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GENERAL LAWS

OF THE

TENTH LEGISLATURE

(SECOND EXTRA SESSION,)

OF THE

STATE OF TEXAS.

BY AUTHORITY.

AUSTIN:

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GENERAL LAWS.

CHAPTER I.

An Act to amend an Act, to encourage the erection of certain machinery, by donation of lands and otherwise, approved December 15th, 1863.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the third section of the aforesaid act shall be so amended as to read as follows: Section 3d. That it shall be the duty of the said Commissioners after making a minute personal examination of said machinery, and after procuring such other evidence of its value as may be accessible to them, to value the same at its true valuation in specie. In said valuation, the necessary buildings and structures, erected for the efficient operation of said machinery, shall be included; but the land upon which they are situated shall not be valued. In case said buildings or machinery shall have been destroyed, in whole or in part, by fire or the public enemy, or by any other cause, over which the owner or owners of said property had no control, before said Commissioners have made a personal examination thereof, they may nevertheless proceed to hear evidence and assess the value of said property as though it had not been destroyed.

Provided, That no bonus shall be allowed to any party whose property has been so destroyed, unless the Commissioners are satisfied that such party has exercised reasonable care over said property.

SEC. 2. That this act shall take effect and be in force from and after its passage

Approved November 7, 1864.

CHAPTER II.

An Act to amend the fourth section of an Act to organize the Supreme Court of the State of Texas, approved May 12th, 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the 4th section of an act to organize the Supreme Court of the State of Texas, approved May 12th, 1846, be amended so as hereafter to read as follows, to-wit:

SEC. 4. That there shall be appointed for the Supreme Court one clerk for each division of the court, who, in addition to the duties now required by law of the clerks 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 Su-

preme Court, and shall reside at the place of holding court, the appointment shall be made by the court, or the Judges thereof, and shall be entered of record in the proceedings of the court, and each person so appointed shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by the constitution before any officer authorized to administer oaths generally, and shall enter into a bond with two good securities, to be approved by the court or the Judges thereof, payable to the Governor of the State, and his successors in office, in the penalty of two thousand dollars, conditioned for the faithful performance of the duties of his office, and that he correctly record the judgments, decrees, decisions and orders of the said court, and deliver over to his successor in office all records, minutes, books and papers, and whatever belongs to his said office of clerk, which bond and oath shall, without delay, be deposited in the office of the Secretary of State, and shall not be void on the first recovery, but may be put in suit and prosecuted by any party injured, until the amount thereof be recovered, and shall be deemed to extend to the faithful discharge of the duties of his office.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved Nov. 10th, 1861.

CHAPTER III.

An Act to define and fix the time of holding the District Courts in the Second Judicial District of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the second Judicial District, composed of the counties of Bastrop, Caldwell, Guadalupe, Hays and Travis, shall remain as heretofore, and the District Court shall be held twice in each year in each of said counties, as follows: In the county of Bastrop on the first Mondays in March and September, and may continue in session three weeks. In the county of Caldwell on the third Mondays after the first Mondays in March and September, and may continue in session two weeks. In the county of Guadalupe on the fifth Mondays after the first Mondays in March and September, and may continue in session three weeks. In the county of Hays on the eighth Mondays after the first Mondays in March and September, and may continue in session two weeks. In the county of Travis on the tenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 2. That all writs and other process, issued from the District Court of any of the counties named in this act, shall be made returnable to the terms of said court, as established by this act.

SEC. 3. That this act take effect and be in force from and after the 25th of December, A. D., 1864.

Approved Nov. 12th, 1864.

CHAPTER IV.

An Act to insure correct returns of Assessment Rolls to the Comptroller's Office.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That it shall be the duty of the Assessors and Collectors of the State of Texas to carefully sum up each column of each page of their Assessment Rolls, making the total value column of each page balance with the aggregate amount thereof, and on the last page of the rolls make a general and complete recapitulation of the same.

SEC. 2. That it shall be the duty of the Chief Justice and County Commissioners, when said rolls are presented for their approval, to verify the correctness of the Assessor's summations and recapitulation.

SEC. 3. That in case the requirements of the first section of this act are not complied with by the Assessors and Collectors in the copy of assessment forwarded to the Comptroller's office, the Comptroller shall deduct one hundred dollars from the commissions of such Assessors and Collectors so failing for each and every such failure.

Approved Nov. 12, 1864.

CHAPTER V.

An Act making an appropriation to defray the contingent expenses of the office of Attorney General for the years 1864 and 1865.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated annually to defray the contingent expenses of the office of Attorney General for the years 1864 and 1865.

SEC. 2. That it is act take effect from and after its passage.

Approved November 8th, 1864.

CHAPTER VI.

An Act supplementary to an Act entitled an Act regulating Juries, approved May 4th 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the county courts of the several counties in this State shall hereafter revise the jury list in each year; Provided that if from any cause the same should be omitted at said term, said courts shall revise said lists at the next succeeding term or at a special term to be called for said purpose.

SEC. 2. In every county where the number of citizens liable to jury duty at the time of the revision of the jury list shall be less than one hundred, it shall be the duty of the county courts to place upon the jury lists the names of all Justices of the Peace, Constables, Coroners, Overseers of roads, County Surveyors and County Treasurers, who are not exempt from jury duty for other causes than official position, and said persons shall be required to serve as other Jurors, unless incompatible with the actual discharge of their official duties at the time their services shall be required, to be decided by the Judge of the court in session.

SEC. 3. All laws and parts of laws conflicting herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, Nov. 14th, 1864.

CHAPTER VII.

An Act to amend the 12th and 24th sections of an Act entitled an Act to authorize the County Courts to regulate Roads, appoint Overseers, &c., approved February 8th, 1858.

SECTION 1. *Be it enacted by the Legislature of the State of Texas as follows:* That the 12th section of the act recited in the caption hereof, be so amended as that the same shall hereafter read as follows, to-wit: SEC. 12. All free white male persons between the ages of seventeen and fifty years, and all male slaves and other persons of color over sixteen and under fifty years of age, shall be liable, and it is hereby made their duty, to work on, repair and clear out the public roads of this State, under such provisions and regulations as hereinafter made.

SEC. 2. That section 24 of said act shall hereafter read as follows, to-wit:

Sec. 24. All fines imposed under the provisions of this act shall be collected in gold or silver coin, State treasury warrants or Confederate money of the new issue at its market value, and when recovered, after deducting therefrom all legal costs, the balance shall be paid over to the overseer of the road, in the precinct where the penalty accrued, for which amount the overseer shall give his receipt, the money to be applied by him to the improvement and keeping in good repair of his road.

SEC. 3. That this act take effect from its passage and be and remain in force until twelve months after the close of the present war.

Approved, Nov. 14th, 1864.

CHAPTER VIII.

An Act supplementary to, and amendatory of an Act to establish a code of criminal procedure for the State of Texas, approved August 26th, 1856.

