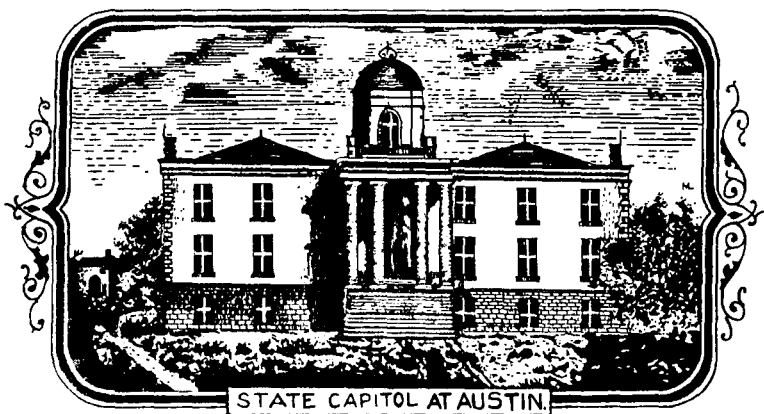


HOUSE JOURNAL  
*of the*  
TENTH LEGISLATURE  
REGULAR SESSION



1853 - 1881

HOUSE JOURNAL  
of the  
TENTH LEGISLATURE  
REGULAR SESSION  
of the  
STATE OF TEXAS

November 3, 1863 - December 16, 1863

Compiled and Edited from the Manuscripts in the  
Texas State Archives

by

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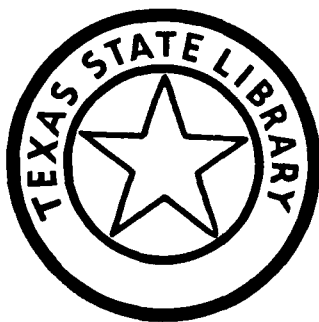
Ben Barnes

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# CONTENTS

	Page
Introduction .....	vii
Preface .....	xi
Journal .....	1
Appendix I: Members and Officers of the House of Representatives of the Tenth Legislature, Regular Session .....	221
Appendix II: Report of A. Bishop .....	226
Appendix III: Report of the Military Board .....	233
Appendix IV: Proceedings of Governors' Conference West of the Mississippi River .....	254
Appendix V: Messages of Governor Murrah to the House of Representatives .....	264
Index .....	271

## ILLUSTRATIONS

State Capitol at Austin, 1853-1881 .....	Frontispiece
M. D. K. Taylor .....	1
James E. Ranck .....	2
D. M. Prendergast .....	38
O. T. Tyler .....	72
George Washington Glasscock .....	94
A. W. DeBerry .....	110
Hermann Seele .....	152

## INTRODUCTION

“The people will look to you for passage of such laws as will secure to them the greatest good,” spoke Francis R. Lubbock in his farewell address to the Texas Legislature on November 5, 1863. For Lubbock his old career as Governor was ending; his new assignment as a soldier of the Confederacy was just beginning. For the seventy members of the House of Representatives who heard his message, there could not help being some feeling of confusion and bewilderment.

Only in the Texas Revolution of 1836 had the mettle of the people of Texas been tested to such an extent as it was being tested during this Confederate period. These people were harassed by an invading enemy, the Yankees along the coast, and a marauding foe, the Indians on the western frontier. Texas soldiers were fighting from Virginia to Missouri. News from the battlefield brought reports of death and extremely harsh conditions for those who were managing to survive. Texans at home faced problems of survival themselves. Adequate food and shelter were almost unobtainable. Life on the Texas frontier was a rugged battle in itself for existence. In this troubled time, the State Representatives in Austin met to chart a course for a State Government beset with problems, deficiencies, inadequacies, and uncertainties.

Despite the confusion of the times, the organization of the House of Representatives for this the Tenth Legislature was accomplished with comparative ease. Two outstanding men were available for the Speakership, and both had served as Speaker previously. M. D. K. Taylor, a native of Georgia and resident of Texas since 1847, had served in the Alabama Legislature from 1842 to 1846. In Texas he served as a member of the House in the Third

Legislature and as a member of the Senate in the Fourth through the Seventh Legislatures. After returning to the House for service in the Eighth Legislature, Taylor was chosen by his fellow members as their Speaker for that session. He did not serve in the Ninth Legislature, but was elected to the House for the Tenth and declared his availability for the Speakership. At this time although only forty-five years old, he had given sixteen years to legislative service.

Also seeking the office of Speaker was Constantine W. Buckley of Fort Bend County. Buckley, a native of North Carolina, was born there in 1815. He moved to Georgia in 1822 and on to Houston in 1838. Buckley, trained as a lawyer, had seen service as a judge and a legislator. A member of the House in the Seventh and Eighth Legislatures, Buckley had been elected Speaker of the Ninth. For reasons not now known, he resigned as Speaker toward the end of that regular session in 1861, but was re-elected as the presiding officer for a special session called early in 1863. Returned by his constituents to the Tenth Legislature, Buckley offered himself again as a candidate for the Speakership in the race against Taylor.

The election, held on the 2nd day of the session, November 3, 1863, resulted in a victory for Taylor. The 45 to 18 count indicates that only 63 out of a possible 70 members cast their votes. Even though defeated as Speaker, Buckley remained one of the most active members of the session. Taylor subsequently in 1873 was elected for a third time to the Speaker's chair and remains to this day the only man to serve three terms in this capacity.

In determining the qualifications of its members, the House faced two contested elections: one from Dallas County and one from Bastrop County. Nicholas W. Eastland

obtained the right to represent Bastrop County, but the Dallas contest resulted in a rejection of both contenders and the call for a new election.

The House membership was composed of men with varying and colorful backgrounds. They ranged in experience from Indian fighters to civic officials. James E. Ranck was a frontiersman instrumental in founding the town of Mason. Wiley Jones had been a member of the Mier Expedition of 1842 and had suffered the rigors of incarceration in Perote Prison before he managed his escape on March 25, 1844. Nicholas W. Eastland was a veteran of the Texas Revolution, the first Chief Justice of Fayette County, and a prominent citizen of Bastrop County. O. T. Tyler had been the first Chief Justice of Coryell County and later became an important member of the Board of Trustees of Salado College. Hermann Seele, a native of Germany, arrived in Texas in 1843 and established himself in New Braunfels where he served as Mayor prior to his election to the Legislature. George Washington Glasscock moved to Texas in 1834, participated in the Texas Revolution, lived in Bastrop and Williamson Counties, before moving to Austin in 1853. Glasscock was for several years a manager of the Texas Lunatic Asylum in addition to being a legislator. These are a few of the men who contributed to the success of the Tenth House of Representatives.

The hard-working session left a record of progress. The group had its moments of sadness such as the day it passed resolutions on the death of Sam Houston. However, in a time of emergency, the members sought to buttress their State with the passage of sound legislation.

With the publication of this journal the Texas Library and Historical Commission has completed the printing of the proceedings of the House and Senate of the regular

session of the Tenth Legislature. Only the two called sessions remain to be done. They will be available in the near future. All students of Texas history, I am sure, will join me in commending our Director of State Archives, James M. Day, for his invaluable and tireless efforts in preserving these records as a permanent chapter of the history of our State.

Ben Barnes  
Speaker, House of Representatives  
Fifty-Ninth Legislature

## PREFACE

Excitement and activity are two words which describe Texas in the Civil War period. The people were excited because of the ever present danger of enemy invasion and there was activity aimed at preventing that. The journals printed here for the first time clearly reflect those attitudes in the people of Texas and their elected representatives.

This volume is a pivot point in the printing of the proceedings of the Ninth and Tenth Texas Legislatures. The journals of the Ninth Legislature are already available in four volumes; this book is the second of the series for the Tenth. With this volume the journals of the Tenth Regular Session are available, leaving only the two Called Sessions to complete the series. It is printed in accordance with the Legislative mandate calling for the editing and printing of the manuscript archives, a program administered by the Texas Library and Historical Commission.

Evidence in the Archives shows that the Journals have been slated for publication on two previous occasions. The first effort was made by E. W. Winkler when he was in the State Library, and that was followed by Miss Harriet Smither's attempt some twenty years ago. The fragmentary typescripts of those efforts have been located, but, because of their incompleteness, they were found to be of little value. Both efforts failed, no doubt, because of the shortage of staff and funds.

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 editor has aimed at standardizing the spelling of such items as names and places, 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. Appendixes include the report of the Military Board, a report of Colonel Absalom Bishop concerning salines near Double Mountain in West Texas, and the proceedings of the Governors' Conference West of the Mississippi River.

A note of appreciation goes to the Texas Library and Historical Commission for supporting this publication, and to Speaker Ben Barnes for writing the Introduction. Mention should also be made of Jo Anne Oliver, Linda Evans, Newton Mitchell, and Bill Dunn who kept pace with the Archives reference work and allowed the time necessary for completing this work. Gary Thomas assisted with the index. For eleven years Andrew Smith has been the porter in the Archives, having maintained the stack areas, carried boxes, books, and manuscripts, and performed other services too numerous to mention. His assistance in connection with the publications program is gratefully acknowledged.

James M. Day  
Director of State Archives





**M. D. K. Taylor**  
**Speaker**

Source: Picture File (Archives  
Division, Texas State Library).

**JOURNAL**  
**OF THE**  
**TENTH LEGISLATURE**  
**REGULAR SESSION**  
**HOUSE OF REPRESENTATIVES**

Austin, Monday, November 2, 1863

The House of Representatives of the Tenth Legislature of the State of Texas met in pursuance of law, and was called to order by R. J. Townes, Secretary of State. I. H. Herndon, former Chief Clerk officiating as Clerk *pro tem*, and John Stringer as Sergeant at Arms *pro tem*.

The roll of districts being called: the following members appeared and presented their credentials and took the oath of office, to wit:

From District 6, Shelby—J. M. Ramsey.

From District 7, Nacogdoches—B. Blake.

From District 9, Houston—G. M. Brazier.

From District 10, Anderson—G. R. Howard.

From District 11, Trinity, Houston, and Anderson—J. C. Wooten.

From District 12, Cherokee—R. Robertson and W. C. Daniel.

From District 13, Rusk—Allen Birdwell and Thos. Smith.

From District 14, Panola—A. W. DeBerry.

From District 15, Harrison—R. R. Haynes.

From District 17, Smith—F. M. Hays and L. P. Butler.

From District 18, Davis and Marion—J. M. Willis.

From District 19, Titus—B. Finley.

From District 20, Davis, Titus and Bowie—M. D. K. Taylor.

From District 21, Upshur—W. H. Hart and A. Emmert.

From District 22, Red River—W. M. Harrison.

From District 23, Lamar—Ed Gibbons.

From District 24, Hopkins—L. A. Lollar.

From District 25, Lamar and Hopkins—A. J. Redding.

From District 26, Wood—Howard Keyes.

From District 27, Van Zandt, Kaufman, and Henderson—D. M. Mabray.

From District 28, Hunt—W. R. Lane.

From District 29, Fannin—R. English.

From District 30, Fannin and Hunt—J. W. Marshall.

From District 31, Grayson—W. Holford.

From District 32, Collin—W. A. Rhea.

From District 33, Collin and Grayson—Thos. J.

Browne.

From District 36, Harris—J. T. Brady and Geo. W.

Frazier.

From District 37, Montgomery, Grimes, and Brazos—J. G. McDonald.

From District 38, Walker—J. H. Banton.

From District 39, Leon and Madison—Robert Lacy.

From District 42, Ellis, Johnson, and Parker—E.

Pendleton.

From District 43, Tarrant—J. H. Allen.

From District 44, Dallas—H. J. Moffatt and George Wilson.

From District 45, Denton—J. L. Lovejoy.

From District 46, Cooke, Montague, Wise, Jack, Clay, Young, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, and Haskell—Wiley Jones.

From District 47, Matagorda, Wharton, and Fort Bend—C. W. Buckley.

From District 49, Colorado—W. J. Darden.

From District 51, Washington—F. W. McGuire.

From District 52, Washington and Fayette—M. W.

Baker.

From District 53, Burleson and Robertson—J. W. Thomas.

From District 55, Travis—M. H. Bowers.

From District 56, Travis and Williamson—George W. Glasscock.



**James E. Ranck**

Source: *Frontier Times*, VI, No. 2  
(November, 1928), front cover.

From District 57, Williamson and Milam—L. Robinson.

From District 58, Caldwell, Hays, and Blanco—C. Kyle.

From District 59, Bell and Lampasas—E. Walker.

From District 60, McLennan and Bosque—C. B. Way.

From District 61, Coryell, Hamilton, Comanche, Erath, Brown, Palo Pinto, Buchanan, Eastland, Shackelford, Callahan, Coleman, Jones, Taylor, and Runnels—O. T. Tyler.

From District 62, Calhoun, Victoria, Jackson, and DeWitt—J. B. Reid and W. M. Cook.

From District 64, Gonzales—L. R. Bratton.

From District 67, Gillespie, Kerr, Bandera, Mason, Menard, Kimble, and Edwards—J. E. Ranck.

From District 68, Burnet, Llano, San Saba, McCulloch, and Concho—Wm. Thaxton.

From District 70, Karnes, Bee, Live Oak, Atascosa, McMullen, Frio, LaSalle, Zavala, and Dimmit—C. A. Russell.

From District 71, Bexar—I. P. Simpson and S. Sampson.

Making in all fifty-nine [64] whereupon on motion the House adjourned to 3 P. M.

3 P. M.

House met pursuant to adjournment and the following members presented their credentials and took the oath of office, to wit: B. Finley of Titus [is shown to have appeared at the previous meeting. See roll call above.], N. B. Patton of Davis, and John Griffith of Van Zandt.

Whereupon the roll was called and there being no quorum present, on motion, the House adjourned to 10 A. M. tomorrow.

Tuesday, November 3, 1863

House met pursuant to adjournment and the following members came forward, presented their credentials, took the oath of office and their seats: [No names were listed]. Whereupon the roll was called and a quorum being present, the House proceeded to the election of Speaker. Messrs. McDonald, Darden, and Bowers were appointed tellers, and on motion of Mr. Darden, Messrs. Simpson, Way, and

Slaughter were appointed a committee to receive the vote of Mr. Haynes who is confined to his room by sickness.

Mr. Hays put in nomination the name of the Honorable M. D. K. Taylor and Mr. Marshall put in nomination the name of the Honorable C. W. Buckley and there being no other nominations the House proceeded to ballot which resulted as follows, to wit: For Taylor 45 votes; for Buckley 18 votes. Mr. Taylor, having received a majority of all the votes cast, was declared duly elected Speaker of the House of Representatives of the Tenth Legislature and Messrs. Hays, McGuire and Tyler were appointed a committee to wait upon the Speaker-elect and conduct him to the Chair.

The Speaker upon taking his seat addressed the House as follows, to wit: [Speaker Taylor's address is not included in the journal nor can it be located]. The Speaker then announced that the first business before the House was the election of a Chief Clerk, and nominations were declared in order, whereupon Mr. Simpson of Bexar put in nomination the name of I. H. Herndon of Travis and there being no other nomination the ballot was taken and resulted in 61 votes for Mr. Herndon, whereupon Mr. Herndon was declared duly elected Chief Clerk of the House of Representatives of the Tenth Legislature. The election of an Assistant Clerk being next in order, the Honorable C. Kyle put in nomination the name of A. G. Campbell of Travis and there being no other nomination, the ballot was taken and Mr. Campbell having received 61 votes was declared duly elected First Assistant Clerk of the House of Representatives.

Mr. Buckley then offered the following resolution, to wit: "RESOLVED that the officers of the House of Representatives for the Tenth Legislature shall consist of one Chief Clerk, the three Assistant Clerks who shall be under the direction of the Chief Clerk, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Doorkeeper and one Chaplain" which was adopted. The election of Second Assistant Clerk being next in order, Mr. Bowers put in nomination the name of W. Lambert of Travis and Mr. Buckley put in nomination the name of John Blue and there being no other nominations a ballot was taken and resulted in 52 votes for Lambert and 12 votes for Blue. Lambert having received a majority of all the votes cast was duly elected

Second Assistant Clerk of the House of Representatives of the Tenth Legislature. The election of Third Assistant Clerk being next in order, Mr. Bowers put in nomination the name of Fred Carlton, and Mr. Buckley put in nomination the name of P. Priestly, and there being no other nominations a ballot was taken and resulted as follows, to wit: for Mr. Carlton 55 votes, for Mr. Priestly 9 votes. Mr. Carlton having received a majority of all the votes cast was declared duly elected Third Assistant Clerk of the House of Representatives of the Tenth Legislature. The election of Sergeant-at-Arms being next in order, Mr. Reid of Victoria put the name of W. B. Hamilton in nomination, Mr. McDonald of Grimes put in nomination the name of John E. Stringer, and Mr. Bratton of Gonzales put in nomination the name of Wm. Hollander, and there being no other nominations the ballot was taken and resulted as follows, to wit: for Hamilton 28 votes, for Mr. Stringer 7 votes, and for Mr. Hollander 29 votes. There not being a majority of all the votes cast for any of the candidates, a second ballot was ordered whereupon Mr. McDonald withdrew the name of Mr. Stringer and Mr. Reid withdrew the name of Mr. Hamilton. The ballot being proceeded which resulted as follows, to wit: for Mr. Hollander 62 votes, and for Mr. Hamilton 3 votes. Mr. Hollander having received a majority of all the votes cast was declared duly elected Sergeant-at-Arms for the House of Representatives for the Tenth Legislature. The election of Assistant Sergeant-at-Arms being next in order, Mr. Baker of Washington put in nomination the name of Geo. E. Haynes and Mr. Bowers of Travis put in nomination the name of L. Hopkins and Mr. Slaughter of San Augustine put in nomination the name of W. B. Hamilton, and there being no further nominations the ballot was taken which resulted as follows, to wit: for Haynes 27 votes, for Hopkins 11 votes, and for Hamilton 26 votes. None of the candidates having received a majority of all the votes cast, a second ballot was ordered whereupon Mr. Bowers withdrew the name of Mr. Hopkins and the ballot proceeded which being taken resulted as follows, to wit: For Haynes 38 votes and for Hamilton 26 votes. Mr. Haynes having received a majority of all the votes cast was declared duly elected Assistant Sergeant-at-Arms for the House of Representatives for the Tenth Legislature. The election of Doorkeeper being next

in order, Mr. Robinson of Milam put the name of Levi Pennington in nomination and there being no other nomination the ballot was taken and resulted as follows: for Pennington 63 votes. Mr. Pennington having received all the votes cast was declared duly elected Doorkeeper of the House of Representatives of the Tenth Legislature. The election of Chaplain being next in order Mr. Moffatt of Dallas put in nomination the name of the Right Reverend Alex Gregg, Mr. Birdwell of Rusk put in nomination the name of Mr. Craig, and Mr. Glasscock of Travis put in nomination the name of J. W. Phillips, and there being no further nominations the ballot was taken and resulted as follows, to wit: for Gregg 24 votes, for Craig 13 votes, and for Phillips 27 votes. None of the candidates having received a majority of all the votes cast, a second ballot was ordered whereupon Mr. Birdwell withdrew the name of Mr. Craig, and the ballot being taken resulted as follows, to wit: for Gregg 32 votes, for Phillips 29 votes, and for Mr. Craig 2 votes. Mr. Gregg having received a majority of all the votes cast was declared duly elected Chaplain for the House of Representatives of the Tenth Legislature. Whereupon the officers-elect of the House of Representatives of the Tenth Legislature came forward and were duly qualified.

The Speaker then announced that the House was duly organized.

Whereupon Mr. Way moved to appoint a Committee of Three to inform the Senate that the House was now organized and ready to proceed to business, and also to act with a similar committee of the Senate to wait upon the Governor, which carried and Messrs. Way, Buckley, and Banton were appointed said committee.

Mr. Buckley moved that the Sergeant-at-Arms number the members' seats and that the Chief Clerk and assistants draw for them in order of the members' names on the roll.

On motion the House adjourned to 3 P.M.

3 P. M.

House met pursuant to adjournment. Roll called and quorum present.

A committee from the Honorable Senate was announced and received who informed the House that the Senate was organized and ready to proceed to business and to act in conjunction with a similar committee on the part



of the House to wait on the Governor.

A message from the Senate was announced and received informing the House that the Senate was organized and had elected the following as its officers, to wit:

R. H. Guinn	President <i>pro tem</i>
P. De Cordova	Secretary
N. C. Raymond	Assistant Secretary
W. M. Gilliland	Enrolling Clerk
H. Thomas	Engrossing Clerk
R. H. Clements	Sergeant-at-Arms
J. D. McCall	Doorkeeper

Mr. Willis offered the following resolution, viz: "RESOLVED that the rule of the House be so changed as to allow and authorize the Speaker to appoint any number of members on the Committee on Finance not exceeding fifteen."

Mr. McDonald offered the following resolution, to wit: "RESOLVED that the Sergeant-at-Arms be required to procure from the Secretary of State for the use of the members of the House one copy of Oldham & White's Digest, one copy of the amended Constitution of the state, and also a copy of the acts of each session of the Ninth Legislature for each member of the House, and all pamphlets and laws since the publication of the Digest," which was adopted.

Mr. Banton of Walker offered the following resolutions to wit: "RESOLVED that the House has heard with deep regret that the distinguished statesman, patriot, and soldier, General Sam Houston departed this life on the 26th day of July 1863 at his residence in Walker County.

RESOLVED that in his death the state has lost one of its distinguished citizens and public servants, and one of its ablest and most zealous advocates and defenders of its rights, liberties, and its honor.

RESOLVED that so great a light can ill be spared in this dark hour of our country's existence, and its going out is alike a state and a national calamity.

RESOLVED that his public services through a long and eventful life, his unblemished patriotism, his great private and moral worth, and his untiring devotion to and zealous regard for the interests of the state of Texas com-

mand our highest admiration and should be held in perpetual remembrance by the people of the state.

RESOLVED that the sympathy and condolence of the people of the state be tendered the afflicted family of the deceased.

RESOLVED that the Clerk of the House furnish the surviving widow of the deceased with a copy of these proceedings and that they be spread upon the journals of the House.

RESOLVED that as a further token of respect to the memory of the distinguished dead this House do now adjourn to 10 A. M. tomorrow."

The resolution was adopted and after some appropriate remarks from Mr. Banton the House adjourned to 10 A. M. tomorrow.

Wednesday, November 4, 1863

House met pursuant to adjournment. Roll called and quorum present.

The following members came forward, presented their credentials, and took the oath of office, to wit: W. H. Howard of Lavaca, A. N. Perkins of Jasper, N. W. Bush of Austin, and E. B. Adams of Liberty.

The journal was then read, amended, and adopted.

Mr. Buckley moved that the House take a recess of ten minutes and that the Hall of the House be put in order to receive the Honorable Senate into a joint session to receive the Governor's Message to be delivered in the Hall of the House by his Excellency in person, which was carried.

At the expiration of the recess the House was called to order, and the Honorable Senate notified that the House was ready to receive them. Whereupon the Honorable Senate was announced and received. The Joint Committee of the House then waited upon the Governor and informed his Excellency that the houses were in joint session and ready to receive his message. Whereupon his Excellency F. R. Lubbock was introduced by the committee and delivered his message from the Speaker's stand.<sup>1</sup>

<sup>1</sup>From Executive Record Book No. 82, 1861-1863, pp. 176-197 (Archives Division, Texas State Library).

Gentlemen of the Senate & House of Representatives:

In greeting you thus assembled in Regular Session by virtue of the Constitution and Laws I congratulate you and the Country that, under the Providence of God, our State has been blessed with genial seasons uninterrupted good health and prosperity, that our granaries teem with the superabundance of our harvests, our loved plains still furnish an abundance of forage and meat, and that the unparalleled bravery of her noble sons has saved our beloved State from the hated presence of the foe.

The mighty contest in which we are involved, on our part all of property, life, liberty, and honor, has progressed since your adjournment, checkered with alternate success and reverses to our arms. In the general summing up, however, of results, we have no reason to despond or falter.

The war has, nevertheless, assumed gigantic proportions, demanding sacrifices on the part of all; our People are unalterably fixed in the determination to prosecute it to the bitter end, and never to yield while a man is left to strike a blow for freedom. As the contest lengthens, our armies become more experienced in the varied and difficult requirements of active warfare, and their present condition, if supported as the requirements of their situation demands, is such as to inspire us with a just confidence in their power to successfully resist the hosts of the enemy.

It is true that Vicksburg and Port Hudson are both in the enemy's possession—their defense was alike honorable to their respective garrisons, and conferred additional luster upon the Southern name. Those positions were wrested from us, not by the prowess of the enemy's armies, but by the total exhaustion of their magazines. The gloom that for a moment overshadowed the minds of our people upon their loss was quickly dissipated before the inherent courage of the Southern race, which rose equal to the emergency. The results to the enemy have proved wholly inadequate to the great sacrifices made by them in securing those points, and today, with those positions in their hands, the navigation of the Mississippi is to them a myth. We could well afford to fortify several such places and surrender them upon the same terms as Vicksburg and Port Hudson.

The occupation of those fortresses in a degree separated the States of the Trans-Mississippi Department from their Sister-States east of the Mississippi; and we must, at present, contend alone against the numerous armies of the enemy thrown upon this side of that river for our subjugation. His forces are in possession of Missouri, of a large portion of Arkansas and Louisiana, and his standards are nearly advanced to the borders of Texas. The Executive has exerted the power vested in him by law to call forth the resources of the State to meet the crisis that is upon her. The **whole** resources of the state, both in men and means are, however, demanded by the exigencies of her position, and it is for your honorable body to take such measures as will develop them to the utmost, and bring *them into effective operation for the safety of the State and the success of the general cause.* Without such vigorous action it is to be feared unnumbered calamities and misfortunes will be the penalty of our supineness and want of patriotism; and Texans must rise in their might, as one man, with one sole resolved—to be free, or to perish with the land of their birth and adoption! Thus animated, we shall conquer; and Texas will be the grave, not the inheritance, of the invader.

The ranks of the brave men in the field have been thinned by disease and the sword; they look to you to call forth the resources of the State to aid them in saving the Country, and save them from being crushed by the superior forces and means of the enemy.

The states west of the Mississippi River have fighting men enough in arms, and those capable of bearing arms, together with resources amply sufficient to protect, defend and drive from their territory the last Yankee soldier that may invade us; but to effect this we must **realize** the fact that the country is at war; private affairs must cease to occupy so much of our attention; we must all be stimulated with a patriotic determination to be free, and to rid our soil of the foul presence of our hated enemies.

The swarms of men engaged in profitable business on their own accounts, who are exempted from, or avoid military service upon one pretext or another—the thousands occupied in driving teams and cattle for the government and government contractors must be placed in their respective companies, and replaced with Negroes. The able-

bodied soldiers and employees about the posts and towns must take the field and their places be supplied by the old, the very young, and the infirm.

The Confederate Congress and the legislatures of the several states must do away with all exemptions and substitutions—convert every man in the country into a soldier until this war is over—instead of exempting men, let them when necessary be detailed to perform such duties as may be required of them. The Confederate Congress, in passing an Exemption Law, did so for the public good and not to subserve the private interests of the individuals exempted. Unfortunately, most exempts appear to have come to the conclusion that it was some particular favor granted to them, and they have used their position as exempts, in too many cases, entirely for their personal benefit and advancement.

The planter, when exempted, was expected to carry on his legitimate business; so with the farmer, stock raiser, mechanic, professional man and all other exempts; it was anticipated they would supply the Government and people with their produce, stock, fabrics, services, etc., at a fair remunerative price; when they fail to do this, they have violated the implied contract, and are acting in bad faith, and their exemptions should have been withdrawn.

Time has demonstrated that exemptions from military service have proved of doubtful policy, and worked an injury to our cause. I trust this policy will be at once abandoned.

The practice of allowing men to furnish substitutes has been a great bane to the Army; every man capable of doing military duty should represent himself in this great struggle. The result of permitting substitutes is that those who wish to avoid service and have means can bid the most exorbitant prices for the service obtained, and to such an extent has it been carried that small fortunes are being paid to secure substitutes rendering it exclusively beneficial to the wealthy individual. It is surprising what large sums are being paid even for a short term of State service. It should not be allowed. We want all of the able-bodied in the field. Let every man answer at roll call to his name.

Let these things be done, and a few months will exhibit our veteran and thinned regiments recruited to their proper strength. A new spirit will be diffused throughout the

various army corps of the Confederacy, and we can bid defiance to all the hired Hessians that may be brought against us.

[The Military Board]

The Military Board has continued to prosecute its multifarious duties with all the energy and ability at its command. It has, so far as was practicable, husbanded the small means at its disposal. It had to contend against many difficulties arising from the bad management of some of its agents and the great depreciation of the currency. Ably and patriotically assisted by some of its agents, it has been met by bad faith on the part of others, which fact will be more particularly dwelt upon and elucidated in its report.

Since the adjournment of the Extra Session of the 9th Legislature, about twelve thousand pairs of cotton and wool cards have been distributed to the various counties of the State at a cost to them of \$10.00 per pair for cotton and one-half that price for wool cards; the price in the open market ranging generally from \$25.00 to \$40.00. The Board is now receiving and distributing thirty thousand additional pairs, imported from Europe, which it confidently hopes will supply the present wants of the entire State. (In this single transaction the people of the State have been saved over \$1,000,000 independent of the facility afforded in manufacturing clothing, etc.).

In compliance with a joint resolution passed at the said Extra Session, the Military Board released the firm of Sherrod, Taylor & Company from their contract to furnish a certain number of pistols to the State, the firm having returned the money advanced, with interest thereon.

The Board has received \$50,000 from the Confederate States' Government from the Steam Gun Boat, *Bayou City*, which sum reimburses the State in full of all cost and expenditures upon said vessel.

The State Foundry, it is to be regretted, has not hitherto met the expectations of the Board in turning off cannon. It is hoped, however, that in a very short time this success will be attained. In other respects this establishment has been productive of much good; it has repaired an immense number of thrashing and reaping machines and other agricultural implements, also many mills that would otherwise have lain idle and caused great loss to the entire

community. While all private jobbing has been avoided, these cases have been provided for as being considered of pressing public necessity.

This establishment has been all important in supplying the wants of the State Percussion Cap Factory, which is now in successful operation; and with the aid of a refining furnace which is now in process of construction, will pay its own expenses and furnish a very large supply of caps to meet the demands of the armies of the Trans-Mississippi Department.

In consequence of the scarcity of the requisite material and labor, the various establishments for the manufacture of small arms for the State are making but tolerable progress. Something, however, has been accomplished and a *considerable number* have been turned over to the Confederate Government. These manufactories should be fostered by the State.

Iron works should be erected as speedily as possible. Iron is becoming very scarce and high, and unless something is done to increase the supply, our farming interests must materially suffer.

The Board has received from the sale of State bonds, munitions of war, and other army supplies, sold to the Confederate Government, the sum of \$700,070.00, and has paid out \$655,968.00, leaving a balance of cash on hand of \$44,102. (In these amounts are included the proceeds of 183 bonds sold, and the money deposited with the Comptroller to credit of State Revenue.)

In accordance with a joint resolution passed at the Extra Session of the 9th Legislature, the Board had a survey made of the salines in the vicinity of Double Mountain. Colonel A. Bishop of Wise County was appointed commissioner to conduct the survey. His report will be found very instructive and satisfactory, developing that salt in the greatest abundance can be procured at these salines. His report will accompany that of the Military Board.<sup>2</sup>

The Board was charged with the duty of providing specie to meet the interest on 8% bonds. For various reasons, which will be explained in their report, it has succeeded in part only in meeting the requirements of the law. The State Treasurer has on hand sufficient specie to pay the interest on the \$1,000,000 loan due January 1, 1864; and

<sup>2</sup>See Appendix II.

the amount appropriated at the Extra Session of the 9th Legislature will enable the Board to pay the interest due July 1 of the same year.

If the Legislature shall determine to continue the present policy of paying the interest for the relief of the tax payers, it will be necessary that an additional appropriation be made to meet the interest for the ensuing two years.

For the entire business and details connected with the operations of the Military Board, you are respectfully referred to the report accompanying this message.<sup>3</sup>

[Report of the Adjutant and Inspector General]

I most respectfully call your attention to the report of the Adjutant and Inspector General,<sup>4</sup> in which will be found the details connected with his department. I bespeak a careful examination of the many valuable suggestions contained therein.

The continued demand upon the State for men—the calling into Confederate service by the President of all liable to conscription up to the age of forty-five years has in a great measure destroyed the organization of the State Troops. During the past winter, upon the requisition of the General commanding the District of Texas, etc., I called into service five thousand of the State Troops to meet a threatened invasion. The men, in general, responded promptly. In my message to the Extra Session of the Legislature, it was stated that from accurate data, Texas had furnished to the Confederate Armies thirty-three (33) regiments, thirteen (13) battalions, two (2) squadrons, six (6) unattached companies, and one (1) legion of twelve (12) companies of cavalry; nineteen (19) regiments, two (2) battalions, one (1) unattached company, one (1) legion of two (2) battalions, infantry; one regiment and twelve light batteries, artillery—which with six thousand five hundred men then in the service of the State, made an aggregate of sixty-eight thousand five hundred (68,500) men Texas had contributed to the support of our just cause. Since that time there have been added one brigade and several regiments to the Confederate forces, and several light batteries, which with the

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<sup>3</sup>See Appendix III.

<sup>4</sup>None of the reports mentioned in the speech can be located except those included in the appendixes.



State Troops now mustered into Confederate service have swelled the number of Texas troops who have taken the field to about ninety thousand (90,000) men, exceeding the highest popular vote ever cast by many thousands. In addition to this roll, so glorious to Texas, I am proud to say that Minute Companies, composed of those not liable under the present laws to military duty, are daily forming with the determination to defend the State to the last extremity.

In view of the fact that every man under the present law may be required to take the field, I again suggest the importance of declaring, by law, that every male person from sixteen years and upwards, **not totally unfit**, be declared to be in the military service of the State, that no exemptions be allowed other than those recognized by the Constitution, and that no one be permitted to furnish a substitute. I am clearly of the opinion that the exemptions and the right to furnish substitutes are working great injury to the country, and should be abolished both by the State and Confederate Governments. If men are needed at home to carry on business of any character, let them be detailed for that purpose, and in every instance, when practicable, let them be placed on the same footing as the soldiers. This is not an ordinary war and its burdens should be as much equalized as possible. The men termed able-bodied are nearly all in the service. The result is that those left at home are exempted from various causes, but in most instances claim to be exempt from service by reason of some physical disability. It is astonishing, too, to witness with what facility surgeons' certificates of disability are obtained by those who appear to be most energetic, active businessmen in the community. Others are exempted because "they cannot walk well enough for infantry service," yet they can almost live on horseback, herding stock, driving beeves and performing other kinds of hard labor. Others there are whose "lungs are affected and it is impossible for them to join a company without serious injury to their health," yet, they can prosecute their speculating and trading operations with indefatigable energy amid the fiery heats of summer and the cutting blasts of winter. There is no valid reason why such men should not be placed in service and required to do home duty at least. It has become absolutely necessary that the very young, the old and those but partially disabled, be held to service

and required to perform such duties as they are capable of, such as looking to the property of those of their neighbors who are in the army—in keeping up a proper system of police for safety and protection within the several counties. And I trust your honorable body will not adjourn without making ample provision in this behalf.

While upon this subject, permit me to call your attention to Sections 2 and 3 of Article\_\_\_\_\_ of the State Constitution. The second section reads, “Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal services.” No law has been enacted prescribing how the scruples of such party are to be ascertained, or what amount shall constitute an equivalent for personal service. The party, before relieved from military duty under this plea, should be held to strict proof and an adequate price for his release from personal service should be fixed by law.

Section 3 reads, “No licensed minister of the Gospel shall be required to perform military duty, work on roads or serve on juries in this State.” In adopting this provision, the framers of the Constitution evidently meant parties who would be engaged continuously in their holy calling. While I accord every meed of praise to this class of our citizens and estimate the vital importance of their prosecuting the functions of their sacred office and bear cheerful testimony to their devoted zeal and patriotism as a class, I am yet of the opinion that there are those among them who have obtained their holy calling and daily engage in the business of the world by becoming speculators, traders, etc. Such clergymen should not be sheltered under this provision of the Constitution, and I deem it within the scope of your authority, and to be your duty, to declare by law that when a minister of the Gospel claims exemption from the duties set forth in said Article he must show that he is actually engaged in the prosecution of the duties of his holy calling.

#### [The Frontier]

For a knowledge of the operations and working of the regiment of State Troops stationed on the frontier, I refer you to the report of the Adjutant and Inspector General. I had hoped that ere this an occasion would have offered when I could with safety to the frontier have transferred

this regiment to Confederate Service. I have never, however, received such assurances of its continuance on the line, or the replacing it with other efficient troops, as would justify me in either transferring or disbanding it; hence, it has been continued in State service. This regiment has been charged with the defense of a line nearly five hundred miles in length. That it has not accomplished this duty to the satisfaction of all those most deeply interested is not to be wondered at. I doubt, however, if any other regiment similarly situated could have done better. The regiment is composed of men directly interested in the welfare of the frontier, and they were for this reason selected for the service.

I regret to say that for several months past the deprivations upon the frontier have been very frequent. Murders have been committed and horses stolen. I fear the Indians have been instigated to these acts by our barbarous Yankee enemies, and the renegade whites among them. My views in regard to our Indian enemies are now as they have ever been—we can hope for no peace with them until we are in a position to dictate terms; and to do this we must pursue them to their own homes, chastising them with a heavy hand.

While I fully recognize the duty of the Confederate Government to protect our frontier, I am also well aware of its difficulties in keeping a sufficient number of men in the field to meet all the requirements of our present condition. Hence, I have the more strongly felt it the duty of the State government to see her people properly protected. I have on various occasions brought the subject of frontier protection to the notice of the generals in command of this department, and while they have ever expressed a willingness to do all in their power to render efficient protection, and in some instances have received men into Confederate service expressly to that end, some unforeseen emergency has invariably arisen depriving that section of the promised aid.

In calling out troops I have in some cases exempted the frontier counties and held the troops in those counties for local defense. I have authorized the formation of Minute Companies in the frontier counties to be composed of furloughed conscripts and those liable to state service, for the protection of the families in those exposed regions.

These organizations are progressing and will, I trust, render efficient service. The establishment of the Northern Sub-Military District of Texas and the concentration of troops upon our northern border will, I believe, aid materially in the general protection of the frontier.

The appropriation made at the Extra Session of the 9th Legislature for the support of the frontier regiment is exhausted. An immediate appropriation is necessary to support this command.

Should the Legislature in its wish to relieve the State from the burden of maintaining this regiment repeal the restrictions at present annexed to its transfer to Confederate Service, permit me to remark that Lieutenant General Smith, commanding the Trans-Mississippi Department is eminently fitted by reason of his long period of service on our extreme frontier and his knowledge of its topography and wants, to provide adequately and skillfully for its protection. The frontier, forming a portion of his department with whose defense he would after such transfer be thus directly charged, would be, I feel convinced, most ably and efficiently protected, for a general is better fitted from his intimate knowledge of that section of our country which is the scene of Indian hostilities, so to dispose his troops as to accomplish that end.

[The Penitentiary]

It was deemed advisable at the Extra Session of the 9th Legislature to appoint a joint committee to examine into and report upon the business of the penitentiary. The committee was instructed to make their report to the Executive and to publish the same immediately upon terminating their labors. This they have done, and a copy of their report is herewith respectfully submitted.

The financial condition of the institution as exhibited in the Biennial Report of the Agent is most satisfactory, and will compare favorably, I have no doubt, with any similar establishment in the Confederacy.

The attention of the Legislature is respectfully directed to the report of the Directors, suggesting the propriety of authorizing the employment of other than convict labor to insure the more successful and profitable working of the machinery. This institution is doing much for the State and the Confederacy and every exertion should be made to

keep it moving in its present prosperous working.

The report of the Financial Agent discloses the following: Cotton goods manufactured from December 1, 1861 to August 31, 1863, including 24,702.2 yards from late Agent, 2,337,660.2 yards and woolens, including 1,841.3 yards from late Agent, 293,298.1 yards. The total amount of sales within the same period was 2,308,716.3 yards cottons, and 287,214.1 yards woolens, leaving a balance unsold of 28,962.0 yards cottons, and 6,789.1 yards woolens. Of these sales the army received 1,276,920.3 yards cottons, and 257,751.3 yards woolens, making largely over one-half the cottons and all the woolens, less 33,704.3 yards. The Lunatic Asylum received 2,253.0 yards cottons and 602.0 yards woolens. The balance, 1,029,543.0 yards cottons, and 28,860.2 yards woolens were absorbed by the Penitentiary factory, clothing of convicts and employees, general supplies for the institution and families of soldiers and citizens.

The gross earnings of the institution for the same period have been \$1,174,439.07.

The amount expended has been \$468,653.40.

Special deposit with State Treasurer \$53,000.00.

With a cash balance on hand September 1, 1863, \$52,785.67.

On October 15, 1863, there was deposited with the State Treasurer the further sum of \$147,000.00, making the whole sum paid into the Treasury \$800,000.00.

The above results demonstrate that the penitentiary has been managed with consummate ability and has proved of incalculable benefit to our Army. In the present condition of the country, the importance of this institution rises to supreme magnitude, and I must impress upon your honorable body the importance of affording every facility whereby its usefulness may be extended.

I regret that it becomes my duty to allude to a transaction on the part of the Financial Agent by which he purchased on his own account, with his private funds, some one hundred and fifty bales of cotton, which subsequently found their way into the penitentiary and were there used, and for which the agent claimed the price of cotton at the time they were so used and continued to demand an increased price as cotton advanced. I was not advised by the Directors of this transaction for some time after it was said to have taken place. Upon receiving the information,

I immediately addressed the Directors and Financial Agent requesting an explanation, forbidding any settlement until I could investigate the matter, and instructed the Director to bring the subject before the investigating committee. Upon an examination of the facts, I feel assured there was no intention on the part of the Financial Agent to perpetrate a wrong against the State, but that he believed he had a right to invest his own means in this manner, and that if the penitentiary used his cotton, he was entitled to be paid its market price. I disapproved of the entire transaction, and in justice to the agent, it is fair to say that upon being informed by me of my disapproval, he at once agreed to accept the cost price of the cotton, leaving it to the legislature to determine whether he should be entitled to any additional price. I regret this occurrence the more because I believe the Financial Agent has proved himself a most efficient and able officer, and should not have committed, in my judgment, so palpable a mistake. Apart from the legal principles regulating agencies, my unalterable opinion is that no officer of the government should buy or sell any article, directly or indirectly, for speculation on his own account that he is charged with buying or selling for the government; it should be neither permitted or tolerated. Your honorable body can arrive at a satisfactory conclusion as to the merits of this case upon an examination of the report of the investigating committee, the statements of the Financial Agent, and the papers attached to the report.

In March last, Major General Magruder requested of me the use of the penitentiary as a place of confinement for the prisoners-of-war of his district. I acceded to his request, conditioned that such use would not impair the material interests of the institution. I wrote to this effect to the Superintendent and authorized him to receive the prisoners, if he was satisfied the material interests of the institution would not suffer. The prisoners were received sometime in the latter end of April or beginning of May. Subsequently, doubts arose in my mind as to the propriety of the step, solely, however, upon the ground of risk to the establishment and not as to the propriety of its use as a place of confinement for prisoners, the enemy having frequently incarcerated our soldiers in such places. I thereupon addressed Brigadier General Scurry, requesting their

withdrawal, which was done. In the month of October, I received two communications from Major General Magruder again urgently requesting its use for the safe keeping of Federal prisoners of war taken at Sabine Pass. Many very important reasons were adduced by him in support of the measure, but none sufficient, in my judgment, to overcome my previous objections and which I yet entertain, viz: the risk of destruction to the sole manufactory of cloth west of the Mississippi River, of incalculable importance, therefore, to the armies of the Trans-Mississippi Department. I declined his request. I respectfully ask the Legislature to take into consideration the propriety of using the penitentiary for such purposes.

[Government Officials]

In this period of war and distress, officers should be very scrupulous in their transactions, and laws should be enacted visiting with the most severe penalties possible those who engage in speculations connected with their official positions.

It may not be out of place to say that there is much complaint throughout the entire Confederacy, and particularly in the Department of the Trans-Mississippi, in regard to the many speculations carried on by government officials and agents, making use of their official positions and advantages, as it is said they do, to accumulate wealth for their own benefit. I am satisfied that many of these charges are basely false and slanderous; yet I fear there are instances of such wrong doing.

I believe the Confederate Congress should appoint a Board of Censors in each Military Department whose duty is to examine most rigidly and searchingly into the acts and doings of all government agents and disbursing officers, holding them to strict accountability. A mere suspension or cashiering of a defaulting disbursing agent or officer should not suffice in these times of trial and war. He should be treated, as he really is, worse than a deserter or traitor, and hung without benefit of clergy.

[Provision for the families of those in the service]

I am pleased to state that the provision made by the Legislature at the late Extra Session for the relief of our soldiers' families has been productive of much good and,

so far as I have ascertained, the county authorities have been prompt and energetic in coming to their relief. Our citizens, too, have very generally been liberal. Hence the families of our brave soldiers, absent in defense of the country, are being well provided for. This policy must be continued, and I trust your honorable body will make ample provision for this very important and necessary object. The soldier battling for his country must feel the conviction that his family is well provided for; he will then stand by his colors to the bitter end.

[An Impressment Law]

It has been found necessary by the Confederate government to enact an Impressment Law. I trust your honorable body will also pass one. Circumstances may compel the state to call into active service a large number of state troops for her defense. Their subsistence, transportation, etc., would have to be provided for by the state authority. In numerous instances parties refused to sell for either Confederate or state funds at a fair rate. Most unreasonable and exorbitant rates have been charged for supplies to sustain the regiment on the frontier, and on many occasions parties have refused to sell to the state at any price. In such cases, authority should be vested in the Executive to order impressments under proper legal regulations.

The county courts, charged with the duty of providing for the necessities of our soldiers' families, should be empowered under this law to impress all articles essential to their maintenance when necessary.

Authority should also be given to impress slaves to carry on the public works, drive teams, and perform all other labor necessary to the efficiency of the service.

[Distilleries]

It again becomes my duty to impress upon the legislature the absolute necessity of prohibiting the distillation of grain. Distilleries, in large numbers, have sprung into existence since the adjournment of the Extra Session of the Legislature in March last, diffusing their blighting influence over the state and demoralizing our people and soldiery. I am credibly informed that in one county alone seventeen of these pest-houses are in operation.

These establishments are competitors in the purchase



of grain, of the county courts and others charged with the duty of providing for our poor and soldiers' families. They can, in consequence of their enormous profits, raise the price of grain to any rate, charging it all to the unfortunate consumers. I entreat your honorable body to put an end to this most demoralizing traffic until peace is restored.

[Citizens leaving the country to avoid a participation in the struggle]

I beg to call your attention to the fact that some of our citizens continue to leave the country to avoid a participation in the struggle and, in some instances, are transferring the wealth acquired among us to other countries. This should not be permitted. The time has arrived when the State expects of each of her citizens to do his duty to the country that has nourished and protected him. To abandon her in her day of trial should be visited with the forfeiture of the estate of the party so recreant to his duty, and he should be forever prohibited from again setting his foot upon the soil he had so basely deserted.

[Our Confederate States Provisional Army beyond the limits of the State]

I called the attention of the last legislature to the fact that a majority of our citizens were in the Confederate States Provisional Army beyond the limits of the state. Since that time additional thousands have taken the field, reducing our voting population to about one-third of its usual number. It is useless to disguise the fact that a vast majority of our most patriotic and substantial citizens are in that service. They are absent in obedience to the call of patriotism and the mandate of the law, and cannot return at their own volition. These citizens have left behind their families and property, and are deeply interested in the proper management of affairs in their state. Absent as they are in the service of their country, it appears to me they should be permitted to exercise a part in the conduct of affairs at home.

I trust your honorable body will under proper regulations and restrictions, pass such a law as will give to those of our citizens in the Confederate States Provisional Army beyond the limits of the state the right to vote in all general elections during the war.

## [Aliens]

In calling for 10,000 men to fill the last requisition made upon me by the commanding general of this district, I was of opinion that the time had arrived when the necessities of the country demanded the services of every man liable under the military law. I, therefore, directed all aliens to be enrolled and subjected to the draft. I am clearly of opinion that they are liable under the law. Many protests have been filed with this department, and various parties, representing themselves as foreign consuls, have made applications for the release of individuals as subjects of foreign powers. Their liability to draft resting solely on the question of domicile, I have left them to pursue their remedy through the courts, in the meantime retaining them as state soldiers. We have numbers of this description of people in our midst engaged in business and of long residence with property and families. Many have accumulated a large amount of property; and yet, when called upon to defend the state, they plead that they are not citizens, and never intended becoming such. Others there are trading, speculating, and accumulating wealth who are unwilling to perform any of the duties incumbent upon citizens. These persons should be required to defend the country from which they draw their subsistence, or be forced to seek homes beyond her limits.

[Conference of the Governors of the States West of the Mississippi and Lieutenant General E. Kirby Smith, Commanding Trans-Mississippi Department at Marshall, Texas, on August 15, 1863.]<sup>5</sup>

On the 15th of August last, I met, by invitation of Lieutenant General E. Kirby Smith, commanding the Trans-Mississippi Department that gentleman and the governors of the states west of the Mississippi River together with several Confederate States Senators, Supreme Court Judges and other prominent citizens of these states at Marshall, Texas, to confer upon the condition of the country west of the River and place the General in possession of the resources of those states.

The conference proved highly satisfactory to those present, developing evidences of strength and ability to

<sup>5</sup>See Appendix IV.

sustain the country west of the Mississippi beyond their most sanguin expectations.

You are respectfully referred to the address issued by the governors. The proceedings of the conference are on file in the Executive Office, subject to examination by your honorable body.

[Refugees to our State with their slaves]

Since the invasion of Arkansas and Louisiana, many citizens of those states are seeking refuge within our state, accompanied by their Negroes. In consequence of this influx of so large a number of this class, apprehension is entertained by our citizens of a scarcity of provisions as well as other dangers. I see no reasonable grounds for such apprehensions. There is an abundance of bread-stuffs and meat in the state, and labor is becoming very scarce and high, in consequence of the continued increase of our army. All that is requisite in order that this immigration may be productive of good is to take such measures as will keep these Negroes beneficially and constantly employed. Let large drafts for army purposes be made from them. Let companies of local police be organized and see that the remainder be usefully employed, and they will thus prove a source of strength instead of weakness. Much better it is for us to receive them upon these terms than that they should fall into the hands of our abolition enemies to be used against us. The refugee who seeks the last foot of soil unpolluted by the presence of the Yankees is far more entitled to our respect, sympathy and protection, than the wretched cravens and traitors who remain within the enemy's lines **taking the oath of allegiance in the vain expectation of preserving the property they have not the courage or patriotism to defend.**

[Deserters from military service]

I am pained to say that occasionally there are desertions by Texans from the Confederate and also from the state service. I recommend that the Confederate authorities be authorized to put to hard labor in the Penitentiary of the State all soldiers within the limits of the State who may be convicted of desertion, and that parties so convicted and sentenced to the Penitentiary shall forfeit all right of citizenship. I also recommend that every person

deserting from the state service be, upon conviction, sentenced to hard labor in the Penitentiary, and forfeit all rights of citizenship.

The same punishment should be visited upon any person encouraging desertion or harbouring deserters; and it should be made the duty of the Civil Officers to aid in arresting all such parties.

Labor is much needed at the Penitentiary and I see no valid reason why men who abandon the colors of their country in her hour of tribulation, either from cowardice or a want of patriotism, should not be placed where their services can be made useful in supplying the wants of those who are battling for the country. Every leniency has been heretofore shown them both by the Confederate and state authorities. The evil must be checked, longer forbearance ceases to be a virtue. Too many of the state troops are holding back shirking and skulking. They should be most severely and summarily dealt with.

[Appropriations for the purchase of arms, etc.]

In view of the isolation of the states west of the Mississippi River, whereby they are thrown upon their own resources, and the great difficulties attending the receipt of arms and munitions of war from east of the River, I most earnestly recommend that an appropriation of not less than \$1,000,000 be made, based upon Cotton Bonds or that cotton be purchased to be paid for in Bonds; and that the sum so appropriated be invested in arms and munitions of war for the benefit of the state. Arms and munitions of war could be thus speedily procured, and would enable us successfully to resist an invasion by the enemy.

[Lunatic Asylum]

I respectfully refer you to the very able and satisfactory report of the Superintendent and Managers of the Lunatic Asylum. They will be found both interesting and instructive. The institution is in fine condition and is affording relief to numerous patients. I trust such measures may be adopted as will keep it steadily progressing in its course of humanity and usefulness.

I would call your attention particularly to that portion of the Reports recommending an extension of the buildings and the purchase of additional land for the use of the Institution.

## [Deaf and Dumb Asylum]

This institution continues in its usual prosperous course, under the able management of its Superintendent. The present unsettled state of affairs interferes in some degree with the extent of its usefulness. I yet trust your honorable body will continue to foster an establishment every way worthy of the support of a Christian and enlightened government.

Your attention is respectfully directed to the Report of the Superintendent.

## [Blind Asylum]

The report of the Trustees and Superintendent of the Blind Asylum, is respectfully submitted. Owing to various causes, but few pupils have been in attendance. Recently, however, their numbers have increased, and there is reason for hope, that in future, the advantages of the Institution will be eagerly seized by many more of these unfortunates, where such subjects of knowledge and usefulness may be acquired by them, as will render them useful members of society, and prove a blessing to themselves.

## [Legal Reform]

The 16th Section of Article 7, of the Constitution, requires that, within three years after the 2d day of March, 1861, the Laws, Civil and Criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct. I respectfully request, that Your Honorable Body take the requisite measures to carry out the above provision.

## [Secretary of State]

The attention of the Legislature is called to the Report of the Secretary of State, which discloses fully the condition and operations of his Department.

It discloses the result of the election upon the proposed amendment of the Constitution, in relation to the sale of the County School Lands. The amendment was defeated by a large vote.

## [Indian Agents]

Under the Law authorizing the appointment of an Agent for the Alabama, Coushatta and Muscogee Indians,

and fixing Four Hundred dollars as the annual salary of said Agent, ascertaining that the Indians were much scattered, and that the duties of a single Agent would, in consequence, be arduous, and difficult to be properly discharged: I appointed an Agent for the Alabama Indians, and a Sub-Agent for the Coushatta and Muscogee Indians, giving to each of them the sum of two hundred dollars, and stipulating that one hundred dollars of the amount received by each of the Agents should be devoted to the purchase of agricultural implements and necessaries for the Indians. This arrangement appears to have worked out well, and the Indians are reported to be in a prosperous condition, and well satisfied.

I have been informed recently, that a portion of them were desirous of entering the C.S. service for the protection of our Frontier. I have instructed the Agents that they permit them to do so, if such be their wish.

#### [Hospitals]

Since the adjournment of the Extra Session of the Legislature in March last, no additional drafts have been made upon the appropriation for Hospital purposes. There remains to the credit of the original appropriation the sum of Sixty Thousand (\$60,000) Dollars; the last appropriation has not been touched. In consequence of the difficulty of communication, no recent Reports have been received from the Agents east of the Mississippi River. The last Reports received show the Texas Hospitals to be in good condition.

In consequence of the system now pursued by the C.S. Government in commuting the rations of the sick in Hospitals, together with the ceaseless exertions of the Ladies of the Country, in increasing the funds for Hospital purposes, it has been found unnecessary to exhaust the Appropriations made by the Legislature.

#### [Comptroller]

I beg most respectfully to call your attention to the very able Biennial Report of the Comptroller, ending Aug. 31st, 1863, and to solicit at your hands a careful consideration of the many valuable suggestions made therein.

The Report shows that there was a balance on hand Aug. 31, 1863, to credit of State Revenue, 36,866.34

Receipts from Nine-Tenths of Taxes	652,433.32
Do. Sale of Land Scrip	121,097.00
Do. Refunding do Appropriations	124,792.81
Do. Sale of Public Property, Office fees, etc.	75,791.02
Do. Sale of State Bonds	212,015.70
Do. Penitentiary	500,000.00
Received by Transfer from School Fund	703,843.88
Do. Transfer from University Fund	41,521.40
	\$2,468,361.47
F [this entry has been erased]	\$ 89,165.24
For Military Service	2,031,612.54
By Cancellation of Treasury Warrants	331,763.96
Balance on hand	15,819.73
	2,468,361.47

Treasury Warrants drawn during the two years and yet outstanding against the Treasury	\$1,343,922.31
10 percent Warrants outstanding	181,565.41
Interest on the above (estimated)	40,000.00
8 per cent State Bonds issued	891,000.00
Amount borrowed from School Fund	680,325.00
Do. University Fund	187,403.73
Do. Settlement of Estates	16,403.35
	\$3,340,619.80

Balance on hand Aug. 31, 1863	\$ 15,819.73
Amount due on Taxes of 1862	220,000.00
Do. of Taxes to be collected for 1864 & 1865	3,141,200.00
Do. from Penitentiary	1,000,000.00
Do. from Confederate States	1,950,000.00
Do. from Military Board, return of U. S. Bonds	584,000.00
	\$6,911,019.73

For Civil Service	\$ 707,177.43
" Frontier Defense	2,000,000.00
" Payment of Audited Debt	3,340,619.80
" Payment of Unaudited Debt	200,000.00
	\$6,247,797.23

Deducting this from receipts

for same period 6,911,019.73

Shows an excess of 633,222.50

in the Revenue over all demands upon the Treasury.

The Comptroller, in his Report, remarks: "Should the expense of frontier protection be transferred to the Confederate States, there will be, at the end of the next two years, an excess of \$2,668,122.50 of Revenue over all liabilities at that time, in which event, should the claims against the Confederate States remain uncollected, there will still be an excess of \$713,122.50. To meet extraordinary demands not estimated for, and as a means of sustaining credit in the meantime, it is recommended that the price of Land Scrip be reduced to 50 cents per acre in State liabilities—that money and credits be subjected to tax, and that the Tax Laws be so amended as to cause a more thorough and prompt assessment and collection of taxes. With such amendments, the revenue of the next two years, if collected in available means, will be sufficient to absorb the floating debt, and furnish the basis of a sound credit, sufficient to meet all probable demands. The present rate of tax is therefore considered high enough for all State Purposes."

I cannot but admit that our currency is, at present, in a very depreciated condition. Many causes are assigned to account for this condition of things. I presume it is attributable, mainly to the large issues of the Confederate Government in Treasury Notes. Another prominent cause is, the trade carried on by our people with Mexico, where paper, representing money, is not current. To carry on that trade, so valuable has specie become, that the great demand for it has caused little or no value to be placed on articles that will not command specie; hence one great cause of the low price of Confederate money. I believe the taxes now in process of collection, and the gathering of the tax in kind (rendering unnecessary, thereby, so great an issue by the Confederate Government), together with the



aid of the Impressment Law fixing the maximum prices upon articles required by it, will have the immediate effect of appreciating the currency. I feel the assurance that in this Section of the Trans-Mississippi Department, the currency will be greatly appreciated in a very short time.

I trust the Confederate Congress, soon to meet, will make arrangements to control the entire trade in cotton, tobacco, and naval stores, thereby laying a basis for a new issue on specie values, and they will absorb the present outstanding notes by increased taxation and funding. Some step of this character must be taken immediately by the Confederate Government. A radical and prompt remedy must be applied. The people will sustain any measure looking to a permanent relief to the currency. The policy of continuing an issue so depreciated as are the present notes, is ruinous and blighting: better by far that a new and limited currency be created forcing the funding of the present issues. I feel satisfied that, had the Government at the outset of the present war, controlled the cotton, tobacco and naval stores of the Confederate States (which could have been done with the consent of the producers), cotton would really have been King. It is yet not too late to inaugurate such a policy.

Confederate notes constituting the currency, and being made receivable for State taxes and dues generally, has the effect of driving out of sight State paper, which, although more appreciated by holders, is no better in the hands of the State Government for disbursement, than Confederate Notes. State paper, like specie, is being hoarded and brought to light only when it can be used on most favorable terms. State paper could be made almost equal to specie by making it alone receivable for State dues: but, were such course adopted, it would be a blow struck at the credit of the Confederate paper, which I am not willing, therefore, to recommend. Further, State paper would be so difficult to obtain, that it would almost be equivalent to the requiring of our people to pay their taxes in specie, which, in the present condition of the country, would be impracticable. The States are so intimately connected in the interest and credit of the Confederate Government, that I see no safer mode than to struggle on together making it the common cause, embarked as we are in one common bottom, until the troubled waters should subside, and we

make, as we shall be certain to do, a good anchorage and a safe port. It was made the duty of the Governor, under "An Act authorizing the disposition and sale of the University Lands," to order a re-sale of the land purchased whenever any party purchasing should fail to pay the amount of interest and installment of his purchase when the same was due. Although many parties had failed to comply with the terms of sale, I found, on coming into office, that no steps had been taken to re-sell any of the lands so forfeited.

I have not deemed it advisable, in the present condition of the Country, to order a re-sale of any of the lands.

Parties who have made first payments on their lands, are being permitted by the State Treasurer to pay their installments in the Currency of the country, while he is refusing to receive payment from those who have heretofore failed to make any payment.

It would be well for the Legislature to determine as to the policy that should be pursued.

#### [Sale of Bonds]

The[re] was presented for payment at the State Treasury certain claims in the hands of Messrs. E. B. Nichols & Co., for the benefit of parties in New Orleans, for money and supplies furnished E. B. Nichols as one of the Commissioners appointed by the State Convention. There being no funds in the Treasury, it was demanded that, under "An Act providing means for the payment of certain debts created by authority of the late Convention of the People of the State of Texas," approved April 8th, 1861, a portion of the Bonds issued by the State should be sold for that purpose.

The party being clearly entitled to the benefit of the law, I stipulated, that if the Bonds of the State were taken at par, I would consent to the sale of a sufficient number of them to pay the debt. Twenty eight of them were thus sold, and the debt liquidated. The accounts and vouchers are on file in the Comptroller's Office.

