bill 13, supplementary and amendatory act to establish a Code of Criminal Procedure, was read the 2nd time and ordered to be engrossed. Rule suspended, and bill passed after the 3rd reading.

House Bill 16, to be entitled an act supplementary to and amendatory of an act entitled an act to incorporate the Guadalupe Manufacturing Company, was read the 1st time.

House Bill 18, an act to incorporate the Houston Paper Mill Manufacturing Company, was read the 3rd time and passed by two-thirds vote.

House Bill 22, an act to allow purchase of stationery from the Comptrollers' Office, was read the 2nd time. Rule suspended, read the 3rd time and passed.

House Bill 23, an act for the relief of the heirs of John B. H. Jones, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 27, an act to relieve Zepheniah McMillon of the disability of minority, was read 3rd time and passed.

House Bill 32, an act to amend the 4th section of an act to organize the Supreme Court of the State, was read the 2nd time and ordered engrossed. Rule suspended, read the 3rd time and passed.

House Bill 33, to be entitled an act making an appropriation to defray the contingent expenses of the office of Attorney General for the years 1864 and 1865, was read the 1st time. Rule suspended, read the 2nd time and ordered engrossed. Rule suspended, read the 3rd time and passed.

COMMENTARY:

The following memorial, joint resolutions, and bill have also been introduced in the House:²⁴

A memorial from the citizens of Titus County was referred to the appropriate committee.

A joint resolution to authorize county courts to export cotton was referred to the appropriate committee.

²⁴This list is from the *Weekly State Gazette* (Austin), November 2, 1864. Only those items not found among the original bills in the Archives have been included here, and, unless specified, they did not pass.

A joint resolution in regard to the manufacture of cotton cards by Messrs. Johnson and Haywood, was passed.

[The following two bills have been read]:

A bill to reimburse the County Court of Harrison County for money expended on Red River defenses.

A bill to amend Article 348 of the Penal Code.

[The following eight bills have been referred to the appropriate committees, some of which have been reported favorable, but no final action taken thereon]:

A bill to impose taxes upon distilleries of spiritous liquors.

A bill to authorize the Comptroller to audit the account of L. P. Strong for subsisting the Tonkawa Indians.

A bill to extend the time of redemption of land sold or to be sold for taxes.

A bill to protect persons in the right to counsel of attorneys in certain cases.

A bill supplemental to the law regulating juries.

Two bills to amend an act to regulate the estraying of stock in certain counties, approved December 16, 1863.

A bill to secure to the citizens of Texas, temporarily in the military and naval service, the exercise of the right of suffrage.

A bill to provide what kind of funds shall hereafter be received in payment of certain taxes was referred back to the Finance Committee. The Committee reported a substitute, which was read.

LETTER:

This body has been in session two weeks and we cannot yet determine the policy intended to be pursued in relation to the objects for which the members convened. Indeed, there seems to be a disposition to lag—a want of confidence in the practical success of any measure to relieve the embarrassments in which circumstances have thrown the financial questions continually to be met.

We have no assurances that the legislation of the present session will be equal to the occasion. From present indications the people may not be much disappointed if the consideration of the State finances should eventuate in some sort of compromise between the two branches of the Legislature, effective of but little good in relieving the difficulties in the way of a just and wise administration

of the State government. The only measure yet pointing to this object is a bill introduced and under discussion in the House "to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers." This bill proposes "to distribute one million yards of fabrics manufactured at the Penitentiary to the several county courts in trust for the purchase of supplies, empowering them to sell at public sale for money or for articles of prime necessity." The details of the bill comprehend all the paraphernalia of an auctioneering transaction with a full stock in trade. Besides, the power is delegated to the several county courts in their discretion to levy and collect an ad valorem tax, in addition, payable in such funds as the court may determine, not to exceed one half of one per cent.²⁵

Thursday, November 3, 1864

BILLS:

House Bill 1, an act to incorporate the Southern Minerva Institute, was read the 3rd time and passed.

House Bill 4, an act to authorize the use of the State Penitentiary for the confinement of out-of-state convicts, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 6, an act to protect persons in the right to consult counsel in certain cases, was read the 2nd time and ordered engrossed. Rule suspended, read the 3rd time and passed.

House Bill 10, an act to insure the correct returns of assessment rolls to the Comptroller's Office, was read the 3rd time and passed.

House Bill 11, an act to extend the time for the redemption sold or to be hereafter sold for taxes, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 14, an act supplementary to an act entitled an act regulating juries, was read the 2nd time, amendment offered by Committee on Judiciary, and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 16, a supplementary and amendatory act to

²⁵Weekly State Gazette (Austin), November 2, 1864.

incorporate the Guadalupe Manufacturing Company, was read the 2nd time and engrossed. Rule suspended, read the 3rd time and passed.

House Bill 21, an act to provide for the exchange of so much of the old issue of Treasury Notes of the Confederate States now in the Treasury of the State for the new issue as is authorized by the act of Congress that now exist or may hereafter be passed, was read the 2nd time and ordered engrossed. Rule suspended, read the 3rd time and passed.

House Bill 26, an act for the relief of Luke A. Falvell, was read the 3rd time and passed.

House Bill 31, an act to amend the 12th and 24th sections of an act to authorize and require county courts to regulate roads, appoint overseers, etc., was read the 2nd time and ordered engrossed.

Senate Bill 12, to be entitled an act for the relief of the heirs of Thomas Moore, deceased, was read the 1st time. Rule suspended, read the 2nd time and ordered to be engrossed. Rule further suspended, read the 3rd time and passed.

Senate Bill 13, to be entitled an act to amend an act to encourage the erection of certain machinery by donation of lands and otherwise, approved December 15, 1863, was read the 1st time, rule suspended, read the 2nd time and ordered to be engrossed. Rule further suspended, read 3rd time and passed.