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That articles 960, 962 and 964 of the above entitled act shall hereafter read as follows, to-wit: Art. 960. The Sheriff shall receive from the county, for each guard he may employ and for the support and maintenance of each prisoner in his custody such amount as the Chief Justice may, in his discretion, designate as necessary and sufficient, to be allowed by the Chief Justice on the presentation to him of the account verified by the oath of the Sheriff. Art. 962. At each term of the District Court of his county, the Sheriff may present to the District Judge presiding, his account for all expenses incurred by him for food and lodging of jurors in cases of trial for felony during the term at which his account is presented, which account shall be verified by the oath of the Sheriff. Art. 964. The District Judge shall give to the Sheriff a draft upon the County Treasurer for the amount of each account allowed by him, and the same when presented to the Treasurer shall be paid out of any money in his hands. The Chief Justice shall give to the Sheriff a draft upon the County Treasurer for the amount of each account allowed, not to include those allowed for keeping prisoners brought from other counties for safe keeping, or for trial on change of venue, and the same, when presented to the County Treasurer, shall be paid out of any money in his hands; and he shall also give the said Sheriff a draft for the amount of each account allowed by him on account of any prisoners brought from another county for safe keeping or trial on change of venue, on the County Treasurer of the county from which such prisoner may have been brought; and the same when presented to the Treasurer of such last named county shall be paid out of any money in his hands.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved, Nov. 14th, 1864.

CHAPTER IX.

An Act making appropriation to pay the mileage and per diem of the members and the per diem pay of the Officers of the second extra session of the tenth Legislature.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the mileage and per diem of the members, and the per diem of the officers of the second extra session of the tenth Legislature, and the certificate of the Clerk of the House, and Secretary of the Senate, of the amount due shall be authority to draw said money from the treasury of the State, for their respective Houses.

SEC. 2. That this act take effect and be in force from and after its passage.
Approved, Nov. 15th, 1864.

CHAPTER X.

An Act making an appropriation for paying the contingent expenses of the second extra session of the tenth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the contingent expenses of the second extra session of the tenth Legislature; Provided, that for the postage bills due, the Comptroller shall issue his warrant on the Treasurer, payable in Confederate treasury notes.

SEC. 2. This act to be in force from and after its passage.
Approved, Nov. 15th, 1864.

CHAPTER XI.

An Act to raise Revenue from Occupation and Income Taxes. Be it enacted by the Legislature of the State of Texas as follows:

SECTION 1. On each occupation of distilling spirituous liquor, by use of a still capable of holding eighty gallons, there shall be levied an annual tax of one thousand dollars; and on each occupation of such distilling by use of a still of greater or less capacity than eighty gallons there shall be a proportional annual tax. It is understood that such use of each still constitutes a separate occupation, subject to the appropriate tax. The term "still," as used throughout this act, comprehends every kind of metallic or wooden vessel, used for boiling liquid in the process of distillation. And every person engaged in such occupation is called a distiller.

SEC. 2. No person shall engage in the occupation of distilling spirituous liquors, without previously obtaining a license therefor: and such license may be obtained in the following manner: A person or company purposing to engage in such occupation shall pay the proper tax to the Assessor and Collector of taxes of the county wherein the business is to be conducted, who shall give a corresponding receipt. According to such receipt the Clerk of the county court of said county shall issue a license for pursuing such occupation for the term of one year. Provided, the Assessor and Collector, before giving such receipt, shall accurately ascertain, by his own measurement, the number of gallons which the still may be capable of holding.

SEC. 3. On each occupation of retailing spirituous or other liquors, there shall be levied a tax at the rate of two hundred and fifty dollars per annum, which tax shall be levied and collected, as provided for other taxes in the first section. The term "retailing" in this act is understood to mean selling in a quantity less than a gallon. No person shall engage in the occupation of retailing spirituous or other liquors without previously obtaining a license therefor; and such license may be obtained, as provided for other licenses in the second section; Provided such license may be issued for any time not exceeding one year nor less than three months.

SEC. 4. It shall be a misdemeanor for any person, either alone or as one of a company, to violate either of the foregoing prohibitions: the one against distilling without a license, and the other against retailing without a license; and the unlicensed pursuit of either of such occupations on any one day shall constitute the complete offense: and the offense will be complete for each day on which either of such occupations shall be pursued without license. And any person,

who shall pursue the occupation of distilling without license, so as to violate the first prohibition and be guilty of a misdemeanor, as aforesaid, shall be punished by a fine of one hundred dollars; and any person who shall pursue the occupation of retailing without license, so as to violate the second prohibition and be guilty of a misdemeanor, as aforesaid, shall be punished by a fine of fifty dollars; and such fines, respectively, shall be imposed for the separate offense of each day, on which an offender may so violate a prohibition.

SEC. 5. The Assessor and Collector of the county in which such offense shall have been committed against either of said prohibitions, is required to prosecute every such offender before a proper tribunal. And for such service the person so prosecuting shall be entitled to a commission of twenty per centum on the amount that may be collected of any such fine.

The District Judges shall have jurisdiction to prevent any person from pursuing either of such occupations without license, as against public policy, and for such purpose may use the writs of injunction and attachment, and any other appropriate remedy.

The Assessor and Collector is required to present to the proper District Judge, by petition, a full showing of every such offense, and to prosecute each known offender, to prevent the unlicensed pursuit of either of such occupations. For such services the Assessor and Collector shall have such compensation as may be allowed by the Judge, before whom the case shall be presented as aforesaid.

If the Assessor and Collector should wilfully fail or refuse so to present and prosecute any such case before the District Judge, such failure or refusal shall be considered a misdemeanor; for which the punishment shall be a fine of one thousand dollars, or an imprisonment of one month, or both, as the jury may determine. And the District Attorney, for his services, shall have twenty per centum on the amount, that may be collected of such fine.

Moreover, the District Attorney is charged to see that this act shall be enforced; and to this end, in case of delay or failure, or refusal of the Assessor and Collector, the District Attorney shall institute and prosecute proceedings for any offense of pursuing either of said occupations without license; and he shall be entitled to compensation as prescribed for the Assessor and Collector. And, on delay, failure or refusal of the Assessor and Collector, the District Attorney shall institute and prosecute proceedings before the District Judge, to prevent the unlawful pursuit of either of such occupations; and said attorney shall be entitled to compensation, as prescribed for the Assessor and Collector.

But no license shall be issued for retailing liquor until the person or company, applying therefor, shall have given bond to the State, with sufficient sureties, to be approved by the Chief Justice, in the penal sum of one thousand dollars, conditioned that the retailing establishment shall be kept in an orderly manner.

SEC. 6. There shall be levied and collected an income tax of five per centum on the gross amount of all sales of spirituous or other liquors, including beer and wine, of all kinds. And any person or firm making any such sale, either by wholesale or by retail, shall render an account thereof, in writing, and on oath, stating fairly the full amount of the sales, and the value of any quantity disposed of in any other manner than by sale, which shall be regarded as a sale for such value; and such returns shall be made, within one month from the time of such disposal, to the Clerk of the County Court of the county in which such disposal shall have been made. And such tax shall be promptly paid to the Assessor and Collector of said county, every month, as it shall become due. And any person who shall fail to comply with either of the foregoing requirements, as to making returns or payments, shall be guilty of a misdemeanor, and on conviction shall be punished by fine in the sum of one thousand dollars, or by imprisonment not exceeding six months, or by both, as the Jury may determine.

