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HOUSE OF REPRESENTATIVES
OF THE
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EXTRA SESSION

OF THE
EIGHTH LEGISLATURE

By Authority.

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JOURNAL.

HOUSE OF REPRESENTATIVES, }
Monday, January 21, 1861. }

In pursuance to a proclamation of the Governor, dated December 17, 1860, the House of Representatives of the State of Texas met in extraordinary session, and was called to order by the Hon. M. D. K. Taylor, Speaker. Roll called, and the following Representatives answered to their names, to wit:

Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Billingsly, Bogart, Branch, Buckley, Caddell, Camp, Crooks, Crumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Hubbeet, Lynch, Maverick, Middleton, Mills, Mundine, Munson, Navarro, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Stewart, Taylor, Wælder, Walworth, Warfield, Whitmore, Wortham, and Wrede.

The Speaker arose and said:

Gentlemen of the Eighth Legislature:

We are here in obedience to the proclamation of the Governor, and we should feel thankful to the Giver of all Good that so many of us have been permitted to return to our post of duty. We have to mourn the loss of one of our members. Joseph H. Barnard, the member from Goliad, has paid the debt of Nature. Those of us who were intimate with him, and knew his condition, were prepared to hear that he was no more. In him we have lost a good man, a soldier, and a patriot.

With our officers we have been less fortunate. Two of them have gone to that repose from whence no one has ever returned;

Mr. Coney, the Engrossing Clerk, and Mr. Weeks, the Reporter. These events should admonish us that we, too, are but passers to the grave, and should govern ourselves accordingly.

Fellow members, we have been convened under most extraordinary circumstances. The time has arrived when it becomes necessary to consider a change of government. This necessity has not been caused by us, or our section, but it has been forced upon us by a sectional party in the government, and on them must fall the consequences. They have torn and mangled that constitution and government given to us by our revolutionary fathers, and it now lies bleeding at their unholy feet.

A religious fanaticism has brought about the present state of things, and we are now to consider the remedy. True it is that we, as a legislative assembly, cannot change the organic law of the State; but it is our duty to recommend to the people a course of action, who, alone, can change or amend, the organic law. And, gentlemen, this is a most important trust, and one that we should well consider before taking action. We should not let the excitement around us get the upper hand of our better judgment, that we may thereby commit an act hereafter to be regretted. We should approach this important subject calmly, and with an eye alone to the common welfare of the people.

This matter involves not only the present but the future; not only the present population, but perhaps millions yet unborn. Then, let us use our every effort to insure harmony of action: do not let us become wrangling, criminatory and recriminatory among ourselves; for if we do, our efforts will most likely prove abortive. I beseech you, in the name of a free people, whose very liberties are endangered, to heed my admonitions, and be conciliatory; one toward another. To err is human. It is not expected that we should all come up with one opinion upon any given question; but, by moderation and respect for others' opinions, we may harmonize upon that recommendation which will be most likely to promote the peace and happiness of the people in this our time of trouble. And that my position may not be misunderstood, I have this to say for myself, and those I represent, that, should your determination be to recommend resistance to the wrongs we bear, as well as those in store for us, then we are ready to endorse that recommendation; and should it become necessary, in the maintenance of the inalienable rights of man, to repel force by force, then we are ready to bear our part: but, upon the other hand, if the result should be unreserved submission to the ills we bear, and to the administration

of a man who, if found in the State, would, by the laws governing, and of your own make, be incarcerated in the penitentiary for a term of years, a gloom would be cast over those I represent, and, for myself, I shall submit, because it will be my duty so to do: but when my duties have come to a close in this hall, I shall, with a heavy heart, return to my quiet home, near the still waters of Caddo Lake, and there, with my family around me, mourn the loss of an equality in the government which was bequeathed to me by a revolutionary ancestry; and ere long, in the natural course of events, should my oppressors permit me a grave, go down to it in sorrow for the errors of my once devoted country.

Mr. Foscue presented the petition of sundry citizens of Kaufman county, which was read, and referred to Judiciary Committee.

Mr. Flewellen offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire, whether or not any member of the present Legislature is disqualified by the Constitution or Laws of this State from sitting as a member, and that they report to-morrow morning.—
Adopted.

Mr. Shannon offered the following resolution:

Resolved, That a select committee of five be appointed to take into consideration the subject of our frontier difficulties, and present to the Legislature a plan for its defence. Adopted.

On motion of Mr. Dickson, a committee of three was appointed to inform the Senate that the House was organized. Speaker appointed Messrs. Dickson, Dale, and Harrison of V. Z., said committee.

On motion of Mr. Branch, a committee of three was appointed to wait on the Governor, and apprise him that the House was organized, and ready to receive any communication from him. The Speaker appointed Messrs. Branch, Redgate and Foscue said committee.

A message was received from the Senate, informing the House that the Senate had organized and were ready to proceed to business.

Mr. Munson offered the following resolution:

Resolved, That the Governor of this State be requested to transmit, on to-morrow, copies of the correspondence between his Excellency and the Governors of the Southern States, if any, growing out of the Joint Resolution upon Kansas affairs, approved February 16, 1858. Laid over one day for consideration.

On motion of Mr. Hubbard, the rule was suspended, the resolution taken up, and adopted.

On motion of Mr. Mills, the House went into election for First Assistant and Engrossing Clerks, to fill vacancies occasioned by the absence of T. M. Bowers and death of Charles Coney. Nominations for First Assistant Clerk being in order, Mr. Baxter nominated Mr. R. S. Bacon, and Mr. Munson — Dinkins.

The Speaker appointed Messrs. Flewellen, Middleton, and Hall, tellers.

On counting the votes, it appeared that Mr. Bacon had received thirty-eight votes, Mr. Dinkins twenty-one votes, and Mr. Hollingsworth one vote. Mr. Bacon having received the majority of the votes cast, was declared by the Speaker duly elected First Assistant Clerk.

The committee appointed to wait on the Governor, reported, that they had waited on his Excellency, and that he had informed them that he would lay his communications before the Senate and House of Representatives, in joint session, on to-morrow, at 12 o'clock, M., orally.

Nominations for Engrossing Clerk being in order,

Mr. Darnall nominated Mr. Johnson;

“ Wortham “ “ Houghton; and

“ Dickson “ “ Ormsby.

Upon telling the vote, it appeared that Mr. Ormsby had received forty-three votes; Mr. Houghton ten votes; Mr. Johnson six votes; and Mr. Logan one vote. Mr. Ormsby having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

Mr. Bogart moved to add Mr. Henry to the Committee on Federal Relations.

A message was received from the Senate, informing the House that the Senate had appointed Senators Hart, Martin and Miller a committee to act with a like committee on the part of the House, to wait upon his Excellency and inform him that the Legislature had organized, and was ready to receive any communication from him.

Mr. Bogart withdrew his motion.

On motion, the House adjourned until ten o'clock, to-morrow.

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

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

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

The first assistant and Engrossing clerks elect were qualified.

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

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

Mr. Crooks offered the following resolution :

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

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

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

The question recurring on striking out ten.

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

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

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

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

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

The question recurring on the adoption of the resolution, the

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

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

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

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

Mr. Lynch offered the following resolution :

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

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

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

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

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

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

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

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

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

Mr. Mills offered the following resolution :

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

Mr. Mills called for the yeas and nays.

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

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

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

Mr. Darnell offered the following resolution :

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

Mr. Henry introduced a joint resolution, relative to relations

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

Rule suspended and read second time.

Mr. Henry moved to refer to a select committee.

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

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

Mr. Crooks introduced the following resolution :

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

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

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

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

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

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

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

A message was received from the Governor.

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

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

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

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

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

EXECUTIVE DEPARTMENT, }
Austin, January 21, 1861 }

GENTLEMEN OF THE SENATE
AND HOUSE OF REPRESENTATIVES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Total, \$446,495 83.

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

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

For pay and subsistence of full companies,	\$125,000 00
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	\$155,000 00
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Amount paid in cash and warrants,	139,781 12
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Showing total cost of frontier defence,	\$294,781 11
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It is the opinion of the Executive, that the estimate made, \$155,000, will cover the entire indebtedness on account of frontier defence for the past year. The entire operations have been conducted with the strictest economy. The troops have been supplied upon contract at exceeding low rates, and all officers held to a strict accountability. When the number of men kept in the field, and the distant points to which supplies have been sent are considered, the entire cost is not great. The expense of keeping a regiment in the field one year, was estimated by the Comptroller to be \$603,000.

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

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

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

Total, \$1,175,956 99

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

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

Total, \$358,129 89

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

May a kind providence guide you aright,

Your obedient servant,

SAM HOUSTON.

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

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

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

JUDICIARY.

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

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

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

DISTRICT COURT.

1858.			
Feb. 15.	For salary of 19 Judges,	9,350 00	
" "	For salary of 19 Attorneys,	2,340 26	
" "	For costs due Cl'ks and Sheriffs,	2,344 54	
1860.			
Feb. 11.	For salary of 20 Judges,	38,409 24	
" "	For salary of 20 Attorneys,	8,444 71	
" "	For costs due Clerks, Sheriffs and Attorneys,	4,997 41	
" "	For costs due Clerks, Sheriffs and Attorneys, (1861)	3,222 51	
1860.			
Jan. 4.	For Costs due Attorney General and District Attorney,	2,020 00	71,628 67

ATTORNEY GENERAL'S OFFICE.

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

EXECUTIVE.

GOVERNOR'S OFFICE.

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

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

SECRETARY OF STATE'S OFFICE.

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

COMPTROLLER'S OFFICE.

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

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

TREASURER'S OFFICE.

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

GENERAL LAND OFFICE.

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

COURT OF CLAIMS.

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

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

GEOLOGICAL BUREAU.

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

ASYLUMS.

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

PENITENTIARY.

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

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

PENSIONS.

1858.			
Feb. 15.	To sundry persons,	575 00	
1860.			
Feb. 11.	To sundry persons,	1,387 50	1,962 50
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IMPROVEMENT OF BAYS, RIVERS, ETC.

1856.			
Aug. 1.	For Colorado River,	10,000 00	
" "	" Brazos River,	12,535 00	
" "	" Sabine River,	8,200 00	
" "	" Angelina and Neches Rivers,	8,203 66	
" "	" Big Cypress Bayou,	10,649 40	
" "	San Bernard River,	2,720 00	
" "	Galveston Bay,	5,000 00	
" "	San Luis Bay,	8,437 50	65,745 57
		<hr/>	

1856.			
Sept. 1.	For salary of Sub Engineers,	480 00	
" "	" hire of boat, hands, etc.,	3 50	
1858.			
Feb. 15.	For salary of State Engineer,	1,283 33	
1860.			
Feb. 11.	For salary of special agents,	758 00	2 524 83
		<hr/>	68,270 40

MISCELLANEOUS.

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

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

DEBT OF THE LATE REPUBLIC.

Amount paid, - - - - 12,391 64

FOR THE "CORTINAS WAR."

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

FOR THE PROTECTION OF THE FRONTIER.

1860.	
Feb. 8.	For pay of Ford, Bourland and Brown's companies, etc., 60,445 02
Feb. 3.	For protection of the Frontier, 76,937 73
Feb. 11.	For supplies furnished Captain J. Williams' company, 7,423 45
	<hr/>
	Total in cash warrants, 144,806 ¹ / ₂ 20
	For amount drawn in ten per cent. warrants for same ser- vice, 62,843 39
Feb. 14.	For salary of Adjutant General and contingent fund, 3,85 00 208,034 59
	<hr/>
	\$ 892,951 64

RECAPITULATION.

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

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

CLEM. R. JOHNS,
Comptroller.

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

AUSTIN, TEXAS,
January 5th, 1861. }

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

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

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

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

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

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

I remain, very respectfully,
 Your obedient servant,
 J. M. CALHOUN,
Commissioner from Alabama.

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

To HON. J. M. CALHOUN,
 COMMISSIONER FROM ALABAMA,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I have the honor to be

Your most ob'd't. serv't.,

SAM HOUSTON.

The Senate then retired to their chamber.

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

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

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

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

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

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

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

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

A message was received from the Senate informing the House that the Senate had passed the House joint resolution, repealing the joint resolution in response to the Governor's message on Kansas affairs, approved Feb., 16, 1858.

Also, had passed a bill in relation to the procurement of money due by the United States to the State of Texas.

Mr. Dale introduced a bill to appropriate money for per diem pay of our late Presidential Electors. Read first time.

On motion of Mr. Dale, the rule was suspended, bill read second time, and

On motion of Mr. Foscue, referred to committee on Finance.

Mr. Stewart introduced a bill making an appropriation for pay of the mileage and per diem of the members and the per diem pay of the officers of the extra session of the eighth legislature. Read first time.

On motion of Mr. Stewart, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Stewart, the rule was further suspended, bill read third time and passed.

Mr. Bogart offered the following resolution :

Resolved, That the proper mode of deciding finally, the question of secession of the State of Texas from the American Union, is the submission of that question, to a direct vote of the qualified electors of the State, at the ballot-box, for approval or rejection.

On motion of Mr. Stewart, resolution laid on the table by the following vote :

Mr. Epperson calling for the yeas and nays.

YEAS.—Messrs. Speaker, Anderson, Barclay, Baxter, Billingsly, Buckley, Caddell, Craig, Crawford, Cumby, Dale, Darnell, Daniels, Dennis, Dickson Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Hubbard, Lewter, Lynch, Maverick, Morris, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse and Whitfield—45.

NAYS.—Messrs. Bogart, Branch, Camp, Crooks, Clark, Culberson, Davis of H., Duncan, Ellett, Epperson, Hancock, Haynes, Henry, Houghton, Lewis of M., Mabry, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Taylor, Whitmore, and Wrede—29.

Mr. Darnell, chairman of committee on Federal Relations, by permission, submitted the following report :

The committee on Federal Relations, to whom was referred a

series of resolutions, touching our relations with the Federal government, have had the same under consideration, and after deliberate discussion of the same, beg leave to report the same back to the House, and recommend that they be laid on the table. The committee, impressed however, with the great and imperative necessity of some decided action being taken by Texas in this emergency, beg leave to report to the House the accompanying joint resolutions, and earnestly recommend their passage at the earliest day.

Mr. Haynes offered the following resolution :

Resolved, That the committee on Military Affairs be requested to bring in a bill to provide for a permanent military force for the protection of the Rio Grande frontier, to take the place of the Federal troops now in that section of the State, whenever they may be withdrawn by the Federal government.

On motion of Mr. Rose, the resolution was laid on the table.

Mr. Mabry presented a petition of sundry citizens of the State of Texas, and stockholders of the Memphis and El Paso Railroad Company. Referred to committee on Internal Improvements.

Mr. Shannon introduced a bill to provide for the protection of the frontier of the State of Texas. Read first and second times and referred to committee on Frontier Protection.

Mr. Mills introduced a bill for the relief of Elijah Bishop. Read first and second times and referred to committee on Claims and Accounts.

On motion of Mr. Taylor, the report from committee on Federal relations, reporting a substitute for a series of resolutions touching our relations with the Federal government, was taken up and 200 copies of the resolutions and report ordered to be printed.

On motion of Mr. Wælder, the resolutions were made the special order for 11 o'clock to-morrow.

On motion of Mr. Nelson the Senate's bill for procurement of money due by the United States to Texas, was taken up and read first time.

On motion of Mr. Dickson, rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Nelson, rule further suspended, bill read third time and passed.

Mr. Henry introduced a bill for the relief of the purchasers of Seminary lands. Read first and second times and referred to committee on Finance.

W. Warfield introduced a bill to legalize the election of

James G. Stephens as Chief Justice of Hunt county. Read first and second time and referred to committee on Judiciary.

Mr. Shannon introduced a bill to incorporate the Milford Masonic Institute. Read first and second times and referred to committee on State Affairs.

ORDERS OF THE DAY.

The resolution that the House legislate upon no local or individual measure during the session was taken up.

Mr. Ross offered the following as a substitute:

Resolved, That this Legislature will entertain no local or general legislation, except that for which it was convened, or incidental thereto.

On motion of Mr. Henderson the substitute was laid on the table.

[Mr. Baxter in the Chair.]

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers of the extra session of the eighth Legislature.

Mr. Buckley moved to re-consider the vote adopting the resolution to legislate on no local business.

Mr. Mills moved to lay the motion to reconsider on the table. Lost by the following vote:

Mr. Duncan calling for the yeas and nays.

YEAS.—Messrs. Anderson, Barclay, Buckley, Caddell, Crawford, Crooks, Clark, Dale, Darnell, Daniels, Dennis, Dickson, Flewellen, Francis, Franklin, Foscue, Harrison of C., Houghton, Hubbard, Lewis of M., Maverick, Morris, McCutcheon, McKnight, Muudine, Munson, Parker, Redwine, Ross, Speights, Stewart, Wælder, Walworth, Whitfield, Whitmore—35.

NAYS.—Messrs. Baxter, Billingsly, Bogart, Branch, Camp, Craig, Culberson, Cumby, Davis of H., Duncan, Epperson, Hall, Harrison of V. Z., Henry, Hubert, Lewter, Lynch, Mabry, Middleton, Mills, Navarro, Nelson, Norton, Owens, Perry, Redgate, Robinson, Rose, Shannon, Shelton, Taylor, Warfield, Waterhouse, Wortham and Wrede—35.

On motion of Mr. Dickson, a call of the House was ordered.

Absentees.—Messrs. Armstrong, Benevedes, Bryan, Davis of B., Dougherty, Edwards, Ellett, Hancock, Hartly, Kinney, Lewis of R., Mabry, Martin, Maxey, Short, and Smith.

On motion of Mr. Dickson the call of the House was suspended.

The question recurring on the motion to reconsider, the vote

adopting the resolution, the House refused to reconsider the vote.

Mr. Buckley offered the following resolution :

Resolved, That the Governor be requested to transmit to this House, a statement and specifications of the point or points over which jurisdiction has been ceded to the government of the United States for public purposes, under an act of 19th Decr., 1849, and what if any, consideration was received therefor.

Laid over one day for consideration.

On motion of Mr. Buckley, the rule was suspended, and the resolution adopted.

[Speaker resumed the Chair.]

Mr. Wælder offered the following resolution :

Resolved, That the use of the hall of the House of Representatives, as well as fuel and stationary be tendered to the Convention, which will meet on next Monday, each day while said Convention may be in session, at and after the hour of 2 o'clock, P. M.

Mr. Henry moved to lay the resolution on the table.

Mr. Davis of H., moved to adjourn till to-morrow morning 10 o'clock. Lost.

The question recurring on the motion to lay the resolution on the table.

The yeas and nays were called for by Mr. Baxter, and the House refused to lay it on the table by the following vote :

YEAS.—Messrs. Bogart, Camp, Clark, Davis of H., Epperson, Haynes, Henry, Mundine, Navarro, Norton, Owens, Redgate, Taylor, Whitmore, and Wrede—15.

NAYS.—Messrs. Speaker, Anderson, Barclay, Baxter, Billingsly, Branch, Buckley, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniels, Dennis, Dickson, Duncan, Flewelling, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewter, Lynch, Mabry, Maverick, Morris, McKnight, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—55

And the resolution adopted.

Mr. Henry moved to add Mr. Hancock to committee on Federal Relations.

On motion the House adjourned till 10 o'clock, A. M., to-morrow, pending Mr. Henry's resolution.

HOUSE OF REPRESENTATIVES, }
 Thursday, January 24, 1861. }

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

Mr. Buckley presented the memorials of G. W. Glasscock and O. H. Millican.

Mr. Taylor objected to the House receiving said memorial,

under the resolution adopted, refusing to transact any private business, and was sustained by the Speaker.

Mr. Parker, one of the committee on Stock and Stock-raising, reported, recommending the passage of the bill supplementary to an act entitled an act to regulate Estrays, with amendments by the committee. Amended by striking out third section.

Mr. Shannon, chairman of select committee on Indian Affairs, reported, recommending the passage of the bill to provide for the protection of the frontier of the State of Texas, with amendments by the committee.

AMENDMENTS.

