

SENATE *and* HOUSE

TENTH LEGISLATURE
SECOND CALLED SESSION

of the
STATE OF TEXAS

October 19, 1864 - November 15, 1864

Compiled and Edited from the Manuscripts in the
Texas State Archives

assisted by

Thursday, October 20, 1864

The Senate organized and Governor Murrah's mes-

sage was read as follows:

Executive Department⁵

Austin, Texas, October 20, 1864

Senators and Representatives:

I have convened you again in Extra Session, mainly with

charging the interest upon them. There is much more certainty both as to the proportion which the specie interest bears to the amount of these Bonds and as to regularity of its payment than is given to the public mind in the law re-

ferred to, as to the amount of specie to be used and the

upon the funds in the State Treasury. But, since your adjournment an act passed by Congress on the 4th of June

last extended to the State the privilege of exchanging one

half of the Confederate notes of the denominations of one hundred dollars for the new issue instead of funding the

erate Government. We have reached a point connected both with the finances of the State and the currency of

the Confederacy that makes it absolutely necessary to

consider and determine again whether this policy can long-

er be preserved and the State government sustained and

her obligations and duties discharged so long as this con-

test shall continue for all that is dear to us as a people.

as to the permanency or adequacy of any provision de-

pending on it? It is confidently believed that the new

issue of Confederate Notes will be of far greater value

than the old, and yet this belief cannot be relied on as a

basis for certain calculation. There is another fact that

should not be overlooked in considering this subject, the

tion. And it would also be found a difficult task to pro-

portion a tax on property not devoted to agriculture and

on incomes from other sources to the value of the tax imposed upon the production of the soil.

And besides, the collection and distribution of such a

ing another at the cost of the government, and also clothing at the same cost. but as to the amount I am not in-

formed, and besides when stationed in a town or city he has cumulation for quarters, wood, etc., which affords him additional means of living. It is true that the [uni-

form] of the soldier is nominal, but he is fed and the clothing that he is compelled to purchase is procured at its

cost to the government. The employee of the State govern-

depreciation of the Confederate currency is not to depreci-

from the Penitentiary others do not, and they receive

nothing as an equivalent. These goods might be sold if

thought best for the Treasury Warrants proposed to be

issued. But the interest of the counties for whose benefit

In addition to this, give the counties as large a discre-

Texas troops. If this necessity does exist the soldiers

liquors should be fully considered. If it is said that the

law now in force in regard to the tax upon the sale of ar-

dent spirits is evaded and disregarded almost universally.

ardent spirits nor does it yield the revenue that might be

out authority from me, has received into that institution

quite a number of such prisoners and represented that they

make good laborers. I suggest that the authority of law

be given for receiving and confining to the Penitentiary

useful in the institution and no more.

of the Military Board. The duty of procuring specie to

pay the interest on the State Bonds, to procure arms and

munitions of war for the Frontier Organization, could with
more propriety be devolved upon the Board and the means

for any emergency that may present itself. God is with us

in this fearful struggle, and if true to ourselves, we cannot

fail of success.

Pendleton Murrah

ficient rate of interest, prompt payment thereof secured, leaving no inducement to the holder to pay that indebtedness in for government dues, will create a revenue in something else than its own paper, and thus the government will have means of supporting its credit. The same effect will be produced in a great measure by a proper limit and prohibition as to re-issue. We think that the time has not yet come to provide for taking our liabilities at their specie rate. Wise legislation now will prevent a scaling system hereafter, and thus preserve the integrity of the government.

Since the foregoing was in type, we learn that the bill above referred to has passed the House, after various amendments. It will hardly get through the Senate in its present shape, and it would not much surprise us to see it killed there altogether and a substitute introduced. As a resolution has been adopted in the House to adjourn on Saturday, we presume something will be patched up between the two Houses to enable the members to return home, while some of the main objects for which they have been convened will probably be overlooked altogether.²⁶

Friday, November 4, 1864

BILL:

House Bill 31, an act to amend the 12th and 24th sections of an act to authorize and require county courts to regulate roads, appoint overseers, etc., was read the 3rd time and passed.

