

HOUSE OF REPRESENTATIVES, }
TUESDAY, Jan., 22nd, 1861. }

The House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Morris, member elect from Rusk county presented his credentials, came forward, was qualified, and took his seat.

The first assistant and Engrossing clerks elect were qualified.

Mr. Buckley, chairman of Judiciary committee reported, asking to be discharged from further consideration of the resolution, instructing that committee to enquire whether or not any member of the Legislature, was disqualified from taking his seat.

Also, reported, asking to be discharged from further consideration of the petition of sundry citizens of Kaufman and Henderson counties, protesting against Hon. A. B. Norton taking his seat.

Mr. Crooks offered the following resolution :

Resolved, That the committee on Printing, be requested to contract with the Austin Gazette, also, Austin Intelligencer, for a sufficient quantity of their weekly issues to furnish each member of this House with ten numbers each : *provided* they contain a report of the weekly proceedings of this House.

Mr. McCutcheon moved to strike out ten and insert fifty.

Mr. Darnell moved a division of the question. Carried.

The question recurring on striking out ten.

Mr. Baxter called for the yeas and nays and the motion to strike out was lost by the following vote :

YAYS.—Messrs. Baxter, Branch, Crooks, Dale, Darnell, Duncan, Epperson, Hall, Henry, Hubert, McCutcheon, Robinson, Shannon, Speights, Stewart and Waterhouse—16.

NAYS.—Messrs. Speaker, Anderson, Barclay, Benevides, Billingsly, Bogart, Buckley, Caddell, Camp, Crawford, Clark, Cumby, Daniel, Davis of B., Davis of H., Dickson, Dougherty, Ewards, Ellett, Flewellen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Haynes, Houghton, Hubbard, Lynch, Maverick, Morris, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Owens, Parker, Perry, Redgate, Redwine, Shelton, Wælder, Walworth, Warfield, Whitfield, Whitmore, Wortham and Wrede—50.

Mr. Mills moved to refer the resolution to committee on Public Printing.

Mr. Baxter moved to lay motion to refer on the table. Lost. And the motion to refer lost.

The question recurring on the adoption of the resolution, the

yeas and nays were called for, and the resolution adopted by the following vote :

YEAS.—Messrs. Speaker, Anderson, Barclay, Baxter, Benefides, Billingsly, Bogart, Branch, Camp, Crawford, Crooks, Cumby, Dale, Darnell, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Francis, Hall, Harrison of C., Harrison of V. Z., Henry, Hubert, Lynch, Maverick, McCutcheon, Mundine, Munson, Parker, Perry, Redgate, Redwine, Robinson, Shannon, Shelton, Speights,, Wælder, Walworth, Warfield, Waterhouse, Whitfield and Wrede—45.

NAYS.—Messrs. Buckley, Caddell, Clark, Daniel, Davis of B., Davis of H., Dennis, Flewellen, Foscue, Haynes, Houghton, Hubbard, Maxey, Morris, McKnight, Middleton, Mills, Navarro, Nelson, Owens, Ross, Stewart, Whitmore and Wortham—24.

Mr. Hancock, member elect from Travis, came forward, was qualified and took his seat.

Mr. Lynch offered the following resolution :

Resolved, That the committee on the Judiciary take into consideration, the financial condition of the country and that they report whether any, and what legislation is necessary in reference to the subject, and that they report such bill or bills as may be necessary under the existing state of the country. Adopted.

Mr. Hubbard introduced a joint resolution, repealing the joint resolution in response to the Governor's message on Kansas affairs, approved February 16, 1858. Read first time.

On motion of Mr. Dickson, the rule was suspended, the joint resolution read second time and ordered to be engrossed by the following vote :

The yeas and nays being called for by Mr. Dickson.

YEAS.—Messrs. Speaker, Anderson, Barclay, Baxter, Benefides, Billingsley, Buckley, Caddell, Camp, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Daniel, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Hubbard, Hubert, Lynch, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Whitfield and Wortham.—55.

NAYS.—Messrs. Bogart, Branch, Davis of H., Epperson, Hancock, Henry, Houghton, Mundine, Navarro, Norton, Owens, Redgate, Waterhouse, Whitmore and Wrede—15.

Mr. Davis of B., offered the following resolution :

WHEREAS, It has pleased the all-wise God, in the wisdom of his Providence, to remove from our body by death, our friend and fellow-member from Goliad, Dr. J. H. Barnard, therefore:

Resolved, That the Speaker appoint a committee of five to draft suitable resolutions respecting the life and death of deceased. Unanimously adopted.

Mr. Mills offered the following resolution :

Resolved, That we unhesitatingly repudiate and denounce the idea of any number of States, through the agency of the Federal Government or otherwise, have any constitutional authority, to coerce a sovereign State, after she has dissolved her connection with the confederacy, and that any attempt on the part of the Federal government, to use force against a seceded State, is a tyrannous usurpation of power, striking with the sword at the heart of our existence as a sovereign State—tending to our subjugation and conquest, and will be resisted by Texas at all hazards and to the last extremity. Adopted by the following vote :

Mr. Mills called for the yeas and nays.

YEAS.—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Billingsly, Bogart, Branch, Buckley, Caddell, Camp, Crawford, Craig, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniel, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Hancock, Hall, Hartley, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Speights, Stewart, Taylor, Wælder, Walworth, Wharfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—74.

The Speaker appointed Messrs. Shannon, Dougherty, Darnell, Bogart and Foscue, a select committee to inquire into the Indian difficulties on our frontier.

Also, appointed Messrs. Davis of B., Baxter, Hall, Mundine, and Crooks, a select committee to draft suitable resolutions on the death of Hon. J. H. Barnard.

Mr. Darnell offered the following resolution :

Resolved, That the committee on Finance, be instructed to inquire into the expediency of receiving treasury warrants issued to the soldiers of the Staff for frontier protection, in public dues, and report by bill or otherwise. Adopted.

Mr. Henry introduced a joint resolution, relative to relations

existing between Texas and the United States. Read first time.

Rule suspended and read second time.

Mr. Henry moved to refer to a select committee.

On motion of Mr. Lynch, it was referred to the committee on Federal Relations.

Mr. Duncan introduced a bill to amend an act to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan, approved January 22nd, 1858. Read first and second times and referred to committee on Counties and County Boundaries.

Mr. Crooks introduced the following resolution :

Resolved, That the House legislate upon nothing of a local or individual character during the present session. Laid over one day for consideration.

On motion of Mr. Shannon, Mr. Nelson was added to select committee on Indian difficulties on the frontier.

Mr. Davis of H., introduced a bill supplemental to an act to regulate estrays. Read first and second times and referred to committee on Stock and Stock Raising.

On motion of Mr. Wælder, the rule was suspended, and the joint resolution, to repeal a joint resolution in response to the Governor's message relative to the Kansas affairs, approved February 16, 1858, was taken up read third time and passed.

On motion of Mr. Dickson the House took a recess, to prepare to receive the Senate in joint session, to receive the Governor's message.

Recess expired—House called to order—roll called—quorum present.

Mr. Crooks chairman of committee on Engrossed bills, reported correctly engrossed the joint resolution, repealing the joint resolution in response to the Governor's message on Kansas affairs, approved February 16, 1858.

A message was received from the Governor.

Mr. Dickson moved that a committee of three be appointed to wait on the Senate and inform them that the House was in session and inviting them to meet in the Representative Hall in joint session to hear the Governor's message read. Carried, and the Speaker appointed Messrs. Dickson, Daniel and Wortham on said committee.

Mr. Franklin introduced a bill to repeal the act approved December 19, 1849 for ceding to the United States, jurisdiction of certain land in this State for public purposes. Read first and second time and referred to committee on the Judiciary.

The Senate appeared, headed by the Hon. Ed. Clark, Presi-

dent, who was invited to a seat on the right of the Speaker, and the Senators to seats prepared for them.

The following communication from his Excellency the Governor was then taken up and read:

EXECUTIVE DEPARTMENT, }
Austin, January 21, 1861 }

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES :

You have been convened in extra session, in view of the unsettled condition of our national affairs, the continued invasion of our frontier by Indians and the embarrassed condition of the Treasury. To these subjects alone, your intention will be invited ; and it is hoped that only those which are incident to these will meet your consideration.