COMMENTARY:

Should the Treasury Warrant policy still be continued, we hope some provision that will create a sufficient demand for that kind of currency to appreciate its value will be made. As a specie basis seems rather improbable, if Treasury warrants are still to be issued, let a demand be created by the offer to receive them or the specie in payment of State dues. This will absorb the issues. It will engage the attention of those who are indebted to the State, and if coupled with a provision limiting the issue, and a prohibition against a re-issue we believe the Warrants will approximate at par value. Possibly such a course might create some specie revenue. We think that a little reflection in connection with a past financial history will justify the conclusion that a government indebtedness bearing a suf-

ficient rate of interest, prompt payment thereof secured, leaving no inducement to the holder to pay that indebtedness in for government dues, will create a revenue in something else than its own paper, and thus the government will have means of supporting its credit. The same effect will be produced in a great measure by a proper limit and prohibition as to re-issue. We think that the time has not yet come to provide for taking our liabilities at their specie rate. Wise legislation now will prevent a scaling system hereafter, and thus preserve the integrity of the government.

Since the foregoing was in type, we learn that the bill above referred to has passed the House, after various amendments. It will hardly get through the Senate in its present shape, and it would not much surprise us to see it killed there altogether and a substitute introduced. As a resolution has been adopted in the House to adjourn on Saturday, we presume something will be patched up between the two Houses to enable the members to return home, while some of the main objects for which they have been convened will probably be overlooked altogether.²⁶

Friday, November 4, 1864

BILL:

House Bill 31, an act to amend the 12th and 24th sections of an act to authorize and require county courts to regulate roads, appoint overseers, etc., was read the 3rd time and passed.

MESSAGE:

Executive Department
Austin, November 4th, 1864

Gentlemen of the House of Representatives:

In response to the numerous questions propounded by Resolution adopted by your Honorable Body, in relation to the cotton purchased by the Executive of this State, his cotton transactions etc., since his term of office, I respectfully submit, that many of these were answered when you were in session in May last, and papers, containing much of the information sought, then placed before you.

²⁶**Ibid.** These editorial remarks published November 2 precede by one day the passage of the bill as noted on the original by the Chief Clerk of the House. Whether the Gazette or the chief clerk is in error is undeterminable.

I will endeavour, however, again to answer these questions as fully as it is within my power to do. You are respectfully informed, that the Executive has purchased no cotton himself and has, in person, had no cotton transactions since his term of office began. The plan adopted by him for procuring cotton, and the reasons for adopting said plan, were fully explained in his message delivered to the Legislature on the 11th day of May last. Col. E. B. Nichols was selected as the agent of the state, and charged with the execution of this plan; and every person who contracted with the state to furnish cotton, were, of course, to report directly to him, and to contract with him. As every person who furnished cotton were to report to Col. Nichols, and as he was held responsible for executing the plan mentioned in carrying out these contracts, he alone was looked to by me for information on the subjects of inquiry embraced in the resolution.

I authorized Capt. John S. Williams to assist him in executing this plan; but he was only an assistant. Others assisted him as a matter of course; but all of his assistants I cannot name, as he was instructed to employ only such assistants as were absolutely necessary. It will be seen from these and other facts which I have placed before the Legislature, that, in order to answer the questions propounded fully, it would have required of me to keep accurate accounts of daily transactions connected with this cotton, and to have received daily reports of all the business connected with it. This, it will be admitted, is impossible, and it will be further admitted, that it is neither expected nor demanded by any existing law; and it will also be owned, that such a labor would be inconsistent with the numerous duties imposed upon the executive.

As to the price paid for cotton, as before explained to you, that can only be ascertained as a general thing, when the cotton is sold, as it was intended to exchange the State Bonds for a like amount in specie under the plan referred to.

As to how much has been sold, and at what prices, and the name or names of the person or persons who purchased or rather furnished, the same, I respectfully refer you to papers now in the possession of the Senate, and the only ones I had under my control. These papers will show the amount of cotton sold at Eagle Pass and Laredo, by whom furnished and at what prices sold.

As to how much is on hand, and where it is, I am unable to state. I had hoped to have had full information upon this subject before the present meeting of the Legislature, and had required that such information should be furnished. But you will see from the papers referred to, now in possession of the Senate, that this information had only been in part furnished, both as to the amount of cotton received on the Rio Grande, and as to the amount disposed of, and may furnish some indication as to the amount on hand, though not accurate and definite.

The amount of money received into the Treasury, thus far, from sales of cotton under this plan, and the disposition of it, has also been furnished to the Senate, in connection with the papers referred to.

I respectfully refer you to Exhibits (A) and (B) accompanying my regular message to the present session as furnishing reasons why I cannot state the names of all the parties who have furnished cotton to the state and the amount now on hand under contracts. These exhibits show, that after a full and free conference with General Smith in July last and influenced by his representations as to the great necessities of the soldiers in this department, and the embarrassments to the Confederate authorities brought about, as represented, in part, by the operations of the state in cotton, I appealed to those who had contracts for furnishing cotton to the state to surrender them up, and to furnish this cotton to the Confederate government. This was a source of regret to me, in view of what I regarded as the necessities of the state. But the representations as to the necessities of the Army, before referred to, were deemed too urgent and too important to be disregarded, coming, as they did, from the Commander of the Forces in the Trans-Mississippi Department.

From this fact, it will be perceived, that all the information sought by the Resolution, as to who has furnished cotton to the state, cannot be obtained until it is known who have executed their contracts, and who have surrendered them up.

In conclusion, it is but just to the Agent of the State that I should say, that he has been embarrassed in the execution of this plan of procuring and exporting cotton for the state from the beginning down to the present time. Some of these embarrassments have been explained in for-

mer communications to the Legislature. Aside from the military orders, which caused interruption, embarrassment, and direct interference with the exportation of cotton under these contracts, advantage was taken of the embarrassments thus produced by those who hold permits for the exportation cotton, issued by the military authorities, and large amounts of cotton, contracted for by the state were absorbed, controlled, and exported, by virtue of these permits, and not by virtue of the authority of the state. No practical good could result from entering into further detail as to these embarrassments.