#### [General Land Office]

The attention of Your Honorable Body is respectfully called to the Biennial Report of the Commissioner of the

General Land Office, which discloses the condition and operations of his Department for the last two years.

[Conclusion]

I cannot close this, probably my last, official communication to any Legislature of Texas, without again congratulating you on the general prosperity of our State. Texas has, indeed, cause to be thankful to Divine Providence for the many evidences of his sustaining Arm, exhibited during the progress of this great contest. She has been blessed with abundant harvests and unparalleled health; and, in every instance in which our people have been called to meet the ruthless invader, their gallantry, with the aid of God, has been rewarded with entire success. Were it not for the great loss we have sustained in our brave men who have fallen by the sword of the enemy and, alas! too many by disease, we could scarcely realize the dreadful scenes that have been enacted in other portions of the Confederacy. Her internal affairs are in a most prosperous condition, and our State finances present a most encouraging view for a people engaged in so great and exhausting a war.

Texas has done much in this contest, and will continue to do more. Her government officials and people have extended a most hearty and cordial support to the Confederate Government. I feel assured they will continue to do so. That we have yet some among us who are untrue is not to be denied. I believe, however, they constitute a very insignificant number. We have dealt very leniently by all such people—too much so, I think. The time has arrived when Toryism should no longer, and **must** no longer be tolerated in our midst. We should recognize the magnitude of the contest in which we are engaged and while I am willing to stand by and support the Constitution, I do not believe that because we cannot prove overt acts of treason upon traitors they should be allowed to correspond, plot, and incite others to treason with impunity. I have always sustained law over violence; hence, I prefer that the law making power should rise to the emergency of the times and enact laws suitable to this revolutionary crisis and not leave the people, outside of the laws, to inflict punishment upon those who fall under the ban of public opinion. We have arrived at that period in this struggle when the true and loyal citizen feels that every man who does not give

some palpable evidence of his devotion to the Southern Cause is an enemy and should be treated as such. Hence, unless laws are enacted whereby such parties are required to perform duty as loyal citizens or, in default thereof, punished, the people will rise in their majesty and dispose of them.

A few bad men in our midst must not be permitted to interfere with or impede our progress and success in this death struggle for life and liberty. We must be united; we must be as a band of brothers; we must and will sustain the patriotic and intellectual statesman at the head of the government, the gallant commanders and their chivalrous soldiers; We will sustain the families of those bravely doing battle for our country. We will forget our private interests. We will forego the love of money, ease, and luxury. We will all pledge ourselves to do these things, rally around the standards of our bleeding country, and continue to strike as long as an armed Yankee stands upon our soil. Do these things; listen to no syren song of aid from England or France or from the dissensions of our hated foes, but continue to press on, filling up the rank of our thinned armies and, ere long, victory will perch upon our banners and an honorable and lasting peace be secured.

While Texas thus far presents a bright and unsullied escutcheon, it is my painful duty to say that while we have at home many patriotic citizens who are doing and have been doing everything in their power to carry on the war successfully and to provide for and sustain those in the service and their families, there are a very large number who appear to be entirely devoted to the wild hunt after wealth. This mania is confined to no particular class, but pervades all occupations and employments; it embraces the shopkeeper, the planter, the farmer, stockraiser, the professional man, mechanic, minister of the Gospel and, in some instances, the soldier himself. I blush to say that in Texas where we have thousands of surplus corn, wheat, barley, oats, rye, etc., with no enemy in our midst robbing, burning and destroying our property, these articles are higher than in our sister states in part occupied by the enemy, and that Confederate Treasury Notes are less appreciated than in any state of the Confederacy. These things are all wrong and should be remedied. It can be done in a measure by our Honorable Body. The old and

conservative State of Virginia, the "mother of States and of statesmen," the birthplace of a Washington, Madison, Jefferson, Monroe and hosts of other profound and great men, has found it necessary in these war times to limit the profit of the trader and to fix a price upon the necessaries of life. You have the same power and should exercise it.

I trust, Gentlemen, that your deliberations will be conducted with calmness and ability and that your enlarged wisdom and experience will enable you to adopt such measures and enact such laws as will strengthen the arm of the revolution and develop in a great degree, the immense resources of our State, that when you shall have returned to your homes you will be met with the plaudits of your constituents.

F. R. Lubbock

The Senate retired to their chamber. On motion of Mr. Buckley the House adjourned to 3 P. M.

3 P. M.

House met pursuant to adjournment. Roll called. Quorum present.

A message from the Senate was announced and received informing the House that the Senate had raised a committee, to wit: Messrs. Beasley, Jowers, and Mitchell, to act in conjunction with a similar committee on the part of the House to make suitable arrangements for the inauguration of the Governor and Lieutenant Governor-elect. Whereupon the Speaker appointed Messrs. Baker, Simpson, and Willis, a committee on the part of the House to act in conjunction with the committee of the Senate.

Mr. Buckley moved that the representative for Travis be added to the inaugural committee of the House. Carried.

Mr. Hays moved to take up the resolution for changing the rules of the House.

Mr. Willis asked leave to withdraw the resolution which was granted.

Mr. Buckley moved that a Committee of Three be appointed to invite the Honorable Senate to the Hall of the House for the purpose of counting the vote for the Governor and Lieutenant Governor. Whereupon Messrs. Buckley, Hays, and Browne were appointed, and immediately performed the duty assigned them. Whereupon the Honorable Senate in a body came to the House and Mr. Throckmorton of the Senate and Messrs. Haynes and Banton of the House were appointed tellers to count the vote. Whereupon the counting was proceeded with and tabulated as follows:<sup>6</sup>

For Governor Counties	Murrah	Chambers	Scattering	For Lieutenant Governor	Stockdale	Darden	Gentry	Kitrell
Anderson .....	228	271	12		147	17	97	221
Angelina .....								
Atascosa .....	40	3			13	20	4	
Austin .....	274	386			116	254	236	26
Bandera .....	21	9	6		34	1	2	
Bastrop .....	220	169			59	148	42	119
Bee .....	40	24			21	31	6	7
Bell .....	172	131			197	53	8	10
Bexar .....	450	217	6		469	131	62	6
Blanco .....	72	44			20	67		
Bosque .....	45	68			58	2	17	31
Bowie .....	50	80	12		38	91	1	1
Brazoria .....	278	108			170	29	103	24
Brazos .....	123	37			67	46	14	21
Brown .....	38	14						
Burleson .....	179	116			163	63	33	23
Burnet .....	51	75			42	65	1	2
Caldwell .....	101	69			44	115	9	9
Calhoun .....	322	72			71	285	28	15
Cameron .....	76	45	4		100	1		5
Chambers .....	55	31			28	26	6	21
Cherokee .....	260	327			113	7	316	144
Clay .....		9						
Collin .....	268	195			245	10	37	28
Colorado .....	198	62			68	188	21	18
Comal .....	16	101	11		54	21	52	
Comanche .....	12	27	9		42	1		
Cooke .....	196	14	1		170	9	2	1
Coryell .....	98	58	2		53	51	12	1
Dallas .....	332	213	3		235	179	60	16
Davis .....	104	173	19		111	139	22	6
Denton .....	224	74	16		232	7	10	5
DeWitt .....	163	45			55	32	17	9
Ellis .....	221	78			190	26	19	41
Erath .....	42	75			61		35	
Falls .....	45	80			39	2	16	45
Fannin .....	353	180	24		100	163	134	38

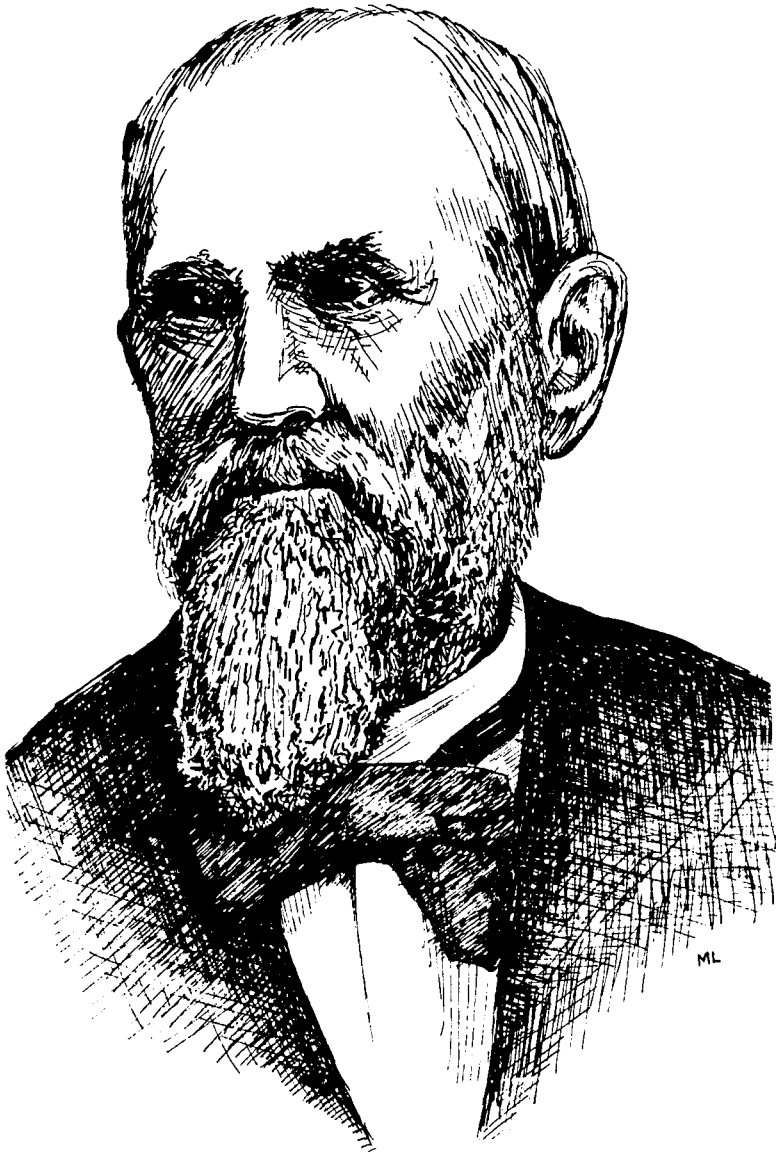
<sup>6</sup>From Executive Record Book No. 279, 1861-1863, pp. 249-251 (Archives Division, Texas State Library).

For Governor  Counties	Murrah	Chambers	Scattering	For Lieutenant Governor	Stockdale	Darden	Gentry	Kitrell
Fayette .....	272	261	.....	.....	204	147	96	41
Fort Bend .....	203	21	.....	.....	113	49	18	31
Freestone .....	113	79	12	.....	63	22	6	62
Galveston .....	676	417	.....	.....	169	418	376	67
Gillespie .....	68	213	1	.....	97	48	123	.....
Goliad .....	392	147	.....	.....	62	443	42	50
Gonzales .....	229	146	.....	.....	21	370	3	5
Grayson .....	183	129	.....	.....	98	12	56	6
Grimes .....	211	228	.....	.....	170	78	34	148
Guadalupe .....	218	58	2	.....	88	172	1	12
Harris .....	1027	206	.....	.....	203	96	780	185
Harrison .....	132	243	169	.....	209	92	111	86
Hays .....	36	86	.....	.....	21	70	13	15
Henderson .....	100	73	52	.....	89	74	7	19
Hidalgo .....	18	.....	.....	.....	18	.....	.....	.....
Hill .....	120	33	.....	.....	68	27	12	12
Hopkins .....	116	200	123	.....	167	183	1	2
Houston .....	206	269	.....	.....	168	53	26	207
Hunt .....	43	239	4	.....	186	15	6	1
Hamilton .....	30	10	3	.....	31	.....	7	.....
Hardin .....	.....	.....	.....	.....	.....	.....	.....	.....
Jack .....	.....	.....	.....	.....	.....	.....	.....	.....
Jackson .....	74	26	.....	.....	22	66	2	7
Jasper .....	76	41	.....	.....	8	92	2	15
Jefferson .....	197	21	.....	.....	75	39	42	40
Johnson .....	90	54	.....	.....	73	3	8	39
Karnes .....	99	7	.....	.....	12	93	5	.....
Kaufman .....	188	57	48	.....	197	2	17	1
Kerr .....	40	17	.....	.....	38	16	2	.....
Kendall .....	23	77	.....	.....	28	65	1	.....
Lamar .....	264	156	.....	.....	229	105	.....	.....
Lampasas .....	28	81	.....	.....	22	55	2	21
LaVaca .....	241	68	23	.....	87	187	6	32
Leon .....	172	150	2	.....	67	35	15	188
Llano .....	74	30	.....	.....	32	66	2	5
Liberty .....	121	75	.....	.....	43	13	17	121
Live Oak .....	68	1	.....	.....	28	38	4	.....
Limestone .....	154	77	.....	.....	111	1	26	52
Madison .....	77	74	.....	.....	46	15	1	81
Mason .....	.....	.....	.....	.....	.....	.....	.....	.....
McLennan .....	168	170	.....	.....	149	47	16	77
McCulloch .....	.....	.....	.....	.....	.....	.....	.....	.....
Matagorda .....	71	21	.....	.....	57	19	8	8
Marion .....	96	133	18	.....	81	124	14	7
Medina .....	28	42	.....	.....	29	41	1	.....
Milam .....	129	233	.....	.....	159	75	18	31
Montague .....	40	91	3	.....	39	38	2	.....
Montgomery .....	180	88	.....	.....	125	5	34	95
Nacogdoches .....	177	165	11	.....	115	25	63	68
Navarro .....	196	90	2	.....	118	93	11	34
Newton .....	37	50	.....	.....	66	2	.....	14
Nueces .....	367	69	.....	.....	162	164	29	5
Orange .....	75	5	.....	.....	12	17	16	23
Palo Pinto .....	16	7	18	.....	32	4	.....	.....
Panola .....	138	125	49	.....	191	9	56	13
Parker .....	218	108	1	.....	158	48	86	4
Polk .....	187	62	.....	.....	31	7	1	214

For Governor Counties	Murrah	Chambers	Scattering	For Lieutenant Governor	Stockdale	Darden	Gentry	Kitrell
Red River .....	189	350	.....		177	62	215	1
Refugio .....	75	35	.....		21	85	2	.....
Robertson .....	214	36	.....		150	14	32	44
Rusk .....	284	400	26		389	29	236	20
Sabine .....	88	19	42		72	29	7	17
San Augustine ....	83	55	2		45	22	12	48
San Patricio .....	56	12	.....		33	31	1	2
San Saba .....	58	42	.....		21	34	.....	42
Shelby .....	71	78	73		82	3	72	18
Smith .....	.....	.....	.....		.....	.....	.....	.....
Starr .....	23	.....	.....		22	.....	.....	.....
Tarrant .....	274	127	32		239	56	55	18
Titus .....	25	286	10		89	200	11	4
Travis .....	342	363	4		101	443	42	55
Trinity .....	98	67	.....		30	3	5	125
Tyler .....	149	45	.....		14	3	1	158
Upshur .....	129	144	176		212	72	52	36
Uvalde .....	26	9	.....		28	9	.....	.....
Van Zandt .....	70	12	40		93	6	5	5
Victoria .....	164	29	.....		28	152	8	7
Walker .....	243	159	.....		73	8	6	307
Washington .....	414	318	.....		372	134	63	116
Webb .....	185	.....	.....		185	.....	1	.....
Wharton .....	121	8	.....		55	45	4	21
Williamson .....	116	241	.....		81	113	11	43
Wilson .....	70	30	.....		53	38	.....	5
Wise .....	26	162	3		22	129	2	.....
Wood .....	.....	.....	.....		.....	.....	.....	.....
Young .....	24	18	13		44	.....	.....	.....
Zapata .....	.....	.....	.....		.....	.....	.....	.....
<b>TOTAL</b> .....	<b>17,511</b>	<b>12,455</b>	<b>1,079</b>		<b>11,152</b>	<b>8,083</b>	<b>4,490</b>	<b>4,163</b>
<b>INFORMAL</b>								
Angelina .....	53	104	.....		36	12	27	57
Jack .....	14	49	.....		7	.....	70	.....
Mason .....	19	75	.....		66	19	.....	.....
Smith .....	168	212	341		463	79	30	69
Wood .....	151	108	70		204	21	8	27
<b>Total</b> .....	<b>405</b>	<b>548</b>	<b>411</b>		<b>776</b>	<b>131</b>	<b>135</b>	<b>153</b>
<b>GRAND</b>								
<b>TOTAL</b> .....	<b>17,916</b>	<b>13,003</b>	<b>1,490</b>		<b>11,928</b>	<b>8,214</b>	<b>4,625</b>	<b>4,216</b>

On the conclusion thereof, the vote for Governor and Lieutenant Governor counted and summed up as follows, to wit: for Murrah for Governor 17,511 votes, for Chambers for Governor 12,455 votes, and scattering 1,079 votes, whereupon Mr. Murrah was declared duly elected Governor of the State of Texas for the next two years; for Stockdale for Lieutenant Governor 11,152 votes, for Darden for Lieutenant Governor 8,083 votes, for Kittrell for Lieutenant Governor 4,490 votes; whereupon Mr. Stockdale was





**D. M. Prendergast**

Source: John Henry Brown,  
Indian Wars and Pioneers of Texas  
(Austin: L. E. Daniell, 1891-1892[?]),  
256.

declared duly elected Lieutenant Governor for the state of Texas for the next two years. The Senate then upon motion retired to their chamber and on motion the House adjourned to 10 A. M. tomorrow.

Thursday, November 5, 1863

House met pursuant to adjournment. The roll was called and quorum being present the journal of yesterday was read, amended, and adopted.

The following members came forward, presented their credentials, and took the oath of office, to wit: W. B. Moores and D. M. Prendergast of the district of Freestone, Limestone, and Falls, and John H. Prince of the district of Ellis, Johnson, and Parker.

The Speaker reported from his stand the contested election returns for the district of Bastrop and Dallas in each of which the seat is contested, which on motion were referred to the Committee on Privileges and Elections.

The Speaker then reported the following as the standing committees of the House of Representatives of the State of Texas in the Tenth Legislature, to wit:

Judiciary Committee—C. W. Buckley, Chairman; G. M. Brazier, I. P. Simpson, W. J. Darden, A. W. DeBerry, J. G. McDonald, R. R. Haynes, C. B. Way, and M. H. Bowers.

Penitentiary—J. H. Banton, Chairman; A. Emmert, W. H. Howard of Lavaca, W. Holford, John Ingalis, W. R. Lane, W. B. Moores, A. N. Perkins, and E. Pendleton.

Internal Improvements—F. F. Foscue, Chairman; Geo. W. Frazier, G. R. Howard of Anderson, T. E. Hill, M. W. Baker, W. M. Cook, M. H. Bowers, N. W. Bush, and W. M. Harrison.

Private Land Claims—C. Kyle, Chairman; Howard Keyes, J. H. Allen, Thomas J. Browne, Ed Gibbons, W. H. Hart, Wm. Hunt, J. R. Loughridge, and S. Sampson.

Education—H. J. Moffatt, Chairman; E. B. Adams, L. P. Butler, L. R. Bratton, W. J. Darden, R. English, Robt. Lacy, I. P. Simpson, and J. W. Thomas.

Retrenchment and Reform—J. B. Reid, Chairman; J. H. Allen, L. P. Butler, Thos. J. Browne, G. M. Brazier, N. W. Bush, Sam A. Belden, Ed Gibbons, and A. S. Lipscomb.

Agricultural Affairs—L. P. Butler, Chairman; A. S. Lipscomb, B. Blake, W. H. Hart, W. H. Howard of Lavaca, J. W. Marshall, W. B. Moores, and R. Robertson.

Privileges and Elections—O. T. Tyler, Chairman; J. M. Willis, J. C. Wooten, Robt. Lacy, W. M. Cook, Geo. W. Frazier, G. R. Howard of Anderson, R. R. Haynes, and T. E. Hill.

Comptroller's and Treasurer's Offices—G. R. Howard of Anderson, Chairman; R. F. Slaughter, Thos. Smith, D. M. Mabray, J. L. Lovejoy, Howard Keyes, L. R. Bratton, and W. M. Harrison.

Military Affairs—John Griffith, Chairman; W. A. Rhea, J. E. Ranck, J. T. Brady, M. H. Bowers, A. W. DeBerry, J. L. Lovejoy, and J. L. McCarthy.

Public Buildings—Geo. W. Glasscock, Chairman; Sam A. Belden, Chas. Callahan, A. Emmert, R. F. Slaughter, Ed Gibbons, G. J. Houston, W. H. Hart, and D. M. Mabray.

Public Land—E. Walker, Chairman; W. Holford, A. W. DeBerry, Howard Keyes, J. G. McDonald, H. Maney, A. N. Perkins, E. Pendleton, and J. B. Reid.

Claims and Accounts—J. M. Willis, Chairman; F. W. McGuire, McNiell [sic], N. B. Patton, R. Robertson, A. J. Redding, L. Robinson, and C. A. Russell.

Printing—F. W. McGuire, Chairman; H. Means, J. L. McCarthy, J. M. Ramsey, Thos. Smith, H. Seele, J. W. Thomas, J. C. Wooten, and George Wilson.

Public Debt—D. M. Prendergast, Chairman; E. B. Adams, C. W. Buckley, W. C. Daniel, F. M. Hays, Wm. Hunt, L. A. Lollar, and C. A. Russell.

Enrolled Bills—R. F. Slaughter, Chairman; Howard Keyes, H. J. Moffatt, J. G. McDonald, J. L. Lovejoy, and Geo. W. Frazier.

Finance—J. T. Brady, Chairman; F. M. Hays, J. M. Willis, W. M. Cook, F. F. Foscue, I. P. Simpson, R. F. Slaughter, D. M. Prendergast, and W. M. Harrison.

Contingent Expenses—S. Sampson, Chairman; O. T. Tyler, J. C. Wooten, J. W. Marshall, H. Maney, N. B. Patton, H. Seele, George Wilson, and J. Barclay.

Stores and Storing—R. R. Haynes, Chairman; C. W. Buckley, L. P. Butler, Allen Birdwell, B. Finley, John Griffith, Wm. Hunt, W. B. Moores, and M. W. Baker.

Roads, Bridges and Ferries—A. Emmert, Chairman; J. Barclay, J. H. Allen, W. C. Daniel, J. W. Guinn, G. J. Houston, Wiley Jones, C. Kyle, and W. R. Lane.

Stock and Stock Raising—E. Pendleton, Chairman; W. Thaxton, C. Kyle, Sam A. Belden, S. G. Cole, Chas. Callaghan, Wiley Jones, L. A. Lollar, and J. W. Marshall

Confederate Relations—J. G. McDonald, Chairman; G. R. Howard of Anderson, T. E. Hill, John H. Prince, J. B. Reid, E. Walker, W. J. Darden, F. F. Foscue, and D. M. Prendergast.

Land Office—C. A. Russell, Chairman; W. A. Rhea, A. J. Redding, R. Robertson, N. B. Patton, J. W. Guinn, D. M. Mabray, Mc Neill [sic], and H. Means.

State Affairs—F. M. Hays, Chairman; W. C. Daniel, N. W. Bush, J. H. Banton, W. H. Howard of Lavaca, Allen Birdwell, S. Sampson, J. B. Reid and L. Robinson.

Indian Affairs—C. B. Way, Chairman; O. T. Tyler, W. Thaxton, J. E. Ranck, John H. Prince, J. M. Ramsey, J. Barclay, B. Blake, Geo. W. Glasscock.

Counties and County Boundaries—L. A. Lollar, Chairman; E. B. Adams, Thos. J. Browne, B. Blake, S. G. Cole, B. Finley, John Ingalis, J. R. Loughridge, and F. W. McGuire.

Engrossed Bills—Thomas Smith, Chairman; G. M. Brazier, L. R. Bratton, A. W. DeBerry, and R. English.

Mr. Baker, chairman of the Inaugural Committee on the part of the House, made the following report, to wit:

Representative Hall  
November 4, 1863

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The joint committee appointed to make arrangements for the inauguration of the Governor and Lieutenant Governor-elect on the 5th instant, beg leave to report that the inauguration shall take place in the Hall of the House of Representatives, at 11 o'clock A. M.; that the two branches of the legislature shall meet in the House at a quarter before 11, the Speaker of the House in the Chair, and the President on his right; that the Chief Justice and the Associate Justices of the Supreme Court, with the Attorney General, shall occupy seats on the platform before the Speaker's Chair; that the heads of departments and officers of the late Republic of Texas shall occupy seats on the left of the platform; that the Senators shall occupy seats on either side of the aisle of the House, and the Representatives as near as practicable to the Speaker's Chair; that the ladies shall occupy seats within the bar of the House, and that the citizens shall occupy seats within the bar and in the galleries. The retiring Governor, the Governor and Lieutenant Governor-elect, with the committee, will enter the House at 11 o'clock and be seated, the retiring Governor and Governor-elect on the right of the Speaker's Chair and the Lieutenant Governor on the left.

Prayer by the Chaplain of the Senate after which the retiring Governor and Lieutenant Governor will deliver their valedictories and immediately after the Governor and Lieutenant Governor-elect will have the oath of office administered to them by the Chief Justice.

Respectfully submitted,

M. W. Baker

Chairman on the part of the House

J. W. Beasley

Chairman on the part of the Senate

A message from the Senate was announced and received informing the House that the Senate have adopted the following resolution, to wit:

“RESOLVED by the Senate, the House concurring, that a Joint Committee of Five from the Senate and a proportionate number from the House be raised for the purpose of taking into consideration matters pertaining to the frontier defense protection,” in which the House concurred.

Mr. J. L. McCarthy of the El Paso district came forward, presented his credentials and took the oath of office.

Mr. Reid of Victoria offered the following resolution, to wit: “RESOLVED that the Committee on Public Printing be instructed to contract with the editor of the *State Gazette* published in this place for the printing of five hundred copies of the Governor’s Message for the use of the members of this House; and that the committee be further instructed to contract for five extra copies of the *Tri-Weekly Gazette*, to contain the proceedings of the legislature for each member of the House at as early a day as practicable; and also for two hundred copies of the Rules of the House.” Adopted and made special order for 10 A. M. tomorrow.

Mr. Daniel offered the following joint resolution, to wit: “Be it resolved by the legislature of the State of Texas that our Senators in Congress are instructed and our Representatives requested to use their influence to increase the wages of the non-commissioned officers and privates in the army and navy of the Confederate States.” Read first time and referred to Committee on Military Affairs.

The following special message from the Governor was received, to wit:

“It is once more my proud privilege to present to you mementos of the gallant achievements of Texas troops, and

to suspend from the walls of the Capitol these additional trophies wrested from the enemy on the battlefields.

The Stand of Colors of the 4th New Jersey Volunteers together with the whole regiment was captured by the Fifth Texas in the Battle of Richmond, June 27, 1862.

The other flag was captured by Lieutenant Colonel G. J. Hampton, Fourth Texas Cavalry (Hardeman) otherwise known as the First Regiment, Sibley's Brigade, in the Battle of La Fourche, Louisiana, July 13, 1863.

The tattered colors of the Sixth Texas Cavalry were destined by its gallant colonel, Sul Ross, to stand within the walls of the Capitol side by side with those of the Fourth and Fifth Texas of the Army of Virginia. They were confided to Lieutenant Simpson, and unhappily burned with the hotel at which he was stopping at Jackson, Mississippi. The flag bore the marks of the many and severe conflicts in which the regiment had been engaged.

It floated over this distinguished corps at Corinth, Hatchie Bridge, Farmington, and Juka.

The services of the Sixth are household words. Let the niche it should have filled be left vacant and, like the statues of Brutus and Cassius at the funeral of Junia, it will be the more present to our minds because it is withdrawn from the sight.

Very Respectfully,  
F. R. Lubbock.

On motion of Mr. Buckley referred to Committee on State Affairs.

Mr. Buckley introduced a bill to provide for the contingent expenses of the Tenth Legislature. Read first time. On motion the Constitutional rule was suspended, bill read second time and ordered to be engrossed. Constitutional rule further suspended, bill read a third time and passed.

Mr. Kyle moved that the House take a recess of ten minutes. Carried.

At the expiration of the ten minutes the House was called to order. Roll called and quorum being present, the Honorable Senate was invited into the Hall of the House for the purpose of inaugurating in joint session the Governor and Lieutenant Governor-elect. Whereupon the Honorable Senate came into the Hall, and the report of the joint inaugural committee was read and the Governor, Governor-

elect and Lieutenant Governor-elect, heads of departments, judges of the Supreme Court and Attorney General came forward and took their respective seats as provided by the committee and the Chaplain of the Senate made a short prayer. Whereupon the Speaker introduced his Excellency F. R. Lubbock who delivered a farewell address.<sup>7</sup>

Gentlemen of the Senate and House of Representatives,  
Ladies, and you, my Fellow Citizens:

Two years ago, called by the partiality and suffrages of the people of Texas, I upon this stand and in this building in presence of Almighty God, assumed to discharge the important duties incumbent on me as the Chief Executive of the noble, chivalrous, and patriotic State of Texas.

In accordance with their mandates, and in obedience to the Constitution and Laws I am here today to surrender those trusts into the hands of the people and of the distinguished Citizen who is entitled to assume them. In this crisis we may esteem ourselves fortunate in being thus peaceably permitted to assemble and witness our State Government pursuing its usual functions without the fear of interruption from the Abolition Despot and his Hessian soldiery.

On that occasion I swore to "faithfully and impartially discharge and perform all the duties incumbent on me as Governor according to the best of my skill and ability, agreeably to the Constitution and Laws of the State of Texas, and also to the Constitution and Laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy."

In strict compliance with that obligation, I have studiously endeavored to discharge every duty incumbent on me—that I have acted faithfully and impartially, I know full well. In the troublous times that have encompassed us since my elevation to office I would scarce hope to conduct the affairs of a State like ours so extensive in territory, so diversified in interests, with an exposed frontier extending from Red River to the Rio Grande, with such skill and ability as to give universal and entire satisfaction.

While I have earnestly sought to discharge all the duties imposed on me as the Chief Magistrate of the State, I most freely admit that the great war in which we are

<sup>7</sup>Ibid., 252-258.



involved has engaged the most of my attention and energy. On entering upon the duties of my office, I was fully impressed with the many responsibilities I was assuming. I felt satisfied the war would be prosecuted by our enemies with all the fiendish barbarity they have shown themselves so capable of inflicting upon a people so superior to them in all that constitutes manliness, virtue and chivalry. I was convinced that no means would be left untried to reduce the people of the Southern States to the condition of "hewers of wood and drawers of water" for their Yankee taskmasters, and that failing in all else, they would seek finally to raise a servile war in our midst with the hope of ultimately subjugating or annihilating us. I have not been mistaken; and if today every city, town, village and farm yard is not red with the blood of our women and children shed by our servile population, it is not because our more than savage and despicable foes have not desired and attempted to accomplish it. The evidence of this their hellish design they have themselves unblushingly proclaimed to an indignant world.

The skill and bravery of our Generals, the energy and heroism of our men have thus far, baffled the fiendish purpose. Today our cause looks brighter than it has for many months past. In every attempt of the enemy to penetrate our State, he has been signally repulsed. The invincible Army of Rosencranz, as vauntingly termed by a boastful press, has met with a disgraceful and disastrous overthrow while the Army of Meade is reduced to a painful defensive for the protection of the Northern Capital. Our gallant little corps in Louisiana chiefly composed of Texans, harrasses him continually. Charleston "the Doomed City" still defiantly answers the thunder of his guns peal for peal, her citizens evincing a determination to bury themselves in her ruins rather than yield. Our Armies everywhere are strong, in excellent condition, well fed and clothed. We are daily improving in the production of supplies at home for the use of our people and Army; munitions of war in abundance are being manufactured within the Confederacy; our people are daily rising equal to the emergency of the times and becoming more self-reliant and defiant. A spirit of resistance is seizing hold of the very young and old that will ultimately place every man able to bear arms into the service of the country. They are

schooling themselves to believe that nothing can be valuable to them or be worth living for unless our independence is secured. The noble women, too, of our country, are ever in advance of the men. They are imbued with the conviction that subjugation would leave them the slaves of the most miserable and cowardly taskmasters—that they would be forced into association with a people whom, from their cowardly and brutal atrocities, they have learned to hate and despise.

Hence they are prepared to make every sacrifice on the altar of freedom—thence it is that their wealth is freely lavished—that we find them in the cities and towns as well as by the roadside ministering with tender and devoted care and assiduity to the necessities of the sick and wounded soldier—that we behold them morning, noon, and night sewing, knitting, weaving and spinning for the “brave soldier boys”—finally they give up to their struggling country their fathers, husbands, brothers, sons and lovers, preferring to be orphans, widowed and brotherless to seeing their country overrun and reduced by a people so demoralized, infidel and barbarous as the Northern foes. With such determination animating our people we have nothing to fear. I presume that most men of the South feel as I do. I knew that secession was a necessity forced upon the South, that her freedom might be preserved; and in assisting to bring about that measure, I felt that, as a good and true man, I from that day belonged to my country; that whatever adversities might follow that step, as an honest man and a patriot, I should bear them without a murmur—that all I possessed of ability, energy, time, property, aye, life itself, all belonged to the country, and when called for must be laid upon the altar of freedom. I resolved that whilst this war lasted, all private enterprise should be abandoned and that it would be a fraud upon the people, and a crime against our sacred cause to neglect public duties in the pursuit of private aggrandizement.

I believe there are many who did not vote for secession who came to the same conclusion as soon as that remedy was adopted—they have entered the Army and done most gallant service and thousands of this class have sealed their devotion to this country with their blood.

It is the sacred duty of all, without regard to their form or position, to rally around the standards of their country.

If there be any in our midst who yet entertain the most distant idea that the old Government can ever be reestablished, or who feel the least sympathy with our enemies in God's name I say, let them depart from among us, and take up their abode with their abolition brothers in crime and infamy, the fit associates of their former slaves! Such characters among us are a bane, a pest, a living insult to our noble women—they prey upon our substance and await only for a favorable opportunity to betray us.

My heart's desire is to see every man and woman in the land rise up to the magnitude of the contest in which we are engaged. I wish them all to feel that it requires their individual aid—their ceaseless aid—to insure success. I want those at home and who, from any cause are kept out of the Army, to be impressed with the conviction that it is their duty to leave nothing undone to sustain our men in the field, and to see that they are furnished with every thing necessary for their efficiency and comfort. I want them to see that the families of those in service are well cared and provided for. The families of our heroic defenders should be treated as the children of those at home and no cause should be given their natural supporters to feel that they are neglected. Do this and our brave men will battle on to the last. We must bear in mind that our army is not composed of mercenaries, that it is not an army of imported Hessians; but that, as I have said on former occasions, they constitute a vast majority of our best, patriotic and chivalrous citizens—men who could not be kept from home a day after a discharge should be granted them—men who would rush to their families, properties and friends—these are the men who fill the ranks of our Armies. I am not afraid of a force thus constituted—they will neither permit an enemy to overrun and subdue us, if properly sustained, nor will they tyrannize over, or abuse their own people, their own kith and kin. They are an army of citizen-soldiers, who flew to arms to maintain, not to suppress the liberties of the Confederacy.

I am well aware there are those and some of them good and sensible men, who believe that during my administration I have been too much disposed to favor the army and the military authorities and they have objected to some of the measures recommended by me for sustaining the army and the families of those in service. I give to those

persons every credit for honesty of purpose, conscientiousness, etc. I claim the same myself. As I have said before I have long since risen up to the magnitude of the contest in which we are involved. I believe that War, War, War! should be our all absorbing business until we have conquered our independence; and while I would confine myself and wish to see all in authority keep themselves within the limits of the Constitution, I would have Legislators, Governors, Judges and people feel that it is imperative on them to make laws and execute them, whereby that Constitution, our property, our freedom, will be preserved.

I have felt that it was no time "to fiddle while Rome was burning." I have felt that it was no time to be over punctilious, letting the cause of the country perhaps suffer whilst discussing points of military usage or etiquette.

When I entered upon the discharge of my duties, I determined to cherish, foster and aid the Confederate Government in the prosecution of this war in every way I could legitimately. I knew the people desired it—the Legislature so indicated. I resolved that it should never be said that I held back men or means as long as I could control and furnish either in aid of the war. I am proud of the conviction, that during my administration, I have furnished more men than have been called for. In doing so, I have pursued but one policy. I determined at the outset I would keep on foot no State Army if it could be avoided with safety to the country. Time has demonstrated its wisdom. Persons may differ with me on this point, but it is certain that, had I not exactly pursued this course in transferring the men as rapidly as organized to Confederate service, today our State debt would have been increased millions of dollars, without conferring any substantial benefit, but burdening our citizens with heavy and increased taxation.

Texas may well be proud of the number of men she has furnished to carry on this struggle. She has cause, too, to congratulate herself on the mighty resources within her reach.

We have many more men that we could furnish. We have thousands of good old patriots and boys now organizing over the State who, if the time **must** come, will cause the Yankee invader to rue the day he polluted our soil with his hostile tread.

Texas in this war had a warlike name to sustain. When

numbering about 25,000 souls she wrung her independence from a nation whose population was 7,000,000; and the world as now, the European world enlisted against her in consequence of the slavery clause in her Constitution. Her so-called heroism was most valiantly shown in the Mexican war. Much was expected of her in this struggle for Southern independence—thank God she has not disappointed the most sanguine expectations of her own people, or those of her sister States. I well recollect that in addressing the people of New Orleans, at Odd Fellows Hall, urging the secession of the State of Louisiana, I pledged my honor that Texas would secede and should coercion be attempted she would in short time furnish 25,000 good fighting men to meet the army of Lincoln. An old Texan who heard my speech remarked that I had overrated our strength and counted without my host. Who was right, he or I? Texas has furnished in this war 10,000; she will furnish many thousands more.

Gentlemen of the Legislature: The people will look to you for passage of such laws as will secure to them the greatest good. They will expect you to aid in carrying on this war, and to provide the means for sustaining the State Government. This I know you will do. Let me urge upon you to place every man at home into military service; to do away with all exemptions and the power to furnish substitutes under the militia laws, and pass a joint resolution requesting Congress to do the same thing.

Pass a law punishing desertion most severely, and those encouraging desertion or harboring deserters; suppress distilleries, one of the greatest curses now in the State; force all aliens to serve in her defense or to leave the country; punish all disloyal men; confiscate the property of all who leave the Country to avoid participating in the present struggle and deny them the privilege of ever returning. Limit the rates of profits on merchandise and the price of articles of prime necessity; impress the goods of extortioners, monopolizers, and engrossers when needed for public purposes, and the support of soldiers' families. Do these things and a few more of the same character and you will be received with opened arms by the army and the good and true men of the country.

Ladies! It is a work of supererogation on my part to say one word to you on the subject of your duties in this

war. You have, upon all and every occasion, by your zeal, devotion and assiduity, evinced your patriotic determination to stand by the Country. I know you will continue to do so. Charity, humanity, affection and love, are the prominent characteristics of female character. See that you bestow not either unworthily. Continue to frown upon the man who, in this great emergency, is wanting in patriotism. You must treat with scorn and contempt, even though he be your relative or suitor, he who now, in our day of peril, shirks the service of his country. You must practice economy in your households; banish superfluities and luxuries while the war continues. Continue as you have so nobly heretofore done, to encourage the war, to nurse the sick and wounded, to yield those most dear to your Country's cause; and finally should you hear any of our men complain that the range of their guns or the blades of their swords are too short to compete with those of the enemy, say to them in the language of the Spartan mother, "Shorten your distance!" By so acting, your influence will cause every man possessed of the least spark of pride and honor, to seek the enemy before he reaches your door, and save you from the horrible scenes enacted by our brutal foe whenever he has succeeded in occupying our territory.

Fellow Citizens! Much depends upon your action! Let me urge upon you one and all in addition to the many vows you have already taken, to stand by your Country, that you today renew them. Let each and every one within the sound of my voice regard this war as his own. Regard your time, your means, your life, **all** as the property of the great cause in which we are engaged. Resolve never to be satisfied unless you are doing something to aid in rolling on the tide of revolution until our enemies are submerged. Let us set an example of patriotism to those around us, losing no opportunity of benefiting and encouraging those who are in the field battling for our cause. Let us try by example to bring back the erring brother who falters in this time of his country's peril. At the same time let us treat as enemies the miserable extortioner, the deprecator of our currency and the disloyal. Those who are not with us are against us! In a word, let us live only for our country until our enemies are forced to acknowledge us as a free and independent people.

In conclusion permit me to say, that in surrendering

the trusts confided to me by the people, I can do no less than publicly acknowledge the gratification I have experienced in being so honored. To those who have supported and sustained me, I feel under lasting obligations; and I say to them with confidence, that I know of no reason that they should regret having done so. I believe my record as an officer will in the main be sustained and appreciated by the masses of the State.

To those who have seen proper to differ with me, I can only say, it was their privilege. They will in time do me ample justice.

In severing my intercourse with those around me at the Capitol, I do so with many pangs of regret. I have been most ably and zealously assisted by those with whom I have been called to act in concert. From every officer and employee of the Government, I have received marks of attention and kindness. I also bear cheerful testimony to the business capacity and industry of the various State officers and employees. Although they have been in receipt of a much depreciated currency, totally inadequate to a proper support of themselves and families, they have performed their several duties with alacrity and without a murmur.

Although I experience no regret in retiring from a position so full of responsibility and anxiety again to enter the walks of private life, I can but admit that I do regret to give up the many pleasant associations connected with my temporary sojourn at the Capitol. With all the cares and responsibilities resting upon me, my time has been agreeably spent. Kindness has never been more universally extended in any place or in any community, than has been bestowed upon me and mine by the people of Austin, so long as memory lasts, the friendships, attachments, and associations formed here will cling to me and mine with pride and pleasure and in my future life I shall endeavor so to carry myself in whatever position I may be placed, as never to forfeit the friendship and esteem of those who have so confided in and treated me.

I retire from office with more of substantial benefit than even the approving smiles of my constituents could confer. I retire with the consciousness of having faithfully, honestly and impartially discharged my duties.

I leave my present position with the determination to continue in the service of my country until her victorious

banners shall wave in triumph over her enemies, her independence be acknowledged, and the song of peace and serenity be again heard in the land.

Gentlemen of the Legislature, ladies, and you my fellow citizens, I thank you for your patient and kind attention. May God smile upon and bless you all. May each and everyone of you feel as I do that our country needs you in this mighty struggle, and that to her cause you will devote yourselves until her freedom is secured.

F. R. Lubbock

The oath of office was then administered to the Governor-elect by the Chief Justice of the Supreme Court. Whereupon His Excellency Pendleton Murrah delivered his inaugural address in person to the two houses in joint session:<sup>8</sup>

Gentlemen of the Senate and House of Representatives,  
Ladies and you, my Fellow Citizens:

I have been chosen by the people of Texas chief executive of the State for the next two years. The office of Chief Magistracy of a great, sovereign State like Texas is at all times one of great importance and responsibility; but now when war is waged upon our common country, and danger threatens the State upon every hand, and when so many grave questions of policy are to be met, its importance and responsibilities are greatly magnified.

I fully appreciate the fact that a majority of the suffrages of the people have been cast for me at a time when all that is sacred to us is involved in the issue of a war of such magnitude, and of such virulence in character and when the perilous condition of the country requires of the Executive so much discretion, watchfulness, soundness of judgment, and firmness in the discharge of the duties of his office.

I most sincerely thank the people for the distinguished honor conferred upon me, and for their manifestation of confidence under circumstances so marked and significant; while I distrust my ability and my experience in public affairs, I can promise, without reservation, a will and a determination to discharge the duties of this high trust with

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<sup>8</sup>*Ibid.*, No. 280, 1863-1865, pp. 1-7.



a firm hand, and as nearly as I can in accordance with the wants of the State.

I indulge in the hope that a zealous devotion to the great interests of the State in these times of peril will plead, not unsuccessfully, and excuse for my shortcomings and want of wisdom in this high position, and that a generous constituency will be slow to desert or abandon a public servant faithfully laboring for the public good.

If statesmanship and ability—the power to distinguish and the disposition to observe the true character of our political system—be essential qualifications in the officials of the Confederacy, they can be no less so in the officials of the state government. Texas in allying herself to the other states of the South for general purposes, and for the common weal surrendered not her sovereignty, or the complete control over matters of local concern; and it follows, as a matter of course, that a wise and judicious administration of the affairs pertaining to the local, can be of no less importance to the welfare of the people, than the proper administration of affairs pertaining to the general authority. A full appreciation of this simple fact and a rigid observance of its practice will have no little influence in producing sober and correct views as to the scope and object of the Confederate authority, and in modifying tendencies to partisan organizations and partisan strife, founded alone upon differences of opinion as to the extent and object of that authority.

But the responsibilities of position, in a government like ours, and especially at a time like this, when the services of all are needed, should not deter the Citizen, through timid apprehensions of evil consequences to himself, when called by the voice of his country, from yielding his services to it. The life of the state is threatened, its welfare being at all times an object near the heart of the patriot—and all selfishness and merely personal consideration should be banished, and the Citizen in private life, and in public station, should be guided alone by the most exalted patriotism, discarding from every act and utterance having reference to public affairs, all baser motives.

We are struggling through the perils of bloody fields for the preservation of the institutions inherited from a glorious ancestry, and it surely behooves us to heed their voice, to be instructed by their experience, and to study

well the condition and means by which they are not only to be maintained by the sword, but perpetuated and wisely administered. For the machinery of government of all machinery is most intricate and most difficult of adjustment and management; the science of government, of all sciences, has claimed from mankind the greatest share of their attention, and yet has secured from them the least uniformity of opinion as to its true mission, and as to the principles which should be embraced in a perfect system.

Though the builders were master builders, the complicated and refined character of our political system, together with the absence of experience and precedents as guides, gave rise from its very origin, to most serious and delicate questions in the adjustment of state and federal authority—questions often involving the most bitter party strifes, and most alarming excitements in the public mind, bringing at an early day to the minds of the original framers, grave apprehension of the long duration of the workmanship of their hands.

Our bleeding and struggling country warns the people of the dangers of holding to the differences of opinion vital in their character, as to the true nature of the government of their own formation, and of yielding themselves up blindly to partisan organizations and partisan strifes, for the purpose of building up theories at variance with the government, as written and ordained. Instructed by experience and guided by the lights of the past, it is hoped and believed that if we are true to ourselves, we may escape such dangers for the future, and from the beginning of our new political career, not only understand, but put in practice the government according to its true theory.

The objects and the ends of the State and Confederate governments are so distinct, the powers to be employed by them so well distinguished and defined, that it becomes a matter of wonder how they can be involved in confusion and uncertainty.

The strength and beauty of a Federal system of government, its value and completeness as a government, its harmonious and energetic action, absolutely require in both the general and local authorities, a rigid observance of the boundaries of power lying between them and marking out their appropriate spheres of action.

This simple **rule** forbids alike the usurpation of author-

ity upon the part of the general government, the infringement upon local authority, and the denial on part of the State to the general government the exercise of authority clearly granted in the Constitution. These observations are not deemed out of place here, for the reason that the extraordinary events daily transpiring in our country, together with the universal demands of this war upon its energies and resources, are trying both strength and character of the State and Confederate organizations—the extent of their authority, respectively, bringing into action a large class of powers, which in ordinary times, and especially in times of peace, lie dormant and unobserved in the organism of a complicated political system.

A distinction will of course be observed by every intelligent and just minded man, at a time when necessity forces upon the government the employment of so many agents for so many varied purposes, between deliberate acts on the part of the governments at variance with the Constitution and mere irregularities in the exercise or execution of authority on the part of officials, which may be promptly arrested and corrected by appeals to the proper tribunals.

To make such irregularities the foundations for factions and organized opposition to the government would be at all times unjust and unwise, but in times like these madness and folly.

It is not apprehended by me that the Confederate government will either inaugurate or persevere in a line of policy that will touch the sovereignty of the States—infringe upon the rights and privileges of the citizen, violate the compact between these States, or fail to rebuke and punish usurpations of authority upon the part of officials when properly brought to its attention. Its disposition is conceived to be the reverse of this, and it is believed that the State and Confederate authorities, not only may but should, in their own organism, work harmoniously together in uniting and directing the energies of the country in this deadly conflict for freedom and humanity.

For while this contest shall continue for national existence, our main business must be war. To its demands all other considerations must yield, just as a man yields all else for the preservation of his life. The destiny of Texas for weal or for woe, and by her own volition, is connected with that of the Southern Confederacy, and she has

pledged herself to her sister states of the South, that their triumphs shall be her triumphs, and their fall her fall—their glory her glory—and their sorrows her sorrows.

She has pledged life and sacred honor, that the Lone Star banner around which cluster so many glorious memories sacred to the cause of civilization and well ordered government shall never be a banner of treason to the Southern Confederacy or her own plighted faith.

Texas can, of course, as other states, act but a subordinate part in the conduct of this war. And yet the line of policy to be pursued by her as a sovereign state, under existing circumstances, may not only be essential to her own liberties, but to the liberties of the Southern Confederacy.

Up to this period in this bloody drama, Texas has discharged her duties full and nobly—even beyond the legal demands made upon her energies and resources.

Whenever danger has been incurred, or glory won upon the field of strife, her sons have poured out their generous blood freely, and won for themselves, their State, and their Common Country, imperishable renown.

But dangers thicken around us, and make still greater demands upon her patriotism and power. The fall of Vicksburg and Port Hudson, the consequent imperfect correspondence with the states east of the Mississippi River, and with the government at Richmond, has rendered the Trans-Mississippi Department to a very considerable extent self-dependent, not only for Counsels, but for the means of prosecuting the war, and defending itself. The people of Arkansas and Louisiana are flying by thousands with their property to our borders to escape the presence of an insolent and insulting foe; and a large portion of the territory of those states is already within the Federal lines. Under these circumstances, it will be admitted that Texas occupies a large place in the Trans-Mississippi Department. Her territory is vast, her geographical position favorable, her resources great—her credit has been used but to a limited extent, her people have not been driven from her borders—murdered upon her soil, or her property destroyed as has been the case for her sister states.

She will own these advantages—appreciate her grave responsibilities and, rising with the occasion that demands still greater effort, make full preparations to put forth her

strength to the best advantage when the occasion shall present itself. The glories of San Jacinto—the horrors of the Alamo, and the tyranny of Mexico, are too fresh to her memory—her sacrifices in this war are too great, and her experience too bitter for her to fail or falter in this, perhaps, the darkest hour of this dark conquest, the spirit of her departed heroes—of Clough, of Dickson, of Burnes, of Carter, of Terry, of Lubbock, and of thousands of others who offered up themselves freely upon the altar of the country cry aloud for vengeance and for still greater sacrifices on the part of the living in the cause for which they fell. A young giantess as she is almost of the forest, with limb unfettered and spirit erect and free, that never stoops to disgrace or tyranny, Texas has not forgotten or forsaken the faith involved in the issues of secession—she owns the presence of a divinity in a wild storm of human passion that rocks this continent and finds the true interpretation of this, as of all great revolutions in human affairs in the mysterious ways of an All-wise and Overruling Providence.

As a matter of course, the conduct of the affairs of the state and its legislation, should have reference, in main to our condition in a state of war. But we know not how long these clouds shall hang over the land. In the midst of the embarrassments and dangers of war, we should not forget that the essential end of government, and of all struggles for governments, is the protection of society and the securing its welfare physically, morally and mentally. The laws therefore should be upheld and honored and as far as consists with circumstances surrounding the state rigidly enforced, so as to visit speedy punishment upon the offender against the mandates, and check the wild tendencies to anarchy and violence, resulting from the demoralizing agencies at work in these times of evil. We shall strive in vain upon the field of blood, if in the meantime the bands of society are to be broken asunder—the habit of obedience to law and the authority of government forgotten and abandoned—human life and individual rights left unguarded or exposed to the caprices of the mob, and the matured and youthful mind accustomed and familiarized to the fearful and dreadful scenes which always occur when lawless passions hold their sway. We claim to read in the northern mind a downward course to the dark abyss of

confusion, anarchy and hopeless tyranny, which but too often marks the destiny of nations involved in protracted wars, and bloody revolutions. Warned by ruin and misery that seems to overhand their society, and by the instructive voice of history, we should not in these times of excited passions—of jealous apprehensions, and of real dangers—overlook the importance of a frequent recurrence to the fundamental principles of security lying at the foundation of society and of government, of trusting to the regularly and legally constituted authorities and tribunals, and of laboring zealously, watchful and systematically, and with proper foresight, to make them fully adequate to the punishment and suppression of crime, and to the protection of society from the wicked offender against its peace—its welfare and its life. We should accord our conduct with the spirit of the Constitution and the theories of our government, and make the law a shield to every man, and cause every offender to be punished according to law.

In the midst of this revolution, the education and training of the rising generation appeals with peculiar force to the whole society and to the authorities of government so far as they have control over the subject. We are losing many men by the casualties of war, and many others are absent from home beneath the banner of their country contending with the foe, some of whose sons cannot be educated unless they receive aid from the state through that system which finds its foundation in the Constitution. The lapse of but a few years will introduce the youth of the land upon the stage of active life to act their part in society for good or for evil. Every consideration as to the welfare of society and of government, under our institutions, requires that they should be trained, educated and prepared for the stern and varied duties that lie before them as citizens.

The establishment of manufactories for the leading articles of husbandry and of daily consumption so as to relieve the people from a dependence upon a foreign, irregular, and uncertain and corrupting trade, is a consideration that will be owned by all to be of the highest moment.

The consummation of this desirable end rests mainly with the people, limited and prescribed, as the government is, in its power over the subject. They own the Capital, the labor—the raw material—the most useful metals lie em-

bedded beneath our soil, our geographical position is favorable to the introduction of the necessary machinery. What can be accomplished in this line by association of individuals and of capital, by enterprise and resolution, can only be determined by persevering, systematic effort.

The necessity and the inducements for effort cannot be overrated. It is far better and far more economical, as I conceive, to make Capital yield its profits, not only during the war, but after its close, to make it an enduring monument of a lofty, well-reliant spirit in the people by investing it in permanent and useful manufacturing establishments than to squander it away forever in purchasing goods from nations perhaps indifferent to our fate, or from a foe who is striving by all the appliances of war to subjugate and enslave us. Besides, the uncertain duration of this trade should be impressed upon the public mind. We know not how soon the direction of war may close the trade across the Rio Grande, and leave us not only without a market for clothing, but without the machinery necessary to the manufacture of material for them.

It is gratifying to learn that the public mind, to some extent, is being awakened to the importance of this subject and that combinations are here and there being made for developing the mineral resources of the state and for the introduction of machinery for manufacturing purposes. Let the spirit of enterprise be diffused, and let the good work go on until every man, woman and child in Texas, if need be, be clad in homespun or in domestic manufactures, and until every field shall be ploughed with iron from our native ores.

The first act of my introduction into this high and responsible office, is the taking of a solemn oath to discharge its duties according to the Constitution and the laws, established in accordance with its provisions. This oath forbids me to make it the law of my official acts as it is the law not only to the government but to all of its officials. Where its provisions are plain, difficulty is at an end, and wherever sanctioned by time and experience.

I should with the more apprehension take upon myself the administration of the affairs of the state, were I not to be aided through the coordinate branches of the government. I indulge the hope that the officials of the various departments of the government may labor harmoniously

and energetically together, with the single purpose of securing the welfare and the highest interests of the state—trusting that the God who has thus far sustained our cause and given victory to our army upon a hundred bloody fields, will vouch-safe His guidance to all those engaged in the administration of the public affairs of the country.

P. Murrah

The oath of office was then administered to the Lieutenant Governor-elect [who delivered his inaugural address].<sup>9</sup>

Whereupon the Senate on motion retired to their chamber, and the House on motion adjourned to 3 P. M.

3 P. M.

House met pursuant to adjournment. Roll call was called and a quorum present.

Mr. Haynes offered the following resolution, to wit: "RESOLVED that the Committee on Public Printing be requested to wait on the publisher of the paper of the city of Austin and ascertain at what price per the 100 copies the weekly, tri-weekly, and daily papers which publish the proceedings of the House for the use of the members of the House, and report to this House by 10 A. M. tomorrow," which was adopted.

Also the following resolution, to wit: "RESOLVED that the Committee on Printing be instructed to make arrangements with the postmaster for the postage of members and officers and to procure the necessary stamps for their use and have their mails delivered," which was adopted.

Mr. Birdwell introduced a bill to regulate the distillation of ardent spirituous liquors. Read first time and on caption was referred to the Committee on State Affairs.

Mr. Thomas introduced a bill to be entitled an act to

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<sup>9</sup>The Lieutenant Governor's Inaugural Address was printed in the *Tri-Weekly Telegraph* (Houston), November 16, 1863, and read as follows:

Fellow Citizens:

Confined as my duties are to the presidency of one branch of the legislative department of the government, it would seem unnecessary to prolong the ceremony by words of mine, or to add any pledge to that I have just solemnly taken with the highest religious and judicial sanctions, further than to say, that, in proof of my gratitude of the people for the honor conferred upon me, I shall endeavor to make "all the ends I aim at my country's, God's and Truth's."



exempt certain officers and soldiers from the payment of certain taxes. Read first time and by caption referred to Committee on Finance.

Mr. Smith introduced a bill to be entitled an act to amend an act entitled an act to suspend the operation of the estray laws. Read first time and by caption referred to Committee on Stock and Stock Raising.

Mr. Brazier offered the following resolution, to wit: "RESOLVED that the Committee on Public Lands be instructed to inquire into the practicability of donating to all the *soldiers* and their *heirs* a certain portion of the public domain and to report by bill or otherwise." Adopted.

On motion House adjourned to 9 A. M. tomorrow.

Friday, November 6, 1863

House met pursuant to adjournment. The roll was called, and a quorum being present, the journal of yesterday was read and adopted.

The following members came forward, presented their credentials, and took the oath of office, to wit: Henry Maney of the district of Guadalupe and Wm. Means of the district of Goliad.

The Speaker announced the following joint committee on the part of the House to act in conjunction with the one of the Senate to consider matters pertaining to the frontier defense, to wit: C. Kyle, chairman, and Messrs. Ranck, Tyler, Jones, Buckley, Howard of Lavaca, Thaxton, Prince, and McCarthy.

Mr. McGuire, chairman of the Committee on Public Printing, made the following report, to wit:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Printing to whom was referred the resolution instructing them to confer with the publishers of the papers of this city, and ascertain at what price per 100 copies the weekly, tri-weekly, and daily papers which publish the proceedings of the House can be procured, beg leave to report that there is but one office where papers are printed at this place, the *Tri-Weekly* and *Weekly Gazette*. The proprietor informed the committee that his terms are \$20 per 100 for the *Tri-Weekly* and \$30 per 100 for the *Weekly Gazette*.

All of which is respectfully submitted.

F. W. McGuire  
Chairman

Report adopted.

Also the following report, to wit:

To Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Printing to whom was referred the resolution instructing them to make arrangements with the postmaster for the postage of members and to procure stamps for their use, and have the mails delivered, beg leave to report that they procured \$1000 worth of postage stamps. The postmaster informed the committee that the supply of postage stamps is limited. We thought it best to procure a sufficient amount for the session. If there should be more than is needed, they can be returned. Arrangements have been made to have the mails delivered to the sergeant-at-arms. The postmaster informed the committee that he had no 2-cent stamps, but that the members could send their packages with their names on them and he would mark them prepaid and charge the account to the House.

All of which is respectfully submitted.

F. W. McGuire  
Chairman

Adopted.

Mr. Thomas introduced the following resolution, to wit: A resolution instructing the Committee on the Land Office to inquire into the expediency of suspending the entry and location of public lands.

“Whereas, a large and meritorious portion of the citizens of the state of Texas are in the army of the country, and consequently deprived of the privilege of locating or entering public lands, be it

RESOLVED, that the Land Office Committee be instructed to inquire into the expediency of suspending the entry and location of the public domain during the present war, except to bona fide settlers, and for twelve months after peace shall have been established, and of retaining in the Land Office only such number of clerks and employees as may be necessary to carry on such other business as may be indispensable and that said committee be required

to report by bill or otherwise.”

Adopted.

Mr. Lovejoy introduced the following joint resolution, to wit: Joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law making Confederate Treasury Notes legal tender.

“Be it resolved by the legislature of the State of Texas that our Senators in the Congress of the Confederate States be instructed, and our Representatives be requested to use their influence to secure the passage of a law making Confederate States Treasury Notes a legal tender in payment of all debts whatever.

RESOLVED, that his Excellency, the Governor, be requested to forward a copy of these resolutions to our Senators and Representatives in Congress, immediately upon the convening of said body.”

Read first time and referred to Committee on Confederate Relations.

Mr. Brady introduced a bill to be entitled an act compelling persons to pay a certain amount who claim exemption from military service because of conscientious scruples. Read first time and by caption referred to Committee on Military Affairs.

A message from the Senate was announced and received informing the House that the Senate had amended and passed the resolution of the House providing for the contingent expenses of the Tenth Legislature.

Mr. Brazier introduced a bill to be entitled an act to regulate argument in criminal cases. Read first time and by caption referred to the Committee on the Judiciary.

The Speaker reported from his table the report of the Adjutant General of the state which was without question referred to the Committee on Military Affairs, also the report of the Secretary of State which was without question referred to the Committee on State Affairs, also the report of the legislature’s investigating committee on the affairs of the State Penitentiary which was without question referred to the Committee on the Penitentiary, also the report of the State Military Board<sup>10</sup> which on motion of Mr. Buckley was referred to a Special Committee of Seven who will

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<sup>10</sup>Only the report of the Military Board can be located. It is included as Appendix III.

examine it in conjunction with a committee on the part of the Senate, also the report of the Superintendent of the Blind Asylum which was without question referred to the Committee on State Affairs, also the report of the Treasurer and Executive Officer Superintending the Common Schools which was without question referred to the Committee on Education, also the biennial report of the Comptroller which was without question referred to the Committee on Finance, also the report of the State Treasurer for the fiscal years of 1862 and 1863 which was without question referred to the Committee on Finance, also the report of the Superintendent of the Lunatic Asylum which was without question referred to the Committee on State Affairs.

