

I would suggest to the legislature the propriety of adopting such measures as will urge upon Congress the justice of paying to Texas the balance now in the Treasury of the United States, on account of our public debt. In the present condition of our Treasury, this amount becomes important. Texas is entitled to it, and should receive it without delay.

The time has again arrived, when an examination of the affairs of the State Penitentiary is called for. An investigation of its financial and sanitary condition is necessary, that the Legislature may be able to judge as to the legislation necessary to sustain it properly.

The law passed by the last legislature, which grants a pre-emption privilege for every three negroes an individual may own, is, in my opinion based upon erroneous ideas of the institution of slavery, calculated to create distinctions between rich and poor, and to confer exclusive benefits upon one class of our citizens at the expense of the other, and recognizes the idea that government is bound to make the rich richer, and the poor poorer. In the eye of the law, all men should stand equal. To draw a distinction between those of our population who have not been able to acquire slaves, and those who have, is, in my opinion, impolitic, and I respectfully commend to the Legislature the immediate repeal of the law.

I cannot refrain from congratulating the legislature upon the triumph of conservatism, as seen in the many evidences of the determination of the masses of the people of the North, to abide by the Constitution and the Union, and to put down the fanatical efforts of misguided abolitionists, who would endanger the safety of the Union to advance their vapid schemes. That their efforts will so operate upon the impending struggle, as to stay the hand of slavery agitators, is to be hoped. This outspokening of the people should be received in our midst as the evidence, that notwithstanding the ravings of deluded zealots, or the impious threats of fanatical disunionists, the love of our common country still burns with the fire of the olden time in the hearts of the American people. No where does that fire burn with more fervor, than in the hearts of the Conservative people of Texas. Satisfied that the men whom they elected at the ballot box, to represent them in Congress, will bear their rights safely through the present crisis, they feel no alarm as to the result. Texas will maintain the Constitution and stand by the Union. It is all that can save us as a nation. Destroy it, and anarchy law its us.

We have in our own Constitution the adaptation of those principles of republicanism which are the basis of the Constitution of the Union. The representatives of the people are called upon by the responsibilities of the trust reposed in them, to hold that instrument sacred and to construe it strictly. The Executive will guarantee on his part, that no watchfulness shall be spared in guarding over the public weal, or in maintaining the Constitution in its full intent and meaning.

SAM HOUSTON.

AUSTIN, January 13, 1860.

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

HOUSE OF REPRESENTATIVES, }  
Saturday, Jan. 14, 1860. }

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

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows:

The committee on Engrossed Bills have examined the following bills, and report them correctly engrossed:

A bill to be entitled An act for the relief Richard N. Williams.

Also, a bill to be entitled an act for the relief of John Kearu.

Also, a bill for the relief of Bluford Garrett.

Also, a bill for the relief of Andrew Mason, assignee of Robt. H. Andrews.

Also, a bill to change the name of Susan Allford to Susan Bell, and permit Abigail Bell to adopt her.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company.

Also, a bill for the relief of the heirs of C. D. Ferris.

A bill to be entitled an act to relieve Thos. D. Rusk, of Nacogdoches county, and John W. Hanna, of Lavaca county, from the disabilities of minority.

A bill to be entitled an act for the relief of the heirs of Addison Litton.

A bill to be entitled an act for the relief of A. H. Cook.

A bill to be entitled an act to apportion the State into Senatorial and Representative Districts.

On motion of Mr. Wrede, the bill ordering the return of Fisher and Miller's Colony certificates were taken up and referred to committee on Public Lands.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill supplemental to the act to provide for the registration of Deeds and other instruments of writing, with amendments by the committee: amend by adding to section 1st, "Provided, that an attachment shall in no case issue without the same compensation is made or tendered to such witness as is allowed to witnesses in other cases; and further, provided, that no witness shall be required to go beyond the limits of the county of his residence, under the provisions of this act, unless he shall for the time being be found in the county where the execution of such instrument is sought to be proved for registration."

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

Mr. Foscue, one of the committee on State Affairs, reported a bill to incorporate the town of Mariana, in Jefferson. Bill read first time.

Mr. Lewis of R., one of the committee on Claims and Accounts, reported a bill for the relief of J. C. Spence, and recommended its passage. Bill read first time.

Mr. Harrison, of V. Z., one of the committee on Public Lands, reported, recommending the passage of the bill to require field-notes of certain surveys in Young Land District to be recorded in the Surveyor's Office.

Also reported a substitute for the bill for the relief of Ansell Cupp *et al.*, and recommended its passage.

Also reported recommending the passage of the bill supplemental to the act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve.

Mr. Edwards, one of the committee on Public Debt, reported, recommending the passage of the bill for the relief of George W. King.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to incorporate the San Antonio Gas Company.

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

A bill for the relief of Ewing Clayton.

A bill for the relief of Washington County Railroad Company to incorporate the Planter's Danologian Society of Gonzales county.

A bill to validate unconditional certificate for 320 acres of land, No. 576, issued on the 4th February, 1856, to S. Pang-

burn, assignee of C. L. Wood, and that the Senate had adopted the report of the committee on Conference on the bill to amend the 11th section of the act of May 12th, 1846, to regulate the license and practice of attorneys and counsellors at law.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the Senate's bill for the relief of Charles Inloes. Also, asked to be discharged from further consideration of Jonathan A. McGary.

Mr. Dougherty, chairman of committee on Stock and Stock-raising, reported a bill offering a reward for wolf, tiger and panther scalps, and recommend its passage. Bill read first time.

Mr. Mills moved to suspend rule and take bill up. Lost.

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

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of Jas. H. Denson, and recommend its passage. Bill read first time.

On motion of Mr. Lewis of R., the rule was suspended, and the bill to regulate Estrays taken up and made special order of the day for Saturday next.

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 to be entitled an act for the relief of Lewis David.

A bill to be entitled an act to authorize and require the clerks of the District Courts of the counties of Cherokee, Smith, Anderson, Panola and Angelina to apportion the causes on the dockets of said courts, and find the same correctly enrolled, properly signed, and were presented to the Governor for his approval and signature on the 13th inst.

Mr. Wortham, one of the committee on Public Lands, reported, asking that the bill to punish persons for cutting timber on public land, be referred to Judiciary Committee. Report adopted. Also reported recommending the passage the Senate's bill supplemental to the act to amend the act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

Mr. Lewter introduced a bill to amend the 8th section of the act authorizing the sale of the public domain, approved February 11th 1858. Read first time, and referred to Public Land Claims.

Mr. Duncan offered the following resolution:

*Resolved*, That the committee on Printing be authorized to have printed 1000 copies of the Governor's Message for this House. Adopted.

Mr. Wrede offered the following resolution:

*Resolved*. That 500 copies of the Governor's Message be printed in the German language.

Mr. Camp moved to amend by adding 500 copies in Spanish. Adopted.

Mr. Norton moved to amend by adding 200 copies in Norwegian. Adopted.

Mr. Haynes moved to amend by adding, "That the accompanying documents be also printed with the message."

Mr. Buckley moved that the same number of accompanying documents of Gov. Kimmel's message be printed.

The hour having arrived, the special order, to-wit, the Apportionment Bill, was taken up.

Mr. Shannon proposed to amend as follows: "Take the county of Cooke from the 21st Senatorial District and attach it to the 15th district."

Mr. Bogart proposed a substitute for the amendment: "strike out Parker from 21st District, and add it to 20th District." Accepted by Mr. Shannon, and rejected by the House.

Mr. Ellett proposed to amend by striking out Panola and Harrison from 16th District, and add them to the 20th District, and create 16th District, Wise and Cook. Strike out Palo Pinto from the 61st District.

On motion of Mr. Whitmore the amendment laid on the table.

Mr. Hartley proposed to amend as follows: strike out Hardin, Orange and Jefferson from the 1st Senatorial District, and add Polk thereto from the 2d District.

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

Mr. Benavides proposed to amend as follows:

74th District, strike out Hidalgo and insert Nueces.

75th District, strike out Zapata and insert Hidalgo.

76th District, strike out Nueces and insert Zapata.

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

Mr. Camp proposed to amend by striking out Nueces from 29th Senatorial District and add it to the 32d Senatorial District. Rejected.

[Mr. Buckley in the chair.]

Mr. Haynes proposed to amend the Senatorial Apportionment District No. 32, strike out Cameron as the returning county, and insert Starr.

On motion of Mr. Dougherty, laid on table.

Mr. Epperson proposed to amend in the 7th Senatorial District, composed of the counties of Red River and Titus. Strike out Titus as the returning county, and insert Red River.

[Speaker resumed the chair.]

Mr. Manly moved the previous question.

Mr. Franklin arose and addressed the chair, when the motion for the previous question was second. The Speaker declared that no motion or proposition could be sustained after a motion for the previous question, except a motion for a call of the House.

Mr. Franklin appealed from the decision of the chair.

House sustained the chair.

The question then being, shall the main question be put, the same was submitted to the House, and the main question ordered.

The question recurring on the final passage of the bill, the yeas and nays were ordered on motion of Mr. McKnight, and the bill passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Bogart, Branch, Buckley, Camp, Craig, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dougherty, Edwards, Foscue, Hall, Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewter, Lynch, Mabry, Maverick, McClarty, McCutchan, Middleton, Nelson, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Stewart, Townes, Wælder, Warfield, Whitfield, Wortham, and Wrede—52.

NAYS—Messrs. Benevides, Billingsly, Bryan, Crawford, Davis of H., Dickson, Duncan, Ellett, Epperson, Flewëllen, Francis, Franklin, Harrison of C., Hartly, Henderson, Hubert, Lewis of M., Lewis of B., Manly, Maxey, McKnight, Mills, Mundine, Munson, Norton, Shannon, Smith, Speights, Waterhouse and Whitmore—30.

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

Mr. Wrede's resolution relative to printing the Governor's message, with proposed amendments, was taken up.

Mr. Haynes withdrew his amendment, and the resolution, as amended, was adopted by the following vote ; the yeas and nays having been ordered on motion of Mr. Ellett :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Cumby, Dale, Daniels, Davis of B., Dennis, Dougherty, Duncan, Flewëllen, Foscue, Hall, Harrison of C., Hartly, Haynes, Henderson,

Hubbard, Kinney, Lewis of R., Lynch, Mabry, Manly, Maverick, McClarty, McCutchan, McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens, Paiker, Perry, Redgate, Robinson, Shannon, Shelton, Stewart, Townes, Wælder, Walworth, Warfield and Wrede—53.

YAYS—Messrs. Baxter, Billingsly, Crawford, Clark, Davis of H., Ellett, Francis, Harrison of V. Z., Houghton, Lewter, Redwine, Ross, Short, Speights, Waterhouse, Whitfield, Whitmore and Wortham—18.

Mr. Speights introduced a bill for the relief of S. H. Smith. Read first time, and referred to Private Land Claim committee.

Mr. Short, one of the committee on State Affairs, reported adversely to a petition of sundry citizens of Montgomery county.

Mr. Mills moved to suspend rule and take up bill to prevent judgments from becoming dormant. Lost

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

*Resolved*, That the committee on Printing enquire into the cause of delay of Gov. Runnel's message in German, Spanish, Norwegian, and report to this House. Adopted.

Mr. Hall moved to adjourn till 9½ o'clock, A. M., Monday. Lost.

Mr. Manly presented the petition of David Harris. Referred to committee on Claims and Accounts.

Mr. Manly introduced the following resolution :

*Resolved*, By the House of Representatives, the Senate concurring, that the Attorney-General of the State be, and is hereby required, to commence suit on the bond of William S. Oldham and George W. White for failing to comply with their contract for digesting, printing and binding the laws of the State, in accordance with an act approved February 15th, 1858, under which law said contract was by them taken.

On motion of Mr. Dennis the resolution was referred to the Judiciary committee.

Mr. Norton offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to present a bill to this House to prohibit the adulteration of liquors, and providing for the appointment of an inspector of liquors in each county in the State.

On motion the House adjourned till 10 o'clock, A. M., Monday, by the following vote, the yeas and nays being ordered on motion of Mr. Townes :

YEAS—Messrs. Anderson, Armstrong, Baxter, Benevides, Billingsley, Branch, Buckley, Cumby, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Epperson, Fleweller, Frank-

In, Foscue, Harrison of Cherokee, Harrison of V. Z., Haynes, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Maxey, McCutchan, Middleton, Mundine, Nelson, Owens, Perry, Pirkev, Redgate, Robiusion, Shannon, Shelton, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—51.

NAYS—Messrs. Speaker, Bogart, Crawford, Clark, Dale, Davis of H., Edwards, Francis, Hall, Hartly, Henry, Lewter, Maverick, McClarty, McKnight, Mills Parker, Redwine, Ross, Short, Sprights, Stewart and Whitmore—23.

Pending Mr. Norton's resolution.

HOUSE OF REPRESENTATIVES, }  
Monday, Jan. 16th, 1860. }

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

On motion of Mr. Shelton, the report of the committee on Court of Claims on the bill for relief of E. L. and J. M. H. Martin was taken up, and on motion of Mr. Foscue, was referred to select committee of five. Speaker appointed Messrs. Shelton, Branch, Dickson, Nelson and Foscue on said committee.

Mr. Redwine presented the petition of sundry citizens of New Salem. Referred to committee on State Affairs.

On motion of Mr. Daniels, Mr. Dickson was added to the committee on Counties and County Boundaries.

Mr. Whitmore submitted the following protest against the election of Louis T. Wigfall to the United States Senate :

HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives :*

The undersigned members of the House of Representatives of the eighth Legislature, present this their protest against the action of said Legislature on the 5th day of December A. D. 1859, in declaring that Louis T. Wigfall was on that day elected a Senator in the Congress of the United States and ask that the same may be spread upon the Journals of this House

We protest against said action because the same was and is in violation of the 24th section of the 3d article, of our State Constitution, which is in these words, viz : "No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which



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

It is known that Mr. Wigfall was, on the first Monday in August, 1857, elected a Senator in our Legislature from Harrison county, for a term, commencing on the first Monday in August, A. D. 1857, and ending on the first Monday in August, A. D. 1861. This fact when considered in connection with the section of the Constitution above quoted, would seem to be sufficient to satisfy every reasonable mind that Wigfall could not constitutionally, be elected a Senator in Congress by this Legislature.

The language of this section is as plain and comprehensible as it can well be, and extends to every office to be filled by the Legislature or either branch thereof, except that of presiding officers over their own bodies.

The object of the second and third clauses of the section evidently was to prevent any member from using the influence of his position to secure the votes of his fellow members for an office to be filled by the Legislature. The wisdom of such a provision must be apparent to every one who is conversant with the manner in which elections are made by legislative bodies.— It has been sanctioned not only by a convention of the people of Texas, but by a direct vote of the people themselves after the Constitution was framed, and every member of the Legislature has taken a solemn oath to be governed by it. Those who contend that this entire section is limited to officers that have been or may be created under our Constitution, must assume that those who formed it were ignorant that one of the most important duties that would devolve upon the Legislature, was the election of United States Senator, or they must disregard the plain language of the section. The first clause of which by its very words are limited to officers of this State, while the second clause contains no such limitation, and the third extends to any office whatever, except that of presiding officers of both Houses.

An effort has been made to prove that members of the Legislature may disregard this provision of our Constitution on the

grounds that it conflicts with a part of the third section of the first article of the Constitution of the United States, which declares that "no person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States; and who shall not when elected, be an inhabitant of the State for which he shall be chosen."

The language of this provision of the Federal Constitution does not assume to prescribe all the qualifications for a United States Senator, it only establishes certain disqualifications without assuming to control the entire subject; had this provision been that any person may be a Senator who shall have attained the age of thirty years and been nine years a citizen of the United States, and who shall when elected be an inhabitant of that state for which he shall be chosen it might with propriety be said that it established all the qualifications requisite for a Senator in Congress, and that no other could be added.

If the Federal Constitution had contained no provision in regard to qualifications for Senator, it would have been competent for each State to prescribe what qualifications it pleased, because the 10th Article of the amendment to that Constitution declares that the powers not delegated to the United States by the Constitution, nor prohibited it to the States, are reserved to the States respectively, or to the people," why then shall the States be denied the right to prescribe such rules for the government of their Legislators in electing Senators as experience has shown to be necessary to secure the honest exercise of that power, provided they do not dispense with any of the requirements of the Federal Constitution; since neither the terms of the language used in that Constitution nor any fair construction of them, assume to regulate the entire subject of the qualifications for Senators, and the 9th article of the amendment declares that the enumerations in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"

If it be true that this provision of the Federal Constitution does control the entire subject, then it is no more in the power of Congress than of the States to add any further qualifications, yet we find that the very first Congress that assembled after the adoption of that Constitution, composed of many of those who had a large share in its formation, Mr. Madison among them, did assume the right to add other qualifications; that Congress passed "an act for the punishment of certain crimes against the United States," which provided that any person who should be convicted of bribing any Judge of the United States; and the Judge who should be convicted of accepting such bribe should be

fined and imprisoned at the discretion of the Court, and should forever be disqualified to hold any office of honor, trust or profit under the United States."

This act is still in force, and stands as a cotemporaneous construction of that provision showing that many of those who contributed most largely to its formation, did not consider that the Constitution had assumed the exclusive regulation of the subject. We therefore conclude that there is really no conflict between our Constitution and that of the United States on this subject, but that full effect may be given to this provision of the former without a violation of the latter.

The fact that persons elected in other States under similar circumstances, have been permitted to take their seats as Senators should have no weight in the consideration of this subject; because the members of the United States Senate are under no obligation to regard any State constitution in deciding upon the qualifications of Senators. They are only sworn to support the Federal constitution, and they have no authority to refuse a seat to one who possesses the qualifications which that instrument prescribes. The members of our Legislature occupy a different position, they are *sworn* to support the constitution of the United States and also of *this State*, and are therefore bound to regard both in their action. They must give full effect to our own constitution, if it can be done without violating that of the United States in all cases that are not within the exclusive control of the latter; and we think we have shown that this cannot be tolerated by the terms of the instrument and by the only cotemporaneous consideration of it upon record.

Again, an effort is made to excuse members of our Legislature for disregarding this plain provision of our constitution on the ground, that as the power to elect a Senator is denied from the Federal constitution, they are not bound to be governed in any manner by our own constitution in the exercise of that power, but that they can act entirely independent of its requirements.

It should be borne in mind that this power is conferred upon the Legislature of the States, organized and acting under the provisions of their respective constitutions, and not upon the members who compose such Legislatures either individually or collectively. In exercising this power, they are to act as a Legislature which they can only do in obedience to the organic law to which they owe their existence, and to the oath of office which they are required to take; when they excuse this power they act under no separate oath of office, but under that which they have previously taken as legislators of this State and which requires them to support our constitution.

It is not pretended that we cannot exercise this power strictly in subordination to the provisions of both the constitution of this State and that of the United States; how then can we justify ourselves to the people of Texas for acting in entire disregard of this cherished provision of their constitution?

In these times of distrust and conflict of opinion between the General Government and the States, and between the States themselves when such persistent efforts are being made to enlarge the powers of the Federal Government to the detriment of the most vital interests of the States, when so many are seeking pretexts to disregard the obligation of written constitutions and laws, and appealing to a higher law as an excuse for violating the most solemn duties, it ill becomes the Legislature of a State which, like our own, has everything to lose and nothing to gain by the encouragement of such heresies, to set an example of acting in disregard of the constitution from which it derives its existence in a case where no one denies that full effect may be given to all its powers without violating any duties, oaths or obligations whatever. Signed—

A. E. Norton,  
Samuel J. Redgate,  
M. M. Owens,  
J. W. Davis,  
A. D. McCutchan,  
J. M. H. Martin,  
M. B. Middleton,  
John L. Haynes,  
T. H. Mandine,  
Wm. R. Shannon,  
Joseph H. Barnard,  
Chas. Lewis,  
William Smith,  
B. Benavides.

G. W. Whitmore,  
Wm. M. S. Houghton,  
David C. Dickson,  
James H. Duncan,  
Jonathan Lewter,  
M. L. Armstrong,  
J. H. Speights,  
J. E. Henry,  
Angel Navarro,  
John O. Whitfield,  
Jas. W. Henderson,  
Jasper N. Daniel,  
John H. Manly,  
J. M. Lewis,

Richard Waterhouse.

I have not had an opportunity of examining the within protest prepared by members of the Legislature against the action of this body in the election of Hon. L. T. Wigfall, U. S. Senator, but with regret I must say that said election was in my opinion, contrary to the plainest provisions of an existing State constitution.

H. P. MABRY.

A message was received from the Senate informing the House that the Senate had passed the House bill for the "relief of heirs of David M. Shropshire, deceased.

Also had passed a bill supplemental to the act to provide for

distributing the reports of the supreme courts, the laws of the State and the journals of the Legislature, and had passed a substitute for the House's bill for the relief of Chester B. Starks.

Mr. Dougherty, one of the committee on the Judiciary, reported recommending the passage of the bill to amend the 24th section of the act to organize the District Court and to define their power and jurisdiction, approved May 11th, 1846. Also recommended the indefinite postponement of the bill to regulate challenges and criminal trials. Also recommended the passage of the bill to make admissible in evidence unrecorded deeds and conveyances on file in the General Land Office.

Mr. Buckley, chairman of committee on Judiciary, reported as follows on the bill vetoed by the Governor, supplementary to and amendatory of an act entitled, to provide relief for pre-emption settlers and their assignees, under the act of 22nd January, 1845, the act of February 7th, 1853, and the act of the 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reserve.