Section 1: Strike out "sixty" and insert "forty", and fill the blank, in section 1, with Montague, Jack, Clay, Wise, Young, Parker, Palo Pinto, Johnson, Erath, McLennon, Comanche, Hamilton, Bosque, Coryell, Bell, Lampasas, Brown, San Saba, Llano, Burnett, Gillespie, Bandera, Uvalde, Mason, Medina, Atascosa, Live Oak, Nueces, Starr, Hidalgo, Zapata, Cameron, Webb, El Paso, and other unorganized frontier counties, as soon as organized.

Section 5: After "State," add "and another copy to the Comptroller."

Section 7: Strike out "15", wherever it occurs, and insert "10", and insert, after forward, "immediately."

Section 9: The men called out under the provisions of the act shall, when in actual service, be governed by the rules and articles of war governing the army of the United States, wherever applicable, and when not in actual service, by such by-laws and regulations as they may make; not being inconsistent with the Constitution or laws of this State.

Section 10: Insert "Sec. 9."

Mr. Bogart gave notice that he would protest against the action of the House on his resolution, declaring the proper mode of State secession.

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

Resolved, That his Excellency, the Governor, be requested to transmit to this House the correspondence between himself and

the Comptroller of this State upon all matters connected with his office. Laid over one day for consideration.

Mr. Dennis introduced a bill to prescribe the order in which cases shall be determined in the Supreme Court. Read first and second times, and referred to Judiciary committee.

Mr. Hancock introduced a bill to amend an act entitled an act to regulate the descent and distribution of intestates estates, approved March 18, 1848. Read first and second times, and referred to Judiciary committee.

Mr. Hubert introduced a bill to be entitled an act for the relief of the debtors of the State of Texas. Read first and second times, and referred to Judiciary committee.

Mr. Crooks offered the following resolution:

Resolved, That the committee on Military Affairs be requested to inquire into the expediency of arming and equipping military companies that are organized or may be organized hereafter in the State, and that they report by bill or otherwise.—Adopted.

A message was received from the Senate, informing the House that the Senate had passed the House's bill making an appropriation for the mileage and the per diem pay of the members of the "Extra Session" of the Eighth Legislature, with amendment by the Senate. Amendment—Insert, after "dollars", in second line, the words, "or so much thereof as may be necessary": Also, had passed a bill to define the time of holding Courts in the Nineteenth Judicial District.

Mr. Taylor offered the following resolution:

Resolved, That the Governor be requested to inform this House, as early as possible, what sum per annum will be necessary to maintain Texas as an separate nation. Laid over one day for consideration.

Mr. Ellett offered the following resolution:

Resolved, That we unhesitatingly repudiate and denounce the idea of any number of counties, through the agency of the State Convention, or otherwise, have any constitutional authority to coerce any county or counties, after they have dissolved their connection with the said government, and that any attempt on the part of the State Convention to use force against a seceding county or counties is a tyrannous usurpation of power, striking at the heart of the existence of the sovereignty of the people, tending to our subjugation and conquest, and will be resisted at all hazards, and to the last extremity.

On motion of Mr. Buckley, the Resolution was rejected, by the following vote, Mr. Buckley calling for the yeas and nays:

Yeas—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benivedes, Billingsly, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dickson, Dennis, Dougherty, Duncan, Edwards, Flewollen, Francis, Franklin, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, Middleton, Mills, Munson, Nelson, Parker, Perry, Redgate, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham, and Wrede—69.

Nays—Messrs. Ellett, Epperson, Henry, Norton, Owens, Taylor, and Whitmore—7.

Mr. Lewis, of M., presented a memorial of sundry citizens of Montgomery county. Referred to committee on Federal Relations.

Mr. Haynes introduced a bill to provide for a regular standing force to garrison and defend the Rio Grande frontier. Read first and second times, and referred to committee on Military Affairs.

ORDERS OF THE DAY.

The House's Bill, making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the Extra Session of the Eighth Legislature, with amendments by the Senate, was taken up, and the amendments concurred in.

The motion of Mr. Henry to add Mr. Hancock to the committee on Federal Relations, pending when the House adjourned yesterday, was considered and carried.

The report of the Judiciary committee, asking to be discharged from further consideration of the Resolution requiring said committee to inquire whether or not any members of this House are disqualified from taking their seats, was taken up and adopted.

The report of the committee on Judiciary, asking to be discharged from further consideration of the petition of sundry citizens of Kaufman county, protesting against the Hon. A. B. Norton's taking his seat, was taken up and adopted.

The hour having arrived, the special order, viz., the report from committee on Federal Relations, asking that the Resolution referred to said committee, touching our relations with the Federal Government, be laid on the table, and reporting a series of resolutions relative to the same subject, was taken up.

The question being the adoption of the report of the committee, which recommended the tabling of the Resolution, referred, the Speaker decided that the question, under the rules of the House, was not debatable.

Mr. Taylor appealed from the decision of the Chair, and on said motion moved a call of the House, which was seconded. Absentees—Messrs. Culberson, Kinney, Lewis of R., Manley, Martin, Pirkey, Short, and Smith.

Mr. Hartley offered the following resolution:

Resolved, by the Legislature of the State of Texas, that all political power is inherent in the people, and that they have a right to alter, reform, or abolish, their form of government, in such manner as they may think expedient; and that we recognize the call, and election by the people, of a convention of delegates, to assemble in the City of Austin, on or about the twenty-eighth day of this month, to take into consideration the expediency of altering our present form of government, as the legitimate exercise of this right. That we believe that the peace, the safety, and the preservation of the rights and liberties of the people of the State of Texas, demand her secession from the Federal Union, known as the United States of America. That, in the opinion of this Legislature, whatever action is taken by said convention of delegates should be submitted to the people of the State for their ratification, or rejection by a direct vote of the qualified electors of the State for members of the Legislature.

On motion of Mr. Davis, of Hays, referred to committee on Federal Relations.

On motion of Mr. Nelson, the rule was suspended, and the Senate's bill to define the time of holding courts in the Nineteenth Judicial District, was taken up and read first and second times.

On motion of Mr. Nelson, the rule was further suspended, and passed to third reading.

On motion of Mr. Nelson, the rule was further suspended, bill read third time, and passed.

Mr. Lewis, of M., moved to suspend call of House. Lost.

Mr. Shannon moved to suspend rule, and take up the bill to provide for the protection of the frontier.

On motion of Mr. Henderson, a call of the House was ordered. Absentees—Messrs. Culberson, Kinney, Lewis of R., Manly, Martin, Pirkey, Short and Smith.

Mr. Flewellen moved to excuse the absent members from attendance on the House.

On motion of Mr. Haynes, a call of the House was ordered, by the following vote; Mr. Dougherty, calling for the yeas and nays:

Messrs. Armstrong, Benevides, Bogart, Camp, Clark, Davis of H., Ellett, Epperson, Hancock, Haynes, Henry, Mundine, Navarro, Owens, Taylor, Whitmore and Wrede—17.

Nays—Messrs. Anderson, Barclay, Baxter, Billingsly, Branch, Buckley, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniel, Davis of B., Dennis, Dickson, Dougherty, Duncan, Edwards, Flawellen, Francis, Franklin, Foscoe, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—57.

Mr. Davis, of Bastrop, reported as follows:

The special committee, to whom was referred a resolution respecting the death of the late Dr. J. H. Barnard, member from Goliad, have had the same under consideration, and instruct me to report the following resolutions:

1. *Resolved*, That we have learned, with regret, the death of our friend and fellow-member, Dr. J. H. Barnard, and that in his death the country has lost a worthy and honorable citizen; a friend of Liberty and Freedom. That we unite our grief with that of the family of the deceased, tendering them our sympathy in their deep grief.

2. *Resolved*, That we hold his memory in veneration and esteem, because of his unsullied character in public and private life, and because of his patriotic services in the struggle for Texas Independence.

3. *Resolved*, That a copy of these Resolutions be forwarded to the family of deceased by the Speaker, and that the House wear the usual badge of mourning, for thirty days, in memory of the deceased.

Respectfully submitted.

B. H. Davis, chairman, Eli Baxter, T. J. Crooks, J. Hall, and T. H. Mundine.

Report received.

Mr. Stewart moved to suspend rule fifty-six, which allows fifteen members to keep up a call of the House.

[Mr. Henderson in the Chair.]

Mr. Taylor moved a call of the House on Mr. Stewart's motion.

The Chair decided the motion out of order.

Mr. Davis, of H., appealed from the ruling of the Chair.

The House sustained the ruling of the Chair. The question then recurring upon the motion to suspend the fifty-sixth rule, the same was put, (the yeas and nays being called for by Mr. Davis of H.,) and stood as follows:

Yeas—Messrs. Anderson, Barclay, Baxter, Billingsly, Bryan, Camp, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Wafield, Waterhouse, Whitefield, and Wortham—56.

Nays—Messrs. Armstrong, Bogart, Branch, Buckley, Caddell, Clark, Davis, of H., Dougherty, Edwards, Ellett, Epperson, Hancock, Haynes, Henry, Mabry, Mundine, Navarro, Owens, Redgate, Whitmore, and Wrede—21.

So the House suspended the rule.

On motion of Mr. Dickson, the rule forbidding debate on a question to lay on the table, was suspended, as far as it applied to the question before the House.

Mr. Crooks, chairman of the committee on Engrossed Bills, reported the following bills:

An Act directing how the proceeds of the sale of the University Lands, now in the Treasury, shall be applied; and An Act making an appropriation to pay the mileage and per diem of the Presidential Electors, and find the same engrossed.

On motion, the House adjourned until ten o'clock to-morrow, A. M.

HOUSE OF REPRESENTATIVES, }

Friday, Jan., 25th, 1861. }

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

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed:

A Bill making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the extra session of the eighth Legislature.

Also, a joint resolution in reference to the Governor's message on Kansas affairs, approved Feb., 16th 1858, and that the same had been presented to the Governor for his signature and approval.

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the bill making an appropriation to pay the mileage and per diem pay of the Presidential Electors.

Mr. Armstrong introduced a bill to amend Article 1139 of O. & W. Digest. Read first and second times and referred to committee on Judiciary.

Mr. Ellett moved to take up bill to provide for the frontier protection. Lost.

Mr. Navarro offered the following resolution :

Resolved, That the committee on Printing be instructed to contract for the translation and printing in the Spanish language 500 copies of the Governor's message, and the same number of copies in the German language, for the use of the House. Adopted by the following vote :

Mr. Dougherty calling for the yeas and nays.

YEAS—Messrs. Anderson, Armstrong, Baxter, Benevides, Billingsly, Bogart, Branch, Bryan, Camp, Crooks, Clark, Cumby, Dale, Daniels, Davis of H., Dougherty, Ellett, Epperson, Fweller, Hancock, Hall, Henry, Lewis of M., Lewis of R., Lynch, Maverick, McKnight, Mundine, Navarro, Owens, Parker, Perry, Redgate, Rose, Shannon, Taylor, Walworth, Warfield and Wrede—39.

NAYS—Messrs. Speaker, Barclay, Caddell, Craig, Dickson, Francis, Franklin, Foscue, Harrison of V. Z., Henderson, Houghton, Hubbard, Lewter, Morris, McCutcheon, Mills, Munson, Nelson, Redwine, Ross, Shelton, Speights, Stewart, Waterhouse, Whitfield, Whitmore and Worthan—27.

A message was received from the Senate informing the House that the Senate had passed the bill to give additional time for holding the courts in the 20th Judicial District, and to change the time for holding courts in certain counties in said district.

Also, laid before the House a message from the Governor.

On motion of Mr. Davis of B., the message of the Governor, being a communication from the President of the Alabama State Convention, was taken up and read, and

On motion of Mr. Lewis of M., it was referred to committee on Federal Relations, with instructions to lay a copy before the Convention to meet in the city of Austin on the 28th of January.

A message from the Governor in reference to land ceded to the United States by the State of Texas, was taken from the Speaker stand and read.

On motion of Mr. Buckley was referred to the Judiciary committee.

On motion of Mr. Cumby, the bill making an appropriation for the mileage and per diem pay of the late Presidential Electors, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Parker, rule suspended, and bill read third time and passed.

On motion of Mr. Bogart, the rule was suspended, and the Senate's bill to give additional time for holding the courts in the 20th Judicial District, and to change the time for holding courts in certain counties in said district, was taken up and read first time.

On motion of Mr. Bogart, the rule was further suspended, bill read second time.

Mr. Stewart introduced a bill directing how the proceeds of the University lands should be disbursed. Read first time.

On motion of Mr. Stewart the rule was suspended, and the bill read second time and ordered to be engrossed.

On motion of Mr. Parker the rule was further suspended, bill read third time and passed.

Report of committee on Federal Relations, pending when the House adjourned on yesterday, was taken up and adopted by the following vote :

Mr. Henry calling for the yeas and nays.

YEAS—Messrs. Speaker, Armstrong, Barclay, Baxter, Billingsly, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Cumby, Dale, Daniel, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z. Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, McCutcheon, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shelton, Speights, Setwart, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitfield and Wortham—59.

NAYS—Messrs. Armstrong, Benevides, Bogart, Branch, Clark, Edwards, Ellett, Epperson, Hancock, Lewis of R., McKnight, Navarro, Norton, Owens, Redgate, Whitmore and Wrede—17.

The resolutions reported by the committee being before the House.

Mr. Henderson proposed to amend by adding the words "in

such form and" after the word "taken" in second line, third section.

Mr. Hancock offered a substitute for the resolutions and amendments.

Mr. Davis of B., moved to adjourn till 3 o'clock, P. M. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Billingsly, Bogart, Branch, Bryan, Crawford, Daniels, Davis of B., Dickson, Duncan, Francis, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Lewter, Lynch, Mabry, Maverick, McCutcheon, Mills, Navarro, Robinson, Ross, Shannon, Waterhouse, Whitfield, Wortham and Wrede—33.

NAYS—Messrs. Barclay, Baxter, Benevedes, Buckley, Camp, Craig, Crooks, Cumby, Dale, Davis of H., Dennis, Dougherty, Ellett, Epperson, Flewellen, Henry, Hubbard, Hubert, Lewis of R., Maxey, McKnight, Middleton, Mundine, Munson, Nelson, Norton, Owens, Parker, Redwine, Rose, Shelton, Stewart, Taylor, Wælder, Warfield and Wortham—36.

On motion the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met—roll called—quorum present.

The substitute offered for the resolution, reported by the committee on Federal Relations, pending when the House adjourned, was taken up.

Mr. Haynes moved to adjourn till 10 o'clock to-morrow. Lost.

The question recurring on the adoption of the substitute, the House refused to adopt it by the following vote :

Mr. Haynes calling for the yeas and nays.

YEAS.—Messrs. Armstrong, Branch, Clark, Davis of H., Edwards, Epperson, Hancock, Haynes, McKnight, Norton, Redgate and Whitmore—9.

NAYS.—Messrs. Speaker, Anderson, Barclay, Baxter, Billingsly, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Ellett, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Morris, McCutcheon, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield and Wortham—53.

The question then being on the adoption of the amendment the same was put and carried.

Mr. Mills offered the following amendment :

"*Provided*, that any member of said Convention, who may be a member of the Legislature of Texas, or an officer of the State, receiving an annual salary from the Treasury of the State, shall not be entitled to receive the mileage and per diem herein mentioned." Adopted.

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

Amend by adding the following caption : " A joint resolution to provide for the per diem and mileage of the members of the Convention, and to submit their action to the people," and by adding an additional section.

Mr. Foscue offered the following as a substitute for the amendment :

Amend by adding this caption : " Joint Resolution concerning the Convention of the people of the State of Texas."

Mr. Duncan moved to adjourn till 10 o'clock, A. M. to-morrow. Lost.

On motion the House adjourned till half past 9 o'clock, A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
Saturday, January 26, 1861. }

The House met, pursuant to adjournment—roll called—quorum present. Journal of yesterday read, and adopted
Mr. Davis of B., one of the committee on Enrolled Bills, reported correctly enrolled, a Bill in relation to the procurement of money due by the United States to the State of Texas, and that the same had been presented to the Governor for his signature and approval.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the Bill directing how the proceeds of the sale of the University Lands, now in the Treasury, shall be applied, and the Bill making an appropriation to pay the mileage and per diem of the Presidential Electors.

Mr. Buckley, the chairman of the committee on the Judiciary, reported, recommending the passage of the Bill to amend the act, entitled an act to regulate the descent and distribution of Intestates estates, approved March, 1848, with an amendment by the committee. Amend the caption by inserting the words " the third section of " between the words " amend " and " an ".

Mr. Wælder introduced a bill to reorganize the Eighteenth Judicial District, and regulate the times of holding the courts therein. Read first and second time.

On motion of Mr. Wælder, the rule was suspended, bill read, and ordered to be engrossed.

On motion of Mr. Wælder, the rule was further suspended, bill read third time, and passed.

On motion of Mr. Taylor, the Senate's Bill to give additional time for holding the courts in the Twentieth Judicial District, and change the time of holding courts in certain counties in said District, was taken up, read second time, and passed to third reading.

On motion of Mr. Davis, of B., the rule was suspended, bill read third time, and passed.

ORDERS OF THE DAY.

Question pending, when the House adjourned last night, viz: Mr. Foscue's amendment to Mr. Davis's of B, amendment to the Resolutions concerning our relations with the Federal Government was taken up.

Mr. Foscue, by leave, withdrew his amendment.

Mr. Davis, of B., offered the following as a substitute for hit amendment. Amend by adding the following caption: "Joins Resolution concerning the Convention of the People of Texas:"

"Section 4. And it is further provided that said Convention should, simultaneously with submitting the ordinance of secession to the people of Texas, also provide for the election of delegates to a Convention to assemble at Austin for the purpose of forming a new Constitution, and making all necessary provisions for the then existing state of affairs. The number of delegates to said Convention should not exceed the number of senators and representatives provided in the apportionment bill of 1860, and the election should be held under it. Should the people of Texas, at the ballot-box, ratify the Ordinance of Secession, then the delegates elected at said election should assemble at Austin, as soon as practicable after the result of said election is ascertained, to discharge said duty. The present Constitution and laws of the State remaining, in the meantime, in full force and effect, until a new one be submitted to the people, and ratified and adopted."

A message was received from the Senate, informing the House that the Senate had appointed Messrs. Quinan, Throckmorton, Holt, Potter, and Blanch, a committee to act with a committee of seven to be appointed by the House, to inquire and report whether any, and what, means are necessary, in the present condition of our federal relations, for the security of the school fund invested in United States bonds. Also, passed the following bills, originating in that body:

A bill entitled an act to attach the County of Wilson to the Eighteenth Judicial District, and to amend the act entitled an act to provide for the time of holding the courts of the several counties in the Eighteenth Judicial District, approved February 11, 1860.

A bill to be entitled an act providing what shall be sufficient prima facie evidence in certain cases, in suits brought by the State of Texas.

A bill to be entitled an act for the relief of the Houston Tap and Brazoria Railway Company.

A bill to be entitled an act for the relief of the Houston and Texas Central Railway Company.

A bill to be entitled an act to amend an act, entitled an act to amend an act entitled, an act to Incorporate the Columbus, San Antonio, and Rio Grande Railroad Company, passed February 8, 1860.

A bill to amend an act to Incorporate the Air Line Railroad Company.

A bill to be entitled an act supplementary to, and amendatory of, an act entitled an act to Incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to, and amendatory of, the several acts supplemental to, and amendatory of, the above recited act.

Also, a bill supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of and supplementary thereto; and, also, the following bill, originating in the House:

A bill, making an appropriation to pay the mileage and per diem of the Presidential electors.

Mr. Buckley offered the following as a substitute for the resolutions and proposed amendments:

Whereas, the people of Texas being much concerned for the preservation of the rights, liberties, and powers of the State, and its inhabitants endangered by the political action of a majority of the States, and the people of the same, have, in the exercise of powers reserved to themselves in the Bill of Rights, called a convention, composed of two members for each representative in the Legislature from the various districts established by the apportionment law of 1860, to assemble on the twenty-eighth day of January, 1861, at the City of Austin; which convention, by the terms of the call, made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have power to consider the condition of public affairs, to determine what shall be the future relations of this

State to the Union, and such other matters as are necessarily and properly incident thereto; and, in case it should be determined, by said convention, that it is necessary, for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the federal government in the Constitution of the United States, and by the articles of annexation, then the ordinance of said convention, resuming said delegated powers, and repealing the ratification, by the people of Texas, of said articles of annexation, should be submitted to a vote of the qualified electors of this State for their ratification or rejection: therefore,

Be it resolved, by the Legislature of the State of Texas. That the Government of the State of Texas hereby gives its assent to, and approves of, the convention aforesaid, and that this resolution take effect, and be in force, from and after its passage.