Mr. Haynes offered the following resolution, to wit: "RESOLVED that the Committee on State Affairs be requested to institute an inquiry in regard to the transportation of cotton to the Mexican frontier and ascertain if the citizens of this state are prohibited from so transporting cotton and by what authority and report to this House by bill or otherwise." Adopted.

Mr. Butler offered the following resolution, to wit: "RESOLVED by the House of Representatives of the State of Texas that the present House ignore all special laws except for incorporating purposes, the renewal or amendment of the same." Read and laid over for one day.

Mr. Willis offered the following resolution, to wit: "RESOLVED that the Committee on the Judiciary inquire into the expediency of staying all debts during the war and ten years thereafter upon the refusal to take Confederate money or state warrants in payment thereof." Adopted.

The hour for which the resolution on public printing was made the special order having arrived, the resolution was taken up. Whereupon Mr. Baker offered the following substitute, to wit: "RESOLVED that the Committee on Printing be instructed to have printed one thousand copies of the Governor's Message, two thousand copies of the inaugural address, two hundred copies of the rules of this House, ten copies for each of the members of the *Weekly State Gazette* for the use of the members of the House during the session, and that the committee act in conjunction with the Senate's Committee on Printing," which was adopted.

Mr. Howard of Anderson offered the following amend-

ment, to wit: Amend "striking out ten copies of the *Weekl Gazette* for each member," which was lost.

Mr. Bowers offered the following amendment, to wit "And that they be instructed to have the work done at an office within reach of the committee where it can be done on the most reasonable terms," which was adopted.

Mr. Reid offered the following substitute, to wit: "RESOLVED that the Committee on Printing be instructed to procure the printing of five hundred copies of the Governor's Message and one thousand copies of the inaugural address, and also two hundred copies of the rules of this House for the use of the members, and that they have the work done at the place where it can be obtained on the most reasonable terms, and that they be further instructed to contract for five copies of the *Tri-Weekly Gazette* for each member of this House to contain the full proceedings of the Tenth Legislature provided they can be procured on reasonable terms," which was lost. The question then recurring on the adoption of the substitute, as amended, the question was put and the substitute as amended was adopted.

#### ORDERS OF THE DAY

The bill entitled an act to defray the contingent expense of the Tenth Legislature passed by House and amended and passed by the Senate was taken up and on motion the Senate amendment was concurred on.

Mr. Brazier introduced the following resolution, to wit: "RESOLVED that the Judiciary Committee be instructed to inquire into the constitutionality and expediency of passing a law to stop the interest on all debts when Confederate money has been tendered in payment of the same."

The yeas and nays being called for the vote was taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Blake, Birdwell, Butler, Brady, Banton, Brazier, Bush, Buckley, Baker, Bratton, Cook, Daniel, Darden, Emmert, Finley, Frazier, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, English, Jones, Kyle, Keyes, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, Moffatt, McGuire, Maney, Means, McCarthy, Perkins, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Ranck,

Russell, Ramsey, Slaughter, Smith, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total—70.

Nays: Messrs. Browne, Bowers, DeBerry, Patton. Total—4.

Resolution was adopted.

On motion the House adjourned to 10 A. M. tomorrow.

Saturday, November 7, 1863

The House met pursuant to adjournment. The roll was called and a quorum being present, the journal of yesterday was read and adopted.

The following members came forward, presented their credentials and took the oath of office: Wm. Hunt of the district of Fayette and Hermann Seele of the district of Comal.

The Speaker announced the following a special joint committee to consider the report of the Military Board of the State of Texas, to wit: Messrs. Buckley, Patton, Lollar, McGuire, Walker, Sampson, and Bush.

Mr. Russell introduced a petition of sundry citizens of Live Oak and McMullen Counties. Read and by caption referred to Committee on Counties and County Boundaries.

Mr. Darden introduced a bill to be entitled an act prescribing the duties of district attorneys in certain cases. Read first time and by caption referred to Committee on Judiciary.

Mr. Lollar introduced a bill to be entitled an act to extend the time for pre-emption settlers. Read first time and by caption referred to Committee on Public Land.

Mr. Finley introduced a bill to be entitled an act to stop the sale of cloth manufactured at the Penitentiary for the use of Negroes. Read first time and by caption referred to Committee on Penitentiary.

Mr. Bowers introduced a bill to be entitled an act for the relief of George W. Glasscock. Read first time and by caption referred to Committee on Claims and Accounts.

Mr. Buckley introduced a package of statements and accounts of Eli Kirk which was without reading referred to the Committee on Claims and Accounts.

Mr. Haynes introduced a bill to be entitled an act in regard to divorce and alimony. Read and by caption referred to Committee on the Judiciary.

Mr. Thaxton introduced a bill to be entitled an act to prescribe punishment for encouraging desertion from the army or navy of the Confederate States or the state of Texas. Read first time and without question referred to the Judiciary Committee.

Mr. McGuire introduced a bill to be entitled an act to change the mode of election of county commissioners. Read first time and without question referred to Committee on Counties and County Boundaries.

Mr. Russell introduced a bill to be entitled an act to establish and define the boundary of the counties of Live Oak and McMullen and to repeal certain acts therein named. Read first time and without question referred to the Committee on Counties and County Boundaries.

Mr. Slaughter offered the following resolution, to wit: "RESOLVED that the sergeant-at-arms be and he is hereby instructed to procure rooms in the basement of the Capitol and have the same fitted up for the use of the committees and clerks of the House of Representatives," which was adopted.

Mr. Baker offered the following resolution, to wit: "RESOLVED that a committee of three be appointed to wait on His Excellency The Governor and request a copy of his inaugural address for publication," which was adopted. Whereupon the Speaker appointed Messrs. Baker, Adams, and Pendleton a committee to carry out the resolution.

#### ORDERS OF THE DAY

The resolution in reference to the character of business to be entertained by the House during the session which laid over a day was taken up and read. Whereupon Mr. Baker offered the following substitute, to wit: "RESOLVED that this House will not entertain or consider during the present session any bill or any other matter of a private character except by the consent of two thirds of the members present," to which Mr. Simpson offered the following amendment, to wit: Strike out "2/3's" and insert "4/5th's." Whereupon Mr. Haynes moved to lay the resolution, substitute, and amendment on the table, which was carried.

Mr. Brady, chairman of the Committee on Finance, made the following report:

To the Honorable Speaker of the House of Representatives:

The committee to whom was referred the report of the Comptroller and Treasurer for the two years ending August 31, 1863, beg leave to report the following resolution and recommend its adoption.

“RESOLVED, that the Committee on Printing be instructed to have one thousand copies of the Comptroller’s report and one thousand copies of the Treasurer’s report printed for the use of this House.”

Respectfully submitted,  
J. T. Brady  
Chairman

*Report adopted.*

Mr. McGuire made the following report:

To the Honorable Speaker of the House of Representatives:

The Committee on Printing to whom was referred a resolution of the House instructing them to have printed 1,000 copies of the Governor’s Message, 2,000 copies of the inaugural address, 200 copies of the rules of the House and 10 copies of the *Weekly State Gazette* for each member of the House, beg leave to report that the committee, in conjunction with the Senate Printing Committee made contracts to have 3,000 copies of the Governor’s Message (2,000 for the Senate and 1,000 for the House) for the sum of \$444, the state furnishing paper which we understand can be procured. We ordered 200 copies of the rules of the House to be printed as soon as could be. The inaugural address has not yet been furnished to the printer .

We also contracted for 10 copies of the *Weekly State Gazette* for each member of the House.

All of which is respectfully submitted.

F. W. McGuire  
Chairman

Adopted.

Mr. Tyler, chairman of the Committee on Privileges and Elections, made the following report:

To the Honorable Speaker of the House of Representatives:

The Committee on Privileges and Elections, to whom was referred the contested election between N. W. Eastland and D. L. McNiell of Bastrop County for a seat in the Tenth Legislature of the State of Texas, beg leave to report that after a thorough and full investigation of all the papers before us pertaining to the subject, we find that said East-



land received one hundred and fifty-nine votes and D. L. McNiell received one hundred and fifty-three votes giving said Eastland six votes majority and we therefore recommend that he be admitted to a seat in the legislature.

O. T. Tyler  
Chairman

Read and laid over one day.

Mr. Butler offered the following resolution: "RESOLVED, that the Finance Committee be instructed to inquire into the practicability of paying the State troops called out at the instance of General Magruder in the month of December, 1862, and also their transportation and subsistence and report by bill or otherwise." Read and adopted.

Mr. Brazier offered the following resolution: "RESOLVED that the Committee on Internal Improvements inquire into the propriety of chartering to Wm. S. Newman the exclusive right to navigate the Neches River from the mouth of San Pedro Creek to the mouth of said river for a term of\_\_\_\_years and report by bill or otherwise," which was lost.

Mr. Allen offered the following resolution: "RESOLVED that the Committee on Stock and Stock Raising be instructed to inquire into the expediency of so amending the first section of an act to suspend the operations of the estray laws, approved February 25, 1863, so as to authorize and require persons who had at the time of the passage of said act estrayed stock on hand, and unsold, to sell and account for the same agreeable to the provisions of the estray laws in force previous to the passage of said act." Read and adopted.

On motion the House adjourned to 10 A. M. Monday next.

Monday, November 9, 1863

House met pursuant to adjournment. The roll was called and a quorum being present, the journal of last Saturday was read, amended and adopted.

The following members came forward, presented their credentials and took the oath of office, to wit: J. W. Guinn of the district of Nacogdoches and Angelina, A. S. Lipscomb of the district of Montgomery, Grimes, and Brazos; D. M.

Prendergast<sup>11</sup> of the district of Freestone, Limestone, and Falls; and Thomas E. Hill of the district of Galveston and Brazoria; and F. F. Foscue.

Mr. Robinson introduced the petition of sundry citizens of Williamson County praying that the sale of ardent spirits be suppressed within the area of 4 miles around the post office at Round Rock. Read first time and referred to the Committee on Education.

Mr. Howard of Lavaca presented the memorial of Carro M. Quarles. Read first time and referred to Committee on State Affairs.

Mr. Bowers introduced the petition of F. A. Sherman. Read first time and referred to Committee on Private Land Claims.

Mr. Darden introduced a bill to be entitled an act to authorize the use of the jails of the several counties for the custody of deserters and other offenders against the military laws. Read first time and referred to the Committee on the Judiciary.

Mr. Adams introduced a bill to be entitled an act to authorize the clerks of the district courts to administer oaths. Read first time and referred to Committee on the Judiciary.

Mr. Darden introduced a bill to be entitled an act to authorize the use of the state Penitentiary for the custody of prisoners of war, deserters, and other offenders against the military laws. Read first time and referred to Committee on State Penitentiary.

Mr. Blake offered a joint resolution in relation to the territories of New Mexico, Arizona, and Colorado. Read first time and referred to Committee on Confederate Relations.

Mr. Wooten introduced a bill to be entitled an act to require the chief justices of the several counties of the state of Texas to be at the county seats of their respective counties for certain purposes. Read first time and referred to the Committee on State Affairs.

Mr. DeBerry introduced a bill to be entitled an act to suspend all laws for the collection of debts, liabilities, etc., until twelve months after the ratification of a treaty of peace between the Confederate States of America and the

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<sup>11</sup>The journal of November 5, 1863, reflects that Prendergast appeared at that time.

United States of America or until otherwise provided by law Read first time and referred to Committee on Judiciary.

Mr. Browne introduced a bill to be entitled an act to amend the first, second, third, and seventh sections of an act entitled an act to suspend all laws for the collection of debts and liabilities, approved December 7, 1861. Read first time and referred to Committee on the Judiciary.

Mr. Walker made the following report:

Mr. Speaker:

The Committee on Public Lands to whom was referred a bill to be entitled an act for the relief of pre-emption settlers, and to extend the time for the return of field notes, and for the payment of all dues by settlers under the acts authorizing the sale of public domain, have had the same under consideration, have instructed me to report the bill back to this House and recommend its passage.

E. Walker  
Chairman

Report received.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to change the name of Mary D. Patton to Mary D. Sneed have had the same under consideration and instructed me to report that on the 5th February 1856 the legislature enacted a law providing for the objects contemplated in the bill under consideration to be obtained in a more summary and less expensive manner by application to the district courts of the counties of the residence of the respective parties seeking such relief, than by enacting a special law in each case, thereby indicating the policy of the state in such cases, and that in their opinion it would be unwise and impolitic to depart from the course thus indicated. Wherefore they ask to be discharged from the further consideration of the bill.

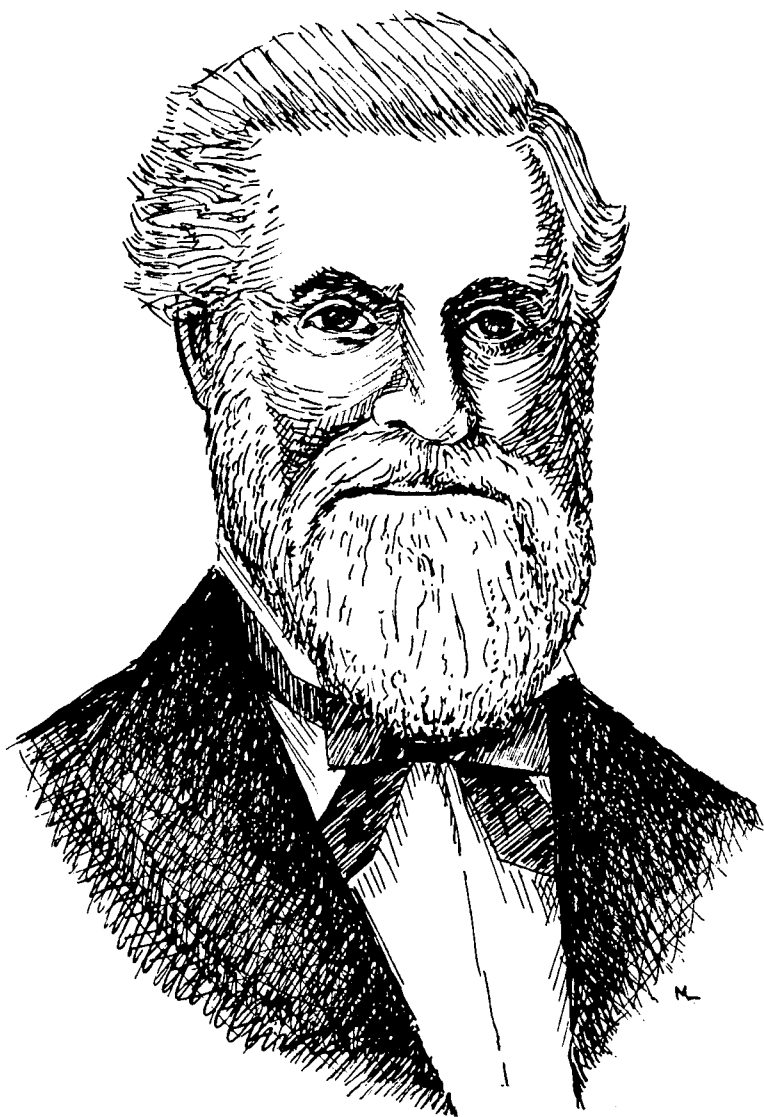
C. W. Buckley  
Chairman

Report received.

Mr. Griffith made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Military Affairs to whom was re-



**O. T. Tyler**

Source: George W. Tyler,  
**The History of Bell County**  
(San Antonio: Naylor, 1936), 32.

ferred a joint resolution instructing our Senators and requesting our Representatives in Congress to increase the wages of the non-commissioned officers and privates in the army and navy of the Confederate States of America, having had the same under consideration beg leave to report it back to the House and recommend its passage.

John Griffith  
Chairman

Mr. Tyler made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The committee to whom was referred the contested election in the case of J. C. McCoy vs. H. J. Moffatt, beg leave to report that proof having been made by the defendant Moffatt that McCoy is an enrolling officer which appears to the committee to be in conflict with the 25th Section of the Constitution of the State of Texas. Your committee would therefore respectfully refer said case to the House for its consideration and instruction.

Respectfully submitted,  
O. T. Tyler

Report received.

Mr. DeBerry offered the following resolution:

“Whereas, Confederate Treasury Notes have from some cause become greatly depreciated in value to the great injury of the citizens of the state of Texas, and more especially those in the army of the Confederate States and of the state of Texas, therefore

**BE IT RESOLVED** that the Committee on Judiciary be instructed to inquire into the authority of the legislature under the Constitution to provide some measure or measures which will have the effect to appreciate the value of Confederate Treasury Notes, and also as to the expediency of such measure or measures and report by bill or otherwise,” which was adopted.

A message was received from the Senate informing the House that they had appointed the following joint committees, viz: Committee on Frontier Protection: Messrs. Quayle, Burney, Moore of Bastrop, Wilson and Selman; report of the Military Board: Messrs. Throckmorton, Jowers, Wootten, Harcourt, and Mitchell.

Mr. Haynes introduced thanks to the officers and soldiers of the State of Texas for distinguished gallantry and

services in the field: "RESOLVED by the legislature of the State of Texas that in consideration of the patriotic services, personal sacrifice, and distinguished gallantry of all Texan soldiers who have been and are now in the armies of the Southern Confederacy and State of Texas battling for Southern Honor, and Independence, the Representatives of the State of Texas, for ourselves and in behalf of our constituents, tender to them, both officers and men, the sincere heartfelt thanks of the people of the State of Texas.

Second: RESOLVED that the legislature of the State of Texas assembled tender for themselves and the people of the State of Texas, their sincere heartfelt thanks to Major General J. B. Hood and Brigadier General Thomas Green for their distinguished devotion and leadership in the cause of Southern Independence.

Third: RESOLVED by the legislature of the State of Texas that the resolution first above recited be printed and a copy thereof be forwarded to every regiment, battalion, and independent company raised in the State of Texas, to be read on parade, and a copy of the second resolution above recited be forwarded to the respective generals therein named under the superintendence of the Speaker of this House.

Mr. Ranck offered the following amendment, to wit: amend by inserting the words "and of the State of Texas," which was accepted. Mr. Buckley moved to suspend the rule which was carried. Resolution read second time. Mr. Brady moved to amend by striking out the second resolution. Mr. Slaughter moved to refer the resolution and amendments to a Select Committee of Seven which was carried. Whereupon the Chair appointed Messrs. Haynes Brady, Slaughter, Buckley, Foscue, English, and Hart, the committee.

Mr. Prince introduced a bill to be entitled an act to authorize the county courts of Johnson and Parker Counties to regulate the pay of the sheriff of said counties in certain cases. Read first time and referred to the Committee on Judiciary.

Mr. Browne introduced a bill to be entitled an act to suspend all laws and parts of laws authorizing the chief justices of counties to order sales of property belonging to estates of deceased persons except in certain cases until the first day of January, 1866, or until six months after the

close of the present war, should it terminate before the date named. Read first time and referred to the Committee on Judiciary.

Mr. Howard of Anderson introduced a bill to be entitled an act to provide for the support of the families of Texas soldiers. Read first time and referred to Committee on State Affairs.

Mr. Brazier introduced a joint resolution resolving that the Tenth Legislature adjourn on the 7th day of December 1863 *sine die*. Read first time.

Mr. Way introduced a joint resolution in regard to the purchase of beeves in Texas by Payne and Company with counterfeit money. Read first time and referred to the Committee on Confederate Relations.

#### ORDERS OF THE DAY

The report of the Committee on Privileges and Elections in the case of Eastland or McNeill from Bastrop County was taken up, read and adopted.

On motion the House adjourned to 10 A. M. tomorrow morning.

Tuesday, November 10, 1863

House met pursuant to adjournment. The roll was called and a quorum being present, the journal of yesterday was read and adopted.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred an act to amend the first, second, third and seventh sections of an act entitled an act to suspend all laws for the collection of debts and liabilities on bonds, promissory notes and bills of exchange, approved December 7, 1861, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the House and recommend that the same do not pass.

C. W. Buckley  
Chairman

Report received.

Also the following report, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to suspend all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money until twelve months after the ratification of a treaty of peace between the Confederate States of America and the United States of America, or until otherwise provided for by law have had the same under consideration and a majority of the committee have instructed me to report the bill back to the House and recommend its passage.

C. W. Buckley  
Chairman

Report received.

Also the following, to wit:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Judiciary to whom was referred a bill to be entitled an act to regulate the argument in all criminal cases, having had the same under consideration, a majority of said committee have instructed me to report that they deem the passage of said bill inexpedient at this time and herewith return the same and respectfully ask to be discharged from further consideration of the same.

C. W. Buckley  
Chairman

Report received.

Mr. Darden made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act prescribing the duties of district attorneys in certain cases therein named have had the same under consideration and have instructed the undersigned to report the accompanying bill as a substitute and recommend its passage.

W. J. Darden  
One of the Committee

Report received.

Mr. Hays made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to regulate the distillation of ardent or spirituous



liquors have had the same under consideration and after mature deliberation the committee have unanimously instructed me to report the accompanying substitute and recommend its passage.

F. M. Hays  
Chairman

Report received.

Also the following report, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the resolution of inquiry as to whether the transportation of cotton to the Mexican frontier by the citizens of this state is prohibited and if so by what authority beg to report:

First that the committee have been unable to ascertain or learn of any prohibition by the authorities of the state and are inclined to the opinion that if there is a prohibition or any restrictions upon the transportation of cotton, said prohibition or restrictions proceed from the authority of the Confederates. We, therefore, return this resolution to the House and recommend its reference to the Committee on Confederate Relations.

F. M. Hays  
Chairman

Report received.

Mr. Way for the Committee on Judiciary made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a resolution instructing said committee to inquire into the propriety of enacting a law to punish purchasing under assumed authority, etc., ask leave to report that they have duly considered the subject and have instructed me to report the following bill and recommend its passage.

C. B. Way  
One of the Committee

Report received.

Mr. McGuire made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Printing to whom was referred a resolution of the House instructing them to contract for the

printing of 1,000 copies of the Comptroller's Report, et beg leave to report that from information obtained from the Secretary of State we think it impracticable to have those documents printed. The Secretary of State has corresponded with the printers of Houston and San Antonio and the information elicited is that the printing cannot be executed in time for the deliberations of this session.

Respectfully  
F. W. McGuire  
Chairman

Report received.

Mr. Bowers made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Judiciary Committee to whom was referred a bill to be entitled an act in regard to divorce and alimony and also a bill to be entitled an act declaring what shall be considered sufficient grounds for a divorce have had the same under consideration and have instructed me to report that in the opinion of the committee any legislation in regard to this subject referred to in these bills would be inexpedient at this time. Your committee therefore ask to be discharged from the further consideration of the same.

M. H. Bowers  
For the Committee

Report received.

Mr. Lollar made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Counties and County Boundaries to whom was referred a petition of sundry citizens of Live Oak and McMullen Counties praying the repeal of certain acts of the Ninth Legislature and also a bill to be entitled an act to establish and define the boundaries of Live Oak and McMullen Counties and to repeal certain acts therein named, report that they have had the same under consideration and find the facts to be in accordance with the statements of the petition, and believing that much injustice has been done by the passage of the acts referred to, they report the bill referred to them back to the House, and recommend its passage.

L. A. Lollar  
Chairman

Report received.

Mr. Keyes made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Enrolled Bills asks permission to report that a bill entitled an act making an appropriation to defray the contingent expenses of the Tenth Legislature has been correctly enrolled and properly signed and that it was presented to and received the signature of the Governor on Tuesday, the 10th day of November, 1863.

H. Keyes  
Chairman

Report received.

Mr. Haynes made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Select Committee to whom a joint resolution of thanks to Texas soldiers was referred beg leave to report the following resolution in lieu of the original resolutions and amendments and recommend their adoption.

R. R. Haynes  
Chairman

Report received and substitute read.

Mr. McDonald made the following report, to wit:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Confederate Relations to which was referred the joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passing of a law making Confederate Treasury Notes a legal tender, beg leave to report that they have had said resolution under consideration and a majority of the committee instruct me to report that viewing the Confederate government as one possessed of no authority, except such as is given in the Constitution of the Confederate States, and finding in said Constitution no authority to authorize Congress to pass such a law as is contemplated in said resolution; therefore, the committee return said resolution to the House and recommend that the same be not adopted.

J. G. McDonald  
Chairman

Report received.

Also the following minority report, to wit:

The undersigned, on the Judiciary Committee to which was referred various bills and resolutions to suspend the collection of debts generally known as stay laws, report that he has had said bills and resolutions under consideration and with great respect for the opinion of the majority of said committee, regrets that he cannot concur in the opinion of the majority of said committee. The undersigned believes that any such law as is contemplated in the various bills and resolutions above referred to is a violation of Section 14 of Article One of the Constitution of the State of Texas and also of the Constitution of the Confederate States. All of which he respectfully submits to the Honorable House.

J. G. McDonald  
One of the Committee

Report received.

Mr. Cook introduced a bill to be entitled an act to provide for the construction of canon by J. R. Baylor. Read first time and referred to the Committee on Military Affairs.

Mr. Howard of Lavaca introduced a bill to be entitled an act for the more effectual suppression of illegal issues of paper money. Read first time and referred to the Committee on Finance.

Mr. Butler introduced a bill to be entitled an act to require the grand jury to examine and report upon the condition of the county treasurer's book, and the county officers official bond. Read first time and referred to the Committee on the Judiciary.

Mr. Baker introduced a bill to be entitled an act to regulate the distribution of cloth manufactured at the State Penitentiary among the families of soldiers in the Confederate Army. Read first time and referred to the Committee on the State Penitentiary.

Mr. Cook introduced a bill to be entitled an act to incorporate the Powder Run Bayou and Matagorda Bay Dredging Company. Reading dispensed with and referred to the Committee on Internal Improvements.

Mr. Russell introduced a bill to be entitled an act supplementary to the various laws regulating the organization of new county seats. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Darden introduced a bill to be entitled an act to sustain the currency. Read first time and referred to Committee on Finance.

Mr. Banton introduced a bill to be entitled an act to change the time of holding the regular quarterly terms of the county courts. Read first time and referred to Committee on the Judiciary.

Mr. Lollar introduced a bill to be entitled an act to repeal all laws for the sale of the public domain. Read first time and referred to Committee on Public Land.

Mr. Emmert introduced a bill to be entitled an act to amend the twelfth section of the road law. Read first time and referred to Committee on Roads and Bridges.

### ORDERS OF THE DAY

The bill entitled an act to extend the time for pre-emption settlers was taken up, read second time, and ordered to be engrossed.

The Committee's report on the bill to be entitled an act to change the name of Mary D. Patton to the name of Mary D. Sneed was taken up and the committee's report adopted.

The joint resolution for increasing the pay of our soldiers was taken up and on motion of Mr. McDonald was made the special order for Tuesday next at 11 A. M.

The joint resolution in regard to the adjournment *sine die* of the Tenth Legislature was taken up and on motion of Mr. Kyle was laid on the table.

Mr. Hays by leave introduced the following report.

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the special message of Governor F. R. Lubbock of date November 4, 1863, concerning the flags captured at Richmond, June 27, 1862, and at LaFourche, July 13, 1863, have had the same under consideration, and would report the following resolutions and earnestly recommend their adoption.

F. M. Hays

Chairman

Resolved First: That we have received with feelings of pride and patriotic pleasure the stand of colors of the 4th New Jersey Regiment, captured by the 5th Texas Regiment in the Battle of Richmond, June 27, 1862, and also a Yankee

flag captured by the 4th Texas Cavalry in the battle of La-Fourche, July 13, 1863.

Resolved Second: That these standards wrested from our boasting, numerous, and infuriated foes, are repeated evidence of the heroic and indomitable courage of Southern soldiers fighting for freedom and national independence. Even their firm and unalterable determination to stand by their country through sunshine and through storms until the unprincipled enemy is driven from the soil of their native land and whilst they cover the names of Texas and the Confederate States with imperishable glory, challenge the admiration of the world.

Resolved Third: That these mementoes of Texan chivalry be assigned a place in the archives of the state, and that they be retained as trophies, glorious alike to the captors and the people of Texas proud of their invincible sons and as a further token of our admiration these resolutions be forwarded by the Governor and at the heads of regiments above named.

Report received.

On motion the House adjourned to 10 A.M. tomorrow.

Wednesday, November 11, 1863

House met pursuant to adjournment. Roll was called and a quorum being present, the journal of yesterday was read and adopted.

N. W. Eastland, member from the district of Bastrop having been decided by the House entitled to his seat came forward, presented his credentials and took the oath of office.

Mr. Bush presented the prayers of sundry citizens of Austin County for relief for the Assessor and Collector of said county. Referred without reading to the Committee on Finance.

Mr. Foscue made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Confederate Relations to whom was referred the joint resolutions ascertaining the claim of the Confederate States to the territories of New Mexico and Arizona have had the same under consideration and instruct

me to report them to House without amendment and recommend their adoption.

F. F. Foscue  
One of the Committee

Also the following, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Confederate Relations to whom was referred the joint resolution in regard to purchasing beeves in Texas by Payne and Company with counterfeit money have had the said resolutions under consideration and instruct me to report the same back to the House with amendment and recommend their adoption.

F. F. Foscue  
One of the Committee

Reports received.

Mr. DeBerry made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Engrossed Bills to whom was referred a bill to be entitled an act for the relief of pre-emption settlers and to extend the time for the return of field notes and to extend the time for the payment of all dues by settlers under the acts authorizing the sale of the public domain having had the same under examination a majority of said committee have instructed me to report that they have carefully compared said bill with the original and find the same correctly engrossed.

A. W. DeBerry  
One of said Committee

Report received.

Mr. Moffatt made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Education to whom was referred the petition of sundry citizens of Williamson County praying the legislature to pass a law to prevent the retail of ardent spirits have had the same under consideration and have instructed me to report that they recommend that the prayer of the petitioners be granted and offer the accompanying for passage. All of which is respectfully submitted.

H. J. Moffatt  
Chairman

Report received.

Mr. Thaxton offered the following resolution:

“Whereas, the war now existing between the United States and the Confederate States of America, will probably continue for several years and require a great amount of labor on the part of the Confederate States in building forts and fortifications and other military works, therefore

**RESOLVED** that a Select Committee consisting of one each from each judicial district be appointed to inquire into the expediency and propriety of authorizing the Governor of this state to call into the service of this state or of the Confederate States, all able-bodied male slaves between the ages of eighteen and forty-five years, within this state, allowing therefore the same pay, rations and clothing now given soldiers in the field, and to report by bill or otherwise,” which was adopted.

Mr. Buckley introduced a bill to be entitled an act to raise one million of dollars by the sale of cotton bonds for the defense of the state. Read first time and referred to Committee on Finance.

Mr. Emmert introduced a bill to be entitled an act to regulate the cultivation of cotton. Read first time and referred to Committee on Agriculture.

Mr. Maney introduced a bill to be entitled an act to authorize the county courts of Guadalupe and Gonzales counties to regulate the pay of sheriffs therein in certain cases. Read first time and referred to Committee on Counties and County Boundaries.

Mr. Howard of Anderson introduced a joint resolution in relation to the contract between the Military Board and Messrs. Billips and Hassell. Read first time and referred to Committee on Military Affairs.

Mr. Prendergast introduced a bill to be entitled an act to amend the first section of an act relating to forfeitures in certain cases of bail bonds and recognizances in cases of misdemeanors, approved December 9, 1861. Read first time and referred to Committee on the Judiciary.

#### ORDERS OF THE DAY

The bill to be entitled an act to amend the first, second, third, and seventh sections of an act to suspend all laws for the collection of debts and liabilities on bonds, promissory notes, and bills of exchange, approved Decem-



ber 7, 1861, was taken up and on motion of Mr. Hays was laid on the table.

The bill to be entitled an act to suspend all laws for the collection of debts until twelve months after the ratification of a treaty of peace between the Confederate States of America and the United States of America or until otherwise provided by law, was taken up and read second time and on motion of Mr. Banton was made the special order for next Friday at 11 A. M.

The bill to be entitled an act to regulate argument in criminal cases was taken up and report of committee adopted.

The bill to be entitled an act to prescribe the duties of district attorneys in certain cases was taken up. Read second time and substitute adopted and bill ordered to be engrossed. Constitutional rule was suspended, bill read third time and passed.

The bill to be entitled an act to regulate the distillation of ardent and spirituous liquors from certain articles was taken up. Read second time and the committee's substitute adopted.

Mr. Foscue offered the following amendment, to wit: "Provided that nothing in this act shall be so construed as to prevent the Confederate Government from distilling any of the prohibited articles within this state for government purposes," which was adopted.

Mr. Bowers offered the following amendment, to wit: "Strike out the *Proviso* in the first section," and Mr. Butler offered the following amendment to the amendment of Mr. Bowers, to wit: "Amend by adding Rye." Mr. Reid moved to lay the amendments of Messrs. Bowers and Butler on the table, which was carried.

Mr. Haynes offered the following amendment, to wit: "Provided that all persons who have purchased licenses shall be permitted to distill as heretofore authorized by law for three months from and after the date of their license."

Mr. Brady moved that the further consideration of this bill be postponed to 11 A. M. tomorrow.

Mr. Buckley by leave of the House introduced a bill to be entitled an act to amend an act concerning common carriers and defining their liability in certain cases. Read first time and referred to Committee on Judiciary.

On motion the House adjourned to 10 A. M. tomorrow.

Thursday, November 12, 1863

House met pursuant to adjournment. Roll was called and a quorum being present, the journal of yesterday was read and adopted.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to change the time for holding the regular quarterly terms of the county courts, have had the same under consideration, and believing that the contemplated change will be productive of benefit to the best interests of the several counties and save the expense and inconvenience of holding several special terms of said courts, have instructed me to report the accompanying substitute for the original bill and recommend its passage.

C. W. Buckley  
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor:

The Committee on the Judiciary to whom was referred the bill to be entitled an act to authorize the use of the jails of the several counties for the custody of deserters and other offenders against military law have had the same under consideration and beg leave to report that in their opinion all possible assistance ought to be rendered to the military authorities in the proper discharge of their duties. They, therefore, report back to the House and recommend the passage of the bill.

C. W. Buckley  
Chairman

Mr. Hays made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the reports of the Superintendent and Financial Agent of the State Penitentiary would respectfully return the same

to the House, and recommend their reference to the Committee on the Penitentiary.

F. M. Hays  
Chairman

Adopted.

Mr. Tyler made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Privileges and Elections to whom was referred the contested election between J. C. McCoy and H. J. Moffatt of Dallas County, beg leave to report that after examining the papers in the case and purging the polls find that they received 232 votes each. The committee recommended that the seat be declared vacant and that a writ of election issued to fill the same.

Respectfully submitted,  
O. T. Tyler  
Chairman

Report received.

Mr. Lollar made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee to whom was referred a bill to be entitled an act to change the mode of electing county commissioners beg leave to report to the House a substitute and recommend its passage.

L. A. Lollar  
Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Engrossed Bills respectfully report to the House that they find the bill to be entitled an act prescribing the duties of district attorneys in certain cases therein mentioned, correctly engrossed.

Respectfully submitted,  
Thomas Smith  
Chairman

Report received.

Mr. Emmert made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Roads, Bridges, and Ferries, have had under consideration a bill requiring all free white males between sixteen and fifty years of age and all male slaves over fourteen and under sixty years of age to be liable to work on and clear out the public roads of the state. The committee refers the bill back to the House and recommends its passage.

A. Emmert  
Chairman

Report received.

Mr. Lollar made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The committee to whom was referred a bill to be entitled an act to authorize the county courts of Gonzales and Guadalupe counties to regulate the pay of sheriffs therein in certain cases, have had the same under consideration finding that these counties have been provided for by an act of the Ninth Legislature together with other counties (See Chapter 9th Special Laws). We submit the same back to the House and ask it not pass for the reason above given.

L. A. Lollar

Report received.

Mr. Banton made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Penitentiary to whom was referred a bill to be entitled an act to authorize the use of the State Penitentiary for the custody of prisoners of war, deserters, and other offenders against military law, have had the same under consideration, and after mature deliberation unanimously instruct me to report the same back to the House and ask to be relieved of its further consideration. A majority of the committee have instructed me to report the accompanying bill as a substitute to the same and recommend its passage.

J. H. Banton  
Chairman

Report received.

A minority of the committee made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The undersigned, a minority of the Committee on the

Penitentiary, to whom was committed a bill to be entitled an act to authorize the use of the State Penitentiary for the custody of prisoners of war, deserters, and other offenders against military laws, beg leave to report that they dissent entirely from the majority of the committee in their recommendation that the penitentiary be used for the custody of prisoners of war for the purpose of retaliation. They think that the Penitentiary is an institution of such incalculable value in the present circumstances of the country that no measure not absolutely necessary should be adopted which would be calculated in any degree to compromise the safety thereof.

W. H. Howard

W. Holford

Report received.

Mr. Banton introduced a bill to be entitled an act defining what persons are subject to patrol duty. Read first time and referred to the Committee on Slaves and Slavery.

Mr. Willis introduced a bill to be entitled an act to classify slave property according to age. Read first time and referred to Committee on Finance.

Mr. Moores offered the following resolution, to wit: "RESOLVED that the Finance Committee be instructed to inquire into the expediency of so amending the tax law as to require four per cent on each one hundred dollars to be paid in specie upon all assessments of specie made in each county in the state, making the assessment of the Confederate tax assessor the basis upon which the four cents specie tax shall be assessed and collected, which was adopted.

Mr. Thaxton introduced a bill to be entitled an act to incorporate the San Saba College. Read first time and referred to the Committee on Education. Also a bill to be entitled an act to prohibit the sale of intoxicating liquors in the neighborhood of the San Saba Masonic College. Read first time and referred to the Committee on Education.

Mr. Rhea introduced a bill to be entitled an act to amend the first section of an act entitled an act to amend the second section of an act supplementary to an act to perfect the organization of the state troops and place the same on a war footing, approved December 25, 1861, approved March 7, 1863. Read first time and referred to the Committee on Military Affairs.

Mr. Prince introduced a bill to be entitled an act to

amend the first section of an act to regulate proceedings in the district courts, approved May 15, 1846. Read first time and referred to the Committee on the Judiciary.

Mr. Bowers introduced a bill to be entitled an act to amend the first section of an act defining the office and duties of sheriffs, approved May 12, 1846. Read first time and referred to the Judiciary Committee.

Mr. Brazier offered the following resolution, to wit: "RESOLVED that the Committee on State Affairs be instructed to inquire into the propriety of passing a law upon the subject of impressing property by Confederate officers and report by bill or otherwise," which was adopted.

Mr. Howard of Lavaca offered the following resolution, to wit: "RESOLVED that during the present session, no members of this House shall speak on any subject before the House longer than thirty minutes at one time without the consent of three-fourths of the members present," which under the rules was laid over one day.

The Committee on State Affairs by leave made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a bill requiring the chief justices of the several counties of the State of Texas to be at the county seats of their respective counties for the purpose of aiding the soldiers' families in getting cloth from the State Penitentiary, have had the same under consideration and unanimously instructed me to report back the same to the House and recommend that it do not pass.

F. M. Hays  
Chairman

Report received.

#### ORDERS OF THE DAY

Mr. Buckley in the Chair.

The joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law making Confederate Treasury Notes a legal tender in the payment of debts, was taken up and read and on motion of Mr. Slaughter the further consideration of the resolution was postponed until Monday next at the hour of 11 A. M.

The bill to regulate the distillation of spirituous liquors

postponed to the hour of 11 A.M. today, was taken up and the question at the postponement being on this adoption of the amendment offered by Mr. Haynes. The amendment was read whereupon Mr. Seele offered the following amendment, to wit: "Amend by striking out \$100,000 and inserting \$10,000," and further by adding to the first section "and further provided that the provisions of this act shall not relate to the distilling of alcohol by apothecaries for medicinal purposes." Mr. Foscue moved that the bill and amendments be referred to the Committee on State Affairs which carried.

The resolution in reference to the transportation of cotton to the Mexican frontier was taken up, and the committee's report thereon adopted, and the resolution referred to the Committee on Confederate Relations.

The bill entitled an act to amend an act entitled an act to punish speculation in certain cases, approved January 13, 1863, was taken up and read a second time and ordered to be engrossed. Constitutional rule was then suspended. Bill read third time and passed.

The bill entitled an act in regard to divorce and alimony and to declare what shall be considered sufficient ground for divorce was taken up and read and on motion of Mr. Slaughter on the bill declaring what shall be grounds for divorce was laid on the table and on motion of Mr. Buckley the bill was again taken up and recommitted to the Judiciary Committee. The bill in regard to divorce and alimony was taken up and refused to be engrossed.

A message was received from the Senate informing this House that the Senate had passed a bill for the relief of George Burney.

On motion the House adjourned to 9 A. M. tomorrow.

Friday, November 13, 1863

The House met pursuant to adjournment. The roll was called and a quorum being present, the journal of yesterday was read and adopted.

Mr. McGuire presented the petition of Q. A. Nichols which was without reading referred to the Committee on Claims and Accounts.

Mr. Simpson presented the petition of Peter Norton which was without reading referred to the Committee on Claims and Accounts.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend an act concerning common carriers and defining their liabilities in certain cases, approved February 4, 1860, have had the same under consideration and instruct me to report the same back to the House and recommend its passage with the subjoined amendments.

C. W. Buckley

Chairman

Amend by adding "and no special agreement made in controvention of the foregoing provisions of this section shall be valid." Section 2: That this act take effect and be in from and after its passage.

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Judiciary to whom was referred a bill to authorize the clerks of the district court to administer oaths have had the same under consideration and instruct me to report the accompanying substitute for the original bill and recommend its passage.

C. W. Buckley

Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend the first section of an act relating to forfeitures in certain cases of bail bonds and recognizances, approved December 9, 1861, have had the same under consideration, and instruct me to report the bill back and recommend its passage with the subjoined amendments.

C. W. Buckley

Chairman

Amend by striking out the words "actually employed."

Report received.



Mr. Moffatt made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Education to whom was referred a bill to be entitled an act to incorporate San Saba Masonic College have had the same, together with a bill to be entitled an act to prohibit the sale of intoxicating liquors in the neighborhood of San Saba Masonic College under consideration and have instructed me to report the same back to the House and recommend the passage of the same.

Respectfully submitted,

H. J. Moffatt

Chairman

Report received.

Mr. Kyle made the following report:

To the Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Private Land Claims have had under consideration the petition of F. A. Sherman by his attorney Edward Linn. Your committee are of opinion that F. A. Sherman is not entitled to any relief, and have instructed me to report the petition back to the House and ask to be discharged from its further consideration.

C. Kyle

Chairman

Report received.

Mr. Walker made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Public Lands to whom was referred a bill to be entitled an act to repeal certain laws providing for the sale of the public domain have had the same under consideration and have instructed me to report the same to the House and to recommend its passage.

E. Walker

Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Engrossed Bills beg leave to report that they have examined the bill to be entitled an act to amend the first section of an act entitled an act to prevent

speculation in certain cases, approved January 13, 1863, and find the same correctly engrossed.

Respectfully submitted  
Thomas Smith  
Chairman

Report received.

Mr. Glasscock made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

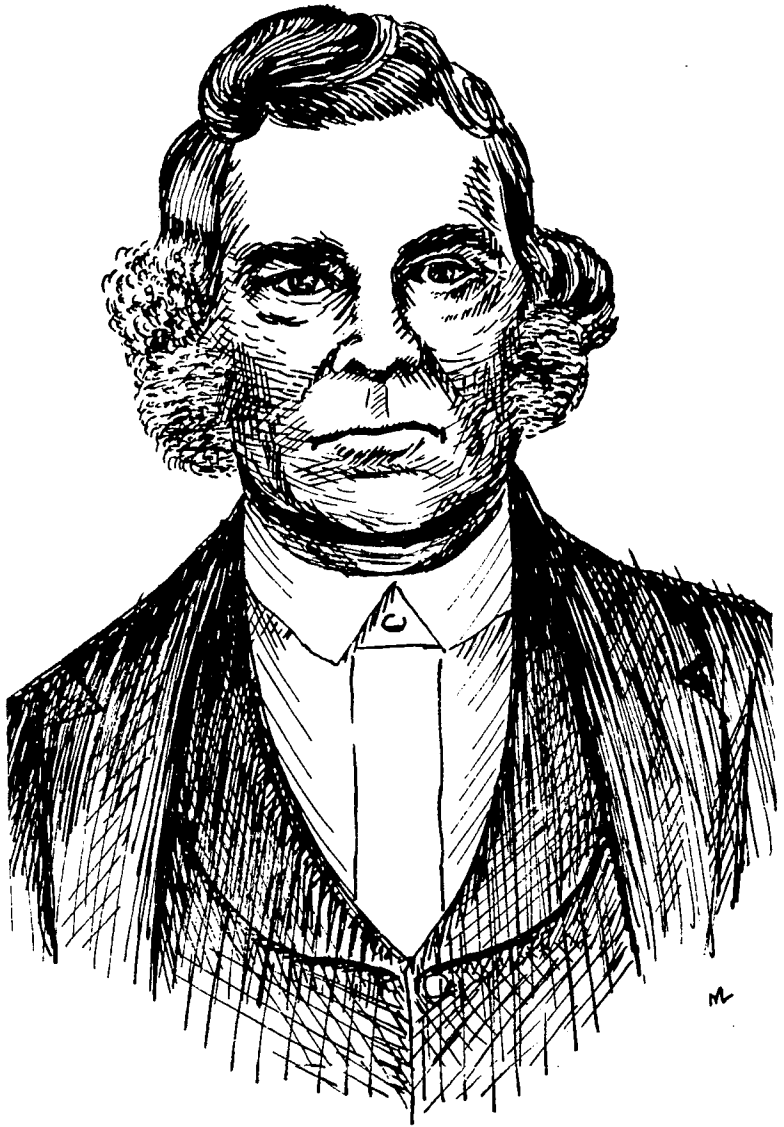
The Committee on Public Buildings have instructed me to make the following report. The Capitol building's roof is in a very bad condition and leaks very bad. We, therefore, recommend that it be covered with hard cedar shingles. The General Land Office leaks very bad. The commissioner informed us that when it rained that he could not keep the papers of the office dry. He also informed us that the archives of this office can be saved. The Treasury Building leaks in several places. We recommend that it be covered with hard cedar shingles. The Secretary of State informed us that he had bought 200 thousand cedar shingles and a part of them have been hauled up for the mill, and he had also bought some nails for the covering of the General Land Office. I am instructed by the committee to report the following bill and recommend its passage.

George W. Glasscock  
Chairman

Report received.

Mr. Russell made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the General Land Office to whom was referred a resolution instructing this committee to inquire into the expediency of suspending the entry and location of public lands, beg leave to report that they have had the same under consideration, and believing the measures indicated in the resolution to be not only a matter of justice to our fellow citizens now absent from their homes engaged in the defense of the country, but that the same would be good policy upon other grounds connected with the present financial condition of the country, instruct me to report the accompanying bill to be entitled an act to suspend the



**George Washington Glasscock**

Source: Frank W. Johnson,  
**A History of Texas and Texans**  
(5 vols.; Chicago: American Historical  
Society, 1914), IV, 1859.

location, sale, and survey or the public lands except in certain cases, and recommend its passage.

Chas. A. Russell  
Chairman

Report received.

Mr. Haynes made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Slaves and Slavery to whom was referred a bill to be entitled an act to define what persons are subject to do patrol duty respectfully report the bill back to the House with the following amendments, and recommend its passage to wit: at the end of line six of said bill, Section 1, the following words "all laws and parts of laws to the contrary notwithstanding, provided no person under twenty one years of age shall be appointed captain of patrol," and at the end of line eight, Section 2, of said bill the following words "and remain in force until three months after the ratification of a treaty of peace between the Confederate States and the United States and no longer." All of which is respectfully submitted by the committee.

R. R. Haynes  
Chairman

Report received.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to require the grand jurors to examine and report upon the condition of the Treasurer's books and the bonds of all the county officers, have had the same under consideration and instruct me to report that they conceive that ample provisions for accountability on the part of such officers has been heretofore made which dispenses with the necessity for further legislation on the subject; therefore, they return the bill and recommend that it do not pass.

C. W. Buckley  
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Amend by striking out all after the word "domicil" in ninth line on second page to the word "eighth" in line twelve.

Also by inserting "or lien" after the word mortgage in line twenty.

Also by inserting the words "or property subject to lien" after the word "property" in line twenty-two.

Report received.

Mr. Banton made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the memorial of Carro M. Quarles asking to be relieved of the disability of minority have had the same under consideration and after mature deliberation a majority of the committee have instructed me to report in favor of allowing the prayer of the memorialist and report the accompanying bill and its passage.

J. M. Banton

One of said Committee

Report received.

Mr. Lovejoy introduced a bill to be entitled an act to regulate estrays. Read first time and referred to the Committee on Stock and Stock Raising.

Mr. Hunt offered a joint resolution in reference to amending the State Constitution. Read first time and referred to the Committee on Finance.

Mr. Thomas offered the following resolution, to wit: "RESOLVED that the Committee on Finance be instructed to inquire into the expediency of so amending the revenue laws of the State of Texas as to make the fiscal year commence on the first day of March in each year," which was adopted.

Mr. Darden introduced a bill to be entitled an act to authorize the Supreme Court of the State of Texas for the Galveston District to hold its spring term at the city of Austin. Bill read first time. Constitutional rule suspended. Bill read second time and ordered to be engrossed. Constitutional rule was further suspended, bill read a third time and passed.

Mr. Marshall introduced a bill to be entitled an act to require the Comptroller to receive certain funds in pay-

ment of the university lands. Read first time and referred to the Committee on the Judiciary.

Mr. Bowers offered the following resolution, to wit: "RESOLVED that the Committee on Military Affairs be instructed to inquire into the restrictions, if any, imposed on the exportation of cotton from the state other than those imposed by laws of the Confederate States government. Also to inquire whether these restrictions have been uniform on all the citizens, and if privileges or exemptions have been given to certain parties, to whom and on what considerations. And to examine as far as practicable into the manner in which the business of the Confederate government with reference to cotton tends to affect the interest of the citizens (said committee being authorized for the purposes of this investigation to send for persons and papers) and to report by memorial to the commander of this Military Department, by resolution, or otherwise as may be deemed expedient," which was adopted.

#### ORDERS OF THE DAY

The resolution in reference to debate in this House was taken up on order and read, and the question being on the adoption of the resolution, the yeas and nays were called for. Mr. McDonald moved to postpone the resolution indefinitely. Mr. Reid moved to lay the motion on the table which was carried. The question then recurring on the adoption of this resolution, Mr. Ranck offered the following amendment, to wit: "Strike out two-thirds and insert a majority of the House," which was adopted. Mr. Simpson then moved to lay the resolution on the table and the yeas and nays being called for the vote was taken and resulted as follows, to wit:

Yeas: Mr. Speaker, Allen, Blake, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Bratton, Belden, Darden, Eastland, Foscue, Frazier, Griffith, Glasscock, Haynes, Hill, Hunt, English, Keyes, Lipscomb, Lollar, Lovejoy, McDonald, Moores, Moffatt, McGuire, McCarthy, Perkins, Prendergast, Pendleton, Redding, Rhea, Robinson, Ranck, Russell, Slaughter, Seele, Simpson, Thomas, Way. Making 44.

Nays: Adams, Barclay, Birdwell, Butler, Brazier, Daniel, DeBerry, Emmert, Finley, Guinn, Gibbons, Howard of Lavaca, Howard of Anderson, Hays, Hart, Harrison, Holford,

Jones, Kyle, Lacy, Mabray, Marshall, Maney, Means, Patton, Robertson, Reid, Ramsey, Sampson, Thaxton, Willis, Wooten, Wilson, Walker. Making 36.

Resolution laid on the table.

The bill entitled an act to establish and define the boundaries of the counties of Live Oak and McMullen and to repeal certain laws therein named, was taken up, read a second time, and ordered to be engrossed.

The joint resolution of thanks to Texan soldiers was taken up, read a second time, and ordered to be engrossed. Constitutional rule was then suspended, resolution was read a third time and passed by the following vote, to wit:

Yeas: Mr. Speaker, Adams, Allen, Barclay, Blake, Birdwell, Butler, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, Moffatt, McGuire, Maney, Means, McCarthy, Perkins, Patton, Prendergast, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, and Way. Making 79 votes.

The report of the committee on the special message of the Governor presenting captured flags, etc., was taken up and adopted.

The bill entitled an act to prohibit the sale of intoxicating drinks in and around Round Rock was taken up, read a second time, and recommitted to the Committee on Education.

The bill entitled an act for the relief of pre-emption settlers was taken up. Mr. DeBerry offered the following amendment, to wit: insert the words "1st day of" before the word January which was adopted. Read third time and passed.

Special Order for 11 A.M. Today

Mr. Foscue in the Chair, the bill entitled an act to suspend all laws for the collection of debts and liabilities made the special order for this time was taken up and read, and the question at postponement being on the engrossment thereof, Mr. Browne offered a substitute for the bill and Mr.

Slaughter moved to lay the substitute on the table, and the yeas and nays being called for the vote was taken and resulted as follows, to wit:

Yeas: Messrs. Adams, Allen, Barclay, Blake, Birdwell, Brady, Brazier, Bush, Buckley, Baker, Bratton, Cooke, Daniel, DeBerry, Darden, Eastland, Foscue, Finley, Frazier, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hart, Harrison, Holford, Hill, Hunt, Jones, Kyle, Lipscomb, Lollar, Lane, Lacy, Mabray, Marshall, McDonald, Moores, Moffatt, McGuire, Maney, Robinson, Reid, Ranck, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Willis, Wooten, Way. Total 63.

Nays: Messrs. Butler, Browne, Bowers, Guinn, Griffith, Gibbons, Hays, English, Keyes, Lovejoy, Prendergast, Rhea, Thaxton, Wilson, Walker. Total 15.

Substitute laid on the table.

Mr. Buckley then moved the previous question which being seconded was put and carried and the vote then recurring on the engrossment of the bill the yeas and nays were called for and taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Birdwell, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cooke, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Mabray, Marshall, Moores, Moffatt, McGuire, Maney, Means, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Ranck, Ramsey, Slaughter, Smith, Seele, Sampson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, and Way. Total 76.

Nays: Messrs. Blake, Butler, Lovejoy, McDonald. Total 4. Bill ordered to be engrossed.

Mr. Slaughter moved that the Constitutional rule be suspended and that the bill be placed on its third reading.

Mr. Bowers moved that the House adjourn to 10 A.M. tomorrow which was lost.

Mr. Banton moved to adjourn to 9 A.M. tomorrow which was lost.

The question yet recurring on the suspension of the Constitutional rule, the rule was suspended and the bill



was read a third time and the ayes and nays being called for was taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Blake, Birdwell, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Mabray, Marshall, Moores, Moffatt, McGuire, Maney, Means, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Ranck, Ramsey, Slaughter, Smith, Sampson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total 75.

Nays: Messrs. Butler, Lovejoy, McDonald, Seele. Total 4.

Bill was passed.

A message from the Senate was received informing the House that the Senate had passed a bill for the relief of A. J. Vaughn.

On motion the House adjourned to 9:30 A.M. tomorrow.

Saturday, November 14, 1863

House met pursuant to adjournment. The roll was called and a quorum being present, the journal of yesterday was read, amended and adopted.

The Speaker announced the following a committee under the joint resolution proposing to authorize the Governor to impress slaves, to wit: Messrs. Thaxton, chairman; Baker, Callahan, Foscue, Frazier, Gibbons, Haynes, Hill, Lovejoy, Moores, Maney, Means, McCarthy, Pendleton, Robertson, Reid, Ranck, Slaughter, Simpson and Way.

Mr. Buckley made the following report, to wit:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend the first section of an act defining the office and duties of sheriffs, approved May 12, 1846, have had the same under consideration and find from the provisions of the bill that the object contemplated is to limit the term of office of sheriffs in cases when vacancies have occurred or may hereafter occur by death or otherwise so as to cause the elections for that office to be

held uniformly with other county officers on the regular election days in August. The office of sheriff is one created by the Constitution and the term fixed at two years without reference to the time of his appointment, and no power exists in the legislature to extend or abridge his time of tenure after his election. Wherefore I am instructed to report the bill back to the House and recommend that it do not pass.

C. W. Buckley  
Chairman

Report received.

Mr. McDonald made the following report, to wit:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Judiciary Committee to which was referred a resolution instructing the Judiciary Committee to inquire into the expediency of staying all debts during the war and ten years thereafter upon the refusal to take Confederate money or state warrants in payment thereof, have had the same under consideration and have instructed me to report that Article 1st, Section 10, Clause 1st, of the Constitution of the Confederate States of America reads as follows, viz: "No State shall enter into any treaty of alliance or confederation, grant letters of *marque* and *reprisal*, coin money, make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility." The same resolution in effect requires the committee to inquire into the expediency of making Confederate Treasury Notes and State Treasury Notes and State Treasury Warrants a legal tender in the payment of debts by state legislation. Finding the state *expressly* and *positively prohibited* from making anything but gold and silver coin a tender in payment of debts by the Constitution of the Confederate States do not deem it necessary to inquire into the expediency of such legislation as is contemplated in the resolution under consideration. The Constitution of the Confederate States of America being the supreme law of the land, it is the duty of the state legislatures to obey its provisions when clearly expressed. The committee therefore report said resolution back to the House and respectfully ask to be discharged from the further con-

sideration of said resolution. All of which is respectfully submitted to the House.

J. G. McDonald

Report received.

Mr. Harrison of the Committee on Finance made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on Finance to whom was referred the petition of sundry citizens of Austin County asking relief for Shackfield Brewer, Assessor and Collector, of said county, beg to report that they have had the same under consideration and are of the unanimous opinion that the prayer of petitioner ought not to be granted, wherefore they report back the memorial and ask to be discharged from further consideration.

W. M. Harrison

Report received.

The chairman of the Committee on Finance made the following report, to wit:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill to be entitled an act to raise one million of dollars by the sale of cotton bonds for the defense of the state have considered the same and instructed me to report unfavorable on its passage. The committee further instructed me to report as a substitute for said bill a bill entitled an act to raise one million of dollars or so much thereof as may be necessary by the sale of cotton bonds to provide for the defense of the state and repel invasion, and recommend its passage.

J. T. Brady  
Chairman

Report received.

Mr. Hays, chairman of the Committee on State Affairs, made the following report, to wit:

To the Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred the bill to regulate the distillation of ardent and spirituous liquors from certain articles therein named together with several amendments herewith returns a substitute for said bill and recommend its passage. Said substitute contains the principal features of the original bill,

and has incorporated into it also the substance of the two amendments. The committee rejected three of the amendments referred to them as will be seen from the reading of the bill.

F. M. Hays  
Chairman

Report received.

Mr. Prendergast made the following report, to wit:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill to be entitled an act for the more effectual suppression of illegal issues of paper money, having had the same under consideration have instructed me to report the accompanying substitute and recommend its passage.

D. M. Prendergast  
One of the Committee

Report received.

Mr. Slaughter for the Committee on Finance made the following report:

To the Honorable Speaker of the House of Representatives:

The Committee on Finance to whom was referred a resolution to inquire into the expediency and practicality of paying the state troops called out by Major General Magruder in December, 1862, and their transportation and subsistence, have had the same under consideration and instruct me to report the resolution back to the House with accompanying documents from the Adjutant General's Office, dated November 11, 1863, and beg leave to be discharged from a further consideration of the same.

R. F. Slaughter  
One of the Committee

Report received.

Mr. Willis for the Committee on Finance made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

Your committee to whom was referred a joint resolution to amend the Constitution of the State of Texas have had the same under consideration and unanimously instruct me to return the same to the House and recommend its reference to the Committee on the Judiciary.

J. M. Willis

Report received:

One of the Committee

Mr. Willis for the Committee on Claims and Accounts made the following report:

To the Honorable Speaker of the House of Representatives:

Your Committee on Claims and Accounts to whom was referred the petition of Peter Norton have had the same under consideration and unanimously instructed me to report the same back to the House for the want of substantial evidence to sustain said Norton's accounts and ask to be discharged from any further consideration of the same.

J. M. Willis  
Chairman

Report received.

The chairman of the Committee on Engrossed Bills made the following report, to wit:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Engrossed Bills beg leave to report the bill to define the boundary of the counties of Live Oak and McMullen and to repeal certain laws therein named is correctly engrossed. They further report that the joint resolution of thanks to Texas soldiers is correctly engrossed.

Respectfully submitted,  
Thomas Smith  
Chairman

Report received.

Mr. Pendleton made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The committee to whom was referred a resolution instructing the committee to inquire into the expediency of so amending the estray law, approved February 25, 1863, so as to authorize and require persons who had at the time of the passage of said law estrayed stock on hand and unsold to sell and account for the same agreeable to the provisions of the estray law, have had under consideration the same and beg leave to report a bill and ask its passage.

E. Pendleton  
Chairman

Report received.

Also the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The undersigned Committee on Stock and Stockraising to whom was referred a bill to be entitled an act to sus-

pend the operation of the estray law for and during the existence of the present war, and for six months after its termination, except in certain cases, approved February 25, 1863, have had the same under consideration and have directed me to report it back and recommend that it do not pass.

E. Pendleton  
Chairman

Report received.

Mr. Way made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to prescribe punishment for encouraging desertion from the army and navy of the Confederate States and the State of Texas, have had the same under consideration and instructed me to report the accompanying substitute for the bill and recommend its passage.

C. B. Way  
One of the Committee

Report received.

Mr. Bowers made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Judiciary Committee to whom was referred a bill to be entitled an act to suspend all laws and parts of laws authorizing chief justices to order sales of property belonging to estates of deceased persons except in certain cases until the first day of January, 1867, or until six months after the close of the present war should it terminate before the date named, have had the same under consideration and after carefully examining it have instructed me to report it back to the House and recommend that it do not pass.

M. H. Bowers

Report received.

Mr. McDonald made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Judiciary Committee to which was referred a resolution instructing said committee to inquire into the authority of the legislature under the Constitution to provide some measure or measures which will have the effect to appreciate the value of Confederate Treasury Notes, have had said resolution under consideration and instruct me

to report that the object contemplated in said resolution is not within the power of the legislature, but appertains exclusively to the Congress of the Confederate States.

The committee feel great confidence that in the session of Congress suitable measures will be adopted which will effect the object contemplated in the above resolutions. The committee therefore report the resolution back to the House and respectfully ask to be discharged from any further consideration of the same.

