

SENATE JOURNAL
of the
TENTH LEGISLATURE
REGULAR SESSION



**The Legislature met here.
Capitol of Texas
1853 - 1881**

Source: Brooks Collection,
Scrapbook A1, p. 17
(Archives Division,
Texas State Library).

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

November 3, 1863 - December 16, 1863

Compiled and Edited from the Manuscripts in the
Texas State Archives

by

James M. Day

assisted by

Mary Osburn

Donna Yarbrough

Linda Evans

with an Introduction by

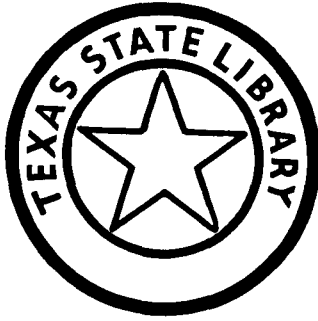
Dorsey B. Hardeman

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400 Copies Printed in August, 1964

Printed by



Waco, Texas

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INTRODUCTION

When the Senate of the Tenth Texas Legislature met in November, 1863, war and its accompanying problems were very real to the chosen delegates of the people of Texas. Southern forces had been bloodily repulsed at Gettysburg, shattered at Vicksburg and Chattanooga. Even in the face of these losses, occurring only a relatively short time prior to the session, the Senators were optimistic—reality demanded it; but the thoughts at that time were mostly in a serious vein as the contending armies of the Confederacy and the United States had clashed on numerous occasions. Some of these encounters had been on Texas soil and had brought brightly into focus the realities of death and destruction. Governor Francis R. Lubbock's statement that Texas had furnished ninety thousand men for the Confederate army was no idle jest, for it was a larger figure than had ever voted in a general election in Texas, and many of them had already met death or had been wounded.

Another cogent pressure came from the west. As the manpower was drained for battles in the east, the Texas frontier also became a hot-bed of activity. Indian raids on frontier towns increased, resulting in deep concern over where to get the able-bodied men and equipment for defense.

Economic and social problems also had to be faced. Industrially, Texas was an infant, and the supplying of food, clothing and ammunition to the soldiers was an ever-present nemesis. Foundries had been established, the production of arms had been encouraged, the state penitentiary had been converted into a clothing mill—all this by 1863—but still the demand exceeded production. Medical supplies were sorely needed both at the battle-front and at home.

Woven into the web was a constantly depreciating currency; prices of consumer goods were rising and money was worth less and less. Families of soldiers were left destitute and without means of support. What to do about this was partly a question for the Legislature to answer. More and more Southerners from Arkansas and Louisiana were driven into Texas as their homesites were turned into

battlegrounds, and their position in the new communities had to be settled.

Retiring Governor Lubbock outlined these problems in some detail as he greeted the Senate at the Capitol on November 4, 1863, but he was optimistic, believing that "ere long, victory will perch upon our banners and an honorable and lasting peace be secured." Then he handed the reins of government to Pendleton Murrah, the Governor-elect. Murrah, in his inaugural address, laid before the Legislature a plan which heavily stressed industrialization. He looked to the day when "every man, woman and child in Texas, if need be, be clad in homespun or in domestic manufactures, and . . . every field shall be ploughed with iron from our native ores." So Lubbock outlined the problems of the day, Murrah proposed the solution, and it was left to the Legislature—and to the Senate as a branch of it—to carry out the program.

The guiding light in this effort had to be the Lieutenant-Governor, Fletcher S. Stockdale. He was a man of few words—his inaugural address contained only eighty-six words—but he made the Senate run smoothly. A native Kentuckian, he had moved to Texas in 1846, had served as a state Senator from 1857-1861, and had been a voting member of the Texas Secession Convention. To his new office he brought experience and maturity, both of which qualities are reflected in the Senate's proceedings.

Stockdale couldn't do the job alone; he had to have help. This came in the form of thirty-three Senators, most of whom had previous legislative experience. And there were some giants in the group. The names of James W. Throckmorton and D. C. Dickson will ever be enshrined in the halls of Texas history. Although perhaps less well known, Pryor Lea, Chauncy B. Shepard, Rice Maxey and N. B. Charlton, were all substantial citizens of Texas and made significant contributions. Frontiersmen in the group included William Quayle, George E. Burney and Daniel Montague. Montague County had already been created in 1857 and named for Daniel Montague.

Even though legislative processes work slowly, this Senate session grappled with its problems and brought

many, but not all, of them to solution. Numerous bills were passed providing for the growth of industry and the regulation of the judiciary processes. Towns were incorporated, taxes and appropriations were approved, and several private relief bills were passed. Looking backward, the record here printed reflects a rather harmonious and successful session.

Usually the convening of each session of the Legislature sees its members assuming their responsibilities with high hopes. The desire to achieve for the best interests of the State, generally, is dominant. Disillusionment often comes in retrospect regarding accomplishments as conflicting interests and contending groups resort to pressure tactics while seeking unfair or artificial advantages over others. The record comes from the fact of one's having served honorably and done his best at all times.

These qualities stimulate and sustain character—which is the all-important factor for public service. The Senators of the "Tenth" portrayed such and set themselves apart as true statesmen by their courage and wisdom.

Thus it is fitting that the record of their proceedings should be compiled and preserved for latter-day admonition.

While fulsome flattery would be distasteful to James M. Day, Director of State Archives, nevertheless, it is to his great individual effort, devotion to duty and dedication to the preservation of these important proceedings in the anthology of historic documents of Texas that we are indebted for this work. Mr. Day's painstaking efforts and research have supplied an accurate record of the actions of the Senate of the Ninth Legislature, heretofore published, and of the Tenth Texas Legislature during a highly critical period. It is a most noteworthy contribution—a real service to historian and researcher—and Mr. Day is deserving of our gratitude for their production.

Dorsey B. Hardeman
State Senator and
Honorary Life Member,
Texas State Historical
Association

PREFACE

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

This volume is a pivot point in the printing of the proceedings of the Ninth and Tenth Texas Legislatures. The journals of the Ninth Legislature are already available in four volumes; this book is the first of the series for the Tenth. It is printed in accordance with the Legislative mandate calling for the editing and printing of the manuscript archives, a program administered by the Texas Library and Historical Commission.

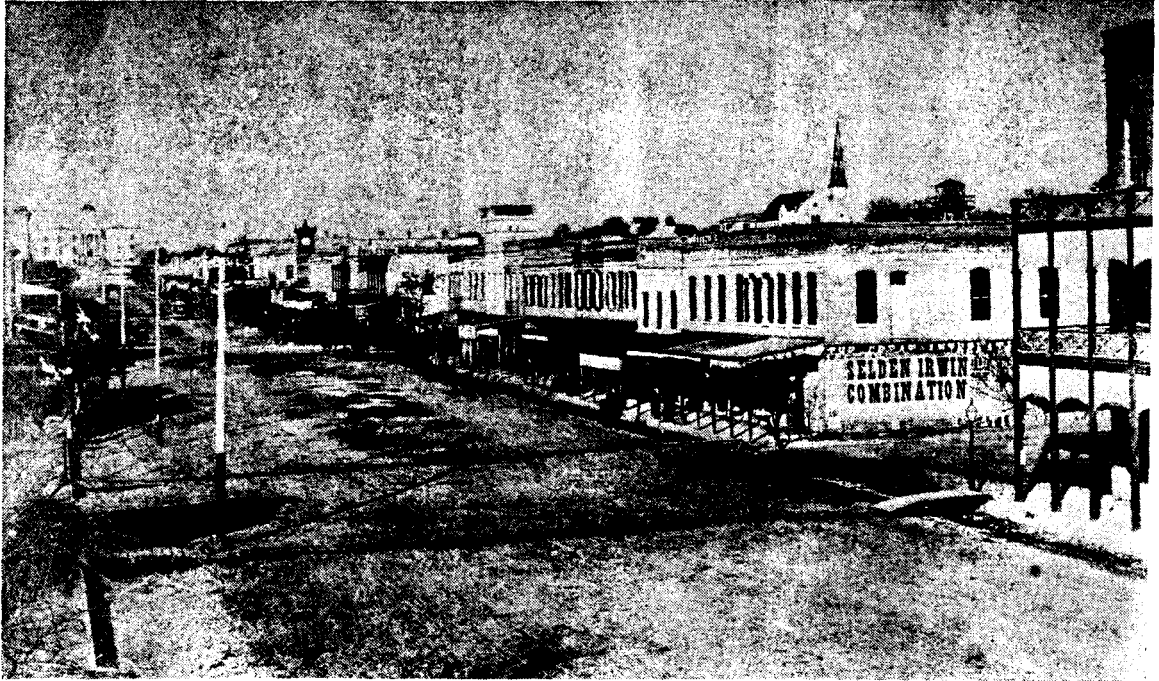
Evidence in the Archives shows that the Journals have been slated for publication on two previous occasions. The first effort was made by E. W. Winkler when he was in the State Library, and that was followed by Miss Harriet Smithers' attempt some twenty years ago. The fragmentary typescripts of those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

In compiling and editing this journal every effort has been made to keep the original "flavor" of the 1860's and at the same time make it an accurate, readable journal. The editor has aimed at standardizing the spelling of such items as names and places, and has attempted to locate the omissions and place them in context. When this has been accomplished the inserted material is noted in [] brackets or in a footnote. Efforts were made to locate all speeches, committee reports, and other pertinent material, but this sometimes met with no success. When that is the case, it is so noted. Appendixes include the Report of the Military Board, a report of Colonel A. Bishop concerning salines near Double Mountain in West Texas, and the pro-

ceedings of the Governors' Conference West of the Mississippi River.

A note of appreciation goes to the Texas Library and Historical Commission for supporting this publication, and to Senator Dorsey B. Hardeman for writing the Introduction. Mention should also be made of Floree Haire, Newton Mitchell, Gary Thomas, and Bill Dunn who kept pace with the Archives reference work and allowed the time necessary for completing this work.

James M. Day
Director of State Archives



**The scene did not change much in a decade.
Congress Avenue in 1873**

Source: Brooks Collection,
Scrapbook A2, p. 13
(Archives Division,
Texas State Library).

JOURNAL OF THE SENATE OF THE TENTH LEGISLATURE REGULAR SESSION

Austin, Texas

November 3, 1863

This being the day fixed by law for the meeting of the Legislature of the State of Texas in regular session, the roll of Senators was called when the following gentlemen Senators elect came forward, presented their credentials and took the oath prescribed by the Constitution, the same having been administered by Honorable R. T. Wheeler, Chief Justice of the Supreme Court.

From the 22nd Senatorial District				John T. Harcourt
" 30th	"	"	"	N. A. Mitchell
" 9th	"	"	"	Rice Maxey
" 4th	"	"	"	Spearman Holland
" 3rd	"	"	"	H. M. Kinsey
" 7th	"	"	"	John W. Moore
" 21st	"	"	"	Daniel Montague
" 8th	"	"	"	George H. Wootten
" 15th	"	"	"	J. W. Throckmorton
" 11th	"	"	"	W. G. W. Jowers
" 2nd	"	"	"	N. B. Charlton
" 28th	"	"	"	George E. Burney

The roll was then called by district as follows:¹

From District 1, composed of the counties of Galveston, Liberty, Jefferson, and Chambers—R. K. Hartley.

From District No. 2, Polk, Tyler, Jasper, Newton, Orange, and Hardin—N. B. Charlton.

From District No. 3, Angelina, Nacogdoches, San Augustine—H. M. Kinsey.

From District No. 4, Sabine, Shelby, and Panola—Spearman Holland.

From District No. 5, Rusk—J. H. Parsons.

From District No. 6, Harrison and Upshur—S. W. Beasley.

From District No. 7, Davis and Bowie—J. W. Moore.

¹The Tri-Weekly State Gazette (Austin), November 2, 1863, related that twenty-two Senators answered the roll call the first day, but it did not list them.

From District No. 8, Titus and Red River—G. H. Wootten.

From District No. 9, Lamar and Hopkins—Rice Maxey.

From District No. 10, Cherokee—R. H. Guinn.

From District No. 11, Houston, Anderson, and Trinity—W. G. W. Jowers.

From District No. 12, Wood, Smith, and Van Zandt—B. T. Selman.

From District No. 13, Kaufman, Dallas, and Henderson—J. Weatherford.

From District No. 14, Fannin and Hunt—James B. Davis.

From District No. 15, Grayson and Collin—J. W. Throckmorton.

From District No. 16, Brazoria, Fort Bend and Harris—A. N. Jordan.

From District No. 17, Montgomery, Grimes and Walker—D. C. Dickson

From District No. 18, Madison, Leon, Robertson, Brazos, and Burleson—J. W. Durant.

From District No. 19, Limestone, Freestone, Navarro, and Ellis—W. C. Wilson.

From District No. 20, Johnson, Tarrant, Erath, Parker, and Palo Pinto—W. Quayle.

From District No. 21, Cooke, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Stephens, Shackelford, and Jones—D. Montague.

From District No. 22, Matagorda, Wharton, Colorado, and Fayette—John T. Harcourt.

From District No. 23, Austin and Washington—C. B. Shepard.

From District No. 24, Calhoun, Jackson, Victoria, DeWitt, and Lavaca—S. A. White.

From District No. 25, Gonzales, Guadalupe, and Caldwell—S. Ford.

From District No. 26, Bastrop, Travis, and Hays—A. W. Moore.

From District No. 27, Milam, Williamson, Burnet, Bell, and Lampasas—J. A. Haskell.

From District No. 28, Falls, Coryell, McLennan, Bosque, Comanche, Brown, Hamilton, Eastland, Callahan,

Coleman, Taylor, Runnels, and Hill—G. E. Burney.

From District No. 29, Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, McMullen, LaSalle, and Dimmit—Pryor Lea.

From District No. 30, Bexar—N. A. Mitchell.

From District No. 31, Blanco, Comal, Bandera, Kerr, Gillespie, Llano, San Saba, Medina, Uvalde, McCulloch, Concho, Mason, Menard, Kimball, Edwards, Dawson, Kinney, Maverick, Atascosa, Frio, and Zavala—A. O. Cooley.

From District No. 32, Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, and Duval—E. R. Hord.

From District No. 33, El Paso and Presidio—J. W. Magoffin.

A quorum answering the Senate proceeded to organize.

The election of a President Pro Tem being in order the Honorable John M. Crockett, Lieutenant Governor, being absent Mr. Parsons nominated Honorable R. H. Guinn. Messrs. Maxey and Parsons were appointed tellers, Mr. Dickson being in the Chair. The Senators then proceeded to ballot when Mr. Guinn received 21 votes and Mr. Dickson 1 vote. Mr. Guinn was therefore elected.

For Secretary of the Senate Mr. Burney nominated Mr. P. de Cordova. There being no other nomination Mr. de Cordova received 22 votes. Messrs. Burney, Dickson, and Maxey having been appointed tellers. Mr. de Cordova was therefore elected.

For First Assistant Secretary Mr. Moore of Davis nominated Mr. N. C. Raymond. There being no other nomination Mr. Raymond received 22 votes and was therefore duly elected.

For Sergeant at Arms Mr. Weatherford nominated Mr. R. H. Clements. There being no other nomination Mr. Clements received 22 votes and was therefore elected.

For Doorkeeper Mr. Parsons nominated Mr. John McCall. Mr. Weatherford nominated Mr. John N. Thomas. There being no other nominations the Senators proceeded to ballot with the following result: Mr. McCall received 16 votes; Mr. Thomas received 5 votes; Mr. Holland received 1 vote.

Mr. McCall having received a majority of all the votes was declared elected.