On motion of Mr. Buckley, the bill and report was taken up and passed by the following vote :

YEAS.—Messrs. Speaker Armstrong Barnard Benèvides Borgia Branch Bryan Buckley Camp Craig Crawford Crooks Culberson Cumby Dale Daniels Dennis Dickson Dougherty Fowell Foscue Hall Harrison of C., Harrison of V. Z., Eartley Henderson Henry Houghton Hubbard Hubert Lewis of M., Lowter Lynch Maxey McCutchan Middleton Mills Munson Nelson Norton Owens Parker Perry Pirkey Redwine Robinson Shannon Shelton Short Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—59.

NAYS.—Messrs. Anderson Baxter Billingsley Clark Davis of B., Davis of H., Duncan Edwards Ellett Epperson Francis Franklin Haynes Lewis of B., Mabry Manly Martin Maverick McClarty McKnight Redgate Ross Stewart and Wortham—24.

Mr. Foscue, chairman of committee on Internal Improvements, reported recommending the rejection of bill to amend the act appropriating \$300,000 for the improvement of the navigable waters of Texas, passed August 1st, 1855.

Mr. Crooks chairman on Engrossed Bills, reported as follows :

The committee on Engrossed Bills have examined the following bills and report them correctly engrossed :

A bill for the relief of Wm J. Kyle, assignee of Jerome B. Robertson.

Bill to incorporate the German English School of San Antonio.

A bill to authorize the corporation of Laredo to dispose of certain lands &c.

A bill for the relief of Wm Drake.

Mr. Anderson, one of the committee on Education, reported recommending the passage of the bill to incorporate the Guadalupe Male and Female College.

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

Mr. Maxey, one of the committee on Education, reported recommending the passage of the bill to incorporate Bright Star Educational Company.

Mr. Ross, chairman of committee on County and County Boundaries, reported a bill to change the boundary line between Hardin and Liberty counties, and recommended its passage. Bill read first time.

Mr. McClarty, one of the committee on Education, reported recommending the passage of the bill to incorporate McKenzie Male and Female College.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the bill to define the duties of the Secretary of State, passed May 9th, 1846, and recommended its passage. Also a bill to prevent the sale of vinous, spirituous and other intoxicating liquors within one mile of the town of New London in Rusk county. Bill read first time.

Mr. Shelton, one of the committee on Education, reported recommending the passage of the bill to amend the act incorporating Soule University, approved February 2nd, 1856.

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 a bill to be entitled an act to amend the 4th section of act of May 12th, 1846, entitled an act to regulate the license and practice of Attorneys at Law. Also a bill to be entitled an act further regulating proceedings in the Supreme Court, 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 Judiciary, reported recommending the indefinite postponement of the Senate's bill amendatory of an act entitled an act to regulate proceedings in case of forcible entry and detainer, approved 16th March, 1848.

Mr. Stewart, chairman of the committee on Finance, reported recommending the indefinite postponement of the bill for the relief of Thos. Smith.

Mr. Henderson introduced a bill to incorporate the Lynchburg and Eastern Texas Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Barnard introduced a bill for the relief of Geo. Miller. Read first time and referred to committee on Private Land Claims.

Mr. Norton offered the following resolution :

*Resolved*, That the Governor be requested to transmit to the House the report of the agent acting under joint resolution in relation to the Indians residing in the counties of Polk and Tyler, approved February 16th, 1858, and appropriating \$5,000 for that purpose ; showing what amount of money has been expended ; in what manner it has been paid out and what disposition if any has been made of the Indians aforesaid. Adopted.

Mr. Shannon introduced a bill for the relief of A. S. Morgan. Read first time and referred to committee on Private Land Claims.

Mr. McKnight offered the following resolution :

*Resolved*, the Senate concurring, that in all cases where both Houses of the Legislature shall have ordered the translation of the same documents, the committee on Printing shall act jointly.

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

Mr. Townes introduced a bill to amend the 7th and 8th sections of the act supplemental to the act regulating elections, passed February 11th, 1850. Read first time and referred to Judiciary committee.

Mr. Buckley introduced a bill to punish emissaries from the Northern States against the institution of Slavery. Bill read first time.

#### ORDERS OF THE DAY.

On motion of Mr. Ross, the House went into committee of the whole on the bill to raise the revenue by direct taxation by the following vote, the yeas and nays being ordered on motion of Mr. Ross :

YEAS.—Messrs Speaker Anderson Armstrong Barnard Baxter Bryan Buckley Crooks Cumby Dale Dennis Dougherty Duncan Edwards Epperson Harrison of C., Harrison of V. Z., Houghton Hubbard Lynch Mabry Maverick McClarty Nelson Norton Owens Parker Perry Pirkey Redwine Robinson Ross Shannon

Shelton Speights Stewart Wælder Warfield Whitfield Wortham and Wrede—41.

NAYS.—Messrs. Bogart Branch Culberson Daniels Davis of B. Davis of H. Dickson Ellett Flewellen Francis Hall Henderson Habert Lewis of R., Martin Maxey McCutchan Middleton Mills Mundine Short Smith Townes Waterhouse and Whitmore—25.

[Mr. Wælder in the Chair.]

The committee rose, reported progress and asked leave to sit again to-morrow at 11 o'clock. Report adopted.

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. Dickson offered the following resolution :

*Resolved*, That hereafter during the evening sessions of the House, it shall be the duty of the Speaker to order a call of the roll of members, commencing in the middle of the same and calling each way, when the member so called shall have the privilege of taking up any bill for action upon which the House may or can act under the existing rules. Laid over one day for consideration.

Mr. Nelson moved to suspend rule and take up bill No. 279. Lost.

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

Bill to incorporate the Planters Danalogian Society of Gonzales county. Referred to Agricultural committee.

Bill for the relief of Washington county Railroad company. Referred to committee on Internal Improvements.

Bill to validate unconditional certificate for 320 acres of land, No. 576, issued on 4th February, 1856, to Sa Pangburn, assignee of C. L. Wood. Referred to committee on Private Land Claims.

Bill for the relief of Ewing Clayton. Referred to committee on Private Land Claims.

Bill to incorporate Prairie Lea Female Institute, located at Prairie Lea. Mr. Davis of H., moved to suspend rule and place bill on second reading. Lost, and bill referred to committee on Education.

Bill to incorporate Franklin College. Referred to committee on Education.

House Bills: Bill for the relief of A. H. Cook, taken up and read third time.



Mr. [ ] proposed to amend by adding that so soon as he shall have made the roof water-tight, he shall be entitled to draw on the Treasurer for the amount.

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

The main question being upon the final passage of the bill, on motion of Mr. Townes the yeas and nays were ordered and the House refused to pay the bill by the following vote :

YEAS.—Messrs. Anderson Benevides Billingsley Barnard Branch Bryan Buckley Daniels Davis of H. Dennis Dickson Dougherty Duncan. Flewellen Francis Franklin Hall Hartley Henderson Lewis of M. Lynch Manly Maverick Munson. Nelson Parker Perry Redgate Robinson Smith Stewart Townes Wælder Walworth Warfield and Worthan—35.

NAYS.—Messrs. Speaker Armstrong Baxter Bogart Camp Craig Crooks Culberson Cumby Dale Davis of B. Ellett Epperson Foscoe Harrison of C. Harrison of V. Z. Houghton Hubbard Kinney Lewter Mabry McClarty McKnight Middleton Mills Mundine Norton Owens Pirkey Redwine Ross Shannon Shelton Short Speights Warfield Waterhouse Whitmore and Wrede—39.

The Senate's bill to incorporate the Southern Fire Insurance Company. Read first time and referred to committee on State Affairs.

Bill for the relief of Richard A. Williams. Read third time and passed.

Bill for the relief of Charles D. Ferris. Read third time and passed.

Bill for the relief of Bluford Garret, deceased. Read third time and passed.

Bill to relieve Thos. D. Rusk of Nacogdoches county, and Jno. W. Hanna of Lavaca county. Read third time and passed.

Bill for the relief of Addison Lytton. Read third time and passed.

Bill for the relief of Jno. Hearn. Read third time and passed.

Bill to authorize County Courts to regulate pay of Sheriffs, with report from committee recommending a substitute. Taken up and substitute adopted and bill ordered to be engrossed.

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

On motion of Mr. Perry, the rule was suspended, the Senate's bill for the relief of George W. King, with report recommending its passage was taken up and read second time.

Mr. Whitmore proposed to amend by striking out the interest.

The question recurring on the passage of the bill to a third reading, on motion of Mr. Henderson, the yeas and nays were ordered and the bill passed to third reading by the following vote:

YEAS—Messrs. Speaker Anderson Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Flewellen Francis Hall Harrison of C. Hartley Haynes Henderson Houghton Hubbard Kinney Lewis of M. Lewis of R. Lynch Manly Mabry Martin Maverick McClarty McKnight Middleton Mundine Munson Nelson Norton Perry Pirkey Redgate Robinson Ross Shelton Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wortham—63.

NAYS—Messrs. Culberson Epperson Foscue Harrison of V. Z. Owens Parker Redwine and Whitmore—8.

Mr. Davis of B. moved to take the bill for the relief of Chas. Sheppard. Lost.

Bill to amend the 20th section of the act to incorporate the Memphis, El Paso and Pacific Railroad Company.

Mr. Bogart proposed to amend by striking out \$500,000, and inserting 1,000,000.

Mr. Pirkey moved to lay the amendment on the table. On motion of Mr. Bogart the yeas and nays were ordered, and the amendment laid on the table by the following vote:

YEAS.—Messrs. Armstrong Baxter Benevides Branch Bryan Crooks Culberson Cumby Dale Davis of B. Davis of H. Dougherty Duncan Ellett Epperson Flewellen Hall Harrison of C. Harrison of V. Z. Hubbard Kinney Lewis of M., Lewis of R. Lynch Mabry Manly Martin Mills Munson Norton Owens Parker Pirkey Redgate Robinson Shelton Smith Stewart Walworth Warfield Whitfield and Whitmore—42.

NAYS.—Messrs. Speaker Bogart Craig Daniels Dickson Francis Franklin Foscue Haynes Henderson Houghton McClarty Mundine Nelson Redwine Ross Shannon and Speights—18.

Mr. Munson proposed to amend by adding: Provided said road shall release to the State its reservation of land. On motion of Mr. Pirkey laid on the table and bill ordered to be engrossed.

Bill for the relief of Mary Elam, with report from committee recommending its passage. Read second time.

Mr. Henderson proposed to amend by striking out "Mary Elam only heir," and inserting "the heirs of." Adopted and bill ordered to be engrossed.

Bill for the relief of Dennis Mead and Richard Mead, with report from committee recommending its passage. Read second time.

Mr. Middleton proposed to amend by adding one league of land to—Eastland, who furnished the Mier prisoners at New Orleans with supplies and paid their passage from New Orleans to Galveston, when on their way from the dungeons of Mexico to their homes in Texas, in 1844. Adopted.

Mr. Parker proposed to amend by striking out two leagues wherever it occurs in the caption or bill, and inserting one league each. Adopted and bill ordered to be engrossed.

Mr. Dougherty proposed to suspend rule and take up bill for third and final reading.

On motion of Mr. Foscue the yeas and nays were ordered and the rule suspended by the following vote :

YEAS.—Messrs. Anderson Armstrong Baxter Benevides Bogart Branch Bryan Buckley Craig Crooks Clark Culberson Dale Cumby Daniels Davis of B. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Flewellen Franklin Hall Harrison of V. Z. Hartley Haynes Houghton Hubbard Lewis of R. Lynch Manly Martin Maverick McClarty Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—61.

NAYS—Messrs. Davis of H. Francis Foscue Harrison of C. Lewter McKnight Ross Shelton and Whitmore—7.

The yeas and nays having been ordered on motion of Mr. Manly, the bill was passed by the following vote :

YEAS.—Messrs. Speaker Anderson Baxter Benevides Bogart Branch Bryan Buckley Craig Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Flewellen Francis Franklin Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard, Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McKnight Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Wortham and Wrede—70.

NAYS—Messrs. Foscue and Wrede—2.

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

HOUSE OF REPRESENTATIVES, {  
 Tuesday, Jan. 17th, 1860. }

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

Mr. Perry presented the petition of sundry citizens of Free-stone and Limestone counties. Referred to committee on Agriculture.

Mr. Cumby presented the petition of sundry citizens of Rusk county. Referred to committee on Judiciary.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the Senate's bill to amend the act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1858, with amendment: amend by adding E. B. Nichols, Benj. B. Peck and D. S. H. Durst.

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

Mr. Townes, one of the committee on Education, reported a bill to amend the title, and the first and fifth sections of the act to incorporate the German Free School Association of the city of Austin, passed January 19th, 1858, and recommended its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Andrew J. Morgan, with amendments: amend by inserting after "Houston," "and bounty land certificate No. 4449, for 1280 acres, issued by Chas. Mason, Secretary of War, to A. S. Thrus-ton, on the 22d day of November, A. D. 1838.

Also, reported, recommending the rejection of the petition of the heirs of Wm. P. Wilson.

Also, reported, recommending the passage of the Senate's bill for the relief of Andres Menchaca, with amendments: amend by striking out "3148 acres," and inserting "3325 acres."

Mr. Short, one of the committee on State Affairs, reported, recommending the passage of the bill to levy and collect a special tax in the counties of Wise and Denton.

Mr. Buckley, chairman of committee on Judiciary, reported a substitute for the bill to incorporate Hermann Seminary, and recommended its passage.

Mr. Redgate, one of the committee on Public Lands, reported, recommending the passage of the Senate's bill ordering the return of certificates in Fisher & Miller's Colony.

Mr. Redgate introduced a bill to amend the act to amend the

act to incorporate the town of Columbus, approved February 5, 1856. Read first time, and referred to committee on State Affairs.

Mr. McClarty offered the following resolution :

*Resolved.* That hereafter the night session shall not be exclusively devoted to the disposition of bills of a private nature, but that bills of that character shall come up only in their regular order, as numbered upon the Speaker's table.

Laid over one day for consideration.

Mr. Branch introduced a bill for the relief of C. G. Keenan. Read first time, and referred to committee on Claims and Accounts.

Mr. Norton introduced a bill supplementary to, and amendatory of the act passed March 30th, 1848, concerning lunatics and idiots. Read first time, and referred to Probate Laws committee.

Mr. Epperson introduced a bill to relieve T. F. Guest from minority. Read first time, and referred to the Judiciary committee.

Mr. Buckley introduced a bill to incorporate the Richmond Insurance Company. Read first time.

Mr. Duncan introduced a bill requiring all persons shipping beeves from any port in this State, to have the marks and brands recorded. Read first time, and referred to committee on Stock and Stock Raising.

Mr. Stewart introduced a bill granting a pension to Wm. H. Anderson. Read first time, and referred to committee on State Affairs.

Mr. Warfield offered the following resolution :

*Resolved,* That the committee on Education be requested to enquire whether the fifty leagues of land set apart for the establishment and endowment of a State University have all been located and surveyed, and report by bill or otherwise.

Adopted.

[Mr. Mundine in the Chair.]

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

COMMITTEE ROOM, }  
JAN. 17, 1860. }

HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives :*

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

A bill to be entitled an act to regulate and define the times of

holding courts in the district court in the several counties of the eighth judicial district.

A bill entitled an act for the relief of H. C. Lazenby.

A bill to amend the 2d section of an act entitled an act to create the 20th judicial district of the State of Texas, approved January 2d, 1860.

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

The hour having arrived, the House went into committee of the whole on the bill to raise the revenue by direct taxation.

[Mr. Henderson in the Chair.]

Committee rose, reported progress, and reported the bill back to the House, asking to be discharged from further consideration of the same. Report adopted.

Mr. Middleton presented the petition of Harriet M. Durst, *et al.* Referred to committee on Public Debt.

On motion of Mr. Ross, the bill to raise the revenue by direct taxation, was taken up and made the special order for to-morrow, at 11 o'clock.

A message was received from the Senate informing the House that the Senate had passed a bill for the relief of Jno. Frederick.

Also, that the Senate had concurred in the House's amendments to the Senate's bill to amend the 11th section of the act of February 7th, 1853, to incorporate the Galveston, Houston and Henderson Railroad Company.

On motion of Mr. Henderson, the Senate's bill to amend the 2d, 5th, 8th and 9th sections of the act to authorize the sale of the public domain, with report from committee on Public Lands, recommending amendments, was taken up, and the amendments adopted.

Mr. Fleweller proposed to amend by striking out 50 cents, and inserting \$1.

On motion of Mr. Middleton, the amendment was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Fleweller:

YEAS—Messrs. Speaker Armstrong Barnard Baxter Benevides Bogart Branch Buckley Camp Crawford Crooks Culberson Cumby Dale Davis of H. Edwards Ellett Epperson Francis Hall Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Lewter Lynch Manly Martin Maverick Maxey McCutchan McKnight Middleton Mills Mundine Nelson Norton Parker Perry Redwine Shelton Speights Stewart Townes Walder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—53.

NAYS—Messrs. Anderson Billingsley Craig Clark Daniels Davis of B. Dennis Dickson Dougherty Flewellen Franklin Foscue Hartley Lewis of M. Mabry McClarty Munson Pirkey Redgate Robinson and Ross—21.

Mr. Ellett proposed to amend by adding :

“That the provisions herein contained shall in no wise be construed so as to conflict with an act passed at this session, entitled an act donating land to actual settlers.”

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

Mr. Ellett moved to lay the bill on the table. Lost.

Mr. Munson proposed to amend by striking out 50 cents wherever it occurs, and insert \$1 25.

On motion of Mr. Harrison of V. Z., laid on the table.

[Mr. Baxter in the Chair.]

Mr. Wortham proposed to amend by striking out eight months wherever it occurs, and inserting twelve months. Adopted.

Mr. Davis of H., proposed to amend by adding :

“Provided that this act shall be a perpetual pre-emption until repealed by law, and that persons shall not be compelled to act within six months to avail themselves of the benefits of this act.”

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

Mr. Epperson proposed to amend as follows :

In first section strike out the words “and sale or either,” in second section strike out “or assigns.”

On motion of Mr. Buckley, one hundred copies of the bill were ordered to be printed, and the bill was made the special order of the day for Thursday week.

[Speaker resumed Chair.]

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill for the relief of the heirs of Mark Copeland, dec'd.

And the bill donating one league of land, each, to Dennis Mead, Richard Mead and ——— Eastland. Report accepted.

#### ORDERS OF THE DAY.

The resolution relative to changing the manner of disposing of the business of night sessions was taken up.

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

Mr. Nelson proposed to amend by striking out the names of members, and inserting names of counties. Lost.

Mr. Ellett proposed to amend by striking out the names of members, and inserting names of districts.

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

The main question being on the adoption of the resolution, the same was put, and the resolution adopted.

The bill to incorporate the Air Line Railroad Company was again taken up.

[Mr. Mills 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. Hubbard called up a bill to incorporate the Starrville Union Academy. Read second time, and passed to a third reading. Rule suspended, bill read third time, and passed by a two-third vote.

Mr. Hubert called up the Air Line Railroad Bill.

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

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HOUSE OF REPRESENTATIVES, }  
Wednesday, Jan. 18th, 1860. }

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

Mr. Dougherty moved to amend the journal of yesterday by inserting a motion made by Mr. Armstrong, to reconsider the vote refusing to pass a bill for the relief of A. H. Cook.

Mr. Norton moved to lay the motion to amend the journal on the table.

The yeas and nays being ordered by Mr. Dougherty, the House refused to lay the motion on the table by the following vote:

YEAS.—Messrs. Speaker Barnard Culberson Cumby Dale Davis of B. Ellett Franklin Flewellen Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Lewter Mabry McKnight Mills Mundine Norton Pirkey Redwine Ross Shelton Short Speights Warfield Whitmore and Wrede—29.

NAYS.—Messrs. Anderson Armstrong Benevides Billingsly Bogart Branch Bryan Buckley Craig Crawford Clark Daniels Davis of H. Dennis Dickson Dougherty Francis Hall Hartley Haynes Henderson Lewis of M. Lewis of R. Lynch Manly Maverick McCutchan Munson Parker Redgate Robinson Townes Wælder Walworth Waterhouse Whitfield and Wortham—38.



A message was received from the Senate informing the House that the Senate had adopted the resolution of the House, relative to the joint action of the committee on privileges with an amendment by the Senate.

Had passed a Senate's bill for relief of John Smith.

And a bill to amend the 4th, 8th, and 9th sections of an act defining the duties of the Attorney General of Texas, passed May 11th, 1846.

And a House's bill for the relief of G. B. Brownrigg.

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

On motion of Mr. Lewis M., Mr. Darnell was excused from attendance on the House on account of sickness.

Mr. Davis of H., moved to suspend the call. Lost.

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

The bill to raise the revenue by direct taxation, together with amendments by the committee of the whole, was taken up.

Mr. Shannon asked leave to make a report. House refused.

On motion of Mr. Parker, Mr. Anderson was excused from attendance on the House till Monday next.

Amendments by committee of Whole :

Section 5th, line 5th. After the word, "family," amend by adding, "and all wearing apparel and the family groceries and provisions of each family."

Amend 7th section by inserting, "that the county court shall have power to appoint an assessor who shall hold his office until the August election next ensuing after each appointment and until his successor is qualified, and it shall be the duty of the chief Justice to order an election to be held to fill the unexpired term of said assessor, who may have died or resigned, or have been removed by the county court."

