SENATE and HOUSE
JOURNALS
of the
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

by

James M. Day

assisted by

Mary Osburn    Elizabeth Whitlow
Donna Yarbrough    Marilyn Von Kohl

with an Introduction by

John Ben Shepperd

TEXAS STATE LIBRARY

AUSTIN    ☆    1966
Thursday, October 20, 1864

The Senate organized, and Governor Murrah's message was read as follows:

Executive Department
Austin, Texas, October 20, 1864

Senators and Representatives:

I have convened you again in Extra Session, mainly with reference to the finances of the State. I regret the necessity but I believe that the public interests imperatively require it.

The Treasury Warrants authorized to be issued by the law, approved on May 28 last, are rated so low in value that they will in all probability fail to accomplish the end designed by your legislation. They are quoted at this time in market at from eight to ten cents on the dollar. Before another regular session of the Legislature, nearly if not quite two million of these Warrants under the operations of that law would be outstanding as debt against the State to be funded in bonds, and ultimately to be redeemed in specie, and yet from present indications not over ten cents on the dollar will be realized to the State in the objects proposed. The plan provided for keeping up these Warrants is not attended with the requisites and condition necessary to make such a plan efficient. It would be necessary in order to make the plan successful in preserving the credit of the State and to keep up the value of these Warrants to satisfy the public mind in advance as to the quantity of specie that could be controlled for the purpose named in the law and as to the periods at which it could be employed. The assurances that specie may be so used when it may be found in the Treasury is not a sufficient quantity to inspire the necessary confidence. I consider that experience has established that Treasury Warrants at the present time can only be kept up at a just appreciation by creating for them a general and constant demand approximating the amount issued. The 8 per cent Bonds now outstanding, on which the interest has been regularly paid except for a short period since the 1st of July last, are rated in the market at 25 cents on the dollar or less, and yet the law had been observed in dis-

From Executive Record Book No. 280, 1863-1865, pp. 143-151 (Archives Division, Texas State Library).
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 referred to, as to the amount of specie to be used and the periods when to be used in the purchase of these warrants. It follows, then, that if these issues from the Treasury are to be made in the future and the credit of the State preserved that a plan must be devised which will create for them a constant and general demand approximating the amount issued.

I was exceedingly anxious to carry out in full the law referred to and had arranged my plans and made every effort to do so in order to secure the credit of the State and to give value to the Warrants authorized to be issued mainly for the support of the dependents of officers and soldiers. This was the sole means provided for the support of the Civil government and the class of indigents already referred to and to diminish the value of these Warrants was, of course, to diminish the value of the support these Warrants were in fact to supply the place of Confederate State Notes of which you anticipated the Treasury would be deprived as an available fund for a time by the legislation of Congress upon the currency. Previous to that time the State had been relying almost exclusively upon the Confederate currency to meet her appropriations and discharge her obligations.

Circumstances, some of which have been already made known to the public, prevented me from carrying out the provisions of that law only in part. Exhibits (A) and (B) herewith presented will furnish you with some of the reasons which influenced me. They are founded in what was represented to be to be absolute and pressing necessities of the soldiery. In ceasing to execute the plan which I had inaugurated save in part, I yielded to what I believed at the time all things considered, the best for the country.

As the objects proposed by this law cannot be realized, it should be repealed and other measures resorted to which will be more efficient.

Your anticipations did not fail as to the result which

---

These exhibits cannot be located.
the legislation of Congress on the currency would have 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 bonds.

On the 31st day of August last there was in the Treasury $1,983,238.56 in Confederate over the denomination of five dollars and $25,065 of the denomination of five dollars and under and of this amount nearly one million and a half was of the denomination of one hundred dollars. Of this entire sum $1,539,338.82 stands to State revenue account. You are respectfully referred to the annual report of the Treasurer and to the accompanying statements of the Comptroller. It will be seen from this that there is no money in the Treasury available for ordinary expenditure of the Government nor can it be made available until exchanged for the new issue. When this exchange can be made, I cannot inform you. The Honorable P. W. Gray, Representative of the Confederate States Treasury, gives assurance that the exchange will be made so soon as he is supplied with the new issue for that purpose, but it is uncertain as to the time. There is also due to the State in the new issue from the Confederate government over one million dollars for the products of the Penitentiary and other property sold within the last few months. But when this will be paid is not known, although efforts have been made to gain the information and to collect it. It is to be hoped, however, that these funds will be obtained before a great while.