For Enrolling Clerk Mr. Parsons nominated Mr. Wm. M. Gilleland. There being no other nomination Mr. Gille-

land was elected having received 22 votes.

For Engrossing Clerk Mr. Maxey nominated Mr. Henry Thomas. Mr. Dickson nominated Mr. J. H. Hutchins. There being no other nomination the Senators proceeded to ballot and the following was the result: Mr. Thomas received 13 votes; Mr. Hutchins received 9 votes. Whereupon Mr. Thomas was declared duly elected.

The officers elect came forward and took the oath of office.

Mr. Maxey offered the following resolution: "**Resolved** that the Sergeant at Arms of the Senate be and is hereby directed to procure the use of the bell on the Baptist Church and cause the same to be rung 15 minutes before the hour to which the Senate may be adjourned during the present session." Lost.

Mr. Harcourt offered the following resolution: "**Resolved** that the Secretary of State be requested to furnish for the use of the Senate for each member, a copy of Oldham and White's Digest of the Constitution of the State of Texas and the acts of the Ninth Legislature." Adopted.

Mr. Dickson offered the following resolution: "**Resolved** that the Secretary of the Senate be required to employ one porter for the present session at a reasonable rate." Adopted.

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

3 o'clock P. M.

Senate met, roll called, no quorum. Whereupon an adjournment was moved until 10 o'clock A. M. tomorrow and carried.

Senate Chamber, November 3,
1863

10 o'clock A. M.

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

Mr. Harcourt offered the following as an amendment to the 54th rule of the Senate: "The following standing committees each to consist of not less than five nor more than seven members shall be appointed at the commencement of each session and no addition shall be made thereto."

Mr. Burney offered the following resolution as a sub-

stitute: "**Resolved** that a committee of five be appointed to take into consideration the revision of the rule of the Senate and to offer such amendments and modifications as they may deem proper." Adopted. The resolution was then adopted.

Mr. Wootten offered the following: "**Resolved** that the Sergeant at Arms shall cause to be displayed from the dome of the Capitol the Confederate flag during our sittings." Adopted.

Mr. Quayle offered the following: "**Resolved** that the Senate go into the election of Chaplain for the present session immediately." Adopted.

Messrs. Burney, Dickson, Harcourt, Throckmorton, and Selman were appointed a committee on the revision of the rules.

Mr. Dickson offered the following: "**Resolved** that the Secretary be required to procure the necessary amount of postage stamps for the use of the Senate to be paid for out of the Contingent Fund in Confederate Treasury Notes." Adopted.

Messrs. Dickson, Durant, and Charlton were appointed a committee to inform the House of the organization of the Senate to act in conjunction with a House committee to wait upon the Governor and inform him of the organization of the legislature and their readiness to receive any communication he might have to make to them.

Nominations being in order for Chaplain, Mr. Burney nominated Mr. W. A. Smith; Mr. Dickson nominated Mr. Langford; Mr. Mitchell nominated Mr. Bunting.

There being no other nominations Messrs. Moore of Davis, Moore of Bastrop, and Quayle were appointed tellers.

Upon the first ballot Mr. Smith received 6 votes, Mr. Langford 9, Mr. Bunting 4, Mr. Clark 2, and 1 blank.

There being no election the Senate proceeded to a second ballot when Mr. Throckmorton nominated Mr. Clark and Mr. Mitchell withdrew the name of Mr. Bunting. The ballot being counted resulted as follows: Mr. Langford received 12 votes, Mr. Smith 5, and Mr. Clark 5. Mr. Langford having received a majority of votes was declared elected Chaplain for the present session.

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

3 o'clock P. M.

Senate met, roll called, quorum present. The committee appointed to inform the House of the organization of the Senate and to wait upon the Governor reported the duty performed and that the Governor would deliver his message in person in the Representative Hall tomorrow at 10½ o'clock A. M.

Mr. Burney, Chairman of Committee on Revision of the Rules, reported the following supplement to the 25th rule: "Provided no call shall be made upon any Senator who has not answered to his name during the session or who may be at the time over one hundred miles from the Capitol."

A message was received from the House informing the Senate of the organization of the House as follows:

Hon. M. D. K. Taylor	Speaker
J. H. Herndon	Chief Clerk
A. G. Campbell	First Assistant Clerk
Will Lambert	Second Assistant Clerk
Fred Carleton	Third Assistant Clerk
William Hollander	Sergeant at Arms
George E. Haynie	Assistant Sergeant at Arms
Levi Pennington	Doorkeeper
Reverend A. Gregg	Chaplain

and that the House had agreed to meet the Senate in joint session in their hall tomorrow at 3½ o'clock P. M. to count the vote for Governor and Lieutenant Governor

Mr. White offered the following: "**Resolved** that a committee of three be raised to contract with the Editor of the *State Gazette* for thirty copies of the *Tri-Weekly* issue of said paper for the use of each Senator present or that may be present **provided** that the price shall not exceed ten dollars per hundred copies, and that it shall contain the proceedings of the Legislature." Lost.

Mr. Burney moved to reconsider the vote adopting the resolution requiring the Secretary to employ one porter. Carried.

The resolution was then amended by striking out the word "one" and inserting the word "two"—it was then adopted.

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

Senate Chamber, November 4, 1863
10 o'clock A. M.

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

A committee from the House invited the Senate to the Hall of the House to hear the message of the Governor.

The supplement to the 25th rule reported on yesterday by the Committee on the Revision of the Rules being read, Mr. Parsons moved to strike out "one hundred" and insert "twenty-five." Carried. The supplement was then adopted.

On Mr. Dickson's motion the Senate took recess of fifteen minutes preparatory to proceeding to the Representative Hall to hear the Governor's message.

The recess having expired the Senate was called to order and repaired to the House.

In Joint Session

Roll called, quorum present. The message was then delivered by His Excellency Governor Lubbock in person:²

Gentlemen of the Senate & House of Representatives:

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

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

The war has, nevertheless, assumed gigantic proportions, demanding sacrifices on the part of all; our People are unalterably fixed in the determination to prosecute it to the bitter end, and never to yield while a man is left to strike a blow for freedom. As the contest lengthens, our armies become more experienced in the varied and difficult

²From Executive Record Book No. 82, 1861-1863, pp. 176-179 (Archives Division, Texas State Library).

requirements of active warfare, and their present condition, if supported as the requirements of their situation demands, is such as to inspire us with a just confidence in their power to successfully resist the hosts of the enemy.

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

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

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

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

The swarms of men engaged in profitable business on their own accounts, who are exempted from, or avoid military service upon one pretext or another—the thousands occupied in driving teams and cattle for the government and government contractors must be placed in their respective companies, and replaced with Negroes. The able-bodied soldiers and employees about the posts and towns must take the field and their places be supplied by the old, the very young, and the infirm.

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

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

and their exemptions should have been withdrawn.

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

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

Let these things be done, and a few months will exhibit our veteran and thinned regiments recruited to their proper strength. A new spirit will be diffused throughout the various army corps of the Confederacy, and we can bid defiance to all the hired Hessians that may be brought against us.

[The Military Board]

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

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

(In this single transaction the people of the State have been saved over \$1,000,000 independent of the facility afforded in manufacturing clothing, etc.).

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

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

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

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

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

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

The Board has received from the sale of State bonds, munitions of war, and other army supplies, sold to the Con-

federate Government, the sum of \$700,070.00, and has paid out \$655,968.00, leaving a balance of cash on hand of \$44,-102. (In these amounts are included the proceeds of 183 bonds sold, and the money deposited with the Comptroller to credit of State Revenue.)

In accordance with a joint resolution passed at the Extra Session of the 9th Legislature, the Board had a survey made of the salines in the vicinity of Double Mountain. Colonel A. Bishop of Wise County was appointed commissioner to conduct the survey. His report will be found very instructive and satisfactory, developing that salt in the greatest abundance can be procured at these salines. His report will accompany that of the Military Board.³

The Board was charged with the duty of providing specie to meet the interest on 8% bonds. For various reasons, which will be explained in their report, it has succeeded in part only in meeting the requirements of the law. The State Treasurer has on hand sufficient specie to pay the interest on the \$1,000,000 loan due January 1, 1864; and the amount appropriated at the Extra Session of the 9th Legislature will enable the Board to pay the interest due July 1 of the same year.

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

For the entire business and details connected with the operations of the Military Board, you are respectfully referred to the report accompanying this message.⁴

[Report of the Adjutant and Inspector General]

I most respectfully call your attention to the report of the Adjutant and Inspector General,⁵ in which will be found the details connected with his department. I bespeak a careful examination of the many valuable suggestions contained therein.

The continued demand upon the State for men—the calling into Confederate service by the President of all liable to conscription up to the age of forty-five years has

³See Appendix II.

⁴See Appendix III.

⁵None of the reports mentioned in the speech can be located except those included in the appendixes.

in a great measure destroyed the organization of the State Troops. During the past winter, upon the requisition of the General commanding the District of Texas, etc., I called into service five thousand of the State Troops to meet a threatened invasion. The men, in general, responded promptly. In my message to the Extra Session of the Legislature, it was stated that from accurate data, Texas had furnished to the Confederate Armies thirty-three (33) regiments, thirteen (13) battalions, two (2) squadrons, six (6) unattached companies, and one (1) legion of twelve (12) companies of cavalry; nineteen (19) regiments, two (2) battalions, one (1) unattached company, one (1) legion of two (2) battalions, infantry; one regiment and twelve light batteries, artillery—which with six thousand five hundred men then in the service of the State, made an aggregate of sixty-eight thousand five hundred (68,500) men Texas had contributed to the support of our just cause. Since that time there have been added one brigade and several regiments to the Confederate forces, and several light batteries, which with the State Troops now mustered into Confederate service have swelled the number of Texas troops who have taken the field to about ninety thousand (90,000) men, exceeding the highest popular vote ever cast by many thousands. In addition to this roll, so glorious to Texas, I am proud to say that Minute Companies, composed of those not liable under the present laws to military duty, are daily forming with the determination to defend the State to the last extremity.

In view of the fact that every man under the present law may be required to take the field, I again suggest the importance of declaring, by law, that every male person from sixteen years and upwards, **not totally unfit**, be declared to be in the military service of the State, that no exemptions be allowed other than those recognized by the Constitution, and that no one be permitted to furnish a substitute. I am clearly of the opinion that the exemptions and the right to furnish substitutes are working great injury to the country, and should be abolished both by the State and Confederate Governments. If men are needed at home to carry on business of any character, let them be detailed for that purpose, and in every instance, when practicable, let them be placed on the same footing as the soldiers. This is not an ordinary war and its burdens

should be as much equalized as possible. The men termed able-bodied are nearly all in the service. The result is that those left at home are exempted from various causes, but in most instances claim to be exempt from service by reason of some physical disability. It is astonishing, too, to witness with what facility surgeons' certificates of disability are obtained by those who appear to be most energetic, active businessmen in the community. Others are exempted because "they cannot walk well enough for infantry service," yet they can almost live on horseback, herding stock, driving beeves and performing other kinds of hard labor. Others there are whose "lungs are affected and it is impossible for them to join a company without serious injury to their health," yet, they can prosecute their speculating and trading operations with indefatigable energy amid the fiery heats of summer and the cutting blasts of winter. There is no valid reason why such men should not be placed in service and required to do home duty at least. It has become absolutely necessary that the very young, the old and those but partially disabled, be held to service and required to perform such duties as they are capable of, such as looking to the property of those of their neighbors who are in the army—in keeping up a proper system of police for safety and protection within the several counties. And I trust your honorable body will not adjourn without making ample provision in this behalf.

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

Section 3 reads, "No licensed minister of the Gospel shall be required to perform military duty, work on roads or serve on juries in this State." In adopting this provision, the framers of the Constitution evidently meant parties who would be engaged continuously in their holy calling. While I accord every meed of praise to this class of

our citizens and estimate the vital importance of their prosecuting the functions of their sacred office and bear cheerful testimony to their devoted zeal and patriotism as a class, I am yet of the opinion that there are those among them who have obtained their holy calling and daily engage in the business of the world by becoming speculators, traders, etc. Such clergymen should not be sheltered under this provision of the Constitution, and I deem it within the scope of your authority, and to be your duty, to declare by law that when a minister of the Gospel claims exemption from the duties set forth in said Article he must show that he is actually engaged in the prosecution of the duties of his holy calling.

[The Frontier]

For a knowledge of the operations and working of the regiment of State Troops stationed on the frontier, I refer you to the report of the Adjutant and Inspector General. I had hoped that ere this an occasion would have offered when I could with safety to the frontier have transferred this regiment to Confederate Service. I have never, however, received such assurances of its continuance on the line, or the replacing it with other efficient troops, as would justify me in either transferring or disbanding it; hence, it has been continued in State service. This regiment has been charged with the defense of a line nearly five hundred miles in length. That it has not accomplished this duty to the satisfaction of all those most deeply interested is not to be wondered at. I doubt, however, if any other regiment similarly situated could have done better. The regiment is composed of men directly interested in the welfare of the frontier, and they were for this reason selected for the service.

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

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

In calling out troops I have in some cases exempted the frontier counties and held the troops in those counties for local defense. I have authorized the formation of Minute Companies in the frontier counties to be composed of furloughed conscripts and those liable to state service, for the protection of the families in those exposed regions. These organizations are progressing and will, I trust, render efficient service. The establishment of the Northern Sub-Military District of Texas and the concentration of troops upon our northern border will, I believe, aid materially in the general protection of the frontier.

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

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

the scene of Indian hostilities, so to dispose his troops as to accomplish that end.

[The Penitentiary]

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

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

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

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

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

The amount expended has been \$468,653.40.

Special deposit with State Treasurer \$53,000.00.

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

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

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

I regret that it becomes my duty to allude to a transaction on the part of the Financial Agent by which he purchased on his own account, with his private funds, some one hundred and fifty bales of cotton, which subsequently found their way into the penitentiary and were there used, and for which the agent claimed the price of cotton at the time they were so used and continued to demand an increased price as cotton advanced. I was not advised by the Directors of this transaction for some time after it was said to have taken place. Upon receiving the information, I immediately addressed the Directors and Financial Agent requesting an explanation, forbidding any settlement until I could investigate the matter, and instructed the Directors to bring the subject before the investigating committee. Upon an examination of the facts, I feel assured there was no intention on the part of the Financial Agent to perpetrate a wrong against the State, but that he believed he had a right to invest his own means in this manner, and that if the penitentiary used his cotton, he was entitled to be paid its market price. I disapproved of the entire transaction, and in justice to the agent, it is fair to say that upon being informed by me of my disapproval, he at once agreed to accept the cost price of the cotton, leaving it to the legislature to determine whether he should be entitled to any additional price. I regret this occurrence the more because I believe the Financial Agent has proved himself a most efficient and able officer, and should not have committed, in my judgment, so palpable a mistake. Apart from the legal principles regulating agencies, my unalterable opinion is that no officer of the government should buy or sell any article, directly or indirectly, for speculation

on his own account that he is charged with buying or selling for the government; it should be neither permitted or tolerated. Your honorable body can arrive at a satisfactory conclusion as to the merits of this case upon an examination of the report of the investigating committee, the statements of the Financial Agent, and the papers attached to the report.

