

A bill to incorporate the Air Line Railroad company, referred to committee on Internal Improvements.

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 duplicates and unlocated balance. Read 3d time and passed.

HOUSE BILLS.

A bill to regulate public sales in the county of Bastrop taken up, read 3d time and passed.

Mr. Baxter moved to take up the resolution relative to the election of a State Engineer. Lost.

A bill to repeal the 7th section of an act to regulate railroad companies, approved February 7th, 1859, taken up, read 3d time and passed.

A bill to relieve Jackson L. Leonard from the disabilities of minority, and to permit him to practice law, taken up, read 3d time and passed.

A bill to repeal the act creating the system of bankruptcy, and regulating the collection of foreign debts, taken up, read 3d time and passed.

A bill to amend the act incorporating the city of San Antonio, taken up.

Mr. Martin moved to postpone the bill indefinitely. Lost, and the bill read 3d time and passed.

Mr. Henderson in the Chair.

A bill for the relief of Mary Elam taken up, read 3d time and passed.

A bill to regulate factors and warehousemen taken up.

Mr. Buckley proposed to amend by inserting after the word "agent" the words "or retain or have an interest direct or indirect in the purchase of such cotton or produce." Adopted.

Mr. Maxey offered an additional section. Adopted.

Mr. Mabry proposed to amend the caption, by adding "and repealing an act authorizing the appointment of public weighers in certain ports in this State, approved September 1st, 1856." Adopted.

Mr. Stewart proposed to amend, by adding to the 3d section the following: "and that he will not weigh any sugar, cotton or other produce, without first notifying the seller or factor, or commission merchant of the time and place of weighing."

On motion of Mr. Flewellen laid on the table.

Mr. Mills moved to adjourn until 3 o'clock, P. M., whereupon the yeas and nays were demanded and stood thus:

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Bax-

ter, Benevides, Caddell, Crawford, Clark, Dale, Darnell, Dickson, Edwards, Francis, Harrison of C., Harrison of V., Houghton, Hubbard, Lewter, Lynch, Maverick, Mills, Parker, Redgate, Redwine, Shelton, Short, Stewart, Townes, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—34.

NAYS—Messrs. Billingsley, Bogart, Branch, Bryan, Buckley, Craig, Cumby, Daniels, Davis of H., Dennis, Dougherty, Ellett, Epperson, Flewellen, Franklin, Foscue, Hall, Hartley, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Mabry, Manley, Maxey, McClarty, McCutchan, McKnight, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Perry, Robinson, Ross, Shannon, Speights, Taylor, Wælder, Walworth and Wrede—45.

So the House refused to adjourn.

On motion of Mr. Flewellen, the main question was ordered, which being the final passage of the bill, the same was put and bill passed.

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

HOUSE OF REPRESENTATIVES, }
SATURDAY, December 10, 1859. }

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

Journal of yesterday read and adopted.

A message was received from the Senate informing the House that the Senate had concurred in the House's amendment to the bill to provide for the electing of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall.

Also had passed a bill to create the 20th Judicial District, and to define the times of holding Courts therein.

Mr. Mabry presented the petition of J. S. Nash & Co. Referred to committee on State Affairs.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to authorize Gillespie county to levy a special tax for 1859 and 1860.

Also reported, recommending the passage of the bill to incorporate Colfax Lodge No. 36 of I. O. F., at Clarksville, of Red River county, Texas.

Mr. Bogart introduced a bill to ascertain what land certificates have been illegally issued by the county courts of counties in Peters' Colony, and to provide for issuing patents on such of said

certificates as are legal, approved Feb. 3d, 1858. Read 1st time and referred to Judiciary committee.

Mr. Culberson, one of the committee on the Judiciary, reported, recommending the passage of the bill to repeal Articles 170, 171, 172, 173 and 174 of the Penal Code.

Mr. Crawford offered the following resolution:

Resolved, That a joint committee, consisting of three members of the House and two of the Senate, be appointed by the Speaker of the House and President of the Senate, respectively, whose duty it shall be to visit the Penitentiary to examine all the public works connected therewith, and report by the 10th of January next, to the two Houses of the Legislature, provided no extra pay be allowed said commissioners.

Mr. Shannon proposed to amend by adding "And that every gentlemen who wishes to go to see his family may be despatched on some special message."

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

Mr. Darnell proposed to amend by adding "Provided that no member appointed shall be compelled to go."

On motion of Mr. Billingsley the resolution and amendment laid on the table.

Mr. Lynch offered the following resolution:

Resolved, That from and after Monday next, the 12th instant, this House will have two sessions a day, commencing at $\frac{1}{2}$ past 9 o'clock in the forenoon, and sit until $\frac{1}{2}$ past one o'clock; afternoon session, commence at 3 o'clock and sit until 5 o'clock in the evening.

Laid on the table one day for consideration.

Mr. Hartley introduced a bill to amend the 11th section of the act of February 7, 1853, incorporating the Galveston, Houston and Henderson R. R. Co. Read 1st time.

Mr. Hartley moved to suspend the rule and read 2d time.

On motion of Mr. Henderson the bill referred to committee on Internal Improvements.

Mr. Navarro offered the following resolution:

Resolved, (The Senate concurring) That a committee of three on the part of the House and two on the part of the Senate, be appointed to make arrangements for the inauguration of the Governor and Lieut. Governor elect, on the 21st December inst., and that they be instructed to report on or before the 7th inst. Adopted.

[Mr Parker in the Chair.]

Mr. Epperson introduced a bill to relieve the disability of mi-

nority from John S. Jackson. Read 1st time and referred to committee on Judiciary.

Mr. Baxter introduced a bill supplemental to the act incorporating the city of Marshall in Harrison county; Read 1st time and referred to committee on State Affairs.

Mr. Henry introduced a bill to relieve C. C. Wells from the disability of minority; Read 1st time and referred to Judiciary committee.

Mr. Branch introduced a bill for the endowment of professorships in the colleges of Texas; Read 1st time and referred to committee on Education.

Mr. Redgate introduced a bill to amend the act of January 15th 1859, defining the time of holding the District courts of the 1st Judicial District; Read 1st time and referred to Judiciary committee.

[Speaker resumed the Chair.]

Mr. Hartley offered the following resolution:

Resolved, That the use of the Hall of the House of Representatives be given on Tuesday evening next to General Duff Green, for the purpose of explaining the bills now pending before the Judiciary committee of the Senate, providing for an agency to negotiate railroad and other securities, and to aid in the construction of railways, and for explanation of amendments which he desired to obtain to the charter of the Sabine and Rio Grande R. R. Co. Adopted.

Mr. Baxter, by permission, presented the petition of C. A. Stinson; Referred to the committee on Private Land Claims.

Mr. Edwards introduced a bill to legalize the official acts of Primary Judges of the Municipality of Nacogdoches; Read 1st time and referred to Judiciary committee.

Mr. Davis of Bastrop introduced a joint resolution approving the course of the President of the United States and the Governor of Virginia, relative to the Harper's Ferry Insurrection; Read 1st time and on motion of Mr. Whitmore the rule was suspended and the resolution read 2d time, and on motion of Mr. Mills referred to committee on Federal Relations.

A message was received from the Senate informing the House that the Senate had passed (with amendment by the Senate) the House bill to regulate public sales in Bastrop county.

Also, that the Senate had concurred in the House's amendments to the Senate's 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 duplicates and unlocated balance certificates.

Also, had passed a bill to amend the 11th section of the act of February 7th, 1857, to incorporate the Galveston, Houston and Henderson R. R. Co.

ORDERS OF THE DAY.

Mr. Lewis of Montgomery moved to take up the report of the committee on State Affairs relative to the resolution calling on the Comptroller for a statement and exhibit of the condition of his department from Annexation to the present time. Lost.

On motion of Mr. Townes the 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, Jas. Bourland and John Henry Brown,

Also, for the Commissioner sent by the Governor to the Indians was taken up and read 2d time.

Mr. Shannon proposed to amend by adding the companies of Capts. V. J. Hutton of Tarrant county, John Scaudling of Montague county, C. C. Lacy of Denton, John Birdwell of Wise county, H. Cook of Coryelle county, H. A. Hamner of Jack county, — Counsell of Palo Pinto county, Peter Garland of Erath county, J. Hanna of Bosque county and J. R. Baylor of Buchanan county.

Mr. Haynes proposed to amend by adding "That the company of thirty-two mounted men under the command of Bacilio Benevides, who were in active service on the Rio Grande frontier against the invasion of the Comanche Indians in the month's of August and Sept. 1859, shall also be entitled to one months pay at the same rate of allowance paid similar troops on the northern frontier.

On motion of Mr. Wælder amendments laid on the table by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsley Bryan Caddell Craig Crooks Cumby Dale Davis of B. Dougherty Ellett Flewellen Francis Franklin Foscue Hall Haynes Houghton Lynch Maverick Maxey Middleton Mills Munson Parker Pirkey Redgate Redwine Ross Shelton Short Stewart Townes Wælder Walworth Warfield Wortham and Wrede—44.

NAYS—Messrs. Barnard Bogart Branch Buckley Camp Crawford Culberson Darnell Daniels Davis of H. Dickson Duncan Edwards Epperson Harrison of V. Z. Henderson Lewis of M. Lewis of R. Lewter Mabry Manly McCutcheon McKnight

Mundine Nelson Norton Owens Robinson Shannon Speights Taylor Waterhouse Whitfield and Whitmore—34.

Mr. Nelson proposed to amend by adding "Provided the Comptroller shall have full authority and is hereby required under this act to examine the accounts for subsistence and forage and allow only so much as are fully authenticated by proper vouchers and to reduce extravagant charges to a reasonable amount, and shall not allow more than 4 cents per lb. for beef, and 5 cents per pound for flour, and not more than \$1 50 per bushel for corn, and not over 5 cents per pound for pork.

Mr. Wælder proposed to amend the amendment by striking out that portion fixing the prices of the subsistence. Lost, and on motion of Mr. Redwine the bill and amendments re-referred to committee on Finance.

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

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed, the Senate's bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of the Hon. L. T. Wigfall, and that the same had been presented to the Governor for his signature and approval.

On motion of Mr. Maverick the report from the committee on Private Land Claims reporting a substitute, for the Senate's bill for the relief of John Ricord was taken up, the substitute adopted and the bill read 2d time and passed its 3d reading.

On motion of Mr. Hubbard the rule was suspended, the bill read 3d time and passed.

The bill regulating public sales in the city of Bastrop, with amendments by the Senate, was taken up and the amendments concurred in.

On motion of Mr. Franklin the Senate's bill to amend the 11th section of the act of February 7th, 1853, incorporating the Galveston, Houston and Henderson Rail Road Company was taken up; Read 1st time and referred to committee on Internal Improvements.

Mr. Duncan moved to take up the bill to amend the act incorporating the Mexican Gulf and San Antonio Rail Road Co. Lost.

On motion of Mr. Wælder the bill last indicated was taken up and made the special order of the day for Wednesday at 11 o'clock.

A bill to incorporate the Israelite Congregation of the city of

Houston was taken up; Read 3d time and passed by a two-third vote.

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

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 12th, 1859. }

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

Journal of yesterday read and adopted.

Mr. Dale presented the petition of Richard B. Worchap. Referred to committee on Judiciary.

Mr. Mabry presented the petition of A. E. Damas. Referred to committee on State Affairs.

Mr. Houghton presented the petition of Ambrose Ripley. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of Nancy Walker. Referred to committee on Private Land Claims.

Mr. Maxey presented petition of D. Thompson. Referred to committee on Private Land Claims.

Mr. Stewart presented the petition of the heirs of B. R. Milam. Referred to the committee on Private Land Claims.

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

Mr. Waterhouse presented the petition of Ezekial Roebuck. Referred to committee on Private Land Claims.

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

“A bill to legitimate Donaceana Thomas, late Donaceana Howland.

“A bill for the relief of Joseph Thompson, and the

“Bill to relieve A. E. Benham from the disability of minority.”

Mr. Foscue, chairman of the committee on Internal Improvements, reported, recommending the passage of the bill approving the act of the General Assembly of Louisiana incorporating the Louisiana, Arkansas and Texas Navigation Company, with the modifications made to the same by the Legislature of Arkansas.

Mr. Mabry gave notice that he with others would submit a minority report.

Mr. Foscue also reported the Senate's and House's bills to

amend the 11th section of the act of February 1853, incorporating the Galveston, Houston and Henderson Railroad company, back to the House and recommended the indefinite postponement of the House's bill and the passage of the Senate's bill.

On motion of Mr. Hartley the report was taken up and adopted and the bill read 2d time.

On motion of Mr. Franklin the rule was further suspended and the bill read 3d time.

[Mr. Dickson in the Chair.]

Mr. Culberson proposed to amend by adding "Provided nothing in this act shall be so construed as to keep in force and of effect the charter rights of said company if the same have been forfeited by a failure to comply with the requisitions of the charter or the general railroad Law of this State." Adopted, and the House refused to pass the bill by the following vote:

YEAS—Messrs. Speaker Armstrong Bryan Buckley Caddel Craig Cumby Dennis Dougherty Elewellen Franklin Foscoe Hall Hartley Hubbard Hubert Maxey Munson Redgate Robinson Ross Warfield and Whitmore—22.

NAYS—Messrs. Anderson Barnard Benevides Billingsley Boggart Branch Camp Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dickson Edwards Epperson Francis Harrison of C. Harrison of V. Z. Haynes Henderson Henry Houghton Lewis of M. Lewter Lynch Mabry Manly Maverick McCutcheon McKnight Middleton Mundine Navarro Nelson Norton Owens Perry Reagate Shelton Speights Stewart Townes Watworth Waterhouse Whitfield and Wrede—49.

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

"A bill for the relief of Joseph Thompson.

"Bill for the relief of Stephen Kelly.

"Bill for relief of Jacob Laux.

"Bill for the relief of the heirs of Wm. J. Wills.

"Bill for the protection of the frontier; and

"Bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi Bay.

Also had "concurred in the House's resolution for making preparation for the Inauguration of the Governor, and had appointed Messrs. Schleicher and Whaley on the committee for said purpose."

Mr. Buckley, chairman of Judiciary committee, reported a substitute for a bill for the relief of J. B. and D. R. Wortham, and recommended its passage.

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

7 O'CLOCK, P. M.

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

On motion of Mr. Nelson the rule was suspended and the Senate's bill for the protection of the frontier, was taken up, read 1st time and three hundred copies ordered to be printed.

Mr. Duncan moved to suspend the rule and take up bill to incorporate the Western Texas and Indianola Fire and Marine Insurance Company. Lost.

On motion of Mr. Mills the House resolved itself into a committee of the whole on the bill to raise the revenue by direct taxation.

[Mr. Mills called to the chair.]

On motion of Mr. Nelson the committee rose, reported progress and asked and obtained leave to sit again.

ORDERS OF THE DAY.

The Senate's bill to provide pay for printing the proclamations of the Governor was taken up and read 1st time.

Mr. Stewart proposed to amend by inserting after the word "Constitution" the words "and also for the publication of all other proclamations of the Governor hitherto made and unpaid for, and the same shall be paid on the certificate of the Secretary of State and Comptroller." Adopted.

Mr. Haynes proposed to amend by adding "Provided that no newspaper shall be paid unless such newspaper shall file in the office of the Secretary of State, proof that such publication was made in accordance with Art. 7th, Sec. 37th, of the Constitution of the State, in these words, to wit: 'which proposed amendment shall be duly published in the public prints of the State, at least three months before the next general election of Representatives for the consideration of the people.'"

Mr. Crooks proposed to amend by adding "provided further, that no papers shall receive pay for such publications unless they have been authorized to publish the same."

On motion of Mr. Dougherty the amendments were laid on the table.

Mr. Mabry proposed to amend by adding "Provided that not more than two newspapers in any one county shall receive pay for publishing said proposed amendments to the Constitution; and the accounts for publishing the same, shall, before they are audited and paid, be presented to the Comptroller, together with the orders directed to them from the Governor, requiring them to make such publications."

On motion of Mr. Mills the amendment was laid on the table and the bill passed to a 3d reading by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Dennis Dickson Dougherty Duncan Flew'ellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Hubbard Lewis of R. Lewter Lynch Mabry Manley Martin McKnight Mills Munson Nelson Parker Perry Redgate Redwine Ross Shelton Short Smith Speights Stewart Taylor Walworth Warfield Waterhouse and Whitfield—62.

NAYS—Messrs. Davis of H. Edwards Epperson Haynes Lewis of M. Maverick Munson Norton Owens Townes and Whitmore—11.

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

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 13th, 1859. }

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

On motion of Mr. Navarro, the vote rejecting the bill to amend the 11th section of the act of February 7th, 1853, incorporating the Galveston, Houston and Henderson Railroad Company, was reconsidered, the bill taken up, and on motion of Mr. Hartley, re-referred to the committee on Internal Improvement.

Mr. Townes presented the petition of the heirs of John Hoffer, deceased. Referred to the committee on Private Land Claims.

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

Mr. Norton, one of the committee on Education, reported a substitute for the bill to appropriate 5,000,000 acres of public and unappropriated land for the support and maintenance of Free Schools, and recommended its passage.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of heirs of John Grogan, deceased, with amendments by the committee:

Amend by adding at the end of 1st section: "Provided that

said Grogan, his heirs or assigns, have never heretofore received the same."

Also reported a substitute for the bill for the relief of James Boulter and recommended its passage.

Mr. Darnell, chairman of the committee on Federal Relations, reported, recommending the passage of the joint resolution to instruct our members in congress, to inquire into the cause of the invasion of our State by the troops from Mexico, &c., with the amendments by the committee :

Amend by striking out all after the word "invaders," in the 10th line of the 1st section.

Mr. Robinson, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of Lefroy Gedrie.

Mr. Armstrong, one of the committee on Public lands, reported, recommending the indefinite postponement of the following bills :

A bill to authorize the Commissioner of the General Land Office to issue patents in certain cases.

A bill authorizing of patents on certain certificates therein named.

And the bill to repeal the act to authorize the sale of the public domain, as a general bill covering them is before the House.

Mr. Dale, chairman of the committee on Printing, reported, recommending the passage of the bill supplemental to the act to regulate the public printing, approved Nov. 22, 1859.

Mr. Munson, one of the committee on Internal Improvements reported a bill to amend the act incorporating the Houston Tap and Brazoria Railway Company, passed September 1st 1856, and recommended its passage. Bill read first time.

On motion of Mr. Munson, the rule was suspended and the bill made the special order of the day for Thursday next, 11 o'clock.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported asking to be relieved from further consideration of the petition of A. G. Nolen.

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

Mr. Hubbard, one of the committee on Federal Relations, reported asking to be discharged from further consideration of the joint resolution relative to the late Harpers' Ferry Insurrection.

Also, as one of the committee on the Judiciary, reported recommending the passage of the bill to incorporate the Texas

Saving Institution, with amendments by the committee :

AMENDMENTS.

In 3rd and 4th lines, strike out "General Assembly," and insert "Legislature."

In 26th line of 5th section, strike out "delivery" and insert "assignment."

In section 5th, last line but one after "person" insert "anything except gold or silver or;" same line, strike out "any put," and proposed and additional section.

Mr. Stewart, chairman of committee on Finance, reported, recommending the rejection of the petition of the citizens of Lampasas.

Mr. Middleton, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of M. F. Alexander.

Mr. Foscue, one of the committee on State Affairs, reported the following resolution and recommended its adoption.

Resolved, That 1200 copies of the report of the State Geologist, together with accompanying documents be printed, 1000 copies for the use of this House and 200 for the use of the State Department.

Mr. Norton moved to strike out "1200" and insert "500."—Lost and the resolution adopted.

Mr. Buckley introduced a bill to extend to those now surviving who served in the navy, the benefits of the laws granting bounties of land. Read first time and referred to committee on Public Lands.

Mr. Taylor offered the following resolution :

Resolved, That (the Senate concurring) the two Houses of the Legislature will adjourn on the 23rd of January next *sine die*.

Mr. Norton moved to strike out 23rd and insert 1st.

Mr. Haynes moved to postpone till 10th January next.

On motion of Mr. Henderson, the resolution was laid on the table till 1st of January next by the following vote :

YEAS—Messrs. Armstrong, Barclay, Barnard, Baxter, Billingsly, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Crooks, Clark, Darnell, Davis of H., Duncan, Edwards, Flewellen, Franklin, Foscue, Hall, Harrison of V. Z., Hartley, Haynes, Henderson, Henry, Houghton, Hubert, Kinrey, Lewis of M., Lewis of R., Manley, Martin, McCutchan, McKnight, Middleton, Mills, Mundine, Navarro, Nelson, Owens, Parker, Perry, Redgate, Robinson, Shannon, Short, Speights, Townes, Waterhouse and Wrede—51.

NAYS—Messrs. Speaker, Anderson, Benevides, Craig, Craw-

ford, Cumby, Dale, Daniels, Davis of B., Dennis, Dickson, Dougherty, Ellett, Epperson, Francis, Harrison of C., Hubbard, Lewter, Lynch, Maverick, Norton, Redwine, Ross, Shelton, Stewart, Taylor, Walworth, Warfield, Whitfield, Whitmore and Wortham—31.

Mr. Davis of H., introduced a bill to amend Art. 1333 of Oldham & White's Digest. Read first time and referred to committee on State Affairs.

Mr. Nelson introduced a bill to constitute H. Garrett, J. W. Speight, H. Clark, W. A. Montgomery and A. G. Haynes, and their successors, trustees of the Baptist State Convention. Read first time and referred to the committee on State Affairs.

Also introduced a bill for the relief of M. L. Stewart. Read first time and referred to Judiciary committee.

Mr. Walworth introduced a bill to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande rivers. Read first time and referred to Judiciary committee.

Mr. Shannon introduced a bill to authorize the county court of Ellis county to create a court house fund. Read first time and referred to committee on State Affairs.

Mr. Robinson introduced a bill to incorporate the La Grange Casino. Read 1st time and referred to committee on Education.

Mr. Henry introduced a bill to authorize the county surveyor of Grayson county, to transcribe certain books in his office.—Read first time and referred to Judiciary committee.