What is to be the value of the new issue when put in circulation, and what new changes and regulations Congress may make in the laws regulating the currency are matters of uncertainty and furnish additional and serious embarrassment in considering the finances of this State and any future policy in regard to them, dependent as they are and have heretofore been upon that currency. Since the commencement of this struggle, the State has relied almost exclusively upon Confederate notes in the discharge of her obligations and in conducting her public affairs this policy has been observed for the purpose of upholding and sustaining that currency and in order to cooperate in every
practicable way to give strength and credit to the Confederate 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 longer be preserved and the State government sustained and her obligations and duties discharged so long as this contest shall continue for all that is dear to us as a people. The same policy should be observed so far as consistent with the cares and duties devolving upon the State and inseparable from her as a State. A departure from it must be authorized and demanded by necessity in order to be reconciled to sound policy, and such is the feeling of the people and of the authorities of Texas. But the force of changes must be recognized and facts met and dealt with as they present themselves.

One of the leading cares and duties upon the State Government at this time is to provide support for the indigents and dependents of soldiers. This is an obligation which she cannot neglect. It is a measure directly connected with the prosecution of the war and the support of the family of the soldier is as necessary as the support of the soldier. If his family suffers he will suffer. The means provided for the accomplishment of this object should be adequate and certain. The duty of providing these means in the main is devolved directly upon the State government and the burden should be equally borne by all the taxable property of the State. To leave the support of this loss of persons exclusively to the counties would be unjust and oppressive to many of them. The number of those for whom provision must be made by the public is not in proportion to the taxable property in the respective counties. Harrison, for instance, pays taxes on $8,156,942 worth of property, and yet the dependents to be provided for in that county number only 897, while Henderson County pays tax on property to the amount of $1,923,710 and the dependents in that county number 789. Such disproportion between the property and the numbers of the indigents exists throughout the counties of the State. The number to be provided for is 74,000.

How, then, is provision to be made for this class of needy and in what way shall it be provided? Will you make the provision in Confederate money? Is not this currency
too uncertain in value to admit of any reliable calculations as to the permanency or adequacy of any provision depending 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 Confederate currency has been and will in all probability continue to be of much less value in the purchase of the necessaries of life in some portions of the State than in others. In consequence appropriations made for a given number in one section are not equal in value to a like appropriation made for the same number in another section.

This condition of things has been brought about by facts over which these dependents had no control. It is certain, therefore, that if an adequate provision is to be made for this object in Confederate Notes that the appropriation must be greatly increased but how much increased, in consequence of the uncertainties already referred to, it is impossible to determine with any degree of certainty. An increase that would be sufficient in this appropriation will involve the necessity of increased taxation.

In providing for an increased tax it is for you to determine whether this money shall be collected and paid out without reference to its value or whether it shall be collected and paid out at a fixed rate, some basis of value being established. This subject was before you at your former session and further suggestions from me are deemed unnecessary. It is not deemed improper however to say that I do not consider the value of the new issue as yet fixed, and that it may be better than might be inferred from present quotations when the full effect of the laws of Congress upon the currency shall be made known.

Can any other plan be devised by which this object can be accomplished, and save the necessity of the use of increased quantities of Confederate Notes, or a resort to new issues from the State Treasury? If so, it would be mose desirable.

The only substitute for a tax in money for this purpose is a tax in kind of the products of the soil, and such a tax, it seems to me, will be attended with great difficulties. There is already a tax of the character imposed by the Confederate government; an additional one levied by the
State will complicate the system and embarrass its execution. And it would also be found a difficult task to proportion 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 tax, if imposed by the State and made uniform, would be attended with serious inconveniences if practicable at all. The largest amount of supplies, if thus collected, would be in counties where least needed. This would involve the necessity of transporting from one county to another and a redundant supply would often be found too remote for transportation to points where a deficiency might exist. And hence would arise the necessity of disposing of the productions where they could not be consumed, or of not collecting them at all. These considerations, it seems to me, would under this system be unsatisfactory and unacceptable, and yet it deserves full consideration.