The defence of the State being a paramount object, the Executive will first press the necessity of providing for the same upon your consideration.

When the Executive came into office, the frontier was entirely unguarded except by the Federal troops. The Indians unrestrained by the presence of rangers, embraced the favorable opportunity, and gained a foot-hold in the country ; and ere their presence was known, and means could be adopted to repel them, commenced a series of depredations, which struck terror to the settlements. Their savage work was not confined to the frontier alone ; but extended to counties within fifty miles of the Capitol. Although not apprized of this state of things, the Executive had made such provisions for the defence of the frontier as seemed necessary. On the 26th of December, a few days after his inauguration, an order was issued to Captain W. C. Dalrymple, of Williamson county, to raise a company of 60 men, rank and file. This was followed by orders of the same character to Capt. Ed. Burleson, of Hays, and to Capt. John H. Conner, of Travis, on the 4th and 13th of January. These companies were ordered to such points as would enable them to carry out the orders given them to "give the greatest amount of protection to the frontier inhabitants."

Had the frontier not been entirely abandoned to the Indians for months previous to his inauguration, these companies would have sufficed to prevent any concerted and extensive movement against the settlements, on the part of the Indians ; but they were already secreted in the country. Intelligence having reach-

ed the Executive, that numerous small parties of Indians were ravaging the line of settlements beyond Bell county, but yet not on the extreme frontier ; orders were issued on the 13th of February, to Lieut. White, of Bell, Salmon of Bosque, and Walker, of Erath county, to raise each, a detachment of twenty-five men, to range in, and give defence to the counties of Coryell, Hamilton, Comanche, Erath, Eastland and Palo Pinto. These detachments were soon in the field, with orders to exercise every energy to give the frontier protection and security.

Authentic accounts of depredations still coming in, the Executive, on the 21nd of February, sent to the various frontier counties, a letter authorizing the citizens of each county to raise a minute company of not more than twenty men, who should look to the next Legislature for payment ; and to more effectually ensure the presence of these minute companies in the field, a general order was issued on the 9th of March, by which the Chief Justice of each county was instructed to organize immediately, a minute company of fifteen men, to whom the following orders were given :

“The detachments will immediately take the field, and enter upon active scouts, affording protection to the inhabitants of their respective counties. When an Indian trail is found, it must be diligently followed, and if the sign indicates a larger party of Indians than he is able to cope with, he will call not exceeding ten men to his aid.”

The Lieutenant commanding each detachment or minute company, was authorized to purchase necessary supplies, and where it was possible to do so, they were sent forward by the Executive.

Under this order, minute companies of fifteen men each, were mustered into service in the following counties :

Lieut. Scanland, Montague ; Lieut. Isbell, Wise ; Lieut. Cochran, Young ; Lieut. Jones, Palo Pinto ; Lieut. Stevens, Eastland ; Lieut. Lowe, Erath ; Lieut. Price, Comanche ; Lieut. Nelson, Bosque ; Lieut. Gentry, Hamilton ; Lieut. Font le Roy, Coryell ; Lieut. Cowan, Llano ; Lieut. Wood, San Saba, Lieut. Hughes, Lampasas ; Lieut. Lewis, Mason ; Lieut. O'Hair, Burnet ; Lieut. Franzelin, Gillespie ; Lieut. Balentyne, Bandera ; Lieut. McFadden, Kerr ; Lieut. Kennedy, Uvalde ; Lieut. Patton, Blanco ; Lieut. Brown, Bexar ; Lieut. Watkins, Medina, Lieut. Ragsdale, Frio.

In addition to putting this force of minute men in the field, the Executive, in order to enable the frontier citizens to more successfully defend themselves, purchased and distributed through

the frontier counties, one hundred Colt's Revolvers, which, with a number of revolvers, rifles and muskets, were sent forward.—Ammunition was also supplied to the minute companies.

To provide for the defence of the settlements beyond San Antonio, an order was issued on the 5th of March, to Capt. Peter Tomlinson, of Atascosa county, to raise forty-eight men, to whom were assigned the range between the Frio and the Rio Grande. Captain Tomlinson was mustered into service on the 20th of March.

It will thus be seen, that up to this period, the Executive had called into service a ranging force of 720 men, which might be increased upon an emergency to 950. The greater part of this force was then in active service ; and as a result, the Indians disappeared from the settlements. The monthly reports of the officers commanding the minute men, now on file in the Executive office, attest this fact. The minute companies of fifteen men were kept in service until the 18th of May, when there being no longer a pressing necessity for their presence in the field, they were disbanded, subject to be called out at any moment, by order of the Chief Justice of their county.

Before, however, these forces could be brought to bear on the settlements, many murders had been committed and a large number of horses stolen. With a view of avenging these outrages and the recovery of the property of our citizens, the Executive determined to send against the Indians a force sufficient to discover their hiding places, and accomplish these objects. It has long been the opinion of the Executive, that the horses stolen from us are herded at some central point between our settlements and the trading posts where they are sold ; and that from this point, stealing parties strike for our settlements, leaving others in charge of the animals already taken. To punish these Indians as well as to ferret out the parties who purchase our horses from them, required an able force, and was a work requiring much time and privation. The duty of raising troops for this expedition, was assigned to Col. M. T. Johnson, of Tarrant county, to whom was issued orders on the 17th of March, to raise a sufficient number of mounted Rangers, to “repel, pursue and punish the Indians now ravaging the North and North-western settlements of Texas, with full liberty to dispose of the force under your (his) command at your (his) discretion.”

In pursuance of this order, Col. Johnson raised five companies of Rangers of 83 men, commanded by Capts. Smith, of McLennan ; Darnell, of Dallas ; Woods, of Fannin ; Fitzhugh, of Collin, and Johnson, of Tarrant. These rendezvoused at Fort Bel-

knap, where they were joined by the two companies under command of Capts. Ed. Burleson and W. C. Dalrymple, and on the 23d of May the expedition started for the Indian country.

The several reports of Col. Johnson to be submitted, will furnish a full statement of the progress of the expedition. A portion of the troops were ordered back by Col. Johnson from Old Fort Radsminke the 30th of July. The others penetrated the Indian country beyond the line of Kansas, and after enduring many privations, returned to Fort Belknap where they were disbanded by order of the Executive.

Although no Indian depredations were at that time reported, the Executive, to guard against their repetition, ordered Capt. L. S. Ross to McLennan, on the 11th of September, to raise a company of 70 men and to take his station beyond Fort Belknap, where he arrived on the 17th of October.

On the 6th of December, information reached the Executive of the most appalling outrages committed by the Indians in Jack and Parker counties. Orders were immediately sent forward to Capts. Thos. Stocton, of Young, and James Barry, of Bosque county, to raise each 24 men and proceed to co-operate with Capt. Ross in protecting the settlements. These troops did not then enter the service; but on the 17th of December, an order was issued to Capt. A. B. Burleson to raise 70 men, which was followed by orders to Capt. E. W. Rogers, of Ellis, on the 26th of December, and to Capt. Thomas Harrison, of McLennan, on the 2nd of January, to raise each 70 men, all of whom have now gone forward to Fort Belknap, where Col. W. C. Dalrymple, of Williamson county, acting under commission, as Aid de Camp to the Executive, has been ordered to repair, to effect an organization of the troops and to devise means for their efficiency.

It affords the Executive pleasure to state that the Indians who committed the late depredations in Jack and Parker counties, have been overtaken and killed by a force under command of Captain Ross, whose report will be submitted.