Mr. Ellett offered the following resolution :

Resolved, That the House of Representatives, shall meet at 9 o'clock, A. M., and continue in session until 3 o'clock, P. M., during the present session Sundays and holidays excepted. Laid on table one day for consideration.

Mr. Navarro introduced a bill for the relief of H. L. Kinney. Read 1st time and referred to committee on Private Land Claims.

Mr. Townes introduced a bill to amend the act incorporating the city of Austin. Read first time and referred to Judiciary committee.

Mr. Dale introduced a bill for the relief of Richard B. Wardroup. Read first time and referred to committee on Judiciary.

Mr. Henry introduced a bill for the relief of Robert S. McFarland. Read first time and referred to committee on Private Land Claims.

Mr. Mills offered the following resolution :

Resolved, That the Judiciary committee be requested to report to this House as to the propriety of increasing the salary of district attorneys, and if proper report a bill for that purpose.—
Rejected.

Mr. Kinney introduced a bill to renew an act incorporating the Western Railroad Company, approved February 10, 1852.—
Read 1st time and referred to committee on Internal Improvements.

On motion of Mr. Buckley the use of this hall was tendered to General Duff Green to-morrow night if it suited his wishes.

Mr. Manly introduced a bill to incorporate the American Agency. Read 1st time and referred to committee on Judiciary. Also a bill to incorporate the American Improvement Company. Read 1st time and referred to Judiciary committee.

[Mr. Redwine in the chair.]

Mr. Whitmore introduced three several bills, to-wit :

A bill for the relief of David Ferguson.

A bill for the relief of O. T. Boleware.

A bill for the relief of Alston Ferguson. All referred to committee on Private Land Claims

Mr. McKnight offered the following resolution :

Resolved, That in all cases in which the House is requested to suspend the constitutional rule, requiring bills to be read on three several days, the emergency which calls for such suspension shall be stated to the House, and the same be spread upon the minutes for the information of the country. Laid over one day for consideration.

Mr. Mills introduced a bill to fix the salaries of district attorneys of this State. Read first time and referred to Judiciary committee.

On motion of Mr. Navarro, Mr. Kinney was added to committee on Claims and Accounts.

On motion of Mr. Hall, Mr. Edwards was added to committee on Private Land Claims.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read and disposed of as indicated :

A bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi. Read first time, referred to committee on Internal Improvements.

A bill to provide payment for printing the proclamation of the Governor. Read third time and passed.

A bill for the relief of Stephen Kelly. Read 1st time and referred to committee on Private Land Claims.

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

A bill for the relief of heirs of W. J. Wills. Read first time and referred to committee on Private Land Claims.

The resolution proposing to fix the times of the sessions of the House was taken up.

Mr. Ross moved to amend by striking out "3 o'clock, P. M." and inserting "7 o'clock, P. M." Carried.

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

House bills:

Joint resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled lands. Read third time and passed.

Bill to legitimate Donaccana Thomas, late Donaccana Howland. Read third time and passed.

Bill to relieve A. E. Benham, from disabilities of minority. Read third time and passed.

The report from the committee on Internal Improvements, recommending the indefinite postponement of the bill to abolish the office of State Engineer and Superintendent, taken up and adopted.

The report from committee on Public Lands, recommending the passage of the bill granting to settlers on vacant land pre-emption privileges, was taken up.

Mr. Ellett offered a substitute for the bill.

Mr. Henderson moved to refer the bill and substitute to the committee on State Affairs.

YEAS—Messrs. Epperson, Foscoe and Haynes—3.

NAYS—Messrs. Speaker, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Culberson, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellet, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Manly, Martin, Maverick, McCutcheon, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Realgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Stewart, Taylor, Townes, Walworth, Warfield, Whitfield, Whitnore, Wortham and Wrede—70.

So the House refused to refer the bill.

Mr. Taylor proposed to amend by adding:

"Provid-d, that all heads of families and single men over the

age of 17, who shall settle and remain in the counties of Montague, Clay, Wichita, Wilbarger, Hardeman, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Edwards and Dawson, and comply in other respects with the provisions of the bill, shall be entitled to 320 acres.

On motion House adjourned until 3 o'clock, P. M., pending bill, substitute and amendment.

3 O'CLOCK, P. M.

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

The bill pending when the House adjourned, taken up and discussed.

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

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 14th, 1859. }

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

Mr. Caddell presented the petition of Geo. Grounds. Referred to committee on Private Land Claims.

Mr. Franklin presented the petition of Gen'l Leslie Combs. Referred to committee on Public Debt.

Mr. Henry presented the petition of Abner Gregg. Referred to committee on Public Lands.

Mr. Wælder presented the petition of Comal county. Referred to committee on Stock and Stock Raising.

Mr. Branch presented the petition of A. G. McGown and Sam'l Knowles. Referred to committee on Private Land Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported recommending the passage of the Senate's bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmele Raymon and the heirs of David Barlow, with amendments by the committee.

Amend by striking out the initial letter "M" in the name of Robert M. McKinney.

Mr. Henderson, one of the committee on Claims and Accounts, reported a bill for the relief of W. Drake. Read first time.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed, the 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

duplicates and unlocated balance certificates and that the same had been presented to the Governor for his signature and approval.

Mr. Craig, chairman of committee on the Court of Claims, reported a bill to re-open and revive the Court of Claims, and recommended its passage. Bill read first time.

On motion of Davis of Bastrop, the rule was suspended, and the bill taken up, and 100 copies ordered to be printed.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed, the Senate's bill for the relief of John Ricard, and that the same had been presented to the Governor for his approval and signature.

Mr. Craig, chairman of the committee on Roads, Bridges and Ferries, reported recommending the indefinite postponement of the bill to amend Art. 1776 of Oldham & White's Digest.

Mr. Walworth, one of the committee on Private Land Claims, reported a bill for the relief of K. Bigham, and recommended its passage. Bill read first time.

Mr. Buckley, one of the committee on State Affairs, reported a bill to prescribe and punish incendiarism, and recommended its passage. Bill read first time.

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

Mr. Smith introduced a bill to relinquish the State tax of Orange county, for the years 1859 and 1860, to said county. Bill read first time and referred to the committee on State Affairs.

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

Mr. McClarty introduced a bill to incorporate the Vicksburg, Henderson and West Texas Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Nelson introduced a bill to incorporate the Waco Classical School, and create a board of trustees for the same. Read first time and referred to the committee on State Affairs.

A message was received from the Senate informing the House, that the Senate had refused to concur in the House's resolution to appoint a joint committee, to enquire into the present probate laws, and that the Senate had concurred in the House's amendment of the House to the bill to provide payment for printing the Governor's proclamations.

Also had passed a bill to incorporate the Starrville Union Academy.

And a bill to incorporate Salado College, in Bell county.

Mr. Flewellen introduced the following resolution :

Resolved, That the House with the concurrence of the Senate, will meet in joint session on Friday next, at 11 o'clock, to elect a State Engineer.

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

The hour having arrived the "special order of the day," to-wit : The bill to revive and continue in force, and supplemental to and amendatory of the act incorporating the San Antonio and Mexican Gulf Railroad Company, approved September 5th, '50, and the several supplemental and amendatory acts concerning said railroad, approved November 14th, 1857, was taken up and read second time and passed to a third reading.

On motion of Mr. Wælder, the rule was suspended, bill read third time and passed by a 2-3 vote.

The resolution relative to the election of State Engineer, was taken up.

Mr. Billingsley moved to postpone till 3 o'clock, P. M.

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

Mr. Buckley moved to postpone further consideration of the resolution, till 11 o'clock to-morrow.

Mr. Flewellen moved to lay the motion on the table. Lost, and the resolution postponed till 11 o'clock to-morrow.

On motion of Mr. Billingsley, the vote of yesterday adopting the report of the committee on Internal Improvements, recommending the indefinite postponement of the bill to abolish the office of State Engineer, was reconsidered by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Billingsley, Bogart, Branch, Buckley, Camp, Crawford, Crooks, Clark, Dale, Daniels, Davis of Bastrop, Davis of Hays, Dickson, Edwards, Elett, Epperson, Henry, Lewis of Montgomery, Lewis of Robertson, Lewter, Martin, Maverick, McCutchan, McKnight, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Owens, Perry, Pirkey, Redgate, Redwine, Speights, Taylor, Whitfield, Whitmore, Wortham and Wrede—44.

NAYS—Messrs. Anderson, Barclay, Baxter, Bryan, Caddell, Craig, Culberson, Cumby, Dennis, Dougherty, Duucan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Henderson, Houghton, Hubbard, Lynch, Mabry, Manly, Munson, Parker, Robinson, Ross, Shannon, Shelton, Townes, Walworth, Warfield and Waterhouse—35.

[Mr. Hubbard in the chair]

Mr. Townes moved to refer the report to a special committee of five, with instructions to submit their report to-morrow.

On motion of Mr. Taylor, Mr. Cumby was granted leave of absence for ten days, after the 21st inst.

On motion, the House adjourned till 3 o'clock, P. M., this evening, pending the bill to abolish the office of State Engineer.

3 O'CLOCK, P. M.

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

The bill pending when the House adjourned was referred to a select committee of five.

On motion of Mr. Davis of Bastrop, Mr. Townes was added to the committee on Internal Improvements.

On motion, Messrs. Lewis of Robertson, Stewart, Maxey, Crawford, Lynch and Anderson, were granted leave of absence for 10 days, after the 21st inst., by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Baxter, Billingsley Bogart, Branch, Bryan, Camp, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Duncan, Edwards, Epperson, Francis, Foscoe, Hall, Harrison of V. Z., Hartley, Hubbard, Lewis of M., Lewis of R., Lewter, Mabry, Martin, Maverick, Maxey, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Owens, Parker, Perry, Pickey, Redg'a'e, Redwine, Robinson, Ross, Shannon, Short, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—69.

NAYS—Messrs. Buckley, Caddell, Dougherty, Franklin, Houghton, Norton and Whitmore.

On motion of Mr. Buckley, the rule was suspended, and the bill supplementary to an act supplementary and amendatory of an act to regulate railroad companies, approved February 7th, '53 ; approved December 19th, '57, was taken up and made the special order of the day for 11 o'clock, Friday next.

Mr. Culberson, by permission, introduced a bill to regulate the superintendency of the State Penitentiary. Read first time and referred to Judiciary committee.

On motion of Mr. Branch, the rule was suspended, and the bill making appropriations to defray the expenses of the State Penitentiary was taken up. Read 2nd time and ordered to be engrossed, rule suspended, read third time and passed.

Mr. Crawford moved to suspend rule, and to take up bill to incorporate the Eastern Texas R. R. Co., and the bill to incorporate the Houston, Trinity and Tyler R. R. Co. Lost.

Mr. Barnard offered the following resolution :

Resolved, That after the expiration of this week, no petition nor bills shall be introduced, until all the unfinished business then upon the Speaker's table shall have been acted upon and disposed of. Laid over one day for consideration.

Mr. Mills introduced a bill to change the common school law. Read first time and referred to committee on Education.

On motion of Mr. Duncan, the bill to incorporate the Western Texas and Indianola Fire and Marine Insurance Company, was taken up, read 2nd time and ordered to be engrossed.

Mr. Dougherty proposed to amend by adding: "Provided that this charter shall hold and continue in force for the term of 20 years and no longer." Adopted.

On motion of Mr. Duncan, the rule was suspended, the bill read third time and passed by a 2-3 vote.

Mr. Armstrong offered the following resolution:

Resolved, That a select committee of nine be appointed by the Speaker to take into consideration the propriety of revising, amending and condensing the Probate laws of the State, and report by bill or otherwise.

Mr. Taylor moved to strike out "select committee of nine" and insert "Judiciary committee." Lost, and resolution adopted.

Speaker announced Messrs. Townes, Buckley, Flewelling, Foscue and Culberson, select committee, to whom was referred the bill to abrogate the office of Engineer and Superintendent.

Also Messrs. Armstrong, Caddell, Martin, Townes, Davis of H., Redwine, Norton, Whitmore and Edwards, select committee to examine the Probate laws.

Mr. Navarro offered the following resolution:

Resolved, That the evening sessions of the House, shall be devoted exclusively to the consideration of private relief bills, and that bills of this nature shall not be considered at any other time from this till the end of the session, and that the roll of the members called alternately from the top and bottom, and each member when his name is called shall have the right to call up a bill and the same shall be finally acted upon as the House may direct. Lays over one day for consideration.

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

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 15th, 1859. }

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

Mr. Billingsley presented the petition of Jno. Ricord. Referred to the committee on State Affairs.

Mr. Townes, chairman of Select committee, reported that a majority of said committee deemed it impolitic to abrogate the office of State Engineer and Superintendent, and reported a bill to amend the bill to appropriate \$300,000 to encourage the improvement of the navigable waters of Texas.

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

Speaker of the House of Representatives :

The special committee, to whom was referred the bill to be entitled an act to abolish the office of State Engineer and Superintendent, have had the same under consideration, and a majority are of opinion that it will be injudicious at this time to abolish said office. They recommend that the salary be reduced to \$2500, and that the same shall be in full of all compensation ; that the amount chargeable to railroad companies for examining sections of their work to entitle them to the benefit of the loan and to land, shall be deducted from the amount to be lent them ; and the committee are of opinion that the amounts will pay the salary.

They recommend that the law creating the office, shall not remain in force longer than the 1st Monday of August, 1861, as it is believed that the money now appropriated for railroads and for river improvements, will be expended by that time. They are induced to make this recommendation for the reason also, that there will be a called session of the legislature, to district the State for members of congress, when, if it should be considered expedient to continue the office of State Engineer, the legislature may provide for an election of the officer by the people.

The committee have prepared a bill providing for an election of Engineer, and fixing his salary, which they recommend to the favorable consideration of the House.

They ask further time to bring in a bill regulating and defining the duties of Engineer.

The committee report back the bill to abolish the office of State Engineer, and recommend its indefinite postponement. All of which is respectfully submitted.

R. J. TOWNES, Chairman.

Mr. Buckley introduced an adverse minority report.

HOUSE OF REPRESENTATIVES, }
December 15th, 1859. }

HON. M. D. K. TAYLOR,

Speaker House of Representatives :

The undersigned, a minority of the select committee to whom

was referred the bill to abolish the office of State Engineer, and the report of the Internal Improvement committee thereon, begs leave to submit the following minority report:

The acts of the Legislature regulating railroads and to invest the special school fund in railroad bonds, make ample provision for the protection of the State against loss or injury in donating lands and making loans to them, without such an officer as State Engineer by special appointments, to inspect and report upon completed sections of railroads, when they seek to obtain the land bonds, and obtain the school fund; which, in the opinion of the undersigned, will be less expensive to the country and the railroads, and result in as much benefit. The undersigned is of the opinion, that special appointees will act as impartially and with as much fidelity to the State, in making surveys of, and reports upon railroads seeking to obtain the bounty of the State, as any public officer, and as such surveys and reports are only made occasionally, no necessity exists for maintaining a public officer to perform such duties; none especially when it is borne in mind that the expense of keeping such office up, exceeds that of the Executive of your State, and the salary alone equals that of the judges of the supreme court independent of the aids and sub-engineers.

So far as the disbursement of the unexpended balance of the river appropriation, (which, in connexion with the railroads, embrace the whole duties of State Engineer,) is concerned, the undersigned believes, that on each of the rivers, undergoing improvements by virtue thereof, a good practicable man can be found, familiar with the stream, fully as competent to superintend the work to be done as any civil engineer, and at a less cost to the State. Boatmen and others who have been in the habit of navigating those streams, know the obstructions and will know when they are removed, and the river improved better than a stranger who merely passes along it. There remains only a little upwards of \$100,000 of the river appropriation remaining unexpended, all of which is subject to exciting contracts, and will be expended before another Legislature assembles, and no one supposes that other sums will be appropriated for similar improvements, as but little, if any, benefit has resulted from the appropriation, and further improvements cannot be made without a resort to direct taxation to raise the funds for such purpose. No one, I presume, supposes that a tax for such an object would be tolerated by the people, when past experience has established the fact that our rivers are unreliable for purposes of navigation.

For these reasons the undersigned is of opinion that the bill to abolish the office of State Engineer ought to be passed.

C. W. BUCKLEY,

One of the committee.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled, and properly signed, "a bill to regulate public sales in Bastrop county," and "a bill for the relief of Joseph Thompson," and that they had been presented to the Governor for approval and signature.

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

Mr. Crooks presented the petition of R. B. Francis. Referred to committee on Roads, Bridges and Ferries.

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

Also presented the petition of the citizens of Blanco. Referred to committee on Counties and County Boundaries.

Also presented the petition of the county court of Comal county. Referred to committee on State Affairs.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, asking to be relieved from further consideration of the petition of citizens of Comal county.

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

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported a bill to authorize the county courts of this State to prohibit certain stock from running at large on certain conditions.

On motion of Mr. Dougherty the rule was suspended and one hundred copies of the bill ordered to be printed.

A message was received from the Senate informing the House that Senate had passed the House's bill for the relief of Alexander Ferguson, and the House's bill to incorporate Houston the Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston, with amendments, and had passed a substitute for the House's bill for the relief of purchasers of university lands, and had passed a bill to incorporate the Gulf Coast Fair Association at Victoria.

Mr. Caddell introduced a bill to incorporate the Neches Navigation Company. Read first time and referred to committee on Internal Improvements.

Mr. Crooks introduced a bill to permit R. B. Francis to erect

a toll bridge on north Sulphur Fork. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Maverick introduced a joint resolution relative to the San Antonio and San Diego mail line. Read first time and referred to committee on State Affairs.

Mr. Walworth introduced a bill to appropriate money for payment of expenses of Captain Tobin's company. Read first time and referred to committee on Finance.

Mr. Robinson introduced a bill for the relief of James Clemons. Read first time and referred to committee on Private Land Claims.

Mr. Pirkey introduced a bill for the relief of John W. Johnson. Read first time and referred to committee on Private Land Claims.

Mr. Speights introduced a bill for the relief of B. H. Zachary. Read first time and referred to committee on Private Land Claims.

Mr. Barclay introduced a bill for the protection of the Alabama Indians. Read first time and referred to committee on Judiciary.

Mr. Ross introduced a joint resolution to grant Judge C. A. Frazier leave of absence from the State. Read first time.

On motion of Mr. Bogart, the rule was suspended and the bill to authorize the county court of Collin county to levy a special tax to build a court-house, was taken up. Read second time and ordered to be engrossed.

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

Mr. Dickson moved to suspend the rule and take up the bill to appropriate two thousand dollars to pay district attorneys in cases of conviction, &c. Lost.

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

A bill to amend the act to incorporate the Houston Tap and Brazoria Railway, passed September 1st, 1856, and for relief, was taken up and read second time.

Mr. Billingsley proposed to amend by striking out "six thousand" and inserting "three thousand."

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

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

The special order, to-wit :

The resolution relative to the election of State Engineer, was

taken up, and on motion of Mr. Townes, the resolution was postponed till the first Monday in January.

ORDERS OF THE DAY.

A bill granting land to actual settlers on public domain, together with substitute and proposed amendment, was taken up, and on motion of Mr. Francis the amendment was laid on the table by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Baxter, Bogart, Bryan, Buckley, Caddell, Craig, Crawford, Clark, Dale, Darnell, Davis of B., Dickson, Dougherty, Ellett, Flewellen, Francis, Hall, Henry, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Martin, Maverick, McCutchan, McKnight, Mundine, Munson, Perry, Pirkey, Redgate, Robinson, Shannon, Shelton, Speights, Stewart, Townes, Wælder, Walworth, Warfield, Whittfield, Whitmore, Wortham and Wrede—48.

NAYS—Messrs. Anderson, Barnard, Benevides, Billingsley, Branch, Crooks, Cumby, Davis of H., Dennis, Duncan, Epperson, Franklin, Foscoe, Harrison of C., Harrison of V. Z., Hartley, Haynes, Manly, Middleton, Mills, Nelson, Norton, Owens, Redwine, Ross, Short, Taylor and Waterhouse—29.

Mr. Norton proposed to amend the substitute by striking out "one hundred and sixty acres" and inserting "two hundred acres" wherever it occurs. Adopted.

[Mr. Bogart in the chair.]

Mr. Maverick proposed to amend by inserting after the word "cultivated" the words "at least five acres."

Mr. Mills moved to lay the amendment on the table. Lost. And the amendment adopted.

Mr. Dougherty proposed to amend by adding :

Provided, That no person who is a member of the present Legislature, nor any person who may now own two hundred acres of land in this State, nor any person who may have heretofore received land by virtue of any headright or donation shall be entitled to any land by virtue of the provisions of this act.

On motion of Mr. Mills the amendment was rejected.

Mr. Franklin proposed to amend by adding an additional section.

[Speaker resumed the chair.]

The amendment laid on the table by the following vote :

YEAS—Messrs. Speaker, Barclay, Baxter, Benevides, Bogart, Buckley, Caddell, Camp, Crawford, Crooks, Clark, Culbertson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dougherty, Duncan, Ellett, Epperson, Francis, Hall, Harrison of V. Z., Hartley, Haynes, Henry, Hubbard, Lewter, Maxey,

McCutchan, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon, Short, Whitmore, Wortham and Wrede—53.

NAYS—Messrs. Anderson, Armstrong, Billingsley, Branch, Bryan, Craig, Dennis, Flewellen, Franklin, Foscue, Harrison of C., Houghton, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Martin, Maverick, McKnight, Munson, Pirkey, Redgate, Ross, Shelton, Stewart, Warfield and Whitfield—28.

On motion the House adjourned till 3½ o'clock, this evening, pending the substitute.

3½ O'Clock, P. M.

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

The bill pending when the House adjourned was taken up.

Mr. Crooks offered a substitute.

On motion the House adjourned till 9½ o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Friday, Dec. 15th, 1859. }

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

Mr. Norton presented the petition of 48 citizens of Henderson county. Referred to committee on Finance.

Mr. Barnard presented the petition of Catherline R. S. Jones. Referred to committee on Public Debt.

Mr. Perry presented the petition of sundry citizens of Free-stone county. Referred to committee on Education.