I have given positive directions to the Agent of the State, to close these cotton transactions as early as practicable, and to place the returns of sales in the Treasury.

P. Murrah²⁷

Saturday, November 5, 1864

BILL:

Senate Bill 2, to be entitled an act to authorize railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and bonds of the state, was read the last time and referred to the Committee on Education.

Monday, November 7, 1864

BILL:

The Senate amendment attached to House Bill 32, an act to amend the 4th section of an act to organize the Supreme Court of the State of Texas, was adopted. The amendment is as follows: "Insert in the 11th line after the word 'court' and before the word 'who', 'who in addition to the duties now required by law of the clerk of the Supreme Court, each of the clerks appointed under this act shall be required to act as librarian in keeping and preserving the books of the Supreme Court, and . . ."

COMMENTARY:

Senate Bill 2, an act authorizing the railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and bonds of the State, is before the Committee on Education in the House. It

²⁷Executive Record Book No. 280, 1863-1865, pp. 162-164 (Archives Division, Texas State Library).

will be recommended by a majority of that committee; there will, however, be a minority report.

A bill has passed the House levying a tax of \$1000 on all distilleries having the capacity of 80 gallons, and at the same rates in proportion to the size of the still. It provides that all retailers, in quantities less than one quart, shall pay a license tax of \$250 annually, and a tax of five per cent on all sales. The bill provides that it shall not interfere with any laws prohibiting the sale of liquor in special localities; the license tax imposed to be paid in gold and silver, in coupons on state bonds, or in State Warrants at par. All fines for distilling or selling without license, to be paid in gold and silver only. You will observe, from the character of the legislation indicated, that it is the intention so far as possible to make our state paper par, or as near it as possible.

A bill has passed authorizing the distribution of the medicines on hand belonging to the State amongst the counties.

The Senate has adopted a series of resolutions in relation to an anticipated proposition for re-construction, etc. . . . which . . . have not come up before the House of Representatives. While they contain plain statements of facts, too true, and embody and speak the true sentiments, I believe, of all, I fear, they are premature. It has ever been the policy of the South to tender the olive branch, yet it must be understood that tender is made upon principle, and the main principle *must* be the freedom and independence of the South. We must have a government, and that must be a *sine qua non*. To reconstruct would be to insult the noble dead, and wash our hands in the oceans of blood that has been poured out so freely on the altar of **our country** on a thousand battle fields by our best and bravest men. A thousand Unions could never atone for the blood and tears of an oppressed but gallant people.²⁸

Tuesday, November 8, 1864

BILL:

Senate Bill 2, an act to authorize railroad companies to discharge their indebtedness to the special school fund

²⁸John C. McCoy letter dated November 7, 1864, published in Dallas Herald, November 12, 1864.

with the Treasury Warrants and bonds of the State, was read the 2nd time.

Wednesday, November 9, 1864

BILLS:

House Bill 5, to be entitled an act to provide for the publication of the synopsis of the decision of the Supreme Court, was read the 1st time.

House Bill 24, to be entitled an act making an appropriation to pay the contingent expenses of the 2nd Extra Session of the 10th Legislature was read the 1st time and referred to the Committee on Finance.

COMMENTARY:

By November 9, the House also introduced, and/or ordered to be engrossed the bills and joint resolutions below:²⁹

Bill to amend the fourth section of an act to provide for the assessment and collection of income taxes on sales of distilling spirits, etc., approved December 13, 1863.

Bill to amend an act to perfect the organization of the State Troops, etc., approved December 25, 1861.

The bill to abolish the Military Board, after various amendments, was ordered to be engrossed.

The House has also passed the following bills—

Bill to authorize the Comptroller to audit and settle the account of L. P. Strong for subsisting the Tonkawa Indians.

Bill to amend Articles 960, 962 and 964 of the Code of Criminal Procedure.

Senate Bill 3, an act to make an appropriation for the enclosure of the State Cemetery.³⁰

A bill to authorize the Financial Agent of the Penitentiary to purchase additional machinery, and making an appropriation for the same to extend the time for the redemption of land sold, or to be hereafter sold, for taxes.

A bill to prohibit the sale of ardent spirits within ten miles of the Court House of Huntsville.

A bill to repeal an act authorizing the negotiations of \$2,000,000 in State Bonds for the purchase of cotton, and also the act supplemental thereto.

²⁹Weekly State Gazette (Austin), November 9, 1864.

³⁰The chief clerk of the House noted on the original bill that it was not read the first time in the House until November 12.

A joint resolution in relation to the claims of companies, persons, etc., against the Confederate States for State defenses was passed.

A joint resolution concerning frontier defense, referred to the committee, which reported favorably, when a minority report was presented with a bill as a substitute for the resolution recommending its passage.

A joint resolution concerning the impressment of beeves was passed.

A joint resolution concerning peace, reconstruction, and independence was passed.

EDITORIAL:

Contrary to our expectations the Legislature still continues in session, though we cannot learn that it has made much progress since our last issue. The House bill to provide more effectually for the support of soldiers' families, referred to last week, which was introduced as the great financial bill of the Session, has been under discussion in the Senate for several days, and as we anticipated, will either be rejected by that body or materially modified. We have been informed that on a test vote there was a majority in favor of its passage in some shape or other, but the minority, comprising some of the leading members, have opposed it so strongly that it has ceased to be regarded as the great measure of the session, and become a secondary affair altogether. The Senate Finance Committee have presented a report which will be found in conformity with the leading principles of which other measures may be adopted of more practical importance. We have been induced to publish this report in full, as it contains so many valuable suggestions that we feel assured it will at once arrest the attention of those who have not well studied the subject. From a careful perusal of its details, it will be readily seen that the State has abundant means at its disposal on which to base a credit that will be permanent, so long as the war lasts, and free from all contingencies; while the plan proposed in the bill above referred to might be all annihilated by the simple accident of a fire, or the destruction of a single building, by some unforeseen casualty. The Penitentiary is doubtless an excellent auxiliary in sustaining the State credit, but for a sole dependence indicated by the tenor of the House Finance Bill, it would certainly exhibit a pitiful condition of the State resources.