In March last, Major General Magruder requested of me the use of the penitentiary as a place of confinement for the prisoners-of-war of his district. I acceded to his request, conditioned that such use would not impair the material interests of the institution. I wrote to this effect to the Superintendent and authorized him to receive the prisoners, if he was satisfied the material interests of the institution would not suffer. The prisoners were received sometime in the latter end of April or beginning of May. Subsequently, doubts arose in my mind as to the propriety of the step, solely, however, upon the ground of risk to the establishment and not as to the propriety of its use as a place of confinement for prisoners, the enemy having frequently incarcerated our soldiers in such places. I thereupon addressed Brigadier General Scurry, requesting their withdrawal, which was done. In the month of October, I received two communications from Major General Magruder again urgently requesting its use for the safe keeping of Federal prisoners of war taken at Sabine Pass. Many very important reasons were adduced by him in support of the measure, but none sufficient, in my judgment, to overcome my previous objections and which I yet entertain, viz: the risk of destruction to the sole manufactory of cloth west of the Mississippi River, of incalculable importance, therefore, to the armies of the Trans-Mississippi Department. I declined his request. I respectfully ask the Legislature to take into consideration the propriety of using the penitentiary for such purposes.

[Government Officials]

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

It may not be out of place to say that there is much

complaint throughout the entire Confederacy, and particularly in the Department of the Trans-Mississippi, in regard to the many speculations carried on by government officials and agents, making use of their official positions and advantages, as it is said they do, to accumulate wealth for their own benefit. I am satisfied that many of these charges are basely false and slanderous; yet I fear there are instances of such wrong doing.

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

[Provision for the families of those in the service]

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

[An Impressment Law]

It has been found necessary by the Confederate government to enact an Impressment Law. I trust your honorable body will also pass one. Circumstances may compel the state to call into active service a large number of state troops for her defense. Their subsistence, transportation, etc., would have to be provided for by the state authority. In numerous instances parties refused to sell for either Confederate or state funds at a fair rate. Most unreasonable and exorbitant rates have been charged for supplies

to sustain the regiment on the frontier, and on many occasions parties have refused to sell to the state at any price. In such cases, authority should be vested in the Executive to order impressments under proper legal regulations.

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

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

[Distilleries]

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

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

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

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

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

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

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

[Aliens]

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

speculating, and accumulating wealth who are unwilling to perform any of the duties incumbent upon citizens. These persons should be required to defend the country from which they draw their subsistence, or be forced to seek homes beyond her limits.

[Conference of the Governors of the States West of the Mississippi and Lieutenant General E. Kirby Smith, Commanding Trans-Mississippi Department at Marshall, Texas, on August 15, 1863.]⁶

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

The conference proved highly satisfactory to those present, developing evidences of strength and ability to sustain the country west of the Mississippi beyond their most sanguin expectations.

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

[Refugees to our State with their slaves]

Since the invasion of Arkansas and Louisiana, many citizens of those states are seeking refuge within our state, accompanied by their Negroes. In consequence of this influx of so large a number of this class, apprehension is entertained by our citizens of a scarcity of provisions as well as other dangers. I see no reasonable grounds for such apprehensions. There is an abundance of bread-stuffs and meat in the state, and labor is becoming very scarce and high, in consequence of the continued increase of our army. All that is requisite in order that this immigration may be productive of good is to take such measures as will keep these Negroes beneficially and constantly employed. Let

⁶See Appendix IV.

large drafts for army purposes be made from them. Let companies of local police be organized and see that the remainder be usefully employed, and they will thus prove a source of strength instead of weakness. Much better it is for us to receive them upon these terms than that they should fall into the hands of our abolition enemies to be used against us. The refugee who seeks the last foot of soil unpolluted by the presence of the Yankees is far more entitled to our respect, sympathy and protection, than the wretched cravens and traitors who remain within the enemy's lines **taking the oath of allegiance in the vain expectation of preserving the property they have not the courage or patriotism to defend.**

[Deserters from military service]

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

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

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

[Appropriations for the purchase of arms, etc.]

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

[Lunatic Asylum]

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

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

[Deaf and Dumb Asylum]

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

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

[Blind Asylum]

The report of the Trustees and Superintendent of the Blind Asylum, is respectfully submitted. Owing to various causes, but few pupils have been in attendance. Recently, however, their numbers have increased, and there is reason for hope, that in future, the advantages of the Institution

will be eagerly seized by many more of these unfortunates, where such subjects of knowledge and usefulness may be acquired by them, as will render them useful members of society, and prove a blessing to themselves.

[Legal Reform]

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

[Secretary of State]

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

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

[Indian Agents]

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

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

[Hospitals]

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

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

[Comptroller]

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

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

Receipts from Nine-Tenths of Taxes 652,433.32

Do. Sale of Land Scrip 121,097.00

Do. Refunding do Appropriations 124,792.81

Do. Sale of Public Property, Office fees, etc. 75,791.02

Do. Sale of State Bonds 212,015.70

Do. Penitentiary 500,000.00

Received by Transfer from School Fund 703,843.88

Do. Transfer from University Fund 41,521.40

\$2,468,361.47

F [this entry has been erased] \$ 89,165.24

For Military Service 2,031,612.54

By Cancellation of Treasury Warrants 331,763.96

Balance on hand 15,819.73

2,468,361.47

Treasury Warrants drawn during the two years and yet outstand- ing against the Treasury	\$1,343,922.31
10 percent Warrants outstanding	181,565.41
Interest on the above (estimated)	40,000.00
8 per cent State Bonds issued	891,000.00
Amount borrowed from School Fund	680,325.00
Do. University Fund	187,403.73
Do. Settlement of Estates	16,403.35
	\$3,340,619.80
Balance on hand Aug. 31, 1863	\$ 15,819.73
Amount due on Taxes of 1862	220,000.00
Do. of Taxes to be collected for 1864 & 1865	3,141,200.00
Do. from Penitentiary	1,000,000.00
Do. from Confederate States	1,950,000.00
Do. from Military Board, return of U. S. Bonds	584,000.00
	\$6,911,019.73
For Civil Service	\$ 707,177.43
" Frontier Defense	2,000,000.00
" Payment of Audited Debt	3,340,619.80
" Payment of Unaudited Debt	200,000.00
	\$6,247,797.23

Deducting this from receipts
for same period 6,911,019.73
Shows an excess of 633,222.50

in the Revenue over all demands upon the Treasury.

The Comptroller, in his Report, remarks: "Should the expense of frontier protection be transferred to the Confederate States, there will be, at the end of the next two years, an excess of \$2,668,122.50 of Revenue over all liabilities at that time, in which event, should the claims against the Confederate States remain uncollected, there will still be an excess of \$713,122.50. To meet extraordinary demands not estimated for, and as a means of sustaining credit in the meantime, it is recommended that the price of Land Scrip be reduced to 50 cents per acre in State liabilities—that money and credits be subjected to tax, and

that the Tax Laws be so amended as to cause a more thorough and prompt assessment and collection of taxes. With such amendments, the revenue of the next two years, if collected in available means, will be sufficient to absorb the floating debt, and furnish the basis of a sound credit, sufficient to meet all probable demands. The present rate of tax is therefore considered high enough for all State Purposes."

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

I trust the Confederate Congress, soon to meet, will make arrangements to control the entire trade in cotton, tobacco, and naval stores, thereby laying a basis for a new issue on specie values, and they will absorb the present outstanding notes by increased taxation and funding. Some step of this character must be taken immediately by the Confederate Government. A radical and prompt remedy must be applied. The people will sustain any measure looking to a permanent relief to the currency. The policy of continuing an issue so depreciated as are the present notes, is ruinous and blighting: better by far that a new and limited currency be created forcing the funding of the present issues. I feel satisfied that, had the Government at the outset of the present war, controlled the cotton, tobacco and naval stores of the Confederate States (which could have been done with the consent of the producers),

cotton would really have been King. It is yet not too late to inaugurate such a policy.

Confederate notes constituting the currency, and being made receivable for State taxes and dues generally, has the effect of driving out of sight State paper, which, although more appreciated by holders, is no better in the hands of the State Government for disbursement, than Confederate Notes. State paper, like specie, is being hoarded and brought to light only when it can be used on most favorable terms. State paper could be made almost equal to specie by making it alone receivable for State dues: but, were such course adopted, it would be a blow struck at the credit of the Confederate paper, which I am not willing, therefore, to recommend. Further, State paper would be so difficult to obtain, that it would almost be equivalent to the requiring of our people to pay their taxes in specie, which, in the present condition of the country, would be impracticable. The States are so intimately connected in the interest and credit of the Confederate Government, that I see no safer mode than to struggle on together making it the common cause, embarked as we are in one common bottom, until the troubled waters should subside, and we make, as we shall be certain to do, a good anchorage and a safe port. It was made the duty of the Governor, under "An Act authorizing the disposition and sale of the University Lands," to order a re-sale of the land purchased whenever any party purchasing should fail to pay the amount of interest and installment of his purchase when the same was due. Although many parties had failed to comply with the terms of sale, I found, on coming into office, that no steps had been taken to re-sell any of the lands so forfeited.

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

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

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

[Sale of Bonds]

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

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

[General Land Office]

The attention of Your Honorable Body is respectfully called to the Biennial Report of the Commissioner of the General Land Office, which discloses the condition and operations of his Department for the last two years.

[Conclusion]

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

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

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

our thinned armies and, ere long, victory will perch upon our banners and an honorable and lasting peace be secured.

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

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

F. R. Lubbock⁷

⁷On November 5, 1863, the Tri-Weekly State Gazette reported editorially as follows:

Yesterday was the day appointed for the inauguration of the Governor elect, and at an early hour the House of Representatives was thronged with ladies, many of whom were furnished with seats behind the bar, while the halls and gallery were crowded with citizens and strangers. The members of the Senate were invited to seats in the House, when

The Senate then repaired to their chamber and on motion adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

Mr. Kinsey introduced a bill to regulate continuances in civil suits. Read 1st and 2nd times and referred to Judiciary Committee.

Messrs. Beasley, Jowers, and Mitchell were appointed a committee to act with a like committee from the House to make arrangements for the inauguration of the Governor and Lieutenant Governor elect.

Mr. Kinsey introduced a bill to regulate voting in certain cases. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Quayle introduced a joint resolution asking the repeal of all property exemptions and property detail laws. Read 1st and 2nd times and referred to Committee on State Affairs.

A committee from the House invited the Senate to the Representative Hall to count the vote for Governor and Lieutenant Governor.

Mr. Durant moved that the Senate proceed to the Representative Hall. Carried.

the ceremonies commenced with an appropriate prayer by the Chaplain of the Senate, after which Governor Lubbock delivered his valedictory address, which was received with much applause, and which we regret being unable to present to our readers, on account of its length. No man who ever heard Gov. Lubbock deliver an address could doubt for a moment his patriotism. His very heart and soul has been engaged in our country's cause since the commencement of the war, and during his whole term of office he has had an eye single to the welfare of our State, as well as the interests of the Confederacy and the success of our arms, towards which he has greatly contributed by husbanding our resources, and on all occasions doing that which he felt and knew to be right, alike regardless of the applause or disapprobation of his friends. We doubt if any Governor, since the days of the Republic, has left a brighter record behind him; and in retiring from the cares and responsibilities of office, to assume the duties of a Confederate soldier he carries with him the esteem and respect of all who have ever known him, either in the capacity of Governor or that of a private citizen.

In Joint Session

Roll called; quorum present.

The vote for Governor and Lieutenant Governor was then counted and resulted as follows:⁸

For Governor	Murrah	Chambers	Scattering	For Lieutenant Governor	Stockdale	Darden	Gentry	Kitrell
Counties								
Anderson	228	271	12		147	17	97	221
Angelina								
Atascosa	40	3			13	20	4	
Austin	274	386			116	254	236	26
Bandera	21	9	6		34	1	2	
Bastrop	220	169			59	148	42	119
Bee	40	24			21	31	6	7
Bell	172	131			197	53	8	10
Bexar	450	217	6		469	131	62	6
Blanco	72	44			20	67		
Bosque	45	68			58	2	17	31
Bowie	50	80	12		38	91	1	1
Brazoria	278	108			170	29	103	24
Brazos	123	37			67	46	14	21
Brown	38	14						
Burleson	179	116			163	63	33	23
Burnet	51	75			42	65	1	2
Caldwell	101	69			44	115	9	9
Calhoun	322	72			71	285	28	15
Cameron	76	45	4		100	1		5
Chambers	55	31			28	26	6	21
Cherokee	260	327			113	7	316	144
Clay		9						
Collin	268	195			245	10	37	28
Colorado	198	62			68	188	21	18
Comal	16	101	11		54	21	52	
Comanche	12	27	9		42	1		
Cooke	196	14	1		170	9	2	1
Coryell	98	58	2		53	51	12	1
Dallas	332	213	3		235	179	60	16
Davis	104	173	19		111	139	22	6
Denton	224	74	16		232	7	10	5
DeWitt	163	45			55	32	17	9
Ellis	221	78			190	26	19	41
Erath	42	75			61		35	
Falls	45	80			39	2	16	45
Fannin	353	180	24		100	163	134	38
Fayette	272	261			204	147	96	41
Fort Bend	203	21			113	49	18	31
Freestone	113	79	12		63	22	6	62
Galveston	676	417			169	418	376	67
Gillespie	68	213	1		97	48	123	
Goliad	392	147			62	443	42	50
Gonzales	229	146			21	370	3	5
Grayson	183	129			98	12	56	6
Grimes	211	228			170	78	34	148
Guadalupe	218	58	2		88	172	1	12
Harris	1027	206			203	96	780	185

⁸From Executive Record Book No. 279, 1861-1863, pp. 249-251 (Archives Division, Texas State Library).

For Governor Counties	Murrah	Chambers	Scattering	For Lieutenant Governor	Stockdale	Darden	Gentry	Kitrell
Harrison	132	243	169		209	92	111	86
Hays	36	86	.....		21	70	13	15
Henderson	100	73	52		89	74	7	19
Hidalgo	18	.....	.....		18	.....	.....	.....
Hill	120	33	.....		68	27	12	12
Hopkins	116	200	123		167	183	1	2
Houston	206	269	.....		168	53	26	207
Hunt	43	239	4		186	15	6	1
Hamilton	30	10	3		31	.....	7	.....
Hardin .....	.....	.....	.....		.....	.....	.....	.....
Jack .....	.....	.....	.....		.....	.....	.....	.....
Jackson	74	26	.....		22	66	2	7
Jasper	76	41	.....		8	92	2	15
Jefferson	197	21	.....		75	39	42	40
Johnson	90	54	.....		73	3	8	39
Karnes	99	7	.....		12	93	5	.....
Kaufman	188	57	48		197	2	17	1
Kerr	40	17	.....		38	16	2	.....
Kendall	23	77	.....		28	65	1	.....
Lamar	264	156	.....		229	105	.....	.....
Lampasas	28	81	.....		22	55	2	21
LaVaca	241	68	23		87	187	6	32
Leon	172	150	2		67	35	15	188
Llano	74	30	.....		32	66	2	5
Liberty	121	75	.....		43	13	17	121
Live Oak	68	1	.....		28	38	4	.....
Limestone	154	77	.....		111	1	26	52
Madison	77	74	.....		46	15	1	81
Mason .....	.....	.....	.....		.....	.....	.....	.....
McLennan	168	170	.....		149	47	16	77
McCulloch .....	.....	.....	.....		.....	.....	.....	.....
Matagorda	71	21	.....		57	19	8	8
Marion	96	133	18		81	124	14	7
Medina	28	42	.....		29	41	1	.....
Milam	129	233	.....		159	75	18	31
Montague	40	91	3		39	38	2	.....
Montgomery	180	88	.....		125	5	34	95
Nacogdoches	177	165	11		115	25	63	68
Navarro	196	90	2		118	93	11	34
Newton	37	50	.....		66	2	.....	14
Nueces	367	69	.....		162	164	29	5
Orange	75	5	.....		12	17	16	23
Palo Pinto	16	7	18		32	4	.....	.....
Panola	138	125	49		191	9	56	13
Parker	218	108	1		158	48	86	4
Polk	187	62	.....		31	7	1	214
Red River	189	350	.....		177	62	215	1
Refugio	75	35	.....		21	85	2	.....
Robertson	214	36	.....		150	14	32	44
Rusk	284	400	26		389	29	236	20
Sabine	88	19	42		72	29	7	17
San Augustine	83	55	2		45	22	12	48
San Patricio	56	12	.....		33	31	1	2
San Saba	58	42	.....		21	34	.....	42
Shelby	71	78	73		82	3	72	18
Smith .....	.....	.....	.....		.....	.....	.....	.....
Starr	23	.....	.....		22	.....	.....	.....