SEC. 7. There shall be levied and collected an income tax of one per centum on the gross amount of all sales of all kinds of merchandise, except the articles mentioned in section six, and agricultural and mechanical products, when disposed of by the producers. And returns of such sales and other dispositions of such

taxed merchandise shall be made, and the taxes thereon shall be paid and collected, in all respects as prescribed in section six, as to other taxes. And violations of the provisions of this section shall be misdemeanors; and the persons so offending shall be punished as provided for punishing offenders under the sixth section.

SEC. 8. There shall be assessed and collected, annually, the following taxes on persons pursuing the following respective occupations: On every wholesale merchant, whose business may be wholesale, retail or commission, three hundred dollars; on every retail merchant, one hundred dollars; on every druggist, one hundred dollars; on every auctioneer, one hundred dollars, on every hawker or peddler, fifty dollars.

SEC. 9. There shall be assessed and collected, annually, the following taxes on persons pursuing the following respective occupations: On every person keeping, for play, a billiard table, or a nine or ten pin alley, one hundred dollars; on every person doing a storage or warehouse business, one hundred dollars; on every person doing the public business of compressing or re-pressing cotton, one hundred dollars; on every insurance company, one hundred dollars; on every ferrying establishment, doing the business as much as three months in the year, twenty-five dollars; on the ownership of any toll bridge, twenty-five dollars; on every dentist, fifty dollars; on every establishment for brokering or commission business, fifty dollars; on every establishment for underwriting, fifty dollars; on every establishment for pawnbroking, fifty dollars; on each negro trader, doing such business as an occupation, but not as a merchant or auctioneer, two hundred dollars; on each establishment of stage contractors for each separate mail route, one dollar for each mile of the length of the route; on each establishment for an accommodation stage or hack line, fifty dollars; on each lawyer, ten dollars.

And each person or company, pursuing any occupation mentioned in this section, shall pay an income tax of two per centum on the gross amount of receipts from such occupation.

SEC. 10. There shall be assessed and collected, annually, the following taxes on persons pursuing the following respective occupations: On a keeper of an hotel fifty dollars; on a keeper of a restaurant or eating house, twenty five-dollars; on a keeper of a livery stable, fifty dollars; on each butcher, ten dollars; on each president, director, conductor, engineer, secretary or clerk of a railroad company, or a railroad, twenty dollars; on each doctor, ten dollars.

And each person or company, pursuing any occupation mentioned in this section, shall pay an income tax of one per centum on the gross amount of receipts from such occupation.

SEC. 11. Railroad companies shall pay an income tax of one-fourth of one per centum on the gross amount of receipts, by the respective companies.

SEC. 12. The occupation taxes imposed by sections eight, nine and ten, shall be collected as now provided by law for the collection of occupation taxes.

SEC. 13. The assessment, return and collection of taxes on sales, other than those on sales of liquor, shall be subject in all respects, except in the rates of taxation, to the provisions of this act for enforcing the assessment and collection of the taxes on the sales of liquor, provided that permanent residents shall be allowed three months for their respective terms of assessment, return and collection.

SEC. 14. Persons liable for income taxes arising from occupations shall report and pay such taxes, every three months, in the manner herein provided for reporting and paying income taxes on sales; and failures to do so shall be regarded as misdemeanors, subjecting offenders, on conviction, to fine or imprisonment, in the discretion of juries trying the cases.

SEC. 15. All taxes, fines, valuations and penalties of bonds, according to the general terms of this act, are understood to be in specie; and all payments of liabilities under this act shall be made in specie or in Comptroller's warrants, authorizing payments by the Treasurer, or in coupons of State bonds, which papers are receivable in commutation for the specie, at par therewith.

SEC. 16. So far as the provisions of any existing law shall be incompatible

with the provisions of this act, such former provisions shall have no future force nor effect; but existing liabilities under such former provisions are not hereby affected.

SEC. 17. This act shall be in force from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XII.

An Act to provide more effectually for the Support and Maintenance of the Indigent Families and Dependents of Texas Soldiers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That 600,000 yards of the cloth, and all the excess of thread manufactured by the State Penitentiary, be, and the same are hereby appropriated annually for the support and maintenance of the indigent families and dependents of Texas soldiers. That said cloth and thread shall be distributed to the several county courts of this State, in trust, to be used by them in the purchase of supplies, for supporting and maintaining said indigent persons in the manner hereinafter provided, and in clothing them in cases of absolute necessity.

SEC. 2. That the Financial Agent of the Penitentiary shall, without delay, proceed to divide the State into six districts, each to be composed of such contiguous counties as may contain an aggregate approximation as nearly as may be of one-sixth of the indigent persons in this State, who are entitled to relief under this law, and that the cloth and thread due each county on its monthly appropriation, shall be set aside each month by the Financial Agent, and distributed by him to each district, in rotation, which, the Financial Agent shall determine, by lot, in the presence of a majority of the Directors of the Penitentiary; and each District to be numbered as drawn from one to six. It shall be the duty of the Financial Agent to make known, by printed circulars forwarded to the Chief Justices of the several counties, the counties composing each district, and the month in which each district is entitled to cloth and thread.

SEC. 3. The Comptroller shall furnish the Financial Agent with complete returns of the indigent persons made by the Chief Justices of the respective counties, in accordance with the existing law in such case made and provided, which shall form the basis of distribution of the cloth and thread among the several counties of this State, which distribution shall be promptly made by the Financial Agent, upon the application of the county court of each county, or its authorized agent, who shall receipt for the same, which receipt shall be filed by the Financial Agent in the settlement of his accounts; such distribution shall be made to each county in a proportional quantity of thread and of each kind of cloth manufactured.

SEC. 4. It shall be the duty of the county court of the respective counties to promptly procure from the Financial Agent of the Penitentiary, from time to time, the quantity and quality of cloth and thread, to which their county is entitled, and to provide transportation for the same to their county seat, and are hereby authorized upon the reception of the same to dispose of it in a manner which they may think will best subserve the purpose of supplying the wants of the indigent families and dependents of Texas soldiers, and those engaged in the naval or marine service of the State or Confederate government, and they are further authorized to make sale of the same prior to its reception, by sample, or otherwise as they may think best. Provided the provisions of this act to distribute cloth to the counties shall apply only to such counties as shall, within ninety days after the passage of this act, notify the Superintendent of the Penitentiary that they wish to re-

ceive the same. And the remainder of such cloth shall be sold or offered for sale to the Confederate States, and the proceeds shall be distributed to the counties which have not signified their willingness, to receive cloth; Provided, further, that in no cases shall the cloth be sold or bartered at less than its market value.

SEC. 5. That in addition to the appropriation hereinbefore made and Provided, the County courts of this State are hereby authorized and empowered, at their discretion, if they should deem it advisable, to levy and have collected a tax on all proper subjects of taxation by the State as rendered in their respective counties, and including license tax and tax on merchandise, as shown by the assessment rolls on file in their respective counties, and may include the assessment for 1864, and for any year thereafter, but shall in no case exceed the State tax, on the particular subject of taxation, which tax shall be collected in such funds as the county court may deem proper, and the Assessor and Collector shall proceed to collect the same, in the manner prescribed for the collection of other county taxes; Provided, however, that no property belonging to a soldier in the active military service, or naval or marine service of the Confederate States, shall be sold for taxes, under the provisions of this act during his continuance in said service; Provided, further, that nothing herein contained shall be so construed as to protect from tax sale the property of any persons at home on permanent detail; Provided, further, that the tax payers shall have the privilege of paying said tax in such articles of prime necessity as the county court shall, from time to time, deem necessary for the support and maintenance of the persons provided for in this act. The price at which said articles shall be received, shall be determined by said court every three months or oftener, which shall be at a fair market value in the funds receivable in the payment of the tax.

