

A bill for the relief of Joseph Thompson, with report of the committee, was taken up and read second time.

Mr. Navarro moved to recommend the bill to committee on Private Land Claims. Lost; and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barnard, Baxter, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Francis, Franklin, Hall, Harrison of Van Zandt, Henderson, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Martin, Maxey, Parker, Perry, Shannon, Shelton, Short, Smith, Taylor, Townes, Wælder, Walworth, Warfield, Whitfield and Wrede—50.

NAYS—Messrs. Armstrong, Benevides, Cumby, Foscoe, Harrison of Cherokee, Haynes, Henry, Houghton, Hubbard, Maverick, McClarty, McKnight, Mills, Mundine, Munson, Navarro, Norton, Owens, Redgate, Redwine, Robinson, Ross, Stewart, Waterhouse and Whitmore—25.

Mr. Haynes moved that the rule be suspended, and the bill read third time. Lost.

Mr. Davis of Hays, by permission, offered the following resolution:

Resolved, That all claims referred to the committee on Private Land Claims, the evidence shall be taken by interrogatories at the expense of the applicant, and they shall be filed with the report of the committee, and the said committee shall cross all such interrogatories.

On motion of Mr. Martin, the resolution was referred to the committee on Private Land Claims.

A bill for the relief of Chas. A. Russell, county surveyor of Karnes county, with report of the committee, was taken up.

Mr. Barnard moved to lay the report on the table.

On motion, the House adjourned till 10 o'clock, Monday morning, pending Mr. Barnard's motion.

HOUSE OF REPRESENTATIVES, }
AUSTIN, Monday, Nov. 21st, 1859 }

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

Mr. Short presented the petition of the citizens of Shelbyville. Referred to committee on State Affairs.

On motion of Mr. Dennis, the bill to amend an act to encourage the building of steamboats and other vessels in the State of Texas, was taken up and referred to the committee on State Affairs.

Mr. Mabry, chairman of the committee on Enrolled Bills, reported correctly enrolled and properly signed an act to regulate public printing, and had presented the same to the Governor for his approval and signature.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed an act making an appropriation for the mileage and per diem pay of the members and officers of the 8th Legislature, and that the same had been, on the 19th inst., presented to the Governor for his signature and approval.

Mr. Foscue, one of the committee on State Affairs, reported a bill to incorporate the Texas Masonic Institute, and recommended its passage. Bill read first time.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported as follows :

(Not given in by Clerk.)

Mr. Mabry, one of the committee on the Judiciary, reported, recommending the passage of the bill to provide for the payment of costs in cases of change of venue.

A message was received from the Senate, informing the House that the Senate had passed the House's 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. 28th, '57. Also, had passed a bill validating certain surveys in Fisher & Miller's, and Peter's Colonies. Also had passed a bill supplementary to and amendatory of an act entitled an act to provide relief for pre-emption settlers and their assignees under the act of Jan. 22d, '45, the act of Feb. 7th, '53, and the act of Feb. 13th, '54, and actual settlers in the Mississippi and Pacific Railroad Reservation.

Mr. Short, one of the committee on the Judiciary, reported a substitute for the bill to repeal the Bankrupt law, and recommended its passage.

Mr. Foscue, chairman of committee on Internal Improvements, reported a substitute for the bill to repeal the 17th sec. of an act to regulate Railroad Companies, approved Feb. 7th, 1853, and recommended its passage.

Mr. Dale, chairman of committee on Printing, reported the resolution relative having the special report of the State Engineer upon the Southern Pacific Railroad back to the House

and asked that it be referred to the committee on Internal Improvements.

Mr. Pirkey, one of the Judiciary committee, reported, recommending the passage of the bill to amend the act to incorporate the city of San Antonio, approved July 17th, '56.

Mr. Craig, chairman, on part of the House, of the joint committee on the Court of Claims, reported, recommending the passage of the joint resolution for the relief of 4 clerks in the Comptroller's office.

Mr. Dougherty, one of the committee on the Judiciary, reported, recommending the rejection of a bill to amend the 2nd chapter, art. 549, in the Code of Criminal Procedure.

Mr. Buckley, chairman of the Judiciary committee, reported, recommending the passage of a bill regulating public sales in the county of Bastrop.

Also reported as follows, on the resolution requiring Judiciary committee to report upon the constitutionality of electing a U. S. Senator from one of the members of the Legislature :

COMMITTEE ROOM, 18th Nov., 1859.

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

Speaker of the House of Representatives :

The committee on the Judiciary, to which was referred the resolution instructing said committee to take into careful consideration the 24th section of the 3rd art. of the Constitution of the State of Texas, and to report to the House on or before Friday inst., at 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 U. S. 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, have had the same under consideration and a majority of the committee have agreed upon the following report :

The section of the Constitution is in the following words, 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."

The section under consideration contains three distinct and independent provisions in regard to officers. The first and second relate to the eligibility of members of the Legislature to offices created by the Legislation of the State of Texas, and over which it has the exclusive control; and your committee is not advised that any one, for a moment, contends that either of these provisions relates to, or embraces the office of U. S. Senator. The third provision of the section which reads thus, "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," it is contended by some embraces the office of United States Senator, as well as all State offices, and others deny the proposition. To determine this question correctly, a brief review of the organization of the Federal and State governments and their respective powers, becomes necessary. The several States formed the Federal government and established the Constitution of the United States, in which is enumerated all the powers delegated by the respective States to the general government, and therein provided for the exercise of its powers by means of three co-ordinate departments, Executive, Legislative and Judicial. The Legislative department consists of a congress composed of two Houses, a Senate and House of Representatives, to be chosen, the former by the Legislatures of the respective States and the latter by the electors of the several States. The 3rd section of the 1st article of the Constitution of the United States provides that, "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years," and "no person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen." By the first of these provisions the fact is clearly established that a Senator to Congress is an officer of the United States Government, and not a State officer; and the second provision prescribes all the qualifications that a man is required to possess to make him eligible to that office.

The Constitution of the United States is the paramount law of the land, and no subordinate power can add to, or subtract from, the qualifications therein prescribed for a Senator to possess.

The government and Constitution of the United States were

in existence, and all its officers provided, when the people of Texas, by their delegates, met in convention in the year 1845. For what purpose did the convention of Texas assemble? It was to form a State government subordinate to the Constitution of the United States, and not to restrict or abridge the rights of the citizens of that government, or to alter the Constitution of the United States in any particular whatever. The members of that body well understood the extent of their powers and it cannot be presumed that they intended to extend them. They were clothed by the people with the power to frame a Constitution for their government as a State and to establish the necessary officers to execute that government, and with no other powers. It is not to be presumed that they extended their powers, or intended to impose disabilities upon citizens of Texas to which those of other States were not subject. This view of the subject is fully sustained by the first and second provisions of the 24th section of the 3rd article of the State Constitution, under consideration, and by a fair construction of the language used in the third provision of the section, and the established rules of interpretation, no offices are embraced except such as were, or should thereafter be, created under the constitution and laws of the State. The repetition of the words "of this State" in the third provision of the section, would not have restricted or limited the effect or operation thereof. If a different construction be given to the provision, and should be sustained, it will present the strange anomaly of a single State altering or amending the Constitution of the United States in violation of 5th art. of that instrument. But it is said that the provision of the State constitution does not affect the eligibility of a member of the Legislature to a seat in the American Senate in any manner whatever, but that the members are precluded from voting for a member of their own body because they are sworn to support the State constitution, and the terms therein "any office whatever" includes the United States Senator. If this construction of the State constitution is to obtain, it would establish the absurd proposition that if a member of the Legislature does an act which is pointedly prohibited by the constitution of the State, nevertheless the act is valid. This position cannot be maintained, for there is no rule of law better established or universally conceded, than that an act done, which is prohibited by law, is null and void. This is universally true in case of statutes, and, if it were possible, would be more certainly so when the prohibition is prescribed by the constitution of the State. The sovereignty of the people of Texas is vested in both,

the Constitution of the United States and that of the State. They together form the State government as if both were one instrument, the former being the supreme and paramount law in case of conflicting provisions. This being admitted, and it is conceived to be undeniable, another rule of construction which is well established, sustains the view of the majority of your committee; that is, that both instruments are to be construed together and reconciled in all their provisions, and in case of inconsistent or incompatible provisions, the paramount law is to be sustained and the other is null and void. The power of the members of the Legislature to elect a United States Senator is derived exclusively from the Constitution of the United States. Such being the case, any provision in the State constitution, if such there be, which is denied, which undertakes to limit the exercise of the power, is and would be nugatory and void.

The constitution of the State did not intend to embrace the office of United States Senator in the section under consideration, nor to make any provision on the subject, and in this view of the subject the majority of your committee is fully confirmed by the action of the distinguished statesman Rusk, (who presided over the deliberations of the convention that framed our State constitution and was as familiar with its provisions as any man that lived,) in the United States Senate upon the contested seat of Mr. Trumbull of Illinois. The constitution of the State of Illinois contained a similar provision to the one under consideration, and yet the most distinguished jurists in the American Senate held the provision inapplicable to the office of U. S. Senator. On that occasion General Rusk acted under the Constitution of the United States, and members of the Legislature when electing a Senator of the United States, act under the same authority, and not under the State constitution. On the same occasion, the other distinguished Senator from Texas, Gen. Sam Houston, entertained the same views and cast his vote with Gen. Rusk for the admission of Mr. Trumbull to his seat in the Senate, notwithstanding the inhibition or restrictions in the constitution of the State of Illinois. The constitution of the State of New York contained a positive inhibition against a member of its Legislature being elected U. S. Senator. Yet Nathaniel P. Tallmadge, a member of the State Senate, after full discussion, was elected to the Senate of the United States. Besides these authorities the silence of the members of the convention, who framed the State constitution, upon this subject, strengthens the view of the majority of your committee, and they are therefore of the opinion that the 24th

section of the 3rd article of the State constitution does not 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, and that said section presents no serious difficulties whatever.

The remaining proposition submitted to the committee is as follows: "whether the resignation of a member may obviate any or all the difficulties which may appear in said section," is considered as already answered. But, if others should be of a different opinion from the committee, and believe that the section under consideration does operate upon them, I am instructed by a majority of the committee, to report that if section 24th of article 3d, prohibits members of the Legislature from voting for a member of their own body for United States Senator, the prohibition only exists while the party to be voted for is a member, and by resigning his seat in the Legislature he would cease to be a member, and would not be obnoxious to the provisions of the section alluded to, after vacating his seat in the Legislature by resignation. All of which is respectfully submitted,

C. W. BUCKLEY, Chair'n.

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of Mary Elam, and recommended its passage.

On motion of Mr. Harrison of Van Zandt, the following Senate bills were taken from the Speaker's table, read first time and disposed of as indicated.

A bill for the relief of James Jennings. Referred to committee on Private Land Claims.

A bill appropriating \$10,000 or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice.

On motion of Mr. Ross, the rule was suspended and the bill read second time and passed to a third reading, and on a further suspension of the rule, the bill was read third time and passed.

A bill supplementary to and amendatory of an act entitled "an act to provide relief for pre-emption settlers and their assignees under the act of 22nd January, 1845, the act of the 7th Feb., 1853, and the act of 13th Feb., 1854, and actual settlers in the Mississippi and Pacific Railroad reservation." Referred to committee on Public Lands.

A bill to validate certain surveys in Fisher & Miller's, and Peter's Colonies. Referred to the committee on Public Lands.

Mr. Franklin offered the following resolution:

Resolved, That the committee on the Land Office be and they

are hereby required to enquire into the expediency and propriety of authorizing the Commissioner of the General Land Office to procure a photographic apparatus with all appliances necessary to the establishment of a complete system of photography, for the use of the Gen'l Land Office in the taking of maps, sketches, &c. Adopted.

Mr. Mills offered the following resolution :

Resolved, That the committee on Public Printing, have printed 10,000 copies of the Governor's message for the use of this House.

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

Mr. Lewter introduced a bill regulating the distribution of Laws and Journals of the State. Referred to committee on State Affairs.

Mr. Crooks offered the following resolution :

Resolved, That the committee on Printing be requested to ascertain the amounts claimed by the State Gazette and Intelligencer, for papers furnished this House during the present session, and that they report the same to this House at their earliest convenience. Lost.

Mr. Lewis of Montgomery, offered the following resolution :

Resolved, That the committee on Internal Improvements be instructed to enquire into the propriety and policy of loaning to Railroad companies, on the terms and condition stipulated in the existing law on that subject, the interest as it is paid into the Treasury by the several companies to which loans have been made, and that the like disposition may be made of the interest of that part of the proceeds of sales of the public lands to which the free public schools are entitled. Adopted.

Mr. Dougherty introduced a bill for the relief of the heirs of David M. Shropshire, dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Davis of Hays, introduced a bill to regulate the sale of virulent poisons and the use of the same, and to prevent slaves from using or handling the same. Read first time and referred to committee on Slaves and Slavery.

Mr. Houghton offered the following resolution :

Resolved, That the committee on Public Lands be requested to take into consideration the propriety of the passage of a law to require the Commissioner of the Gen'l Land Office to issue Unlocated Balances to parties whose surveys prove to be less than that called for in the patent, and report by bill or otherwise. Adopted.

Mr. Townes introduced a bill for the relief of the city of

Austin. Read first time and referred to committee on State Affairs.

Mr. Hartley introduced a bill for the protection of game on Galveston Island. Read first time and referred to committee on Stock and Stock raising.

Mr. Maverick introduced a bill for the relief of the Buffalo Bayou, Brazos and Colorado Railroad Company and their assignees. Read first time and referred to committee on the Judiciary.

Mr. Mills introduced a bill supplementary to the act regulating proceedings in the District Courts, approved May 21st, 1846. Read first time and referred to Judiciary committee.

ORDERS OF THE DAY.

A bill for the relief of Charles A. Russell together with report from committee on Claims and Accounts, was taken up, and on motion of Mr. Billingsley re-committed to committee on Claims and Accounts.

A bill supplementary to and amendatory of an act entitled an act to provide for pre-emption settlers, together with report from committee on Public Lands was taken up, and on motion of Mr. Harrison of Van Zandt, re-committed to said committee.

A bill to relieve Jackson L. Leonard from the disability of minority and permit him to practice law. Read second time and ordered to be engrossed.

A bill to incorporate Houston Hook and Ladder Co., No. 1., and Liberty Fire Company No. 2, of the city of Houston. Read second time, and the amendments by the committee adopted and the bill ordered to be engrossed.

A message was received from the Senate, announcing to the House that the Senate had adopted the following resolution:

Resolved, That with the concurrence of the House, a joint committee of three from the Senate and five from the House be raised to take into consideration the propriety of creating one or more new Judicial Districts from the present 16th District, and that they report by bill or otherwise. And that Senators Walker, Throckmorton and Erath had been appointed on said committee. And that the Senate had appointed Messrs. Wigfall, Potter, Paschal, Wallace and Stockdale a committee to act with committee of the House of Representatives on their resolution to enquire into the expediency of calling a convention to form a new Constitution.

On motion of Mr. Mabry, a call of the House was ordered.— Absentees: Messrs. Crawford, Dale, Davis of Bastrop, Dougherty, Ellett, Hall, Hartley, Haynes, Henry, Hubert, Kinney, Lewis

of Robertson, Navarro, Nelson, Perry, Pirkey, Shannon, Taylor, and Wælder. A quorum being present the call was suspended.

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

A bill to approve the act of the Gen'l 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, together with report from committee on State Affairs, taken up and referred to committee on Internal Improvements.

A bill for the relief of the heirs of James W. Bass, dec'd, with report from committee on Private Land Claims, was taken up, read second time and ordered to be engrossed.

A resolution instructing the Judiciary committee to enquire into the expediency of having a District Attorney in every county together with the adverse report of the Judiciary committee, was taken up and the report adopted.

A bill for the relief of settlers on eleven league claims, together with report from committee on Public Lands asking its reference to committee on the Judiciary, was taken up and report adopted.

A bill supplementary 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 of Texas, approved May 12th, '46, approved Nov. 30th, '50, approved Aug. 28th, '56, together with report from the Judiciary committee, was taken up, the amendments by committee adopted; bill read and ordered to be engrossed.

A bill for the relief of the heirs of A. D. Duncan, dec'd, together with report of committee on Private Land Claims, was taken up. Read second time and ordered to be engrossed.

A bill for the relief of J. J. McBride, assignee of Jno. Jordan, with report from committee on Private Land Claims, was taken up and on motion of Mr. Henderson laid on table.

A bill for the relief of Richard N. Williams with report from committee on Private Land Claims. Read second time and referred to committee on Judiciary.

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

Mr. Taylor, by permission, introduced a bill making an appropriation to day for the proclamations of the Governor. Read first time and referred to Finance committee.

On motion of Mr. Middleton, the bill for relief of J. J. McBride, assignee of John Jordan, was taken up.

Mr. Foscue moved a re-commitment of the bill to Judiciary committee.

On motion of Mr. Shannon the bill was re-tabled.

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

The resolution instructing the Judiciary committee to examine into the propriety of passing an act to suppress carrying concealed weapons, with the adverse report of said committee, was taken up.

Mr. Foscue moved to re-commit the resolution to the Judiciary committee with instructions to report a bill. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Bogart, Caddell, Craig, Crooks, Cumby, Dale, Darnell, Daniels, Dickson, Edwards, Flewellen, Francis, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Lewter, Manly, Martin, Maverick, McClarty, Middleton, Norton, Redgate, Redwine, Ross, Shelton, Stewart, Warfield, Whitfield, Whitmore, Wortham and Wrede.—Yeas 39.

NAYS—Messrs. Barnard, Benevides, Billingsley, Branch, Bryan, Buckley, Camp, Clark, Culberson, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Epperson, Franklin, Hall, Haynes, Henderson, Hubert, Lewis of Montgomery, Lewis of Robertson, Lynch, Mabry, Maxey, McCutcheon, Mills, Mundine, Munson, Navarro, Nelson, Owens, Parker, Perry, Pirkey, Robinson, Shannon, Short, Speights, Taylor, Townes, Walworth and Waterhouse.—Nays 44. And the report adopted.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Tuesday, Nov. 22nd, 1859. }

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

Mr. Buckley, chairman of Judiciary committee, reported a bill to relieve A. E. Benham, daughter of J. J. Benham, from the disabilities of minority, and recommended its passage. Bill read first time.

Also reported a substitute for the bill to legitimate Donaceana Thomas, late Donaceana Hewland, and recommended its passage.

Mr. Short, one of the committee on the Judiciary, reported, recommending the passage of a bill to incorporate the Western Texas Life and Fire Insurance Company.

Mr. Henderson reported a substitute for the bill to incorporate the Israelite Congregation in the city of Houston, and recommended its passage.

Mr. Shannon, one of the committee on Public Lands, reported a bill to grant to settlers on public land, pre-emption privileges.

Also, as chairman of committee on Private Land Claims, reported, recommending that no further action be taken upon the petition of H. A. Hornsby, a general bill for relief of such applicants having heretofore been reported to the House.

Mr. Cumby, chairman of committee on the Land Office, reported, recommending the indefinite postponement of the resolution requiring the Commissioner of the Land Office to have a map of the State made, &c., &c.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed a bill to amend an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved Nov. 28, '57, and the same had been presented to the Governor for his approval and signature.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill for the relief of Joseph Thompson, also a bill for the relief of Geo. W. Goodwin.

Mr. Craig, one of the committee on Education, reported a substitute for the bill for the relief of the purchasers of University Lands.

[Mr. Nelson in the Chair.]

On motion of Mr. Taylor the rule was suspended and the report taken up, and the bill read second time.

Mr. Taylor proposed to amend by striking out that part of the bill requiring interest from now till 1st of June, 1860.

On motion of Mr. McKnight the amendment was laid on the table.

And on motion of Mr. Franklin the bill was re-committed to Judiciary committee.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the bill to regulate the sale of spirituous liquors and recommended its passage.

Mr. Hubbard, one of the Judiciary committee, reported a substitute for the following bills :

A bill to remove the disability of minority from Thos. Love.

A bill to remove the disabilities of minority and to legalize the acts of Ben A. Campbell, a minor.

A bill to relieve Martin V. Clary and Jasper Clary from the disability of minority, for certain purposes, and recommended its passage.

Mr. Foscue, chairman of the committee on Internal Improvements, reported, recommending the indefinite postponement of a bill to abolish the office of State Engineer and Superintendent.

Mr. Shannon, chairman of committee on Private Land Claims, reported, asking to be relieved from any further consideration of the petition of the heirs of Thomas G. Dunn as they have obtained no evidence that said Dunn either lived or died in the Republic or State of Texas.

Mr. Culberson, one of the Judiciary committee, reported, recommending the passage of the bill to amend sections 587 and 588 of the Code of Criminal Procedure. Messrs. Short and Dougherty submitted a minority report recommending the rejection of said bill. Mr. Branch, one of the committee on Education, reported, recommending the passage of the bill to authorize Caleb Wilson to practice law in this State.

Mr. Perry moved that the rule be suspended and the bill taken up. Lost.

Mr. Barnard, by permission, presented a petition of the citizens of Karnes county. Referred to committee on Finance.

Mr. Haynes, by permission, presented the petition of P. B. Norton. Referred to committee on Claims and Accounts.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported a bill for the relief of Cyrus S. Millette, and recommended its passage. Bill read first time.

Mr. Wortham, one of the Public Land committee, reported, recommending the passage of the Senate's bill (without amendments) supplementary to and amendatory of an act entitled "an act to provide relief for pre-emption settlers and their assignees, under the act of Jan. 22nd, 1845, the act of Feb. 7th, 1853, and the act of Feb. 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad reservation.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, asking that the bill for the relief of Chas. A. Russell be referred to Judiciary committee.

On motion of Mr. Barnard the rule was suspended, the bill taken up and referred to said committee.

Mr. Darnell introduced a bill for the relief of Nathaniel M. Burford, Judge of 16th Judicial District. Read first time and referred to Judiciary committee.

Mr. Mabry introduced a bill to be supplementary to an act approved May 8th, 1846, entitled "an act to authorize the appointment of Commissioners to take the acknowledgments of deeds, depositions and other instruments of writing executed out

of this State. Read first time and referred to Judiciary committee.

Mr. Armstrong introduced a bill to incorporate the Sulphur and White Oak Bridge and Plank Road Comdany. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Benevides introduced a bill to require the Treasurer of the State to refund to Blas Uribe and other co-heirs, certain moneys illegally collected from them. Read first time and referred to Judiciary committee.

Mr. Redwine introduced a bill to amend the 2nd section of an act to regulate the License and practice of Attorneys and Counsellors at Law, approved May 12th, '46. Read first time and referred to Judiciary committee.