Mr. Stewart, chairman of the committee on Finance, reported a bill to authorize the County Court of Falls county, to levy a special tax and recommended its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of Artemacia Wilson and recommended its passage.

Mr. Dale, chairman of committee on Public Printing, reported the following resolution and recommended its adoption:

Resolved, That there is hereby appropriated \$67 50 to pay for binding 90 copies of the debates of the seventh Legislature, to be paid from the contingent fund of the eighth Legislature. Laid over one day for consideration.

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

recommending the passage of the Senate's bill, to amend the 6th and 7th sections of the act regulating sequestrations, approved March 15th, 1848, with the amendments by the committee. Amend by adding at the end of section 1st: "Provided, that nothing in this section shall be so construed as to require a defendant to account for the hire, fruits or revenue of slaves or movable property, or for the rents of real property when the object of the suit is only to enforce payment of a mortgage or lien, and not to try title thereto."

Mr. Nelson introduced a bill for the relief of T. H. Robertson. Read first time and referred to committee on Private Land Claims.

Mr. Bryan introduced a bill to exempt the school lands or lands set apart for purposes of education, from the operation of the law of limitations. Read first time and referred to committee on Judiciary. Also, introduced a bill to repeal section 10th, article 1703 of Oldham & White's Digest. Read first time and referred to Judiciary committee.

Mr. Francis introduced a bill to incorporate the Jacksonville and Neches Bridge Company. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Dougherty introduced a bill for the relief of Martha Brennan. Read first time and referred to committee on Private Land Claims.

Also, introduced a bill to facilitate the growth and prosperity of agriculture and stock raising in the counties of Cameron, Hidalgo and Nueces, by securing to masters and servants the fulfillment of their obligations.

On motion of Mr. Navarro, the bill was rejected by the following vote:

YEAS—Messrs. Anderson, Bogart, Caddell, Camp, Crooks, Clark, Cumby, Dale, Davis of Hays, Dickson, Edwards, Ellett, Francis, Harrison of Van Zandt, Haynes, Henry, Hubert, Lewis of R., Lewter, Maverick, McCutchan, McKnight, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Shannon, Shelton, Speights, Taylor, Townes, Wælder, Waterhouse, Whitmore, Wortham and Wrede—44.

NAYS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benavides, Branch, Bryan, Buckley, Craig, Crawford, Daniels, Davis of B., Dennis, Dougherty, Franklin, Foscue, Hall, Harrison of C., Hartley, Houghton, Hubbard, Lewis of M., Lynch, Mabry, Maxey, Mills, Robinson, Ross, Short, Smith, Stewart, Walworth, and Warfield—33.

Mr. Wrede introduced a bill to authorize the county court of

Llano county to transcribe certain records. Read first time and referred to committee on State Affairs.

Mr. Mills introduced a bill to repeal article 423e of Oldham & White's Digest. Read first time and referred to Judiciary committee.

Mr. Middleton introduced a bill for the relief of Jno. F. Wilson. Read first time and referred to committee on Private Land Claims.

Mr. Shannon introduced a bill to incorporate Ellis county Agriculture and Mechanical Association. Read first time and referred to Agriculture committee.

Mr. Lewis of M. offered the following resolution :

WHEREAS, we have listened with care to an explanation by Gen. Duff Green, made in this hall on the evening of the 14th inst., of the objects in view, and to be accomplished by two several bills introduced into this House, at the instance of himself and associates on the 13th inst. ; the first to be entitled an act to incorporate the American Agency, and the second, to be entitled an act to incorporate the American Improvement Company ; and,

WHEREAS, we believe the scheme or project presented in the aforesaid bills, and explanations of the distinguished gentleman alluded to, (complicated and *serpentine* as it is) if consummated, will not only, not be beneficial or advantageous to the State, and the real and permanent interest thereof, but eminently injurious and pernicious in its tendency.

Resolved, therefore, that the committee to which said bills were referred, be instructed to report them back to the House at an early day, and recommend their rejection.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, "The bill making appropriation to defray the expenses of the State Penitentiary," and the bill to amend the act incorporating the Houston Tap and Brazoria Railway, passed September 1st, 1856, and relief. Report accepted.

[Mr. Bryan in the Chair.]

A message was received from the Senate informing the House that the Senate had passed the House bill to incorporate the Texas Masonic Institute ; and the House's bill to amend the 4th section of the act allowing discounts and set-offs, passed 5th February, 1840, (Oldham and White's Digest, art. 360) with amendments ; and had passed a bill for the relief of James C. Dillingham.

A bill ordering the return of certificates in Fisher & Miller's colony.

And a bill amendatory of, and supplemental to the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company.

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

A bill supplementary to the act and supplementary and amendatory of an act to regulate railroad companies, approved February 7th, 1852, approved December 19th, 1847, together with proposed amendments by the Judiciary committee, was taken up and the amendments adopted.

Mr. Crawford proposed to amend the 7th line, 1st section, by striking out "stockholders" and inserting "stock." Adopted.

Mr. Buckley proposed to amend the 2nd line of 2nd section by inserting after "execution" the words "or attachment." Adopted.

Mr. Mabry offered an additional section. Adopted.

Mr. Buckley proposed to amend by adding at the end of 9th section : " Provided that railroad companies shall in no case be allowed to charge storage upon freights received by them for delivery, unless the owner or owners, consignee or consignees thereof, neglect to remove it from the depot of the company, within a reasonable time after notice of its reception, and they shall not charge for storage more than the usual rates charged by warehousemen in this State." Adopted.

Mr. Wælder proposed to amend by adding at end of 8th section : " Provided that nothing contained in this section shall be so construed as to affect any sale or sales made, or hereafter to be made, under to provisions of this act to which this is a supplement." Adopted.

Mr. Buckley proposed to amend by adding at the end of section 18th : " and each and every bale of cotton shall be considered as weighing 500 lbs."

Mr. Nelson moved to go into committee of whole. Lost.

[Mr. Wælder in the Chair.]

Mr. Mills offered the following as a substitute for Mr. Buckley's amendment : " Provided that any railroad company may weigh at their own expense all bales of cotton, and charge for the weight of said cotton so ascertained, and in case the cotton bales are not weighed, they shall charge for the same at 450 lbs."

On motion of M. Davis of H., the substitute was laid on the table, and Mr. Buckley's amendmett adopted.

Mr. Buckley proposed to amend by adding at the end of section 13th : " Provided that the owners or possessors of fields through which a railroad passes, shall be permitted to cultivate the land on both sides of the railway track or road-bed, if such

cultivation does not interfere with the use of said railroad track by the company, and such company, in no case, shall be permitted to let out any portion of the right of way, except at their regular depots or stations. Adopted.

Mr. Mills proposed to amend by adding an additional section. Adopted.

Mr. Buckley proposed to amend by inserting after the word, "become" in the 1st line, 15th section, the word, "secretly." Adopted, and ordered to be engrossed.

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

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed, the bill to authorize the county court of Collin county to levy a special tax for the erection of a courthouse therein.

And the bill to incorporate the Western Texas, Life, Fire and Marine Insurance Company of the city of Indianola, State of Texas. Report accepted.

Mr. Townes, by permission, introduced a bill to appropriate \$1,500 or so much thereof as may be necessary to furnish the Governor's mansion. Read first time.

On motion the rule was suspended and the bill read second time.

Mr. Mills moved to refer the bill to committee on Public Grounds and Buildings. Lost.

Mr. Buckley proposed to amend by striking out that part of the bill, saying, that the appropriation shall come out of the contingent fund of both Houses, and inserting any unappropriated money in the Treasury. Adopted.

Mr. Culberson proposed to amend by adding: "Provided that no part of this sum shall be expended for furniture manufactured north of Mason & Dixon's line."

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

YEAS.—Messrs. Armsrong, Barnard, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crawford, Crooks, Clark, Dale, Daniels, Davis of H., Dickson, Duncan, Edwards, Epper-son, Flewellen, Francis, Franklin, Haynes, Hubbard, Lewis of M., Lewis of R., Lewter, Mabry, Manly, Martin, Maverick, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Water-house, Whitfield, Whitmore and Wrede—62.

NAYS—Messrs. Speaker, Anderson, Barclay, Baxter, Caddell, Culberson, Cumby, Davis of B., Dennis, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Lynch, Maxey, Short and Wortham—18.

Mr. Dennis proposed to amend by adding: "Provided no furniture shall be purchased that was made north of Mason & Dixon's line, unless the same cannot be purchased in the city of Austin, that was made south of that line."

Mr. Hubbard offered the following substitute: "Provided, that if said furniture cannot be procured in the south on reasonable terms, then in that event it may be purchased elsewhere."

Mr. Davis of B., moved the previous question, which was seconded and the main question was ordered by the following vote:

YEAS—Messrs. Barclay, Barnard, Baxter, Benevides, Bogart, Branch, Bryan, Camp, Clark, Daniels, Davis of B., Davis of H., Dickson, Dougherty, Duncan, Edwards, Epperson, Flewellen, Hall, Harrison of V. Z., Haynes, Houghton, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, Maverick, McKnight, Middleton, Mundine, Nelson, Norton, Owens, Parker, Pirkey, Redgate, Redwine, Shannon, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—52.

NAYS—Messrs. Speaker, Anderson, Buckley, Caddell, Craig, Culberson, Cumby, Dennis, Francis, Franklin, Foscue, Harrison of C., Hubbard, Mills, Perry, Ross, Shelton, Short and Warfield—19.

The main question being upon the engrossment of the bill, the same was put, and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Clark, Culberson, Cumby, Dale, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McKnight, Middleton, Mundine, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wortham—68.

NAYS—Messrs. Barnard, Caddell and Mills—3.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to provide pay-

ment for printing the proclamations of the Governor.

And the bill to revive and continue in force, and supplemental to and amendatory of the act incorporating the San Antonio and Mexican Gulf Railroad, approved November 14th, 1857, and that they had been presented to the Governor for approval and signature.

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

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

HOUSE OF REPRESENTATIVES. }
Saturday, December 17th, 1859. }

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

Mr. Wrede presented the petition of the President of New Braunfels Academy. Referred to committee on State Affairs.

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

A bill for the relief of the heirs of Joseph W. Bass, dec'd.

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

A bill for the relief of the heirs of Matt Finch, dec'd.

A bill to legitimate Donaccana Thomas, late Donaceana Howland, and the bill to amend the act to incorporate the Houston Tap and Brazoria Railway, passed September 1st, 1856, and for relief; and had passed a bill to change and adjust the Western boundary lines of the counties of Uvalde and Dawson, and the Eastern boundary line of the county of Kinney; and a bill to authorize the heirs, representatives and relations of dec'd persons to sue for and recover damages, where the death of such person or persons has been caused or occasioned by the negligent, culpable or wrongful act of another.

On motion of Mr. Camp the vote rejecting the bill to facilitate the growth and prosperity of agriculture and stock raising in the counties of Cameron, Hidalgo and Nueces, by securing to masters and servants the fulfillment of their obligation, was reconsidered by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Branch, Buckley, Caddell, Camp, Crawford, Craig, Crooks, Cumby, Daniels, Davis of B., Dennis, Dougherty, Epperson, Flewellen, Foscue, Hall, Harrison of C., Hartley, Hubbard, Lewis of M., Lynch, Maxey, Middleton, Perry, Pirkey,

Robinson, Ross, Shelton, Short, Smith, Stewart, Walworth and Warfield—41.

NAYS.—Messrs. Baxter, Bogart, Clark, Dale, Davis of H., Dickson, Duncan, Edwards, Ellett, Harrison of V. Z., Haynes, Henry, Houghton, Lewis of R., Mabry, Manly, Maverick, McCutchan, McKnight, Mundine, Munson, Navarro, Nelson, Norton, Parker, Redgate, Redwine, Shannon, Speights, Taylor, Townes, Wælder, Waterhouse, Whitmore, Whitfield, Wortham and Wrede—37.

And the bill was taken up, and, on motion of Mr. McKnight, again rejected by the following vote :

YEAS.—Messrs. Baxter, Benevides, Bogart, Crooks, Clark, Dale, Davis of B., Davis of H., Dickson, Duncan, Edwards, Ellett, Harrison of V. Z., Haynes, Henry, Hubert, Lewis of M., Lewis of R., Lewter, Manly, Maverick, McCutchan, McKnight, Middleton, Mundine, Navarro, Nelson, Norton, Owens, Parker, Redgate, Redwine, Shannon, Smith, Speights, Taylor, Wælder, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—42.

NAYS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Branch, Buckley, Caddell, Crawford, Cumby, Daniels, Dennis, Dougherty, Franklin, Foscue, Hall, Harrison of C., Hartley, Houghton, Hubbard, Lynch, Maxey, McClarty, Mills, Parker, Pirkey, Robinson, Shelton, Short, Stewart, Walworth and Warfield—33.

Mr. Davis of B. presented three several petitions, to-wit :

Petitions of Jno. Simonds, of the heirs of Sam'l Rositer and of George P. Kern. All referred to the committee on Court of Claims.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed a bill making an appropriation for furnishing the Governor's Mansion. Report accepted.

Mr. Foscue, one of the committee on State Affairs, reported recommending the passage of the bill to amend Art. 1333, of Oldham & White's Digest, with amendments by the committee : amend next to the last line by striking out "ten years" and inserting "six years."

Also, as chairman of committee on Internal Improvements, reported recommending the rejection of the bill to authorize counties to levy a tax for railroad purposes.

Mr. Dickson, chairman of committee on Public Debt, reported a bill for the relief of Leslie Coubs, 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 Galves-

ton Water Works Company, with amendments by committee : amend by striking out "14 Sec."

Also reported recommending the passage of the bill amendatory of, and supplementary to the act incorporating the Galveston Wharf and Cotton Press Company, with amendments by the committee : amend by adding at end of 3d Section, "provided that nothing in this act shall be held or construed to effect any right or title vested in the Mayor, Aldermen and inhabitants of the city of Galveston by their charter and its amendments, or by any other law."

Also reported recommending the passage of the bill to incorporate the Trustees of the Baptist State Convention.

Also reported recommending the passage of the bill to incorporate the Waco Classical School.

[Mr. Taylor of Fannin in the Chair.]

Mr. Lewter, one of the committee on Private Land Claims, reported recommending the passage of the Senate's bill for the relief of Stephen Kelly.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported recommending the passage of the bill defining the boundary of Calhoun county.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to appropriate lands to the asylums, and provide for the location and sale of the same, and recommended its passage.— Bill read first time.

On motion of Mr. Davis of H., the rule was suspended and the report taken up.

Mr. Davis moved to refer the bill to committee on Printing, and instruct them to have 100 copies printed.

Mr. Shannon proposed to amend by saying 200 copies. Lost, and 100 copies ordered to be printed.

Mr. Ross, one of the committee on State Affairs, reported recommending the indefinite postponement of the bill to relinquish the State tax for 1859 and 1860 to Orange county.

Mr. Buckley, chairman of Judiciary committee, reported a bill to punish Sabbath breaking, and recommended its passage. Bill read first time.

Also reported recommending the passage of the bill to legalize acts of primary judges of the municipality of Nacogdoches with amendments by the committee. Amendments: strike out, all after the enacting clause in Sec. 1, and insert, "That the official acts of the primary judges of the several municipalities of Texas, authenticating deeds and other written instruments, be, and the same are hereby legalized and made as valid as if

done by any other legally authorized officer," and amend caption by striking out the words "of the municipality of Nacogdoches."

Also, reported recommending the passage of the bill for the protection of the Alabama Indians.

Also, reported recommending the passage of the Senate's bill to release B. A. Campbell, James Ingram Nunn and Francis J. Lewis from the disabilities of minority, with amendments by the committee. Amendments: amend the caption by inserting after "Campbell" "Crittenden C. Wells, William T. Colville," after the words "Victoria county," in the body of the bill, insert "Crittenden C. Wells of Grayson county, William T. Colville of Refugio county."

Also, reported recommending the passage of the bill to authorize the surveyor of Grayson county to transcribe certain books in his office, with amendments by the committee: amend by adding at end of Sec. 1 "and when so transcribed, the County Court shall compare the same with the originals, and attach, at the end thereof, a certificate that the originals have been correctly copied, after which such copied books shall have the same force and effect in law as if they were the original entries."

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Gustavus Bunson, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of Cleland K. Simmons, and recommended its passage. Bill read first time.

Mr. Shannon of the committee on Private Land Claims, reported and recommended the passage of the bill for the relief of the heirs of W. L. Fleming.

Also, reported recommending the rejection of the petition of Nancy Walker.

Mr. Stewart, one of the committee on Judiciary, reported recommending the indefinite postponement of the following bills and resolutions, to-wit:

A bill to fix the salaries of District Attorneys of this State.

A bill concerning sales made by virtue of executions.

And the bill to repeal the 7th section of the act to provide the mode of trying titles to land, approved 5th February, 1840.

The resolution relative to allowing interest on open accounts, &c., and the resolution as to the election of Probate Judges, &c.

Also, as chairman of committee on Finance, reported recommending the passage of the bill to appropriate \$10,000 to pay expenses of Capt. Tobin's company, with amendments by the

committee. Amendments: in the caption insert after "dollars" the words "or so much thereof as may be necessary," and by adding at the end of the section "and the Comptroller shall have full authority, and is hereby required, under this act, to examine the accounts and claims for said expenses, and allow only such as are fully authenticated by proper vouchers, and to reduce extravagant charges to a reasonable amount, and only allow for necessary expenses incurred."

Also, reported a bill to authorize the County Court of Henderson county to levy a special tax, after an election had been held for the purpose, and recommended its passage. Bill read first time.

Mr. Culberson, one of the committee on the Judiciary, made a majority report recommending the passage of the bill to regulate the Superintendency of the Penitentiary.

Mr. Townes gave notice that a minority report would be submitted.

Mr. Short, one of the committee on State Affairs, reported recommending the passage of the bill to authorize the County Court of Ellis county to create a court-house fund.

Mr. Speights, one of the committee on Private Land Claims, reported a bill for the relief of P. W. Fuller, and recommended its passage. Bill read first time.

r. Middleton, by permission, presented the petition of Isham J. Goode. Referred to committee on Private Land Claims.

Mr. Branch, one of the committee on Education, reported recommending the passage of the bill for endowment of professorships in the colleges of Texas, with amendments by the committee. Amendments: first, strike out "four leagues" in fourth line, and insert "five leagues;" second, after the word "College," wherever it appears in the bill, insert "Academy or Seminary."

Also, reported recommending the passage of the bill to incorporate Washington Collegiate Female Institute, in Washington county.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported recommending the passage of the Indianola and Goliad Bridge and Ferry Company.

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Henry Hastie, and recommended its passage. Bill read first time.

Mr. Dale, chairman of committee on Printing, reported as follows:

The committee, to which was referred the resolution directing

them to inquire into the cost of supplying this House with the daily journal of this body, have conferred with the Public Printer, and he proposes delivering ten copies of the journal to each member at one-fifth of one cent per page of forty-four lines. Any number of copies of the entire journal will be furnished at the same price.

Mr. Navarro, chairman on part of the House of joint committee on arrangement for inauguration of the Governor, reported as follows:

REPRESENTATIVE HALL, }
December 17th, 1859. }

HON. M. D. K. TAYLOR.

Speaker of the House of Representatives:

The joint committee, appointed to make arrangements for the inauguration of the Governor and Lieutenant-Governor elect, on the 21st inst., beg leave to report that the inauguration shall take place in the Hall of the House of Representatives, at 11 o'clock, A. M.; that the two branches of the Legislature shall meet in the House at a quarter before 11, the Speaker of the House in the Chair, and the President on his right; that the Chief Justice and Associate Justices of the Supreme Court, with the Attorney-General, shall occupy seats on the platform before the Speaker's Chair; that the heads of departments and officers of the late Republic of Texas shall occupy seats on the left of the platform; that the Senators shall occupy seats on either side of the aisle of the House, and the Representatives as near as practicable to the Speaker's Chair; that the ladies shall occupy seats within the bar of the House, and that the citizens shall occupy seats within the bar and in the galleries. The retiring Governor, the Governor and Lieutenant-Governor elect, with the committee, will enter the House at 11 o'clock, and be seated—the retiring Governor and Governor elect on the right of the Speaker's Chair, and the Lieutenant-Governor on the left.—Prayer by the Chaplain of the Senate, after which the retiring Governor and Lieutenant-Governor will deliver their valedictories, and immediately after the Governor and Lieut.-Governor elect will have the oath of office administered to them by the Chief Justice.

Respectfully submitted,

A. NAVARRO,

Chairman on the part of the House.

D. M. WHALEY,

Chairman on the part of the Senate.

Mr. Franklin, one of the committee on the Judiciary, reported a bill to amend the second section of the act prescribing the

mode of adoption, and recommended its passage. Bill read first time.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to amend an act to incorporate the Houston Tap and Brazoria Railway Company, passed September 1st, 1856, and for relief, and the bill to legitimate Donaccana Thomas, late Donaccana Howard; and that they had been presented to the Governor for approval and signature.

Mr. Martin, one of the committee on Roads, Bridges and Ferries, reported recommending the passage of the bill to incorporate the Jacksonville and Neches Bridge Company.

A message was received from the Senate informing the House that the Senate had passed the House bill for the relief of Michael K. Hammonds.

And a bill for the relief of Jas. C. Dillingham.

And a bill to grant a pension to Chas. Sheppard.

And a bill for the relief of Wm. P. Tindall.

[Speaker resumed Chair.]

Mr. Hartley introduced a bill to grant 320 acres of land to Geo. W. Moller, Sarah Ellen Moller, and Emily Johanna Moller. Read first time, and referred to committee on Public Lands.

Mr. Shannon introduced a bill for the relief of Wilson Woods. Read first time, and referred to committee on Private Land Claims.

Mr. Waelder introduced a bill to incorporate the German-English School of San Antonio. Read first time, and referred to committee on Education.

Also, a bill to amend the act incorporating the Fire Association of San Antonio. Read first time, and referred to committee on State Affairs.

On motion of Mr. Davis of H., Mr. Camp was allowed a leave of absence for ten days.

On motion of Mr. Manly, the rule was suspended, and the bill to incorporate the Eastern Texas Railroad Company was taken up, and made the special order of the day for Monday, 11 o'clock.