J. G. McDonald  
One of the Committee

Report received.

Mr. Pendleton made the following report, to wit:  
To the Honorable Speaker of the House of Representatives:

The Committee on Stock Raising to whom was referred a resolution requesting the said committee to examine into the expediency of re-enacting the estray laws, or so much thereof as may be necessary to protect the right of proprty and prevent theft, have had the same under consideration and direct me to report thereon and ask that it do not pass.

E. Pendleton  
Chairman

Report received.

Also the following report, to wit:  
To the Honorable Speaker of the House of Representatives:

The Committee on Stock and Stock Raising to whom was referred a bill entitled an act to regulate estrays have instructed me to return the same and recommend that it do not pass.

E. Pendleton  
Chairman

Report received.

Mr. Griffith offered a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in passing a law for the impressment of Negro men in the military service. Read and referred to the select committee already raised of one from each Judicial District.

Mr. Frazier introduced a bill to be entitled an act to amend the first section of an act for the relief of certain railroad companies of the state of Texas, approved July 11,

1863. Read first time and referred to the Committee on Internal Improvements.

Mr. Redding offered the following resolution, to wit: "RESOLVED that the Military Board be and they are hereby instructed to procure for and distribute amongst the families of indigent soldiers such supply of staple drugs as they in their judgment may deem adequate to their wants." Read first time and referred to the Committee on Finance.

Mr. Russell introduced a bill to be entitled an act to secure the payment of state and county taxes. Read first time and referred to the Committee on the Judiciary.

### ORDERS OF THE DAY

On motion of Mr. Buckley the joint committee on the report of the Military Board was authorized to employ a clerk.

The joint resolution in regard to the purchase of beeves in Texas by Messrs. Payne and Company was taken up, read a second time and ordered to be engrossed. Constitutional rule suspended, read a third time and resolution passed.

By leave of the House Mr. Buckley offered the following resolution, to wit: "Whereas at the general election in August, 1863, S. G. Cole was elected to the House of Representatives of the present legislature from the 75th Representative District in this state, and said Cole has failed to appear and qualify and have gone beyond the limits of this state, and as believed to the territory occupied by the enemy. Therefore, be it resolved by the House of Representatives that the office of representative for the 75th Representative District of this state be and is hereby declared vacant and that the Governor be requested to order an election to fill said vacancy." On motion the resolution was referred to the Committee on Privileges and Elections.

The joint resolution in relation to the territories of New Mexico, Arizona, and Colorado was taken up and read a second time and ordered to be engrossed. Constitutional rule was suspended. Resolution read a third time and passed.

The bill to be entitled an act to change the regular quarterly terms of the county courts was taken up and the committee's substitute was adopted and the question being on the engrossment of the bill, Mr. Buckley offered the



following amendment, viz: "in lieu of three days insert one week," which was adopted. Bill ordered to be engrossed.

The bill to be entitled an act to authorize the use of the jails of the several counties of the state for the custody of deserters and offenders against the military laws was taken, read a second time and ordered to be engrossed. Constitutional rule suspended and bill read third time and passed.

The bill to be entitled an act to authorize the county courts of the several counties of the state to regulate the pay of sheriffs was taken up, read a second time, and ordered to be engrossed.

The bill to be entitled an act to change the mode of electing county commissioners was taken up and the committee's substitute was adopted in lieu of the original bill. Mr. Baker offered the following amendments, viz: "Strike out the May term and insert the second term for 1864." Mr. Maney offered the following amendment to the amendment, viz: "Should any county court of any county in said state fail to make the divisions aforesaid at the said second term of said courts, then it shall be lawful for said courts to make the said divisions at any regular term after said second term," which was adopted. Mr. Reid offered the following amendment, viz: "Strike out second term and insert first term," which was lost. Mr. Hays offered the following amendment, viz: "Strike out the words qualified electors for said courts and insert qualified electors for each of said districts."

Mr. Banton moved a reconsideration of the vote on the engrossed bill to change the time of holding the regular quarterly terms of the county courts of the several counties of the state, which was lost.

On motion the House adjourned to 9:30 A. M. Monday next.

Monday, November 16, 1863

House met pursuant to adjournment. The roll was called and a quorum being present the journal of last Saturday was read and adopted.

Mr. Walker presented the memorial of Robert Miller. Referred without reading to the Committee on Claims and Accounts.

A message from the Senate was received informing

the House that the Senate had passed a bill to be entitled an act for the relief of Robert Price.

Mr. Brady made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Military Affairs have had under consideration a bill entitled an act compelling persons who claim exemption from military service because of having conscientious scruples against bearing arms, to pay into the Treasury an equivalent for personal service, and instruct me to report said bill back to the House and recommend its passage with the following amendments: in Section 1st after the words "county court" strike out "or notary public," after the words "Treasurer of this state" strike out all of said section and add the following "or to the assessor and collector of the county in which he resides, for the use of the state the sum of two hundred dollars per month during the time he may be required to perform military service as an equivalent for personal service, and upon the production of the receipt of the Treasurer of the state or the assessor and collector of the county in which he resides showing that he has paid the sum of money required as above for personal service, also the certificate of the officer before whom he is required to make the oath prescribed in this section to the effect that he has taken and subscribed said oath, such person shall then be exempted from military service, but in no case shall such person be exempted from military service until he complies strictly with the provisions of this act." All of which is respectfully submitted.

J. T. Brady

One of the Committee

Report received.

Mr. Bowers made the following report:

To the Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred a bill to be entitled an act to provide for the construction of five canon of the invention of General J. R. Baylor, having had the same under consideration have instructed me to report the accompanying bill as a substitute thereof, and to recommend its passage.

M. H. Bowers

Report received.

Mr. Smith made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Engrossed Bills have instructed me to report the bill to be entitled an act to amend an act to organize county courts, approved March 16, 1848, as correctly engrossed.

Respectfully submitted  
Thomas Smith  
Chairman

Report received.

Mr. DeBerry made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Engrossed Bills respectfully report that they find the following bills and joint resolutions correctly engrossed, to wit: a bill to be entitled an act to authorize the use of the jails of the several counties for the custody of deserters and other offenders against military law; a bill to be entitled an act to authorize the county courts to regulate the pay of sheriffs in certain cases; a bill to be entitled an act to suspend all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money until twelve months after the ratification of a treaty of peace between the Confederate States of America and the United States of America or until otherwise provided by law; joint resolutions in regard to purchasing beeves in Texas by Payne and Company with counterfeit money.

All of which is respectfully submitted.

A. W. DeBerry  
One of Said Committee

Report received.

Mr. Griffith made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred the joint resolution in relation to the contract between the Military Board and Billips and Hassell, having had the same under consideration, beg leave to report un-



**A. W. DeBerry**

Source: J. M. Morphis, **History of Texas From Its Discovery and Settlement** (New York: United States Publishing Company, 1874), 467.

favorable and ask to be discharged from the further consideration of said resolution.

Respectfully  
John Griffith  
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred the report and account of Captain W. W. Reynolds, A Q M Frontier Regiment, beg leave to report that they have had the same under their consideration and request that a select committee be appointed to investigate said account more thoroughly.

Respectfully  
John Griffith  
Chairman

Report received and adopted.

A message from the Senate was received informing the House that the Senate had passed the bill entitled an act to require district attorneys to report to the Comptroller's Office in certain cases.

Mr. Willis introduced a bill to be entitled an act to define the boundary lines between the counties of Harrison and Marion. Read first time and referred to Committee on Counties and County Boundaries.

Mr. Haynes introduced a bill to be entitled an act to incorporate the Paluxy and Brazos Sulphur Nitre and Powder Manufacturing Company. Read first time and referred to the Committee on State Affairs.

Mr. Darden offered the following resolution, to wit: "RESOLVED by the House of Representatives the Senate concurring that the legislature adjourn *sine die* on Tuesday, the 1st day of December next." Adopted.

Mr. Buckley introduced a bill to be entitled an act respecting guardianships. Read first time and referred to the Judiciary Committee.

Mr. Smith offered the following resolution: "RESOLVED that the Judiciary Committee be requested to investigate the constitutional power and propriety of depriving those who desert their colors or refuse to report for duty in the military service when required by law of all

the rights and privileges of citizenship in the state and report by bill or otherwise," which was adopted.

Mr. McDonald offered the following resolution, to wit: "RESOLVED that the Judiciary Committee be requested to inquire into the propriety of repealing or amending all laws requiring legal publication notices to be printed in newspapers and report by bill or otherwise." Adopted.

Mr. Reid introduced a bill to be entitled an act to amend the law governing the disposition of the estates of decedents in cases where there is no known heirs, legatees, or devisees of such estate. Read first time and referred to the Committee on the Judiciary.

Mr. McCarthy introduced a bill to be entitled an act to adopt the articles of war and military rules and regulations of the Confederate States of America and to make them the military rules of the state of Texas. Read first time and referred to the Committee on Military Affairs.

Mr. Way introduced a bill to be entitled an act to amend the fourth section of an act entitled an act to provide assistance for the families and other dependents of officers and soldiers, approved March 6, 1863. Read first time and referred to the Committee on State Affairs.

Mr. Maney introduced a bill to be entitled an act to amend the fifty-first section of an act entitled an act to regulate proceedings in the county courts pertaining to the estates of deceased persons, passed March 20, 1848. Read first time and referred to the Judiciary Committee.

### ORDERS OF THE DAY

On motion of Mr. Brady the bill providing for the raising of a million of dollars from the sale of cotton bonds for state defense was called up and the substitute of the committee was adopted in lieu of the original bill. On motion of Mr. Buckley, Mr. McDonald in the Chair, the further consideration of the bill was postponed to 10 A.M. tomorrow and made special order for that hour.

The joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in Congress to get a law passed by Congress making Confederate Treasury Notes a legal tender, made a special order 11 A. M. today was taken up and read.

On motion the House adjourned to 3 P.M.

3 P. M.

House met pursuant to adjournment. Roll called and a quorum present.

The Speaker announced the following a committee to consider the report of the Quartermaster of the Frontier Regiment, to wit: Messrs. Ranck, Mabray, Holford, Bratton, Redding, Hunt, and Hill. The question pending at the adjournment of the House this morning being upon the adoption of the committee's report on the joint resolution requesting our delegation in Congress to use their influence in getting a law passed making Confederate notes a legal tender in payment of debts, Mr. Guinn moved to lay the report on the table and the yeas and nays being called for were taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Allen, Barclay, Birdwell, Butler, Daniel, Brazier, Bush, DeBerry, Emmert, Foscue, Finley, Frazier, Guinn, Howard of Anderson, Hays, Hart, English, Jones, Lovejoy, Mabray, Moores, Means, McCarthy, Perkins, Patton, Prendergast, Pendleton, Robertson, Redding, Reid, Ramsey, Slaughter, Smith, Tyler, Willis, Wooten, Wilson, Walker. Total 39.

Nays: Messrs. Adams, Blake, Brady, Banton, Buckley, Baker, Bowers, Bratton, Cook, Darden, Griffith, Gibbons, Howard of Lavaca, Haynes, Holford, Hunt, Kyle, Keyes, Lipscomb, Lane, Lacy, Marshall, McDonald, Moffatt, McGuire, Maney, Rhea, Robinson, Seele, Simpson, Thomas, Way. Total 33.

Report laid on the table.

Mr. Bowers offered the following amendment, to wit: "amend by striking out the word 'whatever' at the end of the first resolution and insert the words 'created and liabilities incurred after the taking effect of any law they may pass'." Mr. DeBerry offered the following substitute for the resolution and amendment, to wit: "Whereas it is the desire of a majority of the people of Texas that Confederate Treasury Notes should be made a legal tender for the payment of debts. Therefore, be it resolved by the legislature of the state of Texas that our Senators be instructed and our Representatives in Congress requested to use their influence to procure the passage of a law to make Confederate Treasury Notes a legal tender for the payment of debts provided Congress has the power under the Constitution so to do. RESOLVED, that the Governor be re-

quested to furnish each of our Senators and Representatives *in Congress with a copy of this resolution.*" Mr. Howard of Lavaca moved to lay the resolution and amendment on the table pending the consideration thereon.

On motion the House adjourned to 9 A. M. tomorrow.

Tuesday, November 17, 1863

House met pursuant to adjournment. Roll was called and a quorum being present, the journal of yesterday was read and adopted.

Mr. English presented the petition of sundry citizens of Fannin County which was read first time and referred to the Committee on Public Lands.

A message from the Senate was received informing the House that the Senate have passed a bill entitled an act to amend the first section of an act, approved January 14, 1862, to fix the salary of the officers and clerks therein named.

Mr. Buckley made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act respecting guardianships, have had the same under consideration, and believing that the bill will supply an omission in the law upon the subject which, in our present condition, is calculable to work great hardships unless it be provided for, instruct me to report the same back to the House, and recommend its passage.

C. W. Buckley  
Chairman

Report received.

Mr. Simpson made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Finance have had under consideration a resolution concerning the purchase and distribution of drugs, and have instructed me to report that the committee regard the project as laudable, but impracticable; wherefore, they beg leave to be discharged from the further consideration of the same.

Respectfully submitted,  
I. P. Simpson  
One of the Committee

Report received.



Mr. Butler made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Agricultural Affairs to whom was referred a bill to regulate the cultivation of cotton have had the same under consideration and have instructed me to report the same back to the House, and recommend that it do not pass.

Respectfully submitted,  
L. P. Butler  
Chairman

Report received.

Mr. Lollar made the following report:

Honorable M. D. K. Taylor,

The committee to whom was referred a bill to define the county line between the counties of Harrison and Marion, have had the same under consideration, and return the same to House and recommend its passage.

L. A. Lollar  
Chairman

Report received.

Mr. Smith made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The undersigned is instructed by the Committee on Engrossed Bills to report that the joint resolutions in regard to the territories of New Mexico, Arizona, and Colorado are correctly engrossed.

Respectfully submitted,  
Thomas Smith  
Chairman

Report received.

Mr. Russell made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Claims and Accounts to whom was referred the memorial of Robert Miller, Assessor and Collector of Bell County, asking relief for the sum of four hundred and forty dollars, received by him for taxes, in counterfeit Confederate States Treasury Notes have had the same under consideration, and have instructed me to report the same back to the House without relief. The Committee are of the opinion that to grant relief in such

cases would be to open a wide door to frauds and imposition upon the public treasury. They can see no reason why public functionaries should not be held to the same strict degree of vigilance and accountability that would be required of agents in the ordinary affairs of life; and under such rule, they believe the claim should be rejected.

C. A. Russell

One of the Committee

Report received.

Mr. Bush introduced a bill to be entitled an act for the relief of assessors and collectors of Texas. Read first time and referred to Committee on Finance.

Mr. Banton presented the petition of John Griffin for relief. Read first time and referred to the Committee on Private Land Claims. Also the petition of Hiram P. Bee for relief. Read first time and referred to the Committee on Private Land Claims.

Mr. Guinn offered the following resolution, to wit: "RESOLVED that so much of the Governor's Message as relates to the erecting of iron works for making iron to supply the demand for farming purposes as well as military be referred to the Committee on State Affairs and that they report by bill or otherwise," which was adopted.

### ORDERS OF THE DAY

The resolution instructing our delegation in Congress in regard to making Confederate Treasury Notes a legal tender for the payment of debts, pending the consideration of which the House adjourned on yesterday, was taken and the question pending an adjournment being the motion of Mr. Howard of Lavaca to lay the resolution and amendments on the table, the yeas and nays were called for and taken and resulted as follows, to wit:

Yeas: Messrs. Blake, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Bratton, Darden, Eastland, Griffith, Glasscock, Howard of Lavaca, Hays, Keyes, Lollar, Lacy, McDonald, Moffatt, McGuire, Maney, Rhea, Robinson, Reid, Ranck, Russell, Seele, Sampson, Simpson, Thomas, Thaxton, Walker. Total 33.

Nays: Messrs. Speaker, Adams, Allen, Barclay, Birdwell, Butler, Brazier, Cook, Daniel, DeBerry, Emmert, Foscue, Finley, Frazier, Guinn, Gibbons, Howard of Anderson, Haynes, Hart, Holford, Hunt, English, Jones, Kyle,

Lipscomb, Lane, Lovejoy, Mabray, Marshall, Moores, Means, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Ramsey, Slaughter, Smith, Tyler, Willis, Wooten, Wilson, Way. Total 47.

The question recurring on the adoption of the substitute and amendment, Mr. Baker moved that the further consideration of the resolution, substitute, and amendments be postponed to the 29th of December next; and the ayes and nays being called for, were taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Allen, Blake, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Bratton, Darden, Eastland, Griffith, Gibbons, Glasscock, Howard of Lavaca, Holford, Kyle, Keyes, Lipscomb, Lollar, Lacy, McDonald, McGuire, Maney, Patton, Rhea, Robinson, Ranck, Russell, Seele, Sampson, Simpson, Thomas, Thaxton, Walker. Total 37.

Nays: Messrs. Adams, Barclay, Birdwell, Butler, Brazier, Cook, DeBerry, Emmert, Foscue, Finley, Frazier, Guinn, Howard of Anderson, Haynes, Hart, Harrison, Hill, Hunt, English, Jones, Lane, Lovejoy, Mabray, Marshall, Moores, Moffatt, Means, McCarthy, Perkins, Prendergast, Prince, Pendleton, Robertson, Redding, Reid, Ramsey, Slaughter, Smith, Tyler, Willis, Wooten, Wilson, Way. Total 43.

Motion lost. Whereupon Mr. Buckley moved to postpone the further consideration of the resolution, substitute, and amendment until 7 P. M. today, which was carried and the further consideration of the resolution is made the special order for 7 P. M. this evening.

The time to which the bill to raise one million of dollars from the sale of cotton bonds for the defense of the state, etc., having arrived, the same was taken up and the question at the postponement being on the engrossment of the bill, Mr. DeBerry offered the following amendment, to wit: Amend by adding to Section 5 "and the Governor is hereby authorized to require of the agent or person in whose hands the same may be placed such security as he in his judgment may deem sufficient to secure the faithful performance of his duties," and during the discussion of the bill Mr. McDonald offered the following amendment to the amendment: "Provided that the compensation of the agent appointed by the Governor to negotiate said cotton bonds

shall not exceed the sum of twenty-five thousand dollars," which pending the discussion by leave of the House was after discussion withdrawn and the question then recurring on the adoption of the amendment by Mr. DeBerry whereupon Mr. Kyle moved to lay the amendment on the table which was carried and the amendment laid on the table.

Mr. McDonald moved the previous question, viz: the engrossment of the bill which being seconded the question was put and the bill was ordered to be engrossed. The Constitutional rule was then suspended, bill read a third time and passed by the following vote, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Blake, Birdwell, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Glasscock, Howard of Anderson, Howard of Lavaca, Hays, Hart, Holford, Hill, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, McGuire, Maney, Means, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Russell, Ramsey, Slaughter, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total 71.

Nays: Messrs. Brazier, DeBerry, Gibbons, Haynes, English, Moffatt, Reid, Smith. Total 8.

Mr. Buckley moved to reconsider the vote postponing the further consideration of the resolution instructing our Senators and requesting our Representatives to use their influence to procure the passage of a law making treasury notes a legal tender to 7 P. M. this evening which was carried. Mr. Buckley then moved to make it the special order for 7 P. M. tomorrow which was carried.

The Speaker announced from the Chair a communication on the matter of the contest for the seat in this House from Dallas County district which was referred to the Committee on Privileges and Elections.

By leave of the House Mr. Bowers presented papers relating to the land claims of James L. Burris and Samuel Raymond which was referred to the Committee on Private Land Claims.

Mr. Hays by leave of the House introduced a bill to be entitled an act making an appropriation for the mileage

and per diem pay of the members and the per diem pay of the officers of the Tenth Legislature. Read first time and referred to the Committee on Finance.

On motion the House adjourned to 9 A. M. tomorrow.

Wednesday, November 18, 1863

House met pursuant to adjournment. The roll was called and a quorum being present, the journal of yesterday was read and adopted.

Mr. Howard of Anderson presented the petition of James Majors for relief. Read first time and referred to the Committee on State Affairs.

Mr. Buckley presented the petition of sundry citizens of Fort Bend County for relief. Read first time and referred to the Committee on State Affairs.

Mr. Hayes presented the petition of the heirs of Frances L. Toncary for relief. Read first time and referred to the Committee on Private Land Claims.

Mr. Brady made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill entitled an act to exempt certain officers and soldiers therein named from the payment of a poll tax, and from the payment of an ad valorem tax on an amount of property therein named, have considered the same and instruct me to report it back to the House, and recommend that it do not pass. The committee fully appreciate the laudable objects of the bill, but regret that they cannot be attained because the same is in conflict with Section 27, Article 6 of the Constitution of the State which requires that taxation shall be equal and uniform throughout the state.

All of which is respectfully submitted.

J. T. Brady

Chairman

Report received.

Mr. Willis made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

Your Committee on Claims and Accounts to whom was referred a bill to be entitled an act for the relief of George W. Glasscock have had the same under consideration and the committee unanimously instructed me to report the

bill back to the House and recommend the passage of the same by inserting "extra" before "work" and "extra" before "material," and striking out all after the words "Lunatic Asylum."

J. M. Willis  
Chairman

Report received.

Mr. Moffatt made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Education to whom was recommit-  
ted the report of the committee of November 9, together  
with a bill reported by them for the relief of sundry citizens  
of Williamson County, have examined the same and in-  
struct me to report back to the House the accompanying  
bill together with the petition of said citizens of Williamson  
County, and recommend the passage of the bill in compli-  
ance with the prayer of said petitioners and ask to be dis-  
charged from the further consideration of the same. All  
of which is respectfully submitted.

H. J. Moffatt  
Chairman

Report received.

Mr. Hays made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your committee to whom was referred the bill to in-  
corporate the Paluxy and Brazos Sulphur Nitre and Powder  
Manufacturing Company have had the same under consid-  
eration, and have instructed me to return the same to the  
House and recommend its passage.

F. M. Hays  
Chairman

Report received.

Mr. Banton introduced a bill to be entitled an act to  
aid enrolling officers in the discharge of their official duties.  
Read first time and referred to the Committee on the  
Judiciary.

Mr. Walker introduced a bill to be entitled an act to  
amend the 754th Article of Oldham and White's Digest  
entitled an act pertaining to estates of deceased persons.  
Read first time and referred to the Committee on the  
Judiciary.

Mr. Emmert introduced a bill entitled an act to prevent the trade in cotton upon the western frontier of the state of Texas. Read first time and referred to the Committee on State Affairs.

Mr. Haynes introduced a bill to be entitled an act to provide for a digest of the laws of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Hart introduced a bill to be entitled an act to incorporate the East Texas Manufacturing Company. Read first time and referred to the Committee on State Affairs.

Mr. Moores introduced a bill to be entitled an act to encourage the manufacture of iron. Read first time and referred to the Committee on State Affairs.

#### ORDERS OF THE DAY

The Speaker announced from the Chair a communication from the Right Reverend Bishop Gregg, Chaplain of the House, tendering his resignation of the chaplainship of the House which was accepted.

Mr. Baker moved that the House proceed to the election of a chaplain which was carried. Whereupon nominations were declared in order and Mr. Glasscock put in nomination the name of the Reverend J. W. Phillips. Mr. Smith put in nomination the name of the Reverend Mr. Britton; Mr. Hill the name of the Reverend Mr. Smith; and Mr. DeBerry the name of the Reverend Mr. Dunlap. The ballot being taken resulted as follows, to wit: for Mr. Phillips 54 votes, for Mr. Britton 1 vote, for Mr. Smith 7 votes, for Mr. Dunlap 19 votes; and Holland 1 vote. The Reverend Mr. Phillips having received a majority of all the votes cast was declared duly elected chaplain of the House of Representatives for the Tenth Legislature.

The Speaker from the Chair announced a message from the Governor in relation to a supplementary report of the Quartermaster of the Mounted Regiment Texas State Troops and also in regard to certain Indians on the north-western frontier of the state. The report of the Quartermaster of the Mounted Regiment, Texas State Troops was referred to the select committee to whom was referred his general report, and the communication from the Military Board in regard to Indians was referred to the Committee on State Affairs.

On motion of Mr. Slaughter the report of the Commit-

tee on Privileges and Elections in the matter of the contest for the seat for the Dallas district was taken up. Whereupon Mr. McDonald moved that all the papers in the possession of the House in the case of Jno. C. McCoy, contestant, and H. J. Moffatt, defendant, relative to the contested seat in the House from the Dallas district be recommended to the Committee on Privileges and Elections with instructions to report back to the House all the facts and testimony brought before them in the matter. Mr. Hays offered the following substitute for the motion, to wit: "RESOLVED that the Committee on Privileges and Elections be required to return the testimony referred to them on yesterday in relation to the contested election between J. C. McCoy and H. J. Moffatt, to this House immediately." Mr. Prendergast moved to lay the motion and substitute on the table which was carried. The question then recurring on the adoption of the committee's report, Mr. [blank] moved the previous question which being seconded, the ayes and nays were called for and taken resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Birdwell, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Frazier, Guinn, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Lipscomb, Lane, Lacy, Lovejoy, Mabray, Marshall, Moores, McGuire, Maney, Means, McCarthy, Patton, Prendergast, Robertson, Rhea, Robinson, Ranck, Ramsey, Slaughter, Smith, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Walker, Way. Total 64.

Nays: Messrs. Blake, Bowers, Bratton, Finley, Keyes, Lollar, McDonald, Perkins, Prince, Pendleton, Redding, Reid, Russell, Seele. Total 14.

Mr. Rhea offered the following resolution, to wit: "RESOLVED that in view of the great wants of the state in the various manufacturing departments, the Committee on Finance be requested to investigate the propriety of raising a sufficient fund by sale of cotton bonds or otherwise for the purpose of introducing into the state such machinery as is necessary to the development of its manufacturing interest and report by bill or otherwise," which was adopted.

Mr. McCarthy offered the following resolution, to wit: "RESOLVED that the Committee of the House of Repre-



sentatives on Stock and Stock Raising be instructed to inquire into the expediency of extending the time for the recovery by law of stolen meat cattle and report by bill or otherwise," which was adopted.

On motion the House adjourned to 7 P. M. this evening.

7 P. M.

House met pursuant to adjournment. The roll was called and a quorum being present, the resolution instructing our Senators and requesting our Representatives in Congress to use their influence in procuring the passage of a law making Confederate Treasury Notes a legal tender in the payment of debts, made the special order for this hour was taken up. The question pending an adjournment being upon the adoption of the substitute offered by Mr. DeBerry, the question was put and the substitute rejected. The question again recurred on the adoption of the amendment offered by Mr. Bowers to the original resolution. Mr. Frazier offered a substitute for the original resolution and the yeas and nays being called for were taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Butler, Banton, Brazier, Cook, Foscue, Finley, Gibbons, Howard of Lavaca, Haynes, Hays, Harrison, Holford, English, Jones, Kyle, Lovejoy, Marshall, Prendergast, Pendleton, Reid, Smith, Tyler, Willis. Total 26.

Nays: Allen, Barclay, Blake, Birdwell, Browne, Brady, Bush, Buckley, Baker, Bowers, Bratton, Daniel, DeBerry, Darden, Eastland, Emmert, Guinn, Griffith, Glasscock, Howard of Anderson, Hart, Keyes, Lipscomb, Lollar, Lane, Lacy, Perkins, Patton, Robertson, Rhea, Robinson, Ranck, Russell, Ramsey, Slaughter, Seele, Sampson, Simpson, Thomas, Thaxton, Wooten, Wilson, Walker, Way. Total 51.

Rejects the substitute. Mr. Gibbons then moved the previous question which being seconded, the yeas and nays were called for and taken and resulted as follows, to wit:

Yeas: Speaker, Adams, Allen, Barclay, Birdwell, Butler, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Gibbons, Howard of Anderson, Haynes, Hays, Hunt, Harrison, Holford, English, Jones, Kyle, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, McGuire, Maney, Means, McCarthy, Per-

kins, Patton, Pendleton, Robertson, Rhea, Robinson, Reid, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, and Way. Total 68.

Nays: Blake, Bowers, Bratton, Glasscock, Howard of Lavaca, Keyes, Lipscomb, Moores, Prendergast. Total 9.

The question then being on the engrossment of the original resolution, the yeas and nays were called for and taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Birdwell, Butler, Brazier, Cook, Daniels, DeBerry, Emmert, Foscue, Finley, Frazier, Guinn, Howard of Anderson, Hart, English, Jones, Lane, Lovejoy, Mabray, Marshall, Moores Means, Prendergast, Pendleton, Robertson, Ramsey, Slaughter, Smith, Willis, Wilson. Total 33.

Nays: Messrs. Blake, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Bratton, Darden, Eastland, Griffith, Gibbons, Glasscock, Howard of Lavaca, Haynes, Hays, Harrison, Holford, Kyle, Keyes, Lipscomb, Lollar, Lacy, McDonald, McGuire, Hill, Maney, McCarthy, Perkins, Patton, Rhea, Robinson, Reid, Ranck, Russell, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Wooten, Walker, Way. Total 44.

So the House on motion refused to engross the resolution.

The House adjourned to 10 A. M. tomorrow.

Thursday, November 19, 1863

House met pursuant to adjournment. Prayer by the Chaplain. The roll was called and a quorum being present, the journal of yesterday was read and adopted.

Mr. Buckley presented a communication on behalf of General J. R. Baylor. Read first time and referred to the Committee on State Affairs.

Mr. Cook presented the petition of Thos. N. Haynes for relief. Read first time and referred to the Committee on Private Land Claims.

Mr. Buckley made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to aid enrolling officers in the discharge of their official duties, have had the same under

consideration and it being the opinion of the committee that the objects sought to be attained by the provisions of the bill, should be promoted by authorities of the state in all such cases as those contemplated by the bill, and that it contains all that is necessary for that purpose, unanimously instruct me to report the same back to the House and recommend its passage.

C. W. Buckley  
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to secure the payment of state and county taxes, have had the same under consideration and unanimously instruct me to report that they deem it expedient to legislate upon the subject embraced in the bill during the continuance of the existing war; therefore, return the bill and recommend that it do not pass.

C. W. Buckley  
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend the 51st section of an act entitled an act to regulate proceedings in the county courts, pertaining to the estates of deceased persons, passed March 20, 1848, have had the same under consideration and instruct me to report that to make the proposed change the existing law would be productive of no substantial good and of much additional cost to estates and impose an unnecessary labor upon the several chief justices and clerks of the county courts. They therefore recommend that the bill do not pass.

C. W. Buckley  
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to amend the 754th Article of Oldham & White's Digest entitled an act pertaining to estates of deceased persons, have had the same under consideration and unanimously instruct me to report that they deem it impolitic to make the change in the law that is contemplated by the bill and recommend that it do not pass.

C. W. Buckley  
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was recommended a bill to be entitled an act declaring what shall be considered a sufficient ground for a divorce, have again maturely considered the bill and unanimously instruct me to report that the marriage tie is above all others one that should be held sacred and not to be severed hastily or upon slight grounds; and in their opinion the several grounds already recognized by law as justifying a decree of divorce are amply sufficient for all cases that have occurred, or may hereafter occur, in which the good of society will be promoted by a severance of the sacred bonds of man and wife. Wherefore they adhere to their original report and recommend that the bill do not pass.

C. W. Buckley  
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a resolution of the House instructing them to inquire into the constitutionality and expediency of passing a law to stop the interest on all debts where Confederate money has been tendered in payment of the same, have had the subject under consideration and a majority of the committee are of the opinion that the legal or conventional interest accruing or to be accrued upon written contracts as much as the consideration for which the obligations were executed, and if so, of which they entertain no doubt, it would violate the 14th Section of the Bill of Rights, for which reason they

instruct me to ask the House to be discharged from the further consideration of the subject.

C. W. Buckley  
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend the law governing the disposition of estates of deceased persons, have had the same under consideration and respectfully report that the passage of such a law as contemplated by the provisions of the proposed bill would be attended with difficulties in the proceedings in the courts by causing a new and independent issue to be tried in every suit instituted by an administrator or executor to enforce the payment of a debt due the estate he represents. One in fact, in the nature of things, that cannot with certainty be determined and it is a fundamental rule of judicial proceeding upon issues of fact to leave no judgment, or decree thereon, unless it will in legal effect be conclusive of the fact. The bill proposes in all such cases, as above referred to, to authorize the defendant to allege and prove that when the estate to which he is indebted shall finally be wound up that it will escheat to the state for want of heirs. There can be no escheat until after an estate has been fully administered; and, and not till then, it is possible for the court to make a decree to that effect.

An estate is not fully and completely administered as long as there is an outstanding debt due to, or by it, and until the last moment of its administration the law presumes that heirs will appear. The law contemplated even further by providing that heirs may recover estates even after they have been escheated and been paid into the State Treasury.

If the bill under consideration should become a law, a party indebted to an estate of a deceased person upon alleging and proving that the estate might, or would, on being fully administered, escheat to the state for want of heirs, pay off and discharge his indebtedness in currency worth perhaps only ten cents on the dollar.

In such a case if no heir should appear until after the estate was closed, escheated, and paid into the State Treasury, only one tenth of the actual indebtedness to such estate

would reach the Treasury of the state. Suppose heirs should afterwards appear and demand the assets from the State Treasury. Would it be just or right for the state to pay them only one tenth part in value of the estate of their ancestor? Would it not impair their rights of property, by legislative action, in violation of the Constitution? Would it not be divesting their rights of property by a judicial proceeding to which they were not parties, and not "by and in course of the law of the land?"

The committee are of the opinion that no other than an affirmative response can be made to each of the propositions. Suppose the estate should be insolvent, would not the operation of such a law be to force a creditor to receive pay in a currency under par, and thereby impair the obligation of contracts, and make Confederate Treasury Notes a legal tender? The proposition admits of no denial. They, therefore, instruct me to report the bill back and recommend that it do not pass.

C. W. Buckley  
Chairman

Report received.

Mr. Blake made the following report:

The Committee on Counties and County Boundaries to whom was referred a bill to be entitled an act supplementary to the laws regulating the organization of new counties, have had the same under consideration and instruct me to report the same back to the House with a substitute which they recommend to pass. The original bill purports to be a general law which they deem expedient to pass at this time. The substitute is reported at the instance of the mover of the bill as governing the only case before us demanding that species of legislation, and is entitled a bill to be entitled an act to provide for the organization of the county of McMullen and to attach the same to the 14th Judicial District.

Bennet H. Blake  
One of the Committee

Report received.

Mr. Hays made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the petition of James Majors, Assessor and Collector of

Anderson County, asking to be relieved from a part of the specie tax for 1861, have considered the same and beg to report that a petition of this nature has been referred to the Committee on Finance and that a general bill on the subject has also been referred to the same committee. I am instructed, therefore, by the committee to return the same to the House and recommend its reference to the Committee on Finance.

F. M. Hays  
Chairman

Report adopted.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a bill to be entitled an act to encourage the manufacturing of iron and also a resolution on the subject have considered the same and whilst the committee appreciate the importance of the subject and the necessity for prompt action, they are unable to determine in what manner and to what extent such encouragement should be extended. The committee have, therefore, instructed me to return the bill and resolutions to the House and recommend their reference to a Committee of the Whole House.

F. M. Hays  
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act to incorporate the East Texas Manufacturing Company, have considered the same and herewith return the same to the House and recommend its passage.

F. M. Hays  
Chairman

Report received.

Mr. Kyle made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the petition of M. G. Taylor, one of the heirs of

before us, that the prayer of the petitioner should be granted. Francis L. Toncary are of the opinion, from the evidence ed, and have instructed me to report the following bill and ask its passage. All of which is respectfully submitted.

C. Kyle  
Chairman

Report received.

Mr. Smith made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

I am instructed by a majority of the Committee on Engrossed Bills to report the bill to be entitled an act to raise one million of dollars, or so much thereof as may be necessary by the sale of cotton bonds, to provide for the defense of the state and to repel invasion as correctly engrossed.

Respectfully submitted,  
Thomas Smith  
Chairman

Report received.

Mr. Howard made the following report:

The Committee on State Affairs to whom was referred a bill entitled an act to prevent the trade in cotton upon the western frontier of the state of Texas, have had the same under consideration and ask leave to report the said bill back to the House and recommend that the same do not pass.

W. H. Howard  
One of the Committee

Report received.

Mr. Pendleton made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Stock and Stock Raising to whom was referred a resolution directing them to inquire into the expediency of extending the time for the recovery by law of stolen meat cattle have had the same under consideration and direct me to report that an act of the Extra Session of the Ninth Legislature, passed 26th February, 1863, entitled an act to suspend all statutes of limitations



on civil rights of action of every kind, etc., render further legislation upon the subject unnecessary.

E. Pendleton  
Chairman

Report received.

Mr. Thaxton made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your committee to whom was referred certain resolutions concerning the impressment of Negroes into the military service of the Confederate States or of the State of Texas, have had the same under consideration and direct me to report that in their opinion the impressment law of the Confederate States now in force makes sufficient provisions for the impressment of Negroes, and that further legislation on that subject at this time is not advisable.

Respectfully submitted  
Wm. Thaxton  
Chairman

Report received.

Mr. Foscue made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Internal Improvements to which was referred a bill to be entitled an act to amend the first section of an act for the relief of certain railroad companies in the state of Texas, approved January 11, 1862, have had the same under consideration and instruct me to report the bill back to the House and recommend its passage, with the following amendment: Strike out the word "twelve" where it occurs in the bill and insert in lieu thereof the word "six."

F. F. Foscue  
Chairman

Report received.

Mr. Kyle made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The joint select committee to whom was referred the frontier and its defenses have had the same under consider-

ation and have instructed the undersigned to report the accompanying bill and recommend its passage.

Wm. Quayle

Chairman on the Part of the Senate  
C. Kyle

Chairman on the Part of the House

Report received.

Mr. Wilson introduced a bill to be entitled an act to authorize an election in the county of Dallas. Read first time and on motion the Constitutional rule was suspended. The bill was read a second time and ordered to be engrossed. Constitutional rule was further suspended. The bill read a third time and passed.

Mr. Hays introduced a bill to be entitled an act for the relief of Ayres Moody. Read first time and referred to the Committee on the Judiciary.

Mr. Thomas introduced a bill to be entitled an act more effectually suppressing the evil of gambling and to reduce into one the several gaming acts. Read first time and referred to the Committee on the Judiciary.

Mr. Prendergast offered the following resolution, to wit: "RESOLVED that this House will receive no new business after Saturday, the 1st Instant. Read and laid over under the rule.

Mr. Thaxton introduced a bill to be entitled an act to define what are public mills and to prescribe what shall be the duties of millers. Read first time and referred to the Committee on State Affairs.

Mr. Baker offered a joint resolution in regard to the issuance of county warrants or change notes by the county courts. Read first time and referred to the Committee on Finance.

Mr. Banton introduced a bill to be entitled an act to amend an act entitled an act providing for the disposition of runaway slaves, approved April 8, 1861, and to repeal the fifth section of the same. Read first time and referred to the Committee on Slaves and Slavery.

#### ORDERS OF THE DAY

On motion of Mr. Glasscock the bill to be entitled an act supplemental to an act to amend the first and fourth sections of an act entitled an act appropriating twenty thousand dollars, or so much thereof as may be necessary

for the recovering or repairing of the roof of the Capitol, the General Land Office, the Old Land Office, and Treasury Buildings, approved March 6, 1863, was taken up out of its order.

Mr. Foscue offered the following amendment, to wit: Strike out from Section 1 the words "expended for material" and insert the words "heretofore appropriated," which was adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended, the bill read the third time and passed.

The joint resolution instructing our Senators and requesting our Representatives in Congress to increase the wages of non-commissioned officers and privates in the army and navy of the Confederate States of America, was taken up. Whereupon Mr. Foscue offered the following amendment, to wit: Strike out "instruct" and insert "request," which was adopted. Whereupon Mr. Gibbons offered the following amendment, to wit: "Reduce the pay of commissioned officers and issue them rations," which on motion was laid on the table. Whereupon Mr. Brady offered the following amendment, to wit: "and that Congress increase the tax so as to meet the increase pay," which was adopted and the question then recurring on the engrossment of the resolution as amended, the resolution as amended was read a second time and ordered to be engrossed.

The bill to be entitled an act to change the mode of electing county commissioners was taken up, and the question pending at the last consideration being on the adoption of the amendment offered by Mr. Hays, was put and the amendment rejected. The question then recurring on the engrossment of the bill, Mr. Hays moved that the bill be laid on the table until the 1st day of March next which was carried.

The bill to be entitled an act to amend the twelfth section of the Road Law was taken up whereupon Mr. Buckley offered the following amendment, to wit: Amend by adding "one-half the female slaves over 18 and under 40." Mr. Hays moved to lay the amendment on the table which was carried.

Mr. Hays offered the following amendment, to wit: Strike out "14" and insert "16." Whereupon Mr. Willis offered the following amendment, to wit: Amend by inserting "all female slaves known as field hands between the

ages of 18 and 40," which was rejected. And the question then recurring on the adoption of the amendment offered by Mr. Hays, the question was put and the amendment was rejected. Whereupon Mr. Hunt offered the following amendment, to wit: Insert "able bodied" before the words "free male white persons." Mr. Reid moved to lay the bill and amendment on the table which was carried.

Mr. Banton moved, Mr. Slaughter in the Chair, a reconsideration of the vote just taken on the motion laying the bill and the amendment on the table which was carried. Whereupon Mr. Buckley moved to recommit the bill and amendment to the Committee on Roads and Bridges, which was carried.

Mr. Buckley moved that all the Senate bills on the Speaker's table be taken up with view for reference which carried. Whereupon the Senate's bill entitled an act to amend the first section of an act approved January 14, 1862, to fix salaries of the officers therein named, was taken up. Read first time and referred to the Committee on Finance. Also the Senate bill entitled an act for the relief of A. J. Vaughn which was read first time. Also the Senate bill entitled an act for the relief of George E. Burney. Read first time and referred to the Committee on the Judiciary. Also the Senate bill entitled an act to require district attorneys to report to the Comptroller's Office in certain cases, which was read first time and referred to the Committee on the Judiciary. Also the Senate bill entitled an act for the relief of Robert Price which was read first time and referred to the Committee on Private Land Claims.

Honorable M. D. K. Taylor, Speaker of the House of Representatives:

I am instructed by the Committee on Engrossed Bills to report that the bill to authorize the holding of an election for representative in Dallas County is correctly engrossed.

Respectfully submitted,  
Thomas Smith  
Chairman

On motion the House adjourned to 9 A. M. tomorrow:

Friday, November 20, 1863

House met pursuant to adjournment. Prayer made by the Chaplain. The roll was called and a quorum being

present, the journal of yesterday was read and adopted.

A message was received from the Senate informing the House that the Senate had passed the House bill entitled an act to authorize an election in the county of Dallas.

Mr. DeBerry made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Engrossed Bills beg leave to report that they find the following bill and the following joint resolution correctly engrossed, to wit:

First, a bill to be entitled an act supplemental to and to amend the first and fourth sections of an act entitled an act appropriating twenty thousand dollars or so much thereof as may be necessary for the recovering and repairing of the roofs on the Capitol, the General Land Office and Treasury Buildings, approved March 6, 1863.

Second, a joint resolution requesting our Senators and Representatives in Congress to increase the wages of the non-commissioned officers and privates in the army and navy of the Confederate States of America.

All of which is respectfully submitted,  
A. W. DeBerry

Report received.

Mr. Griffith made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred a bill to be entitled an act to amend the first section of an act entitled an act to amend the second section of and supplementary to an act to perfect the organization of the state troops and place the same on a war footing, approved December 25, 1861, approved March 7, 1863, beg leave to report that they have had the same under consideration, and recommend that the following bill which has been agreed upon by a majority of this committee and the Military Committee on the part of the Senate, and recommend its adoption as a substitute.

John Griffith  
Chairman

Report received.

Mr. Foscue made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to which was referred a bill to be entitled an act to sustain the currency have had the same under consideration and instruct me to report the same back to the House and recommend that the bill do not pass. The committee believe that the reason given by the Judiciary Committee upon a question of similar character are satisfactory and conclusive against the policy of passing any measure of the kind.

F. F. Foscue

One of the Committee

Report received.

Mr. Brady made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred a joint resolution in regard to the issuance of county warrants or change notes by the county courts instruct me to return the same to the House and recommend that it do not pass. This committee have already reported a bill to the House embracing the objects of the resolution.

All of which is respectfully submitted.

J. T. Brady

Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill entitled an act making an appropriation for the mileage and per diem pay of the members and officers of the Tenth Legislature of the State of Texas instruct me to report the same to the House and recommend its passage.

All of which is respectfully submitted.

J. T. Brady

Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred the Senate Bill entitled an act to amend the first section of an act approved January 14, 1863, to fix the salaries of the officers and clerks therein named, instruct me to return the

same to the House and recommend its passage with the following amendment: In Section 1 strike out the words "twelve hundred dollars" and insert "fourteen hundred dollars."

All of which is respectfully submitted.

J. T. Brady  
Chairman

Report received.

Mr. Kyle made the following report:

Mr. Speaker:

Your Committee on Private Land Claims to whom was referred Senate Bill for the relief of Robert Price have instructed me to report the same back to the House and recommend that it do pass.

C. Kyle  
Chairman

Report received:

Also the following, to wit:

Mr. Speaker:

Your Committee on Private Land Claims to whom was referred a bill for the relief of Ayres Moody have had the same under consideration, and upon examination we are of the opinion that the relief should be granted and have instructed me to report the same back to the House and recommend that it do pass.

C. Kyle  
Chairman

Report received.

Mr. McGuire made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Claims and Accounts to whom was referred the claim of Q. A. Nichols for extra work on the General Land Office building have carefully examined the same, and have instructed me to unanimously report the accompanying bill and request its passage.

Respectfully submitted,  
F. W. McGuire  
On behalf of the committee

Report received.

#### ORDERS OF THE DAY

The resolution introduced on yesterday in relation to

the introduction of new business was taken up. Whereupon Mr. Smith offered the following amendment, to wit: Amend by striking out the words "Saturday the 21st instant," which was adopted. Mr. Bowers offered the following amendment, to wit: amend by adding "[blank]" the consent of a majority of the House, which on motion was laid on the table. Whereupon Mr. Buckley offered the following amendment, to wit: "except such measures as are connected with the finance and defense of the state," which was adopted. The question then recurring on the adoption of the resolution as amended was put and the resolution adopted.

The bill entitled an act to authorize the counties of Guadalupe and Gonzales to regulate the pay of sheriffs in certain cases was taken up and on the motion of Mr. [blank] the bill was laid on the table.

The bill to be entitled an act to require the chief justices of the several counties of the state to be at the county seat of their respective counties certain days to aid the families of soldiers to obtain penitentiary cloth, was taken up. Whereupon Mr. Buckley moved to lay the bill on the table which was carried.

The bill to be entitled an act to authorize the use of the State Penitentiary for the custody of prisoners of war, etc., was taken up. Whereupon Mr. Brady moved to recommit the bill, report, and the substitute to the Committee on the Penitentiary.

The bill to be entitled an act to suspend the location, survey, and sale of the public land except in certain cases was taken up, Mr. Hays in the Chair. Whereupon Mr. Russell offered an amendment which was adopted. The bill was read a second time and ordered to be engrossed.

By leave of the House Mr. Bowers introduced a bill entitled an act amendatory of an act to amend a joint resolution entitled a joint resolution for the relief of the heirs of Benjamin D. Nobles, deceased, approved December 31, 1849, which was read first time. The Constitutional rule was then suspended, the bill read a second time, and ordered to be engrossed.

The bill to be entitled an act for the relief of Carro M. Quarles was taken up, read a second time, and ordered to be engrossed.

The bill to be entitled an act to amend the first section of an act to regulate proceedings in the district courts, ap-



proved May 13, 1863, was taken up, read a second time, and ordered to be engrossed.

The bill entitled an act to require the grand jurors to examine and report upon the condition of the county measures book and bonds of the county officers, was taken up and the committee's report against the bill adopted.

The bill entitled an act to define what persons are subject to do patrol duty, was taken up and the committee's report and amendment adopted. The bill was then read a second time and ordered to be engrossed.

The report on the petition of A. F. Thurmond was taken up and on the motion of Mr. Bowers was laid on the table.

The bill entitled an act to incorporate the San Saba Masonic College was taken up, read a second time, and ordered to be engrossed.

The bill to be entitled an act to prohibit the sale of intoxicating liquors in the neighborhood of San Saba Masonic College was taken up and read a second time. Whereupon Mr. Bowers offered a substitute for the original bill which was adopted and the bill then was ordered to be engrossed.

The bill entitled an act to amend the first section of an act relating to forfeitures in certain cases of bail bonds and recognizances in cases of misdemeanors, approved December 9, 1861, was taken up and the committee's report and amendments were adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended and the bill read a third time and passed.

The bill to be entitled an act to amend the twenty-third section of the act to organize the district courts and to define their powers and jurisdiction, approved May 11, 1846, was taken up, read second time and ordered to be engrossed.

The bill entitled an act to amend an act concerning common carriers and defining their liabilities in certain cases was taken up and the committee's report and amendments were adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended, the bill read a third time and passed.

On motion the House adjourned to 3 P. M. today.

House met pursuant to adjournment. The roll was called and a quorum present.

The bill entitled an act to amend the first section of an act defining the office of sheriff, approved May 12, 1863, was taken up and the committee's report against the bill adopted.

The resolution in relation to staying all debts during the war was taken up and the committee's report against its adoption was adopted.

The petition of sundry citizens of Austin County was taken up and the committee's report and bill was laid on the table.

The bill entitled an act to amend Articles 400 and 401 of the Penal Code and more effectually to suppress the issuance and circulation of paper money was taken up and the substitute adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended and the bill read a third time and passed.

The report of the Finance Committee on the resolution instructing the committee to inquire into the practicability of paying the state troops called out at the instance of General Magruder in December, 1862, and for their transportation and subsistence was taken up. Whereupon Mr. Brazier moved to recommit the resolution back again to the Military Committee which was lost. Mr. Willis then moved to refer it to a Select Committee of Three which carried. Whereupon the Speaker appointed Messrs. Willis, Marshall, and Brazier the committee.

The joint resolution to amend the state constitution was taken up and the committee's report adopted.

The bill entitled an act to suspend the operation of the estray laws was taken up. Whereupon Mr. Haynes moved to recommit the bill and report to the Committee on Stock and Stock Raising which was lost. Mr. Buckley then offered the following amendment, viz: insert in the caption thereof "to amend an act" which was adopted. Whereupon Mr. DeBerry offered an amendment which was adopted. The bill was read a second time and ordered to be engrossed.

On motion of Mr. Buckley the frontier bill was taken up and made the special order for the hour of 7 P. M. Wednesday next.

By leave of the House Mr. Buckley introduced a bill to be entitled an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the state. Read first time and referred to the Committee on the Judiciary.

On motion the House adjourned to 9 A. M. tomorrow.

Saturday, November 21, 1863<sup>12</sup>

House met at 9 A. M. After reading the journal of yesterday, a bill for the relief of Thomas G. McGehee was referred to the Committee on Private Land Claims.

A joint resolution was introduced to instruct our Senators and Representatives in Congress to take up measures to improve the value of Confederate notes and bonds.

A bill to prevent the sale of intoxicating liquors was introduced.

A bill was introduced to punish commission merchants for misappropriating merchandise or failing to pay over the proceeds.

Several reports of committees were then received.

A bill for the relief of Wm. D. Dillon was referred to the Committee on Claims and Accounts.

A bill to amend the act incorporating the city of San Antonio was referred to Committee on State Affairs.

A bill was introduced to regulate proceedings in county courts pertaining to estates of deceased persons.

A bill was introduced to incorporate Parson's Female Seminary.

A bill to amend Article 752 of Oldham & White's Digest was referred to Committee on the Judiciary.

A bill for the relief of Moses E. Merrill was referred to Committee on Private Land Claims.

A joint resolution in relation to Confederate currency was introduced.

A resolution was adopted requesting the Finance Committee to inquire into the expediency of levying a tax on occupations, incomes, and sales to be collected in Confederate money and funded in Confederate bonds.

A resolution was adopted instructing the Committee on Military Affairs to inquire into the expediency of giving land to wounded or disabled soldiers and the families of

<sup>12</sup>This day's proceedings are taken from the *Tri-Weekly State Gazette* (Austin), November 23, 1863. The original journal cannot be located.

deceased soldiers and officers, and requiring the Secretary of State to have a list made out of such as are or may be entitled to such land.

A resolution was adopted that the Committee on Indian Affairs inquire into the expediency of making provisions for the Tonkawa Indians, whose devotion to Texas has made them obnoxious to other tribes, and made it necessary for them to seek refuge among the people of Texas.

A bill to regulate the distillation of spirituous liquors was taken up and discussed, and the substitute of the committee adopted. The Constitutional rule was suspended and the bill passed.

House adjourned to 10 A. M. Monday.

Monday, November 23, 1863

House met pursuant to adjournment. Prayer by Chaplain. Quorum present. Journal of last Saturday read and adopted.

Mr. Henry B. Andrews from the district of Galveston came forward, presented his credentials and took the oath of office and his seat.

On motion of Mr. Hays Mr. Patton was excused from attendance on the House today.

Mr. Lollar presented the petition of sundry citizens of Hopkins County for the relief of H. Ward. Read first time and referred to the Committee on Military Affairs.

Mr. Blake presented the petition of J. Roberts. Read first time and referred to the Committee on Private Land Claims.

Mr. Buckley made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the state, have had the same under consideration and instructed me to report the bill back and recommend its passage with subjoined amendment.

Amend by striking out the word "misdemeanor" and insert "crime."

C. W. Buckley  
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill from the Senate to be entitled an act to require district attorneys to report to the Comptroller's Office in certain cases have had the same under consideration, and believing the public interest will be subserved by enacting such a law have instructed me to report the bill back and recommend its passage.

C. W. Buckley  
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a joint resolution to amend the Constitution of the State of Texas have had the same under consideration and instruct me to report that while they would like to see all professed ministers of the Gospel who have been seduced from their spiritual vocation by the hope of gain and become worshippers at the shrine of Mammon instead of the true and living God placed in the army as soldiers and compelled to aid in the defense of the country. Yet for the sake of the many ministers of all denominations who have resisted all such temptations and labored and are still laboring in their holy calling, they recommend that the resolutions do not pass.

C. W. Buckley  
Chairman

Report received.

Mr. Bowers made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Judiciary Committee to whom was referred a bill to be entitled an act to amend Article 752, Oldham and White's Digest, have had the same under consideration and have instructed me to report the same back to the House

with the following amendments, and to recommend its passage.

Amend the title so as to read a bill to be entitled an act to amend the 44th Section of an act to regulate proceedings in the county court pertaining to estates of deceased persons, approved March 20, 1848.

Strike out all after the enacting clause in the first paragraph of section first, and insert the words: "That the 44th section of the above recited act be and the same is hereby amended so that it shall hereafter read as follows, to wit."

Strike out the words "Section 2" in the second paragraph of the first section and insert the words "Section 44."

M. H. Bowers

One of the Committee

Report received.

Mr. McDonald made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Judiciary Committee to which was referred a resolution inquiring into the propriety of repealing or amending all laws requiring legal publication notices to be printed in newspapers have had the same under consideration and instruct me to report the accompanying bill and recommend its passage.

All of which is respectfully submitted.

J. G. McDonald

One of said committee.

Report received.

Mr. Willis made the following report:

M. D. K. Taylor, Speaker of the House of Representatives:

Your committee to whom was referred a bill to be entitled an act for the relief of Wm. D. Dillon, District Attorney pro tem for the 16th Judicial District have had the same under consideration and recommend me to report the same back to the House and recommend that it do not pass.

J. M. Willis,

Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

I am instructed by a majority of the Committee on Engrossed Bills to report the following bills correctly engrossed.

A bill to be entitled an act to define what persons are subject to do patrol duty.

A bill to be entitled an act to amend an act concerning common carriers and defining their liabilities in certain cases.

All of which is respectfully submitted.

Thomas Smith  
Chairman

Report received.

Mr. Foscue introduced a bill to be entitled an act to define upon what condition certain occupations may be followed. Read first time and referred to the Committee on the Judiciary.

Mr. Birdwell introduced a bill to be entitled an act to authorize the county courts to furnish stationery for the use of assessors and collectors. Read first time and referred to the Committee on State Affairs.

Mr. Glasscock introduced a bill to be entitled an act for the relief of the persons who were unable to pay the specie tax levied for the year 1861. Read first time and referred to the Committee on Finance.

Mr. Bowers offered a joint resolution in relation to the rights of the people of Texas. Read first time and made special order for 7 P. M. on Thursday next. On motion of Mr. Foscue 120 copies were ordered to be printed for the use of the House.

Mr. McDonald introduced a bill to be entitled an act for the relief of the heirs of Wm. Berryman. Read first time and referred to the Committee on Private Land Claims.

Mr. Andrews introduced a bill to be entitled an act to authorize the Governor to appoint three brigadier generals. Read first time and referred to the Committee on Military Affairs.

Mr. Guinn introduced a bill to be entitled an act to suspend all laws allowing the collection of interest in certain cases. Read first time and referred to the Committee on the Judiciary.

Mr. Bratton introduced a bill to be entitled an act to incorporate the Gonzales Mutual Aid Association. Read first time.

Mr. Way introduced a bill to be entitled an act to further provide for the defense of the state of Texas. Read first time.

Mr. Birdwell introduced a bill to be entitled an act to repeal an act to suspend the operations of the estray law during and until six months after the close of the war, approved February 25, 1863, in the counties herein named. Read first time and referred to the Committee on Stock and Stock Raising.

Mr. Maney introduced a bill to be entitled an act to incorporate the Seguin Mutual Aid Association. Read first time.

Mr. Baker introduced a bill to be entitled an act to validate the official acts of Joseph Wallis as notary public of Washington County. Read first time.

Mr. McCarthy introduced a bill to be entitled an act to punish and prevent desertion from the military service of the Confederate States of America and of the state of Texas. Read first time and referred to the Committee on the Judiciary. Also a bill to be entitled an act to prevent and punish absentees from the military service of the Confederate States and state of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Wooten introduced a bill to be entitled an act to restrict foreigners in trading in the state of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Reid introduced a bill to be entitled an act to amend an act entitled an act to regulate proceedings in the district courts, passed May 13, 1846. Read first time and referred to the Committee on the Judiciary.

A message from the Senate was received announcing to the House that the Senate had passed the following House bills with certain amendments, viz: the bill entitled an act presenting the duties of district attorneys in certain cases, also the bill entitled an act authorizing the Supreme Court of the State of Texas for the Galveston District to hold its spring terms at the city of Austin, and the joint resolution in regard to the tendering of thanks to Texan soldiers and the act to amend an act entitled an act to punish speculation in certain cases, approved January 13, 1863, without amendment.

Mr. Darden introduced a bill to be entitled an act to amend the second section of an act entitled an act to regu-



late interest. Read first time and referred to the Committee on the Judiciary.

### ORDERS OF THE DAY

The bill entitled an act to establish and define the boundaries of the counties of Live Oak and McMullen and to repeal certain acts therein named was taken up, read first time, and passed.

The bill entitled an act to amend an act entitled an act to suspend the operation of the estray laws during and some time after the termination of the war was taken up and the committee's report against the passage thereof was adopted.

The bill entitled an act to prescribe the punishment for encouraging desertion from the army was taken up and substitute adopted. Whereupon Mr. Gibbons offered an amendment which was adopted. Whereupon Mr. Foscue offered an amendment which was rejected. Whereupon Mr. Smith offered an amendment which was also rejected. Whereupon Mr. Hays offered an amendment which was adopted. Mr. Brazier moved to recommit the bill to a special committee of seven which was lost. And the question recurring on the engrossment of the bill, Mr. Slaughter moved to strike out the second section thereof and Mr. Buckley moved the previous question which being seconded the main question was put and the ayes and nays being called for the vote was taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Birdwell, Butler, Brady, Banton, Brazier, Bush, Buckley, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Prendergast, Pendleton, Prince, Robertson, Redding, Rhea, Robinson, Ramsey, Russell, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total 76.

Nays: Messrs. Gibbons, and Means. Total 2.

Bill ordered to be engrossed.

The bill entitled an act prescribing the duties of district attorneys in certain cases reported back from the

Senate passed with an amendment was taken up and the Senate's amendment concurred on.

The bill to be entitled an act to authorize the Supreme Court of the State of Texas for the Galveston District to hold its spring term at the city of Austin, reported back from the Senate, passed with an amendment, was taken up and the Senate's amendment concurred on.

Mr. Andrews offered this further resolution, to wit:

[Nothing follows for the remainder of the session of this day.]<sup>13</sup>

Tuesday, November 24, 1863

House met pursuant to adjournment. Quorum present. Prayer by Chaplain. The journal of yesterday was read and adopted.

G. W. Frazier presented the petition of W. H. Howard which without reading was referred to the Committee on Claims and Accounts.

A message from the Senate was received informing the House that the Senate had passed the following House Bills and Joint Resolutions, viz: House Bill entitled an act to authorize the use of the jails of the several counties for the custody of deserters and other offenders against military law, the joint resolution in regard to purchasing supplies in Texas by Payne and Company with counterfeit money, and also that the Senate had passed and now report to the House a bill entitled an act to punish certain offenses committed on Sunday.

Mr. Keyes made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the subjoined bills and resolutions and have found the same correctly enrolled and properly signed and have presented them to the Governor for his signature, the first on the 19th and the latter on the 24th Inst.

An act to authorize the holding of an election for rep-

<sup>13</sup>The Tri-Weekly State Gazette (Austin), November 25, 1863, notes the following conclusion to the House sessions of November 23:

Resolutions of respect to the memory of the late Milton M. Potter were then introduced; able and eloquent eulogies upon his life and character were pronounced by Messrs. Andrews, Buckley, and Dr. Taylor, and the resolutions adopted, after which the House adjourned to 10 A.M. tomorrow.

representative in Dallas County to fill the vacancy created by the action of the Tenth Legislature declaring the seat of H. J. Moffatt vacant.