The Executive, to support and render efficient the force which he has had from time to time in the field, has had no money at his command except the University Fund, amounting to \$106,992 26, which was by special act of the Legislature authorized to be used for purposes of Frontier defence. It was his opinion that the Legislature intended that this fund should be used alone for the defence of the Indian frontier and not for the payment of claims on account of the war upon the Rio Grande. The troubles upon the Rio Grande, although speedily settled after the arrival of the Commissioners sent by the Executive, cost the

State an amount far beyond the estimate of the Legislature, and when claims were presented for supplies furnished troops, the Executive did not believe the money should be drawn from the University Fund and expressed his views in that respect to the Comptroller. That fund was the sole dependence of the Executive for the purchase of supplies to keep troops in the field. A considerable sum was paid, however, from the fund for debts contracted during the Rio Grande war. This reduced the amount which might be used to defend the frontier to \$76,937,-73, which has been exhausted. The Executive however, kept troops continually in the field and until the present time supplied them, with the exception of the minute companies called out in each county. Not a dollar has been at his command for months. Deprived of money to purchase supplies and with the fact before him that Treasury Warrants were already selling at a heavy discount, the Executive might well have thrown upon others the responsibility of abandoning the frontier and left the people to defend themselves. But neither this, nor the fact that many have continually denounced and misrepresented his efforts made in behalf of the frontier, have caused him to forego his exertions. On the contrary, they have been redoubled. At such periods, a man true to the obligations of his station and the instincts of humanity, should alike rise superior to the obstacles impending his pathway and the petty considerations of chagrin and disappointment, at the conduct of those who maligned and censured him; and it is a satisfaction to the Executive now to know, that the first who have received the undoubted evidences of the determination and the ability of the troops sent forward by him, to defend them, are those who have been foremost in their efforts to thwart his endeavors. Finding that it was impossible to purchase any adequate amount of supplies on the credit of the State, the Executive in two communications dated the 8th of November and 7th of January, suggested to the State Treasurer, the propriety of using for purposes of frontier defence, the amount in the Treasury on account of University Land sales; but the opinion of that officer was adverse to the proposition, and that fund amounting to \$34,708.14 still remains in the Treasury.

The Executive, believing that the Legislature would not repudiate a pledge made under such circumstances, procured of Mr. S. M. Swenson, two months supply of rations, with a guarantee that the same should be paid as soon as your honorable body met. This supply will be exhausted by the time more can be sent forward, and to your earnest consideration the matter is commended.

It will be seen from the plain statement of facts given above, that from the time of his inauguration, up to the present time, the Executive has devoted all the energies at his command to the defense of the frontier. He has called into service a number of the most experienced ranging officers in the State and given them troops obtained in counties capable of furnishing the best Indian fighters in the world. Not only in the number, but in the equipment of the troops, the means he has adopted for frontier defense have been adequate to more than the reasonable expectation of the country. Besides these, he has provided every county with a minute company for its own defense, formed of its own citizens. If these endeavors have not sufficed to protect the country, no exertions which he could have made, would have done so.

In March last, the Executive tended to the Secretary of War of the United States, 5000 Texian volunteers to aid in defense of the frontier. The offer was declined. Efforts have been made to induce Congress to pass a bill authorizing the calling of such a force into the field; but they have been thus far unsuccessful. The Federal Government has, however, from time to time sent re-inforcements of the regular army to Texas, until the entire force on our border comprises about one-fifth of our entire army. These prevent the invasion of our soil of any numerous body of Indians, and occasionally intercept small stealing parties; but to entirely check the latter, a more active force is necessary, which should be constantly employed in scouting the country.

The militia act passed by the last Legislature was found by the Executive to contain conflicting provisions, which prevented its being put in operation. The necessity of rendering it entirely practicable, is respectfully presented to the Legislature.

According to the estimates made, which were laid before the Legislature, the ordinary expenses of government exceeded per annum the amount received from revenue.

The extraordinary expense arising from the construction of the Insane Asylum and other causes, as well as the balances due from former years' have greatly increased this deficiency, and as a consequence, the Treasury is now without means to defray the expenses of government for the present year.

The Executive has endeavored, so far as the law give him control, to reduce the expenditures of Government to an economical basis; but his power is extremely limited, and his endeavors in this respect have of course been governed by the appropriations made by the Legislature.

The Executive deemed it his duty on the 8th of February, 1860, to send a special message to the Legislature, showing the condition of the Treasury, and urging the adoption of such measures as would prevent its embarrassment. There remained in the Treasury, on the 1st day of February, but \$219,000, against which stood the amount due on account of appropriations made by the present and previous Legislatures, estimated at \$508,582 74. To show the rapid depletion which followed, it may be stated that the State Treasurer, on the 15th of February, reported but \$232,903 21 in the Treasury, which included the University Fund, amounting to \$109,472 26. There was therefore, to sustain the civil list, but \$123,430 95. The balance still due on appropriations were to be paid, and the Government to be sustained until the whole revenue come in, which was estimated by the Comptroller to be \$343,447 95.

In presenting the condition of the Treasury to your honorable body, the Executive urged the necessity of increased taxation. The Legislature, however, did not second his views, and an act was passed in lieu thereof, providing for the payment of interest on treasury warrants. Much difficulty was experienced in putting this act into operation, and the Comptroller did not consent until the 1st of June, to issue the warrants. Since that period they have been issued for all claims for rangers pay, and since the University Fund has been exhausted, for other claims connected with the frontier service, where parties would take them.

No one could have more regretted the delay in putting this law into execution, than the Executive. It was a measure calculated to sustain the faith and credit of the State ; and it has done so to a material extent. The warrants were purchased at from 85 to 95 cents on the dollar, the purchasers relying for payment on the collection of the money due by the Federal Government to Texas, for expenses incurred in defending the frontier ; and it was not until the prospect of obtaining that money was understood to be uncertain, that they depreciated to any great extent. At present there is scarcely any demand for them, even at a ruinous discount.

The Legislature will at once see the necessity of providing means for the redemption of the warrants, with the interest. Not only the holders of those already issued, but a large number of rangers yet to be paid, have a right to expect that the public faith shall be maintained. The Legislature should see to it, that the brave men who have, regardless of privation and danger gone to the defence of the frontier, are not deprived of

the pay justly due them. They have already been compelled to yield a considerable portion to obtain money to meet their necessities. Many are yet holding their warrants in the hope that justice will be done them. Those yet to be paid, look alike, to the Legislature. Those now in the field will be stimulated to greater efforts in behalf of the frontier, if they find that their zeal and courage is appreciated and provision is made to recompense their toil.

The Executive regrets to be compelled to inform the Legislature, that none of the money appropriated by the United States Congress, to reimburse the State, for expenses incurred in defending the frontier against Indians, has yet been obtained. There was appropriated, by act of Congress, of March 3, 1859, the sum of \$53,000, and on the 21st June, 1860, the sum of \$123,444 51, for this purpose. No steps had been taken for the collection of the amount due on the first appropriation, when the present Executive came into office. On the 16th of March, 1860, instructions were sent to the Comptroller, to forward to the War Department at Washington, duplicate copies of the muster rolls, vouchers, &c., necessary to obtain the amount paid by the State for the services of six companies of rangers, called into service by Gen. Persifer F. Smith, in 1854, provided for by act of Congress of March 3, 1859.

The Comptroller declined to send the vouchers necessary to secure the collection of the amount. It was the intention of the Executive to solicit the services of one or more of our members of Congress, then at Washington, in the settlement of our business, and when the amount due the State was ascertained, to obtain U. S. Treasury drafts, which could have been cashed here by the Comptroller at par, and thus all the expenses of a special agent would have been avoided. The Executive, again, on the 9th of October, requested that the vouchers for the whole claim, be forwarded at as early a day as practicable, the Comptroller having informed him that they were ready for transmission.

On the 3rd of November, desiring to facilitate and hasten the collection of this amount, the Executive notified the Comptroller of his intention to appoint Geo. J. Durham, Esq., chief clerk of the Comptroller's office, as agent to bear the muster rolls, vouchers, &c., to Washington, and to attend to the collection of the claim. On the 5th of November a communication was received from the Comptroller, declining to place the papers in the hands of Mr. Durham, and on the 28th November, Mr. Durham declined to accept the appointment, which in the meantime had been tendered him.

The only obstacle in the way of the prompt collection of the amount has been the fact, that the vouchers have not been placed in the possession of the War Department. Until this is done the money cannot be obtained. The vouchers are in the possession of the Comptroller, and it has been in his power at any time to transmit them either in person, or by some safe hand to the Secretary of War. When the claim has progressed thus far toward a settlement, the Executive will direct his endeavors towards securing all that may be justly due the State.

