

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

EIGHTH LEGISLATURE

STATE OF TEXAS.

BY AUTHORITY.

AUSTIN:

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1860.

JOURNAL.

HOUSE OF REPRESENTATIVES, }
AUSTIN, November 7th, 1859. }

The House of Representatives of the 8th Legislature of the State of Texas, met in pursuance of law, and was called to order by T. S. Anderson, Secretary of State; H. H. Haynie former Chief Clerk officiating as Clerk, *pro tem*; W. D. Hardeman as Sergeant-at-arms, *pro tem*. The roll of districts being called, the following members of the Legislature appeared and took their seats, to-wit:

- District No. 1, Bowie.
- District No. 2, Red River, B. H. Epperson.
- District No. 3, Lamar, E. J. Shelton and M. L. Armstrong.
- District No. 4, Fannin.
- District No. 5, Grayson.
- District No. 6, Collin, Samuel Bogart.
- District No. 7, Denton, Collin, Cooke, Wise, Jack and Henry, W. A. Elliott.
- District No. 8, Dallas, N. H. Darnell.
- District No. 9, Hunt, C. A. Warfield.
- District No. 10, Hopkins, W. A. Wortham.
- District No. 11, Hopkins, Fannin and Red River, Thomas J. Crooks.
- District No. 12, Titus, Wm. M. S. Houghton.
- District No. 13, Cass, H. P. Mabry.
- District No. 14, Cass and Titus, M. D. K. Taylor.
- District No. 15, Harrison, G. W. Whitmore, Eli H. Baxter and E. T. Craig.
- District No. 16, Upsher, D. B. Culberson.
- District No. 17, Smith, R. B. Hubbard and Jonathan Luter.
- District No. 18, Wood, James M. Harrison.
- District No. 19, Kaufman and Henderson, A. B. Norton.

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Austin, Texas

- District No. 20, Anderson, Matt Dale and Ben Parker.
 District No. 21, Cherokee, J. C. Francis, S. T. Harrison and F. F. Foscue.
 District No. 22, Rusk, H. D. Redwine, John McClarty and R. H. Cumby.
 District No. 23, Panola, J. M. H. Martin.
 District No. 24, Shelby, D. M. Short.
 District No. 25, San Augustine, Panola and Shelby, A. D. McCutcheon.
 District No. 26, San Augustine.
 District No. 27, Nacogdoches, Wm. Clark, Jr.
 District No. 28, Houston, J. W. Caddell.
 District No. 29, Polk and Trinity, Walter S. Maxey.
 District No. 30, Sabine, Jasper and Newton, F. Crawford.
 District No. 31, Angelina and Cherokee, George McKnight.
 District No. 32, Jefferson, Orange and Hardin, Wm. Smith.
 District No. 33, Liberty and Chambers, Kindallis Bryan.
 District No. 34, Tyler, James Barclay.
 District No. 35, Galveston.
 District No. 36, Harris, Jno. H. Manley and J. W. Henderson.
 District No. 37, Montgomery, J. M. Lewis.
 District No. 38, Walker.
 District No. 39, Grimes, D. C. Dickson.
 District No. 40, Walker, Madison and Grimes, Jno. O. Whitfield.
 District No. 41, Leon, Wm. B. Middleton.
 District No. 42, Limestone, Freestone and Falls, Aaron Perry.
 District No. 43, Navarro and Hill, Roger Q. Mills.
 District No. 44, Ellis, Tarrant, Johnson and Parker, Wm. B. Shannon.
 District No. 45, Bell and McLennan, Allison Nelson.
 District No. 46, Robertson and Milam, Charles Lewis.
 District No. 47, Burleson and Brazos, Titus H. Mundine.
 District No. 48, Williamson and Burnet, W. M. Owen.
 District No. 49, Washington, Frank Hubert and R. T. Flew-ellen.
 District No. 50, Austin, J. N. Daniel.
 District No. 51, Fort Bend and Austin, C. W. Buckley.
 District No. 52, Brazoria, M. S. Munson.
 District No. 53, Matagorda and Wharton, J. N. Dennis.
 District No. 54, Colorado, S. J. Redgate.
 District No. 55, Fayette, Joel W. Robinson.
 District No. 56, Bastrop, B. H. Davis.
 District No. 57, Travis, Rob't J. Townes.

- District No. 58, Fayette, Bastrop and Travis, Jesse Billingsly.
 District No. 59, Jackson and Calhoun, James H. Duacan.
 District No. 60, Victoria, Goliad, Karnes and part of Bee,
 Joseph H. Barnard.
 District No. 61, Lavaca and DeWitt, Francis J. Lynch.
 District No. 62, Gonzales, Wm. H. Stewart.
 District No. 63, Guadalupe, M. D. Anderson.
 District No. 64, Caldwell and Hays, Jno. W. Davis.
 District No. 65, Nueces, San Patricio and Refugio.
 District No. 66, Webb, Bacilio Benevides.
 District No. 67, Starr, John L. Haynes.
 District No. 68, Cameron, James Halworth.
 District No. 69, Cameron and Hidalgo, Edward Dougherty.
 District No. 70, Bexar, Angel Navarro, S. A. Maverick.
 District No. 71, Bexar, Uvalde, Gillespie, Medina, Kinney
 and Comal, Jacob Wælder.
 District No. 72, Comal and Gillespie, F. Wrede.
 District No. 73, El Paso and Presidio, Jefferson W. Hall.
 The election of Speaker being the first business in order,
 Mr. Mills put in nomination Mr. Nelson.
 Mr. Dennis nominated Mr. Taylor of Cass.
 Mr. Maverick nominated Mr. Henderson.
 Mr. Shelton nominated Mr. Hubbard.
 Messrs. Shelton, Dennis, and Taylor of Fannin, were appointed
 tellers.

On telling the vote of the first ballot it appeared that Mr. Nelson had received three votes, Mr. Taylor of Cass, twenty-nine, Mr. Henderson thirty-two, and Mr. Hubbard twelve.

The names of Messrs. Hubbard, Henderson and Nelson, were withdrawn.

Mr. Henderson nominated Mr. Darnell, and the House proceeded to a second ballot.

On telling the vote it appeared that Mr. Taylor of Cass, had received forty-two votes, Darnell thirty-three votes, scattering four votes.

Mr. Taylor of Cass, having received a majority of all the votes cast was declared duly and constitutionally elected Speaker of the House of Representatives.

Messrs. Dickson, Foscue and Wælder, were appointed a committee to wait upon the Speaker elect, inform him of his election and conduct him to the chair.

[The remarks of the Speaker not handed in by the Clerk.]

The Speaker then announced the election of Chief Clerk as next in order.

Mr. Epperson offered the following resolution :

Resolved, That the officers of the House of Representatives, except Speaker, be subject to removal upon motion by a vote of a majority of the members present."

On motion of Mr. Foscue, the resolution was amended by adding after the word "removal," the words "or abrogation of the office." Resolution as amended adopted.

Messrs. Shelton, Dennis and Buckley, were appointed tellers.

Mr. Luter nominated W. L. Chalmers.

Mr. Flewellen nominated Thomas P. Ochiltree.

Mr. Harrison of Cass, nominated Preston Hay.

Upon telling the vote it appeared that Mr. Chalmers received thirty-six votes, Mr. Ochiltree thirty-one, and Mr. Hay thirteen votes.

No candidate having received a majority of all the votes cast, the House proceeded to a second ballot, when upon telling the vote it appeared that Mr. Chalmers had received forty-six votes, Mr. Ochiltree thirty-one votes, and Mr. Hay four votes.

Mr. Chalmers having received a majority of all the votes cast, was declared by the Speaker duly elected Chief Clerk of the House of Representatives.

Election of first Assistant Clerk being in order, Mr. Bogart nominated John C. Easton.

Mr. Craig nominated T. M. Bowers.

M. Haynes nominated P. W. Humphreys.

Upon telling the vote it appeared that Mr. Easton had received twenty votes, Mr. Bowers thirty-five votes, Mr. Humphreys nineteen votes, scattering two votes.

Mr. Haynes withdrew the name of P. W. Humphreys.

No candidate having received a majority the House proceeded to a second ballot.

Upon telling the vote it appeared that Mr. Easton had received thirty-two votes, and Mr. Bowers received forty-six votes ; and Mr. Bowers having received a majority of all the votes cast was declared duly elected first Assistant Clerk.

Upon motion of Mr. Dickson, the House adjourned to meet at 3 o'clock, P. M.

3 O'CLOCK, P. M

House met pursuant to adjournment—roll called—quorum present.

Mr. Foscue offered the following resolution :

Resolved, That editors and reporters be admitted to seats within the bar of the House." Adopted.

Mr. Hubbard offered the following resolution :

“*Resolved*, That the office of second Assistant Clerk is hereby created, and that the House proceed to the election of an officer to fill the same.” Adopted.

Whereupon the House proceeded to the election of second Assistant Clerk.

Mr. Dickson nominated — Irwin.

Mr. Davis nominated J. M. Davis.

Mr. Flewellen nominated Charles A. Crosby.

Upon telling the vote it appeared that Mr. Irwin had received seventeen votes, Mr. Claiborne ten, and Mr. Crosby forty-six votes.

Mr. Crosby having received a majority of all the votes cast was declared duly elected second Assistant Clerk.

The election of Engrossing Clerk being next in order, Mr. Barnard nominated Mr. Wiggington.

Mr. Hubbard nominated Mr. Charles Coney.

Upon telling the vote it appeared that Coney had received fifty-eight votes, and Mr. Wiggington eighteen.

Mr. Coney having received a majority of all the votes cast was declared duly elected Engrossing Clerk.

Nominations for Enrolling Clerk being in order, Mr. Dougherty nominated Hugh Haralson.

Mr. Perry nominated Mr. Thomas.

Mr. Billingsly nominated Mr. J. M. Long.

Mr. Bryan nominated B. E. Roper ; and

Mr. Townes nominated Mr. Masterson.

Upon telling the vote it appeared that Mr. Haralson had received sixty-one votes, Mr. Thomas four, Mr. Long six votes, Mr. Roper five votes, and Mr. Masterson four votes.

Mr. Haralson having received a majority of all the votes was declared duly elected Enrolling Clerk.

The House next proceeded to the election of Sergeant-at-arms.

Mr. Maverick nominated J. A. Manchaca.

Mr. Luter nominated T. P. Plasters.

Mr. McKnight nominated N. H. Darnell.

Mr. Wortham nominated — Norton.

Mr. Manley nominated T. V. Coupland.

Mr. Owens nominated — Chisum.

Mr. Stewart nominated Wm. Hardeman.

Mr. Taylor nominated J. M. W. Hall.

Upon telling the vote it appeared that Mr. Manchaca received eighteen votes, Mr. Plasters twenty votes, Mr. Darnell ten votes, Mr. Norton five votes, Mr. Coupland five votes, Mr. Chisum

seven votes, Mr. Hardeman twelve votes, and Mr. Hall three votes.

No one candidate having received a majority of all the votes cast, the House proceeded to a second ballot.

Upon telling the vote it appeared that Mr. Manchaca had received twenty-six votes, Plasters eighteen votes, Darnell six votes, Norton six votes, Coupland five votes, Chisum six votes, Hardeman twelve votes, Hall one vote.

No one candidate having received a majority of all the votes cast, and Mr. Taylor having withdrawn Mr. Hall's name, the House proceeded to the third ballot.

Upon telling the vote it appeared that Mr. Manchaca had received twenty-nine votes, Plasters twenty-five votes, Darnell four votes, Norton three votes, Coupland four votes, Chisum one vote, and Hardeman fifteen votes.

No one candidate having received a majority of all the votes cast, and the names of Messrs. Chisum, Norton and Darnell, having been withdrawn, the House proceeded to the fourth ballot.

Upon telling the vote it appeared that Manchaca had received thirty-six votes, Plasters twenty-nine votes, Coupland two votes, and Hardeman fourteen votes.

No one candidate having received a majority of all the votes cast, and Mr. Townes having withdrawn the name of Mr. Coupland, the House proceeded to the fifth ballot.

Upon telling the vote it appeared that Manchaca had received thirty-six votes, Plasters twenty-six votes, and Hardeman twenty votes.

No one candidate having received a majority of all the votes cast, the House proceeded to the sixth ballot.

Upon telling the vote it appeared that Manchaca had received thirty-seven votes, Plasters twenty-two votes, and Hardeman twenty-one votes.

No one candidate having received a majority of all the votes cast, and Mr. Dickson having withdrawn the name of Mr. Plasters, the House proceeded to the seventh ballot.

Upon telling the vote it appeared that Manchaca had received forty-one votes, and Hardeman forty votes.

Manchaca having received a majority was declared by the Speaker duly elected.

Mr. Henderson offered the following resolution :

Resolved, That the Chief Clerk of the House of Representatives have the seats of the members numbered, and that they be selected by lot on to-morrow morning, 10 o'clock."

Adopted.

The House then proceeded to the election of Doorkeeper.

Mr. Whitfield nominated W. B. Rutledge.

Mr. Mills nominated T. S. Saunders.

Mr. Billingsly nominated Mr. Morris.

Mr. Mabry nominated Mr. Martin.

Mr. Stewart nominated Mr. Davis.

Mr. Francis nominated Mr. Hopkins.

Mr. Henderson nominated Mr. T. Rodgers ; and

Mr. Harrison of Van Zandt, nominated Mr. Rosson.

Upon telling the vote it appeared that Mr. Rutledge had received ten votes, Saunders one vote, Morris four votes, Martin twenty-four votes, Davis two votes, Hopkins seven votes, Rodgers twenty-four votes, Rosson seven votes.

No one candidate having received a majority of all the votes cast, and Mr. Saunders' name having been withdrawn, the House proceeded to the second ballot.

Upon telling the vote it appeared that Rutledge had received ten votes, Morris four votes, Martin twenty-four votes, Davis two votes, Hopkins one vote, Rodgers twenty-nine votes, Rosson seven votes.

On motion of Mr. Buckley, the House adjourned to meet at 9 o'clock to-morrow morning—pending the election of Doorkeeper.

HOUSE OF REPRESENTATIVES, }
AUSTIN, Nov. 8th, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Messrs. Jno. E. Henry, H. H. Edwards and Wm. Ross, members elect from the counties of Grayson, Nacogdoches and Rusk, respectively came forward, presented their credentials, took the oath of office and their seats.

Mr. Billingsley having withdrawn Mr. Morris' name, the House then proceeded to the election of Doorkeeper.

Messrs. Shelton, Buckley and Baxter were appointed tellers.

Upon telling the vote, it appeared that Martin had received 17 votes, Rogers 22 votes, Hopkins 5 votes, Rutledge 11 votes, Rosson 7 votes, Plasters 9 and Davis 5 votes.

No one candidate having received the majority of all the votes cast, and the names of Messrs. Rosson and Hopkins having been withdrawn, the House proceeded to the 4th ballot.

Upon telling the vote, it appeared that Martin had received

18 votes, Rogers 19 votes, Rutledge 12 votes, Plasters 26 votes and Davis 5 votes.

No one candidate having received a majority of all the votes cast, and Mr. Davis' name having been withdrawn, the House proceeded to the 5th ballot.

Upon telling the vote, it appeared that Martin had received 14 votes, Rogers 13 votes, Rutledge 11 votes and Plasters 44 votes.

Mr. Plasters having received a majority of all the votes cast, was declared duly elected Doorkeeper.

The officers elect of the House of Representatives then came forward and were qualified.

Mr. Buckley offered the following resolution :

Resolved, That the House of Representatives proceed to the election of a Chaplain, who shall receive the same compensation as other officers of the House."

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

Mr. Dickson offered the following resolution :

Resolved, That the Hon. Bacilio Benevides, member from Webb, be allowed the privilege of selecting an interpreter for the present session of the Legislature.

Mr. Baxter moved to lay the resolution on the table, whereupon the yeas and nays were called and stood thus :

YEAS—Messrs. Armstrong, Baxter, Craig, Crooks, Dale, Houghton, Luter, Maxey, McClarty, Mills, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Whitfield, Whitmore and Wortham—24.

NAYS—Messrs. Speaker, Barnard, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Crawford, Clark, Culberson, Cumby, Darnell, Daniels, Davis of Barrop, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Harrison of Van Zandt, Haynes, Henderson, Henry, Hubbard, Hubert, Kinney, Lewis of Montgomery, Lynch, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Munson, Navarro, Norton, Owens, Redgate, Shannon, Stewart, Taylor, Townes, Wælder, Walworth, Warfield and Wrede—54.

Mr. Francis proposed to amend by adding, "provided such interpreter shall not become a tax on the Treasury."

On motion of Mr. Henderson, the amendment was laid on the table by the following vote :

YEAS—Messrs. Speaker, Barnard, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Crawford, Clark, Culberson, Darnell, Daniels, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Haynes, Henderson, Henry, Hubert,

Kinney, Lewis of Montgomery, Lynch, Mabry, Manley, Martin, Maverick, Maxey, Middleton, Mundine, Munson, Navarro, Norton, Owens, Redgate, Shannon, Smith, Stewart, Taylor, Townes, Wælder, Walworth and Wrede—48.

YEAHS—Messrs. Anderson, Armstrong, Barclay, Baxter, Crooks, Cumby, Dale, Davis of Bastrop, Davis of Hays, Francis, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Luter, McClarty, McCutcheon, McKnight, Mills, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Short, Warfield, Whitfield, Whitmore and Wortham—32.

Mr. Hartley, member elect from Galveston, came forward, presented his credentials, took the oath of office and his seat.

Mr. Wælder proposed to amend by adding, "and that such interpreter be paid like other officers of the House."

Mr. Mills moved to lay the amendment on the table; lost by the following vote:

YEAHS—Messrs. Anderson, Armstrong, Baxter, Bryan, Craig, Crawford, Cumby, Dale, Davis of Hays, Francis, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Henry, Hubbard, Luter, McClarty, McCutcheon, McKnight, Mills, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Short, Warfield, Whitfield, Whitmore and Wortham—32.

NAYS—Messrs. Speaker, Barnard, Billingsley, Bogart, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Darnell, Daniels, Davis of Bastrop, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Hartley, Haynes, Henderson, Hubert, Kinney, Lewis of Montgomery, Lewis of Robertson, Lynch, Mabry, Manley, Martin, Maverick, Maxey, Middleton, Mundine, Munson, Navarro, Norton, Redgate, Shannon, Smith, Stewart, Taylor, Townes, Wælder, Walworth and Wrede—47.

Resolution as amended adopted.

On motion, the House took a recess of ten minutes for the purpose of selecting their seats.

Recess expired—roll called—quorum present.

Mr. Harrison of Van Zandt offered the following resolution:

"Resolved, That the Secretary of State be requested to furnish each member of this House with a copy of the late revised statutes, (by Oldham & White,) together with the journals of the last session, each member leaving his receipt for the same." Adopted.

Mr. Benevides chose Jose Rodriques as his interpreter, who came forward and took the oath prescribed by the Constitution.

Mr. Harrison of Van Zandt offered the following resolution:

Resolved, That the office of Assistant Doorkeeper be and the same is hereby created, and that the House go into an election of the same."

Mr. Buckley moved to lay it on the table. Lost; and the resolution adopted.

The House then proceeded to the election of an Assistant Doorkeeper.

Messrs. Dickson, Maxey and Smith were appointed tellers.

Nominations being in order, Mr. Lynch nominated Mr. Clare.

Mr. McCutcheon nominated Mr. C. V. B. Martin.

Mr. Clark nominated Mr. J. M. Noble.

Mr. Mabry nominated Mr. R. Cotter.

Mr. Francis nominated Mr. Thomas.

Mr. Hubbard nominated Mr. Adrian.

Mr. Nelson nominated Mr. W. H. Martin.

Mr. Davis nominated Mr. Scallorn.

Mr. Short nominated Mr. Jack Robertson.

Mr. Norton nominated Mr. A. W. Roberts.

Mr. Armstrong nominated Mr. Chilton.

Mr. Billingsly nominated Mr. Giles.

Mr. Buckley nominated Mr. Thos. Rogers.

Mr. Ellett nominated Mr. James Burdett.

Mr. Maverick nominated Mr. J. F. Camp.

Mr. Crooks nominated Mr. J. C. Easton.

Mr. Shannon nominated Mr. Wm. George.

Mr. Baxter nominated Mr. W. R. Lambert.

Mr. Kinney nominated Mr. Cassidy.

Mr. Lewis nominated Mr. Hamilton.

Mr. Caddell nominated Mr. Cannon.

Upon telling the vote, it appeared that Mr. Clare had received 3 votes, Martin 4 votes, Nobles 6, Cotter 7, Adrian 4, Scallorn 2, Robertson 1, Roberts 4, Chilton 4, Giles 4, Rogers 9, Burdett 1, Camp 8, Easton 4, George 7, Lambert 4, Hamilton 1, Cannon 6, Scattering 2.

No one candidate having received a majority of the votes cast, the House proceeded to the 2d ballot, which resulted as follows:

Mr. Clare received 4 votes, Martin 5, Noble 8, Cotter 17, Adrian 6, Scallorn 7, Robertson 3, Chilton 3, Giles 3, Rogers 8, Camp 6, Easton 5, Lambert 3, Cannon 8, Scattering 3.

Mr. Buckley offered the following resolution:

Resolved, That the Doorkeeper be authorized to employ a competent assistant at an expense not exceeding the per diem of other officers of this House, and that he be responsible for the acts of his assistant."

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

The names of Messrs Thomas, George, Lambert, Hamilton, Martin, Easton, Noble, Giles, Scallorn, Adrian and Robertson, were withdrawn.

Mr. Davis of Hays nominated J. B. McMahon, and the House proceeded to the 3d ballot and resulted as follows :

Mr. Clare received 3 votes, Cotter 39, Roberts 3, Chilton 1, Rogers 5, Camp 5, Cannon 16, McMahon 8 and Martin 2.

No candidate having received a majority of all the votes cast, and Mr. Chilton's name having been withdrawn, the House proceeded to the 4th ballot, which resulted as follows :

Mr. Clare received 2 votes, Cotter 42, Roberts 2, Rogers 7, Cannon 17, Camp 4, McMahon 8, Robertson 1.

Mr. Cotter having received a majority of all the votes cast, was declared by the Speaker duly elected Assistant Doorkeeper; and came forward and took the oath of office.

A communication upon the Speaker's table, to a contested election between Messrs. Nelson and Evans from the 45th Representative District, was taken up and referred to the Committee on Privileges and Elections.

Mr. Hubbard offered the following resolution :

Resolved, That the Speaker appoint a committee of three to act with a like committee on the part of the Senate, to inform the Governor that the Legislature is organized and ready for the reception of any communication from him. Adopted.

Messrs. Hubbard, Dennis and Stewart were appointed said committee.

