

SENATE JOURNAL
of the
NINTH LEGISLATURE
FIRST CALLED SESSION

SENATE JOURNAL
of the
NINTH LEGISLATURE
FIRST CALLED SESSION
of the
STATE OF TEXAS

February 2, 1863 - March 7, 1863

Compiled and Edited from the Manuscripts in the
Texas State Archives

by

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with an Introduction by

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Contents

Introduction	v - vi
Preface	vii - viii
Proclamation of Governor F. R. Lubbock	xi - xii
Journal	1
Appendix I: Members and Officers of the Senate of the Ninth Legislature, First Called Session	159
Appendix II: Message of Secretary of State to Ac- company the Address of F. R. Lubbock, January 5, 1863	161
Appendix III: Report of Texas Military Board, January, 1863	167
Appendix IV: Executive Messages to the Senate of the Ninth Legislature, First Called Session	182
Appendix V: Joint Resolution of Gratitude to the Confederate Soldiers From Texas	189
Index	192

Illustrations

Capitol of Texas, 1855-1881	Frontispiece
Austin in the 1860's	ix
Governor Francis Richard Lubbock	x
Senator Leroy W. Cooper	44
Colonel Benjamin F. Terry	65

INTRODUCTION

The regular session of the ninth legislature adjourned in January, 1862, to be reconvened in special session one year later by Governor Lubbock. During 1862 the Confederacy reached its high watermark. Stonewall Jackson's brilliant Valley campaign was followed by the resounding victories of General Lee at the Seven Days' and Second Manassas. Lee's invasion of the North in September, however, resulted in the drawn battle of Sharpsburg. After this repulse and Lincoln's Emancipation Proclamation, the hoped for recognition of the Confederacy by the European powers never came. While Texas had expelled all Federal soldiers from her soil after the recapture of Galveston on New Year's Day, 1863, nevertheless, the people had by then learned the meaning of defeat. The border states were overrun, the Mississippi River had been secured by the Federals except for Port Hudson and Vicksburg, and the Confederacy was cut in two. Remnants of the Sibley expedition to New Mexico had trudged home to mingle with the wounded from Pea Ridge and Corinth. The appalling casualties at Shiloh and Sharpsburg had shocked the South as they did the North. By the end of 1862 the people of Texas were saying what they would not admit in 1861—that the war would be a long and costly one. Already there were signs of dissatisfaction among certain elements of the population, though the vast majority were cheerfully bending their energies to the task of providing food, clothing, and the materials of war to sustain their regiments. It is in this setting that the first called session of the ninth legislature reassembled in February, 1863.

The membership of the legislature had changed considerably during the war because of the demands of military service. In the senate, eleven of the members had resigned, one to become attorney general (Shelley) and ten to accept commissions in the army. Of these, one had been killed while serving in the frontier regiment (Obenchain), another was soon to be elected to the Confederate Congress while on duty in the field (Branch), and a third was to reach the rank of major general before the end of the war (S. B. Maxey). Two (Burnett and A. F. Craw-

ford) became the colonel and lieutenant-colonel of the same regiment, an example of cooperation rarely found among senators.

The extra session of the ninth legislature had been called by Governor Lubbock after agitation by the newspapers throughout the state for legislation to encourage the enlistment of troops and for retaliatory laws to meet the feared consequences of the Emancipation Proclamation freeing the slaves.

As reflected by the Senate Journal, most of the bills considered at this called session were those affecting the soldier and his family. Laws suspending the statutes of limitation in civil actions and regulating foreclosure sales were enacted. Appropriations were made for sick and wounded soldiers, for additional pay to the state troops, and for the support of the needy families of soldiers. Laws were passed authorizing counties to provide assistance to soldiers' dependents and to regulate the distribution to them of cloth manufactured in the state penitentiary. Various mutual aid associations to sell merchandise to families of soldiers at cost were incorporated by special acts. Measures were enacted to provide for the defense of the frontier.

The proclamations of Lincoln had declared all slaves within the Confederate lines free and advised them to assert and secure their freedom. The Legislature passed two statutes to counteract these moves by the North. One specifically defined the offense of inciting insurrection and prescribed severe punishment therefor. The other provided for the manner of dealing with persons of color invading or coming into the state with the armed forces of the enemy.

In addition to the proceedings of the senate as contained in the journal, the editor has included the messages of the Governor to the Legislature, of the Secretary of State, and the report of the Texas Military Board. These are interesting contemporary summaries of the military, political, and financial situation of the state. Now that it is in print, this historical material not only will be preserved but will be readily accessible to the researcher.

Cooper K. Ragan

Houston, Texas

PREFACE

This is a continuation of the printing of the journals of the Texas Legislatures which met during the Civil War. It is the first printing despite the fact that the journals were ordered published contemporaneously and that two efforts were later made to place them in book form. The exigencies of war prevented the journals from being printed at the end of the sessions of the ninth legislature, while the later efforts of E. W. Winkler and Harriet Smither probably failed because of a shortage of both staff and funds.

On the pages of this journal are recorded the efforts of a group of dedicated men to the principles in which they believed. The central theme of the book is the prosecution of the war. The work of the Texas Military Board is dealt with at some length as it represented the heart of the Texas war effort. This board penetrated into the lives of Texans in the Confederate Army, the state penitentiary, and the public at large. It employed agents, sold bonds, purchased cotton, gunpowder, a gun boat, and weapons, and attempted to alleviate the suffering of Texas soldiers serving in the South. It comes as no surprise that authority for this operation was centralized in the hands of the governor, the comptroller, and the treasurer; nor was it considered unusual that the legislature saw fit to appoint a committee to see that these three top officials had properly performed their duties. One might be surprised to find the idea of subsidies to private enterprise expressed. The senators went to some length in discussing the "black book" to be kept by the county clerk of each county. The purpose of this book was to list the names of those who refused to support the Confederacy. This particular measure fell by the wayside, but its discussion points to an attitude on the part of those involved in running the state government.

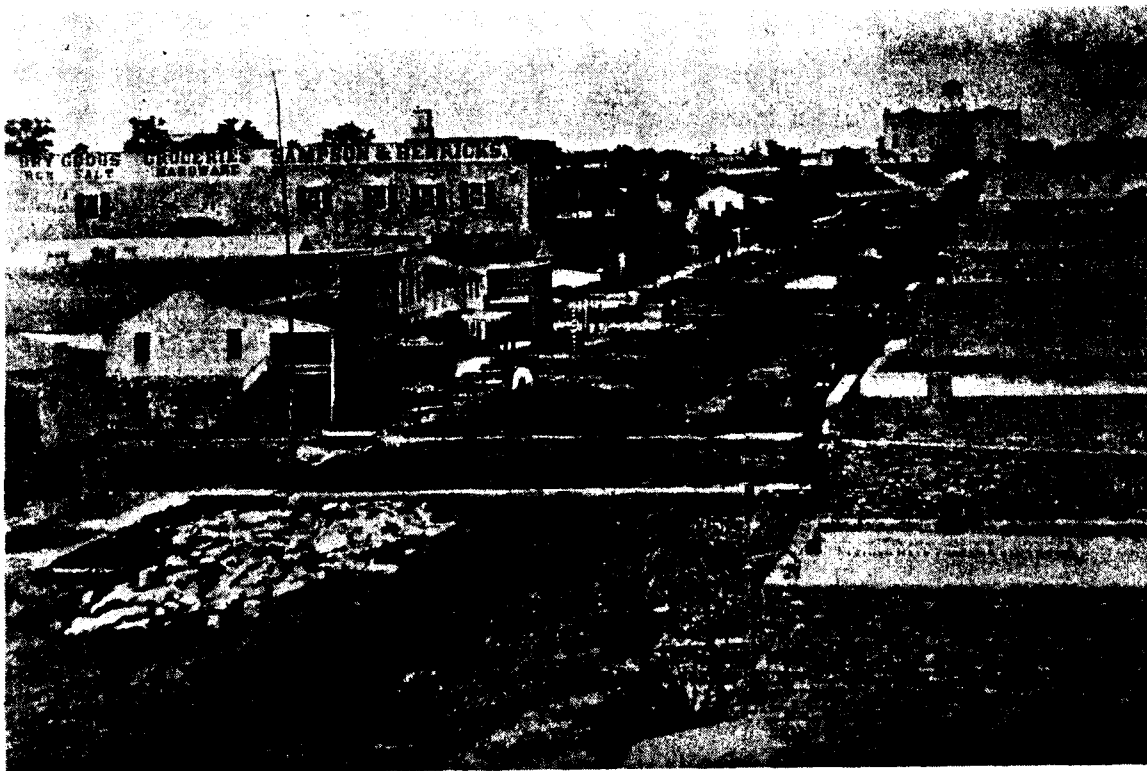
In compiling and editing this journal every effort has been made to keep the original "flavor" of the 1860's and at the same time make it an accurate, readable journal. The journal book from which the editing was accomplished looks to be in the handwriting of Phineas de Cordova, the secretary of the senate, and it understandably has some inaccuracies and omissions in it. The editor has aimed at

standardizing the spelling of such items and has attempted to locate the omissions and place them in context. When this has been accomplished the inserted material is noted in [] brackets or in a footnote. Efforts were made to locate all speeches, committee reports, and other pertinent material, but this sometimes met with no success. When that is the case, it is so noted.

The illustrations are included to add a bit of color to the proceedings. The picture of Congress Avenue and the state capitol show where the senate met, while the photograph of Senator Leroy W. Cooper shows one man involved in the operation. Benjamin F. Terry's photograph is included because his death was the cause of great eloquence and mourning (see **Journal of the Senate of the Ninth Legislature, Regular Session, 165-167**). Governor Francis R. Lubbock is included because he was responsible for calling the legislature into special session.

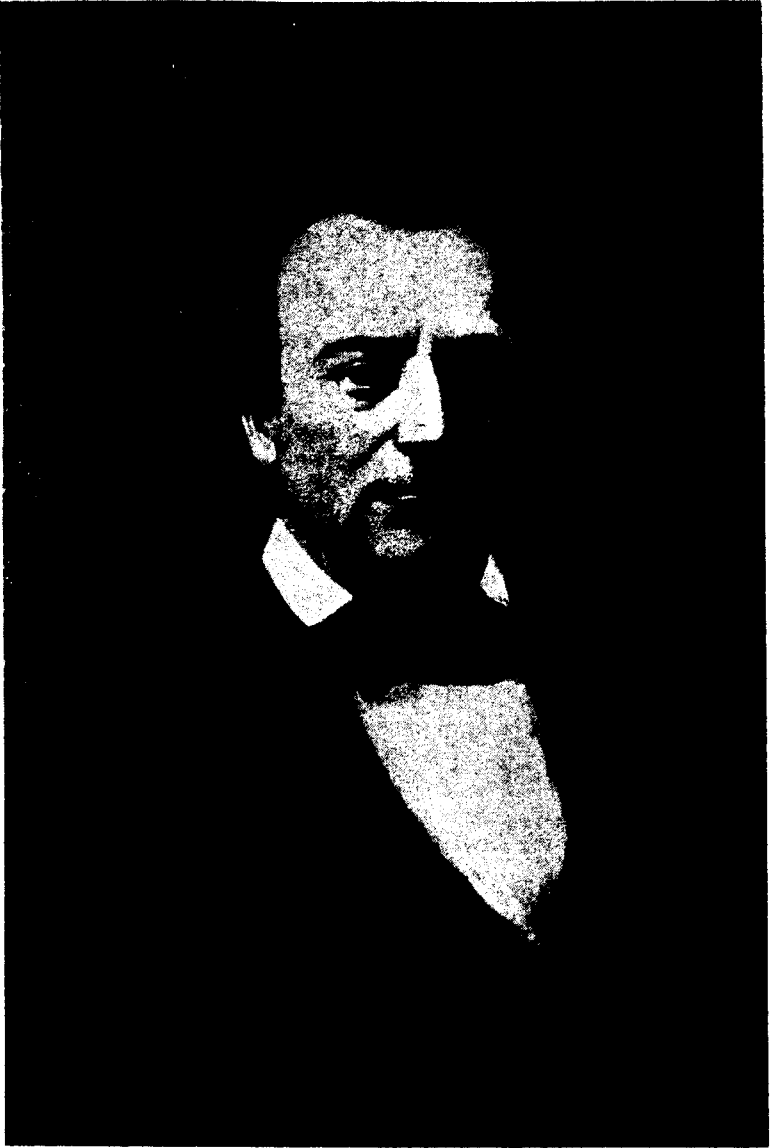
This preface could not be closed without expressing appreciation to Mary Osburn, Newton Mitchell, Floree Haire, Georgia Yarbrough, and Kenneth Nations who kept the reference work going and allowed the time necessary for completing this work. To Donna Yarbrough and Bill Kleinschmidt thanks is given for assistance in compiling the index.

James M. Day
Director of State Archives



Austin in the 1860's

Photograph from
Archives Division
Texas State Library



Francis Richard Lubbock
Governor of Texas
1861 - 1863

Photograph from
Archives Division
Texas State Library

The State of Texas

Proclamation

By The Governor

Whereas, the condition of Public affairs, both State and Confederate, renders it necessary in my opinion that the Legislature should be convened in Extra Session _____

_____ Now, Therefore, I, F. R. Lubbock, Governor of the State of Texas, do hereby issue this my Proclamation, ordering the Legislature of the State of Texas to convene in Extra Session, at the Capitol, in the City of Austin, on Monday, the 2nd day of February, A. D. 1863 _____

_____ And 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 any 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 according to Law. _____

¹ Taken from Executive Record Book No. 279, 1861-1863, p. 126 (Archives Division, Texas State Library).

(SEAL)

By the Governor

R. J. Townes

Secretary Of State

Given under my hand and
the great Seal of the State,
at Austin, this thirtieth day
of December, Anno Domini,
One Thousand Eight
Hundred and Sixty Two,
and in the year of the In-
dependence of Texas, the
Twenty seventh.

F. R. Lubbock

JOURNAL OF THE SENATE

EXTRA SESSION

OF THE

NINTH LEGISLATURE

Monday, February 2, 1863

The Senate met in extraordinary session in pursuance of the proclamation of the Governor, the President in the Chair. The roll of Senators being called, the following answered to their names: Messrs. Boyd, Casey, Cook, Guinn, Harcourt, Lea, and Reed.

The following gentlemen presented their credentials as Senators-elect from the respective districts to fill vacancies:

W. D. Lair	13th [15] District
L. W. Cooper	11th District
Spencer Ford	25th District
James Andres	2nd District
S. Addison White	4th [24] District
Rice Maxey	9th District
A. W. Moore	26th District
D. C. Dickson	17th District
George E. Burney	28th District

Whereupon, the oath of office was administered by the President, and the Senators took their respective seats.²

The roll was then called, and there being no quorum, the Senate adjourned until 4 o'clock P. M.

4 o'clock P. M.

Senate met. Roll called, no quorum, whereupon the Senators adjourned until tomorrow 10 o'clock A. M.

Tuesday, February 3, 1863

Senate met. Roll called. Mr. [W.] Quayle presented his credentials as Senator-elect from 20th District, took the oath of office and his seat. There being no quorum the Senators adjourned until 3 o'clock P. M.

² For a complete listing of the Senators and officers for this session, see Appendix I.

3 o'clock P. M.

Senate met: Roll called, no quorum, whereupon the Senators adjourned until tomorrow morning at 9 o'clock.

Wednesday, February 4, 1863

Senate met, roll called, quorum present. Prayer by the Chaplain.

The President announced several vacancies in the offices in the Senate, whereupon an election to fill the vacancies was had.

The President announced that nominations for the office of 1st Assistant Secretary were in order, whereupon Mr. Guinn nominated Mr. N. C. Raymond. There being no other nomination, Messrs. Guinn and Casey were appointed tellers who upon counting the ballot announced it as follows: Mr. Raymond 21 votes, and one vote blank, whereupon Mr. Raymond was declared constitutionally elected.

For Sergeant-at-Arms Mr. Moore of Bastrop nominated Mr. R. H. Clements. There being no other nomination, Mr. Clements received twenty-one votes and one vote blank. Mr. Clements was therefore elected.

Nominations for Enrolling Clerk were then made by Mr. Dickson of P. Priestly, by Mr. Cook of W. M. Gilleland. The ballot being counted Mr. Priestly had 9 votes; Mr. Gilleland, 13 votes and one vote blank. Mr. Gilleland was therefore elected.

For Engrossing Clerk Mr. Harcourt nominated Henry Thomas; Mr. Shepard, Duval Beale. Mr. Lea nominated Mr. T. D. Moseley. The first ballot resulted as follows: Mr. Thomas 11 votes, Mr. Beale six votes, and Mr. Moseley 5 votes. There being no election, a second ballot was had with the following result: Mr. Thomas 15 votes, Mr. Moseley 6 votes, and Mr. Beale 2 votes. Mr. Thomas having received a majority was elected. Mr. Thomas and Mr. Clements were then sworn into office.

Mr. Dickson moved the appointment of a committee to inform the House of Representatives of the organization of the Senate and its readiness to proceed to business. Messrs. Dickson, Casey, and Boyd were appointed to the committee.

The Senate then adjourned until tomorrow morning, 9 o'clock.

Thursday, February 5, 1863
9 o'clock A. M.

Senate met. Prayer by the Chaplain. Roll called, quorum present. Mr. N. C. Raymond, 1st assistant Secretary-elect came forward and took the oath of office. Mr. William M. Gilleland, Enrolling Clerk-elect, came forward and took the oath of office.

On motion of Mr. Guinn the Senators-elect to fill vacancies occurring since the last session were assigned to duty on their appropriate Committees.

Mr. Dickson presented the memorial of S. H. Darden contesting the seat of Honorable Spencer Ford.³ Referred to Judiciary Committee.

Mr. Harcourt introduced a bill to authorize the Supreme Court of the Galveston District to hold its spring term at the City of Austin. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Selman introduced a bill to repeal the 1st section of an Act to prescribe what kind of funds shall be received for public dues. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Lea introduced the following resolution which was adopted: "**Resolved**, That the Committee on Finance is instructed to inquire and report as to the propriety of providing a specie fund to facilitate payments of taxes which have been or may be imposed to meet interest and principal of State bonds so that taxpayers may have such taxes liquidated at the Treasury by exchange of paper currency for specie through the Comptroller and the collectors."

Mr. Ford offered the following: "**Resolved**, That the Secretary of State be required to furnish each Senator with a copy of Oldham & White's Digest [Williamson S. Oldham and George W. White, **A Digest of the General Statute Laws of the State of Texas**, 1859], a copy of the State Constitution, and of the Acts of the Regular Session. Adopted.

Mr. Guinn offered the following resolution: "**Resolved**, That it is the sense of the Senate that no legislation should

³ Neither the memorial nor the committee report of February 11, 1863, can be found. Darden held the seat during the regular session and apparently resigned at its completion, thus causing a special election which was won by Ford. As to the basis of the contest by Darden, both the Archives and the contemporary newspapers are silent.

be had during this Extra session of the Legislature on private or local measures." Laid on table one day for consideration.

Mr. Harcourt introduced a joint resolution approving the President's Proclamation. Read 1st time and, on Mr. Ford's motion, referred to Committee on Military Affairs.

On motion of Mr. Casey the Senate took recess for half an hour.

The recess having expired the Senate was called to order by the President. Roll called, quorum present. A committee from the House announced to the Senate that the House were organized and ready to proceed to business and that Messrs. Potter, Holland of Grimes, and Broaddus had been appointed a committee to act with a like committee of the Senate to wait upon the Governor and inform him of the organization of the Legislature and readiness to receive any communication he may have to make. The committee appointed by the Senate for a like purpose reported that in conjunction with the like committee of the House they had performed that duty and that His Excellency would deliver in person his message in the Hall of the House of Representatives so soon as the Hall could be arranged for that purpose.

A message from the House announced the organization of that body as follows:

Honorable C. W. Buckley, Speaker
 I. H. Herndon, Chief Clerk
 A. G. Campbell, 1st Assistant Clerk
 P. Priestly, Enrolling Clerk
 J. L. Garrison, Engrossing Clerk
 J. S. Cartwell, Doorkeeper
 Wm. Hardeman, Sergeant-at-Arms
 V. V. Ward, Assistant Sergeant-at-Arms

Mr. Hardeman and Mr. Garrison being officers of the regular session, the others having been elected to fill vacancies.

A committee from the House invited the Senate to the Hall of the House of Representatives for the purpose of hearing the Governor's message.

On motion the Senate proceeded to the Hall of the House.

IN JOINT SESSION

Roll called, quorum present.

The message was then read by the Governor and is as follows:

EXECUTIVE DEPARTMENT

Austin, Texas, February 5, 1863

Gentlemen of the Senate and House of Representatives:

It being my duty to convene the Legislature in extraordinary session when deemed essential for the public good, I have called you together at this momentous crisis to receive your aid and cooperation in the adoption of such additional measures as may be esteemed of vital importance to the country.

Since your adjournment the war has been prosecuted by our vindictive and remorseless enemy with all the means and energy at his command. Failing in the clash of arms and shock of battle to conquer and subdue our people, no expedient, however miserable, contemptible, and despicable, has been left untried by him to induce the citizens of the Confederate States to throw off their allegiance to the government of their choice and espouse a cause they detest and abhor. Whenever the fortune of war has placed any portion of the Confederacy in his power, after exhausting every means of persuasion, without success, to bring the people "back to their allegiance," he has resorted to the most unjust, oppressive, and cruel measures—confiscations, imprisonments, and even the taking of life itself. Yet under all these trials, our citizens, with but few dishonorable exceptions, have remained true and loyal to the Confederacy.

From the very commencement of the war there has been a studied purpose, on the part of Mr. Lincoln's Government to Africanise the Southern Confederacy, which fact is now most plainly developed in his [Emancipation] Proclamation of the 22nd September, 1862, in which he declared that "all slaves shall be free in the States or parts of States found in rebellion after the 1st of January, 1863," and which proclamation has been approved and sustained by the U. S. Congress now in session by the following resolution:

Resolved, That the Proclamation of the President, dated September 22, 1862, is warranted by the Con-

stitution, that the policy of emancipation as indicated therein, is well adapted to hasten the restoration of peace, is well chosen as a war measure, and is an exercise of power with a proper regard to the rights of citizens and the perpetuity of a free government."

I am pleased to see the views of the President of the Confederate States has taken on this most iniquitous paper in his late proclamation of outlawry against that hateful and disgusting renegade and traitor democrat known as the "Beast Butler" of whom it has been well said: "He has disgraced the government, for his government is great enough to be just; he has disgraced his country, for his name bars the scorn of foreign enemies and justifies the severity of foreign friends; he has dishonored the Chief Magistrate by prescribing him to ministers of the Gospel as the subject of their compulsory prayers; he has disgraced his sex, for not even women have been exempt from his cruelty. If it is possible he has disgraced himself, for the most subservient looter of Southern men and subservient (s)lander of Southern institutions he has become their most assiduous enemy seeking a place for the heel of power where once he looked only to lick the spittle of servility."

I trust your honorable body will fully endorse the action of the President and sustain the Confederate Congress in every measure of retaliation that may be adopted against our foes who are in effect fighting us under the blackest and most damning of all flags—a flag upon whose folds is inscribed their intention and desire to incite a servile war.

While I recognize the right of the Confederate government to dispose of prisoners of war taken by its armies, and while it would be impolite and unadvisable for the State to interfere therewith, I yet think that where parties are taken upon our soil, committing murder and arson and inciting to rebellion our servile population, the plea that they are soldiers of the United States Government should not be allowed to save them from the same summary punishment as would be visited upon our own citizens if convicted of the same nefarious crimes.

As Texans, we should feel that He who ruleth in the Heavens and upon the Earth hath protected and shielded our State from the iron hell of despotism and tyranny—from the lust, avarice, murder, and rapine that have fol-

lowed in the footsteps of the invader and been so deeply felt by our suffering sister states. Could we but forget the heavy and irreparable loss of brave and devoted soldiers sustained by Texas upon every battle field, we might congratulate ourselves that, thus far, the evils of the war have not pressed heavily upon us.

In almost every important battle our arms have proved triumphant. I am proud of the conviction that our Texans, elbow to elbow with their Confederate brothers in arms, have been conspicuous in every encounter. No troops have proved more gallant and chivalrous; high praise has been awarded them by the President, their commanding generals, and the people, the evidence of which exists in the Executive Office. It is too true we have to mourn the loss of many—alas too many—of our best and bravest! Let us, however, hope that they have not died in vain—that for every drop of blood so shed in the cause of freedom an armed man will spring up to do battle in this great struggle! Let us cherish the memories of these heroes and ever bear in remembrance that it was for our country and for our liberties they yielded up all that was dear to them on earth. When peace shall have been restored to our fair land, let their ashes repose in the bosom of the State they loved so well and upon whose name their deeds have shed so imperishable a lustre! Let a hundred columns mark the spots where rests their ashes, the tribute of a grateful people, proud of their deeds! And let them recount to our children's children the names of the patriots who yielded their lives a willing sacrifice upon the altars of liberty!

THE MILITARY BOARD

At your last session you created a "Military Board" composed of the Governor, Comptroller, and Treasurer. Immediately after the passage of the law, the Board entered upon the discharge of their duties and have continued up to the present moment, with all the energy and ability they possess, to carry out the intentions of your Honorable body. In consequence of the scarcity of material, the great number of patriotic artisans and mechanics as well as laborers who have flown to arms in defense of the country—they have encountered almost insurmountable difficulties. Much, however, has been done by them to place the State in a better posture for defense than existed at the time of your adjournment. They have purchased and procured every

gun possible; made several contracts for the manufacture of small arms, which are now being rapidly perfected; established and placed in successful operation a Foundry for the casting of Cannon; are successfully working a percussion cap factory; aided in the manufacture of gun powder; and all else in their view calculated at this time to benefit the country. They have also introduced into the state many articles of prime necessity including a large amount of powder, lead, and other munitions of war, and contracted with parties to import articles indispensable to the people.

The Board have also purchased and improvised the steam boat "Bayou City" for the protection of Galveston Bay: and after her completion transferred her to the Confederate Government saving to the State her cost and expenses, and contributing thereby on behalf of the State very material aid in the daring and ever memorable success in the capture of the steam vessel of war "Harriet Lane" and the rescue of our beautiful "Island City" from the grasp of our hated foe.⁴

They also purchased and loaned to the Confederate Government for use within the State the two elegant and servicable Nichols guns manufactured by a skillful citizen of Galveston, after whom they were named; and it is not without gratification, they remark, that these guns recently caused the blockading fleet off Galveston to haul off and take position at a very respectable distance from shore. The manufacture of this class of guns should be encouraged.

I might say much in regard to the labors and action of the board; it is, however, deemed best not to enter into details at this time;—suffice it to say, that I have found my colleagues ever ready to afford me every assistance in defending and advancing the interests of the country. Every important act of the Board has been the united act of all.

I most respectfully ask that a Joint Committee be appointed to examine and report upon the action and business entrusted to the Board. This will be the best mode of determining as to its usefulness, the benefits resulting to the state and the propriety of its continuance. I can assure your Honorable Body that its labors have been most arduous.

⁴ See F. R. Lubbock (C. W. Raines, editor), *Six Decades in Texas, or Memoirs of Francis Richard Lubbock* (Austin: Ben C. Jones and Company, 1900).

**REPORT OF THE ADJUTANT AND
INSPECTOR GENERAL**

I respectfully call your attention to the report of the Adjutant and Inspector General in which you will find the details connected with his department, and the duties performed under the law since your regular session, and also many valuable suggestions.

In consequence of the large requisitions made upon the state for men by the Confederate government, and the great disposition of our citizens to engage in the war, the State military organization has been almost destroyed. The labor in his office has been very arduous, and, I trust, in many respects resulted in material benefit to the State. The labor in collecting and repairing arms, receiving and distributing munitions, organizing and placing in the field the Frontier Regiment, and in filling the requisitions of the Confederate Government has been immense.

On the 21st of December, 1861, the Act was passed "for the protection of the frontier of the State of Texas." The first company enrolled under said Act (that of Captain Thomas Rabb of Karnes County) on the 24th of January, 1862, reported in camp awaiting orders.

On the 29th and 30th of the same month, the field officers were placed on duty, and the companies of the regiment in position by the 15th of March at the several posts established on the line by the colonel and approved by the Executive. The regiment consisted of nine companies. The tenth was not raised in consequence of the failure of the party appointed in El Paso and Presidio Counties to enroll men; subsequently, from the best information I could procure, I deemed it unnecessary to station a company in those counties, hence the tenth company was not at that time raised.

In compliance with section 7 of said Act, I immediately, after the passage of the law, communicated with the Secretary of War and our members of Congress urging their acceptance of the regiment. I received assurance from our members that the regiment would be received. The Provisional Congress passed a bill for its acceptance, which was, however, vetoed by the President on the ground that it could be accepted only unconditionally. It was again brought before the permanent Congress, passed the House, but was defeated in the Senate. After much conversation

on the subject with the commanding general of this department, on the 1st of October ultimate I was induced to offer him the regiment for Confederate service, believing it would be continued in service on the line adopted for the protection of the frontier, a duty properly devolving upon the Confederate government, and that it be an immediate relief to our Treasury. In answer to my proposition the regiment was agreed to be received so soon as they could be remustered, and some immaterial arrangements made. The arrangements for the transfer were about completed when I received a communication indicating most clearly that the present Commanding General, induced by an apprehension of an invasion of the lower Rio Grande, would forthwith withdraw five companies of this regiment for service on the lower Rio Grande. Although in accepting the regiment, the commanding general could make no terms with me as to its future disposition. I yet believed the regiment would be retained on the line for the protection of the frontier; consequently, when the fact was made apparent before the transfer that a very large number of our frontier counties would be immediately deprived of protection by said transfer, there being no Confederate troops on the line, I withheld by approval thereof, deeming it best to await your action.

This regiment has performed good and efficient service and been of great benefit. It has given the frontier settlers confidence. Many good men have joined the Confederate service, and gone beyond the limits of the State, leaving their families and property in the frontier counties because they had confidence in that organization and believed the State was determined to protect its frontier.

The frontier counties with their very sparse population have nobly responded to the call of their country. They should be sustained. Unless protection be afforded them the frontier must recede and give way before the inroads of the Indians, for just so soon as you fail to keep up a system of defense in your outer counties will they press forward upon the interior, murdering and robbing.

That it is the duty of the Confederate government to protect our frontier, there is, and can be, no question; but it must be borne in mind that we are now engaged in a desperate war, and that the government has need of every man she can procure to operate against an enemy more

barbarous than the Indian. Hence, the necessity for the State Authorities to look to the safety of her people on her exposed bodies. They must be protected at all hazards and at every cost. Treasure must not be weighed against the blood of our women and children!

The frontier regiment has entered the service for three years or the war, preparatory to its transfer to the Confederate Service. They are willing and expect to be transferred, should it be the pleasure of your Honorable body. With the exercise of the most rigid economy the expense of keeping this regiment in the field up to this time has been about \$800,000.

I beg leave to suggest the following plan for the protection of the frontier in addition to what the Confederate Government may do: Let some twenty five counties on a line from Red River to the Rio Grande be selected: appoint in each of such counties a captain and twenty men citizens of the same who will be sworn in as soldiers for the protection of the frontier: pay to each of the Captain's \$750 and each man \$500 per annum: These troops furnishing their own horses, arms and subsistence: appoint one or two commissioners, whose duty it shall be to travel along the line, receive reports as to the management of the Companies, their efficiency, and the protection they afford, paying off the Companies, and exercising a general supervision over the line.

This plan would give about 500 men; would not cost the State a sum exceeding \$30000 per annum, about one fourth of what it will cost at the present enormous prices of subsistence, etc. to keep a regiment like the present in the field, and would, I believe, give protection and satisfaction to the frontier settler.

It would take but a short time to perfect this system of defense. We could then turn over the present regiment to the Confederate Government without much risk, and whenever that government placed upon the frontier a force adequate to its protection, we could disband any organization the State might have in service.

Should you resolve to retain the frontier regiment in the State service some amendment of the law creating it could be made which would add to its efficiency.

In remustering the regiment for three years or the war, expecting as I did to transfer it to the Confederate

States, I waived the power of appointment vested in me by the law and gave to the men the election of their field officers. I conceived it would prove more satisfactory, and it was a right they would have had in reorganizing a new regiment for Confederate service. I am pleased to say that in my judgement they made a very good selection of officers.

It is with profound regret and mortification that I am compelled to inform you of the untimely death of Lieutenant Colonel A. T. Obenchain, late of the frontier regiment. He was unquestionably murdered; and the supposition is, by his escort, two men named E. T. Whateley and Rector Stockton, privates in Captain Cureton's Company I, Frontier Regiment.

Every effort has been made to arrest these two parties supposed to be his murderers, but thus far without avail.

STATE TROOPS

In consequence of the large number of volunteers who have crowded to the Confederate States' standard since the passage of the Act of December 25, 1861, "to perfect the organization of the State Troops and place the same on a war footing" and that of the several conscript acts taking all between the ages of 18 and 45 years, the entire military force of the State has become almost wholly disorganized.

I have recently experienced much difficulty in filling a requisition made upon me for 5,000 state troops for three months service for the defense of the State. I beg to call your attention to the report of the Adjutant and Inspector General on this subject and particularly to his suggestions that all persons capable of bearing arms from the age of 16 to 60 years of age be enrolled. There is no good reason why stout and able bodied youths and old men should not be required to render service in defense of the State. It may become necessary to place in the Confederate service every man from 18 to 45 and even to 50 years of age. We should, therefore, prepare to defend the State with the boys and old men.

You will, also, upon examination of the report see the importance of effecting a change in the military law with respect to commissioned officers.

In filling the late requisition for 5,000 troops, being fully aware that, in most instances, the companies, battal-

ions, and regiments were reduced to mere skeletons and that new organizations would have to be formed, I gave the men the privilege of electing the officers to command them in the field. It was impossible to assign a tenth of the officers to duty; hence, I preferred this plan, trusting the officers would volunteer and accompany the men, taking their chances for election. Very few, however, did so; the rest claimed their exemption from draft and were furloughed, they requesting it. I have under the circumstances granted their requests.

I think, however, the law should be so amended as to make them liable to go into the ranks whenever the company to which they are attached falls below the minimum number, and which minimum should be raised considerably over the present number.

Early last Autumn Brigadier General [William] Hudson of the 21st Brigade, State Troops, apprehending great danger from the Indians who had risen upon the Indian Agent and other whites at Fort Cobb, fearing, also, at the same time an invasion by Jayhawkers and Indians and that an attempt would be made to seize and take possession of ammunition held by Cooke County, called into service three companies of State troops subject to the approval of the Executive, which was given; and the companies were accepted into the Confederate States service by Brigadier General P .O. Hebert, the general commanding in Texas at that time.

THE PENITENTIARY

I respectfully solicit your attention to the workings of the State Penitentiary. This institution has become a most important auxiliary to the government and is occupying a very prominent position in the public mind.

When I came into office I found it largely involved, and, although the debts due the concern were nearly equal to its liabilities, they were unavailable while the latter had to be paid. I found, too, that a contract had been entered into by the officers of the institution, with the sanction of my predecessor, with Irby Morgan, a quartermaster in the Confederate State service, stationed with what was then called the Army of the West in Tennessee, for one-half of all the woolen and cotten goods manufactured, the contract to continue six months with the privilege on Morgan's part

to continue it six additional months. I discovered that it took the balance of the products to clothe the soldiers of this department. It appeared also that a very large credit business had been done by the preceding Financial Agent. I instructed the present financial agent to sell entirely for cash, and, although I was willing for the Confederate authorities to have what was needed for our soldiers, they, too, were to pay cash or make payments at such stated periods as would enable the concern to be carried on advantageously.

Seeing that the goods obtained by Morgan were being sent out of the State and knowing that the facilities for procuring cloth east of the Mississippi were more abundant than west of that river, I very soon directed the financial agent to notify Captain Morgan that his contract could not be extended, that the necessities of the State forbade it, and that unless I had assurances that our Texas soldiers were receiving the benefits of his contract, I should stop it all. He readily agreed to my suggestions, and his contract expired in April last.

From that time my orders have been imperative; that the soldiers of Texas be first supplied; after them their families; and next the actual consumer; but under no circumstances was a yard of cloth to be sold to retailers or speculators. I believed the best way for clothing our troops was through the various quartermasters and government agencies who were bonded officers and charged with that specific duty; and hence I had their requisitions filled; and up to September 1, 1862, having investigated the subject and made the calculation, I found the army had received three-fourths of all the woolen and largely over one-half of the cotton goods manufactured. It must be borne in mind that this is the only establishment west of the Mississippi River capable of furnishing clothing, tent cloths, wagon sheets, and flour sacking, etc., etc. The result was that when the necessities of this department and that of Arkansas were filled, but little was left to distribute among our people.

Entertaining the hope that the institution might supply the wants of some of the people, I directed the financial agent after supplying the Army to furnish the actual consumer what he could spare, and advised him to require of every such applicant an affidavit stating the goods were for

his own use or the use of those for whom he applied, and would not be sold or bartered. This I suggested as a safeguard against imposition and for the protection of the honest citizen; and much was I astonished to learn that this course was objected to by many of those whose interests the rule was intended to secure.

As soon as this regulation became generally known, thousands of parties made application for cloth and of course the great majority of them were doomed to disappointment and were, consequently, dissatisfied. The Institution could not supply one-fiftieth of these demands; the army had to be first supplied, which left but little to be divided among the people. About this time, as is evidenced by the records in my office, I was totally unable, without neglecting my other official business, to reply to the numerous letters received concerning penitentiary goods and was compelled, in consequence, on the 9th August 1862, to write a public letter to the Financial Agent [in the following words:

Executive Department
Austin August 9th 1862

General Jno. S. Besser
F. A. State Penitentiary. Huntsville, Sir

I find it impossible for me to give attention to the many communications received in regard to the disposition of goods manufactured at the Penitentiary.

I regret that the capacity of the Institution is not sufficient to supply the wants of the entire community.

As I repeatedly said to you our Texas soldiers in the service of the Confederacy and State, must be first cared for. They are continually exposed to the vicissitudes of climate, weather etc and to make them efficient they must be provided with clothing.

After you have supplied their wants, then their families should be relieved to the utmost of your ability.

Next in turn should be provided the actual consumer.

While our country is in its present condition, not one yard of cloth should be sold to retailers or speculators.

In regard to the details of supplying cloth, it must be arranged by you. I cannot undertake to act upon the many cases presented to me.

The officers of the Penitentiary are expected to dis-

charge their duties promptly, faithfully, impartially, and efficiently, and they will be held to strict accountability for any dereliction of duty.

You can publish this letter for the benefit of the public and adopt such rules, under the supervision of the Directory, as to the distribution of cloth, as will best subserve the public interest.

Yours very respectfully
F. R. Lubbock]⁵

This only caused more applications to be filed dooming the applicants still to disappointment. Shortly thereafter I was induced to change the whole plan by letters of the most urgent and distressing character from Generals [Thomas C.] Hindman and [Theophilus H.] Holmes as to the condition of their troops in Arkansas, most of whom were Texans. I did not, however, as has been said, give the control of the penitentiary to General Holmes or the Confederate officers, but I did recognize his right to control the quartermasters in the Trans-Mississippi Department. Believing that under his management our Texas soldiers would be better and more speedily clothed, I gave him all the goods manufactured at the penitentiary for the present, reserving a sufficient amount of cotton cloth, subject to the orders of the county courts of the State to clothe the indigent families of the soldiers in the service.

I think I did right. I said then that I hoped the troops would be benefitted; and knowing as I did, the suffering our people at home for clothing, I urged General Holmes to obtain supplies elsewhere, if possible, in order that the cloth might be distributed to the needy among our citizens. I also said that our people, although suffering, should recollect that while they were at home where shelter could be obtained, our brave boys were exposed to the cold blasts of winter as well as the iron hail of the accursed enemy, and that they should be willing for the soldier who was fighting their battles to be provided even to their discomfort.

Many have complained and said that the institution should be run at night. I fully subscribed to this, but an investigation of the project satisfied me that it would not

⁵ The portion in brackets is not included in the manuscript journal. It is taken from Executive Record Book No. 279, 1861-1863, p. 141 (Archives Division, Texas State Library).

do—the risk, if no other objection existed, would be too great. Others suggested that it should be run on Sundays; this too I found impracticable for which many good reasons could be given.

It would be unreasonable to suppose that such an establishment as this, belonging to the State, in which every citizen believes he has an interest, could, in its operations in these times of distress and scarcity of every article of clothing, please generally. While I could not reasonably expect this, my sole aim has been to make it do all the good possible.

I believe that through the untiring energy, skill, and ability of those directly in charge of the institution, it will compare favorably with, if not surpass, the workings of any of a similar character in the Confederacy. I should think I was guilty of an act of injustice towards the Superintendent and financial agent did I not say this much.

The special report of the financial agent, furnished at my request for your information, is respectfully called to your attention.

I disclosed that from the 1st day of December, 1861, to the 31st of December, 1862, a period of thirteen months, there was manufactured of cotton goods 1,376,700.0 yards and of woolens 211,151.2 yards of the former of which was sold to the army 765,791.2 yards and of the latter 184,241.2 yards, making largely over one half the cottons and greatly exceeding $\frac{3}{4}$ of the woolens manufactured. The lunatic asylum received 602 yards woolens and 1,000 yards cottons. The balance, 589,217.0 yards cottons and 22,845.1 woolens, were absorbed by the factory, penitentiary, clothing of the convicts, families of soldiers, and general supplies of the institution.

The group earnings of the institution	
for the same period have been	\$467,529.30
The amount expended has been	222,499.36
Special deposit with State Treasurer	236,502.25
With a cash balance on hand of	8,527.69

The amount of indebtedness previous to December 1, 1861, which has been paid by the present financial agent is \$64,707.37 more than the amount received by him previous to that time. The amount of cash received by him upon taking charge of the penitentiary was \$36.80.

It will thus be seen that this institution has been most

ably, successfully, and profitably managed, placing into the Treasury a very large amount.

The military Board, having been requested by the financial agent to do so and deeming it themselves of vital importance, ordered from Europe certain articles absolutely necessary to keep the Institution profitably in operation. It may become necessary while the war lasts to empower the director to obtain even at great risk everything required to keep the establishment in good working order, and, if possible, to increase its productive capacity so important to our army and people, provided they pay for such articles and necessary improvements out of the proceeds of the Institution.

There has been much said in regard to the bad management of the penitentiary, and in some instances charges have been made of unfairness, malfeasance, etc., on the part of some of the officers.

Under these circumstances I consider it due to those officers and the people that these things should be properly investigated, and if any officer directly or indirectly charged with the management of the institution has been guilty of wrong doing let him be held up to public scorn.

With this view I beg of your Honorable Body to appoint a Joint Committee to examine into both the financial and mechanical workings of the institution; and I trust you will pardon me for suggesting that the committee be selected of experienced, practical business men from different sections of the State not residing in the immediate vicinity of the penitentiary and strangers to its officers.

Since penning the above I have unexpectedly received a very interesting report from the directors covering a report from the superintendent. These reports contain much valuable information and many important suggestions which I beg leave to call particularly to your attention.

HOSPITAL FUND

Immediately after the passage of the law creating a Hospital Fund for the benefit of the sick and wounded soldiers in the Confederate Army, I appointed Dr. R. T. Flewellen to visit the army in Virginia and Dr. A. H. Rippe-toe, the army in Kentucky. I placed in their hands the sum of \$5,000 each in specie, with instructions to make exchange

whenever they deemed it to the interest of the Fund to do so.

Dr. Flewellen remained in Virginia but a short time, informing me that he did not believe his services there would compensate for the expense attending his stay, that our troops there were doing very well. After expending a small amount for the relief of certain hospitals that had contributed to the comfort of our men, relieving the wants of some of our soldiers, and depositing with the colonels of the 1st, 4th, and 5th Texas Regiments the sum of 1,833.33 $\frac{1}{3}$ each for their use, he returned to Texas and paid into the Treasury \$708.55. The premium obtained on sale of specie was \$2,366.

Dr. Rippetoe, I regret to say, was compelled to return home on account of ill health. During his short stay with our troops he accomplished much good, relieving a large number of our soldiers. He realized \$1,153 premium on account of specie sold and returned to the Treasury \$1,900 in specie and \$3,166.45 in Confederate notes.

These two gentlemen made no charge except for actual expenses.

Deeming it best that permanent agents should be with our troops so far from their homes, kindred, and friends, and that such was the wish of the Legislature, I appointed Dr. J. W. Fennell, instructing him to proceed to Virginia to the army of General Lee, or where ever else he might find our Texas troops in that state and to extend to them such relief as they might require; and if deemed advisable a separate hospital for the benefit of the Texas troops. I placed in the hands of Dr. Fennell \$14,500 and gave him authority to control the \$5,500 deposited with the officers of the Texas regiments in Virginia, making \$20,000. Up to the 3rd of December, 1862, Dr. Fennell had expended the sum of \$7,244.37, had in operation a hospital at Richmond, exclusively for Texans, and was being assisted in its management by the Confederate medical authorities.

I appointed Dr. Lewis A. Bryan and gave him \$50,000 with instructions to join what was at that time known as Bragg's Army east of the Mississippi River and charged him with the duty of looking after all Texans in that section of the Country, authorizing him, if deemed expedient, to establish one or more hospitals, one of which he located at Quitman and another at Jackson, Mississippi, both being

now in successful operation. At the time his last report was made he had under treatment a very large number of patients, and, although the Confederate States Government is extending to him very material aid, his fund is becoming rapidly exhausted.

On the 30th of November last he had in his Hospital 469 patients and had expended of his fund the sum of \$19,435.86.

After exerting myself for some time I succeeded in procuring the services of Dr. George A. Feris for the Texas soldiers in the Army of Arkansas and placed in his hands the sum of \$20,000. Sufficient time has not elapsed since his appointment to receive a report of his operations.

I can assure the Legislature that they passed no law at their last session likely to confer more benefits than the law creating the Hospital Fund. I fear, however, the appropriation will prove insufficient to sustain the Hospitals until the regular session. I therefore suggest that an additional appropriation be made for this humane and generous purpose.

The ladies of the country with that kindness of heart and marked patriotism which has distinguished their conduct since the first gun was fired at Fort Sumter, perceiving the insufficiency of the appropriation and fearing our brave men—their fathers, husbands, brothers, lovers, and friends—might possibly suffer for such comforts and necessaries as the government could not furnish, have with a lavish hand been adding to the appropriation. They have plied their needles, their wheels, and their looms; they have brought into successful requisition their musical and vocal powers in aid of the Hospital Fund.

When the future historian of this war shall recount the deeds of heroism of which it has been so fertile, how brightly beautiful must the patriotism, self-denial, and courage of the women of the Southern Confederacy appear. They will descend to posterity peerless among women!

THE CURRENCY AND HIGH PRICES

Many are the reasons given to account for the great depreciation of Confederate Treasury notes and the high prices asked for every article of prime necessity in the country. The people will look to you with hope not unmingled with anxiety to solve this difficult problem, and to

the measures you will adopt to enhance the value of the currency, and thereby reduce the enormous price demanded for everything bought and sold within the State. My impression is that the large amount of Confederate Treasury notes in circulation and our proximity to a people entirely specie trading, with whom is our almost sole commercial intercourse, are the chief courses; and in order to effect a speedy and favorable change it is essential that a large amount of the Treasury notes of the Confederate States be at once withdrawn from circulation. To aid in effecting a result so desirable, I hope the Confederate government will without delay proceed to the imposition and collection of a larger tax, and encourage the funding system, even should it be necessary, to effect that result to increase the rate of interest. Congress should also amend the sequestration act, so as to collect the large amounts due. Never will a more favorable time occur for the debtors of the Government to liquidate the demand against them. The State tax should also be raised to double its present rate. There never was a period when our people were so able to pay their taxes as at present when money is as abundant and property of every kind bringing such enormous high prices.

Another measure whose adoption would aid in sustaining the currency is the Compulsory withdrawal from circulation of corporate and individual **shinplasters** under most prompt and severe penalties. I am of opinion that it would be best for counties to borrow what money they may need on their bonds and withdraw all their change notes from circulation, leaving the Confederate Treasury notes and such Texas Treasury warrants as may be out to serve the purposes of circulation and change. Were this done, I believe it would be attended with a good effect. I feel satisfied your Honorable Body will leave nothing undone you can legally do to sustain the credit of the government, for upon that credit depends, perhaps, the success of our present struggle for a separate existence.