MESSAGE:

Executive Department
Austin, November 4th, 1864

Gentlemen of the House of Representatives:

In response to the numerous questions propounded by Resolution adopted by your Honorable Body, in relation to the cotton purchased by the Executive of this State, his cotton transactions etc., since his term of office, I respectfully submit, that many of these were answered when you were in session in May last, and papers, containing much of the information sought, then placed before you.

²⁶**Ibid.** These editorial remarks published November 2 precede by one day the passage of the bill as noted on the original by the Chief Clerk of the House. Whether the *Gazette* or the chief clerk is in error is undeterminable.

As to how much is on hand, and where it is, I am unable to state. I had hoped to have had full information upon this subject before the present meeting of the Legislature, and had required that such information should be furnished. But you will see from the papers referred to, now in possession of the Senate, that this information had only been in part furnished, both as to the amount of cotton received on the Rio Grande, and as to the amount disposed of, and may furnish some indication as to the amount on hand, though not accurate and definite.

The amount of money received into the Treasury, thus far, from sales of cotton under this plan, and the disposition of it, has also been furnished to the Senate, in connection with the papers referred to.

I respectfully refer you to Exhibits (A) and (B) accompanying my regular message to the present session as furnishing reasons why I cannot state the names of all the parties who have furnished cotton to the state and the amount now on hand under contracts. These exhibits show, that after a full and free conference with General Smith in July last and influenced by his representations as to the great necessities of the soldiers in this department, and the embarrassments to the Confederate authorities brought about, as represented, in part, by the operations of the state in cotton, I appealed to those who had contracts for furnishing cotton to the state to surrender them up, and to furnish this cotton to the Confederate government. This was a source of regret to me, in view of what I regarded as the necessities of the state. But the representations as to the necessities of the Army, before referred to, were deemed too urgent and too important to be disregarded, coming, as they did, from the Commander of the Forces in the Trans-Mississippi Department.

From this fact, it will be perceived, that all the information sought by the Resolution, as to who has furnished cotton to the state, cannot be obtained until it is known who have executed their contracts, and who have surrendered them up.

In conclusion, it is but just to the Agent of the State that I should say, that he has been embarrassed in the execution of this plan of procuring and exporting cotton for the state from the beginning down to the present time. Some of these embarrassments have been explained in for-

mer communications to the Legislature. Aside from the military orders, which caused interruption, embarrassment, and direct interference with the exportation of cotton under these contracts, advantage was taken of the embarrassments thus produced by those who hold permits for the exportation cotton, issued by the military authorities, and large amounts of cotton, contracted for by the state were absorbed, controlled, and exported, by virtue of these permits, and not by virtue of the authority of the state. No practical good could result from entering into further detail as to these embarrassments.

I have given positive directions to the Agent of the State, to close these cotton transactions as early as practicable, and to place the returns of sales in the Treasury.

P. Murrah²⁷

Saturday, November 5, 1864

BILL:

Senate Bill 2, to be entitled an act to authorize railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and bonds of the state, was read the last time and referred to the Committee on Education.

Monday, November 7, 1864

BILL:

The Senate amendment attached to House Bill 32, an act to amend the 4th section of an act to organize the Supreme Court of the State of Texas, was adopted. The amendment is as follows: "Insert in the 11th line after the word 'court' and before the word 'who', 'who in addition to the duties now required by law of the clerk of the Supreme Court, each of the clerks appointed under this act shall be required to act as librarian in keeping and preserving the books of the Supreme Court, and . . ."

COMMENTARY:

Senate Bill 2, an act authorizing the railroad companies to discharge their indebtedness to the special school fund with the Treasury Warrants and bonds of the State, is before the Committee on Education in the House. It

A bill to incorporate the Holly Springs Manufacturing Company. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Mr. Ford moved to strike out the words "corn meal and flour." Carried. Rule suspended. Read 3rd time and passed by a constitutional majority.

The following communication from the Governor was read:¹⁶

Executive Department

Austin, November 14, 1864

Senators and Representatives:

I feel it my duty to announce to you officially that the Financial Agent of the Penitentiary has in his possession five hundred thousand dollars or more, in Confederate Notes of the new issue collected for the products of the Penitentiary sold. This fact has been made known to me since you assembled here and as it may have an influence upon your legislation upon the finances, I deem it my duty to make it known to you.