Messrs. Dickson, Wælder and Middleton were appointed a committee to inform the Senate of the organization of the House.

Mr. Henderson introduced a bill to repeal an act regulating Public Printing, approved March 8th, 1848. Read first time; rule suspended and read second time.

Mr. Epperson offered a substitute for the bill, which was adopted.

On motion of Mr. Buckley, the bill was referred to a select committee of five, consisting of Messrs. Henderson, Buckley, Epperson, Dennis and Taylor, with instructions to report tomorrow morning.

Senator Britton, Chairman of Committee from the Senate, was announced and informed the House that the Senate was organized and ready to proceed to business.

Mr. Wælder offered the following resolution :

Resolved, That the Speaker be authorized to appoint the usual and necessary Standing Committees of the House. Adopted.

Mr. Mills introduced a bill relating to confessions in criminal trials. Read first time.

Mr. Dennis presented the petition of Messrs. Marshall & Oldham, which was read and referred to a joint select committee consisting of Messrs. Dennis, McClarty, Dale, Wortham, Franklin, McCutcheon and Crooks.

On motion, the House adjourned to meet at 10 o'clock tomorrow morning.

HOUSE OF REPRESENTATIVES, }
AUSTIN, November 9th, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

The Speaker announced the following Standing Committees:

COMMITTEE ON THE JUDICIARY.—Buckley, Chairman; Franklin, Culberson, Hubbard, Wælder, Dougherty, Munson, Branch, Mills, Baxter, Henderson, Taylor of Fannin, Epperson, Stewart, Townes, Short.

COMMITTEE ON PRIVATE LAND CLAIMS.—Shannon, Chairman; Barnard, Bryan, Craig, Daniels, Houghton, Harrison of Van Zandt, Lewter, Lewis of Montgomery, Walworth, Robinson, Middleton, Speights.

COMMITTEE ON EDUCATION.—Munson, Chairman; Craig, McClarty, Maxey, Navarro, Shelton, Branch, Anderson, Clark, Norton, McKnight.

COMMITTEE ON INTERNAL IMPROVEMENT.—Foscue, Chairman; Whitmore, Crawford, Dennis, Epperson, Flewellen, Smith, Mabry, Maverick, Manley, Mills, Culberson, Franklin, Hall, Hubbard, Kinney, Lewis of Montgomery.

COMMITTEE ON PENITENTIARY.—Caddell, Chairman; Branch, Mabry, Whitfield, Lewis of Montgomery, Redwine, Warfield.

COMMITTEE ON MILITARY AFFAIRS.—Short, Chairman; Kinney, Baxter, Bogart, Darnell, Davis of Bastrop, Doughty, Caddell, McClarty.

COMMITTEE ON PUBLIC BUILDINGS.—Townes, Chairman; Waterhouse, Wortham, Perry, Parker, Owens, Barclay, Daniels, Davis of Hays.

COMMITTEE ON CLAIMS AND ACCOUNTS.—Billingsley, chairman; Ross, Wælder, McKnight, Lewter, Norton, Speights, Lewis of Robertson, Robinson, Francis, Bryan, Shelton.

COMMITTEE ON FEDERAL RELATIONS.—Darnell, Chairman;

Culberson, Edwards, Manley, Flewellen, Lynch, Munson, Franklin, Hubbard, Maverick, Caddell.

COMMITTEE ON PUBLIC LANDS.—Henderson, Chairman; Franklin, Armstrong, Benavides, Cumby, Houghton, Harrison of Van Zandt, McCutcheon, Middleton, Shannon, Walworth, Wrede, Martin, Francis, Wortham and Redgate.

COMMITTEE ON PRINTING.—Dale, Chairman; McKnight, McClarty, McCutcheon, Crooks, Hartley, Wortham.

COMMITTEE ON PUBLIC DEBT.—Dickson, Chairman; Barclay, Camp, Edwards, Duncan, Ellett, Hubert, Lewter, Mills, Maxey, Mundine, Henry.

COMMITTEE ON LAND OFFICE.—Cumby, Chairman; Anderson, Barnard, Bryan, Billingsley, Clark, Davis of Hays, Ellett, Henry.

COMMITTEE ON INDIAN AFFAIRS.—Nelson, Chairman; Wrede, Shannon, Ellett, Mills, Hall, Owens, Dougherty, Daniels and Warfield.

COMMITTEE ON COUNTY AND COUNTY BOUNDARIES.—Ross, Chairman; Edwards, Barnard, Crooks, Parker, Duncan, Harrison of Cherokee, Haynes, Lewis of Robertson, Mills.

COMMITTEE ON PRIVILEGES AND ELECTIONS.—Hall, Chairman; Davis of Bastrop, Francis, Hartley, Haynes, Lynch, Short.

COMMITTEE ON STATE AFFAIRS.—Dennis, Chairman; Wælder, Buckley, Darnell, Foscue, Baxter, Ross, Kinney, Hartley.

COMMITTEE ON ENGROSSED BILLS.—Crooks, Chairman; Crawford, Manley.

COMMITTEE ON ENROLLED BILLS.—Mabry, Chairman; Maxey, Branch.

COMMITTEE ON CONTINGENT EXPENSES.—Lynch, Chairman; Barclay, McCutcheon, Harrison of Van Zandt, Dickson.

COMMITTEE ON FINANCE.—Stewart, Chairman; Waterhouse, Warfield, Shelton, Redwine, Perry, Harrison of Cherokee, Clark.

COMMITTEE ON SLAVES AND SLAVERY.—Hubbard, Chairman; Cumby, Crawford, Dennis, Flewellen, Buckley, Houghton, Edwards.

COMMITTEE ON ROADS, BRIDGES AND FERRIES.—Craig, Chairman; Armstrong, Mundine, Martin, Redgate, Whitfield, Parker, Norton, Redwine and Barkley.

COMMITTEE TO EXAMINE TREASURER'S AND COMPTROLLER'S OFFICE.—Flewellen, Chairman; Whitmore.

COMMITTEE ON APPORTIONMENT.—Wælder, Chairman; Pirkey, Bogart, Middleton, Hubbard, McClarty, Short, Bryan,

Henderson, Hubert, Munson, Lynch, Dougherty, Hall, Maverick, Townes, Nelson, Owens.

COMMITTEE ON JOINT INDIAN AFFAIRS.—Taylor, Chairman; Nelson, Norton, Wrede, Shannon, Ellett, Hall, Owens, Dougherty, Camp, Benavides, Lewis of Robertson, Mills.

PETITIONS.

Mr. Mabry presented the petition of Joseph Thompson. Referred to committee on Private Land Claims.

Mr. Mabry presented the petition of J. W. Scott. Referred to committee on State Affairs.

Mr. Haynes presented the petition of Jose Ma. Gonzales and the petition of Theo. L. Reeurs. Referred to committee on Private Land Claims. Also the petition of Petra Canales Sanlers. Referred to committee on Claims and Accounts.

Mr. Darnell presented the petition of J. L. Leonards. Referred to Judiciary Committee.

Mr. Middleton presented the petition of Mary Elam. Referred to committee on Private Land Claims.

A message was received from the Senate announcing to the House that the Senate had organized by the election of the following officers: James T. Johnson, Secretary; N. C. Raymond, 1st Assistant Secretary; John R. Wooldridge, 2nd Assistant Clerk; Thos. J. Johnson, Engrossing Clerk; J. P. Henry, Enrolling Clerk; D. C. Burleson, Sergeant-at-Arms, and Joel Williams, Door-Keeper; and that the Senate had appointed Senators Duggan, Parsons, Lott, Wallace and Stockdale a committee to act in conjunction with a like committee on part of the House upon the memorial of Messrs. Marshall and Oldham.

Mr. Henderson, chairman of a select committee to which was referred a bill to repeal an act of 27th of Dec. 1851 regulating public printing, reported a substitute for the bill and recommended its passage.

Report received and bill read first time.

Mr. Hubbard, chairman of a select committee, reported as follows:

The Joint committee appointed to wait upon the Governor and inform him that the Legislature was organized and ready for the reception of any communication he may desire to make, ask leave to report that duty performed and that the Governor expects to be ready to transmit his message this day.

Report adopted.

Mr. Dickson offered the following resolution:

Resolved, The Senate concurring, the two Houses of the

Legislature will meet in the Hall of the House of Representatives to-morrow at 11 o'clock A. M., for the purpose of counting the votes cast in the late election for Governor and Lieut. Governor. Adopted.

Mr. Culberson introduced a bill to repeal an act to establish the University of Texas, approved 11th February, 1858.

Read first time—rule suspended; read second time and referred to committee on Education.

Mr. Armstrong:—

Resolved, That the House of Representatives with the concurrence of the Senate, proceed to the election of U. S. Senator to fill the vacancy occasioned by the death of the Hon. J. P. Henderson, on Tuesday 15th inst., at 10 o'clock A. M.

On motion of Mr. Mills the resolution was postponed until Monday next at 11 o'clock.

Mr. Caddell offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker to act with a like committee from the Senate on the Court of Claims. Adopted.

Mr. Craig introduced a bill to regulate and determine the pay of Grand and Petit Juries in the county of Harrison.

Read first time.

Mr. Caddell introduced a bill to legalize the marriage between C. B. Wood and Mary E. Wood, formerly Mary E. Terry.

Read first time.

Mr. Francis introduced a bill to require the clerks of the District Court of certain counties to apportion their Dockets.

Read first time.

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

Resolved, That the Commissioner of the Land Office, have executed at as early a day as practicable, a full, complete and perfect map of the State, distinguishing on said map the land yet belonging to the State, from that which is the property of individuals or companies—the located from the unlocated land, with a statement of the number of acres yet remaining to the State, and that he present to the Legislature his views as to the most practicable plan for sectionizing the lands of the State and that he draft a bill for that purpose. Laid on the table one day for consideration.

A communication in writing was received from the Governor.

Mr. Dennis offered the following resolution:

Resolved, That the House invite the Senate to meet us in joint session at 11 o'clock to-morrow morning, for the purpose of receiving the Governor's message. Adopted.

Mr. Buckley offered the following resolution :

Resolved, That the Chief Clerk of the House be instructed to procure 100 copies of the rules of the House and furnish a copy thereof to each member of the House. Adopted.

Mr. Buckley introduced a bill to abolish the office of State Engineer and Superintendent. Read first time—rule suspended, read second time and referred to committee on Internal Improvements.

Mr. Buckley introduced a bill to amend the 1st, 2d, 3d and 5th sections of an act creating the office of Weigher of Cotton for certain ports in this State, passed Sept. 1st, 1856. Read first time, rule suspended and read second time and referred to committee on Agriculture.

Mr. Henderson introduced a bill to repeal an act passed the 1st of Sept., 1856, providing for the appointment of Cotton Weighers in certain towns. Read first time, rule suspended, read second time and referred to committee on Agriculture.

Mr. Lewis of Montgomery offered the following resolution :

Resolved, That the House establish a regular committee to be styled the committee on Agricultural Affairs. Adopted.

Mr. Norton introduced a bill to amend the 8th and 9th sections of the act authorizing the sale of the public domain.—Read first time.

Mr. Norton introduced a bill to amend the act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve. Read first time.

The Speaker announced the following standing committee on Agricultural Affairs : Messrs. Buckley, Henderson, Houghton, Harrison of Cherokee, Perry, Billingsley, Maxey and Anderson.

Mr. Dougherty introduced a bill to authorize the Governor to issue a Proclamation and offer a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo. Read first time. On motion of Mr. Dougherty, the rule was suspended and the bill read the second time and referred to a select committee, consisting of Messrs. Dougherty, Haynes, Lynch, Stewart and Whitmore.

Mr. Lewis of Montgomery offered the following resolution :

Resolved, That the Comptroller of Public Accounts make out and present to this House, at as early a day as practicable, a full and complete statement and exhibit in a plain and intelligible tabular form of all the monies or available funds, received by the State of Texas from whatever source and in whatever form since the annexation of this State to the United States, and how much and when and what purpose and in what manner

disbursed or disposed of, and the balance yet remaining in the Treasury to the credit of the State and to what particular fund. Laid over one day for consideration.

Mr. Flewellen introduced a bill to amend the 1st section of the act entitled an act to organize the Supreme Court of the State of Texas, approved May 12th, '46, approved November 30th, '50, approved August 28th, '56. Read first time.

Mr. Dougherty offered the following resolution :

Resolved, That a standing committee on Stock and Stock Raising be appointed, to which shall be referred all bills, resolutions, petitions, &c., relating to the disposition, improvement and protection of live stock. Adopted.

Mr. Dickson introduced a bill to grant 320 acres of land each to George Eberly, Mary Eliza and Julia Pierce Henry. Read first time.

Mr. Mills offered the following resolution :

Resolved, That the office of Reporter of the House of Representatives be established and that the House proceed to the election of Reporter. On motion of Mr. Francis the resolution was laid on the table.

Mr. Epperson introduced a joint resolution which was read the first time.

Mr. Barnard offered a substitute for the 32nd section of the rules of the House, and moved that the 56th section of said rules be amended by adding "Notwithstanding, that when a constitutional majority (two-thirds of the House) shall be present, the House shall proceed to the business then before it." Laid on the table one day for consideration.

Mr. Lewis of Montgomery introduced a bill for the abrogation of the charter of the Galveston, Houston and Henderson Railroad Company. Read first time.

Mr. Wælder introduced a bill regulating the sale of spirituous, vinous and other intoxicating liquors in quantities less than one quart. Read first time.

On motion of Mr. Henderson, the Speaker announced the following gentlemen a committee on Rules : Messrs. Henderson, Barnard, Bogart, Craig, Dennis and Dickson.

Mr. Lewis of Montgomery introduced a bill for the distribution of the Penal code of the State and the Acts and Journals of the Legislature to the several counties in the State. Read first time.

Mr. Lewis of Montgomery introduced a bill to make it the duty of the Superintendent of the Penitentiary to pay over to the Commissioners of the County Courts one-half the net pro-

ceeds of the labor of such convicts as whose families are in indigent circumstances, for the support and maintenance of their families. Read first time.

Mr. Mills offered the following resolution :

Resolved, That the committee on Public Printing be requested to confer with the publishers of the various newspapers of the city of Austin and ascertain at what price per 100 copies the weekly, tri-weekly and daily papers, which publish the proceedings of the House in either English, Spanish, German or Norwegian language, can be obtained for the use of this House and report accordingly. Mr. Flewellen moved to strike out the word "Norwegian." Lost. Mr. Francis moved to strike out the word "Spanish." Lost. Resolution adopted.

Mr. Smith introduced a bill to incorporate the Eastern Railroad Company. Read first time.

Mr. Cumby offered the following resolution:

Resolved, That 150 copies of the lists of the standing committees of the House of Representatives be printed and that the Chief Clerk be authorized to order the same. Lost.

Mr. Davis of Bastrop introduced a bill supplemental to and amendatory of an act passed February, 1850, providing for the payment of grand and petit jurors. Read first time.

Mr. Caddell moved an adjournment. Lost.

Mr. Buckley offered the following resolution :

Resolved, That the Committee on Printing be instructed to make arrangements with the Postmaster for the postage of the members and officers of the House and to procure stamps and stamped envelopes for their use. Mr. Stewart moved to add "At the expense of each member." Lost by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Buckley, Camp, Craig, Crooks, Clark, Cumby, Dale, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Edwards, Ellett, Epperson, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henry, Houghton, Hubbard, Kinney, Lewis of Montgomery, Mabry, Manly, Martin, Mayerick, Maxey, McClarty, Mundine, Munson, Navarro, Parker, Redgate, Redwine, Robinson, Shaanon, Shelton, Short, Smith, Taylor, Wælder, Walworth and Warfield—Yeas 51.

NAYS—Messrs. Anderson, Barclay, Caddell, Crawford, Culbertson, Darnell, Dickson, Flewellen, Francis, Foscutt, Henderson, Lewis of Robertson, Luter, Lynch, McCutcheon, Middleton, Mills, Norton, Owens, Perry, Stewart, Townes, Whitfield, Whitmore and Wortham—Nays 24.

Mr. Lynch proposed to amend by adding "That the committee be confined to a limit of \$500 as the postage expense of this House." Laid on the table. Mr. Barnard proposed to amend by adding "That the committee shall be debarred from contracting for an amount above \$1000." Laid on table.

Mr. Dougherty proposed to amend by adding "Provided that a separate account be kept by the Postmaster with each member, and all sums over \$10 be paid by such member." Laid on table. Resolution adopted.

On motion the House adjourned till 3 o'clock P. M.

3 O'CLOCK P. M.

House met—roll called—quorum present.

The Speaker announced the following committee on the Court of Claims: Messrs. Craig, Shannon, Shelton, Davis of Bastrop, and Crawford.

Mr. Francis introduced a bill to regulate the drawing, empannelling and swearing jurors, and regulating their fees. Read first time.

On motion of Mr. Henderson the rule was suspended and a report of a select committee, recommending the adoption of a substitute for a bill regulating Public Printing, taken up and adopted and bill read second time.

Mr. Hubbard offered an additional section to the bill.—Adopted.

Mr. McKnight offered an additional section to the bill.—Rejected.

Mr. Crooks offered an additional section to the bill, which was adopted.

Mr. Hartly proposed to amend by striking out of 15th sec., 12th line, "5 days" and inserting "20 days." Adopted.

Mr. Hartley moved to strike out the proviso in the 5th sec. Lost.

Mr. McCutcheon proposed to amend 7th section as follows: "Provided that the contractor for every page "set up" of "rule and figure work" shall be allowed seventy-five per cent. over and above the charges for plain work." On motion of Mr. Nelson, laid on the table.

Mr. Dougherty offered the following amendments:—Sec. 1st, strike out the word "all" in the sentence "all the public printing." Adopted.

Sec. 6th, strike out "15 days" and insert "20 days." Adopted.

Sec. 15th, strike out "15" and insert "30" Lost.

The bill was then ordered to be engrossed.

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

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Nov. 10th 1859. }

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

The Speaker announced the committee on Retrenchment and Reform consisting of the following gentlemen :

Messrs. Franklin, (chairman,) Pirkey, Norton, Armstrong, Camp, Foscue Harrison of Van Zandt and Barclay, and the committee on Stock and Stock raising consisting of Messrs. Dougherty, (chairman,) Barnard, Maverick, Bryan, Kinney, Mundine, Parker, Taylor of Fannin and Duncan.

Messrs. Franklin, Branch and Speights, members elect from the counties of Galveston, Walker and Sabine, respectively came forward, presented their credentials took the oath of office and their seats.

The following message was received from the Governor.

EXECUTIVE OFFICE, }
AUSTIN, Nov. 10th 1859. }

Gentlemen of the Senate, and

House of Representatives :

I am induced to believe that the measures already adopted for the suppression of the riotous and insurrectionary movements on the Rio Grande, may be greatly facilitated by offering suitable rewards for the arrest and delivery of some of the prominent leaders to the authorities of the law.

I do not feel authorized to exercise the power in the absence of an appropriation, without referring the subject to the consideration of the Legislature, for such advice and counsel as may be deemed appropriate in the emergency.

The action already taken, with the evidence upon which it had been based will be reported at an early period of the session.

H. R. RUNNELLS.

Read and referred to a select committee.

Mr. Barnard presented a petition for the relief of Joseph E. Field. Referred to committee on claims and accounts.

Mr. Maverick presented a petition for the relief of Maria Antonio Montes de Cadena. Referred to committee on Public Debt.

Mr. Shannon presented a petition for the relief of the "Texas Masonic Institute." Referred to committee on State Affairs.

Mr. Lynch presented a petition for the relief of J. J. Benham. Referred to Judicial committee.

Mr. Middleton presented a petition for the relief of Martin Clark. Referred to committee on Private Land Claims.

Mr. Haynes presented a petition for the relief of H. Clay Davis. Referred to committee on Private Land Claims.

Mr. Duncan presented a petition for the relief of Frederick Miller. Referred to committee on Private Land Claims.

Mr. Bryan presented a petition for the relief of George Clark. Referred to committee on Private Land Claims.

Mr. Dale, as chairman of the committee on Public printing, submitted the following report :

To the Hon. M. D. K. Taylor,

Speaker of the House of Representatives :

Your committee on Public printing, who were authorized to ascertain the cost per copy of the Daily, Tri-weekly and Weekly papers of this City, publishing the proceedings of this body, would report, that they have waited on the publishers of the Gazette and Intelligencer, and are informed that they will furnish them at the following rates.

The Gazette daily, at 3 cents per copy.

" " weekly, at 6 cents " " "

The Intelligencer tri-weekly 4 cents per copy.

" " weekly 8 " " "

Provided as many as 20 copies of each, to each member is taken.

The above papers propose to furnish in foreign languages as follows :

Tri-weekly in Spanish at 12 cents per copy.

" " Norwegian 25 " " "

" " German 25 " " "

The Weekly at double the above rates.

All of which is respectfully submitted.

MATT DALE, Ch'm.

Report received.

Mr. Henderson, as chairman of the select committee appointed to revise the rules for the government of the House, submitted the following report.

That the House, adopt for its government the Rules of the 7th Legislature, with the exception of the 18th, 19th and 56th sections, for which we propose to substitute the following viz :

SEC. 18. The 1st reading of a Bill shall be for information, and

if opposition be made to it, the question shall be "shall the Bill be rejected." If no opposition be made, or if the question to reject be negatived,—the bill shall be open for commitment.

SEC. 19. Upon the 2nd reading of a Bill, the Speaker shall state it as ready for amendment or engrossment.

SEC. 56. Fifteen members shall be necessary to sustain a call of the House ; and upon a call of the House the names of the members shall be called alphabetically by the clerk and the absentees noted, after which the names of the absentees shall be called again ; if they do not answer, the Sergeant-at-arms, or a special messenger may be sent for them, and the question pending shall be without a motion, be laid on the table, until the absentees appear, or the call suspended.

Which is respectfully submitted.

J. W. HENDERSON, Ch'm.

Report received.

Mr. Wælder offered the following resolution :

Resolved, That the committee on stock and stock raising be instructed to inquire into the expediency of repealing the Estray law now in force, and that if expedient to repeal said laws, they report such changes as will abolish the present system of posting and estraying. Adopted.

Mr. Ross offered the following resolution :

Resolved, That the Speaker appoint a committee of five to act with a like committee on the part of the Senate, whose duty it shall be to enquire into the expediency of revising our present revenue laws, and that they report by bill or otherwise, at as early a day as practicable. Adopted.

Mr. Wrede introduced a bill for the relief of Chester B. Starks. Read 1st time.

Mr. Shannon introduced a bill supplementary to and amendatory of an act, to provide for the relief of Pre-emption settlers and their assigns, under the acts of the 22nd January, 1845, the act 7th February, 1853, and the act of 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation approved 10th February, 1858. Read 1st time.