Section 10 : Add "which fines shall be paid into the county treasury."

Section 10th, 3rd line : Strike out fifty and insert one hundred.

Section 11th, 5th : After the word "place," insert, "places."

Mr. Ross proposed a substitute for the committee's amendments to section 5th, by striking out said section. Adopted, and amendments of committee adopted.

Mr. Shannon offered a substitute for the 14th section.

Mr. Ross offered the following as a substitute for the substitute :

Section 14th, 4th line : After the word, "grantee," add "and all railroad and canal companies and colonization companies and all persons residing beyond the limits of the State,

owning or claiming titled lands situated in this State, may in like manner render the same for assessment to the assessor and collector of any county in the State: provided, that the party thus rendering the property shall value such land at the average value of the lands in the county, where the same is situated, for the years next preceding such assessment, to be determined by the Comptroller of public accounts.

[Mr. Billingsley in the Chair.]

Substitute adopted.

Mr. Haynes moved to strike out the enacting clause.

Mr. Haynes withdrew his motion to strike out the enacting clause.

Mr. Buckley moved to commit the bill to Finance committee.

Mr. Nelson moved to lay the motion to recommit, on the table.

The yeas and nays being ordered on motion of Mr. Harrison of V. Z., stood thus:

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Billingsley Bogart Craig Cumby Daniels Davis of B. Dennis Dickson Dougherty Ellett Harrison of C. Harrison of V. Z. Henry Houghton Hubbard Lewis of R. Lewter Lynch Maxey Nelson Norton Owens Parker Perry Redwine Ross Shelton Stewart Townes Warfield Whitfield and Whitmore—36.

NAYS.—Messrs. Benevides Branch Bryan Buckley Camp Crawford Clark Culberson Davis of H. Duncan Edwards Epperson Flewellen Francis Franklin Foscue Hall Hartley Haynes Lewis of M. Mabry Maverick McCutchan McKnight Middleton Munding Munson Pirkey Redgate Stewart Wælder Walworth Waterhouse Wortham and Wrede—35.

So the House laid the motion on the table.

Messrs. Nelson, Shelton, Dickson, Foscue and Branch of a Select committee, reported as follows:

HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives:*

The Special committee to whom was referred the bill for the relief of E. L. and J. H. Martin, and accompanying papers, have had the same under consideration, and ask leave to report, that justice to the party applying for relief, and the State imperatively demands the testimony of W. H. Landrum of Hopkins county in this State, and the committee with the assent of J. M. H. Martin, ask to be empowered to send for said Landrum.

Report adopted.

On motion of Mr. Davis of H., Rob't Cotter, Assistant

Sergeant-at-arms was granted leave of absence for one and a half days.

Mr. Ross proposed to amend as follows :

Section 1st, after the word, "personal," strike out the balance and insert "except such property as may be exempt by law from taxation."

Mr. Hartley moved to strike out the enacting clause.

Mr. Billingsly moved to recommit the bill to select committee of five.

Mr. Ellett moved to lay Mr. Billingsly's motion on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Mabry :

YEAS.—Messrs. Anderson Armstrong Benevides Cumby Dennis Dougherty Ellett Harrison of V. Z. Henderson Houghton Lewter Lynch Manly Mills Nelson Norton Parker Perry Pirkey Redwine Ross Shelton Stewart Townes Warfield and Whitfield—26.

NAYS.—Messrs. Speaker Billingsley Bogart Branch Bryan Buckley Camp Craig Clark Culberson Dale Daniels Davis of B. Davis of H. Dickson Duncan Edwards Epperson Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Henry Hubbard Lewis of R. Mabry Martin Maverick Maxey McKnight Middleton Munson Mundine Redgate Wælder Walworth Waterhouse Whitmore Wortham and Wrede—44.

And the bill recommitteed.

Mr. Henderson introduced a bill to sell the city lots in Austin, and to appropriate the proceeds thereof. Read first time and referred to committee on Public Buildings.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported a substitute for the bill to amend arts. 1775, 1783, 1786 and 1787, and to repeal arts. 1792 and 1793, Oldham & White's Digest, and recommended its passage.

Mr. Cumby introduced a bill to be entitled an act to amend the 3rd section of the act, authorizing the courts of this State, to grant license for the retail of spirituous, vinous and other intoxicating liquors in quantities less than a quart, or imposing a license tax for such privileges. Read first time and referred to committee on State Affairs.

Mr. Wælder introduced a joint resolution to grant leave of absence from the State to Judge Buckner. Read first time.

Mr. Wælder moved to suspend rule and read second time. Lost.

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

*Resolved,* That the House of Representatives, shall hereafter

meet at 9 o'clock, A. M., every day during the session, except Sundays

Mr. Davis of H. moved to suspend rule and take resolution up for action. Lost, and resolution laid over one day for consideration.

Mr. Mills offered the following resolution :

*Resolved*, That the committee on Agriculture be requested to enquire into the expediency of passing a law, compelling officers of steamboats to deliver their freights at the place of destination, unless prevented by low water, and in case of failure to forfeit the freights and pay damage in case any is done, and to punish them for false measurement. Adopted.

Mr. Lynch presented a petition and a remonstrance of citizens of Lavaca county, relative to the county site of said county. Referred to committee on Counties and County Boundaries.

Mr. Stewart, chairman of committee on Finance, reported a bill for the relief of Joseph Dougherty, and recommended the indefinite postponement of the same.

Also, reported a substitute to the bill, authorizing Calhoun county to levy and have collected a special tax, and recommended its passage.

On motion of Mr. Franklin, the call of the House was suspended.

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.

The Speaker announced Messrs. Redwing, Stewart, Barnard, Craig and Speights, a Select committee of five, to whom was referred the bill to raise the revenue by direct taxation.

The bill to incorporate the Air Line Railroad was again taken up.

Mr. Dennis offered the following as a substitute for the 11th section :

Section 11th. That if said railway is not commenced within six months, and at least 25 miles are not completed and in running order within two years after the passage of this act, then this charter shall be null and void. Adopted.

The question recurring on the passage of bill to third reading.

On motion of Mr. Townes the yeas and nays were ordered, and the bill passed to third reading by the following vote :

YEAS.—Messrs. Speaker Benevides Branch Bryan Crawford

Crooks Clark Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Francis Hall Haynes Henderson Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Martin Maverick McClarty McKnight Middleton Mills Mundine Munson Norton Owens Parker Perry Pirkey Redwine Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—51.

NAYS.—Messrs. Anderson Armstrong Bogart Buckley Camp Craig Culberson Dennis Ellett Franklin Harrison of V. Z. Houghton Lynch Maxey Redgate Robinson Ross Shelton and Wortham—19.

Mr. Hubert moved to suspend rule and read bill third time.

On motion of Mr. Foscue, the yeas and nays were ordered, and the House refused to suspend the rule by the following vote, two-thirds not voting for suspension:

YEAS.—Messrs. Anderson Armstrong Bogart Branch Bryan Camp Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Franklin Hall Harrison of V. Z. Haynes Henderson Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Mabry Martin Maverick Middleton Mills Mundine Munson Owens Parker Perry Pirkey Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wrede—51.

NAYS.—Messrs. Speaker Benevides Buckley Craig Dennis Ellett Francis Foscue Harrison of C. Houghton Lynch Manly McClarty McKnight Norton Redgate Redwine Robinson Ross Shelton Whitmore and Wortham—21.

Mr. Houghton called up bill to relieve Crittenden C. Wells *et al* from minority, which was read second time and ordered to be engrossed.

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

Mr. Kinney called up the bill to incorporate the Western Texas Railroad Company, with report from committee recommending its passage.

Mr. Foscue offered a substitute for the bill, which was adopted, and the bill ordered to be engrossed.

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

Mr. Henry called up a bill supplemental to the act to ascertain what land certificates have been illegally issued by county courts of counties in Peters' colony, and to provide for issuing patents on said certificates as are legal, with report from com-

mittee, recommending amendments, which were adopted and the bill passed to third reading.

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

Mr. Lewis of M., called up the bill making it the duty of the Superintendent of the Penitentiary to pay over to the Commissioners of the county courts, one-half the net proceeds of the labor of such convicts, as whose families are in indigent circumstances for the support and maintenance of their families, with report from committee recommending a substitute.

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

"Provided, that the proof of the indigency shall be established by two witnesses of the county in which the family live, before the chief justice; and, provided, that the family are endeavoring to make an honest and virtuous living." Amendments adopted and the substitute adopted.

The question recurring upon the engrossment of the bill.

On motion of Mr. Henderson the yeas and nays were ordered, and the House refused to engross the bill by the following vote:

YEAS.—Messrs. Speaker Anderson Armstrong Branch Bryan Clark Culberson Dale Dennis Duncan Epperson Franklin Foscue Harrison of C. Harrison of V. Z. Haynes Houghton Hubbard Lewis of M. Lewis of R. Lynch Manly Martin Maverick Middleton Mills and Munson—27.

NAYS.—Messrs. Bogart Crawford Crooks Daniels Davis of B. Davis of H. Dougherty Ellett Flewellen Francis Hall Henderson Lewter Maxey McKnight Nelson Norton Parker Perry Pirkey Redgate Redwine Ross Shelton Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—35.

On motion the House adjourned till 9 1-2 o'clock A. M. tomorrow.

HOUSE OF REPRESENTATIVES, }  
Thursday, Jan. 19, 1860. }

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

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of bill for the relief of J. H. Robinson.

Mr. Townes, for the committee on Public Grounds and Buildings, reported a bill making an appropriation for the erection of

suitable buildings for the Lunatic Asylum, and for the support and maintenance of the same for 1860 and 1861—read 1st time, and on motion of Mr. Townes, 100 copies of the bill and accompanying letter were ordered to be printed.

Also, reported a bill appropriating money for the Artesian Wells, &c., and recommended its passage.

Mr. Shannon, Chairman of committee on Private Land Claims reported, recommending the passage of a bill for the relief of Caldwell Carson, dec'd, with amendments. Amend by striking out "640," and inserting "320."

Also, reported, recommending the passage of the Senate's bill for the relief of Benjamin Baccus.

Also reported, asking that the bill for the relief of heirs of Jesse Simmons, or their assignees, be referred to committee on Judiciary. Report adopted.

Also, reported recommending the passage of the Senate's bill for the relief of Joseph Turner.

Also, reported, recommending the passage of the Senate's bill for the relief of Jose Leonardo de la Garza Trudo, with amendments.

Amend, by adding to 1st section "Provided, he has not heretofore received a headright certificate by virtue of his residence in Texas, at the time of the declaration of Independence.

Mr. Daniels, one of the Committee on Private Land Claims reported, asking to be discharged from further consideration of the petition of Mary Henman.

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

The bill to amend the 20th section of the act to incorporate the Memphis, El Paso and Pacific Railroad Company.

And the bill to authorize the county courts of Shelby county, to regulate the pay of Sheriffs therein, in certain cases.

Mr. Edwards reported a bill for the relief of Wm McDowell, and recommended its passage.

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

A Bill for the relief of the heirs of D. M. Shropshire, deceased, and that the same has been presented to the Governor, for his approval and signature.

On motion of Mr. Haynes, 500 copies of the accompanying documents of Governor Houston's message were ordered to be printed.

Mr. Epperson offered the following resolution :

*Resolved*, That the Governor be requested to transmit to the

House a copy of the contract made for printing under the law regulating Public Printing, and copies of the bids for the same, and that he be requested to state whether the contract which has been entered into, is in conformity to said law, and if not, to specify in what particulars the same varies from the provisions of said law.

Laid over one day for consideration.

Mr. Clark introduced a bill relating to descents and distributions. Read first time and referred to Judiciary Committee.

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

A bill for the relief of Michael Herbert.

A bill to create the Board of Commissioners of Public Grounds and Buildings.

A bill making an appropriation to repair Capitol and other Public Buildings

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University.

A bill to encourage the publication of a complete digest of the Reports of the Supreme Court.

Also, had passed the House's bill granting a pension to James E. Field.

Mr. Lewis of M., introduced a bill to repeal the act providing pay to masters whose slaves have been hung, &c. Read first time and referred to committee on slaves and slavery.

Mr. Townes introduced a bill to amend act 410 of the Penal Code. Read first time, and referred to Judiciary committee.

On motion of Mr. Baxter, the rule was suspended, and the bill for taking depositions of witnesses in foreign countries with report from committee, recommending a substitute, was taken up, and the substitute adopted.

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

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

On motion of Mr. Hubbard the rule was suspended, and the bill to prescribe police regulations in respect to slaves with report from committee recommending a substitute was taken up, and substitute adopted.

Mr. Redwine proposed to amend Sec. 11, 6th line, by inserting after the word "purpose" "That five or more slaves assembling together may be considered assembling for an improper purpose." Rejected, and bill ordered to be engrossed.

Mr. Hubbard moved a further suspension of rule—lost.



Mr. Buckley offered the following resolution :

*Resolved*, That the committee on slaves and slavery be instructed to enquire into the expediency of assessing a tax of two cents per head upon the slaves of this State, to create a fund to compensate owners of slaves executed for crime, and report by bill or otherwise.

The hour having arrived, the special order of the day, to wit : "The bill to re-organize the Court of Claims," with pending amendments, was taken up.

Mr. Franklin moved to re-commit the bill to the committee on Public Lands.

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

On motion of Mr. Davis of B, the substitute for first section was laid on the table, and Mr. Hartley's pending amendment rejected.

Mr. Foscue proposed to strike out of section 1st from the word "he" in 8th line, to "dollars" in twelfth line. Adopted.

Mr. Shannon proposed the following additional section :

"Sec. — Provided, that nothing in this act shall be so construed as to permit parties to prove up original headright certificates, predicated upon the fact of their living in that part of the State of Texas which is situated between the Nueces and Rio Grande, at the time of the Declaration of Texan Independence."

Mr. Crooks, Chairman of Committee on Engrossed Bills, reported correctly engrossed the bill for the relief of Crittenden C. Wells, *et al.*

Mr. Edwards offered a substitute for the proposed amendment —by striking out section 3d.

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

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—no quorum present.

Mr. McKnight moved to adjourn till 8½ o'clock, A. M., tomorrow. Lost.

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

A bill for the relief of John Smith, referred to the committee on Private Land Claims.

A bill for the relief of Michael Herbert, referred to committee on Private Land Claims.

A bill for the relief of John Frederick, referred to committee on Court of Claims.

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University. Referred to committee on Education.

A message was received from the Senate, informing the House that the Senate had passed,

A bill supplementary to and amendatory of the act to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, by making appropriation for the same, approved August 23rd, 1856.

And a bill to authorize the corporation of the town of Corsicana, to levy a tax on ten-pin alleys, within the limits of said corporation.

And had concurred in the House's amendment to the Senate's bill, supplemental to the act, to ascertain what land certificates have been illegally issued in counties of Peters' colony, &c.,

Mr. Henderson called up bill for the relief of Alex. Wheeler, which was read second time and ordered to be engrossed.

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

Mr. Lewis of R., called up bill to incorporate Lexington Male and Female Institute, which was read second time and ordered to be engrossed.

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

Mr. Haynes called up the bill to ascertain and adjudicate certain legal claims for land against the State, between the Nueces and Rio Grande.

On motion of Mr. Billingsley the bill was made the special order of the day for Thursday next, 11 o'clock, and 100 copies ordered to be printed.

Mr. Lewter called up the Senate's bill for the relief of Stephen Kelley, which was read second time and passed to the third reading.

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

Mr. Hartley called up the Senate's bill to incorporate the Factors Cotton Press Company, which was read second time and passed to third reading.

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

Mr. Lynch called up bill for relief of K. Bingham White, which was read second time and ordered to be engrossed.

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

Mr. Harrison of V. Z., called up the bill to permit Adam Sullivan, to build a bridge across the Sabine river, which was read second time.

Mr. Francis proposed to amend by striking out all in relation to foot passengers. Adopted.

Mr. Ross proposed to amend by striking out the prohibition in the 4th section.

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

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

Mr. Mabry called up the bill for the relief of William McDowell, which was read second time and ordered to be engrossed.

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

Mr. Harrison of C., called up the bill to incorporate the Air Line Railroad Company, which was read third time and passed by the following vote ;

YEAS.—Messrs. Speaker Baxter Branch Bryan Caddell Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Francis Hall Henderson Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Martin Maverick McClarty McKnight Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Short Speights Stewart Townes Wælder Warfield Waterhouse Whitfield and Wrede—50.

NAYS.—Messrs. Bogart Buckley Culberson Dennis Franklin Foscue Harrison of V. Z., Houghton Mabry Manly Redgate Robinson Ross and Shelton—15.

Mr. Manly called up the bill for the relief of Lorenzo de Zavala, which was read second time.

The question being on the engrossment of the bill. The yeas and nays were ordered on motion of Mr. Davis of H., and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Armstrong Bogart Branch Bryan Buckley Crawford Crooks Culberson Cumby Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Franklin Hall Harrison of C. Hartley Haynes Henderson Henry Houghton Hubbard Hubert Lewis of M. Lewis of R. Lynch Mabry Manly Maverick Maxey McClarty McKnight Middleton Mills Mundine Munson Nelson Norton Owens Paker

Perry Pirkey Redgate Robinson Ross Shannon Short Townes  
Wælder Walworth Warfield Whitfield and Wrede—59.

NAYS—Messrs. Caddell Francis and Foscue—3.

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

Mr. Short moved to reconsider the vote incorporating the Air Line Railroad Company. Lost.

Mr. Hall called up the bill to encourage the city of El Paso to irrigate the valley of the Rio Grande, with report from committee, recommending amendments, which were adopted.

[Mr. Maverick in the Chair.]

Mr. Crooks proposed to amend by striking out El Paso, and inserting "the State of Texas." Ruled out of order.

Mr. Nelson proposed to amend as follows :

"The citizens on the Brazos river, in the counties of Palo Pinto and Parker, and down to Falls county, and the North Bosque river, from head to mouth, have the same privileges."

Mr. Francis moved to lay the amendment and bill on the table.

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

The question recurring on laying the amendment on the table, on motion of Mr. Nelson, the yeas and nays were ordered, and the amendment laid on the table by the following vote :

YEAS—Messrs. Baxter Branch Buckley Caddell Culberson Cumby Dennis Dickson Dougherty Flewellen Francis Franklin Hall Haynes Houghton Hubert Lewis of M. Lynch Manly Maverick Maxey Mundine Munson Perry Redgate Robinson Short Wælder Walworth Warfield and Waterhouse—31.

NAYS—Messrs. Benevides Bogart Crawford Crooks Clark Dale Davis of B. Davis of H. Duncan Epperson Foscue Harrison of C. Harrison of V. Z. Hartley Henderson Henry Lewter Mabry Martin McClarty, McKnight Middleton, Nelson Norton Owens Parker Pirkey Shelton Townes and Wrede—29.

The question being on laying the bill on the table, the same was put, and the House refused to lay the bill on the table.

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

"Give the citizens of Hays and Caldwell counties the same privileges the original bill gives to El Paso county."

Mr. Francis moved the previous question, which was seconded, and the main question ordered, which was on the engrossment.

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

YEAS—Messrs. Speaker Baxter Benevides Bryan Buckley

Caddell Cumby Davis of B. Dennis Dougherty Duncan Edwards Epperson Flewellen Franklin Foscue Hall Harrison of C. Hartley Haynes Henderson Henry Lewis of M. Lynch Manly Martin Maverick Maxey McClarty Middleton Mundine Munson Nelson Norton Owens Redgate Robinson Short Wælder Walworth and Wrede—41.

NAYS—Messrs. Bogart Branch Crawford Crooks Clark Davis of H. Dickson Francis Harrison of V. Z. Lewis of R. Lewter Mabry Mills Parker Perry Shelton Townes Warfield Whitmore and Waterhouse—19.

On motion of Mr. Dickson, the vote tabling Mr. Nelson's amendment was reconsidered.

Mr. Hall moved to suspend the rule, that bill be read third time.

Mr. Davis of H., moved a call of the House.

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

The question recurring on the suspension of the rule, on motion of Mr. Crooks, the yeas and nays were ordered, and stood thus:

YEAS—Messrs. Benevides Bogart Bryan Buckley Caddell Crawford Culherson Cumby Dale Davis of B. Dennis Dougherty Duncan Epperson Flewellen Franklin Hall Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Hubbard, Lewis of M. Lynch Mabry Manly Martin Maverick Maxey McClarty Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Short Wælder Walworth and Wrede—45.

NAYS—Messrs. Crooks Clark Davis of H. Dickson Francis Foscue Lewter McKnight Shelton Townes Warfield and Waterhouse—12.

No quorum voting.

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

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HOUSE OF REPRESENTATIVES, }  
Friday, January 20, 1860. }

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

Mr. Stewart presented the petition of John H. Blackwell. Referred to committee on Judiciary.

Mr. Wrede presented the petition of sundry citizens of Mason county. Referred to committee on Judicial Districts.

Mr. Franklin presented the memorial of sundry citizens of Galveston county. Referred to committee on State Affairs.

Mr. Ross presented the petition of Wm. C. Davis. Referred to committee on Court of Claims.

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

Mr. Townes, one of the committee on Education, reported, recommending the passage of the Senate's bill to incorporate Franklin College, with amendments by committee:

Amend the caption by striking out "Franklin" and insert "Wharton," and add "in the city of Austin," and amend the 1st section by striking out "Franklin" and inserting "Wharton."

Mr. Munson, one of the committee on Education, reported, recommending the passage of the Senate's bill to prohibit sale of intoxicating liquors in the neighborhood of Soule University.