SEC. 6. The county court shall designate the place or places within the county where the articles proposed to be delivered in payment of the tax, shall be received, and any tax payer who desires to pay produce or other articles, shall deliver the same as required by the county court, and the receipt of any member of the county court, or its authorized agent, to whom the articles are delivered, shall be received by the Assessor and Collector, in payment of the tax, and returned by him as a voucher in his settlement with the county court. The Assessors and Collectors of the county, in addition to the duties prescribed by law, shall do and perform such other duties as may be required of them by the county court in assessing and collecting the tax authorized to be levied by this law, and shall receive for their services a like compensation as for assessing and collecting any other county tax; and in case any Assessor and Collector fails or refuses to perform his duty, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, at the discretion of the Jury.

SEC. 7. The tax to be levied and collected under the provisions of this act, shall be due as soon as the same is levied, and the Assessor and Collector shall proceed immediately to collect the same at the time and in the manner prescribed by the county court; and in case there is a failure of the tax payer to pay the same within the time prescribed, the Assessor and Collector shall proceed to levy on the property of the delinquent and proceed to sell the same in the manner prescribed by law for enforcing the collection of the State tax.

SEC. 8. It shall be the duty of the county court to have entries made in a book to be kept for that purpose, a full and minute statement of all the cloth received from the Penitentiary, to whom the same has been sold, at what price and in what kind of articles payment has been made, and the amount of cloth furnished in kind; also, the amount of tax levied under this law, how much of the same has been collected in money, what character of money, and how much in other articles; also, the names of all persons to whom assistance has been

rendered under the provisions of this act, how much each has received, and in what kind of articles, and the date at which such assistance was rendered, which book shall be open at all times for the inspection of any person who may desire to examine the same.

SEC. 9. The provisions of this act are intended to more effectually support and maintain the indigent families and dependents of Texas soldiers, who are in the army, navy or marine service of the Confederate States, or who have died or been disabled in the military, naval or marine service of the Confederate States, or who are in the military service of the State of Texas, or who have died or been disabled in said service, Provided,

SEC. 10. No member of the county court shall, either directly or indirectly, become the purchaser of any portion of the cloth placed under their control by virtue of this act; and if any member of the county court, or any other person engaged in carrying out the provisions of this act, shall in any manner appropriate to his own use any cloth, money, produce, or other articles that comes into his possession, for safe keeping or distribution, or otherwise, he shall be deemed guilty of embezzlement, and upon conviction be punished accordingly; Provided, however, that nothing in this act shall be so construed as to prohibit the counties which have not heretofore received their quota of cloth under regulations, upon the subject of distributing cloth for soldiers' families from receiving their proportion with other counties that have received cloth from the Penitentiary.

SEC. 11. That an act entitled an act authorizing the county courts of the several counties in this State to levy and collect a special tax for war purposes on all property subject to taxation by the State, "approved, January 1st, 1862;" Also, an act entitled an act to provide assistance for families and other dependents of officers and soldiers, approved March 6th, 1863, be, and the same are hereby repealed, and this Act take effect from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XIII.

An Act to amend the fourth section of an Act, entitled an Act to provide more effectually for the support and maintenance of the Indigent Families and dependents of Texas Soldiers, passed at the present session of the Legislature, and supplementary to said Act.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the fourth section of the above recited act shall hereafter read as follows: SEC. 4. It shall be the duty of the county court of the respective counties to promptly procure from the Financial Agent of the Penitentiary, from time to time, the quantity and quality of cloth and thread to which their county is entitled, and to provide transportation for the same to their county seat, and are hereby authorized, upon the reception of the same, to dispose of it in a manner which they may think will best subserve the purpose of supplying the wants of the indigent families and dependents of Texas soldiers, and those engaged in the naval or marine service of the State or Confederate governments, and they are further authorized to make sale of the same prior to its reception by sample or otherwise, as they may think best; Provided the provisions of this act to distribute cloth to the counties shall apply only to such counties as shall, within ninety days after the passage of this act, notify the Financial Agent of the Penitentiary that they wish to receive the same. And should any county fail to notify the Financial Agent of the intention of said county to receive said cloth and thread within the time prescribed in this act, then it shall be the duty of the Financial Agent of the Penitentiary to offer the same to the Confederate Government at its fair market value in State treasury warrants, or Confederate money at its market value. And should the said Confederate government fail to purchase the same,

it is hereby made the duty of the Financial Agent to sell said cloth and thread to the highest bidder at public auction, in the town of Huntsville, for State treasury warrants, or Confederate money, at its market value, after giving at least forty days notice in some newspaper published in the State, and when said cloth has been sold, the proceeds shall be distributed to the counties which have not signified their willingness to receive cloth and the receipts of the Chief Justice shall be a voucher to the Financial Agent in his settlement with the Comptroller.

SEC. 2. That the act to which this is supplementary and amendatory shall be so construed as to allow the county courts to levy and have collected a tax upon all proper subjects of taxation, as rendered within their respective counties, a tax not to exceed in amount the State tax upon the particular subject of taxation, which tax may be collected in specie, State treasury warrants or Confederate treasury notes, at their market value, as the county courts in their discretion may direct.

SEC. 3. This act to take effect from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XIV.

An Act to repeal an Act and part of an Act therein named.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That an act entitled an act to amend the third and fourth sections of an act to provide necessary assistance for families, and other dependents of officers and soldiers, approved March 6th, 1863, approve^d December 16th, 1863 and so much of an act entitled an act to provide for the support of families and dependents of Texas soldiers, approved December 15th, 1863, as provides for the appropriation of one million of dollars per annum for the support and maintenance of the families, widows and dependents of certain officers and soldiers of Texas, be and the same are hereby repealed. But this act shall not be so construed as to interfere with the semi-annual distribution of said fund, which should have been made under the provisions of the fourth section of the last named act on the first of September, 1864.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XV.

An Act concerning the distribution of cloth from the Penitentiary.

WHEREAS, Under regulations heretofore adopted by the Financial Agent of the Penitentiary, cloth has been distributed to a portion of the counties in this State at rates then fixed, and, WHEREAS, some of the counties have not received their quota under said regulations,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That it shall be the duty of the Financial Agent of the Penitentiary to set apart and distribute to the several counties in this State their equal proportion of cloth with counties that have received cloth at the same price and upon the same terms which it was furnished to other counties under the last regulation, and it shall be his duty to notify the several Chief Justices of the counties entitled to cloth, when it is ready for delivery, provided, however, that the distribution in this act shall not interfere with the distribution under an act entitled an act to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers, but the said distribution shall be made out of the first cloth on hand after the several counties are furnished under the said act referred to, and, further, provided that to authorize any county to receive cloth under this

act it shall be necessary for the Chief Justice of the county to notify the Financial Agent of the Penitentiary within ninety days from the passage of this act of his intention to take the cloth, otherwise the said county shall not be entitled to the benefits of this act; and this act shall take effect and be in force from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XVI.