On motion of Mr. Hubbard, the rule was suspended, and a bill to incorporate the Houston, Trinity and Tyler Railroad Company taken up, and made the special order for Tuesday next, at 11 o'clock.

On motion of Mr. Nelson, the rule was suspended, and a bill for the relief of H. C. Lazenby, with a report from committee

recommending the reducing of the amount in the bill to \$200, was taken up, and report laid on the table.

Mr. Ross moved to recommit the bill to committee on Claims and Accounts. Lost, and the bill ordered to be engrossed by the following vote:

YEAS.—Messrs. Speaker, Baxter, Benevides, Bogart, Branch, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Dale, Daniels, Davis of H., Duncan, Edwards, Epperson, Franklin, Hall, Hartley, Haynes, Henry, Hubbard, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Martin, Maverick, McCutchan, Mills, Mundine, Munson, Nelson, Norton, Perry, Redgate, Shannon, Short, Smith, Taylor, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—49.

NAYS.—Messrs. Anderson, Armstrong, Bryan, Craig, Cumby, Dennis, Dickson, Dougherty, Flewellen, Francis, Foscue, Harrison of C., Harrison of V., Houghton, Lewter, McClarty, McKnight, Middleton, Owens, Parker, Pirkey, Redwine, Robinson, Ross, Shelton, Speights, Stewart, Waterhouse and Whitmore—29.

A resolution setting apart evening sessions for the consideration of bills for relief, &c., was taken up.

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

Mr. Buckley moved to adjourn until 3 o'clock, P. M. Lost by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Bogart, Buckley, Daniels, Dickson, Epperson, Harrison of C., Harrison of V. Z., Lewter, Mabry, Maverick, Parker, Pirkey, Redwine, Ross, Shelton, Warfield, Whitmore, Wortham and Wrede—22.

NAYS.—Messrs. Baxter, Benevides, Branch, Bryan, Caddell, Camp, Craig, Cumby, Dale, Davis of H., Dennis, Dougherty, Duncan, Edwards, Flewellen, Francis, Franklin, Foscue, Hall, Haynes, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lynch, Manly, Martin, Maxey, McClarty, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Owens, Redgate, Robinson, Shannon, Short, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Waterhouse and Whitfield—53.

The question recurring upon the adoption of the resolution, the same was put, and the House refused to adopt the resolution by the following vote:

YEAS.—Messrs. Speaker, Barnard, Benevides, Bogart, Buckley, Camp, Dale, Duncan, Epperson, Hall, Harrison, of V. Z., Haynes, Hubbard, Lynch, Mabry, McClarty, McKnight, Mundine, Munson, Navarro, Nelson, Parker, Perry, Redwine, Ross, Shel-

ton, Stewart, Townes, Wælder, Waterhouse, Wortham and Wrede—32.

NAYS.—Messrs. Anderson, Armstrong, Baxter, Branch, Bryan, Caddell, Craig, Culberson, Cuniby, Daniels, Davis of H., Dennis, Dougherty, Edwards, Flewellen, Francis, Franklin, Foscue, Harrison of C., Henry, Houghton, Lewis of M., Lewis of R., Lewter, Maverick, Maxey, Middleton, Mills, Norton, Owens, Pirkey, Redgate, Robinson, Shannon, Short, Smith, Speights, Walworth, Warfield, Whitfield and Whitmore—41.

On motion of Mr. Wortham, a Senate bill for the relief of James C. Dillingham was taken up, read first time, and referred to committee on Private Land Claims.

On motion, the House adjourned until 9 1-2 o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVES, }
Monday December 19th, 1859. }

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

Mr. Shannon presented the petition of Leslie Combs. Referred to committee on Public Debt.

Mr. Mills presented the remonstrance of sundry citizens of Navarro. Referred to committee on Counties and County Boundaries.

Mr. Townes presented the petition of Philander Priestly. Referred to committee on Private Land Claims. Also, presented the petition of sundry citizens of Travis and Williamson counties. Referred to committee on Counties and County Boundaries.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Air Line Railroad Company.

Mr. Dennis gave notice that an adverse minority report would be submitted.

Mr. Foscue, as one of the committee on State Affairs, reported, recommending the passage of the bill to authorize the County Court of Llano county to transcribe certain records

Mr. Lewter, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of heirs of Samuel Penrod, deceased.

Mr. Baxter, one of the committee on State Affairs, reported, recommending the passage of the bill supplemental to the act incorporating the town of Marshall, Harrison county.

Mr. Ross, one of the committee on State Affairs, reported, recommending the indefinite postponement of the petition of the citizens of Kerr county. Also, reported, asking that the petition of the citizens be referred to committee on Indian affairs. Report adopted.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported, recommending the passage of the bill to prevent playing games of chance with slaves.

Mr. Davis of Hays, as chairman of joint committee on propriety of calling convention to frame new Constitution, reported a bill to call a convention to make a new Constitution. Bill read first time.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee of the House and Senate, to whom was referred a joint resolution, &c., &c., beg leave to report, that in considering the premises, they have felt it to be their duty first to inquire into the power of the Legislature to call a convention, for if there be not power, then neither expediency or necessity can have any influence in arriving at a conclusion.

In this enlightened day, and after so many precedents by other States, they could not suppose that any one could deny so plain a principle, had not the objections already been inquired into by previous sessions of the Legislature.

That the people are the source of all power under our form of government is not denied by any one ; that they exercise their powers through representatives of their own creation is equally clear ; that they may limit the powers of their representatives is also sound theory, everywhere illustrated in practice. And while the people may delegate the exercise of certain powers to certain bodies of magistracy, and yet no such powers can be delegated irrevocably, the most that the strongest advocates of Legislative power could properly urge, would be that the resumption of the powers should be with the consent or acquiescence of their representatives and chief magistrate.

The powers of the government of Texas, not conferred upon other bodies of magistracy, or expressly withheld in our bill of rights and the constitution, are upon general principles, and by express grant vested in the Legislature. As a consequence, it follows that the Legislature may surrender back to the people the right to meet in mass or to send delegates to a convention, to change their organic laws, this is the weakest view in favor of the right which can be stated. In the Rhode Island case, the principle stated by the supreme court of the United States, was

that the people may always change their constitution with the consent of the existing government, and that such a change without that consent, would be valid if the government afterwards acquiesced or submits to such a revolution. All that was wanting in that case, was consent or acquiescence. Any other rule would lead to the absurdity that a constitution which is a mere organic law, the creature of the people, is superior to the creator.

But it is urged that as the constitution provides one mode of amending, therefore, all other modes of amendment are excluded. But this argument simply denies the joint power of the Legislature and the people over their government. It is saying to the grantors, that even with your own consent your grantees cannot return to you a delegated trust. It overlooks the fact, that the very object of a convention is to frame a new constitution, not to amend an old one. It assumes in fact, that the people can surrender their rights in such a manner that they never can again resume them. It leads to the absurdity that had the constitution said it should never be amended, or had it provided no mode of amendment, then it would have become more unchangeable than the laws of the Medes and Persians. The assumption is at war with the whole genius, theory and practice of our government. It is also contradicted by the universal history of the country.

In the early settlements of the colonies, they looked alone to their charters as the basis of their organic laws, constitutional conventions were a part of the fruits of our independence, few of the early constitutions provided any mode of amendment, and those which did, had the very notion of successive acts of the Legislature, and yet it is believed that all of the original States, and very many of the new States, have adopted new constitutions through the agency of conventions called by the Legislature, and no evil consequences have ever yet resulted from such conventions. It is seriously apprehended that the argument against the power really proceeds from the want of confidence in the people.

The committee having arrived at the conclusion that the argument against the power is utterly groundless, they pass to the question of the necessity of amending the constitution, that it is not considered infallible is apparent from the fact that it has already been amended in the great matter of committing the election of the judiciary to the people, and, also, in the proposed amendment of that amendment providing for the temporary appointments of judges to prevent a delay of justice. Other

important amendments have been attempted, the last proposing to make the school lands available by selling them, the use by lease, provided for in the constitution being impracticable; the failure of these amendments does not prove their inutility, or that they are not necessary, but the difficulty, if not the impossibility of amending in the mode which is due more to the printers of newspapers, or the inattention or wilfulness of election judges, may defeat to say nothing of the inattention of the people to a proposed isolated amendment. Indeed, it is believed that it would now be impossible to ascertain in the manner provided in the constitution, the voice of voters for representatives upon a proposed amendment of the constitution, upon a single election day certainly it cannot be hoped that even the election judges will be sufficiently careful to ensure an amendment, should the people favor it. The conclusion, therefore, is that if our constitution is to be changed, it must be through the agency of a convention, which would be cheaper than the repeated efforts by the Legislature. It also has the advantage of selecting delegates for the single purpose of improving our present constitution, no combination with Legislative measures and expedients. The sanction of the people, both in the choice of delegates pledged to certain means, and upon the ratification or rejection, and dispatch in securing the benefits of necessary changes.

But are changes necessary? The majority of the committee hold that they are. Indeed, it would be wonderful if the quadrupling and expanding of our population within fourteen years, and the experience of that time had not developed the necessity of changes. As already remarked, the want of power to fill vacancies in judgeships where they recur so often, in many instances to a denial of justice. It is now conceded by our supreme court, and every practitioner in it, that an increase of force upon the bench, and some limitation or improvement in the right of appeal, are absolutely necessary. The sale of the school lands are demanded. The provision in regard to apportionment is so meager and vague as to leave a door for very great abuse. The prohibition against banking is legislative in its character, and should not be in the constitution.

There is a necessity that some vast interest should be placed beyond legislative control, and that the rights of the homestead should be so clearly defined as to leave no room against its consummation, which would otherwise render it useless. It is also believed that the power of manumitting slaves in the State, should be taken away. These are subject matters upon which

there is very general agreement. There are various others which might properly be submitted to the people.

All arguments as to the danger of such a course have no weight with the majority of the committee. Believing that the people are eminently capable of wise self-government, they have no distrust of their wisdom in selecting their delegates, or in ratifying or rejecting their action.

The committee would respectfully offer the accompanying bill and recommend its passage.

J. W. DAVIS,

Chairman of House Committee.

Messrs. Dickson and Dale dissenting.

Mr. Dickson gave notice of a majority vote on constitution.

On motion of Mr. Davis the rule was suspended, the report taken up and made the special order of the day for 9th January next.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to authorize county court of Comal county to levy a special tax, and recommended its passage. Bill read first time.

Mr. Hubbard introduced a bill to regulate the fees of chief justice and county clerks of this State. Read first time and referred to Judiciary committee.

Mr. Mills introduced a bill to repeal articles 788, 789, 790, and 791 of the penal code. Read first time and referred to Judiciary committee.

Also, introduced a bill to prevent judgments from becoming dormant. Read first time and referred to Judiciary committee.

Also, introduced a bill to amend article 791a of penal code. Read first time and referred to Judiciary committee.

Mr. Flewelen introduced a bill to incorporate "Live Oak Female Seminary." Read first time and referred to committee on Education.

Mr. McKnight offered the following resolution :

Resolved, That the committee on arrangements of the inauguration be requested to examine into the condition of the gallery of the hall, and if they find that it is not safe, they are hereby authorized to have it put in a safe condition. Adopted.

M. Lewis of M., presented the circular of officers and members of sundry agricultural societies. Referred to committee on Agriculture.

Mr. Navarro offered the following resolution :

Resolved, That the committee on printing be requested to inquire into the cause of the delay in the delivery of the Spanish and German translation of the Governor's message ordered by this house. Adopted.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read and disposed of as indicated, to-wit :

The bill to incorporate the Gulf Fair Coast Association, located at Victoria. Read first time and referred to committee on Stock and Stock Raising.

The bill amendatory of, and supplemental to the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company. Read first time and referred to committee on Internal Improvements.

And the bill to incorporate Starrville Union Academy. Read first time and passed to second reading.

Houses bills : The bill to amend fourth section of the act allowing discounts and set-offs, taken up and the Senate's amendments concurred in.

The bill to incorporate the Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston, taken up and amendments by the Senate concurred in.

And the bill for the relief of purchasers of University Lands, together with substitute by the Senate, taken up and the substitute adopted, and read first time and passed to second reading.

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

The bill to incorporate the Eastern Texas Railroad Company, together with report from committee on Internal Improvement, and substitute by said committee was taken up, the substitute adopted and read second time.

Mr. Norton proposed to amend section second by inserting between the words "Nacogdoches and Henderson," the words within "a one-half mile of." Adopted ; and by striking out "section fourteenth," and insert five additional sections. Adopted ; and the bill ordered to be engrossed.

On motion of Mr. Clark, the rule was suspended and the bill read third time and passed without a dissenting voice.

On motion of Mr. Perry, the bill for the relief of E. Humphreys, together with report from committee, was taken up and bill read second time and ordered to be engrossed.

Mr. Perry moved a further suspension of the rule that the bill might be passed. Lost ; and the bill passed to third reading.

On motion of Mr. Wælder the rule was suspended and the bill to pay expenses of Captain Tobin's company, with report from committee on Finance, proposing amendments, was taken up, bill read second time, and the amendments adopted.

Mr. Franklin proposed to amend by inserting after the words "fully and authenticated" the word "authorized." Adopted; and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Billingsly, Bogart, Branch, Bryan, Buckley, Caddell, Crooks, Clark, Dale, Darnell, Davis of B., Davis of H., Dennis, Dougherty, Duncan, Ellett, Epperson, Flewellen, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Hartley, Haynes, Houghton, Hubbard, Lewter, Lynch, Mabry, Manley, Martin, McClarty, McCutcheon, McKnight, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—66.

NAYS—Messrs. Fosene and Whitmore.

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

Mr. Crooks, chairman on Engrossed Bills, reported correctly engrossed the bill for the relief of H. C. Lazenby. Report adopted.

The House's bill to incorporate the Texas Masonic Institute, with amendments by the Senate was, taken up, and the amendments concurred in.

The Senate's bill for the relief of W. P. Tindall. Read first time, and referred to committee on Private Land Claims.

Senate's bill ordering return of Fisher & Miller's Colony certificates. Read first time and passed to second reading.

Mr. Ross moved that the House go into committee of whole on bill to raise revenue by direct taxation. Lost.

Senate Bills: Bill authorizing heirs, representatives or relatives of deceased persons to sue for and recover damages, where death of such persons has been caused by negligence, culpable or wrongful act of another. Read first time and referred to Judiciary committee.

Bill to change and adjust the western boundary lines of the counties of Uvalde and Dawson, and the eastern boundary line of Kinney county. Read first time and referred to committee on Counties and County Boundaries.

Bill to incorporate Salado College in Bell county. Read first time and referred to committee on Education.

Bill to grant pension to Charles Sheppard. Read first time and passed to second reading.

House Bills: Bill to amend article 955, of the Code of Criminal Procedure. Read third time and passed.

Bill making appropriation to pay the Attorney General and District Attorneys the cost due them under article 952d, of the Code of Criminal Procedure. Read third time and passed.

Bill granting pre-emption privileges to actual settlers, together with proposed substitute taken up.

Mr. Wælder moved that the bill be postponed till fourth of January next. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Barnard, Benevides, Billingsly, Bryan, Davis of B., Dennis, Flewellen, Franklin, Foscue, Hall, Hartley, Mundine, Munson, Norton, Pirkey, Redgate, Ross, Shelton, Townes, Wælder, Whitfield and Wrede—24.

NAYS—Messrs. Armstrong, Bogart, Branch, Caddell, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewis of M., Lynch, Mabry, Manley, Martin, Maverick, McCutchan, McKnight, Middleton, Mills, Nelson, Owens, Parker, Perry, Redwine, Shannon, Smith, Speights, Taylor, Walworth, Warfield, Waterhouse, Whitmore and Wortham—46.

On motion of Mr. Martin, Messrs. Culberson and Clark were added to committee on Probate Laws.

Mr. Epperson offered an additional section.

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

YEAS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dickson, Duncan, Ellett, Francis, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewter, Lynch, Martin, McCutchan, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Shannon, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—50.

NAYS—Messrs. Anderson, Billingsley, Bryan, Caddell, Davis of B., Dennis, Dougherty, Edwards, Epperson, Flewellen, Franklin, Foscue, Hartley, Lewis of M., Manley, McClarty, Mills, Pirkey, Ross and Shelton—20.

Mr. Munson proposed to amend by inserting three hundred and twenty acres in lieu of two hundred, and an additional section.

Mr. Norton moved to lay the amendment on the table.

A division of the question being called, the question re-urged on the proposed amendment to strike out "two hundred acres"

and insert "three hundred and twenty acres," which was laid on the table.

The question then being on laying the additional section on the table. The same was tabled by the following vote :

YEAS—Messrs. Armstrong, Bogart, Branch, Crooks, Dale, Darnell, Davis of B., Dickson, Duncan, Ellett, Francis, Harrison of V. Z., Haynes, Henry, Houghton, Lewter, Martin, Mauley, McCutcheon, McKnight, Middleton, Mills, Mundine, Navarro, Norton, Owens, Parker, Perry, Redwine, Shannon, Speights, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wrede—38.

NAYS—Messrs. Speaker, Anderson, Baxter, Benevides, Billingsley, Bryan, Caddell, Clark, Daniels, Davis of H., Dennis, Dougherty, Edwards, Epperson, Flewellen, Franklin, Foscue, Hall, Harrison of C., Hartley, Hubbard, Lewis of M., Lynch, Mabry, McClarty, Munson, Nelson, Pirkey, Redgate, Robinson, Ross, Shelton, Smith, Stewart, Townes, Whitfield and Wortham—37.

Mr. Davis of B., offered a substitute.

Mr. Shannon moved to lay substitute on table.

Mr. Crooks moved to adjourn till 3 o'clock P. M. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Billingsley, Branch, Caddell, Crooks, Clark, Daniels, Davis of B., Davis of H., Dickson, Edwards, Epperson, Flewellen, Franklin, Harrison of C., Harrison of V. Z., Hartley, Houghton, Lewis of M.; Lynch, Mabry, McClarty, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Stewart, Townes, Warfield, Whitfield and Whitmore—35.

NAYS—Messrs. Armstrong, Benevides, Bogart, Bryan, Dale, Darnell, Dennis, Dougherty, Duncan, Ellett, Francis, Foscue, Hall, Haynes, Henry, Hubbard, Lewter, Manly, Martin, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Redgate, Shannon, Smith, Speights, Taylor, Wælder, Walworth, Waterhouse, Wortham and Wrede—38.

The question recurring upon laying the substitute on the table. The same was put and the substitute laid on the table by the following vote :

YEAS—Messrs. Speaker, Armstrong, Benevides, Bogart, Branch, Caddell, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dickson, Dougherty, Duncan, Ellett, Francis, Hall, Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewter, Lynch, Manly, Martin, McCutchan, Middleton, Mills, Mundine, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon,

Smith, Speights, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—48.

NAYS—Messrs. Armstrong, Baxter, Billingsly, Bryan, Davis of B., Dennis, Edwards, Epperson, Flewellen, Foscue, Harrison of C., Hartly, Lewis of M., Mabry, McClarty, McKnight, Munson, Pirkey, Redgate, Ross, Shelton, Stewart and Townes—24.

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

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present—the substitute pending when the House adjourned was adopted.

Mr. Foscue proposed to amend by adding an additional section, to-wit :

Section—No person shall be entitled to the provisions of this act who belongs to any religious sect or association, political party or organization, whose object is to abolish the institution of slavery as it now exists in the State.

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

YEAS—Messrs. Armstrong, Barnard, Benevides, Bogart, Culberson, Dale, Davis of H., Ellett, Epperson, Harrison of V. Z., Haynes, Henry, Houghton, Martin, McCutchan, McKnight, Mills, Mundine, Navarro, Norton, Owens, Wælder, Walworth, Wortham and Wrede—25.

NAYS—Messrs. Speaker, Anderson, Baxter, Billingsley, Branch, Bryan, Caddell, Crooks, Darnell, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Hartley, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Manly, McClarty, Middleton, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Townes, Warfield, Waterhouse, Whitfield and Whitmore—47.

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

[Mr. Baxter in the chair].

The House refused to order the main question by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Bogart, Culberson, Dale, Darnell, Davis of B., Davis of H., Ellett, Epperson, Harrison of V. Z., Haynes, Henry, Houghton, Lynch, Martin, McCutchan, McKnight, Middleton, Mills, Mundine, Navarro, Norton, Owens, Smith, Speights, Taylor, Wælder, Walworth, Waterhouse and Wrede—32.

NAYS—Messrs. Speaker, Anderson, Baxter, Billingsley, Branch, Bryan, Caddell, Crooks, Dennis, Dickson, Dougherty, Duncan, Edwards, Flewellen, Francis, Foscue, Hall, Harrison of C., Hubbard, Lewis of M., Lewter, Mabry, Manley, McClarty, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Townes, Warfield, Whitfield and Whitmore—39.

[The Speaker resumed the chair.]

Mr. Townes offered the following amendment :

“ And every person settling upon the public domain shall make affidavit before some officer authorized to administer oaths, that he does not belong to such sect or party, or organization, and that he is not opposed to slavery.”

Adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Benevides, Branch, Caddell, Crooks, Darnell, Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Hall, Harrison of C., Haynes, Hubbard, Lewis of M., Lewter, Lynch, Manley, Nelson, Parker, Perry, Pirkey, Shelton, Short, Stewart, Townes, Walworth, Waterhouse and Whitfield—34.

NAYS—Messrs. Armstrong, Bryan, Clark, Culberson, Dale, Davis of B., Davis of H., Edwards, Ellett, Epperson, Foscue, Harrison of V. Z., Henry, Houghton, Manley, Martin, McClarty, McKnight, Middleton, Munson, Navarro, Norton, Owens, Redwine, Ross, Shannon, Smith, Speights, Taylor, Waelder, Warfield, Wortham and Wrede—33.

On motion the House adjourned till 9½ o'clock, A. M., to-morrow, pending the amendment.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 20th, 1859. }

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

Mr. McKnight presented the petition of Mrs. Elizabeth Stanley. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of German Free School Association of city of Austin. Referred to committee on Education.