Joint resolution of thanks to Texan soldiers.

An act to amend the first section of an act entitled an act to prevent speculation in certain cases, approved January 13, 1863.

H. Keyes, Chairman

Report received.

Mr. Darden made the following report:

Honorable M. D. K. Taylor, Speaker:

The Committee on Judiciary to whom was referred a bill to require the Comptroller to received certain funds in payment of university lands, beg leave to report that they have duly considered the same, and have instructed me to report the bill back to the House and recommend that the same do not pass. The committee have further instructed me to report the accompanying bill as a substitute for said bill and recommend its passage.

W. J. Darden, One of said committee

Report received.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor, Speaker:

The Committee on the Judiciary, to whom was referred a bill for the Senate for the relief of George E. Burney, have had the same under consideration, and find that Mr. Burney was sent by the Governor to the state of Mississippi with a requisition for three fugitives from justice, who had passed large sums of counterfeit Confederate money upon the citizens of Texas, and the proposed bill provides for the repayment to said Burney the amount of his actual expenses incurred in going to, and returning from, Mississippi under said orders of the Governor, and a majority of the Committee instruct me to report the bill back and recommend its passage.

C. W. Buckley, Chairman

Report received.

Mr. Haynes made the following report:

Honorable M. D. K. Taylor, Speaker:

The Committee on Slaves and Slavery to whom was referred a bill to be entitled an act to amend an act to be entitled an act providing for the disposition of runaway

slaves, approved April 8, 1861, and to repeal the fifth section of the same, have had the same under consideration and have instructed me to report the bill without amendment to the House and recommend its passage.

All of which is respectfully submitted.

R. R. Haynes  
Chairman

Report received.

Mr. Pendleton made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Stock and Stock Raising to whom was referred a bill to be entitled an act to repeal an act 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, approved 25th February, 1863. The committee are of opinion that said act of 5th February, 1863 should not be repealed so as to leave in force the estray laws previously existing, but are willing it may be repealed in the counties named in the bill and direct me to report the bill back and recommend that it pass.

E. Pendleton  
Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,

A majority of the Committee on Engrossed Bills have instructed me to report the following bills correctly engrossed, to wit: first, a bill to prescribe the punishment for encouraging desertions, etc.; second, a bill to amend the caption and the first section of an act relating to forfeiture in certain cases, etc.

All of which is respectfully submitted.

Thomas Smith  
Chairman

Report received.

Mr. Banton made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your Committee on Penitentiary to whom was referred the reports of the Director, Superintendent, and Financial Agent of the Penitentiary have had the same together

with that portion of the Governor's message relating to that institution under consideration and direct me to report to the House that in the matter of the purchase of cotton by the Financial Agent on his own private account they entertain the opinion of the law governing the transaction expressed by the joint committee of the Ninth Legislature appointed to investigate the affairs of the Penitentiary, and accordingly report the accompanying: "Preamble and Joint Resolutions in relation to the purchase of cotton by John S. Besser, Financial Agent" and recommend their passage. They have also instructed me to report the accompanying bill to amend certain articles of the Penal Code relating to the duties of the several officers of that institution and recommend its passage. It appears from the Financial Agent's report that the institution not only pays its own expenses to the state and that, therefore, no appropriation is necessary for its support for the ensuing two years. But deeming it not impossible that by accident or otherwise the income arising from the sale of fabrics, etc., might be cut off and the institution for its support require funds from the State, the committee deem it advisable to recommend an appropriation of twenty-five thousand dollars, which sum should not be drawn unless required.

All of which is respectfully submitted.

J. H. Banton  
Chairman

Report received.

Mr. Bowers introduced a bill to be entitled an act to extend the time for locating land certificates paid to the Brazos, Buffalo Bayou and Colorado Railroad Company. Read first time and referred to the Committee on the Judiciary.

Mr. Butler introduced a bill to be entitled an act to amend an act entitled an act to prescribe what kinds of funds may be received for certain public dues. Read first time and referred to the Committee on Finance.

Mr. Darden introduced a bill to be entitled an act to relieve J. A. Black from disability of minority. Read first time and referred to Committee on State Affairs.

Mr. Prendergast introduced a bill to be entitled an act to ascertain and establish the dividing line between Falls and Limestone counties. Read first time.

Mr. Hill introduced a bill to be entitled an act for the

relief of the heirs of Joseph Shepherd. Read first time and referred to the Committee on Private Land Claims.

Mr. Smith introduced a bill to be entitled an act to amend Article 960 of the Code of Criminal Procedures. Read first time.

Mr. DeBerry introduced a bill to be entitled an act granting land to the officers, non-commissioner officers, and soldiers of the army and navy of the Confederate States and the State of Texas. Read first time.

Mr. Moores offered a joint resolution providing for the call of a state convention. Read first time and referred to the Committee on State Affairs.

Mr. Baker introduced a bill to be entitled an act to incorporate the Iron Manufacturing Company. Read first time and referred to the Committee on State Affairs.

Mr. Buckley introduced a bill to be entitled an act to aid in punishing offenses against the postal laws of the Confederate States of America. Read first time and referred to the Committee on the Judiciary.

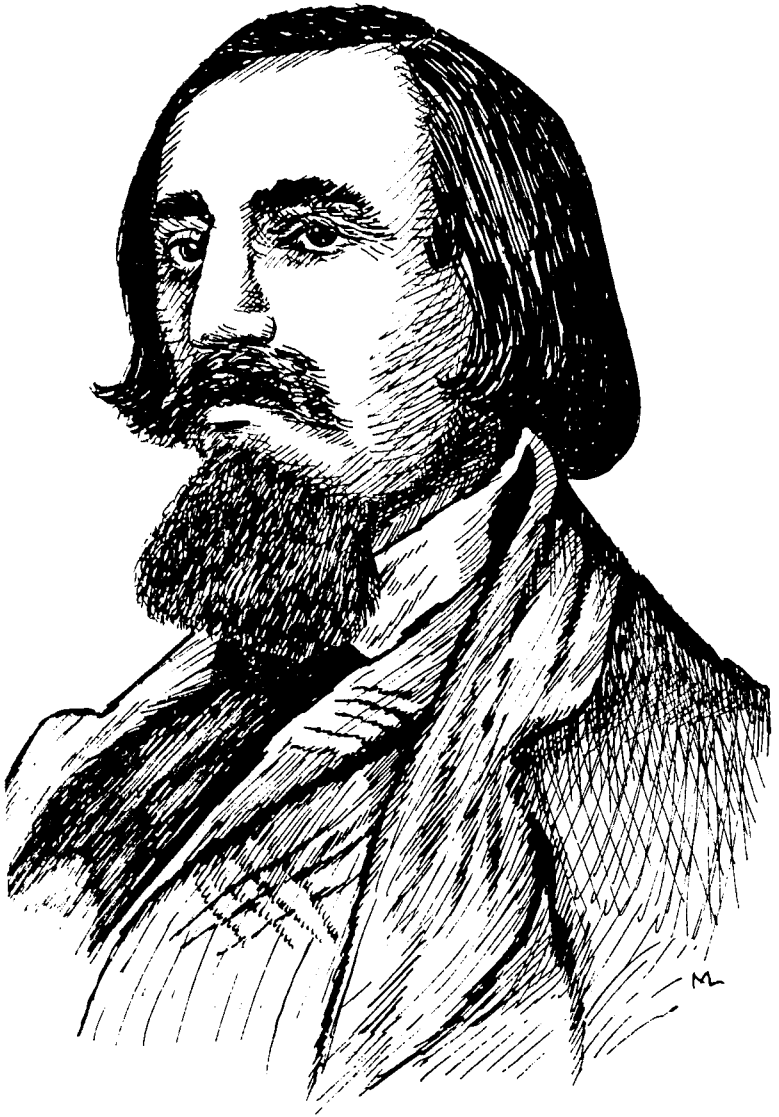
Mr. Russell introduced a bill to be entitled an act to amend the first and second sections of an act to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them; and to prevent the sale of calves for slaughter without brands, approved March 4, 1863. Read first time and referred to Committee on Stock and Stockraising.

Mr. McCarthy introduced a bill to be entitled an act to amend an act incorporating the Pecos Bridge Company, approved January 6, 1860, and to extend the time for constructing the bridge. Read first time and referred to the Committee on Roads, Bridges, and Ferries.

Mr. Russell introduced a bill to be entitled an act to provide for the recovery of stolen cattle. Read first time and referred to the Committee on the Judiciary.

Also a bill to be entitled an act amendatory of and supplemental to an act to regulate marks and brands. Read first time and referred to the Committee on Stock and Stockraising.

Mr. Prince introduced a bill to be entitled an act granting the right to make a process salt from Salt Lake or deposits situated near the Horsehead Crossing of the Pecos River. Read first time and referred to the Committee on the Judiciary.



**Hermann Seele**

Source: Lee C. Harby, "The City of a Prince: A Romantic Chapter in Texas History," *Magazine of American History*, XX, No. 5 (November, 1888), 347.

Mr. Howard of "A" offered a joint resolution in regard to the [use] of Negroes impressed into the service of the Confederate States. Read first time.

Mr. Browne offered the following resolution, viz: "Resolved, that the Committee on State Affairs are hereby instructed to take into consideration the propriety of granting a charter with all necessary rights and privileges to Messrs. Rhea, Dowell, Bean, and Carpenter to be known as the Trinity Wool and Cotton Factory and report by bill or otherwise." Adopted.

Mr. Guinn offered the following resolution: "RESOLVED, that the Committee on Military Affairs inquire whether any legislation is necessary to provide for the defense of the state, and that they inquire into the expediency of organizing the exempt men of the state into companies to be called out only in case of invasion or insurrection and further into the expediency of providing by law for the depositing of powder, lead, caps and arms at different points in the state to be used in repelling invasion or suppressing insurrection to be used only by companies organized by law and voluntary companies when called into the service of the state and that they report by bill or otherwise, which was adopted.

Mr. Seele offered the following resolution: "RESOLVED, that the Committee on Education be instructed to take into consideration the payment of the interest due to the school fund by the railroad companies to be made in bonds of the Confederate States or of this state and to report by bill or otherwise," which was adopted.

Mr. Holford offered the following resolution: "RESOLVED, that the Committee on State Affairs be instructed to inquire into the expediency of increasing the tax when the occupation of selling spirituous, vinous or malt liquors within the state and report by bill or otherwise," which was adopted.

Mr. Guinn offered the following resolution: "RESOLVED, that the Committee on Printing be instructed to have five thousand copies of the Governor's Message printed for the use of the members of this House," which was adopted.

Mr. Buckley offered the following resolution: "RESOLVED, by the House of Representatives that the resolution refusing to entertain new business after Tuesday the



24th November be and is hereby revoked." Made order for tomorrow.

Mr. Lipscomb offered the following resolution: "RESOLVED that a Select Committee of Three be appointed to inquire into the condition of the state cemetery, and report thereon as deemed proper by them," which was adopted and Messrs. Lipscomb, Blake, and Lane appointed the committee.

Mr. Banton offered the following resolution: "RESOLVED, that the Committee on the Judiciary be requested to inquire into the expediency of empowering the probate court to authorize guardians to exchange one kind of property belonging to their wards for another kind when shown to the satisfaction of the court that such an exchange is necessary to promote the interest of ward's estate and report by bill or otherwise." Adopted.

Mr. DeBerry offered the following resolution: "RESOLVED, that the Committee on the Judiciary be instructed to inquire into the expediency of passing a law revoking all licenses issued to persons under the present laws concerning the distillation of spirituous liquors from grain and making compensation to the holders of said licenses and report by bill or otherwise," which was adopted.

Mr. Daniel offered the following resolution: "RESOLVED, that the Committee on Finance be required to inquire into the expediency of the Comptroller's issuing for the purpose of change small bills under the denomination of one dollar and report by bill or otherwise." Adopted.

Mr. Banton with leave introduced a bill to be entitled an act to provide for the publication for an abstract of principles of law which have been or may hereafter be decided by the Supreme Court. Read first time and referred to Judiciary Committee.

A message from the Executive Officer was received transmitting to the House a message from His Excellency Governor of the State which was received and on motion the Honorable Senate invited to the whole of the House to hear the message now.

Mr. Smith made a motion to reconsider the vote taken yesterday on the engrossment of the bill punishing the encouragement of desertion from the army and navy.

A message from the Senate was read informing the House that the Senate had accepted the invitation to meet

the House in Joint Session to hear the Governor's Message read, whereupon the House on motion took a recess of ten minutes.

At the expiration of the recess the House was called to order, the roll called and quorum present. The Senate has confirmed thus the House was ready to receive it in pursuance of its invitation, whereupon the Senate came in body and took the seats assigned them. The rolls of both houses now called and a quorum present, whereupon the Speaker ordered the message to be read from the clerk's desk, which was done.<sup>14</sup>

Whereupon the Senate on motion retired to their chambers.

The question pending on the recess of the House being on the adoption of the motion to reconsider the vote on the engrossment of the bill prescribing punishment for encouraging desertion, etc., was put and the motion carried and the bill recommitted to the Committee on the Judiciary.

Mr. Bowers moved that the House vote making the joint resolution in regard to the rights of the citizens the special order for Thursday evening next, which was lost.

On motion the House adjourned to 3 P. M.

3:00 P.M.

House met pursuant to adjournment. Quorum present.

The bill to be entitled an act to suspend all laws authorizing chief justices to order sales of property belonging to the estates of deceased persons, was taken up and the report against the passage of the bill was adopted.

On motion of Mr. Buckley the Senate bill entitled an act for the relief of A. J. Vaughn was taken up and read a second time. The Constitutional rule was then suspended, bill read third time and passed.

The Report of the Judiciary Committee on the resolution requiring the Committee to inquire into the authority of the legislature to provide some measure which will have the effect of appreciating our currency was taken up and adopted.

The report of the Committee on Stock and Stockraising on the resolution requiring the committee to examine into the expediency of re-enacting the estray law was taken up and adopted.

The bill to be entitled an act regulating estrays was

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<sup>14</sup>This message cannot be located.

taken up and the committee's report adopted.

The bill to be entitled an act to define the boundary line between the counties of Harrison and Navarro was taken up. Mr. Hays in the Chair. Read second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read third time and passed.

Mr. Buckley with leave introduced a bill to be entitled an act to amend the 71st section of an act to regulate proceedings in the county courts pertaining to the estates of deceased persons, approved March 20, 1848. Read first time. The Constitutional rule was then suspended and bill read second time and ordered to be engrossed. The constitutional rule was then suspended, bill read third time and passed.

By leave of the House, Mr. Ramsey introduced a bill to be entitled an act to amend the 20th section of an act to organize county courts passed February 16, 1852. Read first time.

The bill to be entitled an act compelling persons who claim exemption from military service on account of conscientious scruples to pay a certain sum, was taken up. Whereupon Mr. Bowers offered a substitute for the bill and Mr. Baker moved that the bill and substitute be recommitted to the Judiciary Committee which was carried and bill recommitted.

The bill to be entitled an act to provide for the construction of twelve pieces of ordnance was taken up and read a second time and ordered to be engrossed.

On motion the House adjourned to 9 A. M. tomorrow morning.

Wednesday, November 25, 1863

House met pursuant to adjournment. Prayer by Chaplain. Quorum present. Journal of yesterday read and adopted.

On application leave of absence was granted to the member from San Patricio for the remainder of the session.

Mr. Moores presented a communication from the grand jurors of Freestone County which was read first time and referred to the Committee on Finance.

Mr. Kyle made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the papers of John Griffin, James L. Burris, Sam Raymond and Hiram Bube after a careful examination of the land office and Comptroller's office have instructed me from the evidence that we were enabled to obtain to report the papers to the House and ask to be discharged from their further consideration.

C. Kyle  
Chairman

Report received.

Mr. Hays made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a resolution of instruction directing us to inquire into the expediency of increasing the tax on the occupation of selling spirituous liquors have considered the same and as the subject matter of this resolution is already before the Committee on Finance, I have been instructed to return this to the House and recommend its reference to the Committee on Finance.

Respectfully submitted  
F. M. Hays  
Chairman

Report adopted.

Mr. McDonald made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Judiciary Committee to which was referred a bill to suspend the existing law allowing the collection of interest in certain cases have had the same under consideration and a majority of said committee instruct me to report that the object sought by said bill is by state legislation, to make treasury notes a legal tender in the payment of debts; to do which the states are positively forbidden by the Constitution of the Confederate States of America. The committee (with one exception) concur in this opinion, therefore, the committee herewith return the bill to the House and recommend that said bill do not pass. All of which is respectfully submitted.

J. G. McDonald  
Judiciary Committee

Report received.

Mr. Howard made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill granting the right to make or procure salt from a salt lake or deposit situated near the Horsehead Crossing on the River Pecos, have had the same under consideration, and ask leave to return it to the House and recommend that the said bill do not pass.

W. H. Howard  
One of said committee

Report received.

Mr. English made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

A majority of the Committee on Engrossed Bills have instructed me to report the following bills correctly engrossed, to wit:

1. A bill defining the boundary line between the counties of Harrison and Marion.
2. A bill to amend the 71st section of an act to regulate proceedings in the county court pertaining to estates of deceased persons.
3. A bill to provide for the construction of twelve pieces of ordnance.

All of which is respectfully submitted.

R. English  
One of the committee

Report received.

Mr. Griffith made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred a bill to be entitled an act to authorize the governor to appoint three brigadier generals to command the state troops, having had the same under consideration, a majority of said committee instruct me to report back to the House and recommend its passage.

John Griffith, Chairman

Report received.

Mr. Banton made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Penitentiary to whom was recommended the bill authorizing the use of the Penitentiary for the confinement of prisoners of war, deserters and other offenders against military law, also the substitute to the same heretofore reported by a majority of the committee, have had the same under consideration, and see no cause to change the opinions entertained in relation thereto. A majority of the committee, therefore, instruct me to report both bills back to the House without amendment and recommend the passage of the substitute.

Respectfully submitted  
J. H. Banton  
Chairman

Report received.

Mr. Robinson made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act to define what are public mills and to prescribe the duties and liabilities of millers, have instructed me to report the same back to the House and recommend that it do not pass.

L. Robinson  
One of the Committee

Report received.

Mr. Reid made the following report:

M. D. K. Taylor, Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act to authorize the county courts to furnish stationery for the use of the assessors and collectors of the state of Texas, have had the same under consideration and instructed me to report the same back to the House and recommend that it do not pass.

J. B. Reid  
One of the Committee

Report received.

Mr. Russell made the following report:

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on the General Land Office report the accompanying account of L. Pellman for wood furnished the General Land Office and ask that it be referred to the Committee on Finance and be embodied by them in the

general appropriation bill and ordered to be paid.

C. A. Russell  
Chairman

Report received.

### ORDERS OF THE DAY

The resolution in relation to the order of business in the House was taken up which on motion of Mr. Birdwell was laid on the table until the first day of July next.

The report of the Committee on Agricultural Affairs on the bill to regulate the cultivation of cotton was taken up and adopted.

The Finance Committee's report on a resolution concerning the procurement of drugs was taken up and adopted.

A message from the Senate was received informing the House that the Senate had passed the following bills, to wit: a bill to be entitled an act to incorporate the Sulphur Fork Iron Company, a bill to be entitled an act to cede jurisdiction in certain cases, and a joint resolution for payment of Confederate tax.

The bill to be entitled an act respecting guardianships was taken up, read a second time, and ordered to be engrossed. Constitutional rule was then suspended, bill read a third time and passed.

On motion of Mr. Hays the Senate Bill entitled an act to cede jurisdiction, etc., was taken up, read first time. The Constitutional rule was then suspended, bill read second time and ordered to be engrossed. Constitutional rule was further suspended, bill read third time and passed.

The Senate bill entitled an act to incorporate the Sulphur Fork Iron Company was taken up, read first time and referred to the Committee on State Affairs.

The Senate joint resolution in relation to the payment of the Confederate tax was taken up and read first time.

The Senate bill entitled an act to punish certain offenses committed on Sunday was taken up and read first time and referred to the Committee on the Judiciary.

The bill to be entitled an act to incorporate the Paluxy and Brazos Sulphur Nitre and Powder Manufacturing Company was taken up and read a second time and ordered to be engrossed. Rule was then suspended, bill read third time and passed by the following vote, to wit:

Yeas—Messrs. Speaker, Adams, Andrews, Barclay, Blake, Birdwell, Browne, Butler, Brady, Banton, Brazier, Bush, Buckley, Baker, Bratton, Cook, Daniel, Darden, Eastland, Finley, Frazier, Griffith, Gibbon, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hunt, Jones, Kyle, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Robinson, Reed, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker and Way—Total 69. .

Nays: Mr. DeBerry—Total 1.

The bill to be entitled an act to amend an act entitled an act to organize the county courts, approved March 16, 1848, was taken up, read third time whereupon Mr. Maney offered an amendment which was adopted and the bill passed.

The bill entitled an act for the relief of Carro M. Quarles was taken up, read a third time and passed.

The bill to be entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, was taken up, read a third time and passed.

The bill entitled an act making appropriations for the pay and mileage of the members and the pay of the officers of the Tenth Legislature was taken up, read a second time and ordered to be engrossed. Constitutional rule was suspended, bill read third time and passed.

The joint resolution in relation to the contract between the Military Board and Billips and Hassell was taken up and on motion was laid on the table.

The bill to be entitled an act to authorize the county courts to regulate the pay of sheriffs in certain cases was taken up, read a third time and passed.

The bill to be entitled an act to exempt certain officers and soldiers therein named from the payment of poll tax on an amount of property therein named, was taken up and on motion of Mr. Thomas. the committee's report adverse to the bill was laid on the table by the following vote, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Birdwell, Banton, Brazier, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, East-



land, Emmert, Finley, Frazier, Griffith, Gibbon, Glasscock, Howard of Anderson, Haynes, Hart, Holford, Hunt, English, Jones, Keyes, Lipscomb, Lovejoy, McDonald, McGuire, Perkins, Patton, Pendleton, Robertson, Redding, Rhea, Robinson, Ranck, Ramsey, Smith, Seele, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson—Total 52.

Nays: Messrs. Butler, Bush, Howard of Lavaca, Hays, Harrison, Kyle, Lollar, Lane, Lacy, Mabray, Marshall, Moores, Maney, Prendergast, Prince, Reid, Russell, Slaughter, Sampson, Simpson and Way—Total 21.

The bill was then read a second time and on motion of Baker was referred to a Special Committee of Five which was carried, whereupon the Speaker appointed Messrs. DeBerry, Thomas, McDonald, Baker, and Willis, a committee to consider thereof.

By leave of the House Mr. Howard of Lavaca introduced a bill to be entitled an act for the organization of a home guard and police force in the State of Texas which was read first time and referred to the Committee on State Affairs.

The bill to be entitled an act for the relief of George Glasscock was taken up and the committee's report adopted, and on motion of Mr. [blank] was made special order for 11 A. M. tomorrow.

A message from the Senate was received informing the House that the Senate had passed the following bill and resolution, viz: the House bill entitled an act for the relief of pre-emption settlers and to extend the time for returning federal notes, etc.; and the Senate joint resolution asking the repeal of all property exemptions and property detail laws.

On motion the House adjourned to 7 P. M. this evening

7:00 P. M.

House met pursuant to adjournment. Quorum present.

The bill entitled an act to define the frontier and to provide for its defense made special order for this hour was taken up, whereupon Mr. Thaxton offered a substitute for the joint committee bill which was adopted. Mr. Simpson offered an amendment, which was adopted. Mr. [blank] moved to strike out the counties of Johnson and Denton.

On motion of Mr. Buckley the further consideration of the bill was postponed to the hour of 3 P. M. on Friday next.

On motion the House adjourned to 9 A. M. tomorrow.

Thursday, November 26, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called, quorum present. Journal of yesterday read and adopted.

On motion of Mr. [blank] Mr. Mabray[?] was granted leave of absence for the remainder of the week.

Mr. Seele presented the memorial of the county court of Comal County which was without reading referred to the Committee on Counties and County Boundaries.

Mr. Lacy presented the memorial of sundry citizens of Leon County which was without reading referred to the Committee on Stock and Stockraising.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend an act entitled an act to establish uniform weights and measures have had the same under consideration and believing that in collecting the tax in kind by the Confederate States collectors, much fraud will be prevented by the passage of the bill, have instructed me to report the bill back and recommend its passage, with the subjoined amendments.

C. W. Buckley  
Chairman

Amend the caption by adding "approved February 13, 1858."

Amend by adding at the end of section the words "provided that this act shall not apply to any person residing in any county that does not pass the standard weights and measures of the State."

Report received.

And also the following:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to provide for publication of an abstract of principles of law which have been or may hereafter be decided by the Supreme Court have had the same under consideration, and in their opinion no practicable

good will result from the passage of the bill, wherefore they instruct me to report the bill back and recommend that it do not pass.

C. W. Buckley  
Chairman

Report received.

And also the following:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a resolution requesting the committee to inquire into the expediency of empowering the probate courts to authorize guardians to exchange one kind of property belonging to their wards for another kind, when shown to the satisfaction of the court that such an exchange is necessary to promote the interests of wards' estates and report by bill or otherwise, have had the same under consideration and instruct me to report that such a change in the law as contemplated is inexpedient. The committee therefore ask to be discharged from the further consideration of the subject.

C. W. Buckley  
Chairman

Report received.

Also the following:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to aid in punishing offenses committed against the postal laws of the Confederate States of America, have had the same under consideration and believing that the passage of such a law as is contemplated by the proposed bill will be productive of beneficial results, instruct me to report the same back to the House and recommend its passage.

C. W. Buckley  
Chairman

Report received.

Mr. Foscue made the following report:

M. D. K. Taylor, Speaker of the House of Representatives:

The Committee on Confederate Relations to which was referred the joint resolution requiring the Governor to call a convention of the people of Texas, and by proclamation to order an election of delegates, have given the subject due

consideration and have arrived at the conclusion that however desirable the object may be, your committee are of the opinion that the proposed amendment could not be effected in time to aid the Confederacy in the pursuit for independence. I am therefore instructed by this committee to report the joint resolution back to the House and recommend that it do not pass.

F. F. Foscue

One of the Committee

Report received.

Mr. Buckley made the following report to the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred an act to amend an act entitled an act to regulate proceedings in the district court passed May 13, 1846, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do not pass.

C. W. Buckley

Chairman

Report received.

Also the following report:

To the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to extend the time for locating land certificates issued to the Brazos, Buffalo Bayou, and Colorado Railroad Company, have had the same under consideration and instruct me to report the accompanying substitute for the original bill and recommend its passage.

C. W. Buckley

Chairman

Report received.

Mr. Kyle made the following report:

To the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the papers of William M. Justice after a careful examination have instructed me to report the accompanying bill and recommend its passage.

C. Kyle

Chairman

Report received.

Mr. Pendleton made the following report:

The Committee on Stock and Stockraising to whom

was referred a bill entitled an act amendatory of and supplemental to an act to regulate marks and brands, have had the same under consideration and recommend that the same should be passed.

E. Pendleton  
Chairman

Report received.

Also the following report to the Speaker of the House of Representatives:

The Committee on Stock and Stockraising to whom was referred an act entitled an act to amend the first and second section of an act 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 unbranded calves for slaughter, approved March 4, 1863, have considered the same and recommend its passage.

E. Pendleton  
Chairman

Report received.

Mr. Darden made the following report to the Speaker of the House of Representatives:

The Committee on Education to whom was referred a resolution to consider the expediency of receiving in payment of the interest on the special school fund from railroad companies the bonds of the Confederate States of America or of the State, have duly considered the same and a majority of the committee instruct me to report that as the interest bearing bonds of the Confederate States would not be available for disbursement and as the kinds of Treasury Warrants of the State could not in the opinion of this committee be obtained, and as the primary object of the resolution was to increase the amount of money in the Treasury subject to distribution for common school purposes, a majority of this committee instruct me to report the accompanying bill and recommend its passage.

W. J. Darden  
One of the Committee

Report received.

Mr. Smith made the following report:  
Mr. M. D. K. Taylor,  
Speaker of the House of Representatives:

Your Committee on Engrossed Bills instruct me to

report to the House the following bills as correctly engrossed, viz:

A bill to be entitled an act respecting guardianships.

A bill to incorporate the Paluxy and Brazos Sulphur Nitre and Powder Manufacturing Company.

Mr. Kyle made the following report to the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred a bill and accompanying papers for the relief of T. G. McGehee, after a careful examination of the case have instructed me to report the bill back to the House and recommend that it do pass.

C. Kyle  
Chairman

Report received.

#### ORDERS OF THE DAY

The bill entitled an act for the relief of Robert Miller was taken up. The committee's report to the bill was read whereupon Mr. Walker moved to recommit the bill to a Select Committee of Three, which carried, and the Speaker appointed Messrs. Walker, Seele and Darden to consider thereof.

Mr. Lovejoy with leave presented the petition of Amos Martin which was without reading referred to the Committee on the Judiciary.

The bill entitled an act to prohibit the sale of spirituous liquors was taken up, read a second time and ordered to be engrossed.

The bill entitled an act for the relief of the heirs of Francis L. Toncary was taken up, read second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

The bill entitled an act to aid enrolling officers in their official duties was taken up. Read second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

The bill to be entitled an act to secure the payment of state and county taxes was taken up whereupon Mr. Russell moved to recommit the bill and report to the Committee on Finance which was lost. Mr. Russell then moved to lay the bill and report on the table which was also lost.

The question then recurred on the adoption of the report was put and report adopted.

The bill entitled an act to amend the 51st section of an act entitled an act to regulate proceedings in the county courts pertaining to the estates of deceased persons passed March 20, 1848, was taken up and the committee's report adverse to the bill was adopted.

The Senate joint resolution to be entitled an act to repeal all property exemptions and property detail laws was taken up and read. The Constitutional rule was then suspended. Read second time, rule further suspended, resolution read third time and passed.

The Senate joint resolution for the payment of the Confederate tax was taken up and read first time. The Constitutional rule was then suspended, and resolution was read a second time. The rule was further suspended, resolution read a third time and passed by the following vote, to wit:

Yeas—[The names are not listed].

The bill to be entitled an act to provide for a digest of the laws of the State of Texas was taken up, read a second time whereupon Mr. Buckley offered an amendment which was adopted and Mr. Bowers offered a further amendment which was adopted. Mr. Walker offered a further amendment which was adopted and bill ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

Message from the Senate was received informing the House that the Senate have passed a bill to be entitled an act to suspend the location and survey of public land.

Mr. Hays with leave made the following report:  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a special message of his Excellency Governor Lubbock in relation to two Yankee flags—one captured by the 5th Texas Regiment in the Battle of Richmond, June 27, 1862, and another captured by the 4th Texas Cavalry in the Battle of La Fourche, July 13, 1863, have considered the same and herewith return the same to the House with the accompanying joint resolution and earnestly recommend their passage.

Report received.

F. M. Hays

Whereupon on motion of Mr. Hays, the Constitutional rule was suspended and the report adopted and the resolution read a second time and ordered to be engrossed. The rule was further suspended, resolution read a third time and passed.

The bill to be entitled an act for the relief of George W. Glasscock which was made special order for this hour at last consideration was taken up (Mr. Brady in the Chair). Read a second time, the yeas and nays being called on the engrossment of the bill were taken and resulted as follows, to wit:

Yeas—Messrs. Speaker, Andrews, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Cook, Daniel, Darden, Eastland, Foscue, Frazier, Griffith, Hays, Harrison, Hill, Hunt, Lollar, Lane, Lovejoy, McGuire, Patton, Robertson, Rhea, Ranck, Russell, Slaughter, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Way. Total 39.

Nays—Messrs. Adams, Allen, Barclay, Brazier, Bratton, DeBerry, Emmert, Finley, Guinn, Gibbon, Howard of Anderson, Howard of Lavaca, Hart, Holford, English, Jones, Kyle, Keys, Lipscomb, Lacy, McDonald, Moores, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Redding, Robinson, Reid, Smith, Wooten, Wilson. Total 34.

Bill ordered to be engrossed.

Mr. Robinson with leave introduced a joint resolution instructing our Senators and requesting our Representatives in Congress to use their efforts to procure the passage of a law for the relief of the Texas Mounted Volunteers, which was read first time.

A message from the Senate was received informing the House that the Senate have passed a bill to be entitled an act appropriating two hundred thousand dollars as a hospital fund for the soldiers of Texas in the armies of the Confederate States of America.

Mr. Bowers offered the following resolution: "RESOLVED that a committee of three be appointed to work on the Honorable Messrs. Andrews, Buckley, and Taylor for copies of their addresses delivered in this House on the 23rd, just on the resolution of respect to the memory of the late Honorable M. M. Potter; and further that one thousand copies of their resolution addresses together with the resolution adopted on that occasion be printed for the use of



the House. Whereupon Messrs. Bowers, Frazier, and Lollar were appointed a committee to carry out the resolution.

On motion the House was adjourned to 7:00 P.M. this evening.

7 P.M.

House met pursuant to adjournment. Quorum present.

The resolution in relation to the right of the citizens of Texas which was made special order for the hour was taken up, and after a lengthy discussion thereof, Mr. Haynes moved to lay the resolution on the table, but at the request of Mr. Buckley withdrew his motion whereupon Mr. Buckley moved to recommend the resolution to the Committee on the Judiciary which after some discussion at length whereupon Mr. Haynes moved to lay the motion to commit and the resolution on the table which was carried.

On motion the House adjourned until 9 o'clock tomorrow morning.

Friday, November 27, 1863

House met pursuant to adjournment. Prayer by Chaplain. Quorum present. Journal of yesterday read and adopted.

Mr. McDonald presented memorial of John Dean which was referred to the Committee on Judiciary.

Mr. Smith made the following report to the Speaker of the House of Representatives:

I am instructed by the Committee on Engrossed Bills to report the joint resolution in relation to the Yankee flags, etc., is correctly engrossed.

Thomas Smith  
Chairman

Report received.

Also the following report to the Speaker of the House of Representatives:

The Committee on Engrossed Bills have instructed me to report to the House the following bills are correctly engrossed, viz: a bill to prohibit the sale of intoxicating liquors in the neighborhood of Round Rock, a bill for the relief of the heirs of Francis L. Toncary, a bill to aid enrolling officers in the discharge of their official duties, a bill to pro-

vide for a digest of the laws of Texas, and a bill for the relief of George W. Glasscock.

Respectfully submitted  
Thomas Smith  
Chairman

Report received.

Mr. Emmert made the following report:  
Honorable M. D. K. Taylor:

The Committee on Roads, Bridges, and Ferries, to whom was referred a bill to amend an act incorporating the Pecos Bridge Company, approved January 7, 1860, and to extend the time for constructing the bridge, have had the same under consideration. The committee instruct me to return the same to the House and recommend its passage.

A. Emmert  
Chairman

Report received.

Mr. Blake made the following report:  
To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Counties and County Boundaries to whom was referred a petition of the county court of Comal County, praying the suspension of an act to authorize the county court of Comal County to levy a special tax approved February 8, 1860, have had the same under consideration and report the accompanying bill and recommend its passage.

Bennet Blake  
One of the Committee

Report received.

Mr. Hays made the following report.  
Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a bill to be entitled an act to amend the 4th section of an act entitled an act to provide assistance for the families and other dependents of officers and soldiers, approved March 6, 1863, have maturely considered the same and herewith return the same to the House and earnestly recommend its passage.

Respectfully submitted  
F. M. Hays  
Chairman

Report received.

Mr. Way made the following report.

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Indian Affairs to whom was referred a resolution instructing them to inquire into the expediency of making suitable provision for the loyal Tonkaway Indians, have considered the same. A majority of the committee have instructed me to report the accompanying bill to the House and recommend its passage.

C. B. Way  
Chairman

Report received.

Mr. Willis made the following report.

Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The select committee to whom was referred a resolution to inquire into the expediency and practicability of paying the state troops called out in 1862 have had the same under consideration and beg leave to make the following report:

Whereas—State troops were called out by proclamation of his Excellency Governor Lubbock in 1862, and these troops were transferred to the Confederate Commander of the State of Texas, and whereas supplies to meet the wants of these troops was furnished by individual advancements and credit, which have not been reimbursed or met by neither State or Confederacy.

Therefore—be it resolved by the Legislature of the State of Texas, that the Adjutant and Inspector General of the State, be and is hereby instructed to inquire into the cause of the non-payment of any or all claims in the premises and to take such steps as will properly adjust the rights of all concerned.

J. M. Willis  
Chairman

Report received.

Mr. Hays made the following report.

M. D. K. Taylor, Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred the reports of the superintendents of the Lunatic Asylum, Deaf and Dumb and Blind Asylum, have reported the respective amounts necessary to be appropriated for the support of the asylums to the Committee on Finance with

the request that they be included in the general appropriation bill.

The committee therefore would respectfully report the same back to the House and ask to be discharged from further consideration of this subject.

Respectfully  
F. W. Hays  
Chairman

Report received.

Mr. Baker made the following report to the Speaker of the House of Representatives:

The Select Committee of Three was referred a bill to be entitled an act to exempt certain officers and soldiers therein named from the payment of poll tax and the payment of an ad valorem tax on an amount of property therein named, have had the same under consideration and after due consideration the committee unanimously have instructed me to report the accompanying substitute for the bill and recommend its passage.

M. W. Baker  
Chairman

Report received.

#### ORDERS OF THE DAY

On motion of Mr. Moores the bill to be entitled an act to encourage the manufacture of iron was taken up out of order and referred to a Select Committee of Three, whereupon the Chair appointed Messrs. Moores, Haynes, and Gibbons, said committee.

The report of the Judiciary Committee on the bill entitled an act to amend Article 754 of Oldham and White's Digest entitled an act pertaining to the estates of deceased persons adverse to the bill was taken up and adopted.

The report of the Judiciary Committee on the bill taken up in regard to interest on debts, etc., adverse to the passage of the resolution was taken up and adopted.

The report of the Judiciary Committee on the bill entitled an act declaring what should be considered a sufficient ground for divorce adverse to the bill was taken up and adopted.

The report of the committee to whom was referred the joint resolution soliciting Congress to pass a law authorizing the impressment of Negro men for military service

adverse to the passage of the resolution was taken up and adopted.

The report of the Judiciary Committee on the bill to be entitled an act to amend the law governing the disposition of estates of deceased persons adverse to the bill was taken up and adopted.

A message from the Senate was received informing the House that the Senate have passed the following bills, viz: a bill entitled an act for the relief of Thomas Moore, deceased; a bill to be entitled an act to provide for the employment of additional labor within the penitentiary; a bill to be entitled an act defining the duties of the agent of the Alabama Coushatta and Muscogee Indians.

The report of the Committee on State Affairs on the bill entitled an act to prevent the trade in cotton upon the western frontier of the State of Texas adverse to the passage of the bill, Mr. McDonald in the Chair, was taken up and on motion of Mr. Foscue was laid on the table, whereupon the bill was taken up on motion of Mr. Foscue and was laid on the table.

The bill entitled an act to provide for the organizing of the county of McMullen and to attach the same to the 14th Judicial District was taken up. Read second time and ordered to be engrossed.

The report of the Committee on Stock and Stockraising on the resolution requiring the committee to inquire into the expediency of extending the time for the recovery by law of stolen meat cattle, adverse to the extension of the time for same purpose was taken up and adopted.

The bill entitled an act to incorporate the East Texas Manufacturing Company was taken up, read a second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed by the following vote, viz:

Yeas—Messrs. Speaker, Adams, Allen, Anderson, Barclay, Blake, Birdwell, Butler, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Emmert, Foscue, Finley, Frazier, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson,

Reese, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, and Way.

The bill entitled an act to amend the first section of an act entitled an act to amend the second section of and supplementary to an act to perfect the organization of the state troops and place the same on a war footing, approved December 25, 1861—approved March 7, 1863, was taken up whereupon Mr. Hays moved that the House go into a Committee of the Whole to consider thereof, which was carried, whereupon Mr. Hays took the Chair and the committee entered upon its deliberations. After spending time in committee, the Speaker resumed the Chair and the Committee of the Whole, by its chairman, reported that the committee had adopted several amendments to the bill, and ask that the bill and amendments be referred to committee and that the committee be discharged which was received.

A message from the Senate was received informing the House that the Senate passed the following House bills and resolutions, viz: a bill entitled an act to suspend all laws for the collection of debts and liabilities on bond, notes, etc., until twelve months after a verification of a treaty of peace between the Confederate States of America and the United States of America or until otherwise provided by law; a bill entitled an act to raise one million dollars or so much thereof as may be necessary by the sale of cotton bonds to provide for the defense of the state and to repel invasion with an amendment; and also the joint resolution soliciting Congress to pass a law increasing the pay in wages of the commissioned officers and privates in the army and navy of the Confederate States of America.

By leave Mr. Andrews presented the memorial of the citizens of Galveston for relief, which was without reading referred to the Judiciary Committee.

Mr. Reid made the following report:

Honorable Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to provide for the support of the families of Texas soldiers have had the same under consideration and have instructed me to report the bill back and recommend the passage of the following substitute in lieu of the original bill.

J. B. Reid

Report received.

One of the Committee

On motion the House adjourned to 3 P.M. .today.

3 P.M.

House met. Roll called, quorum present.

The bill entitled an act to provide for the protection of the frontier made special order for this hour was taken up and the question pending at the postponement being in the adoption of an amendment offered by Mr. Wilson. Mr. Prince offered an amendment to the amendment which was accepted by Mr. Wilson. The question was then put and the amendment adopted. Mr. Foscue offered a substitute for the 12th section of the bill. Mr. Bowers offered an amendment to the substitute which was adopted and the question then recurring on the adoption of the substitute for the 12th section was put and the substitute adopted. Whereupon Mr. Hays offered an amendment which was adopted. Bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read a third time, and passed.

On motion of Mr. Banton the Senate bill reported this day to the House was taken up with a view to reference, viz: the bill entitled an act defining the duties of the agent for the Alabama Coushatta and Muscogee Indians, which was referred to the Committee on Indian Affairs; the bill entitled an act to provide for the employment of additional labor in the State Penitentiary which was referred to the Committee on the Penitentiary; also, a bill entitled an act for the relief of Thomas Moore, which was referred to the Committee on Private Land Claims.

On motion the House adjourned to 9 A.M. tomorrow.

Saturday, November 28, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called. Quorum present. Journal of yesterday read and adopted.

Mr. Banton presented the memorial of sundry citizens of Walker County which was without reading referred to the Committee on State Affairs.

Mr. Hays made the following report:

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the Senate bill entitled an act to incorporate the Sulphur Fork Iron Company have considered the same and herewith

return it to the House and recommend its passage with the accompanying amendment.

Respectfully submitted  
F. M. Hays  
Chairman

Report received.

On motion of Mr. Willis the report was taken up and with the amendment to the bill adopted. The bill was then read a second time and passed to a third reading. The Constitutional rule was then suspended. Bill read a third time and passed by the following vote:

Yeas: Messrs. Speaker, Adams, Andrews, Blake, Butler, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Emmert, Finley, Frazier, Guinn, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hunt, Harrison, Holford, English, Jones, Kyle, Keyes, Lollar, Lane, Lacy, Lovejoy, Marshall, Moores, McGuire, Maney, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Russell, Ramsey, Slaughter, Smith, Seele, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total 67.

A message was received from the Senate informing the House that the Senate had passed the following bills, viz: a bill entitled an act to provide for the manufacture of iron by the Military Board, also a bill entitled an act to provide for the support of the families of Texan soldiers.

Mr. Willis made the following report to the Speaker of the House of Representatives:

Your Committee on Claims and Accounts to whom was referred an account of Wm. H. Howard, M.D., of the city of Houston for service rendered State Troops at Camp Kyle, Harris County, Texas, for \$400 have had the same under consideration and the committee instructs me to report the accompanying bill and recommend its passage.

J. M. Willis  
Chairman of Committee

Mr. Kyle made the following report:

To the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the Senate bill for the relief of the heirs of Thomas



Moore, deceased, have instructed me to report the bill back to the House and recommend its passage.

C. Kyle,  
Chairman

Report received.

Mr. Howard made the following report:

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act for the organization of a home guard and police force in the State of Texas, have had the same under consideration and ask leave to return the bill to the House with a substitute therefore which they unanimously recommend to be passed.

W. H. Howard  
One of the Committee

Report received.

Mr. English made the following report:

M. D. K. Taylor, Speaker of the House of Representatives:

A majority of the Committee on Engrossed Bills to whom was referred a bill to be entitled an act to incorporate "the East Texas Manufacturing Company" have instructed me to report the same back to the House as correctly engrossed.

Respectfully submitting  
R. English  
One of the Committee

Report received.

Mr. Keyes made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the subjoined bills and find them correctly enrolled and properly signed and they presented the same to the Governor for his approval on the 27th Inst, viz:

A bill to be entitled an act for the relief of pre-emption settlers and to extend the time for the return of field notes and to extend the time for the payment of all dues by settlers under the act authorizes the sale of the public domain.

A bill to be entitled an act to authorize the Supreme Court of this state for the Galveston District to hold its spring terms at the City of Austin or elsewhere.

A bill to be entitled an act authorizing the use of the

jails of the several counties for the custody of deserters and other offenders against the military law.

A bill to be entitled an act prescribing the duties of the district attorneys in certain cases therein mentioned.

A bill entitled an act to amend the first section of acts to cede jurisdiction in certain cases passed December 19, 1849.

A joint resolution asking for the relief of all property exemptions and property detail laws.

A joint resolution authorizing the Military Board and the State of Texas to pay the Confederate taxes levied when Whitescarver, Campbell and Company contracted the said Board for the munitions of arms.

All of which is respectfully submitted.

H. Keyes

Chairman

Report received.

#### ORDERS OF THE DAY

The bill entitled an act to raise one million dollars or so much thereof as may be necessary by the sale of cotton bonds to provide for the defense of the State and to repel invasions reported back from the Senate passed with an amendment was taken up and the Senate and amendment was concurred on and the bill passed.

The Senate bill entitled an act for the relief of Robert Price was taken up, read second time and ordered to a third reading. The Constitutional rule was then suspended. Rule read third time and passed.

The bill entitled an act for the relief of Ayres Moody was taken up, read a second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read a third time and passed.

The report of the Finance Committee on the joint resolution in regard to the issuance of county warrants reported adverse to the inquiry asked was taken up and adopted.

The report of the Finance Committee on a bill entitled an act to amend the first section of an act approved January 14, 1863, to fix the salary of the officers and clerks therein named, was taken up and on motion laid on the table. Mr. Brady moved to take the report which was lost. The bill was then taken up whereupon Mr. Bowers offered an amendment which was rejected and Mr. Reid offered a

further amendment which Mr. Brady moved to lay on the table which was passed by the following vote, viz:

Yeas: Messrs. Speaker, Allen, Andrews, Barclay, Blake, Butler, Brady, Banton, Bush, Baker, Cook, Daniel, Darden, Eastland, Frazier, Guinn, Griffith, English, Kyle, Lovejoy, McGuire, McCarthy, Perkins, Prendergast, Prince, Pendleton, Robertson, Redding, Robinson, Russell, Slaughter, Seele, Sampson, Simpson, Tyler, Wooten, Wilson, Walker and Way. Total 39.

Nays: Messrs. Adams, Browne, Brazier, Bowers, Bratton, DeBerry, Emmert, Foscue, Finley, Gibbons, Howard of Anderson, Howard of Lavaca, Haynes, Holford, Harrison, Hunt, Jones, Keyes, Lollar, Lane, Lacy, Marshall, Moores, Maney, Patton, Rhea, Reid, Smith, Thomas, Thaxton. Total 31.

The amendment was laid on the table.

Mrs. Thaxton offered an amendment and Mr. Baker moved to lay it on the table and the ayes and nays being called for and was taken and resulted as follows, viz:

Yeas: Messrs. Speaker, Allen, Andrews, Barclay, Blake, Butler, Browne, Brady, Banton, Bush, Baker, Bratton, Cook, Daniel, Darden, Eastland, Frazier, Guinn, Griffith, Howard of Lavaca, Harrison, English, Kyle, Lacy, McGuire, Maney, Patton, Prendergast, Prince, Pendleton, Redding, Rhea, Robinson, Russell, Slaughter, Seele, Simpson, Tyler, Wooten, Wilson, Walker, Way. Total 43.

Nays: Messrs. Adams, Birdwell, Brazier, Bowers, DeBerry, Emmert, Foscue, Finley, Gibbon, Howard of Anderson, Haynes, Hays, Hunt, Jones, Keyes, Lollar, Lane, Lovejoy, Marshall, Moores, McCarthy, Perkins, Robertson, Reid, Ramsey, Smith, Sampson, Thomas, Thaxton, Willis. Total 26.

Amendment laid on the table.

Mr. Simpson offered a substitute for the whole bill. Mr. Reid moved to lay the substitute on the table which was carried. The question then recurring on the passage of the bill to a third reading, was put and bill passed to a third reading.

The bill entitled an act for the relief of Q. A. Nichols was taken up whereupon Mr. McDonald offered an amendment which was adopted, and bill ordered to be engrossed.

The bill entitled an act to sustain the currency, was taken and the committee's report adverse to the bill was

adopted. The bill on motion was recommitted to the Committee on the Judiciary.

The report of the Committee on Printing in relation to their correspondence with printers was taken up and adopted.

The report of the Committee on Military Affairs on a bill to be entitled an act to adopt the Articles, etc., of the Confederate States was taken up and adopted.

The bill entitled an act to amend the 12th section of the road law was taken up whereupon Mr. Smith offered an amendment which was adopted. Mr. Foscue offered a further amendment and Mr. Banton moved to refer the bill and amendment to a Select Committee of Three which carried and Messrs. Banton, Finley, and Prendergast were appointed a committee.

The report of the Military Committee on the bill to be entitled an act to adopt the articles of war of the Confederate States for the State of Texas, was taken up and adopted.

The bill to incorporate the Powder Horn Bayou and Matagorda Bay Dredging Company was taken up and the substitute was adopted, and bill ordered to be engrossed. The Constitutional rule was then suspended. Bill read a third time and passed by the following vote, viz:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Birdwell, Browne, Butler, Brady, Banton, Brazier, Bush, Baker, Bowers, Bratton, Daniel, Darden, Emmert, Foscue, Finley, Guinn, Gibbons, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hunt, English, Jones, Kyle, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Marshall, McDonald, Moore, McGuire, Maney, McCarthy, Perkins, Patton, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker. Total 65.

On motion House adjourned to 9 A.M. Monday morning next.

Monday, November 30, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called. Quorum present. Journal of the last Saturday read and adopted.

Mr. Banton presented the memorial of the citizens of

Walker County which was read first time and referred to the Committee on Counties and County Boundaries.

Mr. Andrews presented the memorial of the citizens of Galveston County which was without reading referred to the Committee on Finance.

Mr. Simpson presented the memorial of citizens of San Antonio which was without reading referred to the Committee on State Affairs.

Mr. Lacy presented the memorial of citizens of Leon County which was without reading referred to the Committee on Finance.

Mr. Banton made the following report to the Speaker of the House of Representatives:

The Committee on Penitentiary to whom was referred to Senate bill to be entitled an act to provide for the employment of additional labor in the State Penitentiary have had the same under consideration and instruct me to report the same back to the House without amendment and recommend its passage.

J. H. Banton  
Chairman

Report received.

On motion of Mr. Banton the bill was taken up out of its order. Read a second time and ordered to a third reading. The Constitutional rule was then suspended. Bill read a third time and passed.

#### ORDERS OF THE DAY

The bill entitled an act for relief of the heirs of Benjamin Nobles was taken up, read a third time and passed.

The bill to be entitled an act to suspend the operation of the estray laws was taken for a third reading whereupon Mr. DeBerry offered an amendment which was adopted. Bill read a third time and passed.

The bill to be entitled an act to amend the 23rd section of the act to organize the district courts and to define their powers and jurisdiction, approved May 11, 1846, was taken up, read a third time and passed.

The bill entitled an act to suspend the location and survey of public lands except in certain cases was taken up, read a third time and passed.

The bill entitled an act to incorporate the San Saba

Masonic College was taken up, read a third time and passed by the following vote, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Butler, Brady, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Ma-bray, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Russell, Ramsey, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total—72.

Nays: none.

The bill entitled an act to prohibit the sale of intoxicating liquors in the neighborhood of San Saba Masonic College was taken up, read a third time and passed.

The Joint Resolution in relation to Confederate money was taken up, read a second time and ordered to be engrossed.

The bill entitled an act to incorporate the Parsons Female Seminary was taken up, read a second time and ordered to be engrossed.

The bill entitled an act to amend the 28th section of an act to regulate proceedings in the county courts pertaining to estates of deceased persons was taken up, read a second time and ordered to be engrossed.

The bill entitled an act to punish commission merchants for misappropriating produce or merchandise, or failing to pay over the net proceeds thereof when sold, was taken up. Read a second time and referred to the Committee on the Judiciary.

The bill to prevent the sale of intoxicating liquors in or near the town of Dallas was taken up. Read second time and ordered to be engrossed.

A message was received from the Senate informing the House that the Senate has passed the following bills and resolutions, viz:

A bill for the relief of Peter Norton.

A bill entitled an act to provide for the manufacture of spinning jennies.

A bill entitled an act for the relief of John Murchison, assignee of John Carroll.

A bill entitled an act for the relief of Henry K. Harrison.

The joint resolution authorizing the Military Board to cancel a contract made by them with Short, Briscoe and Company for the manufacture of arms.

Also the following House Bills, viz: A bill entitled an act to relieve Carro M. Quarles of the disabilities of minority.

The bill entitled an act defining the boundary line between the counties of Harrison and Marion.

The joint resolution soliciting the action of our delegation in Congress for the appreciation of our currency was taken up. Read a second time and ordered to be engrossed. The Constitutional rule was then suspended. Resolution was then read a third time. Mr. Banton offered an amendment which was adopted. Mr. Wooten moved to lay the resolution on the table which was lost. The question then recurring on the passage of the resolution as amended and the ayes and naves being called for was taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Birdwell, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Lipscomb, Lacy, Lovejoy, Mabray, McDonald, McGuire, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Reid, Robinson, Russell, Ramsey, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wilson, Walker, Way. Total—70.

Nays: Messrs. Butler, Keyes, Moores, Slaughter, Smith, Wooten. Total—6

Mr. Buckley by leave offered a joint resolution in regard to impressments by the military authorities which was read first time and referred to the Judiciary Committee.

Mr. Banton with leave made the following report, viz: To the Speaker of the House of Representatives:

The select committee to whom was referred a bill to

be entitled an act to amend the 12th section of the road law and several amendments thereto have had the same under consideration and instructed me to report the same back to the House, and also the accompanying substitute entitled an act to amend an act entitled an act authorizing and requiring the county courts to regulate roads, appoint overseers, approved February 8, 1858, and recommend the passage of substitute.

Respectfully submitted  
J. H. Banton  
Chairman

Report received.

Mr. Smith made the following report:

To the Speaker of the House of Representatives:

A majority of the Committee on Engrossed Bills have instructed me to report to the House the following bills as correctly engrossed, viz:

A bill to provide for the organization of McMullen County.

A bill to provide for the protection of the frontier.

A bill for the relief of Ayres Moody.

A bill for the relief of Q. A. Nichols.

Respectfully submitted  
Thomas Smith  
Chairman

Report received.

By leave Mr. Bowers presented the memorial of Wm. Henderson which was referred to the Committee on the Judiciary.

The bill entitled an act to organize home guards and police force in the state of Texas, made special order for 11 A.M., today was taken up, whereupon Mr. Howard of Lavaca offered a substitute for the substitute presented by the committee, which was adopted. Mr. Foscue offered a further amendment which was also adopted. Mr. Bowers offered a further amendment which was also adopted. Mr. Hunt offered a further amendment which Mr. Howard of Lavaca moved to lay on the table which carried. Mr. Finley offered a further amendment which was rejected. Mr. McDonald offered a further amendment which was adopted. Mr. Willis offered a further amendment which was also adopted. Mr. Russell offered a further amendment which was also adopted. Mr. Slaughter offered a further amend-



ment and Mr. McDonald offered an amendment to Mr. Slaughter's amendment which was lost; whereupon Mr. Willis offered an amendment to Mr. Slaughter's amendment which was adopted as substitute for the amendment. Mr. Hays offered a further amendment which was adopted. Mr. DeBerry offered a further amendment as an additional section which on motion was laid on the table. Whereupon Mr. Hunt offered a further amendment which was rejected. Mr. Banton offered a further amendment which on motion was laid on the table. Whereupon, Mr. Banton offered a further amendment which was adopted and the question then recurring on the engrossment of the bill was put and the bill ordered to be engrossed.

On motion of Mr. Hays the Senate bill and resolutions reported this day from the Senate were taken up with a view to their reference, viz:

A bill to provide for the families of Texan soldiers was taken up. Read first time. Constitutional rule suspended, bill read second time whereupon Mr. Maney offered an amendment and Mr. Bowers offered a further amendment. On motion of Mr. Hays the further consideration of the bill and amendments to the time of 10 A.M. tomorrow, which carried.

A joint resolution authorizing the Military Board to cancel the contract made with Short, Briscoe and Company for the manufacture of arms was taken up. Read first time. The Constitutional rule was then suspended. Bill was read second time. Mr. Finley offered an amendment which was rejected and bill ordered to a third reading. Bill read a third time and passed.

Mr. Slaughter moved a reconsideration of the vote inserting the word "cavalry" in the bill entitled an act to provide for the organization of home guard and police force for the state of Texas as passed this morning. Mr. Howard of Lavaca moved to strike out the word "cavalry" which was carried.

On motion the House adjourned to 9 A.M. tomorrow.

Tuesday, December 1, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called. Quorum present. Journal of yesterday read and adopted. On motion of Mr. Buckley, the Speaker was authorized to employ additional clerical labor.

Mr. Moores presented the memorial of James A. Walker which was read first time and referred to the Committee on the Judiciary.

Mr. Buckley made the following report:

To the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred the memorial of the citizens of Galveston have had the same under consideration and believing that the prayer of the petitioners is not only reasonable under the circumstances, but will subserve the best interests of our people have instructed me to report the accompanying bill and recommend its passage.

C. Buckley  
Chairman

Report received.

On the motion of Mr. Buckley the report was taken up and adopted and bill was read first time. Constitutional rule was then suspended. Bill was read a second time and ordered to be engrossed. The Constitutional rule was further suspended. Bill read a third time and passed.

Mr. Kyle made the following report:

To the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred a bill for the relief of the heirs of Joseph Shepherd have instructed me to report the bill back to the House and recommend that it do pass.

C. Kyle  
Chairman

Report received.

Also the following report:

To the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred a bill for the relief of the heirs of William Berryman have considered the same and have instructed me to report the bill back to the House and recommend that it do not pass.

C. Kyle  
Chairman

Report received.

Mr. Buckley made the following report:

To the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred the petition of John Dunn praying the passage of a law to

confer jurisdiction upon the county court to adjudicate upon matters pertaining to the estates of George Dean, deceased, which have arisen under the will of said decedent, have had the same under consideration and instruct me to report that such a law as the one designed by the petitioner would be in violation of the provisions of the Constitution which prohibits the passage of a retroactive law, and would confer no benefit on the petitioner.

The district courts have ample power and jurisdiction to confer all the relief to petitioner which he seeks hereby bringing his case before it in a proper manner wherefore the committee ask to be discharged from any further consideration of the same.

C. W. Buckley  
Chairman

Report received.

Also the following report:

To the Speaker of the House of Representatives:

The Committee on Judiciary to whom was referred the petition of Amos Martin praying for a divorce have instructed me to report that said petitioner has mistaken the *Forum* clothed with jurisdiction of such causes, and however much they sympathize with one whose "lady love" has proven so false and unkind ask to be discharged from the further consideration of the same.

C. W. Buckley  
Chairman

Report received.

Also the following report:

To the Speaker of the House of Representatives:

Your Committee on the Judiciary to whom was recommended a bill entitled an act to prescribe the punishment for encouraging desertion from the army or navy of the Confederate States or the State of Texas have had the same under consideration and a majority of the Committee instructed me to report that in our present struggle for independence and existence as a nation of free men, the crime sought to be punished by the bill is not inferior to treason itself, and no civilized nation has ever excused even the wife of a traitor from guilt. The present bill as originally reported by the committee exempted the wife from criminality and they believe that no other member of the family should be justified in giving aid to those who are evading

the service by desertion. They therefore recommend the passage of the bill with the subjoined amendments.

C. W. Buckley

Chairman

Amend by striking out the words "or sister, mother, son or brother" in fifth line from bottom of section second and strike out the word "son or brother" in last line of same section.

Report received.

Mr. Moores made the following report.

To the Honorable Speaker of the House of Representatives:

The select committee to which was referred a bill to encourage the manufacture of iron have had the same under consideration and have instructed me to report the following bill as a substitute and recommend its passage.

W. B. Moores

Chairman

Report received.

Mr. DeBerry made the following report.

To the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act more effectually to suppress the evil of gaming and to reduce into one all the gaming acts, having had the same under consideration have instructed me to report the accompanying substitute for same bill and recommend its passage.

A. W. DeBerry

One of the Committee

Report received.

Also the following report:

To the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred the petition of James Majors, assessor and collector for Anderson County, also a bill to be entitled an act for the relief of assessors and collectors, also a substitute for said bill having had said petition, bill and substitute under consideration, a majority of said committee have instructed me to report the same back to the House and recommend that no relief of the kind prayed for be parted and they further recommend that neither the bill nor the substitute

pass. They therefore respectfully ask to be discharged from any further consideration of the same.

Respectfully submitted.

A. W. DeBerry

One of the Committee

Report received.

Mr. Way made the following report:

To the Speaker of the House of Representatives:

The Committee on Indian Affairs to whom was referred a Senate Bill defining the duties of agents for the Alabama Coushatta and Muscogee Indians have had the same under consideration and a majority of the committee have instructed me to report the same back to the House without amendment and recommend its passage.

C. B. Way

Chairman

Report received.

Mr. Banton made the following report:

To the Honorable M. D. K. Taylor,  
Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a resolution requiring them to inquire into the propriety of passing a law upon the subject of impressing property by Confederate officers by leave report that the Judiciary Committee have the same subject matter under consideration, and that therefore they report the same back to the House and recommend its reference to that committee.