Owing to the depreciation of the Confederate currency and the embarrassment connected with the Treasury from that cause, the support of the civil list of the State government merits your most serious consideration. If the salaries of the officers and employees are to be paid in that currency without any increase in the amount, they will be merely nominal in value as the money is now depreciated, and it becomes a serious question whether the affairs of the government can longer be conducted with proper efficiency and vigor. If the contingent expenses are also to be provided for in this currency, they can only be discharged at its market value. The civil list proper requires about $300,000 annually, and at 30 for 1 in specie, this sum equals only $10,000. And yet for months past in a large portion of the State, those receiving this money from the Treasury at par have been forced to pay it out at this rate of depreciation and often greater. Other States, as I am informed though not with accuracy and certainty, have been forced to recognize this depreciation and to conform their policy to it by providing for additional pay for their officers and employees. The Confederate government, influenced by the same cause and by the same necessity, has provided additional means for the support of its employees and its officers in the field. The officer, as I understand, is now allowed a daily ration and the privilege of purchas-
ing another at the cost of the government, and also cloth-
ing 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 cummulation 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 gov-
ernment has no such privileges and no such provision is made
for him, and the money which he receives for his wages
or salary he is forced to pay out at its depreciated rates
for the means of living. This oppression to the employee
in the civil departments of the government does no good
to the soldier and furnishes him with no additional com-
forts. Indeed the State employee is often himself a dis-
abled soldier or one unfit for soldiers in the field, and is yet
employed in services essential to the conduct of public af-
fairs. At present many a taxpayer who receives Confed-
erate money at its market value pays it into the Treasury
in the discharge of her obligation, and of course the loss
by the depreciation falls upon its creditors and servants.
It is true that all tax payers do not receive this money at
so great a depreciation, but it may be said that nearly all
receive it with more or less depreciation allowed upon it.

Why this course of policy should be continued or con-
sidered just, is difficult to perceive. The people have not,
surely, lost interest in having their State government prop-
erly supported and conducted, and I cannot believe, with a
proper understanding of this subject that they will be un-
willing to provide the necessary means. To sustain the
organization of the State government in completeness and
vigor and to enable it to discharge its duties promptly and
justly, is not to weaken but to strengthen the cause in
which we are engaged; it is not to produce but to prevent
confusion in public affairs; it is not to oppose but actually
to co-operate with the Confederate government in all that
involves the public interest. For the duties and obligations
devolved upon the Confederate government, and yet their
discharge is essential to the welfare of the people. In con-
sidering the additional amount in this currency necessary
for the purpose under discussion, the same embarrassments
are met which were enumerated in alluding to the subjects
of the support of soldiers' families. But to recognize the
depreciation of the Confederate currency is not to depreciate it but only to recognize an existing fact in order to regulate a policy according to it.

Congress was forced to recognize the depreciation of the currency before measures could be adopted to remedy the evil, and it is to be hoped that the measures already adopted and those that may hereafter be will be ultimately successful in accomplishing a result so essential. There is patriotism enough in the people to sustain any measures necessary to this end, and for the accomplishment of an object so closely interwoven with the cause of our country, let citizens and public servants zealously labor and cooperate together.

A plan should, if possible, be devised which could with reasonable certainty be relied upon to support both the government of the State and the indigent dependents of soldiers and which will at the same time be as little oppressive as possible. This support comes from the people and must come in some form or other. Should you fail to adjust a satisfactory policy for the State finances based upon the Confederate currency, I respectfully ask a full and mature consideration for the following suggestions. Authorize the issuance of Treasury Warrants in sufficient quantities for the accomplishments of these purposes and the support of the Asylums, and impose a tax which will annually absorb a certain proportion of them. The Warrants issued for these purposes would be distributed to all the counties of the State and thus placed in reach of the taxpayers. A consistent and general demand for them would be created and a tax which would absorb annually, say three-fourths of the amount issued, or a smaller proportion would perhaps be sufficient to keep them up at a high value. It is believed that one million or one million and a quarter annually in Warrants, if their value can be well sustained, will accomplish these objects in connection with other provisions that will be suggested for the benefit of the families of soldiers. Set apart a given amount of the products of the Penitentiary, say, one-third, and if that is not sufficient, more for the benefit of the different counties according to the number of dependents to be provided for. For those counties who do not apply for their proportion of the goods, let the goods be sold, and the proceeds distributed to them. At present while some counties receive products
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 they may be sold should control this matter.