There may be those among us who wilfully depreciate our currency; I trust they are but few in number and, like the traitors in our midst, constitute but rare exceptions. Should there be citizens in the country refusing to receive the currency for debts contracted in the due course of trade, and who, holding large amounts of interest-bearing

paper for better times, expect at the termination of the war through the action of the courts to sell and sacrifice the property of their neighbors for specie, I trust the Legislature will so change the remedy as to save our people from bankruptcy and ruin.

It is the opinion of many distinguished jurists and statesmen that the Confederate Congress has the right to make the Treasury notes of the Government a legal tender; if this be so, now is the time for such action. I should be pleased to see you express an opinion of this point.

PROVISION FOR THE FAMILIES OF THOSE IN SERVICE

I beg leave to call your attention to the absolute necessity that exists of making further provision for the support of families of those in the service. I am aware the counties have been liberally providing for them thus far. It is, however, useless to disguise the fact that this burden (is upon us) upon them must daily increase with the continuance of war; and should the contest be prolonged to the end of the year, it will be necessary that thousands more of our citizens take the field, thus increasing the number of families in every county to be provided for. In addition to what the counties may do, I am of opinion the State should make a most liberal appropriation for this purpose. The troops in the field are the soldiers, not of a particular county, but of the entire state, and it would be but equitable that the State provide for their families. This plan would also seem just in another view. Many counties with the smallest populations are the most wealthy. They furnish but few soldiers, consequently, while other small taxpaying counties have a large excess of men in the field, and therefore many more families to provide for; hence, it seems but just they should be cared for out of the public Treasury. I am wedded to no particular plan by the operation of which the relief sought is to be afforded, but I most earnestly advise that ample provision be made to ward off distress from the families of those who are so nobly serving their country. That there will be destitution among them, unless such provision be made, there can be no doubt.

In connection with this subject I believe that authority should be lodged somewhere so that, in the purchasing of articles for the purposes indicated, if the parties having

them—particularly bread stuffs, meat, etc.—refuse to sell at a fair price for the currency of the country, the goods should be liable to seizure and appraisement.

THE CULTIVATION OF COTTON TO BE LIMITED AND THE GROWTH OF CORN TO BE INCREASED

I desire to call your attention to the great necessity that exists for limiting by legislative action the planting of cotton during the existence of the war. It is undeniable that, upon slave labor, both our armies and the families of our gallant soldiers depend for subsistence. A very great majority of our laboring white population are in the field or will be there. Our lands, too, cultivated by white labor, cannot with certainty be relied upon to produce corn in consequence of the uncertainty of the seasons in those sections of the state where this species of labor predominates. Hence, we are reduced to the necessity of looking to the rich bottom lands cultivated by the slave for a supply of corn adequate to the future demand; and to secure a sufficiency, less cotton must be planted. If we expect our troops in the field to remain content, they must feel that those at home, their wives and little ones, are cared for. The cotton planter should not be permitted to place in cultivation more than a given number of acres. I would suggest three acres to the full hand—if he exceed that amount, he should be condemned to pay at least \$500 per acre. The quantity of cotton thus raised would be amply sufficient for all purposes, would bring the planter a large return and leave land enough to supply the country bountifully with cereals, the planting of which in abundance should be required of every planter and farmer.

It may be urged that such legislative action would be an unjustifiable interference with a legitimate calling. I will in reply simply say that "self preservation is the first law of nature," and the axiom, may I presume, be with propriety applied to communities and states as well as to individuals, and I am convinced that unless some such course be adopted there will be famine in the land, the cry for bread will be raised, suffering will ensue, and the bold and true hearts gallantly fighting the fight of liberty will be bowed down and dispirited. Let me therefore urge upon your Honorable Body to give this matter your most serious attention, esteeming it as I do of supreme importance.

DISTILLERIES

In connection with the foregoing subject it is with regret I call your attention to a very large number of Distilleries now in operation, and being put in operation, within the State. The numbers that have sprung into operation since the commencement of the war might be deemed fabulous. On the 28th of May last, I issued a proclamation ordering all such establishments to be closed, deeming it of supreme importance to preserve the grain for the use of the army and people, and save our soldiers from the pernicious effects resulting from the use of intoxicating liquors. I was at the same time convinced that in portions of the State the crop would fall short—a conviction, subsequently, fully verified. Upon the issuance of that Proclamation, most of the parties having distilleries desisted their use, although some, I am informed, persisted in distilling. I directed the Brigadier Generals of the militia to enforce the proclamation. In one instance, the Brigadier and all others including the Executive were enjoined from interfering with the distillery of the party who sued out the injunction; and inasmuch as I had concluded at the time service of the writ was made upon me to convene your Honorable Body, as there appeared to be some doubt as to my authority to suppress them, I determined to submit this matter for your consideration.

It is well known that these establishments daily come into competition with the county courts and with individuals charged with the duty of providing for our poor, and the families of our soldiers; and that in some sections of the State they have been the cause why the price of corn has risen to double its value.

The demoralizing effects of these Distilleries, both upon our troops, and people, are terrible; and I entreat you, in the name of the mothers, wives, and children of those brave and noble spirits now far from their homes in the armies, and who look to you to guard and protect them, to suppress this outrageous consumption of grain and iniquitous traffic until peace is concluded.

My conviction is there is but one way to effect it. The Executive must be invested with authority to close them by Proclamation, and if disregarded, he must be empowered to do so by a military force. The party who violates the proclamation should also be liable to a heavy fine and im-

prisonment—a fine alone would be insufficient—the enormous profits of the traffic would enable the party easily to satisfy it.

Heavy penalties should also be imposed upon persons introducing into the State, during the war, intoxicating liquors, unless by special permit for medicinal purposes for the use of the Army Hospitals. It may be urged that some alcohol is necessary for medicinal purposes. If so, let proper restrictions be thrown around contracts for that purpose.

I am informed by intelligent chemists that a most excellent article of alcohol can be distilled from the sorghum or Chinese sugar cane, and I know it can be more easily grown in our State and with a greater degree of certainty than any of the cereals used in distillation.

EXTORTIONERS AND MONOPOLIZERS

That there are persons in the community who live by extortion and monopoly there can be no doubt. Is it in our power to reach them? If it be, let us not hesitate a moment, but push straight forward to the work. They are now the worst enemies we have, because they croak and complain, make their purchases with gold, abuse and depreciate the currency so as to obtain immense profits—reinvest and so continue—never satisfied with their increased gains. The monopolizer has nought for sale, until he sees a favorable opportunity to dispose of what he has, at most enhanced prices ruinous to the purchaser.

I regret to say that I have been informed on many occasions that the trader and speculator is not the only extortioner and monopolizer in our midst, but that many of our planters and farmers are to be included in the same category.

In the language of President Davis, "They are men who can be reached by no moral influence and are worse enemies of the Confederacy than if found among the invading forces. The armies in the field, as well as the families of the soldiers, and others of the people at home, are the prey of these mercenaries, and it is only through state action that their traffic can be suppressed. Their condign punishment is ardently desired by every patriot."

SLAVES FOR LABOR ON FORTIFICATIONS

It may become necessary from time to time for the

Confederate, as also, for the State authorities, to require the labor of adult male slaves on public works of defense. I would therefore most respectfully suggest that a law be passed to enable the government to command this species of labor when necessary; and that a system be inaugurated which in its operation will bear equally, and as lightly as possible, under the circumstances, upon the people. A small percentage of the slave population would suffice.

CITIZENS VOLUNTARILY ABSENTING THEMSELVES FROM THE STATE DURING THE WAR

It has been truly said that "every citizen is bound to serve and defend the state as far as he is capable." None are naturally exempt from the performance of this duty by reason of age or infirmity; all are capable in some way of being useful, the healthy and strong of bearing arms, and the infirm of doing hospital duty, and of aiding the families of those who are in the army, and of sympathizing with and giving aid and comfort to the cause in which we are engaged. There are higher and nobler duties to perform than simply to live up to the law, to pay taxes, and hire a substitute when called on to serve in the army: The duty of giving the whole heart and means to sustain the country in its heroic struggle!

What then must be thought of those persons who, without sufficient nerve to take an active part against us, either remain here, sullenly discontented, or secretly doubting the success of our arms, and sowing the seeds of discontent in the minds of the weak and irresolute? What must be thought of those who have left the country to avoid a participation in the struggle, expecting to return and join the successful party? Is there no way by which the latter class can be reached? I respectfully suggest to the Legislature the passage of a law notifying such persons to return to the state in a given time, and that their failure to comply shall subject them to forfeiture of lands and of citizenship, and of the right to become citizens.

Another class of persons who are derelict in duty it is incumbent on me to bring to your notice. The state has not always been the asylum for the oppressed of every country, but foreigners have been kindly invited to become citizens of the State; and so far has the encouragement been extended that upon simply making the declaration,

upon oath, of the intention to become citizens they are entitled to take and hold real estate. It is my stern duty to state that I believe many of the persons who have accepted the privileges thus offered have refused, when called upon, to render military service, and have sought and obtained the aid of their native governments to exempt them from it.

The right to hold and enjoy all real estate should be denied to all such persons, and they should forever be rendered incapable of becoming citizens.

THE CONSCRIPT LAWS

In April last the Confederate Congress, after much investigation, discussion, and deliberation, passed with the utmost unanimity the act known as the Conscript Law. Very soon after its passage, I was called upon by the General commanding the District to aid in carrying into effect its provisions within the State of Texas, in accordance with its terms. Viewing the law as constitutional and convinced that the necessities of the country imperiously demanded its prompt execution, I stopped, not to discuss the good or bad policy of its enactment, but at once accorded permission to the Confederate Commander of Texas for his employment of state officers to aid in carrying out its provisions. Under this law requiring the enrollment of persons between 18 and 35 years of age, very few were taken; those subject immediately volunteered, thereby swelling the ranks of our armies with great rapidity. Regretting that even one citizen of Texas should have placed himself before the courts in opposition to the law, I am yet happy to say that the Supreme Court of Texas and of other States have fully sustained my views of the law in deciding it to be constitutional. Whilst acknowledging the right and admiring the zeal of every citizen in adhering to and guarding the rights of the States, and whilst fully appreciating the necessity of preserving unimpaired the rights and dignity attached to a sovereign state; and that it is the duty of the people of the States to see that the agent appointed by them does not abuse or attempt to abuse the powers and rights inherent in the States (for this is the doctrine of the political school of which I am a disciple); yet I recognize the fact that we are engaged in a most desperate and critical struggle, a struggle upon the result of which must depend our existence as a people and which

is fraught with all we hold dear of life, liberty, and honor. To insure success, unity of purpose and action is absolutely necessary between the Confederate and State Governments; hence it follows that every act of any citizen or citizens calculated to weaken the influence of the Government or its officers with the people is, in my judgment, giving (although it may be unwittingly) aid and comfort to the enemy. Therefore, since my elevation to the Executive Chair, my great aim has been to aid and cooperate with the Confederate authorities in all things tending to a proper and vigorous prosecution of the war.

I have had no desire to render myself conspicuous by disputing with the civil or military authorities of the Confederate Government on immaterial points; but in every instance where there has been an apparent interference with the rights of the State, or an encroachment upon the functions of the Executive, and the attention of the proper officer has been drawn to it, the cause of complaint has been promptly removed. In military matters there should be one sole head. Under the Constitution and laws I recognize President Davis as that head; and while he conducts his administration in conformity to the Constitution and laws, he should be sustained and supported by the officers, both State and Confederate, and by the people. Acting upon these views, I have thus far been enabled to work in harmony with the Confederate authorities. I have succeeded in inducing the Government to keep in the field within our state troops adequate for its defense. In filling the various and large requisitions for men made upon me, I have so managed as to furnish the requisite number with but very trifling outlay on the part of the State, thereby preserving our credit, which may yet be needed for a more vigorous prosecution of the war. In this connection I will remark that from within two months after my inauguration to the present time I could, in the opinion of a vast number of our citizens, have with propriety thrown into the field a force of from five to twenty thousand men. I had no such ambition, unless in connection with imperious duty, and the danger were imminent and pressing. The adoption of such a course would have incurred a debt of millions, exhausted the resources and credit of the State, and up to this time have effected nothing but heavy expense and increased distress among the people. Had I placed such a

force in the field, the Confederate Government would have been justified in withdrawing its troops from our borders, leaving us dependent upon the State troops for our defense and protection. I am firmly convinced that to be successful, unity and harmony is essential. God, in His infinite mercy, forbid that we shall ever witness a time in this struggle for existence as a Confederacy when the Legislatures or governors of the several states shall attempt to determine the number of troops they will furnish, or to decide when and where they are most needed, the manner in which the campaigns are to be conducted, or the battles fought! Whenever such a course is decided upon and that policy inaugurated, then indeed may we tremble for the result. No! Each and every state must give a cordial and determined support to the Government. The war is waged for the interests of all. Every battle fought is a battle for the freedom of every state; and if by massing large bodies of troops we can avert invasion from any one state or portions of a state, we shall have done well.

I well recollect that many persons questioned the policy of a man leaving Texas to engage in this war and many believed it could be brought to a successful termination without doing so. Efforts were made to retain within the State those loved, departed, and surviving heroes of the 1st, 4th, and 5th Texas Regiments known as Hood's Brigade, a corps whose gallant conduct on every battle field has done so much to crown our arms with victory and confer lustre upon the Texas name. Since that time Texas has placed in the field near Seventy Regiments of as good and true men as ever drew sword or shouldered rifle in defense of liberty against tyranny.

When the history of this war shall be written, the name of Texas will stand forth conspicuous as among the most brave, generous, and chivalrous of any people in ancient or modern times. In sending her sons beyond her own borders, our State did well, and I believe our immediate good has resulted therefrom: for had they been held back for the protection of their own state, the enemy could have spared troops from other points and thrown them upon our soil. To me it is plain that if by sending our men to Virginia, Tennessee, Mississippi, Arkansas, or any other distant point, we keep the enemy from our own doors, we are greatly the gainers.

I am far from counselling the leaving of any state, more particularly our own, in a defenseless condition. Nevertheless, I believe it to be the part of wisdom to meet the enemy wherever he masses his men; and should any state for a time be occupied by the enemy, it is preferable to dividing and scattering our grand and efficient armies. Scatter that veteran and glorious army that has so long and nobly fought the battles of the Confederacy on Virginia's sacred blood-stained soil for the protection of every point threatened; and how long, think you, it would be before the hirelings and myrmidons of Lincoln would press on in irresistible strength into North and South Carolina, transferring the blood ground to those states? Each battle fought in Virginia, Tennessee, Mississippi, or Arkansas is a battle for the freedom of Texas; consequently, when called on by our President, and those great generals who have thus far conducted us victoriously for additional assistance, let us do all that in us lies to respond to the appeal and thereby hurl destruction upon our merciless and hated foe.

COAST GUARDS

In the month of March, 1862, anticipating an invasion of the State, and the Confederate Government having ordered all the available troops to leave the Coast, I deemed it advisable to organize a small force to act as scouts and spies in the counties bordering on the Gulf and accessible streams. I authorized the Brigadier Generals of certain Brigades to organize in each of such counties, a company of 25 men to be sworn in for the war, to furnish their own horses, arms, and subsistence. They were to be at all times subject to the control of the Brigadier Generals. They were, when necessary, to aid in driving stock of the citizens beyond the reach of the enemy—to see that Negroes and other property of the people did not fall into the hand of the blockaders—and generally to perform such duty as the Brigadier Generals might require of them. They were to receive no pay from the State; the only immunity awarded them was relief from all other military duty. I considered it a good and necessary arrangement for the State.

Some complaints have been made that these companies were useless and should be forced into the army. I know

that several of them have rendered valuable service. The Confederate officers with my consent have employed some of these companies, as they inform me, to great advantage. They have at all times been ready to perform any service when called upon by Confederate officers. In justice to the men composing this organization I will state that they were sworn into service long before the passage of the Conscript laws. It cannot, therefore, be charged that they sought this service to avoid conscription.

**MEETING OF THE GOVERNORS OF THE
CONFEDERATE STATES WEST OF THE
MISSISSIPPI RIVER AT MARSHALL, TEXAS**

In July last, the Mississippi River being virtually in possession of the enemy, and the impression being entertained in some quarters outside of Texas, that the Confederate authorities were neglecting and abandoning the portion of the Confederacy west of that river; believing such impression to be unjust, and that the Confederate government neither desired nor intended to neglect the Trans-Mississippi states, and that any apparent want of attention to its necessities had arisen from its inability at the time to guard against it; I invited the Governors of the States of Louisiana, Arkansas, and Missouri (representing the states west of the Mississippi) to meet me at Marshall, Texas; and after consultation, from that place, make known to the President the true condition of the country and submit for his consideration such plan as we should deem most efficacious in securing the interest of those States. The Executive of Arkansas was prevented from attending by illness in his family, and Governor [Thomas Overton] Moore of Louisiana by reason of the invasion of that State. I, however, had the honor and gratification of meeting Governor Claiborne F. Jackson of Missouri, than whom a more zealous, indefatigable, and true hearted patriot never existed. God in His inscrutable providence has since called him from his sphere of usefulness, and while we bow in submission to the Divine decree, we can not but mourn his loss.

Governor Jackson and myself prepared the necessary papers, forwarded them to Governor Moore and Rector [Henry M. Rector, Governor of Arkansas], who most fully endorsed all we had done, and affixed their signatures to

the papers, which in due time were delivered to President Davis by our esteemed fellow citizen Major Guy M. Bryan, then an aid-de-camp to General P. O. Hebert and to whom in all this business much is due for any good that may have resulted from our consultation.

I believe that the objects sought to be attained by us were accomplished. That it was satisfactory in its results to the President, and our members of Congress, I have the evidence in the Executive Office. I have the honor to lay before you the papers connected with this meeting.

THE SURRENDER OF GALVESTON

Much has been said and written in regard to the surrender of Galveston: censure has in some instances been liberally bestowed upon the Executive in connection therewith. I can only say that when the first threat was made by the enemy against the city, I advised and urged determined resistance. On the 7th day on March last when I heard the order had been received by the commanding general from the War Department to send our disciplined troops out of the State, abandon the coast and discharge the 12 months men, I remonstrated and the commanding general most willingly suspended the execution of the order until I could forward a protest to the War Department which I did by special messenger. The War Department yielded the point so far as the disbanding of the 12 months men was concerned; but in a short time thereafter moved many of the troops to the Mississippi.

It was my conviction, until a very short time before its surrender, that Galveston would be vigorously and obstinately defended by the Confederate general.

The State had not a soldier in the field and did not control a single piece of ordnance suitable to its defense. I desire to cast blame upon no one. I will, however, say that with my consent it would never have been surrendered to a naval force destitute of the means of occupying it.

From the moment of the surrender of the city I have urged its recapture continuously. I claim no credit for the great and chivalrous deeds of our brave and noble troops so conspicuously displayed in the recapture of the city. The distinguished general [John B. Magruder] now in command of this military district disclosed to me his

plans as Executive of the State and I encouraged and promoted the enterprise in every way in my power, and no heart within the broad limits of the Confederacy beats with more pleasure and glows with more pride at the halo of glory that will encircle the brows of those heroes, whose matchless intrepidity on that occasion on sea as on land has secured their imperishable renown.

I have shown your Honorable body in a previous part of the message the very large number of men we have in the service. Our government recognizing the right of the majority to govern, the fact is exhibited for the first time in our history of a majority of our qualified electors being beyond the limits of the State. The question arises should they, absent as they are in accordance with the laws of the land and unable to return, be deprived of the right of suffrage? Do they forfeit the rights of citizenship because they are absent battling for the Common good? Can they be disfranchised and the government given up to the minority? My opinion is they should be protected in all their rights of citizenship by the Legislature of the State. I therefore recommend that a law pass with proper restrictions giving to the soldiers of the State in the Provisional Army of the Confederacy, beyond its limits but being otherwise qualified electors, the right to vote in all general elections during the war.

LUNATIC ASYLUM

In consequence of the immense advance in the prices of every article of consumption, and the very low price paid for patients by the counties, an additional appropriation will become necessary to sustain this institution.

The institution is only authorized under the law to charge the county patients two dollars per week. This would not in times of peace and plenty support a patient and at present pays but a small portion of the expense. The rate of board should be increased.

REPORTS OF THE SECRETARY OF STATE

Permit me to call your attention to the reports of the Secretary of State. Many valuable suggestions are made by that officer, which I trust will meet with your approbation.

STATE FINANCES

There was received into the Treasury, on account of State revenue from 1st July 1862 to December 3rd 1862:

To amount on hand January 1, 1862	\$ 13,336.67
From 9-10 state Taxes, licenses, etc.	346,305.39
" Sale of Land Scrip	28,138.29
" Sale of State bonds	183,995.07
" Financial agent, Penitentiary	148,278.88
" Other sources	28,495.78
	<hr/>
	749,080.08
Amount disbursed during same time	746,597.80
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Leaving balance on hand, January 1, 1863	\$ 2,482.28

The Military Board have sold 460 State bonds of \$1000 each from which they realized \$476,422.60 of which amount as above stated they paid to account of State revenue \$183,995.07 leaving them properly chargeable with \$292,427.53.

Under the law to regulate and authorize funding in state bonds approved January 13, 1862, amount funded \$196,000, making in all of loan bonds disposed of 656: 210 bonds remain to the credit of the military board to meet contracts made, and future liabilities growing out of contracts.

There has been disbursed from the Treasury in payment of liabilities on military account incurred prior to January 1, 1862, \$837,452.52. Upon liabilities since 1st January, 1862, to December 31, 1862, \$509,535.46.

There has been expended on civil account during the same period, including \$55,026.84 on account of the 9th Legislature, \$267,911.25.

The outstanding liabilities of the State 1st January, 1863, are

In 8 per cent bonds	\$656,000.00
In 10 percent interest warrants	\$135,000.00
In Treasury warrants without interest	\$888,875.72
	<hr/>
	\$1,679,875.92

Estimated amount of unaudited claims
for military services prior to 1st

January, 1862	\$150,000.00
For frontier regiment	350,000.00
	<hr/>
	\$2,179,875.72

Of this amount about \$1,000,000 is in payment of debts and military services incurred prior to 1st January 1862.

It will also be borne in mind that the claims of the State against the Confederate Government will not vary very far from the entire indebtedness of the State.

From the increased demands likely to be made upon the Treasury, the facility with which our citizens can procure the means to pay their taxes and the importance of reducing state liabilities as rapidly as possible thereby appreciating the balance, I feel no hesitation in recommending an immediate increase of the tax to one half of one percent of the loan tax.

The receipts likely to come into the Treasury during the year arising from the present rate of taxation and other ordinary sources will amount to about \$500,000; \$300,000 of which will be required for the support of the civil government leaving only \$200,000 for the redemption of unpaid Treasury warrants, the protection of the frontier, and the general defense of the State. A tax of $\frac{1}{2}$ of 1 percent would yield \$1,000,000 revenue which would soon relieve the State from financial embarrassment.

The amount of special tax assessed for 1861 amounted to \$112,302.30 of which sum there has been paid in to the Treasury \$90,491.65, being almost as large a percentage as the amount collected in currency.

The fact of the State having pledged her faith to pay the interest on her loan bonds semiannually in specie has caused these bonds to be much sought after, and the Board appointed for that purpose could long since have disposed of the entire amount authorized by law. The Board have, however, preferred to use them only as the necessities of the Treasury required it thus saving a large amount of interest to the State. I trust the Legislature will not disturb the position which this loan occupies to our people as our citizens readily responded to our wants, and invested their means when solicited in these bonds, relying upon the punctual payment of the interest in specie.

There is now in the Treasury a sufficient sum to meet the interest on the entire million of bonds for one year, and I believe there will be a sufficient amount collected to meet the interest as it becomes due. But to guard against any contingency I trust the Legislature will empower the Comp-

troller and Treasurer to make such arrangements as will secure a sufficient amount of specie to place it beyond doubt. It can be done very easily, and our faith kept, and our credit sustained.

We know not what a few months may bring forth. The necessities of our country may require us to raise large sums to defend the State. Let us, then, do nothing likely to impair our credit; and when called upon, rest assured our citizens will respond with their last dollar.

I most respectfully suggest that the law authorizing the funding of State warrants in the present loan bonds be immediately repealed. The amount of warrants presented for funding is increasing daily and the fact of our State bonds bearing specie interest causes them to be in greater demand for funding than the bonds of the Confederacy. In the present condition of the country and of the currency, I think 8 percent interest on a state debt too high, and should you deem it best to continue the funding of State liabilities, I would recommend that bonds be issued expressly for that purpose and that they bear 6 per cent interest.

By an act passed at the last regular session of your Honorable body, Confederate Treasury notes received into the Treasury can only be paid out for military purposes. I presume the object of the law was to secure the most available means for military objects. The facts now show that the State warrants are more appreciated than the Confederate notes; hence I would respectfully suggest that the law be repealed and that Confederate notes be paid out as other funds, for all purposes, because the revenue is principally collected in those notes and there may be times when they are not required for military purposes and would save the drawing of large amounts of warrants, thereby lessening the amount of State liabilities. There can certainly result no injury to the State from this course.

I believe that by pursuing the course indicated, there will be no necessity to put in the market before the regular session of the Legislature an additional number of bonds over the amount now authorized to be sold.

At the last session of your Honorable body the 16th section of the tax law was amended so as to postpone the forced collection of taxes until the 1st day of August suc-

ceeding the return of assessment rolls, etc. At that time there was great scarcity of money in the country and it was done to give time to put money into circulation. This delay postpones all settlements with Assessors and Collectors until after the fiscal year which ends in August and causes so much confusion in closing accounts in the Comptroller's office. As there is no longer any necessity for such postponement I respectfully suggest the repeal of the amendment.

It was made the duty of the Executive to present to the Confederate Government for settlement all claims of the State against that government. The Comptroller has been adjusting and paying off all claims properly chargeable to the Confederate Government, preparing the necessary vouchers to sustain the claims, etc.

It is expected the account will very soon be ready for presentation and adjustment. I am not advised that any appropriation has been made to liquidate this class of claims.

I respectfully recommend that all soldiers from the State in the Confederate service, whose property amounts to less than \$5000, be relieved from the payment of the poll tax during the time they remain in the army. Also that a reasonable amount of their property be exempt from taxation, and that the property of no soldier, while he is in the service of the Confederate States, shall be sold for taxes.

PUBLIC LANDS

Let me suggest the policy of withdrawing from sale, except to actual settlers, all public lands until peace is restored.

THE ESTRAY LAW

I beg leave to call your attention to the law regulating estrays; it should be either repealed entirely or amended. I have reason to believe that it is very much abused; and that the stock of parties absent in the service is being preyed upon under its operation. I am of opinion that no stock should be estrayed during the war unless it be established that by its running at large it works an injury to the property of the party proposing to stray the animal or animals.

RECONSTRUCTION

The people of the North and some few deluded fanatics in our own section entertain the opinion that the old union can be reconstructed. To me, and I hope to every other true Southern man, the idea must be shocking and revolting. God forbid that our noble land, purified, redeemed from Northern rule and corruption by the fire of a hundred battle fields; rebaptized in the blood of our noblest sons, should be doomed to such a fate. The safety, purity, and virtue of our political and social system are to be maintained alone in their integrity by a rigid exclusion now and forever of all abolition or Yankee communities. The admission of a single free state, like the dead fly in the precious cup of ointment, will corrupt and vitiate the whole mass. I am of the opinion therefore that the Confederate Constitution should be so amended as to exclude any state from becoming a member of the Confederacy that does not allow and protect Negro slavery among its people; and that any state belonging to the Confederacy that shall abolish the institution of Negro slavery within its borders shall *ipso facto* cease to be a member thereof.

I would recommend an expression of opinion from your Honorable body upon this vital question; for it does not require the eye of a prophet to foresee that some of the Western States, baffled in their hellish attempts to subjugate our proud and noble people and guided by their lust of gain, will revolt from their eastern masters and beg to be admitted members of our Confederacy.

APPROPRIATIONS FOR MILITARY CONTINGENCIES

I would respectfully recommend that ample appropriations for all military contingencies be made. They would, of course, only be used in case of great and pressing necessity. It is a matter of great economy for the government to pay at all times for what is required, in cash.

SPECIAL TERMS OF THE DISTRICT COURT FOR THE TRIAL OF CRIMINAL CAUSES

In the present condition of the country there is but little doing in our courts beyond the trial of criminals which can only be done by our District courts every six months. I believe were the Legislature to authorize the Judges of the District Courts to hold special terms or quarterly courts

for the trial of all criminal causes after Indictment found, it would have a very beneficial effect at this time. The citizens would not be so likely to take the law into their own hands, which I regret to say, has been done on several occasions within the last few months.

CONCLUSION

I cannot but congratulate you gentlemen on the general health and prosperity of our State. I feel that we are greatly indebted to Divine Providence for the privilege we this day enjoy in being permitted to assemble in our own state and at our own capitol unharmed and unmolested to transact the public business entrusted to us by a confiding constituency. Several of our Sister States, I deeply regret to say, do not enjoy the same immunity.

The old year closed brightly for us and the new year opened most propitiously. Let us be hopeful, watchful, prayerful—let each and every one of us determine to forget self and by precept and example encourage every man in the broad land to devote himself, his means, and his abilities to the service of his country! Let us give to our government, the government of our choice and affection, an earnest support! Let us sustain and cherish that Patriot-Warrior-Statesman—whom we unanimously and with one accord selected to preside over our destinies, and to guide our Ship of State through the turbulent sea of revolution—who by his ability, energy, and devoted assiduity to the welfare of the country and interests of the people deserves a nation's gratitude! Let us with heart and soul resolve to rally around those brave and gallant Captains who daily lead our invincible and ardent bands to victory! Let us continue to fill up their ranks upon their demand, should it take our last man and our last dollar, looking neither to foreign nations or to the corrupt Democracy of the North for aid! Depending alone upon God, our strong arms and brave hearts, victory will soon perch upon every banner and an honorable peace be conquered!

And now gentlemen it may not be unfit for me to declare that it is not my intention to seek a reelection to the position I now occupy. Constantly, strenuously, and to the best of my ability have I attempted to perform the duties growing out of my position; with what success my official record must determine. I must obey the impulses

of my own heart and they counsel me to join the ranks of our chivalrous soldiers now battling and dying for our independence. I feel that one who has done as much as myself to inaugurate the present momentous and sanguinary struggle should take a greater part than has hitherto been allotted to my share in its dangers, privation, and hardships.

Permit me to say that I trust your stay at the Capitol will be pleasant—that harmony may prevail in your counsels and deliberations and great good results to the country from your action.

Having performed your necessary labors, I trust you may safely return to your homes and families, enjoying happiness and prosperity.

(signed)

F. R. Lubbock

On motion, the Senate returned to their Chamber. Roll called. Quorum present.

On Mr. Burney's motion, an adjournment was carried until 9 o'clock A. M. tomorrow.

Friday, February 6, 1863

9 o'clock A. M.

Senate met—prayer by the chaplain—roll called—quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt, chairman of the Committee on the Judiciary, reported a Bill to authorize the Supreme Court of the State for the Galveston District to hold its spring term at the city of Austin and recommended its passage.

Mr. Maxey introduced a Joint Resolution requesting the President to place General [Sterling C.] Price in command of the Trans-Mississippi District and to send the Texas troops west of the Mississippi River. Read 1st time.

Mr. Maxey also introduced a Bill to appropriate land to the Texas officers and soldiers in the war with the United States. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Casey offered the following resolution: "**Resolved**, That the Finance Committee be and they are hereby requested to inquire into the expedience and practicability of the State purchasing 30,000 pair of cotton cards to be distributed in the different counties in the State in proportion

to the families in each county at a price to the families not exceeding the cost to the State and that they report by bill or otherwise at an early day." Mr. Guinn suggested the following amendment: "and 10,000 pair of woollen cards." Accepted and the resolution adopted.

Mr. Harcourt introduced a Bill to repeal an act to perfect the organization of the State troops and place the same on a war footing approved 25 December 1861. Read 1st and 2nd times and referred to committee on military affairs.

Mr. Guinn introduced a Bill to punish certain offences therein named—Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Durant introduced a Joint Resolution expressive of the Sense of this Legislature in relation to the ultimate redemption of the Confederate notes. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. White introduced a bill to levy a special tax for the relief of soldier's families. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Dickson offered the following resolution: "**Resolved**, That the Committee on Printing be required to procure 500 copies of the Governor's message for the use of the Senate." Adopted.

Mr. Quayle introduced a bill to punish extortion. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. White introduced a bill to further fix and determine punishment for high treason. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Ford offered the following resolution: "**Resolved**, That the portion of the Governor's message upon subjects properly belonging to the standing committees be referred to them respectively with instructions to report by bill or otherwise." Adopted.

Mr. Guinn offered the following resolution: "**Resolved**, That the documents accompanying the Governor's message be referred as follows:⁶

"Report of Adjutant General to Committee on Military Affairs.

"Report of Financial Agent and Superintendent of Penitentiary to Committee on Penitentiary.

⁶ Only the reports of the Secretary of State can be located. These are printed in Appendix II.

“Report of Secretary of State, Superintendent of Lunatic Asylum, Correspondence of Governors West of Mississippi River to Committee on State Affairs.” Adopted.

On Mr. Guinn’s motion the Secretary was authorized to employ a porter at an expense not exceeding one dollar and fifty cents per day.

The following communication from the Secretary was read:

Austin, February 5, 1863

Honorable J. M. Crockett,
President of the Senate.

I beg leave to report that in pursuance of the resolution of the Honorable Senate, I took charge of the Senate Chamber during the recess, and I hope the Senators will be satisfied with the manner in which I performed the trust.

I would respectfully call the attention of the Honorable Senate to the fact that, in the press appropriated for the papers belonging to the Senate, are the papers belonging to the Senatorial branch of the Congress of the late republic; some of which have not been printed and some of those that have been printed are not now to be had. I would respectfully suggest that the Honorable Senate order these papers to be delivered to the Secretary of State for safe keeping, forming, as they do, an important part of the early history of the country and they are not very safe where they are. I would also respectfully inform the Senate that there is but a limited supply of stationery on hand, but enough I believe with strict economy to last this session.

The roof of the Capitol is even in worse condition than it was during the last session as the members who sit on the west side of the House will find whenever it rains. All of which is respectfully submitted,

P. De Cordova

Secretary of Senate

So much thereof as relates to the Archives was referred to the Committee on State Affairs and so much as relates to the Capitol building to Committee on Public Buildings.

ORDERS OF THE DAY

The resolution offered by Mr. Guinn on yesterday relative to legislation on private or local matters was read. Mr. Lea moved to strike out “local.” Carried.

Mr. Hartley offered the following substitute: "**Resolved**, That the Senate will not act on any private bill without the consent of three-fourths of the members present." Accepted and adopted.

Joint resolution tendering the thanks of the people of Texas to our officers and soldiers. Read 2nd time and on Mr. Harcourt's motion further consideration was postponed until tomorrow.

On motion of Mr. Harcourt the report of the Judiciary Committee on a Bill to authorize the Supreme Court of the Galveston District to hold its spring term at the city of Austin was taken up. Bill read 2nd time and ordered to be engrossed by the following vote:

Yeas—Messrs. Cook, Dickson, Durant, Ford, Guinn, Harcourt, Lea, Maxey, Moore of Davis, Moore of Bastrop, Reed, and White—12.

Nays—Messrs. Andres, Beasley, Boyd, Burney, Cooper, Hartley, Lair, Quayle, Selman, Shepard, Weatherford, and Wheeler,—12.

The President voted yea.

The following Committees were announced by the President:

Judiciary

Messrs. Harcourt, Hartley, Casey, Houston, Mitchell, Wheeler, Ford, Parsons, Guinn, Selman, Jordan, Maxey, White, and Cooper.

Finance

Messrs. Lea, Boyd, Weatherford, Moore of Davis, Andres, Hartley, Parsons, Ford, and Shepard.

State Affairs

Messrs. Hartley, Shepard, Boyd, Moore of Bastrop, Lea, Harcourt, Weatherford, Quayle, and Maxey.

Public Lands

Messrs. Burney, Batte, Reed, White, Crawford, Cook, Lea, Dickson, and Lair.

Confederate Relations

Messrs. Durant, Dickson, Guinn, Cooper, Lea, Harcourt, Cook, Moore of Bastrop, and Reed.

Agriculture

Messrs. Batte, Moore of Bastrop, Burney, Dickson, and Ford.

Penitentiary

Messrs. Jordan, Graham, Cooper, Parsons, Reed, and Burney.

Internal Improvements

Messrs. Parsons, Moore of Bastrop, Lea, Shepard, Crawford, Hartley, Moore of Davis, Casey, and Graham.

Private Land Claims

Messrs. Weatherford, Houston, Mitchell, Guinn, Dickson, White, Selman, [and] Harcourt.

Privileges and Elections

Messrs. Selman, Durant, Batte, Andres, Quayle, Burney, [and] Moore of Bastrop.

Counties and County Boundaries

Messrs. Reed, Weatherford, Burney, Wheeler, and Ford.

Roads, Bridges, and Ferries

Messrs. Boyd, Crawford, Moore of Davis, Shepard, and Ford.

Claims and Accounts

Messrs. Guinn, Mitchell, Quayle, Casey, Jordan, White, [and] Moore of Davis.

Printing and Contingent Expenses

Messrs. Harcourt, Shepard, Durant, Parsons, Lair, and Maxey.

Engrossed Bills

Messrs. Casey, Houston, Andres, and Dickson.

Public Debt

Messrs. Mitchell, Dickson, Shepard, Weatherford, Batte, Guinn, Burney, and Maxey.

Enrolled Bills

Messrs. Ford, Selman, Wheeler, and Lair.



Leroy W. Cooper, District 11

Photograph from
The Bohemian, III, No.
3 (1902), 28.

Treasurer's Books

Messrs. Selman, Shepard, Burney, Ford, Guinn, and Dickson.

General Land Office

Messrs. Burney, Quayle, Cook, Moore of Davis, Lair.

Military Affairs

Messrs. Casey, Boyd, Jordan, Ford, Houston, White, Dickson, Cooper, and Cook.

Education

Messrs. Dickson, Casey, White, Mitchell, [and] Andres.

The Senate then adjourned until 10 o'clock A. M. tomorrow.

Saturday, February 7, 1863

Senate met. Prayer by the Chaplain—roll called—quorum present. The Committee on Engrossed Bills reported a Bill to authorize the Supreme Court for the Galveston District to hold its spring term at the city of Austin. Correctly engrossed.

Mr. Lair introduced a Joint Resolution instructing our Senators and requesting our Representatives in the Confederate States Congress to use their influence for the repeal of the exemption law. Read 1st time.

Mr. Harcourt introduced a bill to provide for the organization of State Troops. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Durant introduced a Bill requiring the Adjutant General of the State to procure and keep a correct roll of all persons who may have served in the Confederate States or State Army during the present war. Read 1st and 2nd times and referred to Committee on Military Affairs.

A message was received from the House announcing that Messrs. Holland of Grimes, Williams, Todd, Broadus, and McCoy had been appointed a committee to act in conjunction with a like committee on the part of the Senate to examine into the acts of the Military Board. Messrs. Dickson, Grimes, and Casey were appointed on the part of the Senate.

Mr. Durant introduced a bill to limit the planting and cultivation of cotton in the State for the year 1863. Read 1st and 2nd times and referred to Committee on Agriculture.

Mr. Maxey offered the following resolution: "**Resolved**, That the Committee on the Judiciary be instructed to inquire: 1st, whether there is any existing law authorizing the several county courts to issue warrants on their Treasurer for the relief of the indigent families of the State; and 2nd, whether there is any existing law authorizing said courts to levy and collect taxes for their redemption, and if there be no such law, that said committee report by bill or otherwise the levy and collection of such tax." Adopted.

Mr. Moore of Davis offered the following: "**Resolved**, That the Committee on Military Affairs inquire into the propriety of so amending that portion of the militia law which requires the senior justice of the peace to enroll the militia in his beat as to provide a compensation for the same." Adopted.

Mr. Guinn offered the following: "**Resolved**, That the Judiciary Committee be requested to inquire into the Constitutionality of a law to regulate the prices of articles of prime necessity and report by Bill or otherwise at as early a day as practicable." Adopted.

ORDERS OF THE DAY

A Bill to authorize the Supreme Court for the Galveston District to hold its spring term at the city of Austin. Read 3rd time and passed.

Joint Resolution tendering thanks to the officers and soldiers of Texas in the war with the U. S. Read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

Joint resolution requesting the President to place General Price in command of the Trans-Mississippi District and to send the Texas troops west of the Mississippi River. Read 2nd time and referred to Committee on Military Affairs.

A message was received from the House informing the Senate that the House had passed a Joint Resolution in relation to an express between the Mississippi river and the Rio Grande which on motion of Mr. Guinn was taken up. Read 1st time. On Mr. Shepard's motion the rule was

suspended, read 2nd time and passed to a third reading. Rule further suspended. Read 3rd time and passed. Also that the House had passed Senate's bill to authorize the Supreme Court for the Galveston District to hold its spring term at the city of Austin, and had appointed Messrs. Randolph, Flint, and Foote a committee to visit the Penitentiary and requesting a like committee on the part of the Senate. On Mr. Lea's motion the Senate ordered the appointment of a like committee.

The Senate then adjourned until Monday morning 10 o'clock.

Monday, February 9, 1863
10 o'clock A. M.

Senate met—prayer by the Chaplain—roll called—quorum present. The journal of Saturday was read and adopted.

Mr. Ford, Chairman of Committee on Enrolled Bills, reported as correctly enrolled, properly signed, and presented to the Governor, a bill to authorize the Supreme Court of the Galveston District to hold its spring term at the city of Austin.

Mr. Cook from the Committee on Military Affairs on behalf of the Committee made the following report: "Your committee to whom was referred a resolution requesting the President to place General Price in command of the Trans-Mississippi Department and to send the Texas troops west of the Mississippi river have had the same under consideration and direct me to report the same back to the Senate and ask to be discharged from its further consideration. Your committee are not in possession of sufficient facts to induce them to recommend changes of so great importance and they prefer to leave the whole matter to the President who is doubtless thoroughly informed of all the facts and is better capable of judging of men and measures on military affairs than we are."

Mr. Shepard presented the memorial of the County Court of Washington County in reference to the appropriation of Negro men to work on fortifications and introduced the following resolution: "**Resolved**, That the Committee on the Judiciary be instructed to inquire into the constitutionality and expediency of the enclosed suggestions of the County Court of Washington County and report by bill or otherwise." Adopted.

Mr. Dickson offered the following resolution: "**Resolved**, the House concurring, That the Joint Committee appointed to examine into the condition of the Penitentiary shall enter upon the discharge of their duties immediately after the adjournment of the present session of the Legislature, that their report shall be made directly to His Excellency The Governor and published, that in the performance of their duties they shall have power to send for persons and papers, shall have their travelling expenses paid out of the contingent fund and receive their *per diem* pay for the time actually engaged in this service."

Mr. Hartley moved to amend as follows: Strike out all after the word "immediately" to the word "published," including the latter, and insert "and that after the adjournment of the Legislature they shall have leave to adjourn to the town of Huntsville and there conclude their investigation and make their final report to His Excellency The Governor which shall be published."

On Mr. Guinn's motion the Resolution and proposed amendment were referred to Committee on Penitentiary.

On Mr. Lea's motion Mr. Wheeler was excused from attendance on the Senate on account of indisposition.

Mr. Durant introduced a Joint Resolution relative to the Penitentiary. Read 1st and 2nd times and referred to Committee on Penitentiary.

Mr. Moore of Bastrop offered the following resolution: "**Resolved**, That the Committee on the Land Office be requested to inquire into the propriety of stopping the sale of land scrip for the present and report by bill or otherwise." Adopted.

Mr. Burney offered the following resolution: "**Resolved**, That the Committee on Finance be requested to inquire into the propriety of authorizing the Comptroller to sell certain lots in the city of Austin belonging to the State." Adopted.

Mr. Ford offered the following: "**Resolved**, That the Committee on Finance be instructed to inquire into the expediency of pledging the faith and credit of the State for the payment of the amount of the public debt of the Confederate States in proportion to our representation in Congress and with what conditions and report by bill or otherwise."

Mr. Dickson moved to strike out "representation in Congress" and insert "taxable property."

On Mr. Harcourt's motion the resolution and amendment were laid on the table. By request Mr. Harcourt moved a reconsideration. Carried.

Mr. Shepard then offered the following as a substitute: "**Resolved**, That the Committee on Finance be instructed to take into consideration the suggestion contained in President Davis' message that the several states of the Confederacy assume each their proportional part of the public debt of the Confederacy and report by bill or otherwise." Adopted. The resolution was then adopted.

Mr. Cooper introduced a bill to suspend until the first day of January, 1865, the collection of the specie tax. Read 1st and 2nd times and referred to Committee on Finance.

Mr. White introduced a bill to amend the 960th Article of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Hartley introduced a bill to purchase \$20,000,000 of the currency of the Confederate States. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Cooper introduced a bill to stop the payment of interest on all debts where Confederate Treasury notes are presented in payment and refused. Read 1st and 2nd times and referred to Committee on Judiciary.

ORDERS OF THE DAY

A Joint Resolution instructing our Senators and requesting our Representatives in the Confederate States Congress to use their influence for the repeal of the exemption law. Read 2nd time and referred to Committee on Military Affairs.

The Senate then adjourned until 10 o'clock A. M. tomorrow.

Tuesday, February 10, 1863
10 o'clock A. M.

Senate met—prayer by the Chaplain—roll called—quorum present. Mr. Ford on behalf of the Committee on Military Affairs to whom was referred a Joint Resolution approving the President's proclamation reported the same without amendment and recommended its passage.

Mr. Casey introduced a Bill authorizing judgments to be rendered requiring property levied upon by execution to bring nine-tenths of its appraised value in certain cases.

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

Mr. Beasley offered the following resolution: "**Resolved**, That the Committee on Public Buildings be instructed as soon as convenient to examine into the condition of the public buildings and the preservation of the papers, records, etc., and report at their earliest convenience the condition of the same." Adopted.

Mr. Cooper introduced a Bill to authorize and empower the Governor to suppress the distilling of spirituous liquors in this State as a nuisance, during the continuance of the present war. Read 1st and 2nd times and referred to Committee on Judiciary.

Mr. Selman offered the following resolutions:

"**Resolved**, That His Excellency the Governor be requested to furnish the Senate as early as practicable with a statement setting forth the amount of state bonds disposed of under an act authorizing a loan and imposing a specific tax to meet the principal and interest thereof under the provisions of the 33rd section of the 7th Article of the Constitution of the State, approved 8th April 1861 and an act supplemental and amendatory thereof approved January 11, 1862."

"**Resolved further**, That he also set forth in such statement the names of the persons to whom said bonds have been sold, the kind of funds or property received, and what disposition has been made of the same."

"**Resolved further**, That the Secretary be requested to transmit a copy of these resolutions to His Excellency the Governor as early as possible."

Passed informally for consideration.

A message from the House informing the Senate that the House had passed a Joint Resolution on the subject of raising corn or other breadstuffs.

Mr. Selman introduced a Bill to amend the 3rd section of an act to amend the 2nd section of an act authorizing a loan and imposing a specific tax to meet the principal and interest thereof under the provisions of the 33rd section of the 7th Article of the Constitution of the State approved April 8, 1861, and supplementary to said act approved January 11, 1862. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Cooper introduced a Bill to relieve the officers,

non-commissioned officers, and privates in the Army of the Confederate States from the payment of poll tax. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Hartley introduced a Bill to remit the State taxes assessed for the year 1862 upon property situated within the corporate limits of the towns of Sabine Pass, Galveston, La Vaca, Indianola, and Corpus Christi. The question was raised that the bill could not be entertained under the resolution of the Senate relative to the consideration of private business. The President decided that the bill could not be entertained unless by a vote of three-fourths, from which decision Mr. Hartley appealed.

On motion of Mr. Shepard the question on the appeal was laid on the table in order that the message of the Governor presenting certain battle flags transmitted by the House to the Senate might be read.

The message was then read and is as follows:

EXECUTIVE DEPARTMENT⁷
February 10th, 1863
Austin, Texas

GENTLEMEN OF THE SENATE AND
HOUSE OF REPRESENTATIVES:

I have the honor to present to you the battle Flag of the 4th and the Regimental Colors of the 5th Regiments of the Texas Volunteers of the Army of Virginia.

These Flags, the rallying points of their Regiments on many a sanguinary and hotly contested field, was sent me by their respected Colonels in the name and on behalf of the officers and men to be preserved among the archives of the State, "as testimonials of the gallantry of her sons who have fought beneath their folds." Their torn and tattered condition, mementoes of the battles of Eltham's Landing, Seven Pines, Gaines' Farm, Malvern Hill, Freeman's Ford, Manassas Plains, Boonston Gap [Boonesborough Gap?] and Sharpsburg, attest the destructive fire through which they have been borne to victory, and has prevented their further use.