Mr. Flewellen moved to postpone further consideration of the whole matter until Tuesday next.

Mr. Stewart moved, to lay the amendment and substitute on the table.

On motion of Mr. Dougherty, a division of the question was ordered.

The question then being upon laying the amendment of Mr. Davis, of B., on the table, the same was put, and carried by the following vote; Mr. Crooks calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benivedes, Billingsly, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Darnell, Daniels, Dennis, Dickson, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, McCutcheon, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shannon, Shelton, Speights, Stewart, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—55.

NAYS—Messrs. Armstrong, Branch, Clark, Davis of B., Davis of H., Dougherty, Ellett, Epperson, McKnight, Navarro, Norton, Owens, Redgate, Robinson, Taylor, Whitmore and Wrede—17.

The question then recurring upon tabling the substitute, the yeas and nays were ordered by Mr. Buckley. The motion to lay on the table was lost by the following vote:

YEAS—Messrs. Anderson, Barclay, Caddell, Craig, Crooks, Culbertson, Cumby, Dale, Darnell, Dennis, Dickson, Dougherty, Duncan, Francis, Harrison of C., Harrison of V. Z., Henry, Houghton, Lewis of M., Lewter, Lynch, Maxey, Morris, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shel-

ton, Speights, Stewart, Wælder, Walworth, Warfield, Whitfield and Wortham—39.

NAYS—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Branch, Brown, Buckley, Clark, Daniels, Davis of B., Davis of H., Ellett, Epperson, Flewellen, Franklin, Foscue, Hancock, Haynes, Henderson, Hubbard, Hubert, Lewis of R., Mabry, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Rose, Shannon, Taylor, Waterhouse, Whitmore and Wrede—39.

Mr. Nelson moved the previous question, which was seconded.

The question being, shall the previous question be now put? the House refused to have it put, by the following vote; Mr. Nelson calling for the yeas and nays:

YEAS—Messrs. Anderson, Barclay, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Dennis, Dickson, Duncan, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Hubert, Lewis of M., Lewter, Lynch, Mabry, Maxey, Morris, Mills, Munson, Nelson, Parker, Redwine, Ross, Shelton, Stewart, Walworth, Warfield, Whitfield and Wortham—35.

NAYS—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Branch, Bryan, Buckley, Clark, Culberson, Darnell, Daniels, Davis of B., Davis of H., Dougherty, Ellett, Epperson, Flewellen, Franklin, Hancock, Hartley, Haynes, Henderson, Hubbard, Lewis of R., Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Perry, Redgate, Rose, Shannon, Speights, Taylor, Wælder, Waterhouse, Whitmore and Wrede—43.

Question then being on the adoption of the substitute, the same was put and the substitute adopted, by the following vote: Mr. Buckley calling for the yeas and nays:

YEAS—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Branch, Bryan, Buckley, Crooks, Clark, Culberson, Daniels, Davis of B., Davis of H., Dennis, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of R., Maverick, McCutcheon, McKnight, Middleton, Mundine, Munson, Navarro, Nelson Norton, Owens, Parker, Perry, Redgate, Robinson, Rose, Shannon, Shelton, Taylor, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede—56.

NAYS—Messrs. Anderson, Barclay, Caddell, Craig, Crawford, Cumby, Dale, Darnell, Dickson, Dougherty, Duncan, Lewis of M., Lewter, Lynch, Mabry, Maxey, Morris, Mills, Redwine, Ross, Speights, Stewart, Wælder and Whitfield—24.

Mr. Wælder offered the following amendment:

Second. The vote upon any ordinance or ordinances submitted by the Convention to the qualified electors of this State, shall be taken at such time, throughout the State, as the Convention shall appoint, and the election shall be held by the officers now required by law to conduct elections for State officers, and shall be conducted according to the provisions of existing laws, as far as applicable, and the returns made at such time, and to such person or persons, and to such place or places, as the Convention may prescribe. All officers of elections are hereby required to conduct said election in pursuance of these resolutions, and the directions of the Convention, under such penalties as are now prescribed in like cases, and the said election is hereby placed under the protection of such laws, civil and criminal, as are provided in cases of other State elections.

Third. Should said Convention, in addition to submitting to the qualified electors of the State any ordinance which they may pass, call a convention for the purpose of changing the present State Constitution, so as to vest the powers heretofore delegated to the United States in the State Government, then, and in that case, elections for delegates to such convention shall be held at the same time, and conducted, and the returns thereof made, in the manner provided in the second section of these resolutions.

On motion of Mr. Henderson, the amendment was laid on the table by the following vote; Mr. Wælder calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benvides, Billingsly, Branch, Buckley, Caddell, Craig, Crawford, Culberson, Cumby, Dale, Darnell, Daniel, Davis of H., Dennis, Dickson, Duncan, Flewellen, Francis, Franklin, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Henderson, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Maxey, Morris, McCutcheon, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shelton, Speights, Stewart, Taylor, Walworth, Warfield, Waterhouse, Whitfield and Wortham—53.

NAYS—Messrs. Armstrong, Clark, Davis of B., Dougherty, Edwards, Ellett, Epperson, Lynch, Mabry, Maverick, McKnight, Middleton, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Wælder, Whitmore and Wrede—21.

On motion of Mr. Dickson, the main question was ordered, which being upon the engrossment of the bill, the same was put, and the bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, by the following vote; Mr. Henry calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Billingsly, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Clark, Cumby, Dale, Darnell, Daniel, Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—58.

NAYS—Messrs. Armstrong, Davis of H., Ellett, Epperson, Hancock, Henry, Mabry, McKnight, Middleton, Mundine, Norton Owens, Redgate, Taylor and Whitmore—15.

Mr. Nelson proposed to amend the caption, as follows:

Joint resolution concerning the Convention of the people of Texas, called in pursuance of the Bill of Rights.

Adopted; and the bill read third time, and passed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Billingsly, Branch, Bryan, Bogart, Buckley, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Navarro, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Short, Stewart, Smith, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—65.

NAYS—Messrs. Armstrong, Clark, Camp, Davis of H., Edwards, Ellett, Epperson, Hancock, Mundine, Norton, Owens, Redgate, Taylor and Whitmore—13.

The House assenting to the request of the Senate, for a joint committee to inquire and report whether any, and what, measures are necessary, in the present condition of our federal relations, for the security of the school fund invested in United States bonds—

The Speaker appointed Messrs. Hubbard, Edwards, Culberson, Epperson, Mabry, Redwine, and Davis of M., to act on the part of the House.

On motion of Mr. Shannon, the bill to provide for the protection of the frontier was made the special order of the day for Monday next; and,

On motion of Mr. Ross two hundred copies were ordered to be printed for the use of the House.

Mr. Wælder moved to suspend the rule, and take up Senate's bills on the Speaker's stand, with the view of their reference to proper committees.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled, and properly signed, the bill to define the time of holding the courts in the Nineteenth Judicial District, and that the same had been presented to the Governor for his approval and signature.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to Reorganize the Eighteenth Judicial District.

Mr. Davis of H. moved to adjourn till half-past three o'clock, P. M. Lost.

On motion, the House adjourned till half-past nine o'clock, A. M., on Monday.

HOUSE OF REPRESENTATIVES, }
Monday, Jan., 28th, 1861. }

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

Mr. Buckley, chairman of the committee on the Judiciary, reported a bill to amend the 12th section of an act, entitled an act concerning proceedings in the District Courts, approved March 16th, 1848, and recommended its passage.

Mr. Darnell, chairman of committee on Federal Relations, reported as follows :

The committee on Federal Relations, to whom was referred the Ordinance of secession passed by the Alabama State Convention, have had the same under consideration, and have instructed me to report the same back to the House, with the request that the Speaker transmit the same to the President of the Convention of the State of Texas.

They have, also, had under consideration a set of resolutions, adopted by a portion of the citizens of Montgomery county, Texas, called Union Resolutions.

The committee instruct me to report them back to the House and ask that they be laid on the table.

Mr. Morris, one of the committee on Judiciary, report a bill to postpone forced sales. Read first and second times.

On motion of Mr. Armstrong, the rule was suspended, and the reports of Messrs. Buckley and Morris were taken up, and 100 copies of each ordered to be printed by to-morrow.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, a joint resolution concerning the Convention of the people of Texas, called in pursuance of the Bill of Rights.

A message was received from the Senate, informing the House that the Senate had passed a bill for the relief of railroads in Texas.

Also, a joint resolution relating to coercion.

Mr. Lewis of M., offered the following resolution :

Resolved, That in the opinion of this House, whatever ordinance or ordinances shall be passed by the Convention which is to meet here to-day, shall be submitted to the people for their approval or disapproval.

Mr. Nelson moved to postpone the resolution until next Thursday.

On motion of Mr. Parker, the resolution was laid on the table for the present.

Mr. Mabry, one of the committee on Judiciary, reported a substitute for the bill to amend Article 1139, of O. & W. Digest, regulating Justices' Courts, and recommend its passage.

Mr. Stewart, one of the committee on Judiciary, reported a bill to amend sections 149 and 154 of an act entitled an act to regulate proceedings in the District Courts, approved 13th May, A. D., 1846," and to amend an act to amend the 151st section of an act to regulate proceedings in the Districts Courts, approved May, 13th, 1846, approved December 24th, A. D., 1851. Read first and second times.

On motion of Mr. Nelson, all the bills reported upon by the Judiciary committee this morning, were taken up. One hundred copies of each ordered to be printed, and were made the special order of the day for Wednesday next.

Mr. Culberson introduced a bill to encourage manufacturies in the State of Texas. Read first and second times and referred to committee on State Affairs.

Mr. Mills offered the following resolution :

Resolved, That the committee on Frontier Protection be requested to enquire of his Excellency, whether or not, any and what services were rendered by Capt. Hamner and his company, of Jack county, in the protection of the frontier, during the spring of 1860, and why there is no recommendation for the payment of the same, in common with the other companies called out by the Governor, and reported to this House in his late message. Laid over one day for consideration.

The hour having arrived the special order, to-wit :

The report from special committee on frontier defence, recommending amendments to a bill to protect the frontier of Texas, and the passage of the bill was taken up.

Mr. Nelson, proposed to amend the amendments by striking out all after El Paso in 5th line of amendments and insert :

“That all unorganized counties be attached as for Judicial purposes, adopted and amendments by committee adopted.”

On motion of Mr. Davis of H., “Blanco,” was added after “El Paso.”

On motion of Mr. Wrede, Kerr, was added after “Gillespie.”

Mr. Redwine proposed to amend as follows :

“That an act approved January 2nd, 1860, for the protection of the frontier be and the same is hereby repealed.

Mr. Nelson proposed to amend the amendment as follows :

“*Provided*, however, that the volunteers now in the field under said bill shall receive pay for their services, and their term of service shall expire at the end of three months from the time of being mustered into service under the order of the Governor.”

Mr. Redwine accepted the amendment, and the amendment as amended was adopted.

Mr. Darnell, proposed to amend as follows :

In section 3rd, line 2nd, strike out “one and a half,” and insert, “two and a half,” Lost and the bill ordered to be engrossed.

On motion of Mr. Shannon, rule suspended, and bill read third time and passed.

Mr. Wrede moved to amend by striking out the restriction as to time; in the second section. Withdrawn.

Mr. Duncan moved to amend by adding “\$2 00 per day,” instead of “\$1 50.”

On motion, laid on the table.

Mr. Ellett, introduced a bill to amend an act authorizing unpaid warrants on the Treasury, to bear interest. Read first and second times and referred to committee on Public Debt.

Mr. Warfield, introduced a bill to attach the unorganized counties of Wichita, Willbarger, Hardeman and Green, to the county of Clay, so as to form one land district. Read first and second times and referred to committee on Public Lands.

Mr. Parker introduced a bill to change the time of holding courts in the 9th Judicial District. Read first and second times.

On motion of Mr. Parker, rule was suspended, bill read.

Mr. Morris moved to refer to Judiciary committee. Lost and the bill ordered to be engrossed.

On motion of Mr. Parker, rule further suspended, bill read third time.

Mr. Morris moved to refer the bill to a select committee, with instructions to report immediately. Lost and bill passed.

Mr. Duncan introduced a bill supplementary to an act providing for the appointment of pilots, passed April 7th, 1846. Read first and second times and referred to committee on Judiciary.

Mr. Parker introduced a bill to reorganize the 16th Judicial District and to define the time of holding courts therein. Read first and second times.

On motion of Mr. Parker, the rule was suspended. Bill read and ordered to be engrossed.

ORDERS OF THE DAY.

The resolution calling upon the Governor, for information as to how much much money will be necessary to maintain Texas as a separate government, was taken up, and

On motion of Mr. Rose laid on the table.

Senate's bill supplemental to, and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company and supplemental to, and amendatory of the several acts supplemental to and amendatory of the above recited act, was taken up and read first time.

On motion of Mr. Lynch, rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Lynch, the rule was further suspended, bill read third time and passed by two-third vote.

Senate's bill to amend the act, incorporating the Air Line Railroad Company, taken up read first time.

On motion of Mr. Davis of B., the rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Davis of B., the rule was further suspended, bill read third time and passed by two-third vote.

Senate's bill supplemental to an act to incorporate the Houston, Trinity and Tyler Railroad Company, taken up, read first time, and referred to committee on Internal Improvements.

Senate's bill for the relief of the Houston and Central Texas Railroad Company, taken up, read first time and referred to committee on Internal Improvements.

Senate's bill for the relief of the Houston, Tap and Brazoria Railroad Company, taken up, read first time and passed to second reading.

On motion of Mr. Henderson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Henderson, rule suspended, bill read third time and passed by two third vote.

Senate's bill, to amend an act, entitled an act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 8, 1860, taken up read first time and passed to second time.

On motion of Mr. Stewart, rule was further suspended, bill read second time and passed to third reading.

On motion of Mr. Stewart, the rule was further suspended, bill read third time and passed by two-third vote.

Senate's bill providing what shall be *prima facie* evidence in certain cases in suit, brought in the courts of the State of Texas, taken up read first time and referred to committee on Judiciary.

Senate's bill to attach the county of Wilson to the 18th Judicial District, and to amend the act entitled an act to provide for time of holding the courts in the several counties, in the 18th Judicial District, approved Feb. 11, 1860, taken up, and

On motion of Mr. Wælder laid on the table.

Report from committee on Stock and Stock Raising, recommending the passage of the bill supplemental to an act entitled an act to regulate estrays, with amendments by the committee was taken up, and the amendments adopted.

Mr. Nelson moved to amend by adding, section three.

Mr. Mills moved that if the Convention did not meet, the Hall was to be tendered to the Rev. Mr. Carter, to deliver an address this evening at 7 o'clock. Carried.

On motion the House adjourned until 9 o'clock, A. M., tomorrow, pending Mr. Nelson's amendment.

HOUSE OF REPRESENTATIVES, }
Tuesday, Jan., 29th, 1861. }

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

Mr. Lewis of M., presented the petition of sundry citizens of Montgomery county. Referred to committee on Federal Relations.

A message was received from the Senate informing the House that the Senate had passed the joint resolution, concerning the Convention of the people, called in pursuant of the Bill of Rights.

Mr. Foscue, chairman of committee on Internal Improve-

ments, reported recommending the passage of the Senate's bill to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of, any supplemental thereto, with the following amendment by the committee :

" *Provided*, that nothing in this act shall be so construed as to prevent said company from running said road through the city of Houston, or commencing in said city, if the said company deem it proper to do so," and recommend its passage."

On motion of Mr. Hartley, rule suspended, report taken up, bill read second time, amendment by the committee adopted, bill passed to third reading.

On motion of Mr. Hartley, rule further suspended, bill read third time and passed by two-third vote.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of Senate's bill for the relief of the Houston and Texas Central Railway Company.

Mr. Henderson moved to suspend rule and take up the report.

Lost.

Mr. Armstrong offered the following resolution, directory to committee on Retrenchment and Reform :

Resolved, That the committee on Retrenchment and Reform, be instructed to enquire,

1. What public officers, if any, in the State, can be disposed of.
2. To report a bill reducing the fees of all the officers in the State, to correspond with the present hard times.

Adopted by the following vote :

Mr. Davis of H., calling for the yeas and nays.

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Caddell, Crooks,, Clark, Darnell, Daniels, Davis of B., Dennis, Dickson, Epperson, Francis, Foscue, Harrison of C., Hartley, Hubbard, Lewis of M, Lewter, Morris, McKnight, Middleton, Nelson, Norton, Parker, Perry, Redgate Redwine, Ross, Shelton, Smith, Taylor, Waterhouse, Whitfield, Whitmore and Wrede—38.

NAYS —Messrs. Benevides, Branch, Bryan, Camp, Caddell, Craig, Crawford, Culberson, Cumby, Dale, Davis of H., Duncan, Flewellen, Franklin, Hall, Harrison of V. Z., Houghton, Hubert, Lewis, of R., Lynch, Mabry, Maverick, Maxey, McCutcheon, Mills, Mundine, Munson, Navarro, Pirkey, Robinson, Rose, Speights, Wælder and Walworth—33.

Mr. Dennis, one of the committee on Judiciary, reported recommending the passage of the bill, to prescribe the order in which causes shall be determined in the Supreme Court.

Mr. Stewart, chairman of committee on Finance reported as follows :

The committee on Finance to whom was referred a resolution instructing them to enquire into the expediency of receiving Treasury warrants in payment of public dues, and an act for the relief of purchasers of Seminary lands, have had the same under consideration, and instruct me to report to the House the accompanying bill as a substitute and recommended its passage.

On the motion of Mr. Parker, the rule was suspended and the bill to re-organize the 16th Judicial District, and define times of holding courts therein, was taken up and read third time.

Mr. Shannon proposed to amend by striking out " Van Zandt county." Lost and the bill passed.

Mr. Branch introduced a bill to fix the times for holding courts in the 7th Judicial District. Read first and second times and referred to Judiciary committee.

ORDERS OF THE DAY.

Mr. Mill's resolution, calling on the Governor for information relative to Capt. Hamner's Ranger company, taken up and adopted.

The report of the committee on Federal Relations, relative to the secession Ordinance of Alabama Convention.

Also, on the Union resolutions of citizens of Montgomery county, was taken up and adopted.

The Senate's joint resolution concerning coercion, was taken up, read first time and passed to second reading.

On motion of Mr. Nelson, the rule was suspended, resolution read second time, and passed to third reading.

On motion of Mr. Nelson, the rule was further suspended, bill read third time and passed by the following vote :

Mr. Mills calling for the yeas and nays.

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dougherty, Duncan, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Short, Smith, Speights, Stewart, Taylor, Wælder, Waterhouse, Whitfield, Whitmore and Wrede—69.

Mr. Hubbard introduced a bill prescribing police regulations in respect to slaves. Read first and second times.

On motion of Mr. Hubbard, the rule was suspended and bill read.

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

"Nor shall it be lawful for slaves to assemble for worship at any place or church, unless at least three or more slave owners shall also attend said assemblage of worship."

Mr. Cumby moved to lay the amendment on the table. Lost.

Mr. Henry proposed to amend the amendment as follows :

For "slave owners," insert, "citizens." Lost.

Mr. Lewis of R., offered the following substitute :

"That it shall be unlawful for slaves to assemble for religious worship, unless some responsible citizens shall conduct the services."

[Mr. Mills in the Chair.]

Mr. Lewis of R., withdrew his substitute and offered it as an amendment to the amendment.

Mr. Davis of B., moved to lay the amendment to the amendment on the table.

Mr. Henderson moved to lay the amendment to the amendment and the amendment on the table.

On motion of Mr. Davis of B., a division of the question was ordered, and the amendment to the amendment laid on the table and the amendment laid on the table.

On motion of Mr. Flewellen, the previous question was ordered and the bill ordered to be engrossed.

On motion of Mr. Buckley, rule further suspended, bill read third time and passed.

[Speaker resumed the Chair.]

On motion of Mr. Henderson, the rule was suspended, and the Senate's bill for the relief of the Texas Central Railroad, Company, was taken up and read second time.

