

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

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

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

HOUSE OF REPRESENTATIVES, }
 Tuesday, January 3d, 1860. }

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

A message was received from the Senate announcing to the House that the Senate had passed the following Senate's bills, to-wit:

A bill supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

A bill amendatory of an act entitled an act to regulate proceedings in case of forcible entry and detainer, approved March 15th, 1848.

A bill to incorporate the Sabine and Neches River Insurance Company.

A bill to amend an act entitled an act to incorporate the Indianola Railroad Company, approved 21st January, 1858.

Also the following bill which originated in the House:

A bill for the relief of J. C. P. Kennymore.

PETITIONS.

Mr. Davis of B., presented the petition of Mrs. Ann White. Referred to committee on Private Land Claims.

Mr. Billingsley presented the petition of the heirs of W. D. Carrington. Referred to committee on Private Land Claims.

Mr. Speights presented the petition of the heirs of Wm. P. Wilson. Referred to committee on Private Land Claims.

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

REPORTS.

Mr. Shannon, chairman of committee on Private Land Claims, to whom was referred a bill for the relief of Iredel Redding, reported a substitute, and recommended its passage.

Mr. Mills moved to suspend the rule and pass bill to a second reading. Carried—substitute adopted.

Mr. Mills moved a further suspension. Carried, bill read third time and passed.

Mr. Shannon, chairman of committee on Private Land Claims, reported a Senate's bill for the relief of the heirs of William J. Wills, and recommended that the bill should not pass.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled an act to incorporate the Washington and Burleson Bridge Company, reported a substitute, and recommended its passage.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported a bill to define the boundaries of Hopkins county, and recommended its passage.

Mr. Harrison of V. Z., one of the committee on Private Land Claims, reported asking that the petition of Elizabeth Stanley be referred to committee on Court of Claims. Report adopted.

Mr. Franklin, one of the committee on Judiciary, reported asking that the petition of Charles A. Russell be referred to committee on Finance, with instructions. Adopted.

Mr. Wælder, one of the committee on State Affairs, reported a bill to incorporate the Alamo Fire Association, and recommended its passage.

Mr. Parker, one of the committee on Roads, Bridges and Ferries, reported a bill to incorporate the Corpus Christi Bridge and Turnpike Company, and recommended its passage.

Also, reported a substitute for the bill for the relief of Jacob Mull, and recommended its passage.

Also, reported recommending the passage of the bill for the relief of Edward Smith.

Also, reported a substitute for the Senate's bill for the relief of Myram Mudget, and recommended its passage.

Mr. Edwards, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Shelby Corzine, and a bill for the relief of Wm. Means, and recommended their passage. Bills read first time.

Also, reported a bill to authorize the Commissioner of the General Land Office to issue headright certificates in certain cases, and recommended its passage. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the indefinite postponement of the joint resolution to amend the Constitution.

Also, reported recommending the passage of the bill to encourage the citizens of El Paso county to irrigate the Rio Grande Valley, with amendments by the committee: amend by adding at the end of Sec. 1, "Provided said ditch or aqueduct shall not be less than eight feet wide and four feet deep."

Mr. Dougherty, chairman of the committee on Stock and Stock Raising, reported asking that the petition of citizens of Navarro county be referred to committee on Judiciary. Report adopted.

Mr. Norton, one of the committee on Education, reported recommending the indefinite postponement of the bill to exempt the counties of Hidalgo and Cameron from operation of certain words in the common school law.

Mr. Dennis, one of the Joint Select Committee, reported asking to be relieved from further consideration of the petition of John Marshall and W. S. Oldham.

Mr. Buckley introduced a bill to amend the second section of the act to create the 20th judicial district, approved January 2d, 1860. Read first time.

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

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

Mr. Flewellen introduced a bill to amend the act to incorporate Soule's University, approved February 2d, 1856. Read first time and referred to committee on Education.

Mr. Kinney introduced a bill to provide for the erection of an office for the Governor and Secretary of State. Read first time and referred to committee on State Affairs.

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

Mr. Davis, of B., introduced a bill to incorporate Bastrop Lodge No. 25, I. O. O. F. Read first time and referred to committee on State Affairs.

Mr. Barnard, by permission, reported a bill to authorize the Commissioner of the General Land Office to introduce into his office a system of photography. Read first time.

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

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

A message was received from the Senate informing the House that the Senate had appointed Messrs. Throckmorton and Guinn a Committee of Conference on the bill for the relief of Wiley Burns, *et al.*

The resolution making private relief and local bills the special order for evening sessions was taken up and adopted.

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

the bill to authorize the formation of county and town agricultural societies, was taken up and read second time.

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

Fill the blank in line two, Sec. 3, with "one."

Fill the blank in line three, Sec. 3, with "two."

Fill the blank in line nine, Sec. 6, with "three."

Fill the blanks in line two, Sec. 8, with "1st" and "Feb'y."

Adopted

Mr. Dougherty proposed to amend by striking out Sec. 5.—
Rejected, and the bill ordered to be engrossed.

Mr. Lewis of M., moved to suspend the rule and pass bill.—
Lost.

A message was received from the Senate informing the House that the Senate had rejected the House bill to relieve Jackson L. Leonard from the disabilities of minority.

Also, had rejected the bill to restrain the running at large of hogs in Calhoun county.

And had passed the House's substitute for the Senate's bill, confirming certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad reservation.

ORDERS OF THE DAY.

The bill to amend Sec. 4 of the act of May 12th, 1846, to regulate the license and practice of attorneys and counselors at law, was taken up, read and passed to third reading.

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

The Speaker announced Messrs. Wælder, Middleton and Davis of B., a committee of Conference on the bill for the relief of Wiley Burns, *et al.*

Mr. Wrede, by permission, offered a joint resolution to authorize the Governor to procure the restoration of William Horster to his parents. Read first time.

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

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

Mr. Branch, one of the committee on Enrolled Bills, made the following report:

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 supplementary to, and amendatory of an act entitled an act to provide relief for pre-emption set-

tlers and their assignees, under the act of the 22d of January, 1845, the act of the 7th of February, 1853, and the act of the 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation.

A bill to be entitled an act making an appropriation to pay the Attorney-General and District-Attorneys the cost due them under Article 952d., of the Code of Criminal Procedure.

A bill to be entitled an act to authorize the County Courts of Collin county to levy a special tax for the erection of a court-house therein.

A bill to authorize the Governor to postpone the sale of University lands that have been forfeited for non-payment of the annual installments required by law.

A bill to be entitled an act for the relief of Mary Elam.

A bill to be entitled an act to fix the time for holding the district courts of the seventh judicial district.

A bill to be entitled an act to relieve A. E. Benham from the disabilities of minority.

And find the same correctly enrolled, properly signed; and have this day been presented to the Governor, for his approval and signature.

A. M. BRANCH,

One of the committee.

Report accepted.

On motion of Mr. Buckley, the rule was suspended, and the bill to regulate the duties of common carriers, and to fix their liabilities, was taken up and read second time.

Mr. Buckley proposed to amend by adding at end of Sec. 3, "or by giving or posting notices that they will not be so liable." Adopted.

[Mr. Parker in the Chair.]

And the bill ordered to be engrossed.

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

Mr. Lewis of R., by permission, introduced a bill for the relief of J. C. Spence. Read first time, and referred to committee on Claims and Accounts.

On motion of Mr. Shannon, the bill to provide for the sale of the public domain of the State of Texas was taken up and made the special order for Tuesday next.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill concerning certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation.

And the bill to authorize the Governor to procure the restoration, to his parents, of Wm. Horster. 20-H

[Speaker resumed the Chair.]

On motion of Mr. Mills, the bill to confirm certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation, was taken up, read third time and passed.

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

Bill supplemental to the act to amend the act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858. Referred to committee on Public Lands.

Bill to authorize the County Court of Comal County to levy a special tax for purposes therein named. Referred to committee on State Affairs.

Bill to amend the act to incorporate the Indianola Railroad Company, approved January 21st, 1858. Referred to committee on Internal Improvements.

Bill amendatory of an act to regulate proceedings in case of forcible entry and detainer, approved 15th March, 1848. Referred to Judiciary committee.

And the bill to incorporate the Sabine and Neches River Insurance Company. Referred to committee on Internal Improvements.

A message was received from the Senate informing the House that the House had passed a bill supplemental to the act to ascertain what land certificates have been illegally issued by the County Courts of counties in Peter's Colony, and to provide for issuing patents on such of said certificates as are legal.

And a bill for the relief of the heirs of Charles Inboes, dec'd.

The bill to reorganize the Court of Claims, &c., with pending motion to reconsider the vote adopting Mr. Dennis' amendment, was taken up, and the vote reconsidered.

Mr. Dennis, by permission, withdrew his amendment.

Mr. Townes offered a substitute for the first section.

[Mr. Bogart in the Chair.]

On motion of Mr. Nelson, the bill and proposed amendments was laid on the table until, and made the special order of the day for Saturday next.

On motion of Mr. Norton, the vote passing a bill to incorporate Colfax Lodge No. 36, I. O. O. F., was reconsidered, and the consideration of the bill and amendment proposing to strike out Colfax from the bill, was postponed until January, 21st inst.

Mr. Buckley offered the following resolution :

Resolved by the House of Representatives of the State of Texas, That we have learned with the deepest regret of the

death of our late distinguished citizen, General Mirabeau B. Lamar, of Fort Bend county; that we hold his memory in the profoundest veneration, because of his chivalrous character, his devoted patriotism and his eminent public services.

That we sincerely sympathize with his family in their deep grief, and mingle our sorrows with theirs over their sad bereavement.

That in testimony of our respect for the memory of the deceased, the members of the House will wear the usual badge of mourning for thirty days.

That a copy of these resolutions be communicated to the family of the deceased, by the Speaker of the House.

Adopted.

Mr. Buckley then addressed the House as follows:

Mr. BUCKLEY said: I rise, Mr. Speaker, to present resolutions called for by the death of General Mirabeau B. Lamar, who died suddenly on the 19th of December last.

Gen. Lamar was born at Louisville, in Jefferson county, Georgia, on the 16th of August, 1798. His progress in study, in early life, seems to have given little promise of his future career; for, although he had advantages equal to those of any person in the State of Georgia for gaining an education, yet, from his indisposition to attend school, and from his indisposition to submit to the rules and restraints of those institutions, he went to school but little, and attained but a limited education. To his friends his intelligence and the extent of his learning were a matter of mystery, for he did not acquire the stores of his mind in the manner in which men usually do from instruction in school and college.

He commenced life as the editor of a paper in the State of Alabama. He soon, however, abandoned that occupation, and returned to Georgia, the State of his birth, where, in the year 1825, he was appointed by Governor Troup his private secretary; and it was in this political school, eminent in that day, that he imbibed his political principles, to which he adhered with great tenacity throughout life. In that year a collision took place between the State of Georgia and the General Government, in relation to the lands occupied by the Creek Indians. It was, I believe, the first instance in the history of the American Government in which there was a direct conflict between one of the States and the General Government. It led to a spirited controversy, carried on by correspondence, in which, I believe, it was conceded that Gov. Troup came off victor, and sustained the position he assumed at the outset, vindicating the rights of the State against

the attempted encroachment of the Federal Government. It was at this period that General Lamar formed his opinions upon the subject of States' Rights—opinions which he retained in after life. He remained as the private secretary of Gov. Troup during his term of office; after the expiration of that term, the next public enterprise or employment in which we find him concerned was in 1828, the establishment of the Columbus Enquirer, a newspaper published at the town of Columbus, in Georgia. That paper was conducted by him for years, in a manner which evinced much skill and great ability. In 1832, when both the States' Rights party and the Union party had a full ticket presented in that State for Congress, General Lamar, who entertained views in some respects different, and perhaps more ultra than the party to which he belonged, came out as an independent candidate for the Congress of the United States, and came very near being elected, although his party had a full ticket before the country. It was the confidence which the people of his native State had in his ability, his integrity, his honesty of purpose and the correctness of his political sentiments, that gave him so heavy a vote under such peculiar circumstances, that he was defeated only by a small majority.—At the next regular election for Congress, he was one of those regularly nominated to represent the State of Georgia at Washington, on the ticket of the States' Rights party, which was then in a minority of a small number, and he, together with his colleague, was defeated.

In the fall of 1835 he came to Texas—when the first difficulties arose between Texas and Mexico—and, as I am credibly informed, he had the honor, in the town of Washington, to make the first public speech within the limits of the country which advocated a declaration of independence. He was on a visit to Texas, at that time, for the purpose of examining the country and determining whether he would make it his home. He thus found himself at a public meeting, held at Washington, to take into consideration the state of the country, and was called upon, though a stranger, to give his views on the subject; and on that occasion, as I said before, he advocated the declaration of independence—and this was the first public effort made for that purpose in the province of Texas. He was opposed to a federation with the Mexican States almost as much as to the central government then recently established by Santa Anna. He believed that the only remedy for existing evils was for the Americans then in Texas to separate themselves from Mexico, and become an independent government, which they afterwards

did. Gen. Lamar returned soon after to his native State, having determined to make this country his home. Arriving a second time in the province of Texas, he reached the army while at Groce's, on the Brazos, with which he remained until after the battle of San Jacinto. On the 20th of April, 1836, the day preceding that battle, he bore himself in the skirmish between the cavalry of the Texans and a portion of the Mexican troops in such a manner as to give him great eclat and credit in the eyes of the whole army. In fact, such was the impression he made by the impetuous and daring bravery he displayed on that occasion, that he was invited, both by the men and the officers, to take command of the cavalry and lead them into action on the 21st. The request was first made by the soldiers serving as cavalry, and he declined to accede to it until the request of the men was accompanied by that of the officers in command, when he yielded. The manner in which he acquitted himself at their head, and the imperishable fame he won upon that field, are matters of history. The report of the commander-in-chief accords to him a degree of credit for chivalrous bearing and heroic conduct on that field, second, perhaps, to that of no man who was engaged in that unequal contest, the glorious results of which we now enjoy.

Soon after the battle of San Jacinto, General Lamar was appointed by the Executive of Texas a member of his cabinet. He was first appointed Attorney-General of the government *ad interim*, established by the convention in the spring of 1836, to continue until the Constitution of the Republic could be put in operation. He was soon after transferred from the office of Attorney-General to that of Secretary of War, and in this capacity, the written opinion given by himself, and concurred in by the late Hon. Wm. H. Jack, another member of the cabinet, upon the proper disposition to be made of Santa Anna, is in itself well calculated to place his name on one of the brightest pages of history, as a scholar, writer and jurist. The other members of the cabinet disagreed with Gen. Lamar and Mr. Jack, who advised that Santa Anna be not liberated, but put to death, for his violation of every principle of civilized warfare in the massacre of Ward and Fannin, and their men, and other acts of atrocity. They were overruled, and it is exceedingly questionable whether the course pursued was so wise as that they advised at the time. In the fall of 1836, when the government of the Republic was first organized under the Constitution, Gen. Lamar was elected to the second office in the gifts of the people—he was chosen the first Vice-President of the Republic

of Texas, while the Hero of San Jacinto was called to the Presidential Chair. He fulfilled the duties of that office in a manner that won for him the confidence of the people, and in 1838, at the next regular election, he was elected by an almost unanimous vote to preside over and control the destinies of Texas for the next succeeding three years. As to his administration of the affairs of the Republic, I believe there is no measure ascribed to him which met with the opposition of the people, save one; and perhaps the time has not arrived for the history of that administration to be spoken of or put before the country. It has been truly said that history does not speak the truth while the actors in its drama are yet upon the stage.— With the exception of the ill-fated Santa Fe expedition, which was organized under his administration, I believe that all his measures met the approbation of the people of Texas; and so far as that expedition is concerned, in my judgment, an act of great injustice has been done in blaming President Lamar for that measure. It was a matter of notoriety for some time before the fitting out of the expedition, that such a thing was on foot, and its propriety was unquestioned. The object was to divest the Santa Fe and Chihuahua trade from Missouri to Texas.— Another object was to take possession of territory which was claimed as a part of Texas. He had information supposed to be reliable, that the expedition would be received with open arms by the citizens of Santa Fe. All these things were generally known before the expedition was fitted out, and none were found to condemn it. It was unfortunate in its results; and as soon as misfortune overtook it, it became unpopular throughout the country. And that, I believe, was the only act of his which did not meet the approbation of the people.

After his retirement, in 1841, from the office of President, he remained in private life until the year 1846. At the first sound of the alarm of war upon our frontier, he was one of the first to hasten to the scene of action; and in 1846 he served as a private in the army in the Mexican war until after the taking of Monterey. Soon after that battle was fought, and that victory achieved, in which he did noble service, he was sent to the Rio Grande by General Taylor, and placed in command of the troops stationed there for the purpose of protecting the frontier. He had a company of one hundred men mustered into service for twelve months, with his head quarters at Laredo. When that term of service expired he was elected by the people to the Legislature of the State of Texas. He remained at Austin but a short time, when he returned to Laredo and commanded a

company of a like number, at the same station, for the period of another year—making two years that he performed active military service at that point. During the time he commanded at Laredo, he trusted not to others to pursue and chastise the Indians, who were making inroads into the settlements. It was his custom to head the expedition against them in person; and such was the efficiency of that small number of men under his command, that such a thing as a successful foray of the Indians was for a long time unheard of.

When his services in that position had terminated, he returned again—I was going to say—to civilized life; but he returned to his residence, and soon after settled in the county of Fort Bend, and there spent several years in the private walks of life. In 1857, he was sent by Mr. Buchanan as a Minister to Central America. What were the fruits of that mission have not yet been made as public as they will be. He effected, as I understand, everything desired by the administration. I understand that he effected one of the objects particularly desired, which was a treaty with that country which would give American citizens all the protection which the commerce with our Pacific possessions requires. This he accomplished to the entire satisfaction of the government. He did not remain there during the full term for which he was appointed, because the vocation was not suited to his temperament—it was not suited to his genius—it was not suited to his tastes. He returned from that mission voluntarily; and to his private and confidential friends he remarked on his return, that there was nothing in nature he detested more profoundly than the character of a professional diplomat. He said the career required nothing further than the ability to deceive and overreach, and it was contrary to his nature to be concerned in anything of the kind. He therefore left the position in disgust.

He had reached home but a short time, a very short time, before he was stricken down by the hand of death. In his usual health and flow of spirits, he was suddenly attacked with a fit of apoplexy, became almost instantly unconscious, and speedily died. He died, not as most men do, with premonitions or warnings of the near approach of death. With him the thread of life was snapped asunder suddenly. He died at his residence, in Fort Bend county, surrounded by his family, on the 19th day of December last, in the sixty-second year of his age.

In all the public positions filled by the distinguished deceased, there was none in which he failed or was wanting in fidelity, honor or chivalry. There was no act of his life, public or

private, where his honor, integrity and devotion to his country could be called in question. Notwithstanding that he filled all the public situations to which he was called with an eye single to the public interest and the public welfare, one would have to know Gen. Lamar in the private and social walks of life to appreciate the man. He possessed in an eminent degree, in a degree which none ever excelled and few have equalled him, all the social and domestic virtues. In his intercourse with society, and in the domestic circle his manner and his actions were characterized by all the simplicity of nature. There was no guile in his heart—there was no intrigue, no duplicity in his intercourse with his fellow-men. He was ever distinguished among all his acquaintances and friends as possessing every virtue which adorns the human heart in an eminent degree. In his death, Texas has sustained a loss of one of her most distinguished citizens—one of her purest patriots—one of her most chivalrous heroes.

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.

A report from committee on Private Land Claims, asking to be relieved from a further consideration of the petition of M. A. Hornsby, was taken up, read, and report adopted.

A bill to relieve M. V. Clarey, Jasper Clarey, Thomas Lowe, and Benjamin A. Campbell from the disabilities of minority, taken up and laid on table.

A Senate bill to relieve Benjamin A. Campbell, James Ingram Nuner and Francis J. Lewis from the disabilities of minority, taken up, and on motion of Mr. Hubbard, the amendment of committee adopted.

On motion of Mr. Taylor of C., the name of John W. Scott and John W. Corey, of Cass county, were added.

[Mr. Manly in the Chair.]

On motion of Mr. Hubbard, the names of Messrs. Martin V. Clarey and Jasper Clarey were added.

On motion of Mr. Mundine, the name of Mr. Thomas Eldridge, of Burleson county, was added.

On motion of Mr. McClarty, the name of R. K. Gibson, of Rusk county, was added.

Mr. Norton proposed to amend by adding: "and all boys of like age." Lost.

On motion of Mr. Wælder, the name of Thomas A. Rodriquez was added.

On motion of Mr. Buckley, the names of Elizabeth Jane Robinson and Junius K. Robinson, of Travis county, were added.

On motion of Mr. McKnight, the name of Henry C. Woolfinger, of Angelina county, was added.

On motion of Mr. Epperson, the name of John M. Jackson, of Hopkins county, was added.

On motion of Mr. Davis of H., the name of Moses Guess, formerly of Hays county, was added.

On motion of Mr. Dougherty, the name of David Garcia, of Hidalgo county, was added.

On motion of Mr. Lynch, the name of Wiley Pridgen, of DeWitt county, was added.

On motion of Mr. Wortham, the name of Judson Reeves, of Hopkins county, was inserted.

[Speaker resumed the Chair.]

Mr. Baxter proposed to amend by adding the name of Thos. P. Langley, of Harrison county.

Mr. Norton proposed to amend as follows :

“And all boys of Henderson and Kaufman counties.”

Mr. Parker moved the previous question, which was seconded. The question being: “shall the main question be now put?” the same was submitted, and stood yeas 34, nays 39.

House refused to adopt Mr. Norton's amendment.

Mr. Francis proposed to amend by adding the name of A. C. Walter, of Cherokee county. Adopted.

On motion of Mr. Whitmore, the name of Mr. John Pierce, of Harrison county, was added.

Mr. Martin proposed to amend by adding the name of Robert Williams, of Panola county.

Mr. Barnard offered the following amendment to the amendment :

“And all persons belonging to any part of Texas, under 21 years of age, who have volunteered to fight Mexicans or Indians in the present war on the Rio Grande and Northern frontier.”

[Mr. Dennis in the Chair.]

On motion of Mr. Francis, the bill and amendments were referred to committee on Stock and Stock Raising.

Mr. Hubbard moved to add Mr. Francis to committee on Stock and Stock Raising.

Mr. Francis refused to serve, stating that he belonged to three.

The report of committee on Private Land Claims, asking to be discharged from a further consideration of the petition of Thomas G. Dunn, was taken up, and report adopted.

A bill for the relief of C. S. Millette, with report from committee on Claims and Accounts, recommending passage of same, was taken up, and bill read second time.

Mr. Taylor of C., offered a substitute for the bill, which was adopted.

Mr. Ross moved to re-refer the bill to committee on Finance.

Mr. Nelson moved to reconsider the vote adopting substitute for the bill. Lost.

A majority not having voted on the motion to reconsider, a call of the House was ordered. The roll being called, and a quorum having answered to their names, the call was suspended. The motion to reconsider was withdrawn.

The question to refer was put and lost.

Mr. Whitmore proposed to amend by striking out \$500 and inserting \$300.

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

Mr. Taylor of C., moved to fill the blank with \$250. Adopted.

Mr. Buckley moved to reconsider vote filling the blank with \$250. Carried.