An Act to authorize Railroad Companies to discharge their indebtedness to the special school fund with the treasury warrants and bonds and coupons of the State.

Be it enacted by the Legislature of the State of Texas, That the railroad companies of this State, that are indebted to the Special School Fund, shall continue to be allowed the privilege of paying the interest due said Fund in the Treasury warrants and Bonds and Coupons of the State; and may also discharge the whole or any part of the principal of their indebtedness to that fund, (in the same manner,) provided such railroad companies shall satisfy the Comptroller that the treasury warrants and bonds and coupons of the State are received by them at par with Specie for freight and passenger travel.

That all treasury warrants and bonds and coupons of the State, so received into the State treasury, shall be cancelled; and the Comptroller shall issue the bonds of the State, bearing six per cent interest, to the Special School Fund for the amounts so paid in; and this act take effect from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XVII.

An Act to authorize the use of the Texas Penitentiary for the confinement of convicts from the States of Louisiana, Arkansas and Missouri.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas, That any person who has heretofore been convicted, or who may hereafter be convicted by any competent court of either of the States of Louisiana, Arkansas or Missouri, to hard labor in the Penitentiary of such State, may be received into the Penitentiary of the State of Texas, and subjected to the rules, regulations and discipline of that institution with reference to the convicts of this State; and remain there until the time for which such person is convicted expires, or until recalled by the respective States whence such person is sent.*

SEC. 2. A certified copy of the judgment of the court convicting such person to hard labor in the Penitentiary, or a certificate under the seal of the State in which such conviction is had, that such person has been so convicted, stating the term for which sentenced, shall be sufficient evidence to authorize the Superintendent of the Penitentiary to receive all such persons, provided no more persons shall be received under this act than the capacity of the Institution will justify.

SEC. 3. The transportation of persons sent to the Penitentiary under this act shall, in no event, be a charge upon the State or the Penitentiary; neither shall the amount of money authorized to be paid to the convicts of this State, at the expiration of their terms of conviction, be paid to convicts authorized to be received under this act.

SEC. 4. That this act take effect from its passage, and that the Governor cause certified copies to be forwarded immediately to the Governors of said States.

Approved Nov. 15th, 1864.

CHAPTER XVIII.

An Act to provide for the publication of the Synopsis of the decisions of the Supreme Court.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That* the synopsis of the decisions of the Supreme Court which have been rendered since the publication of the last volume of reports be published in pamphlet form under the direction and supervision of the reporter of said court; that three hundred copies of said work shall be printed and a copy shall be furnished to each officer and court entitled to copies of the reports of the Supreme Court.

SEC. 2. That the reporter shall receive such compensation as the Judges of the Supreme Court shall adjudge a proper remuneration, and upon their certificate the Comptroller shall deliver to the reporter a warrant upon the treasury for the amount to be paid out of the contingent fund of the Supreme Court.

SEC. 3. That this act take effect and be in force from and after its passage. Approved, Nov. 15th, 1864.

CHAPTER XIX.

An Act to protect persons in the right to consult counsel in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That* if any civil or military officer, or any person whomsoever, having any person in his or their custody, shall wilfully prevent said person in custody, as aforesaid, from consulting with or communicating with counsel, and thereby prevent said person from obtaining the advice or services of counsel to prosecute his legal rights, such officer or person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be punished by confinement in the county jail not less than sixty days nor more than six months, and by fine not to exceed one thousand dollars for each and every offense.

SEC. 2. This act to take effect from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XX.

An Act making an appropriation for the enclosure of the State Cemetery.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That* the sum of Ten Thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated for the enclosure of the State Cemetery.

SEC. 2. That the Governor be authorised to carry this act into effect, and that this act take effect from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XXI.

An Act to amend an Act entitled an Act to organize the 17th Judicial District, and to prescribe the time for holding courts therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That*

the 17th Judicial District shall hereafter be composed of the counties of Burnet, Llano, Mason, Menard, McCulloch, San Saba, Brown, Lampasas and Williamson, and the District Court shall be held twice in each year in each of said counties, as follows: In the county of Burnet on the 1st Mondays in March and September, and may continue in session one week; in the county of Llano on the 1st Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Mason on the 2d Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Menard on the 3d Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of McCulloch on the 4th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of San Saba on the 5th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Brown on the 6th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Lampasas on the 7th Monday after the 1st Monday in March and September, and may continue in session one week; in the county of Williamson on the 8th Monday after the 1st Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 2. That all writs and other process issued from the District Court of any of the counties named in this act shall be made returnable to the terms of said court established by this act.

SEC. 3. That this act take effect from its passage.

Approved Nov. 15th, 1864.

CHAPTER XXII.

An Act to regulate the Salary of the Private Secretary to the Governor, and making an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the salary of the Private Secretary to the Governor, for the years 1864 and 1865, shall be at the rate of the Chief Clerks of Departments.*

SEC. 2. That the sum of four hundred dollars, in addition to the amount heretofore appropriated, be, and is hereby appropriated to carry this act into effect.

SEC. 3. This act to take effect from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXIII.

An Act supplementary to an Act, entitled an Act making an appropriation to defray the expenses of defending the Frontier for the years 1864 and 1865, in pursuance of the provision of an Act to provide for the protection of the Frontier, and turning over the Frontier Regiment to the Confederate States service, approved Dec. 15th, 1863.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the sum of one million of dollars in Confederate States Treasury Notes be, and the same is hereby appropriated, to be expended in defraying the expenses of the frontier, for the years 1864 and 1865, in addition to the sum appropriated by the act to which this is supplementary.*

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

Approved, Nov. 15th, 1864.

CHAPTER XXIV.

An Act supplementary to an Act entitled an Act to regulate proceedings in the County Courts, pertaining to estates of deceased persons, approved March 20th, 1848.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That* when the Executor or Administrator of any estate, the property of which will escheat, for want of heirs, to the State of Texas, under the laws thereof shall have paid all the legal debts due and owing by said estates, the Chief Justice of the county in which such administration, or executorship exists, shall order such Administrator or Executor to proceed to sell all the property of such estate, on a credit of twelve months, taking therefor the promisory notes of the purchasers, with good and sufficient personal security, with a mortgage on all land and slaves purchased, and report the sale to the County Court as other sales of the property of deceased persons are now required to be reported; upon such report of sale being made the County Court shall make a decree closing the administration of the estate, as in ordinary cases, and order the assets of the estates to be paid over forthwith to the Treasurer of this State, and the State of Texas shall have power to proceed to collect the same, according to the tenor of the obligation sued on, in gold or silver, and that only, as any other creditor under the laws of this State, and in all cases where the Executor or Administrator has heretofore sold the property of any such estate, and paid all the debts of the same, the foregoing provision as to assets, after sale, shall apply.

SEC. 2. That this act shall be in force from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXV.