In his eloquent and touching language Colonel, now General, [Jerome B. Robertson] Robinson of the 5th says: "I send this Flag to you to be deposited among the archives

⁷ Located in the manuscript journal of February 10, 1863, for the House of Representatives (Archives Division, Texas State Library).

of the State with the hope that, as the sight of it to us amidst the battle's furious storm has cheered and nerved us to bear it on to victory, so may the view of it, by those who may come after us, nerve them to sustain, with the same unfaltering devotion, that Liberty it symbolizes."

And with equal eloquence the gallant Lieutenant Colonel [Benjamin F.] Carter, in requesting that war-worn Flag of the noble 4th be similarly deposited, thus expressed himself: "I need not dwell upon the services of my Regiment; its deeds in battle will go into the history of our country and speak for themselves, and this silent witness bears eloquent evidence that the men who followed it in action were where shot fell thick and death was in the air. You will readily believe, Governor, that we part with the old Flag with painful feelings; more than five hundred of our comrades in arms have fallen beneath its folds, and it is to us an emblem of constancy under multiplied hardships, gallantry and dauntless courage in storm of battle, and devotion unto death to our cause. Let it be preserved sacredly that the remnant of our little band may, in future days, while gazing on its battle-stained colors, recall to mind the sufferings they have endured in their Country's Cause, and their children be incited to renewed vigilance in the preservation of those liberties for which we are contending."

The colors of the 1st, borne with equal gallantry on the same fields of battle, was lost amid the carnage of Sharpsburg. Color bearer after Color bearer was struck down in a charge upon the enemy through a cornfield—all fell but seven of the Color Company—and the Companies on its right and left were terribly shattered. Midst the turmoil the Flag was not missed; its loss was discovered only when the regiment reformed after the attack. Search was made, but without success—the enemy had it not—it doubtless lay buried beneath the heaps of noble dead whom, living, it had ever conducted to victory and, as if loath to separate from its dauntless defenders, sank with them in death.

Yes! let these rent and tattered banners be indeed sacredly preserved, and incite those who gaze upon them to emulate **their** deeds, who bore them without shame.

And when peace shall have descended upon our suffering Country, and as Pilgrims we visit the sacred shrine

in which they are deposited, let us tell to our children that those who perished in their defense died not in pursuit of Military Glory, but to preserve the blessings of liberty, and to secure the rights of Freemen to their descendants.

I have also the gratification of presenting to you, in the name of officers and men of the Texas Rangers commanded by Colonel, now General John A. Wharton, the Regimental Colors of the 3rd Minnesota Mounted Volunteers captured by them at Murfreesborough, Tennessee.

Another Flag was wrested from the enemy near Bardstown, Kentucky, by Sergeant Eugene Herndon of the same gallant corps on which occasion the Rangers defeated 4 regiments of Federal Cavalry stationed to capture them, and for which brilliant feat they were highly complimented by General [Leonidas] Polk in general orders. I regret to say the trophy has failed to reach me.

Very Respectfully,
F. R. Lubbock

On Mr. Ford's motion the Sergeant-at-Arms was instructed to unfurl the flags. The President instructed the Secretary to return the message to the House in accordance with their request.

Mr. Harcourt moved the appointment of a committee of three to act in conjunction with a like committee to be appointed by the House to take such action upon the message and make such disposition of the flags as they might deem appropriate. Messrs. Harcourt, Parsons, and Quayle were appointed the committee.

The question on the appeal from the President's decision was then taken up:

"Shall the decision of the Chair be the decision of the Senate?" Whereupon there was a tie vote when the President announced the appeal lost.

The Senate then adjourned until 10 o'clock A. M. tomorrow.

Wednesday, February 11, 1863
10 o'clock A. M.

Senate met—prayer by the Chaplain—roll called—quorum present. Journal of yesterday was read and adopted.

Mr. Batte, Chairman of the Committee on Agriculture, reported a Bill restricting the planting and cultivation of

cotton in this state for the year 1863, which had been referred to that Committee and recommended that it do not pass.

Mr. Harcourt, Chairman of Judiciary Committee, made the following report on the contested election between S. H. Darden and Honorable Spencer Ford: [This report cannot be located].

Mr. Cooper from the Committee on the Penitentiary made the following report: "The committee to whom was referred the resolution and amendment in regard to the duties, powers, etc., of the Joint Committee raised for the purpose of examining into the condition of the Penitentiary have had the same under consideration and beg leave to report the following as their action and recommend that it be adopted:

"Resolved, the House concurring, That the Joint Committee appointed to examine into the condition of the Penitentiary shall enter upon the discharge of their duties immediately, that in the performance of their duties they shall have power to send for persons and papers, shall have their travelling expenses paid out of the Contingent Fund and receive their *per diem* pay for this service, and that after the adjournment of the Legislature they have leave to adjourn to the town of Huntsville and there conclude their investigations and make their final report to His Excellency the Governor and have it published."

A message from the House announced the appointment of Messrs. Flewellen, Cone, and Foote a committee to act in conjunction with the Senate committee on the Governor's special message presenting battle flags etc.

Mr. Beasley moved to raise a committee on public buildings. Carried.

Mr. Cooper offered the following resolution: **"Resolved**, That the Committee on Military Affairs be and they are hereby instructed to inquire into the expediency of paying the Texas State Troops recently called into the field by the Governor through orders of the Confederate General Commanding this Military District for their services from the time they were mustered into service until disbanded by General Magruder, and report by bill or otherwise." Adopted.

Mr. Beasley offered the following: **"Resolved**, That the Judiciary Committee be instructed to inquire into the ex-

pediency of passing a law disfranchising and confiscating the property of deserters and report by bill or otherwise." Adopted.

Mr. Dickson offered the following: "**Resolved**, That the Committee on Finance consider the propriety of levying a tax on specie payable in kind and report as may seem best." Adopted.

Mr. Lea moved to add Mr. Dickson and Mr. Guinn to Finance Committee. Carried. Mr. Boyd introduced a Bill supplementary to the 9th Section of an Act regulating estates of deceased persons approved March 20, 1848. Read 1st and 2nd times and referred to Judiciary Committee.

The Committee on the Judiciary through their chairman, Mr. Harcourt, to whom was referred a Bill to punish certain offences therein named reported a substitute therefor and recommended its adoption and passage.

Mr. Hartley offered the following: "**Resolved**, That the resolution passed by the Senate on the 6th instant excluding private bills from the consideration of the Senate without the consent of three-fourths of the members thereof present be and the same is hereby rescinded. Laid on the table one day for consideration.

ORDERS OF THE DAY

Joint Resolution from the House on the subject of raising corn and other breadstuffs. Read 1st and 2nd times and referred to Committee on State Affairs.

Senate Joint Resolution requesting the President to place General Price in command of the Trans-Mississippi department and to send the Texas troops west of the Mississippi river on report of Committee on Military Affairs. Read 2nd time.

Mr. Quayle moved to strike out all of the resolution relative to removing all of the Texas troops west of the Mississippi river.

Mr. Hartley offered a substitute for the resolution and proposed amendment, all of which he moved to rerefer to Committee on Military Affairs.

Mr. [Edward R.] Hord, Senator elect from the 32nd Senatorial District to fill the vacancy occasioned by the death of Mr. [E. B.] Scarborough, presented his credentials, took the oath of office, and his seat.

On motion the report of Judiciary Committee made this morning in the case of contest between S. H. Darden

and Honorable Spencer Ford for the seat as Senator from the 25th Senatorial District was taken up. Mr. Maxey moved its adoption. Mr. White asked to be excused from voting which being granted the report was adopted.

The Senate then adjourned until 10 o'clock tomorrow.

Thursday, February 12, 1863
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. Journal of yesterday was read and adopted.

Mr. Lea introduced a Bill to require District Attorneys to report to the Comptroller's office in certain cases. Read 1st time.

Mr. Reed introduced a Bill to attach the County of Kendall to a Senatorial and Representative District. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn introduced a bill to regulate the prices of articles of prime necessity. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn also introduced a Bill to put down speculation and extortion and to secure the resources of the country for the support of our armies and the families of our soldiers by regulating the price and sale of certain articles therein named. Read 1st and 2nd times. Mr. Hartley moved to refer the bill to Judiciary Committee. Lost. It was then referred to Committee on State Affairs.

Mr. Maxey introduced a Bill to amend Article 21, title 7, of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Wheeler introduced a Bill to suspend all laws in relation to estrays. Read 1st and 2nd times and referred to Judiciary Committee.

The President announced as a committee on the part of the Senate on the Penitentiary Messrs. Lea and Guinn; Committee on Public Buildings, Messrs. Beasley, Moore of Bastrop, and Burney.

The Resolution requesting the Governor to furnish certain information relative to sale of bonds, etc., etc., offered by Mr. Selman on a previous day was adopted.

Joint Resolution approving the President's proclamation. Read 2nd time. Mr. Hartley moved to amend the caption by inserting after "Proclamation" the words "of

date 23rd December, 1862." Adopted. The resolution was then ordered to be engrossed.

The report of the Committee on Agriculture adversely to a Bill to limit the planting and cultivation of cotton in this state for the year 1863 being in order, Mr. Harcourt moved its adoption. Mr. Lea moved to postpone consideration on the subject until Monday next at 11 o'clock A. M.

Mr. Dickson moved the indefinite postponement of the whole subject which under the rule is a preference motion.

Pending this question the Senate adjourned until 10 o'clock A. M. tomorrow.

Friday, February 13, 1863

10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt asked leave of absence for Mr. Moore of Bastrop until Monday morning next which was granted.

The President announced that a communication had been received by him which he would lay before the Senate for their action whereupon Mr. Guinn moved its reference to a select committee without reading. Carried. Messrs. Guinn, Parsons, and Dickson were appointed said committee.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following report: "The Judiciary Committee have considered a Bill to prevent extortion and direct me to return the same to the Senate and recommend its reference to the Committee on State Affairs."

On behalf of said Committee Mr. Harcourt, Chairman, also reported a bill supplemental to the 9th section of an Act regulating estates of deceased persons approved March 20, 1848, with a recommendation that it do not pass. Also a Bill to amend Article 960 of the Code of Criminal Procedure and recommend its passage.

Mr. Hartley, Chairman of the Committee on State Affairs, reported on behalf of the Committee a bill to attach the County of Kendall to a Senatorial and Representative District and recommend its passage. Also the following report: "The Committee on State Affairs to whom was referred a Joint Resolution recommending to the Congress of the Confederate States the imposition of export duties on certain articles therein named have had the same under

consideration and instructed me to report the same back to the Senate and recommend its passage with the following amendments:

In first Resolution strike out "Thereby distributing the debt made by this unjust war upon all who consume our products."

In second Resolution strike out "the President of the Confederacy" and insert "our Senators and Representatives in the Congress of the Confederate States."

Amend caption by adding "recommending to the Congress of the Confederate States the imposition of export duties on certain articles therein named for certain purposes."

ORDERS OF THE DAY

The question pending at the adjournment on yesterday being in order, Mr. Hartley moved to suspend the rule so as to take up the resolution offered by him rescinding the resolution of the Senate relative to the consideration of private business. Lost.

Mr. Dickson then withdrew his motion made on yesterday to indefinitely postpone the whole subject then before the Senate. Whereupon the question recurring upon Mr. Lea's motion to postpone until Monday next at 11 o'clock A. M., it was put and carried.

The report of the Judiciary Committee on a Bill to publish a certain offense therein named recommending a substitute therefor was read. The substitute adopted. Mr. Lea moved to strike out the words "or from any other source" and the words "such as cotton or woolen goods." Adopted.

Mr. Hartley moved to strike out the words "prime necessity" and insert "any article manufactured therein." Adopted. Mr. Hartley also moved to strike from 3rd section the words "fees of." Lost. The Bill was then ordered to be engrossed.

Resolution rescinding the Resolution relative to private business being read and the question being put on its adoption was lost.

The Report of the Committee on the Penitentiary relative to the duties of the Joint Committee to examine into the affairs of that Institution was read. The question being on the adoption of the resolution proposed by that Committee as a substitute was put and carried.

Mr. Dickson moved to amend the resolution so as to allow the Committee *per diem* pay after the adjournment of the Legislature during their investigation at Huntsville. Adopted. Mr. Maxey moved to strike out the words "have leave" and insert the word "immediately." Adopted. The resolution was then adopted.

A Bill to require District Attorneys to report to the Comptroller's office in certain cases. Read 2nd time and ordered to be engrossed.

Mr. White by leave offered the following resolution: "**Resolved**, That the Resolution passed by the Senate that it will not entertain private bills shall not be construed to exclude legislation concerning localities where all the inhabitants are to be affected by the act." Lost.

Mr. Hartley moved to suspend the rule relative to the reception of private business that the Bill introduced by him to remit the taxes for the year 1862 upon property situated within the corporate limits of the towns of Sabine Pass, Galveston, La Vaca, Indianola, and Corpus Christi might be considered. Mr. Hartley by leave withdrew the motion whereupon the Senate entertained the bill and referred it to the Committee on Finance.

The Senate then adjourned until tomorrow morning at 10 o'clock.

Saturday, February 14, 1863
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Guinn, chairman of the select committee to whom the communication announced by the President on yesterday was referred, reported that the committee had considered the same and were of the opinion that the Senate had no jurisdiction of the subject matter presented. The communication was returned to the President.

A message was received from the House informing the Senate of the appointment of a committee on their part to act in conjunction with a committee of the Senate to proceed forthwith to the cotton card manufactory of Messrs. Eubank in Williamson County and report as soon as practicable the operation and condition of the same.

Mr. Harcourt, Chairman of the Judiciary Committee, on behalf of that Committee reported upon the suggestion and recommendation of the County Court of Washington

County relative to the conscription of Negroes to work on fortifications and prohibiting Negroes from owning property that the proposed legislation was unnecessary.

Mr. Harcourt introduced a Joint Resolution relative to monopolies. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn introduced a Bill to amend an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the State approved January 13, 1862. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Hartley introduced a Bill to appropriate \$200,000 to be expended for the relief of the sick and wounded soldiers of the State of Texas in the Army of the Confederate States. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Maxey introduced a Bill to appropriate money to pay troops in the State Service. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Moore of Davis introduced a Bill to authorize the County Courts to establish a tariff on prices. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Reed introduced a Bill to incorporate the Comal Manufacturing Company. Read 1st and 2nd times and referred to Committee on State Affairs by a $\frac{3}{4}$ vote.

Mr. Weatherford introduced a Bill requiring the Clerks of the County Courts of Texas to procure a book which shall be called the Black Book. Read 1st and 2nd times. Mr. Hartley moved to refer to Judiciary Committee. Lost. The bill was then referred to Committee on State Affairs.

Mr. White introduced a Joint Resolution to restrain the exercise of illegal military authority in the State of Texas. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Wheeler introduced the following: "**Resolved**, by the Senate, the House concurring, That a joint committee of the two houses consisting of three from the Senate and five from the House be appointed to inquire into the propriety of the State of Texas establishing a manufactory at Huntsville in connection with the State Penitentiary for the purpose of making spinning jennies and report by bill or otherwise." Adopted.

ORDERS OF THE DAY

A Bill to require District Attorneys to report to the Comptroller's office in certain cases. Read 3rd time and passed.

The report of the Judiciary Committee on a bill to punish extortion recommending its reference to Committee on State Affairs was adopted.

The report of Committee on State Affairs upon a Joint Resolution recommending to the Congress of the Confederate States the imposition of export duties on certain articles therein named recommending amendments being considered, the resolution was read 2nd time and amendments adopted. Mr. Harcourt moved to postpone further consideration until Tuesday next at 11 o'clock A. M. Carried.

A Bill to amend Article 960 of the Code of Criminal Procedure. Read 2nd time and ordered to be engrossed.

A Bill supplemental to the 9th section of an Act regulating estates of deceased persons approved March 20, 1848, on the report of the Judiciary Committee recommending that it do not pass was read 2nd time. The question on the adoption of the report being taken was carried.

A Bill to attach the County of Kendall to a Senatorial and Representative District. Read 2nd time and laid on table.

Messrs. Wheeler, Hord, and Weatherford were announced as a committee on the part of the Senate under Mr. Wheeler's resolution to raise a joint committee to inquire into the propriety of establishing a manufactory at Huntsville in connection with the Penitentiary for the purpose of making spinning jennies.

Mr. Dickson offered the following: "**Resolved**, That a committee of two on the part of the Senate and three from the House be raised to examine specimens of the work of the Messrs. Eubank in the manufacture of cotton and wool cards and that they report upon the propriety of extending aid to the enterprize so that these necessary articles may be placed in the hands of our citizens at reasonable rates." Adopted, as a substitute for the action of the House reported this morning.

On motion the Senate adjourned until 10 o'clock A. M. on Monday next.

Monday, February 16, 1863
10 o'clock A. M.

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

Mr. Andres, one of the Committee on Engrossed Bills, reported the following correctly engrossed:

A Bill to amend the 960 Article of the Code of Criminal Procedure.

A Bill to amend an act to punish speculations in certain cases. Mr. Maxey introduced a bill to impose a tax on unlocated land certificates. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Beasley introduced a Bill to amend the 1st section of an Act passed 1st January 1862 suspending the collection of debts. Read 1st and 2nd times and referred to Finance Committee.

Mr. Parsons offered the following: "**Resolved** by the Senate: That the Treasurer of the State of Texas be required to furnish to the Senate a report or statement of all the monies paid out by him under and by virtue of an act entitled 'An act supplementary to an act making an appropriation to pay contingent expenses of the ninth Legislature approved December 9, 1861, which said supplemental act was passed January 9, 1862 which said report or statement shall show to the Senate all the monies paid out by virtue of said acts, the persons to whom the same were paid, on what account, and out of what kind of funds and from that fund such payments were made.'" Adopted.

Mr. Guinn moved to reconsider the vote of the Senate taken on Saturday adopting the report of the Judiciary Committee adversely to a Bill supplemental to the 9th section of an act regulating estates of deceased persons approved March 20, 1848. Carried.

On motion the Senate adjourned until 10 o'clock A. M. tomorrow.

Tuesday, February 17, 1863
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of that Committee reported a bill to amend an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the State approved January 13, 1862, and recommend its passage.

Mr. Andres, one of the Committee on Engrossed Bills, reported a Joint Resolution approving the President's proclamation of December 23, 1862 correctly engrossed.

Mr. Shepard, one of the Committee on State Affairs, on behalf of that Committee reported a substitute for a bill referred to them appropriating \$200,000 for the relief of the sick and wounded soldiers of the State of Texas in the Army of the Confederate States.

Mr. Maxey, one of the Committee on State Affairs, on behalf of said committee asked to be discharged from the further consideration of a Joint Resolution restricting the trade in cotton through the Port of Brownsville.

Mr. Beasley, Chairman of Committee on Public Buildings, made the following report:

“The Special Committee on Public Buildings to which a resolution on that subject was referred instructing said Committee to examine into the condition of the public buildings, preservation of the records, papers, etc., ask leave to make the following report:

We have examined the condition of the Capitol and the papers, books, etc. in the same and find the house in a leaky and ruinous condition, the papers, books, etc., damp and mouldy and are of opinion if not soon put in a better state of preservation must come to nought. The Land Office we find in the same condition together with the papers, records, etc., and are informed by the officer of that Department unless something is done towards repairing the roof of that building he will have to abandon the office, all of which is respectfully submitted with the accompanying bill.

A Bill appropriating \$10,000 or so much thereof as may be necessary for repairing the roof of the Capitol and Land Office. Read 1st time.

A message was received from the Governor in response to Mr. Selman's resolution relative to the disposition of the State bonds and is as follows:

Executive Department^s

Austin, Texas, February 17th, 1863

Gentlemen of the Senate:

I have had the honor in compliance with your resolution to lay before you the accompanying documents exhibiting the disposition made of the State 8% Bonds authorized to be used by the Military Board and funded under the law.

I am yours very respectfully,
F. R. Lubbock

Mr. Cooper introduced a bill to amend the 585th Article of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. White introduced a Bill to regulate the branding of stock cattle. Read 1st and 2nd times and referred to Committee on Agriculture.

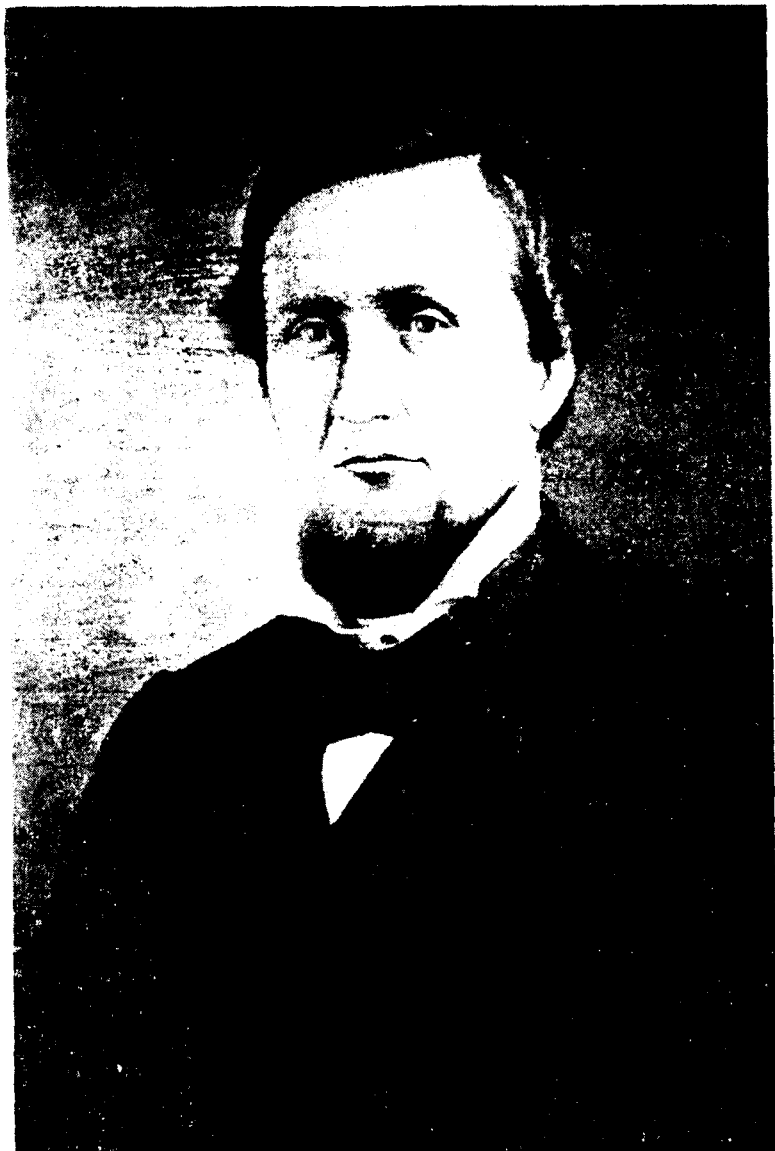
Mr. Guinn introduced a Bill to punish those who take the Alien Oath and refuse a participation in our struggle. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Hartley, Chairman of Committee on State Affairs, on behalf of said Committee reported back a Bill to incorporate the Comal Manufacturing Company with the following amendments: In 1st section after "property" in 12th line insert "such as may be necessary to carry out the objects of the Corporation as set forth in the 2nd section of this act." In 2nd section strike out "or such other articles as said company at any time choose to manufacture." Strike out Sections 7 and 8.

Mr. Lair introduced the following: "**Resolved**, That with the concurrence of the House, when we adjourn on Saturday 28th instant that we adjourn **sine die**." Laid on table.

A message was received from the House informing the Senate that the House had raised a committee of three to act in conjunction with a like committee from the Senate to prepare an address to our soldiers in the field, and had appointed on their part Messrs. Cone, Simpson, and Williams that committee. Also that they had passed the following bills which on motion of Mr. Guinn were read 1st and 2nd times and severally referred as follows:

^s Taken from Executive Record Book No. 279, 1861-1863, p. 169 (Archives Division, Texas State Library).



Benjamin F. Terry
Colonel, Confederate States Army

Photograph from
Texas Room, Confederate
Museum - - -
Richmond, Virginia
(Made available by Mrs.
Dean Rogan Giles, Austin)

A Bill to reduce the number of clerks in the Land Office and placing certain restrictions thereon. Referred to Committee on Land Office.

A Bill to release to the heirs of Colonel B. F. Terry all the right, title and interest of the State of Texas in and to the property owned by said Terry at the time of his death and devised by his will. Referred to Judiciary Committee by $\frac{3}{4}$ vote.

A Bill to amend the 19th, 20th and 47th sections of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons approved March 20, 1848. Referred to Judiciary Committee. A Bill in relation to proceedings in counties in possession of or endangered by the enemy. Referred to Judiciary Committee.

A Bill to incorporate the Dallas Male and Female Academy. Referred to Committee on Education by $\frac{3}{4}$ vote.

A Bill to revive and continue in force an act to incorporate the Galveston and Houston Junction Rail Road Company approved April 8, 1861, and to amend said act. Referred to Committee on Internal Improvements.

A Bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862. Referred to Committee on Public Lands.

A Bill to prescribe the residence of county surveyors. Referred to Judiciary Committee.

A Joint Resolution in relation to the indebtedness of the Confederate States. Referred to Committee on State Affairs.

A Bill to suspend all statutes of limitation on civil rights of action of every kind, real or personal, until one year after the close of the war between the United States and the Confederate States. Referred to Judiciary Committee.

A Bill to suspend the operation of the estray laws for and during the existence of the present war and for six months after its termination except in certain cases. Referred to Committee on State Affairs.

The message of the Governor was taken up and read and referred to the Joint Committee raised to investigate the acts of the Military Board.

In response to the message of the House calling for a joint committee to prepare an address to the soldiers in the

field, Messrs. Burney and Guinn were announced as a committee on the part of the Senate.

ORDERS OF THE DAY

A Bill to limit the planting and cultivation of cotton in the State during the year 1863, being special order was read 2nd time. Mr. Lea moved to lay the report of the Committee on the table, upon which the yeas and nays were called. Mr. Harcourt moved a call of the Senate which was sustained. Messrs. Casey and Moore of Bastrop were excused. The yeas and nays were as follows:

Yeas: Messrs. Beasley, Boyd, Burney, Cook, Cooper, Crawford, Durant, Graham, Guinn, Hartley, Lea, Lair, Maxey, Parsons, Quayle, Shepard, Weatherford and Wheeler—18.

Nays: Messrs. Andres, Batte, Dickson, Ford, Harcourt, Hord, Moore of Davis, Reed, Selman, and White—10.

Mr. Lea offered a substitute which was adopted.

Mr. Harcourt moved that the further consideration of the subject be postponed until Tuesday 19th instant at 11 o'clock A. M. Carried.

A Bill to amend Article 960 of the Code of Criminal Procedure. Read 3rd time and passed.

A Bill to amend an Act to punish speculation in certain cases. Read 3rd time. Mr. Hord offered the following amendment. "Section___ That if any military or civil officer of the Confederate States or of this State or any agent contractor or employee of the Confederate States or this state shall by color of the authority he may have as such officer, agent, or employee, seize any wagon, cart, or other vehicle, or any teams of oxen, horses, or mules, the property of any citizen of this State, he shall be punished by confinement in the Penitentiary not more than [blank] and it shall be no defense to plead the order of a superior officer; provided that if it appear that the safety of the army or any portion thereof was promoted by such service and that the danger from the enemy was imminent, the person so seizing shall not be deemed guilty."

The amendment was withdrawn and the bill passed.

A Bill supplemental to the 9th section of an act regulating estates of deceased persons approved March 20, 1848. Rereferred to Judiciary Committee.

The report of the Judiciary Committee recommending that legislation is unnecessary upon the suggestion of the County Court of Washington County relative to the conscription of Negroes was laid on the table.

A Joint Resolution recommending to the Congress of the Confederate States the imposition of an export duty on certain articles therein named. Read 2nd time. Mr. Shepard offered the following Amendment. Strike out all of 1st section after the word "same" in 4th line from bottom.

The bill was then referred to select committee of five, whereupon Messrs. Ford, Shepard, Durant, Dickson, and Lea were appointed the Committee.

The President announced a communication from the Treasurer responsive to the Senate's resolution which communication is as follows.

Treasurer's Office

Austin, February 17, 1863

Honorable John M. Crockett

President of the Senate

In response to a resolution of the Honorable Senate calling upon me for a statement of all the monies paid out by me under and by virtue of an Act entitled "An Act supplementary to an Act making an appropriation to pay the contingent expenses of the Ninth Legislature approved 9 December, 1861 which said supplemental act was passed January 9, 1862 which said report or statement shall show to the Senate all the monies paid out by virtue of said Act, the persons to whom the same was paid, on what account, and out of what kind of funds, and from what fund such payments were made." I herewith submit the following report or statement.

Respectfully,

C. H. Randolph
Treasurer

Statement of disbursements made by the Treasurer on account of contingent expenses of the 9th Legislature.

Date 1861	Number of Warrant	To whom paid	On what account	Funds from which payment was made	Description of funds paid	Amount
December	12	18635	Sampson and Hendricks	State Revenue	Specie	147.90
'	12	18636	A. H. Parrish	Do.	"	30.00
'	12	18637	F. T. Duffau	Do.	"	231.60
'	12	18638	Palm Brothers and Company	Do.	"	107.60
'	13	18639	John Marshall and Company	Do.	"	596.16
'	14	18642	J. H. Lockett	Do.	"	61.50
'	17	18643	Palm Brothers and Company	Do.	"	321.05
'	17	18644	R. D. Carr and Company	Do.	"	5.00
'	19	18645	Palm Brothers and Company	Do.	"	42.70
'	20	18647	Baker and Smyth	Do.	"	31.75
'	20	18648	Alex Eanes	Do.	"	13.50
'	23	18649	C. F. Millett	Do.	"	26.00
'	23	18650	Loomis and Christian	Do.	"	27.75
'	24	18651	Barron and Cope	Do.	"	8.00
'	24	18652	Ed Bastian	Do.	"	6.00
'	26	18653	William Rust	Do.	"	163.97
'	26	18654	Do.	Do.	"	313.89
1862						
January	20	8056	England and Millican	Do.	"	80.00
'	20	8057	John Marshall and Company	Do.	"	917.25
'	'	8058	Thomas H. Kent	University land sales	"	108.00

'	'	8059	Eli Kirk	Repairing Chandelier	Do.	"	25.00	
'	'	8060	A. H. Parrish	Porter hire	Do.	"	42.00	
'	'	8061	F. T. Duffau	Sundries	Do.	"	48.50	
'	'	8062	Sampson and Hendricks	Do.	Do.	"	12.50	
'	'	8063	L. H. Lockett	Porter hire	Do.	"	108.00	
'	21	9077	Mrs. M. W. Grenn	Do.	Do.	"	108.00	
'	'	9766	Taylor and Renfro	Medical att'n to J. C. Walker	Do.	"	15.00	
'	24	10994	John Marshall and Company	Printing	Do.	"	110.00	
'	29	12135	F. T. Duffau	Stationery	Do.	"	3.80	
'	'	12136	S. B. Brush	Candlesticks	Do.	"	3.60	
'	'	12157	W. N. Hardeman	Stationery	Do.	"	10.00	
February	14	15990	W. L. Chalmers	Arrang Business [?]	Do.	"	150.00	
'	18	16399	William Rust	Postage	Do.	"	156.44	
'	18	16400	Do.	Do.	Do.	"	219.68	
'	20	16803	P. De Cordova	Arrang Business [?]	Do.	"	150.00	
'	28	19838	Palm Brothers and Company	Sundries	Do.	"	114.05	
March	12	3257	William Rust	Porter hire	Do.	"	67.00	
							Total	<u>\$4,583.19</u>

I certify that the foregoing statement is correct.

C. H. Randolph
Treasurer

Referred to Finance Committee.

The Senate then adjourned until tomorrow 10 o'clock A. M.

Wednesday, February 18, 1863
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, on behalf of that Committee reported the following bills and recommended their passage.

A Bill in relation to judicial proceedings in counties in possession of or endangered by the public enemy.

A Bill to prescribe the residence of County Surveyors.

A Bill to amend the 19th, 20th, and 47th sections of an Act to regulate proceedings in the County Courts pertaining to estates of deceased persons approved March 20, 1848.

A Bill to release the heirs of Colonel B. F. Terry all the right title and interest of the State of Texas in and to the property owned by said Terry at the time of his death and devised by his last will. Also the following bills with a recommendation that they do not pass.

A Bill to amend the 1st Section of an act passed 1st day of January, 1862 suspending all laws for the collection of debts.

A Bill to amend the 585th Article of the Code of Criminal Procedure.

A Bill supplemental to the 9th Section of an Act regulating estates of deceased persons approved March 20, 1848, and the following bill with amendments recommending their adoption and the passage of the bill to wit: Bill to suspend all statutes of limitation on civil rights of action of every kind whether real or personal until one year after the close of the war between the United States and the Confederate States.

Amendments: After the words "United States" in Section 2, insert "Provided that the limitation upon all rights of action for injuries done to the person of another as of assault, battery, wounding, or imprisonment, and for injuries done the character or reputation of another as of libel or slander shall not be suspended by the provisions of the act . . .

Mr. Hartley, Chairman of Committee on State Affairs, on behalf of that Committee reported the following bills and recommended their passage:

A bill to suspend the operation of the estray laws during the existence of the present war and for six months after its termination except in certain cases.

A Joint Resolution in relation to the indebtedness of the Confederate States.

Mr. Batte, Chairman of Committee on Agriculture, on behalf of that Committee reported a bill to regulate stock breeding and asked to be discharged from its further consideration.

Mr. Casey, Chairman of the Committee on Military Affairs, on behalf of that Committee reported as a substitute for the several resolutions, bills, and matter referred to them. A Bill for the organization of the State Troops and prescribing who shall be liable to Militia duty.

Mr. Parsons, Chairman of Committee on Internal Improvements, reported on behalf of that Committee a Bill to revive and continue in force an act to incorporate the Galveston and Houston Junction Rail Road Company approved April 8, 1861, and to amend the same and recommend its passage.

Mr. Maxey, one of the Committee on State Affairs, on behalf of said Committee reported a substitute for the following bills which had been referred to them:

Bill to put down speculation and extortion and to secure the resources of the country for the support of our armies and the families of our soldiers by regulating the price of certain articles therein named.

Bill to punish extortion.

Bill to regulate the prices of articles of prime necessity, and

Bill to authorize the County Courts of the State to establish a tariff of prices.

Mr. Ford, Chairman of select committee made the following report:

“The special committee to whom was referred Joint Resolutions expressive of the sense of the Legislature in relation to the ultimate redemption of the Confederate notes together with the amendments proposed have had the same under consideration and I am directed by a majority

of the Committee to report that the measure proposed in the resolutions is likely to prove one of vital importance in the future administration of the Government and to which the State should not hastily or indiscreetly be committed but which should be done if at all only after natural deliberation and investigation which for want of time and facilities cannot at this time be had. It is not conceived that there is any pressing necessity for **immediate** action upon the proposition contained in the resolutions and without expressing any opinion upon its merits, it is recommended that the Senate take no action upon the resolutions at this time."

Mr. Hord introduced a joint resolution in regard to trade. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Hord also introduced a Bill to punish certain persons for unlawful seizures of wagons, teams, etc. Read 1st and 2nd times and referred to Judiciary Committee.

A message was received from the House informing the Senate that the House had passed Senate's Joint Resolution returning thanks to our officers and soldiers in the army of the Confederate States. Also that the body had concurred in the action of the Senate on the resolution relative to the investigation of the Penitentiary by the Joint Committee for that purpose that Messrs. Potter, Charlton, Mather, Rhea, and Marshall had been appointed Committee on the part of the House to inquire into the expedience of establishing in connection with the Penitentiary machinery for the purpose of making spinning jennies and that Messrs. Flewellen, Foote, and Cone were appointed a committee on the flags of 4th and 5th Texas, etc., etc. That the House had passed the following bills:

A Bill to attach Kendall County to the 4th Judiciary District and providing for the time of holding the Courts in said District. A Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding. A Joint Resolution tendering thanks to General Magruder's officers and men. Also transmitting a message from the Governor as follows:

Executive Department⁹
Austin, February 17th, 1863

Gentlemen of the Senate and
House of Representatives

I have the honor to lay before you a communication received from his Excellency the President of the Confederate States.

Let me beg of you to give that consideration to the Paper which its magnitude would appear to merit.

I am, Yours Very Respectfully,
F. R. Lubbock

which on motion was read and referred to Committee on State Affairs.

Mr. Guinn offered the following: **“Resolved, That the Treasurer be required to furnish the Senate with a statement of the funds in the Treasury and what kind of funds, what amount thereof is subject to appropriation and that the Comptroller furnish an estimate of the amount likely to accrue from all sources for the present year 1863.”** Adopted.

Mr. Ford offered the following: **“Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a state armory for the manufacture of small arms and report by bill or otherwise.”** Adopted.

ORDERS OF THE DAY

A joint resolution approving the President's proclamation of December 23, 1862. Read 3rd time. Mr. Quayle moved to strike out 2nd resolution. Carried. Mr. Hartley moved to amend as follows: “2nd That the Governor be requested to forward a copy of this resolution to the President of the Confederate States.” Adopted. Mr. Shepard moved to insert the word “cordially” before the word “approve.” Adopted. The bill was then passed.¹⁰

A bill to amend an act to define and punish sedition and to prevent the dangers which may arise from persons

⁹ Taken from Executive Record Book No. 82, 1861-1862, p. 41 (Archives Division, Texas State Library). The nature of Jefferson Davis' letter cannot be ascertained and therefore cannot be inserted.

¹⁰ This resolution approves Jefferson Davis' Proclamation concerning the condemning of Major General Ben F. Butler. See Hudson Strode, *Jefferson Davis: Confederate President* (New York: Harcourt, Brace and Company, 1959), 353; and *Journal of the Congress of the Confederate States of America* (7 vols; Washington: Government Printing Office, 1904), III, 13.

disaffected to the state approved January 13, 1862. Read 2nd time.

Mr. Harcourt moved to amend by striking out all after the words "service of this state" and insert "or shall by words or actions stir up a spirit of discontent and insubordination among the people or attempt to impede the action of the Military authorities." Mr. Hartley moved to rerefer the bill and Amendments to Judiciary Committee. Lost. Mr. Weatherford moved to reconsider. Carried. The question was then taken on Mr. Hartley's motion to rerefer and carried.

Mr. Harcourt offered the following: "**Resolved**, That the Secretary of the Senate is instructed to subscribe for one hundred copies of the *Texas Almanac Extra* during the session of the Legislature for the use of the Senate, provided a synopsis of all the proceedings of this legislature be published therein." Adopted.

A bill appropriating \$200,000 for the relief of our sick and wounded soldiers in the Confederate States Army on report of Committee on State Affairs reporting substitute therefor. Read 2nd time. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On motion the Secretary was instructed to request of the House that they transmit to the Senate the documents accompanying the Governor's message.

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

Thursday, February 19, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Burney, Chairman of Committee on Public Lands, on behalf of that Committee reported recommending the passage of a bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862 with the following amendment: At the end of caption add "and to suspend the operation of all laws authorizing the sale of alternate sections of land surveyed or reserved to the State or of other reservations." Amend the 1st section by striking out all after the word "repealed" in 5th line to end of

section and add "Section 2, That all laws authorizing sections of land surveyed and reserved to the State or of other reservations and of the sale of land scrip to be located on such reserved sections or other reservations are hereby suspended until six months after the close of the war between the Confederate States and the United States, and this act take effect and be in force from and after its passage."

On motion Messrs. Moore of Bastrop, Hord, and Cooper were added to Committee on Military Affairs.

Mr. Cooper introduced a Joint Resolution in relation to extortion and requesting Congress to reduce the pay of officers and increase the pay of privates in the Confederate Army. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Parsons introduced bill to incorporate the Texas Lead and Copper Mine Company. Read 1st and 2nd times and referred to Judiciary Committee by $\frac{3}{4}$ vote.

The President announced the following communication from the Treasurer which was read and referred to Committee on Finance.

Treasurer's Office

Austin February 19, 1863

Honorable John M Crockett

President of the Senate

Sir,

In compliance with a resolution of the Honorable Senate I herewith submit statement of the funds in the Treasury; the character of funds and the amount thereof subject to appropriation.

Very Respectfully

Your obedient servant,

C. H. Randolph

Treasurer

Revenue of State

Specie	333.42
Confederate Treasury notes	92,402.94
State Treasury warrants (to be cancelled)	3,141.57

95,877.93

School Fund

Bonds of Rail Road Companies 1,780,980.00

Ten per cent interest warrants (to be exchanged for specie with State Revenue)	11,239.71	
Confederate Treasury notes due to Counties on distribution of 1862	28,676.71	
Specie for investment		
for schools	4,148.88	
" due counties on former distributions	1,700.68	
" for distribution to counties	1,124.20	
" Contingent School fund	977,000	
	7,950.76	
		1,828,847.18
Special Deposits		
Specie County tax due Counties	5,850.80	
Confederate Treasury notes County Tax due Counties	13,783.41	
State Treasury Warrants Do.	129.28	19,763.49
Specie Settlement of successions	3,765.90	
Confederate Treasury notes Do.	496.73	4,262.63
Specie of Escheated Estates	2,688.71	2,688.71
Specie of Assessors fees	975.66	
Confederate Treasury notes Do.	38.00	1,013.66
University Land Sales		
Specie	.57	
Confederate Treasury Notes	23,752.69	
State Treasury Warrants (to be exchanged for specie with State Revenue)	4,773.97	
Ten per cent Interest Warrants Do. Do.	12,055.80	
		40,583.03
Special Loan Tax		
Specie	82,847.78	82,847.78
	Total	2,075,884.41
Recapitulation		
Specie	104,413.60	
Confederate Treasury notes	159,150.48	
State Treasury Warrants	8,044.82	

Bonds of Rail Road Companies	1,780,980.00	
Ten per cent interest Warrants	23,295.51	
		2,075,884.41

Of the above the following sums only are subject to appropriation:

Specie of State revenue	\$333.42	
Confederate notes of State revenue	92,402.94	
Total subject to appropriation		92,736.36

C. H. Randolph
Treasurer

ORDERS OF THE DAY

A Joint Resolution restricting the trade in cotton through the port of Brownsville. Read 2nd time and referred to Committee on State Affairs.

A Bill appropriating \$10,000 or so much thereof as may be necessary for recovering the Land Office and Capitol buildings. Read 2nd time. Mr. Burney moved to strike out \$10,000 and insert \$15,000. Adopted. Mr. Guinn moved to amend so as to include the Old Land Office and Treasury building and to strike out \$15,000 and insert \$20,000. Adopted. Mr. Burney moved to insert "Secretary of State, Commissioner of the General Land Office, Treasurer, and Comptroller." Adopted. Mr. Guinn offered the following amendment: "Provided that the Commissioners under this act shall not be authorized to pay more than one half the contract price until sufficient time shall have elapsed after the completion of the work to allow the roofs to be thoroughly tested and proven watertight." Mr. Parsons moved to rerefer the bill and amendment to Committee on Public Buildings. Mr. Beasley moved to amend by substituting Judiciary Committee. Accepted. The question to refer was put and lost. Mr. Durant moved to refer to Committee on Internal Improvements. Mr. Parsons moved to amend by substituting Committee on Public Buildings. Question on the amendment was put and carried.

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

The Committee on Finance to which was referred a resolution instructing this Committee "to inquire and report as to the propriety of providing a specie fund to facilitate payments of taxes which have been or may be imposed

to meet interest and principal of State bonds so that taxpayers may have such taxes liquidated at the Treasury by exchange of paper currency for specie through the Comptroller and Collectors" has made the requisite inquiry and reports as follows:

The propriety of providing such a fund depends on the demand for it and the terms of obtaining it. The demand consists in the necessity for payments of the specie taxes, and the difficulties, which a large proportion of the taxpayers would have under present circumstances to make the payments unless aided.

The necessity for payments of such taxes arises from the consideration that they are the basis of the State bonds of which nearly all have been either used in executed contracts or are committed to meet executory engagements under existing laws. These bonds being actually or virtually in the hands of purchasers, there is the sure guarantee of the tax on which they rest. The law which placed the bonds in market, expressly provided that "the tax assessed under and by virtue of said act shall be collected in gold or silver, any law to the contrary notwithstanding;" and the amended constitution authorizing such a loan law, contains this provision; "but the tax imposed by such act in proportion to the debt and liability which may have been contracted in pursuance of such law shall remain in force and be irrevocable, and be annually collected until the proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability." Under these provisions, even the Legislature could not prevent, although it might aid, the collection of such tax to the extent of its committal for bonds disposed of.

The absolute legal necessity for payment of the tax does not need the support of any collateral consideration; but satisfaction may arise from a few reflections showing a coincidence of some political and moral necessities.

This loan policy, which had been previously initiated, was continued and modified at the last session of the legislature for several reasons. In addition to as much taxation as the people were then willing to bear, the public necessities required the addition of this loan, as experience has proved, while it has shown, also, diverse reasons for a large provisional loan by means of smaller bonds. There was no proper provision for funding the indebtedness of the State

either to certain special funds in its trust or to its other creditors when there was a certainty of considerable delay in payments. The warrants of the State on its treasury had become depreciated to nearly one third of their amounts with a downward tendency so that payment by paper either to soldiers or other creditors was grossly unjust, and the ordinary administration of the government was seriously embarrassed, while the State's credit was not prepared for apprehended emergencies. Bonds of the State would have been cheaper than its other paper, if issued on any other than a specie tax. But in addition to the direct use of the loan, from which much good has already arisen with prospects of great future benefits the specie bonds are considered to have been the principal means with little aid from other resources by which the public creditors might eligibly fund their demands or have payments in other State paper of greatly improved value, and a governmental credit was inaugurated so as to give assurance of other help in case of need. For the State to maintain such high financial position, the bonds must be sustained according to the law of their creation; and at a time of peculiar difficulties in making payments in specie the proposed aid might manifest a determination that the bonds should be sustained and so add to the State's high credit. From such considerations appear some political and moral necessities in coincidence with that of preemptory law for a general collection of the specie tax.

As this tax must be collected by the officials in charge of such business, the question arises whether they shall be left to the use of only ordinary means or shall the Legislature aid them and the taxpayers by providing a specie fund to be commuted for current paper through the Comptroller and the Collectors.

The Committee has no doubt of the practicability of providing such a fund and of applying it as proposed. The procurement may be accomplished by the purchase and sale of cotton in the usual course of trade as familiarized by current practice of the government, both Confederate and State, and of individuals. The application may be made under authority therefor, by the Comptroller and Treasurer so that the specie fund may be continued in the Treasury where necessary portions for respective taxpayers may be commuted for paper currency, that shall have been for-

warded for such purpose by the taxpayers through the Collectors who shall be required to perform such service under legal regulations and the Comptroller's instructions. On completion of such commutation in any case, the tax would be paid into the Treasury and ready for application to the bonds according to law, not less satisfactorily to the bond holders on account of the State's aid to the payers, but rather with more satisfaction from the superadded assurance that no difficulties should be allowed to impair the value of State bonds.

In view of such practicability but few persons may question the expediency of the proposed aid. During the first collection of this specie tax the proposition obtained was nearly equal to that of other taxes, because insufficient specie in general could not be commanded by taxpayers throughout the State without very great difficulty. But subsequently the demands for specie by our soldiers on leaving the State, by merchants and other persons in foreign purchases, and by hoarders for fear or speculation have greatly increased the difficulties of obtaining that article by any ordinary means.

That it may be obtained by means of cotton has already been stated; but for individuals and associations embracing a great majority of the taxpayers, the procurement of specie by such means would have many difficulties. If some specie might be obtained from hoarders, the rates of exchange for paper would be exorbitant. The foregoing difficulties would not have a general appreciated alleviation in the reflection that the payment of the tax is essential for the (payment) maintaining great public interests.

Under existing circumstances the necessary amount of specie could be procured as proposed at far less cost than by individual action of taxpayers. And there is no doubt that such public aid to taxpayers would result in a general collection of the taxes in contrast with the limited payments that might be otherwise expected.

The Comptroller gives information that the amount on hand of specie tax will meet the interest payable next July and January. But, the Constitution provides that such tax shall be annually collected to meet interest and principal of the bonds according to the law by which they are held; and the only question appears to be whether the taxpayers shall have the proposed tax aid or be subject without aid to

legal coercion for payment. Moreover it might be prudent to provide liberally for a specie fund so as to be sure of enough to meet the tax demands, especially as other occasions of State necessities will require considerable amounts of specie during more than the time of the pending war and as an excess could be conveniently placed to another account.