Mr. Baxter introduced a bill to appropriate money to pay Tax Collectors for taking census of the scholastic population. Read first time and referred to committee on Finance.

Mr. Hubbard introduced a bill to determine what lands are forfeited. Read first time and referrek to Judiciary committee.

Mr. Short introduced a bill to prescribe the time of holding the District Courts of the 5th Judicial District. Read first time and referred to committee on Judicial Districts.

Mr. Lynch, by permission, presented the petition of A. G. Noland. Referred to committee on Penitentiary.

Mr. Franklin introduced a bill to incorporate the Galveston Turner's Association. Read first time and referred to committee on State Affairs.

Mr. Branch offered the following resolution :

Resolved, That the Judiciary committee be instructed to enquire into the expediency of amending article 608 of the Penal Code of the State of Texas, also the expediency of repealing articles 574 and 010 of said Code, and report by bill or otherwise. Adopted.

Mr. Lewis of Robertson, offered the following resolution :

Resolved, That the committee on Slaves and Slavery be requested to enquire into the expediency of passing a bill requiring runaway slaves to be committed to the Penitentiary after remaining in the county jails six months, to be there kept until claimed by the owners. Adopted.

Mr. Townes offered the following resolution :

Resolved, That the committee on State Affairs be requested to ascertain whether the appointment of an assistant clerk by the Secretary of State was proper and necessary, and what expense was incurred thereby, and report by bill or otherwise. Adopted.

On motion of Mr. Mills the rule was suspended, and the Senate's resolution relative to dividing the 16th Judicial District was taken up.

[Speaker resumed the Chair.]

Mr. Mills moved to refer the resolution to the committee on Judicial Districts. Lost and the resolution laid on the table.

Mr. Dickson introduced a bill to validate the Headright Certificate of John P. Roan. Read first time and referred to committee on Private Land Claims.

On motion of Mr. Dennis, Mr. Davis of Bastrop, was added to the committee on the Judiciary and to the committee on Education.

On motion of Mr. Harrison of Van Zandt, Mr. Navarro was added to committee on Private Land Claims.

On motion of Mr. Mundine, Mr. Darnell was added to committee on Stock and Stock raising.

On motion of Mr. Davis of Bastrop, Messrs. Epperson and Ross were added to committee on Slaves and Slavery.

On motion of Mr. Manly, Mr. Clark was added to committee on Engrossed Bills. Mr. Manly then asked to be excused from serving on said committee. House refused to excuse him.

Mr. McCutcheon offered the following resolution :

Resolved, That the Judiciary committee be requested to enquire into the expediency of revising the present Tax laws of this State, and to report by bill or otherwise.

Mr. Buckley proposed to amend by striking out "Judiciary" and inserting "Finance." Lost.

Mr. Dougherty moved to lay the resolution on the table. Lost. He then proposed to amend by striking out "Judiciary" and inserting "Revenue Laws."

Mr. Nelson moved to lay amendment on the table. Lost, and the amendment adopted and the resolution as amended adopted.

Mr. Pirkey introduced a bill to amend the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company. Read first time and referred to committee on Internal Improvements.

ORDERS OF THE DAY.

A bill to incorporate the Texas Telegraph Company with report from committee on Internal Improvements with amendments was taken up, and on motion of Mr. Franklin laid on the table for the present.

Mr. Duncan, by permission, offered the following resolution :

Resolved, That the committee on State Printing be authorized to contract with the Gazette office for two numbers of the

daily Gazette for each member of this House, also for two numbers of the tri-weekly Intelligencer during the session. Adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Billingsley, Branch, Bryan, Caddell, Craig, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Lewis of Mont-Lynch, McClarty, Mills, Parker, Perry, Redwine, Ross, Shannon, Shelton, Smith, Townes, Walworth, Warfield, Waterhouse, Whitfield and Wrede.—43.

NAYS—Messrs. Barnard, Baxter, Benevides, Bogart, Buckley, Camp, Davis of Bastrop, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Henderson, Henry, Houghton, Lewis of Robertson, Lewter, Mabry, Manly, Maverick, McCutcheon, Middleton, Mundine, Navarro, Nelson, Norton, Owens, Redgate, Robinson, Stewart, Taylor, Whitmore and Wortham.—35.

The report from the Judiciary committee, recommending the passage of a substitute for the bill for the relief of Hannah C. Buckner was taken up and adopted. Bill read second time and ordered to be engrossed.

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

The bills to create the — and 20th Judicial Districts, with report from Judiciary committee asking their reference to the committee on Judicial Districts, were taken up and report adopted.

A bill to amend art. 360 of Oldham & White's Digest, with report from Judiciary committee was taken up.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Wednesday, Nov. 23rd, 1859. }

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

Mr. Navarro asked to be excused by the House from serving on the committee on Private Land Claims. Refused.

Mr. Darnell presented the petition of the heirs of Charles D. Ferris. Referred to committee on Private Land Claims.

Mr. Redwine presented a petition of the citizens of the town of London. Referred to committee on State Affairs.

Mr. Dennis presented the petition of the members of the Bar of Falls county. Referred to committee on Judicial Districts.

Mr. Warfield presented the petition of William Isaacs. Referred to committee on Private Land Claims.

Mr. Foscue, one of the committee on State Affairs, reported a substitute for the bill to incorporate the town of Jasper, and recommended its passage. Also reported, recommending the indefinite postponement of the resolution requiring the committee on State Affairs to enquire why the reports provided for by the 3rd section of an act of the 7th Legislature, in regard to changing the termination of the fiscal year, had not been distributed in the House, as said reports had subsequently been distributed.

Mr. Short, one of the committee on State Affairs, reported a bill to incorporate the town of Shelbyville, and recommended its passage. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported, asking to be excused from a further consideration of the resolution requiring said committee to inquire into the expediency of sending out commissioners to examine into the causes of the Rio Grande difficulties, as they consider the measure inexpedient.— Also reported, asking to be excused from further consideration of the additional section proposed to be added to the bill to regulate the sale of spirituous liquors, as the bill proposed to be amended had been reported to the House. Also reported, asking that the bill to establish two Universities be referred to the committee on Education. Also reported a substitute for the bill to encourage the building of steamboats, steamships and other vessels in the State of Texas, and recommended its passage.

Mr. Perry, one of the committee on Agriculture, reported, recommending the indefinite postponement of the bill to amend an act to appoint Cotton Weighers.

Mr. Lewis of Montgomery, chairman of committee on Agriculture, reported, recommending the passage of the bill to repeal an act passed A. D. 1856, for the appointment, by the Governor, of Cotton Weighers, for certain ports therein named. Also reported a bill to regulate Factors and Warehousemen, and recommended its passage.

On motion of Mr. Hartley, 100 copies of the bill were ordered to be printed.

A message was received from the Senate informing the House that the Senate had rejected a bill originating in the House, authorizing the Governor to offer \$10,000 reward for the arrest of certain persons depredating in the counties of Cameron and

Hidalgo. Also that the Senate had passed the following named bills:

A bill to incorporate the horse head crossing of the Pecos bridge company.

A bill for the relief of Albert G. Walker.

A bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bourland and John Henry Brown. Also for the pay of the commissioners sent by the Governor to the Indians.

A bill to incorporate the Pecos Bridge Company.

And a bill to incorporate the Factor's Cotton Press.

Mr. Hubbard, chairman of the committee on Slaves and Slavery, reported a substitute for the bill to regulate patrols and prescribe their duties, and recommended its passage.

On motion of Mr. Davis of Hays, 100 copies of the bill were ordered to be printed.

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

A bill for the relief of the heirs of Joseph W. Bass, deceased.

A bill for the relief of the heirs of A. D. Duncan, deceased.

And a bill supplementary to an act to amend the 1st section of an act entitled an act to amend the 2nd and 7th sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved May 12, 1846, approved November 30, 1850, and approved August 30, 1856.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, recommending the rejection of the bill for the relief of Mrs. William Gamble, late widow of John Carroll. Also reported a bill for the relief of Joseph E. Field, and recommended its passage. Bill read first time.

Mr. Daniels, by permission, presented the petition of the President and Trustees of Herman Seminary. Referred to committee on Judiciary.

Mr. Davis of Hays, offered the following resolution:

Resolved, That the committee on Printing be requested to inquire into the cause of delay of the printing of the abstract of the census, and report at what time they may be expected to be delivered. Adopted.

Mr. Haynes introduced a bill to authorize the Commissioner of the General Land Office to correct errors and mistakes in certain cases, &c. Read first time, and referred to committee on Private Land Claims.

Mr. Short introduced a bill to regulate the pay of Sheriffs in

certain cases. Read first time and referred to committee on State Affairs.

Mr. Houghton introduced a bill to amend the second section of an act authorizing and requiring the county courts to regulate roads; appoint overseers, &c., approved February 8, 1858. Read first time, and referred to committee on Roads, Bridges and Ferries.

Mr. Caddell offered the following resolution :

Resolved, That the committee on Public Debt be instructed to enquire into the Claims of James W. Parker against the State of Texas, for services and money paid out for the recapture of seventeen prisoners from the Indians in the years 1836 to 1843, and for a league and labor of land, being his headright which was located but lost by said James W. Parker on account of a conflict with an eleven league grant, and also for lands purchased by said James W. Parker from the original patents and afterwards cancelled because of conflict and otherwise, and that said committee be instructed to report by bill or otherwise. Adopted.

Mr. Townes introduced a bill for the relief of Thomas Smith. Read first time and referred to committee on Finance.

Mr. Nelson introduced a bill to donate 640 acres of land, each, to Rebecca and Margaret Jackson and Joshua Jackson, minors of Joshua Jackson, deceased, and Peter Johnson, minor of Peter C. Johnson, deceased. Read first time and referred to committee on Private Land Claims.

Mr. Lewis of Montgomery, introduced a bill to incorporate the village of Danville in the county of Montgomery. Read first time and referred to the committee on State Affairs.

Mr. McKnight offered the following resolution :

WHEREAS, To-morrow, (Thursday 24th November, 1859,) has been recommended by the Governor as a day of general thanksgiving for the many blessings which Providence has showered upon our country ; therefore,

Resolved, That it is due to ourselves, to those whom we represent and to the solemnity of the occasion, that we suspend business on that day.

Resolved, 2d That when this House adjourns to-day it will adjourn to meet on Friday morning, 10 o'clock. Adopted.

Mr. McClarty offered the following resolution :

Resolved, That the Speaker be requested to appoint a committee who shall draft suitable resolutions of respect to the memory of our late distinguished U. S. Senator, J. P. Henderson, deceased, and report the same on Saturday next. Adopted.

The Speaker appointed Messrs. McClarty, Dickson, Caddell, Baxter and Dennis on said committee.

Mr. Armstrong introduced a bill to define the duties of Grand Juries and District Attorneys. Read first time and referred to committee on Judiciary.

Mr. Barclay introduced a bill to amend article 411 of Oldham & White's Digest. Read first time and referred to committee on Judiciary.

Mr. Norton introduced a bill to encourage the settlement of the frontier and to secure to each actual settler 200 acres of land. Read first time and referred to committee on Public Lands.

On motion of Mr. Hartley, Mr. Manly was added to the committee on the Judiciary.

ORDERS OF THE DAY.

The bill to amend Article 360 of Oldham & White's Digest, pending when the House adjourned yesterday, with report from Judiciary committee, was taken up and read second time. Mr. Mills proposed to amend by striking out the caption and inserting "an act to amend the 4th section of an act allowing discounts and set-offs, passed 5th of February, 1840, (Oldham & White's Digest, Art. 360.)" The amendment was adopted and the bill ordered to be engrossed.

[Mr. Bogart in the Chair.]

A bill for the relief of Joseph Thompson taken up, read third time and passed.

A bill for the relief of the heirs of A. D. Duncan, deceased, taken up, read third time and passed.

A bill for the relief of George W. Goodwin, taken up, read third time and passed.

A bill for the relief of James W. Bass, deceased, taken up, read third time and passed.

A bill supplementary to an act entitled an act to amend the 1st section of an act entitled an act to amend the 2nd and 7th sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved May 12, 1846, approved November 30, 1850, approved August 28, 1856, was taken up, read third time and passed.

A bill to appropriate money to pay Attorney General and District Attorneys the costs due them under Article 952 D. of the Code of Criminal Procedure, was taken up, read second time and ordered to be engrossed.

A bill to amend Article 955 of the Code of Criminal Procedure, was taken up, read second time and ordered to be engrossed.

[Speaker resumed the Chair.]

A bill granting 320 acres of land, each, to George Eberly, Eliza, and Julia Pierce Henry, together with report from committee on Public Lands was taken up and read second time.

Mr. McKnight proposed to amend by adding, "provided that all other cases of triplets born within the State during the present year or before the meeting of the next Legislature shall be entitled to the same amount of land."

On motion of Mr. Harrison of Van Zandt, the amendment was laid on the table.

Mr. Hartley proposed to amend by adding, "provided, also, the Commissioner of the General Land Office shall issue certificates for the like amounts of land, each, to each of the three children born at one birth of Godfried Miller of Galveston county, and that they be entitled to all the benefits of this bill.

Mr. Norton moved the previous question, which was on the engrossment of the bill.

The question being, shall the main question be put? the same was submitted by the Speaker, and the main question ordered, and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Barclay, Baxter, Benevides, Billingsley, Branch, Buckley, Camp, Crooks, Clark, Davis of H., Dickson, Duncan, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henderson, Hubert, Lewis of Montgomery, Lynch, Mabry, Manly, Martin, Maxey, McCutcheon, Middleton, Mundine, Munson, Navairo, Nelson, Norton, Perry, Redgate, Robinson, Shannon, Smith, Taylor, Townes, Walworth, Waterhouse, Whitfield and Wrede—42.

NAYS—Messrs. Speaker, Anderson, Armstrong, Bogart, Bryan, Caddell, Craig, Crawford, Culberson, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Edwards, Epperson, Flewellen, Francis, Franklin, Foscutt, Hall, Houghton, Hubbard, Lewis of R, Lewter, Maverick, McClarty, McKnight, Mills, Parker, Redwine, Ross, Shelton, Short, Speights, Warfield, Whitmore and Wortham—40.

Mr. Shannon, by permission, offered the following joint resolution:

WHEREAS, The citizens of Texas have for the last three years or more, by certain lawless bands of men, composed of citizens of the State of Missouri and territory of Kansas, been seriously molested in the legitimate business of transporting stock from this State through the State of Missouri and territory of Kansas, to market in the more northern States; therefore,
Be it resolved by the Legislature of the State of Texas, That

our Senators in Congress be instructed and our Representatives requested to take such steps in the premises, as will, for the future, secure to our citizens such protection as is guaranteed to all the citizens of the United States by the Constitution and laws thereof. Read first time and referred to committee on Federal Relations.

Mr. Henderson, by permission, submitted a minority report of committee on the Judiciary relative to members of the Legislature voting for one of their own body for U. S. Senator.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The undersigned, members of the Judiciary committee, to whom was referred a resolution requiring said committee to take into consideration section 24 of article 3rd of the Constitution of the State of Texas, and to report whether said clause inhibits a member of the Legislature from voting for a member of either branch of the Legislature for the United States Senate ; and whether, if there be any inhibition, the same can be obviated by a resignation of the member to be voted for, beg leave to submit this minority report.

The section in question is as follows :

“ Article 3rd, section 24. 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 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 for 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 the Speaker of the House of Representatives shall be elected from their respective bodies.”

There is no ambiguity in the language. There is nothing left for construction as to what was *intended* by the Convention.— Indeed, so far as the undersigned are advised, it is conceded on all hands that the *object* of the Convention was to preclude the Legislature from electing one of their body to *any* office except those mentioned in the last clause of the section, to-wit : “ President of the Senate for the time being and Speaker of the House.” The only question then is, shall the intention of the framers of the Constitution prevail ? or must it fail because of want of power in the Convention that framed it and the people of Texas

who at the ballot box adopted it to prescribe such a rule? Why we respectfully ask, could they not insert such a clause and make it operative? The Convention met with *plenary* powers to frame a Constitution. The entire power and sovereignty of the people of Texas was represented in the *action* of the Convention, and *directly* exercised at the ballot box in *sanctioning* its action; and this power had no limitation except in the grants of power to the General Government contained in the Constitution of the United States.

What provision of the Constitution of the United States is in conflict with the section of our State Constitution under consideration?

It has been urged that it is repugnant to the provisions of the 3rd clause of the 3rd section of the 1st article of the Constitution of the United States. The clause is as follows: "No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

The argument is that the provision of the State Constitution under consideration requires an additional qualification to those mentioned in the preceding clause of the United States Constitution for the office of United States Senator. This is palpably untrue. No such object was intended and no such effect will result from its observance. If the State Constitution had said that no one should be elected to the United States Senate unless he had attained to the age of twenty-five years—or that one might be elevated who had only resided in the United States five years, the conflict would be palpable. But no change is sought to be made either by taking from or adding to the qualifications prescribed by the Constitution of the United States. It only seeks to render ineligible for the office members of the Legislature, and to impose upon them a limitation of their power to elect. This is a matter purely of State policy with which the General Government has nothing to do. Every State is left free to regulate the elective franchise of its citizens in its own way. The right has been exercised in several of the States to the extent of requiring a property qualification on the part of the citizens as a condition precedent to his right of suffrage. It is too late now to dispute the well established doctrine that every State has the right to determine the status of its citizens in respect of the right of suffrage, and in doing this they can discriminate as between their own citizens in voting—it is equally true that they may also discriminate as to the eligibility of citi-

zens for a particular office. Indeed, the thing has been done by our Constitution by declaring ministers of the gospel ineligible to a seat in the Legislature. Is this not a limitation upon the right of suffrage of the people of the State? Can they Constitutionally elect a minister of the gospel to a seat in the Legislature? No one will insist that it can be done, and yet this inhibition works no change of the qualifications of such citizens as may be elected. It only withdraws from the elective body one class of citizens for particular office.

Let us suppose that the Convention had said that the Legislature should not elect to the office of United States Senator one who had been convicted of high crime, or who had been incarcerated in States prison—who would contend that this infringed the United States Constitution, or that it prescribed a new qualification for Senators. Is it not too manifest for argument that the only object or effect of it would be to withdraw from the elective body—the Legislature—a class of citizens for whom they should not vote for Senator?

The Convention and people of Texas had in ordaining and establishing the Constitution the power to discriminate—and by imposing a limitation upon the elective body, to prevent the election of members of the Legislature to the Senate. It left them free to choose out of the whole body of citizens outside of the Legislature, and left, of course, the qualifications of the one elected to be determined by the Constitution of the United States.

It is not the purpose of the undersigned to enter into a discussion of the wisdom or policy of the provision. Whether wise or unwise, it is a part of the Constitution of the State ordained and established by the people, and which, together with every other of its provisions, every member of this body is sworn to support. Each member must, necessarily, settle for himself whatever doubt arises touching the question—yet it seems to the undersigned that whenever it is admitted that it was *intended* by the framers of the Constitution to preclude the election of a member of the Legislature to the United States Senate, the whole question is yielded. What remains? Not a doubt as to what was intended, but a doubt as to whether what was intended is a part of the Constitution which we are sworn to support. We respectfully suggest that such a doubt ought to determine action on the safe side.

One thing is clear. The Convention and the people of the State thought they were providing against an evil that had been felt in other States. The provision indicates a deep conviction

upon the public mind at the time of the necessity of preserving from undue influence the body entrusted with the election of so important an officer as United States Senator.

If we err, we choose to err on the side of the Constitution, the people who adopted it, and in obedience to the oath we have taken to support it. As to the effect of resignation, the undersigned do not deem the question worthy of argument.

It is declared in the section under consideration, 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." The inhibition reaches to the entire term for which the party was elected to the Legislature. And were it otherwise, of course the very object of the provision might always be defeated by a resignation just before the election by the Legislature, but not until after a full use of all the advantages of legislative position and influences in making certain the result of the election by the Legislature had been resorted to.— Common sense, as well as the language of the clause, rejects such a construction. Nor is the Legislature without a precedent in coming to this conclusion upon this clause of the Constitution. For at an early day after the people of Texas had adopted our State Constitution and the first Legislature had met under its provisions, this question was brought before the State Senate in the appointment of Volney E. Howard as Attorney General by the first Governor of the State, J. Pinckney Henderson. Mr. Howard was at the time of his appointment a member elect to the Legislature from the county of Bexar for the term of two years but who had taken his seat or oath of office. It was contended by some at the time that the resignation of Mr. Howard would obviate any Constitutional objection to the confirmation of his appointment by the Senate. But the Senate taking the same view of the clause of the Constitution now under consideration, as that adopted by the undersigned, held that he was ineligible for the whole term for which he was elected, and refused to confirm the appointment. That the undersigned are correct and have come to the conclusion of the framers of the Constitution upon the clause under consideration, it is only necessary to turn to the Debates of the Convention, page 527.

"Mr. Mayfield moved to strike out the following, "*nor shall the members thereof (Legislature) be capable of voting for a member of their own body for any office whatever except in such cases as herein provided for :*" upon which the Ayes and Noes

were called and stood as follows : Ayes 13, Noes 38 ; so the motion was lost.

Same page, Mr. Mayfield moved to insert after the word "*place*" the words "of their creation," and after the word "whatever," the words "of their creation, so as to" read "be eligible to any office or place of their creation." Motion lost by vote—Ayes 21, Noes 29.

Mr. Everts moved to strike out all after the word "term" in third line ; upon which the Ayes and Noes were called and stood as follows : Ayes 19, Noes 30. So the motion was lost.

On motion of Mr. Bache the following words were stricken out : "after the first session of the Legislature after his election and" between the words "shall" and "during" in 4th and 5th line, also the words "the remainder of" in 5th line.

The section was then adopted as we now find it in our State Constitution, and here the argument of the majority of this committee is fully answered by showing that those persons in the Convention, who desired that members of the Legislature should not be excluded as a class that the Legislature might vote for, attempted to, by amendments, to make them eligible ; but all of the amendments were rejected, and the Constitution of our State, with the construction we give, has not only the sanction of the framers who made, but the people who ratified it at the *ballot box*.

We would beg leave further to add, that in looking into the provisions of the Constitution of the United States, that we find only these qualifications for United States Senator in Article 1, Section 3 :

"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected be an inhabitant of that State for which he shall be chosen."