Such a disposition of the manufacturers of this institution as proposed in the bill on a limited scale, with proper safeguards and restrictions, would doubtless be productive of much good, and we expect to see it so modified in the Senate as to make it available as a partial means of relief to soldiers' families, as well as a means of clothing a considerable portion of our Army in the Trans-Mississippi Department.

Whether the two houses will be able to agree upon any line of policy for the adjustment of our financial embarrassments is yet doubtful, and present indications are rather unfavorable to such a conclusion. We still hope, however, that a feeling of harmony may yet prevail, and that some wise measures may be adopted so that the State may not be burdened with another called session during the remaining term of the present Legislature.

The House passed a bill repealing the act authorizing the negotiation of \$2,000,000 in State Bonds for the purchase of cotton, more familiarly known as the cotton bond bill, and also the act supplementary thereon. A bill in relation to the Frontier organization is now before the House, which it is thought will pass. In fact, some such measure had become necessary as we understand the Confederate authorities had signified their intention of breaking it up by taking all the men subject to duty under the Conscript Law. Should they so do, it will relieve the State of a heavy burden, but we fear it will have the frontier so exposed that a large portion of it will have to be abandoned while the protection given to it by the Confederate Government will hardly be equal to that afforded by our own resident citizens, under the present organization.³¹

Thursday, November 10, 1864

BILLS:

House Bill 3, to be entitled an act to repeal an act and part of an act therein named, was read the 1st time. Rule suspended, read the 3rd time and passed.³²

³¹Weekly State Gazette (Austin), November 9, 1864.

³²The original of House Bill 3 notes that one act repealed is the "act to amend the third and fourth sections of an act to provide necessary assistance for families and other dependents of officers and soldiers, approved March 6, 1863, approved December 16, 1863." The other act is "an act to provide for the support of families and dependents of Texas soldiers, approved December 16, 1863, as provides for the appropriation of one million dollars per annum for the support and maintenance of the families, widows, and dependents of certain officers and soldiers of Texas."

House Bill 5, an act to provide for the publication of the synopsis of the decision of the Supreme Court, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed by a two-thirds vote.

House Bill 28, to be entitled an act making an appropriation of ten thousand dollars, or so much thereof as may be necessary to recover or repair the Executive Mansion in the City of Austin, and the fences around the same, was read the 1st time.

House Bill 29, to be entitled an act to incorporate the Austin Iron Company, was read the 1st time. Rule suspended, read the 2nd time and ordered to be engrossed. Rule further suspended, read the 3rd time and passed by a two-thirds vote.

The following Senate amendments for House Bill 30 were concurred in by the House:

Strike out 1,000,00 and insert 600,000 wherever it appears in the bill.

Add to the end of the 4th Section, "Provided further that in no case shall the cloth be sold or bartered at less than its market value."

Amend Section 5 by adding after the word "act" in the 24th line, the words "during his continuance in said service."

Add this proviso at the end of Section 10: "Provided, however, that nothing in this act shall be so construed as to prohibit the counties which have not heretofore received their quota of cloth under regulations upon the subject of distributing cloth for soldiers' families from receiving their proportion with other counties that have received cloth from the Penitentiary."

Friday, November 11, 1864

BILLS:

House Bill 8, to be entitled an act to make further appropriation for the support and maintenance of the State government for the years 1864 and 1865, was read the 1st time and referred to the Committee on Finance.

The House agreed to the Senate Amendment of House Bill 20, an act to define and fix the time of holding the district courts in the 2nd Judicial District of the State of Texas.

House Bill 24, an act making an appropriation to pay

the contingent expenses of the 2nd Extra Session of the 10th Legislature, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 25, to be entitled an act making appropriation to pay the per diem of members and the per diem of officers of the 2nd Extra Session of the 10th Legislature, was read the 1st time. Rule suspended, read the 2nd time and ordered to be engrossed. Rule further suspended, read the 3rd time and passed.

House Bill 28, an act making an appropriation for recovering or repairing the roof of the Governor's Mansion, was read the 2nd time and postponed to 3 P.M. tomorrow.

Senate Bill 2, an act to authorize the railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and bonds of the State, was read the 2nd time.

A Finance Committee substitute for Senate Bill 10, an act to provide for the destruction of Treasury Warrants, coupons, or State Bonds, and Bonds of the State paid into the Treasury and cancelled by the Treasurer and turned over to the Comptroller as vouchers, was agreed to and ordered to be enrolled.

Senate Bill 10, to be entitled an act to provide for the destruction of Treasury Warrants, coupons of State Bonds, and bonds of the State paid into the Treasury and cancelled by the Treasurer and turned over to the Comptroller as vouchers, was agreed to by the House.

Saturday, November 12, 1864

BILLS:

House Bill 2, to be entitled an act to incorporate the Holly Springs Manufacturing Company, was read 1st time. Rule suspended, read 2nd time and ordered to be engrossed. Rule further suspended, read the 3rd time and passed.

House Bill 7, to be entitled an act supplementary to an act entitled an act making an appropriation to defray the expenses of defending the frontier for the year 1864-1865 in pursuance of the provision of an act to provide for the protection of the frontier and turning over the Frontier Regiment to the Confederate States service, approved December 12, 1863, was read the 1st time. Rule suspended, read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 9, to be entitled an act making an appropriation to recover or repair the roof of the Old Land Office, was read the 1st time.