An Act to make further appropriations for the support and maintenance of the State Government for the years 1864 and 1865.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That* the following sums are hereby appropriated to further provide for the support of the State Government, for the years 1864 and 1865: To pay the contingent expenses of the Supreme Court, \$20,000. To pay for purchasing firewood, lighting material, stationery, and for fitting up the capitol for the next Legislature, for repairing and taking care of the furniture, and for taking care of the capitol square and building, \$3,000. For paying extra clerk service in Treasurer's office, \$1,200. For purchasing stationery for Assessors and Collectors and Chief Justices by the Comptroller, \$5,000.

SEC. 2. This act to take effect from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXVI.

An Act to extend the time for the redemption of land sold, or to be hereafter sold for taxes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That in all* cases where land has been sold for taxes, or may hereafter be sold for taxes

in this State, and purchased by individuals or by the State, the owner or owners thereof shall be allowed until two years after the ratification of a treaty of peace between the United States and the Confederate States of America to redeem the same, upon the payment to the purchaser thereof or the State, as the case may be, of double the amount of the purchase money and costs of sale; Provided, however, that this act shall only apply to cases where the owner or owners of the land sold or to be sold were or may be in the military, naval or marine service of the Confederate States, or of the State of Texas, at the time of making said sale, and, Provided further, that no deserter (except such as may have been pardoned, and restored by order of competent authority) from the military service of the Confederate States, or of the State of Texas, shall be entitled to the provisions of this act.

SEC. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXVII.

An Act to establish the salary of the Chief Clerk of the Treasurer's office.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas*, That from and after the passage of this act the Chief Clerk of the Treasurer's office shall be entitled to and receive the same salary as the Chief Clerks of the other departments, and that the sum of four hundred dollars, or so much thereof as is necessary, in addition to the sum already appropriated for the payment of his salary, be appropriated to carry out the purpose of this act.

SEC. 2. That this act take effect and be of force from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXVIII.

An Act to authorize the Treasurer of the State to employ some competent person to sign his name in certain cases, and making an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Treasurer of the State be, and he is hereby authorized, whenever the business of his office demands it, to employ some suitable person to sign his name on the Treasury Warrants hereafter to be issued by the Comptroller, which said signing shall be under the direction and supervision of the Treasurer.

SEC. 2. Before the person thus employed shall enter upon the discharge of said duty, he shall take the oath prescribed by the constitution, which said oath shall be attested and filed with the Comptroller of public accounts.

SEC. 3. That the sum of twelve hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, to pay for the services of the person who may be employed under the first section of this act.

SEC. 4. That this act take effect and be of force from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXIX.

An Act making an appropriation to re-cover or repair the roof on the old Land Office.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the sum of eight thousand dollars in State Treasury Warrants, or so much thereof as may be necessary, be, and the same is hereby appropriated for the purpose of re-covering or repairing the roof on the old Land Office—the work to be performed under the direction of the Board of Commissioners of Public Grounds and Buildings.*

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

Approved, Nov. 15th, 1864.

CHAPTER XXX.

An Act making an appropriation of ten thousand dollars, or so much thereof as may be necessary to re-cover and repair the Executive Mansion, in the city of Austin, and the fences around the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated to re-cover and repair the Executive Mansion, with the out-buildings, and the fences around the same, and that it shall be the duty of the Board of Public Works to have the work done as early as possible.*

SEC. 2. This act take effect from its passage.

Approved, Nov. 15th, 1864.

JOINT RESOLUTIONS.

CHAPTER I.

JOINT RESOLUTIONS Concerning Peace, Reconstruction and Independence.

WHEREAS, Among the political parties in the United States the question of a re-union of those States with these of the Confederacy is being agitated, and in order to promote such re-union it is urged that delegates be chosen from each of the States in the Confederacy, and in the Union, to meet in convention to reform the Constitution of the United States, which proposition is coupled with the *quasi* pledge, that such amendments shall be made to that constitution as will forever guarantee the institution of African Slavery in the States in this Confederacy; and, *Whereas*, it is possible that the political party in the United States advocating that proposition may prevail at the approaching election in choosing the Executive of that Government, and that consequently the foregoing proposition may be attempted to be made to the States of the Confederacy; *now* we of the State of Texas, believing that it is proper to meet such proposition in advance, have resolved as follows:

RESOLVED 1. *Be it resolved by the Legislature of the State of Texas*, That neither the above proposition nor any other can be made to the people of this State, by the United States or any other foreign people, the Government of the Confederate States being the only organ of the States in the Confederacy for the transaction of business with foreign nations, and such proposition, if made at all, must be made to the Government of the Confederate States, and if made to the Government of this State, will not be entertained.

RESOLUTION 2. That we recognize in that proposition no good faith, but merely an insidious policy to "divide and conquer," a policy through which it is hoped to detach some of the States from the Confederacy, thereby to weaken and demoralize the rest. To accomplish this an appeal is made to our love of property which as it is the all prevailing motive to the action of the people of the North, they supposed would control our conduct.

RESOLUTION 3. That it will be well for the people of the North to understand, even at this late day, that the Southern States did not secede from the Union upon any question such as the mere preservation of the slave property of their citizens. But, that being free and sovereign States, they were resolved to preserve their freedom and their sovereignty. They were free to govern themselves as they, and not as others saw fit. They were free to change their government, to erect a new one, and to make whatever alliances they should choose. And after nearly four years of arduous war, these States are still unwavering in their resolution to preserve their freedom and their sovereignty, without which all else is valueless.

RESOLUTION 4. That, could the present war and all its horrors be blotted out of our memories, our past experience, while in the Union, would warn us from any re-union with the people of the North. A written constitution adopted

by our ancestors and theirs, which contained, plainly worded guarantees of the rights of all; was by them and their sworn representatives deliberately and persistently violated to our injury, and finally, after years of discussion, when the question was understandingly before the people at large, they elected a Chief Magistrate with the purpose that he should destroy our liberties in disregard of the Constitution which he had sworn to support; thus exhibiting an instance of radical and wide spread national depravity, to the honor of human nature, never exhibited in the world before.

RESOLUTION 5. But we could not, if we would, banish from our memories the inhumanities of this war. Our enemies have repudiated every principle of civilized warfare. They have withdrawn their felons from jails and Penitentiaries, have recruited from the scum of Europe, and armed our own slaves, in order to procure an army sufficiently atrocious for their purpose; and this army has been launched upon us with the declared object of our extermination. Poisoned weapons have been manufactured and used; exchange of prisoners has been refused until the success of our arms extorted a cartel, and the terms of this have been violated by them whenever the varying fortune of the field made it apparently advantageous to do so. Our countrymen when captured have been removed to rigorous climes, and subjected to every hardship, that thus they might be destroyed. Non-combatants have been murdered. Indiscriminate onslaught has been made upon tottering age and tender youth. Our chaste and defenceless women have been subjected to outrage worse than death. Peaceful villages have been bombarded, and happy homes plundered and burnt. Whole populations have been removed and bonded to Northern masters. Desolation has marched with their armies. Religious services have been prohibited; ministers of the gospel of peace have been incarcerated and silenced, and sacrilegious hands have been laid upon our sacred altars. Lying to themselves, and pretending to the rest of the world that they are fighting the battles of freedom for four millions of happy and contented negroes, they are attempting the enslavement of eight millions of freemen. With devilish mockery of philanthropy, they have deluded and dragged these negroes from their comfortable homes to use them as screens from our weapons in the day of battle, and they have sent them by thousands to painful deaths by neglect, exposure and starvation. Words cannot express the malignity in their hearts or the atrocity of their deeds, exceeding, as they do, all that was ever conceived by men, from the Scythian down to the Comanche. Nor has this been the conduct of an unbridled soldiery merely. Those officers of their army who have surpassed the rest of the infamous, in infamy, have been rewarded with promotion by their Government. Nor has their Government been alone in identifying itself with these crimes. The people of the North have never failed, when the opportunity was presented, to render ovations to the most transcendent among the criminals, while their press has been constant in its laudation, and their orators and preachers have cried out "well done." Army, Government and people have united to make the name of *Yankee*, suggestive as it was before of *fraud*, now the synonym of *barbarism* and *baseness*.