Mr. Epperson, one of the committee on Judiciary, reported, recommending the passage of the bill regulating the proceedings in Justices' courts.

Also, reported a substitute for the bill to remove the disability of minority from Tolbert F. Guest, and recommended its passage.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill granting land to the Lavaca Navigation Company.

Also, reported adversely to the joint resolution instructing the Attorney General to institute suit against Messrs. Boyce & Sawyer and their securities.

Also reported, recommending the passage of the Senate's bill to incorporate the Southern Fire Insurance Company.

Also reported, recommending the indefinite postponement of the bill to incorporate the town of Columbus.

Also reported, recommending the passage of the bill to amend the 2d section of the act to indemnify owners of slaves that have been executed, &c., with amendment by the committee.

Amendment: after the word "State," in 11th line, section 2, insert "one-half."

Mr. Koss, one of the committee on State Affairs, reported a bill to permit the town of New Salem to incorporate under the general law. Bill read first time.

Mr. Redwine, as chairman of Select committee, reported a bill to amend the 4th, 8th, 15th and 18th sections of the act to provide for the assessment and collection of taxes, approved Feb. 11th, 1850, and recommended its passage. Bill read first time.

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

On motion of Mr. Manly, the bill was made special order of the day for 11 o'clock, Monday next, and 100 copies ordered to be printed.

On motion of Mr. Fosene, 5 copies of all the surplus documents ordered to be printed by this House, were ordered to be deposited in the State Library and the balance in State Department.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed, bill for the relief of heirs of Wm McDowell and bill for the relief of Alexander Wheeler.

On motion of Mr. Buckley, the rule was suspended and the bill to amend the 15th section of the general road law, with report from committee on Roads, Bridges and Ferries, recommending the indefinite postponement of the bill.

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

"A bill to amend the 9th section of act of May 12th, 1846, defining the duties of District Attorneys, and supplemental to said act."

"Bill to incorporate the Dallas Bridge Company."

"Bill granting pension to Jno. A. Strump," and a

"Bill to amend the 1st, 5th, 7th, 13th and 17th sections of the act to incorporate the Houston, Trinity and Tyler Railroad Company.

Also, had passed the House's bill to pay certain persons for arresting John T Shanks and procuring testimony against him, with amendments :

Amend 5th line, section 1, strike out "500" and insert "200," amend 10th and 11th line, section 1, strike out "125" and insert "50."

[Mr. Henderson in the Chair.]

Mr. Buckley moved to lay the report of committee on Roads, Bridges and Ferries on the table.

Mr. Lewis of R., proposed to amend by saying and bill.

Mr. Buckley called for a division of the question.

The question recurring on laying the report on the table, the House refused to do so.

The question on the adoption of the report was put, with the following result, the yeas and nays being demanded on motion of Mr. Buckley :

YEAS—Messrs. Speaker Armstrong Barnard Baxter Billingsley Branch Bryan Cunby Daniels Davis of H Dennis Dougherty

Duncan Francis Harrison of V. Z. Hartley Haynes Henderson Hubbard Lewis of R. Lewter Lynch Martin McClarty Middleton Mills Mundine Munson Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—46.

NAYS—Messrs. Bogart Buckley Caddell Crawford Clark Dale Davis of B. Edwards Epperson Foscue Hall Harrison of C. Houghton Lewis of M. Mabry Manly Maverick Maxey McKnight Norton Short and Smith—22.

So the House adopted the report.

On motion of Mr. Taylor of C., the rule was suspended and a bill to encourage the manufacture of iron in Texas, with a report from the committee on State Affairs, recommending the passage of the same, were taken up.

Mr. Munson offered a substitute for the bill.

Mr. Hartley proposed to amend the substitute as follows :

In Sec. 1st, after "Cotton," insert "Hempen," and "or other fabric" after cloths. Adopted.

Mr. Buckley proposed to amend by inserting "goods" between "other and fabrics." Adopted.

Mr. Epperson proposed to amend by inserting in 1st section, "or the purpose of manufacturing flour."

The question being upon the adoption of the amendment, the yeas and nays were ordered on motion of Mr. Mills, and stood :

YEAS—Messrs. Bogart Branch Camp Crawford Clark Culber-son Daniels Davis of H. Dougherty Duncan Epperson Francis Franklin Hall Henderson Hubbard Lewis of M. Lewis of R. Lewter Lynch Martin McKnight Mills Norton Parker Perry Shannon Shelton Stewart Townes and Wortham—31.

NAYS—Messrs. Speaker Barnard Baxter Benevides Billingsley Bryan Buckley Caddell Cunby Dale Davis of B. Dennis Dickson Edwards Foscue Harrison of C. Harrison of V. Z. Hartley Mabry Manly Maverick Maxey McClarty Mundine Munson Pirkey Red- gate Redwine Robinson Ross Short Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—38.

So the House refused to adopt the amendment.

Mr. Manly proposed to amend by inserting the words "and for the refining of sugar." Lost.

Mr. Mundine proposed to amend by inserting "lead" after "iron." Adopted.

Mr. Redwine proposed to amend as follows :

*Provided*, That in no case shall the State be liable for any



deficit of land by the exhaustion of the public domain under the provisions of this act. Adopted.

Mr. Buckley proposed to amend by striking out "10" before sections and inserting "5." Rejected.

Mr. Pirkey proposed to amend by adding after lead "oil and gas." Lost.

Mr. Haynes proposed to amend by adding "or for the manufacture of salt." Adopted.

Mr. Pirkey proposed to amend as follows: "After salt add beef packing establishments."

On motion of Mr. Norton, laid on the table, and substitute adopted.

Mr. Stewart proposed to amend the caption by adding "Education," and the bill by adding the following section:

Sec. —. That 10 sections, of 640 acres of land each, shall in like manner be donated to each institution of learning which has or may hereafter erect buildings of the like value of \$10,000, to be granted in like manner and after the same proof as required by this act for the donation of lands to manufacturing companies.

Speaker ruled that the amendment was in order.

Mr. Hartley appealed from the decision, and the House sustained the appeal.

Mr. Stewart proposed to amend the caption by adding, "and other branches of industry," and to amend the bill by the following additional section:

"Sec. —. That a pro rata amount of land shall be granted to each and every citizen of this State who may be engaged in any branch of industry in proportion to the capital he may have in his business whether mechanical or agricultural or stock growing."

Mr. Mills moved to adjourn till 7 o'clock, P. M. Lost.

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

On motion of Mr. Mills, the yeas and nays were ordered, and the amendment laid on the table by the following vote:

YEAS—Messrs. Speaker Barnard Baxter Benevides Billingsley Buckley Caddell Camp Crooks Clark Cumby Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Flewellen Francis Foscae Hall Harrison of C. Hartley Haynes Houghton Hubbard Lewter Mabry Maverick McClarty Maxey Middleton Mundiae Munson Norton Parker Redgate Redwine Robinson Ross Short Speights Townes Wælder Watworth and Wrede—46.

NAYS—Messrs. Armstrong Bogart Crawford Henderson Lewis of M. Lewis of R. Lynch McKnight Mills Perry Shannon Shelton Stewart Warfield Waterhouse Whitfield Whitmore and Wortham—18.

The question recurring on the engrossment of the bill, the yeas and nays were ordered on motion of Mr. Lewis of R., and the bill was ordered to be engrossed by the following vote :

YEAS.—Messrs. Speaker Barnard Baxter Benevides Billingsley Bryan Camp Culberson Cumby Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Francis Fosoue Hall Harrison of C. Harrison of V. Z. Hartley Harnes Houghton Hubbard Lewter, Mabry Martin Maxey McClarty Munding Munson Norton Parker Pirkey Redgate Redwine Robinson Ross Short Smith Townes Wælder Walworth and Wrede—44.

NAYS.—Messrs. Armstrong Bogart Caddell Crawford Clark Dickson Flewellen Lewis of M. Lewis of R. Lynch Maverick McKnight Middleton Mills Perry Shannon Shelton Stewart Warfield Waterhouse Whitfield Whitmore and Wortham—23.

On motion of Mr. Franklin, bill No. 266 was referred to committee on State Affairs.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending that the parties interested be permitted to withdraw the petition of Wm Phillips.

On motion of Mr. Townes, a bill to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, taken up, and referred to committee on Internal Improvements.

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.

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

Bill to authorize the corporation of the town of Corsicana, to levy a tax on ten pin alleys within the limits of said corporation. Referred to committee on State Affairs.

Bill to amend 1st, 5th, 7th, 12th and 17th sections of the act to incorporate the Houston, Trinity and Tyler Railroad Company. Passed to second reading.

Bill to incorporate the Dallas Bridge Company. Referred to committee on Roads, Bridges and Ferries.

Bill granting a pension to John S. Stump.

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

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

YEAS.—Messrs. Speaker Armstrong Benevides Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks

Clark Culberson Davis of B. Davis of H. Duncan Edwards Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Hubert Lewis of R. Lewter Lynch Mabry Manly Martin Maxey McClarty McKnight Mundine Nelson Norton Parker Perry Pirkey Redgate Redwine Ross Shannon Shelton Smith Speights Stewart Townes Warfield Waterhouse Whitfield Whitmore and Wrede—60.

YAYS—Mr. Caddell—1.

A bill to pay certain persons for the arrest of John T. Shanks, with an amendment by the Senate.

The question being upon agreeing to the Senate amendment, the same was put, and stood as follows, Mr. Nelson calling for the yeas and nays :

YEAS—Messrs. Dougherty Ellett Epperson Francis Foscue Harrison of V. Z. Haynes Henderson Lynch McKnight Norton Owens Pirkey Redwine Robinson Ross Shelton Smith Speights Stewart Walworth Warfield Whitmore and Wrede—24.

NAYS—Messrs. Speaker Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Crawford Crooks Culberson Cumby Dale Davis of B. Davis of H. Dennis Dickson Duncan Edwards Franklin Hall Harrison of C. Hartley Houghton Hubbard Lewis of R. Lewter Mabry Manly Maverick Maxey Mills Mundine Nelson Parker Perry Redgate Shannon Short Walder Waterhouse and Whitfield—46.

So the House refused to agree to the Senate amendment.

A bill for the relief of Chester B. Starks, with a substitute from the Senate, taken up. Read first time ; rule suspended, read second time, and passed to a third reading ; rule further suspended, read third time and passed.

Mr. Martin called up a bill for the relief of Ansel Cupp, M. D. Erwin and others, with a report from committee on Public Lands, recommending the passage of a substitute for the bill. Substitute adopted.

The question being on the engrossment of the bill, the yeas and nays were ordered on motion of Mr. Foscue, and stood thus :

YEAS—Messrs. Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Camp Crawford Clark Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Ellett Epperson Francis Hall Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Lewis of R. Lynch Manly Martin Maverick McKnight Mills Mundine Owens Parker Perry Redgate Robinson Shannon Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wrede—48.

NAYS—Messrs. Speaker Buckley Caddell Crooks Franklin Foscue Kinney Lewter Mabry Munson Nelson Norton Redwine Ross Shelton Smith and Whitmore—17.

So the bill was ordered to be engrossed.

Mr. Edwards moved to suspend the rule in order to put the bill on its third and final reading. Carried; bill read third time and passed.

Mr. Foscue called up a bill to amend the 1st, 5th, 7th, 13th and 17th sections of an act to incorporate the Houston, Trinity and Tyler Railroad Company.

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

Mr. Henderson proposed to amend by striking out all after "may be due" in 4th section. Lost, and bill passed to a third reading.

On motion of Mr. Hubbard, rule suspended, read third time, and passed by the following vote:

YEAS—Messrs. Speaker Armstrong Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Clark Culberson Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McClarty McKnight Middleron Mills Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Whitmore—69

NAYS—Messrs. Ellett and Henderson—2.

Mr. Maverick called up a bill to incorporate the San Antonio Gas Company. Bill read second time and ordered to be engrossed. On motion of Mr. Maverick, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Crawford Crooks Clark Culberson Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Franklin Hall Harrison of C. Harrison of V. Z. Haynes Houghton Hubbard Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick Maxey McClarty McKnight Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Smith Stewart Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—68.

Mr. Maxey called up a bill for the relief of Artomesy Wilson with report from committee recommending a substitute, which was adopted. Bill read second time and ordered to be engrossed. On motion of Mr. Maxey, the rule was suspended, bill read third time and passed.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to authorize Adam Sullivan to construct a bridge across the Sabine River.

Mr. Francis called up a bill to incorporate the Jacksonville and Neches Bridge Company. Bill read second time. Mr. Francis moved to amend by striking out all that relates to footmen. Carried, and bill ordered to be engrossed.

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

YEAS—Messrs. Speaker Armstrong Benevides Bogart Branch Bryan Buckley Camp Crawford Crooks Clark Culberson Dale Davis of B. Davis of H. Dennis Duncan Edwards Ellett Epperson Francis Franklin Foscoe Garrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McClarty McKnight Mills Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Townes Wælder Warfield Waterhouse Whitfield Whitmore and Wrede—64.

NAYS—Mr. Dougherty—1.

Mr. McClarty called up a bill for the relief of the heirs of Shelby Corzine. Bill read second time and ordered to be engrossed.

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

Mr. Flewellen called up a bill to prevent the sale of spirituous liquors within one mile of the town of Starrville in Smith county, with report from committee recommending amendments which were adopted. Bill read second time and passed to third reading.

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

Mr. Epperson called up a bill to incorporate the McKenzie Male and Female Institute, which was read second time and passed to third reading.

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

YEAS.—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Crooks Clark Culberson Dale

Davis of B. Davis of H. Edwards Epperson Franklin Harrison  
of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard  
Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly  
Martin Maverick McClarty McKnight Mills Mundine Munson  
Nelson Norton Owens Parker Perry Pirkey Redgate Redwine  
Robinson Ross Shannon Shelton Short Smith Speights Stewart  
Wælder Warfield Waterhouse Whitfield Whitmore and Wrede  
—61.

On motion of Mr. Mills, the rule was suspended, and a bill to authorize the corporation of the town of Corsicana to levy a tax on ten pin alleys within the limits of said corporation was taken up, read second time and passed to a third reading.

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

Mr. Edwards called up a bill for the relief of J. T. White.— Bill read second time, and ordered to be engrossed.

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

Mr. Lewis of R., called up a bill for the relief of J. C. Spence, which was read second time, and ordered to be engrossed.

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

Mr. Duncan called up a bill granting land to the Lavaca Navigation Company, which was read second time, and ordered to be engrossed.

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

Mr. Norton called up a bill to authorize the County Court of Henderson county to levy a special tax to build a court-house, which was read second time.

Mr. Ellett proposed to amend by inserting the words of Wise and Denton after Henderson, which was lost, and the bill was ordered to be engrossed.

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

Mr. Lewis of R. introduced a bill supplemental to an act passed the 5th February, 1858, regulating common schools, which was read first time, and referred to committee on Education.

Mr. Dougherty called up a bill for the relief of Mrs. Wm. Gamble, with a majority and minority report. Bill read second time, and ordered to be engrossed.

On motion of Mr. Dougherty, the rule was suspended.

The question recurring upon the final passage of the bill, the yeas and nays were ordered by Mr. Norton, and the vote stood thus :

YEAS—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Culberson Dale Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Ellett Franklin Haynes Henderson Hubbard Lewis of R. Lynch Mabry Manly Maverick McClarty Middleton Mills Munson Nelson Owens Perry Pirkey Redgate Robinson Short Smith Stewart Townes Wælder Warfield Waterhouse and Whitfield—45.

NAYS.—Messrs. Clark Epperson Francis Foscoe Harrison of C. Harrison of V. Z. Lewter Mundine Norton Parker Redwine Shelton Speights and Whitmore—14.

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

[Mr. Duncan in the Chair.]

On motion Messrs. Craig and McCutchan were excused.

Mr. Mills moved to excuse Mr. Maxey. Lost.

Absentees : Messrs. Billingsly Crawford Crooks Cumby Daniels Dickson Flewellen Hall Hartley Henry Houghton Hubert Kinney Lewis of M. Martin Maxey McKnight Navarro Ross Shannon Taylor Walworth and Wrede.

Mr. Henderson moved to adjourn till 9 1-2 o'clock, A. M., to-morrow. Lost.

Mr. Norton moved to adjourn till 4 o'clock, A. M., to-morrow. Lost.

Mr. Norton moved to adjourn till 6 o'clock, A. M., to-morrow. Lost.

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

Mr. Davis of B., moved to suspend call of House. Lost.

Mr. Haynes moved to adjourn till 9. 35m. o'clock to-morrow. Lost.

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

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

Mr. Franklin moved to adjourn till 10 o'clock to-morrow.—

Carried.

HOUSE OF REPRESENTATIVES, }  
Saturday, January 21st, 1860. }

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

On motion of Mr. Hubbard, the vote passing the bill for the relief of Ansel Cupp, *et al.*, was reconsidered.

On motion of Harrison of V. Z., a reconsideration of the bill was postponed till 8 o'clock, P. M.

Mr. Speights presented the petition of Lewis Letney. Referred to committee on State Affairs.

Mr. Robinson presented the petition of Charlotte L. Sommers. Referred to committee on Private Land Claims.

Mr. Duncan presented the petition of Elijah Burnett. Referred to committee on Public Debt.

Mr. Townes, chairman of committee on Public Buildings and Grounds, reported, recommending the passage of the bill authorizing the sale of Austin city lots, &c., with amendments by the committee. In section 2d, after the words "Secretary of State," insert "and for building a smoke house and other out-houses on the Public Grounds at the Governor's mansion."

Mr. Branch, chairman on Enrolled Bills, reported as follows :  
To THE HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined a bill for the relief of G. B. Brownrig.

A bill granting a pension to Joseph E. Fields.

A bill to amend the 11th section of the act of February 7th, 1853, entitled an act to incorporate the Galveston, Houston and Henderson Railroad Company, and find the same correctly enrolled, properly signed, and were presented to the Governor for his approval and signature on the 20th inst.

Mr. McKnight, one of the committee on Education, reported, recommending the passage of the Senate's bill to incorporate Prairie Lea Female Institute.

Mr. Henderson moved to recommit the bill to committee on Education. Lost.

Mr. Foscue, chairman of committee on Internal Improvement, reported, recommending the passage of the Senate's bill for the relief of the Washington County Railroad Company.

Mr. Davis of B., one of the committee on Education, reported, recommending the passage of the bill to relieve John H. Blackwell, from minority.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported, asking to be relieved from farther consideration of the resolution instructing said committee to examine into the expediency of taxing each slave 2 cents, to create a fund to indemnify owners whose slaves have been executed. Also asked to be discharged from consideration of the act to repeal the act passed



24th January, 1852, providing for the compensation of masters for slaves executed in this State.

Messrs. Norton, Ross, Lewter, Speights and Francis, from the committee on Claims and Accounts, submitted a minority report on the claim of Eli Kirk.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill donating land to W. A. S. Rondeau.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to amend the act incorporating the city of Galveston.

On motion of Mr. Branch, the bill to endow Professorships in colleges, was taken up and made special order of the day at 11 o'clock, Tuesday next.

Mr. Hubert introduced a bill for the relief of Parrott W. McNeese. Read first time, and referred to committee on Private Land Claims.

Mr. Lewis of M., introduced a bill to make certain acts penal, and to provide the punishment of the same. Read first time, and passed to second reading.

Mr. Dickson introduced a bill to authorize the issuance of a duplicate certificate for Leiper Willoughby's donation warrant. Read first time, and referred to committee on Private Land Claims.

Mr. Hubert offered the following resolution :

*Resolved*, That the Sergeant-at-arms shall not be sent after absentees unless he is well armed with a lance and a musket and bayonet ; and that he is authorized to call on the Captain of the Quitman Rifles for assistance, if necessary. Laid over one day for consideration.

A message was received from the Governor.

A message was received from the Senate informing the House that the Senate had passed a bill to authorize the use of the U. States Bonds set apart to the University of Texas, to meet appropriations made for frontier protection. And had concurred in the House's amendment to the Senate's bill to prevent the sale of spirituous liquor near Starrville, in Smith county.

On motion of Mr. Henderson the rule was suspended ; and the bill to prevent Judgments from becoming dormant was taken up, with report from committee recommending amendments.

Mr. Wælder offered the following as a substitute for the committee's amendments : "or unless the judgment be recorded in the office of the County Clerk of the county wherein the land is

situated." Rejected by the following vote, the yeas and nays being ordered on motion of Mr. Davis of H. :

YEAS—Messrs. Barnard, Baxter, Billingsley, Craig, Crawford, Davis of H., Edwards, Ellett, Epperson, Hartly, Mundine, Norton, Owens, Pirkey, Ross, Shelton, Smith, Stewart, Wælder, Waterhouse, Whitmore and Wrede—22.

NAYS—Messrs. Armstrong, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Cumby, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Hall, Harrison of V. Z., Henderson, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Mabry, Manly, Martin, Maverick, McKnight, Nelson, Parker, Perry, Redwine, Robinson, Shannon, Short, Speights, Townes, Walworth, Warfield, Whitfield and Wortham—47.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly, engrossed the bill to incorporate the Texas and Mexican Railway Company.

Mr. Franklin proposed to amend the committee's amendment as follows : " Except from the date of issuing an execution when the original or subsequent lien was lost from the want of due diligence."

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

A division of the question was ordered, and the amendment to the amendment laid on the table.

The question recurring on laying the committee's amendment on the table.