For Governor	Murrah	Chambers	Scattering	For Lieutenant Governor	Stockdale	Darden	Gentry	Kitrell
Counties								
Tarrant	274	127	32		239	56	55	18
Titus	25	286	10		89	200	11	4
Travis	342	363	4		101	443	42	55
Trinity	98	67	.....		30	3	5	125
Tyler	149	45	.....		14	3	1	158
Upshur	129	144	176		212	72	52	36
Uvalde	26	9	.....		28	9	.....	.....
Van Zandt	70	12	40		93	6	5	5
Victoria	164	29	.....		28	152	8	7
Walker	243	159	.....		73	8	6	307
Washington	414	318	.....		372	134	63	116
Webb	185	.....	.....		185	.....	1	.....
Wharton	121	8	.....		55	45	4	21
Williamson	116	241	.....		81	113	11	43
Wilson	70	30	.....		53	38	.....	5
Wise	26	162	3		22	129	2	.....
Wood .....	.....	.....	.....		.....	.....	.....	.....
Young	24	18	13		44	.....	.....	.....
Zapata .....	.....	.....	.....		.....	.....	.....	.....
TOTAL	17,511	12,455	1,079		11,152	8,083	4,490	4,163
INFORMAL								
Angelina	53	104	.....		36	12	27	57
Jack	14	49	.....		7	.....	70	.....
Mason	19	75	.....		66	19	.....	.....
Smith	168	212	341		463	79	30	69
Wood	151	108	70		204	21	8	27
Total	405	548	411		776	131	135	153
GRAND								
TOTAL	17,916	13,003	1,490		11,928	8,214	4,625	4,216

P. Murrah having received the highest number of votes for Governor and F. S. Stockdale for Lieutenant Governor they were severally declared by the Speaker of the House elected for two years.

The Senate then returned to their Chamber when an adjournment was moved and carried until 10 o'clock A. M. tomorrow.

Senate Chamber, November 5, 1863
10 o'clock A. M.

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

Mr. Harcourt presented the credentials of John A. Haskell, Senator-elect from the 27th Senatorial District who came forward and took the oath of office and his seat.

Mr. Beasley, chairman of committee on arrangements for the inauguration of the Governor and Lieutenant Governor elect, made the following report:

"The Joint Committee appointed to make arrangements for the inauguration of the Governor and Lieutenant Governor elect on the 5th instant beg leave to report that the inauguration shall take place in the Hall of the House of Representatives at 11 o'clock A. M.; that the two branches of the Legislature shall meet in the House at a quarter before eleven, the Speaker of the House in the chair and the President of the Senate on his right; that the Chief Justice and Associate Justices of the Supreme Court with the Attorney General shall occupy seats on the platform before the Speaker's chair; that the heads of departments shall occupy seats on the left of the platform; that the Senators shall occupy seats on either side of the aisle of the House and the Representatives as near as practicable to the Speaker's chair; that the ladies shall occupy seats within the bar of the House; and that the citizens shall occupy seats within the bar and in the galleries. The retiring Governor, the Governor and Lieutenant Governor elect with the Committee will enter the House at 11 o'clock and be seated. The retiring Governor and Governor Elect on the right of the Speaker's chair and the Lieutenant Governor on the left. Prayer by the Chaplain of the Senate, after which the retiring Governor and Lieutenant Governor will deliver their valedictories and immediately after the Governor and Lieutenant Governor elect will have the oath of office administered to them by the Chief Justice."

Mr. Weatherford introduced a bill to grant lands to the soldiers of Texas in the present war with the United States. Read 1st and 2nd times and referred to Committee on Public Lands.

Honorable W. C. Wilson, Senator elect from the 19th Senatorial District, came forward, took the oath of office and his seat.

Mr. Maxey introduced a bill for the relief of A. J. Vaughn. Read 1st and 2nd times and referred to Committee on Claims and Accounts.

Mr. Quayle offered the following resolution: "**Resolved** (the House concurring) that a Joint Committee of five from the Senate and a proportional number from the House be raised for the purpose of taking into consideration matters pertaining to frontier protection." Adopted.

Mr. Mitchell introduced a joint resolution concerning

the transportation of persons suspected of disloyalty and treason. Read 1st time. A suspension of the rule was moved and lost.

The Senate then took recess of ten minutes preparatory to the ceremonies attending the inauguration.

The recess having expired and the Senate having been called to order, Mr. Burney offered the following: "**Resolved** that the Committee on Public Printing be instructed for the printing of 2,000 copies of the Governor's message for the use of the Senate."

Mr. Ford moved to strike out "Two" and insert "one."

Mr. Mitchell moved to strike out "two thousand" and insert "five hundred."

Mr. Ford offered as a substitute for the proposed amendments and the resolution: "**Resolved** that the Committee on Public Printing be instructed to ascertain the cost of printing 2,000 copies of the Governor's message and report to the Senate." Adopted as a substitute. The resolution was then adopted.

A message from the House announced the passage of a bill making an appropriation of 10,000 dollars to defray the contingent expenses of the 10th Legislature. Read 1st time. Rule suspended, read 2nd time. Mr. Quayle moved to amend by inserting "in Confederate Treasury Notes." Adopted. Rule suspended, bill read 3rd time and passed.

The Senate again took recess of ten minutes, which time having expired, it was called to order and repaired to the Representative Hall.

IN JOINT SESSION

Roll called, quorum present, prayer by the chaplain.

His Excellency Governor Lubbock then delivered his valedictory address:⁹

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

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

In accordance with their mandates, and in obedience to the Constitution and Laws I am here today to surrender

⁹Ibid., 252-258.

those trusts into the hands of the people and of the distinguished Citizen who is entitled to assume them. In this crisis we may esteem ourselves fortunate in being thus peaceably permitted to assemble and witness our State Government pursuing its usual functions without the fear of interruption from the Abolition Despot and his Hessian soldiery.

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

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

While I have earnestly sought to discharge all the duties imposed on me as the Chief Magistrate of the State, I most freely admit that the great war in which we are involved has engaged the most of my attention and energy. On entering upon the duties of my office, I was fully impressed with the many responsibilities I was assuming. I felt satisfied the war would be prosecuted by our enemies with all the fiendish barbarity they have shown themselves so capable of inflicting upon a people so superior to them in all that constitutes manliness, virtue and chivalry. I was convinced that no means would be left untried to reduce the people of the Southern States to the condition of "hewers of wood and drawers of water" for their Yankee taskmasters, and that failing in all else, they would seek finally to raise a servile war in our midst with the hope of ultimately subjugating or annihilating us. I have not been mistaken; and if today every city, town, village and farm yard is not red with the blood of our women and children shed by our servile population, it is not because our more than savage and despicable foes have not desired and at-

tempted to accomplish it. The evidence of this their hellish design they have themselves unblushingly proclaimed to an indignant world.

The skill and bravery of our Generals, the energy and heroism of our men have thus far, baffled the fiendish purpose. Today our cause looks brighter than it has for many months past. In every attempt of the enemy to penetrate our State, he has been signally repulsed. The invincible Army of Rosencranz, as vauntingly termed by a boastful press, has met with a disgraceful and disastrous overthrow while the Army of Meade is reduced to a painful defensive for the protection of the Northern Capital. Our gallant little corps in Louisiana chiefly composed of Texans, harrasses him continually. Charleston "the Doomed City" still defiantly answers the thunder of his guns peal for peal, her citizens evincing a determination to bury themselves in her ruins rather than yield. Our Armies everywhere are strong, in excellent condition, well fed and clothed. We are daily improving in the production of supplies at home for the use of our people and Army; munitions of war in abundance are being manufactured within the Confederacy; our people are daily rising equal to the emergency of the times and becoming more self-reliant and defiant. A spirit of resistance is seizing hold of the very young and old that will ultimately place every man able to bear arms into the service of the country. They are schooling themselves to believe that nothing can be valuable to them or be worth living for unless our independence is secured. The noble women, too, of our country, are ever in advance of the men. They are imbued with the conviction that subjugation would leave them the slaves of the most miserable and cowardly taskmasters—that they would be forced into association with a people whom, from their cowardly and brutal atrocities, they have learned to hate and despise.

Hence they are prepared to make every sacrifice on the altar of freedom—thence it is that their wealth is freely lavished—that we find them in the cities and towns as well as by the roadside ministering with tender and devoted care and assiduity to the necessities of the sick and wounded soldier—that we behold them morning, noon, and night sewing, knitting, weaving and spinning for the "brave soldier boys"—finally they give up to their struggling country

their fathers, husbands, brothers, sons and lovers, preferring to be orphans, widowed and brotherless to seeing their country overrun and reduced by a people so demoralized, infidel and barbarous as the Northern foes. With such determination animating our people we have nothing to fear. I presume that most men of the South feel as I do. I knew that secession was a necessity forced upon the South, that her freedom might be preserved; and in assisting to bring about that measure, I felt that, as a good and true man, I from that day belonged to my country; that whatever adversities might follow that step, as an honest man and a patriot, I should bear them without a murmur—that all I possessed of ability, energy, time, property, eye, life itself, all belonged to the country, and when called for must be laid upon the altar of freedom. I resolved that whilst this war lasted, all private enterprise should be abandoned and that it would be a fraud upon the people, and a crime against our sacred cause to neglect public duties in the pursuit of private aggrandizement.

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

It is the sacred duty of all, without regard to their form or position, to rally around the standards of their country. If there be any in our midst who yet entertain the most distant idea that the old Government can ever be reestablished, or who feel the least sympathy with our enemies, in God's name I say, let them depart from among us, and take up their abode with their abolition brothers in crime and infamy, the fit associates of their former slaves! Such characters among us are a bane, a pest, a living insult to our noble women—they prey upon our substance and await only for a favorable opportunity to betray us.

My heart's desire is to see every man and woman in the land rise up to the magnitude of the contest in which we are engaged. I wish them all to feel that requires their individual aid—their ceaseless aid—to insure success. I want those at home and who, from any cause are kept out of the Army, to be impressed with the conviction that it is their duty to leave nothing undone to sustain our men in the field, and to see that they are furnished with every

thing necessary for their efficiency and comfort. I want them to see that the families of those in service are well cared and provided for. The families of our heroic defenders should be treated as the children of those at home and no cause should be given their natural supporters to feel that they are neglected. Do this and our brave men will battle on to the last. We must bear in mind that our army is not composed of mercenaries, that it is not an army of imported Hessians; but that, as I have said on former occasions, they constitute a vast majority of our best, patriotic and chivalrous citizens—men who could not be kept from home a day after a discharge should be granted them—men who would rush to their families, properties and friends—these are the men who fill the ranks of our Armies. I am not afraid of a force thus constituted—they will neither *permit* an enemy to overrun and subdue us, if properly sustained, nor will they tyrannize over, or abuse their own people, their own kith and kin. They are an army of citizen-soldiers, who flew to arms to maintain, not to suppress the liberties of the Confederacy.

I am well aware there are those and some of them good and sensible men, who believe that during my administration I have been too much disposed to favor the army and the military authorities and they have objected to some of the measures recommended by me for sustaining the army and the families of those in service. I give to those persons every credit for honesty of purpose, conscientiousness, etc. I claim the same myself. As I have said before I have long since risen up to the magnitude of the contest in which we are involved. I believe that War, War, War! should be our all absorbing business until we have conquered our independence; and while I would confine myself and wish to see all in authority keep themselves within the limits of the Constitution, I would have Legislators, Governors, Judges and people feel that it is imperative on them to make laws and execute them, whereby that Constitution, our property, our freedom, will be preserved.

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

When I entered upon the discharge of my duties, I determined to cherish, foster and aid the Confederate Gov-

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

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

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

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

furnished in this war 10,000; she will furnish many thousands more.

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

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

Ladies! It is a work of supererogation on my part to say one word to you on the subject of your duties in this war. You have, upon all and every occasion, by your zeal, devotion and assiduity, evinced your patriotic determination to stand by the Country. I know you will continue to do so. Charity, humanity, affection and love, are the prominent characteristics of female character. See that you bestow not either unworthily. Continue to frown upon the man who, in this great emergency, is wanting in patriotism. You must treat with scorn and contempt, even though he be your relative or suitor, he who now, in our day of peril, shirks the service of his country. You must practice economy in your households; banish superfluities and luxuries while the war continues. Continue as you have so nobly heretofore done, to encourage the war, to nurse the sick and wounded, to yield those most dear to your Country's cause; and finally should you hear any of our men complain that the range of their guns or the blades of their swords

are too short to compete with those of the enemy, say to them in the language of the Spartan mother, "Shorten your distance!" By so acting, your influence will cause every man possessed of the least spark of pride and honor, to seek the enemy before he reaches your door, and save you from the horrible scenes enacted by our brutal foe whenever he has succeeded in occupying our territory.

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

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

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

In severing my intercourse with those around me at the Capitol, I do so with many pangs of regret. I have been most ably and zealously assisted by those with whom I have been called to act in concert. From every officer and employee of the Government, I have received marks of atten-

tion and kindness. I also bear cheerful testimony to the business capacity and industry of the various State officers and employees. Although they have been in receipt of a much depreciated currency, totally inadequate to a proper support of themselves and families, they have performed their several duties with alacrity and without a murmur.

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

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

I leave my present position with the determination to continue in the service of my country until her victorious banners shall wave in triumph over her enemies, her independence be acknowledged, and the song of peace and serenity be again heard in the land.

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

F. R. Lubbock

Honorable P. Murrah, Governor Elect, came forward and took the oath of office, the same having been administered by Honorable R. T. Wheeler, Chief Justice of the Supreme Court. He then delivered his inaugural address.

Gentlemen of the Senate and House of Representatives, Ladies and you, my Fellow Citizens:¹⁰

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

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

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

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

If statesmanship and ability—the power to distinguish and the disposition to observe the true character of our political system—be essential qualifications in the officials of the Confederacy, they can be no less so in the officials of the state government. Texas in allying herself to the other states of the South for general purposes, and for the common weal surrendered not her sovereignty, or the complete control over matters of local concern; and it follows, as a matter of course, that a wise and judicious administration of the affairs pertaining to the local, can be of no less

¹⁰*Ibid.*, No. 280, 1863-1865, pp. 1-7.

importance to the welfare of the people, than the proper administration of affairs pertaining to the general authority. A full appreciation of this simple fact and a rigid observance of its practice will have no little influence in producing sober and correct views as to the scope and object of the Confederate authority, and in modifying tendencies to partisan organizations and partisan strife, founded alone upon differences of opinion as to the extent and object of that authority.

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

We are struggling through the perils of bloody fields for the preservation of the institutions inherited from a glorious ancestry, and it surely behooves us to heed their voice, to be instructed by their experience, and to study well the condition and means by which they are not only to be maintained by the sword, but perpetuated and wisely administered. For the machinery of government of all machinery is most intricate and most difficult of adjustment and management; the science of government, of all sciences, has claimed from mankind the greatest share of their attention, and yet has secured from them the least uniformity of opinion as to its true mission, and as to the principles which should be embraced in a perfect system.