The question recurring upon filling the blank with \$250, the same was put, and the yeas and nays were demanded and stood as follows:

YEAS—Messrs. Speaker, Anderson, Barnard, Benevides, Branch, Bryan, Culberson, Davis of B., Davis of H., Hall, Houghton, Hubbard, Kinney, Lynch, Mabry, McCutchan, Mills, Nelson and Short—20.

NAYS—Messrs. Armstrong, Billingsley, Bogart, Buckley, Craig, Crawford, Crooks, Darnell, Dickson, Duncan, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Haynes, Lewis of M., Lewis of R., Manly, Martin, Maverick, McClarty, McKnight, Mundine, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shelton, Speights, Townes, Waelder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—45.

So the House refused to fill the blank with \$250.

Mr. Buckley moved to fill the blank with \$125. Carried.

The question then recurring upon the engrossment of the bill, the same was put and the bill engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barnard, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Crooks, Dale, Darnell, Davis of B., Dennis, Dougherty, Duncan, Flewellen, Franklin, Foscue, Harrison of C., Hartley, Houghton, Hubbard, Kinney, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Maverick, McCutchan, Mills, Mundine, Munson,

Nelson, Parker, Perry, Redgate, Robinson, Shannon, Shelton, Short, Speights, Townes, Wælder, Warfield, Waterhouse, Whitfield, Wortham and Wrede—55

NAYS—Messrs Armstrong, Davis of H., Epperson, Francis, Harrison of V. Z., McKnight, Norton, Owens, Ross and Whitmore—10.

Mr. Buckley moved a suspension of the rule in order that the bill be read third time. Carried, and bill read third time and passed.

Mr. Wælder, chairman of committee of Conference on bill for relief of Wiley Barn *et al*, reported as follows :

The Senate concur in the House amendment, and that the words "the heirs of Carmel Ramon" be stricken out in the caption and 1st section of bill and that the words "the widow and heirs of Manuel Ramon" be inserted therefor. Adopted.

A bill granting a pension to Joseph E. Fields taken up with report from committee on Claims and Accounts, recommending passage of bill.

Mr. Lewis of R., moved to strike out \$200 and insert \$100. Lost.

Mr. Buckley proposed to amend by striking out the word "next" and insert "1860." Adopted.

Mr. Ross proposed to amend by adding "all the balance of those spared at Fannin's massacre."

On motion of Mr. Davis of B., laid on the table.

Mr. Buckley moved to strike out 3d section. Adopted, and bill ordered to be engrossed.

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

A bill for the relief of Mrs. Wm. Gamble, late widow of John Carroll, with report of committee on Claims and Accounts.

Mr. Dougherty moved to lay the report on the table. Lost.

On motion of Mr. Nelson, the report and bill were re-referred to Claims and Accounts committee.

A bill for the relief of the heirs of David M. Shropshire, with report of committee on Private Land Claims, recommending passage of same, taken up.

Mr. Ross proposed to amend by adding, provided he has not heretofore obtained one. Adopted, and bill ordered to be engrossed.

Rule suspended, bill read third time and passed.

An act for the protection of game on Galveston Island, together with report from the committee on Stock and Stock Raising, recommending passage of the same, with substitute for third section, taken up, and report adopted.

Mr. Dale proposed to amend by adding "wild turkey and prairie hens," after "quails," wherever it occurs in the bill. Laid on the table and bill ordered to be engrossed.

A bill for the relief of Felix W. Goff and Timothy McKean, taken up with report from committee on Private Land Claims, recommending passage of same. Bill read second time.

The question being upon the engrossment of the bill, on motion of Mr. Crooks a call of the House was ordered.

The House adjourned till 10 o'clock to-morrow by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barnard, Billingsley, Bogart, Branch, Craig, Crawford, Clark, Darnell, Davis of B., Davis of H., Dennis, Franklin, Foscoe, Hall, Harrison of C., Lewis of R., Lynch, Maverick, Mills, Munson, Owens, Parker, Pirkey, Ross, Short, Speights, Townes, Welder, Waterhouse, Whitfield and Wrede—33.

NAYS—Messrs. Baxter, Benevides, Bryan, Buckley, Crooks, Dale, Dougherty, Duncan, Flewollen, Francis, Harrison of V. Z., Hartley, Haynes, Hubbard, Mabry, Manly, Martin, McClarty, McKnight, Mandline, Nelson, Norton, Perry, Shelton, Whitmore and Wortham—26.

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 4th. 1860. }

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

Mr. Franklin moved to reconsider the vote referring the petition of Charles A. Russell, to committee on Finance with instructions to report in his favor. Lost.

Mr. Speights present the protest of citizens of Sabine county. Referred to committee on Counties and County Boundaries.

Mr. Billingsley presented the petition of J. W. Reed. Referred to committee on Claims and Accounts.

Also, presented the petition of W. O. Burnham. Referred to committee on Private Land Claims.

Mr. Clark presented the petition of the heirs of Daniel Killer, deceased. Referred to committee on Private Land Claims.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill granting land to actual settlers.

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

The appropriation bill, was taken up.

Mr. Mills moved to postpone the bill until Wednesday next, at 11 o'clock. Lost by the following vote :

YEAS.—Messrs. Benevides, Billingsley, Branch, Bryan, Craig, Duncan, Epperson, Fleweller, Franklin, Henderson, Lewis of R., Mandy, Maverick, McKnight, Mills, Mundine, Munson, Norton, Redgate, Ross, Shannon, Robinson, Speights, Walworth, Whitmore and Wortham—26.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Bogart, Buckley, Crawford, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Edwards, Ellett, Francis, Fosenc, Hall, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Hubert, Kinney, Lewter, Lynch, Martin, McCutchan, Nelson, Owens, Parker, Perry, Redwine, Shelton, Short, Smith, Wælder, Warfield and Whitfield—43.

Mr. Mills proposed to amend as follows :

“Strike out the 68th district.”

Strike out between the 40th and 43rd, Representative districts, and insert 41, Navarro, Hill and Ellis, 2.

42, Johnson and Parker, 1.

43, Johnson, Parker, Palo Pinto, Young, Jack and Erath, 1.

Strike out Jack and Young from the 45th district and Erath from the 61st.

Strike out between the 55th and 62nd district, and insert Travis and Burnet, 1.

Williamson and Milan, 1.

Caldwell, Hays and Blanco, 1.

Llano, San Saba, Brown, Comanche, Hamilton, Lampasas, Buchanan, Eastland, Schackelford, Calahan, Coleman, Jones, Taylor, Runnels, McCulloch and Concho, 1.

McLennan, Bosque, Coryell and Bell, 2.

[Mr. Kinney in the chair.]

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

The bill amendatory of and supplemental to the act to incorporate the city of New Braunfels, passed May 11th, 1846, and the joint resolution relative to the restoration of Wm. Horster, with amendments :

Also had passed a bill to amend the 34th Section of the act to regulate proceedings in the District Courts, passed May 13th, 1846.

Bill to validate the acknowledgments and registration of deeds and other instruments of writing heretofore recorded.

And a bill supplemental to the modified charter of the Aransas Road Company.

Mr. Munline proposed to amend the amendment as follows :

Amend the 57th District by adding Barleson, and strike out one and insert two Representatives. Withdrawn.

[Speaker resumed chair.]

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

A bill for the relief of Iredell Redding.

A bill granting a pension to Joseph E. Fields.

A bill for the relief of the heirs of D. M. Shropshire, dec'd.

And a bill to pay certain persons for arresting John T. Shanks, and procuring testimony against him. Report accepted.

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

YEAS—Messrs. Anderson, Armstrong, Barnard, Baxter, Buckley, Craig, Crawford, Crooks, Clark, Davis of B., Davis of H., Dickson, Dougherty, Edwards, Francis, Foscoe, Hall, Harrison of C., Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Martin, Maverick, McClarty, Middleton, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Shelton, Short, Speights, Waelder, Walworth, Warfield, Whitfield, Whitmore and Wortham—47.

NAYS—Messrs. Benevides, Branch, Culberson, Dale, Darnell, Duncan, Ellett, Epperson, Flewelling, Franklin, Harrison of Van Zandt, Hariley, Haynes, Henderson, Hubert, Lewis of R., Mabry, Manly, McCutchan, McKnight, Mills, Mundine, Nelson, Robinson, Ross, Shannon and Smith—27.

Mr. Henderson proposed to amend the Senatorial apportionment by the following substitute for the same :

District No. 1. Counties of Liberty, Jefferson, Orange, Chambers, Hardin, Polk and Tyler.

No. 2. Counties of Jasper, Newton, Sabine, San Augustine and Shelby.

No. 3. Counties of Nacogdoches, Angelina and Trinity.

No. 4. Counties of Harrison and Panola.

No. 5. Counties of Upshur and Wood.

No. 7. Counties of Titus and Red River.

No. 7. Counties of Cass and Bowie.

No. 8. Counties of Lamar and Hopkins.

No. 9. County of Rusk.

No. 10. Counties of Cherokee and Henderson.

No. 11. Counties of Houston and Anderson.

- No. 12. Counties of Smith, Van Zandt and Kaufman.
 No. 13. Counties of Dallas and Tarrant.
 No. 14. Counties of Fannin and Hunt.
 No. 15. Counties of Grayson and Collin.
 No. 16. Counties of Galveston, Brazoria, and Fort Bend.
 No. 17. Counties of Harris and Grimes.
 No. 18. Counties of Montgomery, Walker, Madison and Leon.
 No. 19. Counties of Robertson, Milam, Brazos and Burleson.
 No. 20. Counties of Limestone, Freestone, Navarro and Hill.
 No. 21. Counties of Ellis, Johnson, Parker, Palo Pinto and Erath.
 No. 22. Counties of Cook, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Knox and Haskell.
 No. 23. Counties of Matagorda, Wharton, Colorado and Fayette.
 No. 24. Counties of Austin and Washington.
 No. 25. Counties of Calhoun, Jackson, Victoria, DeWitt and Davaca.
 No. 26. Counties of Gonzales, Guadalupe and Caldwell.
 No. 27. Counties of Bastrop, Travis and Hays.
 No. 28. Counties of Williamson, Burnet, Bell, San Saba, Llano and Lampasas.
 No. 29. Counties of Falls, Coryell, McClellan, Bosque, Comanche, Brown, Hamilton, Buchanan, Eastland, Shackelford, Callahan, Coleman, Jones, Taylor and Runnels.
 No. 30. Counties of Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, Atascosa, McMullen, Frio, La Salle, Zavalla and Dimmitt.
 No. 31. Counties of Bexar, Uvalde, and Madison.
 No. 32. Counties of Comal, El Paso, Bandera, Kerr, Gillespie, Blanco, McCulloch, Concho, Mason, Menard, Kimble, Edwards, Dawson, Kinney and Maverick.
 No. 33. Counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal and Duval.

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

A bill for the relief of George W. King.

A bill for the relief of Nancy Robinson.

A bill for the relief of Caleb C. Dibble.

A bill concerning property conveyed and held in trust by the

Bishop of the Catholic Church, in Texas, for charitable purposes.

And a joint resolution authorizing the Governor to appoint three persons to examine the State Penitentiary.

Mr. Short moved to lay Mr. Henderson's amendment on the table.

On motion of Mr. Henderson, a call of the House was ordered. Absentees, Messrs. Henry, Navarro, Taylor and Waterhouse.

The call was suspended and Mr. Henderson's amendment laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Billingsley, Bogart, Branch, Buckley, Craig, Crawford, Clark, Culberson, Davis of B., Dennis, Dickson, Dougherty, Edwards, Flewellen, Francis, Foscue, Hall, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Martin, Maverick, McClarty, McCutchan, Middleton, Mills, Munson, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Shelton, Short, Wælder, Walworth, Warfield, Whitfield and Wrede—47.

NAYS—Messrs. Benevides, Bryan, Darnell, Duncan, Ellett, Epperson, Harrison of C., Harrison of V. Z., Hatley, Haynes, Hubert, Kinney, Lewis of R., Mabry, McKnight, Mundine, Norton, Parker, Redwine, Ross, Shannon, Smith, Speights, Townes, Waterhouse, Whitmore and Wortham—29.

Mr. Flewellen proposed to amend District 32 by striking out Fayette, and inserting Burleson and Austin.

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

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Bogart, Branch, Buckley, Craig, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Edwards, Ellett, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Lewis of M., Lewter, Lynch, Manly, Martin, Maverick, McCutchan, Middleton, Mundine, Nelson, Owens, Parker, Perry, Redgate, Redwine, Shannon, Shelton, Speights, Wælder, Walworth, Warfield, Whitmore, Wortham and Wrede—50.

NAYS—Messrs. Benevides, Duncan, Epperson, Flewellen, Franklin, Haynes, Hubert, McKnight, Mills, Norton, Robinson, Ross, Townes and Waterhouse—14.

Mr. Mundine proposed to amend the 57th District by adding Burleson and strike out one and insert two. Rejected.

Mr. McKnight proposed to amend as follows :

Strike out Nacogdoches, one member, and Nacogdoches and

Angelina one member, and insert, Nacogdoches and Angelina, two members.

On motion of Mr. Wælder, the apportionment bill was postponed till to-morrow at 11 o'clock, pending Mr. McKnight's amendment.

ORDERS OF THE DAY.

The joint resolution relative to the restoration of William Horster to his parents, was taken up and the amendments of the Senate concurred in.

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

Bill for the relief of heirs of Charles Inloes, deceased. Referred to committee on Private Land Claims.

Bill for the relief of Caleb C. Dibble. Referred to committee on Private Land Claims.

Bill for the relief of Nancy Robertson. Referred to committee on Private Land Claims.

Bill for the relief of George W. King. Referred to committee on Public Debt.

Bill supplemental to the act to ascertain what land certificates have been illegally issued by the county courts of counties in Peter's Colony and to provide for issuing patents on such of said certificates as are legal. Referred to committee on Public Lands.

Bill concerning property conveyed to and held in trust by the Bishop of the Catholic Church in Texas for charitable uses — Referred to Judiciary committee.

Bill to validate the acknowledgment and registration of deeds and other instruments of writing heretofore recorded. Referred to Judiciary committee.

Bill to amend the 34th section of the act to regulate proceedings in the district courts, passed May 13, 1846. Referred to Judiciary committee.

Bill supplemental to the modified charter of the Aransas Road Company, passed to second reading.

And a joint resolution authorizing the Governor to appoint three persons to examine the State Penitentiary. Referred to committee on Penitentiary.

Mr. Bryan, by permission, introduced a bill for the relief of P. Bryan. Read first time and referred to committee on Private Land Claims.

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

HOUSE OF REPRESENTATIVES, }
 Thursday, January 5th, 1860. }

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

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

Resolved, That the porters employed by the door-keepers be and they are hereby entitled to receive for their services \$1 50 per day, and the door-keeper is authorized to draw for that amount. Adopted.

Mr. Wrede presented the petition of the County Court of Co-mal county ; referred to the committee on State Affairs. Also presented the report and muster-roll of Capt. Beberlein's company. Referred to committee on Indian Affairs.

Mr. Dougherty, chairman of committee on Stock and Stock-Raising, reported, recommending that the amendments by the House to the Senate's Bill for the relief of B. A. Campbell *et al.*, be stricken out, and reported a bill to relieve C. C. Wells and others, from minority, and recommend its passage. Bill read first time.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, asking to be relieved from further consideration of the petition of citizens of Karnes and other counties ; also reported a bill to create the county of Warren, and recommend its passage. Bill read first time.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to confirm certain patents, and to validate certain surveys on the Mississippi and Pacific Railroad Reservation ; also had passed the following named bills, to-wit : bill to grant conditional privileges to the Company carrying the Overland Mail from St. Louis to Memphis through Texas to San Francisco, and the Company who have the contract for the Overland Mail to California from San Antonio to El Paso, and a bill for the relief of heirs of Thos. Blanton ; also had adopted the report of the committee of Conference on the bill for the relief of Wiley Burns *et al.*

Mr. Dennis, chairman of committee on State Affairs, reported a bill for the relief of the heirs of Lorenzo de Zavala, and recommend its passage, Mr. Foscue dissenting. Bill read first time. Also reported, recommending the passage of the Senate's bill to prevent sale of vinous, spiritous or intoxicating liquors within one mile of the town of Starrville, in Smith county, with amendments by committee : amend the caption by adding after the words "Smith county," the words "add the town of Knoxville, in Cherokee county."

2d. After the words "Smith county," in 3d line, 1st section, add the words "or Cherokee county."

3d. After the words "Smith county," in 6th line, 1st section, add "or the town of Knoxville, in Cherokee county," also reported recommending the passage of the bill to incorporate Bastrop Lodge No. 25, I. O. O. F.

Mr. Houghton, one of the committee on Public Lands, reported, recommending the passage of the bill for the relief of Gwyn Morrison, assignee of John Sharp.

Mr. Armstrong, one of the committee on Public Lrnds, reported a substitute for the bill to extend to those now surviving who served in the Navy, the benefits of the laws granting bounties of land, and recommend its passage.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the Senate's bill authorizing the heirs, representatives or relatives of deceased 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.

Mr. McClarty, chairman of committee on judicial districts, reported, recommending the passage of the bill to fix the time of holding courts in 17th judicial district.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill supplemental to the modified charter of the Aransas Road Company, with amendments by the committee. amend by adding two additional sections; also recommend the passage of the Senate's bill to amend the act to incorporate the Indianola Railroad Company, approved 21st January, 1858, with amendments by the committee: amend by adding at end of 3d section, "Provided, that unless there be an additional amount of stock taken of at least \$600,000 with 5 per cent. thereof paid up on or before the 1st of January, 1862, then said company shall forfeit all right to extend their road beyond the town of Gonzales."

On motion of Mr. Lynch the rule was suspended, the last mentioned bill taken up, the amendments by the committee adopted, the bill read third time and passed by two-third vote.

On motion of Mr. Barnard the rule was suspended, and the Senate bill supplemental to the modified charter of the Aransas Road Company was taken up and read second time and passed to third reading.

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

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

recommending the passage of the bill to amend the act incorporating the city of Austin.

Messrs. Dougherty and Dale, of the select committee, reported recommending the rejection of the joint resolution to authorize the Governor to appoint committee to investigate the Rio Grande difficulties.

Mr. Haynes submitted minority report.

Mr. Haynes moved that the resolution and reports be taken up and made special order for Wednesday next, 11 o'clock. Lost.

Mr. Harrison, of V. Z., reported a bill for the relief of Charlotte D. Ross, and recommended its passage. Bill read 1st time.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly, engrossed the bill to authorize the formation of county and town agricultural societies.

Mr. Foscue, chairman of committee on Internal Improvements, was permitted to withdraw the report of said committee, and the bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company.

Mr. McCutchan presented the petition of citizens of Rusk, Nacogdoches, Shelby and Panola counties. Referred to committee on Counties and County Boundaries.

Mr. Manly presented the petitions of John B. Williams and Margaret Kirkham. Referred to Private Land Claim Committee.

Mr. Foscue presented the petition of Jefferson Wallace. Referred to committee on Private Land Claims.

Mr. Maverick presented the petition of J. B. Davenport. Referred to the committee on Indian Affairs.

Mr. Munson introduced a bill to amend an act to incorporate the Brazoria County Insurance Company. Read first time and referred to committee on Judiciary.

Mr. Norton introduced a bill to provide for the publication of the General Laws of the State in newspapers of same. Read first time, and referred to committee on Printing.

Mr. Duncan introduced a bill to relinquish nine-tenths of State tax to Calhoun county for the years 1860 and 1861. Read first time and referred to Finance committee.

Mr. Mills introduced a bill to relinquish nine-tenths of State tax of Hill county to said county for the years 1859 and 1860. Read first time, and referred to Finance committee.

Mr. Lewter introduced a bill to exempt from forced sale under execution one hundred dollars worth of materials used by mechanics and artisans in prosecuting their respective trades. Read and referred to committee on State Affairs.

Mr. Crawford introduced a bill to amend Article 901, Oldham and White's Digest. Read and referred to Judiciary committee.

Mr. Robertson introduced a bill for the relief of the heirs of Howard McKleroy. Read and referred to committee on Private Land Claims.

Mr. Kinney introduced a bill to legalize certain citations and other writs issuing out of the District Court of Nueces county, from the organization thereof until the 3d day of July, 1853. Read and referred to Judiciary committee.

Mr. Wrede obtained leave to withdraw the report of committee on Counties and County Boundaries, adversely to the petition of sundry citizens of Blanco county, in order to lay the subject again before the committee.

The hour having arrived, the special order, viz: the bill to repeal an act to establish a State University, with majority and minority reports from committee on Education, was taken up.

Mr. Wælder moved to postpone the bill until, and make a special order, for Tuesday next, at 11 o'clock. Lost by the following vote:

YEAS—Messrs. Speaker, Anderson, Barnard, Billingsly, Bogart, Buckley, Camp, Craig, Davis of B., Dennis, Dickson, Dougherty, Ellett, Foscae, Hall, Henry, Hubbard, Kinney, Lewis of M, Lynch, Maverick, McClarty, Middleton, Munson, Nelson, Parker, Pirkey, Redgate, Redwine, Short, Smith, Stewart, Townes, Wælder, and Wrede—35.

NAYS—Messrs. Armstrong, Branch, Bryan, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Davis of H., Duncan, Epperson, Francis, Franklin, Harrison of C., Harrison of V., Hartley, Henderson, Lewis of R., Lewter, Mabry, Manley, McCutchan, McKnight, Mills, Mundine, Norton, Owens, Perry, Robinson, Rose, Shannon, Shelton, Speights, Warfield, Waterhouse, Whitfield, and Whitmore—38.

On motion of Mr. Mundine the majority report was laid on the table by the following vote:

YEAS—Messrs. Speaker, Armstrong, Barnard, Bogart, Branch, Camp, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Davis of H., Dickson, Duncan, Ellett, Epperson, Francis, Foscae, Harrison of C., Harrison of V., Henderson, Henry, Houghton, Hubbard, Lewis of R., Lewter, Manly, Maverick, McClarty, McCutchan, McKnight, Middleton, Mills, Mundine, Norton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—51.

NAYS—Messrs. Anderson, Benevides, Billingsly, Bryan, Buckley, Craig, Davis of B., Dennis, Franklin, Hall, Hartley, Haynes, Herbert, Lewis of M., Mabry, Munson, Nelson, Robinson, Short, Smith, Stewart, Townes, Wælder and Walworth—24.

And the bill read second time and ordered to be engrossed.

The Apportionment Bill, with proposed amendments, was taken up.

[Mr. Dale in the chair]

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.

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

Bill for the relief of Caleb Wilson, with report from committee recommending its passage, was taken up, read second time, and ordered to be engrossed.

Bill for the relief of heirs of James Cook, deceased, with report from committee, recommending its passage, was taken up, read second time, and on motion of Mr. Martin laid on the table.

Bill for relief of Milton Cooke, with report, taken up and disposed of as the last mentioned bill.

Bill to legalize the marriage of C. B. and M. E. Wood, with report from committee recommending amendments, taken up, and the amendments adopted. Bill read second time and ordered to be engrossed.

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

Bill for the relief of G. B. Brownrigg, with report from committee recommending its passage, taken up, read second time.

Mr. Ross proposed to amend by adding "Provided he has not heretofore received a certificate for the same." Adopted, and bill ordered to be engrossed.

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

Bill for relief of L. S. Roberts and James Lehed, with report from committee recommending its passage, taken up, bill read second time and ordered to be engrossed.

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

Bill for the relief of Chas. Lockhart and Jno. Welch, with report from committee recommending its passage, taken up, read second time and ordered to be engrossed.