On motion of Mr. Wælder, the Rule was suspended and the report of the Select Committee on Rules recommending certain amendments was taken up. 1st and 2nd amendments adopted.

Mr. McKnight proposed to amend the 3rd amendment offered by the committee, by striking 15 and inserting 30. Laid on the table.

Mr. Ross proposed to amend by striking out the 3rd amendment offered by the committee. Lost. And Report adopted.

A message was received from the Senate, announcing to the House, that the Senate had concurred in the House's resolution inviting them to meet the House in joint session for the purpose of hearing the Governor's biennial message read, and also had concurred in the House's resolution, to meet the House in joint session for the purpose of counting the vote for Governor and Lt. Governor, with an amendment. The House took a recess of 10 minutes for the purpose of preparing for the reception of the Senate.

Recess expired—Roll called—quorum present. Senate appeared, headed by the Hon. F. R. Lubbock, President of the Senate, who was invited to a seat on the right of the Speaker and the Senators to seats prepared for them.

Rolls of both Houses were called and quorum present—the Message of the Governor was read in the hearing of both Houses.

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES:

In again communicating with the Representatives of the people, assembled for the performance of the important duties assigned by the Constitution, I am most happy to congratulate them upon the unusual causes of prosperity and happiness.—But while the hand of improvement is almost every where visible, and the labor of the husbandman generally rewarded in a degree commensurate with the skill and industry used, yet portions of the State have suffered from causes which I have been unable to remove, and to which I will hereafter more particularly allude.

At an early period after entering upon the discharge of my official duties, I submitted to the Legislature as full an exposition of the affairs of the State, as the limited time for preparation would then permit. In again performing this duty, I trust I will not be considered unmindful of its importance in declining to dwell at length upon some of the material topics then discussed. I find them less deserving of such consideration, from the fact, that my convictions have undergone but little change—having been generally confirmed by subsequent experience and reflection. I can say too, that several of my more important recommendations met with the prompt and favorable response of the last Legislature, in connexion with which I have only to report such proceedings as have been found necessary in their administration.

Under the provisions of the act approved February 15th, 1858 providing for a Digest of the laws of the State, the contract was

awarded to Messrs Oldham and White, for the five thousand copies, at the price of three dollars per copy; the contractors voluntarily stipulating the execution of the entire work within the State. It affords me pleasure to be able to report, that the contract has been executed in a most satisfactory manner, and (it is believed) fully in compliance with the law, under which it was obtained, and the requisite number of books distributed among the officers of the different counties to which they are entitled. For merit of compilation and convenience of arrangement the work is believed equal to any similar publication in the Union—while if in mechanical execution it is not superior to those received in exchange from other States, where there are every means of greater proficiency, yet in consideration of its very low price, and its being our own production, it is creditable to the State, and must be productive of the success of similar undertakings, if persevered in and properly encouraged.

Some time during the month of July 1858, I received information through the Commissioner of the General Land Office, of the completion and return of the maps field notes, &c., to that office, of the subdivision of the University lands under the provisions of the act approved August 30, 1856, requiring their sale. John Henry Brown, Esq., a gentleman fully qualified in every respect, was appointed and received his commission on the 30th, of July 1858, as the agent of the State for the performance of that duty. His report, marked "A," is herewith submitted, from which it will be seen that the sales amount to 58,523 acres, representing a value of \$195,653 22. I invite your especial attention to this report so that such Legislation may be had thereon as shall be deemed necessary. There being no appropriation available for the purpose, I am constrained to ask the Legislature to make provision at an early period of the session for payment of the salary of Commissioner, and incidental expenses attending the sale. Pursuant to the act of 30th August, 1856, the last Legislature passed an act approved 11th of February, 1858, establishing the University of Texas, and it now only remains for the Legislature to take such final action upon the subject as shall be thought proper. I do not deem it necessary to remark further—either upon the object or the advantages to be derived from the location of this Institution in our midst after having discussed the matter so fully, soon after my induction into office. If I did, I should seek in vain anything more appropriate than is to be found in the report and preamble to the act of the last session. Whether the present shall be deemed a fit occasion for the permanent location of the Institution, must

of course depend upon the discretion of the Representatives of the people, who are presumed to reflect most accurately their will. If, however, the time should be deemed premature, and a further postponement determined on, then it is to be hoped no rash means will be adopted blighting its prospects, and disappointing the hopes of those who have ever regarded the subject with so much anxiety and concern. With sincere and heartfelt regret, I have witnessed feelings of mutual and sectional hostility springing up in the minds of persons of different sections, however unjust in their causes, and pernicious in their effects. If they have been predicated upon views of economy, they are alike erroneous and unfounded, because the chief property of the Institution consists of land set apart, located and surveyed by the authorities of the late Republic of Texas, and which the State now holds in trust for this specific object; over which the authorities can rightfully exercise no other control than to provide for its faithful application to the object for which it was set apart. It is not the property of the State, except for the uses and benefits for which it was appropriated. Again, the establishment of either the one or of two such Institutions as was originally intended, does not necessarily depend upon the appropriation of a dollar from the Treasury. The original fifty leagues of land set apart for the purpose by the Texas Congress, might be considered ample, under wise and provident Legislation. Taking the sales of the past year as a fair estimate of their average value, they would now realise near eight hundred thousand dollars; and there is every reason for inferring that within the next five years those remaining unsold will receive an accession to their present value of not less than twenty-five (or perhaps fifty) per cent. But in addition to this when it is remembered that at the last session of the Legislature, there was superadded every tenth section of the lands reserved to the State surveyed by Railroad companies, there cannot remain a doubt of the future sufficiency of the land for any object falling within the scope and purview of the Institution. As any action which may be taken this session, will probably be final, I invite your most earnest attention to the question of establishing one or two of these Institutions, hoping that whatever may be determined upon will redound most to the public advantage, and at the same time secure the fullest measure of satisfaction.

In taking leave of this subject, I cannot forbear expressing the opinion that there is no cause of conflict between the respective advocates of this measure, and those of common schools. They were both provided for by the Congress of the Republic, and

neither of them have failed to receive a just and liberal consideration from the State Government. It cannot be believed, that all this has been done without some fair understanding, which was observed by the Convention which framed our present Constitution. In providing that each new county formed thereafter should be entitled to the same quantum of land as the old, and one-tenth of the annual revenue collected by taxation appropriated to the purposes of common school. If there has been any advantage given or partiality shown by the State Government, it is clear to which it has been without going into detail. It is sufficient that good policy be observed, and that justice be done. The State occupies the relation of trustee to the property of both; each alike present sufficient claim to her justice and consideration. Then let not her faith be tarnished by a diversion of the property which belongs to one, to the other; a measure which will be sanctioned by no principle, either of morals or law. The feelings engendered by a controversy between these interests if fomented by the Legislature, will result in disaster and odium to both, and possibly involve the consequences of that system of class Legislation which was guarded against with most assiduous care by its framers, and is more to be deprecated than any other arising under free government.

Our system of common schools, though not extending its advantages as thoroughly as could be desired, for want of adequate means, approximates as nearly to the attainment of the end desired as any that could be established in a country so sparsely populated and undeveloped as ours. From the report of the Treasurer and ex-officio Superintendent, it will be seen that the sum for annual distribution amounts to \$113,609,04 and the scholastic population of the State to 101,081 in number which if distributed per capita would be but \$1,12½ to each. By amendment to the general law, passed at the preceding session of the Legislature, the mode of distribution was changed and the monies directly applied to the poor and indigent; and if this class does not now receive the benefit of its disbursement, ignorance or wilfulness can be the only cause. I can see no reasonable objection to a continuance of this plan for the present, and at least until the sum for disbursement shall have been largely increased. The foundation of the system rests in the policy of providing the means of education for the dependent and indigent, and although strenuously objected to by those most urgent for the early inauguration of the system, this plan has been found, from the experience of two years, to be the only one from which practical and beneficial

results are to be expected. It is not for those who are able to provide for the education of their own children to object, since the means by which it is maintained have been set apart by the constitution and subsequent law, without the imposition of any new burthen upon the people for its support; and these it is hoped, will not be resorted to by this or any future Legislature. An increase of taxation for this purpose would be not only useless but oppressive and unjust; useless because in pursuit of an idle and impracticable theory which an increase of the present rate of taxation three-fold would not accomplish in our present local and geographical condition; oppressive and unjust because inequitable in the manner of its collection and distribution. It must be clear to every one that there are no means within the reach of the Legislature at present by which a thoroughly efficient fund can be provided for general distribution without such an abuse of the taxing power as the productive interests can not well withstand, and which, if resorted to, will be endured with the greatest impatience. I have never believed that there was any validity in an objection to the annual distribution of the ten per cent. of the revenue collected by taxation and set apart to this object. Under the present law, the interest only is appropriated, and the principal set apart for investment. It is worthy of consideration, whether this should not be changed, and the \$31,000 annually accumulating from the annual taxes of the people, given that direction so plainly intended by the Constitution.

Nearly one-half of the two millions appropriated, the interest on which is set apart for purposes of education, has now been loaned to Railroad companies and drawn from the Treasury under the Act of September, 1856, and although secured by bond and mortgage on the road beds, it is useless to deny the truth that a feeling of insecurity pervades a large portion of the public mind. This grows out of the apprehension that the companies will not meet the engagements promptly, and that the Legislature may at some subsequent period relieve their condition, and finally, under the pressure of combinations, relinquish both principal and interest to the corporations. This apprehension is, strengthened by the example of other States in a similar condition, as well as by the past action of our own Legislature, both of which afford sufficient premonition of the danger to be incurred. It is a fact not to be questioned by any discriminating and informed mind, that the influence of the corporations is greatly on the increase, and that perhaps it already exercises a more controlling effect on the legislation of the State than all

others combined. Viewing the subject in this light myself, I feel it to be my bounden duty to recommend, if possible, some measure which will prevent, by any possibility, the occurrence of such a calamity. No other presents itself to me than an amendment to the Constitution prohibiting the interposition of the Legislature for their relief. This is a question which appeals so directly to every feeling of self-preservation and duty, to every sentiment of philanthropy, patriotism, and justice, that I can see no good reason why it should not be submitted unhesitatingly to the people for their action. It is true the corporations may oppose it, but surely they cannot be sufficiently strong thus early to exert a controlling influence over the action of the Legislature on this subject, or to endanger its adoption, if submitted by that body to the people. In conclusion of this important matter, I have only to add, that if it be deemed worthy of consideration it should not be delayed beyond the termination of our present session.

The subject of internal improvements, and especially that branch of it which relates to the building of Railroads, continues to increase in importance, and will do so until the wants of our varied commerce and agriculture shall have been supplied with the facilities of ready transportation to market. Continuously and in regular progression for the past six or eight years private interests have from different motives become involved, until there is now good reason for the opinion that there are few counties in the State, some of whose citizens are not directly and personally interested in some one or other of the Railroad schemes projected in different portions of our State. These in connection with the fact that the State is representing in her behalf the whole people, and upon certain prescribed conditions, is become the greatest contributor, should afford sufficient incentive to induce your most calm and deliberate consideration of the whole subject.

While I can without compromising any former opinion, invoke every reasonable aid calculated to promote the advancement of the infant and struggling enterprises which are so soon, if well conducted, to constitute the great leading arteries through which our commerce is to flow, I should be wanting to every sense of duty, if I did not again warn the Legislature of the consequence of unwise and improvident legislation in relation to them. This has been the fruitful cause of unnumbered evils in the past, and its continued repetition will necessarily involve new and perplexing complications to those which already encumber the subject. I have most earnestly to advise the adoption of

all prudent and just measures for the protection not only of the public, but of private stockholders, against abuse of privilege and imposition by their managers. That this does exist in so ne instances, in a manner culpable in the highest degree, disreputable to the State and injurious to the honest paying and legitimate stockholder, carrying along with it, the never failing consequence of disappointment and distrust, is too patent to require the introduction of proof for confirmation. The adoption of measures for its correction and future prevention can by no possibility whatever, result in injury to such companies as have by legitimate effort and fair dealing, entitled themselves to support and confidence. This policy is calculated to forearm and strengthen and not to destroy those that are or may entitle themselves to any measure of public justice ; for without confidence, no corporation can long exist. Nor should they be permitted to do so. Obedience to law should be the indispensable condition, and if it is not the policy to demand "indemnity for the past" it should at least be to require "security for the future." The strictest and most binding restraints are the only means of reaching such as abuse the trusts confided to them, by perverting franchises with which they have been but temporarily and conditionally invested, to private instead of public purposes, for which they were alone entrusted. In the absence of these, where speculation is the moving cause, every motive of fulfilling the object of their creation will be rendered subservient to that alone. Promises will continue to be made, building up public expectation but to be broken, leaving them to languish in hopes deferred. The most approved commentators have taught that corporations under the best regulated systems, are great though sometimes necessary evils, and will it not be most unwise of those who knowing, will not profit by their teachings. Our own Supreme Court have decided that the authority having the right to create, has also that to control. It is with you to say whether this shall be done. The remedy is in your power : it rests in your hands. It is you who can make and unmake, who can grant and refuse at pleasure, but the people, our common constituents, the representatives of whose honor and interests you in part are, expect that the prerogatives with which you are invested will be exercised with wisdom, firmness and impartiality, regardless of every private and personal consideration, for the public weal and for that only.

My own duty on this subject, without favor and without regard to consequences, has been performed. I informed the Legislature when I assumed my official responsibilities, that I should endeavor to execute the law against such as were found disre-

garding it. Two suits have been instituted, one against the Southern Pacific Railroad Company (for disobeying the law requiring their annual report and other causes,) for forfeiture of their charter; and another against the Texas Central Railroad upon a question of forfeiture arising under the provisions of the Act to encourage the construction of Railroads by donations of land. The first mentioned was tried by the District Court of Harrison county, at the Spring term, A. D. 1859, and decided in favor of the Company. That decision has been reversed by the Supreme Court upon points of law clearly showing the right of the State to prescribe and enforce such measures of regulation and control as the public interests may at any time require. I have no official information of the result of the suit upon a rehearing of the case before the District Court. It is reported to have been again decided in favor of the Company. I am however satisfied, if the proof could have been made and public justice had been done, the result would have been different. The history of that Company with its multifarious abuses, has reflected discredit upon the other enterprises of the State and done injury which it will be impossible to repair. The decision of the Supreme Court debarred the issuance of further instructions from this office. In that of the Houston & Texas Central Road, it was intended, if judgment had been rendered in favor of the State, to have suspended its execution, until it had been ascertained whether the Company had complied with the provisions of the Act passed Feb. 4th, 1853, granting them an extension of time for the completion of the second and third sections of the road, and if complied with, then to exercise the power of remission with which the Executive is clothed. The provisions of the law have been complied with, and the suit directed to be discontinued upon payment of costs by the Company.

I fully concur in the opinion expressed by the State Engineer in his report, "that the State should have some controlling influence in the administration of the companies affairs," and invite attention to the suggestions made on that head. Whether these will be sufficient, may admit of some doubt. The State is a contributor to the extent of fully one-third of the legitimate cost and value per mile, of almost every one of these improvements, besides lending to the companies over one-third of the cost of construction. The whole people of the State are therefore much the more largely interested parties, and the question arises, if it may not be proper for their interests to be represented in the Board of Directors, by appointment of the Executive, of

a limited number, under such rules and regulations as may be provided by law. It is not assumed that this could be done without the consent of the companies, but as a condition to amendments asked by them (if deemed advisable,) the object could be effected. I must again repeat the assertion that the imposition of additional conditions and safeguards for the better protection of the honor and interest of the public, whenever they may be required, are by no means intended to act prejudicially to those deserving of public favor, and need be attended with no such consequences; and I respectfully urge the removal of any such conditions with which companies may be encumbered, not found to promote that object.

In consequence of the death of the late State Engineer, Mr. WM. FIELDS, on the 9th Sept., 1858, I appointed Capt. E. F. GRAY, to fill the duties of that office until a successor should be elected. I call attention to the suggestions of his very able printed report before you. In the death of Mr. FIELDS, the State has lost a good and useful citizen, who from his long public service, had won the esteem and confidence of many friends throughout the entire State.

Under the law approved 10th Feb., 1858, authorizing and requiring the appointment of a State Geologist, I succeeded after some unavoidable delay, in procuring the services of Dr. B. F. Shumard, then engaged in the geology of Missouri, who received his commission on the 30th day of Oct., 1858, and immediately entered upon the discharge of his duties. From the acknowledged importance of this survey to the State, I deemed the selection of this officer a question of paramount interest. I feel that there is not only cause of the highest satisfaction, but of congratulation, at the success of my efforts. The eminent reputation for attainments, Dr. Shumard brings to his aid in this survey, united with his assiduity and perseverance of character, offer the strongest assurance of its success. I can say scarcely less of his able and accomplished assistants, Dr. George G. Shumard and William P. Riddell, whose reputations are so well known to the history of science throughout the entire south west.

The time has been so short since the organization of the corps was completed, that a report containing very general and satisfactory results is not to be expected; but I am informed that one shewing the progress of the survey from the period of its organization to the close of field operations, the present season, will be submitted to the Legislature early in the session. The report

will comprise an outline of the work done, together with a summary of the most important results.

I respectfully refer to estimates of the Comptroller for appropriations which will be required for continuing the survey, and recommend that they be made.

Agreeably to the provisions of the act of February 13, 1858, authorizing the Governor to procure a set of standard Weights and Measures to be deposited with the Treasurer; such standard has been procured from the U. S. Government, and is now in charge of that officer as directed by law. Through the agency of James B. Shaw, Esq., Comptroller, a contract was made with Mr. Henry Troemner, of Philadelphia, for fifty sets of those intended for the use of the counties, fifteen of which were consigned to Wm. M. Freeman, of Jefferson, Cass county; twenty to E. B. Nichols & Co., of Galveston; ten to Messrs. Baughn & Walker, of Port Lavaca; and five to Stephen Powers, of Brownsville, for distribution.

The limited fund appropriated by the Legislature not admitting of a contract for a greater number at one time, I proposed to extend the contract for additional sets as the returns for these should come in, until each of the organized counties could be supplied. The orders not having been delivered as early the past year as was expected, and the returns having come in so tardily, the present season, the fund has not been reinvested as was originally intended, in order to carry out the intention of the law; but twenty-four counties having made the required returns to the Comptroller's Office, down to June of the present year. I recommend a continuation of the appropriation until all of the counties shall have been supplied on similar terms to those which have already received them. For further particulars, I refer to accompanying letter of instructions, marked "B" addressed to Chief Justices and consignees at the points where they were to be delivered.

It will be observed, from the report of the condition of the Penitentiary, that a debt has been contracted by the institution in the purchase of additional machinery for the manufacturing establishment. This became necessary from the increased number of operatives who were without profitable employment. Experience had shown that the operatives could not be so profitably employed at any thing else; and, therefore, at the urgent and united solicitation of the board, I sanctioned the measure, believing that the interest of the public service required it. It was expected at the time that the increased income of the institution would be very nearly sufficient to meet the obligations

thus incurred by the time they fall due. Unavoidable circumstances, however, having prevented it, there will be required an appropriation by the Legislature to meet them, which I recommend, may be made. I refer to report for the amount, as well as for such other items of appropriation as may be required.

It is to be further observed, that before the meeting of another Legislature, if the number of convicts continue to increase as they have done for the past few years, additional room will be required for them. The board suggest the branching of the institution, which it seems to me would be better policy in the end and more profitable to the State than to make further additions to the present buildings. There is certainly great room for doubt whether more than two hundred and forty of these unfortunate men can be profitably employed in the same establishment. If this recommendation of the board should be adopted, a site, should be selected for its location, desirable both for health and convenience. The present institution has been subjected to a heavy and unnecessary expense for transportation, which should be avoided, if possible, in making another selection. I refer with pleasure to the able and satisfactory manner in which the institution has been conducted for the past two years.

The difficult and arduous task will devolve on the present Legislature of making a new apportionment under the Constitution. The first eight years, which it was provided by that instrument should last from and after 1852, will have expired with the term of the present members. This subject is acknowledged to be one of the most difficult for legislation, and I respectfully suggest that a spirit of liberality, fairness and justice should alone animate your counsels in its consideration. It should be constantly kept in view that it is not intended for the use of individuals, parties or sections, as such; but for the whole people of the State, upon terms of equality and justice as nearly as may be practicable under the provisions of the Constitution. I feel that I am justified, from its importance, in inviting an early consideration of the subject.

I deem it my duty to call attention to the statutes relating to slaves. Since the passage of the act providing for the indemnification of the owners of those executed for crime, their value has increased more than fifty per cent, and yet the act limits their appraisement to one thousand dollars. Nor is there any law by which the owner can be held to a limited pecuniary responsibility for the conduct of the slave. This leaves the slave without any legal restraint in all minor offences. The question will be a most delicate and difficult one for legislation without making it

oppressive upon the owners. I doubt not it will receive that patient and impartial consideration which it deserves. Again, the act prohibiting slaves from carrying firearms is insufficient, and will not be enforced unless the offence is made indictable by the Grand Juries.

I recommend an amendment to the Penal Code, making the act of embezzlement by executors or administrators of the funds, of estates, of making false returns to the Probate Court, and other acts of gross mal-administration, punishable by indictment, and according to the grade of the offence.

It is with great reluctance that I call attention to the account of contingent expenses for the 7th Legislature—an item of which, for newspapers and postage alone, amounts to \$14,625 26. It is true that the two Houses of the Legislature have the unquestionable right to provide their contingent fund, and for which the Executive is in no measure responsible; but I must be permitted to express my disapprobation of the practice, which involves so large an expenditure of the public money without effecting any perceivable good. The mails become flooded with matter, so that papers and documents, if they ever do reach their destination, are so long in doing so, that they are read with little or no interest by those who receive them.

I would respectfully call the attention of the Hon. Legislature to the fact of the omission of that body, at its last session, to make the usual appropriation for proclamations of the Executive, pay of rewards for the arrest of violators of the law, &c.

The Executive, in consequence of said omission, on the part of the last Legislature, declined offering any reward for some time; but crime and a disregard for the lives and property of our citizens, which seemed to be alarmingly on the increase, earnestly demanded action of the Executive. Accordingly rewards have been offered, and proclamations published in many papers in the State, which will require an appropriation of _____ dollars to meet. No rewards have been claimed, and the Executive is not aware of any arrests under said proclamations. Yet an appropriation is necessary to meet the demand in case of an arrest and delivery.