It is also proper to state that since the letter to the Comptroller of October last, stating that the muster rolls, &c., were ready for transmission to Washington, the Executive has been notified that five of the rolls, representing about \$40,000 of the amount due, are lost.

An examination of the facts presented, will furnish the Legislature the data upon which to base their action in reference to future operations of the Treasury. It will be seen that there is already a defect in the revenue necessary to meet the civil expenditures. The ordinary expenses of the Government until the taxes come in in June, will be about \$30,000 per month. The deficit already existing added to this amount will consume the entire amount then received, and leave the government totally unprovided for for another year. Not only this is to be provided for, but the treasury warrants now in circulation are to be paid, as well as those Rangers who have been and are now in service; and means are to be provided for the future defense of the frontier.

From the Report of the Comptroller, hereunto appended, and made a part of this message, it will be seen that from the 21st of December, 1859, to the 19th of January, 1861, there had been paid out from the Treasury in cash, the sum of \$763,394 65, and that ten per cent Treasury warrants had been issued, amounting to \$129,556 99, making a total of \$892,951 64. Of this amount there was expended

For the Cortina war,	\$137,828 10
“ Expenses of Legislature,	94,997 01
“ Pay of Ford, Bourland and Brown’s Com’s.,	60,445 02
“ Supplies furnished Capt. Williams,	7,423 46
“ Construction of Lunatic Asylum,	33,369 12
“ Machinery of Penitentiary,	27,000 00
“ Improvement of Bays and Rivers,	68,270 40
“ Improvement of Capital Grounds,	4,771 08
“ Debt of the late Republic,	12,391 64

Total, \$446,495 83.

This entire amount was paid upon expenses ordinary and extraordinary, incurred prior to the commencement of the term of the present Executive, excepting a portion of the amount paid for expenses of the Legislature. Of the balance, \$446,495 83, a considerable portion is of the same character, or for special appropriations not included in the ordinary appropriations of Government. It will be seen that the entire amount of money used by the Executive for the defence of the frontier, is \$76,937 73, and that the entire amount of warrants issued for the same service is \$62,843 39, making a total of \$139,781 03. Deducting this from the above \$446,455 82, it will be seen that the amount expended in the past year for the ordinary expenses of Government, including such special appropriations and amounts due as are not enumerated above, was \$306,674 71.

According to estimates made, there is yet due on account of frontier defence, for pay and subsistence of 23 minute companies, \$30,000 00.

For pay and subsistence of full companies,	\$125,000 00
	<hr/>
	\$155,000 00
Amount paid in cash and warrants,	139,781 12
	<hr/>

Showing total cost of frontier defence,	\$294,781 11
---	--------------

It is the opinion of the Executive, that the estimate made, \$155,000, will cover the entire indebtedness on account of frontier defence for the past year. The entire operations have been conducted with the strictest economy. The troops have been supplied upon contract at exceeding low rates, and all officers held to a strict accountability. When the number of men kept in the field, and the distant points to which supplies have been sent are considered, the entire cost is not great. The expense of keeping a regiment in the field one year, was estimated by the Comptroller to be \$603,000.

Should a contingency arise by which the Federal army will be disbanded, and the Indians now under treaty stipulations with the Federal Government, and controlled by them, be turned loose, large appropriations will be necessary for the defence of our frontier. But should the present state of things continue, it will be necessary to maintain a force of rangers in the field. The frontier must be defended in any event, and it is not improbable that the financial difficulties already attending the Government, will be felt in the Indian Department, and there may be failures in carrying out the treaties with the Indians. Trouble will ensue much of which will be felt by our border. The

Executive would therefore present the following estimates to sustain the Government the present year, and to meet deficiencies :

Amount due for Rangers' pay and subsistence,	\$155,000 00
Interest warrants in circulation,	129,556 99
Defence of Frontier,	500,000 00
Ordinary expenses of Government, see Comptroller's Report for September 1st, 1859,	331,400 00
Amount due on outstanding debt,	50,000 00
Amount of debt of Republic, which will be called for	10,000 50

Total, \$1,175,956 99

The expenses of the present session of the Legislature are also to be provided for.

Total receipt to August 31st, 1861, see Comptroller's Report, September, 1859,	\$343,344 27
Amount in Treasury subject to disbursement, January 19th, 1861, per Treasurer's Report,	14,785 62

Total, \$358,129 89

The peculiar attitude of our relations with the Federal Government will, I trust, command the earnest attention of the Legislature. While the proud structure of Government, built by our fathers, seems tottering to ruin, and some of its pillars are already torn loose by the hand of internal dissension, we may not alone contemplate the scene and await its total downfall. As parts yet of that structure, the solemn duty presses upon us to prove faithful to the trust imposed by the patriots and sages of the past, and to restore it to its original pride and grandeur if we can ; and if we cannot, to see that our own liberties perish not beneath its ruins.

The election of the Black Republican candidates to the Presidency has involved the issue of the permanency of the Government, upon the basis laid down by its founders. The principles of their party, as developed in the passage of laws in many of the States, subversive of our rights and in continual aggressions upon our institutions, have at last obtained a foothold on the Government itself. The struggle has been long, and the encroachment gradual, and at last, through our own folly and dissension alone, has resulted in placing one Department of the Government in the hands of those who have aggressed upon us. The question presses itself upon our consideration, whether tis best to abandon the Government and acknowledge that our Constitution is a failure, or to maintain in the Union every constitutional right guaranteed to us.

The grievances of which we complain have thus far originated with the States, and not with the Federal Government. They have, disregarding their constitutional obligations, interposed to obstruct the Federal Government in its efforts to administer the the Government in accordance with the Constitution; and though the Government has not in all cases been successful in its efforts in our behalf, yet there has been no lack of willingness on its part. The prospect, however, of the Government going into the hands of a party, whose disregard of the Constitution is its sole bond of union, leads to the belief that Federal aggression is inevitable, unless such means are adopted as will not only restrain the dominant party within the bounds of the Constitution, but lead it to abandon all designs of perverting the powers of Government to serve its unconstitutional aims.

Were Governments formed in an hour and human liberty the natural result of revolution, less responsibility would attach to us as we consider the momentous question before us. A long struggle, amid bloodshed and privation secured the liberty which has been our boast for three-quarters of a century. Wisdom, patriotism, and the noble concessions of great minds, framed our Constitution. Long centuries of heroic strife attest the progress of freedom to their culminating point. Ere the work of centuries is undone, and freedom shorn of her victorious garments, is started out once again on her weary pilgrimage, hoping to find after centuries have passed away another dwelling place, it is not unmanly to pause and at least endeavor to avert the calamity.

The Executive feels as deeply as any of your honorable body, the necessity for such action on the part of the slaveholding States as will secure to the fullest extent every right they possess. Self-preservation, if not a manly love of liberty inspired by our past history, prompts this determination. But he cannot feel that these dictate hasty and unconcerted action, nor can he reconcile to his mind the idea that our safety demands an immediate separation from the Government, ere we have stated our grievances or demanded redress. A high resolve to maintain our constitutional rights, and failing to obtain them, to risk the perils of revolution, even as our fathers risked it, should, in my opinion, actuate every citizen of Texas; but we should remember that we owe duties and obligations to States having rights in common with us, and whose institutions are the same as ours. No aggression can come upon us which will not be visited upon them, and whatever our action may be, it should be of that character which will bear us blameless to posterity, should the step be fatal to the interests of those States.

While deploring the election of Messrs. Lincoln and Hamlin, the Executive yet has seen in it no cause for the immediate and separate secession of Texas. Believing, however, that the time had come when the Southern States should co-operate and counsel together, to devise means for the maintainance of their constitutional rights and to demand redress for the grievances they have been suffering at the hands of many of the Northern States, he has directed his efforts to that end. Believing that a convention of the character contemplated by the Joint Resolution of February 16th, 1858, would be held, and desiring that the people of Texas should be represented in the same and have full opportunity to elect delegates reflecting their will, he ordered an election for that purpose to be held on the 1st Monday in February next. Although since that time four of the Southern States have declared themselves no longer members of the Union, yet he confidently looks forward to the assembling of such a body. A majority of the Southern States have as yet taken no action and the efforts of our brethren of the border are now directed toward securing unity of the entire South. The interests of Texas are closely identified with the remaining States, and if by joining her councils with theirs, such assurances can be obtained, of a determination on the part of the Northern States to regard our Constitutional rights, as will induce the States which have declared themselves out of the Union, to rescind their action, the end attained will silence whatever reproaches the rash and inconsiderate may heap upon us.