Bill for the relief of Chas. A. Rodrigaez, with report from

committee recommending its passage, taken up and read second time, and ordered to be engrossed.

Bill to appropriate money to pay assistant clerk in State Department, with report from committee on State Affairs, was taken up and read second time.

Mr. Townes proposed to amend by striking out "\$450" and inserting "975 for thirteen months' services." Rejected.

Mr. Foscue moved to indefinitely postpone the bill. Lost by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Billingsly, Bogart, Camp, Culberson, Dale, Davis of B., Davis of H., Epperson, Francis, Harrison of V., Houghton, Henry, Herbert, Lewter, Maverick, McCutcheon, McKnight, Norton, Owens, Redwine, Ross, Shannon, Shelton, Speights, Stewart, Warfield, Waterhouse and Whitmore—31.

NAYS—Messrs. Speaker, Branch, Bryan, Craig, Crawford, Darnell, Dennis, Duncan, Edwards, Flewellen, Franklin, Foscue, Harrison of Cherokee, Hartley, Hubbard, Kinney, Lewis of R., Lynch, Mabry, Manley, Martin, Middleton, Mills, Mundine, Parker, Perry, Pirkey, Redgate, Short, Smith, Townes, Wælder, Walworth, Whitfield, Wortham and Wrede—36.

On motion of Mr. Davis of B., the bill was recommitted to the committee on Judiciary.

Bill for the relief of Alex. Miller, with report from committee recommending its passage, taken up, read second time.

Mr. Ross proposed to amend by adding "Providing he has never received a certificate for the same." Adopted, and the bill ordered to be engrossed.

Bill for the relief of Wm. Burford, with report from committee recommending its passage, taken up, and read second time.

Mr. Shannon proposed to amend by striking out "640" and inserting "320, provided he had not heretofore received more than 320 acres."

On motion of Mr. Franklin the bill was recommitted to committee on Private Land Claims.

Bill for the relief of H. Clay Davis, with report from committee recommending its passage, was taken up, read second time, (Mr. Dickson in the chair.)

Bill ordered to be engrossed.

Mr. Wortham moved to suspend rule ; take up bill for relief of P. L. Smith. Lost.

Bill for the relief of Jas. D. White, with report from committee recommending its passage, taken up.

On motion of Mr. Parker laid on table.

Bill to incorporate the Sulphur and White Oak Bridge Company, with report from committee recommending its passage, was taken up, read second time, and ordered to be engrossed.

Mr. Armstrong moved to suspend rule and pass bill. Lost.

Bill to amend act incorporating Paine Institute, with report from committee recommending its passage, taken up, read second time and ordered to be engrossed.

Bill to incorporate Texss Saving Institution, with report from committee reconsidering amendments, taken up, read second time, and amendments adopted.

Mr. Norton proposed to amend by inserting "h" between "s" and "a," wherever it occurs in the caption.

[Speaker resumed the chair..]

Amendment adopted.

Mr. Davis of B., moved to lay bill on table. Lost.

On motion of Mr. Townes the bill was indefinitely postponed.

Bill to incorporate Rockford Brigde Company, with report from committee recommending its passage, taken up, read second time.

Mr. Bogart proposed to amend by striking out "one year," and inserting "two years for completion of said bridge," and by striking out "five cents for foot passengers." Adopted, and bill ordered to be engrossed.

Bill to incorporate East Fork Bridge Company, with report from committee recommending its passage, taken up, bill read second time, and ordered to be engrossed.

Bill for the relief of Z. K. Gibson, with report from committee recommending its passage, taken up, read second time, and ordered to be engrossed.

Bill for the relief of Blas Uribe and co-heirs, with report from committee recommending its passage, taken up, read second time.

Mr. Franklin proposed to amend by striking out "illegally," and inserting "erroneously" Adopted, and the bill ordered to be engrossed.

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

On motion the House adjourn'd till 9½ o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Friday, January 6th, 1860. }

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

Mr. Wækler presented the memorial of Captain Hale's ranging company. Referred to committee on Indian Affairs.

Mr. Bogart presented the petition of James S. Robinson. Referred to committee on Claims and Accounts.

Mr. Edwards presented the petition of Mary Watkins. Referred to committee on Public Lands.

Mr. Camp presented the petition of sundry citizens of Uvalde county. Referred to committee on Indian Affairs.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to amend the second section of the act to create the twentieth Judicial District.

Mr. Francis, one of the committee on Public Lands, reported a bill for the relief of Sarah Moller, and recommended its passage. Bill read first time.

Mr. Culberson, one of the committee on Judiciary, reported a substitute for the bill to regulate the sale of real estate, belonging to minors, and recommended its passage.

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

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, recommending the passage of the bill for the relief of Mrs. Win. Gamble, late widow of John Carroll.

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

Mr. Walworth, one of the committee on Public Lands, reported, recommending the passage of the Senate's bill supplemental to the act to ascertain what certificates have been illegally issued by the county courts of counties in Peter's Colony, and to provide for issuing patents on such of said certificates as are legal; with amendments by the committee: Amendment to the first section: "Before the Chief Justice in the county in which the witness resides, and said officer administering the oath, shall certify that from his own knowledge, or from satisfactory proof produced to him, the witness who swears are respectable persons and entitled to credit."

Mr. Shelton, one of the committee on Court of Claims, reported a bill for the relief of E. T. and J. M. H. Martin, and recommended its passage. Bill read first time.

Mr. Munson, one of the committee on Internal Improvements, reported, recommending the passage of the Senate's bill to incorporate the Columbus Tap Railroad Company, with amendments: Amend 11th section by inserting in sixth line, after the words "be less than ten miles long," upon condition that "said com-

pany shall construct, or cause to be constructed, a good and permanent railroad bridge across the Colorado river, on the line of said road."

Also, as one of the Judiciary committee, reported a substitute for the bill to amend the act to incorporate the Brazoria county Insurance Company, and recommended its passage.

Mr. Townes, of the committee on Public Buildings and Grounds, reported that the money appropriated to furnish the Governor's mansion had been expended.

And also, reported a bill making further appropriation for the same object and recommended its passage. Bill read first time.

Mr. Mabry, one of the committee on Judiciary, reported, recommending the passage of the bill to regulate agencies of foreign Insurance Companies in this State, with amendments by the committee :

Amend by adding at the end of first section : " Provided, that no plaintiff in bringing suit against such insurance company, shall not be required to plead the act of incorporation, but it shall be sufficient if suit as aforesaid be brought against said company by the name in which their business is transacted."

Mr. Foscue, chairman of committee on Internal Improvement, reported, recommending the passage of the bill to incorporate the Neches Navigation Company.

Also, reported as follows :

The committee on Internal Improvements, to whom was referred the " bill to be entitled an act to incorporate the Trinity Valley Railroad Company," have had the same under consideration, and find that the charter is drawn up with as much care as usual in such cases, and that it conforms to the usual requirements and conditions that have been commonly enforced upon Railroad Companies, and the only question involved, is as to whether it is likely to be constructed, and is of sufficient general utility as to secure for it a passage through the Legislature.

Mr. Parker, one of the committee on Private Land Claims, reported, asking to be discharged from further consideration of the petition of Mary Ann Long.

Also, reported a bill for the relief of James Rowark's heirs, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of heirs of John Hoffer, deceased, and recommended its passage. Bill read first time.

Mr. Mills, one of the committee on Judiciary, reported, recommending the passage of the bill to amend article 791a, of Penal Code.

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

Mr. Hartley proposed to amend by striking out "500" and inserting "1000." Adopted, and the bill ordered to be engrossed.

Mr. Mills, one of the committee on Judiciary, reported, recommending the passage of the bill to prevent judgments from becoming dormant, with amendments by the committee :

Amend by adding at the end of section first; "but said judgment shall cease to operate as a lien on real estate, unless executions are issued once after each term of the District Court."

Mr. Ross, chairman of committee on Counties and County Boundaries, reported a bill to define county boundaries, and recommended its passage. Bill read first time.

Also, reported asking to be discharged from further consideration of the bill to amend the act to create Blanco county, &c.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill to validate certain citations and other writs, issuing from district court of Nueces county, &c.

Also, reported, recommending the passage of the bill to exempt school lands from limitations.

Also, recommended the indefinite postponement of the bill relating to confessions in criminal trials.

Mr. Stewart, chairman of committee on Finance, reported, recommending the indefinite postponement of the bills to relinquish nine-tenths of the State tax to the counties of Hill and Calhoun.

Also, recommended the passage of the Senate's bill to make appropriation to pay Assessors and Collectors for taking the scholastic census for 1859.

Also, reported, recommending the passage of the Senate's bill to provide for the pay and subsistence of the troops called out by the Governor, under the command of J. S. Ford, James Bourland and John Henry Brown.

Also, for the pay of the Commissioners sent by the Governor to the Indians, as amended by the House with amendments by the committee.

Amendments by the committee :

Add, "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 such as are fully authenticated by proper vouchers, and to redeem extravagant charges to a reasonable amount."

And strike out from the House's amendment as follows :

“And shall not allow more than four cents per pound for beef, and five cents per pound for flour, and not more than one dollar and fifty cents per bushel for corn, and not over five cents per pound for pork.”

On motion of Mr. Stewart, the rule was suspended, the bill taken up and the amendment by the committee adopted, and the House's amendment as amended adopted, and the bill passed third reading.

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

Mr. Davis of B., obtained leave of absence until Monday morning next.

Mr. Lewis of B., presented the petition of sundry citizens of Robertson and Milam counties. Referred to committee on State Affairs.

Mr. Duncan presented the petition of John Parsons. Referred to committee on Public Debt.

A message was received from the Senate informing the House that the Senate had passed a bill making a further appropriation for furnishing the Governor's mansion.

Mr. Foscue introduced a joint resolution providing pay for the members of Congress from Texas. Read first time.

On motion of Mr. Foscue, one hundred copies were ordered to be printed.

The hour having arrived the special order of the day, viz :

The Raft bill, was taken up.

The question being the engrossment of the bill, the same was put and the House refused to engross the bill by the following vote :

YEAS—Messrs. Armstrong, Billingsley, Crawford, Crooks, Darnell, Davis of H., Ellett, Epperson, Flewellen, Haynes, Henry; Lewis of R., Manley, Maverick, Norton, Ross, Shelton and Warfield—18.

NAYS—Messrs. Speaker, Anderson, Burnard, Baxter, Bogart, Branch, Bryan, Buckley, Craig, Clark, Culberson, Dale, Dennis, Dickson, Dougherty, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Hartley, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Mabry, Martin, McClarty, McCutchan, Middleton, Mills, Mundine, Munson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Shannon, Short, Speights, Townes, Wælder, Walworth, Waterhouse, Whitfield, Whitmore and Wrede—50.

Mr. Franklin introduced a bill to incorporate the Galveston

Cotton Press and Manufacturing Company Read first time and referred to committee on State Affairs.

Mr. Mabry presented the petition of Geo. M. McDonell, *et al.* Referred to committee on Private Land Claims.

Mr. Haynes presented the petition of John Smith. Referred to committee on Private Land Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill for the relief of Sarah Miles. Read first time.

Mr. Francis offered the following resolution :

Resolved, That the Judiciary committee be instructed to report upon a bill now before them entitled a bill to quiet land titles. Adopted.

Mr. Hartley offered the following resolution :

WHEREAS, Since the creation of Eve, fair woman has been as was ordained, the help-meet of man, the light of his darkness, and the light of his light, the refiner of his nature, and the heroine of his noble impulses and high resolves ; and

WHEREAS, The women of Texas are possessed of all the virtues that adorn their sex, to say nothing of their extraordinary beauty ; Therefore,

Be it resolved by the House of Representatives of the State of Texas, That they are worthy of admission to the floor of this Hall, and if they will favor us with their presence, the Sergeant-at-Arms is directed to furnish them seats.

Laid over one day for consideration.

Mr. Bryan moved to suspend the rule, and take up the bill to incorporate the Trinity Valley Railroad Company. Lost.

Mr. Martin submitted the following minority report upon the petition of Messrs. Marshall & Oldham, reporting a joint resolution requiring the Comptroller to examine the accounts of the State Printer. Resolution read first time.

Mr. Townes moved to have one hundred copies of the majority and minority be printed. Lost by the following vote :

YEAS—Messrs. Armstrong, Bagart, Branch, Clark, Darnell, Davis of H., Dickson, Dougherty, Ellett, Epperson, Haynes, Lewis of M., Lewis of R., Lynch, Manley, Martin, Maverick, McCutchan, Middleton, Mundine, Perry, Redgate, Robinson, Shannon, Townes, Whitfield and Whitmore—27.

NAYS—Messrs. Speaker, Anderson, Barnard, Billingsley, Buckley, Camp, Craig, Crawford Crooks, Dale, Dennis, Fiewellen, Franklin, Foscue, Hall, Harrison of C., Hartley, Houghton, Hubbard, Kinney, Lewter, Mabry, McClarty, Mills, Nelson, Norton, Parker, Redwine, Ross, Shelton, Short, Speights, Wælder, Walworth and Warfield—35.

Mr. Kinney introduced a bill to amend the act supplemental to the act to change the times of holding District Courts in the tenth and fourteenth Judicial Districts. Read first time, and referred to committee on Judicial Districts.

Mr. Crawford introduced a bill to amend article 1088 of Oldham & White's Digest. Read first time, and referred to committee on State Affairs.

Mr. Dale introduced a bill to incorporate the Palestine Tap Railroad Company. Read first time, and referred to committee on Internal Improvements.

ORDERS OF THE DAY.

The apportionment bill, with proposed amendments, was again taken up.

Mr. Barnard proposed to amend the amendment as follows:

Strike out first and second districts, and the names of their counties, and insert Liberty, Jefferson, Chambers, Orange and Polk, two Representatives. Strike out ninth, tenth and eleventh districts and the names of their counties, and insert Houston, Anderson and Trinity, three Representatives. Strike out fourteenth, fifteenth and sixteenth districts and the names of their counties, and insert Harrison and Panola, three Representatives. Strike out eighteenth, nineteenth and twentieth districts and the names of their counties, and insert Cass, Titus and Bowie, four Representatives. Strike out twenty-third, twenty-fourth and twenty-fifth districts and the names of their counties, and insert Hopkins and Lamar, three Representatives. Strike out twenty-eighth, twenty-ninth and thirtieth districts and their counties, and insert Fannin and Hunt, three Representatives. Strike out thirty-first, thirty-second and thirty-third and names of their counties, and insert Collin and Grayson, three Representatives.

Strike out thirty-fourth and thirty-fifth districts and their counties, and insert Galveston and Brazoria, two Representatives.

Strike out fifty, fifty-first and fifty-second districts and the names of counties, and insert Washington and Fayette, three Representatives.

Strike out fifty-fifth, fifty-sixth and fifty-seventh districts and names of counties and insert Williamson, Travis and Milam, three Representatives.

Strike out seventy-first and seventy-second districts and the names of their counties, and insert Bexar, Medina, Uvalde, Dawson, Kinney and Maverick, three Representatives.

Strike out seventy-third and seventy-fourth districts and the

names of their counties, and insert Cameron and Hidalgo, two Representatives.

Then correct the numbers of the districts to correspond with the foregoing amendments.

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. Hartley, the bill to amend the 11th section of the act to incorporate the Galveston, Houston and Henderson Railroad Company, with report from committee, recommending that the House's amendment be stricken out, was taken up.—Read second time.

The question being upon the adoption or rejection of the amendment proposed by the committee, the same was put and the amendment rejected by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Bogart Craig Crooks Clark Culberson Darnell Davis of H. Dougherty Edwards Francis Flewellen Hartley Lewis of R. Martin McClarty Mills Munson Nelson Redwine Ross Speights Wælder Walworth and Warfield—24.

NAYS—Messrs. Barnard Billingsley Buckley Camp Crawford Dale Dickson Duncan Elliott Epperson Flewellen Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Lewis of M. Lewter Lynch Maverick McCutchan Middleton Norton. Parker Perry Shannon Short Stewart Townes Waterhouse Whittfield Whitmore Wortham and Wrede—37.

Mr. Henderson proposed to amend by adding: "And that the Texas creditors shall have prior lien on said road for all their debts."

Mr. Epperson offered the following as a substitute for the amendments: "Provided that this amendment shall first be submitted to a vote of the stockholders of said county, and shall be approved by a majority of the same, otherwise, it shall be of no effect."

[Mr. Redwine in the Chair.]

Mr. Henderson, by permission, withdrew his amendment, and Mr. Epperson then offered his substitute for the amendment as an amendment to the bill.

Amendment rejected by the following vote :

YEAS—Messrs. Armstrong Barnard Branch Camp Crawford Crooks Davis of H. Dickson Duncan Ellett Epperson Francis Harrison of V. Z. Henderson Houghton Lynch Maverick

McCutchan Norton Parker Shelton Stewart Waterhouse Whitfield Whitmore and Wortham—26.

NAYS—Messrs. Anderson Baxter Billingsley Bogart Bryan Buckley Craig Clark Culberson Cumby Dale Dennis Dougherty Flewellen Franklin Foscue Harrison of C. Hartley Haynes Hubbard Kinney Lewis of M. Lewis of R. Lewter McClarty Mills Munson Nelson Perry Redgate Redwine Robinson Ross Shannon Speights Townes Walworth and Warfield—38.

Mr. Henderson proposed to amend by adding, and that the directors of said road shall hold the earnings of said road and apply the same exclusively to the payment of Texas creditors. Amendment adopted, and the bill passed to a third reading.

On motion of Mr. Franklin, the rule was suspended, the bill read third time, and the House refused to pass the bill by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Baxter Bryan Buckley Craig Clark Culberson Cumby Dale Davis of H. Dennis Dougherty Duncan Flewellen Franklin Foscue Harrison of C. Hartley Haynes Henderson Hubbard Lewis of M. Lewis of R. Lewter McClarty Mills Munson Nelson Perry Redgate Redwine Robinson Ross Shannon Short Speights Wælder Walworth Warfield and Wrede—42.

NAYS—Messrs. Barnard Billingsley Bogart Branch Crawford Crooks Dickson Ellett Epperson Francis Harrison of V. Z. Houghton Lynch Maverick Middleton Mundine Parker Shelton Stewart Waterhouse Whitfield Whitmore and Wortham—23.

Mr. Shannon moved to suspend rule and take up bill supplemental to the act to ascertain what certificates have been illegally issued in the counties in Peter's Colony, &c. Lost.

The bill for the relief of Nat. M. Burford with substitute and minority and majority reports from Judiciary committee, was taken up.

Mr. Mills moved to lay the reports on the table. Lost.

[Mr. Townes in the Chair.]

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

After further discussion on the bill, on motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Saturday, January 7th, 1860. }

House met pursuant to adjournment—roll called—quorum

present. Journal of yesterday read and adopted.

[Mr. Mills in the chair.]

Mr. Perkey moved to reconsider the vote refusing the engrossment of the Raft Bill.

A message was received from the Senate, informing the House that the Senate had passed a bill for the relief of Jose Leonardo de la Garza Trudo, and had concurred in the House's amendments to the Senate's bill to incorporate the Indianola Railroad Company, approved January 21st, 1858, and to 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 pay of commissioners sent by the Governor to the Indians.

The question on the reconsideration was put, and announced by the chair as lost.

Messrs. Crooks and Epperson called for a vote by yeas and nays on the question

[Mr. Dickson in the Chair.]

The Chair decided that the call for the yeas and nays came too late, as the result of the *viva voce* had been announced, and that the question was no longer before the House, whereupon Mr. Epperson appealed from the decision of the Chair. After discussion, the appeal was withdrawn.

Mr. Norton presented the petition of William C. Philips. Referred to committee on Private Land Claims.

Mr. Crawford presented the petition of Eli R. Dammond. Referred to committee on Private Land Claims.

Mr. Ellett presented the petition of the citizens of Wise county. Referred to committee on State Affairs.

On motion of Mr. Francis the vote refusing to pass the Senate's bill to amend the 11th section of the act to incorporate the Galveston, Houston and Henderson Railroad Company, was reconsidered by the following vote:

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Billingsly, Bryan, Buckley, Camp, Craig, Culberson, Cumby, Dale, Dennis, Dougherty, Duncan, Ellett, Flewellen, Francis, Franklin, Hall, Harrison of C., Hartley, Haynes, Henderson, Houghton, Hubbard, Kinney, Lewis of R., Lewter, Mabry, Manly, Martin, Maxey, McClarty, Mills, Mundine, Munson, Perry, Redgade, Redwine, Robinsen, Ross, Shannon, Townes, Wælder, Walworth, Warfield, Wortham and Wrede—49.

NAYS—Messrs. Barnard, Bogart, Branch, Crawford, Crooks, Clark, Davis of H., Dickson, Epperson, Foscoe, Henry, Lynch,

Maverick, McCutchan, Norton, Owens, Parker, Perry, Shelton, Short, Speights, Waterhouse, Whitfield and Whitmore—23.

And the bill passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Bryan, Buckley, Craig, Clark, Culberson, Cumby, Dale, Davis of B., Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Flewellen, Franklin, Foscoe, Hall, Harrison of Cherokee, Hartley, Haynes, Henderson, Hubbard, Kinney, Lewis of M., Lewis of R., Mabry, Manly, Martin, Maxey, McClarty, Middleton, Mills, Mupdine, Munson, Nelson, Perry, Redgate, Redwine, Robinson, Ross, Robinson, Ross, Shannon, Townes, Wælder, Walworth, Warfield, Worham and Wrede—49.

NAYS—Messrs. Armstrong, Barnard, Bogart, Branch, Crawford, Crooks, Dickson, Epperson, Francis, Harrison of V. Z., Henry, Houghton, Lynch, Maverick, McCutchan, Norton, Owens, Parker, Shelton, Townes, Waterhouse, Whitfield and Whitmore—23.

Mr. Foscoe, chairman of committee on Internal Improvements, reported a substitute for the bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company.

Mr. Harrison of V. Z., one of the committee on Private Land Claims, reported a substitute for the bill for the relief of W. De Woody, and recommend its passage.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the "Bill to change the name of Lucy Ann Simmons to Lucy Ann Hood," with amendments: amend by striking out all after the word "Wood" at the end of 4th line, section 1st. Also reported a substitute for the Senate's bill to authorize the county court of Comal county to levy a special tax, &c., and recommend its passage.

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

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

Mr. Dennis also reported, recommending the passage of the bill to restore land sold for taxes and purchased by the State to former owners, on certain conditions.

Mr. Craig, on part of the committee on Court of Claims, reported, asking to be discharged from further consideration of the petition of the heirs of Harrison Young.

Mr. Buckley, chairman of committee on the Judiciary, reported, recommending the indefinite postponement of the bill for the relief of W. A. S. Roudeau. Also reported a substitute for the

bill for the relief of Richard B. Wardroupe, and recommend its passage. Also reported recommending the passage of the Senate's bill to validate the acknowledgment and registration of Deeds and other instruments of writing heretofore recorded, with amendments by the committee.

AMENDMENT.

Section 1st, line 12th, after the word "justice," and before "clerk," insert "or associate justices." Section 1st, line 14th, after "Texas," insert "or judge of the department of Brazos, or any primary judge, or judge of the first instance, in 1835 and 1836. Also reported, recommending the passage of the bill to authorize the Commissioner of the General Land Office to issue patents upon surveys made not in the form required by law.

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

Mr. Norton gave notice that two minority reports would be submitted.

