

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

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

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

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

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

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

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

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

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

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

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

Thursday, November 12, 1863

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

Mr. Buckley made the following report:

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

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

C. W. Buckley
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor:

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

C. W. Buckley
Chairman

Mr. Hays made the following report:

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

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

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

F. M. Hays
Chairman

Adopted.

Mr. Tyler made the following report:

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

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

Respectfully submitted,
O. T. Tyler
Chairman

Report received.

Mr. Lollar made the following report:

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

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

L. A. Lollar
Chairman

Report received.

Mr. Smith made the following report:

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

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

Respectfully submitted,
Thomas Smith
Chairman

Report received.

Mr. Emmert made the following report:

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

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

A. Emmert
Chairman

Report received.

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

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

L. A. Lollar

Report received.

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

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

J. H. Banton
Chairman

Report received.

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

The undersigned, a minority of the Committee on the

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

W. H. Howard

W. Holford

Report received.

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

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

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

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

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

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

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

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

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

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

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

To the Honorable Speaker of the House of Representatives:

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

F. M. Hays
Chairman

Report received.

ORDERS OF THE DAY

Mr. Buckley in the Chair.

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

The bill to regulate the distillation of spirituous liquors

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

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

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

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

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

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

Friday, November 13, 1863

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

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

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

Mr. Buckley made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

C. W. Buckley

Chairman

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

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

C. W. Buckley

Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

C. W. Buckley

Chairman

Amend by striking out the words "actually employed."

Report received.

Mr. Moffatt made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

Respectfully submitted,

H. J. Moffatt

Chairman

Report received.

Mr. Kyle made the following report:

To the Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

C. Kyle

Chairman

Report received.

Mr. Walker made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

E. Walker

Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

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

Respectfully submitted
Thomas Smith
Chairman

Report received.

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

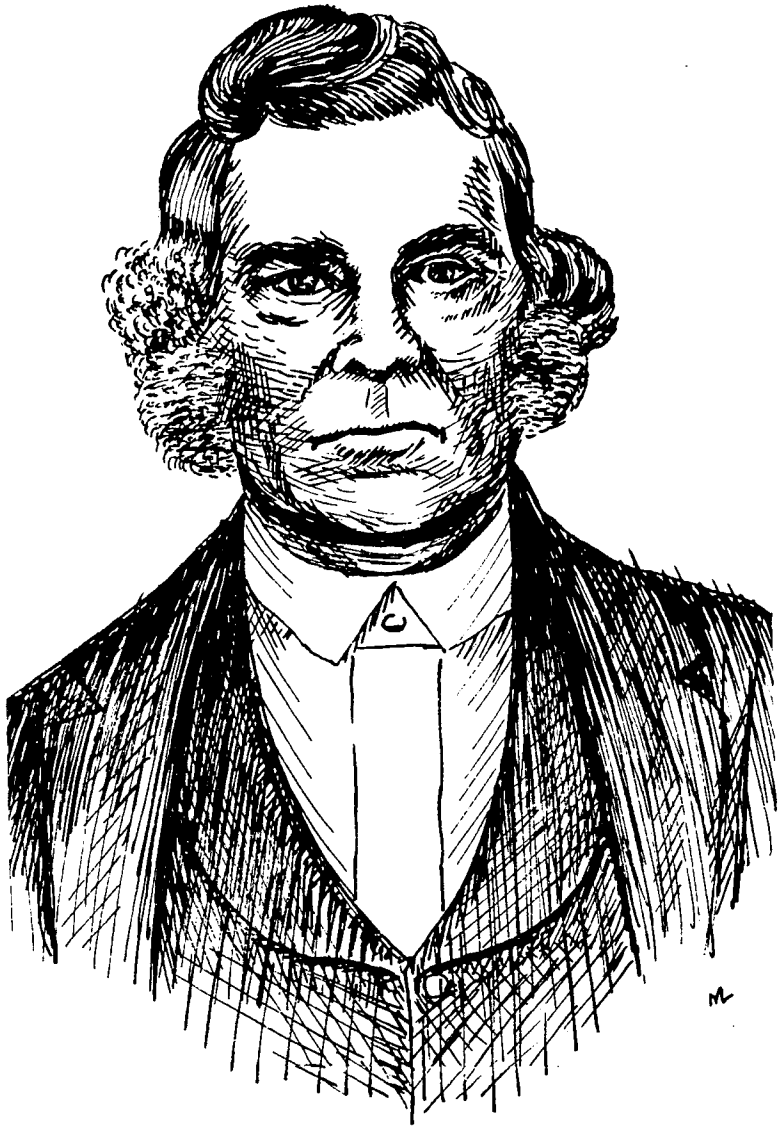
The Committee on Public Buildings have instructed me to make the following report. The Capitol building's roof is in a very bad condition and leaks very bad. We, therefore, recommend that it be covered with hard cedar shingles. The General Land Office leaks very bad. The commissioner informed us that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

George W. Glasscock
Chairman

Report received.

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

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



George Washington Glasscock

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

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

Chas. A. Russell
Chairman

Report received.

Mr. Haynes made the following report:

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

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

R. R. Haynes
Chairman

Report received.

Mr. Buckley made the following report:

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

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

C. W. Buckley
Chairman

Report received.

Also the following, to wit:

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

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

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

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

Report received.

Mr. Banton made the following report:

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

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

J. M. Banton

One of said Committee

Report received.

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

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

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

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

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

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

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

ORDERS OF THE DAY

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

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

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

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

Resolution laid on the table.

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

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

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

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

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

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

Special Order for 11 A.M. Today

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

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

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

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

Substitute laid on the table.

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

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

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

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

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

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

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

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

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

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

Bill was passed.

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

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

Saturday, November 14, 1863

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

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

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

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

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

C. W. Buckley
Chairman

Report received.

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

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

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

J. G. McDonald

Report received.

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

To the Honorable Speaker of the House of Representatives:

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

W. M. Harrison

Report received.

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

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

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

J. T. Brady
Chairman

Report received.

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

To the Speaker of the House of Representatives:

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

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

F. M. Hays
Chairman

Report received.

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

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

D. M. Prendergast
One of the Committee

Report received.

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

To the Honorable Speaker of the House of Representatives:

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

R. F. Slaughter
One of the Committee

Report received.

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

To the Honorable Speaker of the House of Representatives:

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

J. M. Willis

Report received:

One of the Committee

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

To the Honorable Speaker of the House of Representatives:

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

J. M. Willis
Chairman

Report received.

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

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

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

Respectfully submitted,
Thomas Smith
Chairman

Report received.

Mr. Pendleton made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

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

E. Pendleton
Chairman

Report received.

Also the following report, to wit:

To the Honorable Speaker of the House of Representatives:

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

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

E. Pendleton
Chairman

Report received.

Mr. Way made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

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

C. B. Way
One of the Committee

Report received.

Mr. Bowers made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

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

M. H. Bowers

Report received.

Mr. McDonald made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

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

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

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

J. G. McDonald
One of the Committee

Report received.

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

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

E. Pendleton
Chairman

Report received.

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

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

E. Pendleton
Chairman

Report received.

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

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

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

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

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

ORDERS OF THE DAY

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

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

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

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

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

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

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

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

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

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

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

Monday, November 16, 1863

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

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

A message from the Senate was received informing

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

Mr. Brady made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

J. T. Brady

One of the Committee

Report received.

Mr. Bowers made the following report:

To the Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

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

M. H. Bowers

Report received.

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

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

Respectfully submitted
Thomas Smith
Chairman

Report received.

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

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

All of which is respectfully submitted.

A. W. DeBerry
One of Said Committee

Report received.

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

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



A. W. DeBerry

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

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

Respectfully
John Griffith
Chairman

Report received.

Also the following, to wit:

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

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

Respectfully
John Griffith
Chairman

Report received and adopted.

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

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

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

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

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

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

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

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

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

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

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

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

ORDERS OF THE DAY

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

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

On motion the House adjourned to 3 P. M.

3 P. M.

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

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

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

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

Report laid on the table.

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

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

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

Tuesday, November 17, 1863

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

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

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

Mr. Buckley made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

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

C. W. Buckley
Chairman

Report received.

Mr. Simpson made the following report:

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

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

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

Report received.

Mr. Butler made the following report:

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

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

Respectfully submitted,
L. P. Butler
Chairman

Report received.

Mr. Lollar made the following report:

Honorable M. D. K. Taylor,

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

L. A. Lollar
Chairman

Report received.

Mr. Smith made the following report:

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

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

Respectfully submitted,
Thomas Smith
Chairman

Report received.

Mr. Russell made the following report:

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

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

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

C. A. Russell

One of the Committee

Report received.

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

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

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

ORDERS OF THE DAY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wednesday, November 18, 1863

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

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

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

Mr. Hayes presented the petition of the heirs of Frances L. Toncary for relief. Read first time and referred to the Committee on Private Land Claims.

Mr. Brady made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill entitled an act to exempt certain officers and soldiers therein named from the payment of a poll tax, and from the payment of an ad valorem tax on an amount of property therein named, have considered the same and instruct me to report it back to the House, and recommend that it do not pass. The committee fully appreciate the laudable objects of the bill, but regret that they cannot be attained because the same is in conflict with Section 27, Article 6 of the Constitution of the State which requires that taxation shall be equal and uniform throughout the state.

All of which is respectfully submitted.

J. T. Brady

Chairman

Report received.

Mr. Willis made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

Your Committee on Claims and Accounts to whom was referred a bill to be entitled an act for the relief of George W. Glasscock have had the same under consideration and the committee unanimously instructed me to report the

bill back to the House and recommend the passage of the same by inserting "extra" before "work" and "extra" before "material," and striking out all after the words "Lunatic Asylum."

J. M. Willis
Chairman

Report received.

Mr. Moffatt made the following report:

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

The Committee on Education to whom was recommit-
ted the report of the committee of November 9, together
with a bill reported by them for the relief of sundry citizens
of Williamson County, have examined the same and in-
struct me to report back to the House the accompanying
bill together with the petition of said citizens of Williamson
County, and recommend the passage of the bill in compli-
ance with the prayer of said petitioners and ask to be dis-
charged from the further consideration of the same. All
of which is respectfully submitted.

H. J. Moffatt
Chairman

Report received.

Mr. Hays made the following report:

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

Your committee to whom was referred the bill to in-
corporate the Paluxy and Brazos Sulphur Nitre and Powder
Manufacturing Company have had the same under consid-
eration, and have instructed me to return the same to the
House and recommend its passage.

F. M. Hays
Chairman

Report received.

Mr. Banton introduced a bill to be entitled an act to
aid enrolling officers in the discharge of their official duties.
Read first time and referred to the Committee on the
Judiciary.

Mr. Walker introduced a bill to be entitled an act to
amend the 754th Article of Oldham and White's Digest
entitled an act pertaining to estates of deceased persons.
Read first time and referred to the Committee on the
Judiciary.

Mr. Emmert introduced a bill entitled an act to prevent the trade in cotton upon the western frontier of the state of Texas. Read first time and referred to the Committee on State Affairs.

Mr. Haynes introduced a bill to be entitled an act to provide for a digest of the laws of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Hart introduced a bill to be entitled an act to incorporate the East Texas Manufacturing Company. Read first time and referred to the Committee on State Affairs.

Mr. Moores introduced a bill to be entitled an act to encourage the manufacture of iron. Read first time and referred to the Committee on State Affairs.

ORDERS OF THE DAY

The Speaker announced from the Chair a communication from the Right Reverend Bishop Gregg, Chaplain of the House, tendering his resignation of the chaplainship of the House which was accepted.

Mr. Baker moved that the House proceed to the election of a chaplain which was carried. Whereupon nominations were declared in order and Mr. Glasscock put in nomination the name of the Reverend J. W. Phillips. Mr. Smith put in nomination the name of the Reverend Mr. Britton; Mr. Hill the name of the Reverend Mr. Smith; and Mr. DeBerry the name of the Reverend Mr. Dunlap. The ballot being taken resulted as follows, to wit: for Mr. Phillips 54 votes, for Mr. Britton 1 vote, for Mr. Smith 7 votes, for Mr. Dunlap 19 votes; and Holland 1 vote. The Reverend Mr. Phillips having received a majority of all the votes cast was declared duly elected chaplain of the House of Representatives for the Tenth Legislature.

The Speaker from the Chair announced a message from the Governor in relation to a supplementary report of the Quartermaster of the Mounted Regiment Texas State Troops and also in regard to certain Indians on the north-western frontier of the state. The report of the Quartermaster of the Mounted Regiment, Texas State Troops was referred to the select committee to whom was referred his general report, and the communication from the Military Board in regard to Indians was referred to the Committee on State Affairs.

On motion of Mr. Slaughter the report of the Commit-

tee on Privileges and Elections in the matter of the contest for the seat for the Dallas district was taken up. Whereupon Mr. McDonald moved that all the papers in the possession of the House in the case of Jno. C. McCoy, contestant, and H. J. Moffatt, defendant, relative to the contested seat in the House from the Dallas district be recommended to the Committee on Privileges and Elections with instructions to report back to the House all the facts and testimony brought before them in the matter. Mr. Hays offered the following substitute for the motion, to wit: "RESOLVED that the Committee on Privileges and Elections be required to return the testimony referred to them on yesterday in relation to the contested election between J. C. McCoy and H. J. Moffatt, to this House immediately." Mr. Prendergast moved to lay the motion and substitute on the table which was carried. The question then recurring on the adoption of the committee's report, Mr. [blank] moved the previous question which being seconded, the ayes and nays were called for and taken resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Birdwell, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Frazier, Guinn, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Lipscomb, Lane, Lacy, Lovejoy, Mabray, Marshall, Moores, McGuire, Maney, Means, McCarthy, Patton, Prendergast, Robertson, Rhea, Robinson, Ranck, Ramsey, Slaughter, Smith, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Walker, Way. Total 64.

Nays: Messrs. Blake, Bowers, Bratton, Finley, Keyes, Lollar, McDonald, Perkins, Prince, Pendleton, Redding, Reid, Russell, Seele. Total 14.

Mr. Rhea offered the following resolution, to wit: "RESOLVED that in view of the great wants of the state in the various manufacturing departments, the Committee on Finance be requested to investigate the propriety of raising a sufficient fund by sale of cotton bonds or otherwise for the purpose of introducing into the state such machinery as is necessary to the development of its manufacturing interest and report by bill or otherwise," which was adopted.

Mr. McCarthy offered the following resolution, to wit: "RESOLVED that the Committee of the House of Repre-

sentatives on Stock and Stock Raising be instructed to inquire into the expediency of extending the time for the recovery by law of stolen meat cattle and report by bill or otherwise," which was adopted.

On motion the House adjourned to 7 P. M. this evening.

7 P. M.

House met pursuant to adjournment. The roll was called and a quorum being present, the resolution instructing our Senators and requesting our Representatives in Congress to use their influence in procuring the passage of a law making Confederate Treasury Notes a legal tender in the payment of debts, made the special order for this hour was taken up. The question pending an adjournment being upon the adoption of the substitute offered by Mr. DeBerry, the question was put and the substitute rejected. The question again recurred on the adoption of the amendment offered by Mr. Bowers to the original resolution. Mr. Frazier offered a substitute for the original resolution and the yeas and nays being called for were taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Butler, Banton, Brazier, Cook, Foscue, Finley, Gibbons, Howard of Lavaca, Haynes, Hays, Harrison, Holford, English, Jones, Kyle, Lovejoy, Marshall, Prendergast, Pendleton, Reid, Smith, Tyler, Willis. Total 26.

Nays: Allen, Barclay, Blake, Birdwell, Browne, Brady, Bush, Buckley, Baker, Bowers, Bratton, Daniel, DeBerry, Darden, Eastland, Emmert, Guinn, Griffith, Glasscock, Howard of Anderson, Hart, Keyes, Lipscomb, Lollar, Lane, Lacy, Perkins, Patton, Robertson, Rhea, Robinson, Ranck, Russell, Ramsey, Slaughter, Seele, Sampson, Simpson, Thomas, Thaxton, Wooten, Wilson, Walker, Way. Total 51.

Rejects the substitute. Mr. Gibbons then moved the previous question which being seconded, the yeas and nays were called for and taken and resulted as follows, to wit:

Yeas: Speaker, Adams, Allen, Barclay, Birdwell, Butler, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Gibbons, Howard of Anderson, Haynes, Hays, Hunt, Harrison, Holford, English, Jones, Kyle, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, McGuire, Maney, Means, McCarthy, Per-

kins, Patton, Pendleton, Robertson, Rhea, Robinson, Reid, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, and Way. Total 68.

Nays: Blake, Bowers, Bratton, Glasscock, Howard of Lavaca, Keyes, Lipscomb, Moores, Prendergast. Total 9.

The question then being on the engrossment of the original resolution, the yeas and nays were called for and taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Barclay, Birdwell, Butler, Brazier, Cook, Daniels, DeBerry, Emmert, Foscue, Finley, Frazier, Guinn, Howard of Anderson, Hart, English, Jones, Lane, Lovejoy, Mabray, Marshall, Moores Means, Prendergast, Pendleton, Robertson, Ramsey, Slaughter, Smith, Willis, Wilson. Total 33.

Nays: Messrs. Blake, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Bratton, Darden, Eastland, Griffith, Gibbons, Glasscock, Howard of Lavaca, Haynes, Hays, Harrison, Holford, Kyle, Keyes, Lipscomb, Lollar, Lacy, McDonald, McGuire, Hill, Maney, McCarthy, Perkins, Patton, Rhea, Robinson, Reid, Ranck, Russell, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Wooten, Walker, Way. Total 44.

So the House on motion refused to engross the resolution.

The House adjourned to 10 A. M. tomorrow.

Thursday, November 19, 1863

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

Mr. Buckley presented a communication on behalf of General J. R. Baylor. Read first time and referred to the Committee on State Affairs.

Mr. Cook presented the petition of Thos. N. Haynes for relief. Read first time and referred to the Committee on Private Land Claims.

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

The Committee on the Judiciary to whom was referred a bill to be entitled an act to aid enrolling officers in the discharge of their official duties, have had the same under

consideration and it being the opinion of the committee that the objects sought to be attained by the provisions of the bill, should be promoted by authorities of the state in all such cases as those contemplated by the bill, and that it contains all that is necessary for that purpose, unanimously instruct me to report the same back to the House and recommend its passage.

C. W. Buckley
Chairman

Report received.

Also the following report:

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

The Committee on the Judiciary to whom was referred a bill to be entitled an act to secure the payment of state and county taxes, have had the same under consideration and unanimously instruct me to report that they deem it expedient to legislate upon the subject embraced in the bill during the continuance of the existing war; therefore, return the bill and recommend that it do not pass.

C. W. Buckley
Chairman

Report received.

Also the following report:

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

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend the 51st section of an act entitled an act to regulate proceedings in the county courts, pertaining to the estates of deceased persons, passed March 20, 1848, have had the same under consideration and instruct me to report that to make the proposed change the existing law would be productive of no substantial good and of much additional cost to estates and impose an unnecessary labor upon the several chief justices and clerks of the county courts. They therefore recommend that the bill do not pass.

C. W. Buckley
Chairman

Report received.

Also the following report:

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

The Committee on the Judiciary to whom was referred a bill to amend the 754th Article of Oldham & White's Digest entitled an act pertaining to estates of deceased persons, have had the same under consideration and unanimously instruct me to report that they deem it impolitic to make the change in the law that is contemplated by the bill and recommend that it do not pass.

C. W. Buckley
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was recommitted a bill to be entitled an act declaring what shall be considered a sufficient ground for a divorce, have again maturely considered the bill and unanimously instruct me to report that the marriage tie is above all others one that should be held sacred and not to be severed hastily or upon slight grounds; and in their opinion the several grounds already recognized by law as justifying a decree of divorce are amply sufficient for all cases that have occurred, or may hereafter occur, in which the good of society will be promoted by a severance of the sacred bonds of man and wife. Wherefore they adhere to their original report and recommend that the bill do not pass.

C. W. Buckley
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a resolution of the House instructing them to inquire into the constitutionality and expediency of passing a law to stop the interest on all debts where Confederate money has been tendered in payment of the same, have had the subject under consideration and a majority of the committee are of the opinion that the legal or conventional interest accruing or to be accrued upon written contracts as much as the consideration for which the obligations were executed, and if so, of which they entertain no doubt, it would violate the 14th Section of the Bill of Rights, for which reason they

instruct me to ask the House to be discharged from the further consideration of the subject.

C. W. Buckley
Chairman

Report received.

Also the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend the law governing the disposition of estates of deceased persons, have had the same under consideration and respectfully report that the passage of such a law as contemplated by the provisions of the proposed bill would be attended with difficulties in the proceedings in the courts by causing a new and independent issue to be tried in every suit instituted by an administrator or executor to enforce the payment of a debt due the estate he represents. One in fact, in the nature of things, that cannot with certainty be determined and it is a fundamental rule of judicial proceeding upon issues of fact to leave no judgment, or decree thereon, unless it will in legal effect be conclusive of the fact. The bill proposes in all such cases, as above referred to, to authorize the defendant to allege and prove that when the estate to which he is indebted shall finally be wound up that it will escheat to the state for want of heirs. There can be no escheat until after an estate has been fully administered; and, and not till then, it is possible for the court to make a decree to that effect.

An estate is not fully and completely administered as long as there is an outstanding debt due to, or by it, and until the last moment of its administration the law presumes that heirs will appear. The law contemplated even further by providing that heirs may recover estates even after they have been escheated and been paid into the State Treasury.

If the bill under consideration should become a law, a party indebted to an estate of a deceased person upon alleging and proving that the estate might, or would, on being fully administered, escheat to the state for want of heirs, pay off and discharge his indebtedness in currency worth perhaps only ten cents on the dollar.

In such a case if no heir should appear until after the estate was closed, escheated, and paid into the State Treasury, only one tenth of the actual indebtedness to such estate

would reach the Treasury of the state. Suppose heirs should afterwards appear and demand the assets from the State Treasury. Would it be just or right for the state to pay them only one tenth part in value of the estate of their ancestor? Would it not impair their rights of property, by legislative action, in violation of the Constitution? Would it not be divesting their rights of property by a judicial proceeding to which they were not parties, and not "by and in course of the law of the land?"

The committee are of the opinion that no other than an affirmative response can be made to each of the propositions. Suppose the estate should be insolvent, would not the operation of such a law be to force a creditor to receive pay in a currency under par, and thereby impair the obligation of contracts, and make Confederate Treasury Notes a legal tender? The proposition admits of no denial. They, therefore, instruct me to report the bill back and recommend that it do not pass.

C. W. Buckley
Chairman

Report received.

Mr. Blake made the following report:

The Committee on Counties and County Boundaries to whom was referred a bill to be entitled an act supplementary to the laws regulating the organization of new counties, have had the same under consideration and instruct me to report the same back to the House with a substitute which they recommend to pass. The original bill purports to be a general law which they deem expedient to pass at this time. The substitute is reported at the instance of the mover of the bill as governing the only case before us demanding that species of legislation, and is entitled a bill to be entitled an act to provide for the organization of the county of McMullen and to attach the same to the 14th Judicial District.

Bennet H. Blake
One of the Committee

Report received.

Mr. Hays made the following report:

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

The Committee on State Affairs to whom was referred the petition of James Majors, Assessor and Collector of

Anderson County, asking to be relieved from a part of the specie tax for 1861, have considered the same and beg to report that a petition of this nature has been referred to the Committee on Finance and that a general bill on the subject has also been referred to the same committee. I am instructed, therefore, by the committee to return the same to the House and recommend its reference to the Committee on Finance.

F. M. Hays
Chairman

Report adopted.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a bill to be entitled an act to encourage the manufacturing of iron and also a resolution on the subject have considered the same and whilst the committee appreciate the importance of the subject and the necessity for prompt action, they are unable to determine in what manner and to what extent such encouragement should be extended. The committee have, therefore, instructed me to return the bill and resolutions to the House and recommend their reference to a Committee of the Whole House.

F. M. Hays
Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act to incorporate the East Texas Manufacturing Company, have considered the same and herewith return the same to the House and recommend its passage.

F. M. Hays
Chairman

Report received.

Mr. Kyle made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the petition of M. G. Taylor, one of the heirs of

before us, that the prayer of the petitioner should be granted. Francis L. Toncary are of the opinion, from the evidence ed, and have instructed me to report the following bill and ask its passage. All of which is respectfully submitted.

C. Kyle
Chairman

Report received.

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

I am instructed by a majority of the Committee on Engrossed Bills to report the bill to be entitled an act to raise one million of dollars, or so much thereof as may be necessary by the sale of cotton bonds, to provide for the defense of the state and to repel invasion as correctly engrossed.

Respectfully submitted,
Thomas Smith
Chairman

Report received.

Mr. Howard made the following report:

The Committee on State Affairs to whom was referred a bill entitled an act to prevent the trade in cotton upon the western frontier of the state of Texas, have had the same under consideration and ask leave to report the said bill back to the House and recommend that the same do not pass.

W. H. Howard
One of the Committee

Report received.

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

The Committee on Stock and Stock Raising to whom was referred a resolution directing them to inquire into the expediency of extending the time for the recovery by law of stolen meat cattle have had the same under consideration and direct me to report that an act of the Extra Session of the Ninth Legislature, passed 26th February, 1863, entitled an act to suspend all statutes of limitations

on civil rights of action of every kind, etc., render further legislation upon the subject unnecessary.

E. Pendleton
Chairman

Report received.

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

Your committee to whom was referred certain resolutions concerning the impressment of Negroes into the military service of the Confederate States or of the State of Texas, have had the same under consideration and direct me to report that in their opinion the impressment law of the Confederate States now in force makes sufficient provisions for the impressment of Negroes, and that further legislation on that subject at this time is not advisable.

Respectfully submitted
Wm. Thaxton
Chairman

Report received.

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

The Committee on Internal Improvements to which was referred a bill to be entitled an act to amend the first section of an act for the relief of certain railroad companies in the state of Texas, approved January 11, 1862, have had the same under consideration and instruct me to report the bill back to the House and recommend its passage, with the following amendment: Strike out the word "twelve" where it occurs in the bill and insert in lieu thereof the word "six."

F. F. Foscue
Chairman

Report received.

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

The joint select committee to whom was referred the frontier and its defenses have had the same under consider-

ation and have instructed the undersigned to report the accompanying bill and recommend its passage.

Wm. Quayle

Chairman on the Part of the Senate
C. Kyle

Chairman on the Part of the House

Report received.

Mr. Wilson introduced a bill to be entitled an act to authorize an election in the county of Dallas. Read first time and on motion the Constitutional rule was suspended. The bill was read a second time and ordered to be engrossed. Constitutional rule was further suspended. The bill read a third time and passed.

Mr. Hays introduced a bill to be entitled an act for the relief of Ayres Moody. Read first time and referred to the Committee on the Judiciary.

Mr. Thomas introduced a bill to be entitled an act more effectually suppressing the evil of gambling and to reduce into one the several gaming acts. Read first time and referred to the Committee on the Judiciary.

Mr. Prendergast offered the following resolution, to wit: "RESOLVED that this House will receive no new business after Saturday, the 1st Instant. Read and laid over under the rule.

Mr. Thaxton introduced a bill to be entitled an act to define what are public mills and to prescribe what shall be the duties of millers. Read first time and referred to the Committee on State Affairs.

Mr. Baker offered a joint resolution in regard to the issuance of county warrants or change notes by the county courts. Read first time and referred to the Committee on Finance.

Mr. Banton introduced a bill to be entitled an act to amend an act entitled an act providing for the disposition of runaway slaves, approved April 8, 1861, and to repeal the fifth section of the same. Read first time and referred to the Committee on Slaves and Slavery.

ORDERS OF THE DAY

On motion of Mr. Glasscock the bill to be entitled an act supplemental to an act to amend the first and fourth sections of an act entitled an act appropriating twenty thousand dollars, or so much thereof as may be necessary

for the recovering or repairing of the roof of the Capitol, the General Land Office, the Old Land Office, and Treasury Buildings, approved March 6, 1863, was taken up out of its order.

Mr. Foscue offered the following amendment, to wit: Strike out from Section 1 the words "expended for material" and insert the words "heretofore appropriated," which was adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended, the bill read the third time and passed.

The joint resolution instructing our Senators and requesting our Representatives in Congress to increase the wages of non-commissioned officers and privates in the army and navy of the Confederate States of America, was taken up. Whereupon Mr. Foscue offered the following amendment, to wit: Strike out "instruct" and insert "request," which was adopted. Whereupon Mr. Gibbons offered the following amendment, to wit: "Reduce the pay of commissioned officers and issue them rations," which on motion was laid on the table. Whereupon Mr. Brady offered the following amendment, to wit: "and that Congress increase the tax so as to meet the increase pay," which was adopted and the question then recurring on the engrossment of the resolution as amended, the resolution as amended was read a second time and ordered to be engrossed.

The bill to be entitled an act to change the mode of electing county commissioners was taken up, and the question pending at the last consideration being on the adoption of the amendment offered by Mr. Hays, was put and the amendment rejected. The question then recurring on the engrossment of the bill, Mr. Hays moved that the bill be laid on the table until the 1st day of March next which was carried.

The bill to be entitled an act to amend the twelfth section of the Road Law was taken up whereupon Mr. Buckley offered the following amendment, to wit: Amend by adding "one-half the female slaves over 18 and under 40." Mr. Hays moved to lay the amendment on the table which was carried.

Mr. Hays offered the following amendment, to wit: Strike out "14" and insert "16." Whereupon Mr. Willis offered the following amendment, to wit: Amend by inserting "all female slaves known as field hands between the

ages of 18 and 40," which was rejected. And the question then recurring on the adoption of the amendment offered by Mr. Hays, the question was put and the amendment was rejected. Whereupon Mr. Hunt offered the following amendment, to wit: Insert "able bodied" before the words "free male white persons." Mr. Reid moved to lay the bill and amendment on the table which was carried.

Mr. Banton moved, Mr. Slaughter in the Chair, a reconsideration of the vote just taken on the motion laying the bill and the amendment on the table which was carried. Whereupon Mr. Buckley moved to recommit the bill and amendment to the Committee on Roads and Bridges, which was carried.

Mr. Buckley moved that all the Senate bills on the Speaker's table be taken up with view for reference which carried. Whereupon the Senate's bill entitled an act to amend the first section of an act approved January 14, 1862, to fix salaries of the officers therein named, was taken up. Read first time and referred to the Committee on Finance. Also the Senate bill entitled an act for the relief of A. J. Vaughn which was read first time. Also the Senate bill entitled an act for the relief of George E. Burney. Read first time and referred to the Committee on the Judiciary. Also the Senate bill entitled an act to require district attorneys to report to the Comptroller's Office in certain cases, which was read first time and referred to the Committee on the Judiciary. Also the Senate bill entitled an act for the relief of Robert Price which was read first time and referred to the Committee on Private Land Claims.

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

I am instructed by the Committee on Engrossed Bills to report that the bill to authorize the holding of an election for representative in Dallas County is correctly engrossed.

Respectfully submitted,
Thomas Smith
Chairman

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

Friday, November 20, 1863

House met pursuant to adjournment. Prayer made by the Chaplain. The roll was called and a quorum being

present, the journal of yesterday was read and adopted.

A message was received from the Senate informing the House that the Senate had passed the House bill entitled an act to authorize an election in the county of Dallas.

Mr. DeBerry made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Engrossed Bills beg leave to report that they find the following bill and the following joint resolution correctly engrossed, to wit:

First, a bill to be entitled an act supplemental to and to amend the first and fourth sections of an act entitled an act appropriating twenty thousand dollars or so much thereof as may be necessary for the recovering and repairing of the roofs on the Capitol, the General Land Office and Treasury Buildings, approved March 6, 1863.

Second, a joint resolution requesting our Senators and Representatives in Congress to increase the wages of the non-commissioned officers and privates in the army and navy of the Confederate States of America.

All of which is respectfully submitted,
A. W. DeBerry

Report received.

Mr. Griffith made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred a bill to be entitled an act to amend the first section of an act entitled an act to amend the second section of and supplementary to an act to perfect the organization of the state troops and place the same on a war footing, approved December 25, 1861, approved March 7, 1863, beg leave to report that they have had the same under consideration, and recommend that the following bill which has been agreed upon by a majority of this committee and the Military Committee on the part of the Senate, and recommend its adoption as a substitute.

John Griffith
Chairman

Report received.

Mr. Foscue made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to which was referred a bill to be entitled an act to sustain the currency have had the same under consideration and instruct me to report the same back to the House and recommend that the bill do not pass. The committee believe that the reason given by the Judiciary Committee upon a question of similar character are satisfactory and conclusive against the policy of passing any measure of the kind.

F. F. Foscue

One of the Committee

Report received.

Mr. Brady made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred a joint resolution in regard to the issuance of county warrants or change notes by the county courts instruct me to return the same to the House and recommend that it do not pass. This committee have already reported a bill to the House embracing the objects of the resolution.

All of which is respectfully submitted.

J. T. Brady

Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill entitled an act making an appropriation for the mileage and per diem pay of the members and officers of the Tenth Legislature of the State of Texas instruct me to report the same to the House and recommend its passage.

All of which is respectfully submitted.

J. T. Brady

Chairman

Report received.

Also the following, to wit:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Finance to whom was referred the Senate Bill entitled an act to amend the first section of an act approved January 14, 1863, to fix the salaries of the officers and clerks therein named, instruct me to return the

same to the House and recommend its passage with the following amendment: In Section 1 strike out the words "twelve hundred dollars" and insert "fourteen hundred dollars."

All of which is respectfully submitted.

J. T. Brady
Chairman

Report received.

Mr. Kyle made the following report:

Mr. Speaker:

Your Committee on Private Land Claims to whom was referred Senate Bill for the relief of Robert Price have instructed me to report the same back to the House and recommend that it do pass.

C. Kyle
Chairman

Report received:

Also the following, to wit:

Mr. Speaker:

Your Committee on Private Land Claims to whom was referred a bill for the relief of Ayres Moody have had the same under consideration, and upon examination we are of the opinion that the relief should be granted and have instructed me to report the same back to the House and recommend that it do pass.

C. Kyle
Chairman

Report received.

Mr. McGuire made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Claims and Accounts to whom was referred the claim of Q. A. Nichols for extra work on the General Land Office building have carefully examined the same, and have instructed me to unanimously report the accompanying bill and request its passage.

Respectfully submitted,
F. W. McGuire
On behalf of the committee

Report received.

ORDERS OF THE DAY

The resolution introduced on yesterday in relation to

the introduction of new business was taken up. Whereupon Mr. Smith offered the following amendment, to wit: Amend by striking out the words "Saturday the 21st instant," which was adopted. Mr. Bowers offered the following amendment, to wit: amend by adding "[blank]" the consent of a majority of the House, which on motion was laid on the table. Whereupon Mr. Buckley offered the following amendment, to wit: "except such measures as are connected with the finance and defense of the state," which was adopted. The question then recurring on the adoption of the resolution as amended was put and the resolution adopted.

The bill entitled an act to authorize the counties of Guadalupe and Gonzales to regulate the pay of sheriffs in certain cases was taken up and on the motion of Mr. [blank] the bill was laid on the table.

The bill to be entitled an act to require the chief justices of the several counties of the state to be at the county seat of their respective counties certain days to aid the families of soldiers to obtain penitentiary cloth, was taken up. Whereupon Mr. Buckley moved to lay the bill on the table which was carried.

The bill to be entitled an act to authorize the use of the State Penitentiary for the custody of prisoners of war, etc., was taken up. Whereupon Mr. Brady moved to recommit the bill, report, and the substitute to the Committee on the Penitentiary.

The bill to be entitled an act to suspend the location, survey, and sale of the public land except in certain cases was taken up, Mr. Hays in the Chair. Whereupon Mr. Russell offered an amendment which was adopted. The bill was read a second time and ordered to be engrossed.

By leave of the House Mr. Bowers introduced a bill entitled an act amendatory of an act to amend a joint resolution entitled a joint resolution for the relief of the heirs of Benjamin D. Nobles, deceased, approved December 31, 1849, which was read first time. The Constitutional rule was then suspended, the bill read a second time, and ordered to be engrossed.

The bill to be entitled an act for the relief of Carro M. Quarles was taken up, read a second time, and ordered to be engrossed.

The bill to be entitled an act to amend the first section of an act to regulate proceedings in the district courts, ap-

proved May 13, 1863, was taken up, read a second time, and ordered to be engrossed.

The bill entitled an act to require the grand jurors to examine and report upon the condition of the county measures book and bonds of the county officers, was taken up and the committee's report against the bill adopted.

The bill entitled an act to define what persons are subject to do patrol duty, was taken up and the committee's report and amendment adopted. The bill was then read a second time and ordered to be engrossed.

The report on the petition of A. F. Thurmond was taken up and on the motion of Mr. Bowers was laid on the table.

The bill entitled an act to incorporate the San Saba Masonic College was taken up, read a second time, and ordered to be engrossed.

The bill to be entitled an act to prohibit the sale of intoxicating liquors in the neighborhood of San Saba Masonic College was taken up and read a second time. Whereupon Mr. Bowers offered a substitute for the original bill which was adopted and the bill then was ordered to be engrossed.

The bill entitled an act to amend the first section of an act relating to forfeitures in certain cases of bail bonds and recognizances in cases of misdemeanors, approved December 9, 1861, was taken up and the committee's report and amendments were adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended and the bill read a third time and passed.

The bill to be entitled an act to amend the twenty-third section of the act to organize the district courts and to define their powers and jurisdiction, approved May 11, 1846, was taken up, read second time and ordered to be engrossed.

The bill entitled an act to amend an act concerning common carriers and defining their liabilities in certain cases was taken up and the committee's report and amendments were adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended, the bill read a third time and passed.

On motion the House adjourned to 3 P. M. today.

House met pursuant to adjournment. The roll was called and a quorum present.

The bill entitled an act to amend the first section of an act defining the office of sheriff, approved May 12, 1863, was taken up and the committee's report against the bill adopted.

The resolution in relation to staying all debts during the war was taken up and the committee's report against its adoption was adopted.

The petition of sundry citizens of Austin County was taken up and the committee's report and bill was laid on the table.

The bill entitled an act to amend Articles 400 and 401 of the Penal Code and more effectually to suppress the issuance and circulation of paper money was taken up and the substitute adopted. The bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended and the bill read a third time and passed.

The report of the Finance Committee on the resolution instructing the committee to inquire into the practicability of paying the state troops called out at the instance of General Magruder in December, 1862, and for their transportation and subsistence was taken up. Whereupon Mr. Brazier moved to recommit the resolution back again to the Military Committee which was lost. Mr. Willis then moved to refer it to a Select Committee of Three which carried. Whereupon the Speaker appointed Messrs. Willis, Marshall, and Brazier the committee.

The joint resolution to amend the state constitution was taken up and the committee's report adopted.

The bill entitled an act to suspend the operation of the estray laws was taken up. Whereupon Mr. Haynes moved to recommit the bill and report to the Committee on Stock and Stock Raising which was lost. Mr. Buckley then offered the following amendment, viz: insert in the caption thereof "to amend an act" which was adopted. Whereupon Mr. DeBerry offered an amendment which was adopted. The bill was read a second time and ordered to be engrossed.

On motion of Mr. Buckley the frontier bill was taken up and made the special order for the hour of 7 P. M. Wednesday next.

By leave of the House Mr. Buckley introduced a bill to be entitled an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the state. Read first time and referred to the Committee on the Judiciary.

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

Saturday, November 21, 1863¹²

House met at 9 A. M. After reading the journal of yesterday, a bill for the relief of Thomas G. McGehee was referred to the Committee on Private Land Claims.

A joint resolution was introduced to instruct our Senators and Representatives in Congress to take up measures to improve the value of Confederate notes and bonds.

A bill to prevent the sale of intoxicating liquors was introduced.

A bill was introduced to punish commission merchants for misappropriating merchandise or failing to pay over the proceeds.

Several reports of committees were then received.

A bill for the relief of Wm. D. Dillon was referred to the Committee on Claims and Accounts.

A bill to amend the act incorporating the city of San Antonio was referred to Committee on State Affairs.

A bill was introduced to regulate proceedings in county courts pertaining to estates of deceased persons.

A bill was introduced to incorporate Parson's Female Seminary.

A bill to amend Article 752 of Oldham & White's Digest was referred to Committee on the Judiciary.

A bill for the relief of Moses E. Merrill was referred to Committee on Private Land Claims.

A joint resolution in relation to Confederate currency was introduced.

A resolution was adopted requesting the Finance Committee to inquire into the expediency of levying a tax on occupations, incomes, and sales to be collected in Confederate money and funded in Confederate bonds.

A resolution was adopted instructing the Committee on Military Affairs to inquire into the expediency of giving land to wounded or disabled soldiers and the families of

¹²This day's proceedings are taken from the *Tri-Weekly State Gazette* (Austin), November 23, 1863. The original journal cannot be located.

deceased soldiers and officers, and requiring the Secretary of State to have a list made out of such as are or may be entitled to such land.

A resolution was adopted that the Committee on Indian Affairs inquire into the expediency of making provisions for the Tonkawa Indians, whose devotion to Texas has made them obnoxious to other tribes, and made it necessary for them to seek refuge among the people of Texas.

A bill to regulate the distillation of spirituous liquors was taken up and discussed, and the substitute of the committee adopted. The Constitutional rule was suspended and the bill passed.

House adjourned to 10 A. M. Monday.

Monday, November 23, 1863

House met pursuant to adjournment. Prayer by Chaplain. Quorum present. Journal of last Saturday read and adopted.

Mr. Henry B. Andrews from the district of Galveston came forward, presented his credentials and took the oath of office and his seat.

On motion of Mr. Hays Mr. Patton was excused from attendance on the House today.

Mr. Lollar presented the petition of sundry citizens of Hopkins County for the relief of H. Ward. Read first time and referred to the Committee on Military Affairs.

Mr. Blake presented the petition of J. Roberts. Read first time and referred to the Committee on Private Land Claims.

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

The Committee on the Judiciary to whom was referred a bill to be entitled an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the state, have had the same under consideration and instructed me to report the bill back and recommend its passage with subjoined amendment.

Amend by striking out the word "misdemeanor" and insert "crime."

C. W. Buckley
Chairman

Report received.

Also the following, to wit:

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

The Committee on the Judiciary to whom was referred a bill from the Senate to be entitled an act to require district attorneys to report to the Comptroller's Office in certain cases have had the same under consideration, and believing the public interest will be subserved by enacting such a law have instructed me to report the bill back and recommend its passage.

C. W. Buckley
Chairman

Report received.

Also the following, to wit:

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

The Committee on the Judiciary to whom was referred a joint resolution to amend the Constitution of the State of Texas have had the same under consideration and instruct me to report that while they would like to see all professed ministers of the Gospel who have been seduced from their spiritual vocation by the hope of gain and become worshippers at the shrine of Mammon instead of the true and living God placed in the army as soldiers and compelled to aid in the defense of the country. Yet for the sake of the many ministers of all denominations who have resisted all such temptations and labored and are still laboring in their holy calling, they recommend that the resolutions do not pass.

C. W. Buckley
Chairman

Report received.

Mr. Bowers made the following report:

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

The Judiciary Committee to whom was referred a bill to be entitled an act to amend Article 752, Oldham and White's Digest, have had the same under consideration and have instructed me to report the same back to the House

with the following amendments, and to recommend its passage.

Amend the title so as to read a bill to be entitled an act to amend the 44th Section of an act to regulate proceedings in the county court pertaining to estates of deceased persons, approved March 20, 1848.

Strike out all after the enacting clause in the first paragraph of section first, and insert the words: "That the 44th section of the above recited act be and the same is hereby amended so that it shall hereafter read as follows, to wit."

Strike out the words "Section 2" in the second paragraph of the first section and insert the words "Section 44."

M. H. Bowers

One of the Committee

Report received.

Mr. McDonald made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Judiciary Committee to which was referred a resolution inquiring into the propriety of repealing or amending all laws requiring legal publication notices to be printed in newspapers have had the same under consideration and instruct me to report the accompanying bill and recommend its passage.

All of which is respectfully submitted.

J. G. McDonald

One of said committee.

Report received.

Mr. Willis made the following report:

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

Your committee to whom was referred a bill to be entitled an act for the relief of Wm. D. Dillon, District Attorney pro tem for the 16th Judicial District have had the same under consideration and recommend me to report the same back to the House and recommend that it do not pass.

J. M. Willis,

Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

I am instructed by a majority of the Committee on Engrossed Bills to report the following bills correctly engrossed.

A bill to be entitled an act to define what persons are subject to do patrol duty.

A bill to be entitled an act to amend an act concerning common carriers and defining their liabilities in certain cases.

All of which is respectfully submitted.

Thomas Smith
Chairman

Report received.

Mr. Foscue introduced a bill to be entitled an act to define upon what condition certain occupations may be followed. Read first time and referred to the Committee on the Judiciary.

Mr. Birdwell introduced a bill to be entitled an act to authorize the county courts to furnish stationery for the use of assessors and collectors. Read first time and referred to the Committee on State Affairs.

Mr. Glasscock introduced a bill to be entitled an act for the relief of the persons who were unable to pay the specie tax levied for the year 1861. Read first time and referred to the Committee on Finance.

Mr. Bowers offered a joint resolution in relation to the rights of the people of Texas. Read first time and made special order for 7 P. M. on Thursday next. On motion of Mr. Foscue 120 copies were ordered to be printed for the use of the House.

Mr. McDonald introduced a bill to be entitled an act for the relief of the heirs of Wm. Berryman. Read first time and referred to the Committee on Private Land Claims.

Mr. Andrews introduced a bill to be entitled an act to authorize the Governor to appoint three brigadier generals. Read first time and referred to the Committee on Military Affairs.

Mr. Guinn introduced a bill to be entitled an act to suspend all laws allowing the collection of interest in certain cases. Read first time and referred to the Committee on the Judiciary.

Mr. Bratton introduced a bill to be entitled an act to incorporate the Gonzales Mutual Aid Association. Read first time.

Mr. Way introduced a bill to be entitled an act to further provide for the defense of the state of Texas. Read first time.

Mr. Birdwell introduced a bill to be entitled an act to repeal an act to suspend the operations of the estray law during and until six months after the close of the war, approved February 25, 1863, in the counties herein named. Read first time and referred to the Committee on Stock and Stock Raising.

Mr. Maney introduced a bill to be entitled an act to incorporate the Seguin Mutual Aid Association. Read first time.

Mr. Baker introduced a bill to be entitled an act to validate the official acts of Joseph Wallis as notary public of Washington County. Read first time.

Mr. McCarthy introduced a bill to be entitled an act to punish and prevent desertion from the military service of the Confederate States of America and of the state of Texas. Read first time and referred to the Committee on the Judiciary. Also a bill to be entitled an act to prevent and punish absentees from the military service of the Confederate States and state of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Wooten introduced a bill to be entitled an act to restrict foreigners in trading in the state of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Reid introduced a bill to be entitled an act to amend an act entitled an act to regulate proceedings in the district courts, passed May 13, 1846. Read first time and referred to the Committee on the Judiciary.

A message from the Senate was received announcing to the House that the Senate had passed the following House bills with certain amendments, viz: the bill entitled an act presenting the duties of district attorneys in certain cases, also the bill entitled an act authorizing the Supreme Court of the State of Texas for the Galveston District to hold its spring terms at the city of Austin, and the joint resolution in regard to the tendering of thanks to Texan soldiers and the act to amend an act entitled an act to punish speculation in certain cases, approved January 13, 1863, without amendment.

Mr. Darden introduced a bill to be entitled an act to amend the second section of an act entitled an act to regu-

late interest. Read first time and referred to the Committee on the Judiciary.

ORDERS OF THE DAY

The bill entitled an act to establish and define the boundaries of the counties of Live Oak and McMullen and to repeal certain acts therein named was taken up, read first time, and passed.

The bill entitled an act to amend an act entitled an act to suspend the operation of the estray laws during and some time after the termination of the war was taken up and the committee's report against the passage thereof was adopted.

The bill entitled an act to prescribe the punishment for encouraging desertion from the army was taken up and substitute adopted. Whereupon Mr. Gibbons offered an amendment which was adopted. Whereupon Mr. Foscue offered an amendment which was rejected. Whereupon Mr. Smith offered an amendment which was also rejected. Whereupon Mr. Hays offered an amendment which was adopted. Mr. Brazier moved to recommit the bill to a special committee of seven which was lost. And the question recurring on the engrossment of the bill, Mr. Slaughter moved to strike out the second section thereof and Mr. Buckley moved the previous question which being seconded the main question was put and the ayes and nays being called for the vote was taken and resulted as follows, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Birdwell, Butler, Brady, Banton, Brazier, Bush, Buckley, Bratton, Cook, Daniel, DeBerry, Darden, Eastland, Emmert, Foscue, Finley, Frazier, Guinn, Griffith, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hill, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Prendergast, Pendleton, Prince, Robertson, Redding, Rhea, Robinson, Ramsey, Russell, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total 76.

Nays: Messrs. Gibbons, and Means. Total 2.

Bill ordered to be engrossed.

The bill entitled an act prescribing the duties of district attorneys in certain cases reported back from the

Senate passed with an amendment was taken up and the Senate's amendment concurred on.

The bill to be entitled an act to authorize the Supreme Court of the State of Texas for the Galveston District to hold its spring term at the city of Austin, reported back from the Senate, passed with an amendment, was taken up and the Senate's amendment concurred on.

Mr. Andrews offered this further resolution, to wit:

[Nothing follows for the remainder of the session of this day.]¹³

Tuesday, November 24, 1863

House met pursuant to adjournment. Quorum present. Prayer by Chaplain. The journal of yesterday was read and adopted.

G. W. Frazier presented the petition of W. H. Howard which without reading was referred to the Committee on Claims and Accounts.

A message from the Senate was received informing the House that the Senate had passed the following House Bills and Joint Resolutions, viz: House Bill entitled an act to authorize the use of the jails of the several counties for the custody of deserters and other offenders against military law, the joint resolution in regard to purchasing supplies in Texas by Payne and Company with counterfeit money, and also that the Senate had passed and now report to the House a bill entitled an act to punish certain offenses committed on Sunday.

Mr. Keyes made the following report:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the subjoined bills and resolutions and have found the same correctly enrolled and properly signed and have presented them to the Governor for his signature, the first on the 19th and the latter on the 24th Inst.

An act to authorize the holding of an election for rep-

¹³The Tri-Weekly State Gazette (Austin), November 25, 1863, notes the following conclusion to the House sessions of November 23:

Resolutions of respect to the memory of the late Milton M. Potter were then introduced; able and eloquent eulogies upon his life and character were pronounced by Messrs. Andrews, Buckley, and Dr. Taylor, and the resolutions adopted, after which the House adjourned to 10 A.M. tomorrow.

representative in Dallas County to fill the vacancy created by the action of the Tenth Legislature declaring the seat of H. J. Moffatt vacant.

Joint resolution of thanks to Texan soldiers.

An act to amend the first section of an act entitled an act to prevent speculation in certain cases, approved January 13, 1863.

H. Keyes, Chairman

Report received.

Mr. Darden made the following report:

Honorable M. D. K. Taylor, Speaker:

The Committee on Judiciary to whom was referred a bill to require the Comptroller to received certain funds in payment of university lands, beg leave to report that they have duly considered the same, and have instructed me to report the bill back to the House and recommend that the same do not pass. The committee have further instructed me to report the accompanying bill as a substitute for said bill and recommend its passage.

W. J. Darden, One of said committee

Report received.

Mr. Buckley made the following report:

Honorable M. D. K. Taylor, Speaker:

The Committee on the Judiciary, to whom was referred a bill for the Senate for the relief of George E. Burney, have had the same under consideration, and find that Mr. Burney was sent by the Governor to the state of Mississippi with a requisition for three fugitives from justice, who had passed large sums of counterfeit Confederate money upon the citizens of Texas, and the proposed bill provides for the repayment to said Burney the amount of his actual expenses incurred in going to, and returning from, Mississippi under said orders of the Governor, and a majority of the Committee instruct me to report the bill back and recommend its passage.

C. W. Buckley, Chairman

Report received.

Mr. Haynes made the following report:

Honorable M. D. K. Taylor, Speaker:

The Committee on Slaves and Slavery to whom was referred a bill to be entitled an act to amend an act to be entitled an act providing for the disposition of runaway

slaves, approved April 8, 1861, and to repeal the fifth section of the same, have had the same under consideration and have instructed me to report the bill without amendment to the House and recommend its passage.

All of which is respectfully submitted.

R. R. Haynes
Chairman

Report received.

Mr. Pendleton made the following report:

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

The Committee on Stock and Stock Raising to whom was referred a bill to be entitled an act to repeal an act to suspend the operation of the estray laws for and during the existence of the present war, and for six months after its termination except in certain cases, approved 25th February, 1863. The committee are of opinion that said act of 5th February, 1863 should not be repealed so as to leave in force the estray laws previously existing, but are willing it may be repealed in the counties named in the bill and direct me to report the bill back and recommend that it pass.

E. Pendleton
Chairman

Report received.

Mr. Smith made the following report:

Honorable M. D. K. Taylor,

A majority of the Committee on Engrossed Bills have instructed me to report the following bills correctly engrossed, to wit: first, a bill to prescribe the punishment for encouraging desertions, etc.; second, a bill to amend the caption and the first section of an act relating to forfeiture in certain cases, etc.

All of which is respectfully submitted.

Thomas Smith
Chairman

Report received.

Mr. Banton made the following report:

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

Your Committee on Penitentiary to whom was referred the reports of the Director, Superintendent, and Financial Agent of the Penitentiary have had the same together

with that portion of the Governor's message relating to that institution under consideration and direct me to report to the House that in the matter of the purchase of cotton by the Financial Agent on his own private account they entertain the opinion of the law governing the transaction expressed by the joint committee of the Ninth Legislature appointed to investigate the affairs of the Penitentiary, and accordingly report the accompanying: "Preamble and Joint Resolutions in relation to the purchase of cotton by John S. Besser, Financial Agent" and recommend their passage. They have also instructed me to report the accompanying bill to amend certain articles of the Penal Code relating to the duties of the several officers of that institution and recommend its passage. It appears from the Financial Agent's report that the institution not only pays its own expenses to the state and that, therefore, no appropriation is necessary for its support for the ensuing two years. But deeming it not impossible that by accident or otherwise the income arising from the sale of fabrics, etc., might be cut off and the institution for its support require funds from the State, the committee deem it advisable to recommend an appropriation of twenty-five thousand dollars, which sum should not be drawn unless required.

All of which is respectfully submitted.

J. H. Banton
Chairman

Report received.

Mr. Bowers introduced a bill to be entitled an act to extend the time for locating land certificates paid to the Brazos, Buffalo Bayou and Colorado Railroad Company. Read first time and referred to the Committee on the Judiciary.

Mr. Butler introduced a bill to be entitled an act to amend an act entitled an act to prescribe what kinds of funds may be received for certain public dues. Read first time and referred to the Committee on Finance.

Mr. Darden introduced a bill to be entitled an act to relieve J. A. Black from disability of minority. Read first time and referred to Committee on State Affairs.

Mr. Prendergast introduced a bill to be entitled an act to ascertain and establish the dividing line between Falls and Limestone counties. Read first time.

Mr. Hill introduced a bill to be entitled an act for the

relief of the heirs of Joseph Shepherd. Read first time and referred to the Committee on Private Land Claims.

Mr. Smith introduced a bill to be entitled an act to amend Article 960 of the Code of Criminal Procedures. Read first time.

Mr. DeBerry introduced a bill to be entitled an act granting land to the officers, non-commissioner officers, and soldiers of the army and navy of the Confederate States and the State of Texas. Read first time.

Mr. Moores offered a joint resolution providing for the call of a state convention. Read first time and referred to the Committee on State Affairs.

Mr. Baker introduced a bill to be entitled an act to incorporate the Iron Manufacturing Company. Read first time and referred to the Committee on State Affairs.

Mr. Buckley introduced a bill to be entitled an act to aid in punishing offenses against the postal laws of the Confederate States of America. Read first time and referred to the Committee on the Judiciary.

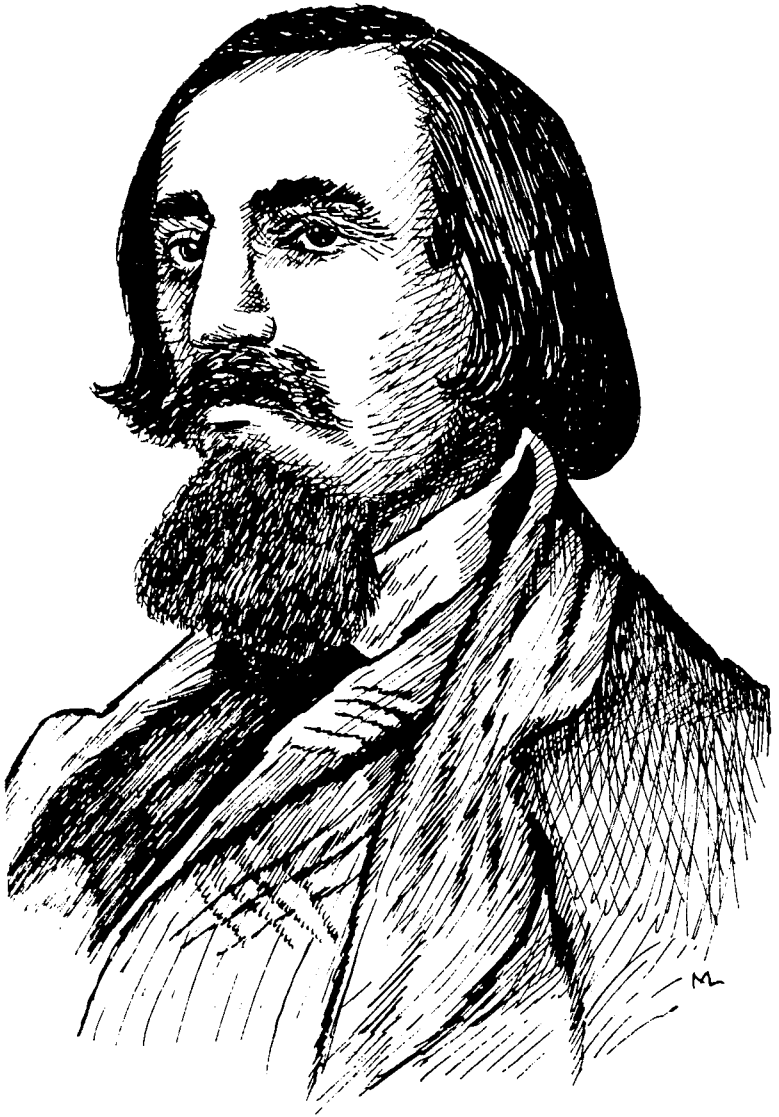
Mr. Russell introduced a bill to be entitled an act to amend the first and second sections of an act to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them; and to prevent the sale of calves for slaughter without brands, approved March 4, 1863. Read first time and referred to Committee on Stock and Stockraising.

Mr. McCarthy introduced a bill to be entitled an act to amend an act incorporating the Pecos Bridge Company, approved January 6, 1860, and to extend the time for constructing the bridge. Read first time and referred to the Committee on Roads, Bridges, and Ferries.

Mr. Russell introduced a bill to be entitled an act to provide for the recovery of stolen cattle. Read first time and referred to the Committee on the Judiciary.

Also a bill to be entitled an act amendatory of and supplemental to an act to regulate marks and brands. Read first time and referred to the Committee on Stock and Stockraising.

Mr. Prince introduced a bill to be entitled an act granting the right to make a process salt from Salt Lake or deposits situated near the Horsehead Crossing of the Pecos River. Read first time and referred to the Committee on the Judiciary.



Hermann Seele

Source: Lee C. Harby, "The City of a Prince: A Romantic Chapter in Texas History," *Magazine of American History*, XX, No. 5 (November, 1888), 347.

Mr. Howard of "A" offered a joint resolution in regard to the [use] of Negroes impressed into the service of the Confederate States. Read first time.

Mr. Browne offered the following resolution, viz: "Resolved, that the Committee on State Affairs are hereby instructed to take into consideration the propriety of granting a charter with all necessary rights and privileges to Messrs. Rhea, Dowell, Bean, and Carpenter to be known as the Trinity Wool and Cotton Factory and report by bill or otherwise." Adopted.

Mr. Guinn offered the following resolution: "RESOLVED, that the Committee on Military Affairs inquire whether any legislation is necessary to provide for the defense of the state, and that they inquire into the expediency of organizing the exempt men of the state into companies to be called out only in case of invasion or insurrection and further into the expediency of providing by law for the depositing of powder, lead, caps and arms at different points in the state to be used in repelling invasion or suppressing insurrection to be used only by companies organized by law and voluntary companies when called into the service of the state and that they report by bill or otherwise, which was adopted.

Mr. Seele offered the following resolution: "RESOLVED, that the Committee on Education be instructed to take into consideration the payment of the interest due to the school fund by the railroad companies to be made in bonds of the Confederate States or of this state and to report by bill or otherwise," which was adopted.

Mr. Holford offered the following resolution: "RESOLVED, that the Committee on State Affairs be instructed to inquire into the expediency of increasing the tax when the occupation of selling spirituous, vinous or malt liquors within the state and report by bill or otherwise," which was adopted.

Mr. Guinn offered the following resolution: "RESOLVED, that the Committee on Printing be instructed to have five thousand copies of the Governor's Message printed for the use of the members of this House," which was adopted.

Mr. Buckley offered the following resolution: "RESOLVED, by the House of Representatives that the resolution refusing to entertain new business after Tuesday the

24th November be and is hereby revoked." Made order for tomorrow.

Mr. Lipscomb offered the following resolution: "RESOLVED that a Select Committee of Three be appointed to inquire into the condition of the state cemetery, and report thereon as deemed proper by them," which was adopted and Messrs. Lipscomb, Blake, and Lane appointed the committee.

Mr. Banton offered the following resolution: "RESOLVED, that the Committee on the Judiciary be requested to inquire into the expediency of empowering the probate court to authorize guardians to exchange one kind of property belonging to their wards for another kind when shown to the satisfaction of the court that such an exchange is necessary to promote the interest of ward's estate and report by bill or otherwise." Adopted.

Mr. DeBerry offered the following resolution: "RESOLVED, that the Committee on the Judiciary be instructed to inquire into the expediency of passing a law revoking all licenses issued to persons under the present laws concerning the distillation of spirituous liquors from grain and making compensation to the holders of said licenses and report by bill or otherwise," which was adopted.

Mr. Daniel offered the following resolution: "RESOLVED, that the Committee on Finance be required to inquire into the expediency of the Comptroller's issuing for the purpose of change small bills under the denomination of one dollar and report by bill or otherwise." Adopted.

Mr. Banton with leave introduced a bill to be entitled an act to provide for the publication for an abstract of principles of law which have been or may hereafter be decided by the Supreme Court. Read first time and referred to Judiciary Committee.

A message from the Executive Officer was received transmitting to the House a message from His Excellency Governor of the State which was received and on motion the Honorable Senate invited to the whole of the House to hear the message now.

Mr. Smith made a motion to reconsider the vote taken yesterday on the engrossment of the bill punishing the encouragement of desertion from the army and navy.

A message from the Senate was read informing the House that the Senate had accepted the invitation to meet

the House in Joint Session to hear the Governor's Message read, whereupon the House on motion took a recess of ten minutes.

At the expiration of the recess the House was called to order, the roll called and quorum present. The Senate has confirmed thus the House was ready to receive it in pursuance of its invitation, whereupon the Senate came in body and took the seats assigned them. The rolls of both houses now called and a quorum present, whereupon the Speaker ordered the message to be read from the clerk's desk, which was done.¹⁴

Whereupon the Senate on motion retired to their chambers.

The question pending on the recess of the House being on the adoption of the motion to reconsider the vote on the engrossment of the bill prescribing punishment for encouraging desertion, etc., was put and the motion carried and the bill recommitted to the Committee on the Judiciary.

Mr. Bowers moved that the House vote making the joint resolution in regard to the rights of the citizens the special order for Thursday evening next, which was lost.

On motion the House adjourned to 3 P. M.

3:00 P.M.

House met pursuant to adjournment. Quorum present.

The bill to be entitled an act to suspend all laws authorizing chief justices to order sales of property belonging to the estates of deceased persons, was taken up and the report against the passage of the bill was adopted.

On motion of Mr. Buckley the Senate bill entitled an act for the relief of A. J. Vaughn was taken up and read a second time. The Constitutional rule was then suspended, bill read third time and passed.

The Report of the Judiciary Committee on the resolution requiring the Committee to inquire into the authority of the legislature to provide some measure which will have the effect of appreciating our currency was taken up and adopted.

The report of the Committee on Stock and Stockraising on the resolution requiring the committee to examine into the expediency of re-enacting the estray law was taken up and adopted.

The bill to be entitled an act regulating estrays was

¹⁴This message cannot be located.

taken up and the committee's report adopted.

The bill to be entitled an act to define the boundary line between the counties of Harrison and Navarro was taken up. Mr. Hays in the Chair. Read second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read third time and passed.

Mr. Buckley with leave introduced a bill to be entitled an act to amend the 71st section of an act to regulate proceedings in the county courts pertaining to the estates of deceased persons, approved March 20, 1848. Read first time. The Constitutional rule was then suspended and bill read second time and ordered to be engrossed. The constitutional rule was then suspended, bill read third time and passed.

By leave of the House, Mr. Ramsey introduced a bill to be entitled an act to amend the 20th section of an act to organize county courts passed February 16, 1852. Read first time.

The bill to be entitled an act compelling persons who claim exemption from military service on account of conscientious scruples to pay a certain sum, was taken up. Whereupon Mr. Bowers offered a substitute for the bill and Mr. Baker moved that the bill and substitute be recommitted to the Judiciary Committee which was carried and bill recommitted.

The bill to be entitled an act to provide for the construction of twelve pieces of ordnance was taken up and read a second time and ordered to be engrossed.

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

Wednesday, November 25, 1863

House met pursuant to adjournment. Prayer by Chaplain. Quorum present. Journal of yesterday read and adopted.

On application leave of absence was granted to the member from San Patricio for the remainder of the session.

Mr. Moores presented a communication from the grand jurors of Freestone County which was read first time and referred to the Committee on Finance.

Mr. Kyle made the following report:

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

Your Committee on Private Land Claims to whom was referred the papers of John Griffin, James L. Burris, Sam Raymond and Hiram Bube after a careful examination of the land office and Comptroller's office have instructed me from the evidence that we were enabled to obtain to report the papers to the House and ask to be discharged from their further consideration.

C. Kyle
Chairman

Report received.

Mr. Hays made the following report:

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

The Committee on State Affairs to whom was referred a resolution of instruction directing us to inquire into the expediency of increasing the tax on the occupation of selling spirituous liquors have considered the same and as the subject matter of this resolution is already before the Committee on Finance, I have been instructed to return this to the House and recommend its reference to the Committee on Finance.

Respectfully submitted
F. M. Hays
Chairman

Report adopted.

Mr. McDonald made the following report:

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

The Judiciary Committee to which was referred a bill to suspend the existing law allowing the collection of interest in certain cases have had the same under consideration and a majority of said committee instruct me to report that the object sought by said bill is by state legislation, to make treasury notes a legal tender in the payment of debts; to do which the states are positively forbidden by the Constitution of the Confederate States of America. The committee (with one exception) concur in this opinion, therefore, the committee herewith return the bill to the House and recommend that said bill do not pass. All of which is respectfully submitted.

J. G. McDonald
Judiciary Committee

Report received.

Mr. Howard made the following report:

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

The Committee on State Affairs to whom was referred a bill granting the right to make or procure salt from a salt lake or deposit situated near the Horsehead Crossing on the River Pecos, have had the same under consideration, and ask leave to return it to the House and recommend that the said bill do not pass.

W. H. Howard
One of said committee

Report received.

Mr. English made the following report:

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

A majority of the Committee on Engrossed Bills have instructed me to report the following bills correctly engrossed, to wit:

1. A bill defining the boundary line between the counties of Harrison and Marion.
2. A bill to amend the 71st section of an act to regulate proceedings in the county court pertaining to estates of deceased persons.
3. A bill to provide for the construction of twelve pieces of ordnance.

All of which is respectfully submitted.

R. English
One of the committee

Report received.

Mr. Griffith made the following report:

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

The Committee on Military Affairs to whom was referred a bill to be entitled an act to authorize the governor to appoint three brigadier generals to command the state troops, having had the same under consideration, a majority of said committee instruct me to report back to the House and recommend its passage.

John Griffith, Chairman

Report received.

Mr. Banton made the following report:

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

The Committee on Penitentiary to whom was recommended the bill authorizing the use of the Penitentiary for the confinement of prisoners of war, deserters and other offenders against military law, also the substitute to the same heretofore reported by a majority of the committee, have had the same under consideration, and see no cause to change the opinions entertained in relation thereto. A majority of the committee, therefore, instruct me to report both bills back to the House without amendment and recommend the passage of the substitute.

Respectfully submitted
J. H. Banton
Chairman

Report received.

Mr. Robinson made the following report:

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

The Committee on State Affairs to whom was referred a bill to be entitled an act to define what are public mills and to prescribe the duties and liabilities of millers, have instructed me to report the same back to the House and recommend that it do not pass.

L. Robinson
One of the Committee

Report received.

Mr. Reid made the following report:

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

The Committee on State Affairs to whom was referred a bill to be entitled an act to authorize the county courts to furnish stationery for the use of the assessors and collectors of the state of Texas, have had the same under consideration and instructed me to report the same back to the House and recommend that it do not pass.

J. B. Reid
One of the Committee

Report received.

Mr. Russell made the following report:

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

The Committee on the General Land Office report the accompanying account of L. Pellman for wood furnished the General Land Office and ask that it be referred to the Committee on Finance and be embodied by them in the

general appropriation bill and ordered to be paid.

C. A. Russell
Chairman

Report received.

ORDERS OF THE DAY

The resolution in relation to the order of business in the House was taken up which on motion of Mr. Birdwell was laid on the table until the first day of July next.

The report of the Committee on Agricultural Affairs on the bill to regulate the cultivation of cotton was taken up and adopted.

The Finance Committee's report on a resolution concerning the procurement of drugs was taken up and adopted.

A message from the Senate was received informing the House that the Senate had passed the following bills, to wit: a bill to be entitled an act to incorporate the Sulphur Fork Iron Company, a bill to be entitled an act to cede jurisdiction in certain cases, and a joint resolution for payment of Confederate tax.

The bill to be entitled an act respecting guardianships was taken up, read a second time, and ordered to be engrossed. Constitutional rule was then suspended, bill read a third time and passed.

On motion of Mr. Hays the Senate Bill entitled an act to cede jurisdiction, etc., was taken up, read first time. The Constitutional rule was then suspended, bill read second time and ordered to be engrossed. Constitutional rule was further suspended, bill read third time and passed.

The Senate bill entitled an act to incorporate the Sulphur Fork Iron Company was taken up, read first time and referred to the Committee on State Affairs.

The Senate joint resolution in relation to the payment of the Confederate tax was taken up and read first time.

The Senate bill entitled an act to punish certain offenses committed on Sunday was taken up and read first time and referred to the Committee on the Judiciary.

The bill to be entitled an act to incorporate the Paluxy and Brazos Sulphur Nitre and Powder Manufacturing Company was taken up and read a second time and ordered to be engrossed. Rule was then suspended, bill read third time and passed by the following vote, to wit:

Yeas—Messrs. Speaker, Adams, Andrews, Barclay, Blake, Birdwell, Browne, Butler, Brady, Banton, Brazier, Bush, Buckley, Baker, Bratton, Cook, Daniel, Darden, Eastland, Finley, Frazier, Griffith, Gibbon, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hunt, Jones, Kyle, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Mabray, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Robinson, Reed, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker and Way—Total 69. .

Nays: Mr. DeBerry—Total 1.

The bill to be entitled an act to amend an act entitled an act to organize the county courts, approved March 16, 1848, was taken up, read third time whereupon Mr. Maney offered an amendment which was adopted and the bill passed.

The bill entitled an act for the relief of Carro M. Quarles was taken up, read a third time and passed.

The bill to be entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, was taken up, read a third time and passed.

The bill entitled an act making appropriations for the pay and mileage of the members and the pay of the officers of the Tenth Legislature was taken up, read a second time and ordered to be engrossed. Constitutional rule was suspended, bill read third time and passed.

The joint resolution in relation to the contract between the Military Board and Billips and Hassell was taken up and on motion was laid on the table.

The bill to be entitled an act to authorize the county courts to regulate the pay of sheriffs in certain cases was taken up, read a third time and passed.

The bill to be entitled an act to exempt certain officers and soldiers therein named from the payment of poll tax on an amount of property therein named, was taken up and on motion of Mr. Thomas. the committee's report adverse to the bill was laid on the table by the following vote, to wit:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Blake, Birdwell, Banton, Brazier, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, East-

land, Emmert, Finley, Frazier, Griffith, Gibbon, Glasscock, Howard of Anderson, Haynes, Hart, Holford, Hunt, English, Jones, Keyes, Lipscomb, Lovejoy, McDonald, McGuire, Perkins, Patton, Pendleton, Robertson, Redding, Rhea, Robinson, Ranck, Ramsey, Smith, Seele, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson—Total 52.

Nays: Messrs. Butler, Bush, Howard of Lavaca, Hays, Harrison, Kyle, Lollar, Lane, Lacy, Mabray, Marshall, Moores, Maney, Prendergast, Prince, Reid, Russell, Slaughter, Sampson, Simpson and Way—Total 21.

The bill was then read a second time and on motion of Baker was referred to a Special Committee of Five which was carried, whereupon the Speaker appointed Messrs. DeBerry, Thomas, McDonald, Baker, and Willis, a committee to consider thereof.

By leave of the House Mr. Howard of Lavaca introduced a bill to be entitled an act for the organization of a home guard and police force in the State of Texas which was read first time and referred to the Committee on State Affairs.

The bill to be entitled an act for the relief of George Glasscock was taken up and the committee's report adopted, and on motion of Mr. [blank] was made special order for 11 A. M. tomorrow.

A message from the Senate was received informing the House that the Senate had passed the following bill and resolution, viz: the House bill entitled an act for the relief of pre-emption settlers and to extend the time for returning federal notes, etc.; and the Senate joint resolution asking the repeal of all property exemptions and property detail laws.

On motion the House adjourned to 7 P. M. this evening

7:00 P. M.

House met pursuant to adjournment. Quorum present.

The bill entitled an act to define the frontier and to provide for its defense made special order for this hour was taken up, whereupon Mr. Thaxton offered a substitute for the joint committee bill which was adopted. Mr. Simpson offered an amendment, which was adopted. Mr. [blank] moved to strike out the counties of Johnson and Denton.

On motion of Mr. Buckley the further consideration of the bill was postponed to the hour of 3 P. M. on Friday next.

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

Thursday, November 26, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called, quorum present. Journal of yesterday read and adopted.

On motion of Mr. [blank] Mr. Mabray[?] was granted leave of absence for the remainder of the week.

Mr. Seele presented the memorial of the county court of Comal County which was without reading referred to the Committee on Counties and County Boundaries.

Mr. Lacy presented the memorial of sundry citizens of Leon County which was without reading referred to the Committee on Stock and Stockraising.

Mr. Buckley made the following report:

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

The Committee on the Judiciary to whom was referred a bill to be entitled an act to amend an act entitled an act to establish uniform weights and measures have had the same under consideration and believing that in collecting the tax in kind by the Confederate States collectors, much fraud will be prevented by the passage of the bill, have instructed me to report the bill back and recommend its passage, with the subjoined amendments.

C. W. Buckley
Chairman

Amend the caption by adding "approved February 13, 1858."

Amend by adding at the end of section the words "provided that this act shall not apply to any person residing in any county that does not pass the standard weights and measures of the State."

Report received.

And also the following:

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

The Committee on the Judiciary to whom was referred a bill to be entitled an act to provide for publication of an abstract of principles of law which have been or may hereafter be decided by the Supreme Court have had the same under consideration, and in their opinion no practicable

good will result from the passage of the bill, wherefore they instruct me to report the bill back and recommend that it do not pass.

C. W. Buckley
Chairman

Report received.

And also the following:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a resolution requesting the committee to inquire into the expediency of empowering the probate courts to authorize guardians to exchange one kind of property belonging to their wards for another kind, when shown to the satisfaction of the court that such an exchange is necessary to promote the interests of wards' estates and report by bill or otherwise, have had the same under consideration and instruct me to report that such a change in the law as contemplated is inexpedient. The committee therefore ask to be discharged from the further consideration of the subject.

C. W. Buckley
Chairman

Report received.

Also the following:

Honorable M. D. K. Taylor,

Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to aid in punishing offenses committed against the postal laws of the Confederate States of America, have had the same under consideration and believing that the passage of such a law as is contemplated by the proposed bill will be productive of beneficial results, instruct me to report the same back to the House and recommend its passage.

C. W. Buckley
Chairman

Report received.

Mr. Foscue made the following report:

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

The Committee on Confederate Relations to which was referred the joint resolution requiring the Governor to call a convention of the people of Texas, and by proclamation to order an election of delegates, have given the subject due

consideration and have arrived at the conclusion that however desirable the object may be, your committee are of the opinion that the proposed amendment could not be effected in time to aid the Confederacy in the pursuit for independence. I am therefore instructed by this committee to report the joint resolution back to the House and recommend that it do not pass.

F. F. Foscue

One of the Committee

Report received.

Mr. Buckley made the following report to the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred an act to amend an act entitled an act to regulate proceedings in the district court passed May 13, 1846, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do not pass.

C. W. Buckley

Chairman

Report received.

Also the following report:

To the Speaker of the House of Representatives:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to extend the time for locating land certificates issued to the Brazos, Buffalo Bayou, and Colorado Railroad Company, have had the same under consideration and instruct me to report the accompanying substitute for the original bill and recommend its passage.

C. W. Buckley

Chairman

Report received.

Mr. Kyle made the following report:

To the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the papers of William M. Justice after a careful examination have instructed me to report the accompanying bill and recommend its passage.

C. Kyle

Chairman

Report received.

Mr. Pendleton made the following report:

The Committee on Stock and Stockraising to whom

was referred a bill entitled an act amendatory of and supplemental to an act to regulate marks and brands, have had the same under consideration and recommend that the same should be passed.

E. Pendleton
Chairman

Report received.

Also the following report to the Speaker of the House of Representatives:

The Committee on Stock and Stockraising to whom was referred an act entitled an act to amend the first and second section of an act to regulate the sale of beef cattle, and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of unbranded calves for slaughter, approved March 4, 1863, have considered the same and recommend its passage.

E. Pendleton
Chairman

Report received.

Mr. Darden made the following report to the Speaker of the House of Representatives:

The Committee on Education to whom was referred a resolution to consider the expediency of receiving in payment of the interest on the special school fund from railroad companies the bonds of the Confederate States of America or of the State, have duly considered the same and a majority of the committee instruct me to report that as the interest bearing bonds of the Confederate States would not be available for disbursement and as the kinds of Treasury Warrants of the State could not in the opinion of this committee be obtained, and as the primary object of the resolution was to increase the amount of money in the Treasury subject to distribution for common school purposes, a majority of this committee instruct me to report the accompanying bill and recommend its passage.

W. J. Darden
One of the Committee

Report received.

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

Your Committee on Engrossed Bills instruct me to

report to the House the following bills as correctly engrossed, viz:

A bill to be entitled an act respecting guardianships.

A bill to incorporate the Paluxy and Brazos Sulphur Nitre and Powder Manufacturing Company.

Mr. Kyle made the following report to the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred a bill and accompanying papers for the relief of T. G. McGehee, after a careful examination of the case have instructed me to report the bill back to the House and recommend that it do pass.

C. Kyle
Chairman

Report received.

ORDERS OF THE DAY

The bill entitled an act for the relief of Robert Miller was taken up. The committee's report to the bill was read whereupon Mr. Walker moved to recommit the bill to a Select Committee of Three, which carried, and the Speaker appointed Messrs. Walker, Seele and Darden to consider thereof.

Mr. Lovejoy with leave presented the petition of Amos Martin which was without reading referred to the Committee on the Judiciary.

The bill entitled an act to prohibit the sale of spirituous liquors was taken up, read a second time and ordered to be engrossed.

The bill entitled an act for the relief of the heirs of Francis L. Toncary was taken up, read second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

The bill entitled an act to aid enrolling officers in their official duties was taken up. Read second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

The bill to be entitled an act to secure the payment of state and county taxes was taken up whereupon Mr. Russell moved to recommit the bill and report to the Committee on Finance which was lost. Mr. Russell then moved to lay the bill and report on the table which was also lost.

The question then recurred on the adoption of the report was put and report adopted.

The bill entitled an act to amend the 51st section of an act entitled an act to regulate proceedings in the county courts pertaining to the estates of deceased persons passed March 20, 1848, was taken up and the committee's report adverse to the bill was adopted.

The Senate joint resolution to be entitled an act to repeal all property exemptions and property detail laws was taken up and read. The Constitutional rule was then suspended. Read second time, rule further suspended, resolution read third time and passed.

The Senate joint resolution for the payment of the Confederate tax was taken up and read first time. The Constitutional rule was then suspended, and resolution was read a second time. The rule was further suspended, resolution read a third time and passed by the following vote, to wit:

Yeas—[The names are not listed].

The bill to be entitled an act to provide for a digest of the laws of the State of Texas was taken up, read a second time whereupon Mr. Buckley offered an amendment which was adopted and Mr. Bowers offered a further amendment which was adopted. Mr. Walker offered a further amendment which was adopted and bill ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed.

Message from the Senate was received informing the House that the Senate have passed a bill to be entitled an act to suspend the location and survey of public land.

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

Your Committee on State Affairs to whom was referred a special message of his Excellency Governor Lubbock in relation to two Yankee flags—one captured by the 5th Texas Regiment in the Battle of Richmond, June 27, 1862, and another captured by the 4th Texas Cavalry in the Battle of La Fourche, July 13, 1863, have considered the same and herewith return the same to the House with the accompanying joint resolution and earnestly recommend their passage.

Report received.

F. M. Hays

Whereupon on motion of Mr. Hays, the Constitutional rule was suspended and the report adopted and the resolution read a second time and ordered to be engrossed. The rule was further suspended, resolution read a third time and passed.

The bill to be entitled an act for the relief of George W. Glasscock which was made special order for this hour at last consideration was taken up (Mr. Brady in the Chair). Read a second time, the yeas and nays being called on the engrossment of the bill were taken and resulted as follows, to wit:

Yeas—Messrs. Speaker, Andrews, Butler, Browne, Brady, Banton, Bush, Buckley, Baker, Bowers, Cook, Daniel, Darden, Eastland, Foscue, Frazier, Griffith, Hays, Harrison, Hill, Hunt, Lollar, Lane, Lovejoy, McGuire, Patton, Robertson, Rhea, Ranck, Russell, Slaughter, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Way. Total 39.

Nays—Messrs. Adams, Allen, Barclay, Brazier, Bratton, DeBerry, Emmert, Finley, Guinn, Gibbon, Howard of Anderson, Howard of Lavaca, Hart, Holford, English, Jones, Kyle, Keys, Lipscomb, Lacy, McDonald, Moores, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Redding, Robinson, Reid, Smith, Wooten, Wilson. Total 34.

Bill ordered to be engrossed.

Mr. Robinson with leave introduced a joint resolution instructing our Senators and requesting our Representatives in Congress to use their efforts to procure the passage of a law for the relief of the Texas Mounted Volunteers, which was read first time.

A message from the Senate was received informing the House that the Senate have passed a bill to be entitled an act appropriating two hundred thousand dollars as a hospital fund for the soldiers of Texas in the armies of the Confederate States of America.

Mr. Bowers offered the following resolution: "RESOLVED that a committee of three be appointed to work on the Honorable Messrs. Andrews, Buckley, and Taylor for copies of their addresses delivered in this House on the 23rd, just on the resolution of respect to the memory of the late Honorable M. M. Potter; and further that one thousand copies of their resolution addresses together with the resolution adopted on that occasion be printed for the use of

the House. Whereupon Messrs. Bowers, Frazier, and Lollar were appointed a committee to carry out the resolution.

On motion the House was adjourned to 7:00 P.M. this evening.

7 P.M.

House met pursuant to adjournment. Quorum present.

The resolution in relation to the right of the citizens of Texas which was made special order for the hour was taken up, and after a lengthy discussion thereof, Mr. Haynes moved to lay the resolution on the table, but at the request of Mr. Buckley withdrew his motion whereupon Mr. Buckley moved to recommend the resolution to the Committee on the Judiciary which after some discussion at length whereupon Mr. Haynes moved to lay the motion to commit and the resolution on the table which was carried.

On motion the House adjourned until 9 o'clock tomorrow morning.

Friday, November 27, 1863

House met pursuant to adjournment. Prayer by Chaplain. Quorum present. Journal of yesterday read and adopted.

Mr. McDonald presented memorial of John Dean which was referred to the Committee on Judiciary.

Mr. Smith made the following report to the Speaker of the House of Representatives:

I am instructed by the Committee on Engrossed Bills to report the joint resolution in relation to the Yankee flags, etc., is correctly engrossed.

Thomas Smith
Chairman

Report received.

Also the following report to the Speaker of the House of Representatives:

The Committee on Engrossed Bills have instructed me to report to the House the following bills are correctly engrossed, viz: a bill to prohibit the sale of intoxicating liquors in the neighborhood of Round Rock, a bill for the relief of the heirs of Francis L. Toncary, a bill to aid enrolling officers in the discharge of their official duties, a bill to pro-

vide for a digest of the laws of Texas, and a bill for the relief of George W. Glasscock.

Respectfully submitted
Thomas Smith
Chairman

Report received.

Mr. Emmert made the following report:
Honorable M. D. K. Taylor:

The Committee on Roads, Bridges, and Ferries, to whom was referred a bill to amend an act incorporating the Pecos Bridge Company, approved January 7, 1860, and to extend the time for constructing the bridge, have had the same under consideration. The committee instruct me to return the same to the House and recommend its passage.

A. Emmert
Chairman

Report received.

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

The Committee on Counties and County Boundaries to whom was referred a petition of the county court of Comal County, praying the suspension of an act to authorize the county court of Comal County to levy a special tax approved February 8, 1860, have had the same under consideration and report the accompanying bill and recommend its passage.

Bennet Blake
One of the Committee

Report received.

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

Your Committee on State Affairs to whom was referred a bill to be entitled an act to amend the 4th section of an act entitled an act to provide assistance for the families and other dependents of officers and soldiers, approved March 6, 1863, have maturely considered the same and herewith return the same to the House and earnestly recommend its passage.

Respectfully submitted
F. M. Hays
Chairman

Report received.

Mr. Way made the following report.

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

The Committee on Indian Affairs to whom was referred a resolution instructing them to inquire into the expediency of making suitable provision for the loyal Tonkaway Indians, have considered the same. A majority of the committee have instructed me to report the accompanying bill to the House and recommend its passage.

C. B. Way
Chairman

Report received.

Mr. Willis made the following report.

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

The select committee to whom was referred a resolution to inquire into the expediency and practicability of paying the state troops called out in 1862 have had the same under consideration and beg leave to make the following report:

Whereas—State troops were called out by proclamation of his Excellency Governor Lubbock in 1862, and these troops were transferred to the Confederate Commander of the State of Texas, and whereas supplies to meet the wants of these troops was furnished by individual advancements and credit, which have not been reimbursed or met by neither State or Confederacy.

Therefore—be it resolved by the Legislature of the State of Texas, that the Adjutant and Inspector General of the State, be and is hereby instructed to inquire into the cause of the non-payment of any or all claims in the premises and to take such steps as will properly adjust the rights of all concerned.

J. M. Willis
Chairman

Report received.

Mr. Hays made the following report.

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

Your Committee on State Affairs to whom was referred the reports of the superintendents of the Lunatic Asylum, Deaf and Dumb and Blind Asylum, have reported the respective amounts necessary to be appropriated for the support of the asylums to the Committee on Finance with

the request that they be included in the general appropriation bill.

The committee therefore would respectfully report the same back to the House and ask to be discharged from further consideration of this subject.

Respectfully
F. W. Hays
Chairman

Report received.

Mr. Baker made the following report to the Speaker of the House of Representatives:

The Select Committee of Three was referred a bill to be entitled an act to exempt certain officers and soldiers therein named from the payment of poll tax and the payment of an ad valorem tax on an amount of property therein named, have had the same under consideration and after due consideration the committee unanimously have instructed me to report the accompanying substitute for the bill and recommend its passage.

M. W. Baker
Chairman

Report received.

ORDERS OF THE DAY

On motion of Mr. Moores the bill to be entitled an act to encourage the manufacture of iron was taken up out of order and referred to a Select Committee of Three, whereupon the Chair appointed Messrs. Moores, Haynes, and Gibbons, said committee.

The report of the Judiciary Committee on the bill entitled an act to amend Article 754 of Oldham and White's Digest entitled an act pertaining to the estates of deceased persons adverse to the bill was taken up and adopted.

The report of the Judiciary Committee on the bill taken up in regard to interest on debts, etc., adverse to the passage of the resolution was taken up and adopted.

The report of the Judiciary Committee on the bill entitled an act declaring what should be considered a sufficient ground for divorce adverse to the bill was taken up and adopted.

The report of the committee to whom was referred the joint resolution soliciting Congress to pass a law authorizing the impressment of Negro men for military service

adverse to the passage of the resolution was taken up and adopted.

The report of the Judiciary Committee on the bill to be entitled an act to amend the law governing the disposition of estates of deceased persons adverse to the bill was taken up and adopted.

A message from the Senate was received informing the House that the Senate have passed the following bills, viz: a bill entitled an act for the relief of Thomas Moore, deceased; a bill to be entitled an act to provide for the employment of additional labor within the penitentiary; a bill to be entitled an act defining the duties of the agent of the Alabama Coushatta and Muscogee Indians.

