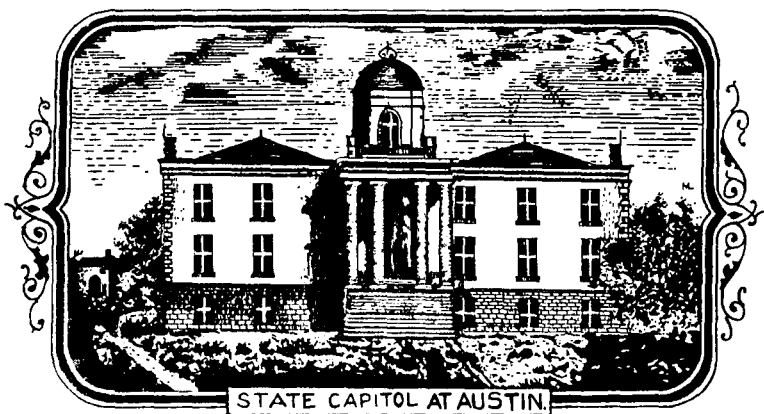


HOUSE JOURNAL
of the
TENTH LEGISLATURE
REGULAR SESSION



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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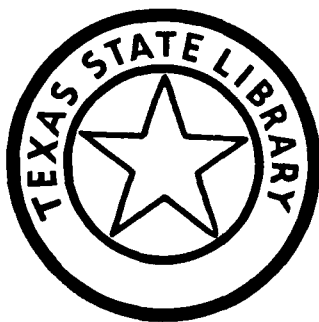
Ben Barnes

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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.¹

¹From 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.²

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

²See 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.³

[Report of the Adjutant and Inspector General]

I most respectfully call your attention to the report of the Adjutant and Inspector General,⁴ 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

³See Appendix III.

⁴None 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.]⁵

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

⁵See 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:⁶

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

⁶From 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 .....	.....	.....	.....		.....	.....	.....	.....
TOTAL	17,511	12,455	1,079		11,152	8,083	4,490	4,163
INFORMAL								
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
Total	405	548	411		776	131	135	153
GRAND								
TOTAL	17,916	13,003	1,490		11,928	8,214	4,625	4,216

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.⁷

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

⁷Ibid., 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:⁸

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

⁸*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].⁹

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

⁹The 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 Board¹⁰ which on motion of Mr. Buckley was referred to a Special Committee of Seven who will

¹⁰Only 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.

Prendergast¹¹ 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

¹¹The 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.

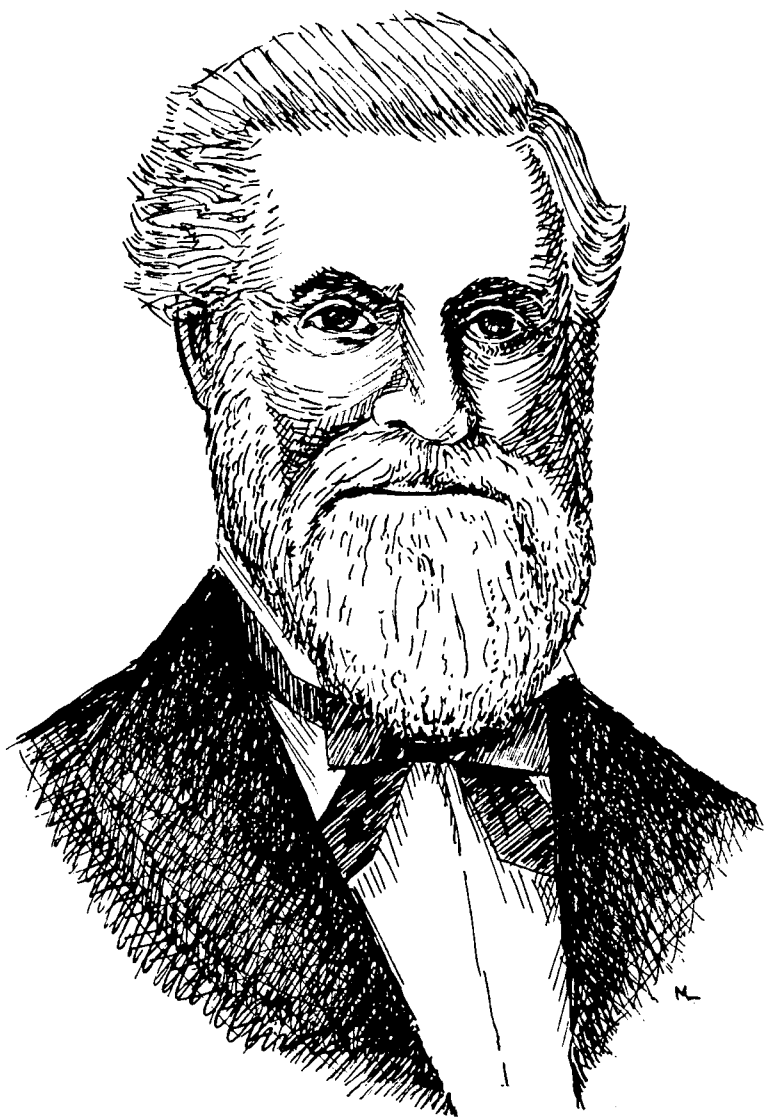
C. W. Buckley
Chairman

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-