Mr. Buckley ordered the yeas and nays, and the House refused to lay amendment on the table by the following vote :

YEAS—Messrs. Speaker, Barnard, Baxter, Billingsly, Caddell, Craig, Crooks, Clark, Culberson, Dale, Davis of H., Duncan, Edwards, Epperson, Hartly, Lewter, Lynch, Mills, Mundine, Nelson, Redwine, Robinsor, Shannon, Shelton, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede.

NAYS—Messrs. Armstrong, Barclay, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Crawford, Cumby, Daniels, Davis of B., Dennis, Dickson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Henderson, Hubbard, Kinney, Lewis of M., Mabry, Martin, Maverick, Maxey, Middleton, Norton, Park r. Perry, Pirkey, Redgate, Ross, Short, Smith Speights and Wh tfild.

And the amendment adopted.

Mr. Mabry proposed to amend by adding " Provided that this act shall not be construed to effect judgments already obtained."

Mr. Mills moved the previous question, which was seconded, and the main question ordered, which being the engrossment of the bill, the same was put, and the bill ordered to be engrossed.

On motion of Mr. Dickson, the following message was taken from the Speaker's table and read :

*Gentlemen of the Senate*

*and House of Representatives:*

The following resolutions and autograph letter I have received from the Governor of South Carolina, with a request therein, that I transmit the same to your honorable body :

### RESOLUTIONS IN RELATION TO FEDERAL RELATIONS.

WHEREAS, The State of South Carolina, by the Ordinance of A. D. 1352, affirmed her right to secede from the confederacy whenever the occasion should arise, justifying her, in her judgment, in taking that step ; and, in the resolution adopted by her convention, declared that she forbore the immediate exercise of that right, from considerations of expediency only :

AND, WHEREAS, more than seven years have elapsed since that convention adjourned, and in the intervening time the assaults upon the institution of slavery, and upon the rights and equality of the Southern States, have unceasingly continued, with increasing violence, and in new and more alarming forms. Be it therefore

1st. *Resolved, unanimously,* That the State of South Carolina, still deferring to her Southern sisters, nevertheless announces to them that it is the deliberate judgment of this General Assembly that the slaveholding States should immediately meet together to concert measures for united action.

2d. *Resolved, unanimously,* That the foregoing preamble and resolutions be communicated by the Governor to all the slaveholding States, with the earnest request of this State that they will appoint deputies and adopt such measures as in their judgment will promote the said meeting.

3d. *Resolved, unanimously,* That a special Commissioner be appointed by his Excellency the Governor, to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State the cordial sympathies of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defence.

4th. *Resolved, unanimously,* That the State of South Carolina owes it to her own citizens to protect them and their prop-

erty from every enemy, and, that for the purpose of military preparation for an emergency, the sum of one hundred thousand (100,000) be appropriated for military contingencies.

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EXECUTIVE DEPARTMENT, }  
Columbia, S. C., Dec. 30th, 1859. }

*His Excellency, Samuel Houston :*

DEAR SIR :—I have the honor to enclose certain resolutions which passed unanimously both branches of the Legislature of South Carolina ; in one of which is an earnest request that your State will appoint deputies and adopt such other measures as will promote a meeting of slaveholding States in convention. You will see by the preamble to the resolutions that South Carolina, as a sovereign, claims the right to secede whenever she may think it expedient to do so ; but she much prefers concerted action, and is willing to follow any lead. Be pleased to submit the resolutions to your Legislature at the earliest moment.

With great respect and consideration,

I am, truly yours,

WM. H. GIST.

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This is done in accordance with the spirit of courtesy which should actuate the Executive of one State in his intercourse with that of another. At the same time, I deem it due to myself, as well as to your honorable body, to enter my unqualified protest against, and dissent from, the principles enunciated in the resolutions.

The reasons assigned seem to me insufficient to justify the measures recommended, unsupported as they are by facts to establish their soundness. They appear to be the affirmation of the Ordinance adopted by South Carolina in 1852, well known to be based upon the adoption by Congress of the compromise measures of 1850. These measures were endorsed by the people of Texas through their popular vote at the ballot-box ; and as no recent incentive to action on the part of South Carolina appears, other than that, "the assaults upon the institution of slavery and upon the rights and equality of the Southern States, have unceasingly continued." The Executive is led to believe that these measures, so emphatically endorsed by the people of Texas, were one, if not the chief of the "assaults" enumerated.

Were there no constitutional objections to the course suggested by the resolutions, I cannot perceive any advantage that could result to the slaveholding States, or any one of them in seceding from the Union. The same evils, the same assaults complained of now, would still exist, while no constitution would guarantee our rights, uniting the strength of a Federal Government, able and willing to maintain them; but an insuperable objection arises in my mind. The course suggested has no constitutional sanction, and is at war with every principle affecting the happiness and prosperity of the people of each individual State, as well as the people in their national capacity.

For years past, the doctrines of nullification, secession and disunion, have found advocates in Southern States as well as Northern. These ultra theories have, at different periods, raged with more or less violence, and there have not been wanting persons to fan the flame of discord and to magnify imaginary evils into startling realities. Confounding the language of individuals with the acts of government itself, they who desire disunion at the South, are not satisfied with the Constitution fairly and honestly interpreted by the highest court in the country, and the law faithfully and impartially administered by the Federal Government, (even to the exercise of all its powers) to protect the rights of property and guarantee the same, are ready to seek relief from abolitionism in disunion.

It is not to be supposed that the people of the South regard the institution of slavery as possessing so little moral strength, as to be injured by the "assaults" made upon it by a fanatical element of northern population, who so long as they stay at home do us no harm, and but excite a pity for their ignorance and contempt for their ravings. So long as a government exists ready and willing to maintain the constitution and to guard every citizen in the enjoyment of his individual rights, the States and the citizens of the States may rest secure. Ungenerous and uncharitable as are the "assaults" made by a class at the North upon the peculiar institutions of the South, they would exist from like passions and like feelings under any government, and it is to the constitution alone, and the Union possessing strength under it, that we are indebted for the preservation of those separate rights which we see fit to exercise; no matter to what extent these passions may go, the Federal arm is to be stretched forth as a barrier against all attempts to impair them.

It is to be presumed that the raid upon Harper's Ferry, by Brown and his miserable associates, has been one of the causes which have induced these resolutions by the Legislature of South

Carolina. In my opinion, the circumstances attending that act, have furnished abundant proofs of the utility of our present system of government, in the fact that the Federal powers have given an evidence of their regard for the constitutional rights of the States, and stood ready to defend them. It has besides, called forth the utterance of the mighty masses of the people, too long held in check by sectional appeals from selfish demagogues, and the South has the assurance of their fraternal feelings. The fanatical outrage was rebuked and the offenders punished. Is it for this that the southern States are called upon to dissolve the fraternal ties of the Union, and to abandon all the benefits they enjoy under its ægis, and enter upon expedients in violation of the constitution and all the safeguards of liberty, under which we have existed as a nation for nearly a century. In the history of nations, no people ever enjoyed so much national character and glory or individual happiness as do to-day the people of the United States. All this is owing to our free constitution. It is alone by the Union of all States, acting harmoniously together, in their spheres under the constitution, that our present enviable position has been achieved. Without a Union these results never would have been consummated, and the States would have been subject to continued distractions and petty wars. Whenever we cease to venerate the constitution as the only means of securing free government, no hope remains for the advocates of regulated liberty.

Were the southern States to yield to the suggestions of South Carolina, and passing over the intermediate stages of trouble, a southern confederacy should be established, could South Carolina offer any guarantee for its duration? If she were to secede from the present Union, could one be formed with a constitution of more obligatory force than the one which has been formed by our fathers, in which the patriots and sages of South Carolina bore a conspicuous part? Sever the present Union—tear into fragments the constitution—stop the progress of the free institutions which both have sustained, and what atonement is to be offered to liberty for the act? From whence is to come the elements of “a more perfect Union” than the one formed by the men of the revolution? Where is the patriotism, the equality, the republicanism to frame a better constitution? That which South Carolina became a party to in 1788, has to this period proved equal to all the demands made upon it by the wants of a great people and the expansive energies of a progressive age.—Neither in peace nor in war has it ever been found inadequate to any emergency. It has in turn extended the protection which

union alone can give. The States have received the benefits of this Union. Is it left to them to abandon it at their pleasure—to desert the Union which has cherished them, and without which they would have been exposed to all the misfortunes incident to their weak condition?

The Union was intended to be a perpetuity. In accepting the conditions imposed prior to becoming a part of the confederacy, the States became part of a nation. What they conceded comprises the powers of the Federal Government, but over that which they did not concede their sovereignty is as perfect as is that of the Union in its appropriate sphere. They gave all that was necessary to secure strength and permanence to the Union—they retained all that was necessary to secure the welfare of the State.

Texas cannot be in doubt as to this question. In entering the Union, it is not difficult to determine what was surrendered by an Independent Republic. We surrendered the very power, the want of which originated the Federal Union—the right to regulate commerce with foreign nations. As an evidence of it we transferred our custom houses, as we did our forts and arsenals, along with the power to declare war. We surrendered our national flag. In becoming a State of the Union, Texas agreed “not to enter into any treaty, alliance or confederation, and not, without the consent of Congress, to keep troops or ships of war, enter into any agreement or compact with any other State or foreign power.” All these rights belonged to Texas as a nation. She ceased to possess them as a State; nor did Texas, in terms or by implication, reserve the power or stipulate for the exercise of the right to secede from those obligations, without the consent of the other parties to the agreement acting through their common agent, the Federal Government. The Constitution of the United States does not thus provide for its own destruction. An inherent revolutionary right, to be exercised when the great purposes of the Union have failed, remains; but nothing else.

Might not South Carolina, if a new confederacy were formed, at any time allege that an infraction of the new Constitution, or some deviation from its principles had taken place? In such an event, according to the principles now laid down by her, she would then exercise the same power which she now assumes. Grant her assumption of the right of secession, and it must be adopted as a general principle. Massachusetts may then nullify the fugitive slave law by virtue of her right as a sovereign State, and when asked to obey the Constitution, which she would thus violate, quietly go out of the Union.

It has been remarked by a statesman of South Carolina, when commenting upon the alleged aggressions of the North upon the South, that "many of the evils of which we complain were of our own making."

If we have suffered from our own bad policy in the Union—from giving the control of our affairs to men who have not calculated well as to results, (the Union has enabled us to retrieve many of the false steps,) and at no time, since the history of our government, have so many of the safeguards of law been thrown around our peculiar institution. It is for us to sustain it and every other right we possess in the Union. Sustained by the Federal arm and the Judiciary, we may rely upon the maintenance of these rights, which we know we possess. Whenever these are taken from us, the Constitution has lost its power. There will be no Union to secede from, for in the death of the Constitution, the Union likewise perishes; and then comes civil war, and the struggle for the uppermost.

If the present Union, from which we are asked to secede, does not possess in itself all the conservative elements for its maintenance, it does seem to me that all political wisdom and binding force must be set at naught by the measures proposed.

So long as a single State reserves to herself the right of judging for the entire South as to the wrongs inflicted, and the mode of redress, it is difficult to determine to what extent the theory would be carried.

Texas is a border State. Indians ravage a portion of her frontier. Mexico renders insecure her entire Western boundary. Her slaves are liable to escape, and no fugitive slave law is pledged for their recovery. Virginia, Missouri and Kentucky are border States, and exposed to abolition emissaries. Have they asked for disunion as a remedy against the assaults of abolitionism? Let dissolution come, and the terrible consequences will fall upon those first, and with a double force. South Carolina, from her central position, the sea upon one side, and a cordon of slave States between her and danger, has had but little reason for apprehension. Those who suffer most at the hands of the North seem still disposed to bear on for the sake of the Union. When they can bear no longer they can judge for themselves, and should their remonstrances fail to call the enemies of the Constitution back to duty, and the Federal Government cease to protect them, the pathway of revolution is open to them.

To guide us in our present difficulties, it is a safe rule to borrow experience from the sages and patriots of the past. Be-



ginning with the father of our country, and great apostle of human liberty, George Washington, I am happy to find that my opinions on this subject have the sanction of all those illustrious names which we and future generations will cherish so long as liberty is a thing possessed or hoped for. In his farewell address he says :

“The unity of government which constitutes you one people, is also now dear to you. It is justly so for it is a main pillar in the edifice of your real independence—the support of your tranquility at home and your peace abroad, of your safety, of your posterity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken—many artifices employed to weaken in your minds the conviction of this truth ; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness ; that you should cherish a cordial, habitual and immovable attachment to it, accustoming yourself to think and speak of it as the palladium of your political safety and prosperity—watching for its preservation with jealous anxiety—discountenancing whatever may suggest even a suspicion that it can in any event be abandoned ; and indignantly frowning upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

It must be recollected that these sage admonitions were given to a people, and to the sacred cause of liberty, to which a long life of arduous toil and unselfish devotion had been given. Temporary excitement, fanaticism, ambition and the passions which actuate demagogues, afforded no promptings to his fatherly teachings. They were those of a mind which felt that it was leaving a rich heritage of freedom to posterity, to whom was confided the worthy task of promoting and preserving human freedom and happiness.

Next among the patriot statesmen who devoted their lives to the achievement of our independence as a nation, is to be mentioned the venerated name of Thos. Jefferson. In relation to the subject of secession and disunion, we find the following expression of his patriotic feelings. In June, 1793, at a time when conflicting elements seemed, in the estimation of many, to portend disunion, he wrote :

"In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent disseussions and discords, and one of these, for the most part, must prevail over the other for a longer or a shorter time. Perhaps this party division is necessary to induce each to watch and debate to the people the proceedings of the other. But if, on a temporary superiority of the one party, the other is to resort to a secession of the Union, no federal government can ever exist. If, to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States, alone, cut off, will our nature be changed? Are we not men still, to the South of that, and with all the passions of men? Immediately we shall see a Pennsylvania and a Virginia party in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game, too, will the one party have in their hands, by eternally threatening the other, that unless they do so and so, they will join their Northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple limits."

And again, after a lapse of nearly twenty years, when the Hartford Convention announced the doctrine of nullification and secession as an ultimate remedy, which we are to-day called upon to endorse, he wrote to the honored Lafayette, who, from his home in France, began to look with doubt upon the success and perpetuity of the Union which his blood had been spilt to establish :

"The cement of this Union is in the heart-blood of every American. I do not believe there is on earth a government established on so firm a basis. Let them in any State, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in mass and do justice themselves on their own incendiaries."

The particular attitude of Massachusetts, at that period, called forth these determined expressions from this great champion of American freedom. They are equally applicable to our present condition. The Legislature of South Carolina may have as much mistaken the character of the masses of South Carolina, as did the Hartford Convention the character of the masses of Massachusetts. The Hartford Convention became a by-word and a reproach. The sons of the men of Lexington and Bunker Hill stamped it with infamy. The people of South Carolina are descendants of those who felt all the throes incident to

the revolution. Her gallant heroes are among the historic names to be revered and cherished. Their generations will not forget the cost of liberty, or the blessings of the Union which it created.

At the time these expressions were used by Jefferson, he had retired, and his fame had elevated him far above party politics and partisan feelings. He thought and spoke as one friend would to another, who had passed through the severe ordeal for the attainment of human freedom. He had, in truth, filled the measure of his country's glory. Such feelings well deserve a place in every true American heart. His teachings surely can not be lost upon the present enlightened generation; nor do we find that other sages and patriots are silent upon these topics. In the writings of Mr. Madison, we find that after all of the arduous toils of a statesman and patriot, when treating upon the subject of the Union and the relative rights and powers of the States, he lends his great light to guide posterity in the pathway of regulated government. Being one of the authors of the Constitution, his exposition comes to us with double force. In a letter to Joseph C. Cabell, written September 16th, 1831, he says :

"I know not whence the idea could proceed that I concurred in the doctrine that although a State could not nullify a law of the Union it had a right to secede from the Union. Both spring from the same poisonous root."

In his letter to Mr. N. P. Trist, written December 23, 1832, he says :

"If one State can, at will, withdraw from the others, the others can, at will, withdraw from her, and turn her *volentem*, *volentem* out of the Union."

And in writing to Andrew Stevenson, February 4, 1833, he says :

"I have received your communication of the 29th ultimo, and have read it with much pleasure. It represents the doctrines of nullification and secession in lights that must confound, if failing to convince their patrons. We have done well in rescuing the proceedings of Virginia in 1798-'99, from the many misconstructions and misapplications of them. Of late, attempts are observed to shelter the heresy of secession under the case of expatriation, from which it essentially differs. The expatriation party moves only his person and his movable property, and does not incommode those whom he leaves. A seceding State mutilates the domain, and disturbs the whole system from which it separates itself. Pushed to the extent in which the right is

sometimes asserted, it might break into fragments every single community."

These views clearly show that this great expounder of the Constitution did not recognize the right of a single State to break the harmony of the nation, and destroy its unity by seceding at its pleasure. Nor was he less earnest in his desire to perpetuate the Union and guard against the heresy, by which it might be endangered. In one of his celebrated State papers, written in September, 1829, he thus pictures in language at once solemn and truthful, the consequences of Disunion:

"In all the views that may be taken in questions between the State governments and general government, the awful consequences of a final rupture and dissolution of the Union should never be lost sight of. Such a prospect must be deprecated—must be shuddered at by every friend of his country, to liberty, to the happiness of man. For in the event of a dissolution of the Union, an impossibility of ever renewing, is brought home to every mind by the difficulties encountered in establishing it. The propensity of all communities to divide when not pressed into a unity by external dangers is a truth well understood.—There is no instance of a people inhabiting even a small island, if remote from foreign danger, and sometimes in spite of that pressure, who are not divided into alien, rival, hostile tribes. The happy union of these States is a wonder, the constitution a miracle, their example the hope of liberty throughout the world. Wo to the ambition that would meditate the destruction of either."

Who that has a heart that throbs for freedom can disregard the wisdom and admonition of patriots, whose lives have been devoted to the service of their country, and who, turning away from the appeals of wealth, have felt rich in the enjoyment of the boon of free government and the possession of an humble competency.

After leaving the sages who participated in the formation of our Union, we find that the distinguished patriots of latter days, likewise offer their testimony to the value of the Union, and against the doctrine of secession. Andrew Jackson, the President of the masses, the man to whose bravery in battle and whose firmness in council, the country owes much for its present prosperous condition, was called upon to meet this question under circumstances the most embarrassing. His giant will encompassed it all, and a grateful people now revere him for the act. The position assumed by South Carolina in her ordinance of November 24th, 1832, called forth his proclamation of the 10th of December following. The following extract will suffice:

“The constitution of the United States then forms a government, not a league, and whether it be formed by compact between the States or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly upon the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute, jointly with the other States a single nation, cannot from that period possess any right to secede, because secession does not break a league but destroys the unity of a nation; and an injury to that unity is not only a breach which would result in the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation; because, it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without morally committing any offensive secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right but would pause before they make a revolution, or incur the penalties consequent on a failure.”

Again, in his message of Jan., 1832, after fully discussing the issues forced upon the country, he adds:

“The right of a people of a single State to absolve themselves at will, and without the consent of other States, from their most solemn obligations and to hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant to the principles upon which the general government is constituted, and to the object which it is expressly formed to attain.”

This great man of the people has been gathered to his fathers. Over his grave at the Hermitage, let the American nation declare in his own emphatic language: “THE UNION—IT MUST AND SHALL BE PRESERVED.”

These are not all the mighty names which can be arrayed in behalf of the Union, and against the doctrines of secession. When did the ardent and enlightened mind of Henry Clay, when his attention was drawn to the subject of the Union, fail to offer his tribute to its worth, or decline to render the most scathing rebuke to those who dared for one moment to depreciate its value. Nor am I disposed to close this message, without

citing another illustrious name, who without regard to party, boldly planted his feet on the platform of the constitution and the Union—a man who faced all the fury of the fanatical passions of his own section in behalf of the compromise measures of 1850, which guaranteed the equality of the South under the constitution. I allude to Daniel Webster. He was a man whose heart was great enough to embrace the whole Union, and whose intellect could span the globe.

The sentiment which he leaves on record, I repeat :

“LIBERTY AND UNION, NOW AND FOR EVER, ONE AND INSEPARABLE.”

With such teachings and such lights from those of the past and of modern times, can Texas forget her duty to herself? These were the men who formed the first structure of perfect liberty and self-government in the world. We have the exposition of the principles upon which this sublime structure of self-government was based. Are we to cast them all away? Are we to quit our haven of safety, in which we are secure, happy and prosperous, and risk our all upon the uncertainty of an untried experiment, which seems only to open the door to revolution and anarchy? Could we for a moment entertain such a maddened thought, we need only extend our imaginations across the Rio Grande, and there exemplified to a small extent, behold the effects of secession and disunion. A disregard for a constitutional government has involved Mexico in all the horrors of civil war, with robbery, murder, rapine, unrestrained. There, it is simply civil war, brother armed against brother, partisan against partisan, but to us, it would be all these, added to the combined efforts of the powers of tyranny to crush out liberty.

A responsibility rests upon us, because our advantages, arising from self-government, and a more perfect freedom than they ever enjoyed, render us the more accountable.