It will be observed that so far as the Constitution of the United States undertakes to fix and prescribe the qualifications for a United States Senator, it must prevail. But the undersigned hold that in the language of the Constitution of the United States, Article IX : "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Then if the Constitution only requires, for instance, that a Senator shall at the time of his election be an inhabitant of the State, the people in the exercise of rights not delegated to the General Government, in the adoption of a State Constitution, could prescribe the further qualification that he should be a citizen of the State of Texas. And should the

people of this State require such further qualifications, could the General Government complain? For if he is a citizen, he must be an inhabitant of the State, and the Constitutional requisites are complied with. It would not be seriously contended that the people of a State when they form a State Constitution might not require of the members of the Legislature upon whom, under the Constitution of the United States, devolves the duty of electing a Senator, that they should not be capable of voting for a person who was not a citizen or a voter of the State which he aspired to represent in the United States Senate. If they might do this they might place a limitation upon the members of the Legislature preventing them from voting for a member of their own body for any office whatever, without adding to or diminishing the qualifications required by the Constitution of the United States for a Senator. For in the language of the Constitution of the United States, Article X, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people." Now we would respectfully ask, in what grants in the Constitution of the United States is to be found a clause prohibiting the people of a State from prescribing the mode in which the elective franchise shall be exercised either by the people or the members of the Legislature of a State? And again, the Constitution of the United States says, Article I, Section III: "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof." What is meant "by the Legislature thereof?" Does it not obviously mean the members of the Senate and House of Representatives, or by any other name that they may be called? Then if the Legislature, or in any other words the members who constitute that body, are required to perform a specific duty, how is it possible for that Legislature to partially destroy itself by taking a member from it to act in another capacity? The rights of the people whom he represents in the State Legislature will, for the time being, be abandoned. Although the Legislature of the State of Texas is permitted for convenience to transact the business thereof with less than the whole number, yet "the Legislature thereof" means the whole number that the Constitution and Laws of the State authorize to be elected to compose that body.

But should the Legislature see proper to elect a member of their own body to the Senate of the United States, against what we conceive to be a plain inhibitory clause in our State Constitution, such person so elected could not be ousted of his seat by

the United States Senate. For that body would not go behind his election farther than to see if he possessed the qualifications required by the Constitution of the United States, which alone they are sworn to support. And here the argument of the Majority Report of this committee, in the case of Trumbell, decided in the United States Senate, is fully met by simply stating that the Senators in arriving at their conclusions were not sworn to support the Constitution of Illinois under which the case arose. And hence the prestige of the action of our distinguished Senators, Rusk and Houston, in that case, as alluded to in the majority report, falls to the ground.

All of which is respectfully submitted.

J. W. HENDERSON,
H. P. MABRY,
A. M. BRANCH,
G. W. WHITMORE.

Mr. Nelson, by permission, introduced a bill to repeal an act passed February 4th, 1856, creating a reservation of five leagues of land for Indians, west of the Pecos river. Read first time and referred to Judiciary committee. Also introduced a bill to dispose of twelve leagues of land embraced in the two Indian Reservations on the Brazos river in this State. Read first time and referred to the committee on Public Lands.

On motion of Mr. Franklin, the bill to incorporate the Texas Telegraph Company was taken up and placed among the orders of the day.

The report from the committee on Private Land Claims, recommending the rejection of the petition of Charles Parks, was taken up, and the report adopted.

The bill for the relief of Chester B. Starks, together with report of committee on Private Land Claims, was taken up.—Bill read second time and ordered to be engrossed.

A bill to incorporate the Texas Telegraph Company, with amendments by the committee, was taken up, and referred to committee on Internal Improvements.

The following Senate bills were taken up, read first time, and disposed of as indicated:

A bill to incorporate the Horsehead Crossing of the Pecos Bridge Company. Referred to committee on Roads, Bridges and Ferries.

A bill to incorporate the Pecos Bridge Company. Referred to committee on Roads, Bridges and Ferries.

A bill to incorporate the Factor's Cotton Press Company.—Referred to committee on State Affairs.

A bill to provide for the pay and subsistence of the troops called out by the Governor of the State under command of John S. Ford, James Bourland and John Henry Brown. Also for the pay of the Commissioners sent by the Governor to the Indians. Referred to committee on Finance.

A bill for the relief of A. G. Walker. On motion of Mr. Shannon, the rule was suspended and the bill read second time and passed to a third reading. Mr. Shannon moved a further suspension of the rule Lost.

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

HOUSE OF REPRESENTATIVES, }
FRIDAY, Nov. 25th, 1859. }

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

Mr. Wrede presented the petition of the citizens of Comal county. Referred to committee on State Affairs.

Mr. Billingsley presented the petition of Hamilton Smith. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of W. Drake. Referred to committee on Claims and Accounts.

Mr. Wortham presented the petition of P. L. Smith. Referred to committee on Private Land Claims.

Mr. Pirkey presented the petition of the Baptist Church of Red River. Referred to committee on Judiciary.

Mr. Redgate presented the petition of the officers and members of "Lone Star Circle." Referred to committee on State Affairs.

Mr. Short, one of the committee on Privileges and Elections, made a majority report, asking to be relieved from a further consideration of the bill to amend art. 255 of Oldham & White's Digest.

Mr. Davis of Bastrop, gave notice that he would submit a contrary minority report.

Mr. Lewter, one of the committee on Private Land Claims, reported, asking to be relieved from further consideration of the petition of Thomas Ayres as they find no evidence upon which to grant the desired relief.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, recommending the passage of the bill for the

protection of Quail on Galveston county, with a substitute by the committee for the 3rd section.

Mr. Epperson, one of the committee on Slaves and Slavery, reported, asking to be discharged from a further consideration of the resolution requiring the said committee to enquire into the expediency of committing slaves to the Penitentiary, &c., as they deem the measure inexpedient.

Mr. Walworth, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of David M. Shropshire, dec'd.

Mr. Bryan, one of the committee on Private Land Claims, reported a bill for the relief of Timothy McKean and Felix W. Goff, and recommended its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill for the relief of Milton Crooks and recommended its passage. Bill read first time.

Also, reported a bill for the relief of the heirs of Jas. Cock, dec'd, and recommended its passage. Bill read first time.

[Mr. Foscue in the Chair.]

A message was received from the Senate informing the House that the Senate had adopted a resolution to raise a joint committee of three from the Senate and — from the House to enquire into the expediency of granting further time to the Castro Colonists to prove their claims for headrights, and Messrs. Paschal, Duggan and Throckmorton had been appointed on said committee on part of the Senate.

Also, had passed a bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the mainland in aid of the "Galveston, Houston and Henderson Railroad," and to validate the bonds by them issued or to be issued for such purpose; and to impose a special tax to pay the interest on said bonds, and to provide a fund to meet said bonds when due.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill for the relief of Hannah C. Buckner.

Mr. Buckley introduced a bill for the relief of Thos. J. Smith of Fort Bend county. Read first time and referred to committee on Private Land Claims.

Mr. Barnard introduced a bill for the relief of Ezekiel Ballard. Read first time and referred to committee on Claims and Accounts.

Mr. McClarty introduced a bill to relieve Q. K. Gibson from

disability of minority. Read first time and referred to committee on Judiciary.

Mr. Cumby introduced a bill to amend art. 1878 of Oldham & White's Digest. Read first time and referred to committee on Slaves and Slavery.

Mr. Nelson introduced a bill for the relief of H. C. Lazenby. Read first time and referred to committee on Claims and Accounts

Mr. Bogart introduced a bill to incorporate the East Fork Bridge Company. Read first time and referred to committee on Roads, Bridges and Ferries.

Also, a bill to incorporate the Rock Ford Bridge Company. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Hubbard introduced a bill for the relief of Andrew Mason, assignee of Robert H. Andrews. Read first time and referred to committee on Private Land Claims.

Mr. Buckley, by permission, presented the petition of the heirs of B. Garrett. Referred to committee on Private Land Claims.

On motion of Mr. Taylor, Mr. Pirkey was added to the committee on Internal Improvements.

Mr. Billingsley introduced a bill to authorize the Secretary of State to purchase a certain number of Burlage & Hollingsworth's Abstract of Valid Land Certificates. Read first time and referred to committee on Land Office.

Mr. Epperson introduced a bill supplemental to the general act regulating proceedings in the District Court. Read first time and referred to Judiciary committee.

Mr. Flewellen introduced a bill to incorporate Washington Collegiate Female Institute in Washington county. Read first time and referred to committee on Education.

Mr. Mills introduced a bill to repeal art. 952d of Criminal Procedure. Read first time and referred to committee on Judiciary.

Mr. Dougherty introduced a bill to relinquish the State tax for the years 1860-'61 to certain counties therein named. Read first time and referred to committee on Revenue Laws.

Mr. Mills introduced a bill to amend the 4th section of an act to regulate cases of forcible Entry and Detainer. Read first time and referred to committee on Judiciary.

Mr. Henry introduced a bill to authorize the Governor to appoint Commissioners of Deeds, &c., in the Choctaw and

Chickasaw nation. Read first time and referred to committee on Judiciary.

Mr. Daniels introduced a bill to amend article 161 Oldham & White's Digest. Read first time and referred to committee on Education.

Mr. Armstrong introduced a bill to amend art. 411 of Penal Code in Oldham & White's Digest. Read first time and referred to committee on Judiciary.

ORDERS OF THE DAY.

The petition of Mrs. Mary Jones, widow of the late Dr. Anson Jones, together with the adverse report from committee on Public Debt was taken up and the report adopted.

[Speaker resumed the Chair.]

The petition of John Birth together with report from committee on Public Debt, recommending that the petition be laid on the table, was taken up and the report adopted.

Mr. Maxey, by permission, introduced a bill to encourage the settlement of the frontier. Read first time and referred to committee on State Affairs.

The bill to require the clerks of the District Courts of certain counties to apportion their dockets, with report from committee on Judiciary was taken up, and on motion of Mr. Mills referred to a select committee of three from the 9th Judicial District.

The 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 report from committee on State Affairs was taken up, the amendments adopted and the bill ordered to be engrossed.

The Senate's bill for the relief of Albert G. Walker was taken up. Mr. McKnight moved to refer the bill to committee on Judiciary. Lost. The bill read third time and passed.

A bill to encourage the increase of population together with report from committee on Stock and Stock-raising, taken up.

On motion of Mr. Nelson the bill and report were laid on the table.

A substitute for the bill for the relief of M. K. Hammond, together with report from committee on Private Land Claims, taken up. Read second time and substitute adopted.

On motion of Mr. Foscue the preamble was struck out and the bill ordered to be engrossed.

A substitute for the bill for the relief of the heirs of A. Spain Summerlin, with report from committee on Private Land Claims, taken up. Read second time, the substitute adopted and ordered to be engrossed.

A bill to abrogate the charter of the Galveston, Houston and Henderson Railroad Company, with report from committee on Internal Improvements, was taken up and the report adopted.

On motion of Mr. Parker the bill for the relief of J. J. McBride, assignee of John Jordan, was taken up. Read and ordered to be engrossed.

A bill to provide for the sale of the public domain of the State of Texas, together with report of committee on Public Lands, taken up, read second time and on motion of Mr. Dale laid on the table for the present.

A bill for the relief of Alexander Ferguson with report from committee on Private Land Claims, taken up, read second time and ordered to be engrossed.

A bill to fix the time of the biennial meeting of the Legislature, with report from committee on Judiciary was taken up and read second time.

Mr. Ross proposed to amend by striking out "first Monday in December" and inserting "second Monday in October."

Mr. Flewellen offered the following as a substitute for the amendment: Strike out "second Monday in October" and insert "second Monday in December." Lost.

On motion of Mr. Taylor the bill and amendment laid on the table.

The following message was received from the Governor :

EXECUTIVE OFFICE, }
AUSTIN, Nov. 25, 1859. }

Gentlemen of the Senate

and House of Representatives :

I communicate herewith to your honorable bodies, a letter of Mr. Joseph F. Lewis of Washington, D. C., relating to the remains of the late Senator J. Pinckney Henderson. I have not felt at liberty to take any steps on the subject of this communication except to promise its reference to the Legislature for consideration, and such action as that body might think proper to take under the circumstances.

H. R. RUNNELS.

On motion of Mr. Taylor the communication and accompanying documents was referred to committee on State Affairs.

The Senate's bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land, in aid of the Galveston, Houston and Henderson Railroad, and to validate the bonds by them issued or to be issued for such purpose, and to impose a special tax to pay the interest on

said bonds, and to provide a fund to meet said bonds when due, was taken up, read first time and passed to second reading.

A bill for the relief of Hannah C. Buckner was taken up and read third time.

Mr. Buckley proposed to amend by inserting in the 1st section after the word "inheriting" the words "equally with his other children." Amendment adopted and the bill passed.

The Speaker announced Messrs. Navarro, Taylor, Robinson, Redwine and Wrede a committee to act with a like committee on part of the Senate, as raised by a resolution of the Senate, to enquire into the expediency of granting farther time to Castro's Colonists to prove up their certificates.

Also announced Messrs. Hubbard, Foscue and Dale as the select committee to which was referred the bill to require certain District Clerks to apportion their Dockets.

The petition of John W. Scott together with report of committee on State Affairs, was taken up and read, and on motion of Mr. Henderson laid on table.

A bill to authorize the Governor to appoint one or more persons to translate and record from the Spanish to the English language all the Land papers now on file in the county of Austin and other counties having land papers in the Spanish language, together with report of committee on State Affairs, was taken up, read second time and on motion of Mr. Daniels laid on the table.

A bill to appropriate 5,000,000 acres of the public and unappropriated land to the support and maintenance of Free Schools together with report from committee on Public Lands, asking that it be referred to committee on Education, was taken up, read second time and report adopted.

A bill for relief of A. H. Booth with report from committee on Private Lands Claims, taken up and read second time.

Mr. Haynes moved to lay the bill and report on the table.—

Lost.

On motion of Mr. Townes it was postponed till the first Monday in December.

A bill for the relief of the heirs of Matt Finch, dec'd, together with report and amendments by the committee on Private Land Claims, was taken up and read second time. Amendments adopted and bill ordered to be engrossed.

On motion of Mr. Mills the vote postponing the bill for the relief of A. H. Booth was reconsidered, the bill taken up and ordered to be engrossed.

A bill to incorporate Texas Masonic Institute, with report of

committee on State Affairs, was taken up, read second time and ordered to be engrossed.

Mr. Harrison of Van Zandt, moved to adjourn till 9 o'clock, A. M., to-morrow. Lost.

Mr. Manly, by permission, offered the following resolution :

Resolved, That the House of Representatives, the Senate concurring, go into joint session on Monday next at 11 o'clock, for the election of State Engineer.

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

HOUSE OF REPRESENTATIVES, }
SATURDAY, Nov. 26, 1859. }

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

Mr. Dougherty presented the petition of A. B. Bacon. Referred to committee on Judiciary.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the indefinite postponement of the bill granting further time to purchasers of University land.

On motion of Mr. Taylor, the rule was suspended, the report taken up and laid on the table.

Mr. Taylor was permitted to withdraw his amendment relating to interest, and the substitute proposed by the committee on Education was adopted.

[Mr. Harrison of Van Zandt in the Chair.]

Mr. Whitmore proposed to amend by striking out "eight" and inserting "twelve per cent."

On motion of Mr. Bogart, amendment laid on the table.

Mr. Franklin proposed to amend by adding "provided that the provisions of this act shall only extend to the actual settlers and occupants of the lands purchased, and to those persons who may actually use said lands by cutting and using timber for farming purposes on other lands." Lost.

[Speaker resumed the Chair.]

The bill was ordered to be engrossed.

On motion of Mr. Taylor the rule was suspended and the bill passed by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Dennis, Dickson, Duncan, Edwards, Ellett, Epperson, Flewelling,

Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Kinney, Lewis of Montgomery, Mabry, Manly, Martin, Maverick, McCutcheon, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Parker, Perry, Redgate, Robinson, Shannon, Shelton, Short, Smith, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede.—63.

NAYS.—Messrs. Francis, Franklin, Foscue, Lewter, McClarty, Pirkey, Ross and Whitmore. 8.

A message was received from the Senate informing the House that the Senate had passed: A Bill to authorize and require the clerk of the District Court of Cherokee county, to apportion the causes on the docket of said Court.

A Bill for the relief of Jno. Ricord. And

A Bill to change the time of holding the Courts in the Sixth Judicial District.

Mr. Buckley, chairman of committee on Judiciary, reported recommending the passage of the bill to regulate the duties of common carriers, and to define their duties, with the amendments by the committee. Amendment by committee:

SEC. 3 "Provided that nothing in this act shall be so construed as to prevent waggoners and cartmen from making special contracts in regard to freight carried by them:

Also reported recommending the passage of the bill to legalize the marriage of C. B. Wood and Mary E. Wood, formerly Mary E. Terry, with the amendments by the committee:

Amend by striking out the preamble—add to Section 1st, "And this act take effect and be in force from and after its passage."

Strike out Section—.

Mr. Hubbard, chairman of the committee on Slaves and Slavery, reported a substitute for the bill to amend articles 688 and 689, of the Penal Code, and recommended its passage.

Mr. Shannon, chairman of committee on Private Land Claims reported a bill for the relief of Wm. Buford, and recommended its passage. Also reported recommending the passage of the bill for the relief of Lycurgus S. Roberts and James Lehed. Also reported recommending the passage of the bill for the relief of Chas. Lockhart and John Welch.

Mr. Henderson, chairman of the committee on Public Lands, reported recommending the passage of the Senate's bill validating certain surveys in Fisher & Miller's and Peter's colonies.

Mr. Craig, chairman on part of the House, of the committee on Court of Claims, reported a bill for the relief of G. B.

Brownrigg, and recommended its passage. Bill read 1st time.

Mr. Craig moved a suspension of the rule that the bill might be taken up. Lost.

Mr. Foscue, one of the committee on State Affairs, reported a bill to appropriate \$450 to pay for the services of an Assistant Clerk in the State Department, and recommended its passage.— Bill read 1st time.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the passage of the bill to relieve Tomas A Rodriguez, from the disability of minority.

Mr. Short, one of the committee on State Affairs, reported recommending the passage of the bill for the relief of the city of Austin.

Mr. Darnell, one of the committee on State Affairs, reported recommending the passage of the bill to incorporate the Galveston Turner's Association.

Mr. Walworth, one of the committee on Private Land Claims, reported a bill for the relief of H. Clay Davis, and recommended its passage. Bill read 1st time. Also recommending the passage of the bill for the relief of Jas. D. White.

Mr. Ross, one of the committee on State Affairs, reported recommending the passage of the bill to incorporate the Galveston "Casino."

Mr. Wortham, one of the committee on Public Lands, reported asking to be relieved from further consideration of the bill to amend the 8th and 9th sections of an act to authorize the sale of the public domain. Also asked to be discharged from further consideration the bill to grant to settlers on vacant public domain, pre-emption privileges.

Mr. Norton, one of the committee on Public Lands, reported, recommending the passage of the bill to encourage settlement on the frontier to secure to each actual settlers 200 acres of land as follows :

[Report not handed in by the Clerk.]

Mr. Parker one of the committee on Private Land Claims, reported a bill for the relief of Alexander Miller, and recommended its passage. Bill read 1st time.

Mr. Lewis of Montgomery, one of the committee on State Affairs, reported a substitute for the bill to incorporate the town of Danville, and recommended its passage.

On motion of Mr. Foscue, the vote engrossing the bill for the relief of Michael K. Hammond was reconsidered, and the vote to strike out the preamble in said bill was on motion of Mr.

Foscue reconsidered, and the bill as originally introduced was ordered to be engrossed.

Mr. Lynch introduced a bill supplementary to an act, appropriating \$110,000 or so much thereof as may be necessary for the mileage and per diem pay of the members, and the per diem pay of the officers of the 8th Legislature. Read 1st time.

On motion of Mr. Lynch the rule was suspended and the bill read 2nd time.

Mr. Harrison of Van Zandt, proposed to amend by striking out "and also by the committee on printing." Adopted and the bill ordered to be engrossed.

On motion of Mr. Lynch, the rule was further suspended, the bill read 3rd time and passed.

Mr. Perry introduced a bill for the relief of the heirs of Jno. Bailey, deceased. Read 1st time and referred to committee on Private Land Claims.

Mr. Mabry introduced a bill to regulate Agencies of Foreign Insurance Companies in this State. Read 1st time and referred to committee on Judiciary.

Mr. Martin introduced a bill for the relief of Geo. W. Sweat. Read 1st time and referred to committee on Private Land Claims.

Mr. Crooks introduced a bill to regulate the advertising which may be required emanating from the State Departments. Read 1st time and referred to committee on Printing.

Mr. Mabry introduced the following resolution :

Resolved, That the committee on Apportionment be required as soon as convenient to present a bill making the apportionment of the members of the next Legislature, as required by Law.

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

Mr. Dickson introduced a bill to amend articles 951 and 952 of Oldham & White's Digest. Read 1st time and referred to committee on Judiciary.

Mr. Pirkey introduced a bill for the relief of Samuel W. McKneely. Read 1st time and referred to committee on Public Lands.

Mr. Navarro introduced a bill appropriating \$200 for payment of Juana Navarro Allsbury's pension. Read 1st time and referred to committee on Finance.

Mr. Pirkey introduced a bill to regulate the time of the holding the District Courts in the several counties in the 8th Judicial District. Read 1st time and referred to committee on Judiciary.

Mr. Wrede offered the following resolution :

Resolved, That the committee on the Judiciary be instructed

to enquire into the expediency of passing a law making slander an offence punishable by fine or imprisonment. Adopted.

Mr. Culberson introduced a bill for the relief of the heirs of Saelby Corzine, deceased. Read 1st time and referred to committee on Private Land Claims.

ORDERS OF THE DAY.

The resolution relative to the election of a State Engineer, pending when the House adjourned yesterday, taken up.

[Mr. Lewis of **M**ontgomery in the Chair.]

Mr. Mills moved an indefinite postponement of the resolution.

Mr. Dickson moved to refer it to the committee on Judiciary.

On motion the House adjourned till 10 o'clock Monday morning, pending the motion to refer.

HOUSE OF REPRESENTATIVES, } MONDAY, NOV. 28, 1859. }

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

Mr. Speights presented the petition of citizens of Sabine county, for relief of Nancy Sumpter. Referred to committee on Private Land Claims. Also presented the petition of the citizens of Sabine County. Referred to committee on the Judiciary.

Mr. Waterhouse presented three several petitions, that of P. W. Fuller, that of the heirs of David Kenly, deceased, and that of the heirs of Philip Potter, deceased: all referred to committee on Private Land Claims.

Mr. Foscue, chairman of committee on Internal Improvements, reported recommending the passage of the bill to incorporate the Houston, Trinity and Tyler Rail Road Company, with the amendments by the committee:

AMENDMENTS.