The Senate amendment to House Bill 23, an act for the relief of the heirs of John B. H. Jones, was agreed to.

House Bill 28, an act making an appropriation for recovering or repairing the roof of the Governor's Mansion, was read the 3rd time and passed.

Senate Bill 1, to be entitled an act to raise revenue by occupation, income, and poll taxes, was read the 1st time.

Senate Bill 2, an act to authorize railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and bonds of the State, was ordered to a 3rd reading.

Senate Bill 3, to be entitled an act to make an appropriation for the enclosure of the State Cemetery, was read the 1st time.

Senate Bill 8, to be entitled an act to authorize the Treasurer of the State to employ some competent person to sign his name in certain cases and making an appropriation therefor, was read the 1st time. Rule suspended, read the 2nd time and passed to a 3rd reading. Rule further suspended, read a 3rd time and passed.

Senate Bill 9, to be entitled an act concerning the distribution of cloth from the State Penitentiary, was read the 1st time. Rule suspended, read the 2nd time and passed to the 3rd reading. Rule suspended, read the 3rd time and passed.

Senate Bill 11, an act to amend the 5th section of an act to incorporate the New Braunfels Academy, was read the 2nd time and passed to a 3rd reading. Rule suspended, read a 3rd time and passed.

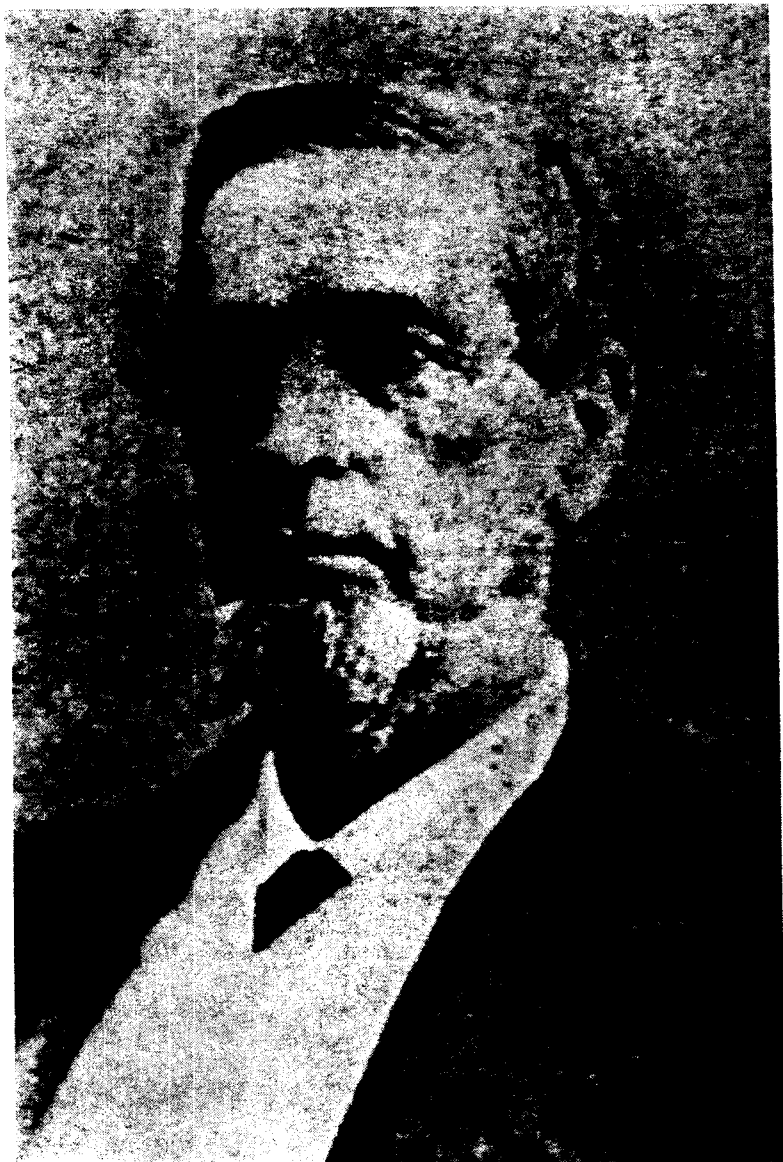
Monday, November 14, 1864

BILLS:

The amendment to House Bill 2, an act to incorporate the Holly Springs Manufacturing Company, was agreed to.