RESOLUTION 6. By the just pride of the manhood and the virtue which we claim as individuals and as a people; by the divine command which warns us not to walk in the way with the wicked; by the memory of our murdered dead; by the sight of the bereaved mothers, widows, sisters, daughters and orphans in our land; by the heart-brokenness of trampled virtue, and by our desolated hearths, we are forbidden to admit a thought of further association with the people of the North. Our heroic soldiers, the living, and the martyred dead, forbid it; and our trust in God forbids it.

RESOLUTION 7. We declare that we are earnestly desirous of peace, but we say no less distinctly that it must be coupled with our independence.

And if the people of the United States be really disposed to terminate the war, they will best prove that disposition by making their proposition to the Government of the Confederate States, which alone can entertain it.

RESOLUTION 8. That a copy of these resolutions be transmitted to the President of the Confederate States, to each of our Senators and Representatives in Congress, and to the Governor of each State in the Confederacy.

Approved Nov. 12, 1864.

CHAPTER II.

JOINT RESOLUTION.

Be it Resolved by the Legislature of the State of Texas: That the Governor be and is hereby required, to discharge from service in the Frontier Organization, all persons now embraced in said organization, who were not bona fide citizens of the Frontier on the 1st day of July, 1863.

Approved November 15th, 1864.

CHAPTER III.

JOINT RESOLUTION, construing "An Act to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller," approved January 2d, 1862.

WHEREAS, There appears to be reason to apprehend a diversity of opinion between the Comptroller and the Financial Agent of the State Penitentiary concerning the manner of rendering accounts by the latter—now, in order to obviate any such difficulty, and to insure necessary information concerning all financial affairs of the Penitentiary,

Be it resolved by the Legislature of the State of Texas, That the true construction of said act enjoins on said Agent the duty of rendering accounts concerning other property as much as concerning money—by specific details of all receipts and disbursements, including every kind of disposal—by showing not only pecuniary balances, but also stocks of other property on hand—and by exhibiting appropriate vouchers

And, to these ends; said act enjoins on the Comptroller, as he may consider necessary and proper, to prescribe the modes of making such accounts and rendering them—and to require of the Agent, that he observe such modes.

And further, that this resolution be in force from its adoption.

Approved Nov. 15th, 1864.

CHAPTER IV.

JOINT RESOLUTION of thanks to the ninth regiment of Texas Infantry and other State troops.

WHEREAS, On the 4th day of June, 1864, the Congress of the Confederate States of America passed a resolution of thanks to the ninth regiment of Texas Infantry in the words following, to-wit:

"The Congress of the Confederate States of America do resolve, That the thank of Congress are eminently due, and are hereby tendered to the ninth regiment of Texas Infantry for their patriotic conduct in re-enlisting for the war, and tendering their energies, lives and honor to the service of the Confederate States till it is ended and our independence achieved."

1. *It is Resolved by the Legislature of the State of Texas*, That his excellency, the Governor, be requested to cause said resolution to be placed upon the executive records and filed amongst the archives of the State as a perpetual monument of their gallantry and patriotic devotion to their country.

2. *Resolved*, That the ninth regiment of Texas Infantry, on whose battle flag is emblazoned Shiloh, Perryville, Murphreesboro, Jackson, Chickamauga and Missionary Ridge, is not only entitled to the distinction bestowed upon it by Congress in said resolution, but it is eminently entitled to the thanks of the State of Texas, which are hereby cordially given to it for its gallant and heroic conduct on the above battle fields, on which it fully sustained the high reputation everywhere ascribed to Texas valor.

3. That it is with no feeling of partiality for the ninth regiment above that felt by us for every other regiment from Texas, that the foregoing resolutions are agreed to, but because the merits of this regiment have been especially called to our attention, and while we freely accord to the ninth regiment our admiration and esteem, yet we cannot refrain on such an occasion from giving expression to that fathomless gratitude which the powers of no language can convey, felt by every Texan for the gallantry, heroism and unconquerable devotion to our holy cause displayed on every field and under every vicissitude of trial and hardship by every Texas regiment. We feel that all have done their duty nobly. They are the representatives and upholders of the brightly accumulating glories that are fast gathering new lustre to adorn and make still more effulgent the halo of glory that surrounds the arms of Texas. We are proud of them. But their glory belongs not alone to Texas. It is shared in by our sister States, and makes the hearts of patriots leap with joy everywhere throughout the utmost bounds of civilization, and challenges the respect of our enemies, and fills the hearts of the oppressors of mankind with awe and terror.

4. That while no expression of ours can reach the silent resting-places of the heroic dead, we cannot but remember that we owe to them as much as to the living. They have consecrated in the hearts of their countrymen a gratitude that will be perpetuated as long as a love of liberty exists in the bosoms of men, and be as enduring as the pyramids of Egypt—more lasting than monuments of marble or brass, though capped with shafts that pierce the skies.

5 That we place our reliance firmly in the God of Hosts for the final success of our cause, and humbly trust that He will support our armies in every trial, shield them with His mighty arm in the terrible hour of battle, speedily give them victory and success, grant us peace and independence, and restore our absent heroes to their homes and loved ones.

6. That these Resolutions be published for the information of our troops.
Approved, November 15th, 1864.

CHAPTER V.

JOINT RESOLUTION.

Resolved by the Legislature of the State of Texas, That the impressment of beef by the military authority, for the purpose of exporting the same to Mexico, is unwise as well as unlawful.

That it is upon the beef of Texas that a large portion of the army and people of the Confederate States are, in a great measure, to rely for subsistence.

That the wholesale impressment of beef now being made by the military authorities at the instance of the Government agents and contractors for the purpose of exporting the same to Mexico for speculative purposes, is calculated to destroy the stock interest of our State, and thereby greatly weaken the resources of our Confederacy.

That we respectfully request the commandant of the Trans-Mississippi Department to prohibit forthwith the impressment of beef for the purpose of exporting the same to Mexico. Also, that whenever there is a necessity for making impressments, to have the same done, in strict conformity with the law, and with due regard to the public interest.

That the Governor of this State forward a copy of this resolution to Gen. E. K. Smith, the President of the Confederate States, and to each of our Senators and Representatives in Congress.

Approved, Nov. 15th, 1864.

CHAPTER VI.

JOINT RESOLUTION concerning the laying of export duties on cotton.