In addition to this, give the counties as large a discretion as can be given under the Constitution to levy just such a tax for the benefit of these dependents, as is best suited to the condition of the county in respect to currency production. The limit to tax must of course be fixed by law, but beyond that the discretion should be as unlimited as possible, or a tax which would be valuable in one county or in one section of the State would not be valuable or available in another. Caldwell County is already empowered by law to levy a tax in specie for the purpose under discussion, and the Chief Justice informs me that the end is well accomplished, the people satisfied.

The State possesses other resources through which the Treasury Warrants proposed to be issued might be absorbed without imposing a tax and their value preserved, some of which could be made entirely reliable for this purpose, and others not altogether so much so. To some of these I will refer, but cannot recommend a resort to them for the reasons which I shall give:

Land Scrip might be sold and payment in them received. But sound policy forbids the issuance of Land Scrip until the war shall end and our citizen soldiery return home. Real estate is known to be at a low estimate at this time, and Scrip would have to be sacrificed if sold. The consequence would be that they would fall into the hands of the money dealer and the land speculator and be hoarded for future profit and the public domain would be thus frittered away and but little advantage received in return to the State. I have not changed my views that the public domain should be reserved and guarded for the purposes named in the messages heretofore delivered to your honorable body.

All the products of the Penitentiary might be disposed of for these Warrants but this would deprive the soldier in the field of them. The demand for these goods on the part of the Army is constant and urgent. The representations that they are needed for the benefit of the soldiers came not only from the Headquarters of the Trans-Mississippi Department but from officers from Texas in command of
Texas troops. If this necessity does exist, the soldiery should not be deprived of these goods. If it were certainly known that the Confederate authorities could for the future provide a sufficient amount of clothing for the Army, these products might then be disposed of in the manner mentioned. But the condition of things in this department does not warrant a reliance on this so strong as to authorize a policy which would cut off our soldiery from what clothing they may receive directly from that institution. I believe that after fixing by law the proportion of the products to be reserved for the benefit of the families of the soldiers that the remainder should go to the Army, as heretofore. This conclusion is based upon the constant and strong representations made to me as to the necessities of the soldiery as above stated. If you have doubts as to the soldiery receiving the benefits of these products, make such regulations as will secure the benefits to them. I believe myself that they go to the benefit of the Army, but whether the application of them is always most judicious or not, I cannot say. It will be considered that there are other pecuniary obligations imposed on this State beside the discharge of the civil list, and her obligations to the families of soldiers and the means for discharging these obligations can be derived from the Penitentiary by observing the plan indicated.

The Frontier Organization is to be provided for and paid, and there are many other requirements of the State that involve the expenditure of money. The special loan tax, levied in specie to pay the interest of State Bonds, might be collected in these Warrants, and this would absorb about $80,000 annually. If the interest on railroad bonds was collected in them, it would absorb about $104,000 annually, but no certain reliance can be placed on the collection of this interest in the absence of compulsion of law.

The supposed assessment of taxable property for the year 1865 will reach $400,000,000. A tax of fifteen cents on the one hundred dollars on this amount of property will yield $600,000. This together with the tax of four cents on the one hundred dollars referred to above would amount to $680,000, and would absorb that amount of Treasury Warrants if the tax was collected in them and this amount might still be increased by the occupation tax.

In this connection the tax imposed upon the sale of
liquors should be fully considered. If it is said that the law now in force in regard to the tax upon the sale of ardent spirits is evaded and disregarded almost universally, and that it neither prohibits the distillation of grain into ardent spirits nor does it yield the revenue that might be expected to the Treasury. If such be the fact with regard to this law, it accomplishes no good as it now stands upon the statute books. If it prohibited the distillation of grain it should remain as it now exists. If, however, the distillation and sale of ardent spirits cannot be prevented, they should be made to pay a heavy tax and might thus be made important in absorbing the state paper. This would still diminish the ad valorem tax necessary to the absorption of the Warrants that might be issued, should this plan be adopted. Should this plan be adopted, it will be necessary to guard against too heavy a tax upon them at first, and the collection of it at too early a period in order to avoid oppression thereby.