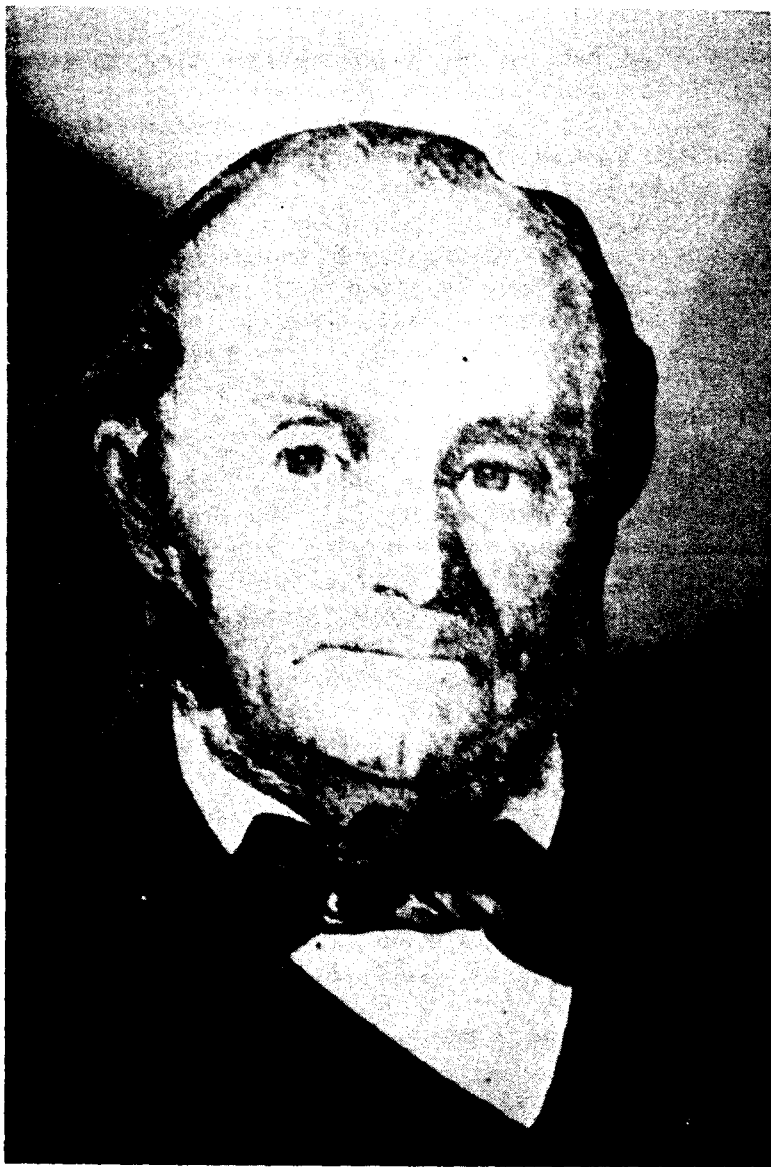
House Bill 8, an act to make further appropriation for the support and maintenance of the State government for the years 1864 and 1865, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed. The amendment was agreed to.

House Bill 9, an act making an appropriation to re-



William M. Harrison
Representative from Clarksville

Source: John Henry Brown, **Indian Wars and Pioneers of Texas** (Austin: L. E. Daniell, 1891-1892), 647.



Abner S. Lipscomb
Representative from Montgomery

Source: Ocie Speer, *Texas Jurists*
Austin [n.p.], 1936), 30.

cover or repair the Old Land Office, was read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

A bill to be entitled an act to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers, passed at the present session of the Legislature, and supplementary to said act, was read the 1st time. Rule suspended, read the 2nd time and ordered to be engrossed. Rule suspended, read the 3rd time and passed.

The House refused to agree to Senate Bill 1, to be entitled an act to raise revenue by occupation, income, and poll taxes.

Senate Bill 2 was made special order for 9 o'clock this evening, when it was read the 3rd time and passed.

Senate Bill 3, an act to make an appropriation for the enclosure of the State Cemetery, was read the 2nd time and passed to a 3rd reading. Rule suspended, read the 3rd time and passed. The yeas and nays stood as follows:

Yeas—Speaker, Adams, Andrews, Blake, Birdwell, Browne, Brady, Bush, Bowers, Chance, Daniel, DeBerry, Eastland, Guinn, Howard of Lavaca, Hart, Harrison, Hill, Kyle, Lollar, Lane, Lovejoy, McCoy, Maney, Pendleton, Rhea, Robinson, Reid, Ranck, Russell, Shannon, Sampson, Simpson, Tyler, Wilson, and Way—36.

Nays—Butler, Banton, Buckley, Baker, Bratton, Callahan, Emmert, Frazier, Gibbons, Glasscock, Howard of Anderson, Haynes, Hays, Holford, English, Keyes, Ledbetter, Lipscomb, McDonald, McGuire, Prendergast, Robertson, Redding, Smith, Seele, Willis, Wooten, and Walker—23.³³

The amendment to Senate Bill 4, an act to amend an act to reorganize the 17th Judicial District and to prescribe the time for holding courts therein, was agreed to.

Senate Bill 5, to be entitled an act to regulate the salary of the Private Secretary of the Governor and making appropriation therefor, was read the 1st time. Rule suspended, read the 2nd time and passed to a 3rd reading. Rule suspended, read the 3rd time and passed.

Senate Bill 6, to be entitled an act to establish the salary of the Chief Clerk of the Treasury Office, was read the 1st time, rule suspended, read 2nd time, and passed to a

³³Weekly State Gazette (Austin), November 16, 1864.

3rd reading. Rule suspended, read the 3rd time and passed.

Senate Bill 7, an act making appropriation to recover and repair the Executive Mansion, was agreed to.

COMMENTARY:

A bill allowing the different railroad companies to pay their indebtedness to the State in State liabilities for money loaned to them from the special school fund has become a law. Several years ago, when the policy of loaning the fund to railroad companies was fastened upon the State, we feel, that it was just so much money thrown away. We now begin to see the beginning of the end. The companies are now permitted to pay their whole indebtedness in a depreciated paper, ranging in value from eight to twenty cents on the dollar. We are aware that the railroad interest had for several years measurably controlled the legislation of the State, but we did not expect so soon to see that interest so potent as to culminate in legislation to rob the children in the State of a sacred fund so wisely set apart for their benefit. The yeas and nays of the House of Representatives on the final passage of the bill, which are found below, show that there was a very respectable minority of that body who thought the legislation reckless, unwise, and ill-timed. Under the excuse of enhancing the value of State paper by creating a demand, we see an inconsiderate majority carrying a measure which must deprive the common schools of the country of any benefits in the distribution of their fund. Instead of husbanding that fund as a sacred inheritance to the rising generation and those to come after them, we see it uselessly squandered, without consideration, and without even a good excuse.³⁴

Tuesday, November 15, 1864

BILLS:

Senate Bill 1, an act to raise revenue by occupation, income, and poll taxes, was adopted after the Committee of Free Conference report was received.

Senate Bill 2, an act to authorize railroad companies to discharge their indebtedness to the special school fund and with the Treasury Warrants and Bonds of the State, was adopted.

The House adjourned *sine die*.³⁵

³⁴Ibid.