Also, presented the petition of Elizabeth and James Robinson. Referred to the committee on the Judiciary.

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

Also, presented the petition of Llano county. Referred to committee on State Affairs.

Mr. Manly presented the petition of the heirs of Lorenzo de Zavala. Referred to committee on State Affairs.

Mr. Edwards presented the petition of Jno. Lowery. Referred to committee on Private Land Claims.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, recommending the passage of the bill to incorporate the Gulf Coast Fair Association, located at Victoria, with amendments by committee :

Amend section 1st by striking out &c., after the words "fees" in the 12th line, and by amending section 12th so that it read as follows :

"Be it further enacted, that this act shall be in force for 20 years, and that it take effect and be in force from and after its passage."

Mr. Wrede, one of the committee on Judicial Districts, reported, recommended the passage of the Senate's bill to create the 20th Judicial District, and define time of holding courts therein.

Mr. Parker reported a bill for the relief of Lucretia Franklin, and recommending its passage. Bill read 1st time.

Mr. Ross, one of the committee on Claims and Accounts, reported, asking to be relieved from further consideration of the petition of Swenson & Swisher, as a general bill for such relief had been passed.

Mr. Clark, one of the committee on Engrossed bills, reported correctly engrossed, the bill to incorporate the Eastern Texas Railroad Company. Report accepted.

Mr. Francis, one of the committee on Claims and Accounts, reported, asking to be relieved from further consideration of the bill for the relief of Ezekial Ballard.

Mr. Shannon, chairman of committee on Private Land Claims reported, asking that the petition of Benj. R. Milam, be referred to committee on Judiciary. Report adopted.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of the heirs of Benjamin R. Milam, have had the same under consideration, and after giving the whole subject a thorough investigation, instruct me to report as follows, to-wit :

That the heirs of Milam predicate their claim against the State of Texas, upon the fact, that Benjamin R. Milam received from the Republic of Mexico, A. D. 1824, a grant for eleven

leagues of land, situated upon the right bank of Red river, opposite the mouth of Little river, and that in 1842, by the running of the boundary line between the United States and the Republic of Texas, it was ascertained that the land upon which the said grant of Milam's was situated, was in the territory of the United States.

There was no satisfactory evidence before the committee that the said Milam had ever complied with the provisions of the law which would have entitled him to an unconditional grant for eleven leagues of land, and there being no unconditional grant produced in evidence before the committee, the natural presumption was, that no such grant existed. The committee further instruct me to report, that they do not consider the State is under any equitable obligations to perfect any deficient land titles emanating from the government of Mexico, before the State of Texas had an existence.

But, in order that the petitioners may have the advantage of a thorough investigation of the legal claims against the State of Texas, your committee have instructed to report the same back to the House and ask its reference to the committee on the Judiciary.

W. R. SHANNON,
Chairman.

Mr. Munson, chairman of committee on Education, reported, as follows, recommending the indefinite postponement of the bill to repeal the act establishing the University of Texas.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Education to whom was referred a bill, entitled an act to repeal the University law, passed by the 7th Legislature, have with much care considered the same, and a majority of said committee, instruct me to report the bill back to the House, and to recommend its indefinite postponement.

As a reason to the House why the committee make this recommendation they respectfully submit the following :

That the appropriations of land and money for the University of Texas, were not withdrawn from the funds set apart for common schools, each being a separate, independent appropriation.

Hence, it is the more desirable, that they should not be interfered with, or diverted by improvident repeal from the object for which they were made.

It was the cherished desire, the wise design, of the late Republic of Texas, to provide the means for giving to their children, a finished education at home. Accordingly as early as

January 26th, 1839, they set apart fifty leagues of land for University purposes, (not common schools) to which grant the last Legislature added one-tenth part of the railroad reserve lands, and \$100,000, in United States five per cent. bonds. The 7th Legislature in passing a bill to establish a State University, seemed desirous of inaugurating a policy, indicated by the early settlers of Texas, and in this, a majority of your committee, commend their action, as both patriotic and wise.

Past Legislatures of the State have always evidenced much interest upon the subject of common schools, and the present Legislature in the same spirit, seems willing to make additional provision for the same, and liberally to aid private educational enterprises; but, while they aim to strengthen the foundation, they should also desire to preserve and protect the superstructure. Your committee see no good reason, why the youth of Texas should be compelled to go abroad to obtain a finished education, nor do they think that expending vast sums of money annually for tuition, and maintenance out of Texas, and thus imbibing the ideas, both social and political of other States, or countries, than that in which they live, can be productive of much good to this State.

Hence, the committee earnestly urge, that the initiative steps taken to prevent the continuance of such a necessity be not disregarded.

But while they look with pleasure upon the provisions made for common schools, and upon the efforts of private enterprise to afford facilities in the way of obtaining education, they are unwilling to believe, that the State of Texas, with all her ample resources, would be other than recreant to to herself, should she fail in carrying out the original plan, of herself furnishing the facilities of a thorough education, making common schools the commencement, and a University (alike free) the completion of the system.

Such is the plan provided by the laws now in force. When carried into effect it cannot fail to be of the greatest benefit to our State; then every boy in Texas will be able to obtain, first the rudiments of an education, at a common school, and afterwards without expending his money out of the State, and without being moulded by the sentiment of a community in which he is not to live, will have the opportunities afforded by an extensive library, by improved instruments; but paramount to all, by the perfect teacher, rarely found, and never secured but with a liberal salary.

The poor young men of our country, who have to maintain

themselves at home, at all events cannot justly be debarred of the benefits of this system, which a majority of your committee regard as eminently wise, and which they most sincerely desire to see put in successful operation.

They see no sufficient reason for mutilating the system established by law, and for making it so primary in its nature, as to compel such of our youth as are able to seek education, abroad, and to debar those who are poor, from the opportunity of ever obtaining a liberal, scientific education at home. Our laws regard common schools as the foundation to which the University is and should be to the superstructure.

A majority of your committee believe the State of Texas, should maintain and carry out a complete system of education, such as is designed by her present laws, satisfied that it is just and equal, that it is demanded by the age, and by the best interests of our people, and that it cannot be abandoned without discredit to herself.

M. S. MUNSON.

Mr. Norton gave notice that an adverse minority report would be submitted.

Mr. Foscoe, chairman of committee on Internal Improvements, reported, recommending the passage of the Senate's bill, providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi bay.

Also, recommended the passage of the bill amendatory and supplemental to the act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company.

Mr. Daniels, one of the committee on Private Land Claims, reported, asking that the petition of the heirs of Jas. M. Robinson, be referred to committee on Court of Claims. Report adopted.

Mr. Bryan, one of the committee on Private Land Claims, reported a bill for the relief of Thos. Norris and Thos. Barnett, and recommended its passage. Bill read first time.

Mr. Mabry, chairman of the committee on Enrolled Bills, reported correctly enrolled and properly signed, a bill for the relief of Mich'l K. Hammon and that the same had been presented to the Governor for approval and signature.

A message was received from the Governor.

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

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

A bill for the relief of the heirs of C. Buckner.

A bill to authorize the Comptroller to contract for 500 copies of the new Abstract of land titles.

A bill making appropriation to furnish Governor's mansion.

A bill to repeal the act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill to incorporate the Hebrew Congregation at the city of Houston, with amendments by the Senate.

Senate's bills: A bill for the relief of Myram Mudget and his assignee.

A bill for the relief of the heirs of Jno. Gates, deceased.

A bill to require the field notes of certain surveys in Young Land District to be recorded in the surveyor's office.

A bill to amend the act for the relief of Nath'l. Prescott, R. S. Wheat, L. G. McGaughey and Eliza Green, passed Sep. 1st., 1856.

A bill to permit Mercers' colony certificates to be located upon any public vacant domain in the State.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law.

A bill to amend the 2nd, 5th, 8th, and 9th sections of the act to authorize the sale of public domain, and a joint resolution requesting our Senators and Representatives in Congress to obtain the removal of the port of entry for the District of Brazos St. Iago from Point Isabel to Brownsville, and to obtain an appropriation for building a custom-house.

Mr. Davis of H., introduced a bill to change the time of holding courts in the 2nd judicial district, and to direct district clerks to apportion their dockets. Read first time and referred to committee on Judicial Districts.

Mr. Hall introduced a bill to encourage the citizens of El Paso county to irrigate the Rio Grande valley. Read first time and referred to committee on State Affairs.

Mr. Navarro introduced a bill to incorporate the Corpus Christi Bridge and Turnpike Company. Read first time and referred to committee on Roads, Bridges and Ferries.

On motion of Mr. Darnell the rule was suspended, and the bill to create the 20th judicial district, and define the time of holding courts therein, together with report from committee, was taken up and read.

Mr. Shannon offered a substitute for the bill.

Mr. Nelson proposed to amend the substitute by striking out "Palo Pinto county." Adopted, and the substitute rejected.

Mr. Shannon proposed to amend the bill by striking out "Collin county." Lost, and the bill passed to third reading.

On motion, the rule was further suspended. Bill read third time and passed.

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

The bill to incorporate the Houston, Trinity and Tyler Railroad Company, together with report from committee, recommending amendments, was taken up, and the amendments adopted.

[Mr. Dennis in the Chair.]

Mr. Culberson proposed to amend the 1st section by adding the names : " B. J. Terry, Jno. Speake, Dan, l Cole; J. C. Kuhn, E. B. Nichols, Julius A. Kaufinan, A. T. James, J. C. Smith, J. S. Collard, A. W. Wright and W. H. Hart." Adopted.

Also, proposed to amend 2nd section, by adding after the words, "Smith county," the words, "thence to Texacana in Bowie county, via, Gilmer in Upshur county, and Jefferson in Cass county." Adopted.

Mr. Mills offered the following additional section :

Section—That no person shall be a stockholder or director in said railroad, who belongs to any religious sect or association, political party or organization, whose object is to abolish the institution of slavery as it now exists in this State.

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

YEAS.—Messrs. Speaker, Anderson, Banard, Billingsly, Bryan, Crooks, Clark, Culberson, Dale, Daniels, Davis of B., Davis of H., Dougherty, Edwards, Ellett, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C. Harrison of V. Z. Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Martin, McClarty, McKnight, Mills, Mundine, Munson, Navarro, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Smith, Taylor, Townes, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—51.

NAYS.—Messrs. Armstrong, Baxter, Bogart, Caddell, Darnell, Dennis, Dickson, Flewellen, Hartley, Haynes, Lynch, Mabry, McCatchan, Middleton, Nelson, Norton, Owens, Shannon, Short and Speights—20.

Mr. Hubbard proposed to amend by adding an additional section. Adopted.

Mr. Munson proposed to amend section 4th, line 2nd, by inserting after the words, "this act," the words, "or a majority of them." Adopted.

Also, proposed to amend by adding an additional section.

Adopted, and the bill passed to the third reading.

On motion, the rule was further suspended, the bill read third time and passed, with but one dissenting voice.

Mr. Redwine moved to re-consider the vote rejecting the amendment to the pre-emption bill, to confine the benefits of said bill to citizens of this State.

On motion, the consideration of the motion was postponed till Monday next.

The following communication with accompanying documents was received from the Governor :

EXECUTIVE OFFICE, }
Dec. 19th, 1859. }

Gentlemen of the Senate

and House of Representatives :

I herewith enclose by request a memorial of the Washington National Monument Society.

Signed,

H. R. RUNNELS.

Referred to committee on Federal Relations.

EXECUTIVE OFFICE, }
Dec. 20th, 1859. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

In compliance with a resolution of the House of Representatives of Nov. 15th, 1859, I enclose the report of the Hon. W. R. Scurry, Commissioner on the part of the State, to run the boundry line between the State of Texas and the United States Territories: also, that of W. A. Bush, Esq., Secretary of the Commission and acting Commissioner from 19th June last, who assumed its duties, in consequence of the resignation of the Commissioner, with the sanction of the Executive. It will be seen that the survey has not been completed, but doubtless every effort has been made to advance it, by those in charge of the Commission on the part of the State. I am informed that an additional appropriation will be required for this object, the amount of which I am unable to state from any data in my possession. For more particular information of the condition and progress of the survey I respectfully refer you to the reports herewith enclosed.

Signed,

H. R. RUNNELS.

Referred to committee on State Affairs.

The report from committee on Arrangements for inauguration of Governor, was taken up and adopted.

On motion, Mr. Flewellen was granted a leave of absence till 1st of January, 1860.

On motion of Mr. Munson the rule was suspended, and a bill to incorporate the Sabine and Galveston Railroad and Lumber Company, passed September 1st, 1856, together with report from committee on Internal Improvements, recommending its passage, taken up, read second time, and on motion of Mr. Hubbard, the rule was further suspended read third time and passed without a dissenting voice.

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

Resolved, That if the weather be suitable, the inauguration shall take place in front of the Capitol, and the committee on Arrangements are instructed to make suitable preparations, and to arrange the order of the same. Adopted

On motion of Mr. Townes, Mr. Daniels was granted leave of absence till 4th January, 1850.

On motion of Mr. Manly, Mr. Bryan was granted leave of absence for five days.

On motion of Mr. Shannon, the rule was suspended, and the bill supplemental and amendatory of the "act to provide relief for pre-emption settlers and their assigns," under the act of January 22nd, 1845, the act of February 7th, 1853, and the act of February 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad reservation, together with report from committee on Public Lands, was taken up, read second time and passed to third reading.

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

Mr. Davis of B., moved to suspend the rule and take up bill for relief of Wiley Burns *et al.* Lost.

On motion of Mr. Taylor, the rule was suspended, and the Senate's bill to postpone sale of University lands that have been forfeited, &c. &c., was taken up, and read second time and passed to third reading.

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

On motion of Mr. Dougherty, the rule was suspended and the joint resolution relative to removal of port of entry from Point Isabel to Brownsville, &c. &c., was taken up and read first time.

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

Again on motion of Mr. Dougherty, the rule was further suspended. Resolution read third time and passed.

On motion of Mr. Lewis of M., the rule was suspended, and the bill to amend the act regulating the practice of Attorneys and Counsellors-at-law, together with report from Judicial com-

mitter, recommending amendments, taken up read second time and amendments adopted.

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

HOUSE OF REPRESENTATIVES, }
 Wednesday, December 21st, 1859. }

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

On motion of Mr. Dickson, the House took a recess of five minutes to prepare to receive the session in joint session, to inaugurate the Governor and Lieutenant-Governor. Recess expired—roll called, quorum present.

The Senate, headed by Honorable Jesse Grimes, President *pro tem.*, appeared; the President was invited to a seat on the right of the Speaker, and the Senators to seats within the bar.

Senator Townes moved that the joint session adjourn to the front of the Capitol. Lost.

On motion of Senator Stockdale, a committee of three, consisting of Messrs. Stockdale, of the Senate, and Dickson and Smith, of the House, were appointed to wait on the Governor and Lieutenant-Governor elect, and inform them that the two Houses were ready to receive them.

The committee reported that the Governor desired the two Houses to meet him in front of the Capitol.

On motion the joint session took a recess of fifteen minutes. Recess expired—roll called, quorum present.

The Speaker instructed the chief clerk of the House to inform the Governor and Lieutenant-Governor that the joint session were awaiting them.

The Governor and Lieutenant-Governor elect, and the retiring Governor and Lieutenant-Governor, preceded by chief justice R. T. Wheeler and associate justice O. M. Roberts, appeared.

The retiring Governor and Lieutenant-Governor were invited to seats on the right, and the Governor and Lieutenant-Governor elect, to seats on the left of the Speaker, and the justices of the supreme court to seats prepared for them in front of the Speaker's stand.

The retiring Governor and Lieutenant-Governor then delivered respectively their valedictories as follows :

Gentlemen of the Legislature

and fellow-citizens :

This vast concourse has assembled to-day to witness one of

those interesting periodical events which mark the history, progress and development of a free constitutional government, to witness the transfer of honor and authority from those who have been entrusted with the difficult and perplexing cares of State, to the hands of others, who, by election of the people, have been chosen to assume them. It having been my fortune to hold the position which I am now about to surrender, for the past two years, custom as well as a proper regard for the occasion has seemed to require that I should add my presence and participate in the ceremonies that are to commemorate it. In performing this task, let no one be surprised at the difficulty I find in arriving at that which shall at the same time be appropriate and expressive of my own sentiments, nor let it be supposed that this difficulty and embarrassment arises from any feeling of reluctance at the surrender of a position environed with difficulties, which it has required so enlarged a sentiment of self-sacrifice and so much firmness and determination of purpose, faithfully to encounter. There are those within the sound of my voice who know that the act of to-day would have been voluntary on my part, could I have been permitted the free exercise of my own inclinations; but had they even been different, and the office again earnestly desired, I should regard my position in defeat far more fortunate and honorable than to have succeeded at a price of principle and a surrender of the independence of thought, or, by swerving one iota from that disinterestedness of action by which he who has imposed on him high moral and constitutional duties should alone be governed. It is not my intention to weary the public patience with a recital of my long connexion with our public affairs, nor shall I stoop to a vindication of its history from the misrepresentations with which it has been assailed. The time and occasion are not propitious. The purpose of the hour is to listen to the enunciation of principle and policy from those who are to take—not those who are about to yield position. My own is already part and parcel of the history of the country, and it is for these who may seek truth for their guidance to examine it and judge for themselves. As a Representative of the people, as the presiding officer of either branch of the Legislature, or as the Executive of the State, I have faltered in the performance of no duty, changed no opinion, abandoned no position, advanced no new theory, but consistently adhered to the same principles of State and federal policy from the beginning of my career to the present time; striving only for the present and future welfare and safety of my State and country.

It has been well and truly said that "censure is the tax a man pays the public for being eminent," and without presuming upon this myself, if I could close my eyes to the truth, that the recent change of popular sentiment, is more to be attributed to the name and fame of the aged and eminent chieftain who sits before you, than to the course of a few licentious presses and politicians who in the heat of partisan strife have forgotten or disregarded the proprieties and amenities of life, I should then regard that change as truly suggestive of serious reflection to those who may hereafter seem to tread the thorny path of political life in Texas.

Two years ago on taking the oath of office I recommended the organization of a militia in view of the impending sectional difficulties as a measure of public defense, as a necessary measure of public defense only. It was not then favorably acted on by the Legislature, but subsequent events have fully justified the recommendation. It is now clearly demonstrated by the history of the past five years that a deep unchangeable determination exists in the Northern States to assail our dearest political rights, and if possible destroy our domestic institutions. This determination has its foundation in a difference in the manners, feelings and opinions of the northern people upon the subject of negro slavery. They believe it to be a moral, social and political evil. This belief strengthened into a conviction has been incorporated with and now constitutes the soul of their religion and the mainspring of their morality. In the South, the great mass of the people entertain opinions entirely opposite in their character, which are equally irrevocable and equally amalgamated with our religion and morality. We therefore occupy the singular and anomalous position of two people differing in almost everything calculated to promote peace, happiness and fraternity, and yet in many respects living under the same government. One of these people is actuated by a spirit of aggression; the other standing upon the ramparts of the constitution, is acting upon the defensive; and asking only to be let alone. It is unnecessary to recapitulate facts to substantiate these truths, nor that a wide spread conviction exists that we are approaching a terrible crisis, and that we being forewarned we should be also forearmed. The history of the world affords no example of two people so divided long remaining under a common government, of their own voluntary accord. The framers of ours foreseeing a change of the opinions and sentiments of its different people, attempted by leaving this and other questions of domestic policy to the State government as much as possible, to avoid if practicable, future cause of disruption, and by restricting the federal

government to the powers delegated by the constitution, place it beyond the power of any one section to interfere with the peculiar interest and institutions of another. The binding efficacy of these restrictions from every indication is now soon to be tested, and a question to be determined is, whether Texas will remain indifferent to the consequences while those with whom she should be united by every tie of blood and interest, are animated with but one sentiment in regard to the common danger. Preparation will not hasten the coming of events, if come they must, while if it does not prevent, it may avert the consequences of the threatening storm. The time has surely arrived when the South should look to her defences.

I have now, perhaps, exceeded the limits prescribed for such an occasion ; yet I can not conclude without a word of farewell to those with whom I have been associated ; who are bound to me by the strongest ties of sympathy, and that friendship which results from common labors and common motives. I honor the magnanimity which rises above the mere considerations of party. The rancor of its hostilities is more than counterbalanced by the spirit of truth and justice evinced by it, and above all, the remembrance of that charity blended with so many evidences of kindness and appreciation from fair hands, which has been so generously bestowed during my sojourn at the Capital, will be carried with me to my distant home, and deeply treasured in the well of memory until life's last pulsation shall cease.

And the Hon. F. R. Lubbock delivered the following valedictory address :

Senators, Representatives, Ladies,

and you my fellow-citizens :

Two years ago I had the pleasure of appearing before you upon this stand, then taking upon myself an obligation to discharge the duties incumbent upon me as Lieutenant Governor of this our empire State. To-day I am here surrendering the trust then reposed in me to another, he being the choice of the voters of the State of Texas.

I have my fellow-citizens endeavored to perform every duty incumbent upon me with fidelity and impartiality.

I am conscious of having discharged them with an eye single to the public good.

I feel that it would not be in good taste for me to make a speech upon this interesting occasion, or to suggest such matters as I might deem of great importance to the welfare of the nation; others will follow more able and experienced than myself, nevertheless, I cannot permit this opportunity to pass without con-

gratulating my fellow-citizens upon the general prosperity of our country. We have been peculiarly favored by Divine Providence, and with the exception of our frontier troubles, I can but see that Texas is fast advancing to that prominent position which she is destined to occupy in this nation.

Prompt and efficient frontier protection is demanded by the wants of the people, and I trust the present Legislature will not adjourn without having fixed upon some efficient plan for the permanent protection of our exposed settlement.

Our system of Internal Improvements is rapidly developing the vast resources of our fertile and productive State, and by continuing our present liberal policy, much good must result in a very short space of time.

For the many evidences of kindness received at the hands of my fellow-citizens, I feel, and will ever feel grateful, and through you their Representatives, let me return to them my most cordial thanks.