In section 2nd, strike out the word "practicable" and insert "eligible."

In section 7, strike out the first five lines, down to the word "thereof" inclusive, and the following:

"There is hereby granted to said company the right of way over any of the public roads or highways, necessary for the construction of said road; and said company may purchase or otherwise obtain from the owners the right of way over lands through which the road may run, as well as all lands necessary for the construction of Depots and other necessary buildings. And in

case said company cannot obtain such right of way and lands by agreement with the parties holding the same."

Amend section 8, by inserting the words "use of said" before the word "land" in the 15th line.

In section 11, strike out the word "fifty" and insert the word "thirty." Also reported a substitute for the bill to incorporate the Eastern Texas Rail Road Company, and recommended its passage.

A message was received from the Senate informing the House that the Senate had passed a bill supplemental to an act entitled an act to revive and continue in force, and supplemental to and amendatory of an act, to incorporate the San Antonio and Mexican Gulf Rail Road Company, approved September 5th A. D. 1850, and the several supplemental and amendatory acts concerning said Rail Road company, approved Nov. 14th, A. D. 1859.

Mr. Crooks, chairman of committee on Engrossed Bills reported correctly engrossed, a bill for the relief of purchasers of University Lands.

Mr. McCutcheon reported asking that the bill for the relief of Samuel W. McKneely, be referred to committee on Private Land Claims.

Mr. Franklin, one of the committee on Internal improvements, reported recommending the passage of the bill to incorporate the Texas Telegraph Company, with the amendments and five additional sections by the committee :

AMENDMENTS.

In 3rd section, strike out the words "as well as any branch lines they may desire to build diverging from the Main Trunk lines above designated."

In section 8, insert the word "authorized" and the words "be required."

In section 9, add, "should any subscriber fail to pay the first installment called for after the organization of said company, his subscription shall be void, and the share or shares may be re-issued."

In section 11, after the word "president" insert "or in any other manner now prescribed, or that may hereafter be prescribed by law in cases where corporate bodies are parties," and amend by adding five additional sections.

Mr. Mabry, one of the committee on the Judiciary, reported recommending the passage of the bill for the relief of Buffalo Bayou, Brazos and Colorado Rail Road company, and their assigns.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported recommending the passage of the bill to amend article 1878 of Oldham & White's Digest.

Mr. Buckley, chairman of committee on Judiciary, reported recommending the indefinite postponement of the bill to amend article 773 Oldham & White's Digest [Penal Code] passed February 12th 1858. Also reported recommending the indefinite postponement of the bill to repeal article 952d, Code of Criminal Procedure.

Messrs. Buckley, (chairman) Navarro, Epperson, Mabry, Stewart, Short, Dougherty, Pirkey, Townies, Munson, Wælder, Taylor, Whitmore, Henderson, Hartley, Davis of Bastrop, Branch and Baxter.

Majority of the committee on Judiciary, reported recommending an indefinite postponement of the bill for the relief of Nathaniel M. Burford, Judge of the 6th Judicial District :

Messrs. Mills, Manly, Hubbard, and Culberson, submitted a minority report, reporting a substitute for the above bill and recommended its passage.

[Mr. Taylor of Fannin in the chair.]

Mr. Short, one of the committee on Judiciary, reported asking to be relieved from further consideration of the resolution instructing said committee to enquire into the expediency of passing a law making slander an offense punishable by fine or otherwise.

A message was received from the Governor.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed a bill to grant 320 acres of land each to George Eberly Henry, Mary Eliza Henry, and Julia Pierce Henry.

Mr. Dougherty, one of the committee on Judiciary, reported recommending the passage of the bill for the relief of Blas Uribe and other co-heirs.

Mr. Mabry, chairman on part of the House, of the joint committee on Enrolled Bills, reported correctly enrolled and properly signed, the Senate's bill to appropriate \$10,000 or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice, and had presented the same to the Governor for his signature.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported a substitute for the bill to regulate the sale of virulent poisons, and to prevent slaves from using or handling the same, and recommended its passage.

Mr. Culberson, one of the committee on Judiciary, reported

recommending the indefinite postponement of the resolution requiring said committee to enquire into the expediency of taking up the Criminal Docket on the first day of the District Court.

Mr. Pirkey, one of the committee on the Judiciary, reported recommending the passage of the bill to relieve Z. K. Gibson from the disability of minority.

On motion of Mr. Bogart, Mr. Darnell was added to the committee on Judicial Districts.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill to make an appropriation to pay the Attorney General and District Attorney's, the costs due them under article 952d, of the Code of Criminal Procedure, and the bill to amend article 955 of the Code of Criminal Procedure.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill supplementary to an act appropriating \$110,000 or so much thereof as may be necessary, for the mileage and per diem pay of the members, and the per diem pay of the officers of the 8th Legislature.

Mr. Perry introduced a bill for the relief of J. B. and D. B. Wortham. Read first time and referred to committee on Private Land Claims.

Mr. Ross, chairman of committee on part of the House, on revenue laws by permission, reported a bill to raise the revenue by direct taxation. Read first time. On motion of Mr. Ross, the rule was suspended and the report and bill was taken up and 200 copies of bill ordered to be printed.

Mr. McClarty, chairman of committee on Judicial Districts, reported recommending the passage of the bills to prescribe the times of holding the District Courts of the 5th and 7th Judicial Districts.

Mr. Haynes introduced a joint resolution to instruct our Senators and request our Representatives in Congress to enquire into the cause of the invasion of our State by troops from Mexico, &c. Read first time and referred to committee on Federal Relations.

Mr. Dougherty introduced a bill to limit suits upon judgments recovered in courts other than those of this State. Read first time and referred to committee on Judiciary.

Mr. Perry introduced a bill for the relief of Jas. P. Plummer. Read first time and referred to committee on Private Land Claims.

Mr. Martin introduced a bill for the relief of Mary A. Bristow. Read first time and referred to committee on Private Land Claims.

Mr. Ellett, by permission, presented the petition of citizens on the frontier. Referred to committee on Indian Affairs.

[The Speaker resumed the Chair.]

Mr. Wælder introduced a bill for the relief of Jas. H. Brown. Read first time and referred to committee on Private Land Claims.

Mr. Dougherty introduced a bill supplementary to an act to regulate the public printing, read first time and referred to committee on Finance. Also introduced a bill to regulate the time of holding Justice's Courts in the counties composing the 12th Judicial District. Read first time and referred to a select committee.

Mr. McKnight offered the following resolution :

WHEREAS, The Constitution of the State of Texas requires that Senators shall be apportioned among the several Districts according to the number of qualified voters, and Representatives according to the free population of each county, and Whereas : Neither of these requirements can be literally complied with, therefore,

Resolved, That where any county from necessity must fall short of its due proportion in either House of the Legislature, such deficiency should as far as possible be supplied in its representation in the other House.

Resolved, 2nd. That the committee on Apportionment be instructed to take this matter into special and careful consideration, and when they shall report a bill for the apportionment of Representatives and Senators for the next eight years, they shall present with the same a table which shall show the relative fractional weight which a voter in each county may exercise in the representation of the State in each House of the Legislature by such apportionment.

Mr. McKnight moved to make the resolution the special order of the day, next Tuesday 11 o'clock.

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

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Dale, Darnell, Daniel, Davis of Bastrop, Dennis, Dickson, Duncan, Edwards, Flewellen, Franklin, Hall, Harrison, of Van Zandt Hayes, Houghton, Hubbard, Lewis of Robertson, Lewter, Lynch, Mabry, Maxey, McClarty, Middleton Munson, Nelson, Parker, Pirkey, Perry, Redgate, Robinson, Ross, Shelton, Speights, Townes,

Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede.—56.

NAYS.—Messrs. Culberson, Francis, Foscue, Harrison of Cherokee, Lewis of Montgomery, Manley, Martin, Maverick, McCutcheon, McKnight, Mundine, Navarro, Norton, Owens, Shannon, Short, Waterhouse and Whitmore.—18.

Mr. Maverick introduced a bill for the relief of James Dunn, read first time and referred to committee on Claims and Accounts.

Mr. Flewellen introduced a bill to incorporate the Texas Medical College, read first time and referred to committee on Education.

Mr. Taylor introduced the following resolution :

Resolved, That the committee on Apportionment be instructed in framing the apportionment bill, to district the State so as to make sixty members of the House of Representatives, and twenty-five for the Senate.

Mr. Duncan moved to lay the resolution on the table. Lost by the following vote.

YEAS.—Messrs. Anderson, Baxter, Begart, Branch, Bryan, Caddell, Camp, Craig, Crawford, Darnell, Duncan, Flewellen, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Martin, McClarty, Middleton, Mundine, Munson, Navarro, Nelson, Owens, Parker, Pirkey, Robinson, Shannon, Speights, Townes and Whrtham.—37.

NAYS.—Messrs. Speaker, Armstrong, Barclay, Barnard, Benevides, Billingsley, Buckley, Crooks, Clark, Dale, Daniel, Davis of Bastrop, Dickson, Dougherty, Edwards, Francis, Franklin, Foscue, Lewter, Lynch, Mabry, Manly, Maverick, McCutcheon, McKnight, Mills, Norton, Perry, Redgate, Ross, Shelton, Short, Stewart, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede.—41.

Mr. Dougherty proposed to amend by striking out "60" and inserting "90," by striking out "25" and inserting "33."

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

A division of the question being called for, the question was on striking out the words "60" and "25," they were struck out by the following vote :

YEAS.—Messrs. Baxter, Benevides, Bogart, Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumby, Dennis, Dougherty, Duncan, Flewellen, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Hubbard, Hubert, Kinney, Lewis of Montgomery, Lewis of Robertson, Martin, McClarty, McKnight, Middleton, Mundine, Munson,

Navarro, Nelson, Parker, Perry, Pirkey, Robinson, Shannon, Townes, Wælder, Walworth and Wortham.—44.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Billingsley, Buckley, Dale, Darnell, Daniel, Davis of Bastrop, Dickson, Edwards, Francis, Franklin, Houghton, Lewter, Lynch, Mabry, Maverick, Maxey, McCutcheon, Mills, Norton, Owens Redgate, Ross, Shelton, Short, Speights, Stewart, Taylor, Warfield, Waterhouse, Whitfield, Whitmore and Wrede.—37.

The question was then put: shall the blanks be filled with "90" and "33." Carried.

The question then being upon the adoption or rejection of the resolution as amended.

On motion of Mr. Bogart a call of the House was ordered.—Absentees: Messrs. Culbersen, Davis of Hays, Epperson, Haynes, Henry, Nelson, Redwine and Smith.

On motion of Mr. Mills the call was suspended.

Mr. McKnight moved to re-consider the vote inserting "90" and "33" in the blanks of the resolution. Lost.

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

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

HOUSE OF REPRESENTATIVES,
TUESDAY, Nov. 29th, 1859. }

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

Mr. Nelson presented the protest of the citizens of Bosque county. Referred to committee on County and County Boundaries.

Mr. Stewart presented the petition of Robert Hall. Referred to committee on Military Affairs.

Also, presented the petition of R. J. Raper. Referred to committee on State Affairs.

Mr. Lynch presented the petition of K. B. White. Referred to committee on Private Land Claims.

Mr. Manly presented the petition of the heirs of E. Humphries. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of the heirs of Jas. W. Robinson. Referred to committee on Private Land Claims.

Mr. Waterhouse presented the petition of A. Huston. Referred to committee on State Affairs.

Mr. Davis of Bastrop, presented the petition of L. C. Cunningham. Referred to committee on Judiciary.

Mr. Billingsley presented the petition of Polly Ann Gillam. Referred to committee on Private Land Claims.

Mr. Hubbard, one of the committee on the Judiciary, reported asking to be relieved from further consideration of the petition of A. B. Bacon.

Mr. Harrison of Van Zandt, reported, asking that the bill to authorize the Commissioner of the General Land Office to correct errors and mistakes in certain cases be referred to committee on Judiciary.

Mr. Buckley, chairman of committee on Judiciary reported, recommending the passage of the bill to legalize the marriage of Margaret and Wm. H. Slain.

Also reported, recommending the passage of the bill to legalize the marriage between Wm. Davis and Sarah James.

Also reported a substitute for the bill to permit Abrigail Bell to adopt Susan Alford and change her name, and recommended its passage.

Also reported a bill to amend an act to encourage the construction of Railroads in Texas by donations of lands, approved Jan. 30, 1854, and recommended its passage. Bill read first time.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill for the relief of Chester B. Starks.

Also, as correctly engrossed the bill to amend the 4th section of an act allowing discounts and set off passed 5th February, 1840, (Oldham & White's Digest, art. 360.) Report accepted.

Mr. Foscue, one of the committee on State Affairs, reported, recommending the indefinite postponement of the bill to regulate the distribution of Laws and Journals of this State.

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

A bill for the relief of Michael K. Hammond.

A bill for the relief of A. H. Booth.

A bill for the relief of Alexander Furguson.

A bill for the relief of the heirs of A. Spain Summerlin, deceased.

A bill for the relief of the heirs of Matt Finch.

A bill to legalize John Jordan's unconditional headright certificate.

A bill to incorporate the Texas Masonic Institute.

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.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the indefinite postponement of the petition of the heirs of John F. Reynolds, dec'd.

Mr. Craig, chairman of the committee on Roads, Bridges and Ferries, reported, recommending the indefinite postponement of the bill to authorize and require the County Courts to regulate roads, appoint overseers, &c., approved Feb. 3th, 1858.

Mr. Short, one of the committee on the Judiciary, reported asking to be relieved from further consideration of the bill to regulate proceedings in the District Courts, approved May 11th, 1846.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the resolution instructing the Comptroller to make out a statement of all money received in and paid out of his office since the annexation, &c., and recommended its passage.

Also reported asking to be discharged from further consideration of the bill to grant 160 acres of land to actual settlers as a bill of the same character had heretofore been reported to the House.

Mr. Lewis of Montgomery, one of the committee on State Affairs, reported a substitute for the bill for the distribution of the Penal Code of the State and the Acts and Journals of the Legislature to the several counties of the State, and recommended its passage.

Mr. Lewis of Robertson, one of the committee on Claims and Accounts, reported a bill for the relief of H. C. Lazenby, and recommended its passage.

Mr. Maully, one of the committee on the Judiciary, reported that the committee deemed that the passage of the bill to amend the 1st section of an act regulating the proceedings in the District Court approved, Feb. 13th, '54, inexpedient.

Mr. Short, one of the committee on State Affairs, reported a substitute for the bill to authorize the County Courts to regulate the pay of Sheriffs in certain cases, and recommended its passage.

Mr. Franklin offered the following resolution :

Resolved, That the committee on Apportionment take into consideration the 34th section of the general provision of the constitution of the State, and particularly the latter clause of

said section in the following words, "Every new county as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken until entitled to the right of separate representation," and report to the House whether there is sufficient data or information before them, to enable them to make an apportionment in conformity to the said 34th section of the General Provisions, and whether further legislation directing the mode of taking the census is not necessary to enable the Legislature to make an apportionment in conformity to the constitution, and that they report to the House as early as practicable.

On motion of Mr. Haynes, referred to committee on Apportionment.

Mr. Haynes, by permission, presented five several petitions, to-wit: That of Antonio Garcia Vela; that of Manuel Farias; that of Zenobia Longoria; that of Juan Longoria and that of Marjil Garcia—all referred to committee on Private Land Claims.

Mr. Baxter introduced a bill for the relief of A. S. Thurman. Read first time and referred to committee on Claims and Accounts.

Mr. Wælder introduced a bill providing for the issuance of patents upon locations and surveys, which are not in a square form. Read first time and referred to committee on Public Lands.

Mr. Martin introduced a bill for the relief of the heirs of Lewis T. Watkins. Read first time and referred to committee on Private Land Claims.

Mr. Houghton introduced a bill to suppress ten pin alleys and pistol galleries in the county of Titus. Read first time and referred to committee on State Affairs.

Mr. Culberson introduced a bill to repeal arts. 170, 171, 172, 173 and 174 of the Penal Code. Read first time and referred to committee on Judiciary.

Mr. Buckley introduced a bill to relieve T. D. Rusk of Nacogdoches county and John W. Hanna of DeWitt county, from the disabilities of minority. Read first time and referred to committee on Judiciary.

Mr. Nelson introduced a bill to incorporate the town of Meridian, in Bosque county. Read first time and referred to committee on State Affairs.

Mr. Davis of Bastrop, introduced a bill for the relief of John Hearn. Read first time and referred to committee on State Affairs.

Mr. McCutcheon introduced a bill to amend art. 1776 Old-

ham & White's Digest. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Wælder introduced a bill to amend the charter of New Braunfels. Read first time and referred to committee on State Affairs.

Mr. Taylor introduced a bill supplementary to the act authorizing the disposition and sale of the University Lands. Read first time and referred to committee on State Affairs.

Mr. Buckley introduced a joint resolution to make an appropriation to repair and furnish the Executive Mansion. Read first time and referred to committee on Public Building.

Mr. Flewellen introduced a bill to repeal art. 1201 of Oldham & White's Digest. Read first time and referred to committee on Judiciary.

Mr. Wrede introduced a bill to amend art. 702 of the Penal Code. Read first time and referred to committee on Stock and Stock-raising.

Mr. Mills introduced a bill to amend art. 409 of the Penal Code. Read first time and referred to committee on State Affairs.

Mr. Duncan presented the petition of E. Clegg. Referred to committee on Public Debt.

On motion of Mr. Lynch the following Senate bills were taken from the Speaker's table and disposed of as indicated.

A bill to revive and amend the act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved 5th Sept., 1850, and the several supplemental acts thereto approved Nov. 14th, 1857. Read first time and referred to committee on Internal Improvement.

A bill to authorize the Clerk of the District Court of Cherokee county to apportion causes on the Docket of said Court.—Read first time and referred to Special committee of three from the 9th Judicial District.

A bill for the relief of John Ricord. Read first time and referred to committee on Private Land Claims.

A bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land, in aid of the Galveston, Henderson and Houston Railroad, and to validate the bonds by them issued for such purpose, and to impose a special tax to pay the interest on said bonds, and to provide a fund to meet said bonds when due. Read second time and passed to a third reading—rule suspended, read third time and passed.

Gen. Sam Houston, Governor elect, was invited to a seat within the bar of the House.

On motion of Mr. Mills, Mr. Bogart was added to committee on Judicial Districts.

On motion of Mr. Flewellen a joint resolution to pay 4 clerks in the Comptroller's office was taken up, read second time and ordered to be engrossed.

A resolution to go into the election of a State Engineer was taken up, and on motion of Mr Dickson laid on the table.

A resolution of instruction to the committee on Apportionment was taken up and adopted by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barclay, Baxter, Benevides, Bogart, Branch, Bryan, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Daniels, Dennis, Dougherty, Duncan, Ellett, Epperson, Flewellen, Hall, Harrison of Cherokee, Hartly, Haynes, Henderson, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Mabry, Martin, Maverick, McKnight, Middleton, Mundine, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Shannon, Speights, Stewart, Townes, Wælder, Walworth, Wortham and Wrede.—55.

NAYS—Messrs. Speaker, Barnard, Billingsley, Caddell, Dale, Davis of Bastrop, Dickson, Francis, Franklin, Fosene, Harrison of Van Zandt, Lewter, Lynch, Manly, McClarty, McCutcheon, Mills, Norton, Ross, Shelton, Short, Taylor, Warfield, Waterhouse, Whitfield and Whitmore.—26.

A message was received from the Senate informing the House that the Senate had adopted a resolution appointing a joint committee of two from the Senate and three from the House, on Public Grounds and Public Buildings, and had appointed Senators Britton and Townes on said committee.

The Speaker announced Messrs. Townes, Kinney and Billingsley a committee on part of the House to act with said Senate committee.

And that the Senate had passed the House resolution to go into the election of U. S. Senator, with an amendment proposing Wednesday the 30th inst., at 12 o'clock, M., for said election.

The question being upon the agreement to the Senate amendment. On motion of Mr. Henderson a call of the House was ordered. Absentees : Messrs. Craig, Darnell, Davis of Hays, Edwards, Henry, Kinney, Maxey, Munson and Smith.

On motion the call was suspended.

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

Resolved, That this House with the concurrence of the Senate, proceed to the election of U. S. Senator to fill the vacancy of J. P. Henderson, on Monday the 5th December, at 11 o'clock, A. M. Adopted, and resolution adopted.

The following communication from the Governor was taken from Speaker's table, read and referred to committee on State Affairs.

EXECUTIVE OFFICE, }
AUSTIN, Nov. 28th, 1859. }

Gentlemen of the Senate

and House of Representatives :

In the hurry of preparation incident to the meeting of the Legislature, I necessarily omitted any specific suggestion in regard to the three charitable institutions located in the immediate vicinity of this place, I deem the subject of sufficient importance to do so at this time ; in view of their present condition and that of the State to supply their present and future wants, for which, there is no ready means at command, nor likely to be hereafter from existing sources of revenue.

An act making an appropriation of \$50,000 for the support and direction of the Lunatic Asylum, was approved August 28th, 1855, by authority of which the contract for its construction has been let, covering the appropriation ; but according to the plan of the building adopted by the preceding administration, there will be required not less than 4 or 5 times that amount for its final completion.

With the appropriation of the last session an Institution for the Blind has been erected and is now occupied as such ; but with a very moderate increase of the number of pupils next year, additional room will be required for their accommodation.

The Deaf and Dumb continue to occupy the buildings on the site purchased by authority of the act approved Aug. 26th, '56. These buildings are but temporary, and must soon be replaced by others of a more substantial character, better befitting the purposes of the Institution.

By act of August 30, '56, there was set apart 100,000 acres of land for the benefit of the Lunatic Asylum, and a like amount for the Deaf and Dumb, and Blind Institutions.

The current annual expenses of those institutions alone, after they shall have been completed and put in successful operation, will in a very few years involve a charge upon the State varying

perhaps from twenty to fifty thousand dollars, if not otherwise provided for.

I therefore recommend an additional appropriation for each of these objects, which in addition to that already appropriated, will insure an ample fund for all the purposes of construction and the investment of the remainder a sufficient interest to cover the ordinary annual expenses hereafter. The more valuable portion of the public domain is fast passing away, and it is surely the part of good policy to appropriate whatever may be required to those useful objects which if left unprovided for, must eventually be supplied from the ordinary sources of revenue, the lands belonging to these institutions have been located for several years and if judicious selections have been made, it is presumed may be sold in sufficient quantities and on fair terms within the next two years, by which, means may be raised to further the construction of the necessary buildings and eventually carry out the objects intended. That of the Lunatic Asylum is, in my judgment, an undertaking of such magnitude as to make this or some similar measure absolutely necessary at this time if it is intended ever to perfect the present plan and give the unfortunate of our State a full benefit of its usefulness.