The question of loss in the exchange of specie for paper need not be raised as the taxpayers are on both sides of the account.

With such views of the subject, the Committee recommends aid to the taxpayers as proposed and to that end herewith submits a bill.

Pryor Lea

Chairman

A Bill to provide a specie fund to aid taxpayers in the payment of their specie tax. Read 1st time.

Mr. Lea also made report on bill to remit taxes on property within certain limits and recommended that it do not pass.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported a Bill appropriating \$200,000 for the relief of the sick and wounded soldiers in the Confederate States Army correctly engrossed.

A message was received from the House informing the Senate that the House had passed the following bills.

A Bill for the relief of parties holding land under Daniel Monroe.

A Joint Resolution requesting the Governor to solicit the detail and exemption of certain persons therein named to work in Messrs. Eubank and Company cotton card factory.

On motion of Mr. Burney, the Joint Resolution was taken up. Read 1st time. Rule suspended. Read 2nd time. Mr. Hord offered the following amendment. Strike out "detail" and insert "furlough" and strike out "exempt" and insert "furloughed." Passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to regulate the cultivation of cotton being the special order was read 2nd time. Mr. Cooper moved to strike from 8th line, 1st Section the word "Third" and insert "Fifth." Mr. Durant offered the following as a substitute for the amendment. Strike out in 1st Section the word

“third” and insert “fourth.” Mr. Guinn moved to lay the amendments on the table. Carried.

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

3 o'clock P. M.

Senate met, roll called, quorum present.

A Bill to regulate the cultivation of cotton being under consideration, Mr. Guinn offered the following amendment: Insert “The Governor shall upon the passage of this act issue his proclamation to the planters of this state setting forth the provisions of this act.” Adopted.

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

Friday, February 20, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of the preceding day was read and adopted.

Mr. Casey introduced a Bill to appropriate \$1,000 to pay the expenses of taking up, committing, keeping, and conveying to the Penitentiary runaway slaves. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Guinn offered the following resolution: “**Resolved**, That the Secretary of the Senate be authorized to allow the publisher of the *Almanac Extra* the use of the journals of the Senate provided the said journal shall not be kept from his custody more than one day.” Adopted.

Mr. Cooper offered the following: “**Resolved**, That no new business shall be received in the Senate for its action after Monday next except such as may come from the House of Representatives.” Laid over one day for consideration.

ORDERS OF THE DAY

A Bill to regulate the cultivation of cotton being under consideration when the Senate adjourned on yesterday was taken up. Read 2nd time.

A message was received from the House informing the Senate that the House had passed a Joint Resolution tendering thanks to Major O. M. Watkins.

A Joint Resolution requesting our Senators and Representatives in the Confederate States Congress to take into consideration the propriety of modifying the exemption laws.

A Bill to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon Rivers in the County of Bell without obtaining license.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas.

The question being upon the bill to regulate the cultivation of cotton whether it shall be engrossed. Mr. Dickson moved a call of the Senate which was sustained. On Mr. Parson's motion the call was suspended and the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

The consideration of the bill to regulate the cultivation of cotton being before the Senate; The President announced the following communication from the Treasurer which on motion was taken up and referred to Committee on Finance.¹¹ Mr. Lea occupying the floor gave way to a motion to adjourn, whereupon the Senate adjourned until 9 o'clock A. M. tomorrow.

Saturday, February 21, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Dickson, Chairman of Committee on Education, on behalf of said committee reported a bill to incorporate the Dallas Male and Female College recommending its passage with the following amendment. Strike out after the word "Dallas" all of third section.

Mr. Casey, one of the Committee on the Judiciary, on behalf of the majority reported a Bill authorizing judgments to be rendered requiring property levied upon by execution to bring nine tenths of its appraised value in certain cases, and recommended the adoption of the substitute presented.

Mr. Ford, Chairman of Committee on Enrolled Bills, reported a Joint Resolution tendering the thanks of the people of Texas to our soldiers in the army correctly en-

¹¹ For this report see C. H. Randolph's statement in the Senate Proceedings of February 17, 1863.

rolled, properly signed, and this day presented to the Governor for his approval.

Mr. Maxey moved that the Committee on Military Affairs be instructed to report on a bill referred to them giving land to the Texas officers and soldiers in the war on Monday next. Mr. Maxey withdrew the motion whereupon Mr. Casey, Chairman of that Committee, reported the bill and recommended its reference to Committee on Public Lands. On motion of Mr. Guinn, the report was taken up and adopted.

On motion of Mr. Moore of Bastrop, Mr. Parsons was added to Committee on Public Buildings; and on Mr. Burney's motion, Mr. Maxey was added to Committee on Public Lands.

A message was received from the House informing the Senate that the House had passed the following bills:

A Bill to incorporate the Jackson Manufacturing Company.

A Bill to authorize the County Courts of Bastrop and other Counties herein named to regulate the pay of Sheriffs in certain cases.

A Joint Resolution of the subject of increasing the pay of the private soldiers in the Confederate Army.

ORDERS OF THE DAY

A Bill to regulate the cultivation of cotton being under consideration at the time of adjournment was taken up. Pending the question of engrossment of the bill, the Senate adjourned until half past 3 o'clock P. M.

3 ½ o'clock P. M.

Senate met, roll called, quorum present.

The question before the Senate being upon the engrossment of the bill to regulate the cultivation of cotton, Mr. Quayle moved the previous question which was ordered. Mr. Dickson moved a call of the Senate, which was sustained.

The Senate being full with the exception of Mr. White, Mr. Guinn proposed to pair off with the privilege of recording their votes on Monday. The main question, shall the bill be engrossed, was then put and the Yeas and Nays were as follows.

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Craw-

ford, Durant, Graham, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, Wheeler—14.

Nays: Messrs. Andres, Batte, Casey, Cook, Dickson, Ford, Harcourt, Hartley, Hord, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard—14.

There being a tie vote the President rose and said, "I am sorry that the responsibility of deciding this important question—a question that in the minds of Honorable Senators is of vital importance—has fallen upon me. I dislike very much to be compelled to cast such a vote without an opportunity of giving my reasons for it, and I hope that the Honorable Senators will afford me that opportunity yet before the final passage of the bill. I have desired very much to investigate the question fully, but I have not had time to do so. I am prepared, however, to cast my vote. I cast it for the preservation of the institution of slavery—for the protection of the slave holder—I cast my vote in favor of **Government**, the only security of property. I vote Yea." So the bill was ordered to be engrossed.

On Mr. Parsons' motion, the following House bills were taken up and read severally 1st and 2nd times and referred as follows:

Joint Resolution on the subject of increasing the pay of the private soldiers in the Confederate Army. Referred to Committee on Military Affairs.

A Bill authorizing the County Courts of Bastrop and other Counties herein named to regulate the pay of Sheriffs in certain cases. Referred to Judiciary Committee.

A Bill to incorporate the Jackson Manufacturing Company. Referred to Judiciary Committee.

A Bill declaring void any sale made by the public who may occupy any portion of the territory of the State. Referred to Judiciary Committee.

A Bill to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon rivers in the County of Bell without obtaining license. Referred to Committee on Roads, Bridges, and Ferries.

Joint Resolution relative to modification of the exemption laws. Referred to Committee on State Affairs.

A Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding. Referred to Committee on State Affairs.

A Bill to attach Kendall County to the fourth Judicial District and providing for the time of holding Courts in said District. Referred to Judiciary Committee.

Joint Resolution tendering thanks to Major O. M. Watkins. Referred to Committee on State Affairs.

Joint Resolution tendering thanks to General Magruder, officers and men. Referred to Committee on State Affairs.

Mr. Cook by leave introduced a bill for the purpose of carrying into effect the proclamation of the President of the Confederate States dated [blank] day of [blank], 1862. Read 1st and 2nd times and referred to Committee on State Affairs.

On motion the Senate adjourned until 9 o'clock A. M. Monday next.

Monday, February 23, 1863
9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of Saturday was read and adopted.

Mr. Burney presented the petition of the Ladies of McLennan County praying for the passage of a law preventing the distillation of Liquors, etc. Read and referred to Committee on State Affairs.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported correctly engrossed a bill to regulate the cultivation of cotton.

ORDERS OF THE DAY

The President announced a communication from the Comptroller as follows:

Austin, February 18, 1863
Comptroller's Office

Lieutenant Governor John M. Crockett
President of the Senate

Sir,

In accordance with a resolution passed by the Senate this date I herewith submit a statement showing the probable amounts of receipts of State Revenue for the present year 1863.

Respectfully,
C. R. Johns
Comptroller

Ad valorem and Poll tax assessed for 1862	633,139.54	
Probable amount which cannot be collected	75,000.00	
	<hr/>	
	558,139.54	
Deduct 1/10 for school fund	55,813.95	
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	502,325.59	
Deduct expense 12 1/2 for collection, etc.	62,790.69	
	<hr/>	
	439,534.90	\$439,534.90
Merchandise and Corporation tax	19,618.63	
Probable amount uncollected	5,000.00	
	<hr/>	
	14,618.63	
Deduct for collecting 8 per cent	1,165.44	
	<hr/>	
	13,453.19	
Deduct 10 per cent for school fund	1,345.31	
	<hr/>	
	\$12,107.88	\$12,107.88
Office fees		1,621.95
Settlers claims		2,248.95
Patent fees		5,756.00
Preemption fees		1,550.00
Government Dues		912.02
Sale of Land scrip		28,138.29
		<hr/>
		491,869.99

The estimate of sale of land scrip is based upon the sales of last year, but the sales for the present month amount to date to about \$3,000.

It is the opinion of this office that a very large amount would be realized from this source during the present year, and this amount would be correspondingly increased by the depreciation of the currency.

There has been received from the Penitentiary during the past year, \$236,502.25. The probable receipts for the present year may be calculated at about \$250,000.00. The

special loan tax assessed for 1862 amounts to \$109,962.42 of which amount we can not hope to realize over \$20,000.00.

C. R. Johns
Comptroller

Referred to Finance Committee.

On motion of Mr. Cooper, the resolution relative to new business was taken up. Mr. Ford moved its indefinite postponement. Carried.

A Bill for the relief of parties holding land under Daniel Monroe. Read 1st and 2nd times and referred to Committee on Public Lands by $\frac{3}{4}$ vote.

Joint Resolution relative to the ultimate redemption of Confederate notes on report of the select committee recommending that no action be taken at this time. Read 2nd time and adopted.

A Bill to amend the 585th Article of the Code of Criminal Procedure on report of Judiciary Committee recommending that the bill do not pass. Read 2nd time and report adopted.

A Bill supplemental to the 9th Section of an act to regulate the estates of deceased persons approved March 20, 1848, on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Bill for the organization of State troops and prescribing who shall be liable to Military duty reported by the Committee on Military Affairs as a substitute for the several bills and matters referred to them was read and adopted.

Mr. Harcourt moved to strike from 1st Section "18" and insert "17," strike out "50" and insert "55." Mr. Casey called for a division of the question. Mr. Guinn moved to lay the proposed amendments on the table. Carried.

Mr. Moore of Bastrop moved to amend 2nd Section so as to "exempt one miller for each steam or water mill that grinds for the public and one engineer for each steam mill."

Mr. Guinn proposed as an amendment to the amendment the following: "exempt superintendent and employees of the Lunatic Asylum." Adopted. Mr. Moore's amendment was then adopted.

Mr. Lea proposed as an amendment "superintendent and employees of Deaf and Dumb and Blind asylums." Adopted.

Mr. Harcourt moved to strike out the second section.

Mr. Durant moved the indefinite postponement of the bill and amendments. Mr. Durant withdrew the motion, whereupon Mr. Lea moved the re-reference of the bill to the Committee on Military Affairs. Lost.

Mr. Parsons moved to lay Mr. Harcourt's motion to strike out 2nd Section on the table, upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Boyd, Burney, Casey, Cook, Crawford, Dickson, Ford, Graham, Guinn, Hartley, Hord, Lea, Moore of Davis, Moore of Bastrop, Parsons, Reed, Selman, Shepard, Weatherford, and White—20.

Nays: Messrs. Andres, Batte, Beasley, Cooper, Durant, Harcourt, Lair, Maxey, Quayle, and Wheeler—10.

Mr. Moore of Davis moved to strike out all that portion of the bill which exempts members of the Legislature.

Mr. Parsons moved to lay the amendment on the table, upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Andres, Batte, Boyd, Burney, Casey, Cook, Cooper, Crawford, Ford, Guinn, Hartley, Hord, Lea, Moore of Bastrop, Parsons, Reed, Selman, and Shepard—18.

Nays: Messrs. Beasley, Durant, Graham, Harcourt, Lair, Maxey, Moore of Davis, Quayle, Weatherford, and Wheeler—10.

Mr. Quayle moved to postpone further consideration of the bill until tomorrow evening at 3 o'clock. Carried.

A Bill to provide a specie fund to aid taxpayers in the payment of specie taxes. Read 2nd time. Mr. Guinn moved to postpone until tomorrow at 11 o'clock A. M. Carried.

Mr. Guinn and Mr. White recorded their votes on the engrossment of the bill to regulate the cultivation of cotton. Mr. Guinn voting Yea and Mr. White Nay.

A Bill to amend the 1st section of an act passed 1st day of January, 1863, suspending the collection of debts on report of the Judiciary Committee recommending that it do not pass. Read 2nd time and the Report adopted.

A Bill to regulate stock branding. Read 2nd time and on motion laid on table.

The report of the Committee on State Affairs reporting a substitute for several bills to that committee referred upon the subject of speculation and extortion was on motion made the special order for Wednesday the 25th at 10 o'clock A. M.

A Bill authorizing judgements to be rendered in certain

cases requiring property levied upon by execution to bring nine tenths of its appraised value. Read 2nd time. Substitute reported by the Committee adopted.

Mr. Casey moved to amend by inserting the word "second" in 3rd Section before the word "Sections." Adopted. The bill was then ordered to be engrossed.

Mr. Casey moved to amend by suspending the rule. Lost.

A House bill to suspend all statutes of limitation on civil rights of action of every kind until one year after the close of the war upon the report of the Judiciary Committee recommending amendments. Read 2nd time, amendment adopted, and bill passed to 3rd reading. Rule suspended. Bill read third time and passed.

House Joint Resolution in relation to the indebtedness of the Confederate States. Read 2nd time and passed to 3rd reading. Rule suspended. Mr. Hartley moved to strike out the words "assumption and" in 5th line of 1st section. Lost. Read 3rd time and passed.

A House bill to suspend the operation of the estray laws for and during the existence of the present war and for six months after its termination. Read 2nd time and passed to 3rd reading. Rule suspended. Bill read 3rd time and passed.

A Bill to revive and continue in force an act to incorporate the Houston and Galveston Junction Rail Road Company. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed by the following vote.

Yeas: Messrs. Andres, Batte, Beasley, Boyd, Burney, Cook, Cooper, Crawford, Dickson, Durant, Ford, Guinn, Harcourt, Hartley, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Quayle, Reed, Selman, Shepard, and Wheeler—26.

Nays: Messrs. Casey, Graham, and Weatherford—3.

A Bill to release to the heirs of Colonel B. F. Terry all the right title and interest of the State of Texas in and to the property owned by said Terry at the time of his death, etc. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend the 19th, 20th, and 47th sections of an act to regulate proceedings in the County Courts etc.

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

Tuesday, February 24, 1863
9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported correctly engrossed a Bill authorizing judgement to be rendered requiring property levied on be executed or sold under deed of trust or mortgage to bring 9/10 (nine tenths) of its appraised value in certain cases.

On motion the Senate proceeded to the election of an assistant Doorkeeper. Nominations being in order, and Mr. Guinn and Mr. Casey being appointed tellers, Mr. Dickson nominated Mr. William Hamby. Mr. Burney nominated Mr. Raven and before the ballot was taken withdrew the nomination. Whereupon the Senate proceeded to ballot and upon counting the vote it was ascertained that Mr. Hamby had received 25 votes. Mr. Hamby was therefore declared duly and Constitutionally elected assistant Doorkeeper of the Senate who came forward and took the oath of office.

On motion of Mr. Guinn, Mr. Murphy, Doorkeeper, was excused for the remainder of the Session.

Mr. Lea presented the petition of sundry citizens of San Patricio County for rescision of its Corporate Charter etc. Referred to Committee on State Affairs.

Mr. Durant, Chairman of Committee on Confederate Relations, made the following report:¹²

Mr. Harcourt, Chairman of Committee on Judiciary, on behalf of that Committee reported the following bills and recommended their passage.

A Bill to attach Kendall County to the 4th Judicial District and providing the time of holding courts therein.

A Bill to authorize the County Courts of Bastrop and other Counties therein named to regulate the pay of Sheriffs in certain cases.

A Bill to incorporate the Texas Lead and Copper Mine Company.

A Bill to incorporate the Jackson Manufacturing Company.

¹² The journal manuscript indicates that this report was mislaid, and an extensive search of the Archives has failed to uncover it.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas with a recommendation that it do not pass.

Mr. Burney, Chairman of Committee on Public Lands, reported a Bill for the relief of parties holding land under Daniel Monroe and recommended its passage. Also a substitute for a bill to that Committee referred to appropriate land to the Texas officers and soldiers in the war with the United States.

Mr. Lea, one of the Committee on State Affairs, on behalf of that Committee made the following report:

The Committee of State Affairs, to which was referred "A bill requiring clerks of the County Courts of Texas to procure a book which shall be called the black book," has given the subject deliberate consideration and reports as follows:

The Committee regards the bill as objectionable.

1. It proposes to register and post any person who may refuse to take the currency of this state for any debt contracted since the present war, or for any commodity offered for sale. Confederate treasury warrants are understood to be the currency referred to. If the Confederate government have the power to make them a legal tender, it has not yet done so, and the states are expressly prohibited from making any thing a legal tender except gold and silver. As no person is legally bound to take such paper currency, there would seem to be an objection to making a legal crime of a mere assertion of legal right, however strong may be the moral and political obligations to sustain this paper currency; and the bill manifestly intends such registration and posting to be very severe punishment of the offender, with a corresponding admonition to all other persons.

2. But if power to inflict such chastisement were assumed, law, justice, and policy would reject the mode of trial proposed in the bill. The County Court Clerk is to be satisfied of procuring it, and without notice to the accused or hearing him; and thereupon the Clerk is to register in the Black Book the delinquents name, and to post it in some conspicuous place in his office. No comment is necessary.

The Committee has been thus particular because a minority has favored the bill and desired a report.

A majority have instructed that the bill be reported with a recommendation against its passage.

Pryor Lea

one of the Committee

Mr. Graham from the Committee on the Penitentiary reported on behalf of that Committee upon the reports of the officers of the Penitentiary to that Committee referred:

A Bill to repeal articles 175 and 177 of chapter 12 of the Penal Code. Read 1st time.

A Bill to amend article 123 of chapter 6 of the Penal Code of the State of Texas. Read 1st time.

Mr. Boyd, Chairman of Committee on Roads, Bridges, and Ferries, reported on behalf of that Committee a Bill to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon rivers in the County of Bell without obtaining license and recommended its passage.

Mr. Lea introduced a Bill to provide necessary assistance for families and other dependents of non-commissioned officers and soldiers. Read 1st and 2nd times and referred to Committee on State Affairs.

ORDERS OF THE DAY

A Bill to amend the 19th, 20th, and 47th sections of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons approved March 20, 1848. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill in relation to judicial proceedings in counties in possession of or endangered by the public enemy. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to prescribe the residence of County Surveyors. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Shepard moved to reconsider the vote taken on yesterday passing a Joint Resolution relative to the indebtedness of the Confederate States. Carried. Mr. Shepard then moved to reconsider the vote refusing to adopt the amendment offered by Mr. Hartley to strike out the words "assumption and." Carried. Mr. Hartley then moved to reconsider the vote passing the Joint Resolution to a 3rd reading. Carried. Mr. Hartley then rendered his pro-

posed amendment to strike out "assumption and." Adopted. The resolution was then passed to a third reading. Rule suspended. Read 3rd time and passed.

A Bill to repeal an act to amend the 1st and 11th Sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862, on report of Committee on Public Lands recommending amendments. Read 2nd time. Amendments adopted. Mr. Shepard moved to refer the bill to the Committee on Land Office with instructions to report a bill raising the price of the public lands. Mr. Burney moved the previous question which was carried. The main question being upon the passage of the bill to a third reading having been ordered by the Senate was put and carried.

A Bill to provide a specie fund to aid taxpayers in the payment of specie taxes being the special order was read 2nd time. Mr. Harcourt moved to postpone further consideration of the measure until Thursday the 26th instant at 11 o'clock A. M. Mr. Harcourt withdrew his motion, whereupon Mr. Selman offered a substitute suspending the collection of the specie tax for the year 1863. The substitute was on Mr. Dickson's motion laid on the table and the bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Hartley, Chairman of Committee on State Affairs, reported a Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding and recommended its passage.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

A Bill for the organization of the militia and prescribing who shall be liable to military duty being the special order was read 2nd time. Mr. Guinn offered the following amendment: Section [blank] The Secretary of State shall take charge of the records and papers pertaining to the late office of the Adjutant General and shall perform all the duties of the Adjutant General under the directions of the Governor, and may employ one clerk to assist him in the discharge of the duties of said office, who shall receive

a salary of \$1,400 per annum and the said sum of \$1,400 per annum is hereby appropriated for this purpose.

Mr. Durant moved to lay the bill and amendment on the table upon which the Yeas and Nays were as follows:

Yeas: Messrs. Crawford, Durant, and Maxey—3.

Nays: Messrs. Andres, Batte, Beasley, Boyd, Burney, Casey, Cook, Cooper, Dickson, Ford, Graham, Guinn, Harcourt, Hartley, Lea, Lair, Moore of Davis, Moore of Bastrop, Quayle, Reed, Shepard, Weatherford, Wheeler, and White—24.

Mr. Cook then moved the re-reference of the bill to the Committee on Military Affairs. Lost. The question being upon the adoption of the amendment offered by Mr. Guinn, Mr. Casey moved to amend the amendment by striking out all after the word "Governor."

Mr. Cook offered the 29th section of the act to provide for the organization of the State troops and place the same on a war footing as a substitute for the amendment proposed.

Mr. Harcourt moved to lay the substitute on the table. Mr. Cook then withdrew the substitute, whereupon Mr. Guinn by leave withdrew his amendment. Mr. Cook then offered the 29th section aforesaid as an amendment so modifying its language as to suit the provisions of the bill under consideration. Mr. Ford moved to amend the amendment of Mr. Cook by striking out all relating to the appointment of an assistant quartermaster and clerks.

Mr. Cooper moved to lay Mr. Cook's amendment and Mr. Ford's amendment thereto on the table whereupon the Yeas and Nays were called when Mr. Cooper withdrew the motion.

Mr. Durant then moved the re-reference of the bill and amendments to a select committee of five upon which the Yeas and Nays stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Crawford, Dickson, Durant, Ford, Guinn, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Quayle, Reed, Selman, and Shepard—[20].

Nays: Messrs. Batte, Burney, Casey, Cook, Graham, Harcourt, Hartley, Weatherford, Wheeler, and White—10.

A message was received from the House informing the Senate that the House had passed the following bills.

A Bill to authorize the County Courts of Smith and

Walker Counties to levy a special tax for war purposes and have the same collected immediately.

A Bill appropriating money defraying all expenses for nations and forage 21st Brigade Texas State Troops.

A Bill making an appropriation to defray the contingent expenses of the extra session, 9th Legislature.

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

Wednesday, February 25, 1863

9 o'clock A. M.

Senate met, President *pro tem* in the Chair, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following bills:

A Bill to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the state.

A Bill to incorporate the Texas Paper Manufacturing Company.

A Bill to incorporate the Comal Manufacturing Company.

A Resolution to adjourn *sine die* Monday, 2nd March, 1863.

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle.

A Bill to procure specie to enable the people to pay the specie tax.

Mr. Casey moved to suspend the rule in order to take up a bill relative to property levied on by execution and requiring it to bring nine tenths of its value. Lost.

A Bill to regulate the cultivation of cotton. Read 3rd time. Mr. Lair moved a call of the Senate which was sustained. The Senate not being full.

A Bill requiring property levied on by execution, etc. to bring nine-tenths of its appraised value was taken up. Read 3rd time.

Mr. Harcourt offered the following amendment: "Provided that this act shall not apply to any administrator or guardian who may be a party plaintiff in any action for the recovery of a debt due the estate of a decedent or to

any ward of such guardian." On motion of Mr. Ford the amendment was laid on the table.

Mr. Cooper offered the following amendment: "Provided in such case the plaintiff shall pay all costs that have accrued in advertising or selling said property. "Withdrawn by Mr. Cooper, whereupon the Yeas and Nays were called on the final passage of the bill and stood thus.

Yeas: Messrs. Andres, Batte, Beasley, Boyd, Burney, Casey, Cook, Cooper, Dickson, Durant, Graham, Guinn, Lair, Moore of Davis, Quayle, Weatherford, and White—17.

Nays: Messrs. Crawford, Ford, Harcourt, Lea, Maxey, Moore of Bastrop, Parsons, Reed, Selman, and Shepard—10.

A Bill to regulate the cultivation of cotton, coming up on its third reading on motion of Mr. Parsons the Senate resolved itself into a committee of the whole, Mr. Guinn in the Chair.

After some time spent therein the committee rose, reported progress, and asked to be discharged from further consideration of the subject. Report adopted. Whereupon the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

Mr. Lea, Chairman of Committee on Finance, on behalf of said Committee by leave reported a Bill to appropriate \$1,000 to pay the expenses of taking up, committing, keeping, and conveying to the Penitentiary runaway slaves and recommended its passage.

Mr. Lea also made the following reports:

The Committee on Finance to which were referred sundry bills proposing to repeal the law for raising a specie tax to sustain the loan bonds or to suspend the collection of that tax has duly considered all such propositions and has given its views of this subject in a former report maintaining the necessity and propriety of a regular collection of the tax and proposing aid to taxpayers. Such views of the Committee are sustained by both branches of the Legislature in enactments which have already been passed during this session: Hence the Committee returns the bills and asks to be discharged from further consideration of them.

Pryor Lea
Chairman

The Committee on Finance to which was referred a resolution that the Committee inquire into the expediency and practicability of the State's purchasing and distributing cotton and wool cards has made appropriate inquiry and reports the resolution with a request to be discharged from further consideration of the subject.

The importance of the subject is questionable; but varied information justifies the belief that the great demand will be extensively supplied by other means before there could be any return from any measure adopted under this resolution. The State Military Board has made arrangements for a large number of cards and ordinary commerce is providing many more. Moreover, all available funds are not sufficient to meet other pressing necessities of the State government.

Pryor Lea
Chairman

The Committee on Finance to which was referred a resolution that the Committee inquire into the propriety of authorizing the Comptroller to sell certain lots in the City of Austin belonging to the State has made the requisite inquiry and herewith reports a bill to provide for such sale and recommends its passage.

The Committee deems it expedient that such sale should be made as soon as convenient. The lots will probably sell for good prices payable in Treasury warrants of the State. Even if prices somewhat higher might be obtained by receiving in payment the ordinary currency of Confederate Treasury warrants, yet the difference might be less important than the acquisition of the outstanding paper of the State. To require payment in the States liabilities is so just and natural that it cannot be construed into discouragement of the Confederate paper. As the State is receiving Confederate paper for taxes there would seem to be great propriety in requiring paper of the State in payment on sale of the public property. In the absence of State bonds to absorb other State paper and when the amount of such paper must far exceed the income from taxation, the credit of State Treasury warrants would be sustained by making special demand for them in judicious

sales of public property. In preparing the bill the Committee submits the policy for consideration.

Pryor Lea
Chairman

A Bill to provide for sale of lots in the city of Austin.
Read 1st time.

On Mr. Weatherford's motion, the Senate resolved itself into Committee of the Whole on a Bill to regulate the cultivation of cotton, Mr. Dickson in the Chair. After some time spent therein the Committee rose, reported progress, and asked to be discharged. Report adopted. Whereupon Mr. Harcourt offered the following amendment: "Provided that the restriction herein imposed shall not apply to the owner or cultivator of any land who may be in the military service of the Country or to the widow of any soldier who may have died or been killed in the service."

Mr. Shepard moved to amend the proposed amendment by adding thereto, "Provided further that the provisions of this act shall not apply to any widow whose son or sons may have been killed or disabled during the war." Accepted by Mr. Harcourt.

Mr. Durant moved to lay the amendment on the table, upon which the Yeas and Nays were as follows:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Hartley, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—16.

Nays: Messrs. Andres, Casey, Dickson, Ford, Harcourt, Hord, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—12.

Mr. Harcourt moved to adjourn until tomorrow morning 9 o'clock, upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Casey, Dickson, Ford, Harcourt, Hartley, Hord, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—12.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Parsons, Weatherford, and Wheeler—17 [15].

Mr. Lea moved to strike out the latter part of 2nd Section, to wit: all after words "cotton cultivation." Carried.

Mr. Harcourt offered the following amendment: "That in order to ascertain the quantity of land in cultivation,

the County Surveyor of each and every County in the State shall proceed to survey and stake off all the land in cultivation by each and every planter in his County, and correctly mark off the one third of the same to be cultivated in cotton, and if the survey shall not be so made before the time for pitching the crop, no penalty shall attach or be imposed for any violation of the provisions of this act."

Mr. Guinn moved to lay the proposition on the table, whereupon Mr. Harcourt moved a call of the Senate which was sustained.

Mr. Hartley moved to adjourn until 8 o'clock P. M. Lost.

The Senate then proceeded to the consideration of a bill to regulate the price of articles of prime necessity. The substitute offered by the Committee on State Affairs was adopted. Mr. Guinn offered the following as a substitute for 1st Section: "That it shall be lawful for the County Court of each and every County in this state to fix upon and establish a tariff of prices upon all articles necessary for the support of the families of soldiers in their respective Counties and may alter or change the same from time to time which tariff shall be fixed upon the articles of bread-stuff, meat, shoes, drugs, leather, salt, merchandise, and blacksmithing. Provided however that the said tariff shall not enure to the benefit of any except the families of the widows of soldiers."

Mr. Casey moved to amend by inserting after "drugs," "Doctors' charges for medical attention." Pending this question, it was announced that the Senate was full, whereupon Mr. Shepard moved to postpone the further consideration of the bill to regulate the cultivation of cotton until Friday next at 11 o'clock A. M. Upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Andres, Batte, Casey, Cook, Dickson, Ford, Harcourt, Hartley, Hord, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—15.

Nays: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—15.

The President voted Nay.

Mr. Dickson made a question whether the Senate was full, there being three members who had not reported this extra session.

The President decided that as the absent members had not answered at this extra session of the Senate, it was full. Whereupon Mr. Harcourt appealed and, having withdrawn the appeal, the Senate adjourned until 9 o'clock A. M. tomorrow.

Thursday, February 26, 1863
9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt introduced a Bill to repeal the act approved December 25, 1861, to provide for the organization of the State Troops and to place the same on a war footing. Read 1st time.

Messrs. Durant, Reed, Parsons, Maxey, and Hord were announced as the select committee on the subject of the militia upon Mr. Durant's motion to refer to such a committee made on Monday last.

Mr. Lea, Chairman of the Committee on Finance, on behalf of that Committee reported upon the suggestion contained in President Davis' message that the several states of the Confederacy assume each their proportional parts of the public debt of the Confederacy, that as the Senate had taken action on the subject the Committee asked to be discharged from its further consideration.

Mr. Lea, Chairman as aforesaid, also asked for the same reason that the committee be discharged from the further consideration of the subject of repealing the specie tax.

Mr. Hartley moved a reconsideration of the vote taken on yesterday, laying the amendment of Mr. Harcourt as suggestively amended by Mr. Shepard on the table. The Yeas and Nays being called on the motion to reconsider, Mr. Hartley moved a call of the Senate which was sustained, the Senate not being full. Mr. Burney moved to suspend the order of business in order to take up a House bill for the relief of those holding land under Daniel Monroe. Carried. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Maxey moved to suspend the order of business that a bill granting land to the officers and soldiers of Texas in the present war might be taken up. Lost.

Mr. Shepard moved to take up a bill to repeal the laws

authorizing the sale of land scrip. Lost. A Bill to authorize the County Courts to establish a tariff of prices for the purposes therein named. Read 2nd time. The question being for the amendment offered by Mr. Casey to Mr. Guinn's proposed substitute for 1st Section. Mr. Casey withdrew his amendment whereupon the question recurred on the adoption of Mr. Guinn's substitute for the 1st Section. Mr. Quayle moved to amend by inserting "wool and cotton for home consumption." Adopted. Mr. Shepard moved to amend further by adding "and all other articles that may be needed by soldiers' families."

The Senate being full, the question was upon Mr. Hartley's motion to reconsider the vote taken on yesterday as herein above stated. Whereupon Mr. Shepard appealed from the decision of the President made on yesterday upon the question made by Mr. Dickson whether the Senate was full. The question "Shall the decision of the President be the decision of the Senate?" was then put. Upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Durant, Hord, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—14.

Nays: Messrs. Andres, Batte, Casey, Cook, Dickson, Ford, Graham, Guinn, Harcourt, Hartley, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—16.

Mr. Parsons moved to suspend the call. Lost. Mr. Burney moved that the Sergeant at Arms or a special messenger be sent for Mr. Jordan, Mr. Mitchell, and Mr. Houston. Whereupon Mr. Durant proposed the following as a substitute: "Whereas Senators Jordan, Mitchell, and Houston have not been in attendance this extra session, therefore be it resolved that no further call of these senators be had during this Session." This was declared out of order as a substitute whereupon Mr. Durant submitted it as an original proposition which under the rule lays over one day for consideration. The question being upon Mr. Burney's motion, it was by leave withdrawn by Mr. Burney.

Mr. Quayle moved to take up the House resolution to adjourn *sine die* on Monday, 2nd of March ensuing. Whereupon Mr. Quayle, upon suggestion, withdrew the motion.

Mr. Durant moved to adjourn until 3 o'clock P. M. Carried.

3 o'clock P. M.

Senate met, roll called, quorum present.

The question being upon Mr. Hartley's motion to reconsider the vote tabling Mr. Harcourt's amendment offered on yesterday, Mr. Hartley moved a call of the Senate which was sustained.

The Senate not being full, the consideration of a bill authorizing the County Courts to establish a tariff of prices for the purposes therein named came up and the question being on the adoption of the amendment proposed this morning by Mr. Shepard, Mr. Guinn moved to lay the amendment on the table, whereupon the Yeas and Nays were called and stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Ford, Graham, Guinn, Lea, Lair, Maxey, Moore of Davis, Quayle, Weatherford, and Wheeler—14.

Nays: Messrs. Burney, Casey, Cook, Crawford, Dickson, Durant, Harcourt, Hartley, Hord, Moore of Bastrop, Shepard, and White—12.

The question recurred on the adoption of the substitute for 1st Section when Mr. Shepard moved to amend by adding "indigent families." Adopted. The substitute was then adopted.

Mr. Hartley moved to indefinitely postpone the bill. Whereupon Mr. Quayle moved to lay the motion on the table. The Yeas and Nays being called stood thus:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Lair, Maxey, Moore of Davis, Quayle, Weatherford, and Wheeler—13.

Nays: Messrs. Andres, Batte, Casey, Cook, Dickson, Durant, Ford, Harcourt, Hartley, Hord, Lea, Moore of Bastrop, Reed, Selman, Shepard, and White—16.

Mr. Hartley moved to suspend the call of the Senate. Lost.

The question then recurred upon Mr. Hartley's motion to indefinitely postpone. Mr. Durant moved to lay the bill on the table, a preference motion. The Yeas and Nays being called stood thus:

Yeas: Messrs. Boyd, Cooper, Crawford, Dickson, Durant, Ford, Graham, Guinn, Lea, Lair, Maxey, Moore of Bastrop, Quayle, Reed, and Wheeler—16 [15].

Nays: Messrs. Andres, Batte, Beasley, Burney, Casey,

Cook, Harcourt, Hartley, Hord, Parsons, Shepard, Selman, Weatherford and White—14.

On motion of Mr. Hartley, the call was suspended and the vote taken on Mr. Hartley's motion to reconsider the vote taken on yesterday to lay Mr. Harcourt's amendment relative to soldiers' families to the bill to regulate the cultivation of cotton on the table, which stood thus:

Yeas: Messrs. Batte, Casey, Cook, Dickson, Ford, Harcourt, Hartley, Hord, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—14.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—16.

Mr. Quayle moved the previous question whereupon Mr. Dickson moved a call of the Senate which was sustained.

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

Friday, February 27, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Lea, one of the Committee on State Affairs, reported on behalf of that Committee a Bill to provide assistance for families and other dependents of non-commissioned officers and soldiers, recommending its passage with the following amendments.

In caption and in section 1, strike out the word "non commissioned."

In Section 1, after the words "County Court," insert "for administrative police in the respective County."

At end of Section 1, add "and the court shall conduct this business with appropriate regularity, keeping full minutes of its proceedings in a book not containing any other matter, and such book shall be always subject to inspection by any orderly citizen."

At end of Section 5 add "provided such control shall not be exercised until at least a majority of the members of the County Court shall have been cited to appear and answer the complaint and the citation shall be executed at least ten days before the time for answering and the mode of service shall be by giving a copy to the person or

by leaving it at his residence with some member of his family or posted on his door."

Mr. Durant, Chairman of Select Committee, on behalf of said Committee reported a bill for the organization of State Troops and prescribing who shall be liable to militia duty with the following amendment to be section 8.

"The Governor shall appoint one Adjutant and Inspector General with the rank of Colonel of Cavalry, with the advice and consent of the Senate, who shall be liable to be removed by the Governor, who shall receive a salary of two thousand dollars, and shall give bond and security for the faithful performance of the duties of his office in a sum of five thousand dollars to be approved by the Governor. He shall keep a military bureau in the City of Austin; he shall procure a record annually of the strength, arms, and equipments of the State; shall record all military orders received by him, and generally all matters which relate to his office or the State Troops, and which in his opinion may be necessary to enable him to exhibit the true strength, character, and condition of the military forces of the state; he shall once a year visit and inspect the arsenals and magazines in the State and report to the Governor their condition, the number, kind, and condition of arms, equipments, and public stores in each, the number and description of public arms and equipments distributed to the State Troops each year and the condition and disposition of such distribution, and all quartermasters and other officers having charge of other departments shall when required make full reports to him of the different matters committed to their charge. He shall distribute all orders from the Governor and obey all orders from him, furnish blank forms of different returns that may be required and explain the principles on which they should be made; he shall make a return of the State Troops with their arms, ammunition, and accoutrements whenever required by law to the President of the Confederate States and shall be charged with all correspondence on Military Affairs; he shall also be quartermaster and commissary general and his duties shall be to collect and take charge of all property belonging to the military of this State or for military uses, which have not been regularly issued by the State, and his general duties shall be similar to the duties of the quartermaster and commissary general of the Confederate States. In addition

to said duties, he shall perform the duties of ordnance officer and shall, whenever the business of his office requires, employ one or more clerks at a salary not to exceed seventy-five dollars per month."

Mr. Cooper introduced the following: "**Resolved**, That the Senate, recognizing the great necessity to foster and sustain every self-supporting means in our limits, and whereas Messrs. Billups, Griggs, and Bussey, Hassell, Calstead, and Holverson, also Stafford, Willet, and Morrison of Anderson County have established iron works in said County on a small scale, and a necessity exists to extend and enlarge the same, therefore: **Resolved**, That the Senate appoint a committee of two and request the House to appoint a corresponding number to inquire and report upon the expediency of granting state aid and report by bill or otherwise." Adopted, and Mr. Cooper and Mr. Harcourt appointed said Committee.

On motion of Mr. Guinn, Mr. Durant's resolution offered on yesterday relative to the absent senators was taken up. Mr. Durant moved to strike out the name of Mr. Jordan. Mr. Guinn offered a substitute as follows: "**Resolved** by the Senate, That it is the sense of the Senate that a call should not be made upon any senator who has not answered to his name this extra session." Accepted by Mr. Durant.

Mr. Parsons then offered a substitute as follows: **Resolved**, That the 25th rule of the Senate be hereafter construed to mean that when a call of the Senate is made and all the Senators who are within the limits of the City of Austin have been brought in and a quorum be then present, that the call cannot then be kept up and members sent for who are not within said city and who have not attended at the present session of the Legislature."

Mr. Ford moved to lay the substitute of Mr. Parsons on the table. The Yeas and Nays being called stood thus:

Yeas: Messrs. Andres, Batte, Beasley, Burney, Casey, Cook, Cooper, Dickson, Ford, Graham, Guinn, Harcourt, Hartley Hord, Jordan, Maxey, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and Weatherford—22 [23].

Nays: Messrs. Boyd, Durant, Lea, Lair, Parsons, Quayle, and Weatherford—7. The question then recurred

on the substitute offered by Mr. Guinn and accepted by Mr. Durant.

A motion to lay the substitute on the table resulted as follows:

Yeas: Messrs. Beasley, Boyd, Casey, Cook, Cooper, Harcourt, Hartley, Jordan, Quayle, Reed, Selman, and Shepard—12.

Nays: Messrs. Andres, Batte, Burney, Dickson, Durant, Ford, Graham, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Weatherford, and Wheeler—17.

Mr. Quayle moved to strike out the words "this extra session."

Mr. Cook offered the following substitute: "**Resolved**, That Senators Mitchell and Houston, being beyond the limits of the State, and consequently beyond the jurisdiction of the Senate, a call of the Senate cannot be kept up under the rules of the Senate on account of their absence." Adopted as a substitute, whereupon Mr. Shepard moved to lay the resolution on the table. The Yeas and Nays stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Harcourt, Quayle, and Shepard—7.

Nays: Messrs. Batte, Burney, Casey, Cook, Crawford, Dickson, Durant, Ford, Graham, Guinn, Hartley, Hord, Jordan, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Reed, Selman, Weatherford, and White—23.

The resolution was then adopted.

The bill to regulate the cultivation of cotton being in order was taken up. Mr. Lea offered the following amendment to come in at end of fourth Section: "Provided such control shall not be exercised, until the person complained of shall have been cited to appear and answer the complaint; and the citation shall be served at least ten days before the time for answering, and the mode of service shall be by giving a copy to the person, or by leaving it for him at his residence with some member of his family or posted on his door, or by leaving it for him with the manager of the premises in question." Transpose sections 3 and 4. Adopted.

Mr. Hord moved to amend as follows: "but no injunction shall be granted until the surveyor of the County in which the land is situated shall have certified that by actual measurement, the party charged as violating this act has an excess of over one third of his land planted in cotton."

Mr. Guinn moved to lay the amendment upon the table, and the Yeas and Nays were as follows:

Yeas: Messrs. Andres, Batte, Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—17.

Nays: Messrs. Cook, Dickson, Ford, Harcourt, Hord, Jordan, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—13.

Mr. Guinn moved a call of the Senate upon the passage of the bill which was sustained and, the Senate being full, the bill was read 3rd time and lost by the following vote:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Quayle, Parsons, Weatherford, and Wheeler—15.

Nays: Messrs. Andres, Batte, Cook, Casey, Dickson, Ford, Harcourt, Hartley, Hord, Jordan, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—16.

Mr. Burney, by leave from the Committee on Public Buildings, reported a substitute for a bill to that Committee referred appropriating \$10,000 to recover the Capitol building and the Land Office.

On motion of Mr. Guinn, the report was taken up, substitute adopted, and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Senate bill authorizing judgement to be rendered requiring property, etc. to bring nine tenths of its appraised value on amendments by the House. Amendments concurred in.

House bill to authorize the County Courts of Smith and Walker Counties to levy a special tax for war purposes and have the same collected immediately was, on motion of Mr. Selman, taken up. Read 1st time. Rule suspended. Read 2nd time and passed to a 3rd reading. Rule further suspended. Read 3rd time and passed.

Mr. Maxey, by leave, introduced a Bill to appropriate money to pay the officers and soldiers of Sims' 9th Texas regiment of Cavalry while in the State service. Read 1st and 2nd times and referred to Committee on Finance.

A message was received from the House informing the Senate that the House had passed the following bills:

A Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved December 21, 1861.

A Bill to provide against the hostile invasion of the State of Texas by persons of color.

Senate Bill with an amendment requiring property sold under execution, deeds in trust, or mortgages to bring nine tenths of its appraised value.

A Bill to amend an act to amend an act to establish a Code of Criminal Procedure approved August 26, 1856, approved February 15, 1858.

A Bill to amend the Penal Code.

A Bill to incorporate the Comal Manufacturing Company was on motion taken up. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed on call of Yeas and Nays by a constitutional majority. Messrs. Boyd, Crawford, and Durant voting Nay.

A Bill making an appropriation to defray the contingent expenses of the extra session of the 9th Legislature. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

The following House Bills were severally read 1st and 2nd times and referred as follows:

A Bill to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the State. Referred to Committee on Internal Improvements.

A Bill to provide against the hostile invasion of the State by persons of Color. Referred to Judiciary Committee.

A Bill to amend the Penal Code. Referred to Judiciary Committee.

A Bill appropriating money defraying all expenses for rations and forage of 21st Brigade, Texas State Troops. Referred to Finance Committee.

A Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved December 21, 1861. Referred to Committee on Military Affairs.

A Bill to incorporate the Texas Paper Manufacturing Company. Referred to Committee on State Affairs.

A Bill to procure specie to enable the people to pay the specie tax. Referred to Committee on Finance.

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle. Referred to Judiciary Committee.

A Bill to amend an act to amend an act to establish a code of criminal procedure approved August 26, 1856, approved February 15, 1858. Referred to Judiciary Committee.

On motion of Mr. Weatherford, a bill to incorporate the Dallas Male and Female College was taken up. Read 2nd time. Amendments of Committee on Education adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed on call of the Yeas and Nays by Constitutional majority. Mr. Boyd voting Nay.

A Bill to repeal an act to amend an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862. Read 3rd time.

Mr. Hord offered a substitute for the bill. Mr. Weatherford proposed to amend the substitute by inserting the following proviso: "Provided that only Treasury warrants of Texas shall be received."

On motion the Senate adjourned until 7 ½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

The question before the Senate being on the adoption of Mr. Weatherford's amendment to the substitute of Mr. Hord, Mr. Burney moved to lay on the table. Carried. Mr. White moved to lay the substitute offered by Mr. Hord on the table. The Yeas and Nays as follows:

Yeas: Messrs. Burney, Casey, Cooper, Crawford, Guinn, Harcourt, Jordan, Lair, Maxey, Moore of Davis, Selman, Weatherford, and White—13.

Nays: Messrs. Andres, Batte, Beasley, Boyd, Cook, Dickson, Durant, Ford, Graham, Hord, Lea, Moore of Bastrop, Parsons, Reed, Shepard, and Wheeler—16.

The question was taken on the adoption of the substitute and lost.

Mr. Hartley moved a reference of the bill to select committee of five. Carried. Messrs. Hartley, Hord, Dickson, Weatherford, and Burney were appointed said committee.

A Bill to incorporate the Comal Manufacturing Company. Read and laid on the table.

A Bill to regulate the sale of beef cattle and to require

butchers to keep and return lists of cattle slaughtered by them and to prevent the sale of calves without branding. Read 2nd time. Mr. Beasley offered the following amendments:

Amend caption by inserting after the word "cattle" the words "and hogs" in 1st line and in 2nd line after the word "cattle" [insert] "and hogs."

In Section 1, 2nd line, insert "hogs" after "beeves" and in line 8, same Section, insert "or hog or hogs" after the word "beeves." In line 11, insert "or hogs" after "beeves." In line 13 insert "or hogs" after "beeves."

In Section 2, 1st line, insert "hog or hogs" after "beeves."

In Section 3, 4th line, insert "hog or hogs" after "beeves."

In section 4, 1st line, insert "pork" after "beef." In 2nd line insert "or hogs" after "cattle."

In Section 6, 1st line, insert "hogs" after "calves." In 2nd line insert "or marking" after "branding."

On motion of Mr. Ford, laid on the table.

Mr. Lea offered the following as an addition to Section 1. "Provided in case there shall not be any such clerk ready to receive and record such bill of sale and affidavit, the same shall be filed and recorded in like manner in some adjoining County, and such record in the one County or the other shall be made without unreasonable delay; but the recording in such adjoining County shall not dispense with the filing and recording in the County first indicated whenever there shall be therein a County Clerk prepared for the business; with whom the bill of the sale and affidavit shall be filed for record without unreasonable delay; whereupon they shall be promptly recorded by said clerk." Adopted and bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas, on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Bill to authorize the County Courts of Bastrop and other Counties therein named to regulate the pay of the Sheriff in certain cases. Read 2nd time.