Mr. Mills offered the following amendment :

"*Provided*, said Railroad company shall by the first day of July, 1861, have said road actually surveyed, run and staked from its present terminus in Brazos county, to the town of Preston in Grayson county, Texas.

Message was received from the Senate, informing the House, that the Senate had passed a bill to provide payment of the expences incurred by special bearer of dispatches, sent by the Governor to Washington city; and had passed the House's bill to re-organize the 18th Judicial District, and regulate times of holding courts therein.

Also, had passed two substitutes for the House's bill, directing how the proceeds of the sale of the University lands now in the Treasury shall be applied.

The question recurring on Mr. Mills' amendment to the bill for relief of Texas Central Railroad Company.

Mr. Mills called for the yeas and nays, and the amendment was adopted by the following vote ;

YEAS—Messrs. Armstrong, Baxter, Bogart, Branch, Camp, Craig, Crawford, Culberson, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Duncan, Ellett, Franklin, Foscue, Harrison of V. Z., Houghton, Lewis of M., Lewter, Maverick, Maxey, McCutcheon, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redgate, Robinson, Shannon, Shelton, Short, Taylor, Walworth,, Warfield and Waterhouse—43.

NAYS—Messrs. Speaker, Barclay, Benevides, Bryan, Buckley, Caddell, Clark, Cumby, Dickson, Epperson, Fleweller, Francis, Hall, Harrison of C., Hartley, Haynes, Henry, Hubbard, Lewis of R., Lynch, Mabry, McKnight, Middleton, Norton, Owens, Redwine, Ross, Rose, Smith, Speights, Stewart, Whitfield and Whitmore—33.

Mr. Lewis of R., proposed to amend as follows :

“*Provided*, this act is passed upon the express condition that the said Railroad Company, shall connect their railroad with the Galveston, Houston and Henderson railroad at and in the city of Houston.”

Mr. Henderson, moved to lay the bill and amendment on the table.

Mr. Dennis called for a division of the question, and the amendment was laid on the table.

The House then refused to table the bill, and the bill was passed to third reading.

On motion of Mr. Mills, the rule was suspended, bill read third time and passed by two-third vote.

Mr. Buckley, by permission, introduced a bill to amend the 10th section of an act supplementary to an act, supplementary and amendatory of the act to regulate railroad companies, approved Feb., 7, 1853, approved Dec., 18, 1857, approved Feb., 8, 1860. Read first and second times and referred to committee on Internal Improvements

The bill supplementary to the act regulating estrays, with the amendments of Mr. Nelson, pending when the House adjourned, was taken up.

On motion of Mr. Dale, the amendment was laid on table.

Mr. Armstrong proposed to amend by additional sections Lost, and the bill ordered to be engrossed.

On motion of Mr. Davis of H., the rule was suspended, bill read third time and passed.

The two substitutes by the Senate for the House's bill directing how the proceeds of the sale of the University lands now in the Treasury shall be applied, was taken up, read first time.

On motion of Mr. Nelson, the substitute directing how certain funds now in the Treasury shall be applied, was taken up, read second time and passed to third reading.

On motion of Mr. Nelson, the rule further suspended, bill read third time and passed.

On motion of Mr. Nelson the substitute making an appropriation to pay for supplies furnished the troops now on the frontier, was read second time and referred to committee on Finance.

On motion the House adjourned until 10 o'clock to-morrow.

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan., 30th, 1861. }

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

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed, a bill directing how certain funds now in the Treasury shall be applied, and that the same had been presented to the Governor for his signature and approval.

Mr. Armstrong, one of the committee on Public Lands, reported, recommending the passage of a bill to attach the unorganized counties of Whichita, Walbarger, Hardeman and Green to the county of Clay, so as to form one land district, and recommended its passage.

Mr. Crawford introduced a bill to reduce the price of public lands. Read first and second times and referred to committee on Finance.

Mr. Dennis, chairman of committee of State Affairs, reported, recommending the passage of the bill to encourage the establishment of manufactories in the State of Texas.

Mr. Flewellen introduced a bill providing for the government of slaves. Read first and second times and referred to committee on Slaves and Slavery.

Mr. Darnell presented the petition of Sarah H. Cockrell. Referred to committee on Internal Improvements.

Mr. Waterhouse introduced a bill to prohibit the emancipation of slaves. Read first and second times and referred to Judiciary committee.

Mr. Nelson offered the following resolution :

Resolved, That the committee on Claims and Accounts, be instructed to enquire into the accounts of S. M. Swenson, for supplies furnished Col. M. T. Johnson's late regiment, with power to send for persons and papers, and report to this House. Adopted.

Mr. Redwine introduced a joint resolution, pledging to maintain the Southern States in the present crisis. Read first and second times and referred to committee on Federal Relations.

Mr. Clark introduced a bill to authorize the county court of Nacogdoches county, to regulate the pay of sheriff therein in certain cases. Read first and second times and referred to Judiciary committee.

ORDERS OF THE DAY.

The resolution calling upon the Governor for correspondence between himself and Comptroller, taken up.

Mr. Dougherty proposed to amend as follows :

"*Provided*, That if from any cause the Governor shall not be able to supply said correspondence, then it shall be the duty of the chief clerk of the Comptroller's office to furnish the same complete." Adopted, and resolution as amended adopted.

Mr. Lewis of M., moved to take from the table his resolution concerning submitting Ordinance of secession to the people for ratification, and calling for the yeas and nays.

The motion was lost by the following vote :

YEAS—Messrs. Speaker, Armstrong, Branch, Caddell, Camp, Clark, Dickson, Ellett, Epperson, Hancock, Harrison of V. Z., Houghton, Hubert, Lewis of M., Lynch, McKnight, Mundine, Redgate, Taylor, Whitmore, and Wrede—21.

NAYS—Messrs. Anderson, Barclay, Baxter, Billingsly, Bryan, Buckley, Craig, Crawford, Crook, Cumby, Dale, Darnell, Davis of H., Dennis, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Henry, Hubbard, Lewis, of R., Lewter, Mabry, Maverick, Maxey, Morris, McCutcheon, Mills, Munson, Nelson, Owens, Parker, Perry, Redwine, Robinson, Ross, Rose, Shelton, Short, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Whitfield and Wortham—50.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed :

Bill changing the time of holding courts in the 9th Judicial District.

Bill to reorganize the 16th Judicial District, and to define the time of holding courts therein, and

Bill supplemental to the act to regulate estrays.

Senate's bill for relief of railroads in Texas, taken up, read first and second times and referred to committee on Internal Improvements.

Mr. Mills introduced a bill to authorize the Commissioner of General Land Office to issue patents upon surveys, heretofore not made in the form required by law, approved Jan., 17, 1860. Read first and second times and referred to committee on Public Lands.

Senate's bill to provide payment of the expenses incurred by the bearer of dispatches sent by the Governor to Washington city, taken up read first and second times, and referred to committee on Finance.

Report from committee on Judiciary, recommending passage of bill to prescribe the order in which cases shall be determined in the Supreme Court, taken up, bill read second time.

The hour having arrived the special order of the day, to-wit :

A bill to amend the 12th section of the act concerning proceedings in the District Courts, approved March 16th, 1848. Read second time.

Mr. Buckley proposed to amend, by striking out "returnable," in fourth line, and insert "returned served."

A message was received from the Senate transmitting a message from the Governor.

The following message from the Governor, was taken from the Speaker's stand and read :

EXECUTIVE DEPARTMENT, }
AUSTIN, TEXAS, Jan., 30, 1861. }

Gentlemen of the Senate

and House of Representatives :

I have the honor to transmit to your honorable body, the joint resolution adopted by the Legislature of the State of Tennessee, in reference to certain resolutions adopted by the Legislature of the State of New York.

In these perilous times, it is proper that the Representatives of the people of Texas, should meet at the threshold every assault upon their liberties, and whether that assault comes in the form of threats, or actual invasion, it should be alike repelled.

Having called you together to provide for an expression of the sovereign will of the people at the ballot-box, I also deem it my duty to declare, that while the freemen of Texas are deliberating upon this question, no impending threat of coercion

from the people of another State, should be permitted to hang over them, without at least meeting the condemnation of their Representatives.

Whatever that sovereign will may be, when fairly expressed, it must be maintained. Texas as one man will defend it. While the Executive, would not counsel foolish bravado, he deems it a duty we owe to the people, to declare that even though their action shall bring upon us the consequences which now seem impending, we will all, be our views in the past and present what they may, be united.

SAM HOUSTON.

Mr. Lewis of M., moved to print 2,000 copies of the message and accompanying documents.

Mr. Lynch moved to amend by saying 5,000 copies. Carried, and 5,000 copies ordered to be printed.

Mr. Buckley's amendment to the bill pending before the House, was adopted and the bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended and the bill read third time.

Mr. Culberson offered a substitute for the bill.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled :

An act making appropriation to pay the mileage and per diem of the Presidential Electors, and

A joint resolution concerning the Convention of the people of Texas, called in pursuance of the bill of rights, and the same was properly signed and presented to the Governor for his signature and approval.

On motion of Mr. Munson, the chief clerk of this House, was instructed to furnish a copy of the Governor's message received to day to the Convention.

On motion the House adjourned until 10 o'clock to-morrow.

HOUSE OF REPRESENTATIVES, }
Thursday, January 31, 1861. }

House met pursuant to adjournment. Roll called—quorum present. Journal of yesterday read and adopted.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to provide for the protection of the frontier of the State of Texas.

Mr. Culberson introduced a bill to provide for the return of field notes of surveys that have become forfeited. Read first and second times, and referred to committee on Public Lands.

Mr. Hancock introduced a bill to amend the laws for the assessment and collection of Taxes. Read first and second times, and referred to committee on Finance.

Also, introduced a bill amending the laws to raise a revenue by taxation. Read first and second times, and referred to committee on Finance.

A message was received from the Senate, informing the House that the Senate had concurred in the amendments of the House to a bill supplementary to an act to incorporate the Houston, Trinity and Tylor Railroad Company, and had amended and passed House bill changing the time of holding courts in Nineteenth Judicial District.

Also, had passed the bill to incorporate the La Vaca Wharf Company, originating in the Senate.

Mr. Taylor presented a memorial of sundry citizens of Fannin county, which, on his motion, was read and laid on the table.

Mr. Flewellen offered the following resolution:

Resolved, That the Governor be requested to transmit a copy of the joint resolution upon coercion to the Governors of the several States, and also to the Governors of the States which have seceded from the American Union. Adopted.

Mr. Stewart introduced a bill relative to the spring terms of the several District Courts during the year A. D. 1861. Read first and second times, and referred to Judiciary committee.

On motion of Mr. Buckley, the further morning business was dispensed with, and the bill and substitute, pending when the House adjourned, was taken up

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

HOUSE OF REPRESENTATIVES, }
Friday, February 1, 1861.

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

Mr. Mabry presented a petition of sundry citizens of Marion county. Referred to Judiciary committee.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill to amend the tenth section of an act, supplementary to an act supplementary and amendatory of the act to regulate Railroad Companies, approved February 7, 1853; approved December 19, 1857; approved February 8, 1860.

On motion of Mr. Foscue, the rule was suspended, report taken up, bill read second time and ordered to be engrossed.

On motion of Mr. Buckley, rule further suspended, bill read third time, and passed.

Mr. Foscue, chairman of committee on Internal Improvements, reported a bill amendatory and supplemental of the act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 4, 1856, and the act supplemental thereto, approved February 4, 1856, and the act amendatory thereto, approved August 25, 1856, and the act amendatory thereto, approved February 10, 1858. Read first and second time.

A message was received from the Senate, informing the House that the Senate had refused to concur in the amendments of the House to the Senate's bill for the relief of the Houston and Texas Central Railroad Company, and had appointed Messrs. Gentry, Martin and Throckmorton, a committee of conference, and ask for a like committee on the part of the House.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled a bill, supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of and supplemental thereto; and that the same had been properly signed, and presented to the Governor for his approval and signature.

Mr. Foscue, chairman of committee on Internal Improvements, reported as follows:

The committee on Internal Improvements, to which was referred the Senate bill for the relief of Railroads in Texas, have had the same under consideration, and instruct me to report that, in the opinion of the committee, it is much better to extend to each road the relief it may need in a separate act. That the bill under consideration is so vague and general in its terms, and may contain more than was intended; that it may admit of many different constructions: the committee are, therefore, of the opinion that the bill ought not to pass.

Also, reported as follows:

The committee on Internal Improvements, to which was referred the petition of Sarah Crockett, instruct me to report, that although there is a case of much merit presented in the petition to the consideration of this House, the committee has no doubt but that the next Legislature will promptly extend all necessary relief to the petitioner. and as the subject matter of the petition is both local and private, the committee believe there is no real necessity for action upon the subject at the present time.

Mr. Henderson moved that the committee of Conference requested by the Senate, on the bill for the relief of the Houston and Texas Central Railroad Company, be appointed. Carried, and,

The Speaker appointed Messrs. Anderson, Mills, Darnell, Manly and Cumby.

Mr. Buckley introduced a bill to provide for submitting the question of secession to the people. Read first and second time.

On motion of Mr. Buckley, the rule was suspended, and the bill read.

Mr. Wælder proposed to amend, as follows:

"At all precincts where any electors do not understand, or speak, the English language, the officers of election may swear an interpreter, who shall interpret the votes of such electors."

Mr. Taylor proposed to amend, by striking out "viva voce," and insert "by ballot." Strike out February "23", and insert "29"; and add, that "the question shall be 'secession, or no secession?'"

Mr. Foscue moved the previous question, which was seconded.

The question being, shall the main question be now put?

Mr. Taylor called for the yeas and nays, and the main question was ordered, by the following vote:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Billingsly, Buckley, Caddell, Craig, Crawford, Crooks, Culberson, Cumby, Dale, Darnell, Davis of B., Davis of H., Dennis, Duncan, Edwards, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Mabry, Manley, Maxey, Morris, McKnight, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Short, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—63.

NAYS—Messrs. Bogart, Branch, Camp, Clark, Ellett, Epperon, Hancock, Hartley, Lewis of M., Maverick, McCutcheon, Middleton, Mundine, Owens, Redgate, Taylor and Whitmore—17.

The main question being, the engrossment of the bill, the same was put, and the bill ordered to be engrossed.

Mr. Buckley moved to suspend rule, and put bill on final reading.

Mr. Mills moved to adjourn till ten o'clock, to-morrow. Lost; and Mr. Buckley's motion carried.

Mr. Lewis, of M., moved to adjourn till nine o'clock, A. M., Monday. Lost.

Mr. Lewis, of M., moved to strike out "viva voce," and insert "ballot."

On motion of Mr. Nelson, the main question was ordered, and the bill passed by the following vote; Mr. Whitmore calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Billingsly, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Culberson, Cumby, Dale, Darnell, Davis of B., Davis of H., Dennis, Duncan, Ellett, Flewollen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Short, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—70.

NAYS—Messrs. Camp, Clark, Edwards, Epperson, Norton, Owens, Redgate, Taylor and Whitmore—9.

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

HOUSE OF REPRESENTATIVES, }
Saturday, February 2, 1861. }

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

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill to prohibit the emancipation of slaves.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill Prescribing Police Regulations in respect to Slaves.

Mr. Davis of B., one of the committee on Enrolled Bills, reported correctly enrolled, and properly signed, the following bills:

Bill to reorganize the Eighteenth Judicial District, and regulate the time of holding courts therein.

A bill for the relief of the Houston, Tap and Brazoria Railroad Company.

A bill supplemental to an act to Incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to, and

amendatory of, the several acts supplemental to and amendatory to the above recited act.

A bill to amend an act to Incorporate the Air Line Railroad Company, approved January 30, 1860.

A bill to amend an act entitled, an act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 8, 1860; and

A joint resolution, relating to coercion, and that the same had been presented to the Governor for his approval and signature.

[Mr. Foscue in the chair.]

Mr. Taylor, of Cass, introduced a bill to provide for running the county line between the counties of Marion, Cass and Titus. Read first and second times.

On motion of Mr. Taylor, of Cass, rule suspended, bill read, and ordered to be engrossed.

On motion of Mr. Hubbard, rule further suspended, bill read third time, and passed.

Mr. Darnell introduced a bill to Incorporate Dallas Institute, which

The Speaker declared to be local in its tendency, therefore, under a resolution adopted, could not be entertained.

Mr. Darnell appealed from the decision of the chair, and

The House sustained the chair.

A message was received from the Senate, informing the House that the Senate had passed the House bill to reorganize the Sixteenth Judicial District, and to define the time of holding courts therein.

Also, had passed the joint resolution with regard to the contract for Roofing the Capitol.

ORDERS OF THE DAY.

The bill to amend the twelfth section of an act entitled an act concerning proceedings in the District Court, approved March 16, 1848, with substitute pending before the House, was taken up.

Mr. Cuberson withdrew his substitute.

[Speaker resumed the chair.]

Mr. Davis of H. proposed to amend, as follows:

“Provided, this law shall not apply to any contract, or debts, already made or entered into, up to the first of January, 1861.”

A committee from the State Convention were announced, and appeared, and tendered the thanks of the Convention to the House for courtesies extended to them in use of hall, etc., etc.

[Mr. Dennis in the chair.]

Mr. Mabry moved the previous question, which, being seconded, the question then being, shall the main question be now put? the House ordered the main question, by the following vote:

YEAS—Messrs. Anderson, Barclay, Billingsly, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Dennis, Dickson, Dougherty, Duncan, Flewelling, Francis, Foscue, Hancock, Harrison of C.; Hartley, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, Middleton, Munson, Nelson, Perry, Pirkey, Redwine, Robinson, Smith, Speights, Stewart, Walworth, Waterhouse, Whitfield, Wortham and Wrede—50.

NAYS—Messrs. Baxter, Benevides, Branch, Darnell, Davis of B., Davis of H., Epperson, Franklin, Hall, Harrison of V. Z., Haynes, Henderson, Henry, Mabry, McKnight, Navarro, Norton, Owens, Ross, Shannon, Shelton, Short, Warfield and Whitmore—27.

The main question, being on the final passage of the bill, the yeas and nays were ordered by Mr. Baxter, and the bill passed, by the following vote:

YEAS—Messrs. Anderson, Barclay, Benevides, Billingsly, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumby, Dennis, Dickson, Dougherty, Duncan, Epperson, Flewelling, Franklin, Foscue, Hancock, Harrison of C., Henderson, Lewis of M., Lewis of R., Lynch, Mabry, Maverick, Middleton, Munson, Navarro, Nelson, Pirkey, Redwine, Robinson, Smith, Speights, Stewart, Walworth, Warfield, Waterhouse and Whitmore—42.

NAYS—Messrs. Baxter, Branch, Bryan, Culberson, Dale, Darnell, Davis of B., Davis of H., Ellett, Francis, Hall, Harrison of V. Z., Hartley, Haynes, Henry, Houghton, Hubbard, Hubert, Lewter, Manly, Maxey, Morris, Mundine, Norton, Owens, Parker, Perry, Ross, Shannon, Shelton, Taylor, Whitfield and Wortham—33.

The report from the Judiciary committee, reporting a substitute for the bill to amend the act to organize the Justice's Courts and to define the powers and jurisdiction of the same, approved March 20, 1848, was taken up, and substitute adopted.

Mr. Wælder proposed to amend, as follows:

“Provided, that nothing contained in this section shall be so construed as to interfere with an act regulating Justice's courts in the city of San Antonio, approved February 14, 1854.”

Mr. Dougherty proposed to amend as follows:

“Also, with the laws regulating Justice's courts in the Twelfth Judicial District.” Accepted, and the amendment adopted.

Mr. Henderson moved to strike out "nine months," and insert "six months." Lost, and bill ordered to be engrossed.

On motion of Mr. Mabry, the rule was suspended, bill read third time, and passed by the following vote; Mr. Henderson calling for the yeas and nays:

YEAS—Messrs. Anderson, Armstrong, Barclay, Baxter, Benavides, Billingsly, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Morris, Middleton, Munson, Navarro, Nelson, Norton, Perry, Pirkey, Redwine, Shannon, Shelton, Smith, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—53.