The interest of the Institution cannot suffer by the sale of a part or even the whole of the land set apart to it, and especially if sufficient provisions be made to meet future contingencies.

H. R. RUNNELS.

A bill for the relief of Chester B. Starks was taken up, read third time and passed.

Mr. Hartly, by permission, offered the following resolution:

Resolved, That the Public Printer be directed to furnish the House with 1,000 additional copies of the census table at a cost of not more than \$25 provided the errors in the table be corrected.

Mr. Henderson moved to lay the resolution on table. Lost, and the resolution adopted.

A bill for the relief of Michael K. Hammonds. Read third time and passed.

A bill to amend the 4th section of an act allowing discounts and off-sets, passed Feb. 5th, 1840. Read third time and passed.

A bill for the relief of A. H. Booth. Read third time and passed.

A bill for the relief of Alex. Ferguson. Read third time and passed.

A bill for the relief of the heirs of A. Spain Summerlin. Read third time and passed.

A bill for the relief of the heirs of Matt Finch, dec'd. Read third time and passed.

A bill to legalize the unconditional headright certificate of John Jordan. Read third time and passed.

A bill to incorporate the Texas Masonic Institute. Read third time and passed by a two-third vote.

A bill to empower the County Court of Calhoun county to regulate and restrain the running at large of hogs in said county. Read third time and passed.

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

HOUSE OF REPRESENTATIVES, }
 Wednesday, November 30th, 1859. }

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

Mr. Nelson presented the petition of the citizens of Erath county. Referred to committee on Finance.

Mr. Foscue presented the petition of the citizens of Cherokee county. Referred to committee on Counties and County Boundaries.

Mr. Francis presented the petition of James Hastings. Referred to committee on Public Lands.

Mr. Bogart presented the petition of the Chief Justice and County Commissioners of Collin county. Referred to committee on Judiciary.

Mr. Waterhouse presented the petition of A. H. Dodd. Referred to committee on Public Lands.

Mr. Billingsley presented the petition of the citizens of Fayette county. Referred to committee on Agriculture.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill for the relief of the heirs of Charles D. Ferris, and recommended its passage. Bill read first time.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, asking to be relieved from further consideration of the bill for the relief of James Dunn. Also, reported a bill for the relief of A. F. Smith, and recommended its passage.—Bill read first time. Also, reported a bill for the relief of Peter B. Norton, and recommended its passage. Bill read first time.

Mr. Dougherty, one of the committee on the Judiciary, reported a substitute for the following bills, to-wit:

A bill to authorize the Governor to appoint Commissioners of Deeds, &c., in the Choctaw and Chickasaw Nations.

A bill supplementary to an act approved May 8th, 1846, entitled an act to authorize the appointment of Commissioners to take the acknowledgment of deeds, depositions, and other instruments of writing executed out of this State.

And a bill for the taking of depositions of witnesses residing in foreign countries, and recommended its passage.

Also, as one of a Select committee, reported, recommending the passage of the bill regulating the time of holding Justices' Courts in the counties composing the 12th Judicial District.

A message was received from the Senate informing the House that the Senate had passed the following bills :

A bill for the relief of James Herndon.

A bill for the relief of Lewis David.

A bill to release Benjamin C Campbell, James Ingram Nuner and F. J. Lewis from disabilities of minority. And

A bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmele Ramon, and the heirs of David Barlow.

Mr. Branch, one of the committee on Judiciary, reported, recommending the indefinite postponement of the bill to provide for payment of State witnesses in certain cases.

Also, as one of the committee on Enrolled Bills, reported correctly enrolled and properly signed, the bill for the relief of A. G. Walker, and that the same had been presented to the Governor for his approval and signature.

Mr. Mauly, one of the committee on the Judiciary, reported that the committee deemed it inexpedient to pass the bill to amend the act to regulate proceedings in District Courts, passed May 13th, 1846.

Mr. Pirkey, one of the committee on the Judiciary, reported, recommending the passage of the bill to define the time of holding the District Courts of the 8th Judicial District.

Mr. Short, one of the committee on Judiciary, reported, asking to be discharged from further consideration of the bill to prevent the keeping, playing and betting on Ten Pin Alleys.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill supplementary to an act supplementary and amendatory of an act to regulate Railroad Companies, approved December 19th, 1857, with the amendments.

AMENDMENTS.

In section 3rd, add at end of section, "and he shall be liable

for any unpaid balance due upon said stock to the Railroad Company."

In section 4th, at the end of 3rd line after "execution" add "or attachments," after "act" in 5th line, insert "or writ of attachment."

In section 5, strike out in lines five and six the words, "the actual value of the real estate sought to be taken together with;" in 6th line strike out "other;" in 9th line strike out the words "said value and;" 15th line strike out the words "value and;" 18th line strike out "value and;" same line "the actual;" 19th line strike out "value of said property so condemned together with the;" 20th line strike out "other;" 27th line strike out "said value and;" add at the end of this section, "and further provided, that in case either party may be dissatisfied with the decision of the Commissioners, the Railroad Company by depositing the amount of the award of the Commissioners or filing a bond, with good security, in double amount payable to the owner of the land, with the Clerk of the District Court of the county in which the land is situated, to abide the final decision in the case, may proceed with the construction of their road as if there was no controversy existing."

Strike out sections 6 and 7.

Add five additional sections.

On motion of Mr. Buckley, the report was taken up, and 200 copies of the bill ordered to be printed.

Mr. Davis of Hays, submitted a minority report, reporting a substitute for the bill to amend the 255th section of Oldham & White's Digest regulating the election of Commissioners for the several counties in the State, and recommended its passage.

Mr. Bryan, one of committee on Private Land Claims, reported a bill for the relief of the heirs of Calvin Gage, deceased, and recommended its passage. Bill read first time.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the joint resolution for the relief of four clerks in the Comptroller's office. Report accepted.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate the Sulphur and White Oak Bridge Company, &c.

Mr. Bogart introduced a bill to authorize the County Court of Collin county to levy a special tax for the erection of a Court House therein. Read first time and referred to committee on Judiciary.

Mr. Crawford introduced a bill for the relief of Thomas S.

McFarland. Read first time, and referred to committee on Private Land Claims.

Mr. Harrison of Cherokee, introduced a bill to alter and amend an act authorizing and requiring the County Courts to regulate roads, appoint overseers, &c., approved February 8, 1858. Read first time, and referred to committee on Roads, Bridges and Ferries.

Mr. Wælder introduced a bill to incorporate the Beneficiary Association of San Antonio. Read first time, and referred to committee on State Affairs.

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

Mr. Shannon introduced a bill for the relief of William Rice, Thomas T. Hailey, Moses McKerby and William J. Kyle, assignees of Jerome B. Robinson. Read first time and referred to committee on Private Land Claims.

Mr. Flewellen introduced a bill to incorporate the Washington Burleson Bridge. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Hubbard introduced a bill to incorporate the Texas Saving Institution. Read first time and referred to committee on Judiciary.

Mr. Camp offered the following resolution :

Resolved, That the committee on Stock and Stockraising be instructed to enquire into the expediency of numbering the various counties in the State, and that each person branding stock, add to his brand the number of the county, and report by bill or otherwise. Adopted.

Mr. Dickson introduced a bill for the relief of George Morrison, assignee of John Sharp. Read first time, and referred to committee on Public Lands.

Mr. Duncan introduced a bill to define the boundary of Calhoun county. Read first time, and referred to committee on Counties and County Boundaries.

Mr. Nelson introduced a bill to fix the time of holding the Courts of the 19th Judicial District. Read first time and referred to committee on Judicial Districts. Also, introduced a bill to fix the time of holding the Courts in the 13th Judicial District. Read first time, and referred to committee on Judicial Districts.

Mr. Davis of Bastrop, introduced a bill to validate Bounty Warrant, No. 4059. Read first time and referred to committee on Private Land Claims.

Mr. Mills introduced a bill to relinquish nine-tenths of the

taxes of Navarro county for the years 1859 and 1860 to said county. Read first time and referred to committee on State Affairs.

Mr. Epperson introduced a bill to authorize the Commissioner of the General Land Office to issue patents in certain cases.—Read first time and referred to committee on Public Lands.

Mr. Davis of Bastrop, introduced the following resolution :

Resolved, That the committee on Public Buildings be instructed to enquire into the expediency and necessity of painting the Capitol on the outside to protect the walls of the building, and report by bill or otherwise. Adopted.

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

ORDERS OF THE DAY.

The report from the Judiciary committee, recommending the passage of a substitute for a bill to repeal the bankrupt law, taken up, the substitute adopted. The bill read second time and ordered to be engrossed.

Report from committee on Internal Improvements, recommending the passage of the substitute for a bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1853, taken up. The bill read second time and ordered to be engrossed.

The report from committee on Printing, asking that the resolution as to the expediency of publishing the special report of the State Engineer upon the Southern Pacific Railroad, be referred to committee on Internal Improvements, was taken up. Mr. Norton moved that the report and resolution be indefinitely postponed. Lost, and the report adopted.

The report of the committee on Judiciary, recommending the rejection of the bill to amend chapter 2nd, article 549, Code of Criminal Procedure, taken up, and on motion of Mr. Mills referred to committee on Judiciary.

The bill granting 320 acres land, each, to George Eberly Henry, Mary Eliza Henry and Julia Pierce Henry, taken up. Mr. Pirkey proposed to amend by striking out the names of the children and inserting the name of the mother wherever the names of the children occur. On motion, the amendment was laid on the table, the bill read third time and passed by the following vote:

YEAS—Messrs. Barclay, Baxter, Benevides, Bogart, Branch, Buckley, Camp, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Davis of Hays, Dennis, Dickson, Duncan, Ellett, Hall,

Harrison of C., Hartley, Haynes, Henderson, Lewis of M., Lynch, Manly, Martin, Maxey, McCutcheon, Mundine, Munson, Norton, Owens, Perry, Redgate, Robinson, Shannon, Taylor, Townes, Wælder, Walworth, Waterhouse, Whitfield, Wortham and Wrede—45.

HAYS—Messrs. Speaker, Anderson, Armstrong, Barnard, Billingsley, Bryan, Caddell, Daniels, Davis of B., Dougherty, Flewellen, Francis, Franklin, Foscue, Henry, Houghton, Hubbard, Lewter, Mabry, Maverick, McClarty, McKnight, Mills, Parker, Pirkey, Redwine, Ross, Shelton, Short, Speights, Warfield and Whitmore—32.

The report from committee on Judiciary recommending the passage of the bill to amend the act to incorporate the city of San Antonio, approved July 17th, 1856, taken up, and the bill read second time. Mr. Dougherty proposed to amend by inserting after "free white inhabitants" "citizens of the United States.

On motion of Mr. Maverick the amendment was laid on the table and the bill ordered to be engrossed.

The report from the committee on Private Land Claims, recommending the passage of the bill for the relief of Mary Elam, taken up. Bill read second time and ordered to be engrossed.

The report from committee on Judiciary, recommending the rejection of the bill to provide for payment of costs in causes of change of venue, taken up. The bill read second time, and on motion of Mr. Davis of Hays, recommitted to committee on Judiciary.

The report from the committee on Slaves and Slavery, recommending the rejection of the petition of James, Edward, William, Mary, Alexander and Walter Rutchen, taken up. Mr. Duncan moved to re-refer the petition to committee on State Affairs. Lost and the report adopted.

The report from committee on the Judiciary, recommending the passage of the bill for the relief of Jackson L. Leonard, taken up, and the bill read second time and ordered to be engrossed.

The joint resolution for the relief of four clerks in Comptroller's office, taken up. Read third time and passed.

The report from the Judiciary committee, recommending the passage of the bill to regulate public sales in Bastrop, taken up. Bill read second time and ordered to be engrossed.

[Mr. Mills in the Chair.]

A message was received from the Senate informing the House that the Senate had concurred in the House resolution to go into the election of U. S. Senator on Monday next.

The report from committee on Judiciary, recommending the passage of the bill to relieve A. E. Benham, daughter of J. J. Benham, from the disability of minority was taken up. Bill read second time.

Mr. Craig moved to adjourn till 9 o'clock, A. M., to-morrow. Lost.

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

HOUSE OF REPRESENTATIVES. }
THURSDAY, December 1st, 1859, }

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

Mr. Barnard presented the petition of M. M. Kenney, surveyor of Goliad district. Referred to committee on Land Office.

Mr. Munson presented the petition of Gilbert Wynne. Referred to committee on Private Land Claims

Mr. Townes presented the petition of S. M. Swenson and John M. Swisher. Referred to committee on Private Land Claims.

Mr. Lewter, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Andrew Mason, assignee of Robt. H. Andrews.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Louisa Bonillet and Hetty Kahlman.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill to validate bounty warrant No 4059.

Also, reported, recommending the passage of the bill for the relief of the heirs of Addison Litton.

Mr. Walworth, one of the committee on Private Land Claims, reported, asking that the resolution requiring that all evidence of claims referred to committee on Private Land Claims shall be taken by interrogatories, &c., be referred to committee on the Judiciary.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of Bluford Glass, dec'd, and recommended its passage. Bill read first time.

A message was received from the Senate informing the House that the Senate had passed the joint resolution, originating in

the House, for the relief of four clerks in the Comptroller's office, and also, had passed a bill for the relief of Joseph Turner.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate the Pecos Bridge Company.

Also, reported, recommending the passage of the bill to incorporate the Horse Head Crossing of the Pecos Bridge Company.

Mr. Foscue, chairman of the committee on Internal Improvements, reported, recommending the passage of the bill to amend the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company.

Mr. Hubbard, chairman of a select committee, reported, recommending the passage of the Senate's bill to authorize and require the clerk of the district court of Cherokee county to apportion the causes on the docket of said court, with the amendments by the committee:

AMENDMENTS.

Strike out the word "clerk" wherever it occurs and insert "clerks;" strike out the word "court" and insert "courts;" strike out the word "county" and insert "counties;" after the word "Cherokee" in second line of caption insert "Smith and Anderson;" in 1st section, 3rd line, after "Cherokee" insert "Smith and Anderson."

Mr. Maverick, one of the committee on Internal Improvements, reported, recommending the passage of the bill to revive and continue in force and supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 5th, 1850, and the several supplemental and amendatory acts concerning said Railroad, approved November 14th, 1857.

Mr. Navarro, chairman on part of the House, of a Joint committee, reported a bill to perfect land claims of colonists in Castro's colony, and for the settlement of all classes of claims for said colony, and recommended its passage. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to incorporate the Jefferson Insurance Company, with amendments by the committee:

Amend by adding to the end of 4th section "Provided that no stockholder who has failed to pay any installment upon his stock which has been called for, shall be permitted to vote at any meeting of the stockholders."

Mr. Henderson, one of the committee on Claims and Accounts, made a majority report, reporting a bill for the relief of A. H.

Cook, and recommended its passage. Bill read first time.

Messrs. Ross and Norton submitted a minority report, recommending the rejection of the bill.

Mr. Haynes introduced a joint resolution to amend the State constitution. Read first time and referred to committee on Education.

Mr. Francis offered the following preamble and resolution :

WHEREAS, Owing to the fact that the House has refused to take enormous quantities of the city papers at the public expense (as has heretofore been the custom,) there is understood to be a combination of the city papers with a determination on their part to publish none of the proceedings of this House, while in consideration of the fact that the Senate has ordered ten copies of each of the city weeklies, for each member of that body, they have determined to publish the proceedings of that body in full. And,

Whereas, The people, whose money raised by taxation must foot this extravagance, have as much interest in the proceedings of their 90 Representatives as in their 33 Senators ; and,

Whereas, The money which is to pay for these papers can only be drawn from the Treasury by an appropriation in which this House must concur, such proceedings on the part of said newspapers being manifestly an intentional disrespect of this House, therefore

Resolved, 1. That the two copies each of the papers taken by this House for each member be and the same are hereby discontinued.

Resolved, 2. That this House will not vote an appropriation to pay for any newspaper taken by either House of the Legislature or any member thereof, after this date. Referred to committee on Retrenchment and Reform.

Mr. Davis of Hays, offered the following resolution :

Resolved, That the report of the Directors, Superintendent and Agent of the Texas Penitentiary, and that portion of the Governor's message that relates to the Penitentiary, be referred to the committee on Penitentiary with instructions to report upon the expediency of branching the Penitentiary, and that they report by bill or otherwise. Adopted.

Mr. Camp offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to enquire into the necessity and expediency of passing a law requiring persons or companies of persons to advertise stolen property captured by them from the Indians, before the same

can be disposed of by sale, and report by bill or otherwise.
Adopted.

On motion of Mr. Francis the vote referring the resolution relative to the newspapers to committee on Retrenchment and Reform, was reconsidered and the resolution taken up.

Mr. Parker moved to refer it to committee on Printing. Lost.

Mr. Davis of Hays, moved to reconsider the vote refusing to refer to committee on Printing. Lost.

Mr. Martin offered the following substitute :

Resolved, That this House instruct the committee on Printing to contract with the publishers of the State Gazette for two more copies of their daily paper in addition to the two numbers now taken for each member of this House, and also, eight additional copies of the tri-weekly Intelligencer, conditioned that both these papers publish the proceedings of this House.

On motion of Mr. Henderson substitute laid on the table by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Benevides, Billingsley, Bogart, Branch, Buckley, Caddell, Camp, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Daniel, Davis of Bastrop, Dickson, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of Robertson, Lewter, Mabry, Manly, Maxey, McCutcheon, McKnight, Munson, Navarro, Nelson, Norton, Owens, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Short, Speights, Taylor, Townes, Wælder, Waterhouse, Whitfield, Whitmore, Wortham and Wrede.—62.

NAYS—Messrs. Speaker, Barclay, Baxter, Bryan, Craig, Culberson, Davis of Hays, Dennis, Dougherty, Lewis of Montgomery, Lynch, Martin, McClarty, Middleton, Mills, Mundine, Parker, Shelton, Walworth and Warfield.—20.

Mr. Craig offered the following substitute :

Resolved, That the Printing committee be instructed to contract with the editors of the daily State Gazette and tri-weekly Intelligencer for 10 copies each of said papers, provided the cost of same does not exceed the prices of regular subscribers, and provided also, that said papers shall contain the proceedings of this House.

On motion of Mr. Henderson the substitute was rejected.

On motion of Mr. McKnight the previous question ordered, which being the rejection or adoption of the preamble and resolutions.

On motion of Mr. Foscue a division of the question was

ordered. The first question being upon the adoption of the preamble the House refused to adopt it by the following vote :

YEAS—Messrs. Barnard, Flewellen and Manly.—3.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Billingsley, Bogart, Buckley, Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dickson, Dougherty, Edwards, Epperson, Francis, Franklin, Foscue, Hall, Harrison of Van Zandt, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Maverick, Maxey, McClarty, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Pirkey, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede.—79.

The question then recurring upon the adoption of the 1st resolution, it was adopted by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Benevides, Billingsley, Bogart, Buckley, Camp, Crawford, Crooks, Clark, Cumby, Dale, Daniel, Davis of Hays, Dickson, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Harrison of Cherokee, Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Munson, Navarro, Nelson, Norton, Owens, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Speights, Taylor, Townes, Waterhouse, Whitfield and Whitmore.—55.

NAYS—Messrs. Speaker, Barclay, Baxter, Branch, Bryan, Caddell, Craig, Culberson, Darnell, Davis of Bastrop, Dennis, Dougherty, Hall, Harrison of Van Zandt, Hartley, Lynch, Maxey, McClarty, Middleton, Mills, Mundine, Parker, Robinson, Wælder, Walworth, Warfield, Wortham and Wrede.—28.

The question then being upon the adoption of the 2nd resolution the House refused to adopt it by the following vote :

YEAS—Messrs. Barnard, Benevides, Billingsley, Camp, Crooks, Cumby, Dale, Davis of Hays, Epperson, Flewellen, Francis, Haynes, Houghton, Hubbard, Lewis of Montgomery, Lewis of Robertson, Mabry, Martin, Maverick, McKnight, Mills, Munson, Navarro, Norton, Owens, Perry, Redwine, Short and Speights.—Yeas 29.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Bogart, Branch, Bryan, Buckley, Caddell, Craig, Crawford,

Clark, Culberson, Darnell, Daniel, Davis of Bastrop, Dennis, Dickson, Dougherty, Edwards, Franklin, Foscue, Hall, Harrison of Cherokee, Hartley, Henderson, Henry, Lewter, Lynch, Manly, Maxey, McClarty, McCutcheon, Middleton, Mundine, Nelson, Parker, Pirkey, Redgate, Robinson, Ross, Shelton, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede.—Nays 53.

Mr. Henderson moved a reconsideration of all the votes taken upon the several questions contained in the preamble and resolutions. Lost.

Mr. Franklin offered the following resolution :

Resolved, That the committee on Printing be instructed to ascertain for what sum they can have printed — copies of the daily proceedings of the House for each member, and in connection with said copies, what copies of the entire journals can be printed and furnished for distribution. Adopted.

Mr. Haynes offered the following resolution :

Resolved, That the committee to investigate the public printing enquire whether the public printing has been executed according to law, from the year 1853 to the present time, with power to call for persons and papers and that they report to this House as soon as practicable. [Mr. Norton in the Chair.] Adopted by the following vote :

YEAS—Messrs. Armstrong, Barnard, Baxter, Benevides, Bogaert, Branch, Buckley, Camp, Crawford, Crooks, Clark, Culberson, Darnell, Davis of Hays, Dickson, Edwards, Epperson, Francis, Hartley, Haynes, Henderson, Houghton, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manly, Martin, Maverick, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Perry, Redgate, Robinson, Ross, Shannon, Speights, Taylor, Townes, Wælder, Waterhouse, Whitfield, Whitmore and Wortham.—52.

NAYS—Messrs. Anderson, Barclay, Billingsley, Bryan, Caddell, Craig, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Henry, Maxey, McClarty, McCutcheon, Parker, Redwine, Shelton, Short, Walworth, Warfield and Wrede.—28.

While the foregoing vote was being taken Mr. Haynes moved a call of the House.

The Speaker ruled the motion out of order.

[The Speaker resumed the Chair.]

Mr. Haynes appealed from the decision and the Speaker was sustained by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barclay, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Culberson, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Houghton, Hubbard, Lewis of Montgomery, Lewter, Lynch, Manly, Martin, Maxey, McClarty, Middleton, Mills, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Wælder, Walworth, Warfield, Waterhouse, Wortham and Wrede.—57.