Texas, although identified by her institutions with the States which have declared themselves out of the Union, cannot forget her relation to the border States. Pressed for years by the whole weight of abolition influence, these States have stood as barriers against its approach. Those who ask Texas to desert them now, should remember that in our days of gloom, when doubt hung over the fortunes of our little army and the cry for help went out, while some of those who seek to induce us to follow their precipitate lead, looked coldly on us, these States sent men and money to our aid. Their best blood was shed here in our defence, and if we are to be influenced by considerations other than our own safety, the fact that these States still seem determined to maintain their ground and fight the battle of the Constitution within the Union, should have equal weight with us, with those States which have no higher claim upon us, and who without cause on our part have sundered the ties which made us one.

Whatever may be the course of Texas, the ambition of her

TEXAS STATE LIBRARY
Austin, Texas

people should be, that she should take no step except after calm deliberation. A past history in which courage, wisdom and patriotism united to found a Republic and a State is in our keeping. Let the record of no rash action blur its pages! If after passing through two revolutions, another is upon us, let the same prudence mark our course as when we merged from an independent nation into one of the States of the Union. Holding ourselves above influences which appeal to our passions and our prejudices, if we must be masters of our own destiny, let us act like men, who feel all of the responsibilities of the position they assume and are ready to answer to the civilized world, to God and to posterity.

The time has come, when in my opinion, it is necessary to evoke the sovereign will for the solution of this question, affecting our relations with the Federal Government. The people, as the source of all power can alone declare the course that Texas shall pursue; and in the opinion of the Executive they demand that the Legislature should provide a legal means by which they shall express their will, as freemen, at the ballot box. They have stood aloof from revolutionary schemes, and now await the action of your honorable body, that they may in a legitimate manner speak through the ballot box. As one of the special objects for which you were convened, the Executive would press this upon your attention, and would urge that such action be as prompt as possible.

Confiding in the wisdom of the Legislature and in its recognition of the supremacy of the people, the Executive relies upon the adoption of such Legislation as will secure a full, free and fair expression of their will. Should the Legislature, in its wisdom, deem it necessary to call a convention of delegates, fresh from the people, the Executive would not oppose the same; but he would suggest that the people be the tribunal of the last resort and that no action be considered final until it has been submitted to them.

While the public mind is agitated and wild excitement tramples upon reason, the Executive has a right to look to the legislative department of the Government for wise and sagacious counsels. Representing the creative power of law, the high responsibilities upon you demand that you indignantly frown upon any and every attempt to subvert the laws and substitute in their stead the will of revolutionary leaders. Assembled as you are at the most important epoch in our history as a people, may all the solemnities of such an occasion impress upon you with a determination to act your part in such a way, that the

confidence of the people in the stability of our institutions will not be shaken. If, appealing to the popular voice, you show your confidence in their patriotism and sense, by placing this important question in their hands all will be well. Be their voice as it may, we shall be united and whether our future be prosperous or gloomy, a common faith and hope will actuate us ; but if on the contrary, moved by rash and unwise counsels, you yield the powers of government into the hands of those who do not represent the people and would rise superior to them, the confidence of the masses in the reign of law and order will be shaken and gloomy forebodings will fill the hearts of the friends of regulated Government, lest the reign of anarchy and confusion come upon us. We have gone through one revolution in Texas a united people. We can be united again and will be, if the people are entrusted with the control of their destinies.

The situation of Texas, her extensive border, subject to hostile incursions for 700 miles, the vast extent of her territory and her scattered population, all are subjects to be considered in reference to this question. If our form of Government is to be changed, we must have a regard for the future. The millions now spent by the United States for our frontier, the support of our postal service, the defence of our commerce, must all come from the pockets of our people. Providence has withheld from us in the past year the abundance which has formerly rewarded the care of the husbandmen. The people of many sections are already calling for relief. We cannot afford under these circumstances to plunge madly into revolution.

The Executive has not yet lost the hope that our rights can be maintained in the Union, and that it may yet be perpetuated. Between constitutional remedies and anarchy and civil war, he can see no middle ground. All the glorious associations of our past history prove that hitherto we have been capable of self government. The tyrants of Europe have ever disputed this fact. Let us give no strength to their arbitrary dogmas by any action of ours ; and whatever may be our future course, let us keep proudly in the ascendant the great principle upon which rests the idea of American Liberty.

During the present month the Executive has had the honor to receive the Hon. J. M. Calhoun, Commissioner from the State of Alabama, upon the attitude of our National affairs. The correspondence upon that subject is herewith submitted to the Legislature.

In conclusion, gentlemen, the Executive would again press upon your attention the great importance of maintaining the

public credit and faith, and would warn you against the consequences of involving the people in debt at this stage of our affairs. We can better "pay as we go," than we can meet accumulated debt in the future.

May a kind providence guide you aright,

Your obedient servant,

SAM HOUSTON.

STATEMENT showing the amount of Warrants drawn on Appropriations, from December 21st, 1859, to the 18th of January, 1861, inclusive:

DATE OF APP'N.	FOR WHAT PURPOSE.	AM'T.	TOTAL.
----------------	-------------------	-------	--------

LEGISLATURE.

1859.			
Nov. 21.	For pay and mileage of members, &c., of the 8th Legislature,	82,458 30	
Dec. 8.	For contingent expenses of same,	9,886 92	
1860.			
Feb. 11.	For printing Laws and Journals of same,	2,651 99	94,997 01

JUDICIARY.

S U P R E M E C O U R T .

1858.			
Feb. 15.	For salary of three Judges,	2,245 00	
Feb. 15.	For salary of three Librarians,	225 00	
" "	For increase of Library,	297 23	
1860.			
Feb. 11.	For salary of three Judges,	8,096 67	
" "	For salary of thee Librarians,	875 00	
" "	For Contingent Fund,	1,502 30	
" "	For pay of Sheriff,	445 05	
" "	For porter hire,	199 00	
" "	For purchase of books for Library,	1,007 83	
" "	For publishing Reports, 22nd volume,	6,374 00	

Feb. 13.	For publishing Reports, 21st volume,	3,101 00	
" "	For Clerk's fees in felony cases,	170 00	
" "	For Contingent Fund, (1861)	127 98	
Feb. 11.	For Clerk's fees in felony cases, (1861)	140 00	
1858.	" "		
" "	For purchase of 100 additional volumes of Reports,	450 00	25,510 06

DISTRICT COURT.

1858.			
Feb. 15.	For salary of 19 Judges,	9,350 00	
" "	For salary of 19 Attorneys,	2,340 26	
" "	For costs due Cl'ks and Sheriffs,	2,344 54	
1860.			
Feb. 11.	For salary of 20 Judges,	38,009 24	
" "	For salary of 20 Attorneys,	8,444 71	
" "	For costs due Clerks, Sheriffs and Attorneys,	4,997 41	
" "	For costs due Clerks, Sheriffs and Attorneys, (1861)	3,222 51	
1860.			
Jan. 4.	For Costs due Attorney General and District Attorney,	2,020 00	71,628 67

ATTORNEY GENERAL'S OFFICE.

1858.			
Feb. 15.	For salary of Attorney General,	445 00	
" "	For Contingent Fund,	15 89	
Feb. 11.	For salary of Attorney General,	1,760 00	
" "	For Contingent Fund,	99 87	
" "	For fees in felony cases,	250 00	
" "	For Contingent Fund, (1861)	56 48	
" "	For fees in felony cases, (1861)	90 00	2,697 24

EXECUTIVE.

GOVERNOR'S OFFICE.

1858.			
Feb. 15.	For salary of Governor,	1,250 00	

Feb. 15	For salary of Private Secretary,	62 50	
" "	For Contingent Fund,	3 24	
1860.			
Feb. 11.	For publishing Proclamations,	2,093 70	
Jan. 12.	For furnishing Governor's Man- sion,	2,496 63	
Feb. 11.	For salary of Governor,	1,875 00	
" "	For salary of Private Secretary,	925 00	
" "	For Contingent Fund,	425 57	
" "	For Contingent Fund, (1861)	168 50	
Feb. 15.	For recovering fugitives from Justice,	745 85	10,045 99

SECRETARY OF STATE'S OFFICE.