Respectfully submitted.

J. H. Banton

One of the Committee

Report adopted.

Mr. Hays made the following report.

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act to relieve J. A. Black from the disability of minority have considered the same and beg leave to return the same to the House and recommend its passage.

F. M. Hays

Chairman

Report received.

Mr. Brady made the following report:

The Committee on Finance have had under considera-

tion the laws providing for the assessment and collecting of taxes, and upon the multiplicity of acts and amendatory acts upon the subject. Your committee find the law very obscure and in many particulars deficient in providing for the proper assessment and prompt collecting of the taxes.

Your committee unanimously instruct me to report a bill entitled an act to provide for the assessment and collection of taxes, and recommend its passage. This bill contains all the executive provisions of the former laws omitting such as have been found impractical and presents such new provisions as experience suggests to make the laws efficient.

All of which is respectfully submitted

J. T. Brady  
Chairman

Report received.

On motion the report and bill was made special order for the hour of 10 A.M. tomorrow.

A message from the Senate was received informing the House that the Senate had passed the following bills and resolutions, viz:

A bill for the relief of Carey Watson and her assignees.

A bill entitled an act to incorporate the Waco Manufacturing Company.

A joint resolution in relation to the contract with Bil-lips and Hassell.

A House Bill entitled an act making appropriation for the mileage and per diem of the members and the per diem of the officers of the Tenth Legislature.

And that the Senate have concurred in the House amendments to the Senate Bill to incorporate the Sulphur Fork Iron Company.

Mr. Brady made the following report:

To the Speaker of the House of Representatives:

The Committee on Finance to whom have been referred sundry measures and suggestions touching the subject of revenue have carefully considered the same and a majority of said committee instructed me to report a bill entitled an act to raise revenue by taxation and recommend the passage of the same.

Which is respectfully submitted

J. T. Brady  
Chairman

Report received.

A minority of the Committee on Finance made the following report:

To the Speaker of the House of Representatives:

The undersigned minority of the Committee on Finance beg leave to descent from the report of a majority of said committee recommending the passage of a bill entitled an act to raise revenue by taxation. We fully concur with the majority of said committee in regard to all of the provisions of said bill except so much of the third section as proposes to make the treasury notes of the Confederate States the basis of property valuation in making assessments of taxes. Our objection to this species of valuation are as follows: first, that Confederate Treasury Notes are greatly depreciating and are but credits being only the promises of the government to pay money at some future time and therefore cannot be correctly made the basis of value; second, that Treasury Notes have a different value in almost every county in the state which will necessarily cause the assessment of property to vary according to the value of the currency in each locality, thereby rendering taxation unequal; third, that it is a great innovation upon established principles of long standing, radical in its character and unexpected to the great mass of the people; fourth, that the revenue which can be raised from an assessment upon the old basis at the rate of taxation proposed in the bill will be ample to meet the financial wants of the state for the next two years. In conclusion we recommend that the third section of said bill be stricken out and that the following be adopted as a substitute for said section: That an ad valorem tax of one half of one per cent shall be levied and collected on the value of all property real, personal and mixed including all credits within this state except such property as may be used exclusively for government, religious or charitable purposes and two hundred and fifty dollars worth of house and kitchen furniture and other property not taxed in kind to each family.

Respectfully submitted,  
J. T. Brady, Chairman  
F. M. Hays

Report received.

I. P. Simpson

Mr. English made the following report.

To the Speaker of the House of Representatives:

The Committee on Engrossed Bills to whom was re-

ferred the following bills, viz: a bill entitled an act to incorporate the Parsons Female Seminary; a bill entitled an act to amend the 54th section of an act to regulate proceedings in the county courts pertaining to the estates of deceased persons; a bill to prevent the sale of intoxicating liquors in the town of Dallas; a joint resolution for the impressment of Confederate money; and a joint resolution in relation to Confederate money; have examined the same and the committee have instructed me to report the same as correctly engrossed.

R. English

One of the Committee

Report received.

Mr. Bowers made the following report:

To the Speaker of the House of Representatives:

The Judiciary Committee to whom was referred the memorial of Wm. Henderson have had the same under consideration and believing the matters referred to require immediate legislation have instructed me to report the accompanying bill and recommend its passage.

M. H. Bowers

One of the Committee

Report received.

On motion of Mr. Bowers the report on the matter of Wm. H. Henderson was taken up and adopted. Bill read first time. The Constitutional rule was then suspended. Bill read a second time and ordered to be engrossed. The Constitutional rule was further suspended. Bill read a third time and passed.

#### ORDERS OF THE DAY

The Senate bill entitled an act to amend the first section of an act approved January 14, 1862, to fix salaries of officers and clerks therein named was taken up. Read a third time whereupon Mr. Hays offered an amendment which was rejected and the ayes and nays being called for on the passage of the bill was taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Butler, Banton, Buckley, Baker, Cook, Daniel, Darden, Frazier, Guinn, Griffith, Glasscock, Howard of Lavaca, Haynes, Harrison, Hill, English, Jones, Kyle, Lollar, Lovejoy, Moores, McGuire, McCarthy, Perkins, Prendergast,



Prince, Pendleton, Robertson, Redding, Robinson, Ranck, Russell, Slaughter, Seele, Sampson, Simpson, Tyler, Wooten, Wilson, Way. Total 46.

Nays: Messrs. Birdwell, Brazier, Bowers, Bratton, DeBerry, Darden, Emmert, Finley, Gibbon, Howard of Anderson, Hays, Holford, Hunt, Keyes, Lipscomb, Lane, Ma-bray, Marshall, McDonald, Maney, Patton, Rhea, Reid, Ramsey, Smith, Thomas, Thaxton, Willis. Total 28.

Bill passed.

The Senate bill entitled an act to provide for the manufacture of iron by the Military Board was taken up. Read first time and referred to the Committee on State Affairs.

The Senate bill for the relief of Peter Norton was taken up. Read first time and referred to the Committee on Private Land Claims.

The Senate bill entitled an act to provide for the manufacture of spinning jennies was taken up. Read first time. The Constitutional rule was then suspended. Bill read a second time, whereupon Mr. Hays offered an amendment which was lost. Mr. Prendergast offered a further amendment which was adopted. Mr. Haynes offered a further amendment which was rejected. Mr. DeBerry offered a further amendment and Mr. Rhea offered an amendment to the last amendment. Mr. Kyle moved to lay both the amendments on the table which was carried. Mr. Slaughter moved to take the amendment offered by Mr. Rhea from the table. Mr. Slaughter withdrew his motion and Mr. Banton offered an amendment which was adopted. Mr. Haynes offered an amendment and Mr. Kyle moved to lay it on the table which was carried. The Constitutional rule was then further suspended. Bill read third time and passed.

The Senate bill entitled an act to provide for the support of the families of dependents of Texan soldiers, made special order for the hour was taken up and the question pending at the last consideration being on the adoption of the amendment offered by Mr. Bowers. Mr. Russell offered a substitute for the entire bill whereupon Mr. Bowers withdrew his amendment. Whereupon Mr. Slaughter moved that the bill and amendments be referred to a Select Committee of Nine which carried.

The Senate bill entitled an act for the relief of John Murchison, assignee of John Carver, was taken up. Read

first time. The Constitutional rule was then suspended. Bill read a second time and ordered to a third reading. The Constitutional rule was then further suspended. Bill read a third time and passed.

A message from the Governor informing the House that he returned the act prescribing the duties of district attorneys in certain cases without his approval, was received.<sup>15</sup> On motion it was made special order for the hour of 11 A.M. Saturday next.

The report of the Committee on Claims and Accounts on the claim of Eli Kirk was taken up and adopted.

The Speaker announced the following a select committee to consider the bill for the support of Texan soldiers, viz: Slaughter, Harrison, Foscue, Thomas, Smith, Howard of Lavaca, Hunt, Daniel, and Russell.

The bill entitled an act for the relief of Q. A. Nichols was taken up. Read a third time and the ayes and nays being called for on the passage of the bill was taken and resulted as follows:

Yeas: Messrs. Andrews, Barclay, Blake, Birdwell, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Daniel, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Griffith, Glasscock, Howard of Lavaca, Hays, Hunt, Kyle, Lipscomb, Lollar, Lacy, Lovejoy, McGuire, Patton, Prendergast, Prince, Robertson, Ranck, Russell, Slaughter, Seele, Sampson, Simpson, Tyler, Thaxton, Willis, Wilson and Way. Total 43.

Nays: Messrs. Speaker, Adams, Allen, Brazier, Bratton, DeBerry, Emmert, Gibbons, Howard of Anderson, Haynes, Hart, Harrison, Holford, Inglish, Jones, Keyes, Lane, Ma-bray, Marshall, McDonald, Moores, Maney, McCarthy, Perkins, Pendleton, Redding, Rhea, Robinson, Reid, Ramsey, Smith, Thomas, Wooten, Walker. Total 35.

The bill entitled an act to organize the county of McMullen and to attach it to the 14th Judicial District was taken up, read a third time, and passed.

The bill entitled an act to provide for ascertaining conflicts in surveys and county boundaries was taken up. Read second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read third time and passed.

<sup>15</sup>Governor Murrah's veto message was dated November 30, 1863. It is included in Appendix V.

On motion House adjourned to 7 P.M. this evening.

7 P.M.

House met pursuant to adjournment. Quorum present.

The report of the Committee on Public Land on the resolution in regard to donating a portion of the public land to Texas soldiers was taken up and adopted.

The bill to be entitled an act to incorporate the Seguin Mutual Aid Association was taken up and read a second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read a third time and passed by the following vote, to wit:

Yeas: Messrs. Speaker, Allen, Andrews, Blake, Birdwell, Brazier, Banton, Brady, Bush, Buckley, Baker, Bowers, Bratton, Daniel, DeBerry, Darden, Emmert, Eastland, Foscue, Finley, Frazier, Gibbons, Howard of Anderson, Howard of Lavaca, Haynes, Harrison, Holford, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Robinson, Reid, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson. Total 62.

The bill to be entitled an act to provide for the defense of the state of Texas was taken up and read a second time. Mr. McDonald moved to recommit the bill to the Committee on the Judiciary. Mr. Foscue moved that the motion to recommit be laid on the table, which carried. Mr. Buckley then moved that the bill be referred to a Select Committee of Seven which carried.

The bill entitled an act to incorporate the Gonzales Mutual Aid Association was taken up. Read second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read a third time and passed by the following vote:

Yeas: Messrs. Speaker, Allen, Andrews, Barclay, Blake, Birdwell, Bratton, Cook, Daniel, DeBerry, Eastland, Foscue, Finley, Frazier, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Harrison, Holford, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Marshall, Moores, Maney, McCarthy, Perkins, Patton, Prendergast, Pendleton, Robertson, Rhea, Reid, Ranck, Russell, Ramsey, Slaughter, Smith,

Seele, Sampson, Simpson, Thomas, Tyler, Willis, Wooten, Wilson. Total 63.

The Speaker appointed the following a Select Committee to consider the bill entitled an act to provide for the further defense of the State, viz: Messrs. Buckley, Foscue, Slaughter, McDonald, Haynes, Hunt, Way.

Mr. Buckley moved to reconsider the vote taken this day adopting the report of the Committee on Public Lands on a resolution in regard to donating a portion of the public lands to the Texas soldiers and immediately moved to lay the motion to reconsider on the table and the yeas and nays being called for were taken and resulted as follows:

Yeas: Messrs. Speaker, Allen, Blake, Brady, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, Darden, Eastland, Foscue, Finley, Frazier, Gibbons, Glasscock, Haynes, Harrison, Holford, Hunt, Kyle, Keyes, Lipscomb, Lollar, Lacy, McDonald, McGuire, McCarthy, Patton, Robertson, Robinson, Reid, Russell, Seele, Simpson, Tyler. Total 41 [38].

Nays: Messrs. Andrews, Birdwell, Banton, Brazier, DeBerry, Emmert, Howard of Anderson, Howard of Lavaca, Hays, Jones, English, Lane, Lovejoy, Marshall, Moores, Maney, Perkins, Prendergast, Prince, Pendleton, Ranck, Ramsey, Slaughter, Smith, Thomas, Willis, Wooten, and Wilson. Total 26 [27].

The bill entitled an act to validate the official acts of Joseph Waller as notary public of Washington County was taken up. Read a second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

The bill entitled an act for the relief of Wm. D. Dillon was taken up and read a second time and ordered to be engrossed.

The Senate bill entitled an act to require district attorneys to report to the Comptroller in certain cases was taken up. Read second time and passed to a third reading. The rule was then suspended. Bill read a third time and passed.

The Senate bill entitled an act defining the duties of the agents for the Alabama Coushatta and Muscogee Indians was taken up and read a second time and ordered to a third reading. The Constitutional rule was then suspended. Bill read a third time and passed.

The bill entitled an act to define and punish sedition etc., was taken up. Read a second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read a third time and passed.

On motion the House adjourned to 9 A.M. tomorrow.

Wednesday, December 2, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called. Quorum present. Journal of yesterday read and adopted.

Mr. Buckley presented the memorial of sundry citizens of Walker County. Read first time and referred to Committee on Penitentiary.

A message from the Senate informing the House that the Senate had passed the following bills and resolutions, viz:

A bill for the relief of the heirs of M. B. Crawford.

A bill for the relief of James P. Dumas.

A bill to authorize the Comptroller to issue a duplicate ten per cent Treasury Warrant.

A bill to authorize the Quartermaster of the State to dispose of a certain number of percussion caps.

A joint resolution concerning the disposal of cloths made at the penitentiary.

A House bill entitled an act to amend an act concerning common carriers, etc.

A bill to establish and define the boundary of the counties of Live Oak and McMullen and to repeal certain acts therein named.

Mr. Bush made the following report.

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a proposition to donate to the state of Texas two pieces of artillery captured in Arizona by Cal Pryor's Regiment have had the same under consideration and have instructed me to report the accompanying joint resolution and recommend its adoption.

Respectfully submitted,

N. W. Bush

One of the Committee

Report received.

Mr. McCarthy made the following report:

To the Speaker of the House of Representatives:

The Committee on Military Affairs to whom was re-

ferred a resolution of the House requiring them to inquire into the expediency of providing for the defense, etc., have had the same under consideration and finding the objects therein referred to embraced in the measures now before the House beg leave to be discharged from the further consideration of the same.

J. L. McCarthy  
One of the Committee

Report received.

Mr. Lollar made the following report.

To the Speaker of the House of Representatives:

The Committee on Counties and County Boundaries to whom was referred the petition of sundry citizens of Walker County asking that the name of same be changed to that of Hood have had the same under consideration and return the same together with a bill and ask its passage.

Respectfully submitted  
L. A. Lollar  
Chairman

Report received.

Mr. Ranck made the following report.

To the Speaker of the House of Representatives:

The Select Committee to whom was referred the report of the Quartermaster of the Mounted Regiment of State Troops have had the same under consideration and instruct me to report that in their opinion the general good would be subserved by the adoption of the accompanying resolution.

Your committee have further instructed me to recommend that the accompanying estimate for funds to meet the requirements of the Quartermaster's Department of the Mounted Regiment of State Troops to December 31, 1863, be allowed and this amount appropriated at once.

Your committee beg to be discharged from all further consideration of the Regimental Quartermaster's reports.

J. E. Ranck  
Chairman

Report received and the following resolution was made special order for the hour of 11 A.M. Friday next:

RESOLVED, that a Committee of Five be appointed and instructed to institute an investigation in regard to all matters pertaining directly or indirectly to the report of

the Regimental Quartermaster of the Mounted Regiment of State Troops.

That the same committee be empowered to employ a clerk, compel the attendance of members, administer oaths and do all things else which in their opinion be necessary to secure a full, fair and impartial investigation of the matter under consideration.

That the said Select Committee shall have power to continue their investigation after the legislature shall have adjourned *sine die* and shall continue to secure their per diem as members of this body until their work shall have been accomplished.

That the committee be required to make their report to the Comptroller of the State who shall be governed by the said report in the settlement and adjustment of this same Regimental Quartermaster account.

Mr. DeBerry made the following report.

To the Speaker of the House of Representatives:

The undersigned, one of the Committee on the Judiciary, to whom was referred a bill to be entitled an act to prescribe the punishment for encouraging desertion from the army and navy of the Confederate States or the State of Texas. Being unable to concur with the opinion of the majority of the Committee in their report on same bill, I respectfully submit to the House the accompanying substitute for the bill referred to said committee and recommended by them. The substitute offered by the undersigned is substantially the same as the original bill with this exception: that the features in said bill which are by the undersigned deemed objectionable are omitted.

Respectfully submitted

A. W. DeBerry

One of the Committee

Mr. Griffith made the following report:

To the Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred back by the House, the bill to be entitled an act to amend the second section of and supplementary to an act to perfect the organization of the State Troops, and place the same upon a war footing with several amendments by the Committee on the Whole. Feeling that they were instructed by the action of the Committee of the Whole, the

committee have inserted the clause in reference to "licensed ministers of the Gospel," yet they feel in duty bound to report that in their opinion the leave taken to exemption of this class of persons provided for by Section 3, Article 6 of the Constitution will be inoperative and in violation of that Constitutional provision. For the same reasons we have inserted the clause restricting the price of ship fare to 25 cents per mile.

Your committee beg leave to differ from the Committee of the Whole on this matter believing as they do that it is impolitic and unjust to legislate upon and restrict one branch of industry, labor or employment while all other pursuits are left un[trammeled?].

John Griffith  
Chairman

Report received.

Mr. Smith made the following report:

To the Speaker of the House of Representatives:

A majority of the Committee on Engrossed Bills instruct me to report the following bills as correctly engrossed, viz:

A bill to incorporate the Powder Horn Bayou & Matagorda Bay Dredging Company.

A bill for the organization of the Home Guards and etc.

A charter for the city of Galveston.

A bill supplemental to an act to regulate proceedings in the county courts pertaining to estates of deceased persons approved March 20, 1848.

A bill to provide for ascertaining conflicts in surveys and county boundary, etc.

Respectfully submitted  
Thomas Smith  
Chairman

Report received.

Mr. Keyes made the following report.

To the Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following enrolled bills and find them correctly enrolled and properly signed and have presented them to the Governor today for his approval, viz:

A bill to be entitled an act to relieve Carro M. Quarles of the disability of minority.

A bill entitled an act for the relief of Robert Price.



A bill to be entitled an act to provide for the employment of additional labor in the State Penitentiary.

A bill defining the boundary line between the counties of Marion and Harrison.

A joint resolution requesting our Senators and Representatives in Congress to increase the wages of the new commissioned officers and soldiers of the Confederate army and navy of the Confederate States of America.

Respectfully submitted

H. Keyes

Report received.

Mr. Foscue introduced a bill to be entitled an act to extend the term of service of the State Troops which was read first time and referred to a Select Committee of Five.

#### ORDERS OF THE DAY

The bill entitled an act to raise revenue by taxation was taken up and on motion of Mr. Buckley was made special order for Thursday evening next at 7 P.M. and 125 copies thereof was ordered to be printed.

The bill entitled an act making an appropriation for the mileage and per diem of the members and per diem of the officers of the Tenth Legislature reported back from the Senate passed with an amendment, was taken up and the Senate's amendment concurred on and bill passed.

The bill entitled an act for the relief of George W. Glasscock was taken up whereupon Mr. McDonald moved a call of the House which being made, the following members, viz: Browne, Hill, Andrews, and Slaughter, being absent. The Sergeant-at-Arms was ordered to proceed and conduct them to the House.

Pending the call the bill entitled an act to provide for the assessment and collection of taxes was taken up whereupon Mr. Hays offered an amendment and Mr. Banton offered an amendment to the amendment and Mr. Buckley moved to postpone the further consideration of the bill to Monday next and be made special order for that day.

The Sergeant-at-Arms having announced a full House, the bill for the relief of George W. Glasscock suspended by the call of the House was taken up whereupon Mr. McDonald moved to lay the bill on the table and the ayes and nays being called for was taken and resulted as follows, to wit:

Yeas: Messrs. Adams, Allen, Blake, Birdwell, Brazier, Bratton, DeBerry, Emmert, Finley, Guinn, Howard of Anderson, Howard of Lavaca, Hart, Harrison, Holford, English, Kyle, Keyes, Lipscomb, Lacy, Mabray, Marshall, McDonald, Moores, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Rhea, Redding, Robinson, Reid, Ramsey, Smith, Thomas, Wooten, and Walker. Total 39.

Nays: Messrs. Speaker, Andrews, Barclay, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Cook, Daniel, Darden, Eastland, Foscue, Frazier, Griffith, Gibbons, Haynes, Hays, Hill, Hunt, Lollar, Lane, Lovejoy, McGuire, Patton, Robertson, Ranck, Russell, Slaughter, Seele, Sampson, Simpson, Tyler, Thaxton, Willis, Wilson, and Way. Total 40.

Motion lost, whereupon Mr. Guinn offered an amendment which was adopted, and Mr. Kyle moved to recommit the bill back to committee and that the committee be authorized to send for person and papers. Whereupon Mr. Hays moved the previous question which being seconded was put and carried and the yeas and nays being called for on the main question was put and resulted as follows:

Yeas: Messrs. Speaker, Andrews, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Cook, Daniel, Darden, Eastland, Foscue, Frazier, Griffith, Haynes, Hays, Hill, Hunt, Hollar, Lane, Lovejoy, McGuire, Patton, Robertson, Ranck, Slaughter, Seele, Sampson, Simpson, Tyler, Thaxton, Willis, and Way. Total 36.

Nays: Messrs. Adams, Allen, Barclay, Blake, Birdwell, Brazier, Bratton, DeBerry, Emmert, Finley, Guinn, Gibbons, Howard of Anderson, Howard of Lavaca, Hart, Harrison, Holford, English, Kyle, Keyes, Lipscomb, Lacy, Mabray, Marshall, McDonald, Moores, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Redding, Rhea, Robinson, Reid, Russell, Ramsey, Smith, Thomas, Wooten, Wilson, and Walker. Total 43.

Bill not passed.

The Speaker announced the following a select committee to consider the bill to be entitled an act to extend the term of service of the state troops: Foscue, Andrews, Howard of Lavaca, Perkins, and Lovejoy.

On motion the House adjourned to 3 P.M. today.

3 P.M.

House met pursuant to adjournment. Quorum present.

The bill entitled an act to provide for the assessment and collection of taxes which was under consideration at last adjournment was taken up and the question pending at adjournment being on the motion to postpone the further consideration of the bill to Monday next was lost.

Mr. Prendergast moved to reconsider the vote on the bill for the relief of George W. Glasscock which was carried.

By leave of the House Mr. Prendergast introduced a substitute for the bill which was adopted and the ayes and nays being called for on the passage was taken and resulted as follows, to wit:

Yeas: Messrs. Allen, Andrews, Barclay, Blake, Birdwell, Butler, Browne, Brady, Banton, Bush, Buckley, Bowers, Baker, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Foscue, Frazier, Griffith, Gibbons, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Kyle, Keyes, Lipscomb, Lane, Lacy, Lovejoy, Mabray, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Simpson, Thomas, Tyler. Total 63.

Nays: Messrs. Adams, Brazier, Finley, Guinn, Howard of Anderson, Holford, English, Marshall, Reid, Wooten. Total 10.

Bill passed.

Mr. Hays moved that the House go into a Committee of the Whole to consider the bill to provide for the assessment and collection of taxes which was carried. Whereupon, Mr. Hays took the chair and the Committee of the Whole entered upon the consideration of the bill and after spending some time in deliberation. On motion the committee arose and the Speaker resumed the chair whereupon the chairman of this committee reported progress and asked leave to meet again which was granted.

A message from the Senate was received transmitting to the House a communication from the Governor accompanied by a communication from Major General Magruder which was received and read and returned to the Senate.

Upon application, leave of absence was granted to Mr. Reid.

Upon motion of Mr. Banton the Senate bill entitled an

act concerning the disposal of cloth made at the State Penitentiary which was read first time and referred to Committee on Penitentiary.

On motion the House adjourned to 9 A.M. tomorrow.

Thursday, December 3, 1863<sup>16</sup>

House met at 9 A.M. After reading the journal of yesterday, reports from several committees were received.

The Joint Resolution in relation to Confederate money was passed.

The following bills were passed: incorporating Parson's Female Seminary; to regulate proceedings in the County Courts; relating to estates of deceased prsons; to prevent the sale of intoxicating liquor, and the bill to provide for a reserve and police force.

The Senate joint resolution in regard to the contract of Billips & Hassell and the Military Board was ordered to third reading.

The Senate bill to suspend the location and survey of public lands was referred to Committee on Land Office.

A bill to provide for the importation of machinery by the Military Board was referred to Joint Committee on Military Board.

A communication from the Governor, in relation to some arrests, and the transfer of the Mounted Regiment of Texas Troops to the Confederate Government, which was referred to the Committee on Military Affairs.

The House went into Committee of the Whole on the assessment and collection of taxes bill. After some time the committee rose, and the House adjourned to 7 P.M. this evening.

7 P.M.

House met and discussed the revenue bill at considerable length, and then adjourned to 9 A.M. tomorrow.

Friday, December 4, 1863<sup>17</sup>

House met at 9 A.M. After reading the journal of yesterday, the memorial of sundry citizens of Montgomery

<sup>16</sup>The manuscript journals from December 3, 1863, to the end of the session cannot be located. The journals inserted here are from the *Tri-Weekly State Gazette* of Austin. This day's proceedings are from the *Gazette* of December 4, 1863.

<sup>17</sup>*Ibid.*, December 7, 1863.

County was referred to the Penitentiary Committee.

Reports from several committees were then received.

The revenue bill was then taken up and discussed. Pending the discussion of the substitute of the minority committee, the House adjourned to five minutes after 3 P.M.

3 P.M.

House met and considered several amendments to the revenue bill, and having adopted a substitute for section third, adjourned to 9 A.M. tomorrow.

Saturday, December 5, 1863<sup>18</sup>

House met at 9 A.M. After reading the journal of yesterday, reports from several committees were received.

A committee substitute for the bill to extend the time of service of the State Troops was adopted, and, with amendments, was referred to a select committee of twelve.

A bill donating arms to the state troops and the Finance Committee's report on the bill to suspend the collection of taxes in certain localities was referred to a select committee.

A bill was introduced to prescribe the kind of currency in which officers of the state shall receive their salaries and fees.

Several reports of committees were then received.

The bill permitting the State Quartermaster to dispose of some percussion caps made at the State Works was passed.

Several Senate bills were then referred to their appropriate committees.

The amendment of the Senate was concurred in to the bill creating a charter for the city of Galveston.

The Senate bill for the relief of Joseph Bounds was passed.

Senate bill to change the time of commencing the fiscal year was read first time.

The Senate bill amending the penal code was made special order for Tuesday next. The bill granting lands to soldiers permanently disabled was passed.

The joint resolution in regard to Billips & Hassell was passed.

<sup>18</sup>Ibid.

The resolution amended by the Senate to adjourn on the 16th was concurred on.

The Senate bill to incorporate the Waco Manufacturing Company was passed, and also the bill to provide for the support of the families of Texas soldiers, with several amendments.

The House adjourned to 3 P.M.

3 P.M.

The bill granting lands to disabled Texas soldiers was referred to the Committee on Military Affairs, and made special order for 3 o'clock Monday.

The message of the Governor relating to the bill prescribing the duties of district attorneys in certain cases, and the bill were laid on the table.

A bill was introduced and passed, prescribing the duties of district attorneys in certain cases.

Pending the consideration of the revenue bill, the House adjourned to 9 A.M. Monday.

Monday, December 7th, 1863<sup>19</sup>

House met at 9 A.M. After reading the journal of yesterday, the passage of several bills by the Senate was announced, when the Committee on Private Lands recommended the passage of the bill for the relief of William B. Burns.

Other bills were then announced as having passed the Senate, when the Committee on Private Land Claims recommended the passage of a bill for the relief of the heirs of M. B. Crawford, and also recommended that the bill for the relief of Carey Watson and his assignees do not pass.

The Committee on the General Land Office recommended a substitute for the Senate bill, suspending the location and survey of the public lands. The House having already passed a bill on the same subject, the substitute was made to conform in principal to the House bill omitting only such portions of both as were deemed unimportant.

The Committee on Finance recommended the passage of the Senate bill authorizing the Comptroller to issue duplicate ten per cent Treasury Warrants.

A majority of the select committee to whom was referred a bill donating the state tax for 1863 and during the

<sup>19</sup>Ibid., December 9, 1863.

present war in certain localities to the owners thereof, recommended its passage.

A bill for the relief of W. Berryman was referred to the Committee on the Judiciary.

The joint resolution requesting Major General Magruder to detail certain persons therein named was passed.

The bill for the relief of Wm. D. Dillon was passed.

The revenue bill was then taken up, and after various amendments to different sections of the bill, and substitutes to amendments, some of which were carried and others lost, the bill was finally ordered to be engrossed.

Several bills were then amended as having passed the Senate.

The report of the committee on the returns and accounts of the chief quartermaster of the Frontier Regiment, with the proposed resolution, was read, and after various amendments and substitutes for amendment being offered, some of which were carried, was finally adopted.

The bill to regulate publication notices in certain cases was passed, whereupon the House adjourned to 7 P.M. this evening.

7 P.M.

House met pursuant to adjournment. The committee's report on the joint resolution to amend the Constitution was adopted.

The bill to amend Article 752, Oldham & White's Digest, was laid on the table.

The Senate bill for the relief of George Burney was passed, and ordered to be paid in Confederate money.

The bill to require the Comptroller to receive certain funds in payment of university lands, was, with the committee's substitute, ordered to be engrossed.

The bill for the protection of the frontier was made the special order for 3 P.M. Thursday next.

The bill amending an act for the disposition of runaway slaves, approved April 8th, 1861, was ordered to be engrossed.

The bill to amend the operation of the estray laws was referred to a select committee of five.

After a call of the House, on a bill to establish a Penal Code, and a message from the Governor reporting back a

House bill without approval, the House adjourned to 9 A.M. tomorrow.

Tuesday, December 8, 1863<sup>20</sup>

House met at 9 A.M. After reading the journal of yesterday, some select committees were announced, when a message was received from the Senate announcing the passage of several bills and a joint resolution concerning the manufacture of salt.

A petition of the citizens of Karnes County was referred to a select committee.

The Judiciary Committee reported a substitute in lieu of the report from the Military Committee on the subject of exemptions from military service on account of conscientious scruples and suggested that in order to place rich and poor all on the same footing certain services be required of all such persons as shall not conflict with their conscientious scruples, whereupon the rule was suspended, report taken up and adopted, and under a further suspension of the rule the bill was passed.

The Committee on Indian Affairs recommended the passage of the Senate bill for the relief of the Tonkaway Indians.

The Committee on Claims and Accounts recommended the passage of the Senate bill for the relief of James P. Dunning.

A bill to punish persons who may remove or destroy any timber, rails, or lumber belonging to the several asylums of the state, was passed under a suspension of the rule.

The Committee on State Affairs recommended the passage of a bill amending an act relating to the Lunatic Asylum.

The Committee on the Judiciary recommended the passage of a bill for the relief of William Berryman.

Several other reports were received and acted upon.

The bill to prevent the trade in cotton on our western frontier was made the special order for the House at 7 P.M. tomorrow.

The bill to incorporate the San Saba Masonic College was passed with the Senate's amendment.

The bill to aid enrolling officers in the discharge of

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<sup>20</sup>Ibid.



their official duties was passed with the Senate's amendment.

The House refused to concur in one amendment passed by the Senate to the bill amending an act to regulate proceedings in county courts pertaining to the estates of deceased persons.

The bill to prevent the sale of intoxicating liquors in or near the town of Dallas was passed with the Senate's amendment.

The Senate substitute for the joint resolution in relation to two Yankee flags was adopted and the resolution passed.

The Senate's bill to incorporate the Bastrop Iron Company was passed by 60 yeas to 3 nays.

The Senate's bill to incorporate the Chappell Hill Manufacturing Company was passed by 69 yeas to 6 nays.

A bill to increase the military force of the state was read for the first time.

The bill to encourage the manufacture of iron, after being amended and certain blanks filled was passed.

The further consideration of the bill to suspend the location and survey of public lands was postponed to Thursday next.

The bill amending an act to adopt and establish a Penal Code was taken up and sundry amendments offered, which were all lost, whereupon the bill passed under a suspension of the rule, and the House adjourned to 3 o'clock this afternoon.

### 3 P.M.

House met pursuant to adjournment, when a motion to reconsider the vote on the passage of the bill to encourage manufactures was carried, and the bill and amendments were referred to a select committee of seven.

The bill to provide for the defense of the frontier reported back from the Senate passed with several amendments was taken up and discussed, whereupon the House adjourned to 7 P.M. this evening.

### 7 P.M.

House met pursuant to adjournment, and after discussing the Frontier Regiment bill, refused to concur in the Senate's amendment to the 12th section which, in ef-

fect, would transfer the regiment to the Confederacy.

Adjourned to 9 A.M. tomorrow.

Wednesday, December 9, 1863<sup>21</sup>

House met at 9 A.M. After reading the journal of yesterday, a message was received from the Senate, informing the House of the passage of several bills by that body.

Reports from several committees were then received.

The resolution in regard to the setting of the House was, after discussion, postponed to 11 P.M. on December 16.

The Senate Bill to incorporate San Saba College was passed.

Sundry Senate bills were then taken up and read in their order.

A Senate joint resolution in regard to the manufacture of salt, was referred to Committee on State Affairs.

The Senate bill providing for the election of members of the Eleventh Legislature in counties occupied by the enemy, and the Senate joint resolution requesting the commanding general to detail men for the Texas Iron Works were passed.

A Senate bill for the relief of Samuel J. Galbraeth, was referred to the Committee on Private Land Claims.

The bill to authorize the Governor to dispose of certain unserviceable goods was passed.

The bill to raise revenue by taxation, not being correctly engrossed, was returned to the Engrossing Clerk.

The Senate substitute for the bill to regulate the distillation of spirituous liquors, was adopted, and the bill passed.

Pending the discussion of the bill to extend the time of service of the State Troops, the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment.

The bill to extend the term of service of the state troops, was postponed till tomorrow morning.

A resolution was introduced that no member shall hereafter speak more than fifteen minutes on any pending question.

Adjourned to 7 P.M.

<sup>21</sup>Ibid., December 14, 1863.

7 P. M.

House met, when the bill to extend the term of service of the state troops, was taken up and after various amendments, was ordered to be engrossed.

A resolution was introduced regulating the pay of witnesses who may attend the House or any of its committees, which was laid over under the rule.

Pending the consideration of the bill to prohibit the transportation of cotton to the western counties, the House adjourned to 9 A.M. tomorrow.

Thursday, December 10, 1863<sup>22</sup>

House met at 9 A.M., after which a message from the Senate announced the passage of a number of bills.

A number of reports of committees were then received.

The bill providing for the auditing and settling the claim of the state of Texas for frontier defense against the Confederate States was passed.

A report from the Committee on Enrolled Bills, was then received.

A message was received from the Senate announcing the passage of a number of House bills.

A resolution regulating the time of speaking in the House, and the resolution proposing to change the 73rd rule of the House relative to the pay of witnesses, were adopted.

The revenue bill was, after amendments, passed.

The following bills were passed: the bill incorporating the East Texas Manufacturing Company, with amendments; for ascertaining conflicts in surveys and county boundaries; to define and punish sedition; incorporating the Paluxy and Brazos Sulphur Nitre and Powder Manufacturing Company; appropriating \$20,000 for recovering and repairing the Capitol and other public buildings.

The House refused to recede from its substitute for the Senate bill for the support of the families of Texas soldiers.

The vote on the frontier regiment bill was reconsidered and the sections amended to the 12th section concurred in after lengthy discussion, and the bill was passed as amended. The amendment was to transfer the regiment to the Confederate States, whenever the men of the frontier are organized as minute men, for its defense.

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<sup>22</sup>Ibid.

The bill providing for the disposition of runaway slaves was amended and passed.

It was resolved to take up the business on the Speaker's table at 3 o'clock, to which time the House adjourned.

3 P.M.

The House met, after which the following bills were passed: to amend article 960 of the Code of Criminal Procedure; to amend the act organizing county courts; to establish the boundary between Falls and Limestone counties; defining public mills and prescribing the liabilities of millers.

The committee's report adverse to the bill to authorize county courts to furnish stationery to assessors and collectors was adopted.

The committee's report on the bill granting the right to make salt on a lake near the Horsehead Crossing of the Pecos river was adopted.

The bill to authorize the Governor to appoint three brigadier generals was laid on the table.

The report of the committee was adopted to relation to the papers of John Griffin, James L. Burns, S. Redmond, and Hiram Barbee.

The committee's report, and the bill to authorize the use of the Penitentiary for the confinement of prisoners of war were laid on the table.

The committee's reports were adopted on the bill to suspend the collection of interest on open accounts, and on the resolutions to increase the tax on the occupation of selling spirituous liquors.

The committee's report on the Adjutant General's reply to certain inquiries was adopted and the bill passed.

The committee's report on the Deaf and Dumb Asylum was adopted.

The following were passed: the bill to authorize the county court of Comal County to levy a special tax; the joint resolution in relation to the pay of Negroes pressed into the service; the bill to provide assistance for the families of soldiers, and a bill to authorize the Comptroller to issue a duplicate Treasury Warrant to A. R. Crozier.

A message from the Senate announced the passage of several bills and requesting a committee of conference on the bill to provide for the families of soldiers, as the Senate

had refused to concur in the House substitute for that bill.  
Adjourned to 9 A.M. tomorrow.

Friday, December 11, 1863<sup>23</sup>

House met at 9 A.M. After the journal of yesterday was read, and several bills had been announced as having passed the Senate, the select committee to whom was referred the petition of sundry citizens of Karnes county reported a bill and recommended its passage.

Several other bills and joint resolutions from various committees were presented, when a message from the Senate was received announcing the passage of several bills by that body. A Committee of Free Conference was raised to meet a like committee on the part of the Senate in the disagreement on the bill entitled an act for the support of the families and dependents of Texas soldiers.

The Senate joint resolution in regard to purchasing supplies in Texas by Payne and Company with Confederate money was passed.

The bill for the further relief of purchasers of university lands was passed.

The bill to provide for the organization of the county of McMullen, and to attach it to the 14th Judicial District was passed.

The bill to amend the militia law was ordered to be engrossed after various amendments.

Several bills were announced as having passed the Senate, when a joint resolution in regard to the defense of the northern and western frontier was read for the first time, whereupon the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment.

The bill to exempt certain officers and soldiers named from the payment of poll tax, and of an ad valorem tax on amount of property therein named, was, after the adoption of a substitute, passed under a suspension of the rule; also the bill for the relief of Thomas G. McGehee.

A committee report on the joint resolution to call for a convention of the people was adopted.

The bill to amend an act establishing uniform weights and measures, approved February 11th, 1858, was passed.

<sup>23</sup>Ibid.

Several reports of committees were adopted and others laid on the table.

A bill to aid in punishing offenders against the postal laws of the Confederate States was passed.

The bill to amend the first and second section of an act to regulate the sale of beef cattle was passed.

The bill amendatory of, and supplemental to an act to regulate marks and brands was passed.

The bill for the relief of their heirs of Thomas Moore, was passed; also bills for the relief of W. H. Howard, and for the heirs of Joseph Shepherd; after which the House adjourned to 7 o'clock tonight.

7 P.M.

House met pursuant to adjournment, when the bill to prescribe the punishment for encouraging desertion from the army was ordered to be engrossed after various amendments.

The bill more effectually to suppress gaming, etc., was ordered to be engrossed after various amendments.

The bill for the recovery of stolen meat stock was passed.

The bill to amend the 12th section of the road law was passed.

The bill providing for the purchase of cotton by the State to meet the payment of cotton bonds, etc., with some amendments was passed.

The bill to relieve J. A. Black from disability of minority was passed.

A joint resolution in place of a bill to change the name of Walker county was passed.

A bill supplemental to an act to provide for the protection of the frontier was referred to Committee on Military Affairs.

The joint resolution accepting the pieces of artillery captured in Arizona was passed, whereupon the House adjourned to 9½ A.M. tomorrow.

Saturday, December 12, 1863<sup>24</sup>

House met pursuant to adjournment, when the resolution in regard to the defense of the frontier being again taken up, was referred with an amendment to a select committee of five.

<sup>24</sup>Ibid., December 16, 1863.

The bill making appropriations for the use and support of the state government, for the years 1864-5, which, with some amendments, was passed.

The bill to incorporate the Washington Iron Manufacturing Company was passed.

Several bills were read a second time, some of which were laid on the table, and on others no action was taken.

The bill to encourage the manufacture of iron was then taken up out of order, and the amendments proposed by the committee when it was passed under a suspension of the rule.

The bill for the relief of Carey Watson was passed; also the bills for the relief of M. B. Crawford and W. B. Burns.

The report of the Committee on Military Affairs on the documents concerning the treasonable designs of Peebles, Baldwin, and others, was adopted.

Pending the consideration of the bill "granting land to Texas soldiers permanently disabled in the military service during the present war, and to the next of kin to those who may be killed in battle," the House adjourned to 9 A.M. on Monday.

Monday, December 14, 1863<sup>25</sup>

House met pursuant to adjournment. After reading the journal of Saturday, the bill to provide for special terms of the district court for trial of persons charged with high crimes was passed with some amendments.

The bill to supply a deficit in the pay of Texas State Troops was taken up and passed.

A budget of bills was then reported by the committee as correctly enrolled and laid before the Governor for his signature.

Reports from various committees were then brought in, which occupied most of the morning.

After getting through the reports of the committees, the House adjourned to 3 P.M. today.

3:00 P.M.

House met pursuant to adjournment.

A message from the Senate informing the House of the passage of several bills was received.

The substitute for the bill to regulate the distribution

<sup>25</sup>Ibid.

of cloth made at the penitentiary was passed with amendments.

The bill to donate the state tax for 1863 in certain localities to the owners thereof was passed.

A joint resolution in relation to the purchase of cotton by John S. Besser was passed.

A bill to prohibit the sale of ardent spirits within ten miles of the town of Huntsville, in Walker County was passed with amendment.

The House adjourned to 8 A.M. tomorrow.

Tuesday, December 15, 1863<sup>26</sup>

House met pursuant to adjournment. After the journal of yesterday was read, a bill making an appropriation to defray the expenses of defending the frontier for the years 1864 and 1865 was passed.

Several reports from different committees were then received, after which the bill to organize a Board of Works and Supply was taken up and passed under a suspension of the rule.

The bill to authorize and permit George W. Glasscock to sue the state of Texas, reported back from the Senate passed with an amendment, was taken up and passed.

A bill to amend the second, third, and seventh sections of and supplemental to an act to perfect the organization of the State troops, reported back from the Senate with an amendment, was passed.

On a reconsideration of the vote concurring in the Senate's amendment to the bill to authorize George W. Glasscock to sue the State, the House refused to concur in the Senate's amendment.

The bill to regulate estrays in counties therein named, reported back from the Senate with an amendment, was taken up and several amendments agreed to when the bill passed.

The bill to incorporate the Trinity Manufacturing and Flouring Company was passed with an amendment from the Senate.

The bill to amend the third and fourth sections of an act to provide necessary assistance for families and other dependents of officers and soldiers, approved March 6, 1863, was passed under a suspension of the rule.

The bill to incorporate the Brazos Manufacturing Com-

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<sup>26</sup>Ibid.



pany was taken up and passed under a suspension of the rule, when the House adjourned to 3 P.M.

3 P.M.

House met, when several bills were announced as having passed the Senate, whereupon the bill to raise revenue by taxation was again taken up, when a call of the House was moved and sustained.

The Senate bill for the relief of the heirs of W. Mills was taken up, when another call of the House was moved and sustained, several members being absent, whereupon the House adjourned to 7 P.M.

7:00 P.M.

House met pursuant to adjournment, when the passage of several bills was announced by the Senate, and reports of committees received.

The bill to raise revenue by taxation was again taken up, and after some discussion was made the special order for 9 A.M. tomorrow.

The bill to suspend all laws for the collection of debts, etc., was passed; also the bill to punish the offense of desertion from the army and navy.

The bill to amend Article 123 of the Penal Code was passed, also the bill to amend an act to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller, approved January 2, 1862.

The bill for the relief of the Tonkaway Indians was passed, also a bill for the relief of James P. Dumas.

The bill for enclosing the public cemetery was passed, also the bill to amend an act relating to the Lunatic Asylum.

The bill to incorporate the Sons of the South was passed, also the joint resolution authorizing the Military Board to issue percussion caps to the members and officers of the Tenth Legislature.

The bill supplemental to an act to provide for the protection of the frontier, etc., was passed.

The bill to provide for raising a military force to protect the Texas State Penitentiary was passed, with some amendments.

After receiving a message from the Senate the House adjourned to 8 A.M. tomorrow.

Wednesday, December 16, 1863<sup>27</sup>

House met pursuant to adjournment. After reading the journals of yesterday, two thousand copies of the report of the *joint committee on the report of the Military Board* were ordered to be printed for the use of the members.

The bill to raise revenue by taxation was then taken up, the question being to the adoption of the Senate's amendment, which was made the special order for 3 P.M.

The Senate's amendment to the bill for the relief of George W. Glasscock, was then concurred in and the bill passed.

The bill authorizing the Comptroller to receive from railroad companies the interest that may be due or may hereafter become due on their bonds was passed.

The bill supplemental to an act to prohibit the sale of intoxicating liquors within five miles of the town of Dallas was passed.

The bill to prescribe the punishment for encouraging desertion was passed, the House concurring in the Senate's amendment.

The bill to donate the state and county taxes of Galveston County to the county for the relief of indigent families was passed with several amendments.

Sundry bills were announced as having passed the Senate, also that the Senate had rejected the House bill to incorporate the Powder Horn Bayou and Matagorda Bay Dredging Company, whereupon the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment, when the bill to raise revenue by taxation being in order, was taken up, the question pending being still on the Senate's amendment, or substitute. After disagreeing to several sections singly, it was moved and carried that the House disagree to the whole substitute.

The Committee of Free Conference on the joint resolutions of the Senate, and bill of the House, regulating the mode of disposing of the manufactures of the Penitentiary agreed to a compromise, which was adopted.

The joint resolution in relation to public printing was passed.

<sup>27</sup>*Ibid.*, December 18, 1863.

The bill to amend an act to incorporate the Dallas Bridge Company was passed.

The bill for the relief of the heirs of W. Mills was passed, also the bill to amend Article 960 of the Code of Criminal Procedure.

The bill to regulate legal publication notices in certain cases was passed, also the bill for the relief of Lewis Ferguson.

The bill to amend an act to change and provide a uniform time for terminating the fiscal year was passed.

The bill amending an act regulating attachments was passed, whereupon the House adjourned to 7 P.M.

7:00 P.M.

House met pursuant to adjournment, when the following bills were passed, viz: bill to incorporate the Gathing Male & Female College; bill to punish certain offenses committed on Sundays.

The Senate having refused to recede from the amendments to the bill to raise revenue by taxation, a committee of free conference was appointed, who, after considering the subjects in dispute, recommended that the substitute proposed by the Senate, be adopted by the House.

The bill to authorize the Military Board to manufacture iron was passed.

The message from the Governor,<sup>28</sup> returning to the House, the bill "to raise two million dollars, or so much thereof as may be necessary, for the sale of cotton bonds," also the bill to regulate legal publication notices, in certain cases, was laid on the table.

The resolution in regard to the present war, and avowing confidence in the President of the Confederate States, was taken up, after being laid on the table, and passed.

After some unimportant resolutions were adopted, a report from the Committee on Enrolled Bills, was received, and a vote of thanks tendered to the Speaker and officers, the House adjourned *sine die*.

<sup>28</sup>The Governor's message is dated December 7, 1863. It is included

**APPENDIX I**  
**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE**  
**TENTH LEGISLATURE, REGULAR SESSION**

Name	Dist.	Resident County	Post Office	Counties Represented
F. F. Foscue	1	Liberty	Grand Cane	Jefferson, Chambers, Liberty, Orange
E. B. Adams	2	Polk	Moscow	Liberty, Polk
J. Barclay	3	Tyler	Woodville	Tyler, Hardin
A. N. Perkins	4	Jasper	Jasper	Jasper, Newton
R. F. Slaughter	5	San Augustine	San Augustine	San Augustine, Sabine
J. M. Ramsey	6	Shelby	Buena Vista	Shelby
B. Blake	7	Nacogdoches	Nacogdoches	Nacogdoches
J. W. Guinn	8	Angelina	Homer	Nacogdoches, Angelina
G. M. Brazier	9	Houston	Crockett	Houston
G. R. Howard	10	Anderson	Palestine	Anderson
J. C. Wooten	11	Houston	Crockett	Trinity, Houston, Anderson
R. Robertson	12	Cherokee	Larissa	Cherokee
W. C. Daniel	12	Cherokee	Rusk	Cherokee
Allen Birdwell	13	Rusk	Mt. Enterprise	Rusk
Thos. Smith	13	Rusk	Henderson	Rusk
A. W. DeBerry	14	Panola	Carthage	Panola
R. R. Haynes	15	Harrison	Marshall	Harrison
W. R. Poag	16	Panola	Carthage	Harrison, Panola
F. M. Hays	17	Smith	Troupe	Smith
L. P. Butler	17	Smith	Tyler	Smith
J. M. Willis	18	Davis	Douglasville	Davis

**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE  
TENTH LEGISLATURE, REGULAR SESSION**

Name	Dist.	Resident County	Post Office	Counties Represented
B. Finley	19	Titus	Lone Star	Titus
N. B. Patton		Bowie	DeKalb	
M. K. D. Taylor, Speaker	20	Marion	Jefferson	Davis, Titus, Marion, Bowie
W. H. Hart		Upshur	Gilmer	
A. Emmert	21	Upshur	Coffeetown	Upshur
W. M. Harrison	22	Red River	Clarksville	Red River
Ed Gibbons	23	Lamar	Paris	Lamar
L. A. Lollar	24	Hopkins	White Oak	Hopkins
A. J. Redding	25	Lamar	Paris	Lamar, Hopkins
Howard Keyes	26	Wood	Quitman	Wood
John Griffith		Kaufman	Rockwall	
D. M. Mabray	27	Henderson	Athens	Van Zandt, Kaufman, Henderson
W. R. Lane	28	Hunt	Ladonia	Hunt
R. English	29	Fannin	Bonham	Fannin
J. W. Marshall	30	Hunt	Greenville	Fannin, Hunt
W. Holford	31	Grayson	Sherman	Grayson
W. A. Rhea	32	Collin	McKinney	Collin
Thos. J. Browne	33	Collin	McKinney	Collin, Grayson
H. B. Andrews	34	Galveston	Galveston	Galveston
T. E. Hill	35	Brazoria	Columbia	Galveston, Brazoria
J. T. Brady		Harris	Houston	
Geo. W. Frazier	36	Harris	Houston	Harris

**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE  
TENTH LEGISLATURE, REGULAR SESSION**

Name	Dist.	Resident County	Post Office	Counties Represented
J. G. McDonald		Grimes	Anderson	
A. S. Lipscomb	37	Montgomery	Montgomery	Montgomery, Grimes, Brazos
J. H. Banton	38	Walker	Huntsville	Walker
Robt. Lacy	39	Leon	Clapp's Creek	Leon, Madison
W. B. Moores		Freestone	Fairfield	
D. M. Prendergast	40	Limestone	Springfield	Freestone, Limestone, Falls
J. R. Loughridge	41	Navarro	Corsicana	Navarro, Hill
E. Pendleton		Ellis	Milford	
John H. Prince	42	Parker	Weatherford	Ellis, Johnson, Parker
J. H. Allen	43	Tarrant	Ft. Worth	Tarrant
George Wilson		Dallas	Cedar Hill	Dallas
H. J. Moffatt <sup>29</sup>	44	Dallas		Dallas
J. L. Lovejoy	45	Denton	Denton	Denton
Wiley Jones	46	Cooke	Gainesville	Cooke, Montague, Wise, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell
C. W. Buckley	47	Fort Bend	Sugar Land	Matagorda, Wharton, Fort Bend
N. W. Bush	48	Austin	Hempstead	Austin
W. J. Darden	49	Colorado	Columbus	Colorado
Wm. Hunt	50	Fayette	LaGrange	Fayette

<sup>29</sup>Moffatt's seat was declared vacant by the House on November 18, 1863. Governor Murrah on the same day issued a call for a new election, the text of which is included in Appendix V.

**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE  
TENTH LEGISLATURE, REGULAR SESSION**

<b>Name</b>	<b>Dist.</b>	<b>Resident County</b>	<b>Post Office</b>	<b>Counties Represented</b>
F. W. McGuire	51	Washington	Yegua	Washington
M. W. Baker	52	Washington	Chappell Hill	Washington, Fayette
J. W. Thomas	53	Burleson	Lexington	Burleson, Robertson
N. W. Eastland	54	Bastrop	Bastrop	Bastrop
M. H. Bowers	55	Travis	Austin	Travis
Geo. W. Glasscock	56	Travis	Austin	Travis, Williamson
L. Robinson	57	Milam	Cameron	Williamson, Milam
C. Kyle	58	Hays	Mountain City	Caldwell, Hays, Blanco
E. Walker	59	Bell	Belton	Bell, Lampasas
C. B. Way	60	McLennan	Waco	McLennan, Bosque
O. T. Tyler	61	Coryell	Coryell	Coryell, Hamilton, Comanche, Erath, Brown, Palo Pinto, Stephens, Eastland, Shackelford, Callahan, Coleman, Jones, Taylor, Runnels
J. B. Reid		Victoria	Victoria	
W. M. Cook	62	Calhoun	Indianola	Calhoun, Victoria, Jackson, DeWitt
W. H. Howard	63	Lavaca	Oakland	LaVaca
L. R. Bratton	64	Gonzales	Gonzales	Gonzales
H. Maney	65	Guadalupe	Seguin	Guadalupe
H. Seele	66	Comal	New Braunfels	Comal
J. E. Ranck	67	Mason	Fort Mason	Gillespie, Kerr, Bandera, Mason, Menard, Kimble, Edwards

**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE  
TENTH LEGISLATURE, REGULAR SESSION**

Name	Dist.	Resident County	Post Office	Counties Represented
W. Thaxton	68	San Saba	San Saba	Burnet, Llano, San Saba, McCulloch, Concho
H. Means	69	San Patricio	San Patricio	Goliad, Refugio, San Patricio
C. A. Russell	70	Karnes	Helena	Karnes, Bee, Live Oak, Atascosa, McMullen, Frio, LaSalle, Zavala, Dimmit
I. P. Simpson	71	Bexar	San Antonio	Bexar
S. Sampson	71	Bexar	San Antonio	Bexar, Medina, Uvalde, Dawson, Kinney,
G. J. Houston	72	Wilson	Southerland Springs	Maverick, Wilson
Sam A. Belden	73	Cameron	Brownsville	Cameron
John Ingalis	74	Cameron	Brownsville	Cameron, Hidalgo
S. G. Cole	75	Starr	Roma	Starr, Zapata
Chas. Callahan	76	Webb	Laredo	Webb, Nueces, Duval, Encinal, McMullen
J. L. McCarthy	77	El Paso	El Paso	El Paso, Presidio

**OFFICERS OF THE HOUSE OF REPRESENTATIVES**

Name	Office	Name	Office
Herndon, I. H.	Chief Clerk	Haynes, George E.	Assistant Sergeant-at-Arms
Campbell, A. G.	First Assistant Clerk	Pennington, Levi	Doorkeeper
Lambert, W.	Second Assistant Clerk	Gregg, Alex	Chaplain (resigned November 18, 1863)
Carlton, Fred	Third Assistant Clerk	Phillips, J. W.	Chaplain (elected November 18, 1863)
Hollander, William	Sergeant-at-Arms		



APPENDIX II<sup>30</sup>**REPORT OF A. BISHOP**

Decatur, Texas  
September 8th, 1863

His Excellency  
F. R. Lubbock  
Prest. Military Board  
Austin, Texas

Sir:

In accordance with instructions from your Board of the 20th of April last to make a reconnoissance of certain salines near Double Mountain in the North West Frontier of the State. I have proceeded to the discharge of the duties assigned me. And have the honor to make the following report.

I left this place on the 8th day of August last for Captain Ward's headquarters at Buffalo Station having previously called upon Lt. Colonel Barry for a detail to escort me on the expedition. I reached that station on the 10th and took up the line of march on the 12th. One day being delayed in preparing rations and transportation. Captain Ward furnished me a detail of sixteen men. We reached Fort Belknap on the 15th of August, remained there some three days awaiting the necessary preparations for the escort and transportation from Captain White's company stationed at that place, who furnished me a detail of seventeen men in accordance with instructions from Lt. Colonel Barry including Sargeant Tackitt in charge of the men detailed by Captain White. Lieutenant Charles Lindsay of Captain Ward's company being assigned to the command of the escort. Colonel Barry deeming it advisable to increase the escort at Camp Cooper gave me an order to Captain Whitesides at that post for fifteen additional men. After leaving Belknap we divided our escort, one portion in charge of Sargeant Tackitt taking the more direct course for Double Mountain and Lieutenant Lindsay taking command of the other portion to accompany me by way of Camp Cooper. On reaching that place we met with Captain

<sup>30</sup>Main Miscellaneous Folder, Military Board Papers (Archives Di-

Whitesides who had just that day returned from an expedition with Lt. Colonel Barry to Fort Arbuckle, who finding that his company was not in a condition to furnish the number of men required proceeded to make a detail of seven men with the necessary outfit for transportation. We then continued our march for a point near the head of Paint Creek in the direction of Double Mountain where we met with Sargeant Tackitt and party as agreed upon before separating. Our party then numbering forty-two including myself and Mr. H. E. Stevens, a gentleman I had employed to help me in the expedition. We then proceeded in the direction of Double Mountain by a road made by a train of eleven waggons going after salt in the summer of 1862, citizens of Young and adjoining counties following that road which we found a very circuitous route. We reached Double Mountain on the 7th day out from Belknap and on the morning of the 8th day we reached the Brazos River about twelve miles north from Double Mountain being then on the west side of the river. We crossed to the east side near to the famous Salt Spring situated within fifty yards of the eastern bank of the river. We there halted for a few hours and tested the water in this spring and also in a lake within a few hundred yards of the former, it being some four or five hundred yards in length and varying from thirty to forty feet in width, depth four to five feet. The result of the tests with a Saltometer showed the water in the spring first named to contain 98 per centage of salt and that in the lake 45 per cent. Several other creeks in the vicinity contain from 15 to 25 percent of salt.

To satisfy myself of the accuracy of the test made with the Saltometer, I boiled the water taken from the spring and found the result fully sustained the percentage of salt indicated by that instrument. After completing my examination of these salines, we proceeded north in search of the celebrated Salt Creek which we found about fifteen miles north of the springs which we had left, situated on the west side of the Brazos. On reaching the creek we were greatly disappointed at finding that recent overflow in the creek had washed out the beds of salt which are constantly forming in it in dry weather, and which was then forming with great rapidity.

party who first made the discovery of this creek, who assured me that the salt at the time of the discovery was formed in the bed of the creek from eight to fourteen inches in depth extending across the bed of the stream, other gentlemen who has seen this salt creek in dry weather fully confirms the statements of Sargeant Tackitt, so fully satisfied was Sargeant Tackitt that any desired quantity of salt could be obtained there that he induced his Father to send his wagon with an escort in order to procure a supply of salt. A Mr. Williams, a citizen of Young County also sent his wagon for a load of salt, both being disappointed in consequence of the unexpected and uncommon rise in the creek during the summer months.

It may not be out of place here to state that we found a fine Sulphur Spring on the route from the salt lake first visited to the salt creek situated about half way between the points last mentioned. It is a bold spring handsomely situated in a beautiful grove of cotton woods. This spring furnishes sufficient depth of water for fish from twelve to fifteen inches in length. Our men had quite a feast on fish caught out of the waters of this spring. Having camped at it both our outward and return trip, the water was pronounced by all who drank of it as being the best of black sulphur water which may at some future day add much importance to that new wild uninhabited salt region of our state. I deem it proper while speaking of the salt region to state that I found two creeks a few miles east of Double Mountain which contain from forty to fifty percentage of salt. Salt is continually forming by evaporation in fair weather, but the water is not sufficiently abundant to justify working on a large scale without sinking wells to collect the water which will doubtless be worked to advantage at no distant day.

Your Board desire in their instructions to me that I should state the number of men that in my judgment it would require to work with safety at the saline, the amount of salt that could probably be gathered, the section that would likely draw their supplies of salt from there, the price at which it should be sold to be self-sustaining, etc. As regards the number of men that it would require to work there in safety, it is difficult to say in consideration of contingencies that might arise hereafter, but so far as I have had the opportunity of forming an opinion, and

from consultation with other gentlemen who are better prepared to form correct ideas than myself as to the haunts and passes of the Indians, I feel justified in giving it as my opinion that from twenty-five to thirty men could work there in safety at present and probably for some time to come as we found no signs of Indians on any part of the route beyond Fort Belknap. I learn from Sargeant Tackitt that while on a scout a year ago last summer that they discovered a party of Indians near the head of the Brazos but made no discovery of any more nearer than the Plains which is upwards of one hundred miles above the salines. It is not improbable however that when the Indians shall discover that these salines are occupied by the whites that they may give some annoyance to small parties so remote from a point that timely assistance could not reach them. I am not of the opinion however that any force of Indians likely to visit that region would attack a party of twenty-five or thirty men who are well armed and prepared for self defense. As regards the probable expense of sustaining the men while working the salines, it would be difficult for me to make a correct estimate. Beef cattle can be purchased in any quantity in the vicinity of Fort Belknap and Camp Cooper at the usual prices now ruling in that section of country, say from thirty-five to forty dollars per head. Flour can be purchased in the wheat region at from twenty to twenty-five dollars per hundred pounds. Two teams would be amply sufficient to haul supplies out there and to keep the necessary supplies of wood for boiling salt. Citizens might be employed to haul supplies out there and to furnish wood and would no doubt be willing to receive salt in part or in whole for their services. The amount of salt that could be gathered and manufactured there would be difficult to conjecture. The amount would of course be regulated by the force employed and the facilities afforded them in the manufacture of salt.