Mr. Foscue, one of the committee on State Affairs, reported, recommending the rejection of the petition of the citizens of Comal county, asking for relinquishment of State taxes.

Mr. Darnell, one of the committee on State Affairs, reported, asking that the bill to provide for the erection of Governor and Secretary of State offices be referred to committee on Public Buildings. Report adopted.

Messrs. Norton, Lewter, Ross and Speights, of the committee on Claims and Accounts, submitted a minority report adverse to the claim of Mrs. Wm. Gamble.

Mr. Ross, one of the committee on State Affairs, reported, recommending the passage of the Senate's bill to incorporate the Firemen's Relief Fund Association. Also reported a bill to create the county of Wilson, and recommend its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, asking to be discharged from further consideration of the Senate's bill for the relief of Caleb C. Dibble.

On motion of Mr. Munson the rule was suspended, the bill taken up and referred to committee on the Judiciary.

Mr. Shannon also reported, recommending the passage of the Senate's bill for the relief of Jacob Laux.

Mr. Branch, one of the committee on Enrolled Bills, reported as follows :

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

Speaker of the House of Representatives :

The Joint Committee on Enrolled Bills have examined the following bills, viz :

"A bill authorizing the Governor to procure the restoration to his parents of a certain boy named William Horster, who was taken by the Indians."

"A bill to be entitled an act for the relief of Wm. Phelps."

"A bill to incorporate the Jefferson Insurance Company."

"A bill to be entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, passed 11th May, 1846," and find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his approval and signature.

Also, as one of the committee on the Penitentiary, reported, recommending the passage of the Joint Resolution authorizing the Governor to appoint three persons to examine the Penitentiary.

Mr. Parker, chairman of committee on Private Land Claims, reported, recommending passage of the Senate's bill for relief of Nancy Robinson.

Mr. Mills, one of the committee on Judiciary, reported, recommending the indefinite postponement of the bill for the relief of heirs of Benj. R. Milam. Also reported a bill for the relief of F. W. Johnson and heirs, and B. R. Milam, and recommended its passage. Bill read first time.

Also reported a bill to amend the Jury Law, and recommended its passage. Bill read second time.

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

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

Mr. Mabry, chairman of committee on Enrolled Bills, reported as follows :

The joint committee on Enrolled Bills have examined the following bills, viz :

A bill to be entitled an act incorporating the Horse-Head Crossing of Pecos Bridge Company.

A bill to be entitled an act for the relief of Wiley Burns, the heirs of Robert McKinney, the heirs of Manuel Ramon, and the heirs of David Barlow.

A bill to be entitled an act confirming certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation.

A bill to be entitled an act incorporating Pecos Bridge Company.

A bill to be entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company.

A bill to be entitled an act for the relief of J. P. C. Kenyore.

And a bill to be entitled an act supplemental to the modified charter of the Aransas Road Company, and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature

Mr. Middleton, one of the committee on Private Land Claims, reported substitute for the bill for the relief of Jno. T. Wilson, and recommended its passage.

Mr. Bryan, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of P. Bryan.

Mr. Nelson, chairman of committee on Indian Affairs, reported a joint resolution to authorize the auditing accounts and filing muster-rolls of the companies of Capt. Jno. Scandlin and others therein mentioned, and recommended its passage. Resolution read first time. Also reported a joint resolution instructing our members of Congress to urge the General Government to indemnify persons for property stolen by Indians. Resolution read first time.

On motion of Mr. Buckley the rule was suspended, and the bill to authorize the Commissioner of the General Land Office to patent certain surveys not made in such form as required by law, taken up and read second time.

Mr. Shannon proposed to amend by adding an additional section. Adopted, and the bill passed to third reading.

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

Mr. Flewellen moved to suspend the rule and take up the bill to abrogate the office of State Engineer, and make it the special order of the day for Wednesday next, the 11th inst.

Mr. Whitmore proposed to amend by saying Monday, the 16th inst.

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.

Bill for the relief of Nat. M. Burford, Judge of the 16th Judicial District, was again taken up.

[Mr. Branch in the chair.]

Mr. Lynch moved the previous question, which was seconded, and the main question ordered.

[Speaker resumed the chair.]

The main question being the adoption or rejection of the majority report, the same was put, and the majority report adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Branch, Buckley, Craig, Crawford, Clark, Culberson, Cumby, Dale, Davis of H., Dennis, Dickson, Dougherty, Edwards, Epperson, Flewellen, Francis, Franklin, Harrison of C., Harrison of V. Z., Haynes, Henderson, Houghton, Lewis of M., Lewter, Lynch, Mabry, Maverick, McClarty, McCutchan, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Walworth, Waterhouse, Whitfield, Whitmore and Wrede—50.

NAYS—Messrs. Bogart, Bryan, Darnell, Hubbard, Lewis of L., Manly, Mills, Mundine, Nelson, Shannon and Warfield—11.

Report from committee on Judiciary, asking to be discharged from further consideration of the memorial of A. B. Bacon, was taken up and adopted.

Mr. Ross moved to suspend rule and take up joint resolution for relief of judge Frazier. Lost.

Mr. Mabry asked permission to present a petition. House refused.

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

Bill to legalize the marriage of Wm. H. and Margaret Slain, taken up, read second time, and ordered to be engrossed.

Mr. Nelson moved to suspend rule and pass bill. Lost.

Bill to legalize the marriage of Wm. Davis and Sarah James, with report from committee recommending its passage, taken up, read second time, and ordered to be engrossed.

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

Mr. Pirkey moved a call of the House.

The ayes and nays being called for on the final passage of the bill, stood thus :

YEAS—Messrs. Speaker, Anderson, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Cumby, Dale, Darnell, Davis of H., Dennis, Duncan, Edwards, Epperson, Flewellen, Francis, Harrison of Cherokee, Haynes, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Manly, Maverick, McClarty, Mills, Mundine, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Townes, Wælder, Wal-

worth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede,
—51.

NAYS—Messrs. Dickson, Dougherty, Franklin, Harrison of V, Z., Hartley, Henderson, Mabry, Pirkey, Shelton and Stewart—9.
And the bill was passed.

Mr. Dougherty gave notice of a protest.

On motion of Mr. Nelson the bill to legalize the marriage between W. H. and Margaret Slain was taken up and read third time.

The ayes and nays being called for on the final passage of the bill, stood thus :

YEAS—Messrs. Speaker, Anderson, Baxter, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Cumby, Dale, Darnell, Davis of H., Dennis, Duncan, Edwards, Flewellen, Francis, Haynes, Henry, Houghton, Hubbard, Lewis of R., Lynch, Manly, Maverick, Middleton, Mills, Mundine, Nelson, Owens, Perry, Redgate, Redwine, Robinson, Shannon, Short, Smith, Townes, Wælder, Waterhouse, Whitmore and Wrede—41.

NAYS—Messrs. Dickson, Dougherty, Franklin, Harrison of C., Harrison of V. Z., Hartley, Henderson, Eewis of M., Lewter, Mabry, McClarty, Norton, Parker, Ross, Shelton, Stewart, Walworth, Warfield, and Whitfield—20.

No quorum voting, on motion of Mr. Mills a call of the House was ordered.

On motion Messrs. Benevides, Caddell, Davis of B., McKnight and Speights were excused.

Absentees—Messrs. Armstrong, Barnard, Baxter, Billingsley, Camp, Crooks, Clark, Culberson, Ellett, Foscue, Hall, Henry, Hubert, Kinney, Martin, Maxey, McCutchan, Munson, Navarro, Taylor and Wortham,

Mr. Mills moved to excuse Messrs. Navarro and Taylor. Lost.

Mr. Duncan moved to excuse Mr. Hubert. Lost.

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

Mr. Franklin moved to suspend call. Lost.

Messrs. Baxter, Henry and Middleton appeared and voted aye, and the bill was declared by the Speaker passed, and the call suspended.

Bill to permit Abigail Bell to adopt Susan Alford, with report from committee, taken up.

On motion of Mr. Haynes a call of the House was ordered.

On motion of Mr. Redwine Dr. Barnard was excused.

Absentees—Messrs. Armstrong, Billingsley, Camp, Crooks, Culberson, Cumby, Darnell, Ellett, Foscue, Hall, Hubert, Kin-

ney, Martin, Maxey, McClarty, McCutchan, Mundine, Munson, Navarro, Taylor, Waterhouse and Wortham.

Mr. Lewis R., moved to adjourn till 10 o'clock, A. M., on Monday. Lost.

Mr. Buckley moved to suspend call. Lost.

Mr. McCutchan and Cumby were announced at the door.

Report from committee on Private Land Claims, recommending the indefinite postponement of the petition of John F. Reynolds, was taken up and adopted.

Bill for the relief of C. Gage, with report from committee, recommending its passage, was taken up, read second time, and ordered to be engrossed.

Bill for the relief of P. B. Norton, with report from committee recommending its passage, was taken up and read second time.

Mr. Francis moved to lay the bill on table. Lost. And the bill ordered to be engrossed.

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

Bill for the relief of Jas. G. Dunn, with report from committee on Claims and Accounts, asking to be discharged from further consideration of the same, was taken up, and the report adopted.

Messrs. Crooks, Hubert, Maxey and Culherson were announced at the door.

Bill for the relief of A. F. Smith, with report from committee on Claims and Accounts, was taken up.

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

HOUSE OF REPRESENTATIVES, }
Monday, January 9th, 1860. }

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

[Mr. Dickson in the Chair.]

Messrs. Epperson, Taylor of Cass, Foscue, Dennis, Baxter, Duncan and Crooks rose to personal explanations.

On motion of Mr. Taylor of Cass, Mr. Barclay was excused from attendance on the House for the balance of the session on account of illness.

Mr. Darnell presented the petition of D. H. Lisk. Referred to committee on Private Land Claims.

Mr. Wælder presented the petition of Domingo Losolla.

Referred to committee on Private Land Claims.

Mr. Mabry presented the petition of Jas. S. Dunson. Referred to committee on Private Land Claims.

Mr. Dougherty introduced a bill to change and fix the time of holding courts in the 12th judicial district.

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

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

Mr. Smith presented the petition of the citizens of Sabine Pass. Referred to committee on State Affairs.

Mr. Nelson presented the petition of citizens of McLennan county. Referred to committee on Judiciary.

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

A message was received from the Senate informing the House that the Senate had passed a bill to incorporate the Southern Fire Insurance Company, and

• A joint resolution proposing to amend the constitution.

Also, had passed the House's bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of Indianola, with amendments.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed to bill to repeal the act establishing a State University.

Bill to amend the act to incorporate the Payne Female Institute, and the bill to amend art. 791a of the penal code.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed, the bill to incorporate the Eastern Texas Railroad Company, and the same had been presented to the Governor for approval and signature.

Mr. Hartley, one of the committee on State Affairs, reported, recommending the passage of the bill to incorporate the Lone Star Circle, &c.

Mr. Henderson offered the following resolution :

• *Resolved*, That we wish to assure the Representatives of this State in Congress, in the difficult circumstances in which they are placed, of the sympathy of this Legislature, in the struggle in which they are now engaged, and of our cordial support of every proper measure they may adopt to protect the just rights of this State and of the South, the integrity of the Union and the authority of the constitution.

• *Resolved*, That we recommend in view of the public danger, the union of all the elements of opposition to Black Republi-

cans and their candidate for Speaker, on any terms consistent with honor and fairness, whensoever by such union its defeat can be accomplished and the organization of the House be effected.

Mr. Mills moved to refer the resolution to the committee on Federal Relations. Lost by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Bogart, Branch, Craig, Crooks, Darnell, Dennis, Dickson, Dougherty, Edwards, Flewellen Franklin, Harrison of V. Z., Hartley, Lewis, of M., Lewis of R., Mabry Manly, Maverick, McCutchan, McKnight, Mills, Mundins, Parker, Perry, and Robinson—29.

NAYS.—Messrs. Baxter, Benevides, Bryan, Camp, Crawford, Culberson, Cumby, Dale, Daniels, Davis of B., Davis of H., Duncan, Ellett, Epperson, Francis, Foscue, Hall, Harrison of C., Haynes, Henderson, Henry, Hubbard, Lewter, Lynch, Martin, Maxey, McClarty, Middleton, Munson, Nelson, Norton, Owens, Pirkey, Redgate, Redwine, Ross, Shannon, Short, Smith, Speights, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wortham—47.

Mr. Flewellen proposed to amend as follows :

Resolved, That the election of a Black Republican Speaker of the Helper school, would be a direct assault upon the honor and interest of the people of the South, and that our Representatives in Congress be, and they are hereby requested to use every honorable means to prevent any organization of the same by the election of a Speaker, entertaining political sentiments hostile to, and subversive of the constitutional rights of the slave States of this Union.

Mr. Davis of H., moved to lay the resolution on the table. Lost, by the following vote :

YEAS.—Messrs. Armstrong, Clark, Davis of H., Franklin, and Maverick—5.

NAYS.—Messrs. Speaker, Anderson, Barnard, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crooks, Crawford, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Haynes, Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Maxey, McClarty, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Speights, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—73.

Mr. Hartley moved to refer the resolution and amendment to the committee on Federal Relations.

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

The bill to call a convention to make a new constitution to the State, was taken up.

Mr. Henderson moved to strike out the enacting clause. Carried by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Bogart, Bryan, Buckley, Camp, Craig, Clark, Cumby, Dale, Darnell, Dennis, Dickson, Edwards, Flewellen, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Martin, Maverick, McClarty, McCutchan, Middleton, Mundine, Nelson, Parker, Perry, Redgate, Redwine, Ross, Shelton, Short, Speights, Stewart, Wælder, Warfield, Whitfield, Wortham and Wride—50.

NAYS.—Messrs. Barnard, Baxter, Branch, Crawford, Crooks, Daniels, Davis of H., Dougherty, Duncan, Ellett, Epperson, Franklin, Haynes, Lewis of M., Manly, McKnight, Munson, Norton, Owens, Pirkey, Robinson, Shannon, Smith, Waterhouse and Whitmore—25.

Mr. Henderson's resolution was again taken up.

A message was received from the Governor.

The question to refer to committee on Federal Relations was put and lost.

Mr. Mills offered the following amendment to the amendment :

“ And our Representatives are also requested not to vote for the plurality rule, whereby a Black Republican would be elected Speaker of the House of Representatives. Rejected.

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

Resolved, That it is the duty of our Representatives in Congress and good citizens north and south, to lay aside sectional dissensions, and to cultivate in their stead that ancient feeling of good-will and mutual forbearance towards each other which our fathers showed, and above all, to strive to allay rather than to excite the spirit of sectional hatred and strife, which is now rife throughout the land.

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

The House refused the main question by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Benevides, Bogart, Dale, Davis of B., Dickson, Ellett, Francis, Foscue, Harrison of V. Z., Hartly, Haynes, Henderson, Houghton, Hubbard, Lewter, Lewis of R., Martin, Middleton, Mundine, Nelson, Norton, Parker, Perry, Redgate, Wælder, and Wortham—28.

NAYS—Messrs. Anderson, Baxter, Branch, Bryan, Buckley, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Darnell, Daniels, Davis of H., Dennis, Dougherty, Duncan, Epperson, Flewellen, Franklin, Hall, Harrison of C., Kinney, Lewis of M., Manly, Maverick, Maxey, McClarty, McCutchan, McKnight, Mills, Owens, Pirkey, Redwine, Robinson, Ross, Shelton, Short, Smith, Speights, Stewart, Townes, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—49.

Mr. Dickson moved to refer the whole matter to committee on Federal Relations. Carried by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Bogart, Branch, Buckley, Craig, Clark, Darnell, Davis of B., Dennis, Dickson, Dougherty, Ellett, Franklin, Foscue, Hall, Harrison of V. Z., Hartley, Kinney, Lewis of M., Lewis of R., Lewter, Manly, Martin, Maverick, McCutchan, McKnight, Middleton, Mundine, Nelson, Parker, Redwine, Ross, Shannon, Shelton, Smith, Wælder, Warfield, Whitfield and Wortham—41.

NAYS.—Messrs. Anderson, Baxter, Benevides, Bryan, Camp, Crawford, Crooks, Culberson, Cumby, Dale, Daniels, Davis of H., Duncan, Epperson, Flewellen, Francis, Harrison of C., Haynes, Henderson, Henry, Houghton, Hubbard, Lynch, Maxey, Mills, Munson, Norton, Owens, Perry, Pirkey, Redgate, Short, Speights, Stewart, Walworth, Waterhouse, Whitmore and Wrede—38.

Mr. Nelson introduced a bill to relieve Jas. W. Pope from minority. Read first time.

Mr. Nelson moved to suspend rule and engross bill. Lost, and the bill passed to second reading.

Mr. Hubbard introduced a bill to create 27th judicial district. Read first time and referred to committee on Judicial Districts.

Mr. Munson introduced a bill to change boundary line between Comal and Hays county. Read first time and referred to committee on Counties and County Boundaries.

Mr. Kinney introduced a bill to legalize the notarial acts of W. Merriman. Read first time and referred to Judiciary committee.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to fix the time of holding courts in the 12th judicial district.

Mr. Dougherty introduced a bill to regulate contracts for personal services in Cameron and Hidalgo counties. Read first time and referred to Judiciary committee.

Mr. Duncan introduced a bill to grant land to the Lavaca

Navigation Company. Read first time and referred to committee on State Affairs.

Mr. Shannon introduced the bill supplementary to the act of 26th August, 1856, to authorize the location and settlement of the Mississippi and Pacific Railroad Reserve. Read first time and referred to committee on Public Lands.

Mr. Townes introduced a bill for donating land to W. R. S. Rondeau. Read first time and referred to Judiciary committee.

Mr. Wortham introduced a bill to incorporate Bright Star Educational Company. Read first time and referred to committee on Education.

Mr. Stewart introduced a bill to amend the 8th section of the act passed Feb. 15th, 1858, entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company. Read first time and referred to committee on Internal Improvements.

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

Gentlemen of the Senate

and House of Representatives :

I herewith return to the House, in which it originated, "an act to authorize the Governor to postpone the sale of University lands that have been forfeited for non-payment of the annual installment required by law."

The Executive can see no reason for any grant of indulgence to the purchasers. No petition or papers accompany the act and he is left to infer from the conditions of the sale of the University lands, that they were purchased from the State upon speculation ; and this being the case, he would deem it impolitic, unwise and detrimental to the public interest, to extend the time for payment of the installment a single day. If the principle of indulgence be once inaugurated, it would only be an invitation to the purchasers at subsequent sessions of the Legislature, to petition for further indulgence. If this act embraced any general principle, the case would be different ; but, as it bears the aspect of class legislation, or special legislation, the Executive cannot sanction either. Had it a general application to purchasers of small tracts of the public domain for homesteads, who had been prevented from complying with their contracts on account of the State or General Government not having furnished adequate protection, the plea for indulgence might be urged with some claim to consideration. I can see no reason for the extension contemplated by the act. Hence the approval of the Executive is withheld.

The Executive would respectfully suggest, however, that if the parties desiring relief, choose to relinquish to the State, the lands purchased by them, they be permitted to do so and their obligations canceled.

SAM HOUSTON.

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

YEAS.—Messrs. Speaker, Baxter, Benevides, Camp, Davis of B., Epperson, Hall, Hartley, Haynes, Henry, Manly, Martin, McCutchan, Mills, Munson, Nelson, Perry, Shelton, Stewart, Waulder and Warfield—21.

NAYS.—Messrs. Anderson, Armstrong, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Culberson, Cumby, Dale, Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Flewollen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, McKnight, Mundine, Norton, Parker, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Speights, Townes, Walworth, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—53.

Mr. Norton moved to postpone a consideration of the matter until the first of February. Lost.

The question recurring upon the final passage of the bill notwithstanding the veto of the Governor.

Mr. Norton moved a call of the House, which was lost, and the House refused to pass the bill by the following vote :

YEAS.—Messrs. Benevides, Bogart, Bryan, Buckley, Camp, Clark, Culberson, Dale, Duncan, Ellett, Epperson, Flewollen, Harrison of V. Z., Hartley, Haynes, Henry, Hubbard, Manly, Martin, Maxey, McCutchan, Middleton, Mills, Munson, Nelson, Norton, Owens, Parker, Perry, Shannon, Smith, Townes, Waulder, Walworth, Warfield, Wortham and Wrede—38.

NAY.—Messrs. Speaker, Anderson, Armstrong, Baxter, Branch, Craig, Crawford, Cumby, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Francis, Franklin, Foscue, Hall, Harrison of C., Henderson, Houghton, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, McClarty, McKnight, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Speights, Stewarts, Waterhouse, Whitfield and Whitmore—40.

On motion of Mr. Flewollen, Mr. Stewart was added to committee of Federal Relations.

On motion of Mr. Henderson, Mr. Crawford was added to committee on Federal Relations.

Mr. Dougherty, moved to reconsider the vote refusing to pass

the bill vetoed by the Governor, and to postpone it till February the first.

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

Mr. Buckley introduced a bill to punish persons for cutting timber on public lands. Read first time and referred to committee on Public Lands.

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.

Bill for the relief of A. T. Smith, with report from committee recommending its passage, was taken up and read.

The yeas and nays were called for on the engrossment of the bill, and stood thus :

YEAS.—Messrs. Speaker Barnard Benevides Billingsley Bogart Bryan Buckley Camp Craig Crawford Dale Davis of H. Dennis Dickson Duncan Edwards Epperson Flewellen Harrison of C. Harrison of V. Z. Hubert Kinney Lewis of M. Lewter Lynch Maverick McCutchan Middleton Mundine, Munson Nelson Norton Owens Parker Perry Redgate Robinson Shannon Short Smith Speights Townes Waddler Walworth and Whitfield—45.

NAYS.—Messrs. Clark Darnell Davis of B. Dougherty Foscue Henry Hubbard McClarty Mills Redwine Ross Shelton Stewart Warfield and Whitmore—15.

And the bill ordered to be engrossed.

Bill to permit Abigail Bell to adopt Susan Alford, with report from committee recommending its passage, was taken up, read, and ordered to be engrossed.

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

On motion of Mr. Dennis, the bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company, with report from committee recommending a substitute, was taken up.

Mr. Munson proposed to amend as follows :

“ Provided, that this road shall be subject to all the requirements of the general railroad laws of this State.” Adopted.

And the substitute adopted, and the bill ordered to be engrossed.

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

Bill for the relief of the heirs of Charles D. Ferris, with

report from committee recommending its passage, was taken up, read second time.

Mr. Ross proposed to amend by adding :

“ Provide that if he has heretofore received a certificate for any part of said land, then his heirs shall have a certificate for the residue thereof.” Rejected, and the bill ordered to be engrossed.

On motion of Mr. Parker, the Senate's bill for the relief of Lewis David, with report from committee recommending its passage, was taken up, read second time and passed to a third reading.

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

Mr. Henderson moved to strike out the proviso. Carried, and the bill passed.

Bill for the relief of Willis Edson, with report from committee recommending its passage, was taken up, and read second time.

Mr. Henderson proposed to amend by striking out the proviso. Rejected and the bill ordered to be engrossed.

Bill to validate bounty warrant No. 4059, taken up, read second time and ordered to be engrossed.

Bill for the relief of Loui Bouillet and Hetty O. Kohlman, taken up, read second time and ordered to be engrossed.

Bill for the relief of Andrew Mason, taken up, read second time and ordered to be engrossed.