NAYS—Messrs. Branch, Bryan, Davis of B., Davis of H., Epperson, Franklin, Hall, Hartley, Haynes, Henderson, Henry, Manley, Parker, Redgate, Ross, Short, Taylor and Wortham—16.

A bill to postpone forced sales was taken up.

Mr. Henderson proposed to amend, as follows:

"And further provided, all such judgments shall bear twelve per cent. interest.

Mr. Culberson offered a substitute for bill and amendment.

On motion of Mr. Mabry, the bill, substitute and amendment was re-referred to the Judiciary committee.

The following message from the Governor was taken from the Speaker's stand, and read:

EXECUTIVE DEPARTMENT, }
Austin, Texas, February 2, 1861. }

To HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

SIR: Enclosed I have the honor to submit the report of the Superintendent of the State Lunatic Asylum for the consideration of your honorable body, and commend it to your attention.

SAM. HOUSTON.

On motion of Mr. Mills, referred to committee on Public Buildings.

On motion, the House adjourned till Monday, ten o'clock, A. M.

6-H

HOUSE OF REPRESENTATIVES, }
 Monday, Feb., 4th, 1861. }

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

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed :

A bill to amend the 10th section of an act supplementary of an act to regulate Railway Companies, approved February 7th, 1853; approved Dec., 19th, 1857; approved Feb., 8th, 1860.

Mr. Branch, one of the committee on enrolled bills, reported correctly enrolled and properly signed :

A bill to reorganize the 16th Judicial District and to define the time of holding courts therein, and the same had been presented to the Governor for his approval and signature.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the Senate's bill, providing what be sufficient *prima facie* evidence in certain cases in suits brought by the State of Texas.

On motion of Mr. Buckley, the rule was suspended, report taken up, bill read second time and passed to third reading.

On motion of Mr. Buckley, the rule was further suspended, bill read third time and passed.

Mr. Mills, on part of the House, from the joint committee of conference, on the House amendment to Senate's bill for the relief of the Houston and Texas Central Railroad Company, reported, recommending the passage of the bill, with the following substitute to the amendment, to come in at the end of first section :

"*Provided*, said railroad shall run on the nearest and most practicable route from its line at or near Horn Hill to Dresden in Navarro, and thence to the town of Dallas, or within one mile and a half of said town, and thence to the terminus on Red river, within fifteen miles of Preston. And said company shall have said road surveyed, staked and permanently located to Dresden, or within one mile of said town by the first day of April, A. D., 1862.

On motion of Mr. Mills, the rule was suspended, the report taken up and adopted.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to amend the 12th section of the act concerning the proceedings in the District Courts, approved March 16, 1848.

A message was received from the Senate, informing the House, that the Senate had amended and passed, the following House bills, to-wit :

Bill supplemental to the act to regulate estrays.

Bill to provide for the submitting the Ordinance of secession to a vote of the people, and had passed the House bill providing for running the county lines between the counties of Marion, Cass, and Titus.

Also, had passed a bill to require the Comptroller and Treasurer, to receive Treasury warrants, in payment for certain land dues.

Mr. Buckley offered the following resolution :

Resolved, That with the concurrence of the Senate, this Legislature adjourn at 11 o'clock, on Wednesday next, until the 1st day of April, 1861.

Laid over one day for consideration.

Mr. Mabry moved to suspend rule and take up resolution.

Lost.

Mr. Flewellen introduced a bill to reduce the per diem and mileage of the members and officers of the Legislature and repealing certain acts relative thereto.

Mr. Flewellen moved to suspend rule and take up the bill.

Lost.

Mr. Davis of H., introduced a joint resolution, relative to arms in Texas belonging to the United States. Read first time.

Mr. Davis of H., moved to suspend rule, and take up resolution. Lost.

Mr. Darnell offered the following resolution :

Resolved, That the committee on Military Affairs, be instructed to enquire into the propriety and necessity of authorizing the purchase by the State, of arms and munitions of war, &c., for the use of the State and that they report by bill or otherwise.

Mr. Hartley proposed to amend as follows :

“ And the committee on Bonds and Finance, are called upon to report how the means are to be raised to purchase the same.”

Adopted.

[Mr. Munson in the Chair.]

And the resolution as amended adopted.

Mr. Hubbard offered the following resolution :

Resolved, That the committee on Judiciary be requested to report a bill making provisions for the incorporation of volunteer companies of this State, without the necessity of requiring special legislation therefor. Referred to Judiciary committee.

Mr. Taylor introduced a bill, authorizing the raising, arming, and equipping a regiment, consisting of artillery, infantry and cavalry, for the protection of the Northern Frontier of Texas.

Read first and second times and referred to committee on Military Affairs.

Mr. Duncan offered the following resolution :

Resolved, That the State Gazette, furnish the House of Representatives with a 1,000 State Gazette Appendixes, that were published for this House, under a resolution of last session.

Mr. Shannon moved to strike out "1,000," and insert "100."

On motion of Mr. Wælder the resolution was laid on the table for the present.

ORDERS OF THE DAY.

The report from the Judiciary committee, recommending the passage of the bill to amend section 149 and 154 of the act to regulate proceedings in the District Courts approved 13th May, 1846, to amend act to amend section 151 of the act to regulate proceedings in the District Courts, approved Dec., 24th, 1851, was taken up.

Mr. Henderson proposed to amend by striking out all after "enjoined," in second section and insert, "the court shall assess ten per cent. damages."

Mr. Stewart offered the substitute as follows for the amendment :

Strike out in the caption of the bill, the words, "and 154,"

Also, strike out section second of the bill, and change the number of fourth section. Accepted and adopted.

And the House refused to engross the bill by the following vote :

YEAS—Messrs. Speaker, Armstrong, Benevides, Barclay, Caddell, Camp, Craig, Crawford, Clark, Culberson, Cumbly, Dickson, Duncan, Edwards, Francis, Harrison of C., Houghton, Lewis of M., Lewis of R., Lynch, Mills, Norton, Redwine, Robinson, Shannon, Shelton, Speights, Stewart and Waterhouse—29.

NAYS—Messrs. Anderson, Baxter, Branch, Bryan, Dale, Darnell, Davis of B., Davis of H., Ellett, Epperson, Flewellen, Franklin, Foscue, Hancock, Harrison of V. Z., Hartley, Henderson, Hubbard, Hubert, Lewter, Mabry, Manly, Maverick, Morris, McKnight, Middleton, Mundine, Navarro, Owens, Parker, Perry, Pirkey, Redgate, Ross, Short, Smith, Taylor, Wælder, Walworth, Whitmore and Wrede—41.

Mr. Wælder moved to take from the table the resolution relative to the State Gazette Appendixes. Carried by the following vote :

Mr. Wælder calling for the yeas and nays.

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Bene-

vides, Bryan, Caddell, Camp, Craig, Clark, Culberson, Cumby, Dale, Darnell, Duncan Edwards, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Mabry, Morris, McKnight, Mills, Navarro, Nelson, Perry, Pirkey, Redgate, Robinson, Shannon, Shelton, Short, Smith, Stewart, Wælder, Walworth, Wortham, and Wrede—46.

NAYS—Messrs. Barclay, Branch, Buckley, Crawford, Davis of B., Davis of H., Dickson, Ellett, Epperson, Francis, Hancock, Henry, Lewis of R., Lewter, Mabry, Maverick, Middleton, Mundine, Norton, Parker, Bedwine, Speights, Taylor, Waterhouse, and Whitmore—25.

And the resolution was adopted.

Mr. Bryan introduced a bill for the relief of the Trinity Valley Railroad Company. Read first and second times and referred to committee on Internal Improvements.

Mr. Cumby moved to take up the House's Bill to provide for submitting the Ordinance of secession to a vote of the people, with amendment by the Senate. Carried and amendment concurred in.

On motion of Mr. Stewart, 5,000 copies of the bill were ordered to be printed.

On motion of Mr. Parker the House bill supplemental to act to regulate estrays with amendments by the Senate was taken up and amendments concurred in.

The report of the Judiciary committee, recommending the passage of the bill to prescribe the order in which causes shall be determined in the Supreme Court, was taken up.

Mr. Franklin proposed to amend as follows:

“Provided, That nothing contained in this act shall prevent the court from continuing any case by consent of parties. Adopted.

Mr. Dennis moved to suspend rule and place the bill on its final reading. Lost by the following vote:

Mr. Franklin calling for the yeas and nays.

YEAS—Messrs. Speaker, Armstrong, Bryan, Buckley, Caddell, Crawford, Clark, Culberson, Cumby, Dennis, Dickson, Duncan, Flewellen, Francis, Hall, Henderson, Lewis of R., Lynch, Mabry, Manly, McKnight, Middleton, Nelson, Norton, Redwine, Robinson, Shannon, Short, Smith, Speights, Taylor, Wælder, Walworth and Wrede—34.

NAYS—Messrs. Barclay, Benivedes, Branch, Craig, Crooks, Dale, Davis of B., Davis of H., Ellett, Epperson, Franklin, Foscue, Hancock, Harrison of C., Harrison of V. Z., Hartley,

Haynes, Henry, Houghton, Hubbard, Lewter, Maverick, Morris, Mills, Mundine, Navarro, Owens, Parker, Perry, Redgate, Ross, Shelton, Warfield, Waterhouse, Whitmore and Wortham—37.

Report from committee on Judiciary relative to the bill to prevent the emancipation of slaves was taken up. Bill read and ordered to be engrossed.

On motion of Mr. Whitmore, rule was suspended, bill read third time and passed.

Report from the committee on Public Lands, recommending the passage of the bill to attach the unorganized counties of Wichita, Wilbarger Hardiman and Grier to the county of Clay so as to form one land district, was taken up and bill ordered to be engrossed.

Mr. Shelton moved to suspend rule, take up bill and place it on its final reading. Lost.

Report of committee on Internal Improvements, on the petition of Sarah Cockerel, taken up and adopted.

Report from the Judiciary committee, recommending amendments to the bill to regulate the descent and distribution of intestate estates, approved March 18th, 1848, was taken up, amendments adopted and bill ordered to be engrossed.

On motion of Mr. Buckley, rule suspended, bill read third time and passed.

Mr. Duncan moved to adjourn until 10 o'clock, to-morrow. Lost.

Senate's joint resolution, relative to the roofing of the capitol, was taken up and read first time.

On motion of Mr. Dale, rule was suspended, resolution read second time.

On motion of Mr. Dale, rule further suspended. Resolution read third time and passed.

Report from committee on Internal Improvements, recommending the non-passage of the Senate's bill for the relief of Railroads in Texas was taken up. Bill read second time.

Mr. Epperson moved to re-refer the bill to the committee on Internal Improvements. Carried.

Report of committee on Internal Improvements, recommending the passage of the bill for the relief of the Memphis and E Paso Railroad Company, was taken up.

Mr. Ross submitted a minority report dissenting from the majority report:

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The undersigned, a minority of the committee on Internal

Improvements, to whom was referred the petition of sundry citizens of Cass and Marion counties, asking the Legislature to pass a law, granting to that part of the Memphis and El Paso railroad, extending from Moore's Landing on Sulphur, to Jefferson, in Marion county, ten section certificates of six hundred and forty acres each, for each section of five miles graded.

Would dissent from the report of the majority for the following reasons:

1. It is a departure from the general law, without offering any additional guarantees for its completion; but to a considerable extent reducing the same, or rather, nearly destroying the securities: in this, it grants the land to each five miles, when the general law required twenty-five miles to be graded before the road could draw any land certificates, after the first section is completed they would be the same.

2. It extends to the Memphis and El Paso railroad in this extension, the privileges above named, when the original road on commanding portions, has advantages which no other road possesses; a reservation from Red River to the Rio Grande—a distance of near 700 miles.

3. That departures from the general law, would, in the opinion of the minority, operate ruinously in the present state of affairs; it being calculated to reduce essentially the securities on which the State, must to some extent rely, for the means necessary for our protection, or offer as guarantees for the redemption of promises that it may be necessary that the State may make for that purpose.

4. It would be acting in bad faith to other enterprises of similar character, and equally as meritorious, by depriving them of rights and privileges guaranteed by the general law, thereby, injuring to that extent the other railroads of the State.

All of which is respectfully submitted,

WILLIAM M. ROSS.

[Mr. Lewis of M., in the Chair.]

Mr. Flewellen moved to recommit the bill to committee on Internal Improvements. Lost.

Mr. Morris proposed to amend as follows:

"*Provided*, That the provisions of this act shall apply to all the railroads in this State."

The amendment was rejected by the following vote:

Mr. Morris calling for the yeas and nays.

YEAS.—Messrs. Anderson, Barclay, Baxter, Caddell, Crawford, Clark, Cumby, Dale, Darnell, Davis of H., Dickson, Dougherty, Duncan, Francis, Foscue, Harrison of V. Z., Henderson,

Hubbard, Hubert, Lewis of M., Lynch, Manly, Morris, McKnight, Norton, Owens, Redgate, Redwine, Robinson, Ross, Stewart, Taylor, Wælder, Walworth, Whitmore, and Wrede—36

YAYS—Messrs. Speaker, Armstrong, Benevides, Branch, Camp, Craig, Crooks, Culberson, Davis of B., Dennis, Epperson, Flew-ellen, Franklin, Hancock, Hall, Harrison of C., Henry, Houghton, Lewis of R., Mabry, Maverick, Middleton, Mills, Mundine, Navarro, Nelson, Parker, Perry, Shannon, Shelton, Smith, Speights, Warfield, Waterhouse, and Wortham—36.

On motion of Mr. Nelson, bill was made special order of the day for 11 o'clock, A. M., to-morrow.

On motion of Mr. Nelson, the bill to require the Comptroller and Treasurer to receive Treasury warrants in payment for certain land dues, taken up, read first time.

On motion of Mr. Nelson, the rule suspended, and bill read second time.

Mr. Nelson proposed to amend by adding two additional sections. Adopted.

Mr. Darnell, proposed to amend, by adding :

“And said warrants shall also be receivable for all government dues.” Withdrawn, and bill passed to third reading.

On motion of Mr. Nelson, the rule further suspended, bill read third time and passed.

A message was received from the Governor, with the request, that when it was read it would be transmitted to the Senate.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to amend the act to organize the Justices' Courts, and to define the powers and jurisdiction of the same, approved, March 20, 1848.

On motion, the House adjourned till 9 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Tuesday, February 5, 1861. }

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

Mr. Foscue, chairman of committee on Internal Improvements, reported, that the committee recommended the passage of the bill for the relief of Railroads in Texas, with amendments by the committee; Messrs. Foscue and Ross dissenting. Amendments by the committee:

In section one, after "extent," insert "after its completion," and at the end of first section, add "Provided, that this act shall not be so construed as to include any charter granted where the company has not been organized, and the line of the road designated in whole or in part, and the road in process of construction, or in whole or in part under contract for construction."

[Mr. Taylor, of Fannin, in the chair.]

Mr. Stewart, chairman of committee on Finance, reported, recommending that the bill amending the laws to raise a revenue by taxation, and the bill to amend the laws for the assessment and collection of taxes, be laid on the table. Also, reported recommending the passage of the Senate's bill making an appropriation to pay for supplies furnished the troops now on the frontier, with amendments by the committee. Amendments strike out "common market", and insert "par."

Mr. Wortham, one of the committee on Printing, reported a bill making appropriation to pay John Marshall for certain services, and recommended its passage. Will read first time.

Mr. Short, one of the committee on Judiciary, reported, recommending the passage of the bill supplementary to the act providing for the appointment of pilots, passed April 7, 1846. Also, reported a substitute for the bill to authorize the county court of Nacogdoches county to regulate the pay of sheriffs therein in certain cases and recommend its passage.

Mr. Perry offered the following resolution:

Resolved, That the sum of two dollars per day, in addition to that now allowed, be voted to Joseph Mangum out of the contingent fund. Adopted by the following vote, Mr. Foscue calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Benevides, Billingsly, Bogart, Branch, Caddell, Camp, Culberson, Cumby, Darnell, Davis of H., Dickson, Ellett, Flewellen, Franklin, Houghton, Hubert, Lewis of M., Lewis of R., Lester, Lynch, Manly, Middleton, Mills, Munson, Navarro, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Shannon, Shelton, Short, Smith, Speights, Stewart, Walworth, Warfield, Waterhouse and Whitfield—46.

NAYS—Messrs. Bryan, Buckley, Craig, Crawford, Crooks, Dale, Davis of B., Duncan, Edwards, Epperson, Foscue, Hall, Harrison of V. Z., Henry, Hubbard, Morris, Nelson, Ross, Taylor, Whitmore and Wrede—21.

Message received from Senate, informing the House that the Senate had passed the following bills, originating in that body, to wit:

Bill for relief of Texas and New Orleans Railroad Company.

Bill to change the name of county seat of Hidalgo county.

Bill for relief of Southern Pacific Railroad Company.

Bill to reorganize Eighth and Twentieth Judicial Districts, and define times of holding the courts therein, and

A joint resolution suspending the Geological survey.

Also, had amended and passed House bill, to provide for the protection of the Frontier of the State of Texas.

Mr. Stewart, one of the committee on Judiciary, reported as follows:

The committee on Judiciary, to whom was referred the bill relating to the spring terms of the several District Courts during the year 1861, have had no action on the bill, but the undersigned, one of the committee, begs leave to report the bill back to the House, and recommend its passage.

W. H. Stewart, one of committee, also as chairman of committee on Finance, reported a substitute for the bill to reduce the price of Public Lands, and recommended its passage.

Mr. Taylor, of Cass, offered the following resolution:

Resolved, That it is the sense of this House, that before this Legislature adjourns they should so raise the taxes as to meet the current expenses of the State Government.

Mr. Foscue moved to lay the resolution on the table. Carried by the following vote; Mr. Taylor, of Cass, calling for the yeas and nays:

YEAS—Messrs. Anderson, Baxter, Billingsly, Bryan, Buckley, Caddell, Craig, Crawford, Cumby, Darnell, Dennis, Dickson, Flewellen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Morris, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shelton, Short, Smith, Speights, Stewart, Warfield, Waterhouse, Whitfield and Wortham—45.

NAYS—Messrs. Speaker, Armstrong, Benevides, Branch, Camp, Crooks, Dale, Davis of B., Davis of H., Dougherty, Duncan, Epperson, Hancock, Hall, Haynes, Henry, Lewis of R., Mabry, Manly, McKnight, Middleton, Mundine, Navarro, Norton, Redgate, Shannon, Taylor, Wælder, Walworth, Whitmore and Wrede—31.

Mr. Mabry, one of the Judiciary committee, by permission, reported as follows:

The Judiciary committee, to whom was referred sundry bills relative to stay laws, have had the same under consideration, and beg leave to offer the following as a substitute therefor.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to prescribe the order in which cases shall be determined in the Supreme Court. Also, The bill to prohibit the emancipation of slaves.

ORDERS OF THE DAY.

The resolution relative to the adjournment of the Legislature was taken up.

Mr. Baxter moved to strike out "first of April," and insert "second of March."

On motion of Mr. Nelson, the House bill for protection of Frontier, with amendments by the Senate, was taken up. The amendment to insert "Frio" after "Bandera", was concurred in, and the amendment to "strike out last seven lines of section nine", was concurred in.

Mr. Davis, of Bastrop, offered the following as a substitute for the adjournment resolution:

Resolved by the House, the Senate concurring, that the extra session of the Eighth Legislature adjourn, *sine die*, on Friday, the eighth of February, 1861, at ten o'clock, A. M.

On motion of Mr. Baxter, the substitute was laid on the table, by the following vote; Mr. Davis, of Bastrop, calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Benevides, Clark, Culberson, Cumby, Dale, Darnell, Dennis, Dickson, Duncan, Flewellen, Franklin, Hall, Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Morris, Mills, Munson, Navarro, Nelson, Owens, Parker, Perry, Pirkey, Robinson, Ross, Shannon, Short, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—56.

NAYS—Messrs. Branch, Camp, Davis of B., Davis of H., Dougherty, Edwards, Epperson, Francis, Foscue, Haynes, Henry, Mabry, McKnight, Middleton, Mundine, Redgate, Redwine, Shelton, Taylor and Whitmore—20.

The question recurring on the motion to strike out "first of April", and insert "second of March,"

On motion of Mr. Stewart, the motion was laid on the table.