Ladies, for your attention and the interest you manifest in the affairs of the State, I thank you. I am not sufficiently gifted to entertain you with compliments, tropes and figures, but believe me when I say, that no one is more ready to pay homage to the matrons and daughters of America than I, or more fully appreciates their beauty, intellect and influence.

I thank the audience for their kind attention, and I shall ever recall with pleasure my agreeable sojourn at the city of Austin.

The oath of office was then administered to the Governor and Lieutenant-Governor elect, by chief justice Wheeler.

The Governor and Lieutenant-Governor elect, then announced that they would address the audience from the portico in front of the Capitol.

On motion the Senate retired to their chamber.

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

HOUSE OF REPRESENTATIVES, }
Saturday, December 24th, 1859. }

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

Mr. Middleton presented petition of John Barton. Referred to committee on Private Land Claims.

Mr. McClarty, chairman of committee on Judicial Districts, reported, recommending the passage of the bill to fix the time of holding courts in the nineteenth judicial district.

Also reported, recommending the indefinite postponement of the bill to create the twentieth district, as a bill of like tenor is now before the House

Also recommended the indefinite postponement of the bill to create the ——— judicial district, as the House had passed a Senate's bill conflicting in part with this.

Mr. Davis of H., one of the committee on Judicial Districts, reported, recommending the passage of the bill to change the time of holding courts in the second judicial district.

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

Mr. Mabry presented the petition of the citizens of Cass county. Referred to committee on Internal Improvements.

Mr. Manly presented the petition of Charlotte D. Ross. Referred to committee on Public Lands.

Mr. Wortham presented the petition of sundry citizens of Hopkins county. Referred to committee on counties and county boundaries.

Also presented the petition of A. Whetston. Referred to committee on Private Land Claims.

Mr. Short, one of the committee on State Affairs, reported, recommending the passage of the joint resolution relative to the San Antonio and San Diego mail service.

Mr. Smith introduced a bill for the relief of Hiram C. Ours. Read first time and referred to committee on Private Land Claims.

Mr. Dickson introduced a bill for the relief of heirs of James Holland. Read first time and referred to committee on Public Lands.

Mr. Foscue introduced a bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Armstrong introduced a joint resolution to sell outlying territory to the United States for Indian purposes. Read first time.

And on motion of Mr. Armstrong, one hundred copies ordered to be printed.

Mr. Henderson introduced a bill for the relief of Fred Martin and E. Benson. Read first time and referred to committee on Public Debt.

Mr. Ellett introduced a bill to authorize the district surveyor of Denton district to transcribe the records of said district. Read first time and referred to committee on State Affairs.

Mr. Townes introduced a bill for the relief of the heirs of William Jackson. Read first time and referred to committee on Private Land Claims.

Mr. Clark introduced a bill to make admissible in the courts of the State unrecorded deeds and conveyances on file in the General Land Office.

Mr. Epperson introduced a bill for the relief of Greenbury Gates. Read first time and referred to committee on Private Land Claims.

Mr. Hubbard introduced a bill to regulate final judgment of the district courts of this State in civil cases. Read first time and referred to Judiciary committee.

Mr. Norton introduced a bill to increase the common School Fund. Read first time and referred to committee on Education.

Mr. Speights introduced a bill to increase the pay of Sheriffs and Constable. Read first time and referred to committee on State Affairs.

Mr. Ellett introduced a bill to relinquish State Tax to Denton county. Read first time and referred to committee on State Affairs.

Mr. Dennis by request, was permitted to withdraw report of committee on State Affairs, on the petition of the citizens of Comal county to levy a special tax.

ORDERS OF THE DAY.

On motion of Mr. Branch, the bill to fix time of holding courts in the seventh Judicial District, together with the report from committee on Judicial Districts, was taken up. Bill read second time and ordered to be engrossed.

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

On motion of Mr. Martin, the rule was suspended and the bill to change time of holding courts in sixth Judicial District, together with report from committee, taken up and read second time.

Mr. Martin offered a substitute.

Mr. Ross moved to refer bill and substitute to committee on Judicial Districts. Lost, and the substitute adopted. Read second time and ordered to be engrossed.

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

On motion of Mr. Pirkey, the bill to regulate the time of holding courts in the eighth Judicial District, together with report from committee, was taken up, and bill read second time,

and on motion of Mr. Taylor, laid on table till Monday 11 o'clock.

On motion of Mr. Wælder, the rule was suspended, and the bill to amend the charter of New Braunsfels, was taken up, read second time and ordered to be engrossed.

Mr. Wælder moved a further suspension that the bill might pass. Lost.

Mr. Crooks, chairman of committee on Engrossed Bills, reported engrossed, the bill for the relief of the heirs of E. Humphries. Report accepted.

Mr. Craig, as chairman of committee on Roads, Bridges and Ferries, by permission reported, recommending the passage of the bill to authorize Adam Sullivan to construct a bridge across Sabine river.

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

Resolved, That the Judiciary committee be instructed to report a bill so amending the Penal Code as to make it a penitentiary offence for a county treasurer and assessor and collector to speculate upon county scrip, or to buy the same either directly or indirectly. Adopted.

Mr. Hartley, by permission, introduced a bill for the relief of James Dougherty. Read first time and referred to committee on State Affairs.

Mr. Davis of H., moved to suspend rule and take up bill for relief of Wiley Burns *et al.* Lost.

On motion of Mr. Wælder, the rule was suspended and the bill to amend the charter of New Braunsfels, was taken up, read third time and passed.

On motion of Mr. Nelson the rule was suspended, and the bill for the protection of the frontier, was taken up, and made special order of the day for Tuesday next at 11 o'clock.

Mr. Ross moved to go into committee of whole on the bill to raise the revenue by direct taxation. Lost.

On motion of Mr. Baxter, the rule was suspended and the bill for the relief of Wiley Burns, with report from committee recommending amendments, was taken up, the bill read second time, the amendments concurred in, and the bill passed to third reading.

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

The House's bill to incorporate the Hebrew congregation at the city of Houston, with amendments by the Senate, was taken up, and the amendments concurred in.

The following named Senate bills were taken up, read and disposed of as indicated, to-wit :

Bill to permit Mercer's Colony certificates to be located upon any vacant public domain in the State. Read first time and referred to committee on Public Lands.

Bill to amend second, fifth, eighth and ninth sections of the act to authorize the sale of public domain. Read first time and referred to committee on Public Lands.

Bill to authorize the Commissioner of the General Land Office to issue patents on surveys made not in the form required by law. Read first time and referred to Judiciary committee.

(Mr. Mills, by permission, introduced a bill to regulate the courts in the ninth Judicial District, and a bill to regulate the courts in the sixteenth Judicial District. Both read first time and referred to Judiciary committee.)

Bill to require field notes of certain surveys in Young Land District to be recorded in the Surveyor's office. Read first time and referred to committee on Public Lands.

Bill for relief of Myram Mudget and his assignees. Read first time and referred to committee on Private Land Claims.

Bill to amend an act for relief of Nathaniel Prescott, R. S. Wheat, I. G. M. Gaughey and Eliza Green, passed September 1st, 1856. Read first time and passed to second reading.

Bill for the relief of heirs of Jno. Gates. Read first time and referred to committee on Private Land Claims.

House bills : Bill for the relief of heirs of E. Humphreys. Read third time and passed.

Bill for the relief of H. C. Lazenby. Read third time and passed by the following vote :

YEAS.—Messrs. Speaker, Barnard, Baxter, Benevides, Bogart, Branch, Caddell, Craig, Crooks, Clark, Culberson, Darnell, Davis of B., Davis of H., Dickson, Duncan, Edwards, Ellett, Epperson, Franklin, Hall, Hartley, Haynes, Henderson, Hubbard, Henry, Lewis of M., Mabry, Manly, Martin, McClarty, McCutchan, Mills, Navarro, Nelson, Pirkey, Redgate, Shannon, Short, Smith, Taylor, Townes, Welder, Walworth, Whitfield and Wortham—47.

NAYS.—Messrs. Armstrong, Dougherty, Francis, Foscue, Harrison of C., Harrison of V. Z., Houghton, Lewter, McKnight, Middleton, Nelson, Parker, Perry, Re.wire, Ross, Shelton, Speights, Warfield, Waterhouse and Whitmore—20.

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

YEAS.—Messrs. Speaker, Barnard, Benevides, Bogart, Caddell,

Clark, Dennis, Dickson, Edwards, Epperson, Francis, Harrison of V. Z., Hartley, Haynes, Henderson, McClarty, Middleton, McKnight, Nelson, Parker, Pirkey, Redwine, Ross, Shelton, Smith, Warfield, Waterhouse and Whitfield—29.

YAYS.—Messrs. Armstrong, Baxter, Branch, Craig, Crooks, Darnell, Davis of B., Davis of H., Dougherty, Duncan, Ellett, Franklin, Foscue, Hall, Harrison of C., Henry, Hubbard, Lewis of M., Lewter, Mabry, Manley, Martin, Mills, Norton, Perry, Redgate, Shannon, Short, Speights, Taylor, Townies, Wælder, Walworth, Whitfield and Wortham.

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

YEAS—Messrs. Armstrong, Baxter, Benevides, Branch, Crooks, Culberson, Dennis, Dougherty, Duncan, Epperson, Franklin, Hall, Hartley, Haynes, Henry, Henderson, Houghton, Manly, Nelson, Perry, Redgate, Townies, Walworth and Whitfield—25.

NAYS—Messrs. Speaker, Bogart, Caddell, Craig, Clark, Darnell, Davis of B., Davis of H., Dickson, Edwards, Ellett, Francis, Foscue, Harrison of C., Harrison of V. Z., Hubbard, Lewis of M., Lewter, Mabry, Martin, McClarty, McCutchan, McKnight, Middleton, Mills, Navarro, Norton, Parker, Redwine, Ross, Shannon, Shelton, Smith, Speights, Wælder, Warfield, Waterhouse, Whitmore and Wortham—39.

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

YEAS—Messrs. Armstrong, Bogart, Darnell, Davis of B., Davis of H., Dickson, Edwards, Epperson, Francis, Harrison of C., Harrison of V. Z., Henderson, Henry, Hubbard, Lewter, McClarty, McKnight, Navarro, Parker, Redwine, Ross, Shelton, Speights, Warfield and Whitmore—25.

NAYS—Messrs. Baxter, Benevides, Branch, Craig, Caddell, Crooks, Clark, Culberson, Dougherty, Duncan, Foscue, Hartley, Haynes, Houghton, Lewis of M., Mabry, Manley, Martin, McCutchan, Middleton, Mills, Nelson, Norton, Perry, Pirkey, Redgate, Shannon, Short, Smith, Taylor, Townies, Wælder, Walworth, Waterhouse, Whitfield and Wortham—35.

On motion the House adjourned till 9½ o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVE, }
Austin, Monday, December 26th, 1859. }

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

Mr. Clark presented the petition of sundry citizens of Sabine county. Referred to committee on Counties and County Boundaries.

Mr. Harrison of V Z., one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Wm. Phelps.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Wilson Woods.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the Senate's bills for the relief of James C. Dillingham, and for the relief of the heirs of John Gates.

Mr. Lewter, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Alexander Wheeler.

Mr. Speights, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Bennett H. Zachary.

On motion of Mr. Henderson, the rule was suspended, and the bill for the relief of Wm. Phelps, with report from committee, was taken up, read second time, and ordered to be engrossed.

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

Mr. Ross, chairman of committee on Counties and County Boundaries, reported a bill to change the south boundary line of Smith county, and recommending its passage; Mr. Harrison of C., and Edwards dissenting from the report.

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

Mr. Francis proposed to amend by leaving it to a vote of the people of the county, at the next August election. Rejected, and bill ordered to be engrossed.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, recommending the indefinite postponement of the Senate's bill to change and adjust the western boundary lines of the counties of Uvalde and Dawson, and the eastern boundary line of Kinney county.

Also, recommended the indefinite postponement of the petition of citizens of Boerne and Sisterdale, in Blanco county.

Mr. Dougherty, chairman of committee on Stock and Stock-Raising, reported, recommending the indefinite postponement of the bill to prevent holders of stock from trespassing on lands of others.

Also, asked to be discharged from further consideration of the bill supplemental to the act regulating estrays, as a bill embracing the substance of the above described bill is now before the House.

On motion of Mr. Mills, the bill to legalize certain surveys in Mercer's Colony, was taken up, bill read second time, and on motion of Mr. Harrison of V Z., laid on the table.

On motion of Mr. Wælder, the Senate's bill to validate certain surveys in Fisher & Miller's and Peters' Colonies, with report from committee recommending the passage of a substitute proposed by the committee, was taken up and read second time.

Mr. Mills proposed to amend by striking out the first proviso.

Mr. Hartley moved to lay the bill and substitute on the table. Lost; and the proviso struck out by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Caddell, Camp, Craig, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Duncan, Ellett, Epperson, Francis, Harrison of V Z., Henry, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Middleton, Mills, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Shannon, Shelton, Smith, Taylor, Townes, Wælder, Warfield, Waterhouse, Whitfield and Wortham—48.

NAYS.—Messrs. Dickson, Franklin, Foscue, Harrison of C., Hartley, Henderson, McCutchan, McKnight, Redgate, Ross, Speights and Whitmore—12.

Mr. Pirkey proposed to amend by inserting after "colony certificates," "headright certificates, land warrants and scrip of actual settlers." Rejected; and the substitute adopted, and the bill ordered to be engrossed by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Franklin, Harrison of V Z., Haynes, Henderson, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Martin, McClarty, McKnight, Mills, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Shannon, Shelton, Short, Smith, Speights, Taylor, Wælder, Warfield, Waterhouse, Whitfield Whitmore and Wortham—56.

NAYS.—Messrs. Caddell, Foscue, McCutchan and Ross—4.

Mr. Mills moved to suspend the rule, that the bill might be read third time and passed. Lost.

[Mr. Taylor of Fannin in the Chair].

On motion of Mr. Taylor of Cass, the bill to incorporate the

Jefferson Insurance Company, together with report from committee, recommending amendments, was taken up, and the proposed amendments concurred in, the bill read second time, and ordered to be engrossed.

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

On motion of Mr. Benevides, the bill for the relief of Jose Maria Gonzales, together with report from committee, was taken up, bill read second time, and ordered to be engrossed.

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

Mr. Franklin introduced a bill to amend the 24th section of the act of 27th August, 1855, to consolidate in one act and to amend the several acts incorporating the city of Galveston.— Read first time, and referred to committee on State Affairs.

Mr. McKnight introduced a bill to increase the Common School Fund. Read first time, and referred to committee on Education.

Mr. Davis, of B., introduced a bill supplemental to the act passed March 12th. 1846, regulating attorneys-at-law. Read first time, and referred to Judiciary committee.

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

Mr. Henderson introduced a bill to incorporate the Texas Mining and Manufacturing Company. Read first time, and referred to committee on State Affairs.

Mr. Bogart introduced a bill for the relief of Daniel Kitchings. Read first time, and referred to committee on Private Land Claims.

Mr. Epperson introduced a bill to incorporate the Dialectic Society of McKenzie Institute. Read first time, and referred to committee on Education.

Also, a bill to regulate proceedings in justices' courts. Read first time, and referred to Judiciary committee.

On motion of Mr. Branch, the rule was suspended, and the bill for the relief of Jno. C. P. Kennymore, together with report from committee, was taken up. Bill read second time, and ordered to be engrossed.

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

Mr. Kinney introduced a joint resolution to sell to the United States the north-western part of the public domain for Indian

purposes, and for other purposes. Read first time, and referred to committee on State Affairs.

On motion of Mr. Ross, the bill to re-organize the Court of Claims, &c., was taken up, and made the special order of the day for Friday next, 11 o'clock.

ORDERS OF THE DAY.

The bill to grant to settlers on vacant public domain pre-emption privileges, together with proposed amendments, was again taken up.

Mr. Henderson moved to recommit the bill to committee on Public Lands. Lost.

Mr. Harrison, of V Z., moved to postpone till 2d of January next, at 11 o'clock. Lost.

Mr. Davis, of H., moved to adjourn till 3 o'clock, P. M.—Lost.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow, pending the pre-emption bill.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 27th, 1859. }

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

Mr. Dickson presented the petition of W. C. Phillips. Referred to committee on Public Buildings.

Mr. Wortham presented the petition of sundry citizens of Hopkins county. Referred to committee on Counties and County Boundaries.

Mr. Townes presented the petition of Mary Ann Long. Referred to committee on Private Land Claims.

Mr. Darnell presented the petition of Hugh Kinney. Referred to committee on Private Land Claims.

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

A bill to change the time of holding courts in the 6th judicial district.

A bill supplemental to the act supplementary and amendatory to the act to regulate railroad companies, approved February 7th, 1853, approved December 19th, 1857.

And the bill to incorporate the Houston, Trinity and Tyler Railroad Company.

Mr. Dennis, chairman of committee on State Affairs reported, recommending the passage of the following named bills, to-wit :

A bill to incorporate the Fire Association of San Antonio.

A bill for the relief of Joseph Dougherty.

A bill to authorize the surveyor of Denton District to transcribe the records of said District.

And a bill to amend the 24th section of the act passed 27th August, 1856, to consolidate in one act and to amend the several acts incorporating the city of Galveston.

Also, reported, recommending the indefinite postponement of the following named bills, to-wit :

A bill to increase the pay of Sheriffs and Constables, and

A bill to relinquish the State tax of Denton county, to said county for the purpose of building a jail, and,

The petition of the citizens of Mason county.

Mr. Harrison of V. Z., one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Wm. Jackson, deceased, and recommending its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims reported, recommending the rejection of the Philander Priestley's petition.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate the Yegua Bridge and Turnpike Company, and recommended the indefinite postponement of the bill to amend the 15th section of the road law.

Mr. Houghton, one of the committee on Public Lands reported, recommending the passage of the Senate's bill, to permit the location of Mercers' colony certificates on any of the vacant public domain of the State.

Mr. Wortham, one of the committee on Public Lands reported, recommending the passage of the Senate's bill to amend the 2nd, 5th, 8th and 9th sections of the act authorizing the sale of public domain, with amendments by the committee.

Amend section 9th by adding after the words, "General Land Office," the words, "and shall be required to pay taxes on the same from the date of his or her survey," and by striking out "two years" and inserting "three years."

Mr. Foscue, one of the committee on State Affairs reported, recommending the indefinite postponement of the bill to relieve Moses Guess from the disabilities of minority.

Mr. Ross, one of the committee on State Affairs reported, asking that the petition of the citizens Llano county be referred to committee on Counties and County Boundaries. Report adopted.

Mr. McClarty, chairman of committee on Judicial Districts reported, asking to be relieved from further consideration of the resolution requiring said committee to enquire into the expediency of creating a new district from the counties of Karnes, Gonzales, Guadalupe and Caldwell.

Mr. Dickson, chairman of committee on Public Debt reported, recommending the passage of the bill for the relief of Catherine R. S. Jones.

Mr. Walworth, one of the committee on Public Lands reported, recommending the passage of the bill to authorize the corporation of Laredo to dispose of certain lands, &c., with amendments by the committee.

Amendments: "provided, that more than eight leagues of said land be disposed of for erecting said school house."

Mr. Camp presented the petition of a portion of the citizens of Cass, Harrison, Upshur and Tins counties. Referred to committee on Counties and County Boundaries.

Mr. Norton introduced a bill to restrict the loan of the school fund to railroad companies. Read first time and referred to committee on Internal Improvements.

Mr. Ellett introduced a bill authorizing the Commissioner of the General Land Office to issue land scrip to certain companies. Read first time and referred to committee on Public Lands.

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

Mr. Barnard introduced a bill to regulate elections. Read first time and referred to committee on Privileges and Elections.

Mr. Davis of B. introduced a bill for the relief of Wm. De Woody. Read first time.

M. Davis of B., moved that the rule be suspended and the bill read second time.

On motion of Mr. Parker the bill was referred to committee on Private Land Claims.

Mr. Henderson introduced a bill for the relief of Wm. Price. Read first time, and referred to committee on Private Land Claims.

Mr. Redwine introduced a bill to amend arts. 1775, 1783, 1786 and 1787 and to repeal arts. 1792 and 1793 of Oldham & White's Digest. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Harrison of V. Z., introduced a bill to authorize J. L. Brown to construct a bridge across the Sabine river. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Armstrong introduced a bill to prevent the carrying of deadly weapons. Read first time and referred to committee on Judiciary.

Mr. Culberson introduced a bill to incorporate a literary institute of Gilmer in Upshur county. Read first time and referred to committee on Education.

Mr. Hartley introduced a bill to provide for the relinquishment to the U. S., of titles to lands in certain cases: for lighthouse sites and for other purposes, &c. &c. Read first time and referred to committee on State Affairs.

The hour having arrived, the special order of the day, to-wit: The Senate's bill to provide for the protection of the frontier, was taken up and read second time and passed to a third reading.

[Mr. Ross in the Chair.]

On motion of Mr. Nelson, the rule was suspended by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Hall, Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Kinney, Lewter, Manly, Martin, McCutchan, McKnight, Middleton, Mills, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Shannon, Short, Smith, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—54.

NAYS—Messrs. Caddell, Craig, Crooks, Franklin, Foscue, Harrison of Cherokee, McClarty, Ross, Shelton, Speights, and Whitmore—11.

[The Speaker resumed the Chair.]

The bill read 3rd time.

Mr. Foscue moved a call of the House. Lost, and the bill passed by the following vote.

YEAS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Hall, Harrison of V. Z., Hartley, Henderson, Hubbard, Kinney, Lewter, Manly, Martin, McCutchan, McKnight, Middleton, Mills, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Shannon, Shelton, Short, Smith, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—56.

NAYS—Messrs. Caddell, Craig, Franklin, Foscue, Harrison of C., McClarty, Redwine and Ross—8.

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

HOUSE OF REPRESENTATIVES, }
 Wednesday, December 23th, 1859. }

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

Mr. Mills, one of the committee on Internal Improvements, reported, recommending the passage of the bill to amend the 17th section of the act to incorporate the Indianola Railroad Company.

Mr. Foscoe gave notice that he would submit an adverse minority report.

Also, as chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Vicksburg, Henderson and West Texas Railroad Company.