If Treasury Warrants are to be issued under any plan that will cause them to be sacrificed in the market and the credit of the State thereby depreciated it would be better that these Confederate Notes should be used to accomplish the objects proposed by the issuance of Treasury Warrants rather than use those Warrants under any system which will cause them to be at a low value in market.

It is proposed to issue Treasury Warrants to meet the appropriation for the support of the dependents of officers and soldiers due in September last. I have no reserve in saying that it would be a better policy to use the Confederate Notes of the new issue for this purpose than to issue State Treasury Warrants under any system that will not, from the date of its adoption, cause them to be valued in market in comparison with specie at fifty cents or more on the dollar. If the credit of the State is to be used at all for the support of the State government and for the support of the families of soldiers, let it be so used that its promises will be received and regarded at par, or an approach to it in the market and in trade.

If a system of this kind cannot be adopted by the Legislature, issue no Treasury Warrants, provide in some way

¹⁶This message is taken from Executive Record Book No. 280, 1863-1865, pp. 166-168 (Archives Division, Texas State Library).

for the support of the families of soldiers, and rely for the other necessities of the government upon the Confederate currency.

Statement of Confederate Notes, Old Issue,
in the Treasury of the State of Texas,
subject to be funded and exchanged

In \$100.00 notes received before July 1, 1864	1,626,300.00	
In \$50's, \$20's, and \$10's received before July 1 and \$5's re- ceived before October 1, 1864	915,197.69	
Total amount received before July 1 and October 1, 1864	2,541,497.69	
One half of the above amount to be funded at par, in coupon non-taxable bonds payable in 20 years with interest at 4% per annum payable half year- ly, under act of June 14, 1864	1,270,748.84	
One half to be exchanged from New Issue, under act of June 14, 1864	1,270,748.85	
Received in \$50's, \$20's, and \$10's after July 1, 1864	274,613.73	
subject to discount of 33%	91,537.91	
To be exchanged for New Issue under act of February 17, 1864	183,075.82	183,075.82
Total amount to be exchanged		1,453,824.67

I certify that the above statement is correct.

Comptroller's Office

Austin, December 31, 1864

W. S. Robards, Comptroller

P. Murrah

A bill to provide for the publication of a synopsis of decisions of Supreme Court. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed

Mr. Dickson moved to take up a bill to abolish the Military Board and to provide for closing up the business thereof. Carried. Bill read 2nd time and made special order for 10 o'clock P.M.

APPENDIX III

EXECUTIVE MESSAGES

TO THE

SENATE

OF THE

TENTH LEGISLATURE

SECOND CALLED SESSION

Austin, October 27, 1864
Executive Department²¹

Senators and Representatives:

I herewith place before you a copy of an Act of Congress approved February 16, A.D. 1864. There is no law of the State authorizing the appointment of an officer for the objects contemplated by that law, and it is for you to determine the propriety of making provision for such appointment. I would respectfully suggest, however, that one officer could not discharge the duties contemplated by the law of Congress, situated as this military department is, in regard to the states east of the Mississippi River.

If such officers are deemed necessary and useful, provisions should be made for appointing one for the east and one for the department west of the river.

Executive Office
Austin, October 31, 1864

Senators and Representatives:

I place before you a communication from His Excellency Henry W. Allen, Governor of the State of Louisiana, and respectfully invite your attention to its contents.

This subject was urged upon my attention by His Excellency in previous letters, but he was informed that there was no authority of loss for receiving into the Penitentiary convicts from another State. I see no objection to extending this courtesy to the State of Louisiana at the present time.

Executive Office
Shreveport, Louisiana
October 21, 1864

His Excellency Governor P. Murrah
Sir:

I have the honor to request that your Excellency recommend to the Legislature of Texas at its current session the passage of an act permitting Louisiana convicts to be confined in your Penitentiary, wholly at the expense of this State, until a suitable place of confine-

²¹From Executive Record Book No. 280, 1863, 1865, pp. 152-166 (Archives Division, Texas State Library).

ment and punishment can be provided or until the termination of the war.

Your Excellency is aware, as are doubtless the honorable members of the Texas Legislature, that the extensive and well appointed Penitentiary of Louisiana was destroyed by the enemy in 1862, and its inmates to the number of five hundred or more were discharged. Those convicted in the Penitentiary have necessarily been consigned to our parish jails. These latter are insecure and without the appliances necessary to putting in force the labor portion of their punishment.