Mr. Cooper moved to add "Trinity" County. Adopted. Mr. Hord moved to add Cameron and Starr Counties. Adopted.

Mr. Harcourt moved to indefinitely postpone the bill. Lost. Mr. Quayle moved to strike out after Bastrop all the Counties named and insert in lieu of them "and all other Counties in the State." Mr. Cooper moved to lay the motion on the table. Carried. The bill was then passed to a third reading. Rule suspended. Read 3rd time and passed.

A Bill to incorporate the Jackson Manufacturing Company. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed by a constitutional majority. Messrs. Boyd and Weatherford voting Nay.

A Bill to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Leon and Lampasas rivers in Falls County. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley, Chairman of select committee, made the following report: "The select committee to which was referred the House's bill to repeal an act entitled an act to amend the 1st and 11th Sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862, have duly considered the same and a majority of the committee have instructed me to report to the Senate the accompanying bill to amend the 1st Section of an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862, and to amend the 2nd Section of an act to authorize the sale of the public domain approved February 11, 1858, as a substitute for the bill referred and recommend its passage.

R. K. Hartley

Chairman

On Mr. Shepard's motion, the report was taken up. The substitute reported by the Committee was declared out of order because the same substitute had been rejected by the Senate. Whereupon Mr. Beasley moved to reconsider the vote refusing to adopt it. Carried. Mr. Weatherford moved to postpone until tomorrow at 11 o'clock A. M. Carried.

Mr. Lea moved to suspend the rule so as to take up report of the Committee on State Affairs on a Bill to provide necessary assistance for families and other dependants

of non commissioned officers and soldiers. Carried. Bill read 2nd time. Amendments reported by the Committee adopted.

Mr. Lea offered the following amendment: "Provided such extraordinary taxes shall be collected as needed, according to the State assessment, as it may be from time to time." Adopted.

Mr. Lair moved to adjourn until 10 o'clock tomorrow morning. Lost.

Mr. Cooper moved to postpone further consideration of the bill until 10 o'clock A. M. tomorrow. Carried.

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

Saturday, February 28, 1863

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and approved.

Mr. Selman, Chairman of Committee on Finance, on behalf of said Committee reported a bill appropriating money to defray the expenses for rations and forage of 21st Brigade, Texas State Troops, and recommended its passage.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of said Committee, reported the following bills and recommended their passage viz:

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle.

A Bill to provide against the hostile invasion of the State of Texas by persons of color.

A Bill to amend the Penal Code, and the following bill with the recommendation that it do not pass.

A Bill to amend an act to amend an act to establish a Code of Criminal Procedure approved August 26, 1856, approved February 15, 1858. Also a Bill to punish certain persons for unlawful seizures of wagons and teams recommending its passage with the following amendment. Strike out "by confinement in the Penitentiary" and insert "by fine not less than \$500.00 and in the discretion of the jury by imprisonment in the county jail not more than six months." Also a substitute for a Bill referred to define and punish sedition and to prevent the dangers that may arise from persons disaffected to the State, recommending its adoption and passage.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported correctly engrossed a Bill appropriating \$20,000 or so much thereof as may be necessary for recovering the Capitol and Land Office.

Mr. Casey, Chairman of Committee on Military Affairs, reported on behalf of said Committee on a Joint Resolution in relation to extortion, and requesting Congress to reduce the pay of officers and increase the pay of privates in the Confederate Army, and asked to be discharged from its further consideration because the main objects of said resolution had been acted on by the Senate.

Mr. White, one of the Committee on Military Affairs, on behalf of that Committee reported a Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved December 27, 1861, and recommended its passage.

Mr. Durant, Chairman of Joint Committee raised by the two Houses to investigate the acts of the Military Board beg leave to report: That they have had the same under consideration and made the best investigations which the length of time, and the varied, large transactions of the Board would admit of. The Committee find that soon after the creation of the Board, Mr. G. H. Giddings was employed as its agent to make negotiations with a view to the obtaining funds with which the Board could commence operations. In these negotiations Mr. Giddings was unsuccessful.

The Board then employed Mr. J. T. D. Wilson to make purchases of arms, munitions of war, blankets, clothing, shoes, leather, medicines, etc. The Board furnished Mr. Wilson with nine thousand five hundred dollars in specie and with other funds to be used in the purchases to be made by him. The specie was used in the purchase of such articles as are above named, and the articles have been received by the Board. The other funds could not be used. The specie furnished to Mr. Wilson was a part of the fund appropriated at the last session of the Legislature for the transportation of clothing and other supplies to our soldiers in Virginia in the Confederate Army.

The Board employed Mr. J. W. Moore as its agent to sell cotton and make purchases for the board. Mr. Moore was to receive as compensation for such services fifteen per cent on the amount of cotton sold by him and fifteen

per cent on the amount of goods purchased by him. The Board was to be at no charge on account of Mr. Moore's personal expenses. This arrangement with Mr. Moore commenced on the 29th of April last and up to about the 1st of January in this year the amount passing through Mr. Moore's hands is about two hundred thousand dollars and his compensation would be some forty or fifty thousand dollars.

The Board have used many of the State Bonds and the Confederate money placed at their disposal, in the purchase of cotton of our planters, which purchases were made at fair rates, and amount of three thousand six hundred and fifty nine bales of cotton as is shown by a tabular statement accompanying this report marked "A."¹³

To enable the Board to effect the purchase of cotton, many of our citizens when called upon by the Board, acted as their agents in purchasing cotton, and in almost every instance without compensation. This cotton has enabled the Board to make large purchases of arms, munitions of war, clothing, blankets, shoes, leather, medicines, cotton and wool cards etc., many of which articles have been received and others are on the route. The Board have sold to the Confederate government in clothing, blankets, shoes, etc. etc. to the amount of ninety six thousand, nine hundred and forty one dollars and ninety cents and in some instances have made a profit of over two hundred per cent and in all the sales made to that government made more than sufficient profit to save the State from any loss.

Invoices and accounts of goods purchased, quantity, and price paid accompany this report and are made part hereof.

The Board have erected a Foundry in the City of Austin for the manufacture of cannon, and procured a large quantity of materials out of which to manufacture such guns, and although no guns of that character have yet been made, the Committee hope and believe that in a short time the Foundry will be able to turn out a considerable number of cannon.

Much difficulty has been encountered by the Board in procuring suitable labor and materials for the erection of the Foundry and the manufacture of cannon; and a large

¹³ See Appendix III for the reports on cotton and manufactures.

amount of means have been necessarily used in the enterprise.

The Board have also erected and have in successful operation a factory for the manufacture of gun caps and are now turning out a large quantity of these much needed articles of good quality, and the quantity so made is being constantly increased. The Board have also in successful operation a factory for the manufacture of cartridges.

The Board purchased and fitted up the celebrated "Bayou City" steamer which proved so useful in the glorious attack made on the hirelings of Abraham the first, at Galveston on the 1st of last January, which steamer the Board have since sold to the Confederate Government at an increased price over cost.

The Board have also had obstructions placed in Galveston Bay and Buffalo Bayou. The Board have contracted with various companies and individuals in this state for the manufacture of small arms, rifles, pistols, etc. some of which have been received and others in progress of manufacture, a more full and particular account of all which may be seen by reference to a report made by the Board to the House of Representatives and which is herewith returned to the House marked "B."¹⁴

Of the large amount which has passed through the hands of the Board, some two thirds or three fourths has been expended in the manufacture and purchase of arms, munitions of war, the purchase of the Bayou City steamer, the purchase of the two Nichols guns, the placing obstructions in Galveston Bay and Buffalo Bayou etc. The balance has been used in purchasing such articles as are of prime necessity.

The following is a statement of the transactions of the Board in State Bonds of one thousand dollars each:

One thousand of these bonds were placed at the disposal of the Board. Two hundred and ninety bonds were used in the purchase of cotton. One hundred and eighty two sold for Confederate notes and the amount placed in the State Treasury. Two hundred and ninety four funded under the law. Forty four of said Bonds are retained to pay for cotton purchased but not yet paid for. Forty seven of said Bonds retained to pay for goods and other expenses

¹⁴ See Appendix III.

contracted, but not yet paid for which leaves on hand one hundred and forty three State bonds.

The Committee have no hesitation in saying, that while the Military Board may have committed errors, such as all men are liable to yet upon the whole, looking to the vast amount of labor they had to perform and the large amount and varied character of the transactions in which they have been engaged, and the difficulties which have surrounded them, the Board have done quite as well as could possibly be expected of them. They certainly have been successful in a vastly better situation for defense against its enemies than it was at the time of the creation of the Board. And the Committee feel safe in saying that patriotism, industry, and honesty have marked all the proceedings of the Board.

Respectfully submitted

D. C. Dickson

Chairman on part of the Senate

J. K. Holland

Chairman on part of the House of Representatives

A Message was received from the House informing the Senate that the House had agreed to Senate's Resolution in reference to a Committee to inquire into the propriety of extending state aid to certain iron works etc., and has appointed as a committee on the part of the House, Messrs. Rice and Bethel. Also that the House had passed the following bills which were on motion severally taken up, read 1st and 2nd times and referred to appropriate committees as follows:

A Bill to prohibit the distillation of corn and other grain into alcoholic and spiritous liquors in the State of Texas etc. to Committee on State Affairs.

A Bill to define the offense of inciting insurrection, to Judiciary Committee.

A Bill to incorporate the Houston Mutual Supply Association to Judiciary Committee.

A Bill to provide for support of families of Texas soldiers to Committee on State Affairs.

ORDERS OF THE DAY

A Bill to provide necessary assistance for families and other dependents of non commissioned officers and soldiers being the special order was read 2nd time.

Mr. Hord offered the following amendment: "Provided that when in the opinion of the County Court and in case of revision by the District Judge or Court, then in the opinion of such Judge or Court the family or dependants of such soldier or officer shall be fully able to support themselves and take care of or have taken care of their property, then the relief afforded by this act shall not be extended to such family and dependents." Lost.

Mr. Hord offered the following amendment: "In section 1, strike out the words "who have been or." By leave Mr. Hord withdrew the amendment when Mr. Lair moved the previous question which was ordered. The main question being on the engrossment of the bill was put and carried. Rule suspended. Read 3rd time and passed by the following vote. Unanimous except Mr. Durant who votes Nay.

A Bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the Public Domain approved February 11, 1858, approved January 1, 1862, on its 2nd reading with substitute of Committee.

Mr. Graham offered the following amendment. Strike out "two dollars per acre" wherever it occurs in 1st section and insert "one dollar per acre." Lost. The substitute was then adopted by the following vote:

Yeas: Messrs. Andres, Beasley, Boyd, Cook, Crawford, Dickson, Durant, Graham, Hartley, Hord, Jordan, Lea, Moore of Bastrop, Parsons, Quayle, Reed, Shepard, Wheeler and White—19.

Nays: Messrs. Batte, Burney, Cooper, Guinn, Harcourt, Lair, Maxey, Moore of Davis, Selman, and Weatherford—10.

Mr. Guinn moved to strike out "two" and insert "three." Strike out "four" and insert "five." The first amendment being withdrawn, the question on striking out "four" and inserting "five" was put and carried. The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Harcourt by leave introduced a bill to incorporate the Columbus Mutual Aid Association. Read 1st and 2nd times and referred to Judiciary Committee.

A Bill granting land to soldiers in the present war on report of Committee on Public Lands reporting a substitute. Read 2nd time. Substitute adopted. Mr. Guinn offered a substitute authorizing the several County Courts to regulate

the prices of articles of prime necessity used in families of soldiers.

Mr. Shepard moved to postpone further consideration of the subject until 7 ½ o'clock P. M. Lost.

Mr. Guinn moved to lay the bill and substitute on the table. Carried.

Mr. Hord by leave introduced a Joint Resolution in relation to martial law, read 1st and 2nd times and referred to Judiciary Committee.

Mr. Guinn moved to take up the bill and substitute which had been laid on the table on his motion as above.

Mr. Burney moved to divide the question which was carried and the bill was taken up.

Mr. Harcourt by leave reported on behalf of the Judiciary Committee a Bill to incorporate the Columbus Mutual Aid Association and recommended its passage.

On motion the Senate adjourned until 7½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

Mr. Hartley moved to reconsider the vote which adopted the report of the Judiciary Committee on yesterday adversely to a bill declaring void any sale made by the public enemy who may occupy any portion of the Territory of the State of Texas. Carried.

A message was received from the House informing the Senate that the House had adopted a substitute to Senate's bill to provide a specie fund to aid taxpayers in payment of specie taxes.

A Bill granting land to soldiers in the present war being under consideration when the Senate adjourned, the question was taken on taking Mr. Guinn's substitute from the table which was put and lost. Bill read 2nd time.

Mr. Guinn offered the following amendment. "Provided that all soldiers that have been or may be permanently disabled in the service of their Country during the present war who was a citizen of the State of Texas at the time he entered the service and who has received an honorable discharge shall receive 1,280 acres under the provisions of this act."

Mr. Hartley moved to amend the amendment by inserting therein "who entered the service as a soldier from the State of Texas," whereupon Mr. Durant moved to lay the

amendments on the table and the Yeas and Nays being called stood thus:

Yeas: Messrs. Andres, Boyd, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Quayle, Selman, and Weatherford—14.

Nays: Messrs. Beasley, Burney, Crawford, Guinn, Harcourt, Hartley, Lea, Moore of Bastrop, Parsons, Shepard, and White—11.

The bill was then engrossed by the following vote:

Yeas: Messrs. Andres, Boyd, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Quayle, Selman, and Weatherford and Wheeler—15.

Nays: Messrs. Beasley, Burney, Crawford, Guinn, Harcourt, Hord, Lea, Moore of Bastrop, and Shepard—9.

On motion the Senate adjourned until 9 o'clock A. M. on Monday next.

Monday, March 2nd, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of Saturday was read and adopted.

Mr. Guinn presented the Memorial of John M. Crockett in relation to the manufacture of pistols in Dallas County. Read and referred to Judiciary Committee.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of that Committee reported a bill to define the offense of inciting insurrection or insubordination of slaves etc. and recommended its passage.

Mr. Lea, one of the Committee on State Affairs, made the following report: "The Committee on State Affairs to which was referred the petition of sundry citizens of San Patricio has considered the same and found from its pecuniary interest between the Corporate authorities of said town and other general interests of the County of San Patricio and that the absence of persons from that County in the army deprives the community of that county from proper representation of its interests at home. Hence the Committee has concluded that the safe course is to suspend the action of the Corporate authority of that town until twelve months after the close of the war so as to prevent intermediate wrong and to give opportunity for a full and fair presentation of the difficulty to a session of the Legislature which may be expected during such twelve months.

A corresponding bill is herewith presented with a recommendation that it be passed.

Pryor Lea

one of the Committee

A Bill to suspend the Corporate authority of the town of San Patricio. Read 1st time.

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

“The Committee on Finance to which was referred a Bill to appropriate money to pay the officers and soldiers of Sims’ 9th Texas Regiment of Cavalry whilst in the State service has considered the same and approves of the object of the bill, but they deem it expedient to provide for all similar cases in one bill. The auditing and settling of all such claims were provided for, but without a sufficient appropriation, by the last session of the Legislature. It only remains for the present session to supply the deficiency. For this purpose the Committee reports a bill on information derived from the office of the Comptroller and recommends that his bill be adopted and passed as a substitute for that which was referred as above stated. The Committee for further information in connection with the proposed substitute would refer to the appropriate act of last session and to a statement herewith, obtained from the Comptroller’s office.

Pryor Lea

Chairman

A Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of state troops. Read 1st time.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported a Bill granting land to Texas soldiers and Bill to provide necessary assistance to families and other dependents of officers and soldiers correctly engrossed.

Mr. Lea introduced a Bill to amend the 3rd Section of an act to prescribe what kinds of funds may be received for certain public dues approved January 11, 1862. Read 1st and 2nd times and referred to Finance Committee.

Mr. Guinn introduced a Bill authorizing the Governor to regulate the manufacture and sale of salt in this State. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn offered the following resolution: "**Resolved**, That no Senator shall be permitted to speak more than ten minutes upon one subject that may come before the Senate." Rule suspended and Resolution taken up. Mr. Shepard moved to amend by adding "except by leave of the Senate, and when given he may continue another ten minutes." Lost. The resolution was then adopted.

Mr. Maxey offered the following resolution: "**Resolved**, That after 12 o'clock today the Senate will not receive for consideration any new bill unless by leave of $\frac{3}{4}$ of the Senate." Laid over 1 day for consideration.

Mr. Lea, Chairman of Committee on Finance, on behalf of said Committee reported a Bill to levy a special tax for the relief of Soldiers' families and asked to be discharged from its further consideration because the same subject in substance has received consideration by the Senate.

Mr. Lea also made the following report:

The Committee on Finance, to which was referred "A bill to be entitled an act to procure specie to enable the people to pay the specie tax," has considered the same and found several objections. One is the absolute requirement to procure a specie fund to the full amount of the assessment. Another is the permanency of the arrangement. Another is the system of drafts provided for. Another is the absence of any provision for subjecting the Collectors and their surties to liability on their bonds, or to any penalty for violation of duty, as may be necessary to secure fidelity where the want of it would be very injurious. And another is that the sum appropriated is not sufficient for the object.

But while considering this bill, the Committee has reconsidered the bill lately passed by the Senate on the same subject. The Committee now thinks that bill defective in some particulars. One is in limiting the specie fund nearly ten thousand dollars below the amount of the assessment of the specie tax, and another is the inadequacy of the appropriation.

With these views it seems desirable that neither of said bills should be enacted, and the Committee recommends the prompt adoption of a substitute for the House bill to be passed without delay.

Pryor Lea
Chairman

“The Committee on Finance to which was referred A Bill to appropriate money to pay the officers and soldiers of Sims’ 9th Texas Regiment of Cavalry whilst in the State service has considered the same and approves of the object of the bill, but the Committee deems it expedient to provide for all similar cases in one bill. The auditing and settling of all such claims were provided for, but without a sufficient appropriation, by the last session of the Legislature. It only remains for the present session to supply the deficiency. For this purpose the Committee reports a bill on information derived from the office of the Comptroller and recommends that this bill be adopted and passed as a substitute for that which was referred as above stated. The Committee for further information in connection with the proposed substitute would refer to the appropriate act of last session and to a statement herewith, obtained from the Comptroller’s office.

Pryor Lea
Chairman

“The Committee on Finance to which have been referred “A bill to impose a tax upon unlocated land certificates, and a bill to relieve the officers, non commissioned officers, and privates in the Army of the Confederate States from the payment of a poll tax,” has considered the same and found that “all bills for raising revenue shall originate in the House of Representatives” and the latter bill to propose an important modification of the revenue laws. Whether the Senate can originate a bill proposing a reduction of the revenue is a question which the Committee declines at present to consider as it deems expediency a sufficient reason for not thus interfering with the leading action of the House during the present session of the Legislature. Hence the Committee reports both bills back to the Senate with a request to be discharged from further consideration of them.

The Committee adopts the same course as to a resolution, requiring the Committee to consider the propriety of levying a tax on specie payable in kind, this resolution having been also referred to this Committee.

Pryor Lea
Chairman

On motion of Mr. Casey the House resolution to ad-

journal **sine die** on Monday, 2nd March was taken up. Mr. Durant moved to amend by striking out "Monday, 2nd March," and insert "Thursday the 5th instant A. M." Mr. Guinn moved "10 o'clock P. M." Mr. Maxey moved "1 o'clock P. M. on Friday the 6th instant. Mr. Shepard moved "11 o'clock P. M. Saturday 7th." Mr. Selman moved "9 o'clock Monday A. M. the 9th." Mr. Guinn moved to lay Mr. Selman's motion on the table. Carried. The question then recurred on Mr. Shepard's motion "11 o'clock P. M. Saturday," which was put and lost by the following vote:

Yeas: Messrs. Cook, Ford, Graham, Guinn, Harcourt, Hartley, Hord, Jordan, Lea, Lair, Maxey, Parsons, Reed, and Shepard—14.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Casey, Cooper, Crawford, Dickson, Durant, Moore of Davis, Moore of Bastrop, Quayle, Selman, Weatherford, and Wheeler—15.

The question being then on Mr. Maxey's motion, Mr. Shepard moved "Saturday 8 o'clock A. M.," which was put and carried. Mr. Hartley moved to lay the resolution on the table. Lost. Mr. Guinn moved the previous question which was ordered. The main question being the adoption of the resolution was put and carried.

Mr. Shepard, one of the Committee on State Affairs, on behalf of said Committee reported the following bill and recommended its passage:

A Bill to incorporate the Houston Mutual Aid Association.

Mr. Dickson moved to take up a Bill to provide a specie fund to enable taxpayers to pay the specie tax and the report of Finance Committee thereon. Carried. Bill read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A message was received from the House informing the Senate that the House has passed the following bills which were on motion taken up, read 1st and 2nd times and severally disposed of as follows:

A bill to incorporate the Texas Iron Company. Read 1st time. Rule suspended. Read 2nd time and referred to Committee on Internal Improvements.

A Bill to punish persons obtaining goods from the penitentiary of the state under false pretenses. Referred to Judiciary Committee.

A Bill to repeal an act concerning the Alamo ditch in the City of San Antonio and to regulate irrigation therefrom approved April 8, 1861. Referred to Committee on Internal Improvements.

A Bill making an appropriation for the mileage and *per diem* pay of the members and of the *per diem* pay of the officers of the extra session of the 9th Legislature. Read 1st, 2nd, and 3rd times on suspension of the rules and passed.

A Joint Resolution in relation to Public Printing. Referred to Committee on Public Printing.

A Joint Resolution in relation to the impressment of male slaves for military use. Referred to Judiciary Committee.

A Joint Resolution in reference to trade on the Rio Grande and extending its benefits to the people of the whole state. Referred to Committee on State Affairs. Also that the House agreed to Senate's amendment to the resolution to adjourn *sine die*, and that the House had concurred in Senate amendments to the following bills:

A Bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain.

A Bill to incorporate the Dallas Male and Female Institute.

A Bill to authorize the County Courts of the several Counties therein named to regulate the pay of Sheriffs in certain cases and a Bill to regulate the sale of beef cattle, etc.

Mr. Shepard, one of the Committee on State Affairs, reported a Bill to incorporate the Washington County Mutual Aid Society. Read 1st time. Rule suspended. Read 2nd time. Mr. Durant offered the following amendment: "said Corporation after supplying their own wants shall sell to the families of destitute soldiers at prime cost and carriage." Mr. Guinn offered the following substitute: "Provided after the persons incorporated in this act shall supply themselves, they shall sell to the families of soldiers at cost." Adopted. The amendment was then adopted. The Yeas and Nays being called on the engrossment of the bill stood thus:

Yeas: Messrs. Beasley, Burney, Cook, Cooper, Crawford, Ford, Graham, Guinn, Harcourt, Hartley, Jordan,

Lea, Maxey, Moore of Davis, Quayle, Reed, Shepard, Weatherford, Wheeler, and White—21 [20].

Nays: Messrs. Andres, Boyd, Dickson, Durant, and Moore of Bastrop—5.

On motion of Mr. Harcourt, a Bill to incorporate the Columbus Mutual Aid Association was taken up. Read 2nd time. Mr. Guinn moved the same amendment to this bill that had been incorporated in the previous bill. Carried. The bill was then ordered to be engrossed.

A Bill for the organization of the State Troops and prescribing who shall be liable to military duty on report of select committee recommending amendment. Read 2nd time. The question being on the adoption of the amendment of the Committee. On motion, the Senate adjourned until 7 ½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

The bill relative to the militia being before the Senate at its adjournment and the question pending being on the adoption of the amendment to be section 8 of Committee was taken and carried. The question was then taken on the adoption of 2nd amendment to wit strike out "be entitled to the rank and pay of a first lieutenant of cavalry as fixed by the Confederate States Army regulation," and insert "receive fifty dollars per annum for such service." On motion of Mr. Guinn, the amendment was laid on the table.

Mr. Hartley offered the following amendment: Strike from 2nd Section "officers and crew" and insert "captains, pilots, mates and engineers." Carried. Mr. Guinn moved to strike out the word "rank" from seventh section." Adopted. Mr. Beasley moved to insert in 2nd Section "Professors of Colleges and Teachers of schools who have been regularly engaged in their professions for the last five years." Mr. Harcourt moved to lay the amendment on the table. Carried.

Mr. Hartley offered the following amendment: "Sec. 9, That whenever a draft may be ordered, the Chief Justice of each County in which the draft may be ordered shall appoint one skilful surgeon whose duty it shall be to examine all persons who shall apply for exemption from draft on account of physical disability before the day appointed

from the draft and to give a certificate of disability to all such applicants as he may find to be physically disabled from performing military service, stating in said certificate the cause of such disability; and said surgeon, before entering upon the duty of his office, shall take an oath before an officer authorized to administer oaths that he will faithfully discharge the duties of his Office; and the compensation of such surgeon shall be one hundred dollars to be paid out of the Treasury of the State." Mr. Weatherford moved to strike out the last clause after the word "officer." Carried. The amendment was then adopted.

Mr. Hartley offered the following amendment: "Sec 10, That any person claiming exemption on other ground than physical disability shall make his showing before the Chief Justice of the County in which he is enrolled and upon the Chief Justice being satisfied of his exemption from military service, he shall give his certificate thereto stating therein the cause of exemption and shall file the evidence of the same in the County Clerk's Office." Mr. Durant Moved to lay the amendment on the table. Lost. Mr. Hartley then offered the following to the amendment: Strike out "other ground than physical disability" and insert "for any of the causes stated in the second section of this act." Adopted. The amendment was then adopted.

Mr. Hartley offered the following amendment: Sec. 11 That all certificates of exemption from military service shall be filed by the persons obtaining the same in the office of the County Clerk before the day appointed for the draft and the Clerk shall write opposite the name of each person filing such certificate upon the military roll "exempt," adding "the cause of exemption, and the names of such persons shall be excluded from the draft."

Mr. Parsons moved to lay the bill and amendments on the table, upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Andres, Crawford, Durant, Jordan, Parsons, and Weatherford—5 [6].

Nays: Messrs. Batte, Beasley, Casey, Cook, Cooper, Dickson, Ford, Graham, Guinn, Harcourt, Hartley, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, Reed, Selman, Shepard, and Wheeler—22. The Amendment was then adopted.

Mr. Lea moved to amend the first section by striking

out "fifty" and inserting "seventy." Mr. Dickson moved to lay the amendment on the table. Carried.

Mr. Cooper moved to strike out "\$2000" as salary of Adjutant General and insert \$1,200." Mr. Dickson called for a division of the question. The motion to strike out was then put and lost.

Mr. Maxey offered the following amendment: "That at any time when the State shall be invaded, it shall be lawful for all able-bodied men over fifty years old to form themselves into volunteer Companies to serve for the occasion. They shall be entitled to elect their own Company officers and be received into the State service to repel the invasion." Lost.

Mr. Weatherford moved to strike out of 2nd Section the word "postmasters." Carried.

Mr. Lea moved to strike out all that part of the bill requiring the Governor to call for volunteers. Adopted. Mr. Moore of Davis moved a reconsideration. Lost.

Mr. Hartley offered to amend the 8th Section as follows. After "Austin" insert "in which he shall keep a true record of the number and rank of each brigade and regiment in the State called into service." Adopted.

Mr. Dickson offered the following amendment: "Provided that any citizen of the State may have the privilege of volunteering without subjecting himself to the draft, if he desire to do so." Adopted.

Mr. Hartley offered the amend by inserting after "State" in 9th line of 8th Section, "troops, the names, ranks, and dates of commissions of all general and field officers in service." Adopted.

Mr. Weatherford offered the following amendment: after "Legislature," insert "during the session thereof," upon which the Yeas and Nays stood thus:

Yeas: Messrs. Burney, Casey, Crawford, Dickson, Graham, Harcourt, Lea, Maxey, Moore of Davis, Parsons, Quayle, Shepard, Weatherford, and Wheeler—15 [14].

Nays: Messrs. Andres, Batte, Beasley, Cook, Cooper, Guinn, Hartley, Hord, Moore of Bastrop, Reed, and Selman—11.

Mr. Quayle moved the previous question which was ordered. The main question being the engrossment of the bill was put and carried. On motion the rule was suspended. The Bill being on its 3rd reading, Mr. Hord moved to

postpone its further consideration until 10 o'clock A. M. tomorrow when on motion the Senate adjourned until 9 ½ o'clock A. M. tomorrow.

Tuesday March 3rd 1863

9 ½ o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present.

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

“The Committee on Finance, to which was referred a Bill to amend the 3rd section of an act to prescribe what kinds of funds may be received for certain public dues, approved January 11, 1862, has considered the same and returns it to the Senate with a recommendation that it be passed.

The absolute necessity for this measure arises from the action which the Confederate Government may have taken or must soon take to retire from ordinary circulation nearly all of its Treasury notes that constitute its present currency. A recent report of the Secretary of the Treasury treats of this course as a necessity for which there is not any alternative; and we must assume it as a certainty for the basis of our legislation. An act of last session is prescribed that Confederate Treasury notes without any discrimination should be received for public dues in general. Should no change be made in our law and the mass of Confederate notes now current be rendered uncurrent, nearly all collections for the state, and in its name for trust interests would be in the uncurrent Confederate notes. Of course we must avoid such a result. This can be done by an amendment of the law of last session so as to exclude such uncurrent notes from our collections and to allow the continued reception of current Confederate notes. These will consist of the more recent issues, which will be made to meet governmental necessities as they may arise, and cannot fail to supply an abundant circulation, while the earlier issues must be funded in Bonds or Stocks of the Confederate government.

To meet the necessary change, the bill under consideration seems to be entirely appropriate. Its enactment would make no substantial change in the former law except in the suggested particular. Some slight variation of expression

in a few other particulars is adopted only for proper improvement in terms to express the same substance.

Pryor Lea

Chairman

Mr. Dickson moved to suspend the rule. Carried and report read and bill taken up viz: A bill to amend the 3rd Section of an act to prescribe what kind of funds be received for certain public dues approved January 11, 1862. Read 2nd time.

Mr. Ford offered the following amendment, Strike out "and not being restricted to some time for funding in its bonds or stocks." Mr. Weatherford moved a postponement of the bill and amendment until 3 o'clock P. M. Carried.

Mr. Parsons, Chairman of Committee on Internal Improvement, on behalf of said Committee reported on a bill to incorporate the Texas Iron Company and recommended its passage with the following amendments. In 8th line, Section 1 after "personal" insert "in such quantities as may be necessary for the legitimate objects of this Corporation." Add to Section 6 "and be in force for the period of 25 years."

Mr. Moore of Bastrop, one of the Committee on Agriculture, reported a Bill concerning the Alamo ditch approved April 8, 1861, and recommended its passage.

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

A Bill to punish persons obtaining goods under false pretences from the Penitentiary.

A Joint Resolution in reference to the impressment of male slaves for military use.

A Joint Resolution granting relief to Taylor, Sherrod, and Company founded on the memorial of John M. Crockett. Read 1st time.

Mr. Harcourt, Chairman of the Committee on Public Printing, on behalf of said Committee reported a Joint Resolution in relation to public printing and recommended its passage.

Mr. Durant moved to take up a bill granting land to Texas officers and soldiers in the present war. Carried. Bill read 3rd time.

Mr. Hartley offered the following amendment: Strike out of 2nd Section "and the heirs of anv such soldier who

may have been killed or died in said service shall receive a certificate for one hundred and sixty," and insert "provided that every soldier from the State of Texas who shall have been disabled in the service and the heirs of every such soldier who shall have died in the service shall receive a certificate for Six hundred and forty." Laid on the table by the following vote:

Yeas: Messrs. Andres, Boyd, Cooper, Crawford, Dickson, Durant, Jordan, Lair, Maxey, Moore of Davis, Parsons, Quayle, Selman, and Weatherford—14.

Nays: Messrs. Beasley, Burney, Casey, Ford, Graham, Guinn, Harcourt, Hartley, Lea, Moore of Bastrop, Shepard, Wheeler, and White—13.

The bill being on its 3rd reading, Mr. Lea moved to postpone until 4 o'clock P. M. Mr. Quayle moved the previous question which was ordered. The Yeas and Nays were then taken on the final passage of the bill and stood thus:

Yeas: Messrs. Andres, Boyd, Burney, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Selman, Weatherford, and Wheeler—15.

Nays: Messrs. Beasley, Crawford, Guinn, Harcourt, Hartley, Lea, Moore of Bastrop, Reed, Shepard, and White—11.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported correctly engrossed the following:

A Bill to incorporate the Washington County Mutual Aid Association.

A Bill to incorporate the Columbus Mutual Aid Association.

On motion of Mr. Burney, a Bill to provide for the defense of the frontier was taken up. Read 2nd time.

Mr. Reed offered the following amendment, "That so long as said regiment is in the service of the State, the field officers of said regiment are hereby abolished and the Governor is authorized to appoint two Commissioners who shall rank as Captains of Cavalry whose duty it shall be to pass over the line at least once in three months and report to the Governor the condition, the amount of service done by each company, and all matters of interest relating to said service. Said Commissioners shall also act as paymasters for said service. Complaints for misdemeanors committed by members of said service must be made to

the Governor who shall, with at least two commissioned officers from said Regiment, try the offenders and shall be governed in their proceeding as near as practicable by the regulations usually governing Courts Martial." Adopted.

Mr. Casey moved to strike out the proviso in section 2. Mr. Hartley suggested the following, which was accepted by Mr. Casey. Insert in lieu thereof "That the Governor shall recommend to the Confederate Government to keep said regiment on the frontier of this state." Mr. Quayle moved to lay on table which was carried by the following vote.

Yeas: Messrs. Boyd, Burney, Cooper, Dickson, Durant, Ford, Graham, Harcourt, Hartley, Hord, Jordan, Lair, Maxey, Moore of Bastrop, Quayle, Reed, Weatherford, and White—19.

Nays: Messrs. Andres, Beasley, Guinn, Lea, and Wheeler—6.

Mr. Hartley moved to reconsider when Mr. Dickson moved to lay the motion on the table. Carried.

Mr. Hartley offered the following amendment: Insert in 2nd section after "Confederate States" the words "Whenever he shall deem it advisable," and strike out the proviso. Adopted. The bill was then passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley, by leave, Chairman of Committee on State Affairs, made the following report: The Committee on State Affairs, to whom was referred the House bill to provide for the support of the families of Texan Soldiers, have duly considered the same, and have instructed me to report the accompanying substitute and recommend its passage.

The reasons which influenced the Committee in the adoption of the substitute were as follows: In the first place, the estimates for an appropriation to meet the provisions of the House bill were variously estimated from five hundred thousand to three million of dollars. It would be unwise to provide for the expenditure of so large an amount of money without the proper data for making an estimate for appropriation with reasonable certainty. Otherwise, should the appropriation fall short, a portion of those who were intended to be beneficiaries of the bill would fail to become so.

Another objection to the House bill was that it in a measure established fixed amounts to be distributed by the County Courts to the beneficiaries of the bill, whereas the necessities of the beneficiaries would involve every possible variance. For this reason it was thought advisable to leave the amount of aid to be extended to individual beneficiaries to the discretion of the county Courts, who may be thoroughly advised of the wants of all to whom the benefits of the bill should be extended.

In fixing the amount of the appropriation in the substitute, the Committee have aimed to fall below the amount that would be required entirely to carry out the object stated in the caption of the bill, leaving the balance that would be required to be made up by taxation of the County Courts with a view to securing an economical administration of the fund by the County Courts.

R. K. Hartley
Chairman

On motion of Mr. Guinn, the report was taken up, the substitute read and adopted.

Mr. Lea moved to strike out \$600,000 and insert \$1,200,000. Mr. Guinn called for a division on the question. The motion to strike out was put and lost. Mr. Quayle moved to strike out "1862" and insert "1861."

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

The question being on Mr. Quayle's amendment to strike out "1862" and insert "1861" by leave it was withdrawn when Mr. Burney renewed the motion. Mr. Guinn offered the following substitute for the amendment: "According to the returns of 1861 and 1862 taking as a basis for the distribution to those counties which have not returned their lists for both years, the year for which there is a return for the County." Adopted and bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend the act to prescribe what kind of funds shall be receivable for public dues being the special order was read 2nd time. Mr. Ford's amendment being under consideration, Mr. Burney moved to lay the bill and amendment on the table. The Yeas and Nays being called for, Mr. Lea moved a call of the Senate which was sustained.

The Senate not being full, Mr. Parsons moved to take up bill to incorporate the Texas Lead and Copper Mine Company. Carried. Bill read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed by the following vote:

Yeas: Messrs. Andres, Beasley, Burney, Casey, Cook, Cooper, Crawford, Dickson, Durant, Ford, Graham, Guinn, Hord, Jordan, Lea, Lair, Moore of Davis, Moore of Bastrop, Parsons, Quayle, Selman, Shepard, Weatherford, and White—24.

Nays: Mr. Boyd—1.

Mr. Hord by leave made the following report: "The Committee on State Affairs maturely considered the Joint Resolutions in regard to trade herewith report a substitute for 3rd, 4th, and 5th resolutions, and recommend its adoption and the passage of the Joint Resolutions."

On motion of Mr. Guinn, a Bill to punish those who have taken the Alien Oath etc. was taken up. Read 2nd time. Mr. Hord offered the following amendment. Insert "No person who has borne arms during the present war, against the Confederate States unless relieved by a vote of two thirds of the Legislature." Mr. Weatherford moved the following as an amendment which was accepted by Mr. Hord viz: "and unless such persons are residents of such state or states which are not at war with the Confederate States as shall first become a member of this Confederacy." Mr. Hord by leave withdrew the amendment when Mr. Hartley offered the following: Strike out the 1st section "take the oath commonly known as the Alien Oath, whereby he claims the protection of any foreign government as a shield from serving in the cause of the Confederate States in their present struggle, or who may." Mr. Harcourt offered the following as a substitute: "Provided that persons who have proven themselves to be **bona fide** neutrals and citizens of a friendly power shall not be subject to the provisions of this act." Mr. Hartley moved to postpone further consideration until tomorrow 10 o'clock A. M. Mr. Ford moved to lay the motion on the table. Carried. Mr. Harcourt's substitute was then adopted. The amendment was then adopted and bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

The Senate being full, the question was taken on Mr.

Burney's motion to lay on the table a bill relative to what kind of funds etc. etc. The Yeas and Nays were as follows:

Yeas: Messrs. Andres, Beasley, Boyd, Burney, Casey, Crawford, Durant, Guinn, Harcourt, Jordan, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Quayle, Weatherford, and Wheeler—19 [18].

Nays: Messrs. Batte, Dickson, Ford, Graham, Hartley, Hord, Lea, Reed, Shepard, and White—11.

On motion of Mr. Graham, a Bill appropriating money to defray the expenses incurred for rations and forage of 21st Brigade Texas State Troops was taken up. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Harcourt moved to take up a resolution relative to contract by Military Board with Taylor, Sherrod and Company. Carried and Resolution read 2nd time. Mr. Hartley offered the following amendment: "Provided the said parties shall furnish the Military Board 400 pistols at \$75 each." Mr. Casey offered substitute for the amendment "Provided said Company shall furnish to the Military Board for the State at the Contract price (\$40) a sufficient number of pistols to pay the amount advanced by the State to said Company." Mr. Hartley withdrew the amendment, Mr. Casey consenting that the substitute should be considered part thereof. Mr. White offered the substitute of Mr. Casey as above as an amendment to the resolution. Mr. Cook moved to lay on table. Carried. The Resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

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

Wednesday, March 4, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported a Bill for the organization of the State troops and prescribing who shall be liable to military duty, correctly engrossed.

On motion of Mr. Guinn, the Bill was taken up. Read 3rd time. Mr. Guinn moved to amend by paying the enrolling officers by the respective County Courts. Mr. Har-

court offered the following "And the County Court may determine the time necessary occupied in making the enrollment." Adopted. The amendment was then adopted. The Yeas and Nays were then called on the final passage of the bill and stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Burney, Casey, Cook, Cooper, Dickson, Durant, Graham, Guinn, Harcourt, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, Reed, Shepard, and White—[21].

Nays: Messrs. Ford, Hartley, Jordan, Parsons, Selman, Weatherford, and Wheeler—7.

Mr. Hartley, Chairman of Committee on State Affairs, reported Senate Bill authorizing the Governor to manufacture salt and recommended its passage. Also a Bill to incorporate the Texas Paper Manufacturing Company with the following amendment. In last line, 1st section, before "real" insert "such." At end of section insert "as may be necessary for the prohibit distillation of corn etc. into spiritous liquors, etc. with amendment as follows. Strike out of caption "corn and other cereals." Strike out of Section 1 "corn and other grain into." Strike out of Section 1 "convert into alcohol or spiritous liquors any corn or other grain unless as is herein provided," and insert "manufacture alcohol or spiritous liquors." Strike out of 2nd Section "other purposes" and insert "mechanical and chemical." Strike out of 2nd line 2 Section "convert into" and insert "manufacture." Strike out of 3rd line in 2nd Section "any corn or other grain or the product of any corn or other grain."

On motion of Mr. Quayle, a bill to supply a deficiency in a certain appropriation for paying officers and soldiers of state troops on report of Committee on Finance recommending substitute was taken up. Read 2nd time. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On motion of Mr. Moore of Davis, a Bill to incorporate the Texas Iron Company was taken up. Read 2nd time. Substitute adopted and passed to a 3rd reading. Rule suspended. Read 3rd time and passed on call of Yeas and Nays unanimously.

On motion of Mr. Ford the bill to incorporate the Texas Paper Manufacturing Company was taken up, amendments adopted, and bill passed to 3rd reading. Rule suspended.

Read 3rd time and passed by Constitutional majority. Mr. Boyd voting Nay.

Mr. Ford, Chairman of Committee on Enrolled Bills, reported the following bill correctly enrolled, properly signed, and presented to the Governor for his approval: "A Bill authorizing judgement to be rendered in certain cases requiring property levied upon by execution or sold under deeds of trust or mortgage to bring nine tenths of its appraised value."

A message was received from the House informing the Senate of the passage of the following Joint Resolution.

A Joint Resolution in relation to certain salaries near Double Mountain. The House disagree to Senate's amendments to Bill relative to frontier protection and had appointed Messrs. Flewellen, McCoy, Alford, Costley, and Hall a committee on conference thereon. Whereupon on motion the Senate refused to recede and appointed Messrs. Reed, Ford, and Graham a committee of free conference on the part of the Senate.

Also that the House refuse to adopt the Senate's substitute to House bill to provide for support of families of Texan soldiers and had appointed Messrs. Cone, Potter, and Williams a committee of free conference thereon, whereupon Messrs. Hartley and Lea were appointed a like committee on the part of the Senate. Also had passed Senate's bill appropriating \$200,000 for relief of sick and wounded soldiers with an amendment which was concurred in.

On motion of Mr. White, Joint Resolution in regard to trade were taken up. Read 2 time, amendments of Committee adopted, and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A Bill to incorporate the Houston Mutual Aid Association. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed by Constitutional majority. Mr. Boyd voting Nay.

A Bill to incorporate the Columbus Mutual Aid Association. Read 3rd time and passed by a Constitutional majority. Mr. Boyd voting Nay.

A Bill to incorporate the Washington County Mutual Aid Association. Read 3rd time and passed by Constitutional Majority, Messrs: Boyd and Durant voting Nay.

Mr. Guinn moved to take up the bill to prevent the distillation of grain etc. Carried. Mr. Quayle moved to lay

the amendments offered by Committee on the table. The Yeas and Nays stood thus:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Dickson, Guinn, Jordan, Lea, Lair, Maxey, Quayle, and Weatherford—12.

Nays: Messrs. Andres, Batte, Casey, Ford, Harcourt, Hartley, Moore of Bastrop, Parsons, [Selman?] Shepard, Wheeler, and White—12. The President voted Yea.

Mr. Selman offered the following amendment: "Provided that this act shall not apply to any person or persons who distill spiritous liquors from the grain produced by such person or persons on his or her own premises for the private use and consumption of such person or persons owning said premises."

Mr. Burney moved to lay the amendment on the table, whereupon the Yeas and Nays were as follows:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Lea, Lair, Maxey, Moore of Bastrop, Quayle, and Weatherford—13.

Nays: Messrs. Andres, Batte, Casey, Cook, Dickson, Ford, Harcourt, Hartley, Hord, Jordan, Parsons, Reed, Selman, Shepard, Wheeler, and White—16.

The Yeas and Nays were then called on the adoption of the amendment and stood thus:

Yeas: Messrs. Andres, Batte, Casey, Cook, Dickson, Durant, Ford, Harcourt, Hartley, Hord, Jordan, Parsons, Reed, Selman, Shepard, Wheeler, and White—17.

Nays: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, and Weatherford—14.

The bill was then passed to a 3rd reading.

Mr. Reed made the following report. "The Committee of Free Conference have considered the Senate's Amendments to the House bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved 21st December, 1861, and report the following: We accept the 3rd section an amendment made by the Senate and reject the Senate's amendment made to the 2nd Section and report back for adoption the 2nd Section of the House bill in lieu thereof." Adopted.

A bill to define the offense of inciting insurrection etc. Read 2nd time. Rule suspended. Read 3rd time and passed.

On motion of Mr. Hord, a Bill to punish certain persons for the unlawful seizures of wagons, teams, etc. was taken up. Read 2nd time. Amendment of Committee adopted, and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Lea by leave introduced a bill to incorporate the Goliad County Aid Association. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed by a constitutional majority. Mr. Boyd voting Nay.

Mr. Lea by leave introduced a bill to authorize the Comptroller to suspend the collection of the ordinary taxes if necessary. Read 1st time and on motion laid on the table.

Mr. Hartley made the following report. "The Committee of Free Conference to whom was referred the Senate's substitute for the House bill to provide for the support of the families of Texas soldiers have agreed that the words "out of any money in the Treasury not otherwise appropriated" shall be stricken from the substitute and recommend the adoption of this amendment and the passage of the substitute." Adopted.

On motion Mr. Crawford was excused from further attendance after tomorrow morning in the Senate this extra session.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate's bill appropriating \$20,000 for recovering the roof of the Capitol and other public buildings with an amendment which was concurred in.

Senate Joint Resolution in regard to trade.

A Bill to incorporate the San Antonio Mutual Aid Association.

A Bill supplemental to an act to define the duties of Secretary of State.

A Bill supplemental to an act defining the duties of Notaries Public. Read 1st time. Rule suspended. Read

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

A Bill to amend the 12th and 15th sections of an act regulating elections etc.

A Bill to amend an act amendatory of the laws to raise revenue by taxation. Read 1st time and referred to Committee on Finance.

A Joint Resolution in relation to John R. Baylor. On Motion taken up. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

Senate's bill to incorporate the Texas Lead and Copper Mine Company.

A Bill authorizing the purchase of machinery for the use of the Penitentiary.

A Bill to authorize the Treasurer to pay out Confederate notes for civil and military purposes.

A Bill regulating the manner of collecting taxes and repealing certain laws.

Senate's Joint Resolution to the contract of the State with Sherrod, Taylor, and Company.

Mr. Harcourt introduced a Joint Resolution in relation to printing the laws of this extra session. Read 1st time. Rule suspended. Read 2nd time. Mr. Casey offered the following amendment; "provided that one copy of each paper be sent to each County Clerk, and each member of the present legislature." Mr. Durant moved to lay the resolution on the table. Lost. Mr. Graham offered the following; "and further provided that each member pay the subscription price of the same." Laid on the table. The amendment of Mr. Casey was then adopted. Mr. Parsons moved to amend as follows "and one copy to each Supreme and District Judge in the State." Adopted. The resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the State of Texas on report of Committee recommending that it do not pass. Read 2nd time. Report of Committee laid on table and Bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to provide against the hostile invasion of Texas

by persons of Color. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend the Penal Code. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend an act to establish a Code of Criminal Procedure on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Joint Resolution concerning certain salines near Double Mountain. Read 1st and 2nd times and referred to Committee on State Affairs.

A Bill requiring the County Clerk to procure a black book on report of Committee on State Affairs recommending that it do not pass. Read 2nd time. Mr. Weatherford moved to lay the report on the table. Carried. Mr. Weatherford then offered a substitute for the bill. Mr. Hord moved to indefinitely postpone the bill and substitute. The Yeas and Nays stood as follows:

Yeas: Messrs. Ford, Harcourt, Hartley, Hord, Lea, Maxey, Moore of Bastrop, Reed, and Shepard—9.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Cook, Cooper, Dickson, Durant, Graham, Guinn, Lair, Moore of Davis, Parsons, Quayle, Selman, Weatherford, Wheeler, and White—18.