Mr. Stewart moved the previous question. Lost.

Mr. Shannon moved to postpone the question until eleven o'clock, Friday morning.

Mr. Francis moved to lay the motion on the table. Carried.

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

Resolved by the House, the Senate concurring, that the Legislature adjourn, *sine die*, on Monday, the eleventh day of February, at ten o'clock, A. M. Lost.

Mr. Wælder offered the following substitute:

Resolved that, the Senate concurring, this session will adjourn on Monday next, at twelve o'clock, to meet again on the eighteenth of March.

On motion of Mr. Nelson, laid on the table.

Mr. Baxter moved to postpone further consideration of the subject till to-morrow at twelve o'clock.

On motion of Mr. Buckley, the motion to postpone was laid on the table.

Mr. Davis, of Hays, moved to adjourn till three o'clock. Lost.

On motion of Mr. Dickson, the main question was ordered, and the House refused to adopt the resolution, by the following vote:

YEAS—Messrs. Anderson, Armstrong, Buckley, Crawford, Dale, Darnell, Davis of H., Dennis, Dickson, Edwards, Flewelling, Francis Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of R., Lynch, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Short, Speights, Stewart, Walworth, Warfield and Whitfield—34.

NAYS—Messrs. Speaker, Baxter, Benevides, Billingsly, Bryan, Caddell, Camp, Craig, Crooks, Clark, Culberson, Cumby, Davis of B., Dougherty, Duncan, Epperson, Franklin, Hancock, Hall, Haynes, Henry, Hubert, Lewis of M., Mabry, Manly, Maverick, Morris, McKnight, Middleton, Mills, Mundine, Navarro, Owens, Redgate, Shannon, Shelton, Smith, Taylor, Wælder, Waterhouse, Whitmore Wortham and Wrede—43.

On motion, the House adjourned till three o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Dickson offered the following resolution:

Resolved, the Senate concurring, that the two Houses of the Legislature will adjourn on Friday next, at ten o'clock, A. M., until the first of April ensuing. Laid over one day for consideration.

Mr. Mills offered the following resolution:

Resolved, That the committee on Military Affairs be requested to inquire into and report to this House, how many and what kind of arms there are now in the possession of the federal authorities in Texas; and also to inquire into the propriety of purchasing arms and munitions for the defence of the State, and if necessary report a bill for that purpose. Adopted.

On motion of Mr. Clark report from the Judiciary committee, recommending a substitute for the bill to authorize the county court of Nacogdoches county to regulate the pay of sheriffs in certain cases, was taken up and substitute adopted.

Mr. Foscue offered the following amendment.

"Provided, that the county of Cherokee be excepted out of the operations of this act."

Mr. Nelson moved to reject the bill, substitute and amendment. Lost.

Mr. Clark moved to reconsider the vote adopting the substitute. Carried.

Gentlemen representing the several counties proposed to insert them in the bill, to wit:

Upshur, Nacogdoches, Navarro, Jackson, Calhoun, El Paso, Jasper, Newton, Atascosa, Austin, Fort Bend, Madison, Hays, Blanco, San Augustine, Sabine, Grimes, Limestone, Orange, Hardin, Walker, Jefferson and Leon. Adopted by the following vote:

YEAS—Messrs. Speaker, Armstrong, Baxter, Branch, Buckley, Camp, Crawford, Crooks, Clark, Culberson, Davis of B., Davis of H., Dickson, Duncan, Edwards, Foscue, Hall, Henry, Hubbard, Hubert, Lewter, Morris, McKnight, Middleton, Mills, Norton, Owens, Parker, Perry, Pirkey, Shannon, Short, Smith, Speights, Wælder, Waterhouse, Whitfield and Wortham—39.

NAYS—Messrs. Anderson, Billingsly, Bryan, Caddell, Craig, Dale, Darnell, Dennis, Epperson, Flewellen, Francis, Franklin, Hancock, Harrison of C., Harrison of V. Z., Houghton, Lynch, Manly, Mundine, Nelson, Redgate, Redwine, Robinson, Ross, Shelton, Stewart, Walworth, Whitmore and Wrede—29.

Mr. Perry moved to strike out "\$300", and insert "\$200." Carried.

Mr. Franklin moved to strike out "\$200", and insert "\$100."

On motion of Mr. Buckley, the motion was laid on the table, and the bill ordered to be engrossed by the following vote; Mr. Franklin calling for the yeas and nays:

YEAS—Messrs. Speaker, Armstrong, Baxter, Branch, Buckley, Camp, Crawford, Clark, Davis of B., Davis of H., Dickson, Duncan, Edwards, Epperson, Hall, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Mabry, Manly, Morris, McKnight, Middleton, Mills, Norton, Parker, Perry, Shannon, Short, Smith, Speights, Waterhouse, Whitfield and Wortham—37.

NAYS—Messrs. Anderson, Billingsly, Caddell, Craig, Culberson, Dale, Darnell, Flewellen, Francis, Franklin, Foscue, Hancock, Harrison of C., Harrison of V. Z., Hartley, Henry, Houghton, Mundine, Nelson, Redgate, Redwine, Robinson,

Ross, Shelton, Stewart, Wælder, Walworth, Whitmore and Wrede—37.

Mr. Buckley moved to suspend the rule to place the bill on second reading.

A message was received from the Senate, informing the House that the Senate refused to concur in the House amendment to Senate's bill to require Comptroller and Treasurer to receive Treasury Warrants in payment for certain land dues;

Had passed House bill to amend tenth section of act supplementary of an act to regulate Railroad Companies, approved February 7, 1853; approved December 19, 1857; approved February 8, 1860.

Also, had passed Senate's bills, to reorganize the Seventeenth Judicial District, and define times of holding District Courts therein, and

Bill to amend eighth section of act to incorporate Eastern Texas Railroad Company, passed by the Eighth Legislature of the State of Texas.

Mr. Shannon, one of the committee on Public Lands, reported recommending passage of bill to amend act to authorize commissioner of the General Land Office to issue patents upon surveys heretofore made, not in form required by law, approved January 17, 1860.

Mr. Davis, of Bastrop, one of committee on Enrolled Bills, reported as follows:

HON. M. D. K. TAYLOR,

Speaker of the House, etc.:

The joint committee on Enrolled Bills have examined the following bills, to wit:

An act amending the Estray Law.

An act to be entitled on act to provide for the Protection of the Frontier of the State of Texas.

An act to be entitled an act for the relief of the Houston and Texas Central Railway Company.

An act to be entitled an act providing what shall be sufficient *prima facie* evidence in certain cases, in suits brought by the State of Texas.

A joint resolution with regard to the contract for Roofing the Capitol.

An act to be entitled an act to provide for running the county lines between the counties of Marion, Cass and Titus.

An act to be entitled an act to provide for submitting the Ordinance of Secession to a vote of the people.

And find the same correctly enrolled, properly signed, and

have this day presented the same to the Governor for his signature and approval.

[Signed]

B. H. DAVIS,

One of committee.

The majority and minority report, from the committee on Internal Improvements, on the bill for the relief of the Memphis and El Paso Railroad Company, taken up.

Mr. Harrison, of Van Zandt, offered the following amendment:

"Provided, that the provisions of this act shall apply and inure to the benefit of all the railroads in this State, for the distance of forty-five miles, now organized, and having an existing, *bona fide* contract for the construction of not less than ten miles of its road. Adopted, and the bill ordered to be engrossed.

Mr. Flewellen introduced a bill to grant an extension of time for the completion of the Washington County Railroad. Read first time.

On motion of Mr. Flewellen, the bill read second time and ordered to be engrossed.

On motion of Mr. Flewellen, the rule further suspended, bill read third time, and passed by a two-thirds vote.

Mr. Clark, one of the committee on Engrossed Bills, reported correctly engrossed—

The bill to amend the third section of an act entitled an act to regulate the Descent and Distribution of Intestate Estates, approved March 14, 1848, and

The bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer to the county of Clay, so as to form one land district.

The following message from the Governor was taken from the Speaker's stand, and read:

EXECUTIVE DEPARTMENT, }
AUSTIN, Texas, February 4, 1861. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives—

SIR: Enclosed I have the honor to transmit to your honorable body the accompanying resolutions, passed by the Legislatures of Virginia, Ohio, and Tennessee, which I commend to your consideration.

SAM HOUSTON.

Ordered to be transmitted to the Senate.

Senate's bill, to incorporate the La Vaca Wharf Company, was taken up, and read first time.

On motion of Mr. Taylor, of Cass, the rule was suspended, and bill read second time.

On motion of Mr. Duncan, rule further suspended, bill read third time, and passed by a two-thirds vote.

On motion of Mr. Smith, the bill for the relief of the Texas and New Orleans Railroad was taken up and read first time.

On motion of Mr. Nelson, rule suspended, bill read second time, and passed to a third reading.

On motion of Mr. Smith, rule further suspended, bill read third time, and passed by a two-third vote.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed—

Bill for relief of Washington County Railroad Company.

Mr. Mills offered the following resolution:

Resolved, That the use of this hall is hereby tendered to the Convention, which is to reassemble in this city on the second day of March, 1861. Adopted.

Mr. Hartley offered the following resolution:

Resolved, That a committee of Ways and Means, of three members, be appointed to confer with a like committee of the Senate, whose duty it shall be to devise ways and means to meet the present obligations of the State, and such other expenditures as may be rendered necessary by the present exigencies of the State.

On motion of Mr. Hubbard, Mr. Hartley was added to the committee on Finance.

On motion of Mr. Henderson, referred to committee on Finance.

Mr. Wælder moved to take up Senate's bills on Speaker's table. Lost.

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

HOUSE OF REPRESENTATIVES, }
 Wednesday, February 6, 1861. }

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

Mr. Armstrong, one of the committee on Public Lands, reported, recommending the passage of the bill providing for the return of fieldnotes of Surveys that have become forfeited.

Mr. Hancock, chairman of committee on Public Buildings, reported as follows:

The committee to whom was referred Special Message of his Excellency, the Governor, submitting the Report of the Superintendent of the State Lunatic Asylum, together with said report, instruct me to return the same to the House, and recommend that one thousand copies of said report be printed for the use of this House. Report adopted.

On motion of Mr. Davis, of Hays, the report was so amended as to make it read, "the one thousand copies to be printed for the use of the Superintendent of said Asylum," and adopted.

Mr. Bryan introduced a bill for the relief of the Trinity Valley Railroad Company. Read first time.

On motion of Mr. Bryan, rule suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Bryan, rule further suspended, bill read third time, and passed.

Mr. Davis, of Hays, introduced a bill to provide for the calling of a Convention of the people of the State of Texas. Read first time.

Mr. Shannon introduced a bill to appropriate money to pay minute men for service on the frontier. Read first time, and referred to committee on Finance.

Mr. Davis, of Hays, moved to suspend rule. Lost.

Mr. Wælder introduced a bill to repeal article 389a of Oldham and White's Digest. Read first time.

Mr. Wælder moved to suspend rule, to place bill on second reading. Lost.

A message was received from the Senate, informing the House that the Senate had passed a bill to extend the time for the return of Pre-emption Field Notes.

Also, transmitting a message from the Governor.

ORDERS OF THE DAY.

The resolution relative to adjournment was taken up.

[Mr. Buckley in the chair.]

Mr. Baxter proposed to amend by striking out "Friday", and inserting "Monday". Declared out of order, and the resolution adopted.

Mr. Davis, of Bastrop, moved to reconsider the vote.

Mr. Dickson moved to lay the motion to reconsider on the table. Lost by the following vote;

Mr. Davis, of Bastrop, calling for the yeas and nays:

YEAS—Messrs. Anderson, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Clark, Cumby, Dennis, Dickson, Duncan, Edwards, Foscue, Harrison of C., Hubert, Lewis of R., Lewter, Lynch, Maxey, Morris, Parker, Perry, Pirkey,

Redwine, Robinson, Ross, Shelton, Smith, Speights, Stewart, Walworth, Whitfield and Wortham—36.

NAYS—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsley, Crooks, Culberson, Dale, Davis of B., Davis of H., Dougherty, Epperson, Francis, Franklin, Hancock, Harrison of V. Z., Hartley, Haynes, Henderson, Hubbard, Lewis of M., Mabry, Manly, McKnight, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Redgate, Shannon, Short, Taylor, Wælder, Warfield, Waterhouse, Whitmore and Wrede—39.

Mr. Baxter moved to postpone the further consideration of the question until eleven o'clock to-morrow. Lost. The question recurring on the motion to reconsider,

Mr. Mills called for the yeas and nays; and the motion was lost by the following vote:

YEAS—Messrs. Armstrong, Baxter, Benevides, Billingsley, Bogart, Caddell, Craig, Crooks, Culberson, Dale, Davis of B., Davis of H., Epperson, Francis, Franklin, Hancock, Hartley, Haynes, Henderson, Hubbard, Lewis of M., Lynch, Mabry, Manly, McKnight, Mills, Mundine, Navarro, Nelson, Norton, Redgate, Shannon, Taylor, Wælder, Waterhouse and Wrede—36.

NAYS—Messrs. Anderson, Branch, Bryan, Buckley, Camp, Crawford, Clark, Cumby, Dennis, Dickson, Duncan, Edwards, Foscue, Harrison of C., Harrison of V. Z., Hubert, Lewis of R., Lewter, Maxey, Morris, Middleton, Munson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shelton, Short, Smith, Speights, Stewart, Walworth, Warfield, Whitfield, Whitmore and Wortham—38.

The following message from the Governor was taken from the Speaker's stand, and read:

EXECUTIVE DEPARTMENT, }
February 5, 1861. }

Gentlemen of the Senate

and House of Representatives :

In view of the contemplated speedy adjournment of the Legislature, the Executive would again call your attention to the embarrassed condition of the finances, and press upon your attention the importance of adopting such measures as will sustain the government during the present fiscal year.

In his message sent to your honorable body at the commencement of the present session, the Executive pressed this subject upon your attention, and in connection with it, the importance of providing for the defence of the frontier settlements. These were two of the three objects for which you were convened. The course of your legislation since that period, and the possibility of

a severance of the connection of Texas with the Federal Union, render it imperative that money should be raised to sustain the government so that in such a contingency the people of the State may be ready to meet any emergency that may come upon them.

The Executive in his message presented for your consideration the following figures, showing the probable receipts and disbursements of the present year:

Amount due for Rangers' pay and subsistence,	\$ 155,000 00
Interest warrants in circulation,	129,556 99
Defence of frontier,	500,000 00
Ordinary expenses of Government, (see Comptroller's Report for September 1, 1859,)	331,400 00
Amount due on outstanding debt,	50,000 00
Amount of debt of Republic, which will be called for,	10,000 00
Total,	\$ 1,175,956 99

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

Total receipts to August 31, 1861, (see Comptroller's Report, September, 1859,)	\$ 343,344 27
Amount in Treasury subject to disbursement, January 19, 1861, (per Treasurer's Report,)	14,785 62
Total,	\$ 358,129 89

The above statement shows a deficiency on the 19th January, 1861, of \$817,827 10. The amount due Rangers alone for services rendered up to this period, amounts to at least \$300,000, and unless means are adopted to pay their claims in money, the same will depreciate, and no temporizing expedient can prevent that result. The Government must go on performing its functions, or anarchy will ensue, and to keep it in motion, money is necessary. The frontier must be defended, or the settlements must give way, and no matter what expedient may now be resorted to, both men and money must be had; and the Executive implores the Legislature not to wait until the call for men and money comes laden with the dying shrieks of women and children.

The Legislature may vouchsafe to the people of the frontier the privilege of protecting themselves at their own cost, depending upon promises to pay in the future; but such a policy will be found totally inadequate to the present emergency. Cash will be needed to purchase ammunition and supplies.

By the Treasurer's Report, received on Saturday, the 2d instant, it appears that there was then in the Treasury, subject to disbursement on account of State Revenue, \$5,279 69. The Legislature has already appropriated \$9,768 62 of the fund arising from University Land sales and \$17,313 30 of the fund accumulating from estates of deceased persons, for the per diem and mileage of its members, and it has only been by the use of these funds that the Treasury has been spared thus far from entire bankruptcy: The amount on hand will be exhausted before the termination of the present week, when there must be a suspension of specie payments altogether.

The revenue estimated to come in on July 1, (\$343,344 27,) will be much reduced from the fact that the Comptroller has been and is now drawing advance drafts on the various assessors and collectors, to meet appropriations. It is also well known that the assessments for the present year have been suspended by order of the Comptroller. Property, in the meantime, has been steadily decreasing in value, and parties will not be willing to have the same assessed at any more than it will bring in the market at the time of assessment. This depreciation in value will be so great, that, at the present rate of taxation, not more than half the amount estimated will be collected.

The ordinary expenses of government, about \$30,000 per month, are to be met until the taxes come in. The officers, many of whom are dependent upon their salaries for the support of themselves and families, should be punctually paid; but even if they wait until the taxes come in, the treasury will then be without a dollar to pay the expenses of the next twelve months. The necessity for the adoption of measures whereby the treasury may be replenished, must therefore be apparent.

Without considering the possible contingency, arising from a change in our federal relations, means must be provided to meet the deficiency of \$817,827 10 mentioned above. But should Texas withdraw from the Union, a new condition of things will arise, which will require large expenditures. In view of the possibility of such a contingency happening at as early a period as the second of March, the Legislature cannot fail to see the necessity of making such provisions as will secure the safety of the State and maintain its honor. Steps should be taken to provide an adequate force, to take the place of the 3000 federal troops now in Texas. The safety of our frontier depends upon the action of your honorable body in this respect. A few days of delay may involve the most terrible consequences. Not only the Rio Grande frontier, but also our whole line of settlements,

demand the continual presence of a force sufficient to intimidate our enemies from invading us in large bodies, and it will be the part of wisdom to guard now against the consequences of the removal of such a force. The expense will be millions; but the lives of our people are worth more. Nor is this all. If we do not defend the outposts of civilization, the frontier must recede until we have it at our very doors. We must also provide for the continuation of our postal service, so that our people may not be deprived of communication with the world without. If we are to become independent of the Federal Government, let us at once act a manly and self-reliant part. Let not Texas be subjected to the humiliation of dependence on a government which she has thrown off. If we are to separate, let us have the means provided for taking care of ourselves, and from the date of our separation protect our people with our own army, carry our own mails, and sustain ourselves as an independent people should. The Executive has that confidence in the people of Texas, to believe that if their minds are resolved on separation they will furnish, if in their power, the millions necessary to maintain that new position.

The Executive relies upon the wisdom of the Legislature to devise the ways and means to sustain the government, and he cannot but press upon the consideration of the Legislature, (a large majority of whom regard disunion as a fixed fact,) the importance of providing against that contingency.

He has now performed his whole duty. If the Legislature provides the means to maintain the public faith, to defend the frontier, and sustain the government in all its departments. The Executive, faithful to the trust reposed in him by the people, will see to it, so far as his powers will permit, that the honor and interests of Texas do not suffer at his hands. If these be unprovided for, and the government is left in its present condition, he will feel that this last appeal to the wisdom, justice and patriotism of your honorable body, will justify him to the world should his endeavors to care for the interests of the people, be fruitless.

SAM HOUSTON.

On motion of Mr. Wælder referred to Finance committee.

On motion of Mr. Mabry, one thousand copies ordered to be printed.

On motion of Mr. Wælder, the following Senate's bills were taken up and disposed of, as indicated:

Senate's bill to require the Comptroller and Treasurer to re-

ceive treasury warrants in payment of certain land dues, was taken up, and,

On motion of Mr. Nelson, the House adhered to its amendments.

Senate's bill for the relief of the Southern Pacific Railroad Company was taken up, read first time, and passed to a second reading.

On motion of Mr. Craig, the rule further suspended, bill read third time, and passed to a third reading.

On motion of Mr. Craig, the rule further suspended, bill read third time, and passed by a two-third vote.

Senate's bill to reorganize the Seventeenth Judicial District, and define the time of holding courts therein, taken up, and read first time.

Mr. Wælder moved to suspend rule, and place bill on second reading. Carried. Bill read second time, and passed to third reading.

On motion of Mr. Wælder, the rule further suspended. Bill read third time, and passed.

Senate's bill to reorganize the Eighth and Twentieth Judicial Districts, and to define times of holding courts therein, taken up, and read first time.

[Mr. Henderson in the chair.]

On motion of Mr. Bogart, the rule was suspended, and the bill placed on second reading.

Mr. Shelton moved to refer the bill to a select committee. Lost, and bill passed to a third reading.

Mr. Bogart moved to further suspend rule. Lost.

A message was received from the Senate, informing the House that the Senate had appointed Senators Throckmorton, Quinan and Gentry, a committee of conference on the bill to require the Comptroller and Treasurer to receive treasury warrants in payment for certain dues, and asked for a like committee on the part of the House. Bill taken up, and

The Speaker appointed Messrs. Nelson, Shannon, Harrison of Van Zandt, Davis of Bastrop, and Morris, a committee on the part of the House.

Senate's bill to change the name of county seat of Hidalgo county taken up, and read first time.

On motion of Mr. Walworth, rule suspended, bill read second time, and passed to a third reading.

On motion of Mr. Walworth, rule further suspended, bill read third time, and passed.

Senate's bill to amend Eighth Section of the act to Incorpor-

rate the Eastern Texas Railroad Company, passed by the Eighth Legislature of the State of Texas. Taken up, and read first time.

On motion of Mr. Morris, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Morris, rule further suspended, bill read third time, and passed by a two-third vote.

Mr. Clark, one of the committee on Engrossed Bills, reported correctly engrossed—

A bill amendatory and supplemental of an act to incorporate the Memphis El Paso and Pacific Railroad Company, approved February 4, 1856, and an act amendatory thereto, approved August 25, 1856, and an act amendatory thereto, approved February 10, 1858.

Also, a bill for the relief of the Trinity Valley Railroad Company.

On motion, the House adjourned until three o'clock, this evening.

3 o'clock, P. M.

House met—quorum present.

A message was received from the Governor, with the request that when it was read it should be transmitted to the Senate.

On motion of Mr. Hubbard, the message was taken up and read:

EXECUTIVE DEPARTMENT, }
AUSTIN, Texas, February 6, 1861. }

Gentlemen of the Senate

and House of Representatives:

Enclosed I have the honor to transmit to your honorable body certain ordinances and resolutions adopted by the Conventions of Louisiana and Georgia, and commend the same to your consideration.

SAM. HOUSTON.

Ordered to be transmitted to the Senate.

Mr. Stewart, by permission, as chairman of the committee on Finance, reported a bill authorizing the issuance of treasury warrants, receivable for taxes and government dues. Read first time.

On motion of Mr. Stewart, the rule was suspended, and the bill read second time.

Mr. Davis, of Bastrop, proposed to amend by striking out "taxes" wherever it appears in the bill.

Mr. Duncan moved to lay the amendment on the table. Carried, by the following vote; Mr. Davis, of Bastrop, calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Billingsly, Caddell, Craig, Crooks, Clark, Davis of H., Dickson, Duncan, Edwards, Francis, Franklin, Hancock, Hall, Harrison of C., Harrison of V. Z., Lynch, Morris, Middleton, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Warfield, Waterhouse, Whitfield and Wortham—35.

NAYS—Messrs. Branch, Buckley, Camp, Culberson, Dale, Davis of B., Dennis, Epperson, Foscue, Houghton, Hubbard, Lewis of R., Lewter, Mabry, Maxey, McKnight, Mills, Shannon, Short, Smith, Speights, Taylor, Wælder, Whitmore, and Wrede—25.

The question recurring on the engrossment of the bill, Mr. Mabry called for the yeas and nays, and the House ordered the bill to be engrossed, by the following vote:

YEAS—Messrs. Armstrong, Baxter, Buckley, Camp, Crawford, Crooks, Cumby, Dennis, Duncan, Edwards, Francis, Hancock, Harrison of C., Harrison of V. Z., Lewis of M., Lewter, Manly, Morris, Middleton, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Speights, Stewart, Wælder, Warfield, Waterhouse, Whitfield and Wortham—38.

NAYS—Messrs. Speaker, Anderson, Billingsly, Branch, Bryan, Caddell, Craig, Culberson, Dale, Davis of B., Davis of H., Dickson, Epperson, Franklin, Foscue, Henry, Houghton, Hubbard, Lewis of R., Lynch, Owens, Redgate, Short, Taylor and Whitmore—25.

On motion of Mr. Dennis, the rule was suspended, bill read third time and passed by the following vote; Mr. Mabry calling for the yeas and nays:

YEAS:—Messrs. Speaker, Anderson, Armstrong, Baxter, Branch, Buckley, Camp, Crawford, Crooks, Cumby, Dennis, Duncan, Francis, Hancock, Hall, Harrison of C., Harrison of V. Z., Hubert, Lewis of R., Lynch, Manly, Morris, Middleton, Mills, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Speights, Stewart, Wælder, Warfield, Waterhouse, Whitfield, Wortham and Wrede—44.

NAYS—Messrs. Bryan, Caddell, Craig, Culberson, Dale, Davis of B., Davis of H., Dickson, Epperson, Franklin, Foscue,

Henry, Houghton, Hubbard, Lewter, Mabry, Maxey, Mundine, Redgate, Short and Whitmore—21.

Mr. Stewart, chairman of committee on Finance, reported a bill authorizing the issuance and sale of State bonds in case of Invasion, or for Frontier Protection, and recommended its passage. Bill read first time.

On motion of Mr. Dennis, the rule was suspended and bill read the second time.

On motion of Mr. Foscue, all after "frontier", in the first section, was struck out.

Mr. Dickson moved to strike out "ten per cent" wherever it occurs, and insert "six per cent."

A division of the question being called for, the words "ten per cent." were struck out.

The question recurring upon filling the blank with "six per cent.", the same was put and carried.

On motion of Mr. Dennis, the blank in the bill was filled with the words "the Governor of the State."

On motion of Mr. Stewart, "one fourth" was struck out, and "one fifth" inserted.

On motion of Mr. Hubbard, "annually" was struck out, and "semi-annually" inserted, and the bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, bill read third time and passed.

Senate's bill to extend the time for the return of Preemption Field Notes, taken up, and read first time.

On motion of Mr. Culberson, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Shannon, rule further suspended, bill read third time and passed.

On motion of Mr. Lewis, of R., the report from committee on Judiciary, reporting a substitute for the stay bill, was taken up and read second time.

Mr. Epperson offered a substitute for all the bills after the caption.

On motion of Mr. Nelson, the further consideration of the bill was postponed, and made the special order for to-morrow at eleven o'clock.

Mr. Mabry moved to reconsider the vote postponing the bill. Carried.

Mr. Crooks moved to adjourn till half-past nine o'clock, A. M. to-morrow. Lost.

On motion, the House adjourned till seven o'clock, P. M.

7 o'Clock, P. M.

House met—roll called—quorum present.

The bill and proposed substitute pending when the House adjourned was taken up.

Mr. Franklin offered an amendment for the substitute, as follows:

Strike out all of the substitute offered after the enacting clause, and insert:

“That the contracts heretofore made, or hereafter entered into, shall be paid off and discharged in accordance with the terms of the contract agreed between the parties, and in all cases where the courts have been or may be appealed to, the judgments of the courts shall be carried into effect in conformity to the laws existing at the time of the contract.”

On motion of Mr. Buckley, the amendment to the substitute was laid on the table by the following vote; Mr. Franklin calling for the yeas and nays:

YEAS—Messrs. Speaker, Armstrong, Baxter, Billingsly, Buckley, Caddell, Craig, Crawford, Crooks, Clark, Culberston, Cumby, Dale, Dickson, Duncan, Edwards, Epperson, Francis, Harrison of V. Z., Houghton, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Mabry, Maxey, Morris, Munson, Navarro, Nelson, Norton, Parker, Perry, Redwine, Robinson, Speights, Stewart, Walworth, Warfield, Waterhouse, Whitfield and Wrede—43.

NAYS—Messrs. Anderson, Branch, Bryan, Davis of H., Dennis, Franklin, Foscue, Hancock, Haynes, Henderson, Manly, Pirkey, Redgate, Ross, Shelton, Short, Smith, and Wortham—18.

And the substitute was adopted.

Mr. Henderson proposed to amend as follows:

“Provided, that the provisions of this bill shall only apply to judgments hereafter to be obtained.

Mr. Epperson moved to lay the amendment on the table. Carried by the following vote; Mr. Henderson calling for the yeas and nays:

YEAS—Messrs. Speaker, Armstrong, Baxter, Billingsly, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Clark, Culberston, Cumby, Dale, Duncan, Edwards, Epperson, Francis, Hall, Henry, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Mabry, Maxey, Morris, Mills, Munson, Navarro, Nelson, Norton, Parker, Perry, Redwine, Robinson, Smith, Speights, Stewart, Wælder, Walworth, Waterhouse and Wrede—45.

NAYS—Messrs. Anderson, Davis of H., Dennis, Dickson, Franklin, Hancock, Harrison of V. Z., Haynes, Henderson,

Manly, Pirkey, Redgate, Ross, Shelton, Short, Warfield and Wortham—17.

Mr. Henderson proposed to amend as follows:

“Provided, all judgments stayed under the provisions of this bill shall bear interest at the rate of twelve per cent. from the time such judgment shall be stayed.”

Rejected by the following vote; Mr. Henderson calling for the yeas and nays:

YEAS—Messrs. Anderson, Hancock, Haynes, Henderson, Manly, Maxey, Mills, Navarro, Redgate, Robinson, Short, Stewart, Wælder and Wrede—14.

NAYS—Messrs. Speaker, Armstrong, Baxter, Billingsly, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Davis of H., Dennis, Duncan, Edwards, Epperson, Francis, Franklin, Foscutt, Hall, Harrison of V. Z., Henry, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Mabry, Morris, Munson, Nelson, Norton, Parker, Perry, Pirkey, Redwine, Robinson, Shelton, Speights, Walworth, Warfield, Waterhouse, Whitfield and Wortham—50.

Message was received from the Senate, informing the House that the Senate had passed

House bill, granting and extending time for completion of the Washington County Railroad Company, and

Senate bill, supplemental for the relief of Myrum Mudgett, D. Kitchings, A. L. Spencer and E. G. Cantwell, approved February 8, 1860; and

Bill prescribing the order of determining cases in the Supreme Court; also,

A bill to incorporate the Uvalde Irrigation Company; and

Bill to amend section 136 of act pertaining to estates of deceased persons.

Mr. Mills moved to strike out the “first day of July, 1862,” and insert “last day of December, 1861.” Withdrawn.

Mr. Stewart proposed to amend as follows:

In sixth line, section 3, strike out “levied.” Adopted.

Mr. Davis, of Hays, moved to amend by striking out the repealing clause. Lost.

Mr. Wælder moved to strike out “repealed”, and insert “suspended till this act by its own limitation expires.” Carried.

Mr. Buckley moved to amend by adding, “that this act go into effect from and after its passage. Carried, and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Baxter, Bryan, Buckley, Caddell, Craig, Crawford, Clark, Culberson, Cumby, Dale, Dickson, Duncan,

Epperson, Francis, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Morris, Munson, Navarro, Nelson, Parker, Perry, Redwine, Robinson, Smith, Speights, Stewart, Warfield and Waterhouse—32.

NAYS—Messrs. Speaker, Anderson, Armstrong, Billingsly, Branch, Davis of H., Dennis, Edwards, Eranklin, Foscue, Hancock, Hall, Harrison of V. Z., Haynes, Henderson, Henry, Houghton, Mabry, Manly, Pirkey, Redgate, Ross, Shelton, Short, Wælder, Walworth, Whitfield, Wortham and Wrede—29.

Mr. Nelson, as chairman of committee of Conference on part of the House on the bill to require the Comptroller and Treasurer to receive treasury warrants in payment for certain land dues, reported, recommending that the caption be amended as follows:

“ Bill authorizing treasury warrants to be received in payment of certain dues”, and to amend by adding three sections.

On motion of Mr. Nelson, the rule was suspended and report adopted.

On motion of Mr. Dickson, the Senate’s bill precribing the order of determining cases in the Supreme Court, was taken up and read first time.

On motion of Mr. Dickson, rule suspended, bill read second time, and passed to third reading.

Mr. Hubbard moved to suspend rule, and place bill on final reading. Lost.

Report of committee on Finance, recommending amendments to Senate’s bill making appropriation to pay for supplies furnished the troops now on the frontier, was taken up.

Mr. Ross moved to adjourn till half-past nine o’clock, A. M. to-morrow. Lost.

Mr. Hubert moved to adjourn till ten o’clock, A. M., to-morrow. Lost.

On motion of Mr. Henderson, the amendment proposed by the committee for the bill before the House was laid on the table, and the bill passed to a third reading.

Mr. Wælder moved to suspend the rule. Carried by the following vote; Mr. Cumby calling for the yeas and nays:

YEAS—Messrs. Speaker, Baxter, Billingsly, Bryan, Buckley, Craig, Clark, Culberson, Cumby, Davis of H., Dennis, Dickson, Duncan, Epperson, Hancock, Hall, Harrison of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of R., Lewter, Lynch, Mabry, Manly, Maxey, Morris, Middleton, Mills, Munson, Nelson, Norton, Owens, Parker, Perry, Redgate, Robinson,

Ross, Shelton, Short, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—52.

NAYS—Messrs. Caddell, Dale, Francis, Franklin, Foscue, Navarro, Redwine and Waterhouse—8.

Bill read third time, and passed.

On motion, the House adjourned till half-past nine o'clock, A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
Thursday, Feb., 7th, 1861. }

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

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, a bill to authorize the county courts of Upshur, Nacogdoches, Navarro, Jackson, Calhoun, El Paso, Jasper, Newton, Atascosa, Austin, Fort Bend, Madison, Hays, Blanco, San Augustine, Sabine, Grimes, Limestone, Orange, Harden, Jefferson and Leon counties, to regulate the pay of sheriffs therein in certain cases.

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the Senate's bill to provide payment of the expenses incurred by special bearer of dispatches sent by the Governor to Washington city, with the following amendments by the committee :

Amendments : In the second line of first section, strike out, the word "mileage," and insert "\$600."

Also, strike out the fourth line in said section, and insert, "which sum shall be in full payment of all mileage, expenses and services of said bearer of dispatches."

Also, strike out the fifth and sixth lines in said section.

On motion of Mr. Stewart, the rule was suspended, report taken up and amendments adopted, and bill passed to third reading.

On motion of Mr. Stewart, rule further suspended, bill read third time and passed.

Mr. Davis, one of the committee on Enrolled Bills, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined a bill, entitled "an act to amend the tenth section of an act supplementary of an act supplementary and amendatory of an act to regulate railroad companies in the State."

Also, an act granting and extending the time for the completion of the Washington county railroad.

Also, an act for the relief of the Trinity Valley railroad, and find the same correctly enrolled, properly signed and have this day presented the same to the Governor for his signature and approval. [Signed]

B. H. DAVIS,
One of the Committee.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed :

The bill to encourage the establishment of manufactories in the State of Texas.

The bill for the relief of Railroad companies in Texas, pending when the House adjourned, was taken up.

Mr. Duncan moved the previous question, which was seconded, but the House refused to have the main question put.

Mr. Clark, one of the committee on Engrossed Bills, reported correctly engrossed, the bill providing for stay and execution of existing judgments on debts due by contract or for damages arising from breach of contract.

Mr. Mills' amendment to bill before the House was adopted.

Mr. Henderson proposed to amend as follows :

" *Provided*, That the provisions of this bill, shall not apply to any railroad company, that has had a special bill passed at this session of the Legislature."

Mr. Dennis moved to lay the bill and amendment on the table. Carried.

Mr. Shannon introduced a bill for the relief of Cynthia Parker and Te-ish-put Parker. Read first time.

The Speaker ruled the bill out of order as it was of an individual character.

On motion of Mr. Armstrong, the bill providing for the return of field notes of surveys that have become forfeited, was taken up and read second time.

Mr. Franklin offered the following amendment :

" *Provided*, That this act shall not effect any right or interest acquired in any land, including the surveys referred to in this act, acquired prior to the passage of this act." Adopted.

On motion of Mr. Franklin the bill and amendment was re-committed to the committee on Public Lands.

Mr. Davis of B., moved to take up stay bill. Lost.

Mr. Clark moved to suspend rule, and take up bill to authorize county courts of Upshur and other counties, to pay sheriff's in certain cases. Lost.

Report from committee on Printing, recommending the passage of the bill making appropriation to pay John Marshall for certain services, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Dale the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Baxter, Billingsly, Branch, Camp, Crooks, Cumby, Dale, Darnell, Dennis, Duncan, Franklin, Foscue, Hancock, Hall, Harrison of V. Z., Hubbard, Lynch, Manley, Morris, Mills, Munson, Nelson, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Whitfield and Wrede—40.

NAYS—Messrs. Bogart, Caddell, Crawford, Clark, Culberson, Davis of B., Francis, Haynes, Henderson, Henry, Houghton, Lewis of R., Lewter, Mabry, Middleton, Norton, Owens, Robinson, Waterhouse and Whimore—20.

Mr. Darnell, chairman of committee on Federal Relations, reported recommending that the bill to appropriate \$50,000 for certain purposes.

The petition of sundry citizens of Montgomery county.

The joint resolution concerning the legality of the Convention, and a resolution concerning the Southern States be laid on the table.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed :

The bill making appropriation to pay minute men for services on the frontier.

Senate's bill to amend 136 section of act pertaining to estates of deceased persons, was taken up and read first time.

House bill amendatory and supplemental of act to incorporate Memphis, El Paso and Pacific Railroad Company, approved, Feb., 4, 1856, and the act supplemental thereto, approved Feb., 4, 1856, and the act amendatory thereof, approved August 25, 1856, and act amendatory thereto, approved Feb., 10, 1858, taken up, read third time, and passed by two-third vote.

Mr. Mabry, chairman of committee on Enrolled Bills, reported as follows :

COMMITTEE ROOM, AUSTIN, }
February 7th, 1861. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bill, have examined the following bills :

An act to amend the eighth section of an act entitled, an act to incorporate the Eastern Texas Railroad Company.

An act to change the name of the county seat of Hidalgo county.

An act prescribing the order of determining cases in the Supreme Court and

An act to amend an act entitled an act to organize and to define the powers and jurisdiction of the same, and find the same correctly enrolled, properly signed and have this day presented the same to the Governor for his approval and signature.

H. P. MABRY,

Chairman of House Committee.

Mr. Lewis of R., offered the following resolution :

Resolved, That the House of Representatives, with the consent of the Senate, adjourn on Saturday, the 9th, at 10 o'clock, to meet on the 18th of March.

Mr. Morris moved to strike out "18th of March," and insert, the first of April.

Mr. Crawford moved to lay the amendment on the table.

Message was received from the Senate informing the House, that the Senate had adopted a substitute for the House resolution on adjournment.

On motion of Mr. Dennis, the rule was suspended, the resolution was taken up and adopted by the following vote :

YEAS—Messrs. Speaker, Armstrong, Billingsly, Bogart, Branch, Caddell, Camp, Craig, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Davis of B., Duncan, Franklin, Foscue, Hancock, Hall, Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maxey, Morris, Navarro, Nelson, Norton, Owens, Perry, Redgate, Robinson, Smith, Wælder, Walworth, Warfield, Waterhouse, and Whitmore—45.

NAYS.—Messrs. Bryan, Crawford, Dennis, Dickson, Francis, Harrison of C., Harrison of V. Z. Middleton, Munson, Parker, Redwine, Ross, Speights, Shelton and Whitfield—15.

Mr. Hubbard reported as follows :

The joint committee on United States Bonds, have had the subject of their sale under consideration and a majority of said committee instruct me to report, that in the opinion of said committee, the sale of said bonds at their depreciated value in the market, would be an unnecessary sacrifice of the school fund, which is invested in said bonds now remaining in the Treasury, amounting to about \$800,000, have been set apart for the benefit and encouragement of railroads east of the Trinity River.

The committee have been advised that contracts have been made by several railroad companies in eastern Texas, based upon these United States bonds. The committee are also advised, that several of these railroad companies, are now willing to take these bonds at par and give good security therefor.