It will be seen by reference to the report of the Secretary of State, that the law of 1851, fixing the rate of charges for printing for the State is not so plain as to avoid misconstructions. Questions have arisen under this law, in reference to the amounts to be charged for different kinds of printing, which the Legislature might easily settle for the future, by such changes and modifications as would admit of no doubt as to its meaning. I

am informed that the Public Printer will ask of the Legislature a full investigation of the entire matters in controversy. This will be not only due that officer, but the Secretary of State, by whose approval the accounts of the last two years have been passed. While it is not my purpose to pass an opinion upon the construction of the law itself, I am fully justified in stating that the rate of compensation charged is what has been uniformly allowed under the law since its passage, and the same as under the statutes of other States for similar work. If the construction given it for the past two years is a wrong one, then it has been equally so for the past six or seven, and the fault does not lie with the Printer, but with the Legislature, and those who have preceded me in office, in not bringing it to their attention.

The amendment to the State Constitution proposed by the last Legislature, giving to the various counties embracing school lands within their limits the power to sell said lands, &c., was submitted to the people, and it will be seen by a report of the Secretary of State, herewith submitted, marked ["C,"] that the amendment was lost. The sparsity of the vote cast upon this amendment resulted, perhaps, from the want of general interest in the minds of the people, which might have induced an examination into the merits of the proposition, and thus a fuller vote both for and against it.

I submit herewith reports of the Blind, Lunatic and Deaf and Dumb Asylums, marked ["D"] to which I respectfully refer for information of their management and wants of the Legislature. The disinterested and tender care with which these institutions have been watched by their trustees and Superintendents, is entitled to the highest praise and commendation; while it at the same time, offers the strongest and best assurance that the interests of the State, and the institutions, have alike been the constant and only aim of those in whose charge and direction they have been placed. The charitable and beneficent purposes for which they are established, will no doubt insure for them the kindest consideration and liberality. For I am persuaded there can be no higher or holier purpose to animate the mind of legislators, than that of restoring by the States own bounty, the stricken and lost maniac to reason, to society and friends, of redeeming her unfortunate children from the abyss of perpetual darkness and ignorance, to light, knowledge, piety, and virtue, and of teaching, if not the blind to see, and the mute to speak—"the finger marks pointing the way to communion with God and intercourse with their more fortunate *fellow beings*."

Col. Edward Clark, Commissioner of Claims, resigned that

office on the 7th of July 1859, and the Hon. Joseph Lee was appointed to fill the vacancy until the limit prescribed for the continuance of the office should have expired. The papers were then turned over to the Comptroller as directed by law.

I commissioned H. G. Hendricks, E. P. Nicholson, and John C. Burks, Esqs., March 9th 1858, under the act to ascertain what land certificates have been illegally issued in Peter's Colony, approved February 4th 1858. The duties of the commission were performed and a report of their proceedings made to the Commissioner of the Land Office, as required by the statute.

I enclose herewith a copy of instructions forwarded from this office marked ["E"] to Jas. S. Robinson, District Attorney of the 16th District, who is required to represent the State in all suits growing out of the statute where the State is a party. There has been no provision made for compensating that officer for the additional duties imposed on him by the Act, I therefore respectfully submit the opinion that some should be made.

It is with feelings of disappointment and regret that I am unable to give a more favorable account of the condition of the frontier, and border sections of our State, which have been greatly annoyed by marauding bands of wild Indians, almost without intermission, since the adjournment of the last Legislature, notwithstanding my best efforts to repress them, and to protect our citizens. The appropriations made by the last Legislature for this purpose, have been exhausted, and an additional liability of about fifty-eight thousand dollars incurred by the Executive, for the same object, without, it is believed, effecting any permanent good. The line of frontier is so long, the settlements so sparse, and so badly prepared for defense, that if defended at one point, the Indians from their thorough knowledge of the country, have been enabled to direct their incursions in another quarter—such indeed is its geographical character, that if five or ten times the number of men had been stationed on the frontier, the same result would have ensued.

Foreseeing this difficulty, and believing the only mode by which the incursions could be finally precluded, would be to pursue the Indians to their own homes, Capt. Ford was instructed to make an expedition into the territory lying north of Red River during the spring of 1858, which was attended with as satisfactory results as could have been reasonably expected, from so small a force. Although it was not expected that a single victory over one of the numerous bands which had hitherto found in it a retreat from all danger, would give entire security to the border, yet it was hoped that so favorable a

beginning by the State, would be the means of inducing the General government to adopt similar measures and persevere in them, with an adequate force until the Indians could be effectually subdued. In both, however, disappointment only has followed. The Federal Government has failed in its measures to meet my reasonable expectations, in spite of every effort on my part to induce its authorities to give us protection.

Having received reliable intelligence, in the ensuing fall, of the renewal of depredations, I dispatched on the 4th of October, by express, a commission with instructions to Col. James Bourland of Cook county, authorizing him, if expedient, to muster into the service of the State, a Company of seventy-nine men for three months, a portion of whom, were, however, by a subsequent order, continued for six months. Depredations continuing to increase with the approach of winter, I again authorised Capt. Ford to raise a company of eighty-nine men for the same purpose. The order bears date November 2, 1858. The company was continued in service for six months, and although doubtless with the greatest possible exertion of both officers and men, it was found impossible to prevent the incursions of the Indian enemy, even from the district of country within which the company was stationed. The appropriation required for the payment of these two companies, as estimated by the Comptroller, is \$20,000 for that of Capt. Bourland, and \$25,000 for that of Capt. Ford, there having been drawn by Capt. Ford, out of the appropriation already made, in part payment of expenses of his company, \$13,232 08.

Again, serious difficulties arose between the Indians occupying the Brazos agency, and the citizens of the neighboring country, growing out of a conviction of the complicity of the former with the depredations then being committed. On the night of December 27, a party of the Indians were attacked and a number of them killed in their camp without the Reserve. Upon receiving information of Capt. Ross, sub. agent, of further hostile demonstrations, I issued an address to the people of the neighboring counties, warning them against any rash act on their part, and assuring them of steps having been taken for the removal of the Indians as soon as possible, from their midst. Again, very serious disturbances arose, which for a time threatened the most dangerous consequences. As a means for restoring quiet and quelling the existing excitement, I appointed a board of five peace Commissioners consisting of Dr. Joseph M. Steiner of Travis, Col. John Henry Brown of Bell, the Hon. G. B. Erath, Capt. J. M. Smith,

and Richard Coke, Esq., of McLennan, with instructions bearing date, June 6th, to proceed to the scene of disturbance, and to investigate its causes, with authority, if expedient, to place a guard of one hundred men around the Reserves, until such time as the Indians should be removed without the limits of the State, or further ordered. The muster roll, &c., of the Company, have all been received in proper form, and are on file in the Comptroller's office. Estimate of pay for said company, \$13,000. There will be required an appropriation of \$236 74 cents, for expenses of Commission, for all of which I respectfully ask that appropriations be made at as early period as practicable, after the subject shall been satisfactorily investigated. It is not expected that the citizen should give his time and labor to the public without reward, and it is therefore right and proper that a liberal compensation should be tendered the Commissioners for the highly valuable and difficult service rendered.

I submit herewith, marked "F," the report of the board of Peace Commissioners, sent to the Reserve. This report discloses facts which go very far to prove that our citizens were not without just cause for complaint, as much as the violent measures of redress, adopted by them may be regretted. It is to be observed, of the two appropriations made by the last Legislature, that in addition to the payment of the three months men—called out by my predecessor, and those of Capt. Ford—I authorised John Williams to raise twenty men for sixty days, on the 20th May, 1858, who have also been paid, and that Capt. Ford, by my authority, left twenty men in charge of Lieut. W. N. P. Marlin, near the Indian Reserve. On disbanding his Company, in the summer of the same year, Capt. Ford was appointed Paymaster, with instructions to pay off, and discharge this Company. Circumstances occurred preventing his giving it immediate personal attention. Maj. R. S. Neighbors was requested to muster them out; this was refused by the Company until they had received their pay. By my instructions, they have received none after the time the notice was given them.

The State government is in no manner responsible for the unfortunate and deplorable state of affairs which has existed on the frontier. The remedy has not been within the reach of its authorities. I found it a difficulty and perhaps the most serious with which I should have to contend on coming into office. It has proved to be so, and if it has been impossible, for most obvious reasons, to give satisfaction, it has been for no want of the most faithful endeavor to meet the difficulties which it has presented in view of the obligations and responsibilities of my position.

With these remarks and a respectful reference to my correspondence with the Federal authorities on the subject, on file in the State Department, I am content to leave the further solution and management of this question to the Legislature, and the able gentleman who has been chosen to succeed me.

Before the meeting of the last Congress I forwarded to the Secretary of War, as well as each of your delegation at Washington, an abstract prepared at the Comptroller's office, containing a distinct account of the several amounts appropriated by the State (and now due by the General Government) for Indian protection, and asking that they might be included in the estimates of the Department for the ensuing year. I have to report that this was not done by the honorable Secretary, in consequence of which, notwithstanding every effort of our delegation, an appropriation in part only was obtained. Evidences of the justice of the claims, in possession of the State authorities, were forwarded to sustain them, excepting only the muster rolls, which has not been usual, until demanded after an appropriation has been made. I am not aware, however, of the existence of any stronger testimony of their exigency and justice, than their recognition and payment by the State will afford.

For information of the condition of the Treasury I refer your honorable bodies to reports of the proper accounting officers, from which as per estimates, the balance in the Treasury exclusive of ordinary expenses of State Government on the 31st of Aug., 1860, will be \$79,164,71, and 31st Aug., 1861 \$315,175,10 inclusive of \$168,105,86 due by the federal government for Indian matters an appropriation for only about fifty thousand dollars of which has been made.

The subject of taxation and revenue is always one of the greatest moment to government, and should not be overlooked at this time. The suggestions of the Comptroller deserves your most serious consideration. There is no proposition more true than that all who participate in the blessings of government and claim the protection of its laws, should contribute their due proportion to its maintenance and support. Our Constitution especially provides that taxation shall be equal and uniform on all property in proportion to its value. That object is not attained by the present system of assessing and collecting the revenue, and operates most unequally on the producing classes.

It may be safely estimated that near three-fifths of the wealth of our citizens consists of real estate, and yet it will be found paying little more than one-third of the annual revenue collected by taxation, while the holders are deriving large profits from the

capital invested. This wide difference arises chiefly from the imperfect mode of assessment, the absence of a minimum rate below which lands should not be assessed, and lastly from the impossibility of rendering the tax available under sales of the Collector, from the imperfectness of the titles which they convey. The present law provides an umpire in case of disagreement as to the value of property in the assessment, and while its provisions reach the resident, they do not the non-resident landholder, who gives in his property when and where it suits his convenience, and upon his own terms. It is impossible that the assessors of Travis, Brazoria or Bowie should know the relative value of land, in each of those counties; and if they did, the law is remediless in their hands. The assessment of the lands of non-residents should be made either at the Comptroller's office or by the County Courts of the county in which they are situated, upon the return of the assessor thereto, or by the assessor and collector himself, of the county in which the land lies (as in ordinary cases,) where it is given in for assessment by the owner himself or his agent or if it lies in an unorganized territory, it could be assessed by the Comptroller at the average value of other land of similar quality. While I do not fully concur in abolishing all exemption of property from tax, I am clearly of opinion that all property of the tax payer should be held responsible for such as may be due from him to the State. I cannot see any well founded objection to a moderate increase of the poll tax as recommended. It is a contribution which every freeman should be willing to make, in consideration of the protection given him in the enjoyment of his rights and privileges by our laws.

I deem it my duty to call the attention of your Honorable bodies to the necessity of observing and enforcing the strictest rules of economy in the appropriation and disbursement of the public funds, as well as of a prudent husbandry of the public domain, which if not squandered by wasteful and prodigal legislation, will as it now does, constitute the greatest element of wealth and prosperity with which any State has ever been gifted.

Texas is yet in the infancy of her growth and prosperity. Every year will add to her resources of wealth under a system of wise and prudent legislation. Every year new accessions to her population are added, and yet so vast is the extent of her territory and so equally and generally are distributed her fertile lands, inviting the adventurous emigrant, that the annual increase is scarcely visible. Great lines of Railroad running in almost every direction are either in progress or contemplation, looking

to the State for aid. The institution of schools, colleges and universities are looked to by anxious parents for the education of the rising youth. Indeed, the various sources of expenditure which will task the power and the liberality of the State to its utmost can scarcely be enumerated.

They warn you in language more forcible than any at my command, of the dangers of extravagance and the absolute necessity for economy. The vast and fertile regions which have already been frittered away without any sufficient indemnity, would, if properly husbanded, have afforded a fund ample for all the purposes of the present. If the admonitions which the past should teach are disregarded, and systems of wild, selfish and speculative legislation are persevered in, then may we bid farewell to the splendid prospects which invite to the realization of a brilliant future. Then too, we may expect that those who succeed us will, if not with the finger of scorn, turn and look with regret upon the folly of those who failed to improve and economise the means placed in their hands by the gift of God for their own and the welfare of posterity. Without economy and prudence united with the most stubborn virtue, the brilliant hopes cherished cannot be realized. Without them, the promise of the present will vanish like the fleeting mirage of the desert never to re-appear.

It is my melancholy duty to announce to your honorable body the death of Senator J. Pinckney Henderson which occurred at Washington on the 4th day of June, 1858. He died in the discharge of the duties almost unanimously imposed on him by the voice of the people through their representatives. Able in council, eloquent in debate and gallant upon the field, he was chosen the first Executive of the State after annexation to the Union. Although he had held so many high stations of trust and honor, Gen. Henderson had but little passed the meridian of life when he was transferred to that theatre of more extended usefulness for which his eminent talents and more than Spartan virtue so well fitted him. The loss of one who united so much of public confidence at a time when the friends of the constitution are in danger of being overwhelmed by the seemingly resistless tide of sectional and religious fanaticism, is to be regarded by his State and his section as a public calamity.

I commissioned the Hon. Mathias Ward, on the 29th of September following, to fill the vacancy created by the death of Gen. Henderson. The duty of electing a successor will devolve on your honorable bodies.

I deem myself fully justifiable under existing circumstances,

in indulging in a few brief allusions to the political history and condition of the times. Soon after the adoption of the Federal Constitution, there arose in the minds of leading statesmen, differences of opinion as to its nature and powers. These differences have continued to exist to the present day, and are made the texts of faith upon which political parties divide. As originally organized they were called Federalists and Republicans. The Federalists were comprised chiefly of those who favored a strong government of the British model, and after the formation of the Constitution, endeavored by a loose construction of its provisions to give the Federal Government powers which were clearly unauthorized, and had been refused by the States; and hence, the adoption of that name which most fitly illustrated their principles. But their encroachments upon the reserved rights of the States increased to so alarming an extent, that the Republican or Democratic party, as it was then reproachfully called, was organized under the auspices of Mr. Jefferson and others to resist their aggressions. The first great struggle between these parties arose upon the alien and sedition laws; the Federalists sustaining, and the Republicans denying their constitutionality.

The Virginia and Kentucky resolutions, drawn respectively by Messrs. Madison and Jefferson, defining the rights of the States and the powers of the Federal Government under the Constitution, were denounced as subversive of the Government, as revolutionary, and as tending to anarchy. A number of the State Legislatures passed counter resolutions, and finally their advocates were called Democrats in derision and contempt; thus associating them with the revolutionary leaders of Republican France, where the propagation of false theories had destroyed society and deluged its soil with blood. But notwithstanding these calumnies, and notwithstanding every effort to proscribe the authors of those celebrated resolutions, the States had too recently emancipated themselves from the power of Britain not to have had their fears and jealousies aroused against confiding it without limitation to another central head. They had therefore wisely reserved to themselves respectively, the great mass of residuary powers which could not be safely or properly exercised by the Federal Government.

The election of Mr. Jefferson in 1800, was the first great triumph of the Republican or Democratic party, by which the efforts of the Federalists to consolidate the Government were checked. It has left its impress upon the political history of the country never to be forgotten. In every succeeding political

struggle the principles upon which that controversy turned, have been made the tests of orthodoxy upon which the qualifications for office and honors have been made in great measure to depend. The principles of the Democratic party of 1859, are the same as those of the Republican party of 1800. They have been transmitted from generation to generation, unaltered and unchanged; and as the connecting link of the past with the present, are clearly shewn to afford the only reliable interpretation of the Constitution which binds the union of these States together. They have been adhered to in every vicissitude as the only ark of safety, with a devotion not less sincere and true than that which united the early christians. If they have always had their defamers, yet they have never been without their defenders. If by an occasional departure from the faith, the vessel of State has been steered from the course of strict construction, it has been saved from the dangers which encompassed it by a return to the true principles of the Constitution. If by desertion, treachery, fraud, or *deception*, their enemies have temporarily triumphed, the sober second thought has seldom failed to correct the error of opinion liable to occur under any system of popular Government. For twenty-four years the Government was administered without a single intermission by those who were charged with harboring disunion sentiments, and an intent to subvert it. Truth falsified the charge, and along with it every prediction, for none of them have been verified—so far from it the country was triumphantly conducted through the dangers of a bloody war with the most formidable power of the earth, and in spite of the treasonable measures of the Hartford Convention Federalists, and the assistance of their coadjutors *North and South*, who not only afforded aid and comfort to the public enemy, but threatened open revolution as the means of forcing a dishonorable peace. Thus was the power of hostile armies from abroad, aided by fanaticism and treason at home, successfully resisted by the patriotic defences thrown around the Government by those oft denounced disorganizing principles. In the introduction of the American system, comprising the triplicate measures of Bank, Tariff and Internal Improvements, may be ascribed the first great departure of any considerable body of the party from the States Rights strict construction doctrines of these resolutions. Those issues governed the Presidential election of 1824, the results of which well nigh ended in a dissolution of the Union on account of the odious exactions imposed by the tariff which followed it. The intellectual and patriotic lights who had framed the Constitution and fixed the correct principle of its construction, had nearly all passed

away, and those whose reckless and ambitious spirits could no longer be content with a plain practible administration of a Government of well defined and limited powers, had taken the places of its wise and patriotic founders in the national councils.

The most prominent measures of the coalition, or as it was called, the National Republican party, were the Tariff, by which the industry of one section of the Union was to be taxed for the support and protection of the manufacturing interests of another; a Bank in which to deposit the revenue when collected, with the privilege of loaning three paper dollars for every one received in coin to the manufacturers, and a system of Internal Improvements through which it was to be expended, by digging canals and building roads to the doors of the manufacturers for their convenience. This was the first chapter in the lessons of experience taught by the history of this new party, and it might have been hoped would be the last. But not so, for though defeated in several of the succeeding Presidential elections, these measures have constituted the leading issues upon which parties have been divided down to a recent period. In 1836, under another new disguise, that of Whigs, the opposition appeared before the country with the simple addition to their former list of measures, of a distribution of the proceeds of the public lands among the States. Defeated again in that election, they however succeeded in the hard-cider campaign of 1840, by virtue of the abolition excitement which had sprung up in the free States, combined with the monetary and commercial crisis of 1837-'38 which proceeded from their own bloated and extravagant systems, which had been for a time fastened upon the policy of the country. No sooner had they come into power than the protective tariff was again revived, in violation of the compromises of 1833, by which it was to be gradually reduced to the revenue standard and a dissatisfied South reconciled. The entire batch of corrupt and dangerous measures, advocated by the old coalition, were brought forward and claimed to have been endorsed by the American people. But their authors were doomed to be in part disappointed; unluckily for their Bank—the *panacea* for almost every political evil, the exchanges were found to regulate themselves, and the prosperity of the country returned without its intervention. The success of the Democracy, in the following election of Mr. Polk, forever stamped the measure with the seal of popular condemnation. The tariff was reduced to the revenue standard, and the Bank bill, having been vetoed by Mr. Tyler, and their extravagant system of Internal Improvements defeated by the veto of Mr. Polk, the next

mask assumed was that of the "No-Party-Party"—sometimes calling themselves Democratic Whigs, advocating principles only as they suited particular latitudes, and having no other platform than opposition to the constitutional veto power of the President. Having rendered themselves odious by an unavailing opposition to the Mexican war, they adopted in this instance the artifice of running the general who had fought most of their battles, and by the advocacy of one set of opinions at the North and another in the South, upon the negro question, succeeded in the election. This dark piece of political prostitution forever established their want of fidelity as a party to all profession of principle. The brief, but momentous career of that administration, furnishes one of the most disastrous chapters in the political history of the country. There was, of course, no unity of sentiment among the friends of the administration in Congress, during the excitement which prevailed upon the territorial question. Its northern supporters, having been thoroughly abolitionized before the election, refused co-operation with the advocates of justice and the Constitution, and, but for the patriotic bearing and self sacrificing devotion of the northern and southern Democracy, the most deplorable results would have followed.

Yet another, and perhaps the last attempt to effect and maintain a national organization, is to be recorded. In this, however, they have been anticipated by the States Rights Democracy, who foreseeing the dangers to the Constitution and the rights of the States springing from the agitation of the sectional issues, had determined to return to first principles for future guidance and safety. The Virginia and Kentucky resolutions had been readopted in the platform of 1852, with the pledged declaration of the party to adhere to them in any contingency. The issues presented by this new opposition fusion were almost identical with the Federal measures which led to the adoption of the principles of faith contained in them in the first place. Simultaneously with the birth of the Know Nothing party in Boston, its contagion spread to the southern and western cities, and within half a year there was scarcely a town or hamlet in the Union to which its pestilential influences were not extended. Inquiry and investigation, however, soon succeeded the curiosity which it first excited, and the Virginia election, the following year, doomed it forever as a national organization. In the North those who filled its ranks have all gone to the Black Republicans. It cannot be disputed that their anarchial and revolutionary schemes are at open warfare with the rights of property and the constitutional laws by which it is protected. In the South, with

no other creed than empty professions of patriotism and love for the Union, the organization is maintained by feigning issues which never existed, and is sustained by malcontents who use it for the indulgence of those bad passions which always actuate deserters from a good to a bad cause. At both the extremes of the Union, the opponents of the organized Democracy have one common aim, (it is hoped for different ulterior purposes,) the final overthrow of the Democratic party.

In the North, it is the preliminary and necessary step to their sworn purpose of destroying Slavery, and whether designed or not, the effect of Southern co-operation for the destruction of the organization of the Democratic Party, plainly leads to the ultimate object of the stronger section, and is therefore accessory to the fanatical pretensions of the abolitionists. What better assurance—indeed what stronger guaranty, can the anti-slavery men of the North desire of their ultimate success, than the doctrines of extreme submission avowed by their Southern co-laborers. It can matter little whether the Constitution shall be broken by a loose construction of its provisions, or is disregarded for a higher Law, if in either event, a government of misrule, arbitrary and unconstitutional in its action, is to be the result.— This, however, is only a fair deduction from the principles and practice of that higher law patriotism and pretended love of the Union, which rise above the Constitution and the rights of their action.