1858.			
Feb. 15.	For salary of Secretary,	479 58	
" "	For salary of Chief Clerk,	116 66	
" "	For Printing Fund,	7 00	
" "	For porter hire and wood,	48 00	
" "	For postage,	27 48	
" "	For Contingent Fund,	70 25	
1860.			
Feb. 11.	For Stationery and Books,	83 48	
" "	For salary of Secretary,	1,800 00	
" "	For salary of Chief Clerk,	1,399 96	
" "	For Printing Fund,	104 00	
" "	For porter hire and wood,	95 50	
" "	For postage,	231 10	
" "	For Contingent Fund,	60 68	
" "	For Stationary Books,	100 00	
" "	For extra Clerk hire,	700 00	
" "	For Stationary and Books,	22 04	
Feb. 15.	For purchase of Books for State Library,	557 10	
" "	For distributing Laws, Journals and Reports Supreme Court,	1,568 90	
Feb. 11.	Translating and printing Laws in German and Spanish,	674 30	
" "	For printing Biennial Reports, 1858 and 1859,	3,859 74	12,006 27

COMPTROLLER'S OFFICE.

1858.			
Feb. 15.	For salary of Comptroller,	150 00	

Feb. 15.	For salary of Chief Clerk,	116 66	
" "	For salary of Tax Clerk,	100 00	
" "	For salary of Accountant,	75 00	
" "	For salary of 4 Assistant Clerks,	300 00	
" "	For Contingent Fund,	60 25	
" "	For Books and Stationery,	24 30	
" "	For Printing Fund,	60 00	
" "	For Postage,	16 26	
" "	For porter hire, treas, building,	20 83	
1859.			
Dec. 1.	For relief of 4 Clerks,	608 32	
1860.			
Feb. 11.	For salary of Comptroller,	1,800 00	
" "	For salary of Chief Clerk,	1,399 93	
" "	For salary of Tax Clerk,	1,200 00	
" "	For salary of Accountant,	1,200 00	
" "	For salary of 9 assistant Clerks,	7,375 00	
" "	For Contingent Fund,	321 52	
Feb. 11.	For Books and Stationery,	253 45	
" "	For Printing Fund,	237 66	
" "	For Postage,	172 37	
" "	For blank Assessment Rolls,	564 23	
" "	For fire wood for Treas. building,	134 88	
" "	For porter hire " "	249 96	
" "	For printing and compiling Abstract of Lands,	4,000 00	
" "	For Contingent Fund, (1861)	49 44	
" "	For Postage Fund, (1861)	24 27	20,514 33

TREASURER'S OFFICE.

1859.			
Dec. 15.	For salary of Treasurer,	150 00	
" "	For salary of Chief Clerk,	100 00	
" "	For Contingent Fund,	91 80	
" "	For Stationery, Postage & Print'g,	9 53	
1860.			
Feb. 11.	For Salary of Treasurer,	1,800 00	
" "	For Salary of Chief Clerk,	1,200 00	
" "	For Contingent Fund,	209 77	
" "	For Stat'ery, Postage & Print'g,	72 65	
" "	For Contingent Fund, (1861)	8 50	
" "	For Stat'ery, Postage & Print'g,	2 09	3,644 34

GENERAL LAND OFFICE.

1858.		
Feb. 15.	For Postage,	165 57
"	" Fire-wood,	69 50
"	" Porter Hire,	10 00
"	" Salary of Commissioner,	333 37
"	" " of Chief Clerk,	116 66
"	" " of Translator,	100 00
"	" " of Receiver,	100 00
"	" " of Chief Draftsman,	100 00
"	" " of 9 Assistant Drafts-	
	men,	543 55
Feb. 15.	" " of 23 Assis't Clerks,	1,975 80
"	" Postage,	80 86
"	" Contingent Fund,	515 02
"	" Fire-wood,	136 50
"	" Porter Hire,	70 00
"	" For survey of Land scrip,	36 00
1860.		
Feb. 11.	For salary of Commissioner,	1,999 94
"	" " of Chief Clerk,	1,399 92
"	" " of Translator,	1,200 00
"	" " of Receiver,	974 20
"	" " of Chief Draftsman,	1,200 00
"	" " of 3 Ass't Draftsmen,	3,899 76
"	" " of 6 second Assistant	
	Draftsmen,	5,377 16
"	" " of 23 Ass't Clerks,	20,774 10
"	" Stationery,	1,149 64
"	" Contingent Fund,	319 06
"	" Postage,	327 05
"	" Printing,	75 50
"	" Porter Hire,	240 00
"	" Stationery fund, (1861,)	238 40
"	" Photographic Bureau,	2,204 02
		<u>45,531 58</u>

COURT OF CLAIMS.

1858.		
Feb. 15.	For Contingent Fund,	9 50
1860.		
Feb. 11.	For salary of Commissioner,	1,791 60
"	" " of Chief Clerk,	1,075 00

Feb. 11.	For Contingent Fund,	390 08	
"	" do do (1861),	62 03	3,328 20

GEOLOGICAL BUREAU.

1860.			
Jan. 10.	For Contingent Fund, (1859),	1,173 04	
1860.			
Feb. 11.	For salary of Geologist,	2,950 00	
"	" " of two Assistants,	2,875 00	
"	" Contingent Fund,	5,000 00	
Feb. 11.	" salary of Geologist,	250 00	
"	" Contingent Fund,	1,500 00	13,748 07

ASYLUMS.

1858.			
Feb. 15.	For support of Deaf and Dumb,	1,722 76	
1860.			
Feb. 11.	For support of Deaf and Dumb,	7,954 32	9,677 08
1858.			
Feb. 15.	For support of Blind,	2,750 15	
1860.			
Feb. 11.	For support of Blind,	6,812 36	9,562 41
1856.			
Aug. 21.	For erection of Lunatic,	2,001 14	
1858.			
Feb. 15.	For purchasing of site, furn'g, etc.	5,381 36	
1860.			
Feb. 11.	For erection and support of do.	25,986 62	33,369 12
			52,608 61

PENITENTIARY.

1860.			
Feb. 3.	For transportation of convicts,	16,483 75	
"	" purchase of Materials for Factory,	15,000 00	

Feb. 11.	For Stationery, Postage, and Printing,	150 00	
" 3.	For Purchase of Machinery,	27,000 00	
" 11.	" salary of Superintendent,	1,512 50	
" "	" " of Financial Agent,	1,337 50	
" 3.	" " of 3 Directors,	743 16	
" 3.	" " of Chaplain,	270 82	
" 3.	" " of Physician,	492 36	62,999 09

PENSIONS.

1858.			
Feb. 15.	To sundry persons,	575 00	
1860.			
Feb. 11.	To sundry persons,	1,387 50	1,962 50

IMPROVEMENT OF BAYS, RIVERS, ETC.

1856.			
Aug. 1.	For Colorado River,	10,000 00	
" "	" Brazos River,	12,535 00	
" "	" Sabine River,	8,200 00	
" "	" Angelina and Neches Rivers,	8,203 66	
" "	" Big Cypress Bayou,	10,649 40	
" "	San Bernard River,	2,720 00	
" "	Galveston Bay,	5,000 00	
" "	San Luis Bay,	8,437 50	65,745 57
1856.			
Sept. 1.	For salary of Sub Engineers,	480 00	
" "	" hire of boat, hands, etc.,	3 50	
1858.			
Feb. 15.	For salary of State Engineer,	1,283 33	
1860.			
Feb. 11.	For salary of special agents,	758 00	2 524 83
			68,270 40

MISCELLANEOUS.