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

Bill for the relief of Buford Garrett, with report from committee, taken up, read second time and ordered to be engrossed.

Bill for the relief of Jas. Jennings, taken up, read second time and passed to third reading.

Mr. Bogart moved to suspend rule that the bill may be read third time. Carried by the following vote :

YEAS.—Messrs. Speaker Anderson Barnard Billingsly Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Culberson Darnell Daniels Davis of B. Duncan Epperson Harrison of V. Z. Hartley Haynes Henderson Henry Houghton Hubert Kinney Lewis of M. Lewter Lynch Maverick Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Shannon Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitmore and Wrede
—53.

NAYS.—Messrs. Davis of H. Foscue Francis Harrison of C. McClarty McKnight Ross and Shelton—8.

The bill read third time and passed.

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

Bill for the relief of Leonardo de la Garza Trudo. Referred to committee on Private Land Claims.

Joint resolution proposing to change the constitution. Referred to committee on Judiciary.

House's bill to amend art. 701a, penal code. Read third time and passed.

Senate's bill to grant certain privileges to the Overland and to the San Antonio and San Diego Mail Company. Read first time and referred to committee on State Affairs.

Senate's bill making further appropriation to furnish Governor's mansion. Read first time and passed to second reading.

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

On motion of Mr. Townes, the rule was further suspended, by the following vote :

YEAS.—Messrs. Speaker Anderson Benevides Billingsly Borgia Branch Bryan Buckley Camp Craig Crooks Culberson Dale Darnell Daniels Davis of B. Dickson Dougherty Duncan Edwards Epperson Harrison of V. Z. Hartley Haynes Henderson Henry Houghton Hubbard Lewis of M. Lewis of R. Lynch Maverick Middleton Mundine Nelson Norton Parker Perry Redgate Robinson Shannon Smith Speights Stewart Townes Walworth Warfield Whitfield Whitmore and Wrede—50.

NAYS.—Messrs. Davis of H. Francis Foscue Harrison of C. McClarty McKnight Mills Munson Redwine Ross Shelton and Waterhouse—12.

And the bill passed.

Senate's bill for the relief of the heirs of Thomas Blanton, taken up, read first time, and referred to committee on Judiciary.

Bill for relief of A. H. Cooks, with report from committee on Claims and Accounts, taken up and read second time.

Mr. Townes moved to fill the blank with \$1,530.

On motion of Mr. Crooks a call of the House was ordered.

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

On motion of Mr. Henderson, the call was suspended.

Mr. Davis of H., moved to adjourn till half past 9 o'clock A. M. to-morrow. Lost.

Yeas and nays were called upon filling the blank and stood thus :

YEAS.—Messrs. Benevides Billingsly Bogart Branch Bryan Buckley Crawford Darnell Daniels Davis of B. Davis of H. Dougherty Duncan Francis Haynes Henderson Lewis of M. Lewter Maverick Munson Nelson Perry Redgate Robinson Short Smith Speights Stewart Townes and Whitfield—31.

NAYS.—Messrs. Speaker Anderson Barnard Camp Craig Crooks Culberson Dale Epperson Foscue Harrison of C. Harrison of V. Z. Houghton Hubbard Hubert Mabry McClarty McKnight Mills Mundine Norton Parker Pirkey Redwine Ross Shannon Shelton Walworth Warfield Waterhouse Whitmore and Wrede—32.

House refused to fill the blank with \$1,530.

Mr. Mills moved to lay the bill on the table.

Yeas and nays were ordered and stood thus :

YEAS.—Messrs. Barnard Camp Crooks Craig Culberson Dale Epperson Foscue Harrison of C., Harrison of V. Z. Houghton Hubbard Hubert Mabry McClarty McKnight Mills Mundine Norton Parker Pirkey Redwine Ross Shannon Shelton Walworth Warfield Waterhouse and Whitmore—29.

NAYS.—Messrs. Speaker Anderson Benevides Billingsly Bogart Bryan Buckley Crawford Darnell Daniels Davis of B. Davis of H. Dougherty Duncan Francis Haynes Henderson Lewis of M. Lewis of R. Lewter Lynch Maverick Munson Nelson Perry Redgate Robinson Short, Smith Speights Stewart Townes and Whitfield—34.

House refusing to table the bill.

Mr. Harrison of V Z., moved to indefinitely postpone the bill.

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

HOUSE OF REPRESENTATIVES, }
TUESDAY, Jan. 10th, 1860. }

House met pursuant to adjournment. Roll called—quorum present, journal of yesterday read.

Mr. Mills gave notice of a protest against the ruling of the Speaker, where the yeas and nays were ordered.

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

Bill to amend the 2nd section of the act to create the 20th

judicial district of the State of Texas, approved January 2nd, 1860.

Bill for the relief of H. C. Lazenby.

Bill to regulate and define the times of holding the district court in the several counties of the 8th judicial district, and had passed the following named Senate bills:

Bill supplemental to the act to provide for the registration of deeds and other instruments of writing.

Bill to incorporate the McKenzie Male and Female College.

Bill to incorporate the Mystic Club at Woodville, Tyler county.

Bill to amend the act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1859.

Bill amendatory of the act to incorporate the town of Waco, in McLennan county, approved August 26th, 1856.

Bill for the relief of heirs of Caldwell Carson, deceased.

And bill for the relief of E. G. Spencer and A. L. Cantwell.

The journals were amended and adopted.

Mr. Shannon presented the petition of R. A. Davis. Referred to committee on Judiciary.

Mr. Billingsley presented the petition of W. B. Green. Referred to committee on Private Land Claims.

Mr. Davis of H., presented the petition of the citizens Caldwell county. Referred to committee on Agriculture.

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

Mr. Smith presented the remonstrance of citizens of Hardin county. Referred to committee on Counties and County Boundaries.

Mr. Camp presented the petition of James Williams. Referred to committee on Private Land Claims.

Mr. Buckley, chairman of Judiciary committee, reported a substitute for the bill to exempt certain property from execution and recommended its passage.

Also reported recommending the passage of the bill to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande Rivers.

Messrs. Dennis and Ross of the committee on State Affairs, submitted a minority report adverse to the incorporation of the Air-Line Railroad Company.

Mr. Foscue, one of the committee on State Affairs, reported a bill for the relief John Blanton, and recommended its passage.

Mr. Ross, dissenting from the report. Bill read first time.

Also as chairman of committee on Internal Improvement, reported recommending the passage of the bill to incorporate the Palestine Tap Railroad Company.

Also reported recommending the passage of the Senate bill to incorporate the Sabine and Neches Insurance Company.

Also reported recommending the rejection of the bill to restrict the loan of School Fund to Railroad Companies.

Also reported recommending the passage of the bill to authorize the Sabine and Rio Grande Railroad Company to construct a Magnetic Telegraph, with amendments by the committee.

Amend by adding at the end of the bill :

Provided that nothing in this act shall be construed as to prevent the Legislature from granting charters to other Telegraph Companies, in any part of this State.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to extend the provisions of the act to provide for the incorporations of towns and cities, to the towns of Jasper, in Jasper county, and Danvill, in Montgomery county, and Mount Enterprise, in Rusk county. Report accepted.

Mr. Mills, one of the committee on Judiciary, reported a bill to prescribe the pay of jurors and provide a jury fund and recommended its passage.

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

Mr. Davis of H., proposed to amend by inserting before criminal action, "conviction in a."

Mr. Mabry called for the yeas and nays on the adoption of the amendment.

The Speaker instructed the clerk, in future to record the name of the member calling for the yeas and nays.

Mr. Barnard appealed from the decision of the Speaker, whereupon the yeas and nays were demanded by Mr. Mabry and stood thus :

YEAS—Messrs. Anderson Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Buckley Craig Culberson Cumby Dale Darnell Dougherty Duncan Edwards Flewellen Francis Franklin Foscoe Hall Harrison of C. Harrison of V. Z. Houghton Henderson Hubert Kinney Lewis of M. Lewis of R. Lewter Lynch Manly McClarty McCutchan Middleton Mundiue Nelson Owens Parker Perry Pirkey Redwine Robinson Ress Shelton Short Smith Speights Stewart Walworth Warfield Waterhouse Whitfield Wortham and Wrede—57.

NAYS—Messrs. Barnard Clark Davis of H. Ellett Hartley Haynes Mabry McKnight Norton Townes and Whitmore—11.

So the House sustained the Chair.

Mr. Mabry withdrew his call for the yeas and nays, upon the adoption of the amendment, stating that the call was made only to test the sense of the House upon the decision of the chair.

The question upon the adoption of the amendment was then put and carried.

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

The bill to incorporate the Air Line Railroad Company, with majority and minority reports was taken up.

Mr. Hartly, by permission, introduced a bill to incorporate the Galveston Gymnaestic Association. Read first time and referred to committee on State Affairs.

Mr. Smith, by permission, presented the memorial of citizens of Jefferson county. Referred to committee on Judicial Districts.

Mr. Wortham, by permission, introduced a bill for the relief of J. B. Denton. Read first time and referred to committee on Public Lands.

Mr. Edwards, by permission, introduced a bill for the relief of Angel Cupp and others. Read first time and referred to Public Land committee.

Mr. Duncan, by permission, introduced a bill to authorize Calhoun to levy a special tax. Read first time and referred to committee on Finance.

Mr. McClarty, chairman of committee on Judicial Districts, by permission reported recommending the passage of the bill to regulate time of holding courts in the 18th Judicial district.

The bill to incorporate the Air Line Railroad Company, together with majority and minority reports was read.

Mr. Nelson proposed to amend by adding: That no person shall be a stock-holder or a Director in said road who belongs to any religious sect or political organization which has for its object the abolition of slavery as it now exists in this State.

Mr. Mabry, chairman committee on Enrolled Bills, reported correctly enrolled, properly signed and presented to the Governor for approval, a bill to provide for the pay and subsistence of the troops called out by the Governor, under John S. Ford, Jas. Bourland and John Henry Brown and for pay for commissioners sent to the Indians and the bill to amend an act to incorporate the Indianola Railroad Company. Approved January 21st, 1858. Report accepted.

Mr. Mills proposed to amend the amendment by adding : And they shall make oath that they do not belong to any such religious sect or association, political party or organization having for object its the abolition of the institution of Slavery as it exists in this State. Which was accepted by Mr. Nelson.

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

Mr. Mabry called for the yeas and nays which were ordered and stood as follows :

YEAS—Messrs. Speaker Anderson Armstrong Benevides Billingsley Branch Bryan Camp Craig Crawford Crooks Clark Culberson Cutby Dale Darnell Daniels Davis of B. Davis of H. Duncan Edwards Epperson Franklin Hall Harrison of C. Harrison of V. Z. Henderson Houghton Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Lynch Manly Maverick Mills Mundine Munson Owens Parker Perry Redgate Robinson Shelton Smith Speights Townes Warfield Waterhouse Whitfield Whitmore and Wortham—55.

NAYS—Messrs. Baxter Bogart Buckley Dennis Dickson Flewellen Francis Foscoe Mabry McCutchan Middleton Nelson Norton Pirkey Ross Shannon Short and Stewart—19.

So the House laid the amendment on the table.

[Mr. Mills in the chair.]

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

7 O'CLOCK, P. M.

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

Mr. Townes moved to take up the bill to incorporate the Air Line Railroad Company. After some discussion the motion was withdrawn.

The bill for the relief of A. H. Cook, was again taken up.

Mr. Harrison of V. Z., moved to indefinitely postpone the bill.

Mr. Mabry moved the previous question which was seconded.

On motion of Mr. Mabry, the yeas and nays were ordered, and the House refused to order the main question by the following vote :

YEAS—Messrs. Speaker Barnard Bogart Camp Culberson Dale Edwards Foscoe Harrison of C. Harrison of V. Z. Houghton Lewter Mabry Manly McClarty McKnight Middleton Mills Norton Pirkey Redwine Ross Shelton Short Warfield Waterhouse Whitmore and Wrede—28.

NAYS—Messrs. Benevides Billingsley Branch Bryan Buckley Craig Crooks Crawford Clark Darnell Daniels Davis of B. Davis

of H. Dennis Dickson Dougherty Duncan Francis Hall Haynes Hubbard Hubert Kinney Lewis of M. Lewis of R. Lynch Martin Maverick McCutchan Mundine Munson Nelson Owens Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth Whitfield and Wortham—46.

The question recurring on the indefinite postponement of the bill.

On motion of Mr. Norton, the yeas and nays were ordered and stood thus :

YEAS—Messrs. Speaker Barnard Baxter Craig Culberson Cumby Dale Edwards Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Mabry McKnight Mills Norton Owens Pirkey Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—28.

NAYS—Messrs. Anderson Benevides Billingsley Bogart Branch Buckley Crawford Crooks Clark Darnell Daniels Davis of B. Davis of Dennis Dickson Dougherty Duncan Flewellen Francis Franklin Hall Haynes Henry Kinney Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Middleton Munson Nelson Parker Perry Redgate Robinson Smith Speights Stewart Townes Walworth and Whitfield—45.

So the House refused to indefinitely postpone the bill.

Mr. Townes moved to fill the blank with \$1530.

Mr. Norton moved to strike out the enacting clause.

On motion of Mr. Townes, the yeas and nays were ordered on the question to strike out and stood thus :

YEAS—Messrs. Speaker Barnard Baxter Camp Craig Culberson Cumby Dale Darnell Edwards Ellett Epperson Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Mabry McClarty McKnight Middleton Mills Norton Owens Pirkey Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—33.

NAYS—Messrs. Anderson Benevides Billingsley Bogart Branch Bryan Buckley Crawford Clark Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Flewellen Francis Franklin Hall Haynes Henry Kinney Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Mundine Munson Nelson Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth and Whitfield—45.

So the House refused to strike out the enacting clause.

The question recurring on the motion to fill the blank with \$1530, the same was put.

And on motion of Mr. Buckley the yeas and nays were ordered and stood thus :

YEAS—Messrs. Baxter Benevides Billingsley Bogart Branch Bryan Buckley Crawford Clark Daniels Davis of B. Davis of H. Dennis Dougherty Duncan Flewellen Francis Franklin Hall Haynes Henry Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Mundine Munson Nelson Owens Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth and Whitfield—43.

NAYS—Messrs. Speaker Anderson Barnard Camp Craig Crooks Culberson Cumby Dale Darnell Dickson Epperson Foscue Harrison of C. Harrison of V Z Houghton Hubert Kinney Mabry McClarty McKnight Middleton Mills Norton Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—32.

And the blank was filled.

The question being upon the engrossment of the bill.

On motion of Mr. Townes, the yeas and nays were ordered, and the bill ordered to be engrossed by the following vote :

NAYS—Messrs. Benevides Billingsley Bogart Branch Bryan Buckley Crawford Clark Daniels Davis of B. Davis of H. Dennis Dougherty Dickson Duncan Flewellen Francis Franklin Hall Haynes Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Mundine Munson Nelson Parker Perry Redgate Robinson Short Smith Speights Stewart Townes Wælder Walworth and Whitfield—42.

NAYS—Messrs. Speaker Barnard Camp Craig Crooks Culberson Cumby Dale Darnell Ellett Epperson Foscue Harrison of C. Harrison of V. Z. Hubbard Hubert Kinney Mabry McClarty McKnight Middleton Mills Norton Pirkey Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—33.

Bill to amend the act to incorporate the Payne Female Institute was taken up, read third time and passed by a two-thirds vote.

Senate bill to authorize and require the clerk of District Court of Cherokee to apportion his docket, with report from select committee recommending amendments, was taken up and the amendments adopted.

Mr. McKnight proposed to amend by inserting "Angelina" after "Anderson," wherever it occurs.

On motion of Mr. McKnight the yeas and nays were ordered, and the amendment adopted by the following vote :

YEAS—Messrs. Anderson Baxter Benevides Branch Buckley Craig Crawford Culberson Darnell Davis of B. Davis of H. Dougherty Duncan Epperson Flewellen Francis Hall Harrison of C. Harrison V. Z. Hartley Haynes Houghton Hubbard Kinney Lewis of M Lynch Manly Martin Maverick McKnight Mid-

dleton Mundine Munson Nort n Owens Redgate Redwine Robin-
son Shelton Stewart Townes Wælder Walworth Warfield
Waterhouse Whitfield Whitmore Wortham and Wrede—49.

NAYS—Messrs. Barnard Cumby Dickson Franklin Foscue
Lewter McCutchan Nelson Parker Ross Smith and Speights
—12.

Mr. Manly, one of committee on Engrossed Bills, reported cor-
rectly engrossed, the bill for the relief of H. C. Davis, and the
bill requiring the Treasurer of the State to refund to Blas Uribe
and other co-heirs, certain monies erroneously collected from
them.

On motion of Mr. Martin the county of Panola was added and
the bill passed to third reading.

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

Mr. Barnard moved to suspend rule and take up bill to in-
corporate Corpus Christi Bridge and Turupike Company. Lost.

Bill for the relief of Addison Litton taken up, read second
time and ordered to be engrossed.

Bill for the relief of Thos. D. Rusk, of Nacogdoches county,
J. W. Hanna of Lavaca county, with report from committee re-
commending amendments, was taken up and the amendments
adopted. Bill read second time and ordered to be engrossed.

Bill for the relief of Richard N. Williams, taken up, read
second time and ordered to be engrossed.

Report from committee on Claims and Accounts, recommending
the rejection of the petition of A. Huston, taken up and adopted.

Bill to incorporate town of Meridian in Bosque county, with
report of committee recommending amendments, was taken up.

On motion of Mr. Mills the amendment proposed by the com-
mittee was laid on the table, and bill ordered to be engrossed.

On motion of Mr. Smith, bill to relinquish tax to Orange
county, was taken up and referred to committee on State Affairs.

Bill for the relief of David Kendall taken up and on motion
of Mr. Harrison of V. Z., referred to committee on Private Land
Claims.

Mr. Mundine moved to adjourn till 10 o'clock, A. M., to-mor-
row. Lost.

Bill for the relief of Jas. Brown with report from committee
recommending a substitute taken up, substitute adopted and bill
ordered to be engrossed.

Bill for the relief of H. C. Davis.

Mr. Haynes moved to strike out the provision in the bill.
Lost: and the bill passed.

Bill to require the Treasurer to refund to Blas Uribe *et al*, certain monies, taken up read third time and passed.

Bill for the relief of John Hearn with report from committee on State Affairs recommending its passage was taken up, read second time and bill ordered to be engrossed.

Bill for the relief of Philip Potter taken up, and on motion of Mr Waterhouse referred to committee on Private Land Claims.

Bill for the relief of Wm. Rice *et al*, assees of Jerome Robinson with report from committee, taken up and on motion of Mr. Parker laid on the table.

Mr. Harrison of V. Z., moved to adjourn till 10 o'clock A. M., to-morrow. Lost.

Mr. Buckley moved to take up bill proposing amendment to the constitution, and refer it to Judiciary committee.

On motion of Mr. Mills a call of the House was ordered.

On motion Messrs. Armstrong, Shaanon, McClarty, Henderson, Maxey and Barnard were excused from attendance on the House to-night.

Absentees—Messrs. Billingsley Camp Clark Dickson Edwards Flewellen Hartly Hubert Kinney Lewis of R. McCutchan Munson Navarro Taylor and Wrede.

Mr. Buckley moved to suspend call. Lost.

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

On motion the Sergeant-at-arms was dispatched for the absentees.

Mr. Ellett moved to suspend call. Lost.

Mr. Davis of B., moved to adjourn till 10 o'clock A. M., to-morrow.

Mr. Hartley was announced at the door.

On motion of Nelson the yeas and nays were ordered and the House adjourned by the following vote :

YEAS—Messrs. Speaker Anderson Baxter Branch Craig Crawford Cumby Darnell Daniels Davis of B. Davis of H. Dennis Ellett Epperson Flewellen Franklin Hall Farrison of V. Z. Haynes Houghton Lewis of M. Lewter Lynch Mabry Maverick Mills Mundine Munson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wortham.—45.

NAYS—Messrs. Benevides Bogart Bryan Buckley Crooks Culberson Dale Dougherty Duncan Francis Foscue Harrison of C. Hartley Hubbard Manly Martin McKnight Middleton Nelson Norton Shelton Short Welder and Whitmore—24.

HOUSE OF REPRESENTATIVES, }
 Wednesday, January 11th, 1860. }

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

Mr. Davis of H., moved that hereafter the doors of this Hall shall be kept open during the session of this House.

Mr. Dickson offered the following resolution as a substitute for the motion :

Resolved, that spectators shall not be admitted within this hall during evening sessions.

Mr. Norton offered the following as a substitute for the motion and substitute :

No person shall be admitted within the bar of the House, except the members and officers of the Legislature, and that the Sergeant-at-arms and Door-keeper be required to enforce this rule.

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

Bill to incorporate the Guadalupe Male and Female College.

Bill to authorize the Commissioner of the General Land Office to patent the surveys made by virtue of certain Peter's Colony augmentation certificates, and a bill to reorganize the 16th Judicial District of the State of Texas, and to define the time of holding the District Courts therein ; also had concurred in House's amendment to the Senate's bill for the relief of Lewis David.

The question recurring upon the substitute for the motion and substitute, the yeas and nays were ordered on motion of Mr. Henderson, and the substitute rejected by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Billingsley, Bogart, Camp, Crooks, Clark, Davis of H., Dougherty, Edwards, Franklin, Harrison of V. Z., Houghton, Hubert, Mabry, McClarty, McKnight, Mills, Mundine, Munson, Nelson, Norton, Parker, Perry, Robinson, Ross, Speights, Walworth, Warfield, Waterhouse and Wrede—32.

NAYS—Messrs. Speaker, Anderson, Baxter, Branch, Bryan, Buckley, Craig, Crawford, Cumby, Dale, Darnell, Daniels, Davis of B., Dickson, Duncan, Ellett, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of C., Henderson, Hubbard, Kinney, Lewis of M., Lewis of R., Lynch, Manly, Maverick, McCutchan, Middleton, Pirkey, Redgate, Redwine, Short, Townes, Wælder, Whitfield, Whitmore and Wortham—41.

Mr. Flewellen, proposed to amend by adding "and that mem-

bers, be permitted to invite their lady friends within the bar of the House.

On motion of Mr. Nelson laid on the table.

Mr. Craig moved the previous question which was seconded but the House refused to order the main question.

Mr. Cumby moved to amend by saying, "Provided this will not prevent a member from inviting a constituent or person to his seat on business." Lost.

Mr. Bogart moved to lay the whole matter on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Davis of Hays :

YEAS—Messrs. Speaker, Anderson, Armstrong, Bogart, Branch, Bryan, Buckley, Camp, Crawford, Cumby, Dale, Darnell, Edwards, Epperson, Francis, Fosene, Harrison of C., Haynes, Henry, Houghton, Hubbard, Hubert, Kinney, Lewis, Lynch, Mabry, Maverick, McClarty, McCutchan, McKnight, Middleton, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Wælder, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—55.

NAYS—Messrs. Barnard, Baxter, Benevides, Craig, Crooks, Clark, Davis of B., Davis of H., Duncan, Ellett, Flewellen, Franklin, Hall, Harrison of V. Z., Hartley, Henderson, Lewis of M., Manly, Mills, Robinson and Townes—21.

Mr. Ellett asked leave to offer a resolution. House refused.

A message was received from the Senate informing the House that the Senate had concurred in the House's amendment to the Senate's bill to authorize and require the Clerk of District Court of Cherokee county to apportion the causes on the docket of said court, but had refused to concur in the House's amendment to the Senate's bill to amend the 4th section of the act of May 12th, 1846, to regulate the license and practice of attorneys and counsellors at law, and had passed the House's bill appropriating \$10,000 or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's company.