³⁵Ibid.

APPENDIX IV

MEMBERS AND OFFICERS

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TENTH LEGISLATURE

SECOND CALLED SESSION

APPENDIX IV
MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE
TENTH LEGISLATURE, SECOND CALLED SESSION

Name	Dist.	Resident County	Post Office	Counties Represented
Foscue, F. F.	1	Liberty	Grand Caney	Jefferson, Chambers, Liberty, Orange
Adams, E. B.	2	Polk	Moscow	Liberty, Polk
Barclay, James	3	Tyler	Woodville	Tyler, Hardin
Perkins, A. N.	4	Jasper	Jasper	Jasper, Newton
Slaughter, R. F.	5	San Augustine	San Augustine	San Augustine, Sabine
Ramsey, Jesse Middleton	6	Shelby	Buena Vista	Shelby
Blake, Bennett	7	Nacogdoches	Nacogdoches	Nacogdoches
Guinn, J. W.	8	Angelina	Homer	Nacogdoches, Angelina
Brazier, G. M.	9	Houston	Crockett	Trinity, Houston, Anderson
Howard, George R.	10	Anderson		Anderson
Wooten, J. C.	11	Houston		Trinity, Houston, Anderson
Robertson, R.			Larissa	
	12	Cherokee		Cherokee
Daniel, W. C.			Rusk	
Birdwell, Allen			Mt. Enterprise	
	13	Rusk		Rusk
Smith, Thomas			Henderson	
DeBerry, A. W.	14	Panola	Carthage	Panola
Haynes, R. R.	15	Harrison	Marshall	Harrison
Poag, W. R.	16	Panola	Carthage	Harrison, Panola
Hays, F. M.			Troupe	
	17	Smith		Smith
Butler, Lovick Pearce			Tyler	



William A. Rhea
Representative from McKinney

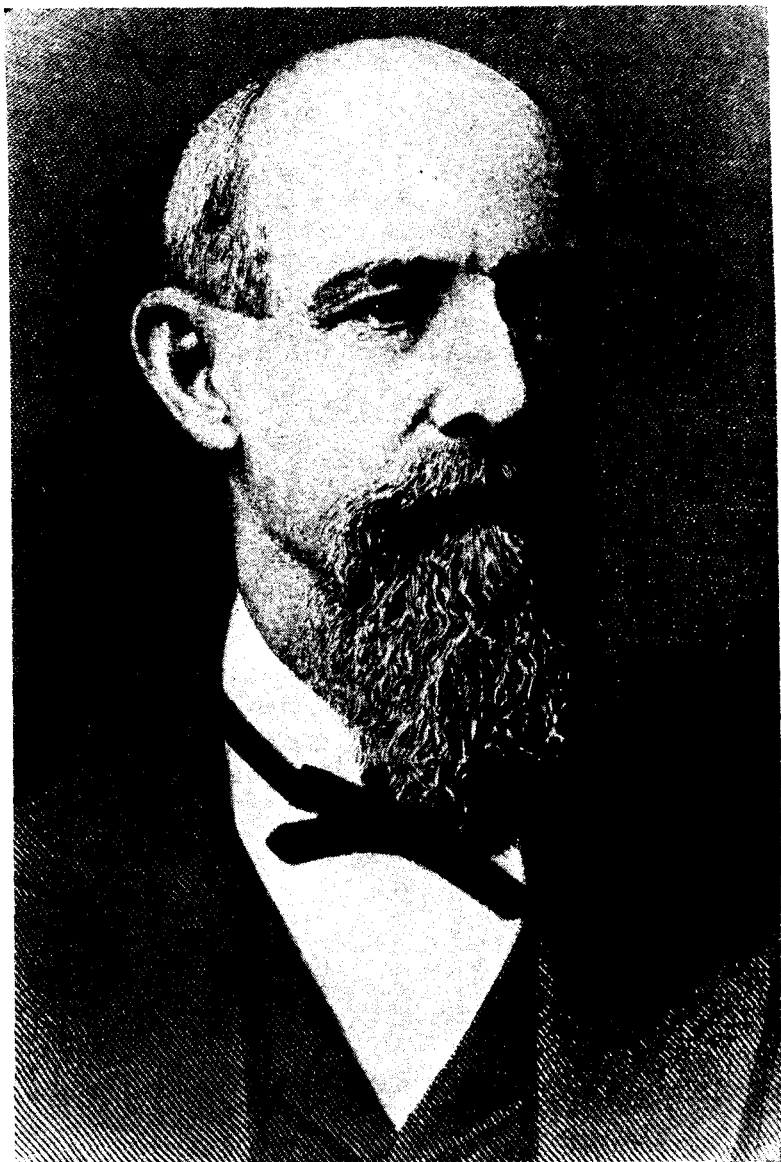
Source: Biographical Souvenir of
the State of Texas (Chicago: F.
A. Battey and Company, 1889),
716.

APPENDIX IV
MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE
TENTH LEGISLATURE, SECOND CALLED SESSION

Name	Dist.	Resident County	Post Office	Counties Represented
Willis, J. M.	18	Davis		Davis
Finley, B.	19	Titus	Lone Star	Titus
Patton, N. B.		Bowie	DeKalb	
	20			Davis, Titus, Marion, Bowie
Taylor, M. D. K., Speaker		Marion	Jefferson	
Hart, W. H.			Gilmer	
	21	Upshur		Upshur
Emmert, A.			Coffeeville	
Harrison, William M.	22	Red River	Clarksville	Red River
Gibbons, Edward	23	Lamar	Paris	Lamar
Lollar, L. A.	24	Hopkins	White Oak	Hopkins
Redding, A. J.	25	Lamar	Paris	Lamar, Hopkins
Keyes, Howard	26	Wood	Quitman	Wood
Griffith, John		Kaufman	Rockwall	
	27			Van Zandt, Kaufman, Henderson
Mabray, D. M.		Henderson	Athens	
Lane, W. R.	28	Hunt	Ladonia	Hunt
Inglish, R.	29	Fannin	Bonham	Fannin
Marshall, J. W.	30	Hunt	Greenville	Fannin, Hunt
Holford, W.	31	Grayson	Sherman	Grayson
Rhea, W. A.	32	Collin	McKinney	Collin
Browne, Thomas J.	33	Collin	McKinney	Collin, Grayson
Andrews, H. B.	34	Galveston	Galveston	Galveston