1856.		
Feb. 4.	To pay for arrest, safe keeping and prosecution of offenders, under Act of Feb. 2, 1856,	1,494 25

Sept. 1.	To pay for prosecuting for burning of Adjutant General's office, and for forgeries in same,	13	50	
1856.				
Aug. 26.	For improvement of Capitol Grounds,	4,771	08	
1858.				
Feb 15.	For indemnity to owners, for slaves executed,	1,000	00	
1860.				
Feb. 11.	For indemnity to owners for slaves executed,	1,000	00	
1858.				
Feb. 15.	For purchase of Digest of Laws,	257	94	
Jan. 19.	For expenses in drawing arms from Federal Government,	246	51	
1860.				
Jan. 25, and Feb. 11.	} For relief of sundry persons,	8,456	52	
Jan. 31.				
Jan. 31.	For taking Scholastic Census, 1859 and 1860,	11,264	67	
Feb. 2.	For sale of University Lands,	1,641	45	
" 11.	" boring Artesian well,	3,121	22	
" 11.	" repairs on public buildings,	1,454	61	
" 11.	" boundary survey,	10,492	19	45,213 34

DEBT OF THE LATE REPUBLIC.

Amount paid, - - - - 12,391 64

FOR THE "CORTINAS WAR."

1860.				
Jan. 12.	For pay of Captain Tobin's company,	9,748	28	
Feb. 15.	For pay and subsistence of troops on Rio Grande,	36,966	40	
" 3.	For pay and subsistence of troops on Rio Grande,	24,399	82	
	Total in cash warrants,	71,114	50	
Feb. 3.	Amount drawn in ten per cent. warrants for same service,	66,713	60	137,828 10

FOR THE PROTECTION OF THE FRONTIER.

1860.	
Feb. 8.	For pay of Ford, Bourland and Brown's companies, etc., 60,445 02
Feb. 3.	For protection of the Frontier, 76,937 73
Feb. 11.	For supplies furnished Captain J. Williams' company, 7,423 45
	Total in cash warrants, 144,806 20
	For amount drawn in ten per cent. warrants for same ser- vice, 62,843 39
Feb. 14.	For salary of Adjutant General and contingent fund, 3,85 00 208,034 59
	<u>\$892,951 64</u>

RECAPITULATION.

For —	Legislative purposes, - - - -	\$ 94,997 01
	Supreme Court, etc., - - - -	25,510 06
	District Courts, etc. - - - -	71,628 67
	Attorney General's office, etc. - - - -	2,697 24
	Governor's office, etc. - - - -	10,045 99
	Secretary of State's office, etc. - - - -	12,006 27
	Comptroller's office, - - - -	20,514 33
	Treasurer's office, - - - -	3,644 34
	General Land office, - - - -	45,531 58
	Court of claims, - - - -	3,328 21
	Geological Bureau, - - - -	13,748 07
	Asylums, - - - -	52,608 61
	Penitentiary, - - - -	62,990 09
	Pensions, - - - -	1,962 50
	Improvement of Bays, Rivers, etc. - - - -	68,270 40
	Miscellaneous purposes, - - - -	45,213 94
	Debt of the late Republic, - - - -	12,391 64
	The "Cortinas War," - - - -	137,828 10
	The protection of the Frontier, - - - -	208,034 59
	<u>Total sum expended - - - -</u>	<u>\$ 892,951 64</u>
	Of which \$129,556 99 was in ten per cent. warrants, and \$763,394 65 was in cash warrants.	

COMPTROLLER'S OFFICE,
AUSTIN, Jan 20, 1861.)

CLEM. R. JOHNS,
Comptroller.

*Correspondence between Hon. J. M. Calhoun, Commissioner
from Alabama, and Gov. Sam Houston.*

AUSTIN, TEXAS, }
January 5th, 1861. }

Dear Sir :—I come as the accredited Commissioner of the State of Alabama, to consult and advise with yourself and the members of the State Legislature and of the Convention of Texas, as to what is best to be done to protect the rights, the interests and the honor of the slaveholding States.

Neither the Legislature of Texas or any Convention being now in session, and my speedy return to Alabama being required, my conference must be of necessity, confined to yourself, with a request that my communication to you, may be communicated to the Legislature of Texas, when it shall assemble, as I am pleased to learn, will be at no distant day.

In performance of this, my duty, under all surrounding circumstances, I have only simply to say, that Alabama, through her Legislature, being the first to move in that direction, which may possibly result in the severance of all connection with the Federal Government, as the only means of saving her citizens from the utter ruin and degradation which must follow from the administration of that Government, by a sectional and hostile majority, desires to assure her sister slaveholding States, that she feels that her interests are the same with theirs, and that a common destiny must be the same to all. That, therefore, whatever may be the course which she may deem it proper to take to meet the dangers by which she as well as they are surrounded, she will do so with an earnest desire, that there may be in the present and in the future, an unbroken band of brotherhood and union between herself and Texas, and every other slaveholding State. That, she will not act with rashness or thoughtlessness, but with mature and deliberate consideration. That she will by all means endeavor to avoid the doing of any act which may shake the confidence or alienate the friendly feelings of her sister slaveholding States. That whatever may be the determination of her people, to be assembled in their sovereign character in Convention, on the 7th inst., they will still cover themselves and their posterity under the folds of the old Constitution of the United States, in its purities and truth.

It is perhaps, my duty to give your Excellency my individual opinion, that the action of the Convention to assemble on the 7th inst., will be to withdraw from the present Union, and to take her position as a sovereign and independent State, seeking

and desiring a near and perfect Union with all other States of the South as speedily as possible. This will, however, have been decided one way or the other, and be made known to the Legislature of your State, by the time it shall assemble.

Hoping and trusting that there may be no discord between the States of the South; that unanimity, confidence, wisdom, prudence and firmness may mark the course of all, and that a kind Providence may rule over and guide and protect us in our day of gloom and danger.

I remain, very respectfully,

Your obedient servant,

J. M. CALHOUN,

Commissioner from Alabama.

EXECUTIVE DEPARTMENT, }
AUSTIN, Jan., 7th, 1851. }

To HON. J. M. CALHOUN,

COMMISSIONER FROM ALABAMA,

Dear Sir :—Your communication of the 5th inst., informing me of the object of your mission, on the part of the State of Alabama, is before me.

As a citizen of a sister State, bearing an appointment of Commissioner to Texas, from her Chief Executive, I welcome you here, and trust that whatever ideas you may adopt in reference to the political opinions of the people of Texas, you may bear back with you the evidences of their kindness, hospitality and friendship.

Having convened the Legislature of the State, with a view to its providing a mode by which the will of the people of Texas may be declared, touching their relations with the Federal Government and the States, I cannot authoritatively speak as to the course they will pursue. A fair and legitimate expression of their will through the ballot-box is yet to be made known. Therefore, were the Legislature in session, or were a legally authorized Convention in session, until the action taken is ratified by the people at the ballot-box, none can speak for Texas. Her people have ever been jealous of their rights, and have been careful how they parted with the attributes of their sovereignty. They will reserve to themselves the right to finally pass upon the act involving so closely their liberties, fortunes, peace and happiness; and when through the free exercise of that sacred privilege, which has, ever until now, been deemed the best

security for the liberties of the people and the surest means of remedying encroachments upon their rights, they have declared their will, then and then only can any speak for Texas. Until then, nothing but individual opinions be expressed; and mine are entitled to no more weight than a long acquaintance with the people and a continued intercourse and communication with them, would justify.

That there is a difference of opinion existing in Texas, in relation to the course necessary to pursue at this period, none can deny. Citizens, alike distinguished for their worth and public services, hold opposite views; and while all are united in the determination to maintain our Constitutional rights, they differ as to the mode of accomplishing the same. In this I do not include that reckless and selfish class, who, moved by personal ambition, or a desire for office or spoil, desire a change of government, in the hope that aggrandisement will attend them.

I believe, however, that a large majority of the people, recognizing the obligations they owe to the border States, who have so long stood as barriers against the assaults of abolitionism, desire to concert such measures, as will not only conduce to their safety, but the benefit of the entire South. As Executive of the State, I have deemed it my duty to present to the other Southern States, a proposition for a consultation, having that object in view. Alabama has not yet responded to the same, and although the tenor of your letter indicates that she will pursue a different course. I trust that when the great interests at stake are duly considered by her people, they will determine to join with Texas and the majority of the Southern States, in an honest and determined effort, to obtain redress for the grievances which the North has put upon us, ere they take the fatal step, which in my opinion, ultimately involves civil war and the ruin of our institutions, if not of liberty itself.

If "Alabama has been the first to move in the direction which may possibly result in the severance of all connection with the Federal government," it is a matter of pride to me that Texas has, in this time of peril, been the first to move in that direction calculated to secure Southern unity and co-operation. Texas is the only one of the States which possessed, ere her connection with the Union, full and complete Sovereignty. Though she brought an empire in to the Union and added vastly to the area of slavery, she arrogates to herself no especial privilege, nor has she yet consulted her own safety, or interest, save in common with that of the entire South. Know-

ing the obligations which she took upon herself when she came into the Union, she has thus far shown no desire to relieve herself of those obligations, until it is manifest that the compact made with her will not be observed. Having made an effort in concert with her Sister Slaveholding States, to secure the observance of that compact, and failed in that effort, it would then be her pride to sink all considerations prompted by her own ambition, and share a common fate with them ; but, if on the contrary, they, consulting their own interests and their own inclinations, neither seeking her counsel or co-operation, act separately and alone, and abandon a Union and a Government, of which she yet forms a part, Texas will then be compelled to leave a policy, whereby she has unselfishly sought the good of the whole South, and will pursue that course which her pride and ancient character marks out before her.

Were I permitted to trust alone to the tenor of the first part of your communication, and had you given me no assurance of the fact, that, although Alabama "desires to assure her Sister Slaveholding States, that she feels that her interests are the same with theirs, and that a common destiny must be the same to all," yet that she will, through her convention, which assembles to day, the 7th inst., "withdraw from the present Union and take her position as a Sovereign State," I could give you more assurance of my co-operation as executive of Texas, with Alabama in the present emergency. Should Alabama, without waiting for the action of Texas, withdraw from the Union, and Texas by the force of circumstances, be compelled at a future period, to provide for her own safety, the course of Alabama, South Carolina, and such other States as may follow their lead, will but strengthen the conviction, already strong among our people, that their interests will lead them to avoid entangling alliances, and enter once again upon a National career. No claim would then exist upon Texas, for her co-operation, has not been deemed important at a time when it was essential to her safety ; and her statesmen will deem that she violates no duty to the South, in unfurling once again her Lone Star Banner, and maintaining her position among the independent nations of the earth. If the Union be dissolved and the gloomy forebodings of patriots be realized in the ruin and civil war to follow, Texas can "tread the wine press alone," in the day of her misfortune, even as her freemen trod it in the past, and if she falls in the effort to maintain liberty and her institutions upon her own soil, she will feel that posterity will justify her and lay no blame at her door.

Texas, unlike Alabama, has a frontier subject to hostile incursions. Even with the whole power of the United States to defend her, it is impossible to prevent frequent outrages upon her citizens. The numerous tribes of Indians now controlled by the United States, and restrained by treaty stipulations and the presence of the army, would by the dissolution of the Union, be turned loose to provide for themselves, and judging from the past, it is not unreasonable to suppose they will direct their savage vengeance against Texas. The bandits of Mexico, have within the past year, given an evidence of their willingness to make inroad upon us, could they do so with impunity. These are some of the consequences of disunion, which we of the border cannot shut out from our sight. If Texas has been compelled to resort to her own means of defense, when connected with the present Union, it is not to be supposed that she could rely for protection on an alliance with the Gulf States alone; and having grown self-reliant amid adversity, and continued so as a member of the Union, it will be but natural that her people, feeling that they must look to themselves, while sympathizing fully with those States, whose institutions are similar to their own, will prefer a separate Nationality, to even an equal position in a Confederacy, which may be broken and destroyed at any moment by the caprice or dissatisfaction of one of its members. Texas has views of expansion not common to many of her sister States. Although an empire within herself, she feels that there is an empire beyond essential to her security. She will not be content to have the path of her destiny clogged. The same spirit of enterprise which founded a Republic here, will carry her institutions Southward and Westward. Having when but a handful of freemen, withstood the power of a nation, and wrung from it her independence, she has no fear of abolition power while in the Union; and should it be the resolve of her people to stand by the Constitution, and maintain in the Union those rights guaranteed to them, she will even be proof against the "utter ruin and degradation" depicted in your communication. A people determined to maintain their rights can neither be ruined nor degraded, and if Texas takes upon herself the holy task of sustaining the Constitution, even in the midst of its enemies, history will accord her equal praise with those who sought only their own safety, and left the temple of liberty in their possession.

Were I left to believe that Alabama is disposed to second the efforts made to secure co-operation of the South, in demanding redress for our grievances, or that her course would in the least

depend upon that of Texas, I would suggest such views as sincere and earnest reflection have induced. But, as you express the opinion, that Alabama will, through her Convention, without waiting to know the sentiments of the people of Texas, act for herself, there can be no reason why I should press them upon your attention, nor is it a matter of importance whether they reflect the popular sentiment of the State, or not. They would be alike unavailing. Nor will I enter into a discussion as to how far the idea of the adoption of the Constitution of the United States will be acceptable to the people of the States, forming a Southern Confederacy. That Constitution was a compromise of conflicting interests. It was framed so as to protect the slaveholding States against the encroachments of the non-slaveholding. The Statesmen of the South secured a representation for three-fifths of our slave property. Whether this, and other provisions of that instrument will be deemed applicable to States which have no conflicting interests so far as slavery is concerned, is not for me to say; but I cannot refrain from expressing the opinion, that if the proud and gallant people of Alabama, are willing to "still cover themselves and their posterity under the folds of the old Constitution of the United States, in its purity and truth," the rights of Texas will be secure in the present Union, so long as the Constitution is preserved and controls the administration of the Government; and although "the administration of the Government by a sectional hostile majority," will be distasteful to the feelings of Texas, if she can, by constitutional and fair means, induce that majority to yield obedience to the Constitution and administer the Government in accordance with it, the triumph will be ours; and will escape the miseries of civil war, and secure to ourselves and to our posterity all the blessings of liberty, which by the power of Union have made us the greatest nation on the earth.

Recognizing, as I do, the fact that the sectional tendencies of the Black Republican party call for determined constitutional resistance at the hands of the united South, I also feel that the million and a half of noble-hearted conservative men, who have stood by the South, even to this hour, deserve some sympathy and support. Although we have lost the day, we have to recollect that our conservative Northern friends cast over a quarter of a million more votes against the Black Republicans, than we of the entire South. I cannot declare myself ready to desert them, as well as our Southern brethren of the border, (and such I believe to be the sentiment of Texas,) until at least one firm attempt has been made to preserve our constitutional rights within the Union.

In conclusion, allow me to say, that whatever may be the future of the people of Alabama, my hopes and ardent prayers for their prosperity will attend them. When I remember their progress, and the evidences they have had of the blessings of free government, I join you in the belief that they "will not act with rashness or thoughtlessness, but with mature and deliberate consideration." Forty-seven years ago, to prevent the massacre of her citizens, it was upon her soil, that I gave the first proofs of my manhood and devotion to the Union. The flag that I followed then, was the same stars and stripes which the sons of Alabama have aided to plant on many a victorious field. Since then, Alabama has risen from an almost wilderness region, under the fostering care of the Federal Government and the power embraced in Union, to a great, wealthy and prosperous people, and obtained a position, which without Union with the other States, she could not have achieved for ages, if ever.

Receive for yourself and the people of Alabama, whose accredited Commissioner you are, the assurances of my esteem and consideration.

I have the honor to be
Your most ob'd't. serv't.,

SAM HOUSTON.

The Senate then retired to their chamber.

On motion the House adjourned till 10 o'clock A. M. tomorrow.

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 23rd, 1861. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Rose, member elect from Goliad county, came forward, presented his credentials, took the oath of office and his seat.

On motion of Mr. Buckley, Mr. Morris was added to the committee on Judiciary.

On motion of Mr. Dickson, Mr. Henderson was appointed to serve on committee on Federal Relations, in the place of Mr. Manly, during his absence.

Mr. Buckley moved to have printed five thousand copies of the Governor's message with accompanying documents.

Mr. Mabry moved to amend the motion by adding, that they be furnished in five days. Carried, and the motion to print carried.