Mr. White moved to recommit the bill to Committee on State Affairs. Lost. Mr. Harcourt moved to refer substitute to Committee on Penitentiary. Lost. The substitute was then adopted.

Mr. Hord offered the following amendment. Strike out "black" and insert "blue." On motion laid on the table.

The Yeas and Nays being called on the engrossed of the bill stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Dickson, Durant, Graham, Guinn, Lair, Parsons, Quayle, Weatherford, and Wheeler—13.

Nays: Messrs. Ford, Harcourt, Hartley, Hord, Lea, Maxey, Moore of Bastrop, Reed, Selman, Shepard, and White—11.

Mr. Weatherford moved to suspend the rule. Carried. Bill read 3rd time and passed by the following vote.

Yeas: Messrs. Andres, Beasley, Boyd, Cook, Cooper, Dickson, Durant, Graham, Guinn, Lair, Parsons, Quayle, Weatherford, and Wheeler—14.

Nays: Messrs. Ford, Harcourt, Hartley, Hord, Jordan, Lea, Maxey, Moore of Bastrop, Reed, Selman, Shepard, and White—12.

A Joint Resolution in relation to the impressment of male slaves. Read 2nd time. Mr. Cooper moved to lay on the table. The Yeas and Nays answered thus:

Yeas: Messrs. Andres, Beasley, Boyd, Burney, Cooper, Dickson, Harcourt, Jordan, Lea, Lair, Maxey, Moore of Bastrop, Quayle, Reed, Selman, Shepard, and Wheeler—17.

Nays: Messrs. Cook, Durant, Ford, Hord, Parsons, and Weatherford—7 [6].

A Bill to punish persons who evade or assist in evading the conscript laws on report of committee recommending a substitute. Read 2nd time, substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Maxey by leave introduced a Bill to incorporate the Lamar County Mutual Aid Association. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule further suspended. Read 3rd time and passed by Constitutional majority, Mr. White voting Nay.

Mr. Shepard by leave made report on behalf of Committee on State Affairs on a Joint Resolution relative to certain salines near Double Mountain and recommend it to the consideration of the Senate.

On motion the Senate adjourned until 7 ½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

Mr. Burney moved to take up Bill to prohibit the distillation of grain etc. Carried. Rule suspended. The Yeas and Nays on the final passage of the bill stood thus:

Yeas: Messrs. Batte, Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Hartley, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, and Weatherford—16.

Nays: Messrs. Andres, Casey, Cook, Dickson, Ford, Harcourt, Hord, Parsons, Reed, Selman, and White—11.

Mr. Guinn by leave introduced a Joint Resolution relative to the impressment of slaves. Read 1st time. Rule suspended. Read 2nd time. Mr. Guinn moved to amend by inserting "\$1 per day and rations." Mr. Hord offered the following, "but in case of such impressment, compen-

sation shall be allowed for the labor of said slaves according to the value thereof at the time of their impressment." Accepted by Mr. Guinn. Mr. Wheeler offered the following substitute "Provided that the owners of said slaves shall receive for their services the same pay which soldiers in the Confederate Army are allowed and rations." Mr. Hartley moved to lay the substitute on the table. Mr. Harcourt moved to amend the motion by laying the bill and amendments on the table upon which the Yeas and Nays were as follows:

Yeas: Messrs. Andres, Cooper, Dickson, Graham, Harcourt, Lea, Moore of Bastrop, Reed, Selman, Shepard, and Wheeler—11.

Nays: Messrs. Batte, Beasley, Boyd, Burney, Crawford, Ford, Guinn, Hartley, Hord, Lair, Moore of Davis, Parsons, Quayle, and Weatherford—14.

The questions recurred on laying Mr. Wheeler's substitute on the table which was put and carried. Question on the adoption of Mr. Hord's amendment as accepted by Mr. Guinn. Mr. Dickson offered to amend as follows: "and provided further that in any call which may be made for slaves as aforesaid, the different Counties of the State be required to furnish their fair proportion of such requisition."

Mr. Hartley moved to lay bill and amendment on the table. The Yeas and Nays stood thus:

Yeas: Messrs. Andres, Boyd, Cooper, Dickson, Graham, Harcourt, Hartley, Hord, Lea, Moore of Bastrop, Reed, Shepard, Wheeler, and White—14.

Nays: Messrs. Batte, Beasley, Ford, Guinn, Lair, Moore of Davis, Parsons, Quayle, and Weatherford—9.

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

"The committee on State affairs has had under consideration the House Joint Resolution of thanks of General Magruder, and men, also House Joint Resolution tendering thanks to Major O. M. Watkins and the officers and soldiers under his command, and has instructed me to report the accompanying Joint Resolution entitled a Joint Resolution of thanks to General Magruder and others as a substitute for the first above mentioned resolution and that the other be laid on the table." Report taken up and adopted. Mr. Lair offered the following amendment. "**Resolved**, That

General Sam Bell Maxey of Texas is entitled to and is hereby tendered the thanks of the State for his military science, skill, and gallantry displayed in his attack upon the capture of the enemy's strong fortifications at Bridgeport and Battle Creek on the Tennessee River on the 27th of August, 1862, which was denominated by General Bragg as one of the most dashing and gallant achievements of the war." The amendment being withdrawn, Mr. Dickson moved to strike out "Legislature" and insert "people." Adopted. The bill was then passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

On motion of Mr. Harcourt, the vote adopting the report of the Judiciary Committee recommending that a bill to amend the Penal Code do not pass was reconsidered the Bill taken up. Read 2nd time. Mr. Guinn moved to strike out amendments to Article 156.

Mr. Hartley by leave, Chairman of Committee on State Affairs, reported a Joint Resolution to restrain the illegal exercise of military authority in the state of Texas and asked to be discharged from its further consideration.

On motion, the Senate adjourned until 9 o'clock A. M. tomorrow.

Thursday, March 5, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Ford introduced a bill to incorporate the Caldwell County Mutual Aid Society. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed on call of the Yeas and Nays unanimously.

Mr. Dickson offered the following resolution: "**Resolved**, That the Secretary of the Senate be and he is hereby instructed to place in the office of the Secretary of State the archives of the Senate of the late Republic of Texas now in the Senate Chamber; and that he shall procure a well bound book in which he shall record the journals of the last regular session and of this extra session of the Senate for which he shall receive compensation at the rate of twenty cents for every hundred words, provided the whole amount shall not exceed five hundred dollars, to be paid out of the contingent fund of this extra session of the legislature in addition to which duty he shall have a general

supervision of the Senate Chamber during the recess of the Senate for which no further compensation shall be made." Adopted.

A message was received from the House informing the Senate that the House had passed the following bills:

A Bill to provide necessary assistance for families and other dependents of officers and soldiers with amendments.

A Bill to incorporate the Columbus Mutual Aid Association.

A Bill to incorporate the Washington County Mutual Aid Association.

A Bill to incorporate the Goliad County Mutual Aid Association.

A Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of State Troops.

Substitute for Senate's bill to punish certain persons for unlawful seizures of wagons and teams.

A Bill to provide for electing Senators and Representatives for 10th Legislature for 1863 in Counties occupied by the public enemy.

A Bill making further appropriations for the support of the State government which was taken up. Read 1st time. Rule suspended. Read 2nd time. Mr. Lea offered the following amendments: "For purchase of fire wood, stationery, and for fitting up the Capitol, repairing and taking care of furniture of same for the next legislature, "\$3000." Adopted.

For yearly salary of assistant Clerk to the Secretary of State in lieu of extra clerk hire, \$900. Mr. Hartley moved to lay this appropriation on the table. Lost. Mr. Hartley then moved to strike out "yearly salary" and insert "for extra clerk hire." Carried, and to strike out "in lieu of extra clerk hire." Carried. Mr. Lea moved to strike out "\$900" and insert "\$500" and to insert the word "additional" before "extra." Carried, and amendment adopted. For additional appropriation to Secretary of State for wood and porter hire, \$200." Adopted. For additional appropriation to same for postage, \$100. Adopted. For additional appropriation to same for stationery, \$3000. Adopted.

Adjutant and Inspector General Office

For wood and porter hire, \$100. Adopted. For postage, \$150. Adopted. For Stationery, \$300. Adopted.

Mr. Parsons moved to amend by appropriating \$900 for pay of Supreme Court librarians. Carried, and bill ordered to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. White introduced a Joint Resolution in relation to General H. H. Sibley. Read 1st time. Rule suspended. Read 2nd time and referred to Committee on Military Affairs.

Mr. Guinn offered the following resolution: "**Resolved**, by the Senate, That the Secretary of the Senate be and he is hereby directed to issue certificates for the full *per diem* pay to such Senators as were not present at the commencement of the present session but who have since arrived and attended the Senate and were detained by sickness or high water where they started in time to reach the Capitol if they had not been detained by sickness or high water." Adopted.

Mr. Reed moved to reconsider the vote adopting the report of Committee of Conference on the Frontier bill. Carried and the bill recommitted.

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

"The Committee on Finance, to which was referred a House bill which may be briefly called The Revenue Bill, reports it back to the Senate for its action without making any suggestion as to its merits except the necessity for having an increase of revenue, and hence the necessity for promptly passing this bill without any amendment.

Yesterday about noon this bill was received in the Senate. During the afternoon session it was referred to this Committee. There was also a night session. The members of the Committee could not give attention to this subject during the Senate session other current business of importance commanding their attention, nor could they leave the Senate Chamber without breaking a quorum. And now it is certain that any delay to propose and consider an amendment would defeat this and other important bills inasmuch as the session must close two days hence and quorums may not be had most of the intermediate time. The Committee presents these facts in vindication of itself and the Senate.

Pryor Lea
Chairman

On motion the bill referred to was taken up. Read 2nd time. Mr. Shepard moved to strike out all in relation to taxing cotton in hands of their parties. Mr. Hord offered the following as a substitute: Strike out "all cotton not in the hands of the producer" and insert "all cotton or other produce of the soil of the growth of years previous to the year 1863." On motion of Mr. Burney, laid on the table. The question then recurred on Mr. Shepard's amendment and the Yeas and Nays stood thus:

Yeas: Messrs. Andres, Beasley, Dickson, Durant, Guinn, Harcourt, Hartley, Hord, Jordan, Reed, Selman, and Shepard—12.

Nays: Messrs. Burney, Casey, Cook, Graham, Lea, Lair, Maxey, Moore of Bastrop, Parsons, Quayle, Wheeler, and White—12. The president *pro tem* being in the Chair, the amendment was lost.

Mr. Shepard offered the following amendment: After "cotton" add "wheat, flour, corn, and all other products of the soil." Mr. Burney moved to lay the amendment on the table and the Yeas and Nays answered thus:

Yeas: Messrs. Burney, Graham, Guinn, Jordan, Maxey, Parsons, Quayle, and Wheeler—9.

Nays: Messrs. Andres, Beasley, Casey, Cook, Dickson, Durant, Harcourt, Hartley, Hord, Lea, Lair, Moore of Bastrop, Reed, Selman, Shepard, and White—16.

The question on the adoption of the amendment being taken was carried and the bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Reed made the following report: "The Committee of free conference to whom was referred a bill to provide for the defense of the frontier approved and repealing certain sections of an act to provide for the protection of the frontier approved December 21, 1861, having had the same under consideration, report the House Bill as originally passed for adoption rejecting all amendments made by the Senate." Adopted.

A Bill to provide necessary assistance for families and other dependents of soldiers on amendments of the House in which the Senate refused to concur.

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

A Bill appropriating \$200,000 to be expended for the relief of the sick and wounded soldiers of the State of Texas in the army of the Confederate States.

Joint Resolution in regard to trade.

A Bill authorizing the purchase of machinery for the Penitentiary. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A Bill to amend the Code of Criminal Procedure. Read 2nd time. Rule suspended. Read 3rd time and passed.

Mr. Shepard offered the following: "**Resolved**, That the Senate present their *per diem* for one day to the hospital fund for the benefit of the Texan soldiers in Arkansas in exchange for tickets to the tableaux tonight." Mr. Beasley offered to amend by inserting "those who choose to do so." Lost.

A Bill to amend the laws relative to the assessment collection of taxes. Read 1st and 2nd times and referred to Committee on Finance.

A Bill authorizing the Treasurer to pay out Confederate notes for civil and military purposes. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A Bill amendatory of and supplemental to the several acts regulating elections. Read 1st time. Rule suspended. Read 2nd time. Rule further suspended. Read 3rd time and passed.

A Bill to punish persons obtaining goods from the Penitentiary under false pretences. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Joint Resolution concerning certain salines near Double Mountain. Read 2nd time. Rule suspended. Read 3rd time and passed.

A Bill to provide for public printing. Read 2nd time. Rule suspended. Read 3rd time and passed.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

Mr. Hartley moved to reconsider the vote passing a bill to make further appropriations for the support of the Government. Carried. Mr. Hartley then moved to amend

by inserting "For Postage Comptroller's office, \$800.00 eight hundred dollars. For Stationery \$1,000. Adopted. For Stationery, Executive office, \$300. For postage, \$300. Adopted. Mr. Lea moved to amend so as to appropriate \$800 for deficiency for taking scholastic population for 1862 and 1863. Carried. The bill was then passed.

Mr. Lea made the following report: "The Committee on Finance, to which was referred a House bill regulating the manner of collecting taxes and repealing certain laws, has considered the same as well as practicable at this stage of the session and reports the bill back to the Senate for its action recommending its prompt passage without any amendment."

A message was received from the House announcing that the House refuse to recede from their amendments to a bill to provide necessary assistance for the families and other dependents of soldiers and had appointed Messrs. Townes, Potter, and Parker a Committee of free Conference thereon and request the appointment of a like Committee on the part of the Senate, whereupon Mr. Lea and Mr. Moore of Davis were appointed a committee on the part of the Senate.

Mr. Hord made the following report: "The Committee on Military Affairs, to whom was referred a Joint Resolution in regard to General H. H. Sibley, have adopted a substitute for the same and have instructed to report to original resolution and the substitute back to the Senate and recommend the passage of the substitute."

A Bill to repeal an act concerning the Alamo Ditch in San Antonio. Read 2nd time. Rule suspended. Read 3rd time and passed.

A Bill to authorize the Governor to regulate the manufacture of salt. Read 2nd time. Mr. Hartley offered the following amendments: Insert at end of 2nd Section "At any salt springs the title to which have not passed out of the State." Adopted and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

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

A Bill to incorporate the Texas Land and Copper Mine Company.

Joint Resolutions in relation to the contract of the Military Board with Sherrod, Taylor and Company.

A Message from the House announced the adoption of a substitute for Senate's bill relative to militia etc., which on motion was taken up. Read 2nd time. Mr. Harcourt moved to refer to Committee on Military Affairs. Lost. Mr. Ford moved to strike out "professors and teachers in schools and academies having twenty or more scholars" in second section. Lost. Mr. Ford moved to strike out 4th Section. Lost. Mr. Harcourt offered the following amendment: "Provided this act shall not be so constructed as fixing the salaries of enrolling officers for making the enrollment under the conscript laws." Mr. Casey moved to lay the amendment on the table. Carried. Mr. Ford moved to amend by inserting after "academies" "who have been engaged as such for three years last past." On motion of Mr. Hartley laid on the table. Mr. Ford then offered an amendment by way of substitute for bill as follows: "Be it enacted by the Legislature of the State of Texas. Section 1, That Company, Battalion and Regimental drill is suspended during the continuance of the present war. Section 2. That all militia officers shall hereafter be liable to be drafted into the military service as other militia."

On motion of Mr. Beasley laid on the table. Mr. Harcourt offered the following amendment. Strike out all that portion of the bill which authorizes or recognizes the creation or continuance of the Brigadier Generals and field and Company officers." Mr. Dickson moved the previous question which was ordered. Mr. Harcourt moved a call of the Senate which was not sustained. The main question, shall the bill pass to a 3rd reading, was then put and carried. Rule suspended, bill read 3rd time and passed.

A message from the House announced the passage of a Joint Resolution in relation to disbanding the military organization known as the Coast Guards.

A Bill to amend an act to punish speculators in certain cases with amendments which on motion were concurred in by the Senate.

Senate's bill to incorporate the Caldwell County Mutual Aid Association.

Mr. Quayle made the following report: "The Joint Committee of free Conference on the House bill to [prevent] distillation of corn or other grain into alcoholic or spiritous

liquors in the State of Texas during the present war with the Senate's amendment have met and the majority of the Committee recommend that the Senate recede from its amendment."

On motion the report was taken up and the Yeas and Nays on its adoption stood thus:

Yeas: Messrs. Beasley, Burney, Graham, Guinn, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, and Quayle—10.

Nays: Messrs. Andres, Batte, Casey, Dickson, Ford, Harcourt, Hartley, Hord, Parsons, Reed, Selman, and Shepard—12.

Mr. Lea made the following report on a bill to provide necessary assistance for families and other dependents of soldiers, which on motion was taken up and adopted.

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

Friday, March 6, 1863, 9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Burney, Chairman of Committee on Land Office, reported a Bill to reduce the number of clerks etc. and recommended that it do not pass. Rule suspended. Report taken up and adopted.

A Bill to repeal Article 123 of Chapter 6 and Article 175 and 176, Chapter 12 of the Penal Code, was read 2nd time and laid on the table.

A Joint Resolution to make Confederate money a legal tender. Read 2nd time and laid on the table.

A Bill appropriating \$1,000 to pay the expenses of taking up, etc. runaway slaves. Read 2nd time and laid on the table.

A Joint Resolution in relation to disbanding the military organization known as Coast Guards. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill providing for the election of Senators and Representatives to the 10th Legislature in counties occupied by the public enemy. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A message was received from the House informing the Senate that the House had passed a bill to authorize the release of sureties on bonds of assessors and collectors. On motion taken up and read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A Bill supplemental to acts to raise a revenue by taxation which on motion was taken up. Read 1st time. Rule suspended. Read 2nd time. Mr. Dickson moved to strike out the tax upon Lawyers and Physicians. Upon the adoption of which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Batte, Beasley, Casey, Cook, Dickson, Graham, Harcourt, Hartley, Lair, Maxey, Moore of Davis, Parsons, Selman, and Wheeler—14.

Nays: Messrs. Andres, Burney, Durant, Ford, Guinn, Hord, Lea, Moore of Bastrop, Quayle, Reed, and White—11.

Mr. Parsons moved to strike out "\$10,000" as tax on distilleries and insert "\$500." Mr. Ford moved to lay on the table. Carried, and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed. The Senate was informed that the House agreed to the Senate's amendment to this bill and that the House had passed a Joint Resolution concerning retaliation. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Mr. Hord moved to strike out "better known as Butler the beast." Lost. The bill was then read 3rd time and passed.

A Joint Resolution in response to Joint Resolutions of the State of Florida. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A Bill to amend the 9th Section of an act relative to the registration of deeds etc. approved May 12, 1846. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to authorize the Commissioner of General Land Office to issue certificates etc. with amendments of the Senate concurred in by the House.

Mr. Ford offered the following: "**Resolved**, That the Secretary of the Senate be authorized to employ such assistance in the engrossing and enrolling of bills as may be necessary." Adopted.

A Bill to remit the State Taxes on certain property within certain incorporated towns. Read 2nd time. The Yeas and Nays being called on the engrossment of the bill stood thus:

Yeas: Messrs. Beasley, Cook, Hartley, Hord, Quayle, Reed, and Shepard—7.

Nays: Messrs. Andres, Batte, Dickson, Durant, Ford, Graham, Guinn, Harcourt, Lea, Lair, Maxey, Moore of Bastrop, Parsons, Selman, and Wheeler—15. So the bill was lost.

Mr. Lea made the following report: "The Committee on Finance, to which was referred a Bill to provide for the purchase of \$20,000,000 in the currency of the Confederate States, has considered the same and reports it back to the Senate without being prepared to express at present a well matured view of the subject and therefore request to be discharged from further consideration of the bill, the Session being about to close."

A Joint Resolution in relation to General H. H. Sibley. Read 2nd time. Substitute of Committee adopted. Mr. Cook offered the following amendment. "And that the charges preferred against him for his conduct in Arizona and New Mexico be properly investigated." Adopted.

Mr. Shepard moved to strike out all the 1st Resolution after the enacting clause to the word "confidence" inclusive. Mr. Cook moved to lay the amendment on the table. Carried. The resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Hartley introduced Joint Resolution relative to Committees on the examination of the Penitentiary. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Parsons made the following report. "The Committee on Internal Improvements had had under consideration the accompanying bill to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the State and have instructed me to report the same back to the Senate

and recommend its passage with the following amendment. In Section 1 strike out all after the word 'State' in the 5th line. Amendments adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to incorporate the San Antonio Mutual Aid Association. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed on call of Yeas and Nays unanimously.

A Bill to authorize the County Courts to establish a tariff on prices was, on motion of Mr. Parsons, taken from the table. Read 2nd time. Mr. Ford moved to indefinitely postpone, whereupon the Yeas and Nays were called and stood thus:

Yeas: Messrs. Andres, Casey, Cook, Dickson, Durant, Ford, Hartley, Hord, Lea, Moore of Bastrop, Reed, Selman, Shepard, and White—15 [14].

Nays: Messrs. Beasley, Graham, Guinn, Lair, Maxey, Parsons, Quayle, and Wheeler—8.

On motion of Mr. Lea, a bill to authorize the Comptroller to suspend the collection of ordinary taxes was taken from the table, read 2nd time, and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On motion the Senate adjourned until 7 o'clock P. M.

7 o'clock P. M.

Senate met, roll called, quorum present.

Mr. Durant offered the following: "**Resolved**, That the Secretary be and he is hereby required to see that all letters addressed to Senators coming to the post office in this place be remailed to their several post offices in the Counties of their residence." Adopted.

Mr. Guinn moved the appointment of a committee of two on the part of the Senate to act in conjunction with a committee of the House to inform the Governor that the Legislature will adjourn on tomorrow morning at 8 o'clock A. M. and to know if His Excellency has any further communication to make to them. Carried. Messrs. Guinn and Harcourt were appointed said committee.

A Bill to exempt the homestead of soldiers from taxation. Read 1st time. Rule suspended. Read 2nd time and referred on Mr. Guinn's motion to Judiciary Committee.

A Bill to punish persons for the unlawful seizure of

wagons and teams on report of committee. On Mr. Hord's motion laid on the table.

A Joint Resolution to restrain the illegal exercise of military power in the State of Texas. Read 2nd time and laid on the table.

A Bill to provide for the purchase of \$20,000,000 Confederate Currency. Read 2nd time and laid on table.

A Bill authorizing the sale of Austin city lots. Read 2nd time. Mr. Guinn moved to strike from the bill all requisition to give notice through publication at Tyler. Adopted, and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A Bill to suspend the corporate authority of the town of San Patricio. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed on call of Yeas and Nays unanimously.

A Bill supplemental to an act to define the duties of Secretary of State passed May 7, 1846. Read 1st time. Rule suspended. Read 2nd time. Mr. Lea moved to strike out "assistant clerk" and alter the bill throughout correspondingly. Adopted. Mr. Hartley moved to strike out 2nd Section which, being withdrawn, Mr. Casey moved to amend by striking out all that portion of the bill which require the Secretary of State to purchase stationery and fire wood for the Legislature. Adopted. Mr. Casey then moved to lay the bill on the table. Carried.

A message from the House announced the passage by that body of Senate's bill authorizing the sale of lots in the City of Austin and that the House had appointed Messrs. Shelton, Clements, and Perry a Committee to wait upon the Governor etc. The committee reported that they had performed that duty and His Excellency had no further communication to make. Also that the House had passed Senate's bill to suspend the corporate authority of the town of San Patricio.

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

A Bill to incorporate the Columbus Mutual Aid Association.

A Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of State troops.

A Joint Resolution of thanks to General J. B. Magruder and others.

A Bill to incorporate the Goliad Aid Association.

A Bill appropriating \$20,000 or so much thereof as may be necessary for recovering or repairing the roofs on the Capitol, the General Land Office, the Old Land Office, and the Treasury building.

A Joint Resolution providing for the payment of the expenses of the investigating of the Joint Committee on both Houses of the condition of the Penitentiary.

A Bill to incorporate the Caldwell County Mutual Aid Society.

A Bill supplemental to an act to punish speculation in certain cases.

A Bill to incorporate the Washington County Mutual Aid Association.

A Bill to punish persons who evade or assist in evading the conscript laws of the Confederate States of America.

A Bill to provide for the sale of lots in the City of Austin.

A Bill to suspend the corporate authority of the town of San Patricio.

A Bill to provide necessary assistance for families and other dependents of officers and soldiers.

Mr. Dickson offered the following: "**Resolved**, That the thanks of this Senate are hereby tendered to Lieutenant Governor John M. Crockett for the able, dignified, and impartial manner in which he has presided over its deliberations at this extra session and in his retirement from the labors of the Session, he carries with him the warmest wishes of the Senate for his welfare." Adopted.

A message from the House announced the passage of the following bill from the Senate. A Bill to punish persons who evade or assist in evading the conscript laws.

On motion, the Senate adjourned until $\frac{1}{2}$ past 7 o'clock A. M. tomorrow.

Saturday, March 7, 1863

7 $\frac{1}{2}$ o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present.

Mr. Guinn offered the following resolution: "**Resolved**, That the Publisher of the *Almanac Extra* is hereby re-

quested to mail the *Almanac Extra* 3 copies to each member until the Legislative proceedings are finished publishing and the Secretary is hereby directed to approve his account so that it may be paid out of the contingent fund." Adopted.

Mr. Hord offered resolutions of sympathy relative to the decease of Honorable E. B. Scarborough, a member of the Senate, at the time of his death which were unanimously adopted. (Note: These resolutions have been mislaid. I think they were into the hand of the Printer and were never returned. Recorder.)

Messrs. Parsons and Dickson were appointed a committee to inform the House that the Senate is ready to adjourn *sine die*. Mr. Cone informed the Senate that the House is ready to adjourn.

The President then delivered the following valedictory address.

Honorable Senators

The labors of this extra session of the Legislature are over and it may be the last in which we ever unite. Permit me, gentlemen, to assure you that as Texas can justly boast of the chivalry of her sons and exalt in the glory they have won, so may she be equally proud of her legislature council, especially this branch.

Upon this session of the Legislature, there has been engaged by the force of public opinion, as well as by the appearance of great necessity, a species of legislation that has been extremely embarrassing. Difficulties of the greatest character, if not wholly insurmountable, were presented. You approached it under the influence of patriotic zeal inflamed by the most eloquent appeals from every part of our noble army including soldiers, officers, and commanders in chief; but you have disposed of the difficult subjects with that calm and dispassionate consideration that so much becomes the dignity of your position, and have perpetrated no hasty act that is likely to give you a pang of regret in the hours you devote to private business or social enjoyment.

Throughout the heated contests that were the natural and unavoidable results of the circumstances of the country, I am most happy to bear testimony that no breach of decorum what ever—not even by inadvertance—has occurred, to disturb for a single moment the equanimity of any mem-

ber or the progress of business. Indeed such has been the dignity of your department and the assiduity with which you have prosecuted your labors, that my position has been rendered one of pleasure instead of toil.

Gentlemen, your kind consideration of the humble manner in which I have attempted to discharge my duties will be long remembered and warmly cherished. For the indulgence and courtesy you have invariably shown me, I tender to you my grateful acknowledgments. And these sentiments of regard are equally due to the officers of the Senate who have shown me so much respect; and have discharged their duties with so much ability.

Hoping that you may reach home in safety without any serious inconvenience or delay and meet your families in health, and they and you may soon be made happy by the restoration of peace to the Country and the return of your loved ones in safety, I take my leave of you with sentiments of sincere regret.

The Senate then adjourned **Sine die**.

Appendix I

LIST OF THE NAMES, &c., OF MEMBERS AND OFFICERS OF THE SENATE OF THE NINTH LEGISLATURE, FIRST CALLED SESSION

Name	Dist.	Resident County	Post Office	State of Nativity	Occupation	Age
Crockett, J. M., Lt. Governor		Dallas	Dallas	South Carolina	Lawyer	45
Guinn, R. H., President <i>pro tempore</i>	10	Cherokee	Rusk	Tennessee	Lawyer	39
Andres, James	2					
Batte, W. C.	8	Titus	Mt. Pleasant	Virginia	Farmer	45
Beasley, S. W.	6	Upshur	Gilmer	Georgia	Farmer	
Boyd, John	19	Limestone	Tehuacana	Tennessee	Planter	65
Burney, George E.	28	McLennan	Waco	Tennessee	Manufacturer	49
Casey, Lewis F.	4	Shelby	Shelbyville	Illinois	Lawyer	39
Cook, H. C.	33	El Paso	El Paso	Tennessee	Lawyer	36
Cooper, Leroy W.	11	Houston	Crockett	Georgia	Lawyer	41
Crawford, J. F.	14	Fannin	Bonham	Missouri	Farmer	52
Dickson, D. C.	17	Montgomery	Montgomery	Mississippi	Physician	48
Durant, John W.	18	Leon	Centerville	South Carolina	Lawyer, Farmer	54
Ford, Spencer	25	Caldwell	Lockhart			
Graham, R. H.	21	Wise	Decatur	Tennessee	Lawyer	49
Harcourt, John T.	22	Colorado	Columbus	Kentucky	Lawyer	36
Hartley, R. K.	1	Galveston	Galveston	Pennsylvania	Lawyer	36
Hord, Edward R.	32	Cameron	Brownsville			

Houston, J. N.*	27	Bell	Belton	North Carolina	Lawyer	39
Jordan, A. N.	16	Harris	Houston	Virginia	Lawyer	33
Lair, W. D.	15	Collin	Melissa	Kentucky	Physician	48
Lea, Pryor	29	Goliad	Goliad	Tennessee	Lawyer	67
Maxey, Rice	9	Lamar	Paris	Kentucky	Lawyer	
Mitchell, N. A.*	30	Bexar	San Antonio	Tennessee	Lawyer	32
Moore, A. W.	26	Bastrop	Bastrop			
Moore, J. W.	7	Davis (Cass)	Linden	South Carolina	Merchant, Farmer	45
Parsons, J. H.	5	Rusk	Henderson	Tennessee	Lawyer	39
Quayle, W.	20	Tarrant	Mortons Grove			
Reed, Erastus	31	Blanco	Boerne	Georgia	Stock Raiser	35
Selman, B. T.	12	Smith	Tyler	Georgia	Lawyer	36
Shepard, C. B.	23	Washington	Long Point	Virginia	Lawyer	49
Weatherford, Jefferson	13	Dallas	Pleasant Run	Tennessee	Farmer	52
Wheeler, M. W.	3	Angelina	Homer	Tennessee	Lawyer	34
White, S. Addison	24	Jackson			Newspaper Editor	

*Did not attend the meetings

OFFICERS OF THE SENATE

Name	Office
de Cordova, P.	Secretary
Raymond, N. C.	Assistant Secretary
Clements, R. H.	Sergeant at Arms
Murphy, John W.	Doorkeeper
Gilleland, W. M.	Enrolling Clerk
Thomas, Henry	Engrossing Clerk
Smith, Rev. W. A.	Chaplain

APPENDIX II

**MESSAGES OF
SECRETARY OF STATE
TO ACCOMPANY THE
ADDRESS OF F. R. LUBBOCK
JANUARY 5, 1863**

State Department¹⁵

Austin August 30th, 1862

To his Excellency

Governor F. R. Lubbock

Sir,

I deem it my duty before resigning my position as Secretary of State, to submit to you the following brief summary of the condition of this Department since last November.

In accordance with a Joint Resolution of the last Legislature, I entered into a contract with E. H. Cushing of Houston, for the publication of the General Laws of the 9th Legislature; this contract will be found on file and on record in the State Department.

The General Laws were published by the 1st of May, 1862, and were at once distributed as required by Law.

The Special Laws and Journals of the House of Representatives and Senate have not yet been published. The delay has been occasioned by the scarcity of paper, and the high prices demanded for the work and other causes. Furthermore—there was no immediate necessity for their publication, and under all the circumstances, it was deemed best to delay the matter for the present. The correspondence with regard to the printing of the Special Laws and Journals of the House of Representatives and Senate will be found on file in this Department.

The care of the Public Buildings devolves in part upon the Secretary of State and as Chairman of that Board, I feel it my duty to call your attention to the necessity of having an entire new roof put upon the Capitol Building - - - - - With the present roof, not only the Public Archives

¹⁵ Domestic Correspondence, Archives Division, Texas State Library.

of the different Offices & the State and Supreme Court Libraries are subject to destruction but also the walls of the Building itself are being ruined, owing to the wretched condition of the roof. Efforts have been made to secure the building by repairs on the roof but these have been of little benefit.

With regard to the subject of Election Returns, I would call your attention to the law providing for the counting of the votes for Governor—Under the present law the inauguration of the Governor elect takes place in three or four days after the vote is counted, this should not be: It might be remedied perhaps by having the returns for Governor & Lieut. Governor sent up in duplicate. One addressed to the Speaker of the House of Representatives and the other to the Secretary of State, the latter to be opened and counted at once. The count made by the Secretary of State not, of course, to be final, but as furnishing the necessary information to the people and the candidates.—Under the present Election Law there is no mode provided for notifying this Department of the death, resignation, removal or other disability of any State or District Officers.

The Law should be so amended as to require the Chief Justice of the County in which the State or District Officer resided at once to notify this Department of the vacancy from what ever cause it may arise. - - - The want of such a notice has frequently caused delay and confusion in the ordering of Special Elections for District Officers.

As a General rule Special Elections for County Offices should be avoided, as such elections rarely reflect the full sense of the community. To do this it might be well enough for the County Court, in case of a vacancy in any County Office, to appoint someone to fill the office until the next August Election.

This is now the law with regard to Assessors & Collectors and County Surveyors and might be very well extended to all other County Offices, when under the Constitution of the State it would be competent for the County Court to appoint them, thus temporarily, and to limit their term of service until the next General Election.

Very respectfully submitted.

C. S. WEST
Secretary of State

Department of State¹⁶
Austin, January 29th, 1863

To

His Excellency

Governor F. R. Lubbock:

Sir,

As the Legislature is about to convene in Extra Session, it may not be improper for me to report to you the operations of this Department since I came into office on the 8th of September last.

The general laws of the last session were published before I came into office; some few volumes have been distributed by me.

The special laws and journals of the last session have not yet been published and it is not believed that any person will undertake to do public printing under the tariff of prices fixed by law.

The State and District Officers elected at the regular election in August last have been commissioned with the exception of Mr. Charles M. McDonald, District Attorney of the 18th District. I was advised that at the time of the election and ever since, he held a commission of Lieutenant in the Confederate Army, and therefore refused to commission him.

The County Officers elected in August last and since that time, have likewise been commissioned except in such cases where there has been a failure to make returns of the election and qualification of the parties elected except also in some few cases where the persons elected were public defaulters, or have failed to file their bonds with the Comptroller.

A new Register of all the officers and appointees in the State holding commissions or letters of appointment from the Governor, including our members of Congress, and Commissioners abroad to take depositions etc, has just been completed with great care and diligence; and is as perfect as the nature of the election returns would permit it to be made.

Under the act authorising the sale of Oldham and White's Digest, there have been 13 volumes sold, eleven at three dollars (\$3.00) and the two last at five dollars

¹⁶ *Ibid.*

(\$5.00) per volume, and the money paid into the State Treasury.

The fees received in the office for the fiscal year ending on the 31st of August last, amounted to fifty dollars and thirty cents (\$50.30), since that time to fourteen dollars (\$14.00) and the same was paid into the State Treasury according to law.

There was disbursed by this Department during the last year, under the various appropriations, the following sums, viz _____ \$ _____ cts

For printing proclamations etc	94.50
" Wood and Porter hire	124.60
" Postage	240.77
" Contingent Expenses	8.00
" Stationery and books	40.99
" Extra Clk hire	204.00
" Distributing Laws and Journals	206.00
" Printing " " "	1544.15
Amount expended	\$2463.01

The act creating the board of Commissioners of Public Grounds and Buildings, requires the board to "make and establish rules and regulations for the management of the Library and use the preservation of the books," but no appropriation has ever been made to enable the board to carry into effect the provisions of the act.

It was ascertained by me upon coming into office that the room in which the books are kept, leaked badly, that members of the Legislature and others, had claimed and exercised the right of taking books from the Library, that the books had not been marked, and that about 200 volumes were missing from the shelves.

Under this state of facts, the Secretary took the responsibility of employing an assistant clerk to perform extra clerk duty in the office, and to collect the missing books; to arrange them properly upon the shelves, and to mark and number them. This labour was well performed and about fifty volumes of the missing books have been found and placed in the Library.

I would respectfully suggest the propriety of the passage of a law giving an assistant-clerk to this Department. With two Clerks, other duties might be improved upon the Secretary;

He might be made the custodian of the Archives of the two houses of the Legislature; and required, after the adjournment of the Legislature, to file and preserve all papers of value and give certified copies where required.

To keep a register of all executors, administrators and guardians in the State, showing the date of appointment and penalty of the bond, and the names of the sureties. This would be valuable for reference, and would supply evidence in cases where the records have been burnt or otherwise destroyed.

To take charge of and supervise the Library; and to procure stationery fuel etc for the Legislature.

The law makes it my duty to keep a "complete register of all the officers appointed and elected in the State" and yet there is no statute which requires returns of elections for County Officers to be made by the Chief Justices to this Department. These returns are procured by the Secretary with a great deal of trouble, are generally imperfect, and in some instances he has not succeed[ed] in obtaining any returns. It is often necessary for the Secretary to authenticate the official acts of County Officers in which he certifies they were duly elected and had qualified and then again, the requisitions made by your Excellency for the arrest of fugitives from justice, are often based upon affidavits made before County Officers; hence the necessity for formal election returns.

I fully concur in the recommendation of my predecessor, for an amendment of the law in relation to the election of Governor and Lieutenant Governor. And I respectfully suggest a change of the law in relation to other State and District Officers. The Secretary might be required to open the election returns as they are received, keep a tabular statement of the same and count out the vote when the returns are all in. The notice to contest the election may be given within so many days from the days of the election, and not from the day of issuing the certificate as now regulated by law.

As chairman of the board of Commissioners of Public Grounds and Buildings, I beg leave to report, that the sum of Three hundred and twenty-five Dollars and seventy five cents (\$325.75), was expended last year upon the building and enclosures. That the roofs of the buildings leak very badly, and a sufficient appropriation is needed to cover

them with slate or other material experience having shown that tin does not answer for that purpose in this climate.

The sum of 1847 dollars was expended in bringing the artesian well last year, but the work has been suspended for the last two months for the want of proper tools to get out the shaft which has become fastened in the well. A small volume of water issues from the well, and it has been buried to the depth of 1210 feet.

The business of the office has been completed to this date, but the building leaks so badly that it will be difficult to preserve the records from injury.

All of which is respectfully submitted.

R. J. Townes
Secretary of State.

APPENDIX III

**REPORT OF
TEXAS MILITARY BOARD**JANUARY, 1863¹⁷

Immediately after the law creating the Military Board took effect, the Board organized and proceeded to business.

On the 13th January 1862 in consequence of certain letters received by the Governor from the Secretary of War of the Confederate States and from Senators Wigfall and Hemphill and the Hon. Jno. H. Reagan, and also from a peruse of the instructions given by the Hon. Secretary of War to Geo. H. Giddings, the board were induced to place in the hands of Geo. H. Giddings Esq. One hundred U. S. Texas Indemnity Bonds,, expecting to receive the same amount of C. S. 8% Bonds.

The Secretary of War however, informed the Board that he possessed no authority to make such an exchange, but that he would purchase of the State any arms or munition of war which were procured by Mr. Giddings for these bonds. Mr. Giddings was allowed 94 days to endeavor to negotiate these bonds. The Secretary of War having however within this time notified the Board that he could not ratify the agreement made with Mr. Giddings, it was agreed by the board to grant him further time so that he might be able to negotiate these bonds for the State.

Mr. Giddings after trial in various places to negotiate these bonds, has failed to do so, and they have been returned to the board.

On the 29th January the board availed themselves of the Service of the Hon. Pryor Lea, and he was appointed agent of the board with instructions to visit the cities near the mouth of the Rio Grande and ascertain if the Board could use the 8% State Bonds or the U. S. Texas indemnity Bonds and the matured coupons thereof, either for the purchase of arms and munitions of war or if they could be sold for Specie, or hypothecated for the articles mentioned or for other things that would be useful to the board, such

¹⁷ Main Miscellaneous folder, Military Board Papers, Archives Division, Texas State Library.

as machinery and Materials for the manufacture [of] munitions of war and arms.

The Board believing that Cotton would afford them a certain currency for the purchase of munitions of war and other necessary articles, in Mexico, the State being entirely destitute, and that Cotton could be procured for the State 8% Bonds to be used by the board—thus affording the people of the State of safe investment for their means and also an opportunity to exercise their patriotism by coming to the assistance of the State in her time of need, if issued to the People of Texas a circular attached hereto marked "A."¹⁸

It is due to the People of the State to say that this circular met prompt response and the board have purchased about 3659 bales at fair market prices, part of which has been disposed of in exchange for goods and the remainder is enroute to meet existing contracts made by the board through its agents.

It may be observed that the great and destroying drouth which has prevailed in Western Texas, has multiplied the difficulties of procuring transportation, and the fact that the State had to enter into competition with numerous speculators who by their anxiety to procure the transportation of the country, succeeded in raising the prices of transportation over 300 percent, yet the board by employing competent agents succeeded in transporting most of their Cotton at reasonable prices.

The board cannot permit this opportunity to pass without recording their thanks to the gentlemen who at their request promptly asked as their agents to purchase cotton. List of Cotton purchased by the Agents of Mills Board.

W. R. Thomas's Agency

R. Rollins	Bales	22	
E. G. Mays		25	
Wm. Forester		41	
Geog. Stonehouse		43	
C. C. Lawson		21	
Danny Field		22	
		<hr/>	
	Carrd fowrd	174	
	Brot Fowrd Bales	174	Bales

¹⁸ None of the documents mentioned in this report can be located.

D. O. Barton	20	
E. W. Cauthorn	26	
R. S. Thomas	25	
I. R. Bennett	20	265

J. H. THOMASON'S AGENCY

J. A. Cabiness	Bales	22	
J. W. Oliphant	"	24	
S. M. Jenkins	"	24	
A. J. McGown	"	22	
E. M. Branch	"	35	
S. A. Mason	"	16	
J. A. Thomason	"	107	
W. R. Wooten	"	82	
Wm. M. Palmer	"	23	
W. J. Johnson	"	26	
J. C. Abercombie	"	11	
J. D. Cunningham	"	15	
W. W. McGar	"	21	
J. E. Scott	"	41	
F. Campbell	"	10	
B. Campbell	"	10	
L. A. Scott	"	46	
F. M. Lewis	"	10	545

J. M. THOMASON'S AGENCY

A. L. Thompson	Bales	12	
C. A. Abercombie	"	44	
P. W. Kittrell	"	22	
W. A. Parrish	"	23	
H. Hightower	"	21	
E. Winn	"	22	
T. F. Gibbs	"	24	

	Carrd forwd	168	810
	Brot forwrđ Bales	168	810
Jno. Mann		23	191

J. L. GAY'S AGENCY

C. W. Tait	Bales	17	
S. T. & J. Harbert	"	20	
S. T. & J. Harbert	"	18	

Jacob Clapp	”	6	
A. M. Campbell	”	19	
W. J. and J. A. Harbert	”	50	
S. T. and J. Harbert	”	20	
A. T. Wilson	”	20	
Vincent Allen	”	9	
J. L. Taylor	”	25	
Vincent Allen	”	15	
Wm. Herbert	”	50	
A. T. Wilson	”	13	
Jacob Clapp	”	13	
W. J. Herbert	”	21	
Dunorant & Gordon	”	22	
J. C. Loe	”	26	
Wm. Pinckbeck	”	33	
A. Alley	”	26	
P. E. Waddell	”	31	
S. T. & J. Harbert	”	54	
S. T. & J. Harbert	”	18	
J. Shaw	”	7	533

J. F. ROBERT'S AGENCY

J. T. Lawson	Bales	25	
D. T. Stevens	”	100	
C. L. Bolton	”	50	
J. T. Bolton	”	20	
M. L. Calloway	”	10	
	Carrd fowrd	205	1534
	Amt brot fowrd	205	1534
E. M. Sanford	Bales	25	
L. Calloway	”	40	
M. L. Curlton	”	30	
R. H. D. Sorrel	”	100	
A. C. Horton	”	100	500

W. P. R. GAINES AGENCY

Jno. D. Waters	Bales		104
	M. K. Ryan's Agency		
Jno. Caldwell	Bales	158	
Geo Warren	”	74	
T. P. Washington	”	64	

W. H. Morris	"	87	
T. P. Washington	"	103	
J. T. Ricks	"	22	
J. H. Pope	"	70	578

S. J. DRENNAN'S AGENCY

T. P. May	Bales	3	
Joseph White	"	7	
Levi Best	"	3	
D. S. Smith	"	14	
B. F. Hammond	"	76	
Wm. Stoneham	"	9	
S. J. Drennan	"	80	192

Jno. P. Key's Agency

E. Knolle	Bales	116	
J. T. Shelburne	"	30	
R. T. Paine	"	50	
C. C. Koch	"	25	
W. A. Snell	"	22	
L. W. Groce	"	125	
M. A. Chambers	"	21	389

Carrd forwrd 3,297
Brot forward Bales 3,297

C. L. CLEVELAND'S AGENCY

F. M. Harrell	Bales	49	
J. M. Maxey	"	55	
M. A. Hubert	"	70	
Ball Hutchins & Col.	"	89	263

Jno. W. Dancy's Agency

Jno. W. Dancy	Bales	79	
Matthews	"	20	99

Total purchased 3,659

On the 31 March last, the Board appointed James T. D. Wilson, an agent with directions to proceed to Mexico and purchase Arms, munitions of War, Clothing and Shoes.

A portion of the business entrusted to Mr. Wilson it is not deemed compatible with the public interest to make

public, but will be fully explained by the Board to the Hon. Committee.

The Board furnished Mr. Wilson with some means and issued ample instructions to guide him in his mission.

Mr. Wilson could not make use of a portion of the valuables intrusted to him but succeeded in purchasing an [sic] Invoices of Powder, Caps and Lead and a small lot of bagging and rope. —the last two articles have been used by the Board. A copy of the Invoices of goods secured by Mr. Wilson is attached marked "B."

Mr. Wilson executed his agency with promptness and efficiency and would accept no compensation for his services except his actual outlay for traveling expenses.

Mr. Wilson also furnished the Board with a vast amount of valuable information.

On the 11th April 1862, the firm Jno. M. Swisher & Co. of Austin were appointed agents of the Board under certain instructions, and for the accomplishment of certain business, which, in the opinion of the Board, it would be improper to publish at this time, but an investigation and examination of the transaction is respectfully solicited from the joint Committee appointed by both houses of the Legislature.

On the 29th April 1862, the Board extended the appointment of Agent to Mr. Jno. M. Moore of Corpus Christi, a gentleman well acquainted with the Mexican Market, with instructions to visit Mexico for the purpose of purchasing arms, munitions of War and other articles of necessity. The Board agreed to place to the disposal of Mr. Moore from two to four thousand Bales of cotton.

Under this agreement Mr. Moore has furnished goods to the amount of \$106,154.68 $\frac{1}{2}$ as per Invoice annexed, marked C, which will be further increased when charges, expenses are added.

Under this Contract Eleven hundred and twenty three Bales of Cotton were delivered to Mr Moore up to the 25 Decbr., the date of his report and One hundred and fifty three bales were at the Depot at San Antonio awaiting transportation.

STATE FOUNDRY

The Board being satisfied of the impracticability of procuring Cannon by purchase and obtaining cannon from

East of the Mississippi, and believing that the State should have a supply, resolved to erect a Foundry at which Cannon could be manufactured. And having secured the services of Mr. Wm. Carton, an experienced workman, he was despatched to purchase the necessary machinery tools and material.

The scarcity of tools, material, and of workmen produced many delays, which however the energy of the Superintendent in a great measure has inabled him to surmount and the Foundry may be said to be in successful operation, and will it is believed be able to accomplish the object for which it was established.

Up to the 31 of December, there has been paid out for Buildings, Furnace, Steam Engine, Materials, Tools, Lumber for Gun Carriages and labor, the Sum of \$33,523.77.

CAP FACTORY

The Board finding that it was impossible to procure in any quantity or with any certainty, or even at reasonable rates, a Supply of Percussion Caps, determined if possible to supply the State with this necessary article and therefore established a factory.