Were this plan adopted and if these estimates and calculations be reliable, the collection of taxes in Confederate money might for the present be suspended and the people burdened only with a very light tax on account of the State.

To complete this system and to place the credit of the State on a proper basis, provisions should be made for funding in Bonds of all outstanding Treasury Warrants, or for absorbing them in some other way. These bonds might be made to mature at such periods as you might deem best for the interest of the State to draw interest at 6 per cent from date, but the interest not to be paid until the conclusion of the war. The policy of receiving them in liquidation of railroad bonds and interest thereon might well be considered.

The military authorities of this department have frequently requested that military prisoners who have been condemned to hard labor during the war should be received as laborers into the Penitentiary. There was no authority of law for granting this request, and I therefore declined to do so. I did not consider it impolitic, however, that prisoners condemned to labor for a sufficient length of time to make them useful should be received into the Penitentiary to supply the places of the convicts whose term of service in that institution might expire. The Superintendent, influenced by these considerations, but with-
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 as laborers such number of these prisoners as may be useful in the institution and no more.

I again call your attention to the consideration and propriety of extending to the Financial Agent and Director the authority to increase the capacity of the institution by the purchase and introduction of 1,300 additional spindles which they represent could be usefully and profitably employed.

The assessment and collection of taxes is said to be very imperfectly performed and that the State Treasury in consequence of this suffers greatly, whether this failure results from the inefficiency of the laws relating to assessors and collectors or from their failure to perform their duties under the laws, is a matter that should engage your serious attention. It is but just that all property should be assessed, and the taxes paid thereon according to the provisions of the law. If the assessors and collectors are in fault, penalties should be provided which will insure the performance of duty on their part. The amount of specie, for instance, rendered on the assessment rolls for 1864, is $1,595,134, and the specie tax paid on the sale of merchandise up to the 31st of May amounts only to $1,812.36. This certainly falls far short of the amount of specie that is supposed generally to exist in the State, and the amount of merchandise sold for it, according to the general impression as to the amount of specie in the State, there should be derived from the two sources above named a sufficient amount to pay the interest on the State Bonds. Whether these impressions are correct or at fault, I know not. If they be correct, the failure lies in the assessment and collection of the tax.

The subject is of sufficient importance to claim your full attention, and if remedies can be provided for the evil, they should be provided. I do not know that any measure short of a thorough change of the laws on that subject will accomplish the result.

I respectfully invite your attention again to the subject
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 placed at their disposal for these purposes which are now placed at the disposal of the Executive. And besides, the duties now devolved upon the Board require more means than is provided for them, and a larger discretion in the purchase of cotton, through the medium of which above the objects proposed by existing laws can be accomplished. It is not believed that proper efforts to accomplish these objects could cease with justice to the State or to the people in the present condition of things. To accomplish these objects with certainty the Board should be empowered to purchase cotton partly with specie and partly with bonds, and in this way notwithstanding, the change in regulations in regard to the cotton trade by judicious management the bonds may be employed can be realized to the State at part, in specie or its equivalent. I do not commend a large trade on the part of the State in cotton, but a trade commensurate only with the absolute necessities of the State and the people. The necessity for cotton and wool cards still exists, and the purchase and introduction of them should still be continued, and when sold, they should be sold to the counties for the benefit of the needy at the cost to the State.

And it might well be considered whether medicines might not be introduced to be disposed of in the same way by the Board. There are representatives coming to me from every portion of the State that there is great suffering in consequence of the want of medicines, and that they cannot be procured without the aid of the State in a direct or indirect way.