On motion of Mr. Wælder, the House proceeded to the orders of day, and the apportionment bill with pending amendments was taken up.

Mr. Lewis of R., moved to refer it to a select committee of five to act with the chairman on apportionment.

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

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

Mr. McKnight called for a division of the question; the

question then being upon laying the amendment to the amendment on the table, on motion of Mr. McKnight the yeas and nays were ordered and the amendment laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Bogart, Branch, Buckley, Camp, Craig, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Dennis, Dickson, Dougherty, Edwards, Flewellen, Francis, Hall, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Martin, Maverick, McClarty, McKnight, Middleton, Mills, Nelson, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shelton, Short, Stewart, Townes, Wælder, Walworth, Waterhouse, Whitfield and Wortham—51.

NAYS—Messrs. Barnard, Baxter, Benevides, Bryan, Daniels, Davis of B., Davis of H., Duncan, Ellett, Epperson, Franklin, Harrison of C., Harrison of V. Z., Hartley, Haynes, Henderson, Hubert, Manly, McCutchan, Mundine, Norton, Owens, Smith and Speights—24.

The question then recurring upon laying the amendment on the table, the same was put and the yeas and nays ordered on motion of Mr. McKnight, and stood thus :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Billingsley, Bogart, Buckley, Camp, Craig, Clark, Culberson, Dale, Darnell, Davis of B., Dickson, Dougherty, Edwards, Foscue, Hall, Harrison of C., Henry, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Maverick, McClarty, Middleton, Nelson, Parker, Perry, Pirkey, Redgate, Robinson, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Whitfield and Whitmore—44.

NAYS—Messrs. Benevides, Branch, Bryan, Crawford, Crooks, Davis of H., Deunis, Duncan, Flewellen, Francis, Franklin, Harrison of V. Z., Haynes, Henderson, Hubert, Lewis of R., Manly, Martin, McKnight, Mills, Mundine, Norton, Owens, Redwine, Shannon, Smith, Speights, Townes, Waterhouse and Wortham—30.

Mr. Norton proposed to amend Senatorial District 13 so as to read Henderson, Kaufman, Van Zandt and Wood, amend District 12 by striking out Wood, amend 10 by striking out Henderson.

The committee on Engrossed Bills, reported correctly engrossed the following named bills, to-wit :

Bill to relieve O. K. Gibson from disabilities of minority.

Bill to relieve Thos. A. Rodriguez from disabilities of minority.

Bill to incorporate Lodge No. 36 I. O. O. F. at Clarksville, Red River county.

Bill to incorporate Galveston Casino.

Bill to incorporate Galveston Turner's Association.

Bill to incorporate the Texas Telegraph Company.

Bill to incorporate the town of Shelbyville.

Bill to incorporate Rock Ford Bridge Company.

Bill to permit Caleb Wilson to practice law.

Bill to legalize the marriage of C. B. and M. E. Wood.

Bill for the relief of L. S. Roberts and Jas. Lehed.

Bill for the relief of Chas. Lockhart and Jno. Welch.

Bill for the relief of Alexander Miller.

Bill for the relief of G. B. Brownrigg.

Bill for the protection of game on Galveston Island.

Bill to amend the 4th section of the act passed February 13th, 1858, amendatory of the act regulating Juries, approved 4th May, 1845.

Bill to authorize the Commissioner of the General Land Office to introduce the De Rye method of printing, and multiplying maps and drawings, &c., or to establish a Photographic Bureau. And the Bill to incorporate the Sulphur and White Oak Bridge Plank Road Company.

A message was received from the Senate informing the House that the Senate had passed the bill supplementary to and amendatory of the act to provide relief for pre-emption settlers and their assignees under the act of 22d January, 1845, the act of 7th February, 1852, and the act of February 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad Company Reservation, over the veto of the Governor.

[Mr. Davis of Hays, in the Chair.]

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

On motion of Mr. Norton, the yeas and nays were ordered and stood thus :

YEAS.—Messrs. Anderson, Bogart, Buckley, Camp, Craig, Dickson, Edwards, Foscue, Hall, Houghton, Hubbard, Lewis of M., Lewter, Lynch, McCutchan, Middleton, Nelson, Parker, Perry, Pirkey, Redwine, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Whitmore and Wortham—33.

NAYS.—Messrs. Benevides, Billingsley, Branch, Crawford, Crooks, Darnell, Daniels, Davis of H., Duncan, Ellett, Epper-son, Flewellen, Franklin, Harrison of C., Harrison of V. Z., Haynes, Henderson, Lewis of R., Manly, McKnight, Mills, Mundine, Norton, Owens, Redgate, Robinson, Ross, Shannon, Smith, Speights and Waterhouse—31.

The House tabling the amendment, Mr. Ellett proposed to amend as follows :

Strike out the 16th District and add Panola and Harrison to 20th District ; from 46th District strike out all but Cook and Wise, and make—District comprising Montague, Jack, Young, Palo Pinto, Clay, Archer, Throckmorton, Buchanan, &c.

It will leave the District as follows :

20th, Cass, Titus, Bowie, Panola and Harrison, two floaters ; 46th, Cook, Wise, Montague, Jack, Young, Buchanan, &c., one representative ; 61st, Coryell, Hamilton, Comanche, Erath and Brown, one representative ; 46th and 61st Districts join and have a surplus of 3006, which by taking off enough to still give 61st one member, will give a new district for which one member is taken from the proposed 20th, making a population of 878 for the number.

Mr. Whitmore moved to lay the amendment on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Ellett :

YEAS.—Messrs. Speaker, Anderson, Buckley, Camp, Craig, Clark, Culberson, Dale, Dennis, Dickson, Dougherty, Edwards, Foscue, Hall, Harrison of V. Z., Henry, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Maverick, McClarty, McCutchan, Middleton, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—46.

NAYS.—Messrs. Benevides, Billingsley, Bogart, Crooks, Daniel, Davis of B., Davis of H., Duncan, Ellett, Epperson, Francis, Franklin, Harrison of C., Hartley, Haynes, Henderson, Hubert, Kinney, Lewis of R., Manly, Martin, McKnight, Mundine, Norton, Shannon and Speights—26.

Mr. Duncan proposed to amend by adding Calhoun and Jack, shall constitute the 62nd District and that Victoria and DeWitt shall constitute the 63rd District.

Mr. Mills moved to adjourn till 7 o'clock, P. M.

On motion of Mr. Dickson, the yeas and nays were ordered, and the House refused to adjourn by the following vote :

YEAS.—Messrs. Armstrong, Benevides, Billingsley, Bryan, Crooks, Daniels, Davis of B., Davis of H., Duncan, Ellett, Harrison of C., Hartley, Haynes, Henderson, Houghton, Hubert, Lewter, Mabry, Manly, Martin, McCutchan, Mills, Mundine, Munson, Norton, Parker, Redwine, Robinson, Ross, Smith, Whitfield, Whitmore and Wortham—34.

NAYS.—Messrs. Speaker, Anderson, Barnard, Baxter, Bogart,

Branch, Buckley, Camp, Craig, Clark, Culberson, Cumby, Dale, Dennis, Dickson, Dougherty, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of V. Z., Hubbard, Lewis of M., Lewis of R., Lynch, Maverick, McKnight, Middleton, Nelson, Owens, Perry, Pirkey, Redgate, Shelton, Short, Speights, Stewart, Townes, Wælder, Walworth, Warfield and Waterhouse—43.

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

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

Mr. Hartley moved to adjourn till 7 1-2 o'clock, P. M.

On motion, of Mr. Duncan, the yeas and nays were ordered and the House refused to adjourn by the following vote :

YEAS.—Messrs. Speaker, Bryan, Dale, Darnell, Daniels, Davis of B., Duncan, Ellett, Flewellen, Foscue, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Mabry, Martin, Maverick, McKnight, Mills, Mundine, Munson, Norton, Parker, Redwine, Ross, Smith, Waterhouse, Whitmore and Wortham—33.

NAYS.—Messrs. Anderson, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Buckley, Camp, Craig, Culberson, Cumby, Davis of H., Dennis, Dickson, Dougherty, Epperson, Francis, Franklin, Hall, Haynes, Lewis of M., Lynch, Manly, McClarty, Middleton, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Shelton, Short, Speights, Stewart, Townes, Wælder, Walworth, Warfield and Whitfield—41.

On motion the House adjourned till 9 1-2 o'clock, A. M., to-morrow ; pending Mr. Lynch's motion to lay the amendment on the table.

HOUSE OF REPRESENTATIVES, }
Thursday, January 12th, 1860. }

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

Mr. Norton moved to amend the journals of yesterday so as to add Mr. Davis of B., name as voting in the negative, upon the question of laying Mr. Norton's amendment to the apportionment bill on the table, and stated that Mr. Davis *did* vote in the negative—the journal showing that he did not vote at all.

Mr. Davis stated that he disremembered whether or not he did vote—the journal was adopted.

On motion of Mr. Buckley, the Senate's substitute for the House bill to further regulate the proceedings in the Supreme

Court, was taken up. Read first time and passed to second reading. |

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

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

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

Resolved, That the Speaker be authorized to procure such assistance to the Enrolling and Engrossing Clerks of this House, as he may deem necessary ; and that such assistants shall receive pay as other clerks of this House.

On motion of Mr Foscue, laid on the table.

Mr. Billingsley presented the petition of Willis Avory. Referred to committee on Private Land Claims.

Mr. Mills moved to suspend rule and take up the bill to change jury law. Lost.

Mr. Darnell, chairman of committee on Federal Relations, reported a substitute for the joint resolution relative to existing affairs between the north and south, growing out of the inability of Congress to organize, and recommended its adoption.

Mr. Lynch, one of the committee on Federal Relations, reported adversely to the memorial of the Washington National Monument Society.

Mr. Hubbard, chairman of committee, reported asking to be discharged from further consideration of the petition of the grand jury of Hays county.

Also, as one of the Judiciary committee, reported, recommending the passage of the bill for the relief of settlers on 11 league claims.

Also, recommended the passage of the Senate's bill to amend 8th section of the act of February 5th, 1840, concerning conveyances.

Also, reported, recommending the passage of the bill for the relief of Fletcher Logan.

Also, recommended the passage of the bill to determine what lands have been forfeited ; with amendments by the committee :

Amend by adding after 5th section, "Provided that the statutes of limitations may be plead by any one holding title under such grantees, and that the general limitation acts of this State, shall apply in such cases."

Mr. Barnard, one of the committee on Land Office, reported a bill to regulate the necessary re-surveys of land granted by the Commissioner of Power and Hewitson's Colony.

Mr. Stewart presented the petition of Benj. P. Watkins. Referred to Judiciary committee

Also, as one of the committee on Judicial Districts, reported a substitute for the bill supplemental to the act to change the time of holding the courts in the 10th and 14th judicial districts, and recommended its passage.

Mr. McClarty, chairman of the committee on Judicial Districts, reported, recommending the passage of the bill to create the 21st judicial district.

Mr. Whitmore, one of the committee on Judiciary, reported, recommending the indefinite postponement of the Senate's bill concerning vendor's lien on real estate.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Hiram C. Ours.

Also, reported a bill for the relief of James Williams, and recommended its passage.

Mr. Mills, one of the committee on the Judiciary, reported, recommending the passage of the Senate's bill to amend the 34th section of the act to regulate proceedings in District Court, passed May 13th 1846.

Mr. Ross, one of the committee on Claims and Accounts, reported, recommending the indefinite postponement of J. W. Reed's petition.

Mr. Buckley, chairman of committee on Judiciary, reported a substitute for the bill to limit suits on judgments recovered in courts, other than those of this State, and recommended its passage

Messrs. Whitmore, Davis of B., Stewart, Hubbard and Branch, dissenting from report.

Mr. Buckley also reported, recommending the passage of the Senate's bill for the relief of the heirs of Thomas Blanton.

Mr. Branch, one of the committee on Enrolled Bills, reported as follows :

HON. M. D. K. TAYLOR,

Speaker House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, viz :

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

An act to be entitled an act for the relief of James Jennings.

A bill making a further appropriation for furnishing the Governor's Mansion ; and find the same correctly enrolled, properly

signed, and have this day been presented to the Governor for his approval and signature.

Mr. Edwards, one of the committee on Private Land Claims, reported a bill for the relief Antonio D. Kellar, and recommended its passage. Bill read first time.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to extend the provisions of the act to provide for the incorporation of towns and cities, to the towns of Jasper, in Jasper county; Danville, in Montgomery county; and Mt. Enterprise, in Rusk county.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to relinquish nine-tenths of State tax to Navarro county, &c.

Mr. Pirkey, one of the committee on Judiciary, reported, recommending the passage of the bill to incorporate the Texas Mutual Insurance Company; with amendments by the committee.

Amend by substituting several sections.

Also, reported, recommending the passage of the Senate's joint resolution proposing amendments to the Constitution.

On motion of Mr. Owens, the bill defining the boundary lines between Williamson and Travis counties, was taken up and referred to committee on Counties and County Boundaries.

Mr. Wortham, one of the committee on Printing, reported a substitute for the bill providing for publication of the general laws of the State in the newspapers thereof.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows:

The committee on Engrossed Bills, have examined the following bills and find them correctly engrossed:

A bill for the relief of legal representatives of Calvin Gage, deceased.

Also, a bill for the relief of Peter B. Norton.

Also, a bill to validate bounty land certificate No. 4059.

Also, a bill to be entitled an act for the relief of James H. Brown.

Also, a bill to incorporate the town of Meridian, in Bosque county, in this State.

Also, a bill to legalize the marriage between Wm. Davis and Sarah James.

Also, a bill to legalize the marriage of William H. Slain and Margaret Slain, residents of Bosque county.

Also, a bill for the relief of Louis Bouillet and Hetty O. Kehlman.

Also, a bill for the relief of the heirs of Willis Edson, dec'd.
 Also, a bill for the relief of A. H. Smith.

THOS. J. CROOKS.

Mr. Lewis of R., introduced a bill to provide for the disposition of runaway slaves. Read first time and referred to committee on State Affairs.

Mr. Daniels introduced a bill to amend the 2d section of an act entitled an act to indemnify the owners for the loss of slaves executed for capital offences, approved January 24th, 1852.— Read first time and referred to committee on State Affairs.

Mr. Darnell introduced a bill providing for the redemption of lands and town lots sold at forced sale under execution. Read first time, and on motion of Mr. Darnell, made the special order of the day for to-morrow week, 20th inst.

Mr. Stewart introduced a bill to amend the 24th section of an act to organize the District Courts, and to define their powers and jurisdictions, approved May 11th, 1846. Read first time and referred to Judiciary committee.

Also, a bill to authorize the county surveyor of Gonzales county to transcribe the records of his office. Read first time and referred to Judiciary committee.

Mr. Warfield introduced a bill supplemental to, and amendatory of the act pertaining to deceased persons. Read first time and referred to committee on Probate Laws.

Mr. Townes introduced a bill to amend act to license attorneys. Read first time and referred to Judiciary committee.

Mr. Epperson introduced a bill to ascertain whether the people desired to call a convention to frame a new Constitution.— Read first time.

Mr. Norton offered the following resolution:

Resolved, That the committee on Printing be instructed to inquire and report, *why* it is that we have not received the corrected copy of the census tables that were ordered to be printed several weeks ago, and which are needed in consideration of the apportionment bill.

Adopted.

ORDERS OF THE DAY.

Bill to make appropriation to pay expenses incurred by Capt. Tobin's Company, taken up and amendments by committee concurred in.

Senate's bill to amend the 4th section of the act to regulate the practice of attorneys and counsellors at law, with amendments by the House, which the Senate refused to concur in, was taken up. Read, and on motion of Mr. Buckley, the amend-

ments adhered to, and Messrs. Buckley, Henderson, Mills, Dougherty and Lewis of M., appointed a committee of Conference.

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

Bill to re-organize the 16th judicial district, and to define time of holding courts therein. Referred to committee on Judicial Districts.

Bill to incorporate the Guadalupe Male and Female College. Referred to committee on Education.

Bill to authorize and require the Commissioner of the General Land Office to patent surveys made by virtue of certain Peter's Colony augmentation certificates. Referred to committee on Public Lands.

Bill supplementary to the act to provide for the registry of deeds and other instruments of writing. Referred to committee on Judiciary.

Bill for the relief of heirs of Caldwell Carson. Referred to committee on Private Land Claims.

Bill amendatory of the act to incorporate the town of Waco, in McLennan county, approved August 29th, 1856. Referred to committee on State Affairs.

Bill to amend the act to incorporate the Columbus, San Antonio and Rio Grande Rail Road Company, passed February 16th, 1858. Referred to committee on Internal Improvements.

Bill to incorporate the McKenzie Male and Female College. Referred to committee on Education.

Bill for the relief of E. G. Spencer and A. L. Cantwell. Referred to committee on Private Land Claims.

Bill to incorporate the Mystic Club, at Woodville, Tyler county. Referred to committee on State Affairs.

Mr. Kinney moved to suspend rule and take up the bill to incorporate Western Texas Rail Road Company. Lost.

The following named House bills were taken up :

Bill to change south boundary line of Smith county. Read third time and passed.

Bill to authorize the formation of county and town agricultural associations. Read third time and passed.

The bill supplemental to an act for the relief of pre-emption settlers and their assigns, under the act of 22d Jan., '45, 7th Feb'y, '53, and 13th Feb'y, '54, and actual settlers in the Mississippi and Pacific Rail Road Reservation, with the message of his Excellency, the Governor, as follows, vetoing the same, was taken up :

EXECUTIVE DEPARTMENT, }
 AUSTIN, TEXAS, January 9th, 1860. }

Gentlemen of the Senate :

I herewith return to your honorable body, a bill which originated therein, entitled "an act supplementary to and amendatory of an act, entitled an act to provide relief for pre-emption settlers and their assees, under the act of 22d Jan. 1845, the act of 7th Feb'y, 1853, and the act of the 13th Feb'y, 1854, and actual settlers in the Mississippi and Pacific Rail Road Reservation."

The Executive in declining his assent to this bill, would state that his objections are solely confined to the 2d section of the act, which reads as follows :

Section 2d. That the Commissioner of the General Land Office is hereby required to issue patents to all assignees who are entitled to pre-emptions under the act of 13th Feb'y, '54, entitled an act donating 160 acres of land to settlers on the public domain ; Provided, said assees shall return to the General Land Office their pre-emption certificates, proving that he or she, and those under whom they claim, have resided on said pre-emption for three years continuously, from the date of taking said pre-emption, and have otherwise complied with the act granting said donation.

Considering the misfortunes which have attended a large portion of our pre-emption settlers, arising from failure on part of the government to afford them protection from the Indians, and those acts of Providence which have deprived them of the benefits of good crops, I think they are justly entitled to relief ; but that relief should be confined to those who have acquired pre-emption rights under the laws cited in the caption of the act. The second section extends these rights to individuals who have, up to January 1st, 1860, lived but two years on the public domain, and allows them now to come in and perfect a pre-emption. Had the bill so confined the relief granted, that only those who have now completed their term of occupancy would be benefited, it would have met my approval. To allow persons who will, on the 1st day of January, 1861, have resided on said pre-emption for three years continuously, from the date of taking said pre-emption, will not, in my opinion, be in accordance with the pre-emption laws or sound policy. It will furnish room for fraud and misconstruction. The proof should be required that the residence of three years was prior to the expiration of the time provided by the act under which the pre-emption was taken, and not prior to the 1st day of January, 1861.

SAM HOUSTON.

On motion of Mr. Short, the bill and message was referred to committee on Judiciary by the following vote, the yeas and nays being ordered on motion of Mr. Culberson :

YEAS—Messrs. Anderson, Baxter, Benevides, Bogart, Branch, Bryan, Camp, Craig, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dennis, Duncan, Epperson, Flewellen, Foscue, Hall, Haynes, Henderson, Henry, Hubbard, Lewis of M., Lewis of R., Mabry, Manly, Martin, Maverick, McClarty, McCutchan, McKnight, Middleton, Munson, Nelson, Pirkey, Redgate, Ross, Short, Smith, Stewart, Wælder, Whitfield, Whitmore and Wrede—46.

NAYS—Messrs. Speaker, Armstrong, Billingsley, Buckley, Crawford, Culberson, Davis of B., Dickson, Dougherty, Francis, Harrison of C., Harrison of V Z., Hartley, Houghton, Hubert, Lawter, Lynch, Maxey, Mills, Mundine, Norton, Parker, Perry, Redwine, Robinson, Shannon, Shelton, Speights, Townes, Walworth, Warfield, Waterhouse and Wortham—33.

The apportionment bill, with Mr. Duncan's proposed amendment, was taken up.

Mr. Lynch moved to lay the amendment on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Duncan :

YEAS—Messrs. Speaker, Anderson, Bogart, Buckley, Craig, Clark, Davis of B., Dougherty, Franklin, Foscue, Hall, Henry, Houghton, Lewis of M., Lynch, Maverick, McClarty, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Whitmore and Wrede—32.

NAYS—Messrs. Armstrong, Baxter, Benevides, Billingsley, Branch, Camp, Crawford, Crooks, Culberson, Daniels, Davis of H., Duncan, Epperson, Flewellen, Francis, Hartley, Haynes, Henderson, Hubert, Lewis of R., Manly, Martin, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Norton, Owens, Speights, Townes, Waterhouse, Whitfield and Wortham—35.

The question recurring on the adoption of the amendment, the House refused to adopt it by the following vote—Mr. Duncan ordering the yeas and nays :

YEAS—Messrs. Armstrong, Baxter, Benevides, Branch, Crawford, Daniels, Davis of H., Duncan, Epperson, Flewellen, Francis, Harrison of C., Henderson, Kinney, Lewis of R., Manly, Martin, McCutchan, McKnight, Mills, Mundine, Norton, Redgate, Speights, Townes, Waterhouse, Whitfield and Wortham—28.

NAYS—Messrs. Speaker, Anderson, Bogart, Bryan, Buckley,

Camp, Craig, Clark, Cumby, Dale, Darnell, Davis of B., Dennis, Dougherty, Franklin, Foscue, Hall, Harrison of V. Z., Houghton, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Maverick, McClarty, Middleton, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Whitmore and Wrede—41.

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

53. Strike out Robertson, and insert Milam. Read Burleson and Milam—1.

55. Strike out Travis, and insert Robertson and Brazos—1.

56. Strike out one, and insert two. Read Travis and Williamson—2.

57. Strike out the whole.

37. Strike out Brazos.

Mr. Perry moved to reconsider the vote rejecting Mr. McKnight's amendment yesterday.

On motion of Mr. McKnight, a call of the House was ordered. Absentees—Messrs. Barnard, Crawford, Crooks, Edwards, Ellett, Mabry, Mills, Navarro, Taylor and Wrede.

The call of the House having been made to get a full vote on the motion to reconsider, the House proceeded to act on the amendment of Mr. Lewis of R., which was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Lewis of R :

YEAS—Messrs. Speaker, Armstrong, Baxter, Bogart, Branch, Buckley, Camp, Craig, Clark, Cumby, Dale, Darnell, Davis of B., Davis of H., Dennis, Dougherty, Flewellen, Hall, Harrison of V. Z., Henry, Hubbard, Hubert, Lewter, Lynch, Maverick, McClarty, McCutchan, Middleton, Nelson, Parker, Pirkey, Redgate, Redwine, Ross, Shelton, Stewart, Townes, Wælder, Walworth, Warfield, Whitmore and Wortham—42.