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

ers, grave apprehension of the long duration of the workmanship of their hands.

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

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

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

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

A distinction will of course be observed by every intelligent and just minded man, at a time when necessity forces upon the government the employment of so many agents for so many varied purposes, between deliberate acts on

the part of the governments at variance with the Constitution and mere irregularities in the exercise or execution of authority on the part of officials, which may be promptly arrested and corrected by appeals to the proper tribunals.

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

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

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

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

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

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

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

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

She will own these advantages—appreciate her grave responsibilities and, rising with the occasion that demands still greater effort, make full preparations to put forth her strength to the best advantage when the occasion shall present itself. The glories of San Jacinto—the horrors of the Alamo, and the tyranny of Mexico, are too fresh to her memory—her sacrifices in this war are too great, and her experience too bitter for her to fail or falter in this, perhaps, the darkest hour of this dark conquest, the spirit of her departed heroes—of Clough, of Dickson, of Burnes, of Carter, of Terry, of Lubbock, and of thousands of others who offered up themselves freely upon the altar of their country cry aloud for vengeance and for still greater sacrifices on the part of the living in the cause for which they fell. A young giantess as she is almost of the forest, with limb unfettered and spirit erect and free, that never stooped to disgrace or tyranny, Texas has not forgotten or forsaken the faith involved in the issues of secession—she owns the presence of a divinity in a wild storm of human passion that rocks this continent and finds the true inter-

pretation of this, as of all great revolutions in human affairs in the mysterious ways of an All-wise and Overruling Providence.

As a matter of course, the conduct of the affairs of the state and its legislation, should have reference, in main, to our condition in a state of war. But we know not how long these clouds shall hang over the land. In the midst of the embarrassments and dangers of war, we should not forget that the essential end of government, and of all struggles for governments, is the protection of society and the securing its welfare physically, morally and mentally. The laws therefore should be upheld and honored and as far as consists with circumstances surrounding the state, rigidly enforced, so as to visit speedy punishment upon the offender against the mandates, and check the wild tendencies to anarchy and violence, resulting from the demoralizing agencies at work in these times of evil. We shall strive in vain upon the field of blood, if in the meantime the bands of society are to be broken asunder—the habit of obedience to law and the authority of government forgotten and abandoned—human life and individual rights left unguarded or exposed to the caprices of the mob, and the matured and youthful mind accustomed and familiarized to the fearful and dreadful scenes which always occur when lawless passions hold their sway. We claim to read in the northern mind a downward course to the dark abyss of confusion, anarchy and hopeless tyranny, which but too often marks the destiny of nations involved in protracted wars, and bloody revolutions. Warned by ruin and misery that seems to overhand their society, and by the instructive voice of history, we should not in these times of excited passions—of jealous apprehensions, and of real dangers—overlook the importance of a frequent recurrence to the fundamental principles of security lying at the foundation of society and of government, of trusting to the regularly and legally constituted authorities and tribunals, and of laboring zealously, watchful and systematically, and with proper foresight, to make them fully adequate to the punishment and suppression of crime, and to the protection of society from the wicked offender against its peace—its welfare and its life. We should accord our conduct with the spirit of the Constitution and the theories of our government, and make the law a shield to every man, and cause

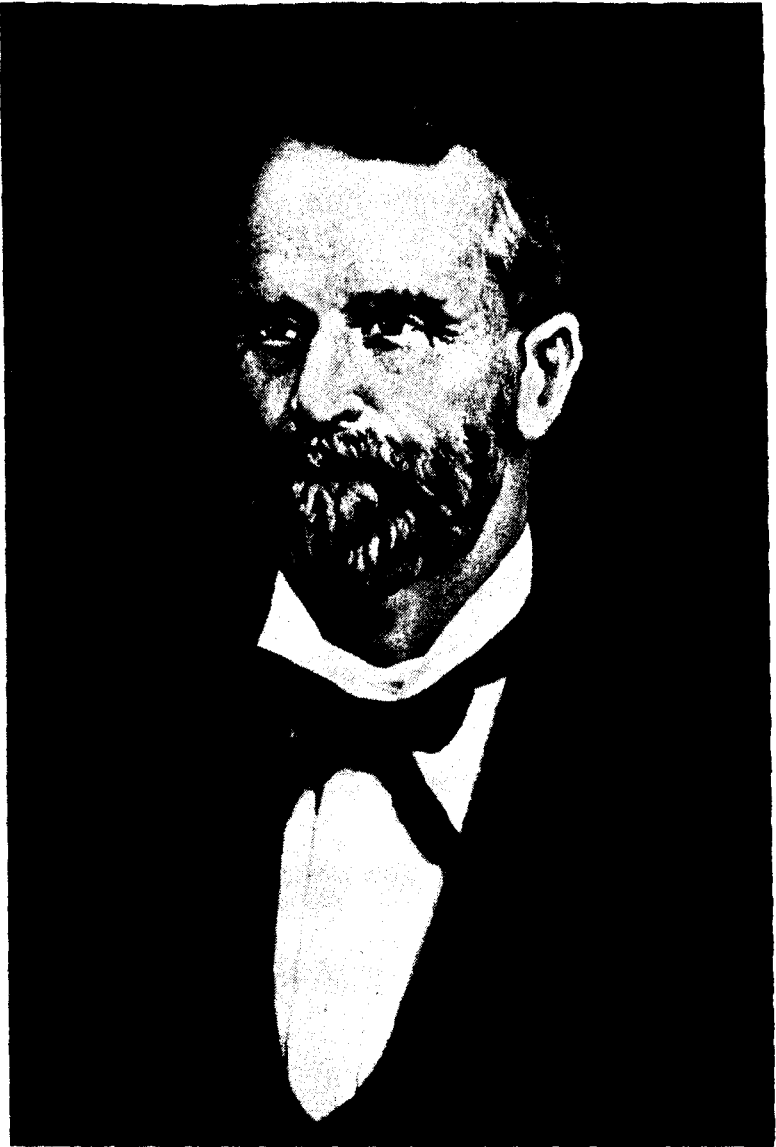
every offender to be punished according to law.

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

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

The consummation of this desirable end rests mainly with the people, limited and prescribed, as the government is, in its power over the subject. They own the Capital, the labor—the raw material—the most useful metals lie embedded beneath our soil, our geographical position is favorable to the introduction of the necessary machinery. What can be accomplished in this line by association of individuals and of capital, by enterprise and resolution, can only be determined by persevering, systematic effort.

The necessity and the inducements for effort cannot be overrated. It is far better and far more economical, as I conceive, to make Capital yield its profits, not only during the war, but after its close, to make it an enduring monument of a lofty, well-reliant spirit in the people by investing it in permanent and useful manufacturing establishment than to squander it away forever in purchasing goods from nations perhaps indifferent to our fate, or from a foe who is striving by all the appliances of war to subjugate and enslave us. Besides, the uncertain duration of this trade should be impressed upon the public mind. We know not how soon the direction of war may close the trade across



**The presiding officer of the Senate
Lieutenant-Governor Fletcher S. Stockdale**

Source: Governor Picture File,
Archives Division,
Texas State Library.

the Rio Grande, and leave us not only without a market for *clothing*, but without the machinery necessary to the manufacture of material for them.

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

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

I should with the more apprehension take upon myself the administration of the affairs of the state, were I not to be aided through the coordinate branches of the government. I indulge the hope that the officials of the various departments of the government may labor harmoniously and energetically together, with the single purpose of securing the welfare and the highest interests of the state—trusting that the God who has thus far sustained our cause and given victory to our army upon a hundred bloody fields, will vouch-safe His guidance to all those engaged in the administration of the public affairs of the country.

P. Murrah

Honorable F. S. Stockdale, Lieutenant Governor elect, was then sworn in and delivered his inaugural address.¹¹

¹¹The Lieutenant Governor's Inaugural Address as printed in the *Tri-Weekly Telegraph* (Houston), November 16, 1863, read as follows:

Fellow Citizens:—Confined as my duties are to the Presidency of one branch of the Legislative department of the Government, it would seem unnecessary to prolong the ceremony by words of mine; or to add any pledge to that I have just solemnly taken with the highest religious and judicial sanctions, further than to say, that, in proof of my gratitude to the people for the honor conferred upon me, I shall en-

The Senate then retired to their chamber when the Lieutenant Governor, having taken the chair as presiding officer, made a few appropriate remarks. Adjournment was moved and carried until 10 o'clock A. M. tomorrow.

Senate Chamber, November 6, 1863
10 o'clock A. M.

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

Mr. Moore of Davis presented the memorial of James H. Rodgers asking compensation for certain services. Referred to Committee on Claims and Accounts.

Mr. Throckmorton offered the following resolution: "**Resolved** that the Committee on Finance be instructed to inquire into the propriety of reducing the salaries of all the officers of the state government including the pay of members of the Legislature and report by bill or otherwise." Adopted. Also the following: "**Resolved** that the Committee on the Judiciary be instructed to inquire into the expediency of reducing the number of Judicial Districts in the State and that they report by bill or otherwise." Adopted.

Mr. Moore of Davis offered the following: "**Resolved** that the Judiciary Committee inquire into the expediency and constitutionality of stopping interest on all debts where Confederate money has been tendered in payment and refused." Adopted.

Mr. Guinn offered the following resolution: "**Resolved** that the Judiciary Committee be instructed to take into consideration the propriety of reporting a bill to repeal the statute of conventional and legal interest and report at as early a day as practicable." Adopted.

Mr. Kinsey introduced a bill to amend the 4th Section of an act regulating the descent and distribution of estates passed March 18, 1848. Read 1st and 2nd times and referred to Judiciary Committee.

The President announced the following standing committees:

Judiciary: Messrs. Harcourt, Chairman; Guinn, Mitchell, Selman, Shepard, Jordan, Ford.

Military Affairs: Messrs. Throckmorton, Chairman;

deavor to make "all the ends I am at my country's, God's and Truth's."

Wootten, Holland, Jordan, Moore of Bastrop, Jowers, Hord.

Finance: Messrs. Lea, Chairman; Throckmorton, Dickson, Guinn, Moore of Davis, Shepard, Wilson.

Public Lands: Messrs. Charlton, Chairman; Weatherford, Kinsey, Harcourt, Holland, Quayle, Hartley.

State Affairs: Messrs. Shepard, Chairman; Hord, White, Maxey, Kinsey.

Education: Messrs. Dickson, Chairman; Jowers, Harcourt, Wootten, Quayle.

Internal Improvements: Messrs. Parsons, Chairman; Jordan, Throckmorton, Beasley, Hartley, Mitchell, Shepard.

Private Land Claims: Messrs. Weatherford, Chairman; Burney, Charlton, Maxey, Ford.

Claims and Accounts: Messrs. Guinn, Chairman; Moore of Davis, Quayle, White, Dickson.

Printing and Contingent Expenses: Messrs. Ford, Chairman; White, Moore of Bastrop, Wootten, Holland.

Indian Affairs: Messrs. Burney, Chairman; Moore of Bastrop, Montague, Wilson, Magoffin, Selman, Haskell.

Penitentiary: Messrs. Selman, Chairman; Moore of Davis, Dickson, Ford, Burney.

Counties and County Boundaries: Messrs. Wootten, Chairman; Parsons, Durant, Weatherford, Cooley.

Roads, Bridges and Ferries: Messrs. Moore of Bastrop, Chairman; Beasley, Kinsey, Montague, Magoffin.

Confederate Relations: Messrs. Durant, Chairman; Hartley, Jowers, Hord, Wilson.

Engrossed Bills: Messrs. Moore of Davis, Chairman; Jowers, Kinsey, Jordan, Beasley.

Enrolled Bills: Messrs. Wilson, Chairman; Lea, Dickson, Cooley, Maxey.

Mr. Wootten offered the following: "**Resolved** that a select committee of three be instructed to ascertain the amount of university lands heretofore sold upon which no payment has been made; also to inquire the amount of university lands unsold. Also to ascertain the number of sections of land surveyed and belonging to the State within the Memphis and El Paso and Pacific railroad reserve. Also to ascertain the amount of alternate railroad sections of land surveyed and belonging to the State and the amount of land surveyed and field notes returned to the General Land Office of the four leagues of land heretofore set apart for Indian purposes and report the same to the Senate at

as early a day as practicable." Adopted.

A message from the House announced a concurrence in the Senate's amendment to the bill appropriating \$10,000 for contingent expenses of the 10th Legislature.

Mr. Burney offered the following: "**Resolved** that the Committee on the Judiciary be requested to take into consideration the propriety of a further suspension of the laws to enforce the collection of debts and report by bill or otherwise." Adopted.

Mr. Dickson offered the following: "**Resolved** that the Committee on Finance consider the propriety of levying a tax on specie payable in kind and that they report by bill or otherwise." Adopted.

Messrs. Wootten, Dickson, and Mitchell were announced as the committee indicated by Mr. Wootten's resolution.

Mr. Harcourt offered the following: "**Resolved** that the Committee on Printing and Contingent Expenses be authorized to contract for the printing of 2,000 copies of the inaugural address of Governor Murrah and the valedictory of Governor Lubbock for the use of the Senate." Adopted.

Mr. Ford introduced a bill to encourage the erection of certain machinery by donations of land. Read 1st and 2nd times and referred to Committee on State Affairs.

The Senate then adjourned until 4 o'clock P. M.

4 o'clock P. M.

Senate met, roll called, quorum present.

On Mr. Guinn's motion the Sergeant-at-Arms was granted leave of absence for several days.

Mr. Ford offered the following: "**Resolved** that the Committee on Public Printing be authorized to contract for the printing of ten copies for each Senator of the *Tri-Weekly Gazette*."

Mr. Selman moved to amend by adding "and that said copies be delivered to the Senators on the day of publication." Adopted. The resolution was then adopted.

Mr. Harcourt introduced a bill to amend the 1st Section of an Act to fix the salaries of clerks and officers therein named. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Durant offered the following: "**Resolved** that the

Committee on Military Affairs be instructed to inquire into the expediency of abolishing all exemptions to service in the State not secured by the Constitution and report by bill or otherwise." Adopted.

A joint resolution relative to the transportation of persons suspected of disloyalty and treason being in order was read 2nd time. Mr. Wootten offered a substitute.¹²

The joint resolution and substitute were referred to Judiciary Committee.

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

Senate Chamber, November 7, 1863
10 o'clock A. M.

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

Mr. White from the Committee on State Affairs on behalf of the majority reported the bill to amend the 1st Section of an act to fix the salaries of the officers and clerks therein named and recommended that it do not pass.

The following minority report was also presented: "The Committee on State Affairs have had the bill to amend the 1st section of an act to fix the salaries of the officers and clerks therein named under consideration and I beg leave to make a minority report. It appears that the present salary of the Governor's private secretary is insufficient to support an efficient office or induce the acceptance of the office. The salary of the Governor's private secretary

¹²Wootten's substitute, as printed in the *Tri-Weekly Telegraph* (Houston), November 20, 1863, was:

"Whereas, from a recent order of Major Gen. J. B. Magruder, we are advised that he has discovered the presence in our midst of disloyal citizens:

Resolved 1st, By the Senate, (the House concurring,) that we accord to Major Gen. Magruder, for his vigilance in detecting, and promptness in exposing the civil minded citizens, the plaudit of "Well done thou good and faithful servant," and bid him God speed in the good work.

Resolved 2nd, That Maj. Gen. Magruder will find a ready preliminary solution to any difficulties that may arise in disposing of parties so arrested, in the sixteenth section of the bill of rights, which declares that "No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed or exiled, or in any manner disfranchised, except by due course of the law of the land."