I, on a previous occasion, called your attention to the consideration of the propriety of declaring subject to military duty to the State all those not liable to duty to the Confederate States, and under the age of sixty. If deemed unnecessary to organize such a force in the respective counties at the present time, provisions might be made for organizing them when the necessity should become apparent. When such a necessity may present itself cannot be foreseen, and yet prudence dictates that we should be prepared

---

7 For an examination of the books of the Military Board see Appendix II.
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
House Bill 21, to be entitled an act to provide for the exchange of so much of the old issue of Treasury Notes of the Confederate States now in the Treasury of the State for the new issue as is authorized by the act of Congress that now exist or may hereafter be passed, was read the 1st time and referred to the Committee on Finance. The Committee reported a substitute, which was read.\textsuperscript{19}

House Bill 31, to be entitled an act to amend the 12th and 24th sections of an act entitled an act to authorize and require county courts to regulate roads, appoint overseers, etc., was read the 1st time.\textsuperscript{20}

Tuesday, November 1, 1864

BILLS:

House Bill 30, an act providing more effectually for the support and maintenance of indigent families and dependents of Texas soldiers, was ordered to be engrossed. Rule suspended, read the 3rd time and passed.

House Bill 32, to be entitled an act to amend the 4th section of an act to organize the Supreme Court of the State of Texas, approved May 2, 1846, was read the 1st time and referred to the Committee on the Judiciary.

MESSAGE:

Executive Department
Austin, Texas, November 1, 1864

Gentlemen of the House of Representatives:

In response to the resolution adopted by your Honorable Body, in relation to property left on hand by the Frontier Regiment, I submit the statement of the Assistant Quartermaster General of the State, showing the wagons, teams, harnesses, etc. left on hand, and the disposition made of them.

As to Quartermaster's stores, camp, and garrison equipage, etc., it will require time to make out a detailed statement in writing of the amount that was left on hand at the time referred to, and the quantity disposed of since. This statement, however, shall be placed before you, so soon as it can be made out. It was thought best to retain

\textsuperscript{19}Weekly State Gazette (Austin), November 2, 1864.

\textsuperscript{20}The Weekly State Gazette (Austin), October 26, 1864, stated that this bill was referred to the "appropriate committee," but it had not been reported back to the House by October 26.
a few wagons and teams on hand to meet the requirements of the Frontier Organization, in case the Provost Guard should be organized as contemplated by the law passed by you at an extra session before, in addition to those employed in transporting for the organization as it now stands.

Arrangements have been made with reference to some of these teams, as will be seen from the accompanying statement which are intended to free the State from the expense of feeding the teams, and at the same time yield some income when not employed in the public service.

It will be seen, that there are a few extra mules yet on hand, which I have directed to be sold, except a sufficient number to keep up the teams.

Respectfully submitted,

Pendleton Murrah

COMMENTARY:

House Bill 30, which has been discussed in a Committee of the Whole nearly every day since [October 26], section by section, and, after numerous amendments, was passed [this] evening, after which a resolution to adjourn on the 5th was adopted.22

The resolution was not concurred in by the Senate. It was found that business so accumulated that it will probably prolong the session until about [November 14].23

Wednesday, November 2, 1864

BILLS:

House Bill 4, to be entitled an act to authorize the use of the Texas Penitentiary for the confinement of convicts from the states of Louisiana, Arkansas, and Missouri, was read the 1st time.

House Bill 6, to be entitled an act to protect persons in the right to consult counsel in certain cases, was read the 1st time.

House Bill 10, an act to insure the correct returns of

21Executive Record Book No. 280, 1863-1865, pp. 156-157 (Archives Division, Texas State Library). The statement of the Assistant Quartermaster General cannot be located.
22Weekly State Gazette (Austin), November 2, 1864.
23John C. McCoy letter dated November 7, 1864, published in Dallas Herald, November 12, 1864.
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.

26Ibid. 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.
I will endeavour, however, again to answer these questions as fully as it is within my power to do. You are respectfully informed, that the Executive has purchased no cotton himself and has, in person, had no cotton transactions since his term of office began. The plan adopted by him for procuring cotton, and the reasons for adopting said plan, were fully explained in his message delivered to the Legislature on the 11th day of May last. Col. E. B. Nichols was selected as the agent of the state, and charged with the execution of this plan; and every person who contracted with the state to furnish cotton, were, of course, to report directly to him, and to contract with him. As every person who furnished cotton were to report to Col. Nichols, and as he was held responsible for executing the plan mentioned in carrying out these contracts, he alone was looked to by me for information on the subjects of inquiry embraced in the resolution.