Having secured the Services of Wm. De Rye an accomplished chemist and procured through him a tolerable supply of the necessary chemicals, the Board started the Factory which is now in successful operation and capable of turning out a large number of Caps daily. The produce of this Factory it is believed will compare favorably with caps manufactured elsewhere.

The Foundry and Cap Factory will, the Board believe repay well for the time occupied in inspecting them, and an inspection is respectfully requested.

The Amt standing charged against the Cap Factory up to 31 of December 1862 is \$3,528/64

SALES OF BONDS

The Board disposed of Four hundred and Sixty State Bonds up to the 1st of Janry 1863, as follows

3 Bonds paid for the Nichol Guns

3 do paid for Sulphur and Saltpetre

41 do Sold and proceeds applied to the purchase of Gunboat Bayou City and repairs and alterations made on her and obstruction of Buffalo Bayou and Galveston Bay

299 do sold for money of which the proceeds of 182 amounting to \$183,995.07 was paid in to the Treasury of the State to the Credit of State Revenue, and the balance has been used in the business of the Board except 84,038.88 balance on hand on the 1st of Janry 1863. Of the 41 bonds appropriated to the Gun Boat it may be well to state that she was purchased for 20 State Bonds. 114 Bonds were used for the redemption of certificates issued by the purchasing Agent of the Board for Cotton purchased.

Many certificates have not yet been presented for redemption.

The 460 Bonds drawn by the Board realised 476,422.60 Dollars.

The Board has made the following Contracts for Arms.

PISTOLS

On the 11th April 1862, the Military Board entered into Contract with Tucker, Sherrod & Co. of Lancaster Dallas Co. to manufacture for the use of the State, three thousand pistols after the pattern of those known as "Colts" one half Army size and the other Navy size, at the rate of Forty dollars per pistol.

And to assist these gentlemen in their enterprise the Board advanced the sum of Five thousand Dollars, and afterwards Five Thousand Dollars more, The State being secured by good bonds for these amounts.

These parties had great difficulties to contend with. The scarcity of material and labor, beside the necessity that existed to manufacture most of the Tools necessary for the intended work before they could begin operations.

The Board regret that these contracts have not yet been able to meet their engagements as to delivery, but from their Statements trust they soon will be able to commence delivering. We invite your attention to a sample Pistol now in our possession from this establishment.

RIFLES

Early in May last the Board entered into Correspondence with Messrs. Whitescarver, Campbell & Company of Rusk Cherokee Co. for the purpose of consummating a contract with them for the manufacture of Texas Rifles, after the fashion and on the model of the famous Mississippi Rifle.

On the 2nd June last these parties signed a contract to furnish the Board Three hundred and fifty guns by the 1st day of January 1863 at the rate of Twenty five Dollars per Gun, which contract has been completed and the Guns delivered to the Ordnance Officer of the State at Rusk, a sample gun is in the State Armory at this place.

The Guns on inspection will be found neat, strong, and substantial War Guns, though without ornament of any sort yet capable in the hands of our people of doing great execution.

To assist these parties the board advanced them the sum of Twenty five hundred Dollars on hand with good security.

On the 1 September last these parties signed another contract with the Board to manufacture Three hundred fifty more guns of the same style and furnish as those described in the first contract, with the addition of the Bayonet attachment on the style of the Enfield Rifle, for which the Board agreed to pay at the rate of Thirty Dollars per Gun.

These Guns the Board are informed are under way and will no doubt be delivered according to contract namely by the 1st day of July 1863.

On the first day of July 1862, the Board consummated a contract with Messrs. Billups and Hassell of Plenitude Anderson Co for the manufacture of Seven hundred good plain substantial War Guns after the manner and style of the Mississippi, with Bayonets, for the Sum of Thirty Dollars each, the contract to be completed by the first day of July A. D. 1863.

The Board advanced these parties the Sum of Five thousand Dollars ranking bond with good security, for the purpose of assisting them to purchase Material

One hundred of these Guns have been delivered and the board have every assurance that the terms of the Contract will be complied with.

The parties are men of well known energy and perseverance, but have had to contend with the difficulty of procuring the necessary labor. The mechanics of the Country like all other classes have volunteered in large numbers to fight the battle of freedom and labor has become scarce in all the branches of mechanical arts and the Board have experienced great difficulty in getting men de-

tailed from the army to work in the different armories. Some soldiers that the General in command of this department ordered at the request of the Board to be detailed were by some means unknown to the Board prevented from reporting.

Mess. Billups & Hassell however are now in successful operation and by the aid of additional machinery lately purchased have largely increased their facilities.

On the 5th day of November 1862 Messrs. Short Briscoe & Co of Tyler Smith Co. entered into contract with the Board to manufacture Five thousand Guns after the style of the Mississippi Rifle with the improved Bayonet invented by Mr. Short which the Board view as a very superior weapon. At least five hundred of these guns are to be delivered by the 1 June 1863 and the whole number contracted for are to be delivered by the 1 January 1864. The Contract contains a proviso that the board are not bound to receive more guns after the 1 August next than may be delivered by that time.

The Board have also entered into a small contract with N. B. Tanner of Bastrop who furnishes a very excellent gun with Bayonet at the rate of 32.50 dollars. This party has manufactured and delivered up to 31 decbr 1862 119 Guns

GUN POWDER

Wm. Rowan of Waxahachie Ellis Co., having erected at that place a large Powder Mill, the Board to encourage home manufacture of this important and necessary article, agreed to furnish Mr. Rowan with Salt Petre and Sulphur to be repaid in powder at the rate of One Dollar and twenty five cents per lbs. Salt Petre and Sulphur to the amount of Six thousand and ninety seven $\frac{76}{100}$ Dolls. has been furnished Mr. Rowan he giving bond with good security to protect the State from any loss.

In making this contract the Board answered Mr. Rowan the privilege of disposing of one half of the Powder he may make to the people of the State.

Mr. Geo Pfeiffer of Corpus Christi having been recommended to the Board is a reliable person who was building a Powder Mill near Corpus Christi, the board entered into contract with him on the 3rd day of May 1862 for the supply of 10,000 lbs of Powder @ \$1.75.

The object of the Board was, if possible to encourage in every way the establishment of mills within the State.

By the terms of the Contract the Board were to advance Mr. Pfeiffer cotton with which he stated he could procure the necessary materials in Mexico.

Mr. Pfeiffer has been unable to comply with his contract owing as he states to the impossibility of procuring the necessary labor. The Board have reason to believe that Mr. Pfeiffer will furnish Powder to cover the advance made.

Mr. Constantine Foster of Burnett Co having erected a small manufactory of Powder in that County, it was represented by some of his neighbors that the Board by rendering such assistance as Mr. Foster would accept and made a small advance in money and materials, all of which have been repaid to the Board.

W. H. D. Carrington and his associates are now erecting a Powder Mill in the upper end of Travis Co and the Board have entered into Contract to supply them with a certain amount of Salt Petre and Sulphur to be repaid in Powder of approved quality at the rate of one Dollar and twenty five cents per lb.

PURCHASE OF ARMS

In addition to the contracts made for arms, the Mills Board recommended that every serviceable gun or those that could be made serviceable be purchased. This duty was confided by the Governor to the Adjutant General and a reference to his report will show that the State have scoured quite a large number of Serviceable arms.

PURCHASE OF THE STEAMER BAYOU CITY

At the first establishment of the Blockade of Texas by the Addition Government, the Frigate Santee was the vessel employed. Being a Sail vessel and of large size the blockade might have been easily evaded, had she not succeeded in procuring several small craft as tenders.

It was believed by parties esteemed competent to judge, that if the Steamer Bayou City was properly fitted up, she would be able to cope with the tenders of the Santee and thus render the blockade ineffectual, as she could destroy the small vessels and probably sink the Santee.

The Board selected Capt. Henry S. Lubbock an experienced Steam Boat Man and Engineer to superintend the necessary alterations required. About the time of her completion the Santee disappeared and was replaced by Several small light draft steamers with powerful ornaments.

The principal object for which the Board purchased and altered the Steamer, being defeated by the increase and alteration of the blockading force, and the Board believing that the boat could be made very effective in the hands of the Confederate States Government as a Guard Boat, offered her to the General Commanding who made the purchase

The part allotted to the Bayou City in the memorable battle of Galveston on the 1st of Janry last, will become part of the written history of the War, and the Board may be allowed to congratulate themselves on the Service she rendered.

The Amount outstanding on the Books of the Board to the Debit of the Bayou City, which includes all charges is \$44,773.24.

The Board hold a certified account against the Confd. States for Fifty thousand Dollars the amount of her approved value, which we hope will be liquidated in the course of a few weeks.

DISPOSAL OF COTTON

- 1026 Bales have been received and acknowledged by Messrs. Druege, Oetling and Co. at Matamoras to whom it was sent to meet engagements of the Board
- 1123 Bales have been delivered to Mr. Moore
- 153 Bales on hand at San Antonio awaiting transportation to Mr. Moore
- 204 Bales delivered to Lavanburg in payment of his first invoice.
- 169 Bales delivered to Powder Co. in exchange of 8000 lbs Blocktin
- 43 Bales sold by J. T. D. Wilson and accounted for by him
- 10 Bales in bad order sold under direction of the Board by Mr. Kingsberry and accounted for

- 99 Bales in the hands of J. W. Dancey on plantation.
- 20 Bales on S. J. Drennans plantation
- 150 " delivered to Geo Pfeiffer on his contract
- 50 " burnt at Sorrels Plantation
- 150 " Delivered to Lavanburg to meet the payment of his invoices, to be sold and accounted for to the board he procuring transportation
- 100 Bales on L. J. Drennan's agency not yet forwarded
- 352 the Balance is at Houston, Alleyton and in Wharton Co the Board having been unable to procure transportation.

The amount expended for the purchase of Cotton up to the 31 Decbr 1862, including the amount paid for transportation and other necessary expenses thereon, appears by the Books to the amount of \$143,274.96/100 in which is embraced one hundred fourteen Bonds, which were used in redemption of certificaes of purchase, issued by the Agents of the Board.

The Amount paid for the purchase of Ordnance shares and the cost of transportation of the same is \$30,810.48. note: The Ordnance Stores specified in the Invoice from Mr. Moore are not included in this amount except so far as the transportation from San Antonio to this point is concerned.

The Board have also received some Articles from Lavanburg Bro amounting to about \$25,000.00 for particulars See Invoice D.,

Also some articles from L. Oliver Bro through J. T. D. Wilson, amount of Invoice Letter F. 13,403.92

Also an Invoice from Druege, Oetling & Co. amounting to, Letter F. 4,800. 74

The business of the Military Board has been of a varied character, and apperations of a large amount creating the necessity of their having a regular Set of Books which have been kept by their Secretary, inspection of the Books is solicited.

Among other acts of the Board, it may be well to state, that upon the representations of Gen. Besser, that certain

Machinery of the Factory in the Penitentiary needed replacing, and being furnished by him with a list of the Articles required, they ordered the same through one of their agents and have received notice of the arrival of the greater portion of the order.

All their agents were instructed to procure a supply of Cotton and Wool Cards, and the Board are pleased, that they can announce, that a large lot will tend to relieve greatly the want of the people and enable our patriotic women to assist in clothing our gallant troops who are in the field.

Believing that the Legislature would appoint a joint Committee to inspect the books and examine into the transaction of the Board no report was prepared for presentation to the Legislature. This report was compiled in response to the resolution of the House of Representatives and is believed to be correct although somewhat hurriedly prepared.

RECAPITULATION OF STATE BONDS USED AND ON HAND

3	Bonds paid for Nichols Guns
3	" paid for Sulphur and Salt Petre
41	" paid for Gun Boat Bayou City
182	" Sold and proceeds paid to Treasury for State Revenue
117	" Sold for money and used by the Board as specified.
114	" Used for redemption of Cotton certificates issued by the purchasing agents.
44	" it is estimated will be required to redeem the certificates issued by agents not yet presented for redemption
47	Bonds required for Cotton contracted for since the 1 Janry 1863
12	" have been used by the Board since the 1 Janry 1863

294 " have been used in funding of Treasury Warrants which will leave a balance of 143 bonds not disposed of.

Cotton to the amount of \$60,000 or thereabouts has been contracted for by the Board to be paid in Currency,

On reference to Mr. Moores Invoice it will be seen that he has contracted for a large amount of goods considerable of which are enroute to this place.

A large amount of Goods are now at the mouth of the Rio Grande awaiting facilities to Land, the invoice of which are daily expected, from a rough Statement from the parties, it is believed they will amount to 150,000.00 to 200,000.00 a large proportion of which we expect to hand over to the Confederate States Government

F. R. Lubbock

Pres Mil Board

C. R. Johns

C. H. Randolph

APPENDIX IV

EXECUTIVE MESSAGES
TO THE
SENATE
OF THE
NINTH LEGISLATURE
FIRST CALLED SESSION

Editor's Note

The following are additional messages sent by the Governor to the Senate but which are not mentioned in the Senate Journal. They were taken from the Executive Record Book. The accompanying documents referred to in the following messages are not included in the Executive Record Book and, therefore, are not incorporated here.

Executive Department¹⁹
Austin, Texas, Feb. 7th 1863

Gentlemen of the Senate

On the 8th day of September 1862, I appointed Judge R. J. Townes of Travis County, Secretary of State to fill the vacancy occasioned by the resignation of the Hon. C. S. West, and to which appointment I respectfully ask your advice and consent.

Very Respectfully
F. R. Lubbock

Senate Chamber
February 9th 1863

Governor

I have the honor to inform you that the Senate

¹⁹ Taken from Executive Record Book No. 279, 1861-1863, p. 162 (Archives Division, Texas State Library).

have this day confirmed the nomination of the Honorable R. J. Townes, as Secretary of State.

Very Respectfully
Your Obed't Serv't
P. DeCordova
Sect of the Senate

His Excellency
Gov. F. R. Lubbock
Austin

Executive Department²⁰
Austin, Texas, February 12th 1863

Gentlemen of the Senate

I have the honor to submit to you the following appointments of Notaries Public, made during the recess of the Senate to fill vacancies and to which I respectfully ask your advice and consent.

Counties

Anderson County

W. R. Miller, reappointment
James M. Perry, vice John W. Taylor
W. W. Pharr, vice K. Wadkins
L. W. Dumas, original appointment
John Wolverton, Jr., re-appointment

Burleson County

W. H. Murray, re-appointment

Bell County

D. T. Chamberlain, vice S. W. Bigham

Bosque County

William Stedham, vice J. R. De Cordova

Colorado County

P. H. Childress, vice L. C. Cunningham, resigned

Coryell County

S. Haggard, vice J. H. Chrisman

Collin County

Charles R. Breedlove, vice George White

Cherokee County

E. B. Ragsdale, vice W. W. Briggs

DeWitt County

Lauren Smith, reappointment

²⁰ *Ibid.*, 166-168.

- Joseph G. Clowncey, vice Samuel C. Lackey
 Fayette County
 John C. Wiehl, vice William G. Webb, resigned
 Thomas P. Hall, vice Thomas P. Hall
 Galveston County
 James P. Nash, re-appointment
 Goliad County
 E. T. Smith, vice A. N. Smith
 Hopkins County
 E. J. W. Tomlinson, re-appointment
 Hill County
 Wm. Blackburn, vice Thomas Bell
 Kendall County
 Francis Brandt, original appointment
 Kaufman County
 Dr. Edwin Jacobs, vice Dr. Edwin Jacobs
 Leon County
 David McD. Barclay, vice Wm. D. Wood
 Lamar County
 Ulysses Matthison, original appointment
 Montgomery County
 Chas. B. Stewart, re-appointment
 Orange County
 Hugh Ochiltree, re-appointment
 Parker County
 John Deavours, vice John T. Paschal
 Robert J. McKenzie, original appointment
 Robertson County
 Reuben Herndon, vice Wm. P. Townsend
 Shelby County
 J. M. Truitt, re-appointment
 Titus County
 Dr. J. G. Chambers, vice J. M. Cook
 Travis County
 Sam F. Scott, vice Stephen Crosby
 Dr. Wm. Carleton, vice John Burlage
 Tyler County
 Geo. W. Van Vleck, vice Mathew T. Perryman
 Washington County
 Ashbury Daniels, vice John Alexander

Respectfully

Your Obd't Serv't

F. R. Lubbock

Executive Department²¹
Austin, Texas Feb. 26th 1863

Gentlemen of the Senate

I have the honor to submit to you the following appointments of Notaries Public to which I most respectfully ask your advice and consent.

Counties

Austin County

J. W. Collins, vice Rufus E. Campbell

Bastrop County

James Nicholson, vice E. P. Petty, Capt. in C. S.

Bell County

E. Mills, vice Harvey Smith

Bexar County

William Levof, vice Edward Miles

Brazoria County

Jarvis Dockrill, re-appointment

L. A. Towsey, re-appointment

Charles Bennett, original appointment

Collin County

James L. Leslie, vice G. Y. McKinney

Comal County

Albert Dreiss, vice Julius Harms

Cooke County

T. E. Hughes, vice W. T. G. Weaver

A. B. Mahiam, vice T. R. Worrall

Ellis County

T. F. Brock, vice Amzi Bradshaw

Falls County

J. D. Oldtorf, vice J. H. Pierson

Albert G. Perry, vice J. M. Jackson

Grimes County

J. T. Whitesides, vice Benj. B. Goodrich, Jr.

H. C. Chaney,* vice L. S. Mooring

Gwyn Morrison, re-appointment

Harris County

Jacob Cline, re-appointment

Henderson County

Madison Richardson, vice Thos. F. Murchison

Houston County

Kenneth Murchison, vice B. Sweeny

²¹ *Ibid.*, 173-175.

Hopkins County

Olive C. McCoy, vice John M. Ewing

Jack County

William J. Hays, original appointment

La Vaca County

Chas. Crockett Dibrell, vice T. T. Foster, decd.

Lamar County

Robert Price, vice W. T. Bonner

Leon County

John Thomas, re-appointment

Llano County

W. A. Hadley, vice John Daughtrey

Matagorda County

James H. Cutler, vice Albert Wadsworth, decd.

Refugio County

F. Carpenter, vice Alfred M. Hobby, Major C. Sgt.

L. M. Rogers, vice David M. Hastings

William Lambert, vice original appointment

San Patricio County

William C. Carroll, vice Saml C. Vineyard

R. Carroll, vice William O'Docharty

Travis County

E. Stockton, vice P. DeCordova, time expd

Trinity County

William H. Farley, vice T. C. Chandler

Joseph H. Inman, vice T. J. Worsham

Alexander Blacksheare, vice Alexander Smith

Caser D. Brent, vice E. T. Marsh

Frank Harper, vice A. T. Frisbie

Wise County

Absolom Bishop, vice H. H. Gaines, removed from Co.

William S. Oats, original appointment

Young County

Mann Tackett, vice Pleasant Tackett, elected Ch. Jus.

Burleson County

William J. Hill, vice Elijah T. Chance

J. W. Thomas, vice Andrew T. Broddus

Hill County

John B. Wright, vice J. T. Radcliff

David L. Lawrence, vice Thomas T. Murray

Very Respectfully

F. R. Lubbock

*Not confirmed by the Senate

Executive Department²²
Austin, Texas, March 5th 1863

Gentlemen of the Senate

I have the honor to submit to you the following appointments of Notaries Public, to which I most respectfully ask your advice and consent.

Counties

Fannin County

Gideon Smith, vice Jefferson Parish

Hardin County

William Hook, vice J. M. Nugent

Henderson County

Dr. T. S. Sadler, vice Robert Hodge

Jefferson County

Thomas Fletcher, vice Thomas Fuller

A. J. Tevis, vice W. P. Herring

Milam County

W. D. Hill, vice James Jeffreys

H. P. Hale, vice D. Y. Davis

Newton County

Dr. Ford, vice Wm. S. Wilson

Orange County

R. B. Russell, vice Wm. Myers

Panola County

Lihon House, vice Henderson Fyke

Shelby County

Daniel Brittain, re-appointment

Henry L. Brooke, vice Richard Yarborough

E. B. Dysart, vice L. M. Truit, Capt. in C. S.

Elkana Samford, vice Jas. W. Ballard

Joshua W. Hooper, vice B. E. Smith

Jasper County

Seymore White, vice Seymore White

Williamson County

John C. Black, vice Anderson Harrell

James Elliott, vice Sam. Mather

F. R. Lubbock

²² *Ibid.*, 177-178.

Executive Department²³
Austin, Texas, March 6th 1863

Gentlemen of the Senate

I have the honor to submit to you the following appointments of Notaries Public to which I most respectfully ask your advice and consent.

Counties

Grimes County

L. S. Mooring, re-appointment

Travis County

Albert Brown, vice A. B. McGill

Very Respectfully
F. R. Lubbock

²³ *Ibid.*, 178.

APPENDIX V

JOINT RESOLUTION

OF

GRATTITUDE

TO THE

CONFEDERATE SOLDIERS

FROM

TEXAS

Executive Department²⁴
Austin, Texas, 1863, Febry

Colonel _____

I forward you, as directed by the Legislature, the accompanying Joint Resolution.

I do so with pleasure, endorsing and approving, as I do, every word there written.

You and your command may rest assured that I will co-operate with the Legislature in every measure calculated to benefit the gallant soldiers in the field, and to make happy and comfortable their families at home.

With an earnest prayer for your safety, and that of your brave command, and that you may soon be permitted again to return to your homes and families,

To

I am, most truly Yours

Col.

F. R. Lubbock

Comm'dg

The above is the form of the Circular letter forwarded to every Texas Regiment now in C. S. in accordance with the instructions embraced in the Resolution transmitted: the following is the Joint Resolution.

²⁴ Taken from Executive Record Book No. 82, 1861-1862, pp 43-44 (Archives Division, Texas State Library).

JOINT RESOLUTION

Section 1. Be it **Resolved** by the Legislature of the State of Texas, That the people of Texas, acknowledging with heartfelt gratitude the favor of God in the brilliant achievements of our Confederate armies, do, hereby, formally and sincerely, tender to the Officers and Privates in the Military service of the Country, from the State of Texas, the thanks and praises they have so justly merited, by their self-sacrificing devotion to their country, and their many deeds of valor upon every battle-field of the Confederacy.

In the name of a gallant State and a gallant people we thank you for your gallant deeds.

You have won for yourselves imperishable renown. You have won for your State the highest honors.

Section 2. **Resolved**, That while our brave troops are battling so gloriously for the dearest interests of our people, we recognize it as a sacred obligation to provide for their comfort, and to support and cherish their families at home.

Section 3. **Resolved**, That the faith of the State of Texas, is hereby pledged to our soldiers in the field, that their families shall be nourished and supported during the war.

Section 4. **Resolved**, That the Governor be instructed to have a copy of this Resolution transmitted to every Texas Regiment now in the service, with the request that it may be read out to every Company.

C. W. Buckley
 Speaker of the House of Representatives
 Jno. M. Crockett
 President of the Senate

Approved Feby 21, 1863

F. R. Lubbock

Mem.²⁵

The Joint Resolution of the Extra Session of the 9th Legislature, passed Febr'y 21st, 1863, to the Texas Soldiers in the Confederate Army, requiring the Governor to have a copy there of transmitted to every Texas Regiment in the

²⁵ *Ibid.*, 55.

service at the time of its approval. With the request that it be read out to every Company, was, on the 10th Day of March, 1863, forwarded by the hands of Lieut. Wm. M. Walton, to the following named Officers in Confederate Service, viz:

_____ Capt. William Edgar,	Com'dg Lt. Battery,	Ark's_____
_____ " Pratt	" " "	" "
_____ " H. Haldeman,	" " "	" "
_____ " W. T. Daniels,	" " "	" "
_____ Col. W. T. Lane	" Regt. Cav'y	" "
_____ " A. M. Alexander	" " "	" "
_____ " T. C. Hawpe,	" " "	" "
_____ " T. C. Bass,	" " "	" "
_____ " H. Randall,	" " "	" "
_____ " J. H. Burnett	" " "	" "
_____ " W. H. Parsons	" " "	" "
_____ " N. M. Burford	" " "	" "
_____ " G. W. Carter	" " "	" "
_____ " Stephens,	" " "	" "
_____ " John R. Taylor,	" " "	" "
_____ Major Chas Morgan	" Squadron "	" "
_____ " Burnett	" Batt. "	" "
_____ " R. L. Gould	" " "	" "
_____ " Randolph.	" " "	" "
_____ Col. J. W. Spaight	" 17th Reg't Inf'y "	" "
_____ " W. B. Ochiltree	11th " "	" "
_____ " O. Young	15th " "	" "
_____ " R. B. Hubbard	16th " "	" "
_____ " Edward Clark	10th " "	" "
_____ " O. M. Roberts	13th " "	" "
_____ " R. T. P. Allen	14th " "	" "
_____ " Wm. Fitzhugh,	16th " "	" "
_____ " Geo. Flournoy	3rd " "	" "
_____ " Richard Waterhouse	12th " "	" "

James Paul
Pri Sec'y

INDEX

— A —

- Abercombie, C. A.: 169
 Abercombie, J. C.: 169
 Adjournment *Sine Die*: 102, 158
 Adjutant and Inspector General: 9, 94, 105, 145, 177; bill requiring Adjutant General to keep a roll of persons who served in the Confederate or State Army during the war, 45; report of, 9-12; salary of, 128
 Agriculture: 23
 Alamo ditch: 125, 130, 149 (See also San Antonio)
 Alexander, Colonel A. M.: 191
 Alexander, John: 184
 Alford, J. P.: appointed to House Committee on Frontier Protection, 137
 Alien Oath: bill to punish those who refuse to take the oath to participate in the war, 64, 96, 110, 113, 134
 Allen, Colonel R. T. P.: 191
 Allen, Vincent: 170
 Alley, A.: 170
 Alleyton, Texas: 179
 Anderson County: 175; appointment of Notaries Public in, 183; resolution concerning iron works in, 106
 Andres, James: 159; appointed to Committee on Education, 45; appointed to Committee on Finance, 43; appointed to Committee on Privileges and Elections, 44; credentials as Senator elect presented by, 1; reports by, 62, 63; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 126, 127, 128, 131, 132, 134, 135, 136, 138, 141, 143, 147, 151, 152, 153, 154
 Angelina County: 160
 Appropriations: Governor Lubbock's message making mention for military contingencies, 38
 Archives: 42, 50, 51, 63, 144, 161-162
 Arizona: 153
 Arkansas: 14, 16, 20, 29, 30, 31
 Army of Arkansas: 20
 Army of Virginia: 51
 Army of the West: 13, 14, 15
 Arsenal: 105
 Assessors: 37, 76, 152, 162
 Austin, Texas: 3, 46, 47; bill authorizing sale of city lots in, 98, 99, 155, 156; foundry in, 105, 106, 115, 172; resolution pertaining to, 48
 Austin County: appointment of Notary Public in, 185

— B —

- Baker and Smyth: 68
 Ballard, James W.: 87
 Barclay, David McD.: appointment as Notary Public, 184
 Bardstown, Kentucky: 53
 Barnett, Colonel J. H.: 191
 Barron and Cope: 68
 Barton, D. C.: 169
 Bass, Colonel T. C.: 191
 Bastian, Ed: 68
 Bastrop, Texas: 89, 103, 160, 176
 Bastrop County: 84, 85, 111, 160; appointment of Notary Public in, 185
 Batte, W. C.: 159; appointed to Committee on Agriculture, 44; appointed to Committee on Privileges and Elections, 44; appointed to Committee on Public Debt, 44; bills reported by, 53, 71; votes of recorded, 66, 85, 89, 90, 95, 97, 100, 102, 103, 104, 106, 107, 108, 110, 118, 127, 128, 135, 142, 143, 151, 152, 153
 Battle Creek: 143-144
 Battle Flags: 51, 52, 53, 54, 72
 Baylor, John R.: 140
 Bayonet: 175, 176
 Bayou City: 8, 116, 173, 174, 177, 178, 180, 186
 Beale, Duval: 2, 160
 Beasley, S. W.: 62, 63, 159; amendments offered by, 111, 148; appointed to Committee on Public Buildings, 56; motions made by, 54, 77, 112, 126, 150; resolutions offered by, 50, 54; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 125, 127, 128, 131, 132, 134, 135, 136, 138, 141, 143, 147, 151,

- 152, 153, 154
 Bell County: 83; appointment of Notaries Public in, 183, 185
 Bell, Thomas: 184
 Belton, Texas: 160
 Bennett, Charles: appointment as Notary Public, 185
 Bennett, I. R.: 169
 Besser, General John S.: 179; letter from Governor Lubbock, 15-16
 Best, Levi: 171
 Bethel, _____: appointed to House Committee to inquire into propriety of extending state aid to certain iron works, 117
 Bexar County: 160; appointment of Notary Public in, 185
 Bigham, S. W.: 183
 Billips, _____: 106, 175, 176
 Bishop, Absolom: appointment as Notary Public, 186
 Black Book: bill requiring procurement of by County Court Clerks of Texas, 60, 92, 141
 Black, John C.: appointment as Notary Public, 187
 Blackburn, William: appointment as Notary Public, 184
 Blacksheare, Alexander: appointment as Notary Public, 186
 Blacksmithing: 20
 Blanco County: 160
 Blankets: 114
 Blind Asylum: 88
 Boerne, Texas: 160
 Bolton, C. L.: 170
 Bolton, J. H.: 170
 Bonds: 3, 34, 35, 50, 63, 78, 80, 105, 167, 168, 173, 174
 Bonham, Texas: 159
 Bonner, W. T.: 186
 Boonston Gap (Boonesborough Gap): 51
 Bosque County: appointment of Notary Public in, 183
 Boyd, John: 2, 159; appointed to Committee on Finance, 43; appointed to committee to inform House of Senate's organization and preparedness, 2; appointed to Committee on Roads, Bridges, and Ferries, 44; appointed to Committee on State Affairs, 43; bill introduced by, 55; bill reported by, 93; roll call answered by, 1; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 109, 110, 112, 118, 120, 124, 126, 131, 132, 134, 135, 136, 137, 138, 139, 141, 142, 143
 Bradshaw, Amzi: 185
 Bragg, General Braxton: 144
 Bragg's Army: 19
 Branch, C. M.: 169
 Brandt, Francis: appointment as Notary Public, 184
 Brazoria County: appointment of Notaries Public in, 185
 Bread stuffs: 23, 55, 100
 Breedlove, Charles R.: appointment as Notary Public, 183
 Brent, Caser: appointment as Notary Public, 186
 Bridgeport: 143-144
 Briggs, W. W.: 183
 Briscoe, _____: 176
 Brittain, David: appointment as Notary Public, 187
 Broaddus, A. J.: 4, 15
 Broaddus, Andrew T.: 186
 Brock, T. F.: 185
 Brooke, Henry L.: appointment as Notary Public, 187
 Brown, Albert: appointment as Notary Public, 188
 Brownsville, Texas: 63, 77, 159
 Brush, S. B.: 69
 Bryan, Major Guy M.: 32
 Bryan, Dr. Lewis A.: 19
 Buckley, C. W.: 4, 190
 Buffalo Bayou: 173; obstruction in, 116
 Burford, Colonel N. M.: 191
 Burlage, John: 184
 Burleson County: appointment of Notary Public in, 183, 186
 Burnet County: 177
 Burnett, Major _____: 191
 Burney, George E.: 40, 159; appointed to committee to prepare an address to soldiers in the field, 65-66; appointed to Committee on Agriculture, 44; appointed to Committee on General Land Office, 45; appointed to Committee on Counties and County Boundaries, 44; appointed to Committee on Penitentiary, 44; appointed to Committee on Privileges and Elections, 44; appointed to Committee on Public Buildings, 44; appointed to Committee on Public Debt, 44; appointed to committee on the sale of the public domain, 110; appointed to Committee on Public Lands, 43; appointed to Committee

on Treasurer's Books, 45; bills reported by, 74, 92, 108, 151; credentials as Senator elect presented by, 1; motions made by, 77, 81, 94, 101, 102, 110, 119, 131, 133, 135, 138, 142, 147; petition presented by, 86; resolutions offered by, 45; votes of recorded, 43,

66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 125, 128, 131, 132, 134, 135, 136, 138, 141, 142, 143, 147, 151, 152

Bussey, _____: 106
Butchers: 85, 110
Butler, Ben: 6, 73, 152

— C —

Cabiness, J. A.: 169
Caldwell County: 159
Caldwell County Mutual Aid Society: bill to incorporate, 144, 150, 156
Caldwell, John: 170
Calloway, L.: 170
Calloway, M. L.: 170
Calstead, _____: resolution pertaining to, 106
Cameron County: 112, 159
Campbell, A. G.: 4
Campbell, A. M.: 170
Campbell, B.: 169
Campbell, F.: 169
Campbell, Rufus E.: 185
Cannon: 8, 115, 172, 173
Capitol: 40, 42, 77, 114, 146; amendment to bill pertaining to, 145; bill appropriating \$20,000 for recovering roof of and other public buildings, 139, 156; C. S. West's message to Governor Lubbock pertaining to, 161-162; report of Committee on Public Buildings pertaining to condition of, 63, 108
Carleton, Dr. William: appointment as Notary Public, 184
Carpenter, F.: appointment as Notary Public, 186
Carr, R. D. and Company: 68
Carrington, W. H. D.: 177
Carroll, R.: appointment as Notary Public, 186
Carroll, William C.: appointment as Notary Public, 186
Carter, Lieutenant Colonel Benjamin F.: 52
Carter, Colonel G. W.: 191
Carton, William: 173
Cartwell, J. S.: 4
Casey, L. F.: 159; amendment offered by, 102, 140; amendment withdrawn by, 102; appointed to Committee on Claims and Accounts, 44; appointed to Committee on Education, 45; appointed to Committee on Engrossed Bills, 44;

appointed to Committee on Internal Improvements, 44; appointed to Judiciary Committee, 43; appointed to Committee on Military Affairs, 45; appointed to a committee to examine the acts of the Military Board, 45; appointed to committee to inform House of Senate's organization and preparedness, 2; appointed teller of ballot for First Assistant Secretary, 2; bill introduced by, 49, 82; bills reported by, 81, 83, 84, 86, 91, 121, 131, 135; motions by, 4, 90, 95, 96, 100, 123, 132, 150, 155; report by, 114; resolution offered by, 40; roll call answered by, 1; substitute for amendment by, 135; substitute to resolutions and bills offered by, 71; votes of recorded, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 120, 124, 127, 128, 131, 134, 135, 136, 138, 142, 147, 151, 152, 154

Cass County: 160
Cattle: 37, 63, 71, 72, 85, 94, 110, 111, 125
Cauthorn, E. W.: 169
Centerville: 159
Cereals: 23, 25
Chalmers, W. L.: 69
Chamberlain, D. T.: appointment as Notary Public, 183
Chambers, Dr. J. G.: appointment as Notary Public, 184
Chambers, M. A.: 171
Chance, Elijah T.: 186
Chandler, T. C.: 186
Chaney, H. C.: appointment as Notary Public, 185
Chaplain: 160
Charlton, N. B.: appointed to House Committee to inquire into establishing a factory at the penitentiary, 72
Chemists: 25
Cherokee County: 159, 174; ap-

- pointment of Notary Public in, 183
- Childress, P. H.: appointment as Notary Public, 183
- Chinese Sugar Cane: 25
- Chrisman, J. H.: 183
- Citizenship: 26, 33
- Civil Rights: 65, 70, 90
- Clapp, Jacob: 170
- Clark, Colonel Edward: 191
- Clements, R. H.: 2, 160
- Clements, S. E.: appointed to House Committee, 155
- Cleveland, C. L.: 171
- Cline, Jacob: appointment as Notary Public, 185
- Cloth: 15, 16
- Clothing: 14, 15, 17, 114, 171
- Clowncey, Joseph G.: appointment as Notary Public, 184
- Coast Guards: joint resolution in relation to disbanding of, 150, 151; organization of, 30
- Code of Criminal Procedure: bills to amend, 109, 110, 113, 141, 148; bill to amend Article Twenty-One, Title Seven, 56, 61, 62, 66; bill to amend 585th Article of, 64, 70, 88; bill to amend 960th Article of, 49
- Collin County: appointment of Notaries Public in, 183, 185
- Collins, J. W.: appointment as Notary Public, 185
- Colorado County: appointment of Notary Public in, 183
- Colt revolvers: 174
- Columbus, Texas: 159
- Columbus Mutual Aid Association: bill to incorporate, 118, 119, 126, 131, 137, 145, 155
- Comal County: appointment of Notary Public in, 185
- Comal Manufacturing Company: bill for incorporation of, 60, 64, 96, 109, 110
- Commissary General: 105
- Commissioner of the General Land Office: 109 (See also General Land Office)
- Commissioners of Public Grounds and Buildings: R. J. Townes' message to Governor Lubbock pertaining to, 164
- Committee on Agriculture: 53; appointments to, 44; bills referred to, 46, 64; reports of, 57, 71, 130
- Committee on Claims and Accounts: appointments to, 44
- Committee on Confederate Re-
- lations: appointments to, 44; report by, 91
- Committee on Counties and County Boundaries: appointments to, 44
- Committee on Education: 110; appointments to, 45; bill referred to, 65; bill reported by, 83
- Committee on Engrossed Bills: appointments to, 44; bills reported by, 45, 62, 81, 86, 91, 121, 131; proclamation reported by, 63
- Committee on Enrolled Bills: 47, 147; appointments to, 44; joint resolution reported by, 83; reports of, 137, 149, 155-156
- Committee to study export duties: 67
- Committee on Finance: 40, 55, 70; appointments to, 43; bill submitted by, 81; bills referred to, 3, 41, 50, 51, 62, 82, 108, 109, 121, 140, 148; Comptroller's referred to, 88; reports of, 77-81, 97, 101, 113, 121, 122, 123, 124, 129, 136, 146, 149; resolution concerning, 3, 48, 49, 55; Treasurer's report referred to, 75-77, 83
- Committees on Free Conference: reports of, 138, 139, 146, 147, 149, 150-151
- Committee on General Land Office: appointments to, 45; bills referred to, 65; report of, 151; resolution pertaining to, 48
- Committee to inform Governor of Legislature's adjournment plans: appointments to, 154, 155
- Committee to inform the House that the Senate was ready to adjourn Sine Die: appointments to, 157
- Committee to inform the House of the Senate's organization and preparedness: appointments to, 2; report of, 2
- Committee on Internal Improvements: appointments to, 44; bill referred to, 65; 109, 124, 125; report of, 71, 130, 153
- Committee on granting state aid to iron works in Anderson County: appointments to, 106, 117
- Committee on the Judiciary: 40,

- 46, 47, 49, 54, 83, 85, 86, 88, 89, 109, 110, 111, 141; bills referred to, 3, 4, 45, 49, 50, 55, 56, 60, 64, 65, 66, 72, 74, 75, 85, 86, 110, 117, 118, 124, 154; bills reported by, 91, 113; joint resolution referred to, 119, 125; memorials referred to, 3, 120; reports of, 55, 57, 58, 61, 62, 70, 83, 88, 89, 90, 111, 119, 120, 130, 141, 144; resolution concerning, 54-55; substitute bill offered by, 55
- Committee on Military Affairs: 46, 47, 89; appointments to, 45, 75; bills referred to, 40, 41, 45, 109, 150; joint resolutions referred to, 4, 46, 49, 60, 75, 85, 146; motions concerning, 84; reports of, 55, 71, 88, 114, 149; resolutions concerning, 41, 54, 73
- Committee to Investigate Acts of the Military Board: report of, 114-117
- Committee on the Militia: appointments to, 101
- Committee on Penitentiary: 141; appointments to, 44, 56; joint resolution referred to, 48; reports of, 54, 58; resolution requiring that the reports of Financial Agent and Superintendent of Penitentiary be referred, 41, 48
- Committee on Printing and Contingent Expenses: 41, 125; appointments to, 44; report of, 130
- Committee on Private Land Claims: appointments to, 44
- Committee on Privileges and Elections: appointments to, 44.
- Committee on Public Buildings: 54; appointments to, 56, 84; report by, 63, 108; resolution pertaining to, 50; Secretary of State's report referred to, 42
- Committee on Public Debt: appointments to, 44
- Committee on Public Lands: appointments to, 43, 84; bill referred to, 65, 85, 88; reports of, 74, 92, 94, 118
- Committee on Roads, Bridges and Ferries: appointments to, 44; bill referred to, 84; bill reported by, 93
- Committee on State Affairs: 63, 75; appointments to, 43; bills referred to, 56, 60, 65, 72, 93, 109, 117, 121; resolutions referred to, 41, 42, 55, 60, 77, 85, 86, 125, 141; petitions referred to, 86, 91; reports of, 57, 61, 63, 64, 71, 74, 89, 92, 93, 94, 100, 104, 112, 120, 121, 124, 125, 132, 133, 134, 136, 141, 142, 143, 144
- Committee on support of families of Texas soldiers: appointments to, 137
- Committee on Treasurer's Books: appointments to, 45
- Comptroller: 3, 7, 35, 37, 48, 77, 79, 80, 123, 149; bills concerning, 56, 59, 61, 154; letter to President of Senate, 86-88; resolution pertaining to, 73; statement of anticipated receipts of state revenue for 1863, 87-88; R. J. Townes' message to Governor Lubbock pertaining to, 163-166
- Cone, Horace: 54, 64, 72, 137, 157
- Confederate States of America: 5, 9, 11, 12, 13, 15, 17, 20, 21, 25, 28, 29, 36, 48, 49, 60, 63, 65, 71, 74, 105, 121, 134, 148; army of, 74, 81, 84, 85, 114, 143; Commander of Army of Texas of, 27; Congress of, 6, 9, 21, 22, 27, 28, 45, 48, 49, 57, 82; Constitution of, 38; currency of, 36, 49, 129, 140, 151, 155; debt of, 101; forces of, 7, 10, 18, 19, 36, 37, 40, 47, 51, 55, 80, 81, 83, 84, 85, 123, 143, 148, 189, 190; government of, 6, 8, 9, 10, 11, 20, 21, 28, 29, 35, 37; medical authorities of, 19; officers of Army of, 16, 40, 66, 75, 92, 114, 123, 126, 150; President of, 6, 7, 9, 13, 25, 28, 31, 40, 46, 47, 49, 55, 58, 73, 77, 105, 107 (See also Jefferson Davis): Treasury Notes of, 19, 20, 21, 22, 26, 49, 75, 76, 77, 88, 116, 129, 140, 148, 151
- Congress of the United States: 5
- Conscript Law: 27, 31, 126, 127, 142, 150, 156
- Constitution of the State of Texas: 3, 50, 80
- Contingent Fund: 54
- Convicts: 17
- Cooke, H. C.: 2, 159; amendment offered by, 95, 153; appointed to Committee on Confederate Relations, 44; ap-

- pointed to Committee on General Land Office, 45; appointed to Committee on Military Affairs, 45; appointed to Committee on Public Lands, 43; bill introduced by, 86; motions by, 95, 135, 153; report made by, 47; roll call answered by, 1; substitute amendment offered by, 95; substitute amendment withdrawn by, 95; substitute resolution offered by, 107; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 100, 102, 103, 104, 106, 107, 108, 110, 118, 124, 125, 127, 128, 134, 136, 138, 141, 142, 147, 152, 153, 154
- Cook, J. M.: 184
- Cooke County: 13, 185
- Cooper, Leroy W.: 159; amendment offered by, 97; amendment withdrawn by, 97; appointed to Committee on Confederate Relations, 44; appointed to Committee on granting state aid to Iron Works in Anderson County, 106; appointed to Judiciary Committee, 43; appointed to Committee on Military Affairs, 45; appointed to Committee on Penitentiary, 44; bills introduced by, 49, 50, 64; committee reports made by, 54, 83, 106; credentials as Senator elect presented by, 1; joint resolution introduced by, 75; motions made by, 81, 88, 95, 112, 113, 128, 142; motion withdrawn by, 95; resolutions offered by, 54, 82, 106; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 125, 127, 128, 131, 132, 134, 136, 138, 141, 142, 143
- Corn: 23, 24, 55, 147, 150, 172
- Corpus Christi: 172; bill to remit state taxes assessed for 1862 upon property within corporate limits of, 51, 59; report of Texas Military Board pertaining to, 176
- Coryell County: appointment of Notary Public in, 183
- Costley, John M.: appointed to House Committee on Frontier Protection, 137
- Cotton: 23, 46, 54, 57, 63, 66, 77, 79, 80, 81, 82, 83, 84, 86, 89, 96, 97, 100, 107, 114, 115, 116, 147, 168, 172, 174, 177, 178, 179, 180
- Cotton Cards: 40, 59, 81, 98, 180
- Cotton Goods: 13, 14, 15, 17, 102, 104
- County Clerk: 111, 140; bill requiring to procure a Black Book, 80, 141
- County Courts: 24, 46, 102, 103, 104, 108; bill to amend Sections 19, 20 and 47 of an act to regulate proceedings in County Courts, 93; bill authorizing County Courts of Bastrop County and certain others to regulate the pay of sheriffs in certain cases, 84, 85, 91, 111, 125; bill authorizing County Courts of Smith and Walker Counties to levy a special tax for war purposes, 95, 96, 108; bill to authorize establishment of a tariff on prices, 154; bill pertaining to, 65, 70, 71, 90; C. S. West's message to Governor Lubbock pertaining to, 161-162
- County Surveyors: 65, 70, 93, 100, 107, 161-162
- Crawford, J. F.: 159; appointed to Committee on Internal Improvements, 44; appointed to Committee on Public Lands, 43; appointed to Committee on Roads, Bridges and Ferries, 44; excused from further attendance in Senate, 139; votes of recorded, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 107, 108, 109, 110, 118, 120, 124, 125, 127, 128, 131, 134, 135, 138, 142, 143
- Criminal Cases: 38
- Crockett, Texas: 159
- Crockett, John M.: 24, 75, 159; joint resolution signed by, 190; letter from Phineas De Cordova, Secretary of Senate, 42; letter from C. R. Johns, Comptroller, 86-88; letter from C. H. Randolph, Treasurer, 67; memorial of, 120, 130; oath of office administered by, 1; resolution pertaining to, 156; votes of recorded, 43, 85, 100 (See also President of the Senate)
- Crosby, Stephen: 184
- Cunningham, J. D.: 169
- Cunningham, L. C.: 183
- Cureton, Captain _____: 12

Curlton, M. L.: 170
Cushing, E. H.: 161

Cutler, James H.: appointment
as Notary Public, 186

— D —

Dancy, Colonel John W.: 171,
179

Dallas, Texas: 159

Dallas County: 156, 160; manu-
facture of pistols in, 120, 174

Dallas Male and Female Acad-
emy: bill for incorporation of,
65, 83, 85, 110, 125

Daniels, Ashbury: appointment
as Notary Public, 184

Daniels, Captain W. T.: 191

Darden, S. H.: 54; memorial
contesting the seat of Spenser
Ford, 3, 55

Daughtrey, John: 186

Davis County: 160

Davis, D. Y.: 187

Davis, Jefferson: 6, 13, 25, 28,
30, 32, 49, 101 (See also Con-
federate States of America,
President of)

Deaf Asylum: 88

Deavours, John: appointment as
Notary Public, 184

Debt: 36, 58, 62, 70

Decatur, Texas: 159

De Cordova, J. R.: 183

De Cordova, Phineas: 42, 69,
160, 182, 183, 186

De Ryee, William: 173

De Witt County: appointment
of Notary Public in, 183

Dibrell, Charles Crockett: ap-
pointment as Notary Public,
186

Dickson, D. C.: 2, 57, 58, 157;
appointed to Committee on
Agriculture, 44; appointed to
Committee on Confederate
Relations, 44; appointed to
Committee on Education, 45;
appointed to Committee on
Engrossed Bills, 44; appoint-
ed to Committee to study ex-
port duties, 67; appointed to
Committee on Finance, 55;
appointed to committee to in-
form House of Senate's or-
ganization and preparedness,
2; appointed to Committee on
Military Affairs, 45; appoint-
ed to Committee on Private
Land Claims, 44; appointed
to Committee on Public Debt,
44; appointed to committee on
sale of Public Domain, 110;
appointed to Committee on
Public Lands, 43; appointed

to Committee on Treasurer's
Books, 45; amendments offer-
ed by, 128, 143; bills reported
by, 83; credentials as Senator
elect presented by, 1; memoral
presented by, 3; motions
made by, 2, 49, 57, 58, 83,
84, 104, 124, 128, 130, 134, 144,
152; resolutions offered by,
41, 48, 55, 64, 144, 156; votes
or recorded, 43, 66, 85, 89,
90, 95, 99, 100, 102, 103, 104,
106, 107, 108, 110, 118, 120,
124, 126, 127, 128, 131, 132,
134, 135, 136, 138, 141, 142,
143, 147, 151, 152, 153, 154