Resolved 3rd, That the Governor be requested to see that the rights of all citizens of Texas be adjudicated upon the principles formed in the organic law.

is now less than that of any other clerk of equal importance. I therefore as a minority of the Committee recommend the passage of the bill.”

One of the Committee
Rice Maxey

Mr. Ford made the following report: “The Committee on Public Printing and Contingent Expenses have contracted with the publishers of the *State Gazette* for the publication of 2,000 copies each of the Governor’s message and the valedictory at the following price.

For the former	\$293.32
” ” latter	168.00

\$461.32

Under this contract the Senate is to furnish the paper upon which to publish said documents which will cost about the sum of \$280.

The Governor’s inaugural address is not yet ready for the printer. The charges for the *Gazette* are as follows per hundred copies:

For the <i>Tri-Weekly</i>	20 dollars
” ” <i>Weekly</i>	30 dollars.

The committee have not closed a contract for papers as they believe it will be many hundred dollars cheaper to procure the weekly instead of the *Tri-Weekly Gazette*. I am therefore directed to report the accompanying resolution and ask its adoption: “**Resolved** that the Committee on Printing be authorized to contract for 10 copies of the *Weekly Gazette* for the use of each Senator, provided the same shall contain the proceedings of the Senate and be paid for in Confederate States Treasury notes.”

Mr. Guinn introduced a bill for the relief of George E. Burney. Read 1st and 2nd times and referred to Committee on Claims and Accounts.

Mr. Harcourt introduced a bill to incorporate the Columbus Tap Railway Company. Read 1st and 2nd times and referred to Committee on Internal Improvements.

Mr. Holland introduced a bill for the enrollment and organization of state troops. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Harcourt introduced a bill to suspend the location and survey of public lands. Read 1st and 2nd times and referred to Committee on Public Lands.

The report of the Committee on Public Printing was taken up.

Mr. Dickson called for a division of the questions embraced in the reports. So much of said report as refers to the printing of the valedictory address of Governor Lubbock and the inaugural of Governor Murrah was adopted.

The question being on the adoption of the resolution proposed Mr. Guinn offered the following as a substitute: "**Resolved** that it is the sense of the Senate that the Committee on Public Printing do not contract for any copies either of the *Tri-Weekly* or *Weekly Gazette* for the use of Senators under the resolution adopted yesterday."

Mr. Harcourt moved to postpone further consideration of the subject until Tuesday next. Carried.

On Mr. Harcourt's motion a bill to amend the 1st section of an act to fix the salaries of officers and clerks therein named was taken up and the yeas and nays upon the adoption of the majority report stood thus:

Yeas: Messrs. Charlton, Dickson, Durant, Ford, Guinn, Holland, Jowers, Kinsey, Montague, Selman, Throckmorton, Weatherford, Wootten, Wilson, and White—14.

Nays: Messrs. Beasley, Harcourt, Hartley, Haskell, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, and Quayle—10.

A message from the House announced the appointment of the following committees to act in conjunction with committees of the Senate on the same subjects:

Frontier Defense: Messrs. Kyle, Ranck, Tyler, Jones, Buckley, Howard of LaVaca, Thaxton, Prince, and McCarthy.

Military Board: Messrs. Buckley, Lollar, Patton, McGuire, Walker, Sampson, Bush.

The Senate then adjourned until 10 o'clock A. M. on Monday next.

Senate Chamber, Monday, November 9, 1863
10 o'clock A. M.

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

Mr. Kinsey presented the memorial of sundry citizens of his district asking permission to organize a Minute Company for certain purposes. Referred to Committee on Military Affairs.

The Judiciary Committee by Mr. Harcourt, their chairman, reported a substitute for a bill to regulate continuances in the District Court, also the following reports: "The Judiciary Committee have duly considered a bill to amend the 4th Section of an act regulating the descent and distribution of estates and instruct me to return the same to the Senate and recommend that it do not pass. The bill proposed a radical change in the descent and distribution of property, which we think it unwise and inexpedient to make at the time many of our citizens have entered the military service where their lives will be imperiled with the understanding that in case of their death their property will descend in the mode now prescribed by law. Any change of the law during the present war would we think be an unjust interference with the disposition of property and lead to much discontent and mischief."

"The Judiciary Committee have considered a resolution directing them to inquire into the expediency and constitutionality of the passage of a law stopping interest on all debts where Confederate money has been tendered in payment of the same and direct me to return to the Senate with the following report: "The Constitution of the State of Texas, Section 14, Article 1, declares 'No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts shall be made etc.' The Constitution of the Confederate States, Section 10, Article 1 declares 'No state shall enter into any treaty of alliance or confederation, grant letter 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.'

The Committee feel no hesitation in expressing the opinion that the proposed legislation would be repugnant to each of these Constitutional prohibitions.

The proposition is in effect, if not in fact, to make Confederate money a legal tender as it inflicts the same penalty for a refusal to receive it in payment. The legal effect of a refusal to receive payment of a debt when a legal tender of payment is made is simply that the interest upon the debt shall stop running from the date of such tender, the debt itself is not extinguished.

By the provision of the Confederate Constitution above quoted the states are prohibited from making anything

but gold and silver coin a tender in payment of debts and any law attempting to do this either directly or indirectly would be in violation of the Constitution, unoperative, and void.

The clause of our state Constitution above quoted also contains a prohibition against this class of legislation. As it would be retroactive in effect and impair the obligation of contracts.”

Mr. Guinn introduced a joint resolution relative to the extension of the conscript laws and for other purposes. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Montague introduced a bill to prevent deserters from exercising the right of suffrage. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Maxey introduced a bill to prevent Sabbath breaking. Read 1st and 2nd times and referred to Committee on State Affairs.

The following committees to act in conjunction with committees from the House were announced:

On Frontier Defense: Messrs. Quayle, Burney, Moore of Bastrop, Wilson, and Selman.

On Military Board: Messrs. Throckmorton, Jowers, Wootten, Harcourt, and Mitchell.

Mr. Maxey introduced a bill for the benefit of holders of certificates issued to the Memphis, El Paso, and Pacific Rail Road Company. Read 1st and 2nd times and referred to the Committee on Judiciary.

Mr. Jowers introduced a bill to provide for the support of the families of Texas soldiers. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn moved to reconsider the vote taken on Saturday adopting the report of the Committee on State Affairs recommending that the bill to amend the 1st Section of an act fixing the salaries of officers and clerks therein named do not pass.

Mr. Parsons moved to postpone the motion to reconsider until Wednesday next. Carried.

Mr. Hartley introduced a bill appropriating \$500,000 as a hospital fund for the sick and wounded soldiers from Texas in the service of the Confederate States. Read 1st and 2nd times and referred to Committee on State Affairs.

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

Senate Chamber, Tuesday, November 10, 1863
10 o'clock A. M.

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

Mr. Cooley, Senator elect for the 31st Senatorial District, came forward, took the oath of office and his seat.

Mr. Guinn, Chairman of the Committee on Claims and Accounts, reported the bill for relief of George E. Burney and recommended its passage.¹³ Also a substitute for a bill for relief of A. J. Vaughn of Lamar County.

Mr. White from the Committee on State Affairs made the following reports: "The Committee on State Affairs to whom was referred a bill appropriating \$500,000 for the relief of sick and wounded soldiers etc. have had the same under consideration and are of opinion that the first section of said bill should pass, amended by adding after the word "Dollars" the words "in Confederate notes."

Your Committee are of opinion that the 2nd Section should be amended as to provide that the amount appropriated should be raised by other means than the issue of Treasury Warrants which it considers unconstitutional and impolitic because the while it augments a debt already immense to be paid in gold and silver its value is merely nominal—a debt to be paid by the labor of a people now oppressed with heavy burdens. It is also impolitic because it adds to a currency already redundant thereby depreciating its own value and that of the Confederate notes. It is unconstitutional being a violation of the 8th Section, 7th Article, of the Constitution.

The Committee believe that the sum of \$500,000 in Confederate notes may be raised by the sale of the bonds

¹³This bill read as follows:

A Bill

For the relief of George E. Burney

Sec. 1 Be it enacted by the Legislature of the State of Texas that the sum of Six hundred dollars be and the same is hereby appropriated to reimburse George E. Burney for actual expenses incurred by him in going to the State of Mississippi by order of the Governor to demand the delivery of Geo. B. Payne, William Payne, Hezekiah Payne and Jno. T. Berry, fugitives from justice charged with forging and issuing Counterfeit Confederate Treasury Notes.

Sec. 2 That this act take effect from its passage.

of the state bearing interest at from 6 to 8 per cent based alone upon the credit of the state. These bonds with proper management would probably sell in the market for Confederate money at a price ranging from three to six hundred per cent realizing the sum asked for in the bill by liabilities of the state in a sum less than two hundred thousand dollars at the same time obviating the evil of increasing the redundant currency. With this view of the subject your Committee have drawn a substitute and recommend its passage."

"This Committee have had under consideration a bill to prohibit Sabbath breaking and a majority have instructed me to report the same back to the Senate without amendment and recommend its serious consideration. In making this report the Committee are not satisfied that the provisions of the bill are unexceptionable but would call the attention of the Senate to the propriety of some such measure."

Mr. Lea introduced the following which was adopted: "**Resolved** that the Committee on Finance inquire and report concerning the necessity and propriety of adopting a system of taxation which shall be equal and uniform throughout the state on all property in proportion to its value according to the Constitution with its exceptions; and whether the system should provide for taxing respectively in their kinds the articles of specie, bank notes, Treasury Warrants of this state and Treasury notes of the Confederate States of America; and whether the system should further provide for assessing the value of all other kinds of property in such Confederate paper currency as shall be receivable for the ordinary taxes."

Mr. Ford offered the following: "**Resolved** that the Committee on Finance be required to inquire into the necessity of authorizing the County Courts of the several counties to levy and collect a produce tax in kind for the support of such indigent persons as are or may be supported in whole or in part by the country and report by bill or otherwise." Adopted.

Mr. Harcourt introduced a bill to further regulate proceedings in the Supreme Court. Read 1st and 2nd times and referred to Committee on Judiciary.

Mr. Guinn introduced a bill to amend the 11th and 13th sections of an act to organize County Courts. Read

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

Mr. Maxey introduced a bill for the relief of Robert Price. Read 1st and 2nd times and referred to Committee on Judiciary.

Mr. Moore of Davis introduced a bill to amend the 1st, 2nd and 3rd sections of an act to punish persons who evade or assist in evading the conscript laws. Read 1st and 2nd times and referred to Judiciary Committee.

A bill to amend the 4th Section of an act relating to the descent and distribution of estates with report of Judiciary Committee recommending that it do not pass. Read 2nd time and reported adopted.

The report of Judiciary Committee on the resolution relative to stopping interest on debts where Confederate money is tendered in payment was adopted as the sense of the Senate on the question.

A bill to regulate continuances in civil and criminal suits with report of Judiciary Committee recommending a substitute. Read 2nd time and the substitute adopted.

Mr. Harcourt offered the following amendment: "Section 2, That during the present war civil causes pending in the District Courts may be continued without prejudice upon suggestion that the parties or their witness are absent in the military service." Adopted.

Mr. Parsons offered the following amendment: "After the word 'Material' insert 'and that he knows of no other witness by whom he can prove the same facts'."

On Mr. Lea's motion the further consideration of the subject was postponed until tomorrow morning at 11 o'clock.

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

Senate Chamber, Wednesday,
November 11, 1863

10 o'clock A. M.

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

Mr. Harcourt, Chairman of the Judiciary Committee, on their behalf reported the bill to further regulate proceedings in the Supreme Court and recommended its passage. The following report was also present: "The Judi-

ciary Committee have considered a bill to amend the 11th and 13th sections of an act to organize County Courts approved March 15, 1848, and a majority of the Committee instruct me to return the same to the Senate and recommend that it do not pass.

The object of the proposed amendment is to increase the term of office of the Chief Justice and County Commissioners and County Clerks from two to four years and the Committee are of opinion that at the present time no necessity exists for the proposed change. Without expressing an opinion as to the propriety of the change after the termination of the present war, the Committee think that it would be improper now because a majority of our voting population are absent in the army and could have no voice in filling these important offices."

Mr. Maxey from Committee on State Affairs on behalf of that Committee reported a substitute for the joint resolution asking the repeal of all property exemption and property detail laws.

Mr. Charlton, Chairman of Committee on Public Lands, reported the bill granting lands to Texas soldiers in the present war and recommended its passage with the following amendments: "Strike out the 5th Section and all of the 6th Section after the word 'domain'."

Mr. White offered the following: "**Resolved** that while the country is draped in mourning it is a desecration of the Legislative Halls to permit them to be used for the purpose of balls or other amusements and that the Senate Chamber shall not be used for such purposes during this session." Adopted.

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

Mr. Ford introduced a bill to provide for the employment of additional labor in the State Penitentiary. Read 1st and 2nd times and referred to Committee on Penitentiary.

Mr. Mitchell introduced a bill for the relief of Peter Norton. Read 1st and 2nd times and referred to Committee on Private Land Claims.

The bill to regulate continuances in the District Court during the present war being the special order was on mo-

tion of Mr. Harcourt recommitted to the Judiciary Committee.

The resolution reported by the Committee on Public Printing in relation to subscribing for the *State Gazette* with the substitute offered by Mr. Guinn therefore being in order Mr. Parsons moved to lay the substitute on the table, whereupon Mr. Guinn moved to amend so as to lay the resolution proposed by the Committee on the table also. Mr. Parsons then called a division of the question. The question being on laying the substitute on the table Mr. Parsons moved a call of the Senate, which being sustained and the Senate not being full, the bill to amend the 1st section of an act to fix the salaries of Officers and Clerks therein named was announced as being in order. The absent Senators having returned to the Chamber the question was put on laying on the table Mr. Guinn's substitute and carried by the following vote:

Yeas: Messrs. Beasley, Cooley, Charlton, Ford, Harcourt, Hartley, Haskell, Holland, Hord, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, Montague, Parsons, Wootten, Wilson, and White—19.

Nays: Messrs. Burney, Dickson, Durant, Guinn, Jordan, Jowers, Kinsey, Quayle, Selman, Throckmorton, and Weatherford—11.

Mr. Guinn then withdrew his motion to table the resolution.

Mr. Dickson moved to amend the resolution of the Committee as follows: "Provided the same shall contain the proceedings of the Senate and be paid for in Confederate Treasury notes." Adopted. The resolution was then adopted by the following vote:

Yeas—Messrs. Beasley, Charlton, Cooley, Ford, Harcourt, Hartley, Haskell, Holland, Hord, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, Montague, Parsons, Wootten, Wilson, and White—19.

Nays—Messrs. Burney, Dickson, Durant, Guinn, Jordan, Jowers, Kinsey, Quayle, Selman, Throckmorton, and Weatherford—11.

The question on the reconsideration of the vote adopting the report of the majority of the Committee on State Affairs recommending that the bill to amend the 1st section of an act fixing the salaries of Officers and Clerks therein named do not pass being the special order the yeas and

nays were called and stood thus:

Yeas—Messrs. Beasley, Burney, Harcourt, Hartley, Haskell, Jordan, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, Montague, Parsons, Quayle—15.

Nays—Messrs. Charlton, Cooley, Dickson, Durant, Ford, Holland, Hord, Jowers, Kinsey, Selman, Throckmorton, Weatherford, Wootten, Wilson, and White—15.

There being a tie the President votes Yea.

Mr. Parsons moved to lay the report on the table. Mr. Throckmorton moved to amend by laying the bill on the table also. A division being called for the report was laid on the table and the motion to lay the bill on the table was put and lost by the following vote:

Yeas—Messrs. Burney, Charlton, Cooley, Dickson, Durant, Ford, Holland, Jowers, Kinsey, Selman, Throckmorton, Weatherford, Wootten, Wilson and White—15.