Also, reported, recommending the passage of the Senate's bill to amend the 11th section of the act of February 7th, 1853, of the act to incorporate the Galveston, Houston and Henderson Railroad Company.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to incorporate the Hebrew Congregation of the city of Houston, and that it had been presented to the Governor for approval and signature.

Mr. Harrison of V Z., one of the committee on Private Land Claims, reported a bill for the relief of the heirs of James T. White, dec'd, and recommended its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the indefinite postponement of the following named bills :

A bill for the relief of O. T. Boleware.

A bill for the relief of Alston Ferguson.

And the bill for the relief of David Ferguson.

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

Bill for the relief of Jose Maria Gonzales.

Bill for the relief of J. C. P. Kennymore.

Bill for the relief of Wm. Phelps.

Bill to change the South boundary line of Smith county.

Bill to fix the time of holding the courts in the 7th judicial district.

Bill confirming certain patents and validating certain surveys in the Mississippi and Pacific Railroad Reservation.

And the bill amendatory of, and supplemental to the act to incorporate the city of New Brauntels, passed May 11th, 1846.

Mr. Edwards, one of the committee on Private Land Claims, reported a bill for the relief of Matiana Vega Delgado, and recommended its passage. Bill read first time.

Mr. Navarro, one of the committee on Private Land Claims, reported a bill for the relief of Jose Ygnacio Cordova, and recommended its passage. Bill read first time.

Mr. Wælder, chairman of committee on Apportionment, reported a bill to apportion the State into Senatorial and Representative Districts, and recommended its passage.

Mr. Wælder moved to suspend the rule and take up the bill, and make it the special order of the day for 11 o'clock on the 4th of January next, and that 200 copies of the bill be printed in tabular form.

Mr. Norton moved to make it the order of the day for the 10th of January. Lost.

Mr. McKnight proposed to amend Mr. Wælder's motion by adding, "and said tabular statement shall give the Representative population of each Representative District, and the voting population of each Senatorial District, and the relation of each to their respective ratios."

On motion of Mr. Wælder the amendment was laid on the table, and Mr. Wælder's motion carried.

Mr. Hartley presented the petition of David Ayres. Referred to committee on State Affairs.

Mr. Shannon introduced a bill to authorize and require the County Courts of the several counties of Texas to furnish the surveyors of their respective counties with suitable offices and books of record. Read first time, and referred to committee on State Affairs.

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

Mr. Barnard introduced a bill supplemental to the modified charter of the Aransas Road Company. Read first time, and referred to committee on Internal Improvements.

Mr. Bryan introduced a bill to incorporate the Trinity Valley Railroad Company. Read first time, and referred to committee on Internal Improvements.

Mr. Franklin offered the following resolution :

Resolved, That the committee on Finance be instructed to enquire into the ways and means of raising a sum sufficient to defray the expenses to be incurred in carrying into effect an act passed by the House, entitled an act for the protection of the frontier, and that they report a bill for that purpose.

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

Mr. Davis, of H., introduced a joint resolution relative to abolitionism and fanaticism. Read first time, and referred to the committee on Federal Relations.

The hour having arrived, the special order of the day, to-wit: the bill to fix the time of holding courts in the eighth judicial district, was taken up. Bill read second time.

Mr. Pirkey offered a substitute, which was adopted, and ordered to be engrossed.

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

Mr. Mills moved to suspend the rule and take up the bill to amend the 11th Sec. of the act to incorporate the Galveston, Houston and Henderson Railroad Company. Lost.

Mr. Baxter moved to suspend the rule and take up the bill to take the depositions of witnesses residing in foreign countries. Lost.

On motion of Mr. McClarty, the bill to authorize the formation of County and Town Agricultural Societies was taken up, and made the special order of the day for Tuesday next.

ORDERS OF THE DAY.

The bill granting land to actual settlers, with amendments, was again taken up.

Mr. Mills moved the previous question.

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

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Hall, Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

The bill to regulate the practice of attorneys-at-law, with report from committee, was taken up and read second time.

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

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Hall, Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

On motion of Mr. Nelson, the Sergeant-at-Arms was instructed to bring in the absentees—if not to be found in the city, to hunt them elsewhere.

On motion of Mr. Nelson, the vote dispatching the Sergeant-at-Arms for absentees was re-considered, and he then withdrew his motion to dispatch the Sergeant-at-Arms for absentees.

Mr. Hartley moved to adjourn till 10 o'clock, A. M., to-morrow. Lost, by the following vote:

YEAS.—Messrs. Craig, Crooks, Clark, Dickson, Edwards, Hartley and Redgate—7.

NAYS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Bryan, Camp, Culberson, Dale, Davis of H., Dennis, Dougherty, Duncan, Ellett, Epperson, Francis, Franklin, Foscoe, Harrison of C., Harrison of V Z., Haynes, Henry, Henderson, Houghton, Hubbard, Lewis of M., Lewter, Manly Martin, McClarty, McCutchan, McKnight, Mills, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Speights, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—51.

The bill to change the South boundary line of Smith county was taken up and read.

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

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Henry, Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

Mr. Ross moved to go into a committee of the whole on the bill to raise the revenue by direct taxation

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

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Hubert, Mabry, Maverick, Middleton, Mundine, Robinson, Smith and Wrede.

Mr. Mills moved to dispatch the Sergeant-at-Arms for the absentees. Lost.

On motion of Mr. Hall, Mr. Caddell was excused from attendance on the House on account of sickness.

The petition of M. A. Hornsby, together with report from committee, was taken up.

Mr. Ellett moved a call of the House.

Mr. Wortham moved to adjourn till 7 o'clock, P. M. Lost, by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Baxter, Branch, Craig, Clark, Davis of H., Dennis, Dickson, Edwards, Epperson, Harrison of C., Hartley, McKnight, Parker, Perry, Redgate, Redwine, Whitfield and Wortham—20.

NAYS.—Messrs. Barnard, Benevides, Bogart, Bryan, Camp, Crooks, Culberson, Dale, Dougherty, Duncan, Ellett, Francis, Franklin, Hall, Harrison of V Z., Haynes, Henderson, Henry,

Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Martin, McClarty, McCutchan, Mills, Nelson, Owens, Pirkey, Ross, Shannon, Shelton, Short, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Whitmore—43.

And the call of the House was ordered.

Absentees—Messrs. Billingsley, Buckley, Darnell, Davis of B., Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

Mr. Craig moved to adjourn till 10 o'clock, A. M., to-morrow. Lost, by the following vote :

YEAS.—Messrs. Armstrong, Baxter, Branch, Craig, Crooks, Clark, Davis of H., Dennis, Dickson, Dougherty, Edwards, Hartley, Haynes, Kinney, McKnight, Pirkey, Redgate, Walworth and Whitfield—19.

NAYS.—Messrs. Speaker, Barnard, Benevides, Bogart, Bryan, Camp, Culberson, Dale, Duncan, Ellett, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V Z., Henry, Houghton, Hubbard, Lewis of M., Lewter, Manly, Martin, McClarty, McCutchan, Mills, Nelson, Norton, Owens, Parker, Perry, Redwine, Ross, Shannon, Shelton, Short, Speights, Taylor, Townes, Wælder, Warfield, Waterhouse, Whitmore and Wortham—45.

The resolution requiring the committee on General Land Office to enquire into the propriety of having made out a map of the State showing the located and unlocated lands, &c., &c., together with report from committee, was taken up.

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

Absentees—Messrs. Billingsley, Darnell, Davis of B., Epperson, Hubert, Mabry, Maverick, Middleton, Munson, Robinson, Smith, Townes and Wrede.

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

A bill for the relief of Andres Menchaca.

A bill concerning vendor's lien on real estate

A bill making appropriation to pay assessors and collectors for taking the scholastic census for the year 1859.

A bill to amend the 8th Sec. of the act of February, 1840, concerning conveyances.

A bill supplemental to an act supplemental to the act to encourage the construction of railroads in Texas by donations of land, approved January 30th, 1854, approved February 16th, 1858, and a joint resolution relative to the Harper's Ferry Insurrection; and had passed the House's bill to change the time of holding courts in the 6th judicial district;

but had refused to concur in the House's amendments to the Senate's bills for the relief of Wiley Burns, the heirs of Robert McKinney, the heirs of Carmelo Ramon, and the heirs of David Barlow. And had appointed Messrs. Throckmorton and Guinn a committee of Conference, and asked that a like committee on part of the House be appointed.

Mr. Taylor moved to suspend the call of the House on the motion for the previous question.

Mr. Mills withdrew his motion for the previous question, which suspended the call on that question.

On motion, the remaining pending calls were suspended.

On motion, the House adjourned till 7 o'clock, P. M., pending the pre-emption bill.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present—the bill pending when the House adjourned was taken up.

Mr. Bogart offered to amend the proposed amendment by adding, "he shall also swear that he is opposed to re-opening the African Slave Trade."

Mr. Mills moved that the House stand adjourned until 10 o'clock, A. M., to-morrow. Lost.

Mr. Harrison, of Cherokee, moved to adjourn till 9½ o'clock, A. M., to-morrow. Lost.

Mr. Davis, of Hays, offered the following as a substitute for the proposed amendments:

"Provided, that no religious test shall be necessary, to entitle any person to the benefits of this act."

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

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 29th, 1859. }

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

Mr. McKnight moved to reconsider the vote making the apportionment bill the special order of the day for 4th Jan. next. Lost.

Mr. Townes presented the petition of S. C. Blanton. Referred to committee on Claims and Accounts.

Messrs. Foscue, Ross and Pirkey as a minority of the Internal

Improvement committee submitted a minority report on the bill to amend the 17th section of the charter of the Indianola Railroad Company.

Mr. Houghton, one of the committee on Private Land Claims reported, asking that the petition of Ambrose Ripley be referred to committee on Public Lands. Report adopted.

Mr. Ross, one of the committee on State Affairs, reported, recommending that the bill to authorize and require the county courts of this State to furnish offices and books of record to the surveyors of their respective counties, be indefinitely postponed.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read and disposed of as indicated, to-wit :

Bill for the relief of Wiley Burns, *et al*, was taken up.

The House adhered to its amendments, and asked that the Senate appoint a committee of Conference.

The joint resolution relative to Harper's Ferry insurrection. Read first time and referred to committee on State Affairs.

The bill supplemental to the act supplemental to the act to encourage the construction of Railroads in Texas, by donations of land, approved January 30th, 1854, approved February 16th, 1858. Read first time and passed to second reading.

Bill to amend the 8th section of the act concerning conveyances. Read first time and referred to committee on Judiciary.

Bill concerning vendors lien on real estate. Read first time and referred to committee on Judiciary.

Bill for the relief of Andres Menchaca. Read first time and referred to committee on Private Land Claims.

Bill making an appropriation to pay assessors and collectors for taking the scholastic census for year 1859. Read first time and referred to committee on Finance.

On motion of Mr. Ross, the House went into committee of the whole, on the bill to raise the revenue by direct taxation by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Bryan, Camp, Craig, Clark, Dennis, Dickson, Dougherty, Epperson, Foscue, Hall, Harrison of C., Harrison of V. Z. Hartley, Henderson, Houghton, Hubbard, Lewter, Mabry, McClarty, McCutchan, Mills, Navarro, Norton, Parker, Pirkey, Redwine, Ross, Shelton, Short, Taylor, Warfield and Whitmore—38.

NAYS.—Messrs. Barnard, Bogart, Branch, Culberson, Davis of H., Duncan, Edwards, Ellett, Franklin, Lewis of M., McKnight,

Nelson, Owens, Perry, Redgate, Shannon, Speights, Townes, Walworth, Waterhouse and Wortham—22.

[Mr. Henderson called to the Chair.]

The committee rose, reported progress, and asked leave to sit again. Report accepted.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed the bill to regulate and define times of holding district courts in the 8th judicial district. Report accepted.

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

HOUSE OF REPRESENTATIVES }

Friday, Dec. 30th, 1859. }

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

Mr. Mills presented the petition of sundry citizens of Navarro county. Referred to committee on Stock and Stock Raising.

Also, a petition of sundry citizens of the same county, for the relief of Jno. Blanton. Referred to committee on Slaves and Slavery.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled, and properly signed, and had presented to the Governor for his signature and approval, the following named bills, to-wit :

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

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, viz :

A bill to be entitled an act to change the time of holding the district court in the sixth judicial district.

A bill making an appropriation for furnishing the Governor's mansion.

A joint resolution authorizing the Comptroller to contract for five hundred copies of the new Abstract of titled land.

A bill to be entitled an act for the relief of Hannah C. Buckner.

A bill to be entitled an act to incorporate the Texas Masonic Institute.

An act to create the twentieth judicial district, and define the time of holding courts therein.

A bill to be entitled an act for the relief of A. Spain Summerlin, deceased.

A bill to be entitled an act for the relief of the heirs of Joseph W. Bass, deceased.

A joint resolution requesting our Senators and Representatives in Congress to obtain the removal of the port of entry from the district of Brazos St. Iago, from Point Isabel to Brownsville, and to obtain an appropriation for building a custom-house.

A bill to be entitled an act for the protection of the frontier.

A bill to be entitled an act to amend the fourth section of an act allowing discounts and set-offs, passed 5th February, 1840, (Oldham & White's digest art. 260.)

A bill to be entitled an act to incorporate the Houston Hook and Ladder Company, No. 1, and Liberty Fire Company, No. 2.

A bill to be entitled an act for the relief of Alexander Furgesson.

A bill to be entitled an act for the relief of A. H. Booth.

A bill to be entitled an act to repeal an act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill to be entitled an act for the relief of the heirs of Matt Finch, deceased, and find the same correctly enrolled and properly signed and have this day been presented to the Governor for his approval and signature.

A. M. BRANCH,

One of the Committee.

Mr. Billingsley, chairman of committee on Claims and Accounts reported, recommending the passage of the bill for the relief of James Herndon.

Also, requested to be discharged from further consideration of J. T. Walsh's petition.

Also, asked to be discharged from further consideration of A. S. Thurman's petition.

Mr. Lewter, one of the committee on Private Land Claims, reported a bill for the relief of H. D. Bohannan and recommended its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the indefinite postponement of Jno. Barton's petition.

Also, asked that the petition of Geo. Grounds, be referred to committee on Court of Claims. Report adopted.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported a substitute for the bill, to authorize R. B. Francis to build a bridge across North Sulphur in Lamar county and recommended its passage.

Mr. Foscue, chairman of committee on Internal Improve-

ments, reported, recommending the passage of the bill to amend the act to incorporate the Sabine and Rio Grande Railway Company with amendments by the committee.

Amend by adding at the end of 5th section: "and a majority of the shareholders may at any time after the passage of this act, proceed to a new election of directors, at which election any shareholder having the requisite number of shares shall be eligible as a director."

Mr. Mills, one of the committee on the Judiciary, reported, recommending the passage of the bill to fix the times of holding courts in the 13th judicial district.

Mr. Bryan, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Martha Brennan.

Mr. Dennis, chairman of committee on State Affairs, reported a bill for the relief of John Ricord and recommended its passage.

Mr. Foscue dissented from the report. Bill read first time.

Mr. Lewis of M., one of the committee on Penitentiary, reported a substitute for the bill to make it the duty of the superintendent of the penitentiary, to pay over to the Com'rs of the county courts one-half of the nett proceeds of the labor of convicts whose families are in indigent circumstances, &c. &c., and recommended its passage.

Mr. Middleton, one of the committee on Private Land Claims reported a bill for the relief of Isham J. Good, and recommended its passage. Bill read first time.

A message was received from the Senate, informing the House that the Senate had a substitute for the House's bill, supplemental to the act to amend the 1st section of the act to amend the 2nd and 7th sections of the act to organize the Supreme Court of the State of Texas, approved May 12th, 1846, approved Nov. 30th, 1850, approved August 28th, 1856, and had passed the following named House's bills, to-wit:

Bill to authorize the county court of Collin county to levy a special tax for the erection of a court-house therein.

Bill to relieve A. E. Benham from disabilities of minority.

Bill to fix the time of holding courts in the 7th judicial districts.

Bill making appropriation to pay the Attorney General and District Attorneys, the cost due them under art. 952d of code of criminal procedure.

And bill for relief of Mary Elam.

Also, had passed the following named bills, originating in the Senate, to-wit :

Bill to prevent the sale of vinous, spiritous and other intoxicating liquors within one mile of Starrville in Smith county.

Bill to incorporate the Fireman's Relief Fund Association.

Bill to restore land sold for taxes and purchased by the State, to former owners on certain conditions

Bill for the relief of the heirs of Wm. Hertz.

Bill for the relief of the heirs of Lieut. M. Hitchcock, and

Bill for the relief of the heirs of Benjamin Bacus.

Mr. Mills introduced a bill to authorize the town of Corsicana to levy a tax against ten-pin alleys. Read first time.

Mr. Mills moved to suspend the rule that the bill might be read second time. Lost.

Mr. Duncan introduced a bill to levy a road tax and to regulate roads, bridges and ferries. Read first time, and referred to committee on Roads, Bridges and Ferries.

Mr. Dale offered the following resolution :

Resolved, That the committee on Military Affairs be, and they are hereby instructed to enquire into the expediency of so amending our military laws as to render the same effective, and report a bill to that effect. Adopted.

Mr. Hubbard introduced a bill to prevent circulation of incendiary documents and to punish the public declaration of abolition sentiments in this State. Read first time and referred to committee on Judiciary.

Mr. Ross introduced a bill to prevent seditious speeches or writings and prevent their circulation. Read first time and referred to Judiciary committee.

Mr. Waelder introduced a bill to incorporate the Alamo Fire Association. Read first and referred to committee on State Affairs.

[Mr. Harrison of V. Z. in the Chair.]

Mr. Mills introduced a bill for the relief of Iredell Redding. Read first time and referred to committee on Private Land Claims.

Mr. Foscoe introduced a bill to authorize the Sabine and Rio Grande Railway Company to construct a telegraph line. Read first time and referred to committee on Internal Improvements.

Mr. Clark introduced a bill to amend the act pertaining to estates of deceased persons, passed March 20th, 1848. Read first time and referred to committee on Probate Laws.

Mr. Henry introduced a bill for the relief of Nath'l. Wheeler.

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

Mr. Hartley introduced a bill to amend the act to exempt certain property from execution, approved January 26th, 1859. Read first time and referred to Judiciary committee.

[Speaker resumed the Chair.]

Mr. Crooks introduced a bill to amend the act passed March 20th, 1848. Read first time and referred to committee on Probate Laws.

Mr. Nelson introduced a bill to fix the times of holding the courts in the 17th judicial district. Read first time and referred to committee on Judicial Districts.

Mr. Dale offered the following resolution:

Resolved, That hereafter no member shall speak on any question more than twenty minutes, except by unanimous consent of the House, and that this resolution be made a standing rule of this House. Laid over one day for consideration.

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

The bill to reorganize the court of claims and to extend the time for presentation of claims for land and money against the Republic or State of Texas, was taken up and read second time.

Mr. Norton moved to strike out the enacting clause. Lost by the following vote:

YEAS.—Messrs. Bogart, Clark, Ellett, Epperson, Henderson, Lewter, Manly, Maverick, Mills, Norton, Owens, Speights, Taylor, Townes, Whitfield, Whitmore and Wortham—17.

NAYS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Billingsley, Branch, Bryan, Camp, Crooks, Quibersen, Dale, Davis of H., Dennis, Dickson, Dougherty, Duncan, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartly, Haynes, Henry, Hubbard, Houghton, Kinney, Lewis of M., Martin, McClarty, McCutchan, McKnight, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Walworth, Warfield and Waterhouse—49.

Mr. Mills offered a substitute for the bill.

[Mr. Short in the Chair.]

Mr. Hartley moved to postpone the bill till Monday, 11 o'clock.

[Speaker resumed the Chair.]

On motion of Mr. Harrison of V. Z., the motion of postponement was laid on the table.

Mr. Dickson moved to lay the substitute on the table.

Mr. Taylor moved a call of the House. Lost.

Mr. Hartley moved to adjourn till 11 o'clock, A. M., Monday. Lost, by the following vote:

YEAS.—Messrs. Baxter, Billingsley, Branch, Camp, Clark, Dennis, Hartley, Mabry, Manly, McKnight and Walworth—11.

NAYS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Benevides, Bogart, Crooks, Craig, Culberson, Dale, Davis of H., Dickson, Duncan, Ellett, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Lewis of M., Lewter, Martin, Maverick, McClarty, McCutchan, Middleton, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Taylor, Townes, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—53.

And the substitute laid on the table.

Mr. Henderson proposed to amend by adding at the end of 3rd section: "or any grantee of a conditional headright certificate, or his heirs, executors or administrators, may apply by a motion in writing, to the district court of the county in which such conditional was issued, for a corresponding unconditional certificate, which shall be granted by such court, upon such proof as would have authorized its issuance by any officer, board or court of the Republic or State of Texas, under the laws in force at any time previous to the 1st day of November, A. D. 1853. And upon further proof, by the certificate of the Commissioner of the General Land Office, under his seal of office, that such conditional certificate was duly reported to his office by the proper officer, and that no corresponding unconditional certificate appears from the records or files of his office, to have been granted or issued, and upon a like certificate of the Commissioner of Claims, that such unconditional does not appear from the records or files of his office, to have been issued. The said unconditional certificates when granted by any district court, may be issued by the clerk thereof, under his seal of office, and attested and approved by the presiding judge, but shall require no other or further approval for location, survey or patent: provided, however that no certificate shall issue to an assignee under the provisions of this act.

The clerks of the district courts shall each, at the close of every term report to the Commissioner of the General Land Office, all certificate issued by him under the provisions of, this act.

The district attorneys of the district in which any such application may be made, shall represent the State therein, and the same may, on the motion of the applicant be taken up and

disposed of at any time when the court is not engaged in the trial of a cause. Adopted.

Mr. Dennis proposed the following amendment to come in after the word emigrated, in 25th, line, 3rd section.