NAYS—Messrs. Baxter, Benevides, Branch, Clark, Darnell, Davis of Hays, Dickson, Duncan, Haynes, Henderson, Lewis of Robertson, Mabry, Maverick, McCutcheon, McKnight, Mundine, Navarro, Redgate, Robinson, Taylor, Townes, Whitfield and Whitmore.—23.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to incorporate the Houston Hook and Ladder Company No. 1., and Liberty Fire Company No. 2, of the city of Houston.

Mr. Mabry, chairman, on part of the House, of committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to empower the Mayor, Aldermen and citizens of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land in aid of the Galveston, Houston and Henderson Railroad, and to validate the bonds by them issued or to be issued for such purpose, and to impose a special tax to pay the interest on said bonds and to provide a fund to meet said bonds when due.

Also, the joint resolution for the relief of 4 clerks in the Comptroller's office, and that they had been presented to the Governor for his approval and signature.

Mr. Dougherty moved to reconsider the vote sustaining the decision of the Speaker.

On motion of Mr. Henderson laid on the table.

Mr. Daniels, one of the committee on Private Land Claims, by permission, reported, recommending the passage of the bill for the relief of James Jennings.

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

HOUSE OF REPRESENTATIVES, }
FRIDAY, Dec. 2nd, 1859. }

House met pursuant to adjournment—roll called—quorum

present—journal of yesterday read and adopted.

Mr. Mills moved to adjourn till 9 o'clock, A. M., to-morrow.
Lost.

Mr. Mills presented the petition of L. T. Dew. Referred to committee on Private Land Claims.

Mr. Culberson presented the petition of Wm. Philips. Referred to committee on Private Land Claims.

Mr. Navarro presented the petition of Matiana Vega Delgado. Referred to committee on Private Land Claims.

Mr. Darnell presented the petition of the citizens of Tarrant county. Referred to committee on State Affairs.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending passage of bill to relieve T. D. Rusk of Nacogdoches county, and J. W. Hanna of DeWitt county, from minority, with amendments by committee :

Amend by striking out "DeWitt" wherever it occurs and inserting "Lavaca."

Also, reported, recommending the indefinite postponement of the bill to amend art. 411 of Oldham & White's Digest.

Also, reported, recommending the indefinite postponement of the bill to repeal art. 1201 of Oldham & White's Digest.

Also, reported, recommending the passage of the bill for the relief of Richard N. Williams.

Mr. Mills, one of the committee on Judiciary, reported, recommending the passage of the bill to legalize certain locations and surveys made in the Pacific Railroad Reservation during the existence of the same.

[Mr. Dickson in Chair.]

Mr. Ross, one of the committee on State Affairs, reported, recommending the rejection of the petition of A. Huston.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the indefinite postponement of the bill to dispose of University lands.

Also, reported, recommending the passage of the bill to incorporate the town of Meridian, in Bosque county, with amendments by the committee :

Amend by striking out the 2nd section.

Also, reported, asking that the bill to encourage the settlement on the frontier be referred to committee on Public Lands.

A message was received from the Senate informing the House that the Senate had passed a bill to amend the 6th and 7th sec. of an act entitled an act regulating sequestrations, approved March 5th, 1848.

Also, a bill to amend the 4th section of the act of May 12th,

1846, entitled an act to regulate the license and practice of Attorneys and Counsellors at Law.

On motion of Mr. Buckley the Senate's bill to regulate the license and practice of Attorneys and Counsellors at Law was taken up, read first time and referred to committee on Judiciary.

Mr. Hubbard introduced a bill for the relief of W. J. Langham. Read first time and referred to committee on Private Land Claims.

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

HOUSE OF REPRESENTATIVES, }
SATURDAY, December 3, 1859. }

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

The journal of yesterday read and adopted.

Mr. Buckley, chairman of the committee on the Judiciary, reported, recommending the indefinite postponement of the bill to repeal several acts therein named.

Mr. Parker, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of J. Henry Brown, and recommend its passage.

Also reported, asking to be relieved from further consideration of the petition of the heirs of Philip Potter.

Mr. Baxter, one of the committee on State Affairs, reported a bill for relief of John Hearn, and recommend its passage.

Mr. Shannon, chairman of committee on Private Land Claims, reported a substitute for the bill for the relief of William Rice, Thomas T. Hailey, Mose. McKerley and W. J. Kyle, assignee of Jerome B. Robinson, and recommend its passage.

Mr. Bogart offered a resolution instructing the committee on Stock and Stock Raising, as to the propriety and manner of amending the estray law. Adopted.

Mr. Armstrong introduced a bill to authorize counties and towns to levy a tax for railroad purposes. Read first time and referred to committee on Revenue Laws.

Mr. Mundine introduced a bill to incorporate the Lexington Male and Female Academy. Read first time and referred to committee on Education.

Mr. Buckley introduced a bill to amend the 15th section of

the road law. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Hubert introduced a bill for the relief of M. F. Alexander. Read first time and referred to committee on Private Land Claims.

Mr. Navarro introduced a bill for the relief of Jesus Jemenes. Read first time and referred to committee on Private Land Claims.

Mr. Foscue introduced a joint resolution to amend the Constitution. Read first time and referred to committee on State Affairs.

Mr. Robinson introduced a bill to revise an act entitled an act to incorporate the Lagrange Collegiate Institute, approved February 15th, 1852, and to change the name of said Institute to that of Ewing College. Read first time and referred to committee on Education.

Mr. Harrison of Van Zandt, on Private Land Claims, by permission, reported, asking to be relieved from further consideration of the bill for the relief of the heirs of David Kenly.

Mr. Ellett introduced a bill to legalize the act of the officers of Montague county. Read first time and referred to committee on Judiciary.

Mr. Clark introduced a bill for the relief of Amanda Earle. Read first time and referred to the committee on Private Land Claims.

Mr. Duncan offered the following resolution :

Resolved, That the Hall of the House of Representatives be tendered to the managers of the Inauguration Ball on the evening of the 21st inst.

Mr. Lewter moved to lay the resolution on the table. Carried by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barclay, Barnard, Bogart, Caddell, Camp, Craig, Crawford, Crooks, Dale, Davis of Hays, Dennis, Francis, Franklin, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Lewter, Lynch, Maverick, McClarty, McKnight, Mills, Mundine, Munson, Norton, Owens, Parker, Redwine, Robinson, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Warfield, Whitmore and Wortham.—41.

NAYS—Messrs. Speaker, Baxter, Benevides, Branch, Buckley, Clark, Culberson, Cumby, Davis of Bastrop, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Hartley, Haynes, Henderson, Houghton, Hubert, Kinney, Lewis of Montgomery, Lewis of Robertson, Mabry, Maxey, McCutcheon, Middleton, Navarro, Nelson, Perry, Redgate, Taylor, Townes,

Wælder, Walworth, Waterhouse, Whitfield and Wrede.—40.

Mr. Buckley introduced a bill to amend 7th section of an act regulating weights and measure. Read first time and referred to committee on State Affairs.

A message was received from the Governor.

Mr. Ross moved that the rule be suspended and the bill to raise the revenue by direct taxation be taken up out of its regular order. Lost.

Mr. Wrede introduced a bill to authorize the county court of Gillespie county, to levy a special tax for the years 1860-'61. Read first time and referred to committee on State Affairs.

Mr. Mills introduced a bill to incorporate the Indianola and Goliad Bridge and Turnpike Company. Read first time and referred to committee on Roads, Bridges and Ferries.

[Mr. Dennis in the Chair.]

Mr. Crooks offered the following resolution :

Resolved, That after the 25th of Dec., 1859, this Hall shall be used for no other purpose than that for which it was intended, a legislative Hall.

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

On motion of Mr. Buckley the rule was suspended and the following Senate bills were taken up, read first time and disposed of as indicated :

A bill for the relief of James Herndon. Referred to committee on Claims and Accounts.

A bill for the relief of Wiley Burns ; the heirs of Robert M. McKinney ; the heirs of Carmele Ramon, and the heirs of David Barlow. Referred to committee on Claims and Accounts.

A bill to release Benj. A. Campbell, Jas. Ingram Nuner, and Francis J. Lewis from disabilities of minority. Referred to committee on Judiciary.

A bill for the relief of Lewis David. Referred to committee on Private Land Claims.

A bill to change the time of holding courts in the 6th judicial district. Referred to committee on Judicial Districts.

A bill to amend the 6th and 7th sections of an act regulating sequestration, approved March 15, '48. Referred to committee on Judiciary.

A bill to validate headright certificates issued by the supreme or district courts, and to authorize the issuance of patents thereon.

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

On motion of Mr. Barnard the rule was further suspended and the bill read third time.

Mr. Ellett proposed to amend by adding "provided that locations made under such certificates shall not be valid if they conflict with locations made in good faith at the time such certificates were dead."

Mr. McKnight moved to refer bill and amendment to committee on Private Land Claims.

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

Mr. Franklin moved to adjourn till 10 o'clock, A. M., Monday. Lost.

[Speaker resumed the Chair.]

Mr. Mills moved to defer the bill till Tuesday, 11 o'clock.

Mr. Flewellen moved to lay motion on table. Lost, and the bill postponed till 11 o'clock, Tuesday.

Mr. Harrison of Van Zandt, moved to adjourn till 10 o'clock, A. M., Monday. Lost by the following vote :

YEAS—Messrs. Barclay, Culberson, Davis of Hays, Dickson, Franklin, Harrison of Van Zandt, Hartley, Haynes, Houghton, Mabry, Manly, McKnight, Middleton, Mills, Munson, Navarro, Redgate, Townes and Walworth.—19.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Cumby, Dale, Darnell, Daniel, Davis of Bastrop, Dennis, Dougherty, Duncan, Ellett, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Henderson, Henry, Hubert, Lewis of Montgomery, Lewis of Robertson, Lynch, Maverick, McClarty, McCutcheon, Mundine, Norton, Owens, Parker, Perry, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Wælder, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede.—57.

A bill for the relief of the heirs of John Grogan, dec'd, taken up, read first time and referred to committee on Private Land Claims.

A bill to amend the 6th section of an act entitled an act to incorporate the town of Henderson, in Rusk county, approved Feb. 12th, 1852, taken up, read first time and referred to committee on State Affairs.

ORDERS OF THE DAY.

A bill to relieve A. E. Benham, daughter of J. J. Benham, from the disabilities of minority, together with report from the committee on Judiciary, taken up, bill read second time and ordered to be engrossed.

On motion of Mr. Parker, Mr. Townes was added to committee on Stock and Stock-raising.

The report from the committee on Judiciary, recommending the passage of the bill to incorporate the Israelite congregation in the city of Houston, taken up. Bill read second time and ordered to be engrossed.

The following message from the Governor was taken from the Speaker's stand, read and referred to committee on State Affairs :

EXECUTIVE OFFICE, }
AUSTIN, Dec. 3rd, 1859. }

Gentlemen of the Senate

and House of Representatives :

I enclose herewith a letter of the State Geologist, communicating his report in conformity with the act under which he received his appointment.

H. R. RUNNELS.

Mr. Dale offered the following resolution :

Resolved, That the committee on Public Printing be instructed to have printed 500 copies of the report of the State Geologist for use of this House, and 500 copies of the same for use of the State Department.

On motion of Mr. Harrison of Van Zandt, referred to committee on State Affairs.

Mr. Duncan, by permission, introduced a bill to amend the 17th section of an act to incorporate the Indianola Railroad Company. Read first time and referred to committee on Internal Improvements.

On motion of Mr. Franklin the House adjourned till 10 o'clock, A. M., Monday, by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crawford, Clark, Culberson, Cumby, Davis of Hays, Dennis, Dougherty, Duncan, Epperson, Flewellen, Franklin, Foscue, Hall, Hartley, Haynes, Houghton, Lewis of Montgomery, Lynch, Mabry, Manly, Maverick, Maxey, McClarty, McKnight, Middleton, Mills, Munson, Owens, Parker, Redgate, Robinson, Ross, Smith, Speights, Taylor, Townes, Wælder, Walworth, Warfield and Wrede.—50.

NAYS—Messrs. Anderson, Baxter, Caddell, Dale, Darnell, Davis of Bastrop, Dickson, Edwards, Ellett, Francis, Harrison of Cherokee, Harrison of Van Zandt, Henderson, Henry, Hubert, Lewis of Robertson, McCutcheon, Mundine, Norton, Perry, Redwine, Shannon, Shelton, Short, Stewart, Waterhouse, Whitfield, Whitmore and Wortham.—29.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 5th, 1859. }

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

On motion of Mr. Lynch the vote tabling the resolution to tender this Hall to the managers of the Inauguration Ball was reconsidered by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Branch, Bryan, Buckley, Camp, Craig, Crawford, Clark, Cumby, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Franklin, Haynes, Henderson, Hubbard, Hubert, Lewis of R., Lynch, Mabry, Manley, Maverick, Maxey, McCutcheon, Middleton, Munson, Navarro, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Smith, Speights, Taylor, Townes, Wælder, Walworth, Waterhouse and Whitfield—55.

NAYS—Messrs. Anderson, Bogart, Cadell, Crooks, Dale, Daniels, Francis, Foscue, Harrison of C., Harrison of V. Z., Houghton, Lewter, Martin, McClarty, McKnight, Mills, Mundine, Norton, Parker, Redwine, Ross, Shannon, Shelton, Short, Stewart, Warfield, Whitmore, Wortham and Wrede—29.

Mr. Norton proposed to amend by adding " Provided the carpets are not removed from the floor."

Mr. Franklin offered the following substitute :

Resolved, That the Speaker be authorized to grant permission to the managers of the Inauguration Ball to use the Representative Hall on that occasion, on condition that the carpet and furniture be replaced without delay, expense or injury.

Mr. Haynes moved the previous question which was seconded, and the House refused to order it.

Mr. Henderson moved to lay the substitute on the table. Lost by the following vote:

YEAS—Messrs. Barnard, Baxter, Benevides, Bryan, Buckley, Caddell, Crooks, Culbertson, Cumby, Davis of H., Duncan, Epperson, Flewellen, Hartley, Haynes, Henderson, Henry, Hubbard, Hubert, Lewis of M., Lewis of R., Lynch, Mabry, Manley, Martin, Maverick, McCutcheon, Mills, Munson, Navarro, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Taylor, Townes, Wælder and Wrede—41.

NAYS—Speaker, Anderson, Armstrong, Barclay, Billingsley, Bogart, Branch, Craig, Crawford, Clark, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Dougherty, Edwards, Ellett, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Lewter, Maxey, McClarty, McKnight, Mundine,

Norton, Parker, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—47.

The substitute was adopted, and the resolution adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Cumby, Darnell, Davis of B., Dennis, Dickson, Dougherty, Edwards, Ellett, Epperson, Flewellen, Franklin, Hall, Hartley, Haynes, Hubbard, Hubert, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Maverick, Maxey, McCutchan, Middleton, Munson, Navarro, Nelson, Owens, Pirkey, Robinson, Smith, Speights, Taylor, Townes, Wælder, Walworth and Whitfield—51.

NAYS—Messrs. Armstrong, Barnard, Caddell, Camp, Crooks, Dale, Davis of H, Francis, Fosue, Harrison of C, Harrison of V, Z, Henderson, Henry, Houghton, Lewter, Martin, McClarty, McKnight, Mills, Mundine, Norton, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Stewart, Warfield, Waterhouse, Whitmore, Wortham and Wrede—35.

The appointed hour for the two Houses to meet in joint session to go into the election of United States Senator having arrived.

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

Recess expired—House called—quorum present.

On motion of Mr. Henderson a call of the House was ordered.

Absentees—Mr. Kinney.

Mr. McKnight moved to suspend call. Lost.

On motion of Mr. Wælder the regular morning business was suspended.

Mr. Barnard moved to adjourn till 10 o'clock to-morrow. Lost by the following vote :

YEAS—Messrs. Barnard, Epperson, McKnight and Townes—4.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Ellett, Flewellen, Francis, Franklin, Fosue, Hall, Harrison of C., Harrison of V. Z., Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey,

McClarty, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirky, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Speights, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham, Wrede,—78.

Mr. Kinney being announced the call was suspended.

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

Rolls of both Houses called—quorum present.

Nominations on part of the Senate being in order, Senator Britton nominated Mr. Wigfall; Senator Grimes nominated Mr. Smyth; and Senator Throckmorton, Mr. Latimer.

On part of the House Mr. Craig nominated Mr. Wigfall; Mr. Taylor nominated Mr. Latimer; Mr. Lewis of M. nominated Mr. Smyth; Mr. Mabry nominated Mr. Ward; and Mr. Martin nominated Mr. Hill.

The joint session then proceeded to the 1st ballot, which was as follows:

FIRST BALLOT.

For Wigfall—Messrs. Speaker, Anderson, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of B., Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of C., Hartley, Hubbard, Hubert, Kinney, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede—43.

For G. W. Smyth—Barnard, Benevides, Branch, Crawford Clark, Darnell, Duncan, Edwards, Houghton, Lewis of M., Maverick, Middleton, Mundine, Norton, Redgate, Robinson, Shannon, Smith, Speights and Whitfield—20.

For Ward—Camp, Francis, Lewter and Mabry—4.

For W. P. Hill—Baxter, Manly, McCutchan, Townes, Waterhouse and Whitmore—6.

For A. H. Latimer—Armstrong, Bogart, Davis of H., Ellett, Epperson, Henry, Manly, Navarro, Owens and Taylor—10.

For Robertson—Daniels, Dickson, Haynes, Henderson, Lewis of R., and McKnight—6.

Mr. Harrison of V. Z., voted for W. J. Sparks.

No one candidate having received a majority of all the votes cast, the joint session proceeded to a 2nd ballot as follows:

SECOND BALLOT.

For Wigfall—Mr. Speaker, Anderson, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale,

Davis of B., Dennis, Dougherty, Flewellen, Franklin, Foscue Hall, Harrison of C., Hartley, Hubbard, Hubert, Kinney, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—43.

For Smyth—Barnard, Branch, Crawford, Darnell, Duncan, Edwards, Lewis of Montgomery, Lewter, Manly, Middleton, Mundine, Redgate, Robinson, Smith, Speights, Townes and Whitfield.—17.

For Hill—Baxter, Clark, Martin, McCutchan, Waterhouse and Whitmore.—6.

For Roberts—Daniels, Dickson, Haynes, Henderson and McKnight.—5.

For Latimer—Armstrong, Benevides, Bogart, Camp, Davis of H., Ellet, Epperson, Henry, Lewis of R., Maverick, Navarro, Norton, Owens, Shannon and Taylor.—15.

For Ward—Francis, Houghton and Mabry.—3.

Mr. Harrison of Van Zandt voted for Mr. Jarvis.

Mr. Henderson moved that the joint session adjourn. Lost by the following vote:

YEAS—Messrs. Armstrong, Crawford, Clark, Darnell, Davis of H., Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Lewter, Mabry, Manly, Martin, McCutchan, McKnight, Middleton, Mundine, Owens, Redgate, Robinson, Shannon, Smith, Speights, Townes, Waterhouse, Whitfield—32.

NAYS—Messrs. Speaker, Anderson, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Cumby, Dale, Daniels, Davis of B., Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Hubbard, Hubert, Kinney, Lynch, Maverick, Maxey, McClarty, Mills, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Taylor, Wælder, Walworth, Warfield, Whitmore, Wortham and Wrede—56.

On motion of Mr. Taylor a call of the House was ordered.

Upon calling the roll it appeared that a quorum was present and the call was suspended.

Mr. Henderson moved that the joint session adjourn till 10 o'clock to-morrow. Lost by the following vote:

YEAS—Messrs. Armstrong, Baxter, Benevides, Branch, Crawford, Camp, Clark, Darnell, Davis of H., Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Lewter, Mabry, Manly, Martin, Maverick, McCutchan

an, McKnight, Middleton, Mundine, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Waterhouse, Whitfield and Whitmore—40.

NAYS—Messrs. Speaker, Anderson, Barclay, Barnard, Billingsley, Bogart, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Daniels, Davis of B., Dennis, Dougherty, Fleweller, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Houghton, Hubbard, Hubert, Kinney, Lynch, Maxey, McClarty, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, and Wrede—49.

Mr. Dickson moved a call of the House.

The Speaker declared the motion out of order.

Mr. Dickson appealed from the decision of the Chair and the Chair was sustained by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Barnard Billingsly Branch Bryan Buckley Caddell Craig Crawford Crooks Culberson Cumby Dale Daniels Davis of B Dennis Dougherty Fleweller Francis Franklin Foscue Hall Harrison of C Harrison of V Z Hubbard Hubert Lynch Mabry Maverick Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Ross Shelton Short Stewart Wælder Walworth Whitfield Wortham and Wrede—49.

NAYS—Messrs. Baxter Benevides Bogart Camp Clark Darnell Davis of H Dickson Duncan Edwards Henderson Lewis of M Lewis of R Lewter Manley Martin McCutcheon McKnight Middleton Mundine Navarro Norton Redgate Robertson Shannon Smith Speights Taylor Townes Warfield Waterhouse and Whitmore—32.

Mr. Mabry moved a reconsideration of the vote sustaining the decision of the Speaker.

On motion of Mr. Buckley the motion was laid on the table by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Billingsley Bogart Bryan Buckley Caddell Craig Crawford Crooks Culberson Cumby Dale Daniels Davis of B Dennis Dougherty Fleweller Francis Franklin Foscue Hall Harrison of C Harrison of V Z Hartley Hubbard Hubert Lynch Mabry Maxey McClarty Mills Munson Nelson Parker Pirkey Redwine Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wrede—50.

NAYS—Baxter Benevides Branch Camp Clark Darnell Davis of H Dickson Duncan Edwards Haynes Henderson Lewis of M Lewis of R Lewter Manley Martin Maverick McCutcheon Mc-

Knight Middleton Mundine Norton Redgate Robinson Shannon
Speights Taylor Townes Waterhouse Whitfield and Whitmore
—32.

Mr. Mabry moved to reconsider the vote tabling his motion to
reconsider the vote sustaining the Chair.

Speaker ruled motion out of order.

Mr. Mabry appealed from the decision.

The Chair was sustained by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Barnard Benevi-
des Billingsley Bogart Branch Bryan Buckley Caddell Craig
Crawford Crooks Culberson Cumby Dale Daniels Davis of B
Davis of H Dennis Dickson Dougherty Fleweller Francis Frank-
lin Foscue Hall Harrison of C Harrison of V Z Hartley Hender-
son Hubbard Hubert Lewis of M Lewter Lynch Mabry Maverick
Maxey McClarty Middleton Mills Munson Nelson Parker Perry
Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short
Smith Stewart Taylor Welder Walworth Warfield Whitfield
and Wrede—53.