NAYS—Messrs. Anderson, Benevides, Billingsley, Bryan, Culberson, Daniels, Dickson, Duncan, Epperson, Francis, Foscue, Harrison of C., Haynes, Henderson, Houghton, Kinney, Lewis of M., Lewis of R., Mabry, Manly, Martin, Maxey, McKnight, Mills, Mundine, Norton, Robinson, Shannon, Smith, Speights, Waterhouse and Whitfield—32.

Mr. Norton proposed to amend as follows :

Amend the Senatorial Districts No's. 33, 21, 20, 13, 12 and 10, to read as follows :

District 10, Cherokee ; 12, Smith ; 13, Henderson, Kaufman, Van Zandt and Wood ; 20, Dallas and Tarrant ; 21, Ellis, Johnson, Parker, Palo Pinto and Jack ; 33, Cook, Denton, Montague, Clay, Wichita, Archer, Wise, Wilbarger, Throckmorton, Baylor, Hardeman, Knox, Haskell, El Paso and Presidio.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for Executive approval, a bill appropriating ten thousand dollars, or so much thereof as may be necessary, to pay the expenses of Capt. Tobin's command. Report accepted.

Mr. McCutchan moved to adjourn till 10 o'clock, to-morrow. Lost by the following vote, (it requiring a two-third vote to adjourn,) the yeas and nays being ordered on motion of Mr. Duncan:

YEAS—Messrs. Armstrong, Baxter, Benevides, Billingsley, Bogart, Branch, Camp, Craig, Crooks, Cumby, Daniels, Dennis, Dougherty, Duncan, Epperson, Harrison of V. Z., Haynes, Henry, Houghton, Hubert, Kinney, Lewis of M., Lewis of R., Mabry, Manly, Maxey, McClarty, McCutchan, Mundine, Munson, Owens, Perry, Pirkey, Redgate, Robinson, Shelton, Smith, Speights, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—44.

NAYS—Messrs. Speaker, Anderson, Barnard, Bryan, Buckley, Crawford, Culberson, Dale, Darnell, Davis of B., Davis of H., Dickson, Flewellen, Francis, Franklin, Fescue, Hall, Harrison of C., Hartley, Henderson, Hubbard, Lewter, Lynch, Martin, Maverick, McKnight, Middleton, Mills, Nelson, Norton, Parker, Redwine, Ross, Shannon, Short, Stewart, Townes, Wælder and Whitmore—39.

And, on motion, the House adjourned till 7 o'clock, P. M., this evening.

7 O'CLOCK, P. M.

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

Mr. Townes, chairman on part of the House, of joint committee on Public Grounds and Buildings, reported a bill to create the Board of Commissioners of Public Grounds and Buildings, and recommended its passage. Bill read first time.

Also, reported a bill to amend an act to define the duties of the Secretary of State, passed May 5th, 1846.

Mr. Townes moved to suspend rule and take up bill. Lost.

Also, reported a bill making an appropriation for repairing the Capitol and other public buildings. Read first time.

Mr. Townes moved to suspend rule and take up bill. Lost.

Mr. Nelson moved to suspend rule and take up the appropriation bill. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Duncan:

YEAS—Messrs. Speaker, Bogart, Branch, Buckley, Camp, Craig, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Dennis,

Dickson, Dougherty, Fleweller, Foscue, Harrison of V. Z., Henry, Houghton, Hubbard, Kiuney, Lewis of M., Lynch, Mabry, Maverick, McClarty, McCutchan, Middleton, Nelson, Owens, Parker, Pirkey, Redwine, Robinson, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Warfield, Whitfield, Wortham and Wrede—46.

NAYS—Messrs. Benevides, Bryan, Crawford, Daniels, Davis of B., Davis of H., Duncan, Edwards, Francis, Hartley, Haynes, Henderson, Hubert, Lewis of R., Lewter, McKnight, Mundine, Norton, Perry, Redgate, Smith, Speights, Walworth and Whitmore—24.

Bill for the relief of A. F. Smith taken up, read third time and passed.

On motion of Mr. Davis of H., the rule was suspended and the bill for the relief of Wm. Drake was taken up, read second time and ordered to be engrossed.

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

On motion of Mr. Benevides, the rule was suspended and the bill to authorize the corporation of Laredo to dispose of certain lands, with report from committee recommending amendments, was taken up, the amendments adopted, bill read second time and ordered to be engrossed.

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

On motion of Mr. Parker, the rule was suspended and the bill for the relief of Wm. Rice, *et. al.*, was taken up.

Mr. Shannon moved to strike out so much of the bill as proposes to legalize the headright certificates of Rice & Hailey.—Adopted, bill read second time and ordered to be engrossed.

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

On motion of Mr. Wælder, the rule was suspended and the bill to incorporate the German-English School of San Antonio taken up.

Mr. Parker proposed to amend by striking out that portion donating land. Rejected, and the bill ordered to be engrossed.

Mr. Buckley moved to reconsider the vote rejecting Mr. Parker's amendment. Lost, and on motion of Mr. Henderson, the vote engrossing the bill was reconsidered.

Mr. Lewis of R., proposed to amend by adding: "and that Port Sullivan Institute, in Milam county, Wheelock Academy, in Robertson county, be entitled to the same privileges." Rejected.

Mr. Mabry proposed to amend by adding: "provided that said certificate for land shall not issue till said corporation shall have constructed a building for the use of said institution, worth at least \$3,000.

Mr. Henderson offered the following as a substitute :

Strike out the donation of one league of land. Adopted, and the bill ordered to be engrossed.

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

Mr. Francis moved to suspend rule and take up bill No. 216. Lost.

Bill to incorporate Rock Ford Bridge Company taken up, read third time and passed by two-third vote.

Bill to incorporate East Fork Bridge Company taken up.

Mr. Bogart moved to strike out that portion charging foot passengers. Adopted, and bill read third time and passed by two-third vote.

Bill to authorize Caleb Wilson to practice law in this State taken up.

Mr. Nelson proposed to amend by adding the names of James W. Pope and Fletcher Logan. Adopted, bill read third time and passed.

Bill to incorporate Sulphur and White Oak Bridge Plank Road Company taken up, read third time and passed by two-third vote.

Bill to validate bounty land certificate No. 4059 taken up, read third time and passed.

Bill to relieve Q. K. Gibson from disability of minority taken up, read third time and passed.

Bill for the relief of James H. Brown taken up, read third time and passed.

Bill to incorporate Meridian, in Bosque county, taken up, read third time and passed.

Bill for the relief of Louis Bouillet and Hetty O. Kohlman taken up, read third time and passed.

Bill for the relief of the heirs of Willis Edson, dec'd, taken up, read third time and passed.

Bill for the relief of Alexander Miller taken up, read third time and passed.

Bill for the protection of game on Galveston Island.

Mr. Foscue proposed to amend by inserting "or partridges" after "quail" wherever it occurs. Adopted, bill read third time and passed.

Bill to relieve disability of minority from Thomas A. Rodriguez taken up, read third time and passed.

Bill for the relief of legal representative of Calvin Gage, dec'd, taken up, read third time and passed.

Bill for the relief of Peter B. Norton taken up, read third time.

Mr. Edwards proposed to amend by striking out the proviso. Lost, and the bill passed.

Bill for the relief of Charles Lockhart and John Welch taken up, and read third time.

Mr. Foscue proposed to amend by inserting 'Thomas Rieves' certificate for one-third league. Rejected, and the bill passed.

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

HOUSE OF REPRESENTATIVES, }
Friday, January 13th, 1860 }

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

On motion of Mr. Norton, the rule was suspended, and the bill to amend an act to define the duties of the Secretary of State, passed May 9th, 1846, was taken up, read second time and ordered to be engrossed.

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

Mr. Short proposed to amend by striking out "Secretary of State" and inserting "Librarian of the Supreme Court."

Mr. Buckley moved to recommit the bill to committee on Public Grounds and Buildings. Lost.

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

Mr. Norton proposed to amend by adding, "that the Librarian shall remain in the Library and keep it open during the session of the Legislature from the hours of 8 A. M. till 4 P. M."

A message was received from the Senate, informing the House that the Senate had passed "a bill to incorporate Franklin College," "a bill to incorporate Prairie Lea Female Institute located at Prairie Lea," and "a bill to authorize and require the county courts of the several counties of the State of Texas to furnish the surveyors of their respective counties with books of record."

Mr. Nelson moved to commit the bill to a select committee of five.

Mr. Henderson moved to recommit it to committee on Public Grounds and Buildings. Lost.

Mr. Henderson moved to recommit it to committee on State Affairs. Carried by the following vote, the yeas and nays being ordered on motion of Mr Henderson :

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Bogart, Bryan, Buckley, Craig, Culberson, Cunby, Dickson, Edwards, Flewellen, Francis, Franklin, Fosene, Harrison of C., Hartley, Houghton, Hubbard, Kinney, Lewter, Lynch, Manly, McCutchan, McKnight, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Warfield, Whitfield and Wrede—40.

NAYS—Barnard, Benevides, Billingsley, Branch, Camp, Crawford, Crooks, Darnell, Daniels, Davis of B., Davis of H., Dennis, Duncan, Ellett, Epperson, Haynes, Henderson, Lewis of M., Lewis of R., Mabry, Martin, Maverick, Maxey, McClarty, Middleton, Mundine, Norton, Owens, Redgate, Robinson, Smith, Speights, Stewart, Townes, Waterhouse, Whitmore and Wortham—37.

Mr. Billingsley presented the petition of the heirs of James Bowie. Referred to committee on Private Land Claims.

Mr. Owens presented the petition of Seaborn Robinson. Referred to committee on Private Land Claims.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the Senate bill to incorporate the Mystic Club at Woodville, Tyler county.

Also recommended the passage of the Senate's bill amendatory of the act to incorporate the town of Waco, in McLennan county, approved August 29, 1856.

Also recommended the indefinite postponement of the Senate's bill to grant conditional privileges to the company carrying the overland mail from St. Louis and Memphis through Texas to San Francisco, and the company who have the contract for the overland mail to California from San Antonio to El Paso.

Mr. Edwards, one of the committee on Public Debt, reported a bill for the relief of Jas W Parker *et al*, and recommended its passage. Bill read first time.

Mr. Hartley, one of the committee on State Affairs, reported, recommending the passage of the bill to incorporate the Galveston Gymnastic Association.

Also reported, recommending the passage of the bill to incorporate the Southern Cotton Press and Manufacturing Company.

Mr. Ross, chairman of committee on Counties and County Boundaries reported, asking to be discharged from further consideration from the petition and protests of citizens of Sabine county.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to extend the provisions of an act to provide for the incorporations of towns and cities to the town of Jasper, in Jasper county, Danville, in Montgomery county, and Mt. Enterprise, in Rusk county, and had presented the same to the Governor for approval and signature.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, asking that the petition of Jas. S. Robinson be referred to committee on the Judiciary. Report adopted.

Mr. Buckley, chairman, on part of the House, of the committee on Free Conference, reported as follows :

COMMITTEE ROOM, }
January 13, 1860. }

HON. EDWARD CLARK,

President of the Senate :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee of Conference upon the bill "to be entitled an act to amend the fourth section of the act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law," originating in the Senate and the amendment thereof by the House, have had the same under consideration, and instruct us to report the following amendment to the title or caption, and recommend the adoption of the amendment, and that the Senate concur in the amendment of the House as so amended.

C. M. BUCKLEY,

Chairman on part of the House.

F. S. STOCKDALE,

Chairman on part of the Senate.

Amend the amendment of the House by adding to the caption the words, "an act to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law." Adopted.

Mr. Branch introduced a bill to authorize the Board of Aldermen of Huntsville to levy a special tax. Read first time, and referred to Judiciary committee.

Mr. Bogart introduced a bill to regulate challenges in criminal trials. Read first time, and referred to Judiciary committee.

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

Mr. Lewter offered the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the expediency of selling the State Library at

public auction or otherwise, and report back at an early day. Adopted.

Mr. Norton offered the following resolution :

Resolved, That the committee on State Affairs be required to take charge of the State Library, and to dry the books, mop up the water, and preserve the Library from destruction till a bill is passed making it the duty of some person to attend to the State Library.

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

Mr. Culberson offered the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the expediency of boxing up the books of the State Library until the State can get a dry room to keep them in.

On motion of Mr. Billingsley laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Mills :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Benevides, Billingsley, Bogart, Branch, Bryan, Camp, Craig, Clark, Cumby, Daniels, Davis of B., Dennis, Dickson, Edwards, Flewellen, Francis, Harrison of C, Haynes, Houghton, Hubbard, Lewis of R., Martin, McCutchan, Middleton, Nelson, Parker, Perry, Redgate, Redwine, Ross, Short, Smith, Stewart, Townes, Warfield, Waterhouse, Whitfield and Wrede—42.

NAYS—Messrs Culberson, Cumby, Darnell, Davis of H., Epperson, Foscue, Hall, Harrison of V. Z., Hubert, Lewter, Mabry, Maxey, McClarty, McKnight, Mills, Mundine, Norton, Robinson, Speights, Walworth, Whitmore and Wortham—22.

Mr. Townes introduced a joint resolution to instruct the Attorney General to sue Boyce & Sawyer. Read first time, and referred to committee on State Affairs.

Mr. Billingsley was permitted to withdraw the petition and papers in the case of J. W. Reed.

ORDERS OF THE DAY.

The apportionment bill with Mr. Norton's pending amendment, was taken up.

[Mr. Redwine in the Chair.]

A message was received from the Governor.

[Speaker resumed the Chair.]

Mr. McKnight moved to adjourn till 7 o'clock, P. M. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Barnard :

YEAS—Messrs. Speaker, Baxter, Billingsley, Branch, Bryan, Camp, Daniels, Davis of H., Duncan, Ellett, Epperson, Francis,

Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Martin, Maxey, McKnight, Mundine, Munson, Norton, Speights, Walworth and Whitfield—25.

NAYS—Messrs. Anderson, Barnard, Benevides, Bogart, Buckley, Craig, Clark, Culberson, Cumby, Dale, Darnell, Davis of B., Dennis, Dickson, Edwards, Flewellen, Franklin, Foscue, Hall, Haynes, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Maverick, McClarty, Middleton, Mills, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Warfield, Waterhouse, Whitmore, Wortham and Wrede—01.

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

Mr. McKnight moved a call of the House. Lost and the amendment tabled by the following vote. The yeas and nays being ordered on motion of Mr. Short :

YEAS—Messrs. Speaker, Anderson, Barnard, Baxter, Bogart, Branch, Buckley, Camp, Craig, Clark, Culberson, Cumby, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Edwards, Ellett, Franklin, Foscue, Hall, Hubbard, Lewis of M., Lynch, Maverick, McClarty, Middleton, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—48.

NAYS—Messrs. Benevides, Billingsley, Daniels, Duncan, Epperson, Flewellen, Francis, Harrison of C., Harrison of V. Z., Haynes, Henderson, Houghton, Hubert, Lewis of R., Lewter, Mabry, Manly, McKnight, Mundine, Norton, Smith, Speights, Waterhouse and Whitmore—24.

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

7 O'CLOCK, P. M.

Mr. Henderson moved to reconsider the vote passing the bill to change the south boundary line of Smith county.

Mr. Hubbard moved to postpone the consideration of the motion till to-morrow. Carried.

Mr. Wælder moved to suspend the rule and take up the apportionment bill. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Duncan :

YEAS—Messrs. Speaker, Anderson, Barnard, Bogart, Branch, Buckley, Camp, Craig, Crawford, Clark, Cumby, Dale, Darnell, Davis of B., Dickson, Dougherty, Edwards, Ellett, Foscue, Harrison of V. Z., Haynes, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Maverick, McClarty, Middleton, Mills, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Warfield, Whitfield and Wortham—46.

NAYS—Messrs. Armstrong, Billingsley, Bryan, Davis of H., Duncan, Epperson, Francis, Franklin, Harrison of C., Henderson, Houghton, Lewis of R., Maxey, McKnight, Mundine, Norton, Owens, Smith, Speights, Waterhouse and Whitmore—21.

Mr. Owens proposed to amend as follows :

In the representative district strike out the 55th, 56th and 57th districts, (Travis 1, Travis and Williamson 1 and Milam and Williamson 1,) and insert as follows : 55th district, Travis 1, 56th, Williamson and Milam 1, 57th, Travis, Williamson and Milam 1.

On motion of Mr. Townes, laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Owens :

YEAS—Messrs. Speaker, Anderson, Barnard, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Davis of B., Dennis, Dickson, Dougherty, Edwards, Franklin, Hall, Hubbard, Hubert, Kinney, Lewis of M., Lewter, Lynch, Martin, McClarty, Middleton, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—52.

NAYS—Messrs. Armstrong, Billingsley, Camp, Daniels, Davis of H., Duncan, Ellett, Epperson, Francis, Harrison of C., Haynes, Henderson, Lewis of R., Mabry, Manly, Maverick, Maxey, McKnight, Mundine, Norton, Owens, Speights, Waterhouse and Whitmore—24.

Mr. Harrison of C., proposed to amend by “striking out Henderson county from the 10th district and add it to the 11th. Strike out Trinity in the 11th district and add it to the 2d district. Ruled out of order.

Mr. Daniels proposed to amend Senatorial District No. 22, so as to read Matagorda, Wharton, Colorado and Austin, and district No. 23, Fayette and Washington.

Mr. Dennis moved to lay the amendment on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Daniels :

YEAS—Messrs. Speaker Anderson Armstrong Bogart Branch Crawford Crooks Clark Cumby Dale Darnell Davis of B Davis of H. Dennis Dickson Dougherty Edwards Flewellen Franklin Fosue Hall Harrison of C. Houghton Hubbard Hubert Lewter Lynch Mabry Martin Maverick McClarty Middleton Mills Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Smith Stewart Townes Wælder Walworth Warfield Whitfield Whitmore Wortham and Wrede—57.

YAYS—Messrs. Billingsley Buckley Camp Daniels Duncan Ellett Epperson Francis Harrison of C. Haynes Henderson Lewis of M. Lewis of R. Manly McKnight Mundine Norton Speights and Waterhouse—19.

Mr. Billingsley proposed to amend, in the 26th Senatorial District, strike out Hays, and in the 31st insert Hays county.

On motion of Mr. Davis of B., laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Billingsley :

YEAS—Messrs. Speaker Armstrong Barnard Bogart Branch Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Edwards Hall Harrison of V. Z. Henderson Henry Houghton Hubbard Hubert Lewis of M. Lewter Lynch Maverick McClarty Middleton Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Short Walder Walworth Warfield Whitfield Whitmore Wortham and Wrede—51.

NAYS—Messrs. Anderson Billingsley Bryan Buckley Camp Duncan Ellett Epperson Flewellen Francis Franklin Foscue Harrison of C. Lewis of R. Mabry Manly Maxey Mills Mundine Norton and Smith—21.

Mr. Henderson proposed to amend by adding, "Sec. —. That this act take effect and be in force from and after its passage."

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

Mr. Lewis of R., proposed to amend by saying, "56 Milam." Ruled out of order.

Mr. Walder moved the previous question.

Mr. McKnight moved a call of the House. Lost, and the motion for the previous question seconded.

The question being shall the main question be now put.

On motion of Mr. Duncan, the yeas and nays were ordered and the main question, by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Billingsley Bogart Branch Buckley Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dickson Dougherty Edwards Flewellen Foscue Hall Harrison of C. Haynes Henry Houghton Hubbard Hubert Lewter Lynch Mabry Maverick McClarty Middleton Mills Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Short Stewart Townes Walder Walworth Warfield Wortham and Wrede—56.

NAYS—Messrs. Bryan Camp Dennis Duncan Ellett Epperson Francis Franklin Harrison of V. Z. Henderson Lewis of M. Lewis of R. Manly Maxey McKnight Mundine Norton Shannon Smith Waterhouse and Whitmore—21.

The main question being on the engrossment of the bill.

On motion of Mr. Duncan, the yeas and nays were ordered, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Bogart Billingsley Branch Buckley Craig Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dennis Dougherty Edwards Flewellen Foscue Hall Harrison of V. Z. Haynes Houghton Hubbard Hubert Lewter Lynch Mabry Maverick Maxey McClarty Middleton Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Short Stewart Townes Welder Walworth Warfield Whitfield Wortham and Wrede—54.

NAYS—Messrs. Bryan Camp Crawford Dickson Duncan Ellett Epperson Francis Franklin Harrison of C. Henderson Lewis of M. Lewis of R. Manly McKnight Mills Mundine Munson Norton Shannon Smith Waterhouse and Whitmore—23.

Mr. Mills moved to suspend rule and place bill on 3d reading.

Mr. Norton moved a call of the House. Lost.

The question recurring on the motion for suspension of the rule, the same was put.

The yeas and nays being ordered on motion of Mr. McKnight, and the House refused to suspend by the following vote, not 4-5 voting for it :

YEAS—Messrs. Speaker Anderson Barnard Billingsley Bogart Buckley Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Dennis Dickson Dougherty Edwards Flewellen Hall Harrison of V. Z. Haynes Henry Houghton Hubbard Hubert Lewter Lynch Martin Maverick McClarty Middleton Mills Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Shannon Shelton Short Stewart Townes Welder Walworth Warfield Whitfield Wortham and Wrede—53.

NAYS—Messrs. Armstrong Branch Bryan Camp Davis of H. Duncan Ellett Epperson Francis Franklin Foscue Harrison of C. Henderson Lewis of M. Lewis of R. Mabry Manly Maxey McKnight Mundine Munson Norton Ross Smith Waterhouse and Whitmore—26.

Mr. Mills moved to take up the apportionment bill, and make it the special order of the day for to-morrow 11 o'clock. Carried by the following vote, 4-5 not voting for suspension :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Billingsley Bogart Branch Buckley Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Dennis Dickson Dougherty Edwards Flewellen Foscue Hall Harrison of V. Z. Haynes Henry Houghton Hubbard Hubert Lewis of M. Lewter Lynch Mabry Manly Martin Maverick McClarty Middleton Mills

Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson
 Ross Shannon Shelton Short Smith Stewart Townes Wælder
 Walworth Warfield Whitfield Wortham and Wrede—61.

NAYS—Messrs. Bryan Camp Davis of H. Duncan Ellett Ep-
 person Francis Franklin Harrison of C. Henderson Lewis of R.
 Maxey McKnight Mundine Norton Waterhouse and Whit-
 more—17.

The following communication from the Governor was taken
 from the Speaker's table and read :

GENTLEMEN OF THE SENATE,

AND HOUSE OF REPRESENTATIVES :

A press of public business, which has not allowed time for the
 preparation of this communication, has prevented me from pre-
 senting at an earlier period, to the Representatives of the people,
 that information respecting the condition of our State affairs, and
 the policy which will actuate my administration, expected at my
 hands.

In the short period which has elapsed since my inauguration,
 it is not to be supposed that I have been able to obtain a critical
 knowledge of the workings of the different departments of govern-
 ment, so as to recommend such modifications and improvements
 as may be necessary to effect the purposes of economy and reform,
 and I can therefore but commend the application of those prin-
 ciples which should extend to and influence all the avenues of
 government, affecting the discharge of official duty, of whatever
 grade, and controlling the operations of government, legislative
 and administrative.