Nays—Messrs. Beasley, Guinn, Harcourt, Hartley, Haskell, Hord, Jordan, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, Montague, Parsons and Quayle—15.

The President votes Nay. Whereupon Mr. Guinn moved to strike out 1,400 dollars and insert 1,200 dollars. Mr. Selman called for a division. The question on striking out was put and carried. Then Mr. Dickson moved to refer the bill to the Committee on Finance. Carried.

A bill for relief of George E. Burney was read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A bill appropriating 500,000 dollars for the benefit of sick and wounded soldiers in the service of the Confederate States with report of Committee on State Affairs recommending amendments was read 2nd time and made special order for Friday next at 11 o'clock A. M.

A bill to prevent Sabbath breaking was read 2nd time and ordered to be engrossed.

A bill for relief of A. J. Vaughn of Lamar County was read 2nd time.

Substitute adopted and ordered to be engrossed.

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

Senate Chamber, Thursday, November 13, 1863
10 o'clock A. M.

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

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of said Committee reported a substitute for bill for relief of Robert Price and recommended its adoption. Also bill to amend the 1st, 2nd and 3rd sections of an act to punish persons who evade or assist in evading the Conscript Laws and recommended that it do not pass. Also the following reports: "The Committee have considered a bill to regulate voting in certain cases and instruct me to report the same back to the Senate and recommend that it do not pass. The qualification of citizenship and the right of exercising the elective franchise are fully defined and guaranteed in the State Constitution and such citizens could not be disfranchised except by due course of the law of the land. Without expressing an opinion as to whether a law upon the subject might be framed so as not to contravene these provisions of the Constitution the Committee are of the opinion that the proposed legislation is unnecessary and inexpedient."

"The Committee have considered a bill for the benefit of holders of Land Certificates issued to the Memphis, El Paso, and Pacific Rail Road Company and instruct me to return the same back to the Senate and recommend that it do not pass. The object of the bill is to grant patents to the holders of Land Certificates issued under the provisions of the act incorporating said railway company and the Committee are of opinion that no legal or equitable grounds are presented which would justify the relief sought. If the parties have any legal rights they can be enforced in the courts. If the rail road is ever completed the distance of 25 miles as provided in the 17th section of the charter the patents will be duly issued. If the road is not so completed the inducement for granting the land will have failed and the title should not be issued."

Mr. Ford, Chairman of the Committee on Public Printing, reported that the Committee had contracted for 10 copies of the *Weekly Gazette* for each Senator at the rate of 30 dollars per hundred and for 2,000 copies of the Inaugural Address of Governor Murrah at the sum of 132 dol-

lars, the Senate furnishing the paper.

Mr. Wootten made the following report showing the data required to be shown by a resolution of the Senate on that subject.

“The number of sections of land in the Memphis, El Paso and Pacific Railroad belonging to the state is 473. Sectionized by other rail roads for the state is 1,858. By the LaVaca Navigation Company, 48 sections. Galveston and Brazos Navigation, 71. Alternate sections of the Fisher and Miller Company, 3,000. Total 5,250 sections. In addition there are twelve leagues set apart for Indian purposes which have not been sectionized or disposed of by legislation. Of the fifty leagues of land set apart for the University there have been sold 58,633 acres and of this amount there are 10,101½ acres sold on which no payment has been made.”

Mr. Lea offered the following: “**Resolved** that the Committee on Finance inquire and report concerning the expediency of selling to the Confederate Government all the cloths made at the penitentiary, except such portions as may be necessary for providing food and other supplies for the establishment and for meeting demands of the Military Board of this state.” Adopted.

Mr. Guinn introduced a bill repealing certain provisions of the revenue laws relative to the tax upon stills. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Durant presented the account of J. C. Glover. Referred to Committee on Claims and Accounts.

Mr. Wilson introduced a bill requiring Aliens to perform service. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Maxey offered the following: “**Resolved** that the Committee on Finance be instructed to inquire into the propriety of reporting a bill requiring the Chief Justices of the several counties to redeem and withdraw from circulation all their issues of a denomination exceeding One Dollar and that they report by bill or otherwise.” Adopted.

Mr. Guinn offered the following: “**Resolved** that the Committee on Public Printing is authorized to contract with the publisher of the *State Gazette* for 10 copies of the *Weekly Gazette* for the use of the President.” Adopted.

A message from the House announced the passage of

a bill prescribing the duties of District Attorneys in certain cases.

Mr. Jowers moved to reconsider the vote taken on yesterday which adopted the resolution offered by Mr. White relative to the appropriation of the Senate Chamber for balls or other amusements. Carried. Mr. Jowers then offered the following substitute: "**Resolved** that the President of the Senate be and he is hereby requested not to grant the use of the Senate Chamber for balls or parties during the present session."

On Mr. Lea's motion the resolution and substitute were laid on the table.

Honorable C. B. Shepard, Senator elect from 23rd Senatorial District, presented his credentials, took the oath of office and his seat.

A message was received from the Governor nominating the Honorable R. J. Townes as Secretary of State, which was on motion taken up and the nomination confirmed.

A bill granting land to Texas soldiers in the Confederate States service was read 2nd time and made special order for Saturday next at 11½ o'clock A. M.

A joint resolution asking the repeal of all property exemption laws was read 2nd time and made special order for Monday next at 11 o'clock A. M.

A bill to further proceedings in the Supreme Court was read 2nd time and made special order for Tuesday next at 11 o'clock A. M.

A bill to amend the 11th and 13th sections of an act to organize County Courts was read 2nd time. A report of the Judiciary Committee recommending that it do not pass was adopted.

House bill prescribing the duties of District Attorneys in certain cases was read 2nd time and referred to Judiciary Committee.

Mr. Moore of Davis reported the following bills correctly engrossed: A bill for relief of George E. Burney; a bill for relief of A. J. Vaughn; and a bill to prohibit Sabbath breaking.

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

Senate Chamber, November 13, 1863
Friday, 10 o'clock A.M.

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

Mr. Dickson presented the petition of Philander Priestly asking for land. Referred to Committee on Private Land Claims.

Mr. Lea, Chairman of Committee on Finance, made the following reports: on the resolution relative to change bills issued by County Courts as follows "Article 400 of the Penal Code is a prohibition against the issuing of such bills; and illegality attaches to County Court issues as to those of private persons. Notwithstanding the prohibitory law, public sentiment has tolerated such issues since the commencement of the war. But the supposed necessity for such issues has been gradually diminished by the circulation of small Confederate notes; and public sentiment is now denouncing all such outstanding issues of unofficial persons while it manifests a growing disapprobation of the issues of County Courts especially of bills over the amount of fifty cents.

Both official and private offenders against the existing law may be visited by its penalties unless the modifications of public sentiment be practically respected by those who continually stand liable to prosecutions. As such sentiment shall become impatient with disobedience of its requirements the present law may be enforced; but in the meantime additional legislation might be unavailing.

The Committee deems it inexpedient to legislate so as to sanction any of the past illegalities by discriminations among them, and it is not satisfied that any of the evils would be remedied by additional penalties or other provisions of law.

The Committee recommends that the subject be left in the hands of the public under the existing law until another session of the legislature."

Upon a bill to amend the 1st section of an act fixing the salaries of Officers and Clerks therein named the Committee recommend that the caption be amended by adding the words "approved January 14, 1862" and by a majority of five to two, that the bill as amended in the Senate by striking out 14, inserting 12, be passed. The effect would be to raise the salary of the Governor's private secretary

from 900 dollars to 1,200 dollars and so place this clerkship in the second class among those of the departments at Austin.

The Committee will briefly state some reasons for now making this change.

First the Committee is well satisfied that equality among the clerkships required that this salary should be at least 1,200 dollars. Second the Committee is well informed that the last regular session of the legislature when it passed the act which the present bill proposes to amend would have fixed this salary at 1,200 dollars but for a personal casualty. This circumstance being obviated the Committee thinks that the omission should now be remedied as comparative justice.

Third the Committee is fully persuaded that the public interest requires that this officer should have such qualifications as must entitle him to the proposed salary especially during the continuance of the present war.

Under such circumstances the proposed change is not to be considered as a committal for any other change by the reverse. The Committee is not aware of any similar case and the peculiarities of this case as an exception requiring change only establish the contrary as to other cases."

Mr. Dickson made the following report by leave of the Senate: "The undersigned a minority of the Committee on Finance dissenting from the report of the majority on a bill to increase the annual salary of the Secretary of the Executive report, that in their opinion the proposed measure at the present time is highly injudicious. That officer from the organization of the State Government to the present time has never received more than the salary now fixed by law and while it is admitted that it is but a remuneration now for the service of an active and efficient clerk in view of the enhanced prices of all the necessary articles of life, still the great fact cannot be lost sight of that in the present disturbed and troubled condition of the country with a currency constantly fluctuating in its value that all of the officials of the State government from the highest to the lowest are alike called upon to submit to the same disagreeable condition of things and serve the state for an amount which affords but a precarious living and which under other and more favorable circumstances they

could not be required to submit to. The officers and soldiers of the army with an enlarged and cumulative patriotism through toil, disease and the carnage of the battlefield yield their services to the country arduous and dangerous as they are for comparatively nothing in the way of remuneration in money, thousands of them too are gentlemen well qualified for the discharge of any and all of the important duties of civil station yet their compensation is not sufficient to furnish the commonest necessities of life. Your committee cannot see why this inequality should exist, why the citizen in the army should be required to give his service to the country and the citizens in civil employment with a position of comparative ease should be the reciprocal of governmental favors and advantages.

Contemplating the constantly increasing debt of the state and the fact that our people will be called upon to pay by taxation and otherwise a debt already large and which from our present surroundings must soon be much larger the present is deemed by your committee an inauspicious time to enter upon an increase of the salaries of state officials, they would infinitely prefer to see them reduced and the finances of the state closely husbanded to meet the increasing and constantly accumulating public debt, nor can your committee see why all other state officials should not have as good and equitable a right to an increase of their salaries as the one embraced in this bill.

D. C. Dickson

J. W. Throckmorton

Mr. Kinsey by leave made a minority report on the bill appropriating 500,000 dollars for the relief of the sick and wounded soldiers in the Confederate States Army.

Mr. Guinn, Chairman of Committee on Claims and Accounts, reported on the account of J. C. Glover and recommended its reference to the Finance Committee to be inserted in the general appropriation bill.

Mr. Ford, Chairman of Committee on Public Printing, reported that the Committee had contracted for 10 additional copies of the *Weekly Gazette* for the use of the President of the Senate.

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

Mr. Parsons introduced a bill to fix the prices of certain articles therein named when sold to soldiers or their families. Read 1st and 2nd times and referred to the Judiciary Committee.

Mr. Maxey introduced a joint resolution in relation to the currency. Read 1st and 2nd times and referred to Committee on Confederate Relations.

A bill appropriating 500,000 dollars for a hospital fund was read 2nd time and the whole subject referred to Finance Committee.

A bill for the benefit of holders of land certificates issued to the Memphis, El Paso, and Pacific Rail Road Company. Read 2nd time and laid on the table.

A bill to regulate voting in certain cases. Read 2nd time and report of Committee recommending that it do not pass adopted.

The report of special committee made on yesterday by Mr. Wootten, Chairman, was referred to Committee on Finance.

A bill to amend 1st, 2nd and 3rd sections of an act to punish persons who evade or assist in evading the Conscript Laws. Read 2nd time and report of committee recommending that it do not pass was adopted.

A bill for relief of Robert Price was read 2nd time. Substitute adopted and ordered to be engrossed.

A bill to prevent Sabbath breaking. Read 3rd time and made special order for Wednesday next.

A bill for relief of A. J. Vaughn was read 3rd time and passed.

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

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

A bill to amend an act to punish speculation in certain cases. Read 1st and 2nd times and referred to Judiciary Committee.

A bill for the relief of preemption settlers. Read 1st and 2nd times and referred to Committee on Public Lands.

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

Senate Chamber, Saturday,
November 14, 1863
10 o'clock A. M.

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

Mr. Jowers presented the memorial of John Murchison in relation to land. Referred to Committee on Private Land Claims.

Mr. Harcourt, Chairman of Judiciary Committee, reported a bill prescribing the duties of District Attorneys in certain cases and recommended its passage.

A bill for relief of Robert Price was reported correctly engrossed.

Mr. Throckmorton, Chairman of Committee on Military Affairs, reported upon the memorial of citizens of San Augustine and Sabine Counties relative to a Minute Company, recommending that no action be had on the subject.

Mr. Moore of Davis introduced a bill to incorporate the Sulphur Iron Company. Read 1st and 2nd times and referred to Committee on Confederate Relations.

A bill to require District Attorneys to report to the Comptroller's Office in certain cases was read 2nd time and ordered to be engrossed.

The report of the Committee on Finance concerning change bills was read and adopted.

A bill for relief of Robert Price was read 3rd time and passed.

A bill to amend the 1st section of an act fixing the salaries of officers and clerks therein named was read 2nd time and ordered to be engrossed by the following vote:

Yeas—Messrs. Beasley, Guinn, Harcourt, Hartley, Haskell, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, Montague, Parsons, Quayle, Shepard, and Wilson—15.

Nays—Messrs. Burney, Cooley, Dickson, Durant, Ford, Holland, Jowers, Kinsey, Selman, Throckmorton, Weatherford, Wootten, and White—13.

The vote taken on yesterday which adopted the report of Committee adversely to a bill to regulate voting in certain cases was reconsidered and the bill made special order for Monday 16 instant.

A bill donating land to the Texas soldiers in the war

with the United States was read 2nd time and postponed until Wednesday next.

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

Senate Chamber, Monday,
November 16, 1863
10 o'clock A. M.

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

The Judiciary Committee reported the following bills recommending their passage:

A bill to amend an act to punish speculation in certain cases.

A bill to authorize the Supreme Court for the Galveston District to hold its spring term at the City of Austin.

The following bills were reported correctly engrossed:

A bill to amend the 1st section of an act to fix the salaries of Officers and Clerks.

A bill to require District Attorneys to report to the Comptroller's Office in certain cases.

The Committee on Public Lands reported a substitute for a bill to suspend the location and survey of land.

Mr. Guinn introduced a joint resolution authorizing the Military Board to pay the Confederate tax levied on Whitescarver, Campbell and Company was read 1st and 2nd times and referred to Committee on Finance.

Mr. White introduced a bill to amend the existing law regulating the disposition of decedents estates in the absence of persons entitled to take the same. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Kinsey introduced a bill to repeal an act to provide for the sale of lots in the City of Austin. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Guinn introduced a bill to amend Article 382 of the Penal Code. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Shepard presented the memorial of Henry K. Harrison which was referred to Judiciary Committee.

The passage of the following bills were announced from the House:

A joint resolution relative to purchasing beeves in

Texas by Payne and Company with counterfeit Confederate money. Read 1st and 2nd times and referred to Committee on Confederate Relations.

A bill to authorize the use of the jails of the several counties for the custody of deserters, etc. Read 1st and 2nd times and referred to Judiciary Committee.

A joint resolution of thanks to Texas soldiers.¹⁴ Read 1st time.

A bill to suspend all laws for the collection of debts etc. Read 1st and 2nd times and referred to Judiciary Committee.

The Committee on State Affairs reported a joint resolution relative to the extension of the Conscript Laws and recommended that the same do not pass.

Mr. Shepard from Judiciary Committee reported for the majority a bill to suspend all laws for the collection of the debts and recommended its passage.

Mr. Ford introduced a bill to prescribe the duties of the Military Board. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Throckmorton introduced a bill for the relief of Carey Watson and his assignees. Read 1st and 2nd times and referred to Committee on Private Land Claims.