I need not call the attention of the Legislature to a period so recent as the annexation of Texas to the American Union. The feeling that prevailed in the community in anticipation of that event, the ardent desire for its consummation in almost every heart in Texas, can testify to the sincerity of our people, when they took upon themselves the duties of citizens of the United States. A generation has not half passed, since the great object was accomplished; and are we to be seduced already into any measures, fraught with principles, that would involve us in the inconsistency of impairing the integrity of our formation, and that, too, when it would involve us, in my humble opinion, in the crime of raising our hand against the Constitution and the

Union, which have sheltered and defended us, and which we are solemnly bound to support and maintain ?

The good sense of the nation cannot overlook the fact, that we are one people and one kindred ; that our productions, occupations and interests are not more diversified in one section of the Union than another. If the vain hope of a Southern confederacy would be realized upon the basis of all the Slave States there would soon be found enough diversity of northern and southern interests, in both sections to accomplish another division all the more eagerly sought, because of a recent precedent.

Indeed, if peaceable separation were possible, no confederacy could be formed upon any other principle, than that of leaving domestic institutions, where the constitution of the United States now leaves them—to the States individually, and not to a central government.

I have been no indifferent spectator of the agitations which have distracted our councils and caused many patriots to despair of the Republic. But I am yet hopeful and have an abiding confidence in the masses of the people. I cannot believe that they will suffer scheming, designing and misguided politicians, to endanger the palladium of our liberties. The world is interested in the experiment of this government. There is no new continent on the earth whercon to rear such another fabric. It is impossible that ours can be broken, without becoming fragmentary, chaotic and anarchical. I know of no confederacy with other States, which could hold out greater inducements or stronger bonds of fraternity than were extended to us in 1844. The people of Texas are satisfied with the Constitution and the Union as they are. They are even willing to enlarge it by further wise, peaceful and honorable acquisitions. If there is a morbid and dangerous sentiment abroad in the land, let us endeavor to allay it, by teaching and cultivating a more fraternal feeling.

I would therefore recommend the adoption of resolutions dissenting from the assertion of the abstract right of secession, and refusing to send deputies, for any present existing cause, and urging upon the people of all the States, north and south, the necessity of cultivating brotherly feeling, observing justice and attending to their own affairs.

SAM HOUSTON.

Mr. Norton moved that the message be made the special order of the day for Saturday next, and that 1000 copies be printed for use of the House.

Mr. Culberson offered the following as a substitute for the motion :

*Resolved*, That 1500 copies of the special message of the Governor be printed for the use of this House.

Mr. Mills moved to adjourn till 7 o'clock, P. M.

On motion of Mr. Mabry the yeas and nays were ordered, and the House adjourned by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Barnard, Benevides, Bogart, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Daniels, Davis of B., Dennis, Duncan, Fleweller, Francis, Foscue, Harrison of C., Harrison of V. Z., Hartly, Henderson, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Maxey, McClarty, Middleton, Mills, Munson, Nelson, Parker, Redwine, Robinson, Ross, Short, Stewart, Wælder, Warfield and Wrede—44.

NAYS—Messrs. Baxter, Billingsly, Branch, Camp, Crawford, Clark, Davis of H., Dickson, Edwards, Epperson, Franklin, Hall, Haynes, Lewis of R., Mabry, Manly, Martin, Maverick, McKnight, Mundine, Norton, Owens, Perry, Redgate, Shelton, Speights, Townes, Waterhouse, Whitfield, Whitmore and Wortham—31.  
7 o'clock, P. M.

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

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

*Resolved by the House of Representatives*, That no member hereafter be permitted to speak more than five minutes at one time, unless by leave of four-fifths of the House.

On motion of Mr. Duncan, the rule was suspended, for immediate action to be taken on the resolution.

Mr. Buckley proposed to amend by striking out "five," and inserting "ten."

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

Absentees—Messrs. Barnard, Hall, Henry, Kinney, Lewis of M., Manly, Martin, Maverick, McClarty, Navarro, Short, Smith, Taylor, Wælder, Wortham and Wrede.

Mr. Mills moved to suspend call. Lost.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the Senate's bill to amend the act amendatory of and supplemental to the act to encourage the improvement of navigation of the rivers, &c., &c., with amendments by committee.

Amend by adding "and shall not be so construed as to authorize the appropriation of the subscription of private individuals to any other work than that to which they had appropriated."



The bill for the relief of Mrs. Wm. Gamble, late widow of Jno. Carroll, pending when the House adjourned last night, was taken up, read third time, and passed.

Mr. Franklin called up the bill to amend the act incorporating the city of Galveston, which was read second time.

Mr. Townes moved to indefinitely postpone the bill.

The yeas and nays were ordered, on motion of Mr. Townes; and the House refused to postpone the bill by the following vote :

**YEAS**—Messrs. Armstrong, Baxter, Bogart, Buckley, Crooks, Davis of H., Dickson, Epperson, Francis, Haynes, Lewis of M., Lewis of R., Lewter, Mundine, Nelson, Owens, Townes and Waterhouse—18.

**NAYS**—Messrs. Speaker, Barclay, Benevides, Billingsley, Branch, Bryan, Caddell, Camp, Craig, Crawford, Clark, Culberson, Dale, Daniels, Davis of B., Dennis, Dougherty, Duncan, Ellett, Flewellen, Franklin, Foscue, Harrison of U., Harrison of V. Z., Hartly, Henderson, Houghton, Hubbard, Kinney, Lynch, Mabry, Manly, Maverick, Maxey, McClarty, McKnight, Middleton, Mills, Munson, Norton, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Stewart, Walworth, Warfield, Whitfield, Whitmore and Wortham—56.

And the bill ordered to be engrossed.

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

The hour having arrived, the special order, to-wit: the motion to reconsider the vote, passing the bill for the relief of Ansell Cupp, *et al.*, was stated to the House.

Mr. Harrison of V. Z., moved to suspend the call. Lost.

On motion of Mr. Nelson, the bill was indefinitely postponed.

Mr. McOutchan called up the bill for the relief of G. W. King, which was read third time.

Mr. Short proposed to amend by striking out \$1230 and inserting \$100.

On motion of Mr. Short the yeas and nays were ordered on the adoption of the amendment, and the House rejected the amendment by the following vote :

**YEAS**—Messrs. Speaker, Barclay, Baxter, Billingsley, Bogart, Buckley, Craig, Crooks, Dale, Dennis, Dougherty, Francis, Foscue, Harrison of V. Z., Mabry, Maxey, Mills, Nelson, Owens, Parker, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Welder, Warfield, Whitmore and Wrede—30.

**NAYS**—Messrs. Benevides, Branch, Bryan, Camp, Crawford, Clark, Culberson, Cumby, Daniels, Davis of B., Davis of H.,

Dickson, Duncan, Edwards, Ellett, Epperson, Flewellen, Franklin, Harrison of O., Hartly, Haynes, Henderson, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Maverick, McClarty, McKnight, Middleton, Mundine, Munson, Norton, Perry, Redgate, Robinson, Shannon, Speights, Townes, Walworth, Waterhouse, Whitfield and Wortham—45.

Mr. Hartly moved to suspend call of the House. Lost.

And the bill passed.

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

HOUSE OF REPRESENTATIVES, }  
Monday, January 23d, 1860. }

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

Mr. Norton, one of the committee on Roads, Bridges and Ferries, reported, recommend the passage of the bill to permit J. L. Brown to construct a bridge across the Sabine river.

Mr. Walworth, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of John Smith.

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

Also, reported a bill granting land to W. O. Burnham and recommended its passage. Bill read first time.

Also, recommended the passage of the bill for the relief of Leiper Willoughby.

Also, reported, recommending the passage of the bill validating unconditional certificate No. 576, issued to S. Pangburn, assec of C. L. Wood.

The committee on Enrolled Bills reported as follows :

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

*Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined the following bills, to-wit :

An act for the relief of Stephen Kelly ; and

An act to incorporate the Factor's Cotton Press Company.

A bill to amend the first, fifth, seventh, thirteenth and seventeenth sections of an act entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company.

A bill to be entitled an act to incorporate the Starville Union Academy.

A bill supplementary to an act entitled an 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 find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his approval and signature.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows :

The committee on Engrossed Bills have examined the following bills, and report them correctly engrossed :

A bill for the relief of the widow and heirs of Lorenzo de Zavala.

Also, a bill for the relief of K. Bigham White.

Also, a bill to incorporate Lexington Male and Female Academy.

Also, a bill to be entitled an act to encourage the citizens of El Paso county to irrigate the Rio Grande valley.

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

Mr. Flewellen introduced a bill for the relief of Claudius Baxter. Read first time and referred to committee on Private Land Claims.

Mr. Nelson introduced a joint resolution appropriating money for H. C. Lazenby. Read first time.

Mr. Dickson offered the following resolution :

*Resolved*, The Senate concurring, the two Houses of the Legislature will adjourn *sine die* on Monday the 6th day of February, at 10 o'clock, A. M.

Adopted.

On motion of Mr. Henderson, the bill making appropriation to pay Assessors and Collectors for taking the scholastic census, was taken up read, second time and passed to third reading.

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

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Central Transit; with amendments.

Amend second section: Provided that this road is not to cross the San Antonio river above Goliad, nor the Rio Grande above Laredo, nor the Colorado above Wharton, and that the extension eastwardly is not to go further than the nearest railroad east of said river.

Amend sixth section by inserting after "sixty-six" in second line: "and twenty-five miles of it must be completed by the first of the year 1864."

Amend the last section as follows: And at the same time this charter shall expire, unless the work shall have been commenced by making five miles of the railroad, or the company shall have deposited — thousand dollars in cash or stock, issued by the Government of the U. S. of A., with the Comptroller of this State, subject to withdrawal on the making of twenty-five miles of the railroad within the prescribed time, and to forfeiture in case of failure of such performance; which performance and deposit shall be under supervision of the Governor of this State.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to repeal the 17th section of the act to regulate railroad companies, approved Feb'y 7th, 1859; and had passed a bill for the relief of heirs of Andrew J. Ford, dec'd.

Mr. McKnight offered the following resolution:

*Resolved*, That the bills "to raise the revenue by direct taxation," "to repeal the act to establish the University of Texas," "to donate lands to institutions of learning," "to regulate estrays," "to re-organize the Court of Claims," "the General Railroad Bill," and the "Apportionment Bill," shall have precedence of all other bills, until they are finally disposed of for the session; and this resolution from its adoption, shall be a standing rule of this House.

Laid over one day for consideration.

On motion of Mr. Lewis of M., the bill granting land to counties for Free School was taken up, read second time and ordered to be engrossed.

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

On motion of Mr. Ellett, the bill to authorize the use of the U. S. Bonds set apart to the University of Texas, to meet appropriations made for frontier protection was taken up, read first time and passed to second reading.

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

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

On motion of Mr. Buckley, the joint resolution from the Senate relative to increasing the number of Supreme Judges, was taken up and read second time.

Mr. Buckley proposed to amend by adding the joint resolution

of the House, depriving the Legislature of the power to relieve any corporation from the payment of any money loaned to such corporation. Adopted.

Mr. Buckley proposed to amend further by inserting :

“Sec. 2. That the above amendments be numbered and submitted to a vote of the Electors of the State, so they may vote upon each one separately.” Adopted, and the bill passed to third reading.

On motion of Mr. Culberson, the rule was suspended, and the Senate's bill to provide for the publication of a complete Digest of the reports of the Supreme Court was taken up, read first time and referred to Judiciary committee.

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

Bill to prevent judgments from becoming dormant.

Bill for relief of the heirs of James T. White, dec'd.

Bill for relief of the heirs of Geo. W. Wilson, dec'd.

Bill granting land to Lavaca Navigation Company.

Bill to incorporate the San Antonio Gas Company.

Bill to incorporate the Jacksonville and Neches Bridge Company.

Bill to amend the 24th section of the act to consolidate in one act, and to amend the several acts incorporating the city of Galveston.

Mr. Lewter introduced a bill to amend the 6th section of the act amendatory of the laws to raise revenue by taxation. Read first time and referred to committee on State Affairs.

Mr. Barclay introduced a bill for the relief of Wm. L. Foster. Read first time and referred to committee on Private Land Claims.

Mr. Whitfield introduced a bill for the benefit of Colleges in Texas. Read first time and referred to committee on Education.

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

The bill to regulate estrays was taken up, read second time.

Mr. Parker proposed to amend section 4th, line 4th : strike out “horse stealing,” and insert “theft of such animal.”—Adopted.

Mr. Davis of H., proposed to amend by striking out 5th and 6th line, section 9. Adopted.

Mr. Ellett proposed to amend by inserting in section 7, line 2nd after “moderation,” “in which case he shall receive nothing for keeping the same.” Adopted.

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

“Sec. — There shall be established by county brand for each

county, in the following manner, to-wit: the existing counties shall be numbered in alphabetical order by the County Courts from No. one upwards, and the owners of stock shall brand their animals with such county brands, in addition to the private brands used by them."

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

Mr. Townes proposed to amend section 12th, line 2nd after "insertion," insert: "in substance a description of the animal, and by whom taken up, and the county where taken up—and abbreviating the words describing the animal." Adopted.

Mr. Culberson moved to reconsider the vote passing the bill for the relief of Geo. W. King.

And on motion of Mr. Culberson, the yeas and nays were ordered, and the vote was reconsidered by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Billingsley Bogart Branch Buckley Caddell Craig Crooks Culberson Cumby Dale Davis of B. Dennis Flewellen Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Houghton Kinney Lewis of R. Lynch Mabry Maxey McClarty Mills Nelson Owens Parker Pirkey Redwine Robinson Ross Shelton Short Stewart Townes Walworth Warfield Whitfield Whitmore and Wortham—49.

NAYS—Messrs. Barnard Benevides Camp Crawford Clark Daniels Davis of H. Dickson Duncan Edwards Ellett Epperson Haynes Henderson Hubbard Lewter Manly Maverick McCutchan McKnight Middleton Mundine Norton Perry Redgate Shaanon Speights Waterhouse and Wrede—29.

On motion of Mr. Hubbard, the vote rejecting Mr. Short's amendment was reconsidered, and the amendment adopted, and the bill passed.

On motion of Mr. Henderson, the vote passing the bill as amended was reconsidered.

Mr. Henderson proposed to amend by adding: "and that the same be paid out of any money in the Treasury not otherwise appropriated."

Mr. Nelson proposed to amend the amendment as follows: "and that the name of H. C. Lazenby be inserted in the caption and body of the bill, and that the Treasurer be authorized to pay said Lazenby \$1,000 on the warrant of the Comptroller, authorized by a previous act of this Legislature, and that the sum of \$2,000, is hereby appropriated to pay said demands." Adopted, and the amendment as amended adopted, and the bill passed.

The bill to regulate estrays was again taken up.

Mr. Armstrong proposed to amend 7th line, 15th section, by striking out "two years" and inserting "one year."

Mr. Nelson moved the previous question, which was seconded, and the main question ordered, which being the engrossment of the bill, the yeas and nays were ordered on motion of Mr. Ross, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benevides Bogart Branch Bryan Caddell Craig Crawford Clark Culherson Daniels Davis of B. Davis of H. Dennis Ellett Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Houghton Lewis of R. Lynch Martin Maverick McClarty Nelson Owens Parker Perry Redgate Robinson Ross Shannon Shelton Short Stewart Townes Warfield Waterhouse Whitfield and Wrede—49.

NAYS—Messrs. Barnard Billingsley Camp Crooks Cumby Dale Dickson Edwards Epperson Harrison of V. Z. Haynes Henry Hubbard Lewis of M. Lewter McCutchan McKnight Middleton Norton Redwine Speights Walworth Whitmore and Wortham—24.

Mr. Harrison of V. Z., moved to adjourn till 3 o'clock, P. M. Lost.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill for the relief of Mrs. Wm. Gamble, late widow of John Carroll.

On motion of Mr. Nelson, the rule was suspended, and the bill to regulate estrays was taken up.

Mr. Stewart proposed to amend section 14th, line 7, after the word "month," insert "between the hours of 10 o'clock, A. M., and 4 o'clock, P. M." Adopted.

Also, proposed to amend 12th line, same section, by inserting after "Court," "within ten days."

Also, proposed to amend section 16th, line 5, between "office" and "such," insert "and if any sale of any animal in accordance with the 14th section of this act, the person making such sale shall not pay into the county treasury three-fourths of the amount of such sale." Adopted.

Also, proposed to amend section 15th, lines 16 and 17 : strike out "horses and mules," and insert "except such as are mentioned in the 1st section."

Also, proposed to amend section 15, line 9, before "cow," insert "stray." Adopted.

Mr. Billingsley proposed to amend section 14th, line 10th : strike out "three-fourths," and insert "one-half." Rejected.

Mr. Crooks offered a substitute for sections 11 and 12.

On motion of Mr. Caddell, the main question was ordered,

which being on the final passage of the bill, the yeas and nays were ordered on motion of Mr. Crooks, and the bill passed by the following vote :

YEAS—Messrs. Anderson Armstrong Barclay Baxter Ben-vides Branch Bryan Caddell Camp Clark Crawford Daniels Duncan Davis of B. Davis of H. Dennis Ellett Flewellen Franklin Foscue Hall Harrison of C. Hartley Lewis of R. Lynch Maverick McClarty Mundine Munson Nelson Owens Parker Pirkey Redgate Robinson Ross Shannon Shelton Stewart Townes Wælder Warfield Waterhouse Whitfield and Wrede—43.

NAYS—Messrs. Speaker Barnard Bogart Craig Crooks Dale Dickson Edwards Epperson Francis Harrison of V. Z. Haynes Henry Houghton Hubbard Kinney Lewis of M. Lewter Mabry Manly McCutchan McKnight Middleton Norton Perry Redwine Speights Walworth Whitmore and Wortham—31.

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

COMMITTEE ROOM, January 23, 1860.

HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives :*

The joint committee on Enrolled Bills, have examined the following bills, to-wit :

A bill granting a pension to John S. Stump.

A bill to authorize the town of Corsicana to levy a tax on ten pin alleys within the limits of said corporation ; and

A bill to prevent the sale of vinous, spirituous, or other intoxicating liquors, within one mile of the town of Starrville, in Smith county, and the town of Knoxville, in Cherokee county.

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

H. P. MABBY,

Chairman House committee.

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

3 O'CLOCK, P. M.

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

The special order, to-wit : the bill to incorporate the Trinity Railroad Company, was taken up.

Mr. Bryan offered a substitute for said bill, which was adopted.

Mr. Hubbard proposed to amend by striking out all after 10th line in 3rd section, and insert : " Provided that this road shall terminate at its point of junction with the Houston, Trinity and Tyler Railroad, in the county of Houston, upon the following



conditions, to-wit: Provided, that in the event this road shall be constructed to said point of junction in said county, before the Houston, Trinity and Tyler road is constructed to the junction, then, but in no other event, this road may be constructed to the said town of Palestine." Adopted

Mr Foscutt proposed to amend by adding at the end of section 15: this charter shall in all cases be subject to and subordinate to the General Railroad laws of this State. Adopted, and bill ordered to be engrossed.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Benevides Bogart Branch Bryan Buckley Caddell Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Harrison of C. Harrison of V. Z. Haynes Henderson Henry Houghton Hubbard Lewis of M. Lewis of R. Lewter Lynch Manly Martin Maxey McClarty McCutchan McKnight Middleton Mundine Nelson Norton Parker Perry Redgate Redwine Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitmore Wortham and Wrede—63.

The bill to amend the 4th, 8th, 14th and 18th sections of the act to provide for the assessment and collection of taxes, approved 11th January, 1850, was taken up and adopted as a substitute for the bill to raise the revenue by direct taxation.

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

Bill to incorporate the San Antonio Gas Company.

Bill to incorporate the Jacksonville and Neches Bridge Company; and the following named Senate Bills:

Bill to incorporate the Alamo College.

Bill to incorporate San Antonio Female College.

Bill for relief of heirs of Mrs. Ellen Gibbs.

Bill for relief of Edwin B. Settle.

Bill to define the homestead in a town or city; and

Bill to authorize and require the clerks of the District Courts of Titus, Travis and San Augustine counties, to apportion the causes on the dockets of said courts.

Also, had concurred in the House's amendment to the bill for the relief of Geo. W. King.

Mr. Davis of H., proposed to amend the Tax bill by striking out "citizen," in 5th line, 15th section, and inserting "inhabitant."

Mr. Nelson proposed to substitute the amendment by saying "resident," instead of "inhabitant." Substitute adopted, and the amendment adopted.

Mr. Mundine proposed to amend section 8, line 11, by inserting "unimproved" before land.

Mr. Buckley offered the following as a substitute :

"Sec. 8. And further provided, that any person desiring to give in his lands for taxation, situated in counties other than those of his residence, may make out a list or lists thereof under oath, containing an accurate description of the same, and the name of the original grantee, and transmit it to the assessor and collector of the county where the land lies ; and upon the receipt of all such lists, it shall be the duty of the assessor and collector to assess the value of such land at its actual value, which may be paid to the Comptroller or assessor of the county where the owner resides." Substitute adopted.

Mr. Ross offered the following as an amendment :

Provided that nothing herein contained shall be so construed as to prevent non-resident persons who own lands situated in other counties than those in which they reside, from giving them in for assessment in the county in which they are situated, as other citizens of said county. Which was accepted, and the amendment adopted.

Mr. Buckley proposed to amend by adding at end of 9th line, section 8 : " in counties other than those of its locality." Rejected.