The office of Executive falls into my hands at a peculiar period
 in our history as a State. Contemplating alone the vastness of
 its extent, the diversified interests of its people, and the character
 of its resources, yet undeveloped, there is enough to demand con-
 tinued labor and attention, in order to apply the benefits of
 government with sound discretion, and a proper regard to the
 relative demands of each interest ; but apart from these, a consi-
 derable portion of our State bordering on the Rio Grande river,
 is in a state of tumult and war, our frontier is unprotected and
 harassed by Indians, and our Treasury, which we have hitherto
 regarded as of exhaustless capacity, considering the probable
 expenses of government, is without a dollar subject to appropria-
 tion beyond the amount necessary to defray the current expenses
 of government for the present year.

Difficulties like these impelled immediate action ; and the
 peace and security of the State being a paramount object, my
 attention has first been directed toward quieting the disorders

upon the Rio Grande, and providing for the defence of our settlements against Indian depredations. With a due regard for the dignity of the State, should be united a desire to maintain peace within our limits. The bloodshed, the ravages, and the desolation of an intestine war is to be considered, nor should we lose sight of the immense cost of prosecuting it. If, by the use of those means known to humanity and the laws of nation, such disturbances can be quelled, all the considerations mentioned demand their exercise.

Possessed of no information going to show the causes of the disorders existing upon the Rio Grande, the Executive could but act upon the fact of their existence, and accordingly on the 28th of December, I issued a proclamation which was printed in the English and Spanish languages, for circulation in that region; and a copy of the same is herewith submitted. This course is not only justified by precedent, but it is founded upon the principles of justice and humanity. Without assuming to know the origin of the disorders, it warns the offenders against the law of the consequences of further rebellion and exhorts a return to duty. If productive of the desired end, the saving of blood and treasure which would accrue, would be considerations which should far outweigh the promptings of revenge, or the appeals of hostility against a race already degenerate from oppression. If such means fail, the law must be vindicated, and the offenders taught subordination by force.

The first official information received by the Executive from the seat of these disorders, was the communication of Capt. W. G. Tobin, herewith submitted, bearing date at Ramireno, near Brownsville, December 16, 1859, and received by hands of Capt. A. C. Hill. I was gratified to learn from that dispatch that the Federal Government had interposed to restore order in that region, and that Major Hientzleman, an officer of discretion and valor, had assumed the control of military operations. Whatever complaints may be made against the Federal Government on account of the removal of the troops from that portion of our border, its promptitude in affording relief at this time is deserving of consideration. Satisfied, from the report of Capt. Tobin, that a sufficient force was on the spot to quell the disturbance, and that the Federal arm would be still further extended at the call of its officer commanding the troops there, I dispatched Captain Hill, with an escort of twenty men, with instructions to Major John S Ford, acting as commander of the Texas forces, by virtue of an order from my predecessor. In that communication I stated that, "is the management of military operations

has been assigned by the Federal Government to its officers, if troops are desired from Texas, it is proper that a requisition should be made by an officer of the Federal Government, in command of the U. S. forces at that station." Should such a requisition be made, I am satisfied that the citizen soldiery of the country will respond with alacrity to the call.

On the 10th of January, the report of Major John S. Ford was received, dated at Ringgold barracks, December 29, 1859, giving an account of the engagement at Rio Grande city, in which the followers of Cortinas were completely routed and dispersed. The entire forces on this occasion were under the command of Major Hientzleman, to whom great credit is given for the disposition made of the troops. Our rangers behaved on this as on the former occasion, with that bravery which is a part of the Texian character, and the Federal troops likewise acted with great gallantry. So signal was the rout of the opposing forces, that I think their uniting again is improbable. The report of Major Ford is herewith submitted.

On the 11th inst., I received dispatches from Major Wm. G. Tobin, dated Ringgold barracks, Jan. 3d, 1860, showing the organization of the Texas forces, and the result of the elections held accordingly, also a letter from Major Hientzleman in reply to Major Tobin, in which it is shown that in the opinion of that officer the forces of Cortinas are "entirely dispersed," and that a force of U. S. troops were on the march, all of these documents are respectfully submitted.

I have every reason to hope that ere this time the disorders have been quelled, and that the emergency which has called our citizens from their homes no longer exists.

Unable to form any correct conclusion as to the origin of these disorders, it has been impossible for me to lay before your honorable body the information which would otherwise be expected at my hands. Not only the Legislature, but the people of our entire State, on whom may fall the burthen of taxation to meet the cost of sustaining troops in the field, have a right to know the entire facts connected with this disturbance. If the causes are local in their nature, as I have supposed, or if a premeditated invasion was contemplated, it is equally important for our peace and safety that the truth should be placed before the country. Actuated by this motive, I determined to send Commissioners without delay to Brownsville, and accordingly on the 2d of January, Messrs. Angel Navarro of Bexar, and Robt. H. Taylor of Fannin county, were commissioned for that purpose, and proceeded at once on their mission. These gentlemen both possess

a knowledge of the Spanish language, and represent different sections of the State. From the tenor of their instructions herewith submitted, it will be seen that all necessary discretion is given to them with reference to the State troops in that vicinity. If, after a conference with the Federal officer commanding, their services are deemed necessary, as soon as their report reaches the Executive, it will be submitted to the Legislature for its consideration.

In whatever light we may view these disorders upon the Rio Grande, they may readily be traced to the insecure condition of our border, arising from the withdrawal of the Federal troops. Mexico is in a continual state of anarchy, her population feel none of the influences of a stable government. Lawless chieftains plunder them with impunity, and light the torch of civil war at pleasure. Riot, murder and revolution reign above law and order. Separated from Mexico as we are by a narrow river alone, and a continual intercourse going on between its people and ours, it is but natural that the unhappy influences of her condition should extend to our border. To prevent these influences operating upon the turbulent portion of our own population, as well as to check any effort on the part of the citizens of Mexico to aid them in setting the laws at defiance, the presence of the Federal troops is absolutely necessary; and in my opinion the disturbances may be attributed to the insecurity arising from their removal, which left no check against the influences of civil war in Mexico. I have full confidence that the Federal Government will not only guard against such exigencies in the future, but will, as it should, recognize as valid, the acts of its military officer on the Rio Grande in assuming the control of our State troops, and reimburse Texas for the cost of their pay and subsistence.

Notwithstanding the fact that no appropriation had been made by the Legislature to provide for the defence of our frontier, and the condition of the Treasury warranted but little hope of relief from that quarter, I could not disregard the claims of our frontier citizens to protection from the marauding bands of Indians which infest our border, and accordingly at once took steps to call into the field a sufficient force to meet the present emergency. By virtue of the constitutional power vested in the Executive, to resist invasion, I felt fully authorized to pursue this course, believing that the Legislature would provide the means of pay and subsistence for the troops. Instructions have been issued to Captains W. C. Dalrymple, Ed. Burleson and John H. Connor, to raise each sixty men for immediate service. Since the initia-

tive steps to effect this purpose were taken, the bill entitled "an act for the protection of the frontier," came into my hands. Inasmuch as the Legislature has thrown upon the Executive the entire responsibility of defending the frontier, it is but just to him and to the people of the State, that the Legislature should provide him with the means of meeting that responsibility, as the exigency before him requires. The bill in question but affirms a constitutional power already existing in the Executive. It provides the manner in which the troops shall be organized, and the rates at which they shall be paid; but the money with which they are to be paid and sustained in the field is unprovided for. Without a dollar at his command, it is impossible for the Executive to sustain rangers on the frontier, or to accomplish much for the defence of the State; and although numbers of our citizens are ready to go to the scene of danger, relying upon the justice of the State to pay them for their services, yet they cannot be expected to enter upon the dangerous service before them without necessary subsistence. The Executive is determined to use all the constitutional means in his power to give security to our border. He will endeavor to send to the frontier efficient and reliable protection, and will call into the field no more men than appears absolutely necessary; but beyond this he has no power. The Legislature can alone provide and appropriate the money.

Our frontier people have long been harassed by Indians. They have been compelled from time to time to leave their homes in pursuit of them, to punish their aggressions, and recover property stolen. A feeling of insecurity exists which nothing but an active force, continually on the alert, can dispel. Scattered along the border, they are unable to get together in sufficient numbers to punish the enemy, without endangering their firesides. I have therefore determined to send them protection from the interior. If an emergency arises, or the Indians appear in force, they may then be called into service as minute men, without leaving their families long unprotected.

The defence of our settlements properly belongs to the Federal Government, and it is only in cases where protection is not extended by it, that we may resort to our own means of defence. It has been my belief for years, that mounted rangers are the only species of troops calculated to afford efficient protection against roving bands of Indians. Thus far, the Federal Government has not acted upon such a policy as respects our frontier. I shall at an early period urge upon the President of the United States, and the War Department, the necessity for such a force,

as well as the propriety of mustering into the service of the United States the troops now being raised for the protection of our frontier.

I shall also urge upon the proper department, the importance of authorizing a treaty with all of the Indian tribes on our border, and the payment of annuities to them directly through a Texas agency, instead of by way of Arkansas, as at present. The fact that these tribes respect the laws of Arkansas, and the civilized nations of Indians, and that no depredations are committed upon that frontier, but altogether upon that of Texas, is a sufficient reason for believing that a change of policy in this respect would be beneficial.

In view of the continued depredations upon our frontier, and the insecurity arising from the anarchical condition of Mexico, I shall take immediate steps for the organization of the militia, in accordance with the act of April 21, 1846. As our settlements widen, and the people of the interior become strangers to the incidents of border life, the use of arms, and the knowledge of all that pertains to military duties, will not be kept up to that degree which will ensure efficiency in the hour of danger. Military discipline is an important item in the education of a free people. Familiar with the use of arms, they can be made available at any moment to repel invasion or crush rebellion. I would commend to your honorable body the propriety of making such appropriations as will be necessary to put our militia system into operation.

The Report of the State Comptroller, already laid before the Legislature, shows that we have but very little to congratulate ourselves upon, on account of the condition of the Treasury. There remained in the Treasury at the expiration of the last fiscal year, ending on the 31st of August, 1859, the sum of \$411,402 69, in U. S. bonds and specie.

The \$2,000,000 00 set apart for the School Fund yet remains, but the balance of the \$5,000,000 00 received from the sale of our Santa Fe territory to the United States, is exhausted, except the amount set apart for the University fund, amounting to \$106,972 26, and the balance mentioned of \$411,402 69, belonging to the general fund. Notwithstanding a continual revenue arising from taxation, and the interest upon our United States bonds, has flowed in a continual stream into the Treasury, the money has gone out in a ceaseless stream, until, instead of seeking, as has formerly been the case, for modes of emptying the public Treasury, we have to seek for modes of replenishing it. Added to the revenue of the fiscal year, the balance in the Treasury on the first of August, 1859, will but little more than

meet the ordinary expenses of government, and to make it do this economy is necessary. We have a force in the field upon the Rio Grande, and the frontier is to be protected from the Indians. We cannot expect our citizens to wait the delay to be experienced in our endeavors to obtain the recognition of our State forces by the United States. They must be provisioned and paid. Common justice demands that the State shall recompense them, and not force them to wait until the general government shall make the necessary appropriations. To meet these extraordinary expenditures by the most prudent mode, is an object which I especially enjoin to your attention. Every avenue of extravagance should be closed, every proper means of retrenchment should be adopted. The keys of the Treasury should be held with an honest grasp, and no appropriation be made which is not necessary and strictly in accordance with law. Every disbursing officer of the government should be held to strict accountability, and no stretch of authority be permitted in the exercise of the trust confided to him. What economy will not accomplish can in my opinion be best supplied by taxation. Texas has learned some experience from going into debt, which she will do well to remember, and I trust she will guard against its consequences in future.

The various departments of government should, in my opinion, be made, as far as possible, self-sustaining, and where it is impossible, from their nature, to make them so, a rigid exaction of duty at the hands of all those who are in the employ of the government should be required. No free government can afford to establish sinecures or to support idleness. The money which comes from the pockets of the people, should be economized for their good, and all who are the recipients of it, should render a fair recompense of time and labor. These subjects are within the province of the Legislature. The Executive is powerless, and if reform is needed in any of these respects, it falls upon the Legislature to enquire into abuses, if there be any, and provide an immediate remedy.

The deficit in the revenue of the Land Office, added to the fact that the business of that department does not keep pace with the demands upon it, furnish subjects for your consideration.

The interests of the State demand that it should be self-supporting, and the interests of the people demand that its business should be brought up at the earliest possible period. A large force is already employed in that department, but the issuance of patents has been delayed, and it remains for the Legislature to discover whether this is to be attributed to the amount of

labor performed by the employees of the government, or the fact that the force is inadequate to the demands of business. If the latter, it is false economy to allow a farther accumulation of business, and thus cause a still greater delay. The holders of our land certificates are entitled to their patents, and if an additional force is necessary, it should at once be provided. The deficit in the operations of that department, estimated for the present fiscal year, ending August 31, 1860, at \$24,000, shows the necessity of prompt legislation to bring its affairs up to a proper standard. If the fees paid by those having business with that department, do not meet its expenses, they should be increased; if on the other hand, the deficit arises from the fact that a part of the time of that department is occupied by business for which no fees are provided by law, those who consume the time of the employees in the transaction of their business, should be compelled to pay for the same. In my opinion the affairs of that office can best be brought to a self-supporting standard, by providing an entire system of fees, covering the entire ground of its operations, and providing at the same time for the payment of its employees, wherever the same is practicable, in proportion to the labor they perform.

I cannot press too earnestly upon the Legislature the subject of common school education. The success of the system already in operation, is established beyond a doubt. Its application is general, and its defects as few as any system which could be applied to a population as scattered as ours. The nucleus of a complete system is already provided, and we have, in our public domain, the means of strengthening it, until its capacity will equal the demands made upon it, as our population increases. No better use can be made of the proceeds of the sale of the alternate sections of land reserved to the State from any cause, than to apply the same to this fund.

I would also commend to your consideration the importance of extending a reasonable aid to institutions of learning, now in operation in our State, supported by private enterprise, and to encourage by a general law the establishment of others. Our citizens have already displayed much zeal and enterprise in rearing up in our midst institutions which are accomplishing great good, to sustain these is difficult, and as the benefits arising from these are to be felt in the general prosperity of the State, and the intelligence of its entire people, a proper encouragement at the hands of the Legislature should be extended. Surrounded by proper guards a measure of this character would be productive of great good.

The establishment of a University, is, in my opinion, a matter alone for the future. At this time it is neither expedient, nor is it good policy to provide for the sale of those lands set apart for the University fund. If, at some future period it should be deemed expedient, or in keeping with a more enlarged policy, to devote our entire energies to a more general diffusion of knowledge than a University would afford, or even if the voice of the State should demand the establishment of one, these lands will then provide the means of advancing the cause of education. When that period arrives, their value will be greatly increased. If sold now, but little will be realized from them, and before the expiration of twenty years—the time upon which over fifty thousand acres have already been sold—the lands will be worth more than three-fold the amount they would bring now, with accumulated interest.

So far as the one hundred thousand dollars of bonds, and their interest, taken from the general and applied to the University fund, by the last Legislature, are concerned, I believe the condition of the treasury and our immediate necessities demand that the act be repealed, and the money again placed subject to appropriation. We need money for the protection of our frontier, and to save us from taxation, more than for a fund which promises no immediate benefit. Our common school fund already provides for the education contemplated by the Constitution, and if this amount, thus unnecessarily withdrawn from the general fund, will reduce the burthens of taxation, the people will be better able, in the future, to bear taxation to support a University, if one should be necessary.

I have long regarded our present land system as defective, and believe with the framers of the Constitution of the Republic, that our public domain should be sectionized. The Federal Government has adopted this system with reference to its public land, and all of the difficulties which surround our titles are obviated. We cannot redeem the past, but we can provide for the future. If all of our public domain were surveyed by competent persons, who would be willing to take a portion of our lands as compensation for their labor, it would greatly facilitate the settlement of the country, and give security to our whole land operators. It would also furnish some data upon which to base conclusions as to the value of our lands, and if accompanied by the researches of a geological and agricultural bureau, would vastly tend to the development of the resources of our State.—Our lands, if divided into sections—half and quarter sections—would meet a ready sale, whereas, at present the difficulty

attending our land titles make many persons loth to file their certificates, lest they may conflict with private locations; but if their meets and bounds were declared by the State, none of this apprehension would exist.

I believe that the policy of extending our frontier too rapidly has already resulted in great loss of life, owing to the sparse settlements being an easy prey to savages. If a base line were ran at the extreme edge of our present settlements, and the territory beyond withdrawn from location and settlement, we could then, by a liberal policy which would give an alternate quarter section of land to every actual settler who would reside upon and cultivate the same for two years, draw to our frontier a host of hardy pioneers, who would not only be able to resist the encroachments of the Indians, but soon acquire sufficient strength to intimidate them. If this plan were adopted, and a force of Texas Rangers, authorized by the United States, kept actively scouting in our territory beyond the settlements, we would cease to hear of those calamities which now continually shock our ears. Thus our frontier could be gradually extended, the lives of our citizens spared, and a vast amount of money, necessary to protect the present scattered settlements, saved to the treasury. The alternate quarter sections reserved, would be increased in value from the occupancy of the settler, while he would be benefited by receiving the land at the bare cost of the fee of patenting and surveying. I believe that the policy of giving land to actual settlers is a good one, but we should at the same time endeavor to make our settlements compact, and should also confine our donation policy alone to the settler and his immediate heirs, and not extend it to his assignees.

As one means of replenishing our exhausted treasury, I would commend the immediate sale of all lands which shall be found to be forfeited to the State for the non-payment of taxes; and such legislation should be adopted as will induce the purchase of these lands, and give security to the titles made to the same.— A rigid system for the collection of taxes is necessary, so that all branches of business, and all classes of property holders may pay their due proportion towards bearing the expenses of government. Some means should also be adopted by which the various assessors and collectors of the State would be able to secure the payment of proper taxes upon lands owned out of their respective counties. It is a notorious fact, that but few of the lands upon which taxes are paid in counties distant from their location, afford the State an equitable revenue. While it is not fair that parties should be compelled to pay their taxes on

lands in the counties in which the lands lie, it is no more than just that the State should provide some standard for their valuation, where they are not so paid.

I cannot too earnestly press upon the Legislature the necessity for economy in reference to the public lands. They are now all that we may draw upon for the education of the people and the development of our resources. Every citizen of Texas has an interest in the public domain, and the representatives of the people should regard it their duty to refuse to squander them in profligate schemes or to meet the ends of special legislation.

The Executive would also suggest some change in the mode of collecting the revenue. The amount of labor required at the hands of assessors and collectors, when compared with the compensation they receive, is so great, that but few men of competent business talents can be induced to accept the office. The Legislature should, in my opinion, so amend the revenue laws, as to secure the services of responsible men, who cannot be imposed upon. The task of visiting the domicile of every citizen, in order to obtain the valuation of his property, is arduous, and it is in but few counties that the officer is even reasonably paid for his labor.

The several railroad charters passed since my induction into office, have met my approval. Their terms are explicit, and in accordance with the general railroad law of the State. No charter will receive my assent which does not contain those proper guards against fraud, imposition and reckless speculation, which are necessary at once to guard the interests of the State and the pockets of the people. Corporations have so often trampled upon the rights of the private citizen, that we should be careful when we grant them privileges that we part with no right belonging to the people. The State has already been generous, and her generosity has in several cases been abused. We can yet afford to be generous in our railroad policy, but we should make such terms as will secure every interest to be affected. It will be my endeavor to exact, at the hands of every railroad company in the State, a strict compliance with the terms of its charter. The benefits conferred are so great, and the terms made by the State so easy, that there is but little room for excuse, in case of a failure to comply with the law.

The improvement of our rivers under the act of August 1st, 1856, will receive that attention at my hands which the importance of the subject demands. To many sections of the country these natural channels of transportation are of great utility. It will be my endeavor to employ practical men, acquainted with

the nature of our rivers, to superintend their improvement, and report upon the manner in which contractors have performed their duty.

I can see but little utility in the office of State Engineer, under our present system of railroad and river improvements. It is impossible for one individual to supervise all of the works in progress in the State. In the immediate locality of our rivers men can be found fully competent to decide upon the proper method of their improvement. The railroad law already provides that the company for whose benefit the examination is made, shall pay the expenses of the same. The law should plainly designate what the nature of the expenses shall be, and the manner in which the examination shall be made, in order to prevent corruption: and also establish the fees and duties of the examining board, which can be appointed for the time being, and thus save the State the cost of a salaried officer.

I would commend the continuance of the geological survey, and would suggest as an auxiliary the establishment of an agricultural bureau, with the view of collecting agricultural statistics and developing our general agricultural interests.

It will be necessary that the Legislature provide for the further prosecution of the boundary survey for establishing the line between the United States and Texas, in accordance with the act approved January 23, 1858. How far that survey has been prosecuted, the Executive has not been able to learn. It remains for the Legislature to inquire into the manner in which the appropriation of \$20,000, made by the last Legislature, has been expended, what amount will still be necessary to complete the survey, and make an appropriation for the same.

I would recommend to your consideration the propriety of changing the time for the meeting of the Legislature until the 15th of December, or some early period before the time allotted for the inauguration of the Governor. Our experience under the present arrangement has shown that but little legislation of importance is effected before the incoming of the new administration, and I believe the change would result in a great saving of money to the State.

So much trouble has heretofore arisen in reference to our public printing, that it behooves the present Legislature to provide all necessary regulations and guards against frauds and misconstruction of the laws regulating the same. The duties of the Public Printer, like those of all other officers, should be plainly defined. The law should provide against the latitudinous construction, by which thousands of dollars may be swept from the Treasury upon

a plea of custom, and explicitly declare that the work shall not be leaded, but shall be close or "solid," and that no unnecessary blanks be allowed. The various reports of public officers printed for the use of the Legislature, should also be declared not to be part of the journals, and that they shall not be printed as appendices to them. The present law is defective in these respects and I commend to the Legislature the propriety of amending it, so as to meet not only these, but all other objections.

Upon the action of the Legislature depends to a considerable extent the construction to be given to the present contract for the Public Printing. It is for the Legislature to say, after the matter has been fully investigated, whether the charges made by the Public Printer for the past four years was correct, and in accordance with law. If they are not, and money has been illegally drawn from the Treasury, it is not only in accordance with justice, but precedent, that restitution should be made.

In providing a means for disseminating the laws, it seems to the Executive, that a regard should be had to the means most likely to bring them within the reach of the great mass of the people. I do not believe that the present mode of distributing them is calculated to accomplish this end. But few individuals get possession of them, and then frequently long after they have gone into effect. The people have a right to know the law, and the Legislature should seek the channel of communication which is most accessible. I believe that if a portion of the money now expended in printing, was devoted to the publication of the laws in one newspaper in each county in the State, or at least one in each Judicial District, the benefit to the community would be far greater than that received by printing them in pamphlet form alone. A much smaller number in pamphlet form would then suffice, and the expense to the State would be but little, if any greater. The cost of publishing the General Laws in the manner mentioned, would be but slight, and if at the same time, by the distribution of the public funds, the entire press of the State is benefited to any extent, it is an object for favorable consideration. Nothing has more contributed to the prosperity of Texas, than the energy and fervorance of the press. It is a powerful auxiliary to freedom everywhere, and when actuated by that feeling of responsibility which points towards impressing the public mind, by means of correct information, which a true sense of right, and proper moral tone, rising above the bickerings of party or personal abuse, it may be relied on as one of the bulwarks of liberty, to be sustained and defended by every free people.