By whatever names the opposition to the regular Democratic organization may have passed for half a century, whether as anti-Masons, National Republicans, Whigs, Know-Nothings, *Union Men* or *Higher Law Men*, the radical difference of opinion which has existed in regard to the nature and powers of the Government, has manifested itself in that Federal and latitudinous construction of the Constitution, so often and so long repudiated for its dangerous tendencies. It can scarcely be believed, that those who have followed the fortunes of modern Federalism to its fall as a National organization, can now be sincere in their professions of loyalty to the Union, and at the same time true to their section and the Constitution.

A Party which united with the advocates of the Wilmot-Proviso in 1848, in the support of Taylor, and afterwards voted for Fillmore with his Free-Soil and black tariff record, (without the remotest prospect of success) thereby evincing a willingness for the election of the Black Republican, Fremont, over Mr. Buchanan, whose Administration they now pretend to support, can surely have but little room to stand upon the platform of

a Democratic organization, which has been opposed by every word, deed, act and sentiment of their whole lives. The hypocrisy and ridiculousness of such a pretension, are too transparent for comment. It is to be presumed that all are for the Union under the Constitution (as no organized Party is known to exist in opposition to it)—but if the opinions of those claiming its advocacy as their own peculiar creed, imply obedience and unconditional submission to capricious sectional and unauthorised exaction, then fealty to it would be inconsistent with the rights of the freemen of this or any other country. It does not partake of the spirit of those who pledged their lives, fortunes and sacred honors in defense of the liberties of these States.

There can be few so blind to the lights which are gathering around us, as not to see that events are fast converging to a fearful catastrophe: Witness the recent invasion and attempted insurrection at Harper's Ferry, and which, though differing in the commission of the overt act, events have had counter parts in our own State within the last six months, not less ominous. From the open avowals of the opposition in Tennessee, Kentucky, Virginia and Maryland, of the intention to co-operate and join hands with the Black Republicans, it is not difficult to foresee what will be the conduct of those who are hastening the approach of danger by voluntarily pledging themselves to unconditional submission, and heaping upon those who will not bow to so base and slavish a heresy, the threadbare charges of secession and disunion. The attitude of affairs closely resembles that which existed prior to the American Revolution, when the patriots under the lead of Jefferson, Franklin and other sages and heroes, exhausted every resource of argument and entreaty in their petitions to the British Government, for an observance of the rights under its ancient constitution, as subjects of the crown. This I regard as analogous to the position of the States' Rights Democracy of the South and of the Union.

A dissolution of the Union has not been sought, and perhaps never will be, as long as its existence is consistent with the rights guaranteed by the Constitution. It is an alternative which would be preferred only to those intolerable and greater evils which caused the separation of the thirteen united Colonies from the mother country, of which Mr. Jefferson has well said there could be none greater "than submission to a government of unlimited powers."

The States' Rights Democracy rely upon the conviction that the government was founded in the interests and affections of the people, and that upon them it must rely for maintenance and

support; that it has derived its just powers from the consent of the governed in the form and to the extent prescribed by the Constitution as their only source, and when it shall have ceased to fulfil the object of its creation, and not till then, will arise a sufficient cause for its dissolution.

But the Opposition by a loose construction of the Constitution, have always claimed for the General Government more extensive powers than are warranted by that instrument.—From this view, results as a natural consequence, their doctrine of unconditional submission, which by a higher law construction, makes the agent superior to the principal, and binds the latter to obey without a murmur, the most outrageous usurpations of the former. No one will pretend that so broad a rule of construction could be maintained at common law, in cases arising between individuals; but strange as it may seem, no other inference from it can be drawn than that a Government whose powers are clearly limited and confined by a written Constitution, may use force to cause the sovereign States which adopted that instrument, to obey its most unjust and unconstitutional measures. From this same system of false construction, has sprung the issues of squatter or Territorial sovereignty, which ambitious and blinded partizans, have seized upon as a new element of agitation. The doctrine that the Territories are the common property of the Union, and that the citizens of each of the States, have the indefeasible right to protection of their property of every description therein, is too well settled to admit of any refutation. The Constitution of the United States, has recognized property in slaves to stand upon the same footing as other property, and therefore entitled to protection in the Territories. In the Dred Scott decision, it was held that neither Congress, nor the Territorial Government, could prohibit it in the Territories, and that it was the duty of Congress to protect it. The Territorial Governments occupy a subordinate position to that of the General Government, which has been well likened to that of a corporation, created by the State—a creature of its will, and authorized to exercise such powers only as have been conferred; and certainly not those which do not belong to the State itself. These issues do not legitimately flow from the nonintervention doctrines of the Kansas and Nebraska Act, nor of the Democratic Platform, which simply mean that Congress should neither establish nor prohibit Slavery in the Territories, but leave the question to the Constitution and the Courts. When the Courts have intervened and determined the question, the South is not allowed the benefit of that de-

vision, but an appeal is taken to the people with the revolutionary object of depriving us of that protection of the property of our citizens to which the Constitution entitles them. The Democratic party has always claimed to be the only true representative of the principles of that instrument. It has especially entitled itself to the support of the South, because of the security it has afforded against unconstitutional encroachments upon the rights of its citizens. There has now manifestly arisen a difference of opinion with many of its followers in the Free States, upon a most important principle concerning them. The question should be determined without equivocation. If there can be no longer unity and harmony of sentiment, if the Southern people are no longer to look to it as the chief reliance for the maintenance of their equal rights, their internal peace and security, the sooner it is known the better. They should neither cheat nor should they submit to be cheated. I therefore recommend a clear and unequivocal expression of opinion by the Legislature on the subject.

Let it not be said that the adoption of this suggestion will be agitation.—It is to resist that which has already been begun, and is but too fast demoralizing the hitherto true Democracy of the Free States. It is the existence of agitation which requires of us, action to counteract its baleful influences.—We have asked, time and again, that the agitation of all mischievous questions, calculated to endanger our domestic polity, or our peace and security, as equal members of the confederacy, should cease. Our prayers have not been granted, and now shall we submit without the utterance of a murmur or complaint—without even offering a reason to combat the false dogmas of anti-slavery propagandism, however insidious and covert its form, or hidden in its object? My own answer, first, last and forever—is unconditionally, No! Silence at this juncture, in view of the peculiar political position of Texas, may be misconceived and misconstrued. Equality and security in the Union or independence outside of it, should be the motto of every Southern State.

I entertain the most devout conviction, that if guided by wisdom, prudence, sagacity and patriotism, the Divine Being will smile on your councils, and that all may yet be well.

H. R. RUNNELS.

The Senate having retired to their Chamber, on motion of Mr. Britton, the Senate adjourned till 10 o'clock to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, November 11th, 1859. §

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

The Speaker announced the committee on Revenue Laws, consisting of Messrs. Ross, chairman; Whitfield, Clark, Lewis of Robertson and Dougherty.

The following message was received from the Governor:
Gentlemen of the Senate and House of Representatives:

I herewith transmit for your information census returns of the inhabitants of the State for the year 1858, with accompanying abstract of the same from the State Department.

H. R. RUNNELS.

The message was referred to the committee on Apportionment, and on motion of Mr. Haynes 200 copies of the accompanying documents were ordered to be printed.

Mr. Crooks, chairman of committee on Engrossed bills, reported that a bill authorizing the Governor to issue his proclamation and offer a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo had been correctly engrossed. On motion of Mr. Dougherty the rule was suspended, the bill taken up, read third time and passed.

The following message was received from the Senate:

Resolved, That with the concurrence of the House, the committee on Indian Affairs, of the Senate, act jointly with a like committee on the part of the House, whenever it may be deemed expedient by the members of either of said committee, and have appointed Messrs. Throckmorton, Guinn and Paschal, a committee to act with committee of House under their resolution on the Court of Claims.

Mr. Middleton presented the petition of Mary Elam. Referred to committee on Private Land Claims.

Mr. Townes presented petition of A. H. Cook. Referred to committee on Claims and Accounts.

Mr. Maxey presented the petition of the heirs of William Wills. Referred to committee on Private Land Claims.

Mr. Navarro presented the petition of W. P. Grady. Referred to committee on Private Land Claims.

Mr. Maxey presented the petition of Hardy A. Hornsby. Referred to committee on Private Land Claims.

Mr. Duncan presented the petition of Meenan Mills. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of Eli Kirk. Referred to committee on Claims and Accounts.

Mr. Dale, as chairman of the committee on Public Printing, submitted the following report:

Hon. M. D. K. TAYLOR,

Speaker of the House of Representatives:

Your committee, who were instructed to contract with the P. M., of this place, for the transmission of papers and documents through the mails, the expenses to be charged to the contingent fund of the House, have performed that duty; having contracted with the P. M. for that office to furnish the members of this House with stamps and stamped envelopes for all letters and papers, and, that for documents they will open an account and charge the same to this House when the said documents probably exceed a common newspaper in weight. All of which is respectfully submitted.

Read and adopted.

Mr. Lewis of Montgomery, chairman of committee on Agricultural Affairs, submitted the following report:

Hon. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The committee on Agriculture to which was referred two several bills, the first, "A bill to be entitled an act to amend the 1st, 2nd, 3rd, and 5th sec's of an act creating the office of Weigher of Cotton for certain ports in this State, passed September 1st, 1856." The second, A bill to be entitled an act for the repeal of an act passed the 1st day of Sept., 1856, providing for the appointment of Cotton Weighers in certain towns, have had the same under consideration, and have unanimously instructed me to report the last mentioned bill back to the House and recommend its passage.

The committee have in like manner instructed me to report the bill first designated and ask that it be laid on the table.

Report received.

Mr. Dickson offered the following resolution:

Resolved, That the committee on Retrenchment and Reform be instructed to examine into the condition and practical workings of the different departments of the Government, and report such changes, if any, that may be desirable for the public good. Adopted.

Mr. Hubbard introduced a bill for the payment of State witnesses in certain cases. Read first time and referred to Judiciary committee.

Mr. Mills offered the following resolution:

Resolved, That the committee on Public Printing be requested to contract with the publishers of the daily State

Gazette and tri-weekly Intelligencer for 20 copies of each of said papers for each member of this House, during the sitting of the Legislature, provided they can be obtained for 3cts. per copy for each of said copies.

Mr. Henderson moved to strike out daily and insert weekly.
Lost.

Mr. Crooks proposed to amend by striking out "20" and inserting "10" On motion of Mr. Culberson, laid on table.

Mr. Taylor offered the following as a substitute :

Resolved, That the committee on Printing be authorized to contract with the publishers of the State Gazette and Southern Intelligencer for 20 copies each of their weekly, one of which shall contain a synopsis of the proceedings of this House, and the other a synopsis of the debates thereof, provided the cost of said papers does not exceed that charged to their regular subscribers.

Mr. Stewart offered the following as a substitute :

Whereas, the principal item of contingent expenses of the previous session of the Legislature has arisen from the practice of taking the newspapers of this city and postage thereon, and whereas it is believed that a saving to the State of near \$20,000 may be had by not taking such papers, and whereas the mails would be clogged and scarcely one paper in a hundred would ever reach our constituents, but would be thrown in the first By-P. O. in piles, and if they ever reached their destination it would be, in many cases, long after the adjournment of the Legislature. Therefore,

Resolved, That we will observe economy and will not take any papers this session at the expense of the State, leaving each member to pay for his own papers.

The resolution with its proposed amendments and substitutes was referred, on motion of Mr. Mills, to the committee on Contingent Expenses.

Mr. Dale offered the following resolution :

Resolved, That such portions of the Governor's message as relates to subjects within the appropriate province of standing committees of the House, be referred to the same respectively, with instruction to report by bill or otherwise. Adopt-d.

On motion, the House took a recess of 10 minutes to prepare for the reception of the Senate.

Recess expired—roll called—quorum present.

The Senate appeared headed by the President, Hon. F. R. Lubbock, who was invited to a seat on the right of the Speaker and the Senators to seats prepared for them.

Rolls called—quorum present.

The two Houses, in a joint session, proceeded to count the vote cast in the last election for the Governor and Lt. Governor, Messrs. Caddell and Branch were appointed tellers on the part of the House and Mr. Duggan on the part of the Senate. Upon opening and telling the vote it stood as follows:

COUNTIES.	FOR GOVERNOR.			FOR LT. GOVERNOR.		
	SAM HOUSTON.	H. R. RUNNELS.	SCATTERING.	EDWARD CLARK.	F. R. LUBBOCK.	SCATTERING.
Anderson, -	672	423		457	572	
Angelina, -	315	107		310	70	
Atascosa, -	184	77		182	78	
Austin, -	405	507		334	565	
Bandera, -	17	28		16	29	
Bastrop, -	363	406		334	450	
Bee, -	46	46		46	44	
Bell, -	338	247		324	266	
Bexar, -	1,038	723		786	976	
Blanco, -	106	49		113	45	
Bosque, -	146	31		126	66	
Bowie, -	111	279		46	135	
Brazoria, -	120	307		107	326	
Brazos, -	201	78		196	85	
Brown, -	24	1		24	2	
Burleson, -	423	271		378	293	
Burnet, -	294	70		293	94	
Caldwell, -	283	289		269	303	
Calhoun, -	192	138				
Cameron, -	97	332		31	521	
Cass, -	578	626		479	683	
Chambers, -	88	59		58	90	
Cherokee, -	932	711		805	751	
Collin, -	665	454		628	480	
Colorado, -	345	275		359	283	
Comal, -	30	346		28	359	
Comanche, -	89	10		94	19	

Cooke, - -	315	107	280	127
Coryell, - -	216	52	207	102
Dallas, - -	545	429	402	558
Denton, - -	517	135	466	175
DeWitt, - -	218	259	192	277
Ellis, - -	357	259	330	287
El Paso, - -	65	465	37	468
Erath, - -	250	13	252	19
Falls, - -	237	109	219	124
Fannin, - -	719	464	567	529
Fayette, - -	604	526	585	550
Fort Bend, - -	188	176	139	214
Freestone, - -	295	277	258	308
Galveston, - -	321	433	276	491
Gillespie, - -	90	102	44	175
Goliad, - -	226	137	204	143
Gonzales, - -	493	409	462	433
Grayson, - -	251	429	567	440
Grimes, - -	43	254	410	288
Guadalupe, - -		287	231	309
Hamilton, - -	829	2	30	10
Hardin, - -	560			
Harris, - -	164	626	717	728
Harrison, - -		495	487	490
Hays, - -	3	74	159	78
Henderson, - -	250			
Hidalgo, - -	584	227	3	227
Hill, - -	450	161	215	192
Hopkins, - -	403	500	479	504
Houston, - -	100	354	302	463
Hunt, - -	143	440	244	536
Jack, - -	244	12	95	18
Jackson, - -	66	60	138	59
Jasper, - -	303	162	197	174
Jefferson, - -	165	82	48	97
Johnson, - -	383	118	247	159
Karnes, - -	47	67	155	70
Kaufman, - -	484	266	301	213
Kerr, - -	221	11	38	24
Lamar, - -	336	549	438	563
Lampasas, - -	421	65	210	78
Lavaca, - -	152	342	334	331
Leon, - -	272	361	408	364
Liberty, - -	58	210	101	238

Limestone, -	272	314		216	364
Live Oak, -	58	43		50	53
Llano, -	89	43		75	63
McLennan, -	408	190		372	228
Madison, -	190	90		174	92
Mason, -	21	10		23	15
Matagorda, -	79	149		64	168
Medina, -	54	197		51	200
Milam, -	330	218	2	303	217
Montague, -	75	8		58	9
Montgomery, -	299	153		279	167
Nacogdoches, -	715	308		706	262
Navarro, -	402	277		365	310
Newton, -	154	116		142	118
Nueces, -	233	135		186	172
Orange, -	122	46		88	67
Palo Pinto, -	170	15		150	36
Panola, -	429	433		365	448
Parker, -	538	119	1	527	196
Polk, -	298	312		252	345
Red River, -	474	405		440	415
Refugio, -	82	77		66	95
Robertson, -	259	160	1	236	190
Rusk, -	918	968		835	1,015
Sabine, -	201	27		197	18
San Augustine, -	273	109		259	117
San Patricio, -	21	33		15	30
San Saba, -	158	9		158	11
Shelby, -	454	275		390	316
Smith, -	801	466		582	571
Starr, -	69	191		113	147
Tarrant, -	596	118		448	214
Titus, -	555	489		529	545
Travis, -	590	403		594	439
Trinity, -	341	167		313	183
Tyler, -	233	352		190	361
Upshur, -	552	505		460	537
Uvalde, -	66	41		41	28
Van Zandt, -	210	165		122	224
Victoria, -	123	181		135	196
Walker, -	470	344		460	349
Washington, -	745	607		658	676
Webb, -	110	90		114	89
Wise, -	310	23		301	28

Wharton, -	93	114	63	132	
Williamson, -	488	187	475	199	
Wood, - -	403	250	390	259	
Young, - -	109	42	97	48	
Zapata, - -	42	130	42	130	
Total, - - -	36,227	27,500	6	31,458	30,325
					24

Sam Houston, having received a majority of all the votes cast in the election of Governor, was declared by the Speaker duly and constitutionally elected Governor of the State of Texas, for two years, from and after the 21st of December next, and—

Edward Clark, having received a majority of all the votes cast in the late election of Lt. Governor, was declared by the Speaker duly and constitutionally elected Lt. Governor of the State of Texas, for two years from and after the 21st of December next.

The Senate retired to their chamber.

Mr. Buckley offered the following resolution :

Resolved, That Elder J. R. Graves, of Nashville, Tennessee, now in Austin, be permitted to hold divine service in the Representative Hall on next Sabbath morning and evening.

Mr. Haynes moved to lay the the resolution on the table.—
Lost by the following vote :

YEAS.—Messrs. Barnard, Baxter, Benevides, Bogart, Camp, Clark, Cumby, Davis of Bastrop, Dougherty, Epperson, Flewellen, Francis, Franklin, Foscue, Haynes, Henry, Lewis, Montgomery, Lewter, Mabry, Martin, Miverick, McCutcheon, Manson, Navarro, Norton, Owens, Parker, Ross, Wælder, Whitfield, Wortham and Wrede—Yeas 32.

NAYS.—Messrs. Speaker, Anderson, Billingsley, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Duncan, Edwards, Hall, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Lewis of Robertson, Lynch, Manly, McClarty, McKnight, Middleton, Mills, Mundine, Nelson, Perry, Redgate, Redwine, Shannon, Shelton, Short, Smith, Speights, Stewart, Townes, Warfield and Whitmore.—Nays 42.

Mr. Navarro proposed to amend by adding, “and that the preachers of every other denomination be allowed the same privilege”

Mr. McKnight proposed to amend the amendment by adding, “on all proper occasions.”

Mr. Buckley moved to table the amendments. Lost by the following vote :

YEAS.—Messrs. Speaker, Barclay, Billingsley, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Dale, Davis of Bastrop, Davis of Hays, Dennis, Franklin, Foscue, Middleton, Nelson, Speights, Townes, Wharton and Whitmore.—Yeas 21.

NAYS.—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Crooks, Clark, Cumby, Darnell, Daniels, Dickson, Dougherty, Duncan, Epperson, Flewellen, Francis, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henry, Houghton, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manly, Martin, McClarty, McCutcheon, McKnight, Mills, Mundine, Munson, Navarro, Norton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Stewart, Welder, Walworth, Warfield, Whitfield and Wrede.—Nays 56.

Mr. Francis moved to adjourn till 3 o'clock P. M. Lost.

On motion of Mr. Duncan, the House adjourned until 10 o'clock to-morrow, pending the resolution.

HOUSE OF REPRESENTATIVES,)
SATURDAY, NOV. 12, 1859.)

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Branch presented the petition of C. P. Kennymore. Referred to the committee on Private Land Claims.

Mr. Barnard presented three several petitions of the citizens of Karnes, Atascosa and Bexar counties for a new county. Referred to the committee on Counties and County Boundaries.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to amend an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved Nov. 28, 1857. Report accepted.

On motion of Mr. Norton, the rule was suspended, and the bill taken up

Mr. Davis of Bastrop, offered an additional section to the bill.

On motion of Mr. Francis, laid on the table.

Mr. Henderson moved to commit the bill to the committee on Public Lands.

Mr. Epperson moved the previous question which was seconded.

The Speaker ruled the previous question to be the passage of the bill. The question being shall the main question now be put; the same was submitted to the House, and the main question ordered, and bill passed by the following vote:

YEAS—Messrs. Speaker, Armstrong, Barclay, Barnard, Baxter, Branch, Benevides, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Culberson, Cumby, Dale, Darnell, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Francis, Franklin, Foscutt, Hall, Harrison of Cherokee, Harrison of Van Zandt, Haynes, Henderson, Houghton, Hubbard, Kinney, Lewis of Montgomery, Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McClarty, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Smith, Sprights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Whitfield, Whitmore, Wortham and Wrede—80.

NAYS—Messrs. Anderson, Billingsley and Clark—3.

On motion of Mr. Dennis, Messrs. Clark and Hubert were added to the committee on Internal Improvements.

On motion of Mr. Crooks Mr. Pirkey, member elect from Bowie county, came forward, presented his credentials, took the oath of office and his seat.

Mr. Harrison of Van Zandt, presented the petition of Geo. W. Goodwin. Referred to committee on Private Land Claims.

On motion of Mr. Epperson, Mr. Mabry was added to the Judiciary committee.

On motion of Mr. McKnight, Mr. Parker was added to the committee on Private Land Claims.

On motion of Mr. Lewter, Mr. Whitmore was added to the Judiciary committee.

On motion of Mr. Munson, Mr. Haynes was added to the committee on Apportionment.

Mr. Mabry moved to add Messrs. Haynes, Norton, Henderson and Dickson to the committee on Messrs. Marshall & Oldhan's memorial.

Messrs. Haynes, Henderson and Dickson asked to be excused from serving on said committee. Granted; and Mr. Norton added to said committee.

On motion of Mr. Wortham, Mr. Martin was added to said committee.

On motion of Mr. Maxey, Mr. Culberson was added to the committee on Enrolled Bills.

On motion of Mr. Hubbard, Mr. Munson was added to committee on Internal Improvements.

On motion of Mr. Dougherty, Mr. Walworth was added to the committee on Stock and Stock Raising.

Mr. Taylor moved to add Mr. Ellett on the committee on Apportionment. Lost.

A message was received from the Senate, announcing to the House that the Senate had passed a bill making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers of the 8th Legislature.

Mr. Henderson presented the petition of the heirs of Anson Jones. Referred to committee on Public Debt.

Mr. Manly presented the petition of Ellen Davis. Referred to committee on Private Land Claims.

Mr. Epperson presented the petition of the heirs of Charles Parks. Referred to committee on Private Land Claims.