Mr. Henderson proposed to amend by adding at end of 18th section : Provided that minors shall have two years to redeem any land sold under this act, after their disability has been removed. Provided further, that the purchaser at tax sale shall forfeit all right to the redemption money, if he enters into possession or commits any waste on the land purchased within two years after the purchase at tax sale. Rejected by the following vote, the yeas and nays being ordered on motion of Mr. Franklin :

YEAS.—Messrs. Speaker Armstrong Branch Bryan Craig Crooks Culberson Cumby Dale Daniels Davis of B. Duncan Edwards Flewellen Franklin Henderson Henry Houghton Hubbard Kinney Lewis of M. Maverick Maxey McCutchan Mills Mundine Munson Robinson Shelton Stewart Walworth Waterhouse and Whitfield—33.

NAYS—Messrs. Anderson Barclay Barnard Benevides Bogart Buckley Caddell Camp Crawford Clark Davis of H. Dickson Epperson Francis Foscue Harrison of C. Harrison of V. Z. Haynes Lewis of R. Lewter Lynch Manly McClarty McKnight Middleton Nelson Norton Owens Parker Perry Redgate Redwine Ross Shannon Speights Townes Wælder Warfield and Whitmore—39.

Mr. Henderson proposed to amend by adding at end of 18th section: Provided minors, married women, and persons *non compos mentis*, shall have two years to redeem any land sold under this act after their disability has been removed.

On motion of Mr. Harrison of V. Z., the main question was ordered, which being the engrossment of the bill.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benavides Baxter Barnard Bogart Caddell Camp Craig Crawford Clark Cumby Dale Danie's Davis of B. Flewellen Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Kinney Lewis of B. Lewter Lynch Mabry Martin Maverick Maxey McClarty Mills Nelson Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Townes Waelder Walworth Warfield and Wortham—51.

NAYS—Messrs. Branch Bryan Buckley Crooks Culberson Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Franklin Francis Foscoe Henderson Henry Lewis of M. Manly McCutchan McKnight Middleton Mundine Norton Waterhouse Whitfield and Whitmore—27.

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.

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

Bill to require district clerks of Titus, San Augustine and Travis counties to apportion their dockets.

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

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

Bill for relief heirs of Mrs. Ellen M. Gibbs. Referred to committee on Private Land Claims.

Bill for relief of E. B. Settle. Referred to committee on Private Land Claims.

Bill to incorporate San Antonio Female College.

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

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

YEAS—Messrs. Speaker Anderson Armstrong Billingsley Bo-

gart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Francis Hall Harrison of V. Z. Hartley Haynes Henry Houghton Hubbard Lewis of R. Lewter Lynch Mabry Manly McCutchan Mills Mundine Munson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—64.

Bill to incorporate Alamo College.

Mr. Maverick moved to suspend rule and read second time. Lost.

Mr. McKnight called up the Senate bill to incorporate the Prairie Lea Female Institute at Prairie Lea, which was read second time and passed to third reading.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benevides Billingsley Bogart Branch Bryan Camp Craig Crawford Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henry Houghton Hubbard Lewis of R. Lewter Lynch Mabry Manly Maverick McCutchan McKnight Middleton Mills Mundine Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Waterhouse Whitfield Whitmore Wortham and Wrede—68.

Mr. Ellett called up the bill to authorize the County Courts of Wise and Denton to levy a special tax

Mr. Nelson proposed to amend by inserting the counties of Bosque, Coryell, Comanche, Hamilton, Lampasas, Palo Pinto, Hill, Falls, Fort Bend, Jackson, Calhoun, Cameron, Hidalgo and Orange, after Denton, wherever it occurs. Adopted, and bill ordered to be engrossed.

On motion of Mr. Ellett, the rule was suspended.

Mr. Wrede proposed to add the county of Gillespie. Adopted, bill read third time and passed.

Mr. Middleton called up the bill for the relief of John T. Wilson, which was read second time.

Mr. Middleton offered a substitute for the bill, which was adopted, and the bill ordered to be engrossed.

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

Mr. Dickson called up the bill for the relief of Gwynn Morrison, assee of John Sharp, which was read second time and ordered to be engrossed.

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

Mr. Dennis called up bill to incorporate LaGrange College, which was read second time and ordered to be engrossed.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Ben-vides Billingsley Bogart Branch Bryan Buckley Caddell Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Haynes Henry Houghton Lewis of M. Lewis of R. Lewter Lynch Mabry Manly McCutchan McKnight Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shelton Speights Stewart Townes Wælder Whitfield Whitmore Wortham and Wrede—60.

Mr. Navarro's name having been called, on motion of Mr. Wælder, the rule was suspended, bill read second time and passed to third reading.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Ben-vides Bogart Branch Bryan Buckley Caddell Camp Crawford Crooks Clark Culberson Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Ellett Epperson Francis Hall Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Lewis of M. Lewis of R. Lynch Mabry Manly Maverick McCutchan Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shaunon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—66.

NAYS—Mr. Foscue—1.

Mr. Davis of H., called up the bill for the relief of the heirs of James Bowie, which was read second time and ordered to be engrossed.

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

Mr. Nelson called up the bill to incorporate the Waco Classical School, which was read second time and ordered to be engrossed.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Ben-vides Billingsley Bogart Branch Bryan Buckley Caddell Craig Crawford Crooks Clark Culberson Daniels Davis of B. Davis of E. Dennis Dickson Dougherty Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Hubbard Lewis of M. Lewter Lynch Mabry Manly Maverick McClarty McCutchan Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—66.

Mr. Norton called up the Senate bill to amend the act amendatory and supplementary to the act to encourage the improvement of the navigation of rivers, and other navigable waters of Texas, by making appropriation for the same; with report from committee recommending amendment, was taken up.

Mr. Buckley offered a substitute for the committee amendment, which was adopted, and the amendment adopted, and bill passed to third reading.

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

Mr. Davis of B., called up the bill for the relief of Wm. De-Woody, with report from committee recommending a substitute; which was adopted, bill 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.

Mr. Owens called up the bill to purchase Abstract of Valid Land Certificates, compiled by Burlage & Hollingsworth.

Mr. Maverick offered the following amendment:

Amend by giving to the heads of departments one copy each, and one copy to each county in the care of the county clerk.

Mr. Billingsley offered a substitute for the bill and the proposed amendment.

Mr. Henderson moved to indefinitely postpone the bill.

Mr. Mabry moved to lay the motion on the table.

On motion of Mr. Henderson, the yeas and nays were ordered, and the House refused to indefinitely postpone the bill by the following vote:

YEAS—Messrs. Anderson Baxter Billingsley Bryan Buckley Davis of B. Davis of H. Dougherty Epperson Foscue Hall Harrison of V. Z. Houghton Lewis of M. Lynch Mabry Martin McClarty McKnight Middleton Mundine Munson Nelson Owens Parker Perry Redgate Redwine Ross Shannon Townes Wælder Walworth and Wrede—34.

**NAYS**—Messrs. Speaker Armstrong Benevides Bogart Branch Caddell Craig Crawford Crooks Clark Culberson Dale Daniels Dickson Duncan Ellett Francis Hartley Haynes Henry Henderson Hubbard Kinney Lewis of R. Lewter Manly Maverick McCutchan Mills Norton Pirkey Robinson Shelton Short Speights Stewart Warfield Waterhouse Whitfield Whitmore and Wortham—41.

The question recurring on the indefinite postponement of the bill, the yeas and nays were ordered on motion of Mr. Billingsley, and the bill indefinitely postponed by the following vote:

**YEAS**—Messrs. Speaker Armstrong Barclay Baxter Benevides Bogart Caddell Camp Crooks Clark Culberson Dale Daniels Duncan Ellett Francis Hartley Haynes Henderson Henry Hubbard Lewis of R. Lewter Manly Maverick McCutchan Mills Munson Norton Pirkey Robinson Shelton Short Speights Stewart Warfield Waterhouse Whitfield and Whitmore—39.

**NAYS**.—Messrs. Anderson Billingsley Branch Bryan Buckley Craig Crawford Davis of B. Davis of H. Dougherty Epperson Foscue Hall Harrison of V. Z. Houghton Kinney Lewis of M. Lynch Mabry Martin McClarty McKnight Middleton Mundine Nelson Owens Parker Perry Redgate Redwine Robinson Ross Townics Wælder Walworth and Wrede—37.

Mr. Daniels called up the bill to incorporate the Herman University, with report from committee recommending substitute; which was adopted.

Mr. Daniels proposed to amend by striking out the names of L. C. Evenberg, H. Schmidt, J. J. Seiper, C. Stoeche, and F. W. Huesman, wherever they occur, and insert the names of D. Draub, Herman Ernst, Jacob Rien, E. Miller, Ensil Jordt, E. Becker, Wm. Frels, Chas. Jordt, Herman Frels, and Edward Rhumann. Adopted.

Mr. Redgate proposed to amend by adding to the 12th section: *Be it further enacted*, That the location of said Seminary shall be at some place designated by the president and trustees, near the line between Austin and Colorado counties, and between Mill Creek in Austin county, and Cummings Creek in Colorado county. Adopted, and bill ordered to be engrossed.

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

**YEAS**—Messrs. Speaker Anderson Barclay Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Francis Foscue Harrison of C. Haynes Henderson Houghton Kinney Lewis of R. Lewter

Lynch Mabry Manly Martin Maverick McClarty McCutchan  
 McKnight Mundine Nelson Norton Owens Parker Perry Pinkey  
 Redgate Redwine Robinson Ross Shelton Speights Stewart  
 Townes Wælder Walworth Warfield Waterhouse Whitfield  
 Whitmore Wortham and Wrede—64.

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

HOUSE OF REPRESENTATIVES, }  
 Tuesday, January 24th, 1860. }

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

On motion of Mr. Parker, the rule was suspended and the tax bill taken up, and made the special order of the day for 3 o'clock P. M.

Mr. Franklin moved to take up bill to reorganize the court of claims, refer it to special committee and make it special order for Friday next 11 o'clock. Lost.

Mr. Billingsley presented the petition of David L. Cross. Referred to committee on State Affairs.

Mr. Redgate presented the petition of B. F. McMillan. Referred to Public Land committee.

Also, presented the petition of Neil McCoy. Referred to committee on Judiciary.

Mr. Robinson presented the petition of Joseph Lawrence. Referred to committee on Private Land Claims.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the Senate's bill to encourage a complete digest of the reports of the Supreme court.

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

Mr. Dennis, chairman of committee on State Affairs, reported a bill for the relief of David Ayres, and recommended its passage. Bill read first time.

Also, reported, recommending the passage of the bill providing for the disposition of runaway slaves.

Mr. Branch, one of the Judiciary committee, reported, recommending the passage of the bill to authorize the board of Aldermen of Huntsville, to levy a special tax in certain cases.

Mr. Mills moved to suspend rule, and take up the bill to determine what lands have been forfeited, and called for the yeas and nays.



House refused to take up the bill by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Bogart Bryan Culberson Dale Daniels Davis of B. Flewellen Harrison of C. Harrison of V. Z. Hubbard Lewis of M. Lewis of R. Lewter Lynch Maverick McKnight Middleton Mills Munson Nelson Norton Owens Parker Perry Redwine Robinson Ross Shannon Shelton Short Walworth Warfield and Whitmore—37.

NAYS.—Messrs. Baxter Benevides Billingsley Buckley Cad-dell Crawford Clark Davis of H. Dennis Dickson Edwards Ellett Epperson Francis Houghton Mabry Mauly McClarty McCutchan Mundine Speights Stewart Townes Wælder Waterhouse Whitfield Wortham and Wrede—28.

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

Bill for the relief of the heirs of Jos. C. Gentry, deceased.

Bill for making appropriation to defray the expense of selling University lands.

Bill making appropriation for the protection of the frontier.

Bill to amend act to incorporate Bastrop Academy, approved February 7th, 1853, and an act to amend the same approved January, 1858.

And a bill to empower the Mayor and Aldermen of Galveston to issue bonds for the construction of a bridge from island to main land.

Bill to permit county of Brazoria to levy special tax, &c.

Also, had passed a substitute for the House's bill for the relief of Iredell Redding.

Had concurred in the House's amendment to a bill to amend the river improvement bill.

Mr. Mabry introduced a bill amendatory of the act to incorporate the Jefferson Railroad Company, approved Feb. 2d, 1854. Read first time and referred to committee on Internal Improvements.

Also, introduced a bill appropriating \$400 to pay pension of Jos. E. Fields. Read first time.

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

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Billingsley Bogart Branch Bryan Buckley Crooks Clark Culberson Cumby Dale Daniels Davis of H. Dennis Duncan Flewellen Francis Foscue Harrison of C. Hartley Houghton Hubbard Lewis of M. Lewis of R. Lewter Lynch

Mabry Manly Maverick Maxey McClarty McCutchan McKnight  
 Middleton Mills Mundine Munson Nelson Norton Owens Parker  
 Perry Redgate Redwine Robinson Shannon Shelton Short  
 Stewart Townes Wælder Walworth Warfield Waterhouse  
 Whitfield Wortham and Wæde—64.

NAYS—Messrs. Caddell Ross and Whitmore—3.

Mr. Armstrong introduced a joint resolution, in answer to the Governor's message relative to the South Carolina resolutions.

Mr. Armstrong moved to have printed 100 copies of resolutions.

Mr. Pirkey moved to reject them.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed, a bill for the relief of J. E. Spence.

A bill for the relief of the heirs of Shelby Corzin.

A bill to authorize certain counties to levy and collect an additional tax for the purpose of erecting county buildings.

A bill to authorize Henderson county court to levy a special tax, and

A bill appropriating four hundred dollars to pay the pension of Joseph E. Fields.

Mr. Cumby moved to adjourn until 7 o'clock, P. M. Lest.

On motion of Mr. Davis of B., the House adjourned till 3 o'clock, P. M., by the following vote:

The yeas and nays being demanded on motion of Mr. Whitmore:—

YEAS.—Messrs. Speaker Anderson Barclay Baxter Billingsley Bryan Buckley Camp Crawford Craig Crooks Clark Culberson Cumby Dale Davis of B., Dennis Dickson Duncan Fleweller Francis Foscue Hall Harrison of C. Harrison of V. Z., Hartley Houghton Hubbard McClarty Munson Nelson Perry Redwine Ross Shannon Shelton Short Stewart Townes Wælder and Warfield—43.

NAYS.—Messrs. Armstrong Barnard Benevides Bogart Branch Caddell Daniels Davis of H. Dougherty Edwards Ellett Epperson Franklin Haynes Henry Henderson Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick Maxey McCutchan McKnight Middleton Mundine Norton Owens Redgate Robinson Speights Walworth Waterhouse Whitfield Whitmore and Wortham—39.

3 O'clock, P. M.

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

Mr. Davis of B. moved to take up the resolution, pending when the House adjourned. Lest.

The bill to endow professorships in colleges in Texas, with

report from committee recommending amendments, was taken up, and the amendments adopted.

Mr. Hubbard proposed to amend by adding at end of section 1st: "and that such certificate shall be duly verified by the oath of said President or a majority of the Board of Trustees taken before the chief Justice of the county in which such college, academy or seminary is located.

Mr. Clark proposed the following as an amendment to the amendment :

" Provided, further, that for every additional \$10,000 worth of property, which may be owned by such University, college, academy or seminary, shall be entitled to a certificate of two leagues of land."

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

Mr. Dennis offered a substitute to the bill and amendment.

Mr. Stewart moved to lay the substitute on the table.

The yeas and nays were ordered on motion of Mr. Dennis, and the substitute laid on the table by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Branch Bryan Craig Clark Daniels Davis of B. Flewellen Foscue Hubbard Hubert Lewis of M. Lewis of R. Lewter Manly Martin McKnight Mundine Munson Pirkey Redgate Redwine Robinson Ross Shelton Stewart Townes Wælder Whitfield and Whitmore—32.

NAYS.—Messrs. Barclay Billingsley Bogart Buckley Caddell Crawford Culberson Dale Davis of H. Dennis Dickson Duncan Harrison of V. Z. Haynes Henderson Houghton Lynch McCutchan Middleton Mills Nelson Norton Parker Shannon Short Speights Walworth Warfield Waterhouse and Wortham—30.

And the amendment adopted.

Mr. Flewellen proposed to amend, by adding, " literary or medical," before college in 1st section.

Mr. Wælder proposed to amend the amendment as follows :

Insert after " academy," " or any other institution of learning."

Mr. Flewellen withdrew his amendment, and Mr. Wælder's amendment adopted.

Mr. Mabry proposed to amend as follows :

" Provided that the benefits of this act shall not extend to institutions that have heretofore received lands, except only so far to make, in addition to what they have already received, the said amount of five leagues."

Mr. Mills offered the following as a substitute :

" That the benefits of this act shall not be conferred upon any

college, academy or seminary that is not commenced and completed after the passage of this act."

Mr. McCutchan moved to lay the amendment and substitute on the table.

A division of the question was called for.

The question then being on laying the substitute on the table, the same was put and the substitute tabled.

The question being then on laying the amendment on the table.

The House refused to table the amendment which was then adopted.

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

"That any college, academy or seminary that have property to the amount of \$5,000, be entitled to two and a half leagues of land." Adopted.

Mr. Stewart proposed to amend as follows :

"Provided, further, that if such institutions shall have more than \$10,000 invested, they shall be entitled to an additional pro rata quantity of land, although they may have heretofore received land." Rejected.

Mr. Perry proposed to amend as follows :

"And all institutions of learning having \$2,500 worth of improvement and property, shall be entitled to one and a half league of land"

Mr. Billingsley offered the following as a substitute :

"That all other institutions of learning in this State shall be entitled to receive land at the same ratio."

Mr. Flewellen moved the previous question which was seconded.

The question was, shall the main question be now put.

On motion of Mr. Mills the yeas and nays were ordered, and the House ordered the main question by the following vote :

YEAS.—Messrs. Speaker Anderson Benevides Billingsley Bogart Branch Bryan Camp Craig Crawford Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Edwards Flewellen Francis Foscue Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Maverick McCutchan Middleton Mundine Munson Nelson Norton Parker Pirkey Redgate Redwine Robinson Ross Shelton Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—53.

NAYS.—Messrs. Barclay Caddell Harrison of V. Z. Haynes Henderson Houghton McKnight Mills Perry Shannon Short Speights and Stewart—13.

And the bill ordered to be engrossed.

Mr. Hubbard moved to suspend the rule and place bill on final reading.

On motion of Mr. Mills the yeas and nays were ordered, and the rule was suspended by the following vote :

YEAS.—Messrs. Speaker Anderson Benevides Billingsley Bogart Branch Bryan Caddell Camp Craig Crawford Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Flewellen Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McCutchan Middleton Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wortham—55.

NAYS.—Messrs. Barclay Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton McKnight Mills Shannon Short and Whitmore—12.

The question being on the final passage of the bill.

On motion of Mr. Crawford the yeas and nays were ordered, and the bill passed by the following vote :

YEAS.—Messrs. Speaker Anderson Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Francis Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McCutchan Mundine Munson Nelson Parker Redgate Redwine Ross Shelton Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—51.

NAYS.—Messrs. Barclay Billingsley Crawford Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Middleton Mills Norton Perry Robinson Shannon Short and Speights—17.

On motion of Mr. Wælder the rule was suspended, and the bill changing time of holding courts in the 18th judicial district was taken up.

On motion the House adjourned till 7 o'clock pending the bill.

7 O'Clock, P. M.

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

Mr. Ross presented the petition of H. H. Edwards. Referred to committee on Private Land Claims.

Mr. Wælder moved to take up bill on which the House suspended rule before adjourning. Lost.

The House's resolution relative to public printing, with amend-

ment by Senate, was taken up and amendment concurred in.

The following named Senate's bills were taken up, read first time and referred to committee on Private Land Claims, to-wit:

Bill for the relief of the heirs of Andrew J. Ford, deceased.

Mr. Parker called up the bill for the relief of Richard B. Wardroup, with report from committee, recommending substitute, which was adopted. Bill read second time and ordered to be engrossed.

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

Mr. Lewis of R. called up for Mr. Darnell, the Senate's bill granting a pension to Chas. Sheppard, which was read second time and passed to third reading.

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

YEAS.—Messrs. Speaker Anderson Baxter Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Culber-son Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Francis Foscue Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Hubbard Kin-ney Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McClarty McCutchan McKnight Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—68.

Mr. Perry called up the bill for the relief of the heirs of W. D. Flemming, deceased, which was read second time and ordered to be engrossed.

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

Mr. Dale called up the bill for the relief of Thos. F. McFarland with report of committee, recommending a substitute which was adopted, and bill ordered to be engrossed.

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

Mr. Pirkey called up the bill to amend the 20th section of the act, incorporating the Memphis, El Paso and Pacific Railroad Company, which was read third time and passed by the following vote:

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Bogart Branch Bryan Buckley Caddell Crawford Crooks Clark Culber-son Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Epperson Francis Hall Harrison of

C. Harrison of V. Z. Hartley Henderson Houghton Hubbard Hubert Kinney Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McClarty McKnight Mills Mundine Nelson Norton Perry Parker Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Walworth Waterhouse Whitfield Whitmore Wortham and Wrede—65.

NAY.—Mr. Middleton.

Mr. Redgate called up the bill to incorporate the Columbus Tap Railroad Company, with report from committee recommending amendments, which were adopted.

Mr. Bogart proposed to amend by striking out so much of the 11th section, as gives land to the road.

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

The yeas and nays were ordered on motion of Mr. Ross, and the amendment laid on the table by the following vote :

YEAS.—Messrs. Anderson Barclay Baxter Benevides Billingsly Bryan Buckley Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of H. Davis of B. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Franklin Hall Harrison of C. Hartley Haynes Henderson Hubert Kinney Lewis of R. Lynch Mabry Manly Maverick McClarty McCutchan McKnight Mills Munson Parker Perry Pirkey Redgate Robinson Speights Stewart Townes Wælder Walworth Waterhouse Whitfield Whitmore and Wrede—57.