I will here give my own opinion aided by others in whose judgement I concur as to the most practicable and profitable mode of working these salines. I am of opinion that the force employed should be furnished with a sufficient number of salt kettles to employ at least two thirds of their number in boiling salt (These salt kettles can be procured at Nash & Co. Foundry near Jefferson in Marion County in this State). The remainder of the force not

necessary in furnishing wood for boiling purposes should be furnished with suitable pine plank for erecting a number of vats to be placed at convenient distances from the water which can be rapidly filled by means of a cheap pump made with pine plank and conveying the water into the vats by means of small plank troughs. The labor is then done for a few days when by the rapid process of evaporation in fair weather they will have from forty five to ninety percentage of salt in each vat (the amount of salt of course being regulated by the quality of the water used). The boiling process being carried on at the same time, the accumulation of salt by these two processes combined will be immense for the small force employed.

As to the probable amount of salt that could be sold, I am of opinion that the demand will reach any probable amount that could be produced by the force before indicated.

The region of country that would likely draw their supplies from these salines will embrace the counties of Young, Jack, Palo Pinto, Parker, Wise, Montague, Cooke, Denton, Grayson, Collin, and Tarrant, and probably a portion of several of the adjoining counties. It is proper to state that salt is being manufactured on a limited scale in the counties of Young, Jack and Wise, but in such limited quantities that it amounts to but a very small item in the way of supplies even for the immediate neighborhood of the salines. The water is very weak containing as I am informed not exceeding from seven to ten percentage of salt requiring a great deal of labor to produce it. Consequently they are compelled to sell at high rates fifteen cents per pound being the lowest rates at which salt can be procured at these salines.

Your Board desires also to be informed at what price salt should be sold obtained from these salines to make it self-sustaining. In order to arrive at anything like a correct conclusion on this point, it will be necessary to estimate the probable expense of producing the salt and the transportation to some given point inside of the settlement, say to Fort Belknap, it being the nearest suitable point to establish a depot for the sale of the salt. Two gentlemen who accompanied our escort on the expedition, a Mr. Wilson and Mr. James Tackitt, expressed their willingness to run two wagons and teams each in hauling the salt to

Belknap at the rate of four cents per pound, but I feel justified in giving it as my opinion that it can be hauled at three cents per pound. And I am also of the opinion that the actual cost of producing the salt cannot exceed one cent per pound probably not so much after the preparations for the manufacture of the salt are completed. It will not probably be too high an estimate to say that each man engaged in the manufacture of salt will produce five hundred pounds per day, that multiplied by 22, the number of men supposed to be engaged in the manufacture, would produce 12,500 pounds of salt per day. Suppose the salt delivered at Fort Belknap at a cost of four cents per pound would show the cost of the 12,500 pounds to be \$500,000. This salt can be sold readily at 8 cents per pound being but a fraction over half the present price of salt in that section of the state, leaving at that rate a clear profit of \$500,000 on the production of each day's labor of the 25 men supposed to be engaged in the production of the salt. I will now assume that the pay and rations of these 25 men will cost one hundred dollars per day (which I consider an over estimate) would still leave the sum of \$400.00 profit on each day's operation which would in a short time reimburse the necessary expenses in putting the saline in a working condition and would very soon create a surplus sufficient to pay liberal salaries to such superintendents as might be found necessary to conduct the work of producing the salt with economy and to superintend the sale of the salt.

Should your Board determine to engage in the manufacture of salt at these salines and find that the sales would likely be increased by establishing a second depot for the sale of salt, I would respectfully suggest Decatur in Wise County as a suitable point to establish another depot, it being nearly central in the region likely to draw their supplies from these salines. The transportation from Belknap to Decatur would not exceed two cents per pound which added to the estimate for the sale at Belknap would put the price at 10 cents per pound which would be furnishing salt at 50 per cent lower rate than the present prices in this section of country.

I have made my estimate of the expenses of working these salines at higher figures than it will likely require to carry them on successfully in order to cover contingencies incident to all untried enterprises and I feel confident that

if prudently conducted that the results will fully sustain my estimates.

It may be proper before closing this report to make a few remarks in regard to the distance from Fort Belknap to these salines and the nature of the country through which we traveled. On reaching Belknap I was informed that the estimated distance to the salines situated beyond Double Mountain was one hundred and fifty miles, but am satisfied that the route we traveled cannot exceed one hundred and twenty-five miles which distance can be shortened from fifteen to twenty miles with but little or no labor leaving the true distance from Belknap but a fraction over one hundred miles. This route passes over a section of country susceptible of one of the best natural roads for the same distance that I have ever traveled. Fresh water is found at convenient distances for horse or ox teams, and abounds in good grass and an ample supply of wood for the accommodation of travel to any extent that could be desired.

All of which is respectfully submitted.

I have the honor to be  
Very Respectfully  
Your Obedient Servant  
A. Bishop

APPENDIX III<sup>31</sup>**REPORT OF  
THE MILITARY BOARD**

The following report of the acts of the Military Board from the time of its organization under the law of the 9th Legislature creating the Board, is respectfully submitted to the Honorable Legislature.

Immediately after the passage of the law creating a Military Board for the state, the parties named in the law, Governor F. R. Lubbock, Comptroller C. R. Johns and C. H. Randolph met and organized and proceeded to business.

On the 13th of January in consequence of certain letters received by the Governor from the Secretary of War of the Confederate States and also from the Honorable L. T. Wigfall and John Hemphill, our Senators in the Confederate Congress, and one from the Honorable John H. Reagan, as well from the perusal of the instructions given by the Honorable Secretary of War to George H. Giddings of San Antonio, the Board handed over to Mr. Giddings One Hundred U. S. Texan Indemnity Bonds, expecting to receive the same amount of Confederate States 8 per cent Bonds.

The Secretary of War upon receiving information of the proceedings of the Board, informed the Board that while he possessed no authority under the law to ratify the agreement as made with Mr. Giddings, yet he would purchase all the arms and munitions of war which might be procured by Mr. Giddings with these means. The Board granted Mr. Giddings 90 days to make the effort to secure arms and munitions of war by the use of these bonds and afterwards gave a further extension of time, but Mr. Giddings failed in the objects of his mission and the United States Bonds have been faithfully returned.

On the 29th of January 1862 the Board availed themselves of the services of the Honorable 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 per cent Bonds of the State as

<sup>31</sup>Ibid. Some of the documents listed in this report are present in the folder, but are not deemed essential to be printed.



the U. S. Texan 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 enumerated and other articles of prime necessity, such 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 articles of prime necessity of which the state was entirely destitute and which could only be purchased in Mexico or some other foreign country, and feeling sure that the patriotism of the planters of the state would prompt an immediate response to an appeal from the Board for aid and knowing at the time that the 8 per cent State Bonds issued under the act of the Legislature in accordance with the Constitution of the State afforded to planters and others a safe investment for their capital. The Board issued a circular, a copy of which is attached hereto and marked "A".

It is due to the people of the state to say that the circular met a prompt response from the people of the state and up to the 30th September 1863 the Board have purchased 4928 bales at 8C 20¢ part of which has been paid in State 8 per cent Bonds and the other in Confederate Treasury Notes at the prices ruling at the time of purchase and in some instances for less. The cotton purchased has been used by the Board in their transactions, part in exchange for articles of prime necessity purchased and the remainder consigned to parties, the proceeds to be used in payment of the like articles furnished the Board. The supplies received consist of copper, lead, powder, blankets, shoes, percussion caps, and material for clothing.

For the particulars of cotton purchased see document marked "B" and for a list of the goods and their disposition see document "C".

On the 31st day of March 1862 the Board appointed J. T. D. Wilson, an agent with instructions to proceed to Mexico, and purchase arms, munitions of war, clothing, shoes.

The Board furnished Mr. Wilson with \$75,000.00 of the U. S. Texas Indemnity Bonds, \$25,000.00 coupons of the same and ten thousand dollars in gold.

Mr. Wilson could not use the bonds and coupons but

purchased an invoice of powder, caps, lead, and a small lot of bagging and rope, the last two articles have been used by the Board. A copy of the invoice of goods secured by Mr. Wilson is hereto annexed marked "D".

Mr. Wilson also through his exertions after his return secured another invoice of goods marked "F", herewith annexed which was paid for by the sale of coupons of the U. S. Bonds. Invoice herewith marked "E". The invoice was sold to Major John Henry Brown, Chief of Clothing Bureau, Confederate States Army.

It is due to Mr. Wilson to state that he executed his mission with sagacity, promptness and efficiency and would accept no compensation for his services other than the actual outlay for expenses. The Board are also under obligation to Mr. Wilson for a vast amount of information furnished by him.

On the 11th April 1862 the firm of Jno. M. Swisher & Company of Austin were appointed agents of the Board. One of the parties Mr. J. M. Swisher it being understood was to proceed to Europe and there endeavor to sell United States Bonds and Coupons, and invest the means realized in arms, munitions of war, hats, boots, shoes, clothing and other articles suitable for army supplies. Mr. Swisher was furnished with \$300,000 in U. S. Bonds, \$12,175 in matured coupons and five thousand dollars in gold.

The Board also furnished Mr. Swisher with a letter of credit to the extent of 5,000 bales of cotton intending him to use it for the purchase of necessaries if he should fail to negotiate the bonds and coupons, or could purchase advantageously more than the proceeds of the bonds and coupons.

Mr. Swisher has proceeded on his mission. He made an arrangement in Matamoros with the house of Droege, Oetling, & Company. For copy of his propositions and their acceptance see document marked \_\_\_\_\_.

After his departure to Europe the Board were informed by Messrs. Droege, Oetling & Company that they had furnished Mr. Swisher with a letter of credit on their friends in Europe to the extent of 1,000 bales and that Mr. Swisher had agreed with them that the Board would consign to them that amount of cotton.

Immediately on the receipt of the information the Board proceeded to consign cotton as fast as transportation

western Texas, the disturbed times, the Conscript Act, all combined to make teams and teamsters scarce and hard to be procured. However by December last the Board had succeeded in placing in the hands of this house very near one thousand bales.

Immediately after Mr. Swisher's arrival, he succeeded through the house of Droege & Company in disposing of 149 of the bonds, \$129,490 in coupons \$9,075.

Mr. Swisher arrived in Liverpool on the 19th June and next day proceeded to London. He left with Droege, Oetling & Company \$3,000 of the coupons to pay expenses of insurance etc. The \$9,175 in coupons he sold for £1,740 or about \$8,590 less exchange. He then sold 149 bonds for £25,898 or about \$129,490 from which was to be deducted bankers commission. These bonds were sold with the July coupons off. A portion of these coupons as we are informed he also sold making coupon money in his hands about \$13,000.

These bonds have since become the subject of a Chancery Suit between the purchasers and the agents of Mr. Swisher, and the money for the sale of the bonds was enjoined, but as the Board understand from Mr. Swisher, the money was already paid to his agents and he had proceeded to purchase goods in Germany.

Upon the institution of the suit, he placed the money he received from his agents, and the goods he had bought with a portion of it at their disposal except the money for the sale of coupons which were not included in the suit. He had already expended in purchases about \$50,000.

He then proceeded to make another agreement with his agents, a copy of which is annexed as well as a copy of the bill in Chancery marked "G" & "H".

Mr. Swisher succeeded in shipping goods amounting to between 80 and \$100,000 consigned to Droege, Oetling & Company, Matamoros.

When the house of Droege, Oetling & Company heard of the institution of the suit against their friends in Europe for the recovery of the funds realized for the bonds, they wrote the Board—"But we understand that Mr. Swisher will still make use of our letter of credit to the extent of one thousand bales"—and this they repeated at various times.

Mr. Swisher arrived here in December last and made

his report to the Board, a copy of which is annexed, marked "J".

Mr. Swisher set up this curious proposition for the conservation of the Board, that these goods were not obtained by means of any assets furnished by the Board, that they were procured on his own individual responsibility, but that he would, if the Board allowed him to use their means to pay for them, sell the goods and divide the profits with the Board.

The Board believing that Mr. Swisher was their agent sent to procure goods in Europe and could not divert himself of this trust at his own will, that his acts there could not inure to his private benefit, refused to recognize the goods as his property, or to trade with him as a partner.

By various letters from Droege, Oetling & Company they recognized the Board as the owners of the goods subject to the payment for them by the Board.

The Board were much surprized after the adjournment of the Legislature in March last to receive a letter from Droege, Oetling & Company in which they made use of this remarkable expression, "That though they had informed the Board that Mr. Swisher would still make use of their letter credit" though it was true, it was not the fact." From that time Droege, Oetling & Company continued to place obstacles in the way of the Board obtaining of these goods.

In the meantime the Board for the purpose of bringing their matters on the Rio Grande to a close, secured the services of the Honorable N. G. Shelley to proceed to Matamoras and endeavor to close up all their transactions in that region of country.

The Legislature is referred to the able report of Mr. Shelley for the result of his mission which so far as obtaining these goods resulted in an entire failure with the exception of less than \$3,000 of the amount. Report marked "K".

The Board have no comments to make upon the curious proceedings of Mr. Swisher in setting up a claim for half the profits that might be realized upon the sale of the goods selected by him in Europe and utterly refusing to pay over the coupon money which he has acknowledged to be in his hands amounting to over \$13,000, until as he says, "the Board settles with him for his services," the value of which he assumes to be the sole judge.

The terms upon which the mercantile house of J. M. Swisher & Company accepted the agency of the Board was a fair compensation for his services, as the following extract from their instructions issued to them will show:

“Upon the success in whole or part of your mission will depend your compensation. Should you make a successful and profitable trip for the state, the Board will feel no hesitation in remunerating you handsomely, and in proportion to your success will the compensation be graduated.”

“The Board believes and hopes that in undertaking this mission you are actuated more by the spirit of patriotism and a desire to bring back to us the means whereby we may be enabled to expel the foe from our soil, thereby gaining our liberties, peace and property, than for any desire of gain.”

#### FOUNDRY

In the month of July 1862 the Board convinced of the necessity of the state being supplied with cannon and satisfied that no supply could or would be received from east of the Mississippi River at all commensurate with the quantity needed, determined to establish a Foundry. They had already procured a supply of copper and tin from Mexico, and they secured the services of a party who has been recommended to them as experienced in the business and proceeded to the erection of a suitable building on half block of lots belonging to the state in the lower part of the city of Austin. They also procured by purchase a steam engine, lathes, tools, iron and all necessaries required.

Owing to the scarcity of labor, and the paucity of materials in the state, it has cost a large sum comparatively to what it would have done in peace times, yet with a persistent course of economy steadily pursued from the commencement of the enterprise up to the present time, the present time, the Board are satisfied that there has been no useless expenditure of means.

So far the Foundry has not been the success the Board could have wished. The failure of the first ripening furnace needed to operate was a severe disappointment to the Board as it retarded the making of cannon. The Board are now erecting another furnace which in the opinion of persons competent to judge is thought will be a success.

The present Superintendent believes however that in the course of a very few weeks he will be able to make cannon; it is hoped that the experiment will succeed. Carriages for a battery of six guns are near completion.

The Foundry has however been of great used to the farmers. Numerous thrashers and reapers besides other indispensable work has been done at the Foundry. While the Board has refused doing any work that could be avoided, the great necessity of saving the grain crop where ever grown caused the issuing of the necessary orders to the Superintendent to have the repair of the agricultural implements attended to. Repairs have been done for citizens distant over 100 miles from Austin.

The Foundry has been however of incalculable benefit to the state in one particular. Without it, most likely the Board would not have been able to have procured the machines necessary to the success of the Cap Factory, or if procured at all would have cost the state at the prices charged for work and material nearly the amount that now stands to the debit of the Foundry on the books of the Military Board.

The amount to the debit of the Foundry is \$106,567 less \$8,982.31, amount received for repairs of agricultural implements and actual cost of cap machine.

### CAP FACTORY

The difficulty of procuring percussion caps for the State Troops and for the supply of the army in the state was early after the organization of the Board brought under their notice and their energies were taxed to supply an article so essentially necessary.

The war between France, England and Spain and Mexico prevented the exportation of any articles contraband of war from any of these countries to Mexico from whence they might be imported into Texas.

In the month of July the Board having secured the services of Mr. Wm. DeRyee, recommended to them as an experienced chemist and having also procured principally through Mr. DeRyee a supply of chemicals, the Board directed Mr. DeRyee to proceed to work which has been done and turned out quite a large number of caps.

The Foundry furnishing the machines, a great difficulty has been experienced in procuring refined copper.

Mr. DeRyee with ingenuity worthy of admiration has succeeded in manufacturing an alloy metal which answers nearly as well as copper. The Cap Factory is now in full and active operation and with the machines lately furnished and the help of a small refining furnace now erecting, it is believed that any quantity of caps will be turned out that may be required by the military departments.

Up to 30th September, caps have been manufactured and turned over to the state and a large portion has been transferred by the state to the Confederate States military authorities for the use of the Trans-Mississippi District.

Amount of debit of Cap Factory to 30 September, 1863: \$21,132.71 less \$12,185.30 to the credit for caps made and valued at \$10 per.

### RIFLES

Early in June, 1862, the Board entered into contract with Messrs. Whitescarver Campbell & Company to make three hundred fifty guns of the pattern of the famous Mississippi Rifles at the rate of twenty five dollars per gun. These guns were to be furnished by the 1st of January 1863. To aid these parties the Board advanced them \$2,500.

The guns have all been received under this contract and the advance properly paid.

On the 1st September 1862 the Board entered into another contract with these parties to furnish 350 more guns of the same style and finish with the addition of the bayonet attachment in the style of the Enfield Rifle for which the Board agreed to pay at the rate of thirty-five dollars per gun. This contract has also been executed.

These guns on inspection will be found neat, strong and substantial war guns though without ornament of any kind yet capable in the hands of our people of doing great execution.

On the [space] the Board entered into a third contract with these parties for the manufacture of 200 more guns of the same description at the same price to be delivered by the 1st January 1864, and the Board have no doubt that the contract will be complied with most faithfully.

The Board are informed that this armory was inspected by Lieutenant General Smith and Major General Magruder and the arms manufactured met their cordial approval.

283 guns manufactured by these parties sold Confederate Government and by them sent to Steele's command

197 also sold to the Confederate Government

67 of these guns were forcibly seized by Captain Johnson.

Upon representation made by the Board to Lieutenant General Holmes he returned to Austin the like number of new Enfield Rifles which were turned over to the Adjutant General.

Note 1. Since the First October on the representation of Major General Magruder of the scarcity of arms with which to supply the state troops called into active service, an order has been forwarded to the contractors to deliver all guns on hand at the time the order should be produced for which the Board will receive certified accounts against the Confederate States.

On the first day of July 1862 the Board entered into contract with Messrs. Billips & Hassell, Plenitude, Anderson County, to make seven hundred good substantial guns fit for war purposes after the manner and style of the Mississippi Rifles with bayonets at the rate of thirty dollars per gun.

The Board advanced these parties to assist them in the enterprise the sum of five thousand dollars taking good security.

Five hundred and fifty of the guns have been delivered, and the contractors Messrs. Billips & Son, successors of Billips & Hassell, are hard at work finishing the remainder as fast as possible.

Four hundred of these guns were also disposed of to the Confederate military authorities and by them disposed of in the same manner as those obtained from Whitescarver, Campbell & Company.

Note. 2. Since the first of October for the same reason as stated above, an order has been sent to B & S directing them to deliver all the guns ready on the presentation of the order.



Note 3. Early in the present month the Board accepted a proposition from Messrs. Billips & Son to make another five hundred of these guns @ \$60 payable in currency with the understanding that if the currency rises in value, the State to have the benefit of the rise.

On the 5th of November 1862 Messrs. Short, Briscoe & Company of Tyler, Smith County, entered into contract with the Board to manufacture five thousand guns of the style of the Mississippi Rifles with the improved bayonet invented by Mr. Short which the Board view as a very effective weapon. The price was to be \$ [blank] per gun.

These parties immediately after making the contract proceeded to the erection of buildings, procured a steam engine, manufactured a large number of tools necessary and laid in a large stock of material. They expanded in this manner a very considerable sum of money somewhat as the Board have been informed over \$30,000.

In June these parties obtained an advance from the Board of twenty-five thousand dollars to aid them in their operations for which they give approved security.

Under date of 17th September these contractors report as follows to the Board.

"We can deliver one hundred guns in two weeks from this date. We have been much troubled about stock timber and a large number of our hands have been sick. We have been delayed on account of inexperienced hands having to take such as we could get as we have invariably refused gunsmiths for the regular, and we are much annoyed by hands wanting advanced wages, as everything has so much advanced above the usual price of living. We are already losing money at the price of the gun.

"We have five hundred barrels bored and turned ready for the stocks and two hundred and fifty bored and fifty welded, making in all 800 barrels.

"We have made about 500 bayonets and have nearly ready all the pieces for the locks for the 800. We have a lot of timber seasoning which we will push as we are steaming it and will put them together as rapidly as possible."

An order has also been issued to turn these guns over to the military authorities for the arming of the State Troops.

The high standing of these contractors is a guarantee that they will comply with their agreement.

The Board have also had a small contract with N. B. Tanner of Bastrop for the manufacture of guns and up to the 30th September 1863 he has delivered 214 guns which have been turned over to Quartermaster Department.

The Board cannot but express their approbation of all these contractors who have evidently used their best energies in the service of the state. If these contracts have afforded them any profits, it must be small indeed. But the contractors have the gratification of knowing that they have performed good service to their country in furnishing arms to drive the invader from their state.

### NICHOLS GUNS

The Board also purchased two cannons manufactured in the state by Mr. Nichols, and known by his name. They were of great use in one of the bombardments of Galveston by the enemy in compelling one of their ships to be hauled off. They have been turned over to the state and by the state to the military authorities.

### PISTOLS

On the 11th April 1862 the Military Board entered into contract with Taylor, Sherrod & Company of Lancaster, Dallas County, to manufacture for the use of the state three thousand pistols after the pattern known as Colts, one half army and the remainder navy size at the rate of forty dollars per pistol.

At the time of the contract five thousand dollars was advanced to these parties and afterwards to their representation five thousand dollars more was advanced by the Board.

The Legislature at the called session by a joint resolution thought proper to relieve these parties of their contract on their repaying the sums advanced with legal interest, and in July last the parties repaid the loan in Confederate Treasury Notes with \$814.44 interest.

The difference in the specie value of this money at the time it was advanced and at the time of its return was very considerable, but from the language of the law the Board had no alternative but to accept the tender made and cancel the bond.

## GUN POWDER

Mr. Rowan of Waxahachie, Ellis County, having erected at their place a large powder mill, the Board to encourage home manufacture of this important and necessary article agreed to furnish Mr. Rowan with the salt petre and sulphur to be repaid in powder at the rate of \$1.25 per pound.

Salt petre and sulphur has been furnished Mr. Rowan to the amount of \$6,097.76, he giving bond and security to protect the state against loss.

In March last the mill was blown up. The Board have not been able to make as yet a satisfactory adjustment with the securities of Mr. Rowan who are able to pay, but they hope that the matter will be amicably arranged without a law suit.

Before the mill was destroyed Mr. Rowan had made about 800 lbs. of powder, but the samples sent by him to the Board, not coming up to the tests, the Board refused to receive it, and it is in the hands of his securities.

Mr. George Pfeiffer of Corpus Christi having been recommended to the Board as a reliable person, and that he was building a powder mill near Corpus Christi, the Board entered into contract with him on the 30th day of May 1862, for the supply of 10,000 pounds of powder at \$1.75 per pound.

The object of the Board was if possible to encourage by every means 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 purchase in Mexico the necessary raw material.

The Board advanced Mr. Pfeiffer one hundred and fifty bales of cotton, taking security for the same so that there will be no loss.

Owing to the threatened attacks on Corpus Christi by the Federals, and the scarcity of mechanics, Mr. Pfeiffer informed the Board he was compelled to abandon the mill, and under a late date he has informed the Board that he has made arrangements by which he will be supplied with the quantity of gun powder that is required which he will deliver to the Board as soon as received.

## PURCHASE OF ARMS

In addition to the contracts made for the manufacture

of arms, the Military Board recommended that every serviceable gun or those that could be made so should be purchased. This duty was confined to the Adjutant General and a reference to his report will show that the state has procured quite a number of serviceable arms.

#### PURCHASE OF THE GUN BOAT — BAYOU CITY

At the first establishment of the blockade of Texas by the Abolition Government, the frigate *Santee* was the only vessel employed.

Being a sail vessel and of large size, the blockade might have been easily evaded, had she not succeeded in capturing several small crafts which were used by her as tenders.

It was believed by parties esteemed competent to judge that if the *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 tenders and probably sink the *Santee*.

The Board selected Captain Henry F. Lubbock who has had great experience with steamboats besides being a theoretical and practical machinist, to superintend the alterations required. About the time of her completion, the *Santee* disappeared and was replaced by several light draught steamers with powerful armaments.

The principle object for which the Board purchased and altered this steamer being defeated by the increase and alteration of the blockading fleet, and the Board believing that the boat could be made very effective in the hands of the Confederate States Government 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 January last will become a portion of the written history of the war, and the Texas horse marines and the *Bayou City* will certainly occupy one of the most imposing chapters in that history. The Board may be allowed to congratulate themselves on the services rendered in that glorious transaction by the Gun Boat *Bayou City*.

The Board received for the <i>Bayou City</i>	\$50,000
For coal on hand sold to Confederate States	2,250

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\$52,250

The amount to the debit of the gun boat on the books of the Board was \$44,773.24.

### COTTON CARDS

The Board received through Droege Oetling & Company and J. M. Moore, twelve thousand pair of cotton and wool cards which they immediately offered for distribution to the various counties of the state through their county courts on the basis of the Scholastic Census, at as near cost in currency as they could make it—\$10 per pair it was thought would reimburse the Board. The county courts were instructed to first supply the needy families of our brave soldiers and on no consideration to charge more than cost and charges for the balance. As these tribunals were immediately responsible to the people, and the distribution having to be made, it may be said in their presence, it was a safeguard for a proper disposition of the cards amongst those who were the most in need of them.

The Board are still of the opinion that this plan was the best that they could have adopted.

The Board made a contract with the well known house of Ball, Hutchings & Company of Houston to import into the state thirty thousand pair of cotton cards. These cards were manufactured in Europe which was an object of particular desire to the Board.

The Board agreed to allow 50% profit on this importation delivered in Brownsville.

To pay the parties for these cards, the Board made an arrangement to provide and place in their hands funds sufficient to purchase one thousand bales of cotton, they to undertake the transportation and selling for which they are allowed 5% on the gross sales of cotton.

The Board placed in the hands of Ball, Hutchings & Company one hundred twenty-five thousand dollars in Confederate Treasury Notes and twenty-five State Bonds.

Note. The thirty thousand pair are in route from Brownsville to this place and on the 28th October the Board issued another Circular to the County Courts informing them that they could procure cards on the same basis as first issued and at the same price.

The Board wish to call the attention of the Legislature to the fact that in importing these cards, say 42,000 pair,

and disposing of them at the low rate of ten dollars per pair, there has been saved to the people of this state over one million of dollars, while the material aid and comfort which will be rendered to the soldiers in the army is not to be estimated in dollars and cents.

Many a mother, wife, sister has been made happy having been able through these cards to provide clothing for their loved ones absent in the army, and no doubt many a soldier has felt his heart gladdened with bright emotions when he has received "his suit of *home spun*" fabricated by the hands of those dear ones whom he left at home.

The business of the Board as will be perceived, embraced numerous transactions and a large amount of money has passed through their hands which has been received and paid out by Mr. Randolph their Treasurer thereby entailing on him a large amount of extra labor over what the other members have performed.

Up to the 30th September

Mr. Randolph received	\$7,000,070.00
and has paid out	-655,968.00

leaving a balance in his favor	\$ 44,102.00
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The Board also hold certified Quartermasters accounts amounting to \$59,866.50 for supplies and arms furnished the military authorities, all of which will shortly be paid.

The Books of the Board kept by their secretary will show all their transactions in detail.

The Board have received from Messrs. Droege, Oetling & Company invoices of medicines, printing paper, cotton cards, articles suitable for clothing for the army, blankets, etc., amounting to \$80,000. A part of these goods have been handed over to the Quartermasters Department, the balance of the goods are at Alleyton and will probably be received in a few days.

The wool and cotton cards are included in these invoices, as well as the machinery for the Penitentiary which has been of great use to that institution.

The Board are also indebted to Messrs. Droege, Oetling & Company in the sum of \$18,000 for a bill of blankets which were procured from them by Colonel Luckett for the use of the army of the Confederate States, at the time that blankets were imperiously demanded by the necessity of the

service. The arrangements made by Colonel Lockett with these parties failed and a difficulty was likely to spring up between Colonel L. then commanding the Rio Grande and the authorities of Mexico as well as the British Consul. In this dilemma Colonel Lockett appealed to the Honorable Pryor Lea, the agent of the Board, who as the only means to avoid a difficulty which might have been injurious to the cause of the Confederacy on the Rio Grande hypothecated 22 of the United States Bonds to the House of Droege, Oetling & Company as security for the payment by the Confederate States authorities of the bill which they agreed to do with cotton. It seems however that the formula of the service interfered with this arrangement, and the cotton was not delivered. Droege, Oetling & Company have charged the amount in accounts current with the Board, and Mr. Shelley on his late visit succeeded in settling this matter with the Confederate military authorities by taking a certified account for \$21,000 payable in specie.

Droege, Oetling & Company have shipped 999 bales of cotton belonging to the Board, but no account sales have yet been received. Although the relations between this house and the Board are not at present satisfactory, yet from the high standing in the commercial world of this house, the Board believe that they will be able to close their business with them satisfactorily and that in a short time.

Some of the difficulties which have occurred is owing to the fact that business has to be conducted by correspondence, the distance considerable, and the mails uncertain.

#### PROCEEDINGS UNDER ACT IN RELATION TO CERTAIN SALINES ON THE N. W. FRONTIER

In April last the Board tendered Colonel A. Bishop of Wise County the appointment of Commissioner to proceed and examine these salines and report as to practicability of working them.

In September last Colonel Bishop made his report which is herewith sent for the information of the Legislature.<sup>32</sup> It is an able report and shows that the Board could have made no better selection of an agent. The report is interesting as it discovered another item of wealth within the state, that was before almost unknown. Acting

<sup>32</sup>See Appendix II.

under the advice of Colonel Bishop, the Board resolved upon the working of these salines and rendered the appointment of Superintendent to Mr. Henry E. Stevens of Decatur, Wise County. The Board have not heard from Mr. Stevens, whether he will accept the appointment.

PROCEEDINGS UNDER ACT APPROVED  
MARCH 3rd, 1863, ENTITLED AN ACT TO  
PROCURE SPECIE TO ENABLE THE PEOPLE  
TO PAY THE SPECIE TAX

Immediately after the adjournment of the called session of the Legislature in March last, the Board took under consideration the act above specified, and came to the conclusion that in consequence to the great rise in the price of cotton that was daily taking place owing to the army of speculators that were in the field purchasing cotton, and the depreciation of the currency and the further fact that the best of the cotton crop had already passed from the hands of the planter, that it would be better for the Board to wait until later in the season.

In the early part of last month the Board drew from the state the sum of seventy-five thousand dollars and placed the same in the hands of Messrs. Ball, Hutchings & Company, merchants of high standing and respectability in Houston, who agreed to purchase the cotton, procure the necessary transportation and sell the cotton for all of which service they are to have a compensation of 5% on the gross sales.

It will be seen that the Board only drew half the sum appropriated. For many reasons it was thought that the best interests of the state would be served by this course.

In the first place it is impossible for the state to enter the cotton market in competition with the hord of speculators who purchase cotton not with a view to the profit they realize on that article, but to use as the means of paying for goods which they purchase to be brought into the interior and sold for 300 to 400% profit. Whatever they may lose on the cotton is added to the cost of the goods purchased by them and of course the consumer of these goods pays the loss on the cotton.

It is for the Legislature to decide whether they will continue this law in operation, thereby entailing the expenditure of \$400,000 to pay one hundred thousand dollars



of interest on the debt, or adopt immediately another and less expensive way of preserving the faith of the state.

Cotton realizes to the planter from 57 to 60 cents in currency, the cost of transportation has to be paid in specie at the port of delivery which will average more than 10 cents per pound.

The state will be doing well if the cotton shipped by them realizes 15 cents in specie after all expenses are paid. The currency is received by the state as specie, but unfortunately in purchases made by the state it is only really paid out at its very depreciated value for cotton that is now selling at the prices specified above, would not be worth in old times more than 8 to 10 cents.

It will require an appropriation of six hundred thousand dollars should there be no variation in the price of cotton, to enable the Board to procure the amount of specie required for the next two years.

While the Board acknowledges that the specie must be procured at any cost to pay the interest accruing on the 8% bonds, so that no stain of repudiation may for one moment rest on the escutcheon of the state, yet the Board feel that it is their duty to lay this matter in its present phase fully before the Legislature for their action

#### CONTRACT WITH JNO. M. MOORE

On the 29th April 1862, the Board entered into agreement with Jno. M. Moore to proceed to Mexico and if possible procure a supply of arms, munitions of war, tin, copper, army clothing and articles of prime necessity.

The Board agreed to place at the disposal of Mr. Moore from 2 to 4,000 bales of cotton, deliverable at San Antonio or some other convenient point. Mr. Moore was instructed to proceed with dispatch to Mexico and make the necessary arrangements for the success of his mission.

In consideration of Mr. Moore taking entire charge of the cotton, furnishing the necessary transportation and giving the enterprise his entire attention, paying his own personal expenses and finding also at his expense all sub-agents, the Board agreed to allow him 15% commission on all purchases and 15% on the sale of cotton.

The Board have received goods to the amount of \$80,000 to which will have to be added the duties paid on the Rio Grande, municipal and export duties in Mexico, and

most of the freight to San Antonio as well as Mr. Moore's commission, all of which will increase the amount very considerably.

Mr. Moore also brought in a large quantity of gun powder, but as this article did not come up to the standard it has been refused.

Mr. Moore sold 500 bales of cotton deliverable at San Antonio in the month of July, 1862 at ten cents specie weighing 244,034 pounds = \$24,403.40.

623 bales weighing 419,251 pounds has been reported by Mr. Moore to have been sent to Monterrey and there sold, but no account sales has yet been received by the Board.

The Board are aware that four hundred seventy-one more bales had reached Eagle Pass on its way to Monterrey.

Altogether Mr. Moore has received from the cotton purchased about 24,211 bales, the account may vary a few bales one way or the other.

All the expenses of transportation on this cotton to Monterrey including the export duty required by the Confederate States, the cost of transportation, municipal duties and import duty (if any) all of which is payable in specie has been liquidated by Mr. Moore, as well as the freight on such of the cotton as has been sent by him to the lower Rio Grande.

Mr. Moore has made several trips to Mexico on this business and devoted considerable of his time thereto.

Besides the amount of goods before stated, there has been received from Mr. Moore, 82 dozen cotton, 40 dozen wool cards and 20,000 envelopes for which no invoice has been furnished.

On Mr. Moore's return from the Rio Grande the whole of his business will be settled.

### COTTON ACCOUNT

The purchase of cotton shows that 4,932 bales have been purchased by the Board at prices varying from 8 to 20 cents. The return of the transportation agents shows that 4,928 bales have been started for their destination.

The drought in 1862 delayed the transportation of cotton and when this had ceased, the Board had a still greater difficulty to contend with the immense number of

speculators and army contractors who required transportation. Only those who have been engaged in the business can have any idea of the difficulties which the Board had to contend with.

A considerable portion of this cotton something like six hundred bales has started quite recently.

- 1,432 bales of cotton consigned to Droege, Oetling & Company
- 169 bales exchanged with San Antonio Powder Company for tin
- 43 bales sold by J. T. D. Wilson in payment of supplies
- 10 bales in bad order and sold at Brenham
- 150 " advanced George Pfeiffer on powder contract
- 50 bales burnt at Sorrell's Plantation
- 199 " Lavanburg in payment of first invoice of goods
- 150 bales given to Lavanburg to be transported by him and sold in payment of 2nd invoice
- 500 bales sold by J. M. Moore weighing 244,034 pounds at 10 cents specie delivered at San Antonio
- 623 bales sent to Monterrey for sale to J. M. Moore
- 1,303 " to San Antonio and Brownsville, a portion of which is still on the way. On the 22 October 471 bales reported at Eagle Pass.
- 299 bales have been retained and are being consigned to Ball, Hutchings & Company at Brownsville and perhaps the destination of 30 bales included in the 1,303 will be diverted from J. M. Moore to the farms if the transportation can be met.

The members of the Board feel that though they may have committed errors of Judgment, they have been few, and bringing to the business an earnest and heartfelt desire to benefit the state.

They trust that their acts and doings as members of the Military Board will meet the approbation of the representatives of the people.

The Board have in all their transactions except one, been a unit, their association in this business has been pleasant and harmonious.

The Board would respectfully suggest to the Legislature, if they intend to keep the Military Board in existence, a different organization would be better. The time of the treasurer is fully occupied with the legitimate duties of his office which has greatly increased since all claims are paid in Treasury Warrants. The business of the Comptroller's Office from this same and other reasons has also considerably increased and require unremitting attention.

The Business of the Board if continued is also likely to increase and be greatly diversified, which necessarily for its well doing should be under active superintendence of a fiscal agent, judiciously selected, to whom the Board might be of great assistance on giving council and advice.

F. R. Lubbock

C. R. Johns

C. H. Randolph

# PROCEEDINGS OF GOVERNORS' CONFERENCE WEST OF THE MISSISSIPPI RIVER

Marshall, Texas, Aug. 15, 1863

In obedience to the request of Lt. Genl. E. Kirby Smith, the following Gentlemen met this day for consultation and conference, viz:

From Texas	Gov. F. R. Lubbock, Hon. W. S. Oldham, C. S. Senator, Pendleton Murrar, and Maj. Guy M. Bryan
" Louisiana	Gov. Thos. O. Moore, Col. Manning, Chief Justice Merrick, Associate Justice Voorhies
" Arkansas	Robt. M. Johnson, C. S. Senator and Representative of Gov. Flanagan, C. B. Mitchell, C. S. Senator, and W. K. Patterson
" Missouri	Gov. Thos. C. Reynolds

Whereupon, the Lt. General submitted the following questions for their consideration:

"Memorandum—for the Executives and Representatives of Arkansas, Louisiana, Missouri and Texas."

Questions to be considered.

1st—The condition of the States since the Fall of Vicksburg.

The temper of the people, the resources and ability of each State to contribute to the cause and defense of the

<sup>33</sup>From Francis R. Lubbock Letter Book No. III, February, 1863-November, 1863, pp. 252-267 (Archives Division, Texas State Library).

Department and the best means for bringing into use the whole population for the protection of their houses,

2nd—The best measures for restoring confidence and checking the spread of disloyalty, and keeping the people steadfast in the hope of ultimate triumph of our arms.

3rd—The questions of currency, and the best method of securing the cotton of the Department without causing opposition on the part of the people, and best method of disposing of the same.

4th—The extent of the Civil authority to be exercised referred to by the President, and Secretary of War in their letters of [blank] date to the Lt. General Commanding.

5th—Appointment of Commissioners to confer with the French and Mexican authorities in Mexico.

6th—Arms and Ordinance Stores.

On August 17, the Conference was fully organized by calling Gov. Lubbock to the Chair, and the appointment of W. K. Patterson as Secretary.

On motion, the Chairman appointed the following committees:—

No. 1—Gov. Reynolds, Voorhies, Johnson, Bryan, Oldham, Patterson.

No. 2—Oldham, Merrick, Mitchell, Reynolds, Lubbock.

No. 3—Johnson, Moore, Murrah, Reynolds, Manning, Merrick.

On motion the 1st, 2nd, and 6th propositions of the Lt. General, were referred to Committee No. 1;

The 3rd Proposition was referred to Committee No. 2.

The 4th and 5th Propositions to Committee No. 3.

The Conference took a recess until Tuesday, at 8 o'clock A. M.

Conference met, pursuant to adjournment.

Judge Merrick of Committee No. 2, made the following Report, which was unanimously adopted:

The undersigned Sub-Committee has had under consideration the question submitted by Lt. Genl. E. Kirby Smith as to the extent of the Civil authority to be exercised by him referred to by the Secretary of War in his letter of July 14, 1863, now reports, that in the opinion of the Committee it is intended, that such powers only should be exercised as are now exercised by other officers at Richmond, and which it is absolutely necessary on account of

inability to communicate with Richmond that the General should assume, in order to augment and maintain his army and put the Department in the best state of defense.

The objects to which such powers will extend are enumerated generally in the letter of the Secretary of War, and it is impracticable to be more specific here.

Of course, when the Secretary of War advises the General in Command of the Department, to assume powers not granted by other Departments of the Government, he expects that such powers (which are only powers of Administration, should be exercised according to existing Laws, and that nothing should be changed except the Agents by which the operations of the Government, in respect to this Department, are carried on.

The respective States composing the Department, have organized Government and it could not have been the intention of the Secretary of War to advise the Commanding General to assume Civil Authority which belongs to the States. They still having officers present, ready to perform their respective duties and functions.

(Signed)

Merrick

Col. Pendleton Murrah, from the same Committee, made the following Report:—

The undersigned, a sub-committee, to whom was referred this question, respectfully submits, that the dependence of the Trans Miss. Department, upon the Ports of Mexico for supplies and for communication abroad, together with the relationship of the French and Mexican Governments, at the present time, make an understanding with the authorities by those Governmnts highly important, if not absolutely essential. The disposition of those Powers, and their officials, can only be ascertained by correspondence with them. The correspondence, under the existing state of things, even as to civil matters, cannot, perhaps, be conducted directly through the Government, and as the correspondence to have reference merely directly to the interests of this Department and its immediate wants, the Laws, whenever the Law speaks, and propriety when the Law is silent, points out the Military Commander of

the Department as the proper official to initiate and conduct, the correspondence. As to the mode of carrying on the correspondence, it is, of course, to be left to the discretion of the Commander; and yet it is not deemed improper to suggest that the importance of the subject authorizes, if it does not require, an Agent intelligent, well informed, of known character, one adapted to inspire confidence of his knowledge and discretion, and not likely to be misled in these times of trial and uncertainty, by mere plausibilities or intimations intended to please to please [*sic*] and flatter, without promising or guaranteeing [*sic*] anything of benefit. The selection of such an Agent, and the prosecution of such line of policy, would find its justifications in facts which have already transpired in the conduct of French Officials. These facts forming a basis of inquiry and authorizing an approach to them officially for that purpose, would enable the Agent or Commissioner to sound, upon Mexican soil, both French and Mexican authorities, ascertain their disposition towards our Government, and People, and what we may expect of them in the way of favor or assistance, what credit may be founded upon the various productions &c, in our own territory. Whilst, the Agent might not be dignified by any definite title or grade, which proclaims his authority and its extent, he might, at least, be authorized to make explanations, give assurances, and come to an understanding, founded upon consummations of especial interest, pointing directly to the wants of this District, and embracing the specific matters pertaining to the general questions of credit and supplies from abroad. It is believed that our situation is such that these enquiries cannot be pushed forward with too much industry and discretion; for, if it be that the French Government is favorably disposed towards our Country, such control has it over the Country and Ports of Mexico, that his will is likely to be the Law, and important results may be anticipated from securing his good will. The condition of the Trans Miss. Department, has wants, what, is believed and ascertained of the disposition of the present authorities, it is believed fully authorizes the Commanding General to do. He cannot be instructed from Richmond as to civil matters pertaining to the agency questions of mere irregularity or even of doubtful authority. In conducting the correspondence, both the interest of the Country and the necessities



under which it labors, will be the law to guide his discretion.

Respectfully submitted.

(Signed)

P. Murrah

which was read, and on motion, unanimously adopted.

Gov. Thos. C. Reynolds from Committee No. 1, made the following Report:

The undersigned to whom was referred the condition of the Trans Miss. Dept. since the fall of Vicksburg, has had the same under consideration, and begs leave to submit the following Report:—

Since the courses of the war, this Department has labored under peculiar difficulties of a very embarrassing character; it has received but a meager share of the limited supplies of arms and munitions of war under the control of *the Government*. Waving all inquiry, as to the causes which presented adequate supplies from being sent west of the River, it is sufficient to say that the supply of arms, munitions, etc. in this Department, have never been equal to the imperative demands of the army. This was true before the fall of Vicksburg and Port Hudson. Now, since the enemy have entire control of the Mississippi River, and have the Gulf branch effectually blockaded, and the State of Mississippi overrun and governed by military power, we are completely separated from our Confederates East of the River and must abandon all hope of even the imperfect, and irregular supply heretofore received from the Government, and at once, and entirely rely upon our own resources. Beleaguered as we are, the General in command can neither transmit Reports, nor receive communications regularly, from the Seat of Government. Hence, this safety of the People (the Supreme Law) requires that he assume at once and exercise, the Power and Prerogatives of the President of the Confederate States and his Subordinates, in reference to all matters involving the interests of his Department. Our necessities demand this policy, and will not brook delay, and it is believed that all the emergencies of the Country may be met without violating the Constitution and Laws of the Confederate States, and without assuming anything like dictatorial power.

As to the temper of the people, we are compelled to report some disaffection and disloyalty in each of the several States of this Department, and considerable gloom

and despondency, the result of the loss of Vicksburg and other disasters, but the great mass of the people are loyal to the Government of their choice, and have full and unre-served confidence in the ability and integrity of the Lt. General Comm'dg this Department, and we think it safe to say, that they have maturely and considerably deter-mined, that no greater calamity can befall them than sub-jugation or submission to the Federal Government. Refer-ence, in general to arms only, is here made to the resources of the States, because your Committee have not the requi-site information to enable them to give special details. Nor do they deem it important, as the General can, through his subordinate Officers, obtain more copious accurate statis-tics that we can possibly give in this Report. It is thought that Texas can, and will, put into the field from 15 to 20,000 men, including the straggler, teamsters, etc.; she has grain, bacon and beef, to feed her people and the army two years; has four gun factories making 800 guns per month; has metal, copper and tin to make 100 cannon, and gun car-riages for a like number complete and in process of Con-struction, she is making percussion caps successfully; has five powder mills doing good work; has on hand 30,703 lbs. common powder, 25,635 lbs. lead; 90,000 fixed ammunition; 6,234 lbs. buck shot. She has in the field now one Regi-ment, State Troops for frontier protection, well supplied with ammunition. She has distributed a limited supply of powder, lead and caps, to some Counties. She has fur-nished great numbers of Cotton cards to her people and is now manufacturing them; and she has on hand material to keep in good repair the Machinery of the Penitentiary.

Arkansas can furnish 8 to 10,000 men, and has im-mense quantities of provisions and forage; her shops and factories are all in the hands of the Government, and the General has all needful information in reference to them.

Louisiana can provide 5 to 6,000 men, and has an ex-cess of corn, sugar and molasses.

As to the manufacture of clothing and the mineral re-sources, we refer the General to his clothing and mining bureau, and his Ordnance Department, as more reliable sources of information than any in our power.

Missouri can furnish 1,500 to 3,000 men now in States in our possession, and large numbers are daily accruing. Missouri, at present, is valuable chiefly as recruiting ground

for the Confederate Army. It is thought by the Governor of Missouri that a good system of recruiting in Missouri would add a Regiment a month from that State; and it is also thought that an advance in force in Missouri would add from 20 to 50,000 Missourians to our Army.

As to the means of bringing into use the whole population for the protection of their houses, we urge the execution of the Conscript Laws, with the privilege of volunteering; the calling out the Militia by the several Governors; the enrollment of volunteers for same term of service as State Troops or for the war in Districts where the Conscript Law cannot be enforced by reason of actual or threatened invasion; and we urge by every consideration, the impressment of Negroes to drive all the Teams in Government service, turning loose an army of teamsters, who are good fighting men.

We ask to be discharged from the further consideration of the means for increasing the loyalty, restoring confidence, and keeping the people steadfast, etc., and that the Proposition may be considered by the entire Conference.

(Signed) Thos. C. Reynolds, Chairman.

Which Report was, on motion, unanimously adopted.

Hon. W. S. Oldham, of Committee No. 2, made the following Report:

The Committee to whom was referred the following subjects submitted by Lt. Genl. Smith to us, the question of currency and the best mode of securing the cotton of the Department, without causing opposition on the part of the people, submit the following Report:—

That in view of the difficulties resulting from the occupation of the Mississippi River by the enemy, the cotton of this Department is the only safe and reliable means for carrying on efficient, military operations for the defense of the Country West of the Mississippi, the authority of the General in command, under the circumstances accumulating military supplies cannot be doubtful under the provisions of the Act of Congress, usually denominated the Impressment Act. As it will be impossible to obtain Confederate Treasury Notes to pay for the cotton to the amount that will be required, and as such an additional amount thrown into the circulation largely accruing, our already redundant circulation would lead to the still greater depre-

ciation of Confederate Notes as currency, the Committee make the following suggestion, both as to the mode of payment and as a means of sustaining the credit of the Treasury Notes as a currency. We make the following suggestions for the consideration of the Commanding General. That certificates be executed to deliver to the owners of the cotton purchased, pledging the Government for the payment of the price agreed upon in six per cent Coupon Bonds, the interest to be paid semi-annually from the date of the Certificate in specie, and with the additional pledge, that a sufficient amount of the proceeds of sale of the cotton, shall be invisibly set apart for the payment of the interest Coupons for at least the two first years, and that the Government, will provide for the prompt and certain payment of future accumulating interest. We believe the Planters would prefer such a payment than in Treasury Notes; that such Certificates would not swell the volume of circulation now afloat; and that the value would be estimated much higher than Treasury Notes, and would have a credit that would make them much more available as a means for obtaining whatever the holder might wish to purchase at home or abroad, than any other form of security the Government could issue. Taking possession of the entire amount of cotton with such exceptions and modifications as the Commanding General may deem necessary to meet particular wants or necessities of the People, would take the trade in cotton out of the hands of Speculators now engaged in it, prevent the further depreciation of Confederate Notes, by preventing an amount equal to the value of the entire cotton crop being accumulated in the locality of this Department in which a super-abundance now already exists, and prevent a further demoralization of public sentiment by the greed of gain and avaricious desire, with which it is already infeeled.

Upon the subject of discharging the necessary military obligations incurred, we venture to suggest, that in case money cannot be obtained from Richmond for that purpose, the Commanding General, in the execution of the special powers conferred upon him by the President, cause the Confederate Notes, not bearing interest, which have been funded with the various depositories within the Department to be re-issued and paid out by the proper officers in discharge of the debts for Military purposes, as well as pay

due the soldiers. Although the pledge would not be binding upon the Government, we have no doubt, if such notes are re-issued, with the pledge of the privilege of being re-funded, in bonds of the same rate of interest as new issues, the Government under the circumstances, would not hesitate to ratify and redeem the pledge.

(Signed) W. S. Oldham, Chairman

The question being upon the adoption of the foregoing Report, the Conference unanimously adopted all that part of the Report which relates to the buying and impressment of cotton and the re-issuing of Treasury Notes in the hands of Depositories, but refused, by a tie vote, to adopt that part of said Report, recommending the issuance of special certificates in the purchase of cotton.

Gov. Reynolds, of Missouri, offered the following resolution, which was adopted:

Resolved: that we harmonize and infuse vigor into the patriotic efforts of the People, diffuse correct information, and discourage disloyalty, an organization should be instituted as follows: The Governors for the time being of the Trans Miss. Department should unofficially compose a Committee of Public Safety, with a Chairman to call it together, when necessary, and act as its Agent, and should provide for Committees of Correspondence in each County and Parish, to correspond with the Governor of Their State, and with the Committee. The People of each County and Parish should form a voluntary Confederate Association to co-operate with the Trans Mississippi Committees; and Thos. C. Reynolds, Governor of Missouri was appointed Chairman of said Committee.

D. C. B. Mitchell offered the following Resolution, which was unanimously adopted:—

Resolved, That from our intercourse with Lt. Genl. E. Kirby Smith, and after hearing his general plan, we have the most implicit confidence in his regard for law, his military skill, and ability, his devotion to Southern rights, and his purity and integrity as a man, and that we believe the united and vigorous support of our people will under his leadership, insure a final complete success.

Chief Justice Merrick, of La.

Senator Johnson, of Arkansas, and Senator Oldham, of Texas, were appointed to present the above Resolution to Genl. Smith.

Whereupon, this Conference adjourned.

(Signed) F. R. Lubbock, Chairman

(Signed) W. K. Patterson,  
Sec'y

## APPENDIX V

**MESSAGES OF  
GOVERNOR MURRAH  
TO THE  
HOUSE OF  
REPRESENTATIVES<sup>34</sup>**

Austin, Texas, 1863 November 16th  
Executive Department

Gentlemen of the Senate and  
of the House of Representatives:

I herewith lay before you a supplemental report of the Quartermaster of the Frontier Regiment to the office of the Adjutant and Inspector General. Why this was not made a part of the principal report, I do not know, and it is now placed before you for such action as you may deem advisable. I call your attention to a joint resolution of the Extra Session of the last legislature making it the duty of the Military Board to prosecute inquiry the expediency of working certain salines near Double Mountain on the northwestern frontier of the state. And making it still further their duty, should they find the enterprise expedient, to take immediate measures for working the same under the supervision of state authority. For the purpose of carrying out the provisions of the act, the sum of five thousand dollars was appropriated. The Military Board report to me that they deem it inexpedient to commence work without more money and have requested me to bring the subject to your attention. While the subject is before you, it is respectfully suggested that the propriety of working salines at the expense and under the direction of the state should be fully considered and, if deemed proper, to what extent the state shall engage in such works.

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<sup>34</sup>From Executive Record Book No. 280, 1863-1865, pp. 27-44 (Archives Division, Texas State Library).

The State of Texas  
Special Proclamation by the Governor

Whereas the House of Representatives of the 10th Legislature of Texas had declared the seat occupied by the Hon. H. J. Moffatt to be vacant: hereby creating a vacancy in said House of one Member from Representative District No. 44

Now therefore I Pendleton Murrah, Governor of the State of Texas, do by virtue of authority in me vested hereby order and direct that an election be held in said District to fill said vacancy.

The Chief Justice of Dallas County (or two County Commissioners if necessary) will cause said election to be held (after having given not more than ten nor less than five days notice of the time thereof)—and returns thereof to be made to the Secretary of State according to law.

The State of Texas	Witness my hand and the Great Seal of State affixed at Austin this 18th day of Nov. 1863 and in the year of Texan Independence the 28th.
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P. Murrah

By the Governor

R. J. Townes  
Secretary of State

The State of Texas  
Special Proclamation by the Governor

Whereas, Since the issuance of my proclamation of date November 18th 1863, ordering an election to be held in Representative District No. 44 for one member occasioned by the Tenth Legislature, declaring the seat of H. J. Moffatt vacant, the said Legislature has placed an Act, approved Nov. 20th 1863 requiring that only five days notice of said election shall be given, and that the returns thereof be made within three days after the day of election.

Now Therefore I Pendleton Murrah, Governor of the State of Texas in pursuance of said Act, do require the Chief Justice of Dallas County to cause an election to be held to fill said Vacancy—after having given five days



notice of the time thereof—and returns thereof to be made to the Secretary of State within three days after the election in pursuance of the provisions of the aforesaid Act.

The State  
of Texas

Witness my hand and the Great Seal of the State affixed at Austin, this the 20th day of November A. D. 1863, and in the Year of the independence of Texas the Twenty Eighth.

By the Governor

James B. Morris,  
Acting Secy. of State

P. Murrah

### Executive Department

Austin, Texas, Nov. 30th 1863

Gentlemen of the House of Representatives:

I feel it to be my duty to return to the House in which it originated, without my approval—"An Act prescribing the duties of District Attorneys in certain cases therein mentioned."

I fully concur in the objects proposed by the Bill—to make it the duties of the District Attorneys to represent the interests of the State, in the cases designated, arising under her laws, and also to prohibit them from appearing adversely to the Confederate authorities in such cases arising under the Military and Naval Laws of the Confederacy. But I respectfully submit, that it is the duty of the Confederate authorities to see to the enforcement of the laws of the Confederacy, and to defray the expenses incident thereto; and in some portions of the State, these authorities, as I am informed, have already employed Counsel for the purpose of meeting such cases as are designated in this Bill, and they will doubtless do so, whenever it becomes necessary. Judging from what has occurred in the past, in connection with the military laws of the Confederacy, and from the changes that may in the future be made upon them by legislation and by the constructions emanating from Military authority, the number of applications for the writ of habeas corpus in the character of cases contemplated by this Bill, arising under these laws, within the next two years, should the war continue so long, may accumulate a very considerable sum against the Treasury of the State, a sum,

too, properly chargeable against the Confederacy. The number of cases of this kind that will likely arise under the Military laws of the State, each involving, as the Bill now provides, a cost of twenty five dollars, may, in all probability, impose very considerable burden upon the Treasury, and it seems to me that the State will have fully discharged her duties by providing for the enforcement of her own laws in such cases, and for the payment of the charges incident thereto.

But should the State authorities aid in the enforcement of the Confederate Laws, in such instances, the expense should at least be paid from the Confederate Treasury.

P. Murrah

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Executive Department

Austin, Texas, December 1, 1863

Senators and Representatives:

I deem it proper to place before you some papers received from Major General Magruder containing evidence of treasonable and disloyal designs on the part of certain citizens of Texas arrested and imprisoned by his orders, and also containing evidence of like designs against others.

These papers will serve, at once, to show the grounds of General Magruder's action in these cases and to point out the manifestations of treasonable designs and combinations at work in our midst to be provided for by your legislation.

As it relates to the defense of the military district of which he was commander, I also place before you for your consideration a letter of General Magruder in relation to the transfer of the Frontier Regiment to Confederate service.

P. Murrah

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Executive Department

Austin, Texas, December 2, 1863

Senators and Representatives:

I herewith transmit to you for your consideration some further communications from Major General Magruder in

relation to some of the subjects embraced in the communications placed before you on the first instant.

These papers were received by me today.

P. Murrah

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Executive Department

Austin, Texas, December 4, 1863

Senators and Representatives:

About the 23rd of August the last, the remnant of the Tonkaway Indians, numbering about one hundred and sixty-five, consisting of about fifty warriors, the remainder non-combatants, old men, women, girls and boys, arrived in Texas and still remain in the state. Ninety of these Indians are at Fort Belknap, the remainder at Camp Colorado. They were induced to come by promises held out to them of a home and military service in Texas by officers, some in the Frontier Regiment, and by Colonel Jno. R. Baylor, as you will see by letters herewith transmitted, addressed to them and their agents.

Since their arrival in the state, they have been subsisted by the officers of this regiment, and the accounts of their subsistence have been forwarded to the office of the Adjutant and Inspector General for approval; but, up to this time, his approval has been withheld, because there was no appropriation for that purpose. From the best estimates that I can have made, it will require at least ten thousand dollars to subsist them from the time of their arrival to the first of January next. This does not include a provision for clothing, blankets, etc., of which they are said to be very destitute.

These Indians were induced to come into the state by the military authorities referred to with the view of employing them as spies in the operations of the Frontier Regiment. They lost most of their warriors in the massacre at Fort Cobb, and it is said they have been friendly and true to the white man for years, that they entertain the most bitter hostility towards their Comanche foes, and are eager to be employed in war against them.

As soon as I ascertained that this unfortunate tribe of Tonkaways had been introduced into the state, and promised homes and military employment without her authority, I

caused a letter to be addressed to Colonel McCord, commanding the Frontier Regiment, directing him at once to correspond with the Confederate military authorities of the Northern Sub District of Texas, or with General Steele, with reference to them, and to urge upon them the propriety of taking charge of, and providing for them. I did this because I believed that Texas had been for years pursuing the same policy in trying to rid herself of the presence and care of the Indians, and devolved it upon the general government to whom it more appropriately belonged.

Upon the Confederacy rests the obligation of the care and protection of the friendly tribes of Indians, and Texas reverses her policy when she invites them back to her soil.

I have received nothing in reference to the correspondence which I directed to be instituted on this subject, but the Tonkaways are returning to Texas, where doubtless innocent of an intention to offend against a policy inaugurated by her laws. They doubtless believed that those who assumed the authority of inviting them to a home and military service in Texas were clothed with power to do so, and to make their promises good, and while the assumption of such unwarranted authority upon the part of subordinate officers of the government may be disapproved, I do not believe it just to visit either the censure or punishment upon the ignorant Indians. They are in our midst; they are friendly; they are willing to fight for us; they are desolate and without a home; and, if the Confederate authorities do not take charge of them, I believe that the state should make provision for them. To leave them on the frontier without protection and without support would, perhaps, convert them into a band of thieves.

The Confederate authorities should be appealed to on this subject, but should the care and protection of these Indians be devolved upon the state, the warriors may perhaps be made serviceable upon the frontier.

The papers herewith transmitted belong to the office of the Adjutant and Inspector General and it is important that they should be returned to that office.

P. Murrah

Executive Department

Austin, Texas, December 4, 1863

Gentlemen of the House of Representatives:

I return to your body a bill entitled an act to raise two million of dollars, or so much thereof as may be necessary, by the sale of cotton bonds to provide for the defense of the state and to repel invasion and for the purchase of machinery for manufacturing purposes.

The bill entrusts to the executive the sale or the negotiation of the state bonds for the purposes contemplated by it, but does not authorize a disposition of them through an agent or agents selected for the purpose. This defect will be readily perceived, and unless remedied, it might defeat the objects proposed.

P. Murrah

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Executive Department

Austin, Texas, December 15, 1863

Gentlemen of the House of Representatives:

I return, with my objections to its passage with its present provisions, a bill entitled an act to regulate publication in certain cases.

The provisions of this bill increase the number of legal notices to be published in newspapers by administrators, executors, county clerks, sheriffs, and chief justices. It in fact requires all such notices to be so published. This, I think, involves unnecessary expense and at a time when paper and newspapers are scarce and publications with newspapers very high. I do not see the propriety of subjecting the sheriff to the orders of the chief justice as to the notices now required by law to be published in newspapers by him unless such notices should emanate from the county court or chief justice.

P. Murrah

## INDEX

## A

- Ad valorem tax: 119, 173, 192, 214
- Adams, E. B.: B, 221; appointment to committee of, 39, 40, 42, 68; bill introduced by, 71; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 180, 181, 183, 184, 193, 195, 203, 204
- Adjutant General: 14, 16, 64, 103, 172, 213, 264, 268, 269
- Alabama, Coushatta Indians: 27, 28, 174, 176, 190, 197
- Aliens: 23
- Alimony: 91
- Allen, J. H.: 2, 223; appointment to committees of, 39, 40, 41; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 169, 174, 177, 180, 183, 184, 193, 195, 196, 197, 203, 204
- Alleyton, Texas: 247
- Anderson County: 1, 36, 65, 66, 129, 189, 221, 241; assessor and collector of, 129
- Andrews, Henry B.: 142, 202, 222; appointment to committees of, 169, 203; bill introduced by, 145; eulogy delivered by, 148; memorial presented by, 175, 182; resolution offered by, 148; votes of recorded, 147, 161, 169, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204
- Angelina County: 36, 38, 70, 221
- Archer County: 2, 223
- Arizona: 71, 82, 107, 115, 198, 215
- Arkansas: 10, 25, 254, 259, 263
- Arms and munitions: 13, 26, 153, 186, 206, 215, 233-253, 255, 258, 259
- Army and Navy: 16, 19, 43, 68, 73, 105; commissioned officers of, 175; contractors of, 252
- Army of Virginia: 44
- Assessors and Collectors: 82, 102, 145, 159, 189, 213
- Assistant Sergeant-at-Arms: 4, 5, 225
- Associate Justices of Supreme Court: 42
- Asylums: 209
- Atascosa County: 3, 36, 225
- Athens, Texas: 227
- Austin, Texas: 146, 148, 178, 235, 238, 239, 241, 264; newspapers of, 61
- Austin County: 8, 36, 82, 102, 140, 223, 224

## B

- Bail bonds: 139
- Baker, M. W.: 2, 224; amendment offered by, 108; appointment to committees of, 35, 39, 41, 162; bills introduced by, 80, 146, 152; joint resolution offered by, 132; motions made by, 121, 156; nomination made by, 5; reports made by, 42-43, 173; resolution offered by, 68; substitute offered by, 65; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 161, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204
- Barbee, Hiram: 213
- Barclay, J.: 221; appointment to committees of, 41; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 203, 204
- Barry, Lieutenant Colonel J. B.: 226, 227
- Baldwin, \_\_\_\_\_: 216
- Ball, Hutchings, and Company: 246, 249, 252
- Bandera County: 3, 36, 224
- Banton, J. H.: 2, 223; amendments offered by, 184, 186, 194, 202; appointment to committees of, 36, 39, 41, 181; bills introduced by, 81, 89, 120, 132, 154; motions made by, 85, 108, 134, 176, 181, 182, 204; petition presented by, 116; reports made by, 88, 96, 150-151, 158-159, 182, 185, 190; resolutions offered by, 7-8, 154; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204
- Bastrop, Texas: 243
- Bastrop County: 36, 39, 73, 75, 82, 224

- Bastrop Iron Company: 210  
 Battle of LaFourche, Louisiana: 44, 82, 168  
 Battle of Richmond: 44, 81, 168  
 Baylor County: 223  
 Baylor, General J. R.: 109, 124, 268  
 "Bayou City" (gunboat): 12, 245  
 Bean, \_\_\_\_\_: 153  
 Beasley, J. W.: 35, 43  
 Bee County: 3, 36, 116, 225  
 Belden, Sam A.: 225; appointment to committee of, 140; vote of recorded, 97  
 Bell County: 3, 36, 115, 224  
 Belton, Texas: 224  
 Berryman, W. N.: 145, 187, 208, 209  
 Besser, John S.: 151, 217  
 Bexar County: 3, 4, 36, 225  
 Bill of Rights: 126  
 Billips, \_\_\_\_\_: 83, 110, 161, 191, 205, 206, 241, 242  
 Birdwell, Allen: 1, 221; appointment to committee of, 41; bills introduced by, 61, 145, 146; motion made by, 160; nomination made by, 6; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 174, 177, 181, 184, 194, 195, 196, 197, 203, 204  
 Bishop, Colonel A.: 13, 226-232, 248, 249  
 Black, J. A.: 151, 192, 215  
 Blake, Bennett: 1, 221; appointment to committees of, 40, 41, 42, 154; joint resolution offered by, 142; reports made by, 128, 171; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Blankets: 234  
 Blind Asylum: 27, 65  
 Blue, John: 4  
 Board of Censors: 21  
 Board of Works and Supply: 217  
 Bonds: 13, 32, 110, 175, 236, 246, 250  
 Bonham, Texas: 222  
 Bosque County: 3, 36, 224  
 Bounds, Joseph: 206  
 Bowers, M. H.: 2, 3, 224; amendments offered by, 66, 85, 138, 168, 176, 179, 185, 186, 194; appointment to committees of, 39, 170; bills introduced by, 90, 138, 151; joint resolution offered by, 145; memorial presented by, 185; motions made by, 139, 155; petition presented by, 71; reports made by, 105, 109, 143-144, 193; resolutions offered by, 97, 169; substitutes offered by, 139, 156; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Bowie County: 1, 36, 222  
 Brady, J. T.: 2, 169, 222; amendment offered by, 133; appointment to committees of, 40, 41; bill introduced by, 64; motions made by, 74, 85, 112, 138, 179; reports made by, 68-69, 102, 109, 119, 137, 190, 191, 192; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 195, 196, 197, 203, 204  
 Bratton, L. R.: 3, 224; appointment to committees of, 39, 40, 42; bill introduced by, 145; nomination made by, 5; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Brazier, G. M.: 1, 221; appointment to committees of, 39, 40, 42, 140; bill introduced by, 64; motions made by, 140, 147; resolutions made by, 62, 70, 75, 90; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Brazoria County: 36, 71, 222  
 Brazos, Buffalo Bayou and Colorado Railroad Company: 1751, 165  
 Brazos County: 2, 36, 70, 223  
 Brazos Manufacturing Company: 217  
 Brazos River: 227, 229  
 Brenham, Texas: 252  
 Brewer, Shackfield: 102  
 Briscoe, Short and Company: 186  
 British Consul: 248  
 Britton, Reverend Mr. \_\_\_\_\_: 121  
 Brown, Major John Henry: 235  
 Brown County: 3, 36, 224  
 Browne, Thomas J.: 2, 222; absence noted, 202; appointment to committees, 36, 39, 40, 42; bills introduced by, 72, 74; resolution offered by, 153; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 161, 169, 174, 177, 180, 181, 184, 195, 203, 204

- Brownsville, Texas: 225, 246, 252  
 Brutus: 44  
 Bryan, Major Guy M.: 254, 255  
 Bube, Hiram: 157  
 Buchanan County: 3  
 Buckley, C. W.: 2, 223; amendments offered by, 133, 138, 140, 168; appointment to committees, 36, 39, 40, 41, 62, 67, 74, 106, 197; bills introduced by, 44, 84, 85, 111, 141, 152, 156; eulogy delivered by, 148; memorial presented by, 8, 35, 36, 64, 91, 107, 112, 138, 140, 147, 155, 162, 170, 186, 196, 197, 202; nominated for Speaker, 4; nomination made by, 5; petition presented by, 119; presiding officer (acting), 90; reports made by, 72, 75, 76, 86, 92, 95, 101, 114, 125, 126, 127, 128, 142, 143, 149, 163, 164, 165, 187, 188, 189; resolutions made by, 107, 153, 184; votes of recorded, 66, 97, 97, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Buena Vista, Texas: 221  
 Buffalo Station: 226  
 Burleson County: 2, 36, 224  
 Burnet County: 3, 36, 225  
 Burney, George: 73, 91, 134, 149, 208  
 Burns, James L.: 213  
 Burns, William B.: 207, 216  
 Burnes, \_\_\_\_\_: 58  
 Burris, James L.: 118, 157  
 Bush, N. W.: 8, 223; appointment to committees, 39, 40, 41, 67; petition presented by, 82; report made by, 198; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 195, 196, 197, 203, 204  
 Butchers: 152, 166  
 Butler, L. P.: 1, 221; amendment offered by, 85; appointment to committees of, 39, 40, 41; bills introduced by, 80, 151; report by, 115; resolution offered by, 65; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 203, 204

## C

- Caldwell County: 3, 36, 224  
 Calhoun County: 3, 36, 224  
 Callahan, Chas.: 40, 225  
 Callahan County: 3, 224  
 Cameron County: 36, 224, 225  
 Camp Colorado: 268  
 Camp Cooper: 226, 229  
 Camp Kyle: 177  
 Campbell, A. G.: 4, 225  
 Campbell, Whitescarver and Company: 179, 241  
 Cannon: 238, 239  
 Cap Factory: 239, 240  
 Capitol: 43, 94, 133, 135, 212  
 Carlton, Fred: 5, 225  
 Carpenter, \_\_\_\_\_: 153  
 Carroll, John: 184  
 Carter, \_\_\_\_\_: 58  
 Carthage, Texas: 221  
 Carver, John: 194  
 Cassius: 44  
 Cattle: 152, 166, 174, 215  
 Chambers, Thomas J.: 36, 37, 38  
 Chambers County: 36, 221  
 Chancery Suit: 236  
 Change notes: 136 6  
 Chaplain of House of Representatives: 4, 6, 121, 124, 134, 181, 186, 225  
 Chaplain of Senate: 43  
 Chappell Hill: 224  
 Chappell Hill Manufacturing Company: 210  
 Charleston: 46  
 Cherokee County: 1, 36, 221  
 Chief Clerk: 1, 4, 8, 225  
 Chief Justices: 42, 43, 138, 155, 270  
 Civil and Criminal Laws: 27  
 Clay County: 2, 36, 223  
 Clements, R. H.: 7  
 Cloth: 205, 217  
 Clothing: 234, 247  
 Clough, \_\_\_\_\_: 58  
 Code of Criminal Procedures: 152, 213, 220  
 Coffeerville, Texas: 222  
 Cole, S. G.: 225; appointment to committee of, 42; resolution concerning, 107  
 Coleman County: 3, 224  
 Collin County: 2, 36, 222, 230  
 Colorado: 71, 115, 107  
 Colorado County: 2, 36, 223  
 Columbia, Texas: 222  
 Comal County: 36, 67, 163, 171, 213, 224  
 Comanche: 268  
 Comanche County: 3, 36, 224  
 Commission merchants: 141  
 Committee on Agricultural Affairs: appointment of members to, 40; reports of, 115, 160  
 Committee on Claims and Accounts: appointment of members to, 40; bill recommended



- for passage by, 209; bills referred to, 67, 141; memorial referred to, 108; petitions referred to, 71, 148; reports of, 104, 115-116, 119-120, 137, 177, 195
- Committee on Comptroller's and Treasurer's Offices: 40
- Committee on Confederate Relations: appointment of members to, 41; joint resolution referred to, 64, 71, 75; reports of, 79, 82, 83, 164-165; resolutions referred to, 77, 91
- Committee on Contingent Expenses: 41
- Committee on Counties and County Boundaries: appointment of members to, 42; bills referred to, 68, 80, 111; memorials referred to, 182-183; petition referred to, 67; reports of, 78, 128, 171, 199
- Committee on Education: appointment of members to, 39; bill referred to; petition referred to, 71; reports of, 93, 120, 166; report referred to, 65; resolution regarding, 153
- Committee on Engrossed Bills: appointment of members to, 42; reports of, 83, 87, 93-94, 104, 110, 115, 130, 134, 135, 145, 150, 158, 166-167, 170, 171, 178, 185, 192-193, 201
- Committee on Enrolled Bills: appointment of members to, 41; reports of, 79, 148-149, 178, 201-202, 212, 220
- Committee on Finance: 167; appointment of members to, 41; bill recommended for passage by, 207; bills referred to, 80, 81, 89, 116, 134, 145, 151, 159-160; joint resolutions referred to, 96, 132; memorial referred to, 182; petitions referred to, 82, 129; reports of, 102, 103, 114, 136, 140, 160, 179, 190, 191, 192, 206; reports referred to, 65, 156, 172; resolutions concerning, 89, 122, 141, 154; resolution referred to, 107
- Committee of Free Conference: 214, 219, 220
- Committee on Frontier Protection: 73
- Committee on General Land Office: appointment of members to, 41; bill referred to, 205; reports of, 94-95, 159; resolution concerning, 63; substitute recommended by, 207
- Committee on Indian Affairs: appointment of members to, 41; bill recommended for passage by, 209; bill referred to, 176; reports of, 172, 190; resolution concerning, 142
- Committee on Internal Improvements: appointment of members to, 39; bills referred to, 80, 106-107; report of, 131
- Committee on the Judiciary: 136, 170, 196; appointment of members to, 39; bills recommitted to, 99, 155, 156; bills referred to, 64, 67, 71, 74, 75, 81, 85, 90, 97, 107, 111, 120, 121, 132, 134, 141, 145, 146, 147, 151, 152, 154, 160, 181, 183, 208; joint resolutions referred to, 103, 184; memorials referred to, 170, 175, 185; petition referred to, 167; reports of, 72, 76, 77, 80, 86, 92, 95, 100-102, 105-106, 114, 124, 125, 126, 127-128, 142, 144, 149, 155, 157, 163, 164, 165, 173, 174, 187, 188, 189, 190, 193, 200; resolutions concerning, 65, 66, 73, 112, 154; substitute reported by, 209
- Committee on Military Affairs: 209; appointment of members to, 40; bills referred to, 64, 80, 89, 112, 145, 207; governor's message referred to, 205; joint resolution referred to, 43; petition referred to, 142; reports of, 72-73, 109, 110, 111, 135, 158, 181, 198, 200-201, 216; report referred to, 181; resolutions concerning, 97, 141, 153; resolution recommitted to, 140
- Committee on the Penitentiary: appointment of members to, 39; bill recommitted to, 138; bills referred to, 67, 71, 80, 176, 205; memorials referred to, 198, 206; reports of, 88, 89, 150-151, 159, 182; report referred to, 87
- Committee on Printing: appointment of members to, 40; reports of, 62, 77-78; report referred to, 181; resolutions concerning, 43, 61, 65, 66, 153
- Committee on Private Land Claims: 118; appointment of members to committee on, 39; bill recommended for passage by, 207; bills referred to, 134, 141, 145, 152, 176, 194, 211; petitions referred to, 71, 116, 119, 124, 142; reports of, 93, 129-

- 130, 137, 156-157, 165, 167, 177-178, 187
- Committee on Privileges and Elections: appointment of members to, 40; matter of contested election in Dallas County referred to, 39, 118, 122; reports of, 69-70, 75, 87; resolution referred to, 107
- Committee on Public Buildings: 40, 94
- Committee on Public Debt: 40
- Committee on Public Land: appointment of members to, 40; bills referred to, 67 81; petition referred to, 114; reports of, 93, 196, 197
- Committee of Public Safety: 262
- Committee on Retrenchment and Reform: 40
- Committee on Roads, Bridges and Ferries: appointment of members to, 41; bill recommitted to, 134; bills referred to, 81, 152; reports of, 87-88, 171
- Committee on Slaves and Slavery: bills referred to, 89, 132; report of, 149
- Committee on State Affairs: appointment of members to, 41; bill recommended for passage by, 209; bills referred to, 71, 75, 91, 111, 112, 121, 132, 141, 145, 151, 152, 160, 162, 194; governor's message referred to, 44; joint resolutions referred to, 152, 211; memorials referred to, 176, 182; petition referred to, 119; reports of, 76, 77, 81, 82, 86, 87, 90, 96, 102, 103, 128, 129, 157, 158, 159, 168, 171, 172, 173, 174, 175, 178, 190, 198; report referred to, 65; resolutions concerning, 90, 153
- Committee on Stock and Stock Raising: 140; appointment of members to, 41; bills referred to, 163; reports of, 104, 106, 130, 150, 155, 165, 166, 174; resolutions concerning, 70, 122-123
- Committee on Stores and Storing: 41
- Committee of the Whole: 129, 175, 204, 205
- Committees of Correspondence: 262
- Common Carriers: 139, 145, 198
- Comptroller: 13, 30, 96, 111, 149, 154, 197, 198, 200, 207, 208, 213, 218, 219, 233; office of, 134, 143, 157, 253; reports of, 28, 65, 78
- Concho County: 225
- Confederate States of America: 12, 17, 18, 21, 30, 79, 212, 215; Army of, 14, 23, 80, 152, 169, 260; bonds of, 141, 153, 166; clothing bureau of, 235; Congress of, 11, 21, 31, 141, 173, 233; Constitution of, 45, 157; government of, 12, 13, 15, 30, 83, 85, 241, 245; military and naval laws, 266, 267; money of, 126, 141, 193, 205, 208, 214; Navy of, 152; officers of, 152, 190; President of, 226, 255; representatives of, 141, 169, 202; Secretary of War of, 233, 255, 256; senators of, 24, 141, 169, 202; soldiers of, 202; tax of, 160, 168; treasury of, 267; treasury notes of, 31, 34, 64, 73, 79, 90, 101, 105, 112, 113, 115, 116, 123, 128, 141, 192, 243, 246, 260, 261
- Conscript Act: 236, 260
- Conscientious scruples: 209
- Constitution: 7, 9, 15, 27, 45, 73, 80, 85, 96, 101, 103, 105, 119, 128, 140, 143, 208
- Cooke County: 2, 36, 223, 230
- Cook, W. M.: 3, 224; appointment to committees of, 39, 40, 41; bill introduced by, 80; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 193, 196, 197, 203, 204
- Concho County: 3
- Copper: 234, 238, 239, 250
- Corinth, Mississippi: 44
- Corpus Christi, Texas: 244
- Coryell County: 3, 36, 224
- Cotton: 19, 20, 97, 115, 130, 151, 160, 174, 209, 212, 215, 217, 234, 252, 261; burning of, 252; exchange of, 250, 252; impressment of, 262; price of, 251; profit from, 250; purchase of, 249, 255, 262; sale of, 246, 251, 252; transportation of, 248, 249, 251
- Cotton bonds: 26, 102, 117, 130, 175, 179, 215, 220
- Cotton cards: 246, 247, 251
- Counterfeit money: 148, 149
- County boundaries: 195, 201, 212
- County Clerks: 270
- County Commissioners: 108, 133
- County Courts: 22, 125, 136, 141, 144, 145, 156, 158, 159, 161, 168, 183, 193, 201, 205, 210, 213

County measures book: 139  
 County school lands: 27  
 County warrants: 136, 179  
 Coupon bonds: 261  
 Craig, \_\_\_\_\_: 6

Crawford, N. B.: 198, 207, 216  
 Crockett, Texas: 221  
 Crozier, A. R.: 213  
 Currency: 136, 155, 206, 254

**D**

Dallas Bridge Company: 220  
 Dallas, Texas: 183, 193, 210, 219  
 Dallas County: 2, 6, 36, 39, 87, 118, 134, 135, 148, 223, 243; chief justice of, 265  
 Daniel, W. C.: 1, 221; appointment to committees of, 40, 41, 195; joint resolution offered by, 43; resolution offered by, 154; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Darden, S. H.: 36, 37, 38  
 Darden, W. J.: 2, 3, 223; appointment to committee of, 39, 41, 167; bills introduced by, 67, 71, 81, 96, 146, 151; reports made by, 76, 149, 166; resolution offered by, 111; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Davis County: 1, 3, 36, 221, 222  
 Dawson County: 225  
 Deaf and Dumb Asylum: 27, 172, 213  
 Dean, George: 188  
 Dean, John: 170  
 DeBerry, A. W.: 1, 221; amendments offered by, 140, 182, 186, 194; appointments to committees of, 39, 40, 42, 162; bills introduced by, 71, 152; nomination made by, 121; reports made by, 83, 110, 135, 189, 190, 200; resolutions offered by, 73, 154; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Debts: 98, 140, 173, 218  
 Decatur, Texas: 226, 231  
 De Cordova, P.: 7  
 DeKalb, Texas: 222  
 Denton County: 2, 36, 162, 223, 230  
 DeRyee, Wm.: 239, 240  
 Deserters: 25, 68, 71, 108, 111, 146, 147, 148, 150, 154, 155, 159, 179, 188, 200, 215, 218, 219  
 DeWitt County: 3, 36, 224  
 Dickson, Mr. \_\_\_\_\_: 58  
 Dillon, Wm. D.: 141, 144, 197, 208  
 Dimmit County: 3, 225  
 Disabled soldiers: 141, 206, 207, 216  
 Disloyalty: report of, 258  
 Distilleries: 22, 90, 91, 102  
 District attorney: 87, 111, 143, 146, 147, 179, 195, 197, 207, 266  
 District Courts: 138, 139, 146, 188, 216  
 Divorce: 67, 91, 126, 173, 188  
 Doorkeeper: 4, 5, 6, 7, 225  
 Double Mountain: 13, 226, 227, 228, 232, 264  
 Douglasville, Texas: 221  
 Dowell, \_\_\_\_\_: 153  
 Droege, Oetling, & Company: 235, 236, 237, 246, 247, 248, 252  
 Drought of 1862: 251  
 Drugs: 160  
 Dumas, James P.: 198, 218  
 Dunlap, Reverend Mr. \_\_\_\_\_: 121  
 Dunn, John: 187  
 Dunning, James P.: 209  
 Duval County: 225

**E**

Eagle Pass, Texas: 252  
 East Texas Manufacturing Company: 121, 129, 174, 178, 212  
 Eastland County: 3, 224  
 Eastland, N. W.: 82, 224; contested election of, 69, 75; votes of recorded, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 195, 196, 197, 203, 204  
 Edwards County: 3, 224  
 El Paso, Texas: 225  
 El Paso County: 43, 225  
 Eleventh Legislature: 211  
 Ellis County: 2, 36, 39, 223, 244  
 Emmert, A.: 2, 222; appointment to committees of, 39, 40, 41; bills introduced by, 81, 121; reports made by, 87-88, 171; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122,

- 123, 124, 147, 162, 169, 174,  
177, 180, 181, 183, 184, 194,  
195, 196, 197, 203  
Encinal County: 25  
Enfield Rifles: 240, 241  
England: 239  
Engrossing Clerk: 7, 211  
Enrolling Clerk: 7  
Enrolling officers: 167, 170, 209  
Envelopes: procurement of, 251  
Erath County: 3, 36, 224  
Estates of deceased persons: 141,  
144, 155, 156, 158, 168, 173,  
174, 193, 201, 205, 210  
Estray laws: 70, 140, 146, 147,  
150, 155, 208, 217  
Europe: 235, 237, 246  
Executors: 270  
Exemption law: 11  
Exemptions: 156, 209

## F

- Falls County: 36, 39, 71, 151, 213  
Families of Texan soldiers: 23,  
80, 138, 142, 171, 194, 207, 212,  
213, 214, 217  
Fannin County: 2, 36, 114, 222  
Farmington, battle of: 44  
Fayette County: 2, 37, 67, 223,  
224  
Federal notes: 162  
Ferguson, Lewis: 220  
Fifth Texas Regiment: 168  
Finley, B.: 1, 3, 222; amend-  
ments offered by, 185-186; ap-  
pointment to committees of, 41,  
42, 181; bill introduced by, 67;  
votes of recorded, 66, 97, 98,  
99, 100, 113, 116, 118, 122, 123,  
124, 147, 161, 162, 169, 174,  
177, 180, 181, 183, 184, 194,  
195, 196, 197, 203, 204  
Fiscal year: 206, 220  
Flanagan, Governor of Arkansas:  
254  
Foreigners: 146  
Forfeitures: 139, 150  
Fort Arbuckle: 227  
Fort Belknap: 226, 227, 229, 230,  
231, 232, 268  
Fort Bend County: 2, 37, 119, 223  
Fort Cobb, Texas: 268  
Fort Mason, Texas: 224  
Foscue, F. F.: 71, 221; amend-  
ments offered by, 85, 133, 147,  
176, 181, 185; appointment to  
committees of, 39, 41, 74, 195,  
197, 203; bills introduced by,  
145, 202; motions made by, 91,  
145, 174, 196; reports made by,  
82, 83, 131, 135-136, 136, 164-  
165; votes of recorded, 97, 98,  
99, 100, 113, 116, 117, 118, 122,  
123, 124, 147, 169, 174, 177,  
180, 181, 183, 184, 195, 196,  
197, 203, 204  
Foundry: 12, 238, 239  
Fourteenth Judicial District: 195,  
214  
Fourth New Jersey Volunteers:  
44  
Fourth Texas Cavalry: 44, 168  
France: 239; government of, 256,  
257; officials of, 255, 257  
Frazier, G. W.: 2, 222; appoint-  
ment to committees of, 39, 40,  
41, 170; bill introduced by, 106;  
petition presented by, 148;  
votes of recorded, 66, 97, 98,  
99, 100, 113, 116, 117, 118, 122,  
123, 124, 147, 161, 162, 169,  
174, 177, 180, 181, 183, 184,  
193, 195, 196, 197, 203, 204  
Freestone County: 37, 39, 71, 156,  
223  
Frio County: 3, 225  
Frontier: 16, 17, 18, 28; defense  
of, 43, 62, 140, 162, 185, 208,  
210, 212, 214, 215, 217, 218  
Frontier Regiment: 267, 268, 269;  
bill concerning, 210, 212; quar-  
termaster of, 208

## G

- Galbraeth, Samuel J.: 211  
Galveston, Texas: 175, 187, 201,  
206, 222, 243, 245  
Galveston County: 37, 71, 182,  
219, 222  
Galveston District: supreme court  
of, 96, 142, 146, 148  
Gambling: 132  
Gaming: 189, 215  
Gathing Male and Female Col-  
lege: 220  
General Land Office: 32, 94, 133,  
135, 137, 15, 9  
Gentry, A. M.: candidate for  
Lieutenant Governor: 36-38  
Gibbons, Ed: 2, 222; amendments  
offered by, 133, 147; appoint-  
ment to committees of, 39, 40,  
41, 173; votes of recorded, 66,  
97, 98, 99, 100, 113, 116, 117,  
118, 122, 123, 124, 147, 161,  
162, 169, 174, 177, 180, 181,  
183, 184, 194, 195, 196, 197,  
203, 204  
Giddings, George H.: 233  
Gillespie County: 3, 37, 224

- Gilliland, W. M.: 7  
 Gilmer, Texas: 222  
 Glasscock, George W.: 2, 224; appointment to committees of, 40, 41; bill for relief of, 67, 119, 162, 169, 171, 202, 204, 217, 219; bill introduced by, 145; motion made by, 132; nominations made by, 6, 121; report made by, 94; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 174, 177, 181, 183, 184, 193, 195, 196, 197  
 Goliad County: 37, 225  
 Gonzales, Texas: 224  
 Gonzales County: 3, 5, 37, 83, 88, 138, 224  
 Gonzales Mutual Aid Association: 145, 196  
 Governor: 6, 36, 37, 38, 42, 43, 44, 45, 79, 82, 107, 113, 117, 121, 145, 158, 178, 208, 213; message of, 8, 48, 65, 66, 153, 154, 155, 195, 204, 207, 220  
 Governors' Conference West of the Mississippi River: 24, 254-263  
 Grand Cane, Texas: 221  
 Grand jurors: 139  
 Grayson County: 2, 37, 222, 230  
 Green, Brigadier General Thomas: 74  
 Greenville, Texas: 222  
 Gregg, Reverend Alex: 6, 121, 225  
 Griffin, John: 116, 157, 213  
 Griffith, John: 3, 222, appointment to committees of, 40, 41; joint resolution offered by, 106; reports made by, 72-73, 110-111, 135, 158, 200-201; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 203, 204  
 Grimes County: 25, 37, 70, 223  
 Guadalupe County: 37, 83, 88, 138, 224  
 Guardianships: 154, 160, 164, 167  
 Guinn, J. W.: 70, 221; amendment offered by, 203; appointment to committee of, 41; bill introduced by, 145; resolution offered by, 116, 153; votes of recorded, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 184, 193, 203, 204  
 Guinn, R. H.: 7  
 Gun powder: 244, 251  
**H**  
 Hamilton County: 3, 37, 224  
 Hamilton, W. B.: 5  
 Hampton, Lieutenant Colonel G. J.: 44  
 Harcourt, John T.: 73  
 Hardeman County: 2, 223  
 Hardin County: 37, 221  
 Harris County: 2, 37, 177, 222  
 Harrison County: 1, 37, 111, 115, 156, 158, 184, 202, 221  
 Harrison, Henry K.: 184  
 Harrison, W. M.: 2, 222; appointment to committees of, 39, 40, 41, 195; report made by, 102; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Hart, W. H.: 2, 222; appointment to committees of, 39, 40, 74; bill introduced by, 121; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 181, 183, 184, 195, 203, 204  
 Haskell County: 2, 223  
 Hatchie Bridge, battle of: 44  
 Haynes, George E.: 5, 225  
 Haynes, R. R.: 1, 4, 36, 73, 221; amendments offered by, 85, 91, 194; appointment to committees of, 39, 40, 41, 173, 197; bills introduced by, 67, 111, 121; motions made by, 68, 140, 170; reports made by, 79, 95, 149-150; resolutions offered by, 61, 65; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Haynes, Thos. N.: 124  
 Hays, F. M.: 1, 138, 156, 221; amendments offered by, 108, 133, 134, 147, 176, 186, 193, 194, 202; appointment to committees of, 36, 40, 41; bill introduced by, 132; motions made by, 35, 85, 142, 160, 169, 175, 186, 203, 204; nomination made by, 4; petition presented by, 119; reports made by, 77, 81-82, 86-87, 90, 102-103, 120, 128, 129, 157, 168, 171, 172, 173, 176, 177, 190, 192; votes recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 181, 183, 184, 194, 195, 196, 197, 203, 204

- Hays County: 3, 37, 224  
 Helena, Texas: 225  
 Hemphill, John: 233  
 Henderson, Texas: 221  
 Henderson County: 2, 37, 222  
 Henderson, Wm.: 185, 193  
 Herndon, I. H.: 1, 4, 225  
 Hessians: 12, 45, 48  
 Hidalgo County: 37, 225  
 Hill County: 37  
 Hill, T. E.: 71, 222; absence of recorded, 202; appointment to committees of, 39, 40, 41; bill introduced by, 151-152; nomination made by, 121; votes of recorded, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 169, 174, 177, 181, 184, 193, 203  
 Holford, W.: 2, 222; appointment to committees of, 39, 40; report made by, 89; resolution offered by, 153; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Holland, \_\_\_\_\_: 121  
 Hollander, William: 5, 225  
 Holmes, Lieutenant General: 241  
 Home guard: 162, 186, 201  
 Homer, Texas: 221  
 Hood County: 197  
 Hood, Major General J. B.: 74  
 Hopkins County: 2, 37, 142, 222  
 Hopkins, L.: 5  
 Horsehead Crossing: 152, 158, 213  
 Hospitals: 28, 169  
 Houston, Texas: 78, 177, 222, 246  
 Houston County: 1, 37, 221  
 Houston, G. J.: 40, 41, 225  
 Houston, General Sam: 7  
 Howard, G. R.: 1, 221; amendment offered by, 65; appointment to committees of, 39, 40, 41; bill introduced by, 75; joint resolution offered by, 153; petition presented by, 119; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 196, 197, 203, 204  
 Howard, W. H.: 8, 224; appointment to committees of, 39, 40, 41, 62, 195, 203; bills introduced by, 80, 162; memorial presented by, 71; motions made by, 114, 186; petition presented by, 148; reports made by, 89, 130, 158, 177; resolution offered by, 90; substitute offered by, 185; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Howard, Wm. H.: bill for relief of, 177, 215  
 Hunt County: 2, 37, 222  
 Hunt, Wm.: 67, 223; amendments offered by, 134, 185, 186; appointment to committees of, 39, 40, 41, 195, 197; joint resolution offered by, 96; votes of recorded, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203  
 Huntsville, Texas: 217

## I

- Impressment: 22, 31, 106, 131, 260  
 Inaugural Committee: 42  
 Indianola, Texas: 224  
 Indians: 121, 229, 269; agents of, 18, 27, 28  
 Industry: protection of: 59  
 Ingalls, John: 225; appointment to committees of, 39, 42  
 Inghish, R.: 2, 222; appointment to committees of, 39, 42, 74; petition presented by, 114; reports made by, 158, 178, 192--193; votes of recorded, 66, 97, 99, 100, 113, 116, 117, 118, 122, 123, 147, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Inspector General: 14, 16, 264, 268, 269  
 Interest rates: 145, 147, 157, 213  
 Iron: 13, 173, 177, 189, 194, 210, 216, 220  
 Iron Manufacturing Company: 152

## J

- Jack County: 2, 37, 38, 223, 230  
 Jackson County: 224  
 Jackson, Mississippi: 44  
 Jasper, Texas: 221  
 Jasper County: 8, 37, 221  
 Jefferson, Texas: 222, 229

Jefferson County: 37, 221  
 Johns, C. R.: 233, 253  
 Johnson, Captain: 241  
 Johnson County: 2, 37, 39, 74, 162, 223  
 Johnson, Robert M.: 254, 255, 263  
 Jones County: 3, 224  
 Jones, Wiley: 2, 223; appointment to committees of, 41, 62; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197  
 Jowers, W. G. W.: 35, 73  
 Juka, battle of: 44  
 Junia: funeral of: 44  
 Justice, William M.: 165

**K**

Karnes County: 2, 37, 209, 214, 225  
 Kaufman County: 2, 37, 222  
 Kendall County: 37  
 Kerr County: 3, 37, 224  
 Keyes, Howard: 2, 222; appointment to committee of, 39, 40; reports made by, 79, 148, 179, 201-202; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Kimble County: 3, 224  
 Kinney County: 225  
 Kirk, Eli: 67, 195  
 Kittrell, \_\_\_\_\_, candidate for Lieutenant Governor: 36-38  
 Knox County: 2, 223  
 Kyle, C.: 3, 224; appointment to committees of, 39, 41, 62; motions made by, 44, 81, 194, 203; nomination made by, 4; reports made by, 93, 129-130, 131-132, 137, 156-157, 165, 167, 177, 187; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203

**L**

Lacy, Robert: 2, 23; appointment to committees of, 39, 40; memorials presented by, 163, 182; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 195, 196, 197, 203, 204  
 Ladonia, Texas: 222  
 La Fourche, Louisiana: 81  
 Lamar County: 2, 37, 222  
 Lambert, W.: 4, 225  
 Lampasas County: 3, 37, 224  
 Lancaster, Texas: 243  
 Land Commissioner: report of, 32  
 Land certificates: 151, 165  
 Land scrip: 30  
 Lane, W. R.: 2, 222; appointment to committees of, 39, 41, 154; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 194, 195, 196, 197, 203, 204  
 Larissa, Texas: 221  
 La Salle County: 3, 225  
 Laredo, Texas: 225  
 Lavaca County: 8, 37, 66, 80, 224  
 Lavenburg, \_\_\_\_\_: 252  
 Laws of Texas: digest of, 168, 171  
 Lea, Pryor: 233, 248  
 Lead: 234, 235  
 Legal publication notices: 144, 220  
 Leon County: 2, 37, 163, 182, 223  
 Liberty County: 8, 37, 221  
 Lieutenant Governor: 36, 37, 38, 39, 42, 43, 44, 45  
 Limestone County: 37, 39, 71, 151, 213, 223  
 Lincoln, Abraham: 50  
 Lindsay, Lieutenant Charles: 226  
 Linn, Edward: 93  
 Lipscomb, A. S.: 70, 223; appointment to committees of, 40, 154; resolution offered by, 153; votes of recorded, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Liquor: 61, 85, 89, 90, 139, 141, 142, 153, 154, 157, 167, 170, 183, 193, 205, 210, 211, 213, 217, 219  
 Live Oak County: 3, 37, 67, 68, 78, 98, 104, 147, 198, 225  
 Llano County: 3, 37, 225  
 Lollar, L. A.: 2, 222; appointment to committees of, 42, 67, 170; bills introduced by, 67, 81; petition presented by, 142; reports made by, 78, 87, 88, 115, 199; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162,

- 169, 174, 177, 180, 181, 183, 193, 195, 196, 197, 203  
 Lone Star Banner: 57  
 Lone Star, Texas: 222  
 Loughridge, J. R.: 223; appointment to committees, 39, 42  
 Louisiana: 10, 25, 254, 259  
 Lovejoy, J. L.: 2, 223; appointment to committees of, 40, 41, 203; bill introduced by, 96; joint resolution offered by, 64; petition presented by, 167; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Lubbock, F. R.: 8, 35, 44, 53, 81, 168, 172, 226, 233, 253, 254, 255, 263  
 Lubbock, Captain Henry F.: 245  
 Luckett, Colonel: 247, 248  
 Lunatic Asylum: 19, 26, 120, 172, 209, 218; superintendent of, 26, 65

**Mc**

- McCall, J. D.: 7  
 McCarthy, J. L.: 43, 225; appointment to committees of, 40, 62; bills introduced by, 112, 146, 152; report made by, 198-199; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 McCord, Colonel: 269  
 McCoy, J. C.: 73, 87, 122  
 McCulloch County: 3, 37, 225  
 McDonald, J. G.: 2, 3, 112, 174, 223; amendments offered by, 180, 185, 186; appointment to committees of, 39, 40, 41, 162, 197; bill introduced by, 145; memorial presented by, 170; motions made by, 81, 97, 174, 196, 202; nomination made by, 5; reports made by, 79, 80, 101-102, 105-106, 144, 157; resolutions offered by, 7, 112; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 McGehee, Thomas G.: 141, 167, 214  
 McGuire, F. W.: 2, 224; appointment to committees of, 40, 41, 42, 67; bill introduced by, 68; petition presented by, 91; reports made by, 62-63, 69, 77-78, 137; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 McKinney, Texas: 222  
 McLennan County: 3, 37, 224  
 McMullen County: 3, 18, 67, 78, 98, 104, 128, 147, 174, 185, 195, 198, 214, 225  
 McNeill, D. L.: 40, 41, 69, 75

**M**

- Mabray, D. M.: 2, 222; appointment to committees of, 40, 41; leave of absence granted to, 163; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 174, 177, 181, 183, 184, 194, 195, 203, 204  
 Madison County: 2, 37, 223  
 Magruder, Major General John B.: 20, 21, 70, 103, 140, 204, 208, 240, 241, 267  
 Majors, James: 119, 128, 181  
 Maney, Henry: 62, 224; amendments offered by, 108, 161; appointment to committees of, 40, 41; bills introduced by, 112, 146; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Manning, Colonel: 254, 255  
 Marion County: 1, 37, 111, 115, 158, 184, 202, 222, 229  
 Marshall, Texas: 24  
 Marshall, J. W.: 2, 222; appointment to committees of, 40, 41, 140; bill introduced by, 96; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 174, 177, 180, 181, 183, 194, 195, 196, 197, 203, 204  
 Martin, Amos: 167, 188  
 Mason County: 3, 37, 38, 224  
 Matagorda Bay Dredging Company: 80  
 Matamoros County: 2, 37, 223  
 Matamoros, Mexico: 235  
 Maverick County: 225  
 Meade, Army of: 46



Means, Wm. H.: 62, 225; appointment to committees of, 40, 41; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 174, 177  
 Medicine: manufacture of, 247  
 Medina County: 37, 225  
 Menard County: 3, 224  
 Merrick, Chief Justice: 254, 255, 256, 262  
 Merrill, Moses E.: 141  
 Mexico: 238, 239, 244, 250, 251, 255, 256; authorities of, 248, 255; export duties of, 250; frontier of, 65, 77, 91; municipal duties in, 250; ports of, 257  
 Mexican War: 50  
 Milam County: 3, 6, 37, 224  
 Mileage and per diem: 136, 161, 191, 202  
 Military Board: 12, 13, 14, 64, 67, 73, 83, 107, 110, 121, 161, 177, 179, 184, 186, 194, 205, 218, 219, 220, 226, 228, 230, 231, 234, 264; agent of, 248; report of, 233-253; treasurer of, 247  
 Military Department: 21, 97  
 Militia law: 214  
 Miller, Robert: 108, 115, 167  
 Millers: 159, 213  
 Mills, W.: 218, 220  
 Ministers of Gospel: 16, 200, 201  
 Minute Men: 17, 212  
 Misdemeanors: 139, 143  
 Mississippi: 149, 258  
 Mississippi Rifles: 240, 241, 242  
 Mississippi River: 10, 21, 24, 25, 26, 28, 238, 258, 260  
 Missouri: 10, 254, 259, 260, 262  
 Mitchell, D. C. B.: 254, 255, 262  
 Mitchell, N. A.: 35, 73  
 Moffatt, H. J.: 2, 223; appointment to committees of, 39, 41;

contested seat of, 73, 87, 149; nomination made by, 6; proclamation concerning, 265; reports by, 83, 93, 120; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124  
 Montague County: 2, 37, 230  
 Monterrey, Mexico: 252  
 Montgomery County: 2, 37, 70, 205-206, 223  
 Moody, Ayres: 132, 137, 179, 185  
 Moore, \_\_\_\_\_: 255  
 Moore, A. W.: 73  
 Moore, J. M.: 246, 250, 251, 252  
 Moore, Thomas: 174, 176, 178, 215  
 Moore, Governor Thomas O.: 254  
 Moores, W. B.: 39, 156, 223; appointment to committees of, 40, 41, 173; bill introduced by, 121; joint resolution offered by, 152; memorial presented by, 187; motion made by, 173; report made by, 189; resolution offered by, 89; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 193, 195, 196, 197, 203, 204  
 Morris, James B.: 266  
 Moscow, Texas: 221  
 Mt. Enterprise, Texas: 221  
 Mountain City, Texas: 224  
 Mounted Regiment, Texas State Troops: 205  
 Murrah, Pendleton: 36, 37, 38, 195, 254, 256, 265, 266, 267; appointments of, 255; messages from, 53-61, 288, 264-270; resolution made by, 265  
 Muscogee Indians: 27, 28, 174, 176

## N

Nacogdoches, Texas: 70, 221  
 Nacogdoches County: 1, 37, 221  
 Nash and Company Foundry: 229  
 Navarro County: 37, 156, 223  
 Neches River: 70  
 Negroes: 67, 131, 153, 213, 260  
 New Braunfels, Texas: 226  
 New Mexico: 71, 82, 107, 115  
 New Orleans, Louisiana: 50  
 Newman, Wm. S.: 70  
 Newton County: 37, 221

Nichols, \_\_\_\_\_: 243  
 Nichols, E. B.: 32  
 Nichols, Q. A.: 91, 137, 180, 185, 195  
 Ninth Legislature: 151  
 Nobles, Benjamin D.: 138, 182  
 Northern Sub-Military District of Texas: 18, 269  
 Norton, Peter: 91, 104, 183, 194  
 Nueces County: 37, 225

## O

Oakland, Texas: 224  
 Odd Fellows Hall: 50  
 Old Land Office: 133

Oldham, W. S.: 254, 255, 260, 262, 263

Oldham and White's Digest: 7,  
120, 126, 141, 143, 173, 208

Orange County: 37, 221  
Ordnance Department: 259

## P

- Paint Creek: 227  
Palestine, Texas: 221  
Palo Pinto County: 3, 37, 224,  
230  
Paluxy and Brazos Sulphur Nitre  
and Powder Manufacturing  
Company: 111, 120, 160, 167,  
212  
Panola County: 1, 37, 221  
Paris, Texas: 222  
Parker County: 2, 37, 39, 74, 223,  
230  
Parson's Female Seminary: 141,  
183, 193, 205  
Patterson, W. K.: 254, 255, 263  
Patton, Mary D.: 72, 81  
Patton, N. B.: 3, 222; appoint-  
ment to committees of, 40, 41,  
67; excused absence of, 142;  
votes of recorded, 67, 98, 99,  
100, 113, 117, 118, 122, 123,  
124, 161, 162, 169, 177, 180,  
181, 194, 195, 196, 197, 203,  
204  
Payne and Company: 75, 83, 107,  
110, 148, 214  
Pecos Bridge Company: 152, 171  
Pecos River: 152, 158, 213  
Peebles, \_\_\_\_\_: 216  
Pellman, L.: 159  
Penal Code: 123, 140, 151, 206,  
208, 210  
Pendleton, E.: 2, 223; appoint-  
ment to committees of, 39, 40,  
41, 68; reports made by, 104,  
105, 106, 130-131, 150, 165, 166;  
votes of recorded, 66, 97, 98,  
99, 100, 113, 116, 117, 118, 122,  
123, 124, 147, 161, 162, 169,  
174, 177, 180, 181, 183, 184,  
194, 195, 196, 197, 203, 204  
Penitentiary: 18, 19, 25, 26, 64,  
67, 71, 80, 89, 90, 138, 174, 176,  
182, 198, 205, 213, 217, 218,  
219; cloth of, 138; direction of,  
150; financial agent of, 19, 86,  
150, 151, 218; labor in, 184,  
202; machinery for, 247, 259;  
superintendent of, 86, 150  
Pennington, Levi: 6, 225  
Percussion caps: 198, 206, 218,  
234, 235, 239; factory for mak-  
ing, 13  
Perkins, A. N.: 8, 221; appoint-  
ment to committees of, 39, 40,  
203; votes of recorded, 66, 97,  
98, 99, 100, 113, 116, 117, 118,  
122, 123, 124, 147, 161, 162,  
169, 174, 177, 180, 181, 183, 184,  
193, 195, 196, 197, 203, 204  
Pfeiffer, George: 244, 252  
Phillips, Reverend J. W.: 6, 121,  
225  
Plenitude, Texas: 24  
Poag, W. R.: 221  
Police force: 162, 205  
Polk County: 37, 221  
Poll tax: 161, 173, 214  
Port Hudson, Mississippi: 9, 57,  
258  
Postal laws: 152, 164, 215  
Potter, M. M.: 148, 169  
Powder: 234, 235  
Powder mill: 244  
Powder Horn Bayou & Matagor-  
da Bay Dredging Company:  
181, 201, 219  
Powder Run Bayou: 80  
Pre-emption settlers: 162  
Prendergast, D. M.: 39, 71, 223;  
amendments offered by, 194;  
appointment to committees of,  
40, 41, 181; bill introduced by,  
151; motion made by, 204; re-  
port made by, 103; resolution  
offered by, 132; votes of re-  
corded, 97, 98, 99, 100, 113,  
116, 117, 118, 122, 123, 124,  
147, 161, 162, 169, 174, 177,  
180, 181, 183, 184, 193, 195,  
196, 197, 203, 204  
President pro tem: 7  
Presidio County: 225  
Price, Robert: 109, 134, 137, 179,  
201  
Priestly, P.: 5  
Prince, John N.: 39, 223; appoint-  
ment to committees of, 41, 62;  
bills introduced by, 74, 89-90,  
154; votes of recorded, 66, 99,  
100, 113, 116, 117, 118, 122,  
123, 124, 147, 161, 162, 169,  
174, 177, 180, 181, 183, 184,  
194, 195, 196, 197, 203, 204  
Printing paper: manufacture of:  
247  
Prisoners of war: 20, 21, 71, 138,  
159, 213  
Probate Courts: 154, 164  
Promissory notes: 110  
Property exemption and detail  
laws: 162, 168  
Public cemetery: 218  
Public dues: 151  
Public land: 138, 168, 205, 207,  
210

Public mills: 159, 213  
Public printing: 219

Publication notices: 208

## Q

Quitman, Texas: 222  
Quartermaster: 198, 206, 243, 247; of Frontier Regiment, 113, 121, 199, 200, 264

Quarles, Carro M.: 71, 138, 161, 184, 201  
Quayle, Wm.: 73, 132

## R

Railroad companies: 153, 166, 219  
Ramsey, J. M.: 1, 221; appointment to committees of, 40, 41; bill introduced by, 156; votes of recorded, 67, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 161, 162, 174, 177, 183, 184, 194, 195, 196, 197, 203, 204  
Ranck, J. E.: 3, 224; amendments offered by, 74, 97; appointment to committees of, 40, 41, 62; report made by, 199; votes of recorded, 66, 97, 98, 99, 100, 112, 116, 117, 118, 122, 123, 124, 161, 162, 169, 174, 177, 194, 195, 196, 197, 203, 204  
Randolph, C. H.: 233, 247, 253  
Raymond, N. C.: 7  
Raymond, Sam: 118, 157  
Reagan, John H.: 233  
Reapers: 239  
Recognizances: 139  
Red River: 45  
Red River County: 2, 30, 222  
Redding, A. J.: 2, 222; appointment to committees of, 40, 41; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 203, 204  
Redmond, S.: 213  
Refugio County: 38, 225  
Reid, J. B.: 3, 224; amendment offered by, 108, 179; appointment to committees of, 40, 41; bills introduced by, 112, 146; leave of absence granted to, 204; motions made by, 85, 97, 134, 180; nomination made by, 5; reports made by, 159, 175; resolution offered by, 43; substitute offered by, 66; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
Revenue: 191, 206, 207, 208, 212, 218, 219, 220

Reynolds, Governor Thos. C.: 254, 255, 258, 260, 262  
Reynolds, Captain W. W.: 111  
Rhea, \_\_\_\_\_: 153  
Rhea, W. A.: 2, 222; amendment offered by, 194; appointment to committees of, 40, 41; bill introduced by, 89; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 203, 204  
Richmond, Virginia: 57, 81, 255, 256, 257, 261  
Rio Grande: 45, 233, 237, 248, 250, 25 1  
Road Law: 133, 181, 215  
Roberts, J.: 142  
Robertson County: 2, 38, 224  
Robertson, R.: 1, 221; appointed to committees of, 40, 41; votes of recorded, 66, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
Robinson, L.: 3, 224; appointment to committees of, 40, 41; joint resolution introduced by, 169; nomination made by, 6; petition introduced by, 71; report made by, 159; votes of recorded, 66, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
Rockwall, Texas: 222  
Roma, Texas: 225  
Rosencranz, Army of: 46  
Ross, Colonel Sul: 44  
Round Rock, Texas: 71, 170  
Rowan, Mr. \_\_\_\_\_: 244  
Rules of the House: 43  
Runnels County: 3, 224  
Rusk, Texas: 221  
Rusk County: 1, 6, 38, 221  
Russell, C. A.: 3, 225; amendments offered by, 138, 185; appointments to committees of,

- 40, 41, 195; bills introduced by, 68, 80, 107, 152; motion made by, 167; petition introduced by, 67; reports made by, 94, 115-116, 159-160; substitute offered by, 194; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204
- S**
- Sabine County: 38, 221  
 Salines: 136-137, 193, 226, 227, 228, 229, 230, 232, 264; superintendent of, 249  
 Salt Lake: 152  
 Salt petre: 244  
 Salt Spring: 227  
 Saltometer: 227  
 Sampson, S.: 3, 225; appointments to committees of, 39, 41, 67; votes of recorded, 67, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203  
 San Antonio, Texas: 78, 141, 182, 225, 233, 250, 251, 252  
 San Antonio Powder Company: 252  
 San Augustine, Texas: 221  
 San Augustine County: 5, 38, 221  
 San Patricio, Texas: 156  
 San Patricio County: 38, 225  
 San Pedro Creek: 70  
 San Saba, Texas: 225  
 San Saba County: 3, 38, 225  
 San Saba Masonic College: 89, 93, 139, 182, 183, 209, 211  
 "Santee" (gunboat): 245  
 Scholastic census: 246  
 School fund: 153, 166  
 Scurry, Brigadier General: 20  
 Second Assistant Clerk: 4, 225  
 Secretary of State: 1, 7, 27, 78, 94, 142, 265  
 Sedition: 141, 142, 198, 212  
 Seele, Hermann: 67, 224; amendment offered by, 91; appointment to committees of, 40, 41, 167; memorial presented by, 163; resolution offered by, 153; votes of recorded, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Seguin, Texas: 224  
 Seguin Mutual Aid Association: 146, 196  
 Selman, B. T.: 73  
 Sergeant-at-Arms: 1, 4, 5, 6, 7, 202, 225  
 Shackelford County: 3, 224  
 Shelby County: 1, 38, 221  
 Shelley, N. G.: 237, 248  
 Shepherd, Joseph: 152, 187, 215  
 Sheriffs: 100, 108, 110, 138, 140, 161, 270  
 Sherman, Texas: 222  
 Sherman, F. A.: 71, 93  
 Sherrod, Taylor & Company: 12  
 Shoes: 234  
 Short, Mr. \_\_\_\_\_: 242  
 Short, Briscoe and Company: 184, 186, 242  
 Sibley's Brigade: 44  
 Simpson, Lieutenant \_\_\_\_\_: 44  
 Simpson, I. P.: 3, 225; amendments offered by, 68, 162; appointments to committees of, 3, 35, 39, 41; memorial offered by, 182; motion made by, 97; petition presented by, 91; reports made by, 114, 192; substitute offered by, 180; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Sixth Texas Cavalry: 44  
 Slaughter, R. F.: 134, 221; absence of recorded, 202; amendments offered by, 185, 186; appointment to committees of, 4, 40, 41, 195, 197; motions made by, 74, 90, 91, 121, 147, 174, 194; nomination made by, 5; report made by, 103; resolution offered by, 68; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 184, 194, 195, 196, 197, 203, 204  
 Slaves: 22, 25, 100, 133, 159, 208, 213  
 Smith County: 1, 38, 221, 242  
 Smith, Reverend Mr. \_\_\_\_\_: 121  
 Smith, Lieutenant General E. Kirby: 18, 240, 242, 254, 255, 260, 262, 263  
 Smith, Thos.: 1, 221; amendments offered by, 138, 147, 181; appointment to committees of, 40, 42, 195; bill introduced by, 152; motion made by, 154; nominations made by, 121, 159; reports made by, 87, 93-94, 104, 110, 112, 113, 134, 144-145, 150, 166, 167, 170, 171, 185, 201; votes of recorded, 67, 98, 99, 100, 113, 116, 117, 118, 122, 123,

- 124, 147, 161, 162, 169, 174, 177,  
180, 183, 184, 194, 195, 196, 197,  
203, 204  
Sneed, Mary D.: 72, 81  
Sons of the South: 218  
Sorrells' Plantation: 252  
Southerland Springs: 225  
Sovereignty of States: 56  
Spain: 239  
Speaker of House: 4, 197  
Specie: 30, 89, 249, 250  
Specie tax: 145, 249  
Speculation: 146, 149  
Spinning jennies: 183, 194  
Starr County: 38, 225  
State Cemetery: 154  
State Convention: 32, 152  
State revenue: 28, 29, 30  
State Troops: 15, 16, 140, 158,  
172, 175, 200, 202, 203, 206, 211,  
212, 217, 239, 242, 59  
Steele, General: 41, 269  
Stephens County: 224  
Stevens: H. E.: 227, 249  
Stockdale, Fletcher: 36, 37, 38  
Stringer, John: 1, 5  
Sulphur: 244  
Sulphur Fork Iron Company: 160,  
176, 191  
Sulphur Spring: 228  
Supreme Court: 154, 163, 176;  
judges of, 24  
Surveys: 201, 212  
Swisher, Jno. M. & Company:  
235, 236, 237, 238

## T

- Tackitt, Sergeant James: 226,  
227, 228, 229, 230  
Tanner, N. B.: 243  
Tarrant County: 2, 38, 223, 230  
Taylor County: 3, 224  
Taylor, M. D. K.: 1, 42, 62, 134,  
222; election as Speaker of, 4;  
eulogy delivered by, 148; votes  
of recorded, 67, 98, 99, 100, 113,  
116, 117, 118, 122, 123, 124, 147,  
161, 162, 169, 174, 177, 180, 181,  
183, 184, 194, 195, 196, 203  
Taylor, M. G.: 129  
Taylor, Sherrod & Company: 243  
Taxes: 30, 141, 153, 163, 167, 171,  
191, 192, 202, 204, 205, 206, 207,  
211, 213, 218, 219, 220  
Texas Iron Works: 211  
Texas Mounted Volunteers: 169  
Texas State Troops: 216  
Thaxton, Wm.: 3, 225; appoint-  
ment to committees of, 41, 62;  
bills introduced by, 68, 89, 132;  
report made by, 131; substitute  
offered by, 162; votes of re-  
corded, 67, 98, 99, 100, 113, 116,  
117, 118, 122, 123, 124, 147, 161,  
162, 169, 174, 177, 180, 181, 183,  
184, 194, 195, 196, 203  
Third Assistant Clerk: 4, 5, 225  
Thomas, H.: 7  
Thomas, J. W.: 2, 67, 224; ap-  
pointment to committees of, 39,  
40, 162, 195; bills introduced  
by, 61-62, 132; motion made  
by, 161; resolution offered by,  
96; votes of recorded, 97, 98,  
99, 100, 113, 116, 117, 118, 122,  
123, 124, 147, 161, 162, 169, 174,  
177, 180, 181, 183, 184, 194, 195,  
196, 197, 203, 204  
Throckmorton County: 2, 223  
Throckmorton, J. W.: 36, 73  
Thurmond, A. F.: 139  
Tin: 238, 250  
Titus County: 1, 3, 38, 222  
Toncary, Frances L.: 119, 129,  
167, 170  
Tonkawa Indians: 142, 172, 209,  
218, 268  
Tonkaway Indians: see Tonkawa  
Townes, R. J.: 1, 265  
Trade: 146  
Trans - Mississippi Department:  
10, 13, 18, 21, 24, 31, 57, 240,  
256, 262; agent of, 257; com-  
missioner of, 257; military com-  
mander of, 257  
Travis County: 2, 4, 5, 6, 35, 38,  
224  
State Treasurer: 13, 19, 32, 65,  
95, 109, 253, 267  
Treasury: 19, 30, 127, 128, 266  
Treasury Building: 94, 133, 135  
Treasury Notes: 30, 101, 157, 262  
Treasury Warrants: 166, 198, 207,  
213, 252  
Trials: 216  
Trinity County: 1, 38  
Trinity Manufacturing and Flour-  
ing Company: 217  
Trinity Wool and Cotton Fac-  
tory: 153  
Tri-Weekly Gazette: 43, 66, 205  
Tyler, Texas: 221, 242  
Tyler County: 38, 221  
Tyler, O. T.: 34, 244; appoint-  
ment to committees of, 40, 41,  
62; reports made by, 69-70, 73,  
87; votes of recorded, 67, 98,  
99, 100, 113, 116, 117, 118, 122,  
123, 124, 147, 161, 162, 169, 174,  
177, 180, 181, 183, 184, 194, 195,  
196, 197, 203, 204

## U

- Uniform weights and measures: 163, 214  
 United States Bonds: 235, 248  
 U. S. Texan Indemnity Bonds: 233, 234  
 University lands: 32, 97, 149, 208, 214  
 Upshur County: 7, 38, 222  
 Uvalde County: 38, 225

## V

- Van Zandt County: 2, 3, 38, 222  
 Vaughn, A. J.: 100, 134, 155  
 Vicksburg, Mississippi: 9, 57, 254, 258, 259  
 Victoria, Texas: 224  
 Victoria County: 5, 38, 43, 103, 224  
 Virginia, State of: 35  
 Volunteer companies: 153  
 Voorhies, Associate Justice: 254, 255

## W

- Waco, Texas: 224  
 Waco Manufacturing Company: 191, 207  
 Walker, E.: 3, 224; amendment offered by, 168; appointment to committees of, 40, 41, 61, 67; bill introduced by, 120; memorial presented by, 108; motion made by, 167; reports made by, 72, 93; votes of recorded, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 174, 177, 181, 183, 184, 195, 203  
 Walker County: 7, 38, 176, 182, 198, 199, 215, 217, 223  
 Waller, Joseph: 197  
 Wallis, Joseph: 146  
 Ward, H.: 142  
 Ward, Captain: 226  
 Washington County: 5, 7, 38, 146, 197, 224  
 Washington Iron Manufacturing Company: 216  
 Watson, Carey: 197, 207, 216  
 Waxahachie, Texas: 244  
 Way, C. B.: 3, 224; appointment to committees of, 39, 41, 197; bills introduced by, 112, 146; joint resolution introduced by, 75; reports made by, 77, 105, 172, 190; votes of recorded, 67, 97, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 181, 184, 194, 195, 203  
 Webb County: 38, 225  
 Weekly State Gazette: 65, 69  
 Wharton County: 2, 38, 223  
 White, Captain: 226  
 White Oak, Texas: 222  
 Whitescarver, Campbell and Company: 179, 241  
 Whitesides, Captain: 226, 227  
 Wichita County: 2, 223  
 Wigfall, L. T.: 233  
 Wilbarger County: 2, 223  
 Williams, \_\_\_\_\_: 228  
 Williamson County: 2, 3, 38, 71, 83, 120, 224  
 Willis, J. M.: 1, 35, 221; amendments offered by, 133, 185, 186; appointment to committees of, 40, 41, 140, 162; bills introduced by, 89, 111; motions made by, 140, 177; reports made by, 103, 104, 119-120, 144, 172; resolutions offered by, 7, 65; votes of recorded, 67, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 181, 183, 184, 194, 195, 196, 197, 203  
 Wilson, \_\_\_\_\_: 230, 235  
 Wilson County: 38, 225  
 Wilson, George: 2, 223; amendment offered by, 176; appointment to committees of, 40, 41; bill introduced by, 132; votes of recorded, 67, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 180, 181, 183, 184, 194, 195, 196, 197, 203  
 Wilson, J. T. D.: 234, 252  
 Wilson, W. C.: 73  
 Wise County: 2, 13, 38, 223, 230, 231, 248  
 Wood County: 2, 38, 222  
 Woodville, Texas: 221  
 Wool cards: 246, 251  
 Woolens: 19  
 Wooten, J. C.: 1, 221; appointment to committees of, 40, 41; bills introduced by, 71, 146; motion made by, 184; votes of recorded, 67, 98, 99, 100, 113, 116, 117, 118, 122, 123, 124, 147, 161, 162, 169, 174, 177, 180, 181, 183, 184, 194, 195, 196, 197, 203, 204  
 Wooten, G. H.: 73

**Y**

Yankee flags: 168, 170, 210  
Yequa, Texas: 224

Young County: 2, 38, 223, 227,  
228, 230

**Z**

Zapata County: 38, 225

Zavala County: 3, 225