Mr. Lynch, Chairman of the committee on Contingent Expenses, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

A majority of the committee on Contingent Expenses, to whom was referred the resolutions with reference to this House's subscribing for a certain number of the daily, tri-weekly and weekly newspapers published in this city, have instructed me to report as follows : That while they appreciate the laudable zeal manifested by this body in curtailing the expenses of the Legislature, they still deem it indispensable to the rights of the citizens, that they should be kept informed as well of the character of the laws passed by this body as of the position which we, their immediate representatives, occupy on this floor in the passage of said laws ; and they recommend that this House subscribe for 50 copies of the weekly papers published in Austin, as follows : 25 of the Weekly Gazette and 25 of the Weekly Intelligencer for each member of this House, and to be paid for at 5 cents per copy and *no more*.

In adopting this course, the committee would state that the weekly paper, they consider, will contain all the week's proceedings of the Legislature, thereby obviating the necessity of subscribing for the daily and tri-weekly papers of this city, and saving to this House an immense item of expense in postage alone, and placing at a moderate expense within reach of our poorest citizens, information necessary for them, and at an expense of about one-third over previous Legislatures, all of which is respectfully submitted. Report received to come up in its regular order.

Mr. Henderson offered the following resolution :

Resolved, That the committee on Military Affairs be instructed to enquire into the propriety of thoroughly organizing the

militia of the State, and that they report by bill or otherwise.
Adopted.

Mr. Shannon introduced a bill to create and organize the 20th Judicial District. Read first time, and referred to Judiciary committee.

Mr. Lewis of Montgomery, offered a joint resolution for the amendment of the State constitution. Laid on the table for the present.

Mr. Lewis of Mon'gomery, offered the following resolution :

Resolved, That a Standing committee on Free Schools be raised.

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

Mr. Lewter introduced a bill for the relief of Alexander Ferguson. Read first time, and referred to committee on Private Land Claims.

Mr. Caup introduced a bill to grant to settlers on vacant public domain, pre-emption privileges. Read first time, and referred to committee on Public Lands.

Mr. Munson offered the following resolution :

Resolved, That the committee on Agriculture be required to enquire into the necessity of passing a bill to define and regulate more fully the duties and charges of commission merchants, and that they prepare a bill to this effect and report the same.
Adopted.

On motion of Mr. Dennis, the Senate's bill, making an appropriation for the mileage and per diem pay of the members and officers of the 8th Legislature, was taken up and read first time.

Mr. Dickson moved to suspend the rule and read bill second time. Lost.

On motion of Mr. Franklin, the bill was referred to committee on Finance.

Mr. Epperson introduced a bill approving the act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas Navigation Company, with the modifications made to the same by the Legislature of the State of Arkansas. Read first time, and referred to committee on State Affairs.

Mr. Davis of Hays, introduced a bill to amend the caption of an act entitled an act to create the county of Blanco, and to adjust the boundaries of counties affected thereby. Read first time, and referred to committee on Counties and County Boundaries.

Mr. Shannon introduced a bill to authorize the sale and

settlement of the Public Domain of the State of Texas. Read first time, and referred to committee on Public Lands.

Mr. Benevides introduced a bill to authorize the corporation of Laredo; to dispose of certain lands to aid in erecting a common school house in said town. Read first time, and referred to committee on Public Lands.

Mr. Mabry introduced a bill for the relief of Michael K. Hammond. Read first time, and referred to committee on Private Land Claims.

Mr. Duncan introduced a bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of Indianola, State of Texas. Read first time, and referred to Judiciary committee.

Mr. Taylor introduced a bill for the relief of the purchasers of University Lands. Read first time, and referred to committee on Education.

Mr. Hubbard introduced a bill to incorporate the Honston, Trinity and Eastern Texas Railroad Company. Read first time, and referred to Judiciary committee.

Mr. Nelson introduced a bill to legalize the marriage of W. H. and Margaret Slain. Read first time, and referred to Judiciary committee.

[Mr. Henderson in the chair.]

Mr. Clark offered the following resolution:

Resolved, That the office of Assistant Sergeant-at-Arms is hereby created, and that the House go into the election of an officer to fill the same, whose special duty shall be to stamp all papers and documents to be sent from this House, and to deliver the same together with other mail matters of the House to the Postmaster of the city of Austin, and bring from said Post Office all mail matter for members of this House.

Mr. Norton moved to lay the resolution on the table. Lost.

Mr. Wælder offered the following substitute:

Resolved, That the Speaker be authorized to employ two boys at an expense not exceeding \$2 per day for each, to act as pages during the session of the House; when the House is not in session they shall be employed in packing and stamping papers and documents, and generally assist the Messenger in the performance of his duties. Adopted.

Mr. Navarro proposed to amend by striking out "boys" and inserting "persons." Adopted.

Mr. Harrison of Van Zandt, proposed to amend by striking out "Messenger" wherever it occurs and inserting "Assistant Doorkeeper."

On motion of Mr. Mills, the amendment was laid on the table. Mr. Davis of Hays, proposed to amend by hiring three boys at \$1 50 per day. Lost.

Mr. Baxter proposed to amend by empowering the Speaker to appoint a person to attend to the mail and document matter of the House. Lost.

On motion of Mr. Francis, the main question was ordered, which being the adoption or rejection of the substitute, the same was put, and the substitute as amended was adopted.

[Speaker resumed the chair.]

On motion of Mr. Wilson, the Senate's resolution, that the Senate's committee on Indian Affairs act jointly with a like committee on the part of the House, was taken from the Speaker's stand and adopted.

By request, Mr. Buckley was permitted to withdraw his resolution, tendering the use of this hall to Elder J. R. Graves.

Mr. Mills introduced a bill to amend article 360 of Oldham & White's Digest. Read first time, and referred to Judiciary committee.

Mr. Dickson offered the following resolution :

Resolved, That the committee on the Judiciary be requested to examine into the propriety of so amending the constitution as to add two Associate Justices to the Supreme Court bench, and that they report by bill or otherwise. Adopted.

Mr. Wrede offered the following resolution :

Resolved, That the Committee on Printing be instructed to contract for the translating and printing in the German language of 500 copies of the Governor's Message for the use of the House.

Mr. Martin proposed to amend by striking out "Governor's Message" and inserting "so much of the Governor's Message as relates to State policy."

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

Mr. Hall proposed to amend by adding "and the same number of copies in the Spanish language."

Mr. Franklin moved that the resolution and amendments be laid on the table. Lost by the following vote :

YEAS—Messrs. Armstrong, Barnard, Crawford, Clark, Epper-son, Francis, Franklin, Hartley, Henry, Houghton, Lewter, McCutcheon, Whitmore and Wortham—14.

NAYS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Branch, Bryan, Buckley, Caddell, Camp, Crooks, Culber-son, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Flewellen, Foscue,

Hall, Harrison of Cherokee, Harrison of Van Zandt, Haynes, Henderson, Hubbard, Kinney, Lewis of Montgomery, Lewis of Robertson, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McClarty, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Stewart, Taylor, Wælder, Walworth, Warfield and Wrede.—64.

Mr. Baxter proposed to amend by inserting 100 copies instead of 500.

On motion, the House adjourned till 10 o'clock, A. M., Monday, pending the resolution.

HOUSE OF REPRESENTATIVES, }
MONDAY, NOV. 14, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Mr. Walworth, by permission, introduced a joint resolution authorizing the Governor to raise 1,000 men for the suppression of the insurrection on the Rio Grande. Read first time.

On motion of Mr. Haynes, the rule was suspended and the resolution read second time, and referred to the committee on Military Affairs with instructions to report at 3 o'clock to-day.

A message was received from the Senate, announcing to the House that the Senate had concurred in the House resolution to appoint a joint committee to act on our revenue laws, and had appointed Messrs. Stockdale, Gentry and Wallace on said committee.

Mr. Henderson presented the petition of Peter Norton. Referred to committee on Private Land Claims.

On motion of Mr. Mills, Messrs. Hartley, Pirkey and Dennis were added to the Judiciary committee.

On motion of Mr. Caddell, Mr. Maxey was added to the committee on the Penitentiary.

On motion of Mr. Shannon, Mr. Norton was added to the committee on Public Lands.

On motion of Mr. Edwards, Mr. Ross was added to the committee on Internal Improvements.

Mr. Harrison of Cherokee, moved that Mr. Francis be added to the committee on Internal Improvements. Lost.

Mr. Martin presented the petition of the heirs of James Cook, deceased. Referred to the committee on Private Land Claims.

Mr. Edwards presented the petition of L. E. Griffiths. Referred to committee on Private Land Claims.

Mr. Crawford presented the petition for the relief of the heirs of J. W. Bass, deceased. Referred to the committee on Private Land Claims.

Mr. Townes presented the petition for relief of John Birth. Referred to committee on Public Debt.

Mr. Townes presented the petition of D. K. Ross. Referred to the committee on Public Debt.

Mr. Hall, chairman of committee on Privileges and Elections, submitted the following report :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Privileges and Elections, to which was referred the documents in relation to the contest for the seat in the House of Representatives of Allison Nelson vs. A. J. Evans, have the honor to report that we find from all the evidences which have been submitted, that the said Allison Nelson is duly and constitutionally elected a Representative to the State Legislature from the 45th Representative District, having received 1,217 votes and A. J. Evans 1,066 votes, all of which is respectfully submitted. Report received.

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

Mr. Billingsley, chairman of the committee on Claims and Accounts, reported, recommending the indefinite postponement of a bill for the relief of Charles A. Russel ; the act of March 20, 1848, providing that the counties in which such services are rendered shall pay such accounts.

Mr. Harrison of Van Zandt, one of the committee on Public Lands, reported as follows :

The committee on Public Lands, to whom was referred a bill to be entitled an act supplementary to and amendatory of an act entitled an act to provide for the relief of pre-emption settlers and their assignees, under the acts of the 22th January, 1840, the 7th February, 1853, and the act of February 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation, approved February 10, 1858, have had the same under consideration and find, that a bill having the same objects in view, passed the House on the 12th inst. Your committee, therefore, have instructed me to report the same back to the House and ask to be relieved from any further consideration of the same.

Mr. Shannon, chairman of the committee on Private Land

Claims, to whom was referred a bill for the relief of Joseph Thompson, reported, and recommended its passage.

The Speaker announced that he had, in compliance with a resolution adopted by the House, appointed Mr. Mangum of Grimes, and Mr. Adrian of Smith, pages to the House, who came forward and took the necessary oath.

Mr. Henderson introduced a bill to incorporate the Israelite congregation of the city of Houston.

Mr. Smith introduced a bill to amend the 1st section of an act entitled an act to encourage the building of steamboats and other vessels in the State of Texas.

Mr. Dennis offered the following resolution :

Resolved, That the committee on Printing be and are hereby authorized to have printed for the use of the members of the House, 500 copies of the report of John Henry Brown, in reference to the sale of the University Lands ; 500 copies of the report of the Peace Commissioners sent to the Reserve, and 500 copies of the report of the Board of Commissioners to examine what certificates had been improperly issued in Peter's colony, and now on file in the Land Office.

Mr. Nelson proposed to amend by inserting, "and the testimony taken by said Peace Commissioners now in the State Department." Accepted.

On motion of Mr. Townes, the resolution was referred to the committee on Printing.

Mr. Mabry offered the following resolution :

Resolved, That the Governor be and is hereby requested to furnish this House with all the information in his possession, relative to the survey of the Boundary line between Texas and the United States, as to the commissioners appointed for that purpose, the progress of the survey and the cost of the same. Adopted.

Mr. Hubbard introduced a bill to relieve Martin V. Clary and Jasper Clary from the disability of minority for certain purposes. Read first time, and referred to Judiciary committee.

Mr. Perry introduced a bill to be supplemental to the several acts now in force in this State on the subject of Estrays. Read first time, and referred to the committee on Stocks and Stock Raising.

Mr. Barnard introduced a bill to ratify and confirm a decree or judgment of the District Court of Bexar county. Read first time, and referred to Committee on the Court of Claims.

Mr. Mills introduced a bill to prevent keeping, playing and betting on ten-pia alleys. Read first time, and referred to Judiciary committee.

Mr. Short asked and obtained leave for the committee on Military Affairs, to be allowed to sit during the session of the House.

Mr. Buckley introduced a bill to be supplementary to an act supplementary and amendatory of an act to regulate Railroads, approved February 7, 1853, approved December 19, 1857. Read first time, and referred to Judiciary committee.

Mr. Shannon introduced a bill for the relief of the heirs of A. D. Duncan, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Redwine introduced the following resolution :

Resolved, That the Judiciary committee be instructed to inquire into the expediency of passing a law to exempt the State from any liability in case the Public Domain of the State should be insufficient to completely furnish to each Railroad the amount of land contemplated in the general law, granting 16 sections of land to each Railroad that may be built under the provisions of said act, and to report by bill or otherwise. Adopted.

Mr. Manley offered the following resolution :

Resolved, That his Excellency the Governor be requested to transmit at his earliest convenience, for the information of this House, all evidences in his possession with regard to the reported rebellion on the Rio Grande. Laid over one day for consideration.

Mr. Lewter offered the following resolution :

Resolved, That the Judiciary committee be requested to inquire into the expediency of each and every county having a District Attorney, whose duties it shall be to attend to all cases in which the State may be a party, and report by bill or otherwise. Adopted.

Mr. Armstrong introduced a bill to amend an act entitled an act to authorize the cancellation of patents in certain cases, passed February 3, 1854. Read first time, and referred to Judiciary committee.

Mr. Mills introduced a bill to legalize locations and surveys made in the Pacific Railroad Reservation during the existence of the same. Read first time, and referred to Judiciary committee.

On motion of Mr. Lewis of Montgomery, the joint resolution, to amend the 10th section of the constitution, was taken from the Speaker's table. Read second time, and referred to the committee on Education.

Mr. Shannon introduced a bill for the relief of Charles Lockhart and John Welsh. Read first time, and referred to Committee on Private Land Claims.

Mr. Dale introduced a bill to remove the disability and legalize the acts of Benj'n A. Campbell, a minor. Read first time, and referred to Judiciary committee.

Mr. Ross introduced a bill to prevent vice, immorality or unnecessary labor on Sunday. Read first time, and referred to Judiciary committee.

Mr. Davis of Hays, offered the following resolution :

Resolved, (the Senate concurring) That a joint select committee, consisting of five on the part of the House and five on the part of the Senate, be appointed for the purpose of inquiring into the expediency of calling a convention to frame a new constitution, and report by bill or otherwise. Adopted.

Mr. Ellett introduced a bill to authorize the Commissionier of the General Land Office to issue a patent upon unconditional certificate No. 91, class 4, for 320 acres of land issued by the board of land commissioners of Fannin county, November 3, 1845. Read first time, and referred to committee on Private Land Claims.

Mr. Ellett introduced a bill to create the — Judicial District of the State of Texas.

Mr. Redwine introduced a bill for the regulation of patrols, and prescribing their duties. Read first time, and referred to committee on Slaves and Slavery.

On motion of Mr. Manly, the rule was suspended and his resolution, requesting the Governor to transmit all evidences in his possession relative to the Rio Grande rebellion, was taken up and adopted.

Mr. McCutcheon introduced a bill authorizing and requiring the advertisement of Sheriff's and Administrator's sales, and regulating the prices of the same. Read first time, and referred to committee on Printing.

Mr. Franklin introduced a bill to incorporate the Texas Telegraph company. Read first time, and referred to the committee on Internal Improvements.

Mr. Munson offered the following resolution :

Resolved, That the committee on State Affairs be ordered to bring in a bill authorizing the Governor of the State to appoint, with the advice and consent of the Senate, a board of three commissioners to investigate the causes of the rebellion or invasion of the State now existing near Brownsville, whether or not the same has been investigated by the authorities of Mexico or of any complicity of said authorities with the rebels, and to ascertain any and all causes calculated to incite this extraordinary state of affairs, which board shall accompany any troops that

may be sent to suppress the rebellion, and that the board be clothed with all necessary power to send for persons and papers, enforce the attendance of witnesses, &c. Adopted.

Mr. Duncan introduced a bill to empower the county court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of hogs in said county. Read first time, and referred to committee on State Affairs.

Mr. Ross offered the following resolution :

Resolved, That a special committee, consisting of one member from each Judicial District, be appointed to whom all matters pertaining to the creation of a new, and changes in Judicial Districts, and times of holding courts, shall be referred.

Mr. Davis of Hays, introduced a bill to amend article 255 of Oldham & White's Digest. Read first time, and referred to committee on Privileges and Elections.

The hour having arrived, the special order of the day, viz : The resolution to go into the election of Senator, was taken up.

Mr. Foscue proposed to amend by striking out "Tuesday 15th" and inserting "Wednesday the 16th."

On motion of Mr. Epperson, a division of the question was ordered. The motion to strike out Tuesday the 15th, was put and carried. The motion to insert Wednesday the 16th, was put and carried.

On motion of Mr. Wælder, a further consideration of the resolution was postponed until 10½ o'clock to-morrow.

ORDERS OF THE DAY.

A bill for the distribution of the penal code of the State, and the acts and journals of the Legislature, to the several counties in the State. Read second time, and referred to committee on State Affairs.

A joint resolution, authorizing the Chief Clerk of the House of Representatives and Secretary of the Senate, to contract for printing. Read, and referred to Printing committee.

A resolution to amend the rules of the House, on motion of Mr. Barnard, laid on the table.

A resolution, requiring the Commissioner of the Land Office to have made out a map showing the vacant public domain, &c. Read, and referred to committee on Land Office.

A resolution, requiring the Comptroller to make out a statement of the condition of his office. Read, and referred to committee on State Affairs.

A bill to abrogate the charter of the Galveston, Houston and Henderson Railroad company. Read second time, and referred to committee on Internal Improvements.

A bill to legalize the marriage of C. B. and M. E. Wood. Read second time, and referred to Judiciary committee.

A bill, requiring the clerks of the District Courts of certain counties, to apportion their dockets. Read second time, and referred to Judiciary committee.

A bill to amend the 8th and 9th sections of an act to authorize the sale of the Public Domain. Read second time, and referred to committee on Public Lands.

A bill to be supplemental to an act entitled an act to amend the 1st section of an act entitled an act to organize the Supreme Court of the State, approved May 12, 1846, approved November 30, 1850, approved August 28, 1856. Read second time, and referred to Judiciary committee.

A bill to regulate and determine the pay of grand and petit jurors in the county of Harrison. Read second time, and referred to Judiciary committee.

A bill, granting 320 acres of land each to George Eberly Henry, Mary Eliza Henry, and Julia Pierce Henry. Read second time, and referred to committee on Public Lands.

A bill, regulating the sale of spirituous liquors. Read second time, and referred to committee on State Affairs.

A message was received from the Senate, announcing to the House that the Senate had concurred in the resolution of the House to appoint a joint committee to revise the revenue laws, and had appointed Messrs. Stockdale, Duggan and Gentry, said committee.

[Mr. Hubbard in the chair.]

A bill to amend the 1st, 2d, 3d and 5th sections of an act creating the office of weigher of cotton for certain ports in this State, passed September 1, 1856, together with report from committee on Agriculture, recommending that the bill lie upon the table. Report adopted, and bill laid on the table.

On motion of Mr. Branch, Mr. Lewis of Montgomery was added to committee on Education.

On motion, the House adjourned till 3 o'clock, P. M., pending the cotton weighing bill.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The Speaker announced the committee on Judicial Districts, consisting of Messrs. McClarty, Chairman; Shannon, Wortham, Short, Maxey, Branch, Redgate, Dougherty, Hall, Camp, Davis of Hays, Mundine, Wrede, Nelson, Francis, Stewart, Mills and Barnard.

Mr. Davis of Hays, offered a substitute for the bill pending when the House adjourned.

On motion of Mr. Billingsley, the bill and substitute were referred to the committee on Agriculture.

The following communication was received from the Governor:
[Not handed in by the Clerk.]

On motion of Mr. Henderson, the message with accompanying documents, was referred to the committee on Military Affairs.

On motion of Mr. ———, the report of the committee on Contingent Expenses, relative to the subscription for the newspapers of this city for the use of the members of this House, was taken up and read.

Mr. Crooks proposed to amend by striking out "25" and inserting "10"; on motion of Mr. Duncan, laid on the table.

Mr. McKnight proposed to amend by striking out "50 copies" and all that follows and inserting "one copy of the daily Gazette and one copy of the tri-weekly Intelligencer for each member of the House at the regular subscription price, and no more." Rejected

Mr. Buckley proposed to amend by striking out "25 copies each" and insert "10 copies each of the daily Gazette and tri-weekly Intelligencer" at the published rates of subscription, and no more.

Mr. McKnight moved to strike out "10" and insert "2." Lost, and the amendment laid on the table.

Mr. Taylor proposed to amend by adding, "provided one of said papers shall contain a synopsis of the journals of this House, and the other a synopsis of the debates thereof; provided that said papers shall be delivered at the same price as that charged to regular subscribers." Laid on the table.

Mr. Mabry moved that the report and amendment be laid on the table. Lost by the following vote:

YEAS—Messrs. Barnard, Bogart, Buckley, Camp, Crooks, Clark, Cumby, Daniels, Dickson, Edwards, Epperson, Fiewellen, Francis, Franklin, Foscue, Hall, Hartley, Henderson, Henry, Houghton, Hubbard, Hubert, Mabry, Manly, Maverick, McCutcheon, McKnight, Middleton, Munson, Navarro, Nelson, Norton, Owens, Perry, Redgate, Redwine, Speights, Stewart, Townes, Whitfield and Whitmore—41.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Billingsley, Bryan, Caddell, Craig, Crawford, Culberson, Dale, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Harrison of Cherokee, Harrison of Van Zandt, Lewis of Robertson, Lewter, Lynch, Martin,

Maxey, McClarty, Mills, Mundine, Parker, Robinson, Ross, Shannon, Shelton, Short, Smith, Taylor, Wælder, Walworth, Warfield, Wortham and Wrede—43.

On motion of Mr. Taylor, his amendment to the report was taken from the table and adopted.

Mr. McKnight proposed to amend by striking out "25" and inserting "5."

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

YEAS—Messrs. Anderson, Armstrong, Barclay, Baxter, Billingsley, Bogart, Bryan, Craig, Crawford, Clark, Cumby, Dale, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Hall, Harrison of Van Zandt, Hubert, Lewis of Robertson, Lynch, Manly, Martin, Maxey, McClarty, Mills, Mundine, Parker, Robinson, Ross, Shannon, Shelton, Short, Smith, Taylor, Walworth and Wrede—39.

NAYS—Messrs. Barnard, Benevides, Buckley, Caddell, Camp, Crooks, Culberson, Darnell, Daniels, Dickson, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Harrison of Cherokee, Hartley, Haynes, Henderson, Henry, Hubbard, Lewter, Mabry, Maverick, McCutcheon, McKnight, Middleton, Munson, Navarro, Nelson, Norton, Owens, Perry, Redgate, Redwine, Speights, Stewart, Townes, Wælder, Warfield, Whitfield, Whitmore and Wortham—44.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow, pending the report of committee on Contingent Expenses.

HOUSE OF REPRESENTATIVES, }
AUSTIN, Tuesday, November 15th, 1859. }

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

The Speaker announced the following gentlemen on a committee to change the Constitution: Messrs. Davis of Hays, chairman; Dale, Robertson, Pirkey and Dickson.

Mr. McKnight presented the memorial of the Brazos Synod, praying for a Sabbath Law. Referred to Judiciary committee.

Mr. Nelson presented two several petitions of the citizens of Comanche and Palo Pinto counties. Referred to the committee on Indian Affairs.

Mr. Billingsley presented the petition of the heirs of Thomas G. Dunn. Referred to committee on Private Land Claims.

Mr. Warfield presented the petition of Richard N. Williams. Referred to the committee on Private Land Claims.

Mr. Robinson presented the petition of Sarah Miles. Referred to the committee on Private Land Claims.

Mr. Martin presented the petition of Sophia Odom. Referred to the committee on Private Land Claims.

On motion of Mr. Lewis of Montgomery, Messrs. Dickson and Munson were added to the committee on Agriculture.

Mr. Culberson offered the following resolution :

Resolved, That the committee of the House, on Public Printing, enquire into the expediency of publishing for the use of this House, the special report of the State Engineer upon the Southern Pacific Railroad made by order of the Governor of the State, and report by bill or otherwise. Adopted.

Mr. Armstrong offered the following resolution :

Resolved, That if the Senate concur, there be a joint committee of seven, four from the House and three from the Senate, appointed to fully investigate the present Probate Law, and take such course in altering, amending, revising or abridging the same as they may think best calculated to promote the interest of such persons as it was originally intended to benefit, and to report the same back to this House as soon as practicable.— Adopted.

Mr. Bogart offered the following resolution :

Resolved, That the committee on Education are hereby instructed to enquire into the propriety of changing the present school law so as to district the counties and allow each district to appoint its own committee to examine the qualifications of teachers, and that they report by bill or otherwise. Adopted.

Mr. Barnard offered the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the causes of the delay in furnishing this House with those reports provided for in the 3rd section of an act passed by the 7th Legislature, in regard to changing the termination of the Fiscal year. Adopted.

Mr. Anderson offered the following resolution :

Resolved, That the committee on Judicial Districts be instructed to draft and report a bill creating a new Judicial District, to be called the ——— District, to be composed of the counties of Karnes, Gonzales, Guadalupe and Caldwell.— Adopted!

Mr. Munson offered the following resolution :

Resolved, That the Judiciary committee be required (if after investigation they may deem it expedient,) to report a bill for

the purpose of encouraging the establishment of manufactories in this State. Adopted.

Mr. Shelton offered the following resolution :

Resolved, That the committee on the Judiciary be requested to examine into the propriety of passing an act to suppress the carrying of concealed weapons, and that they report by bill or otherwise. Adopted.

Mr. Manly introduced a bill to incorporate Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2. of the city of Houston. Read first time and referred to Judiciary committee.

Mr. Francis introduced a bill for the relief of settlers upon eleven league claims. Read first time and referred to committee on Public Lands.

Mr. Shannon introduced a bill for the relief of Lycurgus S. Roberts and James Lehed. Read first time and referred to committee on Private Land Claims.

Mr. Mills introduced a bill to create the Judicial District. Read first time and referred to committee on Judicial Districts.

Mr. Crawford introduced a bill to incorporate the town of Jasper. Read first time and referred to committee on State Affairs.

Mr. Branch introduced a bill to fix the times of holding the District Courts of the 7th Judicial District. Read first time and referred to committee on Judicial Districts.

Mr. Lewis of Robertson, introduced a bill for the relief of the heirs of John H. Connal, Jr., dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Martin introduced a bill for the relief of the heirs of Matt Finch, dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Baxter introduced a bill for the relief of the heirs of A. Spain Summerlin. Read first time and referred to committee on Private Land Claims.

Mr. Navarro introduced a bill to remove the disabilities of minority from Thomas A. Rodriguez. Read first time and referred to committee on Judiciary.

The hour having arrived, the special order of the day, viz: the resolution to go into the election of a Senator, was taken up.

Mr. Dennis moved to fill up the blank by 3 o'clock P. M.

Mr. Henderson proposed to amend the amendment by striking out "3 o'clock" and inserting "Monday the 21st inst." Mr. Lynch moved to lay on table. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Houghton, Hubbard, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield and Wortham.—Yeas 43.

NAYS—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Kinney, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield, Whitmore and Wrede.—Nays 44.

The question being the adoption or rejection of Mr. Henderson's amendment, the same was put and the House refused to adopt the amendment by the following vote :

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Houghton, Kinney, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield and Whitmore. Yeas 44.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Hubert, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede. Nays 44.

Mr. Henderson proposed a 2nd amendment by filling the blank with "Tuesday 22nd." Laid on table.

Mr. McKnight proposed to insert "next Saturday 11 o'clock." The House refused to adopt the amendment by the following vote :

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Houghton, Kinney, Lewis of Montgomery, Lewis of Robertson,

Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield and Whitmore.—Yeas 43.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Hubert, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—Nays 43.

On motion of Mr. Taylor a call of the House was ordered. Absentees, Mr. Franklin. Mr. Franklin being announced by the Door-keeper, and there then being no absentees the call was suspended.

Mr. McKnight proposed a 2nd amendment by filling the blank with "Friday next 11 o'clock." Adopted by the following vote :

YEAS—Messrs. Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Houghton, Kinney, Lewis of Montgomery, Lewis of Robertson, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield and Whitmore.—Yeas 43.

NAYS—Messrs. Speaker, Anderson, Barclay, Billingsley, Bryan, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Hubert, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Pirkey, Parker, Perry, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—Nays 42.

And resolution as amended adopted.

Mr. Francis asked leave to record his vote on Mr. McKnight's amendment to insert "Friday 11 o'clock" in the resolution to go into the election of Senator.

The Speaker decided that as it would change the result he could not be allowed to vote.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported a bill for the relief of Geo. W. Goodman and recommended its passage. Report received to come up in its regular order.

Mr. Buckley, chairman of committee on Judiciary, reported,

asking that a bill "to create and organize the 20th Judicial District" be referred to committee on Judicial Districts. Report adopted.

On motion of Mr. Buckley, Mr. Lewis of Montgomery was added to committee on State Affairs.

On motion of Mr. Billingsley, Mr. Henderson was added to the committee on Claims and Accounts.

Mr. Townes offered the following resolution :

Resolved, That the committee on Finance be directed to ascertain whether an appropriation has been made to pay the Attorney General and other officers fees in certain cases, as provided for in Part 5, Title 2, article 952, of Penal Code. See amendments page 23. Adopted.

Mr. Middleton introduced a bill for the relief of J. J. McBride, assec. of John Jordan. Read first time and referred to committee on Private Land Claims.

Mr. Culberson introduced a bill to relieve the disability of minority from Thomas Lore. Read first time and referred to committee on State Affairs.

(Mr. Dickson in the Chair.)

Mr. Navarro offered the following resolution :

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of repealing or amending Arts. 409 and 411 of the Penal Code, and that they report by bill or otherwise. Adopted.

Mr. Darnell introduced a bill concerning sales made by virtue of executions. Read first time and referred to Judiciary committee.

Mr. Taylor of Cass, introduced a bill to repeal an act authorizing the sale of the public domain. Read first time and referred to committee on Public Lands.

Mr. Short, chairman on Military Affairs, made the following majority report :

The committee on Military Affairs have had under consideration the joint resolution authorizing the Governor to order into service 1000 men to suppress rebellion and resist invasion of the State, have performed that duty and report that there is a division of sentiment among the members of the committee. The majority of that committee have the honor to make this report. That in the short space of time allowed them they have diligently discharged the duty imposed upon them, and have examined all the evidences that have a tendency to throw any light on the state of affairs on the Rio Grande. We find that immediate action is necessary on the part of the Legisla-

ture to protect those citizens of our State who are now exposed to the depredations of the public enemy on the Rio Grande.

The committee have instructed me to say that the subject is one of such moment as to demand not only the serious consideration of the Legislature, but demands a prompt and speedy action to render adequate protection to the lives and property of our citizens. That whilst we feel it our duty to guard with vigilance the interests of the State at large, and to prevent any unnecessary expenditure of the public money, we at the same time feel it our imperative duty to protect the rights, lives and property of the citizens of our State, be the cost what it may. The majority of the committee have instructed me to report the joint resolution back to the House together with the amendment herewith presented and ask the adoption of the original resolution as amended by the committee.

AMENDMENT.

Amend by striking out "one thousand" in the original resolution and inserting "500," or as many of that number as the necessity of the case may require in addition to what the Governor now has in the field under the command of Capt. Tobin, and strike out "12 months" insert in lieu thereof "so long as is necessary to suppress the difficulties now existing on the Rio Grande."

Mr. Dougherty, one of the committee, made the following minority report :

The undersigned, a minority of the committee on Military Affairs, dissenting from the report of a majority of said committee, would respectfully report to this House that the facts proven before said committee and the documents laid before them by the Governor and from other sources, have forced them to the conclusion that Juan Nepomuceno Cortenas has, since the latter part of August last, resisted and evaded arrest by the civil authorities of Cameron county—that the local authorities of said county, using all the power conferred upon them by law as well ordinarily as well as extraordinarily, on the 24th day of October last, attempted his arrest with a force of about 150 men, well armed and accompanied by two pieces of artillery, which force was defeated with the loss of several men wounded and the two pieces of artillery—that several citizens were butchered and their bodies mutilated by him and his band when he made his foray on Brownsville on the 28th of September last. That these citizens with others whom he desired at that time to kill, made themselves obnoxious to him and others of his band by reason of their having testified against him or them and

showing a willingness on several occasions to aid the civil authorities in making his arrest—that the city of Brownsville which is the entrepot for all the trade carried on from the United States to northern Mexico amounting to millions per annum, has been beleaguered and surrounded by Cortenas and his band for seven weeks, and is (if not ere this time destroyed) in imminent danger of being taken and sacked, and the Americans therein in peril of their lives from hour to hour, that the only protection afforded said city of Brownsville which has as yet been available, has been from the civil and military authorities of Tamaulipas, who has furnished men to protect said city as well as shelter and protection to the wives and children of the American population of Brownsville—That said Cortenas from the latest reports, and from testimony taken before said committee, is believed to have 800 men under his command well armed and mostly mounted, and in undisputed possession of the valley of the Lower Rio Grande, and it is also testified to before the committee that he has funds wherewith he regularly pays his men—That several settlements, ranches, and stock farms in Cameron county have been plundered and destroyed, and the owners and residents forced to flee, in some instances, with their families to the Nueces river for safety and protection. That Cortenas has taken prisoner F. M. Campbell, one of the Deputy sheriffs of Cameron county, and has either put him to death or holds him as a hostage for the safety of one of his desperadoes heretofore apprehended and confined in Brownsville for the purpose of trial.

In view of all these circumstances the undersigned is constrained to differ from the majority, and recommend the adoption of the original resolution without amendment. Report read.

On motion of Mr. Dougherty the rule was suspended and the majority and minority reports taken up.

(Speaker resumed the Chair.)

Mr. Davis of Hays, moved to adjourn till 3 o'clock. Lost.

Mr. Nelson offered the following as a substitute for the resolution :

JOINT RESOLUTION.

Resolved, That the Governor be authorized and requested to call out such a number of volunteers to quell the insurrection or invasion of Cortenas and followers on the Rio Grande, as may be necessary. And that said volunteers elect their commissioned officers and be retained in service till the object for which they are called out shall be accomplished. And that said volunteers

receive like pay as the same troops in the U. S. service.

Mr. Martin moved that the substitute be laid on the table. Lost.

Mr. Barnard proposed to amend by inserting, "and, that those citizens who have already left their homes with this object, shall be adopted into the public service from the time they left their homes."

Mr. Dougherty proposed to amend the amendment by inserting "or so many of them as may choose to volunteer." The amendment to the amendment was accepted and the amendment adopted.

Mr. Mabry proposed to amend the substitute by striking out the words "and requested." Adopted.

Mr. McKnight proposed to amend by adding "and that the Governor send a special agent to Cameron county whose duty it shall be to receive into the service of the State such companies as he may find already actively engaged." Lost, and the resolution as amended ordered to be engrossed.

On motion of Mr. Dougherty the rule was further suspended, and the joint resolution taken up, read third time and passed.

On motion, the House adjourned till 10 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
WEDNESDAY, NOV. 16, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Waterhouse, member elect from San Augustine county, came forward, presented his credentials, took the necessary oath and his seat.

The Speaker announced the committee on Probate Laws, consisting of Messrs. Armstrong, Chairman ; Culberson, Speights and Anderson.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a joint resolution, authorizing the Governor to call out volunteers, &c.

Mr. Navarro presented the petition of Richard Meade and Dennis Meade. Referred to committee on Private Land Claims.

Mr. Crawford presented the petition of A. F. Smith. Referred to committee on Claims and Accounts.

Mr. Duncan presented two several petitions respectively, of Thomas Ayres, and the heirs of John F. Reynolds, deceased. Referred to committee on Private Land Claims.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of a bill to incorporate Houston Hook and Ladder company No. 1, and Liberty Fire company No. 2, of the city of Houston, with the amendments made by the committee.

AMENDMENTS.

In line 17, of section 1st, strike out "fifty" and insert "forty"; in line 19, of section 1st, strike out "sixty" and insert "fifty," and in line 4, section 2d, after the word "juries" insert, "except in capital cases." Report received.

Also reported a bill for the relief of J. L. Leonard, and recommended its passage. Report received, and the bill read first time.

Mr. Mills, one of the committee on Judiciary, reported, asking that the resolution, requiring the Judiciary committee to examine into the propriety of changing the constitution so as to add two Associate Justices to the Supreme Court bench, be referred to the committee appointed to enquire into the expediency of changing the constitution. Report received.

Mr. Wælder offered the following resolution :

Resolved, That, the Senate concurring, the Governor be authorized to appoint some suitable person to take charge of the State Library during the session of the Legislature, and that all members of either House shall at all times have access to said Library, and may send the Sergeant-at-Arms for any books to be used in debate, but for no other purpose. As soon as any book has been so used, it shall be immediately returned to the Library by the Sergeant-at-Arms. Adopted.

Mr. Perry introduced a bill for the relief of the heirs of Richard R. Ward, deceased. Read first time, and referred to the committee on Private Land Claims.

Mr. Davis of Bastrop, introduced a bill for the relief of the heirs of Thomas Utley, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Short offered the following resolution :

Resolved, That the Judiciary committee be instructed to inquire into the expediency of taking up the criminal docket on the 1st day of the District Courts. Adopted.

Mr. Redwine introduced a bill to amend the 2d chapter, article 549, of the code of criminal procedure. Read first time, and referred to Judiciary committee.

Mr. Armstrong introduced a bill to establish two Universities of the State of Texas. Read first time, and referred to committee on State Affairs.

Mr. Bogart introduced a bill to legalize the marriage between Wm. Davis and Sarah James. Read first time, and referred to Judiciary committee.

Mr. Camp offered the following resolution :

Resolved, That the Speaker be instructed to have a large lamp suspended in the centre of the Hall of the basement story of the Capitol, and that the same be paid for out of the contingent fund of the House. Adopted.

Mr. Lewis of Robertson, introduced a bill for the relief of the heirs of Thomas Grubb, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Epperson introduced a bill supplementary to the general railroad law. Read first time, and referred to Judiciary committee.

Mr. Dickson offered the following resolution :

Resolved, That the committee on Printing be instructed to have published 500 copies of the report of the Superintendent of the Insane Asylum, for the use of the House. Adopted.

Mr. Munson offered the following resolution :

Resolved, That the committee on Printing be authorized to have printed 1,000 copies of the report of the Trustees of the Institute for the Deaf and Dumb, done up in neat pamphlet form, with covers, for the use of the Institution; and that said committee be instructed to have printed 1,000 copies of the report of the Superintendent of said Institute for the use of the members of this House.

Mr. McKnight proposed to amend by striking out "1,000" and inserting "500" of each. Adopted; and the resolution as amended adopted.

Mr. Perry introduced a bill for the relief of the heirs of Wm. L. Fleming.

Mr. Buckley introduced a bill to permit Abigail Bell to adopt Susan Alford, and to change her name to Susan Bell. Read first time, and referred to Judiciary committee.

Mr. Dale offered the following resolution :

Resolved, That the committee on the General Land Office are hereby instructed to enquire into the expediency of increasing the clerks in the said office, and report by bill or otherwise. Adopted.

Mr. Middleton introduced a bill for the relief of A. R. Guild. Read first time, and referred to committee on Private Land Claims.

Mr. Perry introduced a bill for the relief of Edward Smith. Read first time, and referred to committee on Private Land Claims.

TEXAS STATE LIBRARY

Austin, Texas

Mr. Dennis, chairman of committee on State Affairs, by permission, reported, recommending the passage of a bill approving an act of the general assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas Navigation Company, with the modifications made to the same by the Legislature of the State of Arkansas.

Mr. Davis of Hays, introduced a bill providing for the payment of costs in case of change of Venue. Read first time, and referred to Judiciary committee.

Mr. Daniels introduced a bill, authorizing the Governor to appoint one or more persons to translate and record, from the Spanish to the English language, all of the land papers now on file in the county of Austin, and other counties having land papers in the Spanish language. Read first time, and referred to committee on State Affairs.

Mr. Clark introduced a bill for the relief of the heirs of Jacob Hull, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Norton introduced a joint resolution for the relief of four clerks in the Comptroller's Office. Read first time, and referred to committee on the Court of Claims.

Mr. McKnight introduced the following resolution :

Resolved, That all the evidence acted upon by the committees for private claims shall be reduced to writing and shall accompany their report, and that the committee be allowed a clerk.

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

Mr. Taylor introduced a bill for the relief of the heirs of Willis Edson. Read first time, and referred to committee on Private Land Claims.

Mr. Maxey introduced a bill for the relief of A. H. Booth. Read first time, and referred to committee on Private Land Claims.

Mr. McKnight offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to take into careful consideration article 3d, 24th section of the constitution of the State of Texas, which reads as follows, to-wit : No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this state which shall have been created, or the emoluments of which may have been increased during such term ; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch

of the Legislature ; nor shall the members thereof be capable of voting for a member of their own body for any office whatever except it be in such cases as are herein provided. The President for the time being of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

And said committee is further instructed to report to the House on or before Friday next, 10 o'clock, A. M., how far said clause may operate as a restriction of the right of members of the Legislature, to vote for or elect one of their own body to the United States Senate ; whether the resignation of a member may obviate any or all the difficulties which may appear in said section, or whether said section presents any serious difficulties whatever. Adopted.

On motion of Mr. Ross, Mr. Short was added to the committee on State Affairs.

On motion of Mr. Duncan, Mr. Redgate was added to the committee on Stock and Stock Raising.

On motion of Mr. Lewis of Montgomery, Mr. Flewelling was added to committee on Agriculture.

ORDERS OF THE DAY.

The resolution, instructing the committee on Printing to have printed 500 copies of the Governor's message in the German language, for the use of the House, together with two proposed amendments, was taken up.

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

Mr. Haynes offered the following as a substitute for the resolution and amendment :

Resolved, That the committee on Printing be instructed to have translated into the German and Spanish languages so much of the message of the Governor as relates to the affairs of this State, leaving out that portion devoted to the discussion of State's rights, strict construction, the history of national political parties, the Virginia and Kentucky resolutions of 1798-9, &c., &c., &c., and that 500 copies be printed in Spanish and 500 copies in German, for the use of the House.

On motion of Mr. Flewelling, the substitute was laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Branch, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Darnell, Dickson, Daniels, Davis of Bastróp, Dennis, Flewelling, Francis, Foscutt, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Houghton, Hubbard, Hubert, Lynch, Maxey, McClarty, Middleton, Mills, Munson,

Nelson, Parker, Perry, Redwine, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—49.

YAYS—Messrs. Barnard, Baxter, Benevides, Bogart, Camp, Culberson, Davis of Hays, Duncan, Edwards, Ellett, Epperson, Haynes, Henry, Lewis of Montgomery, Lewis of Robertson, Martin, Maverick, McCutcheon, McKnight, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Speights, Taylor, Waterhouse and Whitmore—32.

Mr. Norton proposed to amend by adding "200 copies in the Norwegian language."

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Thursday, Nov. 17th, 1859. }

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

Mr. Darnell presented the petition of Cyrus S. Millett. Referred to committee on Claims and Accounts.

Mr. Henderson, one of the committee on the Judiciary, reported, asking that a bill to create the 20th Judicial District be referred to the committee on Judicial Districts. Also reported a substitute for the bill for the relief of Hannah C. Buckner, and recommended its passage.

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the Senate'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 8th Legislature; also reported two bills to-wit:

One, making an appropriation to pay the Attorney General and District Attorneys the costs due them under Article 952d. of the Code of Criminal Procedure. And another to amend Article 955 of the Code of Criminal Procedure, and recommended their passage. Bills read first time.

Ac'd, as one of the committee on the Judiciary reported, recommending the passage of a bill to amend Article 360 of Oldham & White's Digest.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of a bill "to incorporate the Texas Telegraph Company" with the amendments by the committee.

AMENDMENTS.

In section 3rd strike out "As well as any branch lines" they desire to build diverging from the main trunk lines above designated."

In section 11, amend by adding after the word "President" the words "Secretary or left at the principal office of the company, which office shall be within the limits of the State of Texas" and by adding four additional sections.

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

We the committee on Judiciary, to whom was referred a resolution requiring said committee to enquire into the propriety of passing an act to suppress the carrying concealed weapons, beg leave to report that they deem the passage of such a law impolitic.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of the heirs of A. D. Duncan, dec'd.

Also reported a bill for the relief of Richard N. Williams, and recommended its passage. Bill read first time.

Also reported, recommending the passage of a bill for the relief of J. J. McBride, assignee of John Jordan.

A message was received from the Senate announcing to the House, that the Senate had passed the House's joint resolution to authorize the Governor to call out volunteers, &c., with amendments, and had passed a bill for the relief of James Jennings.

Mr. Buckley reported, recommending the passage of a bill supplementary to an act to amend the 1st section of an act entitled an act to organize the Supreme Court of the State of Texas, approved May 12, '46, approved Nov. 30, '50, approved August 28, '56, with the amendments by the committee.

Amend by adding to the 2nd section "Provided the cases so transferred shall not take precedence of those now on the Docket at that place."

Mr. Short, one of the committee on the Judiciary, reported as follows: The committee on the Judiciary, to which was referred the resolution to enquire into the expediency of each and every county in the State having a District Attorney, have the honor to report that we have had the same under consideration and have concluded that it is inexpedient to adopt the views embodied in the resolution.

Mr. Shannon, one of the committee on Public Lands, reported asking that a bill for the relief of settlers upon eleven

league claims, be referred to the committee on the Judiciary.

Mr. McCutcheon, one of the committee on Public Lands, reported, recommending the passage of a bill granting 320 acres of land each to George Eberly Henry, Mary Eliza Henry and Julia Pierce Henry.

Mr. Bryan, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of Chester E. Starks, and recommended its passage.

(Mr. Taylor of Fannin in Chair.)

Mr. Nelson, chairman on part of the House, of the joint committee on Indian Affairs, reported that said committee had had under consideration the protection of the frontier, and had reported a bill to the Senatorial branch of the Legislature and recommended its passage.

Mr. Parker, one of the committee on Private Land Claims, reported asking to be discharged from a further consideration of the petition of the heirs of Charles Parks.

Mr. Speights, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Joseph W. Bass, dec'd, and recommended its passage. Bill read first time.

Mr. Maxey introduced a bill for the relief of A. Wilson.— Read first time and referred to committee on Private Land Claims.

Mr. Ross offered the following resolution :

Resolved, That the committee on the Court of Claims be requested to enquire into the expediency of extending the time for the presentation of claims and report by bill or otherwise, at as early a day as practicable. Adopted.

Mr. Shelton offered the following resolution :

Resolved, That the committee on the Judiciary be required to examine into the expediency of so altering or amending the laws regulating the inauguration of Governor and Lt. Governor, and the meeting of the biennial session of the Legislature of the State of Texas, as to bring the inauguration within the first week of the session, and that they report as early as practicable by bill or otherwise. Adopted.

Mr. Shannon presented the petition of Wm. Burford. Referred to committee on Private Land Claims.

ORDERS OF THE DAY.

The joint resolution calling out troops for the suppression of the Rio Grande difficulties, was taken up, and the amendments of the Senate concurred in.

Mr. Martin offered the following resolution :

WHEREAS, The 24th sec. of the 3rd art. of the Constitution

of the State of Texas provides, that "no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which, may be made in whole or in part by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body for any office whatever except it be in such cases as are herein provided: The President for the time being of the Senate, and Speaker of the House of Representatives shall be elected from their respective bodies; and

WHEREAS, it is evident that the framers of the Constitution intended by this provision to prevent intrigue, collusion and corruption among the members for mutual promotion, therefore,

Resolved, 1st. That we re-affirm this provision of the Constitution and make it the rule of this House.

Resolved, 2nd. That the resignation of a member, during the session of the Legislature, for the purpose of being elected to an office for which he may have procured pledges of support from other members, is a mere evasion of the letter of the Constitution, while it violates in the most essential particular, its spirit, and will not be tolerated by this House.

Mr. Wælder moved the rejection of the resolution.

Mr. Francis moved that the House adjourn till 3 o'clock P. M. Lost.

Mr. Culberson moved to adjourn till 10 o'clock A. M., tomorrow. Lost by the following vote:

YEAS—Messrs. Barclay, Barnard, Baxter, Benevides, Billingsley, Branch, Bryan, Buckley, Craig, Crawford, Culberson, Davis of Hays, Dickson, Flewellen, Franklin, Foscut, Hall, Henry, Manly, Nelson, Owens, Robinson, Shannon, Shelton, Speights, Taylor, Townes, Walworth and Whitfield.—Yeas 28.

NAYS—Messrs. Anderson, Armstrong, Caddell, Clark, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Duncan, Edwards, Ellett, Francis, Harrison of Cherokee, Harrison of Van Zandt, Henderson, Houghton, Lewis of Montgomery, Lewis of Robertson, Lynch, Martin, Maverick, McClarty, McCutcheon, McKnight, Middleton, Mundine, Norton, Parker, Perry, Redgate, Redwine, Ross, Short, Stewart, Warfield, Waterhouse, Whitmore, Wortham and Wrede.—Nays 40.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Friday, Nov. 18th, 1859. }

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

Mr. Duncan presented a petition for the relief of sundry persons. Referred to committee on Slaves and Slavery.

Mr. Speights presented the petition of Martha Bullock. Referred to committee on Private Land Claims.

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

The committee on the Judiciary, to whom was referred the bill (without caption,) proposing to authorize the Clerks of the District Courts in certain counties, to apportion the Docket, beg leave to report the measure impracticable and ask that the bill be laid on the table.

Mr. Ross, one of the committee on State Affairs, reported, recommending the passage of a bill to empower the County Court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of Hogs in said county, with the amendment by the committee.

Amend by striking out the provision in 6th section.

Mr. Mills introduced a bill to amend the Code of Criminal Procedure. Read first time and referred to Judiciary committee.

Mr. Armstrong introduced a bill to define the jurisdiction of Justices of the Peace and to regulate the fees of the same.— Read first time and referred to Judiciary committee.

Mr. Culberson introduced a bill to amend section 1683 of Oldham & White's Digest. Read first time and referred to committee on Internal Improvements.

A message was received from the Senate announcing to the House that the Senate had passed a bill appropriating \$10,000 or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice; and had passed the House's bill to regulate the public printing, with amendments.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled the joint resolution authorizing the Governor to call out troops, &c. Report adopted.

Mr. Davis of Bastrop, introduced a bill regulating public sales in the county of Bastrop. Read first time and referred to Judiciary committee.

Mr. McKnight introduced a bill to encourage the increase of population. Read first time and referred to committee on Stock and Stock raising.

Mr. Davis of Hays, introduced a bill to repeal the law entitled Bankruptcy. Read first time and referred to Judiciary committee.

Mr. Mills introduced a bill to repeal the 7th section of an act,

entitled "an act to provide the mode of trying titles to lands" approved Feb. 5, '40. Read first time and referred to Judiciary committee.

Mr. Baxter introduced a bill to require the Comptroller acting Commis'r of Claims, to register and approve the Unconditional Headright Certificate of Jas. D. White. Read first time and referred to committee on Private Land Claims.

Mr. Navarro offered the following resolution :

WHEREAS, The call of the yeas and nays upon any question before the House, is an expense to the State of \$93 therefore, be it—

Resolved, That the Chief Clerk of the House of Representatives be required to spread upon the journals the names of the three members who may call for the yeas and nays on any question.

On motion of Mr. Barnard, referred to committee on Retrenchment and Reform.

Mr. Dougherty introduced a bill to except the counties of Cameron and Hidalgo from the operation of certain words in the law relating to common schools. Read first time and referred to committee on Education.

Mr. Maverick introduced a bill to amend the act relating to Justices of the Peace. Read first time and referred to the committee on the Judiciary.

Mr. Hartley introduced a bill to incorporate the Galveston Water-Works Company. Read first time and referred to committee on State Affairs.

ORDERS OF THE DAY.

The resolution relative to the constitutionality of members of the Legislature voting for a member of their body for an office, pending when the House adjourned, was taken up.

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

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Brvan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cunby, Dale, Darnell, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewollen, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Houghton, Hubbard, Hubert, Lewis of Robertson, Lewter, Lynch, Maverick, McClarty, McKnight, Mills Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Townes, Walworth, Warfield, Waterhouse, Wortham and Wrede.—Yeas 67.

NAYS—Messrs. Culberson, Dickson, Francis, Henderson, Henry, Lewis of Montgomery, Mabry, Manly, Martin, McCutcheon, Middleton, Mundine, Navarro, Norton, Redgate, Taylor, Wælder, Whitfield and Whitmore.—Nays 19.

A bill to regulate the public printing, with the amendments by the Senate, was taken up and the amendments concurred in.

The resolution instructing the committee on Printing to have 500 copies of the Governor's message printed in the German language for use of the House, together with two proposed amendments, was taken up.

Mr. Henderson moved to lay the resolution and amendments on the table.

On motion of Mr. Baxter a division of the question was ordered.

The question being the adoption or rejection of the amendment to print 200 copies in the Norwegian language—the amendment was adopted by the following vote :

YEAS—Messrs. Baxter, Billingsley, Bogart, Crawford, Clark, Darnell, Daniels, Edwards, Francis, Foscue, Hartley, Henry, Hubert, Lewis of Robertson, McCutcheon, McKnight, Middleton, Owens, Short, Speights, Whitfield, Whitmore and Wortham.—Yeas 23.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Flewellen, Hall, Harrison of Cherokee, Harrison of Van Zandt, Haynes, Hubbard, Lewis of Montgomery, Lewter, Lynch, Mabry, Manly, Martin, Maverick, McClarty, Mundine, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannun, Shelton, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Wrede.—Nays 61.

Mr. Henderson moved to lay the resolution and amendments on the table. Lost by the following vote :

YEAS—Messrs. Baxter, Billingsley, Crawford, Clark, Cumby, Davis of Hays, Ellett, Francis, Henderson, Henry, Houghton, Lewis of Robertson, Lewter, Manly, McCutcheon, Owens, Short, Whitfield, Whitmore and Wortham.—Yeas 20.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Dale, Darnell, Daniels, Davis of Bastrop, Dennis, Dickson, Dougherty, Duncan, Edwards, Epperson, Flewellen, Foscue, Hall, Harrison of Cherokee, Harrison of

Van Zandt, Hartley, Haynes, Hubbard, Hubert, Lewis of Montgomery, Lynch, Mabry, Martin, Maverick, McClarty, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Wrede.—Nays 66.

Mr. Dickson moved to refer the resolution and amendments to the committee on Contingent Expenses.

The question now being the adoption or rejection of the amendment to have 500 copies printed in the Spanish language, the amendment was adopted.

Mr. Epperson proposed an amendment which the Speaker ruled out of order, and upon an appeal from this decision being made by Mr. Epperson, the Chair was sustained by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barclay, Benevides, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Hubert, Lewter, Lynch, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Speights, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—Yeas 47.

NAYS—Messrs. Barnard, Baxter, Branch, Crawford, Clark, Darnell, Davis of Harrison, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of Montgomery, Lewis of Robertson, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Taylor, Townes, Waterhouse, Whitfield and Whitmore.—Nays 38.

Mr. Henderson moved that the resolution as amended be referred to committee on Public Printing.

Mr. Harrison of Van Zandt, moved the previous question. Seconded, and the main question was ordered, which being the adoption or rejection of the resolution, the same was put and the resolution as amended adopted.

Mr. Epperson offered the following resolution :

Resolved, That this House dissents from that statement contained in the Governor's message which is in the following language : The attitude of affairs closely resembles that which existed prior to the American Revolution, when the patriots under the lead of Jefferson, Franklin and other sages and heroes, exhausted every resource of argument and entreaty in their

petition to the British Government for an observance of the rights under its ancient Constitution, as subjects of the crown. This I regard as analogous to the position of the States right democracy of the South and of the Union.

Mr. Mills moved the resolution be laid on the table.

On motion of Mr. Haynes a call of the House was ordered. Absentees—Messrs. Culberson, Franklin, Kinney and Maxey. Mr. Mills withdrew his motion to lay the resolution on the table, and on motion the call was suspended.

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

On motion of Mr. Dennis the resolution was laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Houghton, Hubbard, Hubert, Lynch, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Speights, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede —Yeas 45.

NAYS—Messrs. Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Taylor, Townes, Waterhouse, Whitfield and Whitmore.—Nays 41.

The report of the committee on Contingent Expenses relative to taking newspapers of this city for the use of members of this House, together with the proposed amendments was taken up.

Mr. Mills moved the previous question, that being the rejection or adoption of the Report.

The question being shall the main question be put, the House refused it by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Billingsley, Craig, Crooks, Clark, Cumby, Dale, Daniels, Davis of Bastrop, Davis of Hays, Dougherty, Duncan, Ellett, Harrison of Van Zandt, Hubbard, Lewis of Robertson, Lynch, Manly, Martin, McClarty, Mills, Munson, Nelson, Norton, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Taylor, Wælder, Walworth, Warfield and Wrede.—Yeas 41.

NAYS—Messrs. Barnard, Benevides, Bogart, Branch, Bryan,

Buckley, Caddell, Camp, Crawford, Culberson, Darnell, Dickson, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Haynes, Henderson, Henry, Houghton, Lewis of Montgomery, Lewter, Mabry, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Owens, Redgate, Robinson, Speights, Stewart, Townes, Waterhouse, Whitfield, Whitmore and Wortham.—Nays 43.

Mr. Baxter proposed to amend by inserting "40" papers instead of "50," "20 of each."

Mr. Mundine moved to lay the amendment on the table.—Lost, and the amendment adopted.

Mr. McKnight proposed to amend by striking out all in relation to Austin papers and inserting "any two weekly papers published in the State, and each member shall select for himself which papers he will patronize."

On motion of Mr. Hubbard, the report and amendments were indefinitely postponed by the following vote:

YEAS—Messrs. Barnard, Benevides, Branch, Buckley, Caddell, Camp, Crooks, Cumby, Dale, Daniels, Dickson, Edwards, Epperson, Flewellen, Franklin, Foscue, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Maverick, McClarty, McCutcheon, McKnight, Middleton, Munson, Navarro, Nelson, Norton, Owens, Redgate, Redwine, Robinson, Ross, Speights, Stewart, Townes, Waterhouse, Whitfield and Whitmore.—Yeas 47.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Billingsley, Bogart, Bryan, Craig, Crawford, Clark, Culberson, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Hall, Harrison of Cherokee, Harrison of Van Zandt, Lynch, Martin, Maxey, Mills, Mundine, Parker, Pirkey, Shannon, Shelton, Short, Taylor, Wælder, Walworth, Warfield, Wortham and Wrede.—Nays 39.

On motion of Mr. Mills, the rule was suspended and the Senate's bill providing for the per diem pay of the members and officers of the Legislature, was taken up and read third time.

Mr. Norton moved that the bill be referred to committee on Retrenchment and Reform.

On motion of Mr. Haynes, Mr. Norton's motion was laid on the table and the bill passed.

Mr. Mabry by permission, introduced a bill to incorporate the Jefferson Insurance Company. Read first time and referred to committee on State Affairs.

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

HOUSE OF REPRESENTATIVES, }
 SATURDAY, Nov. 19th, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Francis, by request, was permitted to change his vote on the question of the indefinite postponement of the report of the Contingent Expense committee relative to subscription for newspapers, &c.

Mr. Short presented the petition of James^H Truit. Referred to committee on Private Land Claims.

Mr. Dickson, chairman of committee on Public Debt, reported as follows :

The committee on Public Debt have considered the application of the representative of the late Anson Jones for relief and report, that the demand made upon the State is for \$3,600, an amount alleged to be due for losses sustained in exchange during the existence of the Republic, and while minister to the United States. An examination of the Comptroller's books shows that the accounts of Dr. Jones with that department, have all been settled and closed. This being the case, and the amount now sought to be obtained from the State, being the difference in the depreciated paper of the Republic and par funds at the time it was paid out, your committee feel constrained, under a sense of public duty, to report against the application for relief. The adoption of a different policy by the State, and the payment of losses of this character sustained by the officials and employees of the old Republic, would involve the payment of a sum far beyond our resources and inevitably bankrupt the State.

Also reported the application of John Berth for \$504 back to the House, and recommend that it be laid on the table.

Mr. Billingsley, by permission, presented the petitions of Timothy McKean and Felix W. Goff. Referred to committee on Private Land Claims.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, recommending the passage of a bill to encourage the increase of population, with the amendments by the committee.

AMENDMENTS BY COMMITTEE.

In section 1, after the words "woman who," insert, "is lawfully married and living with her husband," and after "birth" insert "be," change the word "deliver" to "delivered," after "delivered" insert "of," after "domain" insert "of this State."

In section 2, after the number of the section, insert, "Be it

further enacted," strike out the word "also."

In section 3, after the number of section, insert, "Be it further enacted," strike out "1859" and insert "1850."

In section 4, after the number of section, insert, "Be it further enacted, That all laws and parts of laws conflicting with this act be and they are hereby repealed and."

Mr Duncan moved that 500 copies of the report of the chairman of the committee on Stock and Stock Raising, be printed for the use of the House. Lost.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of Michael K. Hammond, and recommended its passage.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of A. Spain Summerlin. Read first time.

Mr. Bryan, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of A. H. Booth.

Gov. Vidaurri was invited to a seat within the bar of the House.

Mr. Shannon, one of the committee on Public Lands, reported as follows :

The committee on Public Lands, to whom was referred a bill to be entitled an act to provide for the sale and settlement of the public domain, have had the same under consideration, and are of opinion that it is or ought to be the policy of the State Legislature to enact such laws as will encourage the settlement of the vast area of public lands of which the State is possessed ; that the present public domain law which fixes the minimum price of the public land at one dollar per acre, virtually locks it up from settlement, and under the provisions of which they do not believe the public lands of the State will in any reasonable time be settled or the area of civilization be extended. Th ecommittee, therefore, unanimously instruct me to report the accompanying bill as a substitute for the 1st, 2d, 3d and 4th sections of the bill referred, and recommend it to the favorable consideration of the House ; and the committee would ask further time to consider and report upon the subject embraced in the remaining sections.

On motion of Mr. Dougherty, 100 copies of the bill were ordered to be printed.

Mr. Hubbard, one of the committee on Internal Improvements, reported a bill to abrogate the charter of the Galveston, Houston and Henderson Railroad Company, back to the House, and asked

to be relieved from a farther consideration of it.

Mr. Martin, one of the committee on Public Lands, reported a bill to appropriate 5,000,000 acres of the public and unappropriated lands to the support and maintenance of free schools, back to the House, and asked that it be referred to the committee on Education.

Mr. Lewter, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of Alexander Ferguson.

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

A majority of the Judiciary committee, to which was referred a resolution of the House, instructing the committee to examine into the expediency of so altering or amending the laws, regulating the inauguration of Governor and Lieut. Governor, and the meeting of the biennial sessions of the Legislature of the State, have instructed me to make the following report : That the object can only be accomplished by changing the time of the biennial meeting of the Legislature, and deeming this expedient, have instructed me to report the accompanying bill and to ask for it a favorable consideration. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the bill to be entitled an act to amend the 1st section of an act entitled an act to encourage the building of steamboats and other vessels in the State of Texas, approved Feb. 3d, 1854, and recommend its passage.

And reported, recommending the indefinite postponement of the petition of J. W. Scott.

Also, reported a bill to authorize the Governor to appoint one or more persons to translate and record from the Spanish to the English language, all of the land papers now on file in the county of Austin, and other counties having land papers in the Spanish language, back to the House, and recommend its indefinite postponement.

Mr. Darnell introduced a joint resolution, to amend the 30th section of the 7th article of the constitution. Read first time, and referred to committee on State Affairs.

Mr. Mills introduced a bill to amend the 19th section of an act to regulate proceedings in the District Courts, passed May 13th, 1846. Read first time, and referred to Judiciary committee.

Mr. Crawford introduced a bill to amend articles 668 and 669 of the penal code. Read first time, and referred to committee on Slaves and Slavery.

Mr. Hubert introduced a bill to incorporate the Air Line

Railroad Company. Read first time, and referred to committee on Internal Improvements.

Mr. Armstrong introduced a bill to amend an act passed Jan. 10th, 1850. Read first time, and referred to Judiciary committee.

Mr. Darnell offered the following resolution :

Resolved, That the committee on Stock and Stock Raising be instructed to enquire into the expediency of authorizing the county courts of each county in the State, to prohibit the running at large of any stallion or jack in their respective counties, and that they report by bill or otherwise. Adopted.

Mr. Buckley introduced a bill to be entitled an act regulating the duties of common carriers and defining their liabilities. Read first time, and referred to Judiciary committee.

Mr. Flewellen introduced a bill to legitimate Donaceana Thomas, late Donaceana Hewland. Read first time, and referred to Judiciary committee.

Mr. Davis of Bastrop, introduced a bill to amend the 773 article of the penal code passed Feb. 12th, 1858. Read first time, and referred to Judiciary committee.

Mr. Davis of Hays, introduced a bill for the relief of H. B. King. Read first time, and referred to committee on Private Land Claims.

Mr. Dougherty introduced a bill for the relief of Mrs. William Gumble, late the widow of John Carroll. Read first time, and referred to committee on Claims and Accounts.

Mr. Ross introduced a bill to repeal the several acts therein enumerated. Read first time, and referred to Judiciary committee.

Mr. Dougherty introduced a bill to regulate the sale of spirituous liquors. Read first time, and referred to committee on State Affairs.

Mr. Franklin introduced a bill to incorporate the Galveston Casino. Read first time, and referred to committee on State Affairs.

Also, a bill to incorporate the Galveston Wharf and Cotton Press Company. Read first time, and referred to committee on State Affairs.

Mr. Daniels, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of the heirs of Matt Finch, dec'd, with the amendments by the committee.

AMENDMENTS.

"Provided the said Matt Finch has never received said donation."

Mr. Mills introduced a bill to amend an act to organize and

define the power and jurisdiction of the District Courts, approved May 11th, 1846. Read first time, and referred to Judiciary committee.

Mr. Dougherty offered the following resolution :

Be it resolved, That this House subscribe for one copy of each daily and one copy of each tri-weekly newspaper published in this city, for the use of each member of this House, and at the expense thereof, not to exceed the usual price to regular yearly subscribers, be paid out of the contingent fund.

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

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Buckley, Caddell, Camp, Craig, Crawford, Clark, Cuiberson, Cumby, Daniels, Davis of Bastrop, Davis of Hays, Edwards, Flewellen, Francis, Franklin, Hall, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lester, Maverick, Maxey, McClarty, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Perry, Redgate, Redwine, Robinson, Ross, Speights, Stewart, Taylor, Townes, Waterhouse, Whitfield, Whitmore and Wrede—53.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Branch, Bryan, Crooks, Dale, Darnell, Dougherty, Duncan, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Parker, Shannon, Shelton, Short, Smith, Walworth and Warfield—22.

On motion of Mr. Stewart, Mr. Anderson was added to the committee on Counties and County Boundaries.

Mr. Craig, by permission, presented the petition of the heirs of Harvey Martin. Referred to committee on Private Land Claims.

Mr. Dougherty offered the following resolution :

Resolved, That the committee on Retrenchment and Reform be instructed to institute an inquiry into the cost of fires in the capitol building, and report whether in their opinion it would not be a saving to the State Treasury to have the chimneys walled up, and to cause the members of the Legislature to keep the outer as well as the inner man warm at their own expense.

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

ORDERS OF THE DAY.

A bill for the relief of Geo. W. Goodwin, together with the report of the committee, was taken up, read second time, and ordered to be engrossed.

[Mr. Taylor of Fannin in the chair.]