Distilleries: 24, 25, 52

District Attorneys: 56, 59, 61

District Court: 18, 38

District Judge: 140

Dockrill, Jarvis: appointment as
Notary Public, 185

Double Mountain: 137, 141, 142,
148

Dreiss, Albert: appointment as
Notary Public, 185

Drennan, S. J.: 171, 179

Druege, _____: 178, 179

Drugs: 100

Duffau, F. T.: 68, 69

Dumas, L. W.: appointment as
Notary Public, 183

Dumb Asylum: 88

Dunorant, _____: 170

Durant, John W.: 159; amend-
ments offered by, 81, 125; ap-
pointed to Committee on Con-
federate Relations, 44; ap-
pointed to committee to study
Export Duties, 67; appointed
to Committee on Militia, 101;
appointed to Committee on
Printing and Contingent Ex-
penses, 44; appointed to Com-
mittee on Privileges and Elec-
tions, 44; bills introduced by,
41, 48; motions made by, 77,
89, 95, 99, 102, 103, 119, 124,
127, 130, 140; reports made
by, 91, 105, 114, 117; resolu-
tions offered by, 106, 154;
votes of recorded, 43, 66, 85,
89, 94, 95, 97, 99, 100, 102,
103, 104, 106, 107, 108, 109,
110, 118, 120, 124, 125, 127,
131, 132, 134, 135, 136, 137,
138, 141, 142, 147, 153, 154

Dysart, E. B.: appointment as
Notary Public, 187

— E —

Eanes, Alex: 68
 Edgar, Captain William: 191
 Election Law: 162, 165
 Elliott, James: appointment as Notary Public, 187
 Ellis County: 176, 185
 El Paso, Texas: 159
 El Paso County: 9, 159
 Eltham's Landing: 51
 Emancipation Proclamation: 5

Enfield Rifle: 175
 England. _____: 68
 Escheated estates: 76
 Estray Law: 37, 56, 65, 71, 90
 Eubank, Messrs.: 19, 59, 61, 81
 Europe: 18
 Ewing, John W.: 186
 Export duties: 57, 58, 61, 67
 Extortion: 25, 41, 56, 57, 61, 71, 75, 82, 85, 114

— F —

Falls County: appointment of Notaries Public in, 185
 Families of soldiers: 17, 22, 23, 24, 25, 26, 41, 56, 71, 93, 99, 102, 104, 112, 117, 121, 122, 125, 132, 137, 145, 147, 149, 151, 156, 190
 Fannin County: 159; appointment of Notary Public in, 187
 Farley, William H.: appointment as Notary Public, 186
 Farmers: 25
 Fayette County: appointment of Notaries Public in, 184
 Federal Cavalry: 53
 Fennell, Dr. J. W.: 19
 Feris, Dr. George A.: 20
 Ferries: 83, 85
 Field, Danny: 168
 Fifth Texas Regiment: 19, 29, 51
 Financial Agent: 14, 15, 17, 18, 34; letter to from Governor Lubbock, 15-16
 First Texas Regiment: 19, 29, 52
 Fitzhugh, Colonel William: 191
 Fletcher, Thomas: appointment as Notary Public, 187
 Flewellen, Dr. R. T.: 18, 19; appointed to House Flag Committee, 54, 72; appointed to House Committee on Frontier Protection, 137
 Flint, John T.: appointed to House Committee to visit Penitentiary, 47
 Florida: 152
 Flour: 14, 147
 Flournoy, Colonel George: 191
 Foote, G. A.: appointed to House Flag Committee, 54, 72; appointed to House Committee to visit Penitentiary, 47
 Ford, Dr. _____: appointment as Notary Public, 187
 Ford, Spencer: 54, 159; amendment by, 95, 130, 133, 150;

appointed to Committee on Agriculture, 44; appointed to Committee on Counties and County Boundaries, 44; appointed to Committee on Enrolled Bills, 44; appointed to Committee on Export Duties, 67; appointed to Committee on Finance, 43; appointed to Committee on Frontier Protection, 44; appointed to Judiciary Committee, 43; appointed to Committee on Military Affairs, 45; appointed to Committee on Roads, Bridges, and Ferries, 44; appointed to Committee on Treasurer's Books, 45; bill introduced by, 144; bill reported by, 137; credentials as Senator elect presented by, 1; joint resolutions reported by, 83; memorial contesting his seat presented, 3; motions by, 4, 53, 88, 95, 97, 106, 111, 134, 136, 150, 152, 154; reports presented by, 49, 71; resolutions presented by, 3, 41, 48, 73, 153; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 100, 102, 103, 104, 106, 107, 108, 110, 124, 125, 127, 131, 132, 134, 135, 136, 138, 141, 142, 143, 151, 152, 153, 154
 Forester, William: 168
 Fort Cobb: 13
 Fort Sumpter: 20
 Fortifications: 25, 47
 Foster, Constantine: 177
 Foster, T. T.: 186
 Foundry: 8, 115, 172, 173
 Fourth Texas Regiment: 19, 29, 51, 52
 Freeman's Ford: 51
 Frisbie, A. T.: 186
 Frontier Regiment: 9, 11, 12, 34
 Fuller, Thomas: 187
 Fyke, Henderson: 187

— G —

- Gaine, W. P. R.: 170
 Gaines, H. H.: 186
 Gaines' Farm: 51
 Galveston: 8, 51, 59, 118, 159, 178; bill to remit state taxes assessed for 1862, 51, 59; surrender of, 32
 Galveston Bay: 8, 116, 171, 173
 Galveston County: 159; appointment of Notary Public in, 184
 Galveston District: 40
 Galveston and Houston Junction Railroad Company: 65, 71, 90
 Garrison, J. L.: 4
 Gay, J. L.: 169
 General Land Office: bill appropriating \$20,000 for repairing the roof on, 156; bill concerning, 65, 96, 109, 152, 153; committee report on, 63, 108
 General Laws of the Ninth Legislature: publication of, 161
 General Supplies: 17
 Gibbs, T. F.: 169
 Giddings, George H.: 114, 167
 Gilleland, W. M.: 3, 160; elected to office of Enrolling Clerk, 2
 Gilmer, Texas: 159
 Gold: 25
 Goliad, Texas: 160
 Goliad County: appointment of Notary Public in, 184
 Goliad County Mutual Aid Association: bill to incorporate, 139, 145, 156
 Goodrich, Benjamin B., Jr.: 185
 Gordon, _____: 170
 Gould, Major R. L.: 191
 Governor of Texas (see also F. R. Lubbock): 4, 7, 52, 54, 65, 147, 167; amendments to bills concerning, 82, 105, 131; bill authorizing Governor to regulate the manufacture and sale of salt in Texas, 121, 136, 149; bill authorizing Governor to suppress distilling of spiritous liquors during the war, 50; bills presented from Committee on Enrolled Bills, 47, 155-156; joint resolution presented to, 85; letter to General John S. Besser, 15-16; messages from, 63, 73; message from Secretary of Senate, 182-183; messages to Joint Session, 5-40, 51-53; motion concerning, 73; report of Texas Military Board pertaining to, 177; resolutions concerning, 48, 50; R. J. Townes' message to Governor Lubbock, 163-166; C. S. West's message to Governor Lubbock, 161-162
 Graham, R. H.: 159; amendment to bill offered by, 118; appointed to Committee on Frontier Protection, 137; appointed to Committee on Internal Improvements, 44; appointed to Committee on Penitentiary, 44; bills reported by, 93; motion of, 135; votes of recorded, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 120, 124, 125, 127, 128, 131, 132, 134, 135, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154
 Grain: 24, 142, 150
 Grenn, Mrs. M. W.: 69
 Griggs, _____: 106, 108
 Grimes County: appointment of Notaries Public in, 185, 188
 Groce, L. W.: 171
 Guinn, R. H.: 2, 159; added to Committee on Finance, 55; amendment offered by, 77, 82, 94, 95, 119; amendment to resolution offered by, 41; amendment withdrawn by, 95; appointed to committee to prepare an address to soldiers in the field, 65-66; appointed to Committee on Claims and Accounts, 44; appointed to Committee on Confederate Relations, 44; appointed to committee to inform Governor of Legislature's adjournment plans, 154; appointed to Judiciary Committee, 43; appointed to Committee on Penitentiary, 56; appointed to Committee on Public Debt, 44; appointed to a committee for referral of a communication from the President of the Senate; 57, appointed to a committee on Treasurer's books, 45; appointed teller of ballot for First Assistant Secretary, 2; bills introduced by, 41, 56, 60, 64, 121; joint resolution introduced by, 142; memorial presented by, 120; mo-

tions made by, 3, 42, 46, 48, 57, 62, 64, 77, 82, 84, 88, 89, 91, 100, 103, 106, 108, 118, 119, 124, 126, 133, 134, 135, 137, 142, 144, 154, 155; proposal made by, 84, 88; report by, 59; resolutions offered by, 3, 41, 46, 73, 82, 122, 146, 156-157; roll call answered by, 1; substitute amendment offered by, 133; substitute bill

offered by, 118, 119, 125; substitute resolutions offered by, 106-107; votes of recorded, 43, 66, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 125, 127, 128, 131, 132, 134, 135, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154
Gun Powder: 8, 176

— H —

Hadley, W. A.: appointment as Notary Public, 186
Haggard, S.: appointment as Notary Public, 183
Haldeman, Captain H.: 191
Hale, H. P.: appointment as Notary Public, 187
Hall, Jeff W.: appointed to House committee on Frontier Protection, 137
Hall, Thomas P.: appointment as Notary Public, 184
Hamby, William: elected Assistant Doorkeeper, 91
Hammond, B. F.: 171
Harbert, J.: 169, 170
Harbert, J. A.: 170
Harbert, S. T.: 169, 170
Harbert, W. J.: 170
Harcourt, John T.: 2, 159; amendments offered by, 96, 99, 101, 103, 104, 134, 150; appointed to Committee on Confederate Relations, 44; appointed to committee on disposition of flags presented to Legislature, 53; appointed to committee to inform Governor of Legislature's adjournment plans, 154; appointed to committee on state aid to iron works in Anderson County, 106; appointed to Judiciary Committee; 43, appointed to Committee on Printing and Contingent Expenses, 44; appointed to Committee on Private Land Claims, 44; appointed to Committee on State Affairs, 43; bills introduced by, 3, 41, 45, 101, 118; bills reported by, 40, 55, 57, 63, 70, 91, 113, 119, 120, 130; joint resolution introduced by, 4, 60, 140; joint resolution reported by, 130; motions by, 43, 49, 53, 57, 61, 66, 74, 88, 94, 99, 101, 112, 126, 135, 141,

143, 144, 150; motion withdrawn by, 94; reports by, 54, 59-60; request for leave of absence for A. W. Moore, 57; resolution offered by, 74; roll call answered by, 1; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 125, 127, 128, 131, 132, 134, 136, 138, 141, 142, 143, 147, 151, 152, 153
Hardeman, William: 4
Hardeman, W. N.: 69
Hardin County: appointment of Notary Public in, 187
Harms, Julius, 185
Harper, Frank: appointment as Notary Public, 186
Harrell, Anderson: 187
Harrell, F. M.: 171
Harriet Lane: 8
Harris County: 160; appointment of Notary Public in, 185
Hartley, R. K.: 159; amendment to resolution by, 135; amendment to resolution withdrawn by, 135; amendments offered by, 93, 119, 126, 127, 128, 130, 134, 149; appointed to committee on support of families of Texas soldiers, 137; appointed to Committee on Finance, 43; appointed to Committee on Internal Improvements, 44; appointed to Judiciary Committee, 43; appointed to committee to study sale of Public Domain, 110; appointed to Committee on State Affairs, 43; bills introduced by, 49, 51, 60; bills reported by, 57, 71, 84, 94, 112, 136; joint resolution introduced by, 153; joint resolution reported by, 144; motions made by, 48, 56, 58, 59, 60, 73, 74, 90, 93, 100,

- 101, 102, 103, 104, 110, 119, 124, 125, 127, 128, 131, 132, 135, 136, 141, 142, 143, 147, 151, 152; reports by, 132, 133, 139, 143; resolutions offered by, 43, 55; votes of recorded, 43, 66, 85, 89, 90, 95, 99, 100, 102, 103, 106, 107, 108, 118, 124, 125, 127, 128, 131, 132, 135, 136, 141, 142, 143, 147, 151, 152, 153, 154
- Hassell, _____: 106, 175, 176
- Hastings, David M.: 186
- Hawpe, Colonel T. C.: 191
- Hays, William J.: appointment as Notary Public, 186
- Hebert, Brigadier General P. O.: 13, 32
- Hemphill, Senator John: 167
- Henderson, Texas: 160
- Henderson County: appointment of Notaries Public in, 185, 187
- Hendricks, _____: 65, 69
- Herbert, W. J.: 170
- Herndon, Sergeant Eugene: 53
- Herndon, I. H.: 4
- Herndon, Reuben: appointment as Notary Public, 184
- Herring, W. P.: 187
- Hightower, H.: 169
- Hill County: appointment of Notary Public in, 184, 186
- Hill, W. D.: appointment as Notary Public, 187
- Hill, William J.: appointment as Notary Public, 186
- Hindman, General Thomas C.: 16
- Hobby, Alfred M.: 186
- Hodge, Robert: 187
- Hogs: 111
- Holland, J. K.: 4, 45, 117
- Holmes, General Theophilus H.: 16
- Holverson, _____: 106
- Homer, Texas: 160
- Hood's Brigade: 29
- Hook, William: appointment as Notary Public, 187
- Hooper, Joshua W.: appointment as Notary Public, 187
- Hopkins County: appointment of Notaries Public in, 184, 186
- Hord, Edward R.: 159; amendment to bill offered by, 66, 118, 134; amendment to bill withdrawn by, 118, 134; amendment to joint resolution offered by, 81; appointed to committee on the establishment of a manufactory at Huntsville Penitentiary, 61; appointed to Committee on Military Affairs, 75; appointed to Committee on Militia, 101; appointed to Committee on sale of Public Domain, 110; bill introduced by, 72; credentials as Senator elect presented by, 55; joint resolution introduced by, 119; motions by, 107, 112, 128, 139, 141, 152, 155; report by, 134, 149; resolution offered by, 157; substitute bill offered by, 110; votes of recorded, 66, 85, 89, 90, 95, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 124, 127, 128, 132, 134, 135, 138, 141, 142, 143, 147, 151, 152, 153, 154
- Horton, A. C.: 170
- Hospitals: 18, 19, 20, 25, 26, 148
- House, Lihon: appointment as Notary Public, 187
- House of Representatives: officers of, 4
- Houston, Texas: 160, 179
- Houston County: 159; appointment of Notary Public in, 185
- Houston, J. N.: 160; appointed to Committee on Engrossed Bills, 44; appointed to Judiciary Committee, 43; appointed to Committee on Military Affairs, 45; appointed to Committee on Private Land Claims, 44; resolution involving, 107
- Houston Mutual Aid Association: bill to incorporate, 117, 124, 137
- Hubbard, Colonel R. B.: 191
- Hubert, M. A.: 171
- Hudson, Brigadier General William: 13
- Hughes, T. E.: appointment as Notary Public, 185
- Huntsville, Texas: 48, 54, 59, 60, 61
- Hutchins, Ball: 171
- I —
- Indian Agent: 13
- Indianola: 51, 59
- Indians: 10, 11, 13
- Inman, Joseph H.: appointment as Notary Public, 186
- Iron Works: 106
- Island City: 8

— J —

- Jack County: appointment of Notary Public in, 186
 Jackson County: 160
 Jackson, Governor Claiborne F.: 31
 Jackson Manufacturing Company: bill to incorporate, 84, 85, 91, 112
 Jackson, Mississippi: 19
 Jacobs, Dr. Edwin: appointment as Notary Public, 184
 Jasper County: appointment of Notary Public in, 187
 Jayhawkers: 13
 Jefferson County: appointment of Notaries Public in, 187
 Jeffreys, James: 187
 Jenkins, S. M.: 169
 Johns, C. R.: 86, 88, 181
 Johnson, W. J.: 169
 Joint Committee to Investigate Acts of the Military Board: Governor's message referred to, 65
 Jordan, A. N.: 160; appointed to Committee on Claims and Accounts, 44; appointed to Judiciary Committee, 43; appointed to Committee on Military Affairs, 45; appointed to Committee on Penitentiary, 44; votes of recorded, 106, 107, 108, 110, 118, 120, 124, 125, 127, 131, 132, 134, 135, 136, 138, 142, 147
 Judges: 38, 140

— K —

- Karnes County: 9
 Kaufman County: appointment of Notary Public in, 184
 Kendall County: 86; appointment of Notary Public in, 184; bill to attach it to a Senatorial and Representative District, 56, 57, 61, 72, 88, 91
 Kent, Thomas H.: 68
 Kentucky: 18
 Key, John P.: 171
 Kingsberry, _____: 178
 Kirk, Eli: 68
 Kittrell, P. W.: 169
 Knolle, E.: 171
 Koch, C. C.: 171

— L —

- Lackey, Samuel C.: 184
 Lair, W. D.: 160; amendment to joint resolution offered by, 143-144; appointed to Committee on Enrolled Bills, 44; appointed to Committee on General Land Office, 45; appointed to Committee on Printing and Contingent Expenses, 44; appointed to Committee on Public Lands, 43; credentials as Senator elect presented by, 1; joint resolution introduced by, 45; motions by, 96, 113, 118; resolution introduced by, 64; votes of recorded, 43, 66, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 127, 131, 132, 134, 135, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154
 Lamar County: 160; appointment of Notaries Public in, 184, 186
 Lamar County Mutual Aid Association: bill to incorporate, 142
 Lambert, William: 186
 Lampasas River: 83, 85
 Land certificates: 62, 96, 109, 123, 153
 Land grants: 101, 118, 119, 130
 Land scrip: 34, 48, 75, 87, 102
 Lane, Colonel W. T.: 191
 La Vaca, Texas: bill to remit state taxes assessed for 1862, 51, 59
 La Vaca County: appointment of Notary Public in, 186
 Lavanburg, _____: 178, 179
 Lawrence, David L.: appointment as Notary Public, 186
 Lawson, C. C.: 168
 Lawson, J. T.: 170
 Lawyers: tax upon, 152
 Lea, Pryor: 2, 160; amendment to bills offered by, 107, 111, 113, 145; appointed to Committee on Confederate Relations, 44; appointed to Committee on Export Duties, 67; appointed to committee to study support of families of Texas soldiers, 137, 149; appointed to Committee on Finance, 43; appointed to Committee on Internal Improve-

ment, 44; appointed to Committee on Penitentiary, 56; appointed to Committee on Public Lands, 43; appointed to Committee on State Affairs, 43; bills introduced by, 56, 93, 121, 139; bills reported by, 97, 122; motions made by, 47, 48, 55, 57, 58, 66, 89, 99, 112, 127, 128, 131, 133, 145, 149, 154, 155; petition presented by, 91; proposal by, 88; report of Texas Military Board pertaining to, 167-181; reports made by, 77-81, 92-93, 97-99, 101, 104, 120-121, 122, 123, 129-130, 146, 149, 151, 153; resolutions introduced by, 3; roll call answered by, 1; substitute motion made by, 66; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 126, 127, 128, 131, 132, 134, 135, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154

Lead: 8, 172

Leather: 100, 114

Lee, General Robert E.: 19

Leon County: 159; appointment of Notaries Public in, 184, 186

Leon River: 83, 85

Leslie, James L.: appointment as Notary Public, 185

Levof, William: appointment as Notary Public, 185

Lewis, F. M.: 169

Lieutenant Governor: 2, 4; oath of office administered by, 1; R. J. Townes' message to Governor Lubbock pertaining to, 165; C. S. West's message to Governor Lubbock pertaining to, 161-162

Limestone County: 159

Lincoln, Abraham: 5, 30

Lindon, Texas: 160

Liquors: 24, 25, 50, 86, 117, 136, 138, 150, 151

Llano County: appointment of Notary Public in, 186

Loans: 78

Lockhart, Texas: 159

Loe, J. C.: 170

Long Point, Texas: 160

Loomis and Christian: 68

Louisiana: 63, 81

Lubbock, F. R. (See also Governor of Texas), 4; joint resolution approved by, 190; letter to General John S. Besser, 15-16; letter to Texas Regiment, 189; message to from C. S. West, Secretary of State, 161-162; message to from Secretary of State, R. J. Townes, 163-166; message to joint session from 5-40; message to Senate from, 182; report of Texas Military Board signed by, 181; submission to Senate of appointments of Notaries Public, 183-188

Lubbock, Captain Henry S.: 178

Luckett, J. H.: 68, 69

Lunatic Asylum: 17, 33, 88

— Mc —

McCoy, J. C.: 45; appointed to House Committee on Frontier Protection, 137

McCoy, Olive C.: appointment as Notary Public, 186

McDonald, Charles M.: R. J. Townes' message to Governor Lubbock pertaining to, 163

McGar, W. W.: 169

McGill, A. B.: 188

McGown, A. J.: 169

McKenzie, Robert J.: appointment as Notary Public, 184

McKenney, G. Y.: 185

McLennan County: 86, 159

— M —

Machinery: 140, 148, 168, 173, 176

Magazines: 105

Magruder, General J. B.: 32, 33, 52, 54; joint resolution of thanks to, 72, 86, 143, 156

Mahiam, A. B.: appointment as Notary Public, 185

Malvern Hill: 51

Manassas Plains: 51

Mann, John: 169

Marsh, E. T.: 186

Marshall, Texas: meeting of the Trans-Mississippi states' governors at, 31

Marshall, John and Company: 68, 69

Marshall, John W.: appointed to a House committee on establishing a factory at the peni-

- tentiary, 72
Mason, S. A.: 169
Matagorda County: appointment of Notary Public in, 186
Matamoros: 178
Mather, Sam: 72, 187
Matthews, _____: 171
Matthison, Ulysses: appointment as Notary Public, 184
Maxey, J. M.: 171
Maxey, Rice: 160; amendment offered by, 128; appointed to Judiciary Committee, 43; appointed to Committee on the Militia, 101; appointed to Committee on Printing and Contingent Expenses, 44; appointed to Committee on Public Debt, 44; appointed to Committee on Public Lands, 84; appointed to Committee on State Affairs, 43; bills introduced by, 40, 56, 60, 62, 108, 142; credentials as Senator elect presented by, 1; joint resolution introduced by, 40; motions made by, 56, 59, 84, 101, 124; motions withdrawn by, 84; request by on behalf of Committee on State Affairs, 63; resolution offered by, 46, 122; substitute for bills reported by, 71; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 126, 127, 128, 131, 132, 135, 136, 138, 141, 142, 147, 151, 152, 153, 154
Maxey, General Sam Bell: amendment to resolution pertaining to, 143-144
May, T. P.: 171
Mays, E. G.: 168
Medicine: 114
Melissa, Texas: 160
Mexican Market: 172
Mexico: 168, 171, 172, 177
Milam County: appointment of Notaries Public in, 187
Miles, Edward: 185
Military Board: 7-8, 18, 34, 45, 64, 65, 98, 114-117, 135, 150, 167-181
Military Law: 12
Militia: 24, 46, 94, 105, 150
Militia Law: 48
Millet, C. F.: 68
Millican, _____: 68
Mills, E.: appointment as Notary Public, 185
Mississippi: 29, 30
Mississippi Rifle: 174, 175, 176
Mississippi River: 14, 19, 46, 47, 55, 173
Missouri: 31
Mitchell, N. A.: 102, 160; appointed to Committee on Claims and Accounts: 44; appointed to Committee on Education, 45; appointed to Judiciary Committee, 43; appointed to Committee on Private Land Claims, 44; appointed to Committee on Public Debt, 44; resolution involving, 107
Money: 23, 25, 35, 67, 75, 79, 89, 114, 168
Monopolies: 25, 60
Monroe, Daniel: bill for relief of, 81, 88, 92, 101
Montgomery, Texas: 159
Montgomery County: 159; appointment of Notary Public in, 184
Moore, _____: 178, 179, 181
Moore, A.W.: 2, 160; appointed to Committee on Agriculture, 44; appointed to Committee on Confederate Relations, 44; appointed to committee on assistance to dependents of soldiers, 149; appointed to Committee on Internal Improvements, 44; appointed to Committee on Military Affairs, 75; appointed to Committee on Privileges and Elections, 44; appointed to Committee on Public Buildings, 56; appointed to Committee on State Affairs, 43; bill reported by, 130; credentials as Senator elect presented by, 1; leave of absence requested for and granted, 57; motions made by, 84, 88; resolution offered by, 48; votes of recorded, 43, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 126, 127, 128, 131, 134, 135, 136, 138, 141, 142, 143, 151, 152, 153, 154
Moore, John M.: 172
Moore, J. W.: 160; appointed to Committee on Claims and Accounts, 44; appointed to Committee on Finance, 43; appointed to Committee on General Land Office, 45; appointed to Committee on Internal Improvements, 44; appointed to Committee on Roads,

Bridges, and Ferries, 44; bill introduced by, 60; motions by, 89, 128, 136; report mentioning, 114-115; resolution offered by, 46; votes or recorded, 43, 66, 86, 89, 90, 96, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 126, 127, 128, 131, 134, 135, 136, 138, 141, 142, 143, 151, 152
 Moore, Governor Thomas Overton: 31
 Mooring, L. S.: 185; appointment as Notary Public, 188
 Morgan, Major Charles: 191
 Morgan, Irby: 13, 14
 Morris, W. H.: 171
 Morrison, _____: 106

Morrison, Gwyn: appointment as Notary Public, 185
 Morton's Grove, Texas: 160
 Moseley, T. D.: 2
 Mount Pleasant, Texas: 159
 Munitions: 114, 115, 116, 120, 135, 167, 168, 171, 172, 173, 174, 177
 Murchison, Kenneth: appointment as Notary Public, 185
 Murchison, Thomas F.: 185
 Murfreesborough, Tennessee: 53
 Murphy, John W.: 91, 160
 Murray, Thomas T.: 186
 Murray, W. H.: appointment as Notary Public, 183
 Myers, William: 187

— N —

Nash, James P.: appointment as Notary Public, 184
 Negro: 38, 47, 60, 67, 113, 109, 141
 New Mexico: 153
 Newton County: appointment of Notary Public in, 187
 Nichols Guns: 8, 116, 173, 180
 Nicholson, James: appointment as Notary Public, 185
 Ninth Legislature, Extra Ses-

sion: 125, 159-160; bill making appropriation to defray contingent expenses of, 96, 109 (see also Per Diem Pay)
 Ninth Legislature, Regular Session: C. S. West's message to Governor Lubbock pertaining to General Laws of, 161-162
 North Carolina: 30
 Notaries Public: 83, 139, 188
 Nugent, J. M.: 187

— O —

Oats, William S.: appointment as Notary Public, 186
 Obenchain, Lieutenant Colonel A. T.: 12
 Ochiltree, Hugh: appointment as Notary Public, 184
 Ochiltree, Colonel W. B.: 191
 O'Docharty, William, 186
 Oetling, _____: 178, 179

Oldham and White's Digest: 3, 163
 Oldtorf, J. D.: appointment as Notary Public, 185
 Oliphant, J. W.: 169
 Oliver, L.: 179
 Orange County: appointment of Notary Public in, 184, 187
 Ordnance Officer: 175

— P —

Paine, R. T.: 171
 Palm Brothers and Company, 68, 69
 Palmer, William M.: 169
 Panola County: appointment of Notary Public in, 187
 Paris, Texas: 160
 Parish, Jefferson: 187
 Parker, A.: appointed to House Committee to study a bill on assistance to dependents of soldiers, 149
 Parker County: appointment of Notaries Public in, 184
 Parrish, A. H.: 68, 69
 Parrish, W. A.: 169

Parsons, J. H.: 159; appointed to committee to inform the House that the Senate was ready to adjourn, sine die, 157; appointed to Committee on Finance, 43; appointed to Committee on Disposition of Flags presented to Legislature, 53; appointed to Committee on Internal Improvements, 44; appointed to Judiciary Committee, 43; appointed to Committee on the Militia, 101; appointed to Committee on Penitentiary, 44; appointed to committee for

- referral of a communication from the President of the Senate, 57; appointed to Committee on Public Buildings, 84; bills introduced by, 75; bills reported by, 130; motions made by, 77, 83, 86, 89, 97, 99, 100, 102, 104, 106, 107, 108, 110, 118; reports by, 71, 153-154; resolutions offered by, 62; substitute resolution offered by, 106; votes of recorded, 66, 85, 89, 90, 95, 97, 99, 100, 102, 104, 106, 107, 108, 110, 118, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154
- Parsons, Colonel W. H.: 191
- Paschal, John T.: 184
- Patent fees: 87
- Paul, James: 191
- Penal Code: bills to amend, 93, 109, 113, 141, 144, 151
- Penitentiary: 13-18, 34, 47, 48, 54, 60, 61, 82, 87, 148; bill authorizing purchase of machinery for, 140, 148; bill to punish persons obtaining goods under false pretenses from, 130, 148; joint resolution pertaining to, 48, 72, 153, 156; receipts from, 87
- Percussion Caps: 173
- Per Diem Pay: 48, 54, 59, 125, 146, 148
- Perry, Aaron: appointed to House Committee, 155
- Perry, Albert G.: appointment as Notary Public, 185
- Perry, James M.: appointment as Notary Public, 183
- Perryman, Mathew T.: 184
- Petty, E. P.: 185
- Pfeiffer, George: 176, 177, 179
- Pharr, W. W.: appointment as Notary Public, 183
- Physicians: 126, 152
- Picks, J. T.: 171
- Pierson, J. H.: 185
- Pinckbeck, William: 150
- Pianeters: 25, 82
- Pleasant Run, Texas: 160
- Polk, General Leonidas: 53
- Rope, J. H.: 171
- Rork: 111
- Rostage: 164
- Rotter, M. M.: appointed to House Committee for bill on support of families of Texas soldiers, 137, 149; appointed to House Committee on establishing a factory at the penitentiary, 72
- Powder Mill: 176
- Pratt, Captain _____: 191
- Preemption Fees: 87
- President of the Senate (See also Lieutenant Governor John M. Crockett): 2, 4, 53, 63, 85, 102; announcement by, 57; letter from Comptroller, 86-88; letters from Treasurer, 67, 76, 83; oath of office administered by, 1; valedictory address of, 157; votes of recorded, 43, 85, 100, 138
- President Pro Tem: 147
- President of the United States: 5
- Presidio County: 9
- Price, Robert: appointment as Notary Public, 186
- Price, General Sterling C.: 40, 46, 47, 55
- Priestly, P.: 2, 4
- Private Bills: 55
- Public Buildings: 50; C. S. West's message to Governor Lubbock pertaining to, 161-162
- Public Domain: 74; bill pertaining to sale of, 65, 110, 112, 118, 125
- Public Lands: 37, 94
- Public Printing: 125
- Quartermaster: 95, 105
- Quayle, W.: 160; appointed to Committee on Claims and Accounts, 44; appointed to Committee on Disposition of Flags presented to Legislature, 53; appointed to Committee on General Land Office, 45; appointed to Committee on Privileges and Elections, 44; appointed to Committee on State Affairs, 43; bill introduced by, 41; credentials as Senator-elect presented by, 1; motions made by, 55, 73, 84, 89, 102, 103, 104, 107, 112, 123, 131, 132, 133, 136, 137; motion withdrawn by, 102; report by, 150; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 118, 120, 124, 126, 127, 128, 131, 132, 134, 135, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154
- Quitman, Mississippi: 19

— Q —

— R —

- Rabb, Captain Thomas: 9
 Radcliff, J. T.: 186
 Ragsdale, E. B.: appointment as Notary Public, 183
 Railroad: 75, 77
 Randall, Colonel H.: 191
 Randolph, Major _____: 191
 Randolph, C. H.: 69, 77, 181; letter to Honorable J. M. Crockett from, 67
 Randolph, Jeremiah: appointment to House Committee to visit Penitentiary, 47
 Raven, _____: 91
 Raymond, N. C.: 3, 160; elected to office of First Assistant Secretary, 2
 Reagan, Honorable John H.: 167
 Real Estate: 27
 Reconstruction: 38
 Rector, Governor Henry M.: 31
 Red River: 11
 Reed, Erastus: 160; amendment offered by, 131; appointed to Committee on Confederate Relations, 44; appointed to Committee on Counties and County Boundaries, 44; appointed to Committee on Frontier Protection, 137; appointed to Committee on the Militia, 101; appointed to Committee on Penitentiary, 44; appointed to Committee on Public Lands, 43; bill introduced by, 56, 60; motion of, 146; report made by, 138, 147; roll call answered by, 1; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 124, 125, 126, 127, 128, 131, 132, 138, 141, 142, 143, 147, 151, 152, 153, 154
 Refugio County: appointment of Notaries Public in, 186
 Renfro, _____: 69
 Republic of Texas: 144
 Revenue Bill: 146
 Rhea, _____: appointed to House Committee to inquire into establishing a factory at the penitentiary, 72
 Rice, _____: appointed to House Committee to inquire into propriety of extending state aid to certain iron works, 117
 Richardson, Madison: appointment as Notary Public, 185
 Richs, J. T.: 171
 Richmond: 19
 Rifles: 174
 Rio Grande: 10, 11, 125, 167, 181
 Rippetoe, Dr. A. H.: 18, 19
 Robert, J. F.: 170
 Roberts, Colonel O. M.: 191
 Robertson County: appointment of Notary Public in, 184
 Robertson (Robinson), General Jerome B.: 51
 Rogers, L. M.: appointment as Notary Public, 186
 Rollins, R.: 168
 Rope: 172
 Rowan, William: 176
 Rusk, Texas: 159, 175
 Rusk County: 160, 174
 Russell, R. B.: appointment as Notary Public, 187
 Rust, William: 68, 69
 Ryan, M. K.: 170

— S —

- Sabine Pass: bill to remit State taxes assessed for 1862, 51, 59
 Sadler, Dr. T. S.: appointment as Notary Public, 187
 Salt: 100, 121, 136, 141, 142, 148, 149, 177, 180
 Salt petre: 173, 176
 Samford, Elkana: appointment as Notary Public, 187
 Sampson, _____: 68, 69
 San Antonio, Texas: 160, 172, 178, 179; bill concerning Alamo ditch, 125, 130, 149
 San Antonio Mutual Aid Association: bill to incorporate, 139, 154
 Sanford, E. M.: 170
 San Patricio: appointment of Notaries Public in, 186; bill to suspend corporate authority of, 121, 155, 156; petition of citizens of, 91, 120
 Santee: 177, 178
 Schools: 75, 76, 87
 Scarborough, E. B.: 55, 157
 Scott, J. E.: 169
 Scott, L. A.: 169
 Scott, Sam F.: appointment as Notary Public, 184
 Secretary of the Senate: 3, 50, 53, 74, 82, 144, 146, 153, 154, 156-157, 160; message to Gov-

- error from, 182-183
 Secretary of State: 77, 94; amendment to bill pertaining to, 145; bill referring to salary of assistant clerk to, 145; bill supplemental to an act to define the duties of, 139, 155; Governor Lubbock's message to Senate pertaining to, 182; message to Governor from Secretary of State pertaining to, 182-183; C. S. West's message to Governor pertaining to, 161; report of, 33; resolution pertaining to, 144
 Secretary of War of the Confederate States: 9, 167
 Sedition: 60, 63, 73, 113
 Selman, B. T.: 160; amendment offered by, 138; appointed to Committee on Enrolled Bills, 44; appointed to Judiciary Committee, 43; appointed to Committee on Private Land Claims, 44; appointed to Committee on Privileges and Elections, 44; appointed to Committee on Treasurer's Books, 45; bills introduced by, 3, 50; bills reported by, 113; message from Governor in response to resolution of, 63; motions offered by, 94, 108, 124; resolution offered by, 50; resolution offered by adopted, 56; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 127, 128, 131, 134, 136, 138, 141, 142, 143, 147, 151, 152, 153, 154
 Sergeant-at-Arms: 2, 53, 102, 160
 Seven Pines: 51
 Sharpsburg: 51
 Shaw, J.: 170
 Shelburne, J. T.: 171
 Shelby County: 159; appointment of Notaries Public in, 184, 187
 Shelbyville, Texas: 159
 Shelton, _____: appointed to House committee, 155
 Shepard, C. B.: 2, 160; amendment by, 101, 103; amendment to bill offered by, 147; amendment to joint resolution offered by, 67; appeal of, 102; appointed to Committee to Study a Recommendation to Confederate Congress of Imposition of an Export Duty on Certain Articles, 67; appointed to Committee on Finance, 43; appointed to Committee on Internal Improvements, 44; appointed to Committee on Printing and Contingent Expenses, 44; appointed to Committee on Public Debt, 44; appointed to Committee on Roads, Bridges, and Ferries, 44; appointed to Committee on State Affairs, 43; appointed to Committee on Treasurer's Books, 45; bills reported by, 124, 125; memorial presented by, 47; motions made by, 46, 51, 73, 93, 94, 99, 100, 101, 102, 103, 107, 112, 119, 122, 124, 147, 153; report by, 142; resolutions introduced by, 47, 148; substitute bill reported by, 63; substitution resolution offered by, 49; votes of recorded, 43, 66, 85, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 118, 120, 124, 126, 127, 128, 131, 134, 135, 136, 138, 141, 142, 143, 147, 151, 153, 154
 Sheriff: 9, 111, 125
 Sherrod, Taylor, and Company, 140, 150
 Shinplasters: 21
 Shoes: 100, 114, 171
 Short, _____: 176
 Sibley, General H. H.: 146, 149, 153
 Simpson, _____: appointed to House committee to prepare an address to Texas soldiers in the field, 64
 Sim's Ninth Texas Regiment: bill to appropriate money to pay officers and soldiers of, 108, 121, 123
 Slavery: 23, 25-26, 38, 82, 85, 97, 120, 125, 130, 142, 143, 151
 Smith County: 95, 108, 160, 176
 Smith, Alexander: 186
 Smith, A. N.: 184
 Smith, B. E.: 187
 Smith, D. S.: 171
 Smith, E. T.: appointment as Notary Public, 184
 Smith, Gideon: appointment as Notary Public, 187
 Smith, Harvey: 185
 Smith, Lauren: appointment as Notary Public, 183
 Smith, Reverend W. A.: 160
 Snell, W. A.: 171

- Sorghum: 25
 Sorrel, R. H. D.: 170, 179
 South Carolina: 30
 Spaight, Colonel J. W.: 191
 Speaker of the House of Representatives: C. S. West's message to Governor Lubbock pertaining to, 161-162
 Spinning jennies: 60, 72
 Stafford, _____: 106
 Starr County: 112
 State Department: C. S. West's message to Governor Lubbock pertaining to, 161-162
 State Finances: 34-37
 State Government: 26, 28, 145, 148
 State Library: C. S. West's message to Governor Lubbock pertaining to, 161-162
 State Revenue: 34, 174
 State Taxes: 21, 153
 State Treasury: 174, 180; R. J. Townes' message to Governor Lubbock pertaining to, 164
 States Rights: 28
 Statutes of Limitation: 65, 70
 Stedham, William: appointment as Notary Public, 183
 Stephens, Colonel _____: 191
 Stevens, D. T.: 170
 Stewart, Charles B.: appointment as Notary Public, 184
 Stockton, E.: appointment as Notary Public, 186
 Stockton, Rector: 12
 Stoneham, William: 171
 Stonehouse, Geog.: 168
 Sulphur: 173, 176, 177, 180
 Superintendent of State Penitentiary: 17
 Supreme Court: 27, 43, 45, 46, 47; bill authorizing the Galveston District to hold its spring term at Austin, 3, 40
 Supreme Court Librarians: 146
 Supreme Court Library: 161-162
 Supreme Court Judge: 140
 Sweeny, B.: 185
 Swisher, John M., and Company: 172

— T —

- Tackett, Mann: appointment as Notary Public, 186
 Tackett, Pleasant: 186
 Tait, C. W.: 169
 Tanner, N. B.: 176
 Tarrant County: 160
 Taxes: 34, 35, 36, 60, 76, 77, 80, 81, 87, 88, 89, 94, 97, 108, 109, 122, 123, 124, 133, 139, 140, 152
 Taylor, _____: 69
 Taylor, J. L.: 170
 Taylor, Colonel John R.: 191
 Taylor, John W.: 183
 Taylor, Sherrod, and Company: 130, 135
 Teachers: 126, 150
 Tehuacana, Texas: 159
 Tennessee, 13, 29, 30
 Tennessee River: 144
 Tent Cloths: 14
 Tenth Legislature: bill to provide for electing Senators and Representatives to in counties occupied by the public enemy, 145, 151
 Terry, Colonel B. F.: bill to release to his heirs the interest of Texas in the property owned by Terry at his death and devised by his will, 65, 70, 90
 Tevis, A. J.: appointed as Notary Public, 187
 Texans: 6, 7, 9, 13, 15, 16, 19, 20
 Texas: 7, 14, 16, 27, 29, 30, 46, 109, 111, 140, 148, 150, 168, 189
 Texas Almanac Extra: 52, 74, 82
 Texas Iron Company: bill to incorporate, 124, 130, 136
 Texas Lead and Copper Mine Company: bill to incorporate, 75, 91, 134, 140, 149
 Texas Military Board: report of, 167-181 (See also Military Board)
 Texas Paper Manufacturing Company: bill to incorporate, 96, 109, 136
 Texas Rangers: 53
 Texas Rifles: 174
 Texas State Troops: 12, 13, 19, 20, 22, 23, 24, 25, 28, 29, 30, 32, 40, 45, 54, 71, 88, 95, 101, 105, 109, 121, 126, 131, 135, 136, 145, 155
 Texas Treasury Warrants: 21, 75, 76, 79, 98, 181
 Texas Volunteers of the Army of Virginia: 51-53
 Third Minnesota Mounted Volunteers: 53
 Thirty-second Senatorial Dis-

- trict: 55
 Thomas, Henry: 160; elected to office of Engrossing Clerk, 2
 Thomas, John: appointment as Notary Public, 186
 Thomas, J. W.: appointment as Notary Public, 186
 Thomas, R. S.: 169
 Thomas, W. R.: 168
 Thomason, J. A.: 169
 Thomason, J. H.: 169
 Thomason, J. M.: 169
 Thompson, A. L.: 169
 Tin: 166
 Titus County: 159; appointment of Notary Public in, 184
 Todd, _____: 45
 Tomlinson, E. J. W.: appointment as Notary Public, 184
 Townes, _____: appointed to House committee for assistance to dependents of soldiers, 149
 Townes, R. J.: 182, 183; message of to Governor Lubbock, 163-166
 Townsend, William P.: 184
 Towsey, L. A.: appointment as Notary Public, 185
 Trade: 72, 79, 125, 137, 139
 Trans-Mississippi Department: 16, 31, 46, 47, 55
 Travis County: 177; appointment of Notaries Public in, 184, 186, 188
 Treason: 41
 Treasurer: 7, 17, 36, 46, 62, 77; bill to authorize to pay out Confederate notes for civil and military purposes, 140, 148; letters from to President of Senate, 67, 75, 83; resolution pertaining to, 73
 Treasury: 3, 10, 18, 19, 22, 33, 34, 35, 80, 174
 Treasury Building: bill appropriating \$20,000 for repairing the roof on, 156
 Trinity County: 112; appointment of Notaries Public in, 186
 Truit, L. M.: 187
 Truitt, J. M.: appointment as Notary Public, 184
 Tucker, Sherrod and Company: 174
 Twenty-First Brigade, Texas State Troops: 13; bill appropriating money for, 96, 109, 113, 135
 Tyler, Texas: 156, 160
 Tyler County: appointment of Notary Public in, 184

— U —

- United States: 6, 46, 70
 University Land Sales: 68, 76
 Upshur County, 159

— V —

- Van Vleck, George W.: appointment as Notary Public, 184
 Vineyard, Samuel C.: 186
 Virginia: 18, 19, 29, 30, 114
 Volunteers: 28

— W —

- Waco, Texas: 159
 Waco and Austin Road: 83, 85, 93, 112
 Waddell, P. E.: 170
 Wadkins, K.: 183
 Wadsworth, Albert: 186
 Wagon Sheets: 14
 Walker County: 96, 108
 Walker, J. H.: 68, 69
 Walton, Lieutenant William M.: 191
 War Department: 32
 Ward, V. V.: 4
 Warrants: 35, 36, 46, 110
 Warren, George: 170
 Washington County: 160; appointment of Notary Public in, 184; memorials of County Court of, 47, 59, 67
 Washington County Mutual Aid Society: bill to incorporate, 125, 131, 137, 145, 156
 Washington, T. P.: 170, 171
 Waterhouse, Colonel Richard: 191
 Water Mill: 88
 Waters, John D.: 170
 Watkins, Major O. M.: 82, 86, 143
 Weatherford, Jefferson: 160; amendment offered by, 128, 134; appointed to Committee on Counties and County Boundaries, 44; appointed to Com-

- mittee on Finance, 43; appointed to committee to inquire into establishment of a manufactory at Huntsville Penitentiary, 61; appointed to Committee on Private Land Claims, 44; appointed to Committee on Public Debt, 44; appointed to Committee to study a bill pertaining to sale of Public Domain, 110; appointed to Committee on State Affairs, 43; bill introduced by, 80; motions of, 99, 110, 112, 127, 128, 130, 141; proposal of, 110; votes of recorded, 43, 66, 86, 89, 90, 95, 97, 99, 100, 102, 103, 104, 106, 107, 108, 110, 112, 118, 120, 124, 125, 127, 128, 131, 132, 134, 135, 136, 138, 141, 142, 143
- Weaver, W. T. G.: 185
- Webb, William G.: 184
- Well: 166
- West, Secretary of State C. S.: Governor Lubbock's message to the Senate pertaining to, 182; message to Governor Lubbock, 161-162
- Western Texas: 168
- Wharton County: 179
- Wharton, General John A.: 53
- Whateley, E. T.: 12
- Wheat: 147
- Wheeler, M. W.: 48, 160; appointed to Committee on Counties and County Boundaries, 44; appointed to Committee on Enrolled Bills, 44; appointed to Judiciary Committee, 43; appointed to committee to inquire into establishment of a manufactory at Huntsville Penitentiary, 61; resolution introduced by, 60; substitute amendment offered by, 143; votes of recorded, 43, 66, 85, 89, 90, 95, 99, 100, 102, 103, 104, 107, 108, 110, 118, 120, 124, 126, 127, 131, 132, 135, 136, 138, 141, 142, 143, 147, 152, 153, 154
- White, George: 183
- White, Joseph: 171
- White, Seymore: appointment as Notary Public, 187
- White, S. Addison: 160; amendment to resolution by, 135; appointed to Committee on Claims and Accounts, 44; appointed to Committee on Education, 45; appointed to Judiciary Committee, 43; appointed to Committee on Military Affairs, 45; appointed to Committee on Private Land Claims, 44; appointed to Committee on Public Lands, 43; bills introduced by, 41, 49, 64; bill reported by, 114; credentials as Senator-elect presented by, 1; joint resolution introduced by, 60, 146; motions of, 110, 137, 141; resolution offered by, 59; votes of recorded, 43, 66, 89, 95, 97, 99, 100, 102, 103, 104, 107, 108, 110, 118, 120, 126, 131, 132, 134, 135, 136, 141, 142, 143
- Whitescarver, Campbell and Company: 174
- Whitesides, J. T.: appointment as Notary Public, 185
- Wiehl, John C.: appointment as Notary Public, 184
- Wigfall, Senator L. T.: 167
- Williams, _____: 45; appointed to House committee to prepare an address to Texas as soldiers in the field, 64; appointed to House committee to study a bill to provide for support of families of Texas soldiers, 137
- Williamson County: 59; appointment of Notaries Public in, 187
- Wilson, A. T.: 170
- Wilson, James T. D.: 114, 171, 172, 178, 179
- Wilson, William S.: 187
- Winn, E.: 169
- Wise County: 159; appointment of Notaries Public in, 186
- Wolverton, John, Jr.: appointment as Notary Public, 183
- Wood, William D.: 184
- Woolen cards: 41, 98, 180
- Woolen goods: 13, 14, 17, 102
- Wooten, W. R.: 169
- Worrall, T. R.: 185
- Worsham, T. J.: 186
- Wright, John B.: appointment as Notary Public, 186

— Y —

- Yarborough, Richard: 187
- Young County: appointment of Notary Public in, 186
- Young, Colonel O.: joint resolution forwarded to, 191