SECTION 1. *Be it Resolved by the Legislature of the State of Texas*, That it being a prime object to realize through the cotton in the Confederacy the largest possible value with which to support this war, we say that the means to do so up to this time have not been adopted to that end. The military regulations and multifarious cotton orders, from time to time published, have broken up legitimate trade. The impressment and forced sale of the material has still further depreciated its value by rendering property in it uncertain. These regulations and orders were bad in themselves, but were still more disastrous because of the uncertainty attending them. No one could regulate his business by them, because they could be revoked in the next week or month. And, finally, the President of the Confederate States having, under the authority of an act of Congress, taken charge of the subject, has made regulations which he may suddenly change. The consequence of this management persevered in, cannot fail to be the cessation of production and with it all revenue derived from that source. Nor has this been the only evil resulting from this vicious system. General officers whose whole time is required in the field, are compelled to turn from their proper military duties to traffic. To superintend this traffic, large numbers of men are withdrawn from the army at a time when the service of every man is necessary. And, after all, the result is unprofitable, as always happens when a government enters the market depending upon numerous agents. A further consequence of this system has been, that the country, seeing the large outlay for cotton purchased and the small return, have become suspicious of peculation and convinced of mismanagement, and men who were at first willing to *give* their cotton to support the army, are now loth to *sell* it to any government agent.

That, to avoid the consequences of the present system, and to procure the largest amount of revenue, we recommend to the government of the Confederate States to desist from the purchase and impressment of cotton, from the impressment of teams engaged in hauling it, to leave private enterprise free to transport and export it, and to lay as heavy an export tax on it as it will bear, not to impair its production.

Approved, November 15th, 1864.

INDEX TO GENERAL LAWS.

A

ASSESSMENT ROLLS,	PAGE.
To insure correct returns of, to the Comptroller's office.....	4
APPROPRIATION,	
To defray the contingent expenses of the office of Attorney General, for the years 1864 and 1865.....	5
To pay mileage and per diem of the Second Extra Session of the Tenth Legislature.....	6
To pay the contingent expenses of the Second Extra Session of the Tenth Legislature.....	7
To enclose the State Cemetery.....	15
Salary of the Governor's Private Secretary	16
Additional, to defray the expenses of defending the Frontier..	16
Additional, for the support of the State Government for 1864 and 1865.....	47
Salary of the Chief Clerk of the Treasury office.....	18
Salary of Clerk to sign the name of the Treasurer.....	18
To repair or reeover roof on Old Land Office.....	19
To repair aud recover roof on Executive Mansion.....	19

B

BEEF,	
Joint Resolution in relation to Impressment of.....	23

C

COURT, SUPREME,	
4th Section of the Act organizing amended.....	3
Clerk for each division to be appointed.....	3
Synopsis of Decisions of, to be published.....	15
COURT, DISTRICT,	
To define and fix the time of holding Courts in the 2d Judicial District.....	4
To define and fix the time of holding Courts in the 17th Judicial District.....	15
COURTS, COUNTY,	
Their duties in regard to Juries.....	5
Act to amend the 12th and 24th Sections of the Act in relation to roads	5
To have control of the cloth set apart to support soldiers' families.....	10
Act of March 20th, 1848, regulating proceedings in, amended	17

CODE OF CRIMINAL PROCEEDURE,	
Articles 960, 962, and 964, amended, relating to pay allowed Sheriffs, for supporting prisoners and how made	6
CODE, PENAL,	
See "Penal Code."	
CLOTH,	
See "Penitentiary."	
COUNSEL, LEGAL,	
Persons protected in their right to consult.....	15
CLERKS,	
Salary of Chief Clerk of Treasury office fixed.....	18
COTTON,	
Joint Resolution concerning export duty on.....	24

D

DECISIONS OF THE SUPREME COURT,	
Synopsis of, to be published.....	15
DISTRICT COURTS,	
See "Courts."	

E

ESTATES OF DISEASED PERSONS,	
Proceedings in relation to escheated property, amended.....	17
EXECUTIVE MANSION,	
Appropriation to recover and repair.....	19

F

FINANCIAL AGENT OF THE PENITENTIARY,	
Joint Resolution construing the Act requiring him to settle his accounts with the Comptroller	22
Duties of, under Act to support Soldiers' families.....	10
FRONTIER ORGANIZATION,	
Joint Resolution requiring the discharge of certain persons therefrom.....	22

J

JOINT RESOLUTION,	
Of thanks to the 9th Regiment and other State Troops.....	22
JURIES,	
Act supplemental to Act regulating.....	5

L

LANDS,	
Sold for taxes, time for Redemption of, extended.....	17
LAND OFFICE, (Old,)	
Appropriation to repair roof of.....	19

M

MACHINERY,	
Act encouraging erection of, amended	3

OCCUPATION TAXES,	
Act levying.....	7

P

PENITENTIARY,	
600,000 yards of Cloth set apart for supporting Soldiers' Families.....	10
To regulate the distribution of cloth manufactured at.....	13
Counties that have not received their quota of cloth under former regulations, may receive, and how.....	13
Convicts from Louisiana, Arkansas, and Missouri, may be confined in.....	14
PENAL CODE,	
Punishment for defeating the right to consult legal counsel....	15
PEACE, RECONSTRUCTION, AND INDEPENDENCE,	
Joint Resolution concerning.....	20
PRIVATE SECRETARY OF THE GOVERNOR,	
Salary of, regulated.....	16

R

ROADS,	
Law regulating and appointing overseers of, amended.....	5
RAILROAD COMPANIES,	
To discharge their indebtedness to the Special School Fund in Treasury Warrants, Bonds, and Coupons of State Bonds.....	14

S

SUPREME COURT,	
See "Court."	
SHERIFFS,	
What pay and how made, allowed for supporting prisoners....	6
SPIRITUOUS LIQUORS,	
Tax on sale, and distillation of.....	7
SOLDIERS, TEXAS,	
To provide more effectually for the support and maintenance of the families of.....	10
County Courts to levy a specific tax for the support of the families of.....	12
600,000 yards of Penitentiary cloth and all the excess of thread set apart for support of families of.....	10
Act of the present Session for the support of families of, amended.....	12
County Courts to apply for their quota of cloth, within 90 days, and providing for disposition of, if not applied for....	10
Certain Act in regard to families of soldiers, repealed.....	13
STATE CEMETERY,	
Appropriation for enclosing.....	15
STATE TREASURER,	
Authorized to employ a competent person to sign his name in certain cases, and making an appropriation therefor....	18

T

TAXES,

Occupation and Income, levied.....	7
To be paid in Specie, Treasury Warrants, or Coupons of State Bonds	9
Specie tax to be levied by County Courts, if in their discretion, they deem it necessary for the support of Solderis' families	11
Payment in produce may be made	11
Time to redeem land sold for, extended	17

DEPARTMENT OF STATE, }

AUSTIN, Texas, January 19th, 1865. }

I, R. J. TOWNES, Secretary of State for the State of Texas, do hereby certify, that I have compared the foregoing Laws and Joint Resolutions of the Second Called Session of the Tenth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the said Second Called Session of the Tenth Legislature of the State of Texas, assembled on Monday, the 17th day of October, 1864, and adjourned on the 15th day of November, 1864.



IN TESTIMONY WHEREOF, have hereunto set my hand, and affixed the Seal of the Department of State, the day and date above written.

R. J. TOWNES,
Secretary of State.