"Provided that whenever a witness resides in a county other than the one in which the applicant resides, the testimony of such witness or witnesses, may be taken by interrogatories filed with the clerk of the county court of the county where application is made for the land or certificate, and upon the filing of such interrogatories, it shall be the duty of the clerk of such county court to issue a commission to be directed to the clerk of the district court, notary public, or chief justice of the county where such witness or witnesses may reside, which commission shall be executed and returned to the clerk issuing the same, in the same manner as commissions issued by the clerks of the district courts of the State are now executed and returned. Adopted.

Mr. Hartley proposed to amend by striking out of 11th line, of 3rd section: "and that they never ceased to be citizens of Texas, from that time to the present.

Mr. Franklin moved to postpone the bill and proposed amendments till Monday 10 o'clock.

Mr. Perry moved to re-consider the vote, adopting Mr. Dennis' amendment.

Mr. Franklin moved to postpone the motion to re-consider till Monday 10 o'clock, A. M.

Mr. Short moved to adjourn till 10 o'clock A. M., on Monday. Lost by the following vote:

YEAS—Messrs. Benevides, Billingsly, Bryan, Camp, Epperson, Harrison of V. Z., Hartley, Haynes, Houghton, McKnight, Maby, Mannly Pirkey, Redgate, Short, Wælder, Walworth—17.

NAYS—Messrs. Speaker, Anderson, Armstrong, Branch Craig, Crooks, Clark, Culberson, Dale, Duncan, Ellett, Francis, Fescue, Harrison of C., Henderson, Hubbard, Lewis of M., Lewter, Martin, Miverick, McClarty, Munson, Nelson, Norton, Owens, Parker, Redwine, Ross, Shelton, Speights, Townes, Warfield, Whitmore and Wortham—36.

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

YEAS.—Messrs. Speaker, Anderson, Armstrong, Benevides, Branch, Dale, Francis, Hartley, Henderson, Lewter, Miverick, McKnight, Navarro, Parker, Redwine, Ross, Shelton, Speights, Townes, Walworth, Warfield, Whitmore and Wortham—24.

NAYS.—Messrs. Billingsly, Bryan, Camp, Craig, Crooks,

Culberson, Dennis, Dougherty, Duncan, Ellett, Epperson, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Houghton, Hubbard, Mabry, Manly, Martin, McClarty, Mills, Munson, Nelson, Norton, Owens, Pirkey, Redgate, Short, Wælder and Waterhouse—33.

Mr. Branch moved to adjourn till 10 o'clock, A. M. to-morrow. Lost by the following vote :

YEAS.—Messrs. Speaker, Anderson, Benevides, Branch, Bryan, Clark, Francis, Harrison of V. Z., Maverick, Parker, Pirkey, Speights, Townes and Whitfield—15.

NAYS.—Messrs. Armstrong, Billingsly, Camp, Craig, Crooks, Culberson, Dale, Dennis, Dougherty, Duncan, Edwards, Ellett, Franklin, Foscue, Hall, Hartley, Haynes, Henderson, Hubbard, Lewter, Mabry, Manly, Martin, McClarty, McKnight, Mills, Navarro, Nelson, Norton, Owens, Redgate, Redwine, Ross, Shelton, Short, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wortham—41.

Mr. Francis moved to adjourn till 7 o'clock, P. M. Lost by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Benevides, Billingsly, Branch, Bryan, Dale, Dickson, Francis, Foscue, Harrison of C., Harrison of V. Z., Houghton, Navarro, Nelson, Parker, Perry, Redwine, Shelton, Short, Speights, Townes, Wælder, Warfield and Whitmore—26.

NAYS.—Messrs. Camp, Craig, Crooks, Clark, Culberson, Dennis, Dougherty, Duncan, Ellett, Franklin, Hall, Hartley, Haynes, Hubbard, Lewter, Mabry, Manly, Martin, Maverick, McClarty, McKnight, Mills, Munson, Norton, Owens, Redgate, Ross, Walworth, Whitfield and Wortham—30.

Mr. Nelson moved to adjourn till 10 o'clock, A. M., to-morrow. Lost by the following vote :

YEAS.—Messrs. Speaker, Branch, Craig, Dickson, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Munson, Parker, Redgate, Shannon, Shelton, Speights, Townes, Warfield, Whitfield and Whitmore—22.

NAYS.—Messrs. Baxter, Benevides, Billingsly, Bryan, Camp, Crooks, Culberson, Dale, Dennis, Dougherty, Duncan, Franklin, Hartly, Haynes, Lewter, Mabry, Manly, Martin, Maverick, McClarty, McKnight, Mills, Navarro, Nelson, Norton, Owens, Perry, Ross, Short, Wælder, Walworth and Wortham—32.

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

HOUSE OF REPRESENTATIVES, }
 Monday, Jan. 2nd, 1860. }

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

Mr. Wælder presented the petition of the citizens of Blanco, Kerr and other counties. Referred to committee on Indian Affairs.

A message was received from the Senate informing the House that the Senate had passed the following named House's bills, to-wit:

Bill to incorporate Eastern Texas Railroad Company, with amendments.

Bill to incorporate Jefferson Insurance Company, with amendments.

Bill to incorporate Houston, Trinity and Tyler Railroad Company, and

Bill for the relief of Wm. Phillips.

Also, had passed a bill originating in the Senate, to incorporate the Columbus Tap Railway Company.

Mr. Branch presented the petition of Jonathan A. McGary. Referred to committee on Private Land Claims.

Mr. McClarty presented the petition of sundry citizens of Rusk county. Referred to Judiciary committee.

Mr. Dickson presented the petition of the heirs of Harrison Young. Referred to committee on Court of Claims.

Mr. Billingsley presented the petition of A. T. Berry. Referred to committee on Court of Claims.

Mr. Navarro presented the petition of the heirs of Juana Gomez. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of Jno. Grissett. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of the heirs of Wm. D. Carrington, deceased. Referred to committee on Claims and Accounts.

Mr. Maverick presented two several petitions of the citizens of Bexar county. Referred to committee on Counties and County Boundaries.

Mr. McKnight presented the petition of Jno. Maginnis. Referred to committee on Private Land Claims.

Mr. Branch, one of the committee on Education, reported recommending the passage of the bill to incorporate the German English school of San Antonio, with amendments by the committee.

Amend by striking out in 2nd section: "and such property shall be exempt from taxation."

Also, recommending the adoption of the joint resolution proposing an amendment to the constitution.

Also, recommending the passage of the bill to incorporate the Texas Medical College.

Mr. McKnight, one of the committee on Education, reported, recommending the indefinite postponement of the joint resolution to amend the constitution.

Also, recommending the passage of the bill to incorporate the Literary Institution of Gilmer in Upshur county, with amendments by the committee.

Amend by inserting an additional section.

Mr. Anderson, of the committee on Education, reported, recommending the indefinite postponement of the bill to amend art. 161, Oldham & White's Digest.

Mr. Munson, of the committee on Education, reported, recommending the indefinite postponement of the resolution requiring said committee to enquire into the expediency of changing the present school law, &c.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to encourage the manufacture of iron in Texas, and recommended its passage. Bill read first time.

Mr. Shelton, one of the committee on Education, reported, recommending the passage of the bill to incorporate the La Grange Casino, with amendments by committee.

Amend, by striking out at the end of 4th section the words, "and shall be free from taxation."

Also, recommending the passage of the bill to incorporate the Dialectic Society of McKenzie Institute, with amendments by the committee.

Amend by adding an additional section.

Mr. Craig, one of the committee on Education, reported, recommending the passage of the bill to incorporate the Salado College in Bell county.

Mr. Dale, chairman of committee on Printing, reported a substitute for the bill regulating advertisements which may be required emanating from the State Department, and recommended its passage.

Mr. Mills, one of the committee on Counties and County Boundaries, reported a substitute for the bill to adjust the boundary line of Guadalupe, Comal and Hays counties, and recommended its passage.

Mr. Duncan, one of the committee on Counties and County

Boundaries submitted a minority report, recommending the passage of the bill to change the caption of the act creating the county of Blanco, &c.

Mr. Hubbard introduced a bill to incorporate the Central Transit Company. Read first time and referred to committee on Internal Improvements.

Also, a bill for the relief of Fletcher Logan. Referred to Judiciary committee.

Mr. Billingsly introduced a bill to authorize the counties in this State to levy an internal improvement tax to encourage the construction of Railroads. Read first time and referred to committee on Internal Improvements.

Mr. Flewellen introduced a bill to change the name of Mary Ann Simmons, to Mary Ann Hood. Read first time and referred to committee on State Affairs.

Mr. Hubbard offered the following resolution :

Resolved, That the committee on Judiciary be instructed to enquire into the expediency of so altering the fees of district clerks in criminal cases, as to make them conform and equal to the fee bill of March 20th, 1848, and that they report by bill or otherwise. Adopted.

On motion of Mr. Epperson, the rule was suspended and the bill relative to the Red river raft was taken up and made the special order of the day, for 11 o'clock on Friday next.

On motion of Mr. McKnight the rule was suspended, and the bill to repeal the act to establish university of Texas, was taken up and made the special order of the day for Thursday next, 11 o'clock.

On motion of Mr. Branch, Mr. Whitfield was added to committee on Counties and County Boundaries.

Mr. Wælder moved to make bills for the incorporation of schools, academies, beneficiary associations, towns, bridge companies and private local corporations, the special order of the day for this evening 7 o'clock.

Mr. Norton moved to lay the motion on the table. Lost, and Mr. Wælder's motion carried.

Mr. Hubbard offered the following resolution :

Resolved, That this House meet hereafter, evening session at 7 o'clock, P. M., for the purpose of considering all local and private relief bills, and that they be considered at no other time. Laid over one day for consideration.

The hour having arrived the special order of the day, to-wit: the resolution on the 23rd inst., to adjourn *sine die*, was taken

up, and on motion of Mr. Norton laid on the table by the following vote :

YEAS—Messrs. Armstrong, Baxter, Benevides, Billingsly, Bogart, Branch, Bryan, Buckley, Camp, Crooks, Clark, Darnell, Davis of H., Duncan, Edwards, Flewellen, Hall, Harrison of V. Z., Hartley, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Manly, McClarty, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Parker, Perry, Pirkey, Redgate Short, Speights, Townes, Wælder, Warfield, Waterhouse, Wortham and Wrede—44.

NAYS.—Messrs. Speaker, Anderson, Barnard, Craig, Culberson, Dale, Dennis, Dickson, Dougherty, Ellett, Epperson, Francis, Foscue, Harrison of C., Houghton, Hubbard, Lewter, Lynch, Mabry, Maverick, Mills, Munson, Nelson, Redwine, Ross, Shelton, Smith, Taylor, Walworth, Whitfield and Whitmore—31.

The resolution to go into election of State Engineer and Superintendent was taken up, and on motion of Mr. Townes laid on the table.

ORDERS OF THE DAY.

The bill to incorporate the Eastern Texas Railroad Company, taken up and amendments by the Senate concurred in.

Bill to incorporate Jefferson Insurance Company, taken up and Senate's amendments concurred in.

The following named Senate's bills were taken up, read and disposed of as indicated, to-wit :

Bill for relief of Benjamin Baccus. Read first time and referred to committee on Private Land Claims.

Bill for relief of the heirs of Wm. Hertz. Read first time and referred to committee on Private Land Claims.

Bill for the relief Lt. M. Hitchcock. Read first time and referred to committee on Public Debt.

Bill to restore lands for taxes and purchased by the State to former owners on certain conditions. Read first time and referred to committee on State Affairs.

Bill to prevent sale of vinous, spirituous and other intoxicating liquors within one mile of Starrville in Smith county. Read first time and referred to committee on State Affairs.

Bill to incorporate the Fireman's Relief Fund Association. Read first time and referred to committee on State Affairs.

Bill to incorporate the Columbus Tap Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Davis of B., one of the committee on Education, by per-

mission, reported, recommending the passage of the bill to incorporate Live Oak Female Seminary.

Also, recommending the passage of the bill to incorporate Karnes county College, with amendments by the committee.

Amend by striking out in the 14th line of 1st section, the words, "have a common school."

Also, asked to be discharged from further consideration of the bill to change the common school law.

Mr. Foscue, chairman of committee on Internal Improvements, reported a substitute for the bill to renew the act to incorporate the Western Railroad Company, approved February 16th 1852, and recommended its passage.

[Mr. Shelton in the Chair.]

Messrs. Norton, Lewter, Branch, McKnight, Maxey, Clark and Shelton, of the committee on Education, reported, recommending the passage of the bill to repeal the act to establish the University of Texas, approved February 11th, 1853.

Mr. Munson presented the petition of Mary Henman. Referred to committee on Private Land Claims.

[Speaker resumed the Chair.]

The pre-emption bill with proposed amendments was again taken up.

Mr. Foscue moved to lay the amendment to the amendment on the table.

Mr. Bogart moved to amend the motion by laying the amendment and the amendment to the amendment on the table.

A division of the question being called for, the amendment to the amendment was laid on the table by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Benevides, Baxter, Billingsly, Branch, Bryan, Buckley, Craig, Crooks, Dale, Darnell, Davis of B., Dennis, Dickson, Dougherty, Frewellen, Francis, Foscue, Harrison of C., Hartley, Henderson, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, McClarty, McKnight, Mundine, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Speights, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—52.

NAYS.—Messrs. Bogart, Camp, Clark, Davis of H., Duncan, Edwards, Ellett, Harrison of V. Z., Henry, Mabry, Mills, Norton, Redgate, Waterhouse and Whitmore—16.

Mr. Nelson offered the following as a substitute for the pending amendment :

Section—That no person not a resident of this State at the time of the passage of this act shall be entitled to the provisions

of the same, and oath of such residence shall be made before the surveyor by the applicant, verified by two responsible witnesses, before said land shall be surveyed. And before patent shall issue, the applicant shall file in the General Land Office a receipt from the Comptroller or assessor and collector showing that he has paid three years' taxes on said land: provided, that none of the members or employees of what is known as the Overland Mail Company, shall be entitled to the benefits of this act. Adopted.

Mr. Henderson proposed to amend by adding: "and further provided, that no person who has obtained a pre-emption under the laws heretofore existing, shall be entitled to this.

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

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Billingsly, Bogart, Branch, Buckley, Camp, Clark, Dale, Darnell, Davis of B., Davis of H., Dennis, Duncan, Ellett, Flewellen, Harrison of V. Z., Haynes, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Manly, Martin, McClarty, McCutchan, McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Shannon, Shelton, Short, Smith, Speights, Townes, Warfield, Waterhouse, Whitfield, Whitmore, and Wortham—51.

NAYS.—Messrs. Bryan, Craig, Crooks, Dickson, Dougherty, Edwards, Epperson, Francis, Foscue, Harrison of C., Hartley, Henderson, Kinney, Lewis of R., Maverick, Redgate, Ross and Walworth—18.

Mr. Pirkey moved to lay the bill and proposed amendments on the table and to take up the Senate's bill for the sale of the public domain at fifty cents per acre. Lost by the following vote:

YEAS.—Messrs. Anderson, Baxter, Billingsley, Buckley, Craig, Crooks, Clark, Davis, of H., Dickson, Dougherty, Edwards, Epperson, Flewellen, Foscue, Hall, Harrison, of C., Hartley, Lewis, of R., Manly, McClarty, Pirkey, Redgate, Redwine, Ross, Shelton, Townes, Walworth, Warfield, and Whitfield—31.

NAYS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Bryan, Camp, Culberson, Dale, Darnell, Davis of B., Dennis, Duncan, Ellett, Francis, Harrison, of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Martin, Maverick, McCutchan, McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens,

Parker, Perry, Shannon, Short, Smith, Speights, Waterhouse, Whitmore, Wortham and Wrede—45.

Mr. Culberson proposed to amend by striking out the words, "resident citizens of this State," and inserting "any resident citizen of a southern State."

A division of the question being called for, the question to strike out was put, and lost by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Barnard, Billingsly, Culberson, Dale, Davis of B., Duncan, Epperson, Francis, Harrison of V. Z., Houghton, Lewter, Maverick, Mills, Norton, Owens, Shannon, Walworth, and Waterhouse—20.

NAYS.—Messrs. Anderson, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig Crooks, Clark, Darnell, Davis of H., Dennis, Dickson, Dougherty, Ellett, Flewellen, Foscue, Hall, Harrison of C., Hartley, Haynes, Henderson, Henry, Hubbard, Kinney, Lewis of M., Lewis of R., Lynch, Manly, Martin, McClarty, McCutchan, McKnight, Middleton, Mundine, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shelton, Smith, Speights, Townes, Wælder, Warfield, Whitfield, Whitmore, Wortham, and Wrede—55.

Mr. Craig proposed to amend by adding :

"Provided that the benefits of this act shall extend to heads of families only, and to such as are worth no more than \$1,000 worth of property."

On motion of Mr. Nelson, laid on the table, and Mr. Nelson's amendment adopted.

Mr. Pirkey proposed to amend by adding :

"Provided, that the provisions, of this bill shall not apply to any one who has had his survey made, and field notes returned under the provisions of the law authorizing the sale of the public domain, approved February 11th, 1858.

Mr. Mills moved to lay the amendments on the table.

Mr. Nelson moved the previous question, which was seconded, and the main question ordered, which being on the engrossment of the bill, the same was put and the bill ordered to be engrossed by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Buckley, Camp, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dickson, Dougherty, Duncan, Edwards, Ellett, Francis, Hall, Harrison of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Martin, Manly McCutchan, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon, Shelton, Short, Smith, Speights,

Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham, and Wrede—61.

NAYS.—Messrs. Anderson, Baxter, Billingsly, Bryan, Craig, Epperson, Flewellen, Foscue, Harrison of C., Hartley, Maverick, McClarty, Pirkey, Redgate, Ross, and Whitfield—16.

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

Mr. Buckley proposed to amend by adding :

“ Provided the provisions of this act shall not apply to the same person or head of a family more than one time.” Adopted.

Mr. Dickson moved the previous question, which was seconded, and the main question ordered which being on the final passage of the bill, the same was put and the bill passed by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Buckley, Camp, Crooks, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Francis, Hall, Harrison of V. Z., Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, McKnight, Middleton, Mills, Mandine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon, Shelton, Short, Smith, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede—59.

NAYS.—Messrs. Anderson, Baxter, Billingsly, Bryan, Craig, Epperson, Flewellen, Foscue, Harrison of C., Hartley, Maverick, McClarty, Pirkey, Redgate, Ross and Whitfield—16.

Mr. Henderson moved to suspend rule and take up the Senate's bill to provide for sale and settlement of public domain, and make it the special order of the day for to-morrow, 12 o'clock. Lost.

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

7 o'clock, P. M.

House met pursuant to adjournment—roll called—no quorum. Mr. Francis moved to adjourn till 10 o'clock, A. M., to-morrow. Lost—quorum present.

Bill to incorporate the town of Jasper, together with report from committee recommending its passage of a substitute, was taken up and read second time.

Mr. Lewis of M. proposed to amend by adding after the word, “ Jasper,” the words, “ Danville in Montgomery county and Mount Enterprise in Rusk county.” Adopted, and the bill ordered to be engrossed.

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

Bill to incorporate the town of Shelbyville in Shelby county, together with report from committee, taken up, read second time and the bill ordered to be engrossed.

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

Bill to incorporate the Texas Telegraph Company, with report from committee, recommending amendments was taken up, the amendments adopted and the bill ordered to be engrossed.

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

Bill to incorporate the Galveston Turner's Association with report from committee, taken up, read second time and ordered to be engrossed.

On motion of Mr. Franklin, the rule was suspended. Bill read third time and passed by a two-third vote.

The bill to amend the act granting certain real estate to the city of Austin, with report from committee, taken up.

On motion of Mr. Townes the bill was laid on the table.

The bill to incorporate the Galveston Casino, with report from committee taken up, read second time and the bill ordered to be engrossed.

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

The Senate's bill to incorporate the Horse Head crossing of the Pecos Bridge Company, with report from committee, taken up, read second time and passed to third reading.

[Mr. Manly in the Chair.]

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

The Senate's bill to incorporate the Pecos Bridge Company, with report from committee, taken up, read second time and passed to third reading.

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

Bill to incorporate Colfax Lodge, I. O. O. F., at Clarksville, Red river county, with report from committee, taken up, read second time and bill ordered to be engrossed.

On motion of Mr. Crooks, the rule was suspended.

[Speaker resumed Chair.]

Mr. Foscue proposed to amend by adding:

“ Provided, that the passage of this act shall not be construed

into an endorsement of the political course of Schuyler Colfax."

Speaker ruled the amendment out of order.

Mr. Mills appealed from the decision, and the Chair was sustained by the following vote :

YEAS.—Messrs. Anderson, Armstrong, Barnard, Billingsly, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crooks, Dale, Davis of H., Dougherty, Duncan, Edwards, Francis, Franklin, Hall, Harrison of V. Z., Haynes, Henderson, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Manly, Martin, Maverick, McClarty, McCutchan, Mundine, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede—53.

NAYS.—Messrs. Ellett, Epperson, Flewollen, Foscue, Mabry, McKnight, Mills, Nelson and Norton—9.

Mr. Flewollen proposed to amend by striking out "Colfax" and inserting "Clarksville."

On motion of Mr. Crooks laid on the table.

Mr. Franklin proposed to amend by striking out "Colfax" in the caption and wherever it occurs,

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

[Mr. Mills in the Chair.]

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

Mr. Wortham moved the previous question. Lost.

Mr. Ellett moved the previous question. Lost.

And the amendment adopted by the following vote :

YEAS.—Messrs. Anderson, Armstrong, Baxter, Billingsly, Bogart, Branch, Bryan, Buckley, Craig, Dale, Dennis, Dickson, Duncan, Edwards, Flewollen, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Henderson, Hubbard, Lewter, Lynch, Mabry, Manly, Martin, Maverick, McClarty, Mills, Munson, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Ross, Shannon, Shelton, Short, Speights, and Waterhouse—42.

NAYS.—Messrs. Speaker, Crooks, Clark, Culberson, Davis of H., Dougherty, Ellett, Epperson, Haynes, Houghton, Lewis of R., McCutchan, McKnight, Mundine, Whitfield, Whitmore, Wortham and Wrede—18.

[The Speaker resumed the Chair.]

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

Mr. Buckley moved the previous question. Lost.

And the bill passed by two-third vote.