Mr. Charlton introduced a bill defining the duties of the Agent of the Alabama and Coushatta Indians. Read

¹⁴This resolution, as approved on November 24, 1863, was as follows, taken from the *Tri-Weekly Telegraph* (Houston), Dec. 7, 1863:

1. Resolved by the legislature of the State of Texas, That in consideration of the patriotic service, personal sacrifice, and distinguished gallantry of all Texan soldiers who have been, and who are now in the armies of the Confederate States and State of Texas, battling for Southern honor and independence, we, the representatives of the State of Texas, for ourselves and in behalf of our constituents, tender to them, both officers and men, the sincere, heartfelt thanks of the people of the State of Texas; and that, recognizing them as the brave defenders of our common liberties, we hereby pledge ourselves and the State to the support and maintenance of their families during their absence from home.

2. Resolved by the Legislature, That the Governor is hereby requested to have the above resolution printed and forwarded to each regiment, battalion and independent company, raised in the State of Texas, with a request of their respective commanders to have the same read on dress parade.

M. D. K. TAYLOR
Speaker of the House of Representatives
F. S. STOCKDALE
President of the Senate

Approved, November 24, 1863

P. Murrah

1st and 2nd times and referred to Committee on Indian Affairs.

Mr. White introduced a bill to amend the 3rd part of the Criminal Code. Read 1st and 2nd times and referred to Committee on Judiciary.

A bill to amend the 1st Section of an act fixing the salaries of Officers and Clerks therein named. Read 3rd time and passed by the following vote:

Yeas—Messrs. Beasley, Guinn, Harcourt, Hartley, Haskell, Jordan, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, Montague, Parsons, Quayle, Shepard, and Wilson—16.

Nays—Messrs. Burney, Charlton, Cooley, Dickson, Durrant, Ford, Holland, Jowers, Kinsey, Selman, Throckmorton, Weatherford, Wootten, and White—14.

A message was received from the House that they had adopted a resolution to adjourn *sine die* on 1st December proximo.

The motion to reconsider the voting adopting Committee's report on a bill to regulate voting in certain cases was put and carried. The subject was then referred to a select committee of Messrs. Kelley, Parsons, Guinn, Lea, and Ford.

A bill to require District Attorneys to report to the Comptroller's Office in certain cases was read 3rd time and passed.

The report of Committee on memorial of citizens of San Augustine and Sabine Counties was adopted.

A bill prescribing the duties of District Attorneys in certain cases therein named was read 2nd time and passed to 3rd reading.

The committee report on the account of J. C. Glover was adopted.

Mr. Holland was excused from attendance on the Senate for the remainder of the session.

Mr. Wilson offered resolutions of respect to the memory of T. C. Neal, Senator elect of the 19th Senatorial District, which were unanimously adopted¹⁵ and thereupon the Senate adjourned until 10 o'clock A. M. tomorrow.

¹⁵The resolution on the death of T. C. Neal cannot be located in the Archives.

Senate Chamber, Tuesday,
November 17, 1863
10 o'clock A. M.

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

The Committee on Private Land Claims reported a substitute for a bill for the relief of Peter Norton, also a bill for relief of John Murchison founded on his memorial. Read 1st time.

The Judiciary Committee reported a bill to authorize the use of the jails of the several counties for the custody of deserters and recommended its passage. Also a bill to amend Article 392 of the Penal Code recommending that it do not pass. Also a bill for the relief of Henry K. Harrison founded on his memorial. Read 1st time.

The Committee on Internal Improvements reported a bill to incorporate the Sulphur Fork Iron Company recommending its passage.

The Committee on Public Lands recommended the passage of a bill for the relief of pre-emption settlers.

A joint resolution relative to the repeal of all property exemption and property detail laws was read 2nd time.

Mr. Guinn moved to strike out the 2nd Section, whereupon the Senate adjourned until 10 o'clock A. M. tomorrow.

Senate Chamber, Wednesday, November 18, 1863
10 o'clock A. M.

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

Mr. Jordan presented the petition of L. C. Ferguson for land. Referred to Committee on Private Land Claims.

The Finance Committee reported a substitute for a bill appropriating 500,000 dollars as a hospital fund—also recommended the passage of a joint resolution authorizing the Military Board to pay the Confederate tax levied on Messrs. Whitescarver, Campbell and Company.

The Military Committee reported a substitute for a bill for the enrollment and organization of state troops, and a bill requiring aliens to perform military duty, and a resolution on the subject of substitutes, recommending their passage.

The Committee on Private Land Claims recommended

the passage of a bill for the relief of the heirs of Thomas Moore, deceased.

The Committee on Indian Affairs reported recommending the passage of a bill defining the duties of Agent of the Alabama and Coushatta Indians.

The Select Committee on Frontier Defense reported a bill to define a frontier line and to provide for its defense. Read 1st time.

Mr. Durant introduced a joint resolution on the subject of the sequestered property of alien enemies. Read 1st and 2nd times and referred to Committee on State Affairs.

The Committee on Penitentiary recommended the adoption of the following amendments to a bill to provide for the employment of additional labor in the Penitentiary: After "Penitentiary" in 4th line, 4th Section, add "or out of proceeds of sales of articles manufactured therein."

Mr. Wootten offered the following: "**Resolved** that the Finance Committee be requested to consider the practicability of embracing in their tax bill the levying a tax in the year 1864 on all property brought into this state since January 1, 1863; also that they be requested to consider the necessity of levying an income tax on all retailers of spirituous liquors in quantities of less than one quart." Adopted.

The motion to strike out the 2nd Section of a joint resolution requesting the repeal of all property exemption and property detail laws was put and carried.

Mr. Lea moved to strike out all the 1st Section in relation to the levying an ad valorem tax on Negroes employed in agriculture and an ad valorem tax to be levied on raw or uncultivated land. [The vote on this was as follows:]

Yeas—Messrs. Beasley, Dickson, Durant, Ford, Guinn, Hartley, Hord, Jowers, Lea, Moore of Bastrop, Shepard, Throckmorton, Wootten, Wilson, and White—15.

Nays—Messrs. Burney, Charlton, Cooley, Holland, Kinsey, Maxey, Mitchell, Montague, Parsons, Quayle, Selman, and Weatherford—12.

The joint resolution was then ordered to be engrossed by the following vote: Yeas—22, being unanimous.

The bill to prevent Sabbath breaking being the special order was read 2nd time. Mr. Jowers moved to amend by inserting "Provided that in all cases of suits by indictments in the District Courts or prosecuted in magistrated courts

where the parties so prosecuted are not convicted the informer shall pay all costs of suit incurred, and all informers' names shall be endorsed upon the back of the indictment information or warrant of arrest."

Mr. Ford offered the following which was accepted: Strike out all after the word "convicted" and insert "The Judge or Court trying the same is satisfied that the defendant is prosecuted through malice or a desire to inquire him shall adjudge the cost of prosecution against the prosecutor."

The bill and proposed amendments were then referred to a Select Committee of Four and Messrs. Maxey, Guinn, Ford, and Lea were announced.

Mr. Selman introduced a joint resolution relative to the Confederate States owning property for forts, dock yards, etc. Read 1st and 2nd times and referred to Committee on Confederate Relations.

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

Senate Chamber, Thursday, November 18, 1863
10 o'clock A. M.

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

A joint resolution asking the repeal of all property exemption and property detail laws was reported correctly engrossed.

The following bills were reported by the Judiciary Committee with the recommendation that they do not pass.

A bill to amend the existing law regulating the disposition of the estates of decedent.

A bill to amend the third part of the Criminal Code.

A bill to fix the prices of articles of necessity therein mentioned.

The Select Committee reported a substitute for a bill to prevent Sabbath breaking.

Mr. Selman introduced a joint resolution proposing an amendment to the State Constitution. Read 1st and 2nd times and referred to the Judiciary Committee.

A bill to further regulate proceedings in the Supreme Court was read 2nd time.

Mr. Hartley offered the following amendment: "Pro-

vided it shall appear to the Court that all the parties in interest are properly represented by counsel and in case it shall not so appear the Court shall pass such case and proceed to the adjudication of other cases."

The further consideration of the bill was then postponed until Monday next at 11 o'clock A. M.

A bill donating land to Texas soldiers was made special order for tomorrow at 11 o'clock A. M.

The substitute of Committee to a bill to prevent Sabbath breaking was adopted.¹⁶

Mr. Dickson moved to exempt postmasters and ferrymen from the provision of the bill. Carried.

Mr. Harcourt offered the following: "Provided that this act shall not apply to any work done on sugar plantations during sugar making season."

Mr. Hartley offered to amend the proposition by extending it to provide for the saving of any crop.

The propositions were laid on the table.

Mr. Mitchell then proposed as an amendment to exempt persons engaged in the vocation of stock raising, which proposition was tabled by a vote of 14 to 12.

Mr. Guinn moved to amend by striking out the words "or society." Adopted.

Mr. Lea moved to insert the word "time" before "or seasons." Adopted.

¹⁶Two versions of the bill are as follows:

(A) A BILL

- To be entitled an Act to prohibit Sabbath breaking
- Sec. 1 Be it enacted by the Legislature of the state of Texas, That no work or business shall be done or performed on the first day of the week commonly called the Sabbath day, except the ordinary household offices of daily necessity or charity. If any person on the Sabbath day shall himself be found at his own or any other trade or calling, or shall employ his apprentices, servants or slaves or other person, bond or free, in labor, or other business, whether the same be for profit or amusement, unless such as is permitted above, he shall be fined not less than two dollars and not more than five dollars for each offense. Every person bond or free, servant or apprentice, so employed shall be deemed a separate offense. Persons who are of any religious opinions, who observe as a Sabbath any other day in the week than the Christian Sabbath, shall not be liable to the penalty prescribed in this section, if they observe as a Sabbath, one day in each seven as herein provided.
- Sec. 2 Nothing in this act shall prevent ferrymen crossing travelers and others over any stream or prevent stage drivers and engineers and conductors on railroad cars from performing their legitimate calling as such.

Mr. Durant offered the following: "Section___: Any person who may keep open on the Sabbath day any billiards, saloon or ten pin alley or any person who shall play at either of these games on the Sabbath shall be subject to the like penalty as is inflicted in Section 5."

Mr. Shepard moved to strike out "5" and "10", "50", and "100." Lost.

Mr. Guinn proposed to amend Mr. Durant's proposition by inserting "for each game played." Adopted. The amendment was then adopted.

Mr. Harcourt proposed to amend the caption as follows: "An act to set apart the Lord's Day as a day of rest." Strike out "Sabbath" and insert "Lord's Day." Lost.

A message from the House announced the passage of a bill to authorize an election in Dallas County. Read 1st time, rule suspended, read 2nd time, and passed to 3rd reading. Rule suspended, read 3rd time and passed.

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

Sec. 3 The district courts and Justices of the peace shall have concurrent jurisdiction of the offense herein named.

(B) A Bill to be entitled an act to prohibit
Sabbath Breaking

- Sec. 1 Be it enacted by the Legislature of the state of Texas that if any person shall himself or require or compel his apprentices, servants or slaves to perform on the Sabbath day any labor except of actual or urgent necessity suddenly arising, and the customary household duties of daily necessity and comfort and labors of charity shall be deemed guilty of a misdemeanor, and on conviction thereof before a district court or Justice of the Peace shall be fined therefor not less than two dollars and not more than five dollars for each offense, and each person so employed shall be a separate offense provided however that stage drivers, post masters, ferrymen, engineers and conductors on rail roads in the legitimate discharge of their duties as such shall not be liable to the provisions of this act, nor shall travelers, waggons or teamsters on the road in such employment be liable to the penalties of this act.
- Sec. 2 Be it further enacted that any manager of a manufacturing establishment which is required to be run constantly at any particular time or season shall not be guilty of the offense mentioned in the 1st Section by running said machinery on the Sabbath.
- Sec. 3 Any person who conscientiously keeps any than the Sabbath provided he or they shall actually keep any one day in the week as a day of rest.
- Sec. 4 If any person shall in any wise engage on the Sabbath day in running a horse race or training a horse for a race on any tract used for running races, or who may be concerned in the same, or who shall be engaged in shooting at a target or hunting on the Sabbath day

Senate Chamber, Friday, November 20, 1863
9 o'clock A. M.

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

Mr. Throckmorton presented the petition of J. Brown which was referred to the Committee on State Affairs.

The Committee on Confederate Relations reported a substitute for a joint resolution in relation to the Confederate States owning property for forts, dock yards, etc.

Mr. Montague introduced a bill to authorize the Military Board to dispose of a certain portion of Percussion Caps. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Guinn introduced a bill making owners of slaves responsible for property stolen, destroyed or otherwise injured by them. Read 1st and 2nd times and referred to Committee on Judiciary.

Mr. Throckmorton introduced a bill to authorize the Comptroller to issue a duplicate ten per cent treasury warrant. Read 1st and 2nd times and referred to Committee on Claims and Accounts.

A bill to prevent Sabbath breaking was read 2nd time. After several immaterial propositions to amend, the bill was postponed until tomorrow 11 o'clock A. M.

The Committee on Finance reported a joint resolution providing for the sale of Cloth made at the State Penitentiary. Read 1st time.

The following supplemental to and to amend the 1st and 4th Sections of an act appropriating \$20,000 for recovering the roofs of the Capitol, General Land Office, etc.

shall be fined upon conviction not less than five dollars and not more than ten dollars.

- Sec. 5. Any person who may be engaged in the retail of liquors, distilled or fermented, dry goods or groceries or other articles of traffic except medicines and who keeps his doors open on the Sabbath and sells such articles shall be fined not less than five dollars nor more than ten dollars for each offense to be recovered as aforesaid provided it shall be no offense for a merchant to sell for funeral purposes.
- Sec. 6. Any person who may keep open on the Sabbath day any billiard saloon, nine or ten pin alleys, or any person who shall play at either of these games on the Sabbath shall be subject to the like penalty as is inflicted in Section 5th. for each game played.
- Sec. 7 This act shall take effect and be in force from and after its passage.

Read 1st and 2nd times and referred to Committee on State Affairs.

A joint resolution requesting our Senators and Representatives in Congress to increase the wages of the non-commissioned officers in the Army and Navy of the Confederate States. Read 1st and 2nd times and referred to Committee on Confederate Relations.

A joint resolution in relation to the territories of New Mexico, Arizona, and Colorado. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill to raise one million dollars by sale of cotton bonds, etc. Read 1st and 2nd times and referred to Finance Committee.

A bill donating land to Texas soldiers was read 2nd time. Amendments of committee adopted. Several immaterial amendments having been proposed and Mr. Hartley offering a substitute for the whole measure, the Senate thereupon adjourned until 9½ o'clock A. M. tomorrow.

Senate Chamber, Saturday, November 21, 1863
9½ o'clock A. M.

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

The Committee on Private Land Claims reported a bill for relief of Carey Watson recommending its passage.

The Committee on Claims and Accounts recommended the passage of a bill to authorize the Comptroller to issue a duplicate ten per cent Treasury warrant and asked to be discharged from the further consideration of the Memorial of James G. Rogers.

Mr. Guinn introduced the following bills:

A bill to incorporate the Waco Manufacturing Company was read 1st and 2nd times and referred to Committee on State Affairs.

A bill supplementary to and amendatory of an act to establish a Penal Code. Read 1st and 2nd times and referred to Committee on Judiciary.

The Committee on State Affairs reported a substitute for a bill to provide for the support of families of Texan Soldiers. Also recommended the passage of a bill on the subject of sequestered property of alien enemies.

The following bill was announced from the House: "To