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MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE
TENTH LEGISLATURE, SECOND CALLED SESSION

Name	Dist.	Resident County	Post Office	Counties Represented
Hill, T. E. Brady, J. T.	35	Brazoria	Columbia	Galveston, Brazoria
Frazier, George W. McDonald, J. G.	36	Harris	Houston	Harris
Lipscomb, Abner S.	37	Grimes	Anderson	Montgomery, Grimes, Brazos
Blanton, J. H.	38	Montgomery	Montgomery	Walker
Lacy, Robert	39	Walker	Huntsville	Leon, Madison
Moores, W. B.	39	Leon	Clapp's Creek	
Prendergast, D. M.	40	Freestone	Fairfield	Freestone, Limestone, Falls
Loughridge, J. R.	41	Limestone	Springfield	
Pendleton, E.	41	Navarro	Corsicana	Navarro, Hill
Shannon, W. R.	42	Ellis	Milford	Ellis, Johnson, Parker
Allen, J. H.	43	Parker	Weatherford	
Wilson, George	43	Tarrant	Fort Worth	Tarrant
McCoy, J. C.	44	Dallas	Cedar Hill	Dallas
Lovejoy, J. L.	45	Denton	Denton	Denton



John S. Griffith
Representative from Rockwall

Source: *Texas and Texans* (Chicago: American Historical Society), 434.

APPENDIX IV

**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE
TENTH LEGISLATURE, SECOND CALLED SESSION**

Name	Dist.	Resident County	Post Office	Counties Represented
Jones, Wiley	46	Cooke	Gainesville	Cooke, Montague, Wise, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell
Buckley, C. W.	47	Fort Bend	Sugar Land	Matagorda, Wharton, Fort Bend
Bush, N. W.	48	Austin	Hempstead	Austin
Darden, W. J.	49	Colorado	Columbus	Colorado
Ledbetter, W. H.	50	Fayette	La Grange	Fayette
McGuire, F. W.	51	Washington	Yegua	Washington
Baker, M. W.	52		Chappell Hill	Washington, Fayette
Chance, E. J.	53	Burleson	Lexington	Burleson, Robertson
Eastland, N. W.	54	Bastrop	Bastrop	Bastrop
Bowers, Marmion Henry	55	Travis	Austin	Travis
Glasscock, George W.	56	Travis	Austin	Travis, Williamson
Robinson, L.	57	Milam	Cameron	Williamson, Milam
Kyle, Claiborne	58	Hays	Mountain City	Caldwell, Hays, Blanco
Walker, E.	59	Bell	Belton	Bell, Lampasas
Way, C. B.	60	McLennan	Waco	McLennan, Bosque
Tyler, O. T.	61	Coryell	Coryell	Coryell, Hamilton, Comanche, Erath, Brown, Palo Pinto, Stephens, Eastland, Shackelford, Callahan, Coleman, Jones, Taylor, Runnels

APPENDIX IV
MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE
TENTH LEGISLATURE, SECOND CALLED SESSION

Name	Dist.	Resident County	Post Office	Counties Represented
Reid, J. B.	62	Victoria	Victoria	Calhoun, Victoria, Jackson, DeWitt
Cook, William M.	63	Calhoun	Indianola	Lavaca
Howard, W. H.	64	Lavaca	Oakland	Gonzales
Bratton, L. R.	65	Gonzales	Gonzales	Guadalupe
Maney, H.	66	Guadalupe	Seguin	Comal
Seele, Hermann	67	Comal	New Braunfels	Gillespie, Kerr, Bandera, Mason, Menard, Kimble, Edwards
Ranck, J. E.	67	Mason	Fort Mason	Burnet, Llano, San Saba, McCulloch, Concho
Thaxton, W.	68	San Saba	San Saba	Goliad, Refugio, San Patricio
Means, H.	69	San Patricio	San Patricio	Karnes, Bee, Live Oak, Atascosa, McMullen, Frio, LaSalle, Zavala, Dimmit, Bexar
Russell, C. A.	70	Karnes	Helena	Bexar, Medina, Uvalde, Dawson, Kinney
Simpson, I. P.	71	Bexar	San Antonio	Maverick, Wilson
Sampson, S.	72	Wilson	Southerland Springs	Cameron
Elder, Felix T.	72	Wilson	Southerland Springs	
Beldon, Samuel A.	73	Cameron	Brownsville	

APPENDIX IV
MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE
TENTH LEGISLATURE, SECOND CALLED SESSION

Name	Dist.	Resident County	Post Office	Counties Represented
Ingalls, John	74	Cameron	Brownsville	Cameron, Hidalgo
Cole, S. G.	75	Starr	Roma	Starr, Zapata
Callahan, Charles	76	Webb	Laredo	Webb, Nueces, Duval, Encinal, McMullen
McCarthy, J. L.	77	El Paso	El Paso	El Paso, Presidio

OFFICERS OF THE HOUSE OF REPRESENTATIVES

Morris, J. B.	Chief Clerk
Campbell, A. G.	First Assistant Clerk
Lambert, W.	Second Assistant Clerk
Carlton, Fred	Third Assistant Clerk
Hollander, William	Sergeant at Arms
Haynes, George E.	Assistant Sergeant at Arms
Raven, E.	Doorkeeper
Phillips, J. W.	Chaplain

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