For any information that may be required on this subject, I beg leave to refer you to my commissioner, the Honorable F. H. Farrar. Earnestly hoping that this request will receive your Excellency's favorable and early consideration, I remain,

Very respectfully your obedient servant,
Henry W. Allen
Governor of Louisiana

Executive Department

Austin, Texas, October 31, 1864

Senators:

I have this day appointed Colonel John Burk of Marshall in the County of Harrison in the State of Texas, Adjutant and Inspector General, vice Colonel D. B. Culberson, resigned to which I respectfully ask your advice and consent.

Respectfully,
Pendleton Murrah
November 1, 1864

Unanimously confirmed.

P. DeCordova, Secretary of the Senate

Executive Department

Austin, Texas, November 3, 1864

Senators:

I have the honor to submit the following appointments of Notaries Public, to which I respectfully ask your advice and consent.

Austin County

J. P. Osterhaut, re-appointed

Lamar County

Philip Miles, vice H. H. Henderson

Leon County

John C. Glover, vice Henry M. Cook

Limestone County

B. F. Lynn, re-appointed

Menard County

P. Caughlin, original appointment

William Taylor, original appointment

Live Oak County

Robert Dougherty, original appointment

Panola County

Joseph J. Wilson, vice John M. Vauker

D. D. Howard, vice Alexander Birdsong

James M. Langtry, vice Thomas Ellison

Polk County

Daniel S. Jeagers, vice Daniel Jeagers

J. W. Moore, vice Daniel S. Jeagers

Alexander Johnson, vice John Mann

Rusk County

N. G. Bagby, re-appointment

Sabine County

Gilbert Mackechney, vice Philip F. Beddo

Shelby County

Thomas F. Brittain, vice Elkana Samford

Thomas P. Pain, vice Joshua W. Hooper

Smith County

Rufus R. Collier, re-appointment

Samuel Pinkerton, re-appointment

Joseph S. McKey, re-appointment

D. F. Bancroft, re-appointment

Titus County

Henry Jones, vice A. G. Hamilton

Alexander Glass, vice Elam Riddle

James Smith, vice Campbell English

H. S. Cherry, vice Seborn Bickerstaff

Travis County

E. Stockton

Nelson Rector, vice P. Priestley

Uvalde County

J. M. McCormick, vice James H. Tucker

William E. Pafford, original appointment

Upshur County

J. W. Wright, vice J. E. Harrison

Victoria County

R. H. Coleman, vice John S. Nicholson

Samuel Gaylord, vice James A. Moody

Walker County

Joseph Werner, re-appointment

William E. Watkins, vice Henry Beaham

Williamson County

Thomas Chapman, vice W. C. Dalrymple

Respectfully,
Pendleton Murrah

Executive Department

Austin, Texas, November 3, 1864

Senators:

In response to the resolution adopted by the Senate asking for a statement exhibiting fully what action has been had under the act to raise \$2,000.00 or so much thereof, approved December 10, 1863, and also an act providing for the purchase of cotton by the State, approved December 16, 1863, I respectfully refer your honorable body to an answer, in part, to this interrogatory to my message delivered on May 11 last to the Extra Session of the Legislature in which I fully explained the course pursued by me under the two laws referred to, and gave my reasons for so doing. And I also refer you to answers made by me on this subject on May 17 in response to resolutions adopted when you

Executive Department

Austin, November 8, 1864

Senators and Representatives:

It has been frequently represented to me from the

Newton County

William J. Hines, vice John Moore
A. B. McMahon, vice David McMahon
W. C. Gilchrist, vice Dector Ford

Nacogdoches County

Henry Pool, vice John R. Clute
A. A. Nelson, vice W. W. Barrett
A. Stephens, vice S. T. Barrett
W. H. Rumbolt, original appointment
Duncan Crisp, vice M. W. Burk

Orange County

Lastis Vincet, vice W. B. Ellis

Polk County

R. T. Walker, re-appointment

Red River County

Wiley W. Giddings, re-appointment
Francis M. Simons, re-appointment

Respectfully,
Pendleton Murrah