They also represent to the committee, that in the course of a few weeks or months, these companies will make application for probably about 5 or \$600,000 worth of United States bonds. The committee suggest, that although this paper may, (and doubtless will) depreciate to a low figure in the market, yet, they are of opinion, that the time will come, when they will be redeemed. All the former United States bonds are bound for their ultimate redemption, as a part of their general liabilities, and the committee suggest that from these considerations, notwithstanding the unsettled state of her national and political affairs, the emergency does not demand a sale of these bonds,

The committee are of the opinion, that if they were sold, and the proceeds placed in the Treasury, that the object contemplated by the school fund, would soon be defeated, and that their proceeds would be diverted from the channel indicated by the wisdom of preceeding legislation.

They, therefore, recommend that the bill referred to them be laid on the table, and the committee discharged.

R. B. HUBBARD,

Chairman on part of House.

E. E. LOTT,

On part of Senate.

Mr. Stewart, chairman of committee on Finance, reported, recommending passage of the bill to appropriate money to pay minute men for services on the frontier with amendments :

Amend, third line first section, strike out "two," and insert, "one."

Mr. Mills introduced a bill to appropriate \$50,000 for purposes therein named. Read first and second time and referred to committee on Federal Relations.

On motion of Mr. Darnell, the bill to appropriate money to pay minute men for services on the frontier, with amendments by the committee, taken up and amendments adopted. Bill read second time and ordered to be engrossed.

On motion of Mr. Shannon, the rule was further suspended, bill read third time and passed.

On motion of Mr. Dickson, rule suspended, and Senate's bill to prescribe the order of determining cases in the Supreme Court, taken up.

Mr. Dennis proposed to amend as follows :

In the last, first section, strike out, "two of the judges only," and insert, "the court."

[Mr. Shelton in the Chair.]

Mr. Franklin offered the following as a substitute for the amendment :

"That nothing in this act shall prevent the courts from setting apart particular days for deciding cases, when delay has been, or may be suggested, and they are hereby required to set apart such days during the term, as may be necessary to decide such cases."

Mr. Lynch moved to lay the amendment and substitute on the table.

Mr. Dennis called for a division on the question.

The question then being on laying the substitute on the table the same was put and carried by the following vote :

Mr. Franklin calling for the yeas and nays.

YEAS—Messrs. Speaker, Anderson, Baxter Billingsly, Buckley, Caddell, Craig, Crawford, Clark, Culberson, Cumby, Dale, Dennis, Dickson, Duncan, Francis, Foscue, Hall, Harrison of C., Lewis of M., Lewis of R, Lewter, Lynch, Mabry, Manly, Morris, Middleton, Mills, Norton, Parker, Perry, Redwine, Robinson, Shannon, Smith, Stewart, Walworth, Waterhouse, Whitfield, and Wortham—40.

NAYS—Messrs. Branch, Bryan, Crooks, Davis of H., Epperson, Franklin, Hartley, Haynes, Henry, Houghton, Mundine, Munson, Nelson, Owens, Pirkey, Redgate, Shelton, Speights, Wælder, and Whitmore—20.

The question recurring on laying the amendment on the table.

Mr. Henderson called for the yeas and nays and the amendment was tabled by the following vote :

YEAS—Messrs. Armstrong, Billingsly, Craig, Culberson, Cumby, Dale, Davis of H., Dickson, Duncan, Francis, Hancock, Hall, Harrison of C., Henderson, Lewis of M., Lewis of R., Lewter, Lych, Maxey, Morris, Middleton, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Stewart, Walworth, Waterhouse and Whitfield—31.

NAYS—Messrs. Speaker, Baxter, Bogart, Branch, Bryan, Buckley, Caddell, Crooks, Clark, Dennis, Epperson, Franklin, Foscue, Hartley, Haynes, Henry, Houghton, Manly, Mundine, Munson, Nelson, Owens, Parker, Pirkey, Shelton, Smith, Speights, Wælder, Whitmore and Wortham—30.

Mr. Franklin moved to strike out all after "cases," in first line, section second.

On motion of Mr. Lynch, the main question was ordered and the bill passed.

Mr. Lewis of M., offered the following resolution :

Resolved, That there be printed for the use of this House, 1,000 copies of the proceedings of the Convention, which met in this place on the 28th ult., and adjourned on the 4th instant. Adopted.

Message was received from the Senate, informing the House that the Senate had concurred in the report of committee of conference on bill to require Comptroller and Treasurer to receive treasury warrants in payment of certain land dues.

Also, had passed bill to extend time for the survey of railroad certificates heretofore issued.

Also, had amended and passed bill amending act to organize Justices' courts and to define powers and jurisdiction of the same, approved March 20, 1848.

On motion of Mr. Bogart, Senate's bill supplemental to bill for relief of Myram Mudgett and others, was taken up, and read first time.

On motion of Mr. Nelson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Bogart, rule further suspended, bill read third time and passed.

Mr. Davis of B., one of the committee on Enrolled Bills, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined an act to extend the time for the return of pre-emption field notes.

And, an act for the relief of the Southern Pacific Railroad Company, and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval.

B. H. DAVIS,

One of the Committee.

House bill to encourage the establishment of manufactories in the State of Texas, was taken up and read second time.

Mr. Dougherty moved to insert :

"Or for manufactory of gun powder." Adopted and bill ordered to be engrossed.

On motion of Mr. Culberson, rule suspended, bill read third time and passed.

On motion of Mr. Henderson, Senate's bill to extend time for survey of railroad certificates, heretofore issued, was taken up, and read first time.

On motion of Mr. Henderson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Henderson, rule further suspended, bill read third time and passed.

On motion of Mr. Cumby the House bill to amend act to organize Justices' courts, and to define the powers and jurisdiction of the same, approved March 20, 1848, with amendments by the Senate, was taken up, and amendments concurred in.

Mr. Mills introduced a bill to make appropriation to pay mileage and per diem of members of the Convention. Read first time and referred to Judiciary committee.

Mr. Nelson introduced a joint resolution, concerning the Texas and New Orleans Railroad Company. Read first and second times.

On motion of Mr. Nelson, rule suspended, joint resolution read second time and ordered to be engrossed.

On motion of Mr. Nelson, rule further suspended, resolution read third time and passed.

Senate's joint resolution to suspend the Geological survey, was taken up, and read first time.

Report from committee on Internal Improvements, recommending passage of Senate's bill for relief of railroad companies in Texas, with amendments by the committee, (Messrs. Ross and Foscue dissenting) was taken up, and amendments adopted.

Mr. Mills proposed to amend the bill as follows :

"And further provided, that the provisions of this act shall not apply to the Texas Central Railroad Company."

On motion, the House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—no quorum present.

Mr. Mills moved to adjourn until 7 o'clock, P. M. Lost.

Quorum appearing.

Senate's bill to reorganize the 8th and 20th Judicial District, and to define the time of holding courts therein, taken up, and read third time.

Mr. Shelton moved to postpone till 25th March, next. Lost and bill passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Benevides, Billingsly, Branch, Bryan, Camp, Craig, Clark, Culberson, Cumby Dale, Darnell, Dennis, Edwards, Francis, Hancock, Hall, Harison of C., Henderson, Henry, Houghton, Lewter, Lynch, Ma-

bry, Manly, Maxey, Morris, Mndine, Nelson, Norton, Owens, Parker, Pirkey, Robinson, Shannon, Short, Speights, Stewart, Waterhouse, Whitfield, Whitmore and Wrede—44.

NAYS—Messrs. Armstrong, Caddell, Crawford, Crooks, Dickson, Duncan, Franklin, Foscue, Harrison of V. Z., Middleton, Perry, Redgate, Redwine, Ross, Shelton, Warfield and Wortham—17.

On motion the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Lewis of R., moved to reconsider the vote on the bill for the issuance of Treasury warrants in certain cases.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to amend the third section of an act entitled an act to regulate the descent and distribution of intestate estates, approved March 14, 1848.

Also, the House's joint resolution, concerning the Texas and New Orleans Railroad, and

Also, the Senate's bill appropriating the sum of \$25,000 for the payment of S. G. Haynie, James G. Swisher and James Doyle for services rendered, as commissioners and superintendent of the building of the capitol.

Mr. Foscue moved to postpone the reconsideration of the vote until 10 o'clock, to-morrow morning. Carried.

Mr. Henry offered the following resolution :

Resolved, Whereas, the signs of the times, seem to portend the fact, that Texas may sever her connection with the United States ; Therefore be it resolved by this House, that in case of that event, and in parting with the United States, we consider the provisions of the constitution of the United States, ample and sufficient to protect the life, liberty and happiness of every American citizen.

[Mr. Morris in the Chair.]

On motion the House adjourned, till half past 9 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Friday, Feb., 8th, 1861. }

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

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill making an appropriation to pay John Marshall for certain services.

Mr. Davis of B., reported as follows :

The joint committee on Enrolled Bills, have examined an act supplemental to an act for the relief of Myram Mudgett, Daniel Kitchens, A. L. Spencer and E. G. Cantrell, approved Feb., 5th, 1860.

An act to reorganize the seventeenth judicial district, and define the time of holding courts therein, and

An act making an appropriation to pay for the supplies furnished the troops now on the frontier, and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval.

A message was received from the Senate, informing the House that the Senate had amended and passed the House's bill making an appropriation to pay minute men for services on the frontier.

Also, the Senate's bill for the relief of Angel Navarro.

Mr. Morris moved to suspend rule, and take up the Stay bill. Withdrawn.

Mr. Wælder introduced a bill supplemental to the act providing for submitting the Ordinance of secession to the people for ratification, passed at the present session of the Legislature. Read first time.

On motion of Mr. Wælder, the rule was suspended, bill read second time.

Mr. Haynes proposed to amend as follows :

"Sec.—That the Governor shall at the same time order an election to be held for delegates to a legal Convention of the people of the State. Said Convention to be composed of one delegate from each Representative District in the State, the said delegates to be elected in accordance and under the penalties of existing laws."

Ruled out of order, as not being applicable to the bill.

Mr. Haynes appealed from the decision, and the House sustained the Chair, and ordered the bill to be engrossed.

On motion of Mr. Wælder, the rule was suspended, bill read third time.

Mr. Haynes proposed to amend as follows :

"Sec.—That should a majority of votes cast on the 23rd February and returned by the 15th March, appear against the Ordinance of secession, then the said ordinance shall be null and void, as well as any action of the Convention, based upon the

result of the vote that may be returned on the second day of March."

On motion of Mr. Lewis of M., the main question was ordered and the bill passed.

Mr. Mabry, chairman of committee on Enrolled Bills, reported as follows :

The joint committee on Enrolled bill have examined the following bills, to-wit :

An act to provide payment of expenses incurred by special bearer of dispatches, sent by the Governor to Washington city.

Also, an act to extend the time for the survey of railroad certificates theretofore issued.

Also, an act to amend the third section of an act entitled an act to regulate the descent and distribution of intestate estates.

And a joint resolution concerning the Texas and New Orleans railroads, and find the same correctly enrolled, properly signed and have this day presented the same to the Governor for his approval and signature.

Mr. Morris moved to suspend rule and take up the Stay bill. Lost by the following vote :

Mr. Henderson calling for the yeas and nays.

YEAS—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Bogart, Caddell, Camp, Craig, Cumby, Dale, Davis of B., Duncan, Edwards, Epperson, Francis, Harrison of C., Harrison of V. Z., Henry, Hubbard, Lewis of M., Morris, McKnight, Middleton, Navarro, Nelson, Norton, Parker, Pirkey, Redwine, Ross, Shannon, Speights, Taylor, Wælder, Waterhouse, Whitfield, Whitmore and Wrede—40.

NAYS—Messrs. Crooks, Darnell, Dennis, Franklin, Foscue, Hancock, Hall, Hartley, Henderson, Houghton, Lynch, Mabry, Manly, Mundine, Owens, Perry, Redgate, Shelton, Short, Smith, Stewart and Warfield—21.

Mr. Taylor introduced a bill providing for a loan of U. S. Bonds belonging to the School Fund, to railroads in eastern Texas. Read first and second times.

Mr. Taylor moved to suspend rule, and take up bill.

On motion of Mr. Henderson, referred to committee on Internal Improvements.

On motion of Mr. Hall, the House bill for pay of minute men on Frontier, with amendment by the Senate, was taken up and amendment concurred in.

On motion of Mr. Wælder, the Senate's bill for the relief of Angel Navarro, was taken up and read first time.

On motion of Mr. Wælder, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Wælder, rule further suspended, bill read third time and passed.

The bill to amend an act for the appointment of Pilots passed April 6, 1846, was taken up, with the report from the Judiciary committee, recommending its passage, read second time and engrossed.

On motion of Mr. Duncan, the rule was suspended, bill read third time.

Mr. Duncan proposed to amend as follows :

Strike out on third page : "all vessels are subject to pilotage under this law," and insert, "all vessels that draw five feet of water and over." Adopted and bill passed.

Mr. Billingsly chairman of committee on Claims and Accounts reported as follows :

The committee on Claims and Accounts to whom was referred a resolution, instructing them to enquire into the accounts of S. M. Swenson, for supplies furnished Col. M. T. Johnson's late regiment, with power to send for persons and papers, have had the same under consideration, and report that they have examined into the subject matter referred to them, and find by certificate of the acting Comptroller, that S. M. Swenson, delivered 57,000 rations to the proper officers of Col. M. T. Johnson's regiment, and that the accounts for the same are correct. We, therefore, respectfully ask to be discharged from further consideration of the subject. Adopted.

Senate's bill incorporating the Uvalde Irrigation Company, was taken up. Speaker ruled it out of order as being of a private nature.

On motion of Mr. Wælder, the rule refusing to act upon any private bills was suspended, and the bill read first time.

Mr. Wælder moved to suspend rule to place the bill on second reading. Carried and bill passed to a third reading.

Mr. Wælder moved further suspension of rule. Carried, and bill read third time and passed by two-third vote.

Mr. Hartley introduced a bill to provide for the sale of the U. S. Bonds belonging to the State. Ruled out of order.

Mr. Dale offered the following resolution :

Resolved, That the Chief Clerk of the House of Representatives, be allowed fifteen days after the adjournment of the present session, to index the journal and correct the proof of the same as it is printed, and the journals be retained until the assemblage of the extra session of the 18th of March, next, and to arrange the unfinished business of the present session and that he be required to transmit by mail, all documents, to which all the

members are entitled, of such matter as has been ordered to be printed for the use of the House, to be paid out of the appropriation for per diem pay of members and officers of the extra session of the eighth Legislature. Adopted.

Mr. Henry asked, and obtained leave to record his vote against Mr. Buckley's substitute for a bill reported by the committee on Federal Relations, touching our relations with the General government.

On motion of Mr. Hancock, the bill appropriating \$2,500 for payment of S. G. Haynie, J. G. Swisher and James Doyle, for services rendered in the erection of the Capitol, taken up, read first time.

Mr. Harrison of V. Z., moved to adjourn until three o'clock, P. M. Lost.

Mr. Hancock, moved to suspend rule that the bill be placed on second reading. Carried. Bill read second time and passed to third reading.

Mr. Dougherty, moved to further suspend rule. Carried. Bill read third time and passed.

On motion of Mr. Stewart, 3,000 copies of the correspondence between the Governor and the committee of the Convention were ordered to be printed.

On motion of Mr. Foscue, Mr. Shannon was added to the committee on Erolled Bills.

On motion of Mr. Baxter, House adjourned till 4 o'clock.

4 o'Clock, P. M.

House met—roll called—no quorum.

Mr. Francis moved to adjourn until 7 o'clock, A. M. to-morrow. Lost.

On motion of Mr. Hubbard, a call of the House was ordered.

Absentees. Messrs. Anderson, Barclay, Benevides, Branch, Buckley, Caddell, Camp, Crawford, Clark, Culberson, Cumby, Daniels, Davis of B., Davis of H., Dickson, Dougherty, Ellett, Flewellen, Harrison of V. Z. Henry, Hubert, Kinney, Lewis of R., Lynch, Mabry, Manly, Martin, Maverick, Maxey, McCutcheon, Mills, Mundine, Munson, Pirkey, Robinson, Ross, Taylor, Walworth and Wortham.

Mr. Baxter moved to adjourn until 7 o'clock, P. M. Lost.

Mr. Baxter moved to suspend call. Lost.

On motion, the House adjourned, till 7 o'clock, P. M.

7 o'clock, P. M.

House met—roll called—no quorum present.

On motion of Mr. McKnight, a call of the House was ordered.

Mr. McKnight moved to adjourn till half past 6 o'clock, tomorrow. Lost.

Quorum appearing. A message was received from the Senate informing the House, that the Senate had passed a substitute for House bill authorizing issuance of Treasury warrants receivable for taxes and all government dues.

Also, had amended and passed House bill amendatory and supplemental of act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved Feb., 4, 1856, and the act supplemental thereto, approved Feb., 4, 1856, and the act amendatory thereto, approved Aug., 25, 1856, and act amendatory thereto approved Feb., 10, 1856.

Also, had passed bill for relief of John A. Cummings.

Mr. Dougherty offered the following resolution :

Resolved, That Joseph Mangum be directed by the Speaker, to take charge and care of the Hall of Representatives during the recess, and that he be allowed one dollar per day for such service out of the contingent fund of this House. Adopted.

On motion of Mr. Dennis, the rule was suspended, and the Senate's substitute for the House bill authorizing issuance of Treasury warrants, receivable for taxes and all government dues, was taken up.

On motion of Mr. Nelson, rule suspended, bill read second time and passed to third reading.

Mr. Nelson moved to further suspend rule. Carried. Bill read third time and passed.

On motion of Mr. Morris, the House bill amendatory of the several acts incorporating the Memphis and El Paso Railroad Company, with amendments by the Senate, was taken up.

The joint committee on Enrolled Bills, reported as follows :

The joint committee on Enrolled Bills, have examined an act to provide for the submitting the Ordinance of secession to the vote of the people.

An act to incorporate the Uvalde Irrigation Company, and

An act appropriating the sum of two thousand five hundred dollars for the payment of S. G. Haynie, Jas. G. Swisher and Mas. Doyle, and find the same correctly enrolled, properly signed and the same have this day been presented to the Governor for his signature and approval.

[Mr. Henderson in the Chair.]

The question recurring on the adoption of the amendment, House adopted the amendment by the following vote :

Mr. Hall calling for the yeas and nays.

YEAS—Messrs. Speaker, Armstrong, Baxter, Benevides, Caddell, Craig, Crooks, Clark, Cumby, Dale, Duncan, Edwards, Epperson, Foscue, Harrison of C., Henderson, Houghton, Hubbard, Lewter, Manly, Morris, Navarro, Norton, Parker, Redgate, Redwine, Ross, Shelton, Wælder, Warfield, Waterhouse and Wrede—33.

NAYS—Messrs. Billingsly, Bogart, Bryan, Camp, Darnell, Dennis, Dougherty, Francis, Franklin, Hall, Hartley, Haynes, Henry, Lewis of M., McKnight, Middleton, Mundine, Nelson, Owens, Perry, Shannon, Short, Smith, Speights, Taylor, Walworth, Whitfield and Whitmore—27.

Mr. Dennis made the following point of order :

That the House had refused to concur in the Senate amendment, as two-thirds had not voted to concur, and that it required a two-third vote to pass a bill.

The Chair decided against the point.

Mr. Franklin appealed from the decision of the Chair. The House sustained the Chair, and declared the bill passed.

Mr. Lewter moved a reconsideration of the vote, agreeing to the Senate amendment.

On motion of Mr. Manly, the motion to reconsider was laid on the table.

Mr. Shannon, one of the committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for approval by the Governor, a bill supplemental to an act for the appointment of pilots, passed April 7th, 1846. Report accepted.

On motion the House adjourned until 7 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Saturday, February 9, 1861. }

The House met pursuant to adjournment—roll called—no quorum Journal of yesterday read.

Mr. Hubbard, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed :

Bill for the relief of the Memphis and El Paso Railroad Company and all other Railroad Companies.

Also, the bill to provide for funding the public debt, contracted for the protection of the frontier.

The hour having arrived, the Speaker pronounced the House adjourned till 3 o'clock, P. M., on 18th March, 1861.

M. D. K. TAYLOR,

Speaker of the House of Representatives.

Approved Feb., 9, 1861.

[ATTEST.]

W. L. CHALMERS, *Chief Clerk of H. of R.*