NAYS—Messrs. Baxter Clark Darnell Mabley Martin Mc-
Cutcheon McKnight Norton Speights Waterhouse and Whitmore
—11.

Mr. Martin moved to adjourn the joint session till 4 o'clock
A. M., to-morrow. Lost by the following vote:

YEAS—Messrs. Baxter Davis of H Epperson Henry Mabry
Manley Martin Norton and Owens—9.

NAYS—Messrs. Speaker Anderson Armstrong Barclay Barnard
Benevides Billingsley Bogart Branch Bryan Buckley Caddell
Camp Craig Crawford Crooks Culberson Cumby Dale Darnell
Daniels Davis of B Dennis Dickson Dougherty Fleweller Fran-
cis Franklin Foscue Hall Harrison of C Harrison of V Z Hartley
Hubbard Hubert Lewis of M Lewter Lynch Maverick Maxey
McClarty McCutcheon McKnight Mills Mundine Munson Nel-
son Parker Perry Pirkey Redgate Redwine Robinson Ross
Shannon Shelton Short Speights Stewart Taylor Welder
Walworth Warfield Waterhouse Whitfield Whitmore and Wrede
—67.

Mr. Epperson moved to adjourn the joint session till 9 o'clock
A. M., to-morrow. Lost by the following vote:

YEAS—Messrs. Armstrong Baxter Camp Darnell Daniels
Davis of H Dickson Ellett Epperson Haynes Henry Kinney
Lewis of M Lewis of B Lewter Mabry Manley Martin McCut-
cheon Middleton Mundine Norton Owens Redgate Smith Speights
Waterhouse and Whitfield—28.

NAYS—Messrs. Speaker Anderson Barclay Benevides Bogart

Branch Bryan Buckley Caddell Craig Crawford Crooks Culber-
son Cumby Dale Davis of B. Dougherty Elwellen Francis
Franklin Foscue Hall Harrison of C. Hartley Hubbard Hubert
Lynch Maverick Maxey McClarty McKnight Mills Munson Nel-
son Parker Perry Pirkey Redwine Robinson Ross Shannon Shel-
ton Short Stewart Taylor Wælder Warfield Whitmore and
Wrede—49.

Mr. Haynes moved to adjourn the joint session *sine die*. Lost
by the following vote:

YEAS—Messrs. Dickson Epperson Haynes Lewter McCutcheon
Owens Pirkey and Waterhouse—8.

NAYS—Messrs. Anderson Armstrong Barclay Barnard Benevi-
des Billingsley Branch Bryan Buckley Caddell Camp Craig
Crawford Crooks Culberson Cumby Dale Darnell Daniels Davis
of B. Davis of H. Dennis Dougherty Francis Franklin Foscue
Hall Harrison of C. Hartley Houghton Hubbard Hubert Lewis of
M. Lewis of R. Lynch Martin Maverick Maxey McClarty
McKnight Middleton Mills Mundine Munson Nelson Norton
Parker Perry Redgate Redwine Robinson Ross Shannon Shelton
Short Smith Speights Stewart Taylor Wælder Walworth War-
field Whitfield Whitmore and Wrede—65.

Mr. Haynes moved that Joint Session adjourn till 11 o'clock
to-morrow. Lost by the following vote:

YEAS—Messrs. Armstrong Baxter Billingsley Branch
Camp Darnell Daniels Davis of H. Dickson Lewter Mabry
Manley Martin Maverick McCutcheon McKnight Middleton
Mundine Norton Redgate Shelton Waterhouse Whitfield
and Whitmore—24.

NAYS—Messrs. Anderson Barclay Barnard Benevides Bryan
Buckley Caddell Craig Crawford Crooks Culber on Cumby Dale
Davis of B. Dennis Dougherty Franklin Foscue Hall Harrison
of C. Hartley Houghton Hubbard Hubert Lewis of M. Lynch
Maxey McClarty Mills Munson Nelson Parker Perry Pirkey
Redwine Ross Shannon Short Stewart Taylor Wælder Walworth
Warfield and Wrede—44.

Mr. Mabry moved to adjourn till 12 o'clock, A.M., to-morrow.
Lost by the following vote:

YEAS—Messrs. Armstrong Baxter Camp Daniels Davis of H.
Dickson Lewis of M. Lewis of R. Maverick McKnight Middleton
Mundine Norton Redgate Speights Waterhouse Whitfield and
Whitmore—18.

NAYS—Messrs. Anderson Barclay Barnard Benevides Billings-
ley Branch Bryan Buckley Caddell Craig Crawford Culberson
Cumby Dale Davis of B. Dennis Dougherty Elwellen Francis

Franklin Foscue Hall Harrison of C. Hartley Houghton Hubbard Hubert Lewter Lynch Manley Martin Maxey Mills Munson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Stewart Taylor Wælder Walworth Warfield and Wrede—48.

[Speaker resumed the Chair.]

Mr. Martin moved to adjourn Joint Session till 9½ o'clock, A. M., to-morrow. Lost, by the following vote:

YEAS—Messrs. Baxter Benevides Camp Crawford Clark Darnell Daniels Davis of H. Dickson Duncan Ellett Epperson Haynes Henry Houghton Kinney Lewis of R. Manley Martin Maverick McCutcheon Middleton Mundine Norton Owens Redgate Robinson Speights Townes Waterhouse Whitfield and Whitmore—32.

NAYS—Messrs. Speaker Anderson Barclay Billingsley Bogart Branch Bryan Buckley Caddell Craig Crooks Culberson Cumby Dale Davis of B. Dennis Dougherty Edwards Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Hubbard Hubert Lewis of M. Lewter Lynch Maxey McClarty McKnight Mills Munson Nelson Parker Perry Pirkey Redwine Ross Shannon Shelton Short Stewart Wælder Walworth Warfield and Wortham—49.

Mr. Martin moved to adjourn Joint Session till 10 o'clock, A. M., Wednesday. Lost by the following vote:

YEAS—Messrs. Baxter Benevides Crawford Darnell Dickson Duncan Ellett Epperson Haynes Henry Lewis of R. Lewter Manly Maverick McCutcheon Middleton Mundine Navarro Norton Owens Redgate Smith Speights Waterhouse Whitfield and Whitmore—26.

NAYS—Messrs. Speaker Anderson Barclay Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Edwards Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Hubbard Lewis of M. Lynch Martin Maxey McClarty McKnight Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shannon, Shelton Short Stewart Taylor Wælder Walworth Warfield Wortham and Wrede—57.

Mr. Martin moved to reconsider the vote refusing to adjourn till 10 o'clock Wednesday.

The Speaker ruled the motion out of order.

Mr. Henderson appealed from the decision.

The Chair was sustained by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Billingsley Bogart Bryan Buckley Caddell Craig Crooks Culberson Cumby

Dale Daniels Davis of B. Dennis Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Hubbard Hubert Kinney Lynch Maxey McClarty Mills Munson Parker Perry Pirkey Redwine Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wrede—46.

NAYS—Messrs. Baxter Benevides Branch Camp Crawford Darnell Davis of H. Dickson Duncan Ellett Epperson Haynes Henderson Henry Houghton Lewis of M. Lewis of R. Lewter Mabry Manly Martin Maverick McCutcheon McKnight Middleton Mundine Munson Norton Owens Redgate Robinson Shannon Smith Speights Taylor Townes Waterhouse Whitfield and Whitmore—39.

Mr. Martin moved to adjourn till 11 o'clock Wednesday morning.

The Speaker ruled the motion out of order.

Mr. Martin appealed from the decision.

The Chair was sustained by the following vote :

YEAS—Messrs. Anderson Barclay Billingsley Bogart Bryan Buckley Caddell Camp Craig Crooks Culberson Cumby Dale Davis of B. Dennis Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Hubbard Hubert Lynch Mabry Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wrede—48.

NAYS—Messrs. Baxter Benevides Branch Crawford Clark Davis of H. Dickson Edwards Henderson Lewis of R. Manly Martin McKnight Middleton Norton Shannon Taylor Waterhouse and Whitmore—20.

Mr. Mabry moved to reconsider the vote sustaining the Speaker.

On motion of Mr. Dougherty the motion was tabled by the following vote :

YEAS—Messrs. Speaker Anderson Barclay Billingsley Bogart Bryan Buckley Caddell Craig Crawford Crooks Culberson Cumby Dale Daniels Davis of B. Dennis Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Hubbard Hubert Lewter Lynch Manly Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Smith Stewart Wælder Walworth Warfield Wortham and Wrede—52.

NAYS—Messrs. Davis of H. McKnight Middleton Norton Shannon Speights Waterhouse and Whitmore—9.

The Joint Session then proceeded to the 3d ballot. (Result below.)

For Wigfall—Messrs. Speaker Anderson Barclay Billingsley Bryan Buckley Caddell Craig Crooks Culberson Cumby Dale Davis of Bastrop Dennis Dougherty Flewellin Franklin Foscue Hall Harrison of Cherokee Hartley Hubbard Hubert Lynch Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Stewart Wælder Wortham and Wiede—43.

For Roberts—Daniels Dickson Henderson Lewter McKnight Mundine Redgate and Townes—8.

For Latimer—Armstrong Benevides Bogart Camp Clark Darnell Davis of H. Edwards Gillett Lipperson Francis Haynes Henry Lewis of M. Lewis of R. Maverick Navarro Norton Owens Shannon and Taylor—21.

For Smyth.—Branch Crawford Duncan McCutcheon Middleton Smith Speights Waterhouse and Whitfield—9.

For Hill.—Baxter Manley Martin and Whitmore—4.

Mr. Mabry voted for Mr. Ward.

Mr. Harrison of Van Zandt voted for Mr. Graham.

Mr. Wigfall having received a majority of all the votes cast, was declared by the Speaker duly and constitutionally elected Senator from the State of Texas.

Senate retired.

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

HOUSE OF REPRESENTATIVES, }
Tuesday, Dec. 6th, 1859. }

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

On motion of Mr. Foscue, the reading of the yeas and nays in the journal of yesterday was dispensed with, the remainder of the journal were read and the journal adopted.

Mr. Lynch by permission, changed his votes on an appeal from the decision of the Chair.

Mr. Whitmore gave notice that he with others, would make a protest against the election of Louis T. Wigfall, to the U. S. Senate.

A message was received from the Governor.

The hour having arrived the special order of the day, to-wit: a bill to validate headright certificates issued by the district and supreme courts, was taken up, read and referred to the committee on the Judiciary.

Mr. Lewter presented the petition of D. P. Fowler. Referred to committee on Slaves and Slavery.

Mr. Franklin presented the petition of Thomas Barrett and Thomas Norris. Referred to committee on Private Land Claims.

Mr. Barnard presented the petition of the heirs of Cleland K. Simmons. Referred to committee on Private Land Claims. Also presented the petition of the heirs of Gustavus Bunson. Referred to committee on Private Land Claims.

Mr. Davis of Hays, presented the petition of the grand jury of Hays county. Referred to committee on Slaves and Slavery.

Mr. Harrison of Van Zandt, presented the petition of Adam Sullivan. Referred to committee on Roads, Bridges and Ferries.

Mr. Franklin presented the petition of the heirs of Henry Hastie. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of James Christian. Referred to committee on Private Land Claims. Also presented petition of H. D. Bohamson. Referred to committee on Private Land Claims.

Mr. Taylor presented the petition of the heirs of Wm. Conklin. Referred to committee on Private Land Claims.

Mr. Perry presented the petition of the chief justice and city commissioners of Falls county. Referred to committee on Finance.

On motion of Mr. Buckley, the rule was suspended and the bill to regulate factors and warehousemen, taken up.

Mr. Buckley proposed the following amendments:

Section 1st, in 7th line between the words "forfeiture" and "of" insert "to the owner or owners."

Section 2nd, line 6, strike out "penalty" and insert "forfeiture to the owner or owners."

Section 3rd, in 4th line between "dollars and" insert "that" in line 6th strike out "or" between "them" and "weighed" and insert "to be," in same line strike out "by him or them."

Section 4th, line 4th, insert between "forfeit" and "one" the words "to the owner."

Section 7th, line 3rd, strike out "pay" and insert "be liable to."

Mr. Mills moved to refer the bill and amendments to committee on Judiciary. Lost.

Mr. Nelson moved to adjourn till 10 o'clock A. M., to-morrow. Lost by the following vote:

YEAS.—Messrs. Armstrong, Barnard, Baxter, Branch, Buckley, Craig, Clark, Davis of H., Dennis, Dickson, Dougherty,

Flewellen, Franklin, Hall, Houghton, Manly, McClarty, McCutcheon, Mills, Navarro, Nelson, Robinson, Taylor, Wælder, Walworth, Warfield, Waterhouse and Wortham.—28.

YAYS.—Messrs. Speaker, Anderson, Barclay, Caddell, Camp, Crawford, Crooks, Culberson, Cumby, Darnell, Daniels, Duncan, Edwards, Francis, Foscue, Harrison of Van Zandt, Hartley, Hubbard, Lewis of Robertson; Lewter, Lynch, Mabry, Martin, Maverick, McKnight, Middleton, Mundine, Munson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Stewart, Townes, Whitmore and Wrede.—43.

Mr. Mills moved that the bill and amendments be postponed till and made the special order of the day, Thursday, 11 o'clock.

Mr. Norton moved a call of the House. Lost.

Mr. Wælder moved to adjourn till 10 o'clock to-morrow. Carried by the following vote:

YEAS.—Messrs. Armstrong, Barclay, Barnard, Baxter, Branch, Buckley, Camp, Craig, Crooks, Clark, Culberson, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Flewellen, Franklin, Hall, Hartley, Henry, Houghton, Lynch, Manly, Martin, McCutcheon, Middleton, Mills, Munson, Navarro, Nelson, Parker, Redwine, Robinson, Shelton, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Wortham.—43.

NAYS.—Messrs. Speaker, Anderson, Caddell, Crawford, Dale, Darnell, Edwards, Francis, Foscue, Harrison of Van Zandt, Haynes, Hubbard, Lewis of Robertson, Lewter, Mabry, Maverick, McClarty, McKnight, Mundine, Norton, Owens, Perry, Redgate, Ross, Shannon, Smith, Speights, Whitmore and Wrede.—30.

Pending the bill.

HOUSE OF REPRESENTATIVES, }
WEDNESDAY, December 7th, 1859. }

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

Mr. Camp presented the remonstrance of sundry citizens of Atascosa county. Referred to committee on Counties and County Boundaries.

Mr. Warfield presented the petition of the citizens of Montague county. Referred to committee on State Affairs.

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

A bill to repeal the act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill for the relief of Mary Elam.

A bill to amend the act incorporating the city of San Antonio, approved July 17th, 1856.

A bill to regulate public sales in the county of Bastrop.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of James Holman, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of Daniel Hopkiss, and recommended its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of Harry Martin.

Mr. Stewart, chairman of committee on Finance, reported a bill to authorize the county court of Karnes county to levy and collect a special tax, and recommended its passage. Bill read first time.

Also, reported, recommending the passage of a bill making an appropriation of money to pay for proclamations of the Governor.

Also, reported, recommending the passage of the Senate bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bourland and John Henry Brown; also, for the pay of the Commissioners sent by the Governor to the Indians.

Also, reported, recommending the indefinite postponement of the bill supplementary to an act to regulate the public printing.

Also, reported, recommending the rejection of the petition of the citizens of Erath county.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported, asking to be relieved from further consideration of the petition of Latchlin T. Dews.

Also, reported, asking to be discharged from further consideration of the petition of Gilbert Winne.

Mr. Foscue, one of the committee on State Affairs, reported a joint resolution providing for the final interment of the remains of the late Hon. J. P. Henderson, and recommended its passage. Joint resolution read first time.

Mr. Walworth, one of the committee on Private Land Claims, reported a substitute for the Senate's bill for the relief of John Ricord, and recommended its passage.

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

Mr. Ross, chairman, on part of the House, of the Joint select committee on the Revenue laws, reported, asking that the bill to authorize counties and towns to levy a tax for Railroad purposes be referred to committee on Internal Improvements.

Mr. Buckley, chairman of the committee on the Judiciary, reported, recommending the passage of the Senate's bill to validate headright certificates issued by the supreme and district courts, and to authorize the issuance of patents thereon.

Also, reported a substitute for the bill supplemental to the general act regulating proceedings in the district courts, and recommended its passage.

Also, reported back to the House, the House's bill to amend the 2nd section of the act to regulate the license and practice of Attorneys and Counsellors at law, approved May 12th, 1846, and the Senate's bill to amend the 4th section of the act of May 12th, 1846, to regulate the license and practice of Attorneys and Counsellors at law, and recommended the passage of the Senate's bill with the amendments by the committee.

AMENDMENTS.

Amend the title by adding at the end thereof "and to amend the 2nd section of the act of February 11th, 1854, entitled." Insert an additional section to be section No. 2. In section 2nd strike out "2" and insert "3."

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of Mary Elam, and recommended its passage. Bill read first time.

Also, reported, asking that the petition of Swenson & Swisher be referred to committee on Court of Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported a substitute for the bill for the relief of the heirs of E. Humphries, dec'd, and recommended its passage.

Mr. Bryan, one of the committee on Private Land Claims, reported, asking that the bill for the relief of J. B. & D. R. Wortham be referred to committee on the Judiciary.

Mr. Lewis of Montgomery, chairman of committee on Agriculture, reported a bill to authorize the formation of county and town agricultural societies, and recommended its passage. Bill read first time.

[Mr. Redwine in the Chair.]

On motion of Mr. Mills 200 copies of the report and bill were ordered to be printed.

[Speaker resumed the Chair.]

Mr. Lewis of Montgomery, also reported, asking to be relieved from further consideration of the petition of the citizens of

Fayette county as he had just reported a bill of a general character to the House.

Mr. Whitmore introduced a bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall. Bill read first time.

Mr. Whitmore moved to suspend the rule and place the bill on its second reading. Lost.

Mr. Barnard introduced a bill to amend the act incorporating Paine Female Institute, passed Aug. 6th, 1856. Read first time and referred to committee on Education.

Mr. Stewart introduced a joint resolution to authorize the Comptroller to contract for the printing of 500 copies of the new Abstract of titled lands. Joint resolution read first time.

Mr. Stewart moved to suspend the rule and place the resolution on second reading. Lost.

Mr. Dickson introduced a bill to authorize the issuance of patents on certain certificates therein named. Bill read first time.

Mr. Navarro introduced a bill to ascertain the legal claims for land against the State. Read first time and referred to committee on the Judiciary.

A message was received from the Senate informing the House that the Senate had passed a bill to provide payment for printing the proclamations of the Governor, and a bill to provide for patenting headright certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates.

Mr. Crooks introduced a bill to incorporate Colfax Lodge No. 36. I. O. O. F. at Clarksville. Read first time and referred to committee on State Affairs.

Mr. Harrison of Cherokee, introduced a bill for the relief of the heirs of James Boulter, dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Dale introduced a bill relative to nuisances. Read first time and on motion of Mr. Dougherty rejected.

Mr. Epperson introduced a bill supplemental to the act regulating public printing, approved Nov. 22nd, 1859. Read first time and referred to committee on Printing.

On motion of Mr. Shelton, Mr. Lewter was added to committee on Education.

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

On motion of Mr. Mabry, Mr. Hubert was added to committee on Public Buildings and Grounds.

On motion of Mr. Norton, Mr. Navarro was added to committee on Roads, Bridges and Ferries.

ORDERS OF THE DAY.

The bill to regulate factors and warehousemen together with the proposed amendments was taken up and read second time, and the amendments adopted.

Mr. Buckley proposed to amend as follows :

In section 6th, 2nd line, strike out "balance" and insert "beam." Adopted.

In section 7th, 4th line, after the word "strange" insert the word "to." Adopted.

Mr. Henderson proposed to amend by adding at the end of the 9th section "and give a receipt to the owner showing the exact condition of the cotton, sugar or other produce weighed by them." Adopted.

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

Mr. Henderson also proposed to amend by adding to 7th section : "Provided no warehouseman shall be compelled to store cotton received by them until it is perfectly dry." Rejected by the following vote :

YEAS—Messrs. Armstrong, Branch, Bryan, Crawford, Culberson, Daniels, Dickson, Duncan, Franklin, Hartley, Haynes, Henderson, Lynch, Mabry, Manly, Maverick, Middleton, Norton, Perry, Shelton, Townes and Whitfield.—22.

NAYS—Messrs. Anderson, Barclay, Baxter, Benevides, Billingsley, Buckley, Caddell, Camp, Craig, Clark, Cumby, Dale, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Edwards, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Lewis of Montgomery, Lewis of Robertson, Lewter, Martin, Maxey, McCutcheon, McKnight, Mills, Mundine, Munson, Navarro, Nelson, Parker, Redgate, Redwine, Ross, Speights, Stewart, Taylor, Wælder, Warfield, Waterhouse, Whitmore and Wrede.—Nays 50.

Mr. Davis of Hays, proposed to amend by inserting an additional section.

Mr. Martin moved to re-commit the bill and amendments to the committee on Agriculture, which on motion of Mr. Nelson was laid on the table, and Mr. Davis' of Hays, amendment adopted.

Mr. Townes proposed to amend 4th line of section 7, by inserting after the word "storage" the word "double."

[Speaker resumed the Chair.]

Mr. Lewis of Robertson, moved the previous question.

Mr. Henderson moved a call of the House. Lost.

The motion for the previous question being seconded, it was ordered by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Baxter, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Crawford, Crooks, Clark, Cumby, Dale, Davis of Bastrop, Davis of Hays, Dickson, Edwards, Flewellen, Francis, Harrison of Cherokee, Harrison of Van Zandt, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Maxey, McCutcheon, Mills, Mundine, Munson, Nelson, Parker, Redgate, Redwine, Robinson, Ross, Short, Speights, Wælder, Warfield, Whitfield and Wrede.
—Yeas 45.

NAYS—Messrs. Speaker, Barclay, Branch, Craig, Daniels, Dougherty, Franklin, Foscue, Hall, Hartley, Henderson, Houghton, Manly, Martin, Maverick, McKnight, Middleton, Norton, Perry, Shannon, Shelton, Stewart, Taylor, Townes, Walworth, Waterhouse, Whitmore and Wortham.

The main question being whether or not the bill shall be engrossed the same was put and the bill ordered to be engrossed.