I authorized Capt. John S. Williams to assist him in executing this plan; but he was only an assistant. Others assisted him as a matter of course; but all of his assistants I cannot name, as he was instructed to employ only such assistants as were absolutely necessary. It will be seen from these and other facts which I have placed before the Legislature, that, in order to answer the questions propounded fully, it would have required of me to keep accurate accounts of daily transactions connected with this cotton, and to have received daily reports of all the business connected with it. This, it will be admitted, is impossible, and it will be further admitted, that it is neither expected nor demanded by any existing law; and it will also be owned, that such a labor would be inconsistent with the numerous duties imposed upon the executive.

As to the price paid for cotton, as before explained to you, that can only be ascertained as a general thing, when the cotton is sold, as it was intended to exchange the State Bonds for a like amount in specie under the plan referred to.

As to how much has been sold, and at what prices, and the name or names of the person or persons who purchased or rather furnished, the same, I respectfully refer you to papers now in the possession of the Senate, and the only ones I had under my control. These papers will show the amount of cotton sold at Eagle Pass and Laredo, by whom furnished and at what prices sold.
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. Murrah

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

27Executive Record Book No. 280, 1863-1865, pp. 162-164 (Archives Division, Texas State Library).
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 received  
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 yearly, 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.
Austin, October 27, 1864
Executive Department

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
Bexar County
   Julius Hayer, vice E. H. Florian
   Andrew Dove, vice Julius Haffuer
Burleson County
   James Floyd, re-appointed
   R. M. Dixon, vice James S. Holliday
Cooke County
   Lemuel Gooding, vice J. E. Hughes
Colorado County
   Wesley Smith, vice H. E. Jorat
   R. J. Putney, vice Clement Allen
Angelina County
   Thomas B. Windham, vice J. W. Guinn
DeWitt County
   Achilles Stapp, vice Oliver H. Stapp
Ellis County
   Valentine Sevier, vice M. M. Knight
Fort Bend County
   John Fletcher, vice Charles H. Kendall
   George H. Schley, vice Benjamin F. Atkins
   David Ferguson, vice John H. Wright
   Preston Perry, vice Ira Fuller
   Thomas W. DeWitt, vice John W. Crump
Fayette County
   William P. Smith, vice William Gorham
   William B. Anderson, vice Robert Zapp
   A. B. F. Kerr, vice U. Gregory
Freestone County
   Joseph Lynn, re-appointed
Grayson County
   J. D. Dumas, vice George W. Newsome
Gonzales County
   Robert S. Miller, vice Benjamin F. Batchelor
Grimes County
   John Smith, vice Hiram R. Freeman
   James Nowlin, vice L. S. Mooring
Hays County
   Ransom G. Blanton, original appointment
Hopkins County
   William M. Ewing, vice Charles G. Lyon
Hill County
   John P. Bailey, vice J. R. Grover
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 were in session in May last.

As to the course pursued by me with reference to the contracts made under the plan adopted for procuring cotton, explained in the message referred to since you were in session before. I respectfully invite your attention to Exhibits (A) and (B) which accompanied my regular message to the present session of the Legislature.

As to who purchased Bonds, it will be seen by examining the official papers referred to that only those obtained Bonds who furnished cotton. In other words, the cotton, it will be seen, is to be sold and bonds given in exchange for the amount of specie which it may bring. The papers contained in Exhibit (B) furnished by the Texas Loan Agency at Eagle Pass and Laredo, will explain to
some extent the practical operation of this plan at those points on the Rio Grande. No Bonds as yet have been issued, nor will they be until certificates of the sales of cotton and the amount due the claimant are presented and filed. Then the bonds will be issued.

As to the amount of money received under this cotton plan and paid into the Treasury and the disposition of it, I respectfully refer you to Exhibit (A) from the office of the Treasurer.

I regret to be unable to place before you the full amount of cotton received under this plan on the Rio Grande, the amount still on hand, and the amount disposed of, together with an estimate of what may be realized to the State. I expected this information before this, and had instructed Colonel Nichols, the agent of the State, to furnish it. It will be seen that it has been only partially received if forwarded, although Colonel Nichols has assured me it should be finished at the earliest practicable moment.