The report of the Committee on State Affairs on the bill entitled an act to prevent the trade in cotton upon the western frontier of the State of Texas adverse to the passage of the bill, Mr. McDonald in the Chair, was taken up and on motion of Mr. Foscue was laid on the table, whereupon the bill was taken up on motion of Mr. Foscue and was laid on the table.

The bill entitled an act to provide for the organizing of the county of McMullen and to attach the same to the 14th Judicial District was taken up. Read second time and ordered to be engrossed.

The report of the Committee on Stock and Stockraising on the resolution requiring the committee to inquire into the expediency of extending the time for the recovery by law of stolen meat cattle, adverse to the extension of the time for same purpose was taken up and adopted.

The bill entitled an act to incorporate the East Texas Manufacturing Company was taken up, read a second time and ordered to be engrossed. The Constitutional rule was then suspended. Bill read third time and passed by the following vote, viz:

Yeas—Messrs. Speaker, Adams, Allen, Anderson, Barclay, Blake, Birdwell, Butler, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Emmert, Foscue, Finley, Frazier, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Hunt, English, Jones, Kyle, Keyes, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Marshall, McDonald, Moores, McGuire, Maney, McCarthy, Perkins, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson,

Reese, Ranck, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, and Way.

The bill entitled an act to amend the first section of an act entitled an act to amend the second section of and supplementary to an act to perfect the organization of the state troops and place the same on a war footing, approved December 25, 1861—approved March 7, 1863, was taken up whereupon Mr. Hays moved that the House go into a Committee of the Whole to consider thereof, which was carried, whereupon Mr. Hays took the Chair and the committee entered upon its deliberations. After spending time in committee, the Speaker resumed the Chair and the Committee of the Whole, by its chairman, reported that the committee had adopted several amendments to the bill, and ask that the bill and amendments be referred to committee and that the committee be discharged which was received.

A message from the Senate was received informing the House that the Senate passed the following House bills and resolutions, viz: a bill entitled an act to suspend all laws for the collection of debts and liabilities on bond, notes, etc., until twelve months after a verification of a treaty of peace between the Confederate States of America and the United States of America or until otherwise provided by law; a bill entitled an act to raise one million dollars or so much thereof as may be necessary by the sale of cotton bonds to provide for the defense of the state and to repel invasion with an amendment; and also the joint resolution soliciting Congress to pass a law increasing the pay in wages of the commissioned officers and privates in the army and navy of the Confederate States of America.

By leave Mr. Andrews presented the memorial of the citizens of Galveston for relief, which was without reading referred to the Judiciary Committee.

Mr. Reid made the following report:

Honorable Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to provide for the support of the families of Texas soldiers have had the same under consideration and have instructed me to report the bill back and recommend the passage of the following substitute in lieu of the original bill.

J. B. Reid

Report received.

One of the Committee

On motion the House adjourned to 3 P.M. .today.

3 P.M.

House met. Roll called, quorum present.

The bill entitled an act to provide for the protection of the frontier made special order for this hour was taken up and the question pending at the postponement being in the adoption of an amendment offered by Mr. Wilson. Mr. Prince offered an amendment to the amendment which was accepted by Mr. Wilson. The question was then put and the amendment adopted. Mr. Foscue offered a substitute for the 12th section of the bill. Mr. Bowers offered an amendment to the substitute which was adopted and the question then recurring on the adoption of the substitute for the 12th section was put and the substitute adopted. Whereupon Mr. Hays offered an amendment which was adopted. Bill was then read a second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read a third time, and passed.

On motion of Mr. Banton the Senate bill reported this day to the House was taken up with a view to reference, viz: the bill entitled an act defining the duties of the agent for the Alabama Coushatta and Muscogee Indians, which was referred to the Committee on Indian Affairs; the bill entitled an act to provide for the employment of additional labor in the State Penitentiary which was referred to the Committee on the Penitentiary; also, a bill entitled an act for the relief of Thomas Moore, which was referred to the Committee on Private Land Claims.

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

Saturday, November 28, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called. Quorum present. Journal of yesterday read and adopted.

Mr. Banton presented the memorial of sundry citizens of Walker County which was without reading referred to the Committee on State Affairs.

Mr. Hays made the following report:

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the Senate bill entitled an act to incorporate the Sulphur Fork Iron Company have considered the same and herewith

return it to the House and recommend its passage with the accompanying amendment.

Respectfully submitted
F. M. Hays
Chairman

Report received.

On motion of Mr. Willis the report was taken up and with the amendment to the bill adopted. The bill was then read a second time and passed to a third reading. The Constitutional rule was then suspended. Bill read a third time and passed by the following vote:

Yeas: Messrs. Speaker, Adams, Andrews, Blake, Butler, Browne, Brady, Banton, Brazier, Bush, Buckley, Baker, Bowers, Bratton, Cook, Daniel, DeBerry, Darden, Emmert, Finley, Frazier, Guinn, Griffith, Gibbons, Glasscock, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hunt, Harrison, Holford, English, Jones, Kyle, Keyes, Lollar, Lane, Lacy, Lovejoy, Marshall, Moores, McGuire, Maney, McCarthy, Perkins, Patton, Prendergast, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Russell, Ramsey, Slaughter, Smith, Seele, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker, Way. Total 67.

A message was received from the Senate informing the House that the Senate had passed the following bills, viz: a bill entitled an act to provide for the manufacture of iron by the Military Board, also a bill entitled an act to provide for the support of the families of Texan soldiers.

Mr. Willis made the following report to the Speaker of the House of Representatives:

Your Committee on Claims and Accounts to whom was referred an account of Wm. H. Howard, M.D., of the city of Houston for service rendered State Troops at Camp Kyle, Harris County, Texas, for \$400 have had the same under consideration and the committee instructs me to report the accompanying bill and recommend its passage.

J. M. Willis
Chairman of Committee

Mr. Kyle made the following report:

To the Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred the Senate bill for the relief of the heirs of Thomas

Moore, deceased, have instructed me to report the bill back to the House and recommend its passage.

C. Kyle,
Chairman

Report received.

Mr. Howard made the following report:

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an act for the organization of a home guard and police force in the State of Texas, have had the same under consideration and ask leave to return the bill to the House with a substitute therefore which they unanimously recommend to be passed.

W. H. Howard
One of the Committee

Report received.

Mr. English made the following report:

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

A majority of the Committee on Engrossed Bills to whom was referred a bill to be entitled an act to incorporate "the East Texas Manufacturing Company" have instructed me to report the same back to the House as correctly engrossed.

Respectfully submitting
R. English
One of the Committee

Report received.

Mr. Keyes made the following report:

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

The Committee on Enrolled Bills have examined the subjoined bills and find them correctly enrolled and properly signed and they presented the same to the Governor for his approval on the 27th Inst, viz:

A bill to be entitled an act for the relief of pre-emption settlers and to extend the time for the return of field notes and to extend the time for the payment of all dues by settlers under the act authorizes the sale of the public domain.

A bill to be entitled an act to authorize the Supreme Court of this state for the Galveston District to hold its spring terms at the City of Austin or elsewhere.

A bill to be entitled an act authorizing the use of the

jails of the several counties for the custody of deserters and other offenders against the military law.

A bill to be entitled an act prescribing the duties of the district attorneys in certain cases therein mentioned.

A bill entitled an act to amend the first section of acts to cede jurisdiction in certain cases passed December 19, 1849.

A joint resolution asking for the relief of all property exemptions and property detail laws.

A joint resolution authorizing the Military Board and the State of Texas to pay the Confederate taxes levied when Whitescarver, Campbell and Company contracted the said Board for the munitions of arms.

All of which is respectfully submitted.

H. Keyes
Chairman

Report received.

ORDERS OF THE DAY

The bill entitled an act to raise one million dollars or so much thereof as may be necessary by the sale of cotton bonds to provide for the defense of the State and to repel invasions reported back from the Senate passed with an amendment was taken up and the Senate and amendment was concurred on and the bill passed.

The Senate bill entitled an act for the relief of Robert Price was taken up, read second time and ordered to a third reading. The Constitutional rule was then suspended. Rule read third time and passed.

The bill entitled an act for the relief of Ayres Moody was taken up, read a second time and ordered to be engrossed. The Constitutional rule was then suspended, bill read a third time and passed.

The report of the Finance Committee on the joint resolution in regard to the issuance of county warrants reported adverse to the inquiry asked was taken up and adopted.

The report of the Finance Committee on a bill entitled an act to amend the first section of an act approved January 14, 1863, to fix the salary of the officers and clerks therein named, was taken up and on motion laid on the table. Mr. Brady moved to take the report which was lost. The bill was then taken up whereupon Mr. Bowers offered an amendment which was rejected and Mr. Reid offered a

further amendment which Mr. Brady moved to lay on the table which was passed by the following vote, viz:

Yeas: Messrs. Speaker, Allen, Andrews, Barclay, Blake, Butler, Brady, Banton, Bush, Baker, Cook, Daniel, Darden, Eastland, Frazier, Guinn, Griffith, English, Kyle, Lovejoy, McGuire, McCarthy, Perkins, Prendergast, Prince, Pendleton, Robertson, Redding, Robinson, Russell, Slaughter, Seele, Sampson, Simpson, Tyler, Wooten, Wilson, Walker and Way. Total 39.

Nays: Messrs. Adams, Browne, Brazier, Bowers, Bratton, DeBerry, Emmert, Foscue, Finley, Gibbons, Howard of Anderson, Howard of Lavaca, Haynes, Holford, Harrison, Hunt, Jones, Keyes, Lollar, Lane, Lacy, Marshall, Moores, Maney, Patton, Rhea, Reid, Smith, Thomas, Thaxton. Total 31.

The amendment was laid on the table.

Mrs. Thaxton offered an amendment and Mr. Baker moved to lay it on the table and the ayes and nays being called for and was taken and resulted as follows, viz:

Yeas: Messrs. Speaker, Allen, Andrews, Barclay, Blake, Butler, Browne, Brady, Banton, Bush, Baker, Bratton, Cook, Daniel, Darden, Eastland, Frazier, Guinn, Griffith, Howard of Lavaca, Harrison, English, Kyle, Lacy, McGuire, Maney, Patton, Prendergast, Prince, Pendleton, Redding, Rhea, Robinson, Russell, Slaughter, Seele, Simpson, Tyler, Wooten, Wilson, Walker, Way. Total 43.

Nays: Messrs. Adams, Birdwell, Brazier, Bowers, DeBerry, Emmert, Foscue, Finley, Gibbon, Howard of Anderson, Haynes, Hays, Hunt, Jones, Keyes, Lollar, Lane, Lovejoy, Marshall, Moores, McCarthy, Perkins, Robertson, Reid, Ramsey, Smith, Sampson, Thomas, Thaxton, Willis. Total 26.

Amendment laid on the table.

Mr. Simpson offered a substitute for the whole bill. Mr. Reid moved to lay the substitute on the table which was carried. The question then recurring on the passage of the bill to a third reading, was put and bill passed to a third reading.

The bill entitled an act for the relief of Q. A. Nichols was taken up whereupon Mr. McDonald offered an amendment which was adopted, and bill ordered to be engrossed.

The bill entitled an act to sustain the currency, was taken and the committee's report adverse to the bill was

adopted. The bill on motion was recommitted to the Committee on the Judiciary.

The report of the Committee on Printing in relation to their correspondence with printers was taken up and adopted.

The report of the Committee on Military Affairs on a bill to be entitled an act to adopt the Articles, etc., of the Confederate States was taken up and adopted.

The bill entitled an act to amend the 12th section of the road law was taken up whereupon Mr. Smith offered an amendment which was adopted. Mr. Foscue offered a further amendment and Mr. Banton moved to refer the bill and amendment to a Select Committee of Three which carried and Messrs. Banton, Finley, and Prendergast were appointed a committee.

The report of the Military Committee on the bill to be entitled an act to adopt the articles of war of the Confederate States for the State of Texas, was taken up and adopted.

The bill to incorporate the Powder Horn Bayou and Matagorda Bay Dredging Company was taken up and the substitute was adopted, and bill ordered to be engrossed. The Constitutional rule was then suspended. Bill read a third time and passed by the following vote, viz:

Yeas: Messrs. Speaker, Adams, Allen, Andrews, Barclay, Birdwell, Browne, Butler, Brady, Banton, Brazier, Bush, Baker, Bowers, Bratton, Daniel, Darden, Emmert, Foscue, Finley, Guinn, Gibbons, Howard of Anderson, Howard of Lavaca, Haynes, Hays, Hart, Harrison, Holford, Hunt, English, Jones, Kyle, Lipscomb, Lollar, Lane, Lacy, Lovejoy, Marshall, McDonald, Moore, McGuire, Maney, McCarthy, Perkins, Patton, Prince, Pendleton, Robertson, Redding, Rhea, Robinson, Reid, Russell, Ramsey, Slaughter, Smith, Seele, Sampson, Simpson, Thomas, Tyler, Thaxton, Willis, Wooten, Wilson, Walker. Total 65.

On motion House adjourned to 9 A.M. Monday morning next.

Monday, November 30, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called. Quorum present. Journal of the last Saturday read and adopted.

Mr. Banton presented the memorial of the citizens of