The following communication from the Governor was taken from the Speaker's table, read and referred to the committee on Internal Improvements :

EXECUTIVE OFFICE, }
AUSTIN, Dec. 6th, 1859. }

Gentlemen of the Senate

and House of Representatives :

I feel constrained by a sense of duty, to bring to your attention the present unfortunate condition of the Houston and Brazoria Tap Railroad. During the Spring of A. D. 1858, some controversy arose as to the right of the Company to a loan from the State, under the provisions of the act authorizing the investment of the School fund. On the 10th of April, James Willie, Esq., Attorney General and ex-officio, one of the Board of School Commissioners, gave his written opinion to E. W. Taylor, Vice President of the company, declaring the right of the company to the loan under the law. That opinion was submitted to the Board and endorsed by Mr. James B. Shaw, the Comptroller, and myself, on the 18th of May following. A copy of both the opinion of the Attorney General and action of the Board is herewith submitted. Upon the faith of this action, large liabilities were contracted abroad in the procurement of iron and necessary material for the completion of the road, which could not have been obtained in any other manner, and which without receiving the anticipated aid from the State, the com-

pany has no possible means at its command to liquidate. Subsequently to the completion of the first section of 25 miles of road and after the inauguration of the new Board of Commissioners the company applied for a loan of \$150,000 to which its managers believed it entitled under the law and assurance of the former Board. Mr. Johns, the Comptroller, dissented from the opinion of the former Board, but the majority consisting of Mr. Attorney General Graham and myself addressed our warrant to the Treasurer for the amount claimed, which, for reasons no doubt satisfactory to himself, he refused to pay. Suit for a mandamus was brought which having been decided against the company was appealed to the supreme court and the judgment of the court below affirmed, but from the best information I have been able to obtain not upon points of law calculated to invalidate the right of the company in question. It is in this state of the case that I have felt it my duty to bring the subject to your attention and ask that relief which it is in the power of the Legislature only to grant. The failure to obtain the loan will terminate not only in disaster and ruin to the enterprise, but must prove highly injurious to those who have involved their private fortunes in its success, and it is much to be feared may compromise the reputation of the State, in faith of which the company were enabled to enter into engagements with creditors which it is now anxiously desired punctually to fulfil. From the satisfactory manner in which the affairs of the company have been managed, the superior character of the work as reported by the State Engineer, and the cheapness of its construction, having cost less by near one-half than any other similar improvement in the State, the highest considerations are presented to the liberality and justness of the Legislature for that assistance and relief to which they are earnestly believed to be entitled.

(Signed,)

H. R. RUNNELS.

Mr. Flewelen made a personal explanation.

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

HOUSE OF REPRESENTATIVES, }

Thursday, Dec. 8th, 1859. }

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

Mr. Maverick presented the five several petitions of the citi-

zens of Gonzales, Guadalupe, Bexar and Karnes counties, Referred to committee on County and County Boundaries.

Mr. Warfield presented the petition of the citizens of Montague county. Referred to committee on County and County Boundaries.

Mr. Buckley, chairman of committee on Judiciary, reported a bill to amend article 608, and repeal articles 574 and 610 of the Penal Code, and recommended its passage. Bill read first time. Also reported recommending the passage of the bill to amend the 7th section of the act regulating weights and measures, article 2114, Oldham & Whites Digest, with amendments by committee:

Amend by adding "Provided that this section shall apply to all millers and distillers and dealers in merchandise, groceries and provisions, and to all others except where the latter give notice to the buyers that his weights and measures have not been tested and sealed."

Mr. Foscue, one of the committee on State Affairs, reported a substitute for the joint resolution to amend the Constitution, and recommended its passage.

Mr. Townes, one of the committee on the Judiciary, reported recommending the indefinite postponement of the several bills hereinafter named, to-wit:

A bill to amend an act passed January 10th, 1850.

A bill to define the duties of grand juries and district attorneys, and a bill to amend an act entitled an act to authorize the cancellation of patents in certain cases, passed February 3d, 1854.

Mr. Lewter, one of the committee on Private Land Claims, reported asking to be relieved from further consideration of the bill for the relief of heirs of Jno. Bailey, deceased.

Mr. Ross, one of the committee on State Affairs, reported recommending the passage of the bill to amend the 6th section of an act to incorporate the town of Henderson, approved February 12th, 1852.

Mr. Mabry, chairman of committee on Enrolled Bills reported correctly enrolled and properly signed a bill supplementary to the act appropriating \$110,000 or so much thereof as may be necessary, for the mileage and per diem pay of the members and per diem pay of the officers of the 8th Legislature. And a bill for the relief of Geo. W. Goodwin. Report accepted.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to relieve Jackson L. Leonard from the disability of minority, and permit him to practice law.

Also a bill to repeal the 12th section of an act to regulate Railroad companies, approved February 7th, 1859. Bill accepted.

Mr. Daniels, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of Thomas J. Smith of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

Mr. Cumby, chairman of committee on the Land Office, reported recommending the passage of the bill to authorize the Secretary of State to purchase a certain number of Burlage & Hollingsworth's Abstract of valid land certificates.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of J. C. P. Kennymore, and recommended its passage. Bill read first time. Also reported a substitute for the bill for the relief of Thomas S. McFarland, and recommended its passage.

Mr. Robinson, one of the committee on Private Land Claims, reported, asking to be relieved from further consideration of the petition of Sarah Miles.

Mr. Stewart, one of the committee on the Judiciary, reported, recommending the passage of the bill to authorize the county court of Collin county to levy a special tax to erect a court house therein.

Mr. Dennis, chairman of committee on State Affairs, reported, asking to be relieved from further consideration of the bill to suppress ten pin alleys and pistol galleries in Titus county. Also, recommending the indefinite postponement of the bill, supplemental to the act incorporating the Beneficiary Association of San Antonio. Also reported, recommending the passage of the bill amendatory of and supplementary to the act to incorporate the city of New Braunfels, passed 11th May, 1846.

A message was received from the Senate informing the House that the Senate had passed a bill to incorporate the Air Line Railroad Company. Also a bill to provide for the special election of a Senator in the eighth Senatorial district, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of the Hon. L. T. Wigfall.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the passage of the bill to incorporate the Factors Cotton Press Company. Also reported a substitute for the bill to amend article 409, of Oldham & White's Digest, and recommended its passage.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of James P. Plummer.

Mr. Dougherty, chairman of committee on Stock and Stock Raising; reported a bill to regulate estrays, and recommended its passage. Bill read first time.

On motion of Mr. Parker, 200 copies of the bill were ordered to be printed.

Mr. Buckley introduced a bill for the relief of T. A. Whitaker. Read first time and referred to committee on Court of Claims.

Mr. Barnard introduced a bill to incorporate Karnes county College. Read first time and referred to committee on Education.

Mr. Ellett introduced a bill to sectionize and settle the lands in the Indian reservations on the Brazos, and Clear Fork of the Brazos River. Read first time and referred to committee on Public Lands.

Mr. Taylor introduced a bill to prevent white persons from playing at cards, or other games with slaves. Read first time and referred to committee on Slaves and Slavery.

Mr. Henderson offered the following resolution:

Resolved That it shall be the duty of the Engrossing clerk to receive from the Chief clerk each day, all bills ordered to be engrossed by the House, and to engross the same in the order in which they may have passed the House. Adopted.

Mr. Mills introduced a bill for the relief of the heirs of Jesse Simmons or their assigns. Read first time and referred to committee on Private Land Claims.

Mr. Caddell, chairman of committee on the Penitentiary; by permission, reported asking that the petition of A. G. Nolan be referred to committee on Claims and Accounts.

Mr. Bryan introduced a bill to validate bounty land certificates issued to Lefroy Gedrie for 320 acres of land. Read first time and referred to committee on Private Land Claims.

Mr. Navarro introduced a bill for the relief of J. Ignacio Cordova. Read first time and referred to committee on Private Land Claims.

Mr. Foscue introduced a bill to regulate railroads, approved January 30th, 1854. Read first time and referred to committee on Internal Improvements.

Mr. Anderson offered the following resolution

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of such change in our probate laws as to have elected one Probate Judge for every Judicial District in this State, to be Judge of Probate Court and to have an annual salary, and have jurisdiction of all matters appertaining

to the estates of deceased persons, minors &c., and to hold his courts once every four months in each county in his district, and in place of fees of office to the Judge, let such fees go into the Treasury, so that the system would not be a charge upon the Treasury. And that the present probate laws be so altered as to conform with the new system, with such changes as might suggest themselves to the committee. Adopted.

Mr. Dickson offered the following resolution :

Resolved That the committee on Education, be instructed to report to the House at an early day, the bill now before them providing for the repeal of the law establishing a State University. Adopted.

Mr. Henderson introduced a bill for the relief of William Phelps. Read first time and referred to committee on Private Land Claims.

Mr. Flewellen introduced a bill to amend an act entitled an act to appropriate the sum of \$300,000 for the improvement of the navigation of the navigable waters of Texas, passed August 1st, 1856. Read first time and referred to committee on Internal Improvements.

Mr. Anderson introduced a bill to prevent herders of stock from trespassing on the lands of other persons. Read first time and referred to committee on Stock and Stock Raising.

Mr. Davis of Hays introduced a bill supplementary to the act to regulate Estrays. Read first time and referred to committee on Stock and Stock Raising.

Mr. Hartly introduced a bill to declare valid the bounty warrant of A. S. Thurston. Read first time and referred to committee on Private Land Claims.

ORDERS OF THE DAY.

On motion of Mr. Stewart, the rule was suspended and the joint resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled land, taken up and read second time.

Mr. Taylor moved that the resolution be referred to committee on State Affairs. Lost, and the joint resolution ordered to be engrossed.

On motion of Mr. Flewellen, the rule was suspended, and the bill to legitimate Donaceana Thomas, late Donaceana Howland-together with substitute and report from committee on Judiciary, taken up, read second time, the substitute adopted and ordered to be engrossed.

On motion of Mr. Mills, the rule was suspended and the bill to raise the revenue by direct taxation, together with report from

Joint Select committee, taken up and on motion of Mr. Hubbard made the special order of the day for Monday 11 o'clock, next.

Mr. Hartley introduced a bill to declare valid the head-right certificate of P. Brewster—read first time and referred to committee on Private Land Claims.

Mr. Harrison, of Van Zandt, by request, was permitted to withdraw from the orders of the day the report of the committee on Private Land Claims and the evidence in the case of Gilbert Winne.

Mr. Billingsley, by request, was permitted to withdraw the report of the committee on Private Land Claims and papers in the case of Thomas G. Dunn.

The Senate's bill for patenting head-right certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, taken up.

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

[Mr. McKnight in the Chair.]

Mr. Nelson proposed to amend by adding: "Provided no legal rights which may have heretofore arisen, adverse to said certificates and claims, shall by this act, be changed or invalidated."

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

YEAS—Messrs. Speaker, Armstrong, Barclay, Baxter, Billingsley, Branch, Caddell, Craig, Crawford, Culberson, Cumby, Dale, Daniels, Davis of Bastrop, Dickson, Dougherty, Duncan, Epperson, Flewellen, Francis, Foscue, Hall, Harrison, of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Lynch, Maxey, Middleton, Mills, Parker, Perry, Redgate, Redwine, Ross, Shelton, Short, Speights, Townes, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—49.

NAYS—Messrs. Barnard, Bogart, Bryan, Buckley, Camp, Crooks, Darnell, Davis of Hays, Eliett, Hubert, Mabry, Maverick, McCutchan, McKnight, Mundine, Navarro, Norton, Owens, Stewart, Taylor and Wrede—21.

Mr. Henderson proposed to amend by adding, after the words, "genuine head-right certificates," the words, "or genuine Toby & Bryan scrip."

Mr Ellett moved to refer the bill and amendments to the committee on Court of Claims. Lost.

Mr. Barnard proposed to amend the amendment by adding, "and all genuine certificates of any District or Supreme Court of this State establishing head-rights, but should any fraudulent certificate for land, by accident, inadvertence or design be perfected into patent under this act, said patent shall be void and no title shall vest."

Mr. Davis, of Hays, moved the previous question. Lost.

On motion of Mr. Henderson—Mr. Barnard's amendment to the amendment was laid on the table, and the amendment adopted.

On motion of Mr. Henderson, Mr. Barnard's amendment was taken up and adopted.

Mr. Henderson proposed to amend by adding in 3rd Section after the word "claims," the words, "and the Commissioner of the General Land Office, shall in all cases be the judge of the genuineness of all claims under the provisions of this act.

Mr. Taylor moved to refer the bill to the committee on Judiciary. Lost, by the following vote :

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Buckley, Camp, Crooks, Clark, Culberson, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Edwards, Eillett, Flewellen, Hall, Harrison, of Van Zandt, Haynes, Henry, Hubert, Lewis of Montgomery, Lewis of Robertson, Lynch, Manly, Maverick, McCutchan, McKnight, Mundine, Munson, Navarro, Nelson, Norton, Pirkey, Sheights, Stewart, Taylor, Wælder, Waterhouse, Whitmore, and Worthan—41.

NAYS—Messrs. Speaker, Anderson, Armstrong, Billingsley, Branch, Bryan, Caddell, Craig, Crawford, Cumby, Dale, Darnell, Daniels, Dickson, Duncan, Epperson, Francis, Franklin, Foscue, Harrison of Cherokee, Hartley, Henderson, Hubbard, Lewter, Mabry, Maxey, McClarty, Middleton, Mills, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Townes, Warfield, Whitfield and Wrede—42.

[Speaker resumed the Chair.]

On motion of Mr. Dickson the previous question was ordered. Which being, shall the bill pass to a third reading, the same was put and carried by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Billingsley, Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Epperson, Franklin, Francis, Foscue, Harrison of Cherokee, Harrison, of Van Zandt, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Robertson, Lewter, Mabry, Maverick, Maxey,

McClarty, Middleton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Speights, Stewart, Taylor, Townes, Walworth, Warfield, Whitfield and Wrede—60.

YAYS—Messrs. Baxter, Bogart, Buck'ey, Culberson, Davis of Bastrop, Edwards, Ellett, Flewellen, Lewis of Montgomery, Lynch, Manley, McCutchan, McKnight, Mundine, Munson, Nelson, Norton, Pirkey, Wælder, Waterhouse, Whitmore, and Wortham—22.

Mr. Nelson moved to adjourn till 10 o'clock A. M. to-morrow. Lost. Mr Taylor moved to reconsider the vote passing the bill to a third reading. Mr. Baxter moved a call of the House. Lost, and the motion to reconsider lost by the following vote :

YEAS—Messrs. Baxter, Bogart, Buckley, Camp, Davis, of Bastrop, Eilett, Flewellen, Maverick, McCutchan, McKnight, Mundine, Navarro, Nelson, Norton, Pirkey, Taylor, Wælder, Waterhouse, Whitmore and Wortham—20.

NAYS—Messrs. Speaker, Anderson, Arnström, Barclay, Barnard, Benevides, Billingsley, Branch, Bryan, Caddell, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Epperson, Francis, Foscue, Harrison of Cherokee, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manly, Maxey, McClarty, Middleton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Speights, Stewart, Townes, Walworth, Warfield, Whitmore and Wrede—61.

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

HOUSE OF REPRESENTATIVES,
FRIDAY, Dec. 9th, 1859. }

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

Mr. Franklin presented the petition of Thos. Ellis. Referred to committee on Private Land Claims.

Mr. Nelson presented the petition of the citizens of Lampasas. Referred to committee on Finance.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to regulate factors and warehousemen. Report accepted.

Mr. McKnight, one of the committee on Education, reported, recommending the passage of the bill to amend the act incorporating Paine's Female Institute, passed Aug. 6th, 1856.

Mr. Dickson, chairman of committee on Public Debt, reported, asking to be relieved from further consideration of the petition of Ashley H. Dodd.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the Senate's bill for the relief of Lewis David.

Mr. Foscue, chairman of committee on Internal Improvements, reported the following resolution and recommended its adoption :

Resolved, That the committee on Printing have printed 300 copies of the special report of the State Engineer upon the Pacific Railroad, for the use of the House of Representatives, provided said printing is done under the law on the subject of printing passed at the present session of Legislature. Resolution adopted.

Also, reported, recommending the rejection of the resolution instructing the Internal Improvement committee to enquire into the expediency of loaning to railroad companies certain funds.

Also, reported, recommending the rejection of the bill to amend section 1683 of Oldham & White's Digest.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the rejection of the petitions of Manuel Farias, Juan Longoria, Zenobio Longoria, Marjil Garcia and Antonio Garcia Vela.

Mr. Caddell, chairman of committee on Penitentiary, reported a bill to make appropriations for the support of the State Penitentiary, and recommended its passage. Bill read first time.

Mr. Navarro, one of the committee on Education, reported, recommending the passage of the bill to revise the act to incorporate the La Grange Collegiate Institute, and to change the name of the same to Ewing College.

Mr. Buckley, chairman of committee on the Judiciary, reported, recommending the indefinite postponement of the joint resolution to change the Constitution as to banking.

Mr. Darnell gave notice that he with others would submit a minority report on the same subject.

Mr. Townes, one of the committee on the Judiciary, reported a bill to amend sections 3rd and 11th of the act to organize county courts, passed March 16th, 1848, and recommended its passage. Bill read first time.

Mr. Branch, one of the committee on Education, reported, recommending the passage of the bill to incorporate the "Lexington Male and Female Academy."

Mr. Manley, one of the committee on Engrossed Bills, reported correctly engrossed the bill to incorporate the Hebrew Congregation, in the city of Houston. Report accepted.

Mr. McClarty, one of the committee on Printing, reported, recommending the passage of the bill authorizing and requiring the advertisement of sheriffs and administrator's sales and regulating the prices of the same.

Also, as chairman of committee on Judicial Districts, reported, recommending the passage of the bill to change the time of holding the courts in the 6th judicial district.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to relinquish nine-tenths of State tax of the county of Navarro to said county, with the amendments by committee :

Amend by striking out the words "years 1859 and 1860" wherever it occurs and insert "year 1859."

Mr. Walworth, one of the committee on Private Land Claims, reported a bill for the relief of Jose Ma. Gonzales, and recommended its passage.

Mr. Dougherty, one of the committee on the Judiciary, reported a substitute for the bill to define the jurisdiction of Justices of the Peace and to regulate the fees of the same, and recommended its passage.

Also, as chairman of the committee on Stock and Stock-raising, reported, recommending the passage of the bill to amend article 702 of the Penal Code.

Mr. Crooks, chairman of the committee on Engrossed Bills, reported correctly engrossed the joint resolution authorizing the Comptroller to contract for 500 copies of the new Abstract of titled lands.

Mr. Mills offered the following resolution :

Resolved, That the committee on the Judiciary be requested to enquire whether or not Oldham & White's Digest is a compliance with the act of February 15th, 1858, entitled "an act to provide for a Digest of the laws of Texas," and whether it has been received by the proper officers of the State, and what copies have been distributed, and also enquire into the propriety of recalling the copies so distributed and sell the whole to the highest bidder, and, also the propriety of purchasing additional copies of Hartley's Digest for the use of the State. Adopted.

Mr. Dennis introduced a bill for the relief of George Sargent.

Read first time and referred to committee on Court of Claims.

Mr. Haynes introduced a joint resolution to investigate the causes of the condition of affairs in Cameron and Hidalgo counties.

On motion of Mr. Haynes, referred to special committee of 3. The Speaker announced Messrs. Haynes, Dougherty and Dale on said committee.

Mr. Davis of Bastrop offered the following resolution :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of passing a law allowing persons holding open accounts the right to charge legal interest upon the same, from the date they are due, and payable, until paid, and that they be instructed to report by bill or otherwise. Adopted.

Mr. Craig offered the following resolution :

Resolved, That the Committee on Education enquire into the propriety of granting aid and donation of land to the several colleges, established in the different counties in the State, by private enterprise, and that they report as early as practicable, by bill or otherwise, with such suggestions as they may think proper for the advancement of Education. Adopted.

Mr. Hubbard offered the following resolution :

Resolved, That the use of the Representative Hall be granted to the Superintendents and Officers of the Blind and Deaf and Dumb Asylums of this State for the purpose of public exhibitions by the members of said Institutions, at such times as they desire. Adopted.

Mr. Henry introduced a bill to amend the act regulating the pay of petit jurors. Read and referred to the Committee on the Judiciary.

Mr. Camp introduced a bill to regulate the time of holding courts in the 8th Judicial District. Read 1st time and referred to committee on Judicial Districts.

Mr. Culberson introduced a bill to regulate the sale of real estate belonging to minors. Read 1st time and referred to committee on Judiciary.

Mr. Davis of H. introduced a bill for the relief of Moses Guess. Read 1st time and referred to committee on State Affairs.

Mr. Pirkey introduced a bill to incorporate the Texas Mutual Insurance Co. at Boston. Read 1st time and referred to committee on Judiciary.

Mr. Speights introduced a bill to authorize pre-emption settlers to float their claims. Read 1st time and referred to committee on Public Lands.

Mr. Culberson introduced a bill to repeal art. 1065, Oldham and White's Digest. Read 1st time and referred to committee on Judiciary.

Mr. Nelson introduced a bill to authorize the patenting of lands therein described. Read 1st time, and referred to committee on Public Lands.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read 1st time, and disposed of as indicated :

A bill for the relief of Joseph Turner was taken up, read 1st time, and referred to committee on Private Land Claims.

A bill to provide payment for printing the Proclamations of the Governor ; passed to 2d reading.

A bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall.

On motion of Mr. Redwine the rule was suspended, and the bill read a 2d time.

Mr. Craig proposed to amend the bill by striking out " 5 days' notice," and inserting " 8 days' notice."

Mr. McKnight moved to refer the bill and amendments to committee on Privileges and Elections. Lost, and the amendment adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Bernard, Benevides, Branch, Bryan, Caddell, Craig, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dougherty, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V, Z. Houghton, Hubbard, Lewis of M, Lewis of R., Lewter, Lynch, Mabry, Manley, Maxey, McKnight, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield and Wortham—54.

NAYS—Messrs. Baxter, Billingsley, Bogart, Buckley, Camp, Crawford, Cumby, Daniels, Dickson, Ellett, Flewellen, Haynes, Henderson, Henry, Martin, McCutchan, Mundine, Navarro, Norton, Owens, Redgate, Speights, Taylor, Whitmore and Wrede—25.

On motion of Mr. Shannon the rule was further suspended, the bill read 3d time and passed.

On motion of Mr. Lewis of M., Mr. Lewis of R. was added to the committee on Public Lands.

Mr. Mills, by permission, introduced a bill declaring the object and intention of an act passed Aug. 26, 1856, to adopt and establish a Penal Code for the State of Texas. Read 1st time and referred to Judiciary committee.