Captain John S. Williams, who has been assisting Colonel Nichols at Eagle Pass, informs me that he has forwarded full statement of the transactions of the office at that place, but they have been received only in part, as you will see by the papers contained in Exhibit (B).

As to the persons from whom cotton was purchased, it will be at once seen by you that I cannot furnish the information, since so many of these contracts have been abandoned upon the appeal made by me to the contractors after my conference with General Smith in July last, shown by Exhibit (B), accompanying my message to the Legislature at its present session, nor can it be furnished until complete lists are furnished of the names of those who may deliver cotton upon their contracts upon the Rio Grande.

The papers from the offices at Eagle Pass and Laredo contained in Exhibit (B), will furnish many of these names. In connection with the information which I furnished in response to question propounded by you when in session in May last, I placed before your honorable body all the information in my possession from the agent of the State in relation to those who had entered into contracts.

In conclusion, I would say that my directions are positive to the State Agent to close this whole cotton transaction as soon as practicable, and make full returns thereof.

Pendleton Murrah
Executive Department
Austin, November 8, 1864

Senators and Representatives:

It has been frequently represented to me from the Headquarters of the District of Texas, New Mexico and Arizona, that sheriffs failed to report to the Labor Bureau runaway slaves in their custody who are in the employ of the Confederate government.

The act approved April 8, 1861, which controls this subject and virtually repeals all other laws upon it, does not require of the sheriffs to inform the owners except by publication in a newspaper of the imprisonment in jail of his runaway slaves. The consequence of this failure promptly to report to the Labor Bureau the fact that a runaway slave in government has been placed in jail results not only in the loss of the labor of the slave to the government but often in the loss of the slave to the owner, resulting from long imprisonment.

Sometime since, I addressed a circular to the sheriffs of the different counties requesting them to report promptly to the Labor Bureau such runaway slaves that might be in their custody, and who were in government employ. But this request carried with it no legal obligation upon the sheriff.

As newspapers are now scarce in the state and their circulation uncertain and limited, I think that good would be accomplished by making it obligatory upon sheriffs and all others having possession of a runaway slave to make known the fact to the owner or proper custodian of the slave by letter as early as possible, or by some other means not involving expense.

I do not advise repeal of the law which requires the publication of runaway slaves in newspapers, but only suggest this as an additional means of ensuring to the owner or proper controller speedy information as to the arrest and detention of the slave.

There are also complaints made at the fees for the arrest and detention of runaway slaves are required by sheriffs to be paid in specie, or its equivalent in Confederate money, at its market value. It is urged that this exaction is onerous, as it requires a large amount of Confederate money to pay such charges.

I submit for your consideration in connection with this
paper an extract from the letter of Major General Walker
upon this subject, and also a letter of Captain H. McKay
of the Negro Labor Bureau. I do not know that any rem-
edy can be provided, but it was proper that the subject in
the present condition of the country and of the currency
should be fully considered, particularly as there are so
many slaves in the employ of the government, and if they
are injured by long imprisonment in the jails, the loss will
fall on the owner.

Pendleton Murrah

Executive Department
Austin, Texas, November 11, 1864

Senators:
I have this day appointed the following named parties
Notaries Public, to which I respectfully ask your advice
and consent:
Anderson County
William R. Rogers, vice John Wolverton, Jr.
Austin County
C. C. Hock, vice D. J. Parker
Burnett County
Josiah Fowler, original appointment
Ainsworth, original appointment
William Davidson, original appointment
Davis County
J. J. Williams, original appointment
J. M. C. Connally, original appointment
Harris County
Algernon P. Thompson, vice James W. Wynne
Houston County
James R. Bracken, re-appointment
Jasper County
Moses C. Moulton, re-appointment
Goliad County
W. C. Cartright, original appointment
Bee County
James G. Cleary, original appointment
Hays County
Albert Heaton, vice W. O. Hutchison
Liberty County
James E. DeBlanc, vice John H. Robb
George W. Tubbs, vice P. B. Worsham
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