NAYS.—Messrs. Speaker Armstrong Bogart Culberson Harrison of V. Z. Houghton Lewis of M. Nelson Martin Redwine Ross Shannon Shelton and Warfield—14.

On motion of Mr. Buckley, "one-third," was struck out in the 12th section, and "two-third" inserted, and the bill passed to third reading.

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsley Branch Bryan Buckley Camp Craig Crawford Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Franklin Foscue Hall Harrison of C. Hartley Haynes Henderson Hubbard Hubert Kinney Lewis of M. Lewter Lynch Manly Martin Maverick McClarty McCutchan McKnight Mills Munson Norton Parker Perry Pirkey Redgate Robinson Ross Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—68.

NAYS.—Messrs. Bogart Caddell Harrison of V. Z. Houghton Nelson Redwine Shannon and Shelton—8.

Mr. Cumby called up the bill to prevent the sale of vinous, spirituous or other intoxicating liquors within one mile of the town of New London in Rusk county, which was read second time.

Mr. Shannon proposed to amend by inserting Veal's Station in Parker county, in the provisions of the bill. Adopted.

Mr. Ross proposed to amend by inserting the town of Mount Enterprise in Rusk county, in the bill. Adopted, and the bill ordered to be engrossed.

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

Mr. Culberson called up the bill to incorporate a Literary Institute at Gilmer in Upshur county, with report from committee recommending an additional section, which was adopted and the bill ordered to be engrossed.

On motion of Culberson the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsly Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Culberson Cumby Dale Daniels Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Hall Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Hubert Kinney Lewis of M. Lewis of B. Lewter Lynch Manly Martin Maxey McClarty McCutchan Mills Mundine Munson Nelson Norton Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Townes Wælder. Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—71.

[Mr. Mills in the Chair.]

Mr Redwine called up the bill to incorporate the Vicksburg, Henderson and Western Texas Railroad Company.

Mr Perry offered a substitute for the bill.

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

Mr. Clark called up the bill for the relief of Thos. J. Smith, which was read second time and ordered to be engrossed.

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

Mr. Robinson called up the bill for the relief of Sarah Mills, which was read second time and ordered to be engrossed.

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

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



Mr. Crooks called up the bill to permit R. B. Francis to construct a bridge across North Sulphur in Lamar county.

Mr. Davis of H., proposed to amend by adding, "Schuler Colfax, as one of the Commissioners."

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

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

Mr. Nelson proposed to amend by striking out "three cents for sheep," and inserting, "one cent." Adopted, and the bill ordered to be engrossed.

Mr. McKnight moved to amend by inserting between "horse" and "riders," the word "mule." Ruled out of order.

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Edwards Ellett Epper-son Francis Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Henry Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Maverick McClarty McCut-chaun McKnight Middleton Mills Maudine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—72.

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

Mr. Ross called up the bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, with report from committee, recommending amendments, which was adopted and the bill passed to third reading.

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Edwards Ellett Francis Hall Hartley Haynes Henry Hubbard Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McKnight Middleton Mills Munson Nelson Norton Par-ker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—61.

Mr. Clark moved to reconsider the vote, refusing to pass the bill to purchase Burlage & Hollingsworth's abstract.

Mr. Henderson moved to lay the motion on the table.

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

HOUSE OF REPRESENTATIVES, }  
 Wednesday, January 25<sup>th</sup>, 1860. }

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

Mr. Crooks, chairman on Engrossed Bills, reported as follows :  
 HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives :*

The committee on Engrossed Bills, have examined the following bills, and report them correctly engrossed :

A bill to incorporate a Literary Institution of Gilmer, in Upshur county.

Also, a bill entitled an act to amend the 4th, 8th, 15th, and 18th sections of an act to provide for the assessment and collection of Taxes.

On motion of Mr. Crooks, the rule was suspended on the bill to incorporate the Lodge of I. O. O. F., at Clarksville.

On motion of Mr. Crooks, the words "Bois D'Arc, was inserted before "Lodge" wherever it occurs.

The bill passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsley Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Cumbby Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Flewellen Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Henry Houghton Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick Maxey McCutchan McKnight Middleton Mills Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—77.

NAYS—none.

Mr. Epperson presented the petition of David Andrews. Referred to committee on Private Land Claims.

Mr. Wrede presented the petition of sundry citizens of New Braunfels. Referred to committee on State Affairs.

Mr. Lewter, one of the committee on Claims and Accounts, reported asking to be discharged from the further consideration of the petition of S. C. Blanton.

Mr. Lewis of M., chairman of committee on Agriculture, reported recommending the passage of the Senate's bill to incorporate the Planters Danologian Society of the county of Gonzales.

Mr. Armstrong, one of the committee on Probate Laws, reported a substitute for the bill to amend the act pertaining to estates of deceased persons, and recommended its passage.

Mr. Branch, chairman of committee, reported as follows :

To HON. M. D. K. TAYLOR,

*Speaker of the House of Representatives :*

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

A bill for the relief George W. King and H. C. Lazenby.

A bill legalizing the colony certificate of George Gochman.

A bill to incorporate the San Antonio College.

A bill to incorporate the Alamo College, and find the same correctly enrolled, properly signed, and this day been presented to the Governor for his approval and signature.

Mr. Hubbard introduced a bill for the relief of W. D. Langham. Read 1st time and referred to committee on Private Land Claims.

Mr. Bexter introduced a bill to incorporate the Hebrew Cemetery of the city of Marshall Texas. Read 1st time and referred to committee on State Affairs.

Mr. Ellett introduced a bill to incorporate the West Fork Bridge Company. Read 1st time and referred to committee on Roads Bridges and Ferries.

Mr. Warfield introduced a bill to incorporate the Greenville Institute. Read 1st time and referred to committee on Education.

Mr. Munson introduced a bill to provide for the investment of the Railroad Sinking Fund. Read 1st time and referred to committee on State Affairs.

Mr. Perry introduced a bill for the relief of the heirs of G. W. McGren, deceased, assignee of John Robinett. Read 1st time and referred to committee on Private Land Claims.

Mr. Walworth introduced a bill to incorporate the Brazos St. Iago Harbor and Rio Grande Canal Company. Read 1st time and referred to committee on Internal Improvements.

Mr. Mills introduced a bill to encourage Agriculture, Stock-

Raising, Mechanics, &c. Read 1st time and referred to committee on Stock and Stock-Raising.

Mr. Manly offered the following resolution :

*Resolved*, That the Speaker is hereby authorized to employ such assistance to the Enrolling and Engrossing clerks as may be necessary.

Mr. Henderson moved to amend by saying, and that the Enrolling and Engrossing clerk be dismissed.

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

Mr. Henderson moved to amend by saying, the assistance of one clerk.

On motion of Mr. Billingsley laid on the table.

Mr. Henderson moved to amend by saying, such clerk shall not receive more than \$5 00 per day. Lost.

Mr. Henderson moved to amend by saying, he shall not receive more than \$10 00 per day. Lost.

On motion of Mr. Buckley, the main question was ordered by the following vote, the yeas and nays being ordered on motion of Mr. Foscue :

YEAS—Messrs. Anderson Barclay Barnard Baxter Benevides Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Davis of H. Dickson Dougherty Duncan Ellett Epperson Flewellen Hall Hartley Henderson Henry Houghton Lewis of M. Lewis of R. Mabry Manly Martin Maverick Maxey McClarty Middleton Mills Mundine Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Speights Stewart Townes Wælder Waterhouse Whitfield Wortham and Wrede—55.

NAYS—Messrs. Caddell Cumby Dale Daniels Davis of B. Francis Foscue Harrison of C. Harrison of V. Z. Lewter Lynch Norton Shelton Warfield and Whitmore—15.

Mr. Henderson moved to reconsider the vote just taken.

On motion of Mr. Wælder, the motion of Mr. Henderson was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Henderson :

YEAS—Messrs. Anderson Barclay Barnard Benevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Davis of B. Dickson Dougherty Duncan Ellett Epperson Flewellen Franklin Hall Hartley Henry Houghton Hubert Lewis of R. Mabry Manly Martin Maverick McClarty Middleton Mills Mundine Munson Nelson Parker Perry Redgate Redwine Robinson Speights Stewart Townes Wælder Walworth Waterhouse Whitfield Wortham and Wrede—54.

NAYS—Messrs. Armstrong Cumby Dale Daniels Davis of H.

Francis Foscue Harrison of C. Lewis of M. Lewter Lynch Maxey McKnight Pirkey Shelton Warfield and Whitmore—18.

And the resolution adopted.

On motion of Mr. Baxter, the rule was suspended and the bill supplementary to the act to authorize the appointment of Commissioners to take the acknowledgement of deeds, depositions and other instruments of writing executed out of this State, approved May 8th, 1846, was taken up.

Mr. Buckley proposed to amend by striking out in the 1st section "during the pleasure of the Governor, and insert for a term of 4 years," and by striking out "common" in the 4th section and insert "stamped." Adopted, and the bill passed.

Mr. Mills moved to suspend the rule and take up the bill making appropriation for the protection of the frontier. Lost.

#### ORDERS OF THE DAY.

The resolution to change the order of the night sessions, was taken up, and on motion of Mr. Buckley laid on the table.

The resolution for the House to meet at 9 o'clock, A. M., taken up, and on motion of Mr. Henderson, laid on the table.

The resolution calling on the Governor to transmit certain documents relative to printing to the House, was taken up and adopted.

The resolution to restrict members to 5 minutes speaking at one time, was taken up.

Mr. Wælder moved to amend that the resolution shall only apply to evening sessions. Lost.

Mr. Buckley moved to amend by striking out "5 minutes," and inserting "2 minutes."

On motion of Mr. Dickson, the main question was ordered and the resolution adopted.

The resolution to make it obligatory to consider certain bills, till they were finally disposed of, was taken up.

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

The journals of January 17th, 1860, were taken up, and the House refused to adopt the pending motion to amend them, and the journals adopted.

Mr. Perry moved to take up bill 289. Lost.

The bill to amend the 4th, 8th, 15th and 18th sections of the Tax bill, was taken up.

Mr. Armstrong proposed to amend section 1st, 9th line, strike out "10" and insert "20." Rejected, and the bill passed.

Mr. Shannon, one of the committee on Judicial Districts, reported recommending the passage of the bill to reorganize the

16th Judicial District and define the times of holding courts therein.

Mr. Dickson, chairman of committee on Public Debt, reported adversely to the petition of Leslie Combs.

Bill to reorganize the Court of Claims, with pending amendments, was taken up.

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

A bill to incorporate the Houston Gas Company.

Bill to incorporate Washington County Cotton and Woolen Manufacturing Company.

And a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to procure the incorporation of Capt. John G. Todd of the late Navy of Texas, into the Navy of the United States.

Mr. Hall moved to lay the pending amendment to the Court of Claims bill on the table, and called for the yeas and nays, which stood as follows :

YEAS—Messrs. Anderson Baxter Benevides Branch Buckley Caddell Camp Clark Culberson Cumby Davis of E. Davis of H. Dennis Duncan Flewellen Hall Hartley Haynes Henderson Hubbard Hubert Lewis of M. Manly Maverick Maxey McClarty Middleton Munson Owens Perry Redgate Redwine Ross Shelton Speights Stewart Warfield and Wortham—38.

NAYS—Messrs. Armstrong Barclay Barnard Billingsley Bogart Craig Crawford Crooks Dale Daniels Edwards Ellett Epperson Francis Franklin Foscue Harrison of V. Z. Houghton Lewis of B. Lynch Martin McCutchan Mills Parker Robinson Shannon Short Townes Waterhouse Whitfield and Whitmore—31.

So the House laid the amendment on the table.

Mr. Buckley proposed to amend in line 16th, section 5, after "counter signed," insert "or a genuine Pöe certificate." Adopted.

Mr. Shannon proposed to amend as follows :

Sec 3. Lines 1 and 2 strike out the words, "the colonization laws of Coahuila and Texas or the Constitution and," and insert "the Statute" after the word "under."

Mr. Franklin offered a substitute for the amendment and 3rd section.

On motion of Mr. Shelton, the bill and proposed amendments was recommitted to the committee on Court of Claims, and made special order of the day for Saturday next, at 11 o'clock.

A message was received from the Senate informing the House that the Senate had passed a bill originating in the House, to

apportion the State into Senatorial and Representative districts, with 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.

The following named Senate bills, were taken up, read 1st time and disposed of as indicated :

Bill relinquishing certain lands therein named, to William M.

A substitute by the Senate for the House's bill for the relief of Iredell Redding, passed to 2nd reading.

Bill for the relief of heirs of James C. Gentry, deceased.

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

Bill to amend act to incorporate Bustrop College.

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

Bill to empower the Mayor and Aldermen of Galveston to issue bonds to build a bridge from the Island to the main land, &c., &c.

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

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

Bill to incorporate the Washington County Cotton and Woolen Manufacturing Company.

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

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Ben-  
vides Billingsley Bogart Branch Bryan Buckley Caddell Camp  
Craig Crawford Crooks Dale Daniels Davis of B. Davis of H.  
Dougherty Epperson Flewellen Francis Harrison of V. Z. Har-  
tley Haynes Houghton Hubbard Hubert Kinney Lewis of M.  
Lewis of R. Lewter Lynch Mabry Martin Maverick Maxey  
McClarty McCutchan McKnight Mills Mundine Nelson Norton  
Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon  
Short Smith Speights Townes Wælder Walworth Warfield  
Waterhouse Whitfield and Whitmore—63.

NAYS—none.

Bill to incorporate the Houston Gas Company. Referred to committee on State Affairs.

Mr. Crawford called up a bill to incorporate the Palestine Tap Railroad Company, which was read second time.

Mr. Dale proposed to amend by adding an additional section. Adopted, and bill ordered to be engrossed.

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Ellett Epperson Foscue Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Lewis of M. Lewter Lynch Mabry Martin Maverick McClarty McCutchan Mills Munson Nelson Norton Owens Parker Perry Redgate Redwine Ross Shannon Shelton Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—62.

NAYS—none.

Mr. Shannon called up the bill for the relief of Wilson Woods, which was read second time, and ordered to be engrossed.

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

Mr. Shelton called up the bill to incorporate the Texas Mutual Insurance, with report from the committee recommending amendments, which were adopted and the bill ordered to be engrossed.

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

YEAS.—Messrs. Speaker Anderson Armstrong Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Ellett Flewellen Francis Franklin Hall Harrison of C. Haynes Henderson Hubert Lynch Martin McClarty McCutchan Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Shannon Shelton Short Smith Speights Townes Walworth Warfield Waterhouse Whitmore and Wrede—55.

NAYS.—Messrs. Foscue, Houghton Lewis of M. Mundine and Munson—5.

Mr. Craig called up the bill to incorporate the Baptist State Convention, which was read second time and ordered to be engrossed.

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Benevides Billingsley Bogart Bryan Buckley Caddell Camp Craig



Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Martin Maverick McClarty McCutchan Munson Nelson Norton Owens Parker Perry Pirkey Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—61.

Mr. Camp called up the bill for the relief of heirs of M. Vega Delgado, which was read second time and ordered to be engrossed.

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

Mr. Lewis of R., moved to reconsider the vote passing the bill to provide for taking depositions.

On motion of Mr. Franklin a consideration of the motion to reconsider was postponed till 10 o'clock, to-morrow.

Mr. Short called up the bill for the relief of Daniel Hopkins, which was read second time and ordered to be engrossed.

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

Mr. Caddell called up the bill for the relief of James W. Parker *et al*, which was read second time, and the bill ordered to be engrossed.

[Mr. Redwine in the chair.]

Mr. Caddell moved to suspend rule and place bill on final reading. Lost.

Mr. Smith called up the bill to relinquish the State Tax for 1859 and 1860 to Orange county, to said county for the purpose of building a court house therein, which was read second time.

Mr. Wrede proposed to amend by adding "Gillespie County."

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

Mr. Mills proposed to amend by adding, Navarro.

Mr. Crooks moved the previous question. Lost, and the amendment adopted.

Mr. Nelson proposed to amend by adding the counties of Bosque, Corryell, Comanche, Erath, Palo Pinto and Lampasas.

Mr. Crooks proposed to amend by adding Red River county.

Mr. Billingsley moved to lay the bill and amendment on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Mills :

YEAS—Messrs. Speaker Anderson Billingsley Caddell Craig Crooks Daniels Dickson Epperson Franklin Foscue Harrison of

C. Harrison of V. Z. Haynes Lewis of R. Maverick McCutchan Middleton Parker Perry Redwine Shelton Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—30.

YAYS—Messrs. Armstrong Barclay Benevides Bogart Branch Bryan Buckley Crawford Clark Cumby Dale Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Flewellen Francis Hall Hartley Henderson Hubbard Kinney Lynch Mabry Martin McCutchan McKnight Mills Munson Nelson Norton Pirkey Ross Short Smith Speights and Wrede—40.

On motion of Mr. Short, the main question was ordered, which being on the engrossment of the bill, the yeas and nays were demanded on motion of Mr. Dickson, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Armstrong Barclay Benevides Branch Bryan Buckley Clark Crawford Cumby Dale Daniels Davis of B. Dennis Dougherty Duncan Edwards Ellett Flewellen Francis Hall Haynes Hubbard Kinney Lynch Mabry Martin Maxey McCutchan Mills Munson Nelson Norton Perry Ross Short Smith Speights Walworth and Whitmore—40.

NAYS—Messrs. Anderson Billingsley Bogart Caddell Craig Crooks Davis of H. Dickson Epperson Foscué Harrison of C. Harrison of V. Z. Houghton Maverick McClarty Middleton Parker Pirkey Redgate Redwine Shelton Stewart Townes Wælder Warfield Waterhouse Whitfield and Wrede—28.

A message was received from the Senate informing the House, that the Senate had passed, a bill to validate the county seal of Young county, and had refused to recede from their amendment to the House's bill to pay certain persons for arresting John T. Shanks. And had appointed Messrs. Lott, Hart and Guinn on a committee of conference and asked a like committee on part of the House.

Mr. Buckley called up the bill for the relief of Wm. Meaus, which was read second time and ordered to be engrossed.

Mr. Buckley moved to suspend the rule and place bill on final reading.

Mr. Franklin moved to adjourn till 10 o'clock, A. M., to-morrow. Lost, and the rule suspended, the bill read third time.

Messrs. Franklin and Crooks, rose and addressed the chair. The Speaker decided that Mr. Franklin was entitled to the floor.

Mr. Crooks appealed from the decision and the Chair was sustained.

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

HOUSE OF REPRESENTATIVES, }  
 Thursday, January 26th, 1860. }

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

Mr. Barnard presented the petition of Wm. M. Cook. Referred to committee on Public Lands.

Mr. Robinson presented the petition of the heirs of James A. Clayton, dec'd. Referred to the committee on Private Land Claims.

Mr. Short, one of the committee on State Affairs, reported, recommending the indefinite postponement of the bill to provide for the investment of the Railroad Sinking Fund.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, asking to be relieved from further consideration of the petition of thirty citizens of Montague county.

Also, reported a substitute for the bill to change the boundary lines between Comal and Hays counties, and recommended its passage.

Also, reported, asking to be discharged from further consideration of the petition of sundry citizens of Lavaca county.

Mr. Henderson, chairman of committee on Public Lands, reported, recommending the passage of the Senate's bill for the relief of Ewing Clayton.

Mr. Francis, one of the committee on Claims and Accounts, reported, asking to be discharged from further consideration of the petition of David Harris.

Mr. Baxter, one of the committee on State Affairs, reported, recommending the passage of the bill to incorporate the Hebrew Cemetery of Marshall.

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

Mr. Dennis, chairman of committee on State Affairs, reported a bill to provide for the completion of the survey of the boundary between Texas and the territories of the United States, and recommended its passage. Bill read first time.

Also, reported, asking that the bill to amend the sixth section of the act amendatory of the law to raise the revenue by taxation, be referred to committee on Finance. Report adopted.

Mr. Foscue, chairman of committee on Internal Improvements, to which was referred the bill to incorporate the Vicksburg and Western Texas Railroad Company, with a substitute, reported, recommending that the original bill be passed, with amendments: amend by adopting the name suggested in the substitute,

and by changing the Eastern terminus from the point named on the Louisiana line, to Jefferson, in Cass county.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill to validate bounty warrant No. 1738, for 240 acres of land.

[Mr. Nelson in the Chair.]

Mr. Shannon also reported, recommending the passage of the Senate's bill for the relief of E. B. Settle.

Also, reported, asking to be discharged from further consideration of the petition of Charlotte L. Simmons.

Mr. Lewis of M., chairman of committee on Agriculture, reported a bill defining the duties of officers and owners of steamboats; to declare certain acts penal, and prescribe the punishment thereof.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to amend the act to incorporate the Herman University, approved January 27th, 1844. And the bill for the relief of Thomas S. McFarland.

Mr. Bryan, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of L. T. Watkins, and recommended its passage. Read first time.

Mr. Daniels, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of W. L. Foster.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of W. D. Langham.

Also, reported, recommending the passage of the Senate's bill for the relief of the heirs of Mrs. Ellen M. Gibbs.

Mr. Mabry, one of the committee on Internal Improvements, reported, recommending the passage of the bill to revive and continue in force the act to incorporate the Jefferson Railroad Company.

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

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Bonevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Edwards Flewellen Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry