

Manly Martin Maverick McClarty McCutchan Mills Mundine
Munson Nelson Norton Owens Parker Perry Redgate Ross
Shannon Speights Stewart Townes Wælder Waterhouse Whit-
field Whitmore and Wortham—69.

NAYS—Messrs. Ellett Redwine and Shelton—3.

On motion of Mr. Flewellen, the rule was suspended, and the bill to incorporate the Washington County Collegiate Female Institute was taken up, read second time, and ordered to be engrossed.

Mr. Whitmore moved to suspend the rule, and take up bill No. 219. Lost.

Mr. Hartley introduced a bill to incorporate the Galveston Female Institute. Read first time, and referred to committee on Education.

Mr. Buckley introduced a bill to provide a uniform mode of incorporating academies, schools, &c. Read first time.

Mr. Buckley moved to suspend the rule, and place bill on second reading. Lost.

Mr. Mills moved to commit the bill to committee on State Affairs. Lost.

Mr. Davis of B., moved to commit to committee on Judiciary. Lost, and the bill passed to second reading.

The special order, to-wit: the reconsideration of the vote passing the bill supplemental to the act to authorize the appointment of commissioners to take acknowledgments of deeds, depositions and other instruments of writing, executed out of the State, approved May 8th, 1846.

Mr. Lewis of R., proposed to amend by adding after the words "in any foreign country," "except Mexico." Adopted, and bill passed.

The bill to amend the 2d, 5th, 8th and 9th sections of the bill to authorize the sale of the public domain was taken up.

Mr. Henderson proposed to amend as follows:

"And that no claim under this act shall be transferable or assignable until the rights to the lands shall be perfected."

Adopted by the following vote, the yeas and nays being ordered on motion of Mr. Mills:

YEAS—Messrs. Anderson Baxter Billingsley Branch Bryan Buckley Caddell Craig Clark Cumby Daniels Davis of B. Davis of H. Dennis Dickson Edwards Epperson Flewellen Franklin Fosene Hall Harison of C. Henderson Hubert Lewis of M. Lewis of R. Mabry Martin Maverick McClarty Munson Pirkey Redgate Redwine Robinson Ross Shelton Short Stewart Townes and Whitfield—41.

NAYS—Messrs. Speaker Armstrong Barclay Barnard Benevides Bogart Camp Crawford Culberson Dale Dougherty Duncan Ellett Francis Harrison of V. Z. Haynes Houghton Hubbard Lewter Lynch Maxey McCutchan McKnight Middleton Mills Nelson Norton Owens Parker Perry Shannon Waelder Walworth Warfield Waterhouse and Whitmore—35.

Mr. Hall proposed to amend by adding :

“Provided that this act shall not apply to any of the lands appropriated for Indian purposes.”

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

Mr. Buckley proposed to strike out “fifty cents,” and insert “one dollar and twenty-five cents,” as price of fractional sections along the line of the road.

On motion of Mr. Culberson, the main question was ordered, and the bill passed to a third reading.

And on motion of Mr. Culberson, the rule was suspended, bill read third time and passed.

The bill to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers, with report from committee, recommending amendments, was taken up, and the amendments adopted.

[Mr. Franklin in the Chair.]

Mr. Nelson proposed to amend by striking out the eleventh section. Adopted.

A message was received from the Senate informing the House that the Senate had passed a bill to incorporate the Navarro County Agricultural and Mechanical Association.

And had concurred in the House's amendment to Senate's bill to incorporate the Air Line Railroad Company.

Also, had passed the House's bill to incorporate the German-English School of San Antonio, with amendments.

Mr. Shelton, one of the committee on Education, by permission, reported, recommending the passage of the bill to incorporate the Greenville Institute.

A message was received from the Governor.

Mr. Franklin moved to strike out the first section of the bill under discussion.

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

Mr. Franklin moved to reconsider the vote. Lost.

On motion of Mr. Craig, Mr. Franklin was added to committee on Court of Claims.

Mr. Mabry proposed to amend the bill before the House, by striking out from fifth word in second line of sixth section, to the third word in third line.

On motion of Mr. Mills, the bill was made the special order for 3 o'clock, P. M.

A message was received from the Senate informing the House that the Senate had passed a bill to reorganize the Court of Claims.

On motion of Mr. Mills, said bill was referred to committee on Court of Claims.

Mr. Nelson moved that a committee of Conference be appointed on the bill to pay certain persons for arresting John T. Shanks, &c. Carried.

Committee on Enrolled Bills reported as follows :

COMMITTEE ROOM, }
Jan. 26, 1860. }

TO THE 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 entitled an act making an appropriation to pay assessors and collectors for taking the scholastic census for the year 1859.

A bill to incorporate the McKenzie Male and Female College.

A bill to amend an act amendatory of, and supplemental to an act to encourage the improvement of the navigable waters of Texas, by making appropriations for the same, approved August 23d, 1856.

A bill to incorporate the Prairie Lea Female Institute, located at Prairie Lea.

A 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.

A bill to incorporate the Jacksonville and Neches Bridge Company.

A bill entitled an act to repeal the 17th section of an act to regulate railroad companies, approved February 7th, 1859.

A bill to incorporate the San Antonio Gas Company.

A bill to authorize the use of the United States bonds, set apart for the University, to meet the appropriation for frontier protection.

And the bill to authorize the mayor and aldermen of Galveston to issue bonds to build bridges from the Island to the main land, &c.

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

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 bill relative to land titles between the Nueces and Rio Grande rivers, with proposed amendment by Mr. Mabry, was again taken up, and the amendment adopted.

Mr. Franklin proposed to amend by striking out all after "1836," in fourth line of section first, to "may file," in the sixth line.

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

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

YEAS—Messrs. Speaker Barclay Baxter Benevides Bogart Branch Buckley Camp Clark Culberson Davis of B. Davis of H. Dougherty Duncan Epperson Franklin Hall Hartley Haynes Henderson Henry Houghton Lynch Manly Martin Maverick Maxey Middleton Mundine Parker Robinson Shannon Stewart Walworth and Whitmore—35.

NAYS—Messrs. Anderson Barnard Billingsley Crawford Dale Daniels Dickson Harrison of V. Z. Hubert Mabry McClarty McKnight Nelson Norton Perry Redgate Redwine Ross Shelton Short Speights Townes Waterhouse Whitfield and Wortham—25.

Mr. Lewis of R., proposed to amend by adding an additional section, to-wit :

"Sec. —. That settlers on eleven league grants and other old claims, shall have the right to plead anything that the State could plead to defeat said titles, whenever a suit may be pending involving said eleven leagues : provided, that this shall not be so construed as to interfere with any settler who holds under an eleven league grant."

After a discussion the amendment was withdrawn.

Mr. Franklin proposed to amend by adding at end of the first section : "That no decree or decision of the district court shall be held as vesting the fee in the land until each several title which the court may decree to be an existing and valid claim, shall be confirmed by the Legislature."

[Mr. Dickson in the Chair.]

Mr. Mills moved the previous question.

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

Mr. Mills withdrew his motion for the previous question, and on motion of Mr. Haynes, the call of the House was suspended.

Mr. Crooks, chairman of committee 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:

House amendments to a Senate's bill entitled an act to incorporate the Columbus Tap Railway Company.

A bill granting to R. B. Francis the right to construct a bridge.

A bill for the relief of Sarah Mills.

A bill to authorize J. L. Brown to construct a bridge across the Sabine river.

A bill for the relief of the heirs of Wm. L. Fleming, a settler in Mercer's Colony.

A bill to be entitled an act for the endowment of professorships in the colleges, academies, &c., of Texas.

A bill for the relief of Wm. D. Woodey.

A bill to incorporate the Trinity Valley Railroad Company.

A bill to be entitled an act for the relief of Thomas S. McFarland.

A bill to encourage the establishment of manufactories in Texas.

A bill to be entitled an act to authorize the issuance of a duplicate of Leeper Willoughley's donation warrant.

A bill for the relief of John T. Wilson, J. N. Robertson, and the heirs of Mark Copeland, dec'd.

A bill for the relief of Richard B. Wardroup.

A bill appropriating five leagues of land to each county of the State, for the support and maintenance of free public schools.

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

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

YEAS—Messrs. Speaker Anderson Armstrong Benevides Bogart Branch Bryan Buckley Caddell Camp Crooks Culberson Davis of B. Davis of H. Epperson Hall Hartley Haynes Henry Hubert Kinney Lynch Manly Maverick Middleton Mills Mundine Norton Owens Parker Pirkey Redgate Robinson Shannon Stewart Wælder Walworth and Whittfield—38.

NAYS—Messrs. Barclay Barnard Baxter Billingsley Craig Crawford Clark Dale Daniels Dickson Edwards Flewellen Francis Franklin Harrison of V. Z. Houghton Lewis of M. Mabry McClarty McCutchan Perry Redwine Ross Shelton Short Smith Speights Warfield Waterhouse Whitmore and Wortham—31.

Mr. Branch proposed to amend section 5 line 2, strike out "10" and insert \$25 for each and every league claimed by the petitioner if the action is decided in his favor, and double that fee if the action is decided against him or if a non-suit is taken.

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

Mr. Haynes proposed to amend the amendment as follows: "\$10 for each and every league claimed by petitioner."

Mr. Branch accepted the amendment, and the House rejected the amendment as amended.

Mr. Franklin proposed to strike out "might" in 16th line, section 1, and insert "would." Adopted.

Also, proposed to amend by striking out "and the decisions of the Supreme Court of this State" in 13th and 14th lines, section 1. Adopted.

Mr. Mabry offered a substitute for the 6th section. Adopted.

The question being on the engrossment of the bill.

Mr. Caddell called for the reading.

On motion of Mr. Mills, the reading was dispensed with.

Mr. Franklin protested against a majority of the House dispensing with the reading of any document when such reading was called for.

The bill was ordered to be engrossed by the following vote, the yeas and nays being ordered on motion of Mr. Wortham:

YEAS—Messrs. Speaker Benevides Bogart Branch Bryan Buckley Camp Crooks Culberson Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Hall Hartley Haynes Henry Houghton Kinney Lynch Mabry Manly Maverick McKnight Mills Mundine Munson Norton Owens Parker Robinson Shannon Smith Stewart Townes Wælder and Walworth—41.

NAYS.—Messrs. Anderson Armstrong Barclay Barnard Baxter Caddell Craig Crawford Clark Cumby Daniels Dickson Franklin Harrison of V. Z. Lewis of M. Lewis of R. Maxey McClarty McCutchan Middleton Nelson Perry Redgate Redwine Ross Shelton Speights Warfield Whitfield Whitmore and Wortham—31.

The following messages from the Governor were taken from the Speaker's table, read, and disposed of as indicated:

EXECUTIVE DEPARTMENT, }
January 26th, 1860. }

To the Hon. Speaker of the

House of Representatives:

In compliance with the resolution passed on the 26th instant, by the House of Representatives, I transmit copies of the bids

offered for the Public Printing ; also a copy of the bond made by John Marshall, to whom the contract was awarded.

SAM HOUSTON.

Referred to committee on Public Printing.

EXECUTIVE DEPARTMENT, }
January 21st, 1860. }

*Gentlemen of the Senate
and House of Representatives :*

In obedience to the resolution of the House, passed January 16th, I hereby transmit you the report of the Comptroller, showing the amount of the appropriation of \$5000 made for the purpose of removing the Coshatee Indians, yet on hand ; as also the amount drawn by James Barclay, the removing agent, which last payment you will observe was made December 13th, 1859. The enclosed papers will give you all the information I have in my possession.

SAM HOUSTON.

Referred to committee on Indian Affairs.

Mr. Wælder moved to suspend rule and take up the bills to change times of holding courts in the 18th, 19th, 16th, 19th and 14th Judicial District.

The bill relative to the 18th District was taken up.

Mr. Wælder proposed a substitute for 1st section. Adopted, and bill ordered to be engrossed.

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

The bill to change time of holding courts in the 16th Judicial District was taken up, read second time.

Mr. Mills offered a substitute for the bill.

On motion of Mr. Shannon bill and substitute referred to committee on Judicial Districts.

Bill to fix time of holding courts in 10th and 14th District, with report from committee recommending substitute, was taken up Substitute adopted, and ordered to be engrossed,

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

The bill to fix time of holding courts in 19th Judicial District was taken up, read second time, and ordered to be engrossed.

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

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

7 o'clock, P. M.

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

On motion of Mr. Lewter the rule was suspended, and the bill

for the relief of W. D. Laugham was taken up, read second time, and ordered to be engrossed.

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

Mr. Ross, one of the committee on Revenue Laws, reported, recommending the passage of the bill relinquishing the State tax to certain counties therein named.

Mr. Mills moved to suspend the rule, and take up the bill to confirm the title of certain lands to Wm. M. Love. *Lost.*

Mr. Dennis, as chairman on State Affairs, was permitted to withdraw the report on the boundary between the United States and Texas.

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

Bill to validate county seal of Young county. Referred to committee on Counties and County Boundaries.

Joint Resolution instructing our Senators and requesting our Representatives to use their influence to procure the incorporation of Capt. J. G. Todd into the navy of the United States. Passed to second reading.

Bill supplemental to the act to permit county of Brazoria to levy special tax, &c. Referred to committee on State Affairs.

Mr. Speights called up the bill for the relief of B. H. Zachary, which was read second time and ordered to be engrossed.

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

Mr. McKnight offered the following resolution :

Resolved, That the Chief Clerk be authorized and required to revise the proof-sheets of the Journals of the House, and that the Public Printer be authorized to furnish the same as fast as possible for that purpose. Referred to committee on Public Printing.

Mr. Bryan called up the bill to change the boundary line between Hardin and Liberty counties, which was read second time, and ordered to be engrossed.

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

On motion of Mr. Smith the yeas and nays were ordered on the final passage of the bill, and the bill passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Ben-evides, Billingsly, Bogart, Bryan, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Cumby, Dale, Davis of H., Dougherty, Duncan, Epperson, Flewellen, Hartly, Haynes, Henderson, Hub-

bird, Hubert, Lynch, Manly, Maverick, Maxey, McClarty, Mills, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Speights, Stewart, Townies, Walworth and Whitfield—46.

NAYS—Messrs. Barclay, Branch, Crawford, Daniels, Davis of B., Dickson, Francis, Harrison of V. Z., Martin, McOutchan, Middleton, Mundine, Norton, Shelton, Short, §Smith, Warfield, Waterhouse and Whitmore—19.

Mr. Stewart called up the bill for the relief of heirs of Jno. E. Ross, which was read third time and ordered to be engrossed.

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

Mr. Clark, one of the committee on Engrossed Bills, reported correctly; engrossed the bill for the relief of Wm. Means.

The House having adjourned last night with this bill under consideration, therefore it was read third time and passed.

Mr. Bogart called up the bill for the relief of Myram Mudgett.

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

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

Mr. Branch called up the bill to authorize the Board of Aldermen of the town of Huntsville and Tyler to levy a license tax in certain cases, which was read second time, and ordered to be engrossed.

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

Mr. Townes called up the Senate's bill for the relief of Joseph Turner, which was read second time and passed to third reading.

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

Mr. Billingsley called up the bill to incorporate the LaGrange Casino, with report from committee recommending amendments, which was adopted. Bill read second time.

Mr. McKnight proposed to amend by adding "that this charter shall continue twenty-five years."

Mr. Norton moved to lay the amendment on the table. Lost. And the amendment adopted, and the bill ordered to be engrossed.

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

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Culberson, Cumby,

Dale, Daniels, Davis of B., Dickson, Edwards, Epperson, Flewellen, Francis, Harrison V. Z., Hartley, Houghton, Hubbard, Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McClarty, McCutchan, Middleton, Mills, Mundine, Munson, Norton, Owens, Parker, Perry, Redwine, Ross, Shannon, Short, Smith, Speights, Stewart, Wælder, Warfield, Waterhouse, Whitfield and Whitmore—59.

NAYS—Messrs. Davis of H., and Foscue.

Mr. Wælder called up the bill to incorporate the Alamo Fire Insurance Company, which was read second time.

Mr. Manly moved to amend by saying "except in capital cases." Adopted, and ordered to be engrossed, and bill read third time and passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Billingsley, Bogart, Bryan, Buckley, Camp, Craig, Crawford, Culberson, Cumbly, Dale, Daniels, Davis of H., Dennis, Dougherty, Epperson, Flewellen, Foscue, Harrison of V. Z., Hartley, Henderson, Hubbard, Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McClarty, McCutchan, Middleton, Mills, Mundine, Munson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Shannon, Short, Smith, Speights, Stewart, Townes. Wælder, Warfield, Waterhouse, Whitfield and Whitmore—56.

NAYS—Messrs. Caddell, Crooks, Francis, Ross and Shelton—5.

Mr. Benevides called up the bill to incorporate the Richmond Insurance Company, 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 by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Billingsley Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Clark Dale Daniels Davis of B. Dennis Dickson Dougherty Epperson Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Kinney Lewter Mabry Manly Martin Maverick McClarty McCutchan McKnight Middleton Mills Munson Norton Parker Perry Ross Short Smith Speights Stewart Townes Wælder Warfield Waterhouse Whitfield and Whitmore—56.

NAYS—Messrs. Davis of H. Owens Redwine and Shelton—4.

Mr. Baxter called up the bill supplemental to the act to incorporate the city of Marshall, which was read second time and ordered to be engrossed.

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

Mr. Warfield called up the bill for the relief of John Ricord, which was read second time.

The Speaker announced Messrs. Nelson, Hubbard and Mills as committee of Conference on the bill to pay certain persons for arresting and bringing one John T. Shanks to justice.

Mr. Parker proposed to amend the bill before the House, by striking out "\$2104 17," and insert "\$625 17."

Mr. Hartley proposed to substitute the amendment by striking out "\$2104 17," and inserting "\$1000."

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

HOUSE OF REPRESENTATIVES, }
Friday, January 27th, 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 :

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 be entitled an act to incorporate the Waco Classical School.

A bill for the relief of the heirs of Jas. Bowie, deceased.

A bill for the relief of Thos. J. Smith of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

A bill to be entitled an act to prevent the sale of vinous, spirituous or other intoxicating liquors within one mile of the towns of New London in Rusk county, Neal's Station in Parker county and Mount Enterprise in Rusk county.

A bill to be entitled an act for the relief of Dan'l. Hopkins.

A bill to be entitled an act for the relief of Matiana Vega Delgado.

A bill to be entitled an act to regulate estrays.

A bill to be entitled an act for the relief of Wilson Woods.

A bill to be entitled an act, to incorporate the Richmond Insurance Company.

A bill for the relief of W. D. Langan.

Bill for the relief of J. E. Ross, and

Bill to reorganize 16th judicial district.

On motion of Mr. Ellett, the bill relinquishing State tax to

Denton county was referred to committee on State Affairs.

Mr. Redgate presented the petition of George D. Shrew, deceased. Referred to committee on Private Land Claims.

Mr. Taylor of Cass, presented the petition of J. F. Miller. Referred to committee on Education.

Mr. Dennis, chairman of committee on State Affairs, reported a bill granting use of certain reserved lands to D. L. Cross, and recommended its passage. Bill read first time.

Also, reported, recommending the passage of the Senate's bill to incorporate the Houston Gas Company.

Also, reported a bill to provide for completion of survey, of the boundary line between Texas and territories of the United States, and recommended its passage.

Mr. Foscue dissenting from report.

Mr. Munson, one of the committee on Education, reported, recommending the passage of the bill to incorporate the Galveston Female Institute.

Mr. Shannon, one of the committee on Judicial District, reported a substitute to the bill to reorganize the 16th judicial district, &c., and recommended its adoption.

On motion of Mr. Shannon, the rule was suspended, and the substitute adopted. Bill read second time and ordered to be engrossed.

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

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

Bill to authorize the corporate authorities of the town of Dangerfield, to tax ten-pin alleys, &c., &c.,

Bill to amend the act, to incorporate the Paine Female Institute.

And the following House's bills:

Bill to legalize the marriage between C. B. and M. E. Wood.

Bill for the relief of Andrew Mason assignee of Robert H. Andrews.

Bill to incorporate Texas and Mexican Railroad Company, with amendments.

And bill to fix times of holding courts in 12th judicial district.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, recommending the passage of the Senate's bill to validate the county seal of Young county.

On motion of Mr. Ellett, the rule was 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.

Mr. Ross also reported a substitute for the bill to define the boundaries of Calhoun county and recommended its passage.

Mr. Davis of H., reported a bill to regulate duties of Commissioner of General Land Office, &c., &c., and recommended its passage.

On motion of Mr. Davis of H., the rule was suspended, bill read second time.

Mr. Dougherty proposed to amend by inserting among the exceptions the "2nd of March and 21st of April." Adopted.

Mr. McClarty proposed to amend by inserting from "9 A. M. until 5 P. M." Rejected, and the bill ordered to be engrossed.

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

Mr. Edwards, one of the committee on Counties and County Boundaries, reported a bill to change line between Blanco and Kerr counties, and recommended its passage. Bill read first time.

On motion of Mr. Nelson, the rule was suspended, and the Senate's bill making appropriation for protection of frontier, was taken up, read second time and passed to third reading.

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

On motion of Mr. Crawford the bill to authorize the heirs, representatives and relatives of deceased persons, to sue for and recover damages, where the death of such person has been caused by neglect, &c., was taken up, read second time and ordered to be engrossed.

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

Mr. Norton introduced a bill to incorporate Ceder Grove Male and Female Institute in Kaufman county. Read first and referred to committee on Education.

Mr. Epperson offered the following resolution:

Resolved, That 7500 copies of the Governor's message upon the South Carolina resolutions, be printed in English, and 1,500 in Spanish and like number in German. Adopted.

Mr. Foscoe gave notice that he would move to reconsider the vote adopting the resolution.

The House's bill to incorporate the Texas and Mexican Railway Company, with amendments by the Senate, was taken up, and the amendments concurred in by two-third vote.

The House's bill to apportion the State into Senatorial and

Representative districts, with amendments by the Senate, was taken up.

Mr. Hubbard moved to take the amendments up seriatim.

Mr. Henderson moved to concur in the Senate's amendments.

Mr. Harrison of C., moved the previous question, which was seconded.

The question then being: shall the main question be now put, the yeas and nays were ordered on motion of Mr. Harrison of V. Z., and stood thus:

YEAS.—Messrs. Speaker Anderson Barclay Baxter Benevides Bogart Branch Buckley Crawford Davis of H. Duncan Ellett Epperson Flewellen Francis Foscue Hall Harrison of C. Haynes Henderson Houghton Hubert Lewis of M. Lewis of R. McCutchan Mills Mundine Munson Nelson Norton Owens Pinkey Redgate Stewart and Townes—37.

NAYS.—Messrs. Barnard Billingsley Bryan Caddell Camp Craig Crooks Clark Culberson Cumby Dale Daniels Davis of B. Dougherty Edwards Franklin Harrison of V. Z. Hartley Hubbard Mabry Martin Maverick McClarty McKnight Parker Perry Redwine Robinson Ross Shannon Shelton Short Smith Speights Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—42.

The House refused to order the main question, the question recurring on the motion to concur in the amendments, the House concurred in the amendment by the following vote:

YEAS.—Messrs. Speaker Anderson Barclay Barnard Baxter Benevides Bogart Branch Buckley Crawford Crooks Clark Cumby Davis of B. Davis of H. Dennis Dickson Epperson Flewellen Francis Foscue Hall Harrison of C. Hartley Henderson Houghton Hubert Kinney Lewis of M. Lewis of R. Lynch Martin Maxey McCutchan McKnight Middleton Mills Nelson Norton Pinkey Redgate Redwine Robinson Ross Shannon Stewart Townes Walworth and Whitfield—49.

NAYS.—Messrs. Armstrong Billingsley Bryan Caddell Camp Craig Culberson Dale Daniels Dougherty Duncan Edwards Ellett Franklin Harrison of V. Z. Hubbard Mabry Mabry Maverick McClarty Mundine Munson Parker Perry Shelton Short Smith Speights Wælder Warfield Waterhouse Whitmore Wortham and Wrede—34.

Mr. Dale gave notice that he would enter a protest against the concurrence.

The House's bill to incorporate the German-English School of San Antonio, with amendment by the Senate was taken up, and the amendments concurred in.

On motion of Mr. Cumby, the rule was suspended, and the bill to amend 1st and 2nd section of the act to indemnify owners of executed slaves, was taken up.

Mr. Flewellen proposed to amend as follows :

“ Provided, that the owner shall employ council for the defense of the accused slave or slaves.”

Mr. Davis of H., offered the following as a substitute :

“ Amend by giving the owner the appraised value of said slave or slaves so executed : provided, the owner shall employ council for the defence of said slave.”

A message was received from the Senate informing the House that the Senate had passed House's bill for relief of Jno. Hearn.

And the bill for the relief of Mrs. Wm. Gamble, late widow of Jno. Carroll.

Mr. Flewellen accepted the substitute for his amendment.

Mr. Buckley proposed to amend by striking out the full value and inserting two-thirds thereof.

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

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

YEAS.—Messrs. Speaker Anderson Barclay Baxter Benevides Bryan Buckley Caddell Craig Clark Culberson Cumby Dale Daniels Davis of H. Dennis Dougherty Duncan Epperson Flewellen Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartly Haynes Henderson Houghton Hubbard Mabry Manly Martin Maxey McClarty McKnight Mills Parker Pirkey Redgate Redwine Robinson Ross Short Townes Wælder Waterhouse and Wortham—48.

NAYS.—Messrs. Billingsley Edwards Lewis of M. Maverick Mundine Munson Nelson Norton Shannon Shelton Walworth Warfield and Whitmore—13.

Mr. Flewellen moved to suspend the rule, bill read third time. Lost.

Mr. Davis of H. moved to reconsider the vote engrossing the bill.

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 moved that the ruling of the Speaker as regards

the closing of the lower doors of the Hall, during the evening session, be hereafter the rule of the House.

Mr. Armstrong offered the following as a substitute for the motion.

Resolved, That no person be permitted within the House hereafter unless it be persons interested in the private measures of the night session.

A message was received from the Governor.

On motion of Mr. Davis of B. the main question was ordered

The main question being on the motion of Mr. Dickson and the motion carried by the following vote :

YEAS—Messrs. Anderson Armstrong Barclay Barnard Bogart Bryan Buckley Caddell Crawford Dale Daniels Davis of B. Davis of H. Dickson Dougherty Edwards Franklin Hamison of Cherokee Harrison of V. Z. Haynes Houghton Hubbard Hubert Lynch McCutchan McKnight Mundine Nelson Owens Parker Redwine Ross Shannon Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitmore Whitfield and Wrede—44.

NAYS—Messrs. Baxter Benevides Billingsly Branch Camp Crooks Clark Culberson Cumby Dennis Duncan Elliott Epperson Flewellen Hall Hartley Henry Manly Maverick Maxey McClarty Perry Speights and Wortham—24.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to ascertain and adjudicate certain legal claims for land against the State, between the Nueces and Rio Grande rivers.

Mr. Hubbard moved to invite the Hon. Messrs. Jas. C. Young, L. D. Evans and John Ricord, to seats on the floor of the Hall.

Mr. Billingsley moved to lay the motion on the table. Lost, and the motion carried.

Mr. Maxey, chairman of committee on Enrolled Bills, reported correctly enrolled, the bill to incorporate Washington County Cotton and Woolen Manufacturing Company, and that the same had been presented to the Governor for approval and signature.

The House's bill to incorporate the Western Texas Life, Fire and Marine Insurance Company, with amendments by the Senate, was taken up and the amendments concurred in.

Senate's bill for the relief of the heirs of Jas. G. Gentry, deceased, taken up, read first time and referred to committee on Private Land Claims.

Senate's bill to allow authorities of Dangerfield to tax ten-pin alleys, pistol galleries &c., taken up, and read first time

On motion of Mr. Nelson, rule suspended, bill read second time.

On motion of Mr. Perry, the towns of Fairfield, Freestone county, and Springfield, Limestone county, were added, and the bill passed to third reading.

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

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

Bill for the relief of Myram Mudget, Daniel Kitchings, A. L. Spencer and E. G. Coatwell.

Bill for the relief of Gwynn Morrison, assignee of John Sharp.

Bill for the relief of J. W. Parker, M. C. Bowman, C. B. Stubbins and Elizabeth Kellog.

Bill to incorporate Alamo Fire Insurance Company.

Bill to incorporate Trustees of Baptist State Convention.

Bill to incorporate Washington Collegiate Female Institute.

Bill to incorporate the Texas Mutual Insurance Company at Boston.

Bill to relinquish State tax to Orange county for years 1859 and 1860.

Bill to repeal the act, to change the times of holding courts in the 10th and 14th Judicial districts, &c.

And the bill to revise the act to incorporate the La Grange Collegiate Institute, approved February, 14th, 1852, and to change name of said institute to that of Ewing College.

Mr. Flewellen, by permission introduced a bill, providing for the erection of a monument over A. S. Lipscomb. Read first time and referred to committee on State Affairs.

The Senate's bill to incorporate the Navarro county Agricultural and Mechanical Association, was taken up, and read first time.

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

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Bogart Branch Bryan Camp Crawford Crooks Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Francis Franklin Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Hubert Lynch Mabry Manly Martin Maverick Maxey McClarty McCutchan McKnight

Munson Norton Parker Perry Redwine Robinson Shannon Short Smith Stewart Townes Walworth Warfield Waterhouse Whitfield Wortham and Wrede—62.

YEAS.—Messrs. Billingsley Buckley Caddell Foscue Henry Lewis of M. Middleton Maudine Owens Ross and Whitmore—11.

The bill for the relief of John Ricord, with pending amendments was again taken up.

Mr. Hartley withdrew his amendment.

Mr. Dennis offered the following substitute for the pending amendment :

“Strike out \$2,104 16 and insert \$1,325.” Adopted, and the amendment adopted by the following vote, the yeas and nays being ordered on motion of Mr. Culberson :

YEAS.—Messrs. Armstrong Barnard Baxter Benevides Billingsley Bogart Branch Bryan Buckley Camp Crawford Crooks Clark Cumby Daniels Davis of H. Dennis Duncan Ellett Epperson Flewellen Francis Franklin Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Henry Houghton Hubert Lewis of M. Lewis of R. Mabry Manly Martin Maverick McClarty McKnight Middleton Mills Munson Owens Parker Perry Redwine Robinson Short Smith Speights Stewart Townes Wælder Walworth Warfield Whitfield Wortham and Wrede—60.

NAYS.—Messrs. Speaker Anderson Caddell Culberson Dale Davis of B. Dickson Dougherty Hall Hubbard Kinney Lynch McCutchan Maudine Norton Shannon Waterhouse and Whitmore—18.

The question recurring on the engrossment of the bill, the yeas and nays were demanded by Mr. Dickson, and the bill ordered to be engrossed by the following vote :

YEAS.—Messrs. Armstrong Barnard Benevides Billingsley Bogart Branch Buckley Camp Crooks Clark Cumby Davis of H. Dennis Dougherty Duncan Edwards Ellett Epperson Franklin Hall Haynes Hubert Kinney Manly Martin Maverick McClarty Mills Munson Robinson Ross Short Smith Townes Wælder Warfield Whitfield Wortham and Wrede—40.

NAYS.—Messrs. Speaker Anderson Barclay Caddell Crawford Culberson Dale Davis of B. Dickson Flewellen Francis Harrison of C. Harrison of V. Z. Henderson Hubbard Lewis of R. Lewis of M. Lynch Mabry Maxey McCutchan McKnight Middleton Maudine Norton Owens Parker Perry Pirkey Redwine Shannon Speights Stewart Walworth Waterhouse and Whitmore—37.

Mr. Davis of H., moved to reconsider the vote agreeing to

Senate's amendment to the apportionment bill, and to postpone it till to-morrow, 10 o'clock.

Mr. Henderson moved to lay the motion on the table.

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

YEAS.—Messrs. Anderson Barclay Barnard Baxter Bogart Buckley Crawford Crooks Culberson Cumby Daniels Dennis Dickson Flewellen Francis Foscoe Hall Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Lewis of M. Lewis of R. Lynch Mabry McCutchan Middleton Mills Munson Nelson Norton Perry Pirkey Redwine Robinson Ross Shannon Stewart Townes Walworth Warfield Whitfield and Wortham—44.

NAYS.—Messrs. Speaker Armstrong Benevides Billingsly Branch Bryan Caddell Camp Clark Dale Davis of H. Dougherty Duncan Ellett Epperson Franklin Haynes Hubert Hubbard Kinney Manly Maverick McClarty McKnight Mundine Parker Short Smith Speights Wælder Waterhouse, Whitmore and Wrede—33.

Mr. Walworth called up the bill to ascertain and adjudicate certain legal land claims against the State, between the Nueces and Rio Grande rivers, which was read third time.

Mr. Haynes proposed to amend by striking out \$10 in the fifth section and inserting \$25.

Mr. Henderson proposed to amend the amendment by striking out \$10 and inserting \$100. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Henderson :

YEAS.—Messrs. Bogart Crawford Daniels Harrison of V. Z. Henderson Manly Maxey McClarty Nelson Perry Ross Short and Whitmore—13.

NAYS.—Messrs. Speaker Anderson Barclay Barnard Benevides Billingsley Bryan Buckley Caddell Clark Culberson Davis of B. Davis of H. Dougherty Duncan Edwards Ellett Epperson Francis Franklin Hall Haynes Henry Houghton Hubbard Hubert Kinney Lewis of R. Lynch Mabry Martin Maverick McCutchan McKnight Middleton Mills Mundine Munson Norton Owens Parker Robinson Phannon Smith Stewart Wælder Warfield Whitfield Wortham and Wrede—49.

Mr. Edwards moved to amend by saying \$25 for every league.

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

Mr. Nelson proposed to amend by striking out \$25 and inserting \$50. Lost by the following vote, Mr. Perry calling for the yeas and nays:

YEAS.—Messrs. Anderson Barclay Billingsley Bogart Crawford Daniels Davis of B. Davis of H. Edwards Franklin Har-

riſon of V. Z. Hartley Henderson Nelson Perry Pirkey Redwine
Ross Short Warfield Waterhouse and Whitmore—22.

NAYS—Messrs. Speaker Barnard Baxter Benevides Buckley
Caddell Camp Crook Clarks Culberson Cumby Dougherty Duncan
Ellett Epperson Francis Hall Haynes Houghton Hubbard
Hubert Lewis of R. Lynch Mabry Manly Martin Maverick
McClarty McCutchan Middleton Mundine Norton Owens Par-
ker Robinson Shannon Speights Stewart Wælder Walworth
Whitfield Wortham and Wrede—43.

Mr. Edwards offered the following as a substitute :

“That the Governor of the State appoint an attorney to
to defend the interest of the State, and that the claimant pay
such an attorney as his fee \$25 for each league of land claimed
under these provisions of this law, and \$25 fee, for less quantity
than a league.”

Mr. Epperson moved the previous question.

Mr. Franklin moved a call of the House. Lost.

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

HOUSE OF REPRESENTATIVES, }
Saturday, January 28th, 1860. }

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

Mr. Foscue moved to reconsider the vote adopting the reso-
lution ordering the printing of a certain number of the Gover-
nor's Message on the South Carolina Resolutions.

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

YEAS—Messrs. Speaker Anderson Barnard Bryan Caddell
Craig Cumby Dale Daniels Davis of B. Dennis Dougherty
Francis Foscue Harrison of C. Harrison of V. Z. Houghton
Hubbard Lynch McClarty McKnight Mundine Nelson Norton
Parker Perry Pirkey Redwine Ross Shelton Short Stewart
Townes Walworth and Wortham—36.

NAYS—Messrs. Armstrong Baxter Benevides Bogart Branch
Buckley Camp Crawford Crooks Clark Dickson Duncan Ed-
wards Epperson Flewellen Hall Hartley Haynes Henderson
Henry Lewis of M. Lewis of R. Mabry Manly Maverick Maxey
McCutchan Middleton Munson Owens Redgate Robinson Shan-
non Smith Speights Wælder Warfield Waterhouse Whitfield
and Whitmore—40.

The House refusing to reconsider the vote.

Mr. Mabry, chairman of committee on Enrolled Bills, reported, properly enrolled and signed, the following named bills :

Bill to incorporate Air Line Railroad Company.

Bill for the relief of Mrs. Wm. Gamble, late widow of Jno. Carroll.

Bill to establish the time of holding courts in 12th Judicial District.

Mr. Craig, chairman of committee on Court of Claims, reported, a bill to reorganize the Court of Claims, &c., and recommended its passage.

Mr. McClarty, one of the committee on Education, reported, recommending the passage of the bill to incorporate Cedar Grove Male and Female Institute.

Mr. Foscoe, one of the committee on State Affairs, reported a bill to repeal the act declaring Bear Creek a navigable stream, and recommended its passage. Bill read first time.

Also as chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Brazos St Iago Harbor, and Rio Grande Canal Company.

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

Also reported a bill for the relief of Jno. Griffin, and recommended its passage. Bill read first time.

On motion of Mr. Wælder, the rule was suspended and the bill to authorize the county Court of Llano county, to transcribe certain records, was taken up, read second time and ordered to be engrossed.

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

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

Bill to incorporate the Waco Classical School.

Bill to incorporate the Richmond Insurance Company.

Also had passed a substitute for House's bill concerning common carriers.

Also had passed a bill in relation to pay of Grand and Petit Juries in Harris county ; and

A Bill for the relief of Edward Hall.

On motion of Mr. Mills, the Senate's substitute for the House bill for the relief of Iredell Redding, was taken up, read second time and passed to third reading.

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

On motion of Mr. Maxey, the bill for the relief of heirs of Andrew J. Ford, was referred to committee on Private Land Claims.

Mr. Stewart, by permission, introduced a bill to provide for the investment of the sinking fund. Read first time and passed to second-reading.

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

Mr. Lewis of M., proposed to amend by inserting "bonds of U. S." Rejected.

Mr. Hartley moved to amend by inserting "or bonds of the city of Galveston" Rejected, and bill ordered to be engrossed.

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

On motion of Mr. Perry, the rule was suspended and the bill to reorganize and fix times of holding courts in the 13th Judicial District, was taken up.

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

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

Mr. Hall moved to suspend the rule and take up the bill to encourage the citizens of El Paso county, to irrigate the valley of the Rio Grande. Lost.

Mr. Norton moved to suspend rule and take up the bill to repeal the act establishing a State University.

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

YEAS—Messrs. Armstrong Barclay Baxter Caddell Camp Crawford Clark Culberson Dale Davis of B. Duncan Epperson Francis Harrison of V. Z. Henry Houghton Hubbard Kinney Mabry Maverick Maxey McCutchan McKnight Middleton Mills Norton Owens Perry Speights Waterhouse Whitfield Whitmore and Wortham—33.

NAYS.—Messrs. Anderson Barnard. Benevides Bogart Branch Bryan Buckley Craig Cumby Daniels Dennis Dickson Dougherty Fleweller Franklin Foscue Hall Harrison of C. Hartley Haynes Hubert Manly McClarty. Munson Nelson Parker Pirkey Redgate Redwine Robinson Ross Shelton Short Stewart Townes Walworth and Warfield—37.

The House refusing to suspend the rule.

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

The bill to reorganize the Court of Claims, &c., with report

from committee recommending amendments, was taken up and the amendments adopted.

Mr. Foscue proposed to amend by striking out \$1500 as the salary of Chief Clerk, and insert \$900.

Mr. Henderson offered the following substitute for Mr. Foscue's amendment: Strike out "Clerk."

Mr. Davis of B., moved to lay the substitute on the table. Lost by the following vote, the yeas and nays being ordered by Mr. Culberson:

YEAS.—Messrs. Anderson Barnard Benevides Bryan Camp Craig Crawford Cumby Dale Davis of B. Dennis Foscue Hall Harrison of C. Harrison of V. Z. Haynes Houghton Hubert Lynch Maxey McClarty Munson Robinson Ross Shelton Short Wælder Walworth Warfield and Wortham—30.

NAYS.—Messrs. Armstrong Barclay Baxter Bogart Branch Clark Culberson Darnell Daniels Dickson Duncan Edwards Ep-Franklin Foscue Henderson Hubbard Kinney Lewis of M. Lewis of R. Manly Maverick McCutchan McKnight Mills Mundine Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Smith Speights Stewart Townes Waterhouse Whitfield and Whitmore—40.

The question recurring on the adoption of the substitute, the yeas and nays were ordered on motion of Mr. Henderson, and the amendment was adopted by the following vote:

YEAS.—Messrs. Armstrong Barclay Bogart Branch Crooks Clark Culberson Darnell Daniels Dickson Duncan Edwards Epperson Francis Franklin Henderson Hubbard Lewis of M. Lewis of R. Manly McCutchan McKnight Mills Mundine Owens Parker Perry Redgate Redwine Shannon Smith Speights Stewart Townes Waterhouse Whitfield Whitmore and Wortham—38.

NAYS.—Messrs. Speaker Barnard Baxter Benevides Bryan Caddell Camp Craig Crawford Cumby Davis of B. Dennis Dougherty Flewellen Foscue Hall Harrison of C. Harrison of V. Z. Haynes Henry Hubert Martin Maverick Maxey McClarty Middleton Munson Nelson Robinson Ross Shelton Short Wælder Walworth and Warfield—35.

Mr. Stewart proposed to amend the amendment by striking out the 19th and 20th sections of the bill, and all other parts of the bill that authorizes the auditing of monied claims. Adopted.

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

Also offered another additional section to come in as 20th section of the bill. Adopted.

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

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

Mr. Crooks moved to adjourn till 10 o'clock, Monday. Lost, and Mr. Henderson's amendment adopted.

Mr. Franklin proposed to amend in 1st line, 8th section, after "military services," insert since the 1st of January, 1850.

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

Mr. Franklin moved a call of the House. Lost.

The question being, shall the main question be now put, the yeas and nays were ordered on motion of Mr. Franklin, and the House ordered the main question by the following vote :

YEAS.—Messrs. Anderson Barclay Barnard Baxter Benevides Bogart Caddell Camp Craig Crawford Crooks Culberson Cumby Dale Davis of B. Dougherty Flewellen Francis Hall Harrison of C. Harrison of V. Z. Haynes Houghton Hubbard Hubert Lewis of R. Lynch Martin Maxey Maverick McClarty McCutchan Mills Parker Perry Pirkey Redwine Redgate Ross Shannon Shelton Short Townes Wælder Walworth Warfield Waterhouse Whitmore and Wortham—49.

NAYS.—Messrs. Speaker Armstrong Branch Bryan Clark Dickson Edwards Epperson Franklin Foscue Henderson Lewis of M. Mabry Manly Mundine Norton Smith Speights and Whitfield—20.

The question being on passing the bill to third reading, the yeas and nays were ordered on motion of Mr. Craig, and the bill passed to third reading by the following vote :

YEAS.—Messrs. Speaker Anderson Barclay Barnard Baxter Benevides Branch Brown Caddell Camp Craig Clark Culberson Cumby Dale Davis of B. Dennis Dickson Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Hubert Lewis of M. Lewis of R. Lynch Mabry Martin Maverick Maxey McClarty McCutchan Middleton Munson Nelson Parker Redgate Robinson Ross Shelton Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wortham—56.

NAYS.—Messrs. Armstrong Bogart Crawford Crooks Daniels Edwards Epperson Manly Mills Mundine Norton Perry Redwine Speights and Whitmore—15.

On motion Mr. Dickson, the rule was suspended, bill read third time and passed by the following vote, the yeas and nays being ordered on motion of Mr. Crooks :

YEAS.—Messrs. Anderson Armstrong Barclay Barnard Baxter Benevides Branch Bryan Caddell Camp Craig Culberson

Dale Davis of B. Dickson Dougherty Flewellen Francis Foscue Hall Hartley Haynes Henderson Henry Hubbard Hubert Lewis of M. Lynch Manly Martin Maverick Maxey McClarty McCutchan McKnight Middleton Munson Parker Redgate Robinson Ross Shannon Shelton Short Smith Stewart Townes Wælder Warfield Waterhouse Whitfield and Wortham—53.

NAYS—Messrs. Bogart Crawford Crooks Clark Cumby Daniels Edwards Epperson Mabry Mills Mundine Norton Owens Perry Redwine Speights and Whitmore—17.

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

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed :

The bill to change the boundary line between Hardin and Liberty counties.

Bill to regulate the time of holding courts in the 18th Judicial District, and :

Bill to authorize the County Court of Llano county, to transcribe certain records.

On motion the House adjourned till 3 1-2 o'clock, P. M.

3 1-2 O'CLOCK, P. M.

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

Mr. Shannon chairman of committee on Private Land Claims, reported, recommending the passage of the Senate's bill for the relief of heirs of A. J. Ford, deceased.

On motion of Mr. Dickson, the following named bills were taken from the Speaker's stand, read and disposed of as indicated:

Joint resolution proposing change to the Constitution so as to increase the number of Supreme Judges, and to prohibit the Legislature from relieving any corporation from the payment of any money loaned to such corporation by the State.

A division of the question being called for, the question recurring upon the adoption of that part of the resolution increasing the number of Supreme Judges, the resolution was lost by the following vote, two-thirds of the House not voting therefor :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Benevides Bogart Branch Bryan Buckley Crawford Culberson Daniels Davis of B. Dickson Dougherty Edwards Flewellen Franklin Foscue Hall Hartley Haynes Henderson Hubbard Kinney Lynch Mabry Manly Maverick McClarty McKnight Mills Pirkey Ross Smith Speights Stewart Townes Walworth Waterhouse and Whitfield—43

NAYS—Messrs. Baxter Caddell Camp Dale Dennis Epperson

Francis Harrison of C. Harrison of V. Z. Houghton Lewis of M. Martin Maxey Middleton Mundine Norton Owens Perry Redgate Redwine Robinson Shannon Shelton Short Warfield and Whitmore—26.

On motion of Mr. Camp, the vote rejecting the resolution was reconsidered, and on motion of Mr. Buckley, was postponed till, and made the special order of the day, for 11 o'clock Monday next.

On motion of Mr. Haynes, the joint resolution relative to the sale of school lands, was taken up, read second time and ordered to be engrossed.

The bill to amend the act to incorporate Bastrop Academy, approved February 7th, 1853, and an act to amend the same, approved January 1858. Read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Daniels Davis of B. Dickson Edwards Epperson Flewellen Francis Hall Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Hubert Lewis of M. Lynch Manly Martin Maverick Maxey McClarty McKnight Mills Mundine Norton Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Waelder Walworth Warfield Waterhouse Whitfield and Whitmore—59.

NAYS.—Messrs. Foscue Middleton and Owens—3.

The Senate's bill supplementary to the act to provide for the registry of deeds and other instruments of writing, was read third time.

Mr. Buckley proposed to amend by adding three additional sections. Adopted.

Mr. Davis of B. proposed to amend as follows :

That where the certificate of acknowledgment to any deed, mortgage or other instrument of writing has been heretofore executed or recorded, and said certificate aforesaid, or acknowledgment informal be, and the same is hereby made valid : Provided that this act shall not validate any deed or certificate of acknowledgments which may have been fraudulently procured.

On motion of Mr. Henderson, laid on the table and bill passed.

Senate's bill supplemental to the act to provide for the distribution of the reports of the Supreme Courts, laws of the State and Journals of the Legislature. Read first time and passed to second reading.

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

House's bill to incorporate Waco Classical School, with amendment by Senate, taken up and amendments concurred in.

Senate's bill making appropriation to defray the expenses of selling university land. Read first time.

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

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

Senate's bill to amend the 9th section of the act of May 12th, 1846, defining the duties of District Attorneys, and supplemental to said act. Read first time and on motion of Mr. Dougherty, referred to Judiciary committee.

The Senate's bill to amend the 4th, 8th and 9th sections of the act to define the duties of the Attorney General of the State of Texas, passed May 11th, 1846. Read first time and referred to Judicial committee.

The Senate's bill to define the homestead in town or city. Read first time.

Mr. Hartley offered a substitute for the bill.

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

HOUSE OF REPRESENTATIVES, }
Monday, Jan. 30th, 1860. }

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

Mr. Owens presented the petition of Daniel Hogan and Albert M. Hogan, and on motion of Mr. Owens, referred to a select committee of three.

Speaker announced Messrs. Owens, Mundine and Daniels on said committee.

Mr. Mabry presented the petition of Benj. Hubert. Referred to committee on Roads, Bridges and Ferries.

Mr. Daniels offered the following resolution:

Resolved, that this House meet every afternoon at 3 o'clock, (Sundays excepted) and devote the afternoon sessions exclusively to Senate's bills and engrossed bills on their last reading, Senate's bills having precedence. Laid over one day for consideration.

Mr. Duncan offered the following resolution :

Resolved, that the reports of the debates of this session made by W. F. Weeks are hereby recognized as the official reports of the debates of this body, and that he be paid at the rate of five dollars per day for said services from 17th November, and that he be allowed the sum of ten dollars per day for bringing up said debates, provided that he be engaged thereat not longer than one month after the adjournment of this legislature; and that he be paid out of the contingent fund of the House on the certificate of the Clerk. Adopted by the following vote, the yeas and nays being ordered on motion of Mr. Baxter:

YEAS.—Messrs. Benevides Billingsly Branch Bryan Buckley Camp Craig Crooks Culberson Cumby Davis of B. Dennis Duncan Epperson Franklin Hall Hartley Haynes Henderson Hubert Lewis of M. Lewis of E. Manly Martin Maxey Maverick McKnight Middleton Mills Nelson Owens Robinson Shannon Short Smith Townes Waelder Walworth and Warfield—39.

NAYS.—Messrs. Speaker Anderson Barnard Baxter Bogart Caddell Crawford Clark Dale Daniels Dickson Ellett Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Houghton, Lynch Mabry McClarty McCutchan Mundine Norton Parker Pirkey Redwine Ross Shelton Speights Stewart Waterhouse Whitmore and Wortham—34.

Mr. Hartley presented the petition of Wm. M. Spalding. Referred to committee on State Affairs.

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

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

A Bill for the relief of B. H. Zachary, and

A bill to fix the times of holding courts in the 9th Judicial district.

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

The following message from the Governor was taken from the Speaker's table, read, and on motion of Mr. Harrison of V. Z. Referred to committee on Public Printing:

EXECUTIVE DEPARTMENT, }
January 27th, 1860. }

Gentlemen of the Senate, and

House of Representatives:

I desire to call the attention of the legislature to the present

contract made with John Marshall for the public printing.

Section 17 of the act to regulate the Public Printing, declared viz:

Sec. 17. That no bid shall be accepted by the Secretary of State for the public printing, exceeding the rate of one-sixth of a cent per page for the laws, and one-fourth of a cent per page for the journals; one-third of a cent per page for five hundred copies of the message of the Governor, reports of the Secretary of State, Comptroller of Public Accounts, Auditor, Treasurer of the State, Superintendent of the Penitentiary, and all such like printing that may be ordered by the legislature, or either House thereof, to be printed on the same size sheet and type as is required for the journals; and one-fourth of a cent per page for each additional five hundred copies of said message and other documents; for printing two hundred copies of bills, resolutions or memorials, printed on pica type, the lines numbered on the margin, with a space between the lines of the size of pica, and on foolscap paper with four pages to a sheet, the sum of two dollars and fifty cents per page for the number of pages in one copy thereof; for printing Executive proclamations, advertisements and such like documents, fifty cents per square of ten lines for the first insertion, and twenty-five cents per square for each succeeding insertion that may be ordered; for the printing of proclamations and proposed amendments to the Constitution, the sum of fifty cents per square for each insertion, and such publications shall not be inserted in any type larger than bourgeois, and each square shall contain not less than two hundred ems.

The bid presented by John Marshall, and accepted by the Secretary of State, Comptroller and Treasurer, is in my opinion, in direct conflict with this section of the act in several particulars, the most important of which I will mention.

That portion of the proposal which specifies the rates at which he will print reports and documents ordered by the Legislature, is as follows:

"I will print one hundred copies of reports and documents ordered by the Legislature, at one and a half cents per page; one cent per page for second and third hundred; one-half cent per page for fourth hundred, and one-third of a cent per page for fifth hundred, and for all over that number, one fourth of a cent per page."

A reference to the law given above, will show that no bid shall be accepted upon this class of work, at a higher rate than one-third of a cent per page for five hundred copies. The report

of the Superintendent of the State Penitentiary before me, five hundred copies of which were ordered to be printed for the use of the Senate, may be cited to illustrate how far this bid accords with the law. It is sixty-four pages long, and according to the contract will cost as follows :

First 100 copies, 64 pages, at $1\frac{1}{2}$ cents per page, 96 cents	
per copy, - - - - -	\$96 00
Second 100 copies, 64 pages, at 1 cent per page, 64 cents	
per copy, - - - - -	64 00
Third 100 copies, 64 pages, at 1 cent per page, 64 cents	
per copy, - - - - -	64 00
Fourth 100 copies, 64 pages, at $\frac{1}{2}$ cent per page, 32 cents	
per copy, - - - - -	32 00
Fifth 100 copies, 64 pages, at $\frac{1}{3}$ cent per page, $21\frac{1}{3}$ cents	
per copy, - - - - -	21 33
	<hr/>
Total for five hundred copies,	\$277 33

According to the law the highest price that can be paid is :

500 copies, 64 pages, at $\frac{1}{3}$ cent per page, $21\frac{1}{3}$ cents per	
copy, - - - - -	\$106 66

The contract therefore allows upon the pamphlet \$170 67 more than the extreme limit of the law.

The manifest inequality of this contract, is to be seen in the fact, that besides being in contravention of law, it allows for a smaller number a much greater price than for a larger one. After the first five hundred copies, a quarter of a cent per page is allowed for all over that number, so that if the Legislature in a spirit of economy should order three hundred copies of the above reports, the cost would be \$224 00, which if they ordered one thousand, the cost would be but \$186 66. The law is clear and explicit, and declares that *no bid shall be accepted at a higher rate than one-third cent per page for five hundred copies* ; and although the law does not provide for a less number, the conclusion is evident, that the Legislature did not intend that a contract should be made by which three hundred copies would cost more than one thousand.

In the bond made by John Marshall, the following clause is to be found :

“And whereas it is distinctly understood, that should more than five hundred copies of any report or document of any kind be required, (except the laws, journals, bills and resolutions,) that the first five hundred copies are to be charged for at the rate of one-third of a cent per page, and if less than five hundred copies be ordered, then each one hundred copies are to be charged for at the above specified rates.”

It will be seen that the proviso only applies when more than five hundred copies are ordered, leaving the bill in full force *with respect to that number or less*. It forms no part of the bid, and does not relieve its apparant inconsistency with the law. Nothing of this character is to be found in the proposal made by John Marshall.

The next clause of the proposal is equally exceptionable, viz :

"I will print the bills in pica type (see section 3 in printing act, approved Nov., 29, '59,) or its equivalent, at two and a half cents per page for the first one hundred copies, and two and a quarter cents per page for each additional hundred."

A reference to the section of law quoted above, will show the limit to be: "*for printing two hundred copies of bills, resolutions or memorials, printed on pica type, the lines numbered on the margin, with a space between the lines of the size of pica, and on foolscap paper, with four pages to a sheet, the sum of two dollars and fifty cents per page for the number of pages in one copy thereof.*"

By the above "bid" two hundred copies of a bill or resolution of four pages would cost as follows :

First 100 copies, 4 pages, at $2\frac{1}{2}$ cents per page, 10 cents	
per copy, - - - - -	10 00
Second 100 copies, 4 pages, at $2\frac{1}{4}$ cents per page, 9 cents	
per copy, - - - - -	9 00

Total for two hundred copies, \$19 00

Whereas, the highest price the law would allow for two hundred copies, four pages in length, would be 10 00

It requires no argument to show that this is a clear infraction of law. Nor is the bid less so with reference to the printing of reports and documents ordered by the Legislature.

A reference to the bill presented by the Public Printer for printing the two hundred copies of the report of the State Geologist, ordered to be delivered to the State Department, will show that the terms set forth in the "bid" are there sustained. The interest of the people of the State at large, demands that this contract, so directly contraveuing the law, be cancelled.

The Executive is sworn to see the laws faithfully executed. If the Government is a farce, and the law of no binding force, he might be excused for not calling the attention of the representatives of the people to the conditions of this contract; but regarding the duties imposed upon him as of the most solemn character, he is constrained to ask, at the hands of your honorable body, such action as the facts may justify.

SAM HOUSTON.

Mr. Foscoe submitted the following letter, which was read and referred with the message :

COMPTROLLER'S OFFICE, }
AUSTIN, TEXAS, Jan., 25th, 1860. }

Hon. F. F. Foscoe, House Representatives :

Sir—In reply to your note of yesterday, concerning the "Printer's Contract," I would say that the Printer's account for printing the Governor's message, containing twelve pages, would be allowed as follows :

For 1,000 copies, 12 pages each, at $\frac{1}{2}$ cent for first 500, \$20 00
 $\frac{1}{4}$ cent for 2nd 500, 15 00

Total cost for 1,000 copies, \$35 00

For 500 copies, 12 pages each, at $\frac{1}{2}$ cent per page, \$20 00

Which is in strict conformity with both the law and the contract.

Very respectfully, CLEMENT R. JOHNS,
Comptroller.

The hour having arrived, the special order of the day, to-wit : the joint resolution proposing to increase the number of Supreme Judges, and to deprive the Legislature of the power of relieving corporations from payment of any money loaned such corporations by the State, was taken up.

A message was received from the Senate, informing the House that the Senate had passed a bill supplementary to the act to amend 1st and 16th sections of the act to incorporate Texas Western Railroad Company, approved Feb'y 16th, 1852, passed 16th Aug., '56 ; and

A bill to incorporate the Corpus Christi and Brazos, St. Iago Canal Company ; and had concurred in the House's amendments to the following named Senate bills :

Bill to incorporate Columbus Tap Railway Company.

Bill to incorporate Columbus, San Antonio and Rio Grande Railroad Company, passed Feb'y 16, '58.

Bill to amend 2d, 5th, 8th and 9th sections of the act to authorize the sale of public domain ; and

Bill to authorize the corporation of Dangerfield to tax ten pin alleys, &c., &c.

Also, had adopted the House's resolution relative to adjournment *sine die*, with amendment.

Mr. Haynes proposed to amend the joint resolution by adding the House's joint resolution to provide for sale of School Land. Adopted.

The question being on the final passage of the resolution, on motion of Mr. Redwine, a division of the question was ordered.

The question recurring on the passage of the portion increasing the number of Supreme Judges, the same was put and lost by the following vote, two-thirds not voting therefor :

YEAS—Messrs. Speaker Anderson Barclay Barnard Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Clark Culberson Daniels Davis of B. Dennis Dickson Duncan Flewellen Franklin Foscue Hall Hartley Haynes Henderson Hubbard Kinney Lewis of M. Lynch Mabry Manly Maverick Maxey McClarty McCutchan McKnight Mills Munson Parker Perry Pirkey Ross Shannon Smith Speights Stewart Townes Wælder Walworth and Whitfield—51.

NAYS—Messrs. Armstrong Caddell Crooks Cumby Dale Ellett Epperson Francis Harrison of C. Harrison of V. Z. Henry Hubert Lewis of R. Martin Middleton Mundine Nelson Norton Redgate Redwine Robinson Shelton Short Warfield Whitmore and Wortham—26.

The question recurring on the adoption of that portion of the joint resolution giving the Governor the power to appoint in cases of resignation of judges. Lost by the following vote, two-thirds not voting for its adoption :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Barclay Billingsley Bogart Branch Daniels Dickson Duncan Ellett Foscue Harrison of C. Harrison of V. Z. Hartley Hubbard Kinney Lewis of M. Lewis of R. Mabry Manly McKnight Middleton Norton Parker Perry Pirkey Redgate Ross Smith Townes Wælder Whitfield and Whitmore—35.

NAYS—Messrs. Benevides Bryan Buckley Caddell Craig Crooks Clark Culberson Cumby Dale Epperson Flewellen Francis Franklin Hall Haynes Henry Houghton Hubert Martin Maverick Maxey McClarty McCutchan Mills Mundine Munson Nelson Redwine Shannon Shelton Short Speights Stewart Warfield Waterhouse Wortham and Wrede—38.

The question then being on the adoption of that part of the joint resolution depriving the Legislature from the power of relieving any corporation from payment of money loaned by the State to such corporation, the same was put and adopted by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crooks Clark Cumby Dale Daniels Dennis Dickson Duncan Ellett Flewellen Francis Hall Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Hubert Lewis of M. Lewis of R. Lynch Mabry Manly Maverick Maxey McClarty McCutchan McKnight Mills Mundine Munson Norton

Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Smith Speights Stewart Townes Wælder Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—69.

NAYS—Messrs. Epperson and Henry—2.

The question recurring on the adoption of that portion of the joint resolution relative to the sale of the School Lands, the same was put and the proposition adopted by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Billingsley Bogart Branch Bryan Caddell Camp Crooks Clark Culberson Dale Dickson Ellett Francis Harrison of V. Z. Haynes Hubbard Hubert Kinney Lewis of M. Lewis of R. Lynch Mabry McClarty McCutchan McKnight Mills Munson Parker Perry Pirkey Redgate Robinson Shannon Shelton Smith Stewart Townes Wælder Walworth Warfield Wortham and Wrede—50.

NAYS—Messrs. Craig Cumby Daniels Flewellen Foscue Hall Harrison of C. Martin Maverick Norton Redwine Ross Whitfield and Whitmore—14.

Mr. Cumby submitted the following protest :
To HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The undersigned, members of the eighth Legislature of the State of Texas, dissent from and protest against the action of the House on the 27th January, 1860, in ordering the printing of ten thousand five hundred copies of the special message of Governor Houston on the subject of the South Carolina resolutions, announcing "that it is the deliberate judgment of this Assembly, (of South Carolina,) that the slave holding States should immediately meet together to concert measures for united action." Because the message of Governor Houston seems to set out upon the false hypothesis, that there is a nullification, secession and disunion element existing in the South, without any real cause and from choice ; that there are persons, (in the language of the message,) "*who fan the flame of discord and magnify imaginary evils into startling realities—confounding the language of individuals with the acts of government itself ;*" that there are persons who "*desire disunion,*" and "*are not satisfied with the Constitution fairly and honestly interpreted by the highest court in the country, and lawfully and impartially administered by the Federal Government,*" all of which, the undersigned regard as a grossly incorrect imputation upon the patriotism and honor of the people of this State, and indeed of the entire South. Because we believe that the said message is calculated to divide, distract, and weaken our people, at a mo-

mentous and perilous period of our history, when there is such a pressing necessity for our people to present a united and unflinching front to all assaults upon the constitutional and natural rights of the Southern States. Because it is calculated to mislead the northern people, by inducing them to believe that no amount of aggression and wrong perpetrated upon us by an overweening and dominant majority, could goad the southern people into resistance, and consequently will have the effect to cruelly deceive and fatally mislead those people, and encourage continued aggression upon our section, engender contempt for the chivalry of our people, induce our abolition assailants to wholly disregard the warning voice which southern patriots are continually sounding in their ears to desist from their mad career, before it is too late, and will be construed into an indirect invitation to continued assaults upon our institutions, and is therefore calculated to hasten the destruction of the Union, which it seeks to perpetuate. Because we believe the whole document is objectionable, on the ground that it inculcates and enforces the idea of a tame and unconditional submission, under any and all circumstances, and wholly ignores that noble sentiment promulgated by Thomas Jefferson, which lies at the very foundation of all free governments. *“that whenever a free government ceases to answer the purposes for which it was established, it becomes the privilege of the people to alter or abolish it.”*

R. H. CUMBY,
WILLIAM M. ROSS,
H. D. REDWINE,
F. F. FOSCUE,
JNO. McCLARTY,
W. A. WORTHAM,
D. M. SHORT,
L. H. PIRKEY.

The Senate's bill defining the homestead, with proposed substitute, was taken up.

Mr. Hartley withdrew his substitute, and the bill passed to third reading.

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

Mr. Buckley, by permission, reported, recommending the passage of the Senate's bill to amend the 9th section of the act defining the duties of District Attorney, and supplemental to said act; with amendments:

Amend by striking out all of 2d section, after "interested," in 8th line.

Also, reported, recommending the passage of the Senate's bill to amend the 4th, 8th and 9th sections of the act defining the duties of the Attorney General of the State of Texas, passed May 11th, 1846.

Senate's bill for relief of Edward Hall taken up. Read first time and referred to committee on Private Land Claims.

Senate's bill to create a Board of Public Grounds and Buildings. Read first time.

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

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

Senate's bill making appropriation for repairing the Capitol and other public buildings was taken up, read second time and passed to third reading.

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

Senate's bill requiring County Courts of the several counties of this State to provide their surveyors with records, was taken up, read first time.

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

Mr. Foscut proposed to strike out "required." Lost, and bill passed to third reading.

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

Senate's bill relating to pay of grand and petit jurors in Harrison county. Read first time.

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

Mr. Culberson proposed to add Upshur county. Adopted.

Mr. Munson proposed to add Brazoria county. Adopted.

Mr. Harrison of C., proposed to add Cherokee county. Adopted.

Mr. Flewellen proposed to add Washington. Adopted.

Mr. Hartly proposed to add Galveston. Adopted.

Mr. Lewis of M., proposed to add Montgomery. Adopted.

Mr. Caddell proposed to add Houston. Adopted.

Mr. Crawford proposed to add Jasper and Newton.

Mr. Smith proposed to add Orange. Adopted.

Mr. Townes proposed to add Travis. Adopted.

Mr. Buckley proposed to amend by striking out "Harrison county," and inserting "the county courts of this State," and adopted, and bill passed to third reading.

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

The House's bill to repeal the State University with majority and minority reports, was taken up.

Mr. Nelson moved to lay the bill on the table till 1st of June next. Lost by the following vote :

YEAS—Messrs. Anderson Bryan Buckley Craig Daniels Davis of B, Dennis Ellett Flewellen Franklin Hall Hartly Houghton Hubert McClarty Munson Nelson Pirkey Redgate Redwine Robinson Ross Stewart Townes Wælder and Wrede—26.

NAYS—Messrs. Speaker Armstrong Barclay Barnard Baxter Billingsley Bogart Caddell Camp Crawford Crooks Clark Culberson Cumby Dale Dickson Duncan Epperson Francis Foscue Harrison of V. Z, Harrison of C, Henderson Hubbard Lewis of M, Lewis of R, Lynch Mabry Manly Maverick Maxey McCutchan McKnight Middleton Mills Mundine Norton Owens Parker Perry Shelton Short Smith Speights Walworth Waterhouse Whitfield and Whitmore—49.

Mr. Harrison of V. Z., moved the previous question, which was seconded.

The question being, shall the main question be now put, the yeas and nays were ordered on motion of Mr. Harrison of V. Z., and the House ordered the main question by the following vote :

YEAS—Messrs. Armstrong Barnard Barclay Baxter Bogart Branch Caddell Crawford Clark Culberson Dale Dickson Duncan Epperson Francis Harrison of C, Harrison of V. Z, Hartly Henderson Hubbard Lewis M, Lewis of R, Lynch Maxey McCutchan, Middleton Mills Mundine Norton Owens Parker Perry Shelton Short Smith Speights Walworth, Warfield Waterhouse Whitfield and Whitmore—41.

NAYS—Messrs. Anderson Billingsley Bryan Buckley Camp Craig Crooks Cumby Daniels Davis of B, Ellett Flewellen Foscue Hall Houghton Herbert Mabry Manly Maverick McClarty McKnight Nelson Pirkey Redgate Redwine Robinson Ross Stewart Townes Wælder and Wrede---31.

The question recurring on the final passage of the bill, the same was put, and the bill passed by the following vote :

YEAS---Messrs. Speaker Armstrong Barclay Barnard Baxter Bogart Branch Caddell Camp Crawford Crooks Clark Cumby Dale Dickson Duncan Epperson Francis Harrison of C. Harrison of V. Z, Henderson Hubbard Lewis of M, Lewis of R, Lynch Mrbry Manly Maverick Maxey McCutchan McKnight Middleton Mills Mundine Norton Owens Parker Perry Ross Shelton Short Speights Stewart Walworth Whitfield Whitmore Wortham and Wrede---49.

NAYS---Messrs. Anderson Billingsley Bryan Buckley Craig

Cumby Daniels Davis of B, Dennis Ellett Flewellen Franklin Hall Hartly Houghton Hubert McClarty Nelson Pirkey Redgate Redwine Robinson Townes and Walder---23.

Mr. Henderson moved to reconsider the vote.

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

A message was received from the Senate, informing the House that the Senate had passed a bill appropriating \$4000 in addition to the \$60,000 for support and maintenance of troops commanded by Capts. J. S. Ford, John Henry Brown and James Bourland; also had passed House's bill for the relief of Alex. Wheeler.

Absentees under call of the House --Messrs. Davis of H., Dougherty Haynes Kinney Martin Navarro Shannon and Taylor.

Mr. Lewis of R., moved to suspend call. Lost.

The bill to encourage manufactories in Texas, taken up.

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

Absentees---Messrs. Davis of H., Dougherty, Haynes, Martin, Navarro, Shannon and Taylor.

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 motion pending when the House adjourned to reconsider the vote passing the bill to repeal the act establishing a University was put, and carried by the following vote:

YEAS—Messrs. Speaker Anderson Barclay Bogart Branch Bryan Buckley Camp Crawford Clark Culberson Dale Daniels Davis of B, Dennis Dickson Franklin Hall Hartly Haynes Hubert Lynch Manly Martin Maverick Maxey McClarty McKnight Munson Parker Redgate Redwine Ross Smith Stewart Townes Walder and Wrede---38.

NAYS—Messrs. Armstrong Baxter Benevides Caddell Duncan Epperson Francis Foscue Harrison of V. Z, Houghton McCutchan Mundine Norton Owens Shannon Shelton Short Speights Warfield Waterhouse Whitfield Whitmore and Wortham---13.

Mr. McKnight proposed to amend as follows:

And all the lands and money appropriated to said purpose by said act, which have not since been otherwise appropriated, be and the same are hereby added to the Common School Fund.

Mr. Culberson proposed the following as a substitute;

Sec. —. That no part of the land heretofore set apart or surveyed for the benefit or endowment of the University of Texas, shall be subject to location or settlement, but shall remain as a

fund for educational purposes, to be appropriated as further legislation may direct.

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

On motion of Mr. Buckley the yeas and nays were ordered, and the House refused to lay the substitute on the table by the following vote :

YEAS—Messrs. Barclay Benevides Caddell Crawford Clark Dale Dickson Epperson Francis Harrison of C., Harrison of V. Z., McCutchan McKnight Mills Norton Owens Parker Speights Waterhouse and Whitmore—20.

NAYS—Messrs. Speaker Anderson Armstrong Baxter Bogart Branch Bryan Buckley Camp Craig Crooks Calberson Cumby Daniels Davis of B, Dennis Dougherty Duncan Edwards Flewellen Franklin Foscue Hartly Haynes Houghton Hubbard Hubert Lewis of M., Lewis of R., Lynch Manly Martin Maverick Maxey McClarty Middleton Munson Nelson Perry Redgate Redwine Ross Short Smith Stewart Townes Wælder Walworth Warfield Whitfield and Wrede—52.

And the substitute adopted.

Mr. McKnight proposed to amend the amendment by adding "Provided that the proceeds of so much of said lands as have been sold or may be sold on or before the first day of December, A. D. 1861, be and the same are hereby added to the Common School Fund.

Mr. Buckley moved to lay the amendment on the table. Carried by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Bryan Buckley Craig Crooks Cumby Daniels Davis of B., Dennis Dougherty Edwards Flewellen Franklin Foscue Hall Harrison of C, Hartly Haynes Henderson Hubert Lewis of R., Manly Maverick Maxey McClarty Munson Nelson Pirkey Redgate Redwine Robinson Ross Short Smith Stewart Townes Wælder Warfield Wortham and Wrede—42.

NAYS—Messrs. Baxter Benevides Bogart Branch Caddell Camp Crawford Clark Dale Dickson Duncan Epperson Francis Harrison of V. Z., Lewis of M., Lynch Mabry Martin McCutchan McKnight Middleton Miller Mundine Norton Owens Parker Speights Waterhouse Whitfield and Whitmore—30.

And the amendment was adopted.

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

YEAS—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Caddell Camp Crawford Crooks Clark Cumby Dale Da-

vis of H., Dickson Duncan Edwards Epperson Francis Foscue Harri-on of C, Harrison of V. Z, Henderson Houghton Hubbard Lewis of M, Lewis of R., Lynch Mabry Manly Martin Maverick Maxey McClarty McCutchan McKnight Middleton Mundine Norton Parker Redwine Ross Shannon Short Smith Speights Stewart Warfield Waterhouse Whitfield Whitmore and Wrede—53.

NAYS—Messrs. Anderson Bryan Buckley Craig Daniels Davis of R, Dennis Dougherty Flewellen Franklin Hall Hartly Haynes Hubert Munson Perry Redgate Robinson Townes and Wælder—20.

Mr. Mabry, chairman House committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Jan. 30, 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 Charles Sheppard.

A bill to incorporate the German-English School of San Antonio.

A bill to be entitled an act for the relief of John Hearn.

A bill to legalize the marriage of C. B. and M. E. Wood.

A bill to be entitled an act to amend an act entitled an act to incorporate the Paine Female Institute.

A bill for the relief of Andrew Mason, assignee of Robert H. Andrews.

And finding them properly enrolled and signed, have presented the same to the Governor, for his approval and signature.

The Senate's substitute for the House's bill, regulating and defining the duties of common carriers, was taken up and read first time.

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

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

The House's resolution relative to adjournment *sine die*, with amendment by the Senate, was taken up, and the amendment concurred in.

House's bill to encourage manufactories in Texas, taken up, read third time.

Mr. Buckley proposed to amend as follows :

Insert "manufacture of leather."

Mr. Anderson proposed to amend the amendment by adding :
 "all manufactories of stone and earthen ware." Lost.

Mr. Flewellen proposed to amend by adding : "the manufactories of buggies and pleasure carriages, and vehicles."

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

Mr. Duncan proposed to amend by saying : "also of gun-powder and fire-arms." Ruled out of order.

Mr. Craig moved to amend by inserting : "railroad cars."

Mr. Davis of B., moved to lay on table. Carried.

Mr. Maxey proposed to amend by inserting after "ores,"
 "clocks and looking-glasses." Lost.

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

"And that all agricultural societies now formed, or which may hereafter be formed in any of the counties, towns and cities, or villages in this State, whose property, real, personal or mixed, shall be worth five thousand dollars, shall be entitled to a bonus of five leagues of land, and so in proportion, for any additional property such society or societies may have." Ruled out of order.

Mr. Epperson proposed to amend as follows :

"Provided, that the benefits of this act shall not extend to any establishment until the same has been in operation twelve months."

Mr. Shannon moved to indefinitely postpone the bill and amendments.

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

The question recurring on the indefinite postponement, the yeas and nays were demanded by Mr. Mabry, and the House refused to indefinitely postpone by the following vote :

YEAS—Messrs. Anderson Armstrong Bogart Caddell Crooks Crawford Clark Davis of H. Edwards Flewellen Foscue Henry Henderson Houghton Lewis of M. Lewis of R. McKnight Mills Shannon Shelton Stewart Warfield Whitmore and Wortham.
 —24.

NAYS—Messrs. Speaker Barclay Baxter Benevides Branch Buckley Craig Culberson Cumby Dale Davis of B. Dennis Dickson Dougherty Duncan Epperson Francis Hall Harrison of C. Hartley Haynes Hubbard Lynch Mabry Manly Martin Maverick Maxey McClarty McCutchan Middletton Mundine Munson Nelson Norton Owens Parker Pirkey Redgate Redwine Robinson Ross Short Smith Speights Townes Wælder Walworth Waterhouse and Whitfield—50.

Mr. Epperson withdrew his amendment, and Mr. Buckley's amendment was adopted.

Mr. Epperson proposed to amend by adding another section. Adopted.

Mr. Foscue proposed to amend by striking out "10 Sec." and inserting "6 Sec."

A division of the question was called for.

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

The question being, shall the main question be now put, the yeas and nays were ordered on motion of Mr. Foscue, and the House ordered the main question by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benevides Bogart Caddell Craig Crawford Cumby Daniels Davis of B. Dickson Dougherty Duncan Epperson Harrison of C. Hartley Haynes Houghton Lynch Mabry Manly Martin Maxey McClarty Munson Nelson Norton Owens Parker Pirkey Redgate Redwine Ross Short Smith Speights Townes Wælder Walworth Waterhouse Whitfield and Whitmore—44.

NAYS—Messrs. Baxter Buckley Dale Davis of H. Dennis Edwards Flewellen Foscue Hall Harrison of V. Z. Henderson Hubbard Maverick McCutchan McKnight Middleton Mills Shannon Shelton Stewart Warfield and Wertham—22.

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

YEAS—Messrs. Speaker Barclay Benevides Billingsley Branch Buckley Craig Crooks Cumby Dale Daniels Davis of B. Dennis Dickson Dougherty Epperson Hall Harrison of V. Z. Hartley Haynes Lynch Mabry Martin Maverick McClarty McCutchan Mundine Munson Nelson Norton Owens Parker Pirkey Redgate Redwine Robinson Ross Short Smith Speights Townes Wælder Walworth Whitfield and Wrede—46.

NAYS—Messrs. Anderson Armstrong Bogart Caddell Clark Crawford Culberson Davis of H. Duncan Edwards Flewellen Francis Foscue Harrison of C. Henderson Henry Houghton Manly McKnight Middleton Mills Shannon Shelton Stewart Warfield Whitmore and Wertham—28.

On motion of Mr. Barclay, the rule was suspended, and the bill for the protection of the Alabama Indians was taken up and read second time.

Mr. Mabry moved to strike out the preamble. Lost.

Mr. Epperson moved to strike out the words, "such as the Indians may choose." Rejected, and the bill ordered to be engrossed.

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

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 bill to ascertain and adjudicate certain claims against the State, situated between the Nueces and Rio Grande rivers, with amendment and substitute for amendment, was again taken up.

On motion of Mr. Haynes, the substitute was laid on the table, and the amendment adopted.

Mr. Billingsley offered a substitute for the bill.

On motion of Mr. Epperson, ex-members of the Legislature Col. M. T. Johnson, of Tarrant county, and Gen'l R. V. Richardson, of Tennessee, were invited into the Hall during night sessions.

[Mr. Wortham in the Chair.]

Mr. Haynes moved to lay the substitute on the table.

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

YEAS—Messrs. Speaker Anderson Armstrong Benevides Bogart Branch Bryan Buckley Camp Craig Davis of H. Dougherty Duncan Ellett Epperson Francis Foscue Hall Harrison of C. Haynes Henry Hubbard Hubert Kinney Lynch Mabry Manly Martin Maverick McClarty McKnight Middleton Mills Mundine Norton Owens Parker Pirkey Redwine Robinson Smith Stewart Townes Welder Walworth Warfield and Wrede—47.

NAYS—Messrs. Barnard Billingsley Caddell Crawford Clark Daniels Davis of B. Dickson Franklin Harrison of V. Z. Houghton Lewis of M. McCutchan Nelson Ross Shelton Short Waterhouse Whitmore and Wortham.—20.

Mr. Buckley proposed to amend as follows :

In sixth section between "shall" and "proceeds," insert "without the intervention of a jury," and by adding to ninth section, "and further provided, that no patent shall issue to any tract of land confirmed by virtue of this act, upon which a genuine land certificate, emanating from the Republic or State of Texas, has been located and surveyed according to law.—Adopted.

On motion of Mr. Mills, the main question was ordered, which being upon the final passage of the bill, the same was put, and the bill passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Benevides Bogart Branch Bryan Buckley Camp Craig Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Hall Harrison of C. Haynes Henry Hubert Kinney Lynch Mabry Manly Maverick McClarty McKnight Mills Mundine Norton Owens

Parker Pirkey Robinson Smith Speights Stewart Townes Wælder Walworth Warfield and Wrede—45.

NAYS—Messrs. Barnard Baxter Billingsley Caddell Crawford Clark Daniels Davis of B. Franklin Foscue Harrison of V. Z. Houghton Lewis of M. McCutchan Middleton Nelson Redwine Ross Shelton Short Waterhouse Whitmore and Wortham—23.

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

Mr. Smith moved to take up bill to relinquish State tax to Orange and Navarro counties. Lost.

Mr. Barnard called up the bill to permit Karnes county to levy a special tax, which was read second time and ordered to be engrossed.

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

Mr. Waterhouse called up the bill for the relief of P. W. Fuller, which was read second time and ordered to be engrossed.

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

Mr. Barclay called up the bill to amend an act for the relief of Eliza Green *et al.*, which was read second time and passed to third reading.

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

Mr. Whitfield called up the bill for the relief of Jno. Gates, which was read second time and passed to third reading.

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

Mr. Armstrong called up the bill for the relief of Leslie Combs, which was read second time and ordered to be engrossed.

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

Mr. Whitmore called up the bill supplemental to the act to amend 1st and 16th sections of the act to incorporate Texas Western Railroad company, which was read second time and referred to committee on Internal Improvements.

Mr. Anderson called up the bill to incorporate the Guadalupe Male and Female Collège, which was read second time and passed to third reading.

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

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Bogart Branch Bryan Buckley Camp Crawford Clark Daniels Dougherty Duncan Edwards Ellett Epperson

Flewellen Franklin Hall Harrison of C. Harrison of V. Z. Henderson Houghton Hubbard Hubert Lewis of M. Lewis of R. Lynch Manly Maverick McClarty McCutchan McKnight Middleton Mills Mundine Nelson Norton Owens Parker Pirkey Redwine Robinson Ross Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitmore Wortham and Wrede—61.

NAYS.—Messrs. Caddell Davis of H. and Foscue—3.

Mr. Wortham called up the bill for the relief of P. L. Smith, which was read second time and ordered to be engrossed.

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

Mr. Taylor of C. called up the bill for the relief of Ewing Clayton, which was read second time and passed to third reading.

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

Mr. Wrede called up the bill to amend an act incorporating San Antonio Fire Association, which was read second time.

Mr. Wælder proposed to amend by saying "except in capital cases." Adopted, and the bill ordered to be engrossed.

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

YEAS—Messrs. Speaker Anderson Barclay Barnard Baxter Benevides Bogart Bryan Buckley Camp Craig Crawford Clark Culberson Cumby Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Francis Hall Harrison of V. Z. Haynes Henderson Houghton Hubbard Hubert Lewis of R. Manly Maverick Maxey McClarty McCutchan McKnight Middleton Mills Mundine Nelson Norton Owens Parker Pirkey Redwine Robinson Speights Stewart Townes Wælder Walworth Waterhouse Whitmore and Wrede—58.

NAYS—Messrs. Caddell Foscue Ross and Shelton—4.

Mr. Anderson offered the following Resolution :

Resolved, That the roll be called commencing at the top, and secondly at the bottom, and so on, and each member so called may call up a bill of private or local character.

Mr. Foscue moved to adjourn till 9 o'clock, P. M. Lost.

Mr Manly, one of the committee on Engrossed Bills, reported as follows :

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

A Bill authorizing the Board of Aldermen of the towns of Huntsville and Tyler, to levy a license tax in certain cases.

A Bill to incorporate Palestine Tap Railroad Company.

A Bill providing for the investment of the sinking fund.

A Bill to be entitled an act supplemental to an act incorporating the city of Marshall, Harrison county.

A Bill to be entitled an act to reorganize the 13th Judicial District, and to fix the time of holding the courts therein.

A Bill to be entitled an act to amend the first and second sections of an act entitled an act to indemnify the owners for the loss of slaves executed for capital offences.

A Bill to be entitled an act to incorporate the Casino Association of La Grange.

Also a Bill supplementary to an act to provide for the registry of deeds and other instruments of writing.

An act to reorganize the Court of Claims, and to extend the time for the presentation of claims for land against the Republic or State of Texas.

A Bill to regulate the duties of the Commissioner of the General Land Office, and to define the duties of clerks and employees therein.

A Bill for the relief of John Ricord.

Joint resolution proposing an amendment to the Constitution.

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

On Motion of Mr. McKnight a call of the House was ordered.

On motion of Mr. Henderson the call was suspended.

Mr. Flewellen moved to take up engrossed bills on Speaker's table for their final reading.

The yeas and nays being called stood thus, no quorum voting:

YEA.—Messrs. Anderson Bryan Crawford Culberson Cumby Dale Daniels Davis of B. Dennis Dickson Dougherty Duncan Flewellen Franklin Hall Harrison of V. Z. Henry Houghton Lewis of R. Lynch Mabry Manly Maverick McClarty Mills Nelson Parker Robinson Stewart Townes Wælder Wortham and Wrede—33.

NAYS.—Messrs. Speaker Caddell Camp Davis of H. Jpperson Francis Foscue Harrison of C. Henderson Hubbard McCutchan McKnight Norton Owens Redwine Ross Shelton Short Speights Waterhouse and Whitmore—22.

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

HOUSE OF REPRESENTATIVES, }
Tuesday, January 31st, 1860. }

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

On motion of Mr. Fleweller, Mr. Munson was excused from attendance on the House for to-day.

On motion of Mr. Dickson, Mr. Henderson was excused from attendance on House for balance of the session.

Mr. Hubbard was excused from attendance on the House for balance of session from Saturday next.

Mr. Foscue, chairman of committee on Internal Improvements, reported recommending the passage of the Senate's bill to amend the 1st and 16th sections of the act to incorporate the Texas Western Railroad Company, approved February 16th 1852, passed August, 1856.

Mr. Billingsley moved to reconsider the vote employing a Reporter.

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

Bill for protection of Game on Galveston Island.

Bill for relief of H. C. Davis.

Bill for relief of Lewis Bouclet and Hetty O. Kohlman.

Bill to legalize marriage between Wm. Davis and Sarah James.

Bill to legalize marriage between W. H. and Margaret Slain, of Bosque county.

Bill to legalize unconditional certificates of John Jordan.

Bill to incorporate Lodge No. 36, I. O. O. F. at Clarksville, Red River county, Texas.

Bill to incorporate Trinity Valley Railroad Company.

Bill to incorporate Galveston Casino.

Bill to require Treasurer to refund to Blas Uribe and other co-heirs certain money.

Bill to change name of Susan Alford to Susan Bell, and permit Abigail Bell to adopt her.

And had passed the following Senate's bills :

Bill supplemental and amendatory of act to adopt and establish Penal Code for State of Texas.

Bill supplemental and amendatory of act to establish a code of Criminal Procedure.

Bill to change name of Mary Welch to that of Mary Isak Payne, &c.

Bill for relief of T. B. Beck, Wm. Custard, Abner Me and Abner H. Cook.

Bill for relief of assees of John Hancock.

Bill for relief of Voltaire Roundtree.

And had rejected the following named House bills.

Bill to incorporate town of Meridian in Bosque co

Bill to incorporate town of Shelbyville.

Bill to relieve G. K. Gibson from disability of minority

Bill to remove disability of minority from Thomas A. Rodriguez.

Bill to authorize Caleb Wilson to practice law in this State.

Mr. Dickson moved the previous question, which was seconded and the main question ordered, which being on the reconsideration of the vote employing a Reporter, the same was put, and the vote reconsidered by the following vote :

YEAS.—Messrs. Anderson Armstrong Barclay Barnard Baxter Billingsley Bogart Bryan Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Edwards Ellett Flewellen Foscue Hartley Houghton Hubert Lewis of R. Lynch Mabry McClarty McCutchan Middleton Mundine Owens Parker Pirkey Redgate Redwine Robinson Ross Shelton Speights Stewart Townes Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—47.

NAYS.—Messrs. Benevides Branch Buckley Camp Crooks Culberson Dennis Dougherty Duncan Epperson Franklin Hall Henry Hubbard Kinney Lewis of M. Manly Martin Maverick McKnight Mills Nelson Norton Short Smith and Wælder—26.

Mr. Buckley proposed to trike out "\$10" and insert "\$5."

Mr. Ross moved to indefinitely postpone the resolution.

Mr. Culberson moved to lay the motion on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Ross :

YEAS.—Messrs. Speaker Benevides Billingsly Bogart Branch Bryan Buckley Camp Craig Crooks Culberson Cumby Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Epperson Franklin Hall Hartley Henry Hubbard Hubert Lewis of M. Lewis of R. Manly Martin Maverick Maxey McKnight Middleton Mills Nelson Norton Short Smith Wælder Warfield and Wrede—41.

NAYS.—Messrs. Anderson Armstrong Barclay Barnard Baxter Caddell Crawford Clark Dale Daniels Dickson Ellett Flewellen Francis Foscue Harrison of C., Harrison of V. Z., Houghton Kinney Lynch Mabry McClarty McCutchan Mundine Owens Parker Pirkey Robinson Ross Speights Stewart Waterhouse Whitfield and Whitmore—35.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, a bill to repeal an act to establish the University of Texas, approved 11th February, 1853.

Mr. Buckley's amendment was adopted.

Mr. Clark proposed to amend as follows :

"Provided he shall receive no compensation unless all the debates are reported, and without correction, supervision or filling up by any member of any remarks offered by said member."

On motion of Mr. Nelson, the main question was ordered, which being on the adoption of the resolution, the same was put, and the yeas and nays were ordered by Mr. Mills, and the resolution rejected by the following vote:

YEAS.—Messrs. Benevides Billingsley Branch Bryan Buckley Camp Crooks Culberson Cumby Davis of H. Dennis Dougherty Duncan Edwards Ellett Epperson Franklin Hall Hartley Haynes Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Manly Martin Maverick Maxey Mills Nelson Redgate Short Smith Townes Wælder and Walworth—38.

NAYS.—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Bogart Caddell Crawford Clark Dale Daniels Davis of B. Dickson Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Houghton Lynch Mabry McClarty McCutchan McKnight Middleton Mandine Norton Parker Pirkey Redwine Robinson Ross Shelton Speights Stewart Warfield Waterhouse Whitmore Wortham and Wrede—42.

Mr. Nelson, chairman of committee of Conference, reported recommending that the House adhere to the original bill of the House to pay certain persons for arresting and bringing to justice one J. T. Shanks, and that Senate recede from their amendments. Report adopted.

Also, as committee on Indian Affairs, reported as follows on the Governor's message relative to the Coshatee Indians.

Mr. Dickson, chairman of committee on Public Debt, reported, asking to be discharged from further consideration of the petition of E. Clegg.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled &c., bill for the relief of Alex. Wheeler.

Mr. Bryan presented the petition of Wm. J. Mills and others. Referred to committee on Counties and County Boundaries.

The resolution to change order of business during afternoon sessions, was taken up and rejected.

The resolution to change order of business, was taken up, and on motion of Mr. Cumby, laid on the table.

Mr. McKnight introduced a bill to incorporate Institution of learning. Read first time and referred to committee on Education.

Mr. Norton introduced a bill to incorporate Kaufman University. Read first time and referred to committee on Education.

Mr. Dennis introduced a bill to relinquish right of State to

certain Islands in Colorado river. Read first time and referred to committee on State Affairs.

Senate's bill making further appropriation of \$4000 for maintenance of rangers called out under Captains Ford, Brown and Bourland, was taken up, and read first time.

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

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

The Senate's bill to incorporate the Corpus Christi Bay and Brazos St. Iago Canal Company, was taken up and read first time.

Mr. McClarty introduced a bill to amend article 666, of code of Criminal Procedure. Read first time and referred to Judiciary committee.

Also, introduced a joint resolution relative to troops now in the field or hereafter to be called out. Read first time and referred to committee on Military Affairs.

House's bill prescribing Police regulations in respect to slaves, was taken up.

Mr. Townes proposed to amend by adding another section. Ruled out of order.

Mr. Foscue proposed to amend section 7, by adding :

Provided that the Capt. shall be authorized to hear and allow all reasonable excuses for failure to serve. Adopted and bill passed.

Senate's bill supplementary of and amendatory to the act to establish a code of Criminal Procedure, taken up, read first time and referred to Judiciary committee.

Senate's bill supplementary and amendatory of act to adopt and establish a Penal Code, taken up, read first time and referred to Judiciary committee.

[Mr. Dennis in the chair.]

On motion of Mr. Welder, the rule was suspended and the bill to regulate the sale of spirituous liquors, with report from committee, recommending a substitute, was taken up.

Mr. Welder proposed to amend by adding an additional section

Mr. Nelson moved to lay the bill and amendments on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Nelson :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Benevides Billingsley Bogart Blanch Bryan Camp Craig Dale Daniels Davis of H. Dickson Ellett Francis Franklin Hartley

Haynes Lewis of R. Mabry Martin Maverick Mills Mundine Nelson Pirkey Redgate Shelton Stewart Townes Warfield Whitfield and Wortham—37.

NAYS.—Messrs. Baxter Buckley Caddell Crawford Clark Cunby Davis of B. Dennis Dougherty Duncan Edwards Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Lewis of M. Manly McClarty McCutchan McKnight Middleton Norton Owens Redwine Ross Short Speights Wælder Walworth Waterhouse and Wrede—33.

A message was received from the Senate informing the House that the Senate had passed bill to incorporate Nacogdoches Historic Society.

Bill concerning common schools, and supplemental to act supplementary to and amendatory of the act to give each corporate county of this State its own County Surveyor, maps and records and define the duties of Surveyors, and had refused to concur in the amendments of the House's to the Senate's bill to reorganize the Court of Claims, &c.

On motion of Mr. Culberson, the rule was suspended and the bill to encourage publication of a complete Digest of the reports of the Supreme Court, was taken up, read second time and passed to third reading.

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

Mr. Foscue proposed to amend by striking out "500" and inserting "300."

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

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

7 O'CLOCK, P. M.

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

On motion of Mr. Nelson, Mr. Bogart was excused from attendance on the House after Monday next.

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

A bill to change the name of Mary Welch to Mary Isabella Payne, &c. Referred to Judiciary committee.

A bill for the relief of V. Roundtree. Referred to committee on Private Land Claims.

A bill for the relief of T. B. Beck, *et al.* Referred to committee on Claims and Accounts.

A bill to incorporate the Nacogdoches Historic Association. Referred to committee on State Affairs.

A bill to incorporate the Washington Male and Female Institution. Read third time and passed by a $\frac{2}{3}$ vote, 60 yeas.

The House adhered to its amendments to the Court of Claims bill, and asked for a committee of conference on the amendments.

A bill for the relief of the heirs of Mark Copeland, taken up, read third time and passed.

A bill to incorporate the citizens of Rio Grande Valley, taken up, read third time.

Mr. Crooks proposed to amend by adding an additional section. Lost.

Mr. Mabry proposed to amend as follows :

Provided that the alternate sections of the land located by virtue of the certificates granted under this bill shall be retained to the State.

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

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

Amend by extending the same privilege to any county that may wish to exercise the same rights in their counties.

Mr. Ross proposed to substitute the amendment by the following :

Provided that nothing herein contained shall be so construed as to authorize the county so authorized to charge for any additional depth or width, which may be necessary to accomplish the object of irrigation as contemplated in the preceding section. Adopted, and amendments as amended adopted.

The question being upon the passage of the bill, the same was put, the yeas and nays being ordered on motion of Mr. Hall, the bill passed by the following vote :

YEAS.—Messrs. Speaker Armstrong Barclay Baxter Billingsley Bryan Buckley Camp Craig Clark Culberson Cumby Dale Daniels Davis of B. Dennis Franklin Hall Hartley Hubbard Hubert Lewis of M. Lynch Manly Maverick Maxey McClarty McKnight Middleton Mills Mundine Nelson Norton Owens Pirkey Redgate Ross Shelton Short Smith Stewart Townes Wælder Walworth Warfield and Wrede—51.

NAYS.—Messrs. Bogart Caddell Crooks Davis of H. Foscue Harrison of V. Z. Henderson Houghton Mundine McCutchan Parker Redwine Waterhouse Whitfield Whitmore and Wortham—16.

A bill for the relief of James W. Parker, Margret C. Bowman, *et al.*, taken up.

Mr. Henderson proposed to amend by striking out the word "assigns" wherever it occurs in the bill. Lost.

Mr. Harrison of V. Z., moved to reconsider the vote refusing to pass a joint resolution proposing an amendment to the constitution, and that the motion be postponed until 11 o'clock A. M., to-morrow. Carried.

On motion of Mr. Nelson, the bill was recommitted to committee on Public Debt.

A bill supplemental to an act to amend the caption and 1st and 16th sections of an act to incorporate Texas Western Railroad Company, taken up, read second time.

Mr. Epperson proposed to amend as follows :

“After the word Texas, in 3d section, 2d line, insert the words with the assent of such other Railroads.” Adopted.

Mr. Foscue proposed a substitute for the proviso in third section down to “aid,” as follows :

Provided that if said Southern Pacific Railroad should at any time effect a junction with the Memphis and El Paso Railroad, at a point west of the meridian of the town of Dallas, then the main trunk westward, beyond the point of junction, shall be entitled to twenty sections of land per mile, to be surveyed and selected according to the provisions of the act of 16th February, 1852.

Mr. Epperson proposed to amend the proviso by striking out the words “at a point west of the meridian of Dallas” Adopted and Mr. Foscue withdrew his amendment.

[Mr. Dickson in the chair.]

Mr. Norton proposed to amend as follows :

“In 4th line of 3d section, after the word junction, insert, at or near Fort Worth.”

Mr. Flewollen proposed to amend the amendment as follows :

Insert “at a point where the Central Texas Railroad crosses said road.”

Mr. Hubbard moved to lay the amendment on the table. Withdrawn.

Mr. Caddell moved the previous question. Lost.

On motion of Mr. Billingsley, the amendments were laid on the table.

Mr. Foscue again offered his amendment

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

The yeas and nays were ordered on motion of Mr. Flewollen, and stood thus :

YEAS—Messrs. Bogart Bryan Caddell Flewollen Henderson Mabry Manly Maverick Mills Mundine Redgate Ross Whitfield and Wrede—14.

NAYS.—Messrs. Anderson Armstrong Barclay Baxter Billings-

ley Craig Crooks Culberson Cumby Dale Darnell Davis of B. Davis of H. Dennis Dickson Duncan Edwards Epperson Franklin Francis Foscue Hall Harrison of V. Z. Harrison of C. Hartley Henry Hubbard Lynch Martin McCutchan, McMnight Middleton Norton Parker Pirkey Redwine Shannon Shelton Smith Speights Townes Wælder Warfield Waterhouse and Whitmore—46.

So the House refused to lay the amendment on the table.

Mr. Bogart proposed to amend the amendment as follows :

“The junction of said roads shall be at a point not south nor west of Fort Worth.” Rejected.

Mr. Franklin proposed to amend as follows :

Strike out “20” and insert “16,” before the word “sections.”

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

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Billingsley Bogart Buckley Craig Culberson Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Hubbard Hubert Martin Maverick McCutchan Norton Pirkey Shannon Shelton Smith Wælder Walworth Warfield Waterhouse and Wortham—39.

NAYS—Messrs. Bryan Caddel Camp Clark Cumby Dickson Edwards Franklin Henderson Lynch Flewellen Mabry Manly McKnight Middleton Mills Mundine Parker Redgate Redwine Ross Stewart Townes Whitfield and Wrede—26.

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

The question recurring on the adoption of the amendment, the yeas and nays were ordered on motion of Mr. Mabry, and the amendment adopted by the following vote :

YEAS.—Messrs. Anderson Armstrong Barclay Baxter Billingsley Bogart Buckley Craig Clark Culberson Dale Daniels Davis of B. Davis of H. Dougherty Duncan Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Hubbard Hubert Martin Maverick Norton Owens Shannon Shelton Short Smith Walworth Warfield Waterhouse and Whitmore—38.

NAYS—Messrs. Speaker Bryan Caddell Camp Cumby Dickson Flewellen Franklin Henderson Lynch Mabry Manly McCutchan McKnight Middleton Mills Mundine Parker Redgate Redwine Ross Speights Stewart Townes Whitfield and Wrede—29.

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

On motion of Mr. Davis of B., the main question was ordered, which being the passage of the bill to third reading, the same was put, and the yeas and nays being ordered on motion of Mr. Middleton, stood thus :

YEAS—Messrs. Anderson Armstrong Barclay Baxter Billingsley Bogart Buckley Caddell Camp Craig Culbertson Cumby Dale Dennis Davis of B. Davis of H. Dennis Dougherty Duncan Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Hubbard Hubert Mabry Martin Maverick Norton Owens Parker Redgate Redwine Shannon Shelton Short Smith Speights Stewart Wælder Walworth Warfield Waterhouse and Whitmore—48.

NAYS—Messrs. Bryan Dickson Fleweller Franklin Manly Middleton Mills Townes Whitfield and Wrede—10.

No quorum voting, on motion the House adjourned until 9¼ o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Wednesday, Feb. 1st, 1860. }

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

The Speaker announced Messrs. Davis of B., Craig, Franklin, Francis and Anderson, a committee of Conference on the bill to reorganize the Court of Claims.

Mr. Branch, one of the committee on Education, reported, recommending the passage of the bill to incorporate Kaufman University.

Mr. Lewis of M., one of the committee on State Affairs, reported, asking to be discharged from further consideration of the bill, providing for the erection of a monument over the remains of the late Hon. A. S. Lipscomb.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to relinquish the right of the State to certain islands in the Colorado river.

Also, reported a substitute for the bill, relinquishing 9-10 of the State tax of Denton county to said county, and recommended its passage.

Mr. Ellett moved to suspend rule, and read bill second time. Lost.

Mr. Wortham, one of the committee on Public Lands, reported, recommending the passage of the Senate's bill to authorize and require the Commissioner of the General Land Office to

patent the surveys made by virtue of certain Peter's Colony certificates.

Mr. Mundine, one of a Special committee, reported a bill for relief of Albert M. Hogan, and recommended its passage. Bill read first time.

Mr. Francis introduced a joint resolution relative to distribution of Oldham & White's Digest. Read first time.

Mr. Epperson introduced a joint resolution to turn over certain property used by the boundary survey commissioners, to the rangers. Read first time.

Mr. Epperson moved to suspend rule, and read resolution second time.

Mr. Parker moved to refer resolution to committee on State Affairs.

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

Bill to incorporate Texas Insurance and Saving Fund Company, and

Bill to amend 1st, 3d and 13th sections of the act to incorporate Texas Life, Fire and Marine Insurance Company of the city of Galveston, State of Texas, and requested the return of the House's bill to incorporate town of Shelbyville, which was rejected by the Senate.

The joint resolution was referred to committee on State Affairs.

Mr. Stewart introduced a bill to authorize the Comptroller to sell U. S. bonds. Read first time.

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

Mr. Harrison of V. Z., moved to amend by saying, "not unless they are sold for par value." Lost, and bill ordered to be engrossed.

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

Mr. Nelson, chairman of Special committee, to whom was referred the petition of E. L. and J. M. H. Martin, reported that the committee unanimously requested to be discharged from further consideration of said petition.

Mr. Martin rose to a personal explanation.

A message was received from the Senate, informing the House that the Senate had passed the House's bill making appropriation to defray the expenses of the State Penitentiary with amendments.

Also, had appointed Messrs. Throckmorton, Guinn and Paschal

a committee of Conference on the bill to reorganize Court of Chims.

Mr. Foscue offered the following resolution :

Resolved, That in the opinion of this House no member who has voluntarily absented himself from attendance upon its sittings, is entitled to pay for the time of his absence whether with or without leave from the House.

Mr. Lewis of R., moved to lay resolution on the table.

The yeas and nays were ordered on motion of Mr. Foscue and stood thus :

YEAS—Messrs. Anderson Armstrong Barclay Barnard Baxter Benevides Billingsley Bogart Bryan Buckley Camp Craig Crawford Crooks Clark Cumby Davis of H. Dougherty Edwards Ellett Epperson Hall Harrison of V. Z. Hartley Haynes Henry Houghton Lewis of R. Manly Middleton Mills Mundine Munson Nelson Robinson Shannon Welder Wortham and Wrede—39.

NAYS—Messrs. Speaker Branch Caddell Dale Daniels Davis of B. Dennis Dickson Francis Franklin Foscue Harrison of C. Lewis of M. Lynch Maverick McClarty McCutchan Norton Parker Redgate Redwine Ross Shelton Short Smith Spights Stewart Townes Warfield Waterhouse Whitfield and Whitmore—32.

House laying the resolution on the table.

Mr. Maverick introduced a joint resolution in reply to the South Carolina resolution. Read first time.

Mr. Welder offered the following resolution :

Resolved, That the resolution be referred to committee on Federal Relations, with instructions to report previous to next Monday, and that the resolution be made the special order of the day for Monday next, at 11 o'clock, and their consideration continued during morning and night sessions until they are disposed of, and that 100 copies of the resolution be printed for use of House. Adopted.

Mr. Nelson offered the following resolution :

Be it resolved, That the sum of \$135 be and the same is hereby appropriated out of the contingent fund of this House for the payment of A. N. Hopkins as special Messenger under the warrant of the Speaker, and that the Treasurer be required to pay the same. Adopted.

Mr. Daniels moved to suspend rule and take up the bill to prevent sale of spirituous liquors near Soule University. Lost.

The special order to-wit: The motion to reconsider the vote refusing to pass the bill proposing amendment to the Constitution, came up.

The Speaker ruled the motion out of order, as a vote had once been taken on the reconsideration.

Mr. Buckley appealed from the decision.

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

Absentees:—Messrs. Branch, Culberson, Henry, Hubbard, Hubert, Kinney, Lynch, Maxey, Navarro, Nelson, Owens, Pery, Pirkey, Shannon, Smith and Taylor.

Mr. Mabry, chairman House committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, }
February 1, 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 to incorporate the Columbus Tap Railway Company.”

“A bill to amend the 2d, 5th, 8th and 9th sections of an act to authorize the sale of the public domain.”

“A bill making an appropriation to defray the expense of selling the University lands.”

“A bill entitled an act for the relief of Joseph Turner.”

“A bill to amend an act to incorporate Bastrop Academy, approved Feb. 7, 1853, and an act to amend the same, approved Jan. 1858.”

“A bill to authorize the corporate authorities of the town of Dangerfield to tax ten pin alleys, billiard saloons and pistol galleries.”

“A bill making appropriations for the protection of the frontier.”

“A bill authorizing the heirs, representatives or relatives of deceased persons to sue for and receive damages when the death of such person or persons has been caused or occasioned by the negligent, culpable or wrongful act of another.”

“A bill to validate the county seal of Young county.”

“A bill to incorporate the Navarro county Agricultural and Mechanical Association.”

“A bill to be entitled an act to apportion the State into Senatorial and Representative districts.”

“A bill supplementary to an act entitled an act to provide for distributing the reports of the Supreme Court, the laws of the State, and the journals of the Legislature.”

“A bill relinquishing the title of the State to certain lands therein named to William M. Love.”

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

ORDERS OF THE DAY.

The bill to amend the 1st and 2d sections of act to indemnify the owners for loss of slaves executed, &c, taken up, read third time and passed.

Bill to relinquish 9-10 of State tax of Orange and Navarro counties, taken up, read third time.

Mr. Mills proposed to amend by inserting "court house" before jail. Adopted.

Mr. Harrison of V. Z., proposed to amend by adding "Van Zandt county."

Mr. Duncan proposed to amend by adding "Calhoun county."

On motion of Mr. Flewellen, the main question was ordered, which being on the final passage of the bill, the yeas and nays were ordered on motion of Mr. Redwine, and bill passed by the following vote :

YEAS—Messrs. Armstrong Barclay Barnard Benevides Bryan Buckley Crawford Clark Dale Davis of B. Dougherty Duncan Ellett Epperson Flewellen Hall Harrison of V. Z. Hartley Haynes Houghton Hubert Manly Martin McCutchan Middleton Mills Munson Nelson Norton Redgate Short and Speights—33.

NAYS—Messrs. Anderson Billingsley Bogart Caddell Camp Crooks Cumby Davis of H. Dickson Edwards Francis Franklin Fescue Lewis of R. Maverick McClarty Mundine Parker Pirkey Redwine Robinson Ross Shelton Stewart Townes Wælder Warfield Waterhouse Whitfield Whitmore and Wrede—31.

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.

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

After much delay, no quorum being present, 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. Middleton moved to reconsider the vote rejecting the resolution to employ a reporter, and that the motion be postponed till 11 o'clock, Friday.

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

Absentees :—Messrs. Barnard, Bryan, Darnell, Flewellen, Hall, Hartley, Hubert, Kinney, Lewis of M., Manly, Munson, Navarro, Nelson, Perry, Pirkey, Shannon and Taylor.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to authorize the Comptroller to dispose of United States bonds.

On motion of Mr. Benevides, Mr. Haynes was excused from attendance on the House for to-night on account of illness.

The bill supplemental to the act to amend the 1st and 16th sections of the act to incorporate the Texas Western Railroad Company, approved Feb. 16, 1852, passed 16th of August, 1856, was taken up.

On motion of Mr. Foscue, the vote adopting his amendment was reconsidered, and the amendment was withdrawn.

Mr. Ross proposed to amend as follows :

"*Provided*, That nothing herein contained shall be so construed as to authorize the said company to draw \$6,000 per mile for the 6 or 7 miles of the road that is necessary to connect said road with the Vicksburg railroad."

Mr. Anderson moved the previous question.

Mr. Pirkey moved a call of the House. Lost, and the motion for the previous question was seconded.

The question being shall the main question be put, the yeas and nays were ordered on motion of Mr. Pirkey, and the House ordered the main question by the following vote :

YEAS—Messrs. Anderson Armstrong Barclay Baxter Billingsley Bogart Branch Caddell Camp Craig Crawford Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Flewellen Harrison of C. Henry Houghton Hubbard Lewis of R. Lynch Mabry Manly Martin Maverick McClarty McCutchan Middleton Mills Mundine Norton Owens Parker Redgate Shannon Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—52.

NAYS—Messrs. Crooks Clark Ellett Epperson Foscue McKnight Pirkey Redwine Ross and Shelton—10.

And the bill passed to third reading.

Mr. Mabry moved to reconsider the vote passing the bill to third reading.

A message was received from the Senate, informing the House that the Senate had passed a bill to amend the third section of the act to encourage the construction of railroads in Texas by donations of land, approved Jan 30, 1854.

Mr. Lewis of R., moved to lay the motion to reconsider on the table.

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

YEAS—Messrs. Anderson Armstrong Barclay Baxter Billings-

ley Bogart Craig Crawford Cumby Daniels Davis of B. Davis of H. Dougherty Duncan Harrison of C. Harrison of V. Z. Henry Hubbard Lewis of R. Lynch Manly Martin McClarty McCutchan McKnight Mundine Norton Parker Pirkey Redgate Robinson Shannon Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—44.

NAYS—Messrs. Benevides Branch Bryan Buckley Caddell Crooks Clark Edwards Ellett Epperson Fleweller Francis Franklin Foscue Mabry Maverick Middleton Owens Redwine Ross Shelton and Wrede—25.

On motion of Mr. Mills, the rule was suspended and the bill placed on its third reading by the following vote, the yeas and nays being ordered on motion of Mr. Crooks:

YEAS—Messrs. Speaker Anderson Barclay Baxter Benevides Billingsley Bogart Buckley Camp Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Fleweller Harrison of C. Hubbard Lewis of R. Lynch Mabry Manly Maverick Martin McClarty McCutchan Mills Mundine Norton Owens Parker Redgate Redwine Robinson Shannon Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—56.

NAYS—Messrs. Armstrong Caddell Crooks Ellett Francis Franklin Foscue Houghton McKnight Middleton Pirkey Ross and Shelton—13.

Mr. Ellett proposed to amend as follows:

“*Provided*, That portion of the road connecting with the lake shall be kept in good running order.” Rejected.

Mr. Pirkey proposed to amend by striking out 2d section.

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

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

The question being shall the main question be now put, the yeas and nays were ordered on motion of Mr. Pirkey, and the main question ordered by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Baxter Billingsley Bogart Branch Camp Craig Crawford Clark Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Hall Harrison of C. Harrison of V. Z. Hubbard Hubert Kinney Lewis of R. Lynch Manly Martin Maverick McClarty McCutchan Mills Mundine Norton Owens Parker Redgate Redwine Robinson Shannon Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—53.

NAYS—Messrs. Speaker Bryan Buckley Caddell Crooks Ellett Epperson Francis Franklin Foscue Houghton Mabry McKnight Middleton Pirkey Ross Shelton and Wælder—18.

The question recurring 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. Speaker Anderson Barclay Baxter Benevides Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Hall Harrison of C. Harrison of V. Z. Henry Hubbard Hubert Kinney Lewis of R. Lynch Manly Martin Maverick McClarty McCutchan McKnight Mills Mundine Norton Owens Parker Pirkey Redgate Redwine Robinson Shannon Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—59.

NAYS—Messrs. Armstrong Caddell Crooks Ellett Epperson Francis Foscue Houghton Mabry Middleton and Ross—11.

Mr. Whitmore moved to reconsider the vote.

Mr. Pirkey moved a call of the House. Lost.

On motion of Mr. Norton, the motion to reconsider was laid on table.

Mr. Redwine moved to suspend rule and take up bill No. 176. Lost.

Mr. Davis of B., by permission, reported that the committee of Conference agreed that the House adhere to their amendments to the Senate's bill to reorganize the Court of Claims.

Also, recommended an amendment: amend by inserting "a Chief Clerk with salary of \$1200."

The question being on the adoption of the report, the yeas and nays were ordered on motion of Mr. Buckley, and the report adopted by the following vote :

YEAS—Messrs. Speaker Anderson Barclay Baxter Benevides Branch Bryan Caddell Camp Craig Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Foscue Hall Harrison of C. Harrison of V. Z. Houghton Kinney Lynch Mabry Manly Martin Maverick McClarty McKnight Middleton Parker Pirkey Redgate Robinson Ross Shannon Shelton Smith Wælder Walworth Warfield Waterhouse Whitfield and Wrede—44.

NAYS—Messrs. Armstrong Billingsley Bogart Buckley Crawford Clark Daniels Edwards Epperson Francis Hubbard Lewis of R. McCutchan Mills Mundine Norton Owens Redwine Speights Stewart Townes Whitmore and Wortham—23.

On motion of Mr. Manly, the rule was suspended and the Senate's joint resolution, instructing and requesting our members

in Congress: to use their endeavors to have Capt. J. G. Todd incorporated in the U. S. navy, was taken up, read second time, and passed to third reading.

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

On motion of Mr. Mills, the vote refusing to pass the bill to regulate the sale of spirituous liquors, was reconsidered, and the consideration of the motion was postponed till 11 o'clock, A. M., to-morrow.

[Mr. Dickson in the Chair.]

The House's bill, making appropriation to defray the expenses of Penitentiary with amendments by the Senate, was taken up and the amendments concurred in.

Senate's bill to amend 1st, 3d and 13th sections of the bill to incorporate the Texas Life, Fire and Marine Insurance Company in city of Galveston, was taken up and read first time.

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

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benavides Billingsley Bogart Branch Bryan Craig Crooks Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Flewellen Francis Franklin Foscoe Hall Harrison of C. Harrison of V. Z. Houghton Hubbard Hubert Kinney Lewis of R. Lynch Mabry Manly Martin Maverick McClarty McCutchan Middleton Mills Mundine Norton Owens Parker Redgate Robinson Ross Shelton Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wortham—60.

NAYS—Messrs. Caddell Pirkey Redwine and Whitmore—4.

The Senate's bill to incorporate the Texas Insurance and Saving Fund Association, taken up, read first time.

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

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

Mr. Norton proposed to amend as follows: "insert h between s and a wherever it occurs."

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

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

YEAS—Messrs. Anderson Armstrong Barclay Benavides Bryan Craig Dale Daniels Dennis Dickson Duncan Francis Franklin

Hall Harrison of C. Hubert Kinney Lynch Mabry Manly Maverick McClarty McCutchan Mills Mundine Pirkey Redgate Redwine Robinson Ross Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wrede—40.

NAYS—Messrs. Billingsley Bogart Caddell Camp Davis of B. Davis of H. Dougherty Ellett Epperson Foscue Harrison of V. Z. Houghton McKnight Middleton Norton Owens Pirkey Shelton Speights and Whitmore—19.

The question recurring on the final passage of the bill, the House refused to pass the bill by the following vote, $\frac{3}{4}$ not voting therefor :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Branch Bryan Buckley Craig Crooks Dale Danie's Dennis Dickson Dougherty Duncan Epperson Flewellen Franklin Hall Houghton Hubbard Hubert Kinney Lewis of R. Manly Martin Maverick McClarty McCutchan McKnight Mills Redgate Robinson Short Smith Stewart Townes Wælder Waterhouse Whitfield and Wrede—41.

NAYS—Messrs. Billingsley Bogart Caddell Camp Clark Davis of B. Davis of H. Ellett Francis Foscue Harrison of C. Harrison of V. Z. Lynch Mabry Middleton Norton Owens Parker Redwine Ross Shelton Speights Warfield Whitmore and Wortham—25.

Mr. Harrison of C. moved to take up bill No. 219.

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

HOUSE OF REPRESENTATIVES, }
Thursday, February 2nd, 1860. }

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

On motion of Mr. Parker, the rule was suspended, and the bill to make appropriation to defray the expenses of the Lunatic Asylum, was taken up, and made the 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 refused to concur in the House's amendments to the Senate's bill relative to pay of Grand and Petit Jurors in Harrison county, and had adopted report of committee of Conference on Court of Claims.

Mr. Buckley, chairman of committee on Judiciary, reported as follows :

COMMITTEE ROOM, 1st Feb., 1860.

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

Speaker of the House of Representatives :

The committee on the Judiciary to whom were referred, "bill supplementary to and amendatory of an act to adopt and establish a Penal Code for the State of Texas, originating in the Senate, have had the same under consideration, and recommend the passage of the bill with the following amendments, to-wit :

TITLE V.

CHAPTER IV.

1st. Art. 230. Shall hereafter read as follows :

Persons jointly charged as principals, accomplices, or accessories, may claim a severance: and if one, or more be severed, he or they may testify in behalf of his co-defendant, or co-defendants, and the fact that he is so charged shall only go to his credibility.

2nd. Art. 399d. If any person shall obstruct, or injure, or cause to be obstructed, or injured any public road, or highway, or common street, or alley in any incorporated city, or town, or any public bridge, or causeway, or shall continue such obstruction so as to render the same inconvenient, or dangerous to pass, or shall erect, or establish any offensive trade, or manufacture, or business, or continue the same after it has been erected, or established, or shall in any wise pollute, or obstruct any water-course, lake, pond, marsh, or common sewer, or continue such obstruction or pollution so as to render the same unwholesome, or offensive to the county, city, town or neighborhood, thereabouts, or shall do any other act or thing that would be deemed, and held to be, a nuisance at common law, shall be guilty of a misdemeanor, and on conviction by indictment, fined in any sum not exceeding five hundred dollars. And upon conviction the Judge trying the case shall order the Sheriff to abate such nuisance at the expense of the defedant to be taxed in the bill of costs: Provided that no person shall be punished under this article, who places obstructions in the streets or alleys of incorporated cities, or towns for purposes of improvement, by permission of the corporate authorities of such city or town.

3rd. Insert the following :

Art. 509a. If any free white person or persons, shall play at any game with cards, or at any other game, or games of chance with a slave or slaves, or a free person of color he or they shall be fined not less than twenty, nor more than one hundred dollars, or imprisoned in the county jail not more than three months, at the discretion of the jury.

4th. Art. 791a. In last line but one, strike out five hundred and insert one thousand.

5th. In repealing clause, at the end of second line insert
4."

6th. Add at the end of the bill, "excepting the foregoing repealing clause, which shall take effect and be in force from and after the passage of this act."

7th. Art. 653. Amend by inserting after "calculated" in the third line "and with the intent."

Same article strike out "five" and insert "two," and strike out "fifteen" and insert "five."

All of which is respectfully submitted.

C. W. BUCKLEY,
Chairman.

On motion of Mr. Buckley, the rule was suspended, bill taken up, amendments adapted and the bill read second time.

Mr. Wælder offered a substitute for 411 as follows :

Art. 411. Upon the trial of any person accused of offending against the provisions of the two preceding articles, either in the District Court, or Justices' or Mayors' Courts, it shall not be necessary to prove that any money, or article of value, or the representative of either, was bet at such game. The offence is complete without such proof : provided nothing herein contained shall prevent the person accused from showing affirmatively that the game so played was for recreation and amusement, and not for the purpose of gaming.

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

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

YEAS—Messrs. Anderson Barclay Benevides Bogart Branch Buckley Camp Craig Crawford Crooks Clark Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Francis Foscue Houghton Lewis of B. Martin Maverick McClarty McCutchan Middleton Mundine Munson Parker Redgate Redwine Ross Short Smith Speights Stewart Townes Walworth Waterhouse Whitfield Whitmore and Wortham—42.

NAYS—Messrs. Speaker Armstrong Barnard Billingsley Bryan Dale Duncan Elliott Epperson Franklin Hartley Hubert Lewis of M. Mabry Manly McKnight Mills Norton Shannon Shelton Wælder and Wrede—22.

Mr. Stewart proposed to amend by striking out of article 410 the words, "a private room in an inn or tavern is not within the meaning of a public place, unless such room is commonly used for gaming, nor is a private business office or a private residence to be construed as within the meaning of a public House or place."

Mr. Lewis of M. moved to lay the amendment on the table.

The yeas and nays were ordered on motion of Mr. Stewart and the amendment laid on the table by the following vote :

YEAS—Messrs. Armstrong Barnard Benevides Bogart Bryan Buckley Craig Clark Cumby Davis of H. Dennis Duncan Ellett Epperson Foscoe Hartley Haynes Houghton Hubert Kinney Lewis of M. Lewis of R. Manly Maverick Mills Mundine Norton Owens Parker Redgate Shannon Short Smith Speights Townes Wælder Walworth Waterhouse Whitfield and Wrede—40.

NAYS—Messrs. Speaker Anderson Barclay Billingsley Branch Camp Crawford Darnell Daniels Davis of B. Dickson Francis Franklin Harrison of C. McClarty McCutchan Redwine Ross Stewart Warfield Whitmore and Wortham—22.

On motion of Mr. Davis of B. the vote refusing to pass the bill to incorporate the Insurance and Saving Fund Association by the following vote; the yeas and nays being ordered on motion of Mr. Davis of B:

YEAS—Messrs. Speaker Anderson Armstrong Benevides Billingsly Branch Bryan Buckley Craig Crawford Crooks Clark Dale Daniels Davis of B. Dennis Dickson Duncan Epperson Franklin Hall Harrison of V. Z. Hartley Houghton Hubert Lewis of R. Mabry Manly Maverick McClarty McCutchan McKnight Middleton Mills Mundine Munson Owens Redgate Ross Short Smith Townes Wælder Whitfield and Wrede—45.

NAYS—Messrs. Barclay Barnard Bogart Camp Darnell Davis of H. Dougherty Edwards Ellett Francis Foscoe Kinney Norton Parker Redwine Shannon Speights Stewart Warfield Waterhouse Whitmore and Wortham—22.

On motion the consideration of the bill was postponed till to-night.

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

Committee on Egrossed Bills, have examined the following bills and find them correctly engrossed :

A bill authorizing the county court of Karnes county to levy and collect a specil tax.

A bill for the relief of Lucretia Franklin.

A bill for the relief of P. W. Fuller.

A bill for the relief of Leslie Combs.

A bill entitled an act to amend an act to incorporate the Fire Association of the city of San Antonio.

A bill to encourage the citizes of El Paso county, to irrigate the Rio Grande Valley.

Mr. Bryan proposed to amend the bill before the House as follows :

775c. Provided that nothing in this article shall be so construed as to subject any person to the penalties herein, who does not drive stock beyond the nearest pen used generally for penning stock to the place where the stock is found. Adopted.

Mr. Townes proposed to amend as follows :

Art. 801a. That it shall not be lawful for any negro to preach the Gospel or to exhort at any religious or other meeting except upon the farm of his master, unless such preaching or exhortation shall be in the presence of at least two slave holders ; and any violation of this article shall be deemed a petty offence and may be inquired into by any justice of the Peace according to title 11, article 61 of the Code of Criminal Procedure; and upon conviction the negro shall be punished by whipping according to the provisions of article 816 of the Penal Code. Adopted.

Mr. Stewart proposed to amend as follows :

Art. 410. Provided said private residences shall not be a house where people resort for the purpose of gaming for money or other articles of value. Adopted.

Mr. Stewart also proposed to amend as follows :

Art. 410. Provided said private residence shall not be a house for retailing spirituous liquors. Adopted, and the bill passed to 3rd reading.

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

Mr. Buckley, chairman of committee on Judiciary, reported as follows :

COMMITTEE ROOM, 1st Feb., 1860.

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

Speaker of the House of Representatives :

The committee on the Judiciary, to whom was referred, bill supplementary to and amendatory of an act to adopt and establish a Code of Criminal Procedure for the State of Texas, originating in the Senate, have had the same under consideration and instruct me to report the same back to the House, and recommended its passage with the following amendments, to-wit :

1st. Art. 587. Shall hereafter read as follows :

Where two or more defendants are jointly prosecuted they may sever on the trial at the request of either, or they shall be severed on the trial at the request of the District Attorney.

3rd. Art. 588. Shall hereafter read as follows :

Where any such severance is made, the defendant or defendants not on trial may be introduced as a witness for the prosecution, or defence, and the joint indictment of the party so introduced as a witness shall only go to his credibility.

3rd. Art. 662. Shall hereafter read as follows :

The confession shall not be used, if at the time it was made, the defendant was in jail, or other place of confinement, nor while he is in custody of an officer, unless such confession be made in the voluntary statement of the accused, taken before an examining court in accordance with law, or be made voluntarily after having been first cautioned that it may be used against him, or unless in connexion with such confession he make statements of facts or circumstances, that are found to be true, which conduce to establish his guilt, such finding of secreted or stolen property, or instruments with which he states the offence was committed.

All of which is respectfully submitted.

C. W. BUCKLEY,

Chairman.

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

Mr. Buckley proposed to amend as follows :

Art. 333 of the Code of Criminal Procedure shall read as follows :

Art. 333. The Grand Jury in propounding questions to witnesses shall direct the examination to the person accused or suspected, shall state the offence with which he is charged, the county where the offence is said to have been committed and as nearly as may be the time of the commission of the offence.—
Adopted.

Mr. Mills proposed to amend as follows :

Art. 382. Witness shall first be sworn by the foreman not to divulge either by words or signs any matter about which they may be interrogated and to keep secret all proceedings which may be had in their presence, until the final adjournment of said term of the court.

The question being on the adoption of the amendment, the yeas and nays were ordered on motion of Mr. Mills, and the House refused to adopt amendment by following vote :

YEAS.—Messrs. Armstrong Billingsley Bogart Bryan Buckley Camp Clark Dale Davis of H. Hall Lewis of M. McKnight Mills Munson and Whitmore—15.

YEAS.—Messrs. Speaker Anderson Baxter Benevides Branch Craig Crawford Cumby Darnell Daniels Davis of B. Dennis Dickson Dougherty Epperson Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Haynes Houghton Lewis of R. Lynch Manly Maverick McClarty McCutcheon Mundine Norton Owens Parker Redgate Redwine Robinson Ross Shelton Short

Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wortham—46.

And the bill passed to third reading.

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

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

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 define the Homestead in a town or city.

A bill making an appropriation for repairing the capitol and other public buildings.

An act for the relief of H. C. Davis.

An act to incorporate the Texas and Mexican Railway company.

An act for the relief of Louis Bouillet and Hetty Kohlman.

An act to legalize the marriage of William H. Slain and Margaret Slain, resident citizens of Bosque county.

A bill to incorporate the Waco Classical School.

A bill to be entitled an act for the protection of game on Galveston Island.

A bill to authorize and require the county courts of the several counties of the State of Texas to furnish the county Surveyors of their respective counties with books of record.

An act to create the Board of Commissioners of Public Grounds and Buildings.

An act to legalize the marriage of William Davis and Sarah James.

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

A. M. BRANCH,

One of the committee.

Mr. Buckley, as chairman of Judiciary committee, reported a substitute for the bill to incorporate the American Agency and recommended its passage.

On motion of Mr. Camp, the rule was suspended to take up the bill to punish Sabbath breaking by the following vote, the yeas and nays being ordered on motion of Mr. Mills:

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crawford Clark Cunby Dale Darnell Daniels Davis of B. Davis of H. Dennis

Dickson Epperson Flewellen Francis Hall Harrison of C. Harrison of V. Z. Hartley Houghton Lewis of M. Lewis of R. McClarty McCutchan McKnight Mills Mundine Munson Owens Redgate Ras Shelton Speights Townes Warfield Waterhouse Whitmore Wortham and Wrede—48.

NAYS—Messrs. Barnard Billingsley Dougherty Ellett Foscue Haynes Manly Maverick Norton Parker Walworth and Whitfield—12.

Mr. Foscue proposed to amend by striking out Lords day and inserting first day of the week.

Mr. Mills proposed to amend by striking out Lords day and inserting Sunday.

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.

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

The yeas and nays were ordered on motion of Mr. Wælder and the House adjourned by the following vote :

YEAS—Messrs. Speaker Armstrong Barnard Benevides Bryan Buckley Crooks Cumby Dickson Dougherty Epperson Francis Franklin Foscue Harrison of V. Z. Houghton Lewis of M. Lewis of R. Mabry McCutchan McKnight Redgate Speights Walworth Warfield and Wortham—26.

NAYS.—Messrs. Anderson Barclay Billingsley Bogart Branch Camp Craig Clark Dale Daniels Davis of B. Davis of H. Harrison of C. Haynes McClarty Middleton Parker Ross Shannon Short Townes Waterhouse Whitfield Whitmore and Wrede—25.

7 O'Clock, P. M.

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

Mr. Clark moved that Mr. Edwards be excused from attendance on House after to-morrow. Carried.

Senate's bill for relief of assees of John Hennecke taken up. Read first time.

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

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

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

Bill for relief of widow and heirs of Samuel Swartwout L. S. Hagon and G. B. Lamar.

Bill to incorporate Clifton Academy in Bosque county.

Joint Resolution concerning the improvement of the Harbors in Texas.

Bill to provide for safe keeping of State Library.

Bill to continue the pension heretofore granted to Henry Tierwester, to his widow.

Bill to consolidate into one Institute the Waco Seminary and Waco Female Seminary, &c., &c.

Bill to amend 14th section of act of May 12, 1846, to organize Supreme Court.

Also had passed House's substitute to Senate's bill for relief of Myram Mudgett, *et al*, with amendments.

Also House's bill authorizing the Comptroller to sell U. S. Bonds, with amendments.

Senate's bill concerning Common Schools was taken up. Read first time.

On motion of Mr. Harrison of V. Z., rule suspended, bill read second time.

Mr. Billingsley moved to refer the bill to committee on Education. Lost, and the bill passed to third reading.

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

Mr. Davis of H. presented the petition of James Crawford.— Referred to committee on Court of Claims.

Senate's bill relative to pay of Grand and Petit Jurors, in Harrison county, with amendments by the House, which the Senate refused to concur in was taken up, and on motion of Mr. Craig the House receded from their amendments.

House's bill to authorize the Comptroller to sell United States Bonds, with amendments by the Senate taken up, and amendments concurred in.

House's bill for relief of Myram Mudgett *et al* with amendments by the Senate taken up, and amendments concurred in.

Senate's bill supplemental to the act supplemental to and amendatory of the act to give the respective counties of the State their own county Surveyor, &c., taken up, read first time.

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

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

Senate's bill to amend third section of act to encourage construction of Railroads in Texas by donations of land, &c., taken up and read first time.

On motion of Mr. Smith, rule was suspended, bill read second time.

Mr. Frankliu moved to refer bill to committee on Internal Improvements. Lost, and bill passed to third reading.

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

Senate's bill to incorporate Texas Insurance and Saving Fund Association, was taken up and reconsidered.

Mr. Flewellen proposed to amend section 5th by striking out "\$500,000," and inserting "\$100,000."

Mr. Mills offered the following as a substitute :

But said company shall not have power under this act of incorporation to do anything prohibited by the constitution and by-laws of this State, to any citizen of the State." Adopted, and the bill passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benevides Bryan Buckley Craig Crawford Clark Cumby Daniels Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Francis Franklin Fosene Hall Harrison of C. Havnes Henry Houghton Hubert Lewis of R. Lynch Mabry Manly Martin McClarty Mills Munson Owens Parker Ross Short Smith Stewart Townes Walworth Waterhouse and Whitfield—47.

NAYS—Messrs. Billingsley Bogart Camp Davis of B. Harrison of V. Z. Lewis of M. Maverick Middleton Norton Redgate Shelton Speights Warfield and Whitmore—14.

House's bill for relief of Jno. Ricord taken up, read third time and passed.

Senate's bill to amend 6th section of act to incorporate town of Henderson taken up, read second time and passed to third reading.

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

Mr. Short moved to suspend rule and take up bill No. 269.—Lost.

Senate's bill for relief of heirs of John Grogan, with report from committee recommending amendments, taken up, and amendments adopted.

Mr. Parker proposed to amend by striking out "1280," and inserting "1920." Rejected.

The question recurring on passage of the bill to third reading, the yeas and nays were ordered on motion of Mr. Whitmore.

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

On motion Messrs. Caddell, Darnell, Perry and Redwine were excused from attendance on House.

Absentees—Messrs. Armstrong, Barnard, Benevides, Darnell Edwards, Harrison of C., Hartley, Kinney, McCutchan, McKnight, Navarro, Nelson, Pirkey, Robinson, Shannon, Taylor, Wælder, Wortham and Wrede.

Mr. Buckley moved to suspend call. Lost.

Senate's bill to amend 6th and 7th sections of the act regulating sequestrations, with report from committee recommending amendments, was taken up, and amendments adopted. Bill read second time and passed to third reading.

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

On motion of Mr. McClarty the rule was suspended, and the bill to incorporate the Vicksburg and West Texas Railroad Company read second time and ordered to be engrossed.

On motion of Mr. Clarty the rule was suspended, bill read 3d time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Barclay Benevides Billingsley Bogart Bryan Buckley Camp Craig Crawford Crooks Clark Cumby Dale Darnell Davis of B, Davis of H. Dennis Dickson Duncan Ellett Epperson Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Henry Houghton Hubert Lewis of M. Lynch Mabry Manly Martin Maverick McClarty McCutchan McKnight Middleton Mills Mundine Munson Norton Owens Pirkey Redgate Ross Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—62.

NAYS—Messrs. Hartley and Shelton—2.

On motion of Mr. Norton the rule was suspended, and the bill to incorporate Cedar Grove Institute was taken up and read second time and ordered to be engrossed.

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

YEAS—Messrs. Speaker Anderson Barclay Benevides Billingsley Bogart Bryan Buckley Camp Craig Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis H. Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Houghton Hubert Lewis of M. Lynch Mabry Martin Maverick McClarty McCutchan McKnight Middleton Mills Mundine Munson Norton Owens Parker Redgate Ross Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—61.

NAYS—None.

Mr. Flewellen moved to take up the bill to amend the act to incorporate Soule University. Lost.

Mr. Clark moved to suspend rule and take up bill to incorporate the Dialectic Society. Lost.

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

HOUSE OF REPRESENTATIVES, }
Friday, Feb. 3rd 1860. }

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

Mr. Norton presented the petition of Jas. Navarro. Referred to Private Land Claims committee.

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the bill to amend the 6th section of the act, amendatory of the laws to raise the revenue by taxation :

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

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 to be entitled an act making appropriations to defray the expenses of the State Penitentiary.

A bill requiring the Treasurer of the State, to refund to Blas Uribe and other co-heirs, certain monies erroneously collected of them.

A bill to be entitled an act to legalize the unconditional head-right certificate of John Jordan.

A bill to change the name of Susan Allford to Susan Bell, and to permit Abagial Bell to adopt her.

A bill to be entitled an act to incorporate Bois D'Arc Lodge No. 35 Independent Order of Odd Fellows, located at Clarksville, Red River county, Texas.

A bill relinquishing the title of the State, to certain lands therein named to William M. Love, of Navarro county, Texas.

A bill to amend an act entitled an act to incorporate the Columbus, San Ant n'o and Rio Grande Railroad Company, passed Feb. 15th, 1858.

A bill to be entitled an act to incorporate the Western Texas Life, Fire and Marine Insurance Company, of the city of Indianola, State of Texas.

A bill concerning common carriers, and defining their liabilities in certain cases.

A bill for the relief of Ewing Clayton.

A bill to incorporate the Trinity Valley Railroad Company.

An act to amend an act entitled an act for the relief of Nath. Prescott, R. S. Wheat, G. M. Goughey and Eliza Green, passed September 1st, 1856

A bill to be entitled an act for the relief of the heirs of John Gates.

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

Bill for relief of heirs of Wm. McDowell, deceased.

Bill for relief of Alexander Miller.

Bill for relief of Jose Maria Gonzales.

Bill to regulate times of holding courts in 18th judicial district.

Bill to incorporate the town of Shelbyville.

A bill to authorize county court of Shelby county, to regulate pay of Sheriffs in certain cases.

Bill to authorize corporation of Laredo to dispose of certain lands, with amendments.

Bill to authorize Adam Sullivan, to build a bridge across the Sabine river.

Bill granting land to the Lavaca Navigation Company, with amendments.

Also, had passed a bill originating in the Senate, to create the county of Marion, and to regulate the time of holding district courts therein.

And that the Senate concurred in the House's amendment to Senate's bill, supplementary to act to amend 1st and 16th section of the act to incorporate the Texas Western Railroad Company, approved February 16th, 1852, passed August 16th, 1856.

Bill to provide for payment of supplies furnished to Capt. John William's company of rangers.

Bill to legalize the location of county site of Bee county.

And a bill to define boundaries of Hopkins county.

Mr. McClarty, one of the committee, on Education, reported, recommending the indefinite postponement of the bill to amend art. 161, Oldham & White's Digest.

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

On motion of Mr. Middleton the main question was ordered, which being on the adoption of the report, the yeas and nays

were ordered on motion of Mr. Davis of B., and the report adopted by the following vote :

YEAS—Messrs. Speaker Barnard Baxter Billingsley Branch Bryan Camp Craig Clark Cumby Daniels Davis of B. Davis of H. Dickson Dougherty Foscue Hall Harrison of C. Harrison of V. Z. Henry Houghton McClarty Munson Norton Pirkey Redwine Ross Shannon Shelton Short Stewart Townes Walworth Warfield and Whitmore—35.

NAYS.—Messrs. Anderson Armstrong Benevides Bogart Crawford Crooks Dale Darnell Duncan Ellett Epperson Francis Hartley Haynes Lewis of M. Lewis of R. Lynch Manly Maverick McCutchan McKnight Middleton Mundine Parker Redgate Smith Speights Wælder Waterhouse Whitfield Wortham and Wrede—32.

Mr. Shannon, chairman on committee of Private Land Claims, reported, asking to be discharged from further consideration of the petition of Thos. Says, and the rejection of the petition of the heirs of George D. Shrew, deceased.

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

Resolved, That the chief clerk shall be required to arrange, index, file, number and carefully secure all the papers and archives of the House, at the present and former sessions; and also, to index the journals of the House in such manner as to make them and all the unfinished business convenient for future reference, and that the is hereby required to take charge of, and safely keep and turn over to the next chief clerk of the House of Representatives that may be elected, all of said unfinished business.

Resolved 2nd, That it is hereby made the duty of said clerk to examine and correct the proof of the journals of the present session, as they are worked off by the Public Printer, for which services he shall be allowed sixty days per diem pay to be paid out of the fund set apart for the per diem pay of members and officers of the present Legislature.

Resolved, That the sum \$67 50 be appropriated out of the contingent fund of this House to pay John Marshall for binding 90 copies of the debates of the 7th session of the Legislature. Adopted.

Mr. Buckley offered the following resolution :

Resolved, That Wm. F. Weeks is hereby employed to compile a report of the debates of the House, and deliver the same to the Public Printer within 30 days after the adjournment of the present session of the Legislature, for which he shall receive

\$600 compensation, to be paid out of the contingent fund of the House, and that 1000 copies of the debates be printed and distributed with the laws and journals, and one copy be furnished each member of the House.

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

The question recurring on the adoption of the resolution, the yeas and nays were ordered on motion of Mr. Townes, and the resolution adopted by the following vote :

YEAS.—Messrs. Anderson Barnard Benevides Billingsley Branch Bryan Buckley Camp Craig Crooks Cumby Darnell Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Epperson Hall Hartley Haynes Henry Hubert Lewis of M. Lewis of R. Manly Martin Maverick McKnight Mills Munson Redgate Robinson Shannon Short Smith Wælder Walworth and Wrede—40.

NAYS—Messrs. Speaker Armstrong Barclay Baxter Bogart Caddell Crawford Clark Dale Daniels Dickson Francis Foscoe Harrison of V. Z. Harrison of C. Houghton Lynch Middleton McClarty McCutchan Mundine Norton Parker Pirkey Redwine Ross Shelton Speights Stewart Townes Warfield Waterhouse Whitfield Whitmore and Wortham—35.

Mr. Haynes moved to reconsider the vote.

On motion of Mr. Haynes the motion to reconsider was laid on the table.

Mr. Lynch offered the following resolution :

Resolved, That before the chief clerk issues his certificate to pay the reporter elect, it shall be the duty of Mr. Weeks, to make affidavit before a Justice of the Peace, which he shall present to said clerk, stating on oath, that the speeches are such as he took down at the time of delivery, without alteration, abbreviation or addition and in the exact language used, as well as he was able to take it down on delivery.

On motion of Mr. Mills, the resolution was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Dickson :

YEAS—Messrs. Baxter Benevides Billingsley Bogart Branch Buckley Camp Craig Crooks Cumby Darnell Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Epperson Hall Hartley Haynes Henry Hubert Lewis of M. Lewis of R. Manly Martin Maverick McCutchan McKnight Mills Munson Norton Parker Shannon Short Smith Townes Wælder Walworth and Wortham—42.

NAYS—Messrs. Speaker Anderson Armstrong Barclay Barnard Bryan Caddell Crawford Clark Dale Daniels Dickson Francis

Foscue Harrison of C. Harrison of V. Z. Houghton Lynch McClarty Middleton Mundine Pirkey Redgate Redwine Robinson Ross Shelton Speights Stewart Warfield Waterhouse Whitfield Whitmore and Wrede—33.

Mr. Wælder introduced a bill to attach Blanco county to the 4th judicial district, and regulate times of holding courts in said district. Bill read first time.

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

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

Mr. Hartley moved to suspend rule, and take up bill amendatory and supplementary to the act to incorporate the Galveston Wharf and Cotton Press Company. Lost.

Mr. Dennis, chairman of committee on State Affairs, reported bill for the relief of Wm. M. Spalding, and recommended its passage. Bill read first time.

Also, reported, asking to be discharged from further consideration of the petition of sundry citizens of New Braunfels.

Also, reported, recommending the passage of the joint resolution relative to the public property, purchased for use of boundary survey.

Also, reported, recommending the passage of the Senate's bill to incorporate Nacogdoches Historic Society.

Mr. Mill moved to take up resolution to go into the election of State Engineer.

Mr. Norton moved a call of the House. Carried.

Absentees. Messrs. Crooks, Flewellen, Hall, Harrison of V. Z., Hubert, Kinney, Middleton, Navarro, Owens, Pirkey, Short, and Taylor.

On motion of Mr. Buckley, the bill to abolish the office of State Engineer, was taken up.

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

Absentees—Messrs. Crooks Flewellen Hall Harrison of V. Z. Hubert Kinney Middleton Navarro Owens Pirkey Short and Taylor—12.

Mr. Wrede introduced a bill for the relief of the creditors of the Texas Emigration Company. Read first time and referred to committee on State Affairs.

On motion of Mr. Epperson, the rule was suspended to take up the joint resolution, relative to property purchased for use of Boundary Survey.

On motion of Mr. Hartley, the last call of the House was

suspended, and the bill to abolish the office of State Engineer was taken up.

Mr. Norton moved to lay the motion on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Dale :

YEAS.—Messrs. Speaker Barnard Barclay Camp Crawford Davis of H. Dennis Duncan Ellett Epperson Harrison of C. Hartley Manly Maverick Norton Parker Shannon Townes Whitmore and Wortham—19.

YEAS.—Messrs. Anderson Armstrong Benevides Billingsley Bogart Branch Bryan Buckley Caddell Craig Clark Cumby Dale Darnell Daniels Davis of B. Dickson Dougherty Edwards Epperson Francis Foscue Haynes Henry Houghton Lewis of M. Lewis of R. Lynch Martin McCutchan McKnight Middleton Mills Mundine Munson Redgate Redwine Robinson Ross Smith Speights Wælder Warfield Waterhouse and Whitfield—45.

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

NAYS.—Messrs. Armstrong Barclay Billingsley Bogart Buckley Camp Craig Clark Cumby Darnell Daniels Dickson Edwards Ellett Epperson Francis Foscue Haynes Henry Lewis of M. Lewis of R. Lynch Martin McCutchan Middleton Mills Mundine Norton Pirkey Redgate Redwine Robinson Speights Warfield Waterhouse Whitfield and Whitmore—38.

NAYS.—Messrs. Speaker Anderson Benevides Branch Bryan Caddell Crawford Davis of H. Dougherty Duncan Harrison of C. Harrison of V. Z. Hartley Manly Maverick McClarty McKnight Munson Parker Ross Shelton Short Smith Townes Walder Walworth Wortham and Wrede—29.

Mr. Dennis introduced a bill to incorporate Matagorda Railroad Company. Read first time and referred to Internal Improvement committee.

Mr. Buckley moved to suspend call. Lost.

The joint resolution to dispose of certain property bought for boundary survey, was taken up, read second time, and ordered to be engrossed.

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

Mr. Dougherty moved to suspend rule, and take up bill to regulate justices' courts in Hidalgo county. Lost.

House's bill to authorize corporation of Laredo to dispose of certain lands, with amendments by the Senate, taken up and amendments concurred in.

House's bill to authorize Adam Sullivan to build a bridge across the Sabine river, with amendments by the Senate, taken up, and amendments concurred in.

House's bill granting land to Lavaca Navigation Company, with amendments by the Senate, taken up and amendments concurred in.

Senate's joint resolution concerning improvement of harbors of Texas. Read first time and referred to committee on Internal Improvements.

Bill to incorporate Clifton Academy in Bosque county. Read first time and referred to committee on Education.

Senate's bill to amend 14th section of act to organize Supreme court. Read first time and referred to Judiciary committee.

Senate's bill to consolidate into one institution the Waco Female Seminary and Waco Female Academy. Read first time and referred to committee on Education.

Senate's bill for relief of widow and heirs of Samuel Swartwoul, L. S. Hargous and G. B. Lamar. Read first time and referred to Public Debt committee.

The Senate's bill to continue the pension heretofore granted to Henry Turwestor, to his widow. Read first time.

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

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

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crawford Clark Cumby Dale Darnell Daniels Davis of B. Dennis Dickson Duncan Eliett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Houghton Lewis of R. Lynch Manly Martin Maverick McCutchan Middleton Mills Mundine Munson Norton Parker Redgate Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—63.

NAYS—Messrs Caddell and Dougherty—2.

Senate's bill to create the county of Marion and fix times of holding courts therein. Read first time.

On motion of Mr. McKnight the call of the House was suspended.

On motion of Mr. Branch, Mr. Davis of B. was added to committee on Enrolled Bills.

Mr. Stewart introduced a bill to appropriate money for sup-

port of State government 1860 and 1861. Read first time and referred to committee on Finance.

Mr. Wortham, one of the committee on Public Lands, reported, asking that the petition of Wm. M. Coots be referred to committee on State Affairs. Report adopted.

Also, reported, asking to be relieved from further consideration of the following named bills:

Bill to provide issuance of patents of surveys not in a square form.

Bill to authorize Commissioner of General Land Office, to issue scrip to certain counties.

Bill to authorize patenting lands therein named.

Bill for relief of heirs of Jas. Holland.

Mr. Manly proposed to amend as follows:

“Provided, that nothing herein contained, shall compel any man to attend, erect or support any place of worship, or to maintain any ministry against his consent, nor shall it in any case whatever be so construed as to control or interfere with the rights of conscience in matters of religion; and, provided, that the same shall not be construed as giving preference by law to any religious societies or modes of worship.”

Mr. Bogart moved the previous question, which was seconded and the House refused to have the main question put by the following vote:

YEAS—Messrs. Speaker Anderson Barclay Bogart Branch Buckley Caddell Camp Craig Crooks Cumby Dale Davis of B. Dickson Flewellen Francis Franklin Harrison of C. Houghton Lynch McClarty Mundine Munson Redgate Redwine Ross Shelton Stewart Townes Warfield Whitmore and Whitfield.—32.

NAYS—Messrs. Barnard Benevides Billingsley Bryan Crawford Daniels Davis of H. Dennis Duncan Ellett Foscue Hall Harrison of V. Z. Haynes Henry Lewis of B. Mabry Manly Martin Maverick McCutchan McKnight Middleton Mills Norton Owens Parker Perry Smith Speights Wælder Walworth Waterhouse and Wrede.—33.

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.

On motion of Mr. McKnight the Sergeant-at-arms was dispatched after absent members.

Quorum present.

Mr. Mundine moved to suspend rule, and take up bill No. 529.
Lost.

Mr. Hubert moved to suspend rule, and take up bill No. 176.
Lost.

Mr. Short, chairman of committee on Military Affairs, reported, recommending the passage of the joint resolution, relative to troops of this State.

Mr. Davis of H. moved to suspend rule, and take up the report. Lost.

The bill to punish sabbath breaking with proposed substitute and amendments was taken up.

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

Bill authorizing the county court of Comal county, to levy a special tax.

Bill to incorporate the Rock Ford Bridge Company, with amendments.

Also, had passed a bill to incorporate Clarksville and Red river Insurance Company, and had concurred in the House's amendments to following Senate's bills :

Bill to incorporate Texas Insurance and Saving Fund Company.

Bill to incorporate Gulf Coast Association.

Bill to amend 6th and 7th sections of act regulating sequestrations, and

Bill for relief of the heirs of Jno. Grogan, deceased.

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

Bill to incorporate the Matagorda Railroad Company.

The question recurring on the adoption of the amendment, the yeas and nays were ordered on motion of Mr. Dougherty, and the amendment adopted by the following vote :

YEAS—Messrs. Baxter Benevides Billingsley Bogart Branch Bryan Caddell Camp Craig Clark Davis of B. Davis of H. Duncan Ellett Flewellen Foscoe Harrison of C. Harrison of V. Z. Haynes Henry Mabry Manly Martin Maverick McClarty McCutchan McKnight Middleton Munson Norton Owens Parker Ross Shelton Smith Speights Wælder Warfield Waterhouse Whitfield Wortham and Wrede—43.

NAYS—Messrs. Speaker Armstrong Buckley Crawford Crooks Cumby Dale Darnell Dougherty Epperson Franklin Hartley Houghton Hubert Lewis of M. Lewis of R. Lynch Mills Munday Redwine Townes and Whitmore—22.

Mr. Davis of H., offered a substitute for the bill and substitute.

On motion of Mr. Francis the substitute was laid on the table.

Mr. Franklin offered a substitute for the bill and substitute.

Mr. Harrison of C., moved to lay the substitute on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Dougherty :

YEAS—Messrs. Speaker Bogart Buckley Caddell Camp Craig Crawford Crooks Clark Cumby Daniels Harrison of C. Lynch McClarty Middleton Mills Mundine Redwine Shelton Townes Walworth Warfield and Wortham—23.

NAYS—Messrs. Barclay Baxter Benevides Billingsley Branch Bryan Dale Davis of B. Davis of H. Dougherty Duncan Ellett Epperson Flewellen Francis Franklin Foscue Haynes Henry Houghton Hubert Lewis of M. Lewis of R. Mabry Martin Maverick McCutchan McKnight Norton Owens Parker Short Smith Speights Wælder Waterhouse Whitfield Whitmore and Wrede.—39.

The question recurring on the adoption of the substitute, the yeas and nays were ordered on motion of Mr McKnight, and the substitute rejected by the following vote :

YEAS.—Messrs. Armstrong Barclay Billingsley Branch Bryan Cumby Dale Davis of H. Dougherty Duncan Ellett Flewellen Foscue Franklin Harrison of V. Z. Haynes Henry Houghton Lewis of M. Mabry Martin McCutchan McKnight Munson Parker Short Wælder Walworth Waterhouse and Whitfield—29.

NAYS—Messrs. Speaker Baxter Benevides Bogart Buckley Caddell Craig Crawford Clark Cumby Darnell Epperson Harrison of C. Hubert Lewis of R. Lynch Manly Maverick McClarty Middleton Mills Mundine Norton Owens Redwine Robinson Ross Shelton Speights Townes Warfield Whitmore and Wrede—33.

Mr. Clark offered a substitute for the bill and substitute, which was laid on the table on motion of Mr. Ross

Mr. Buckley offered a substitute for the pending substitute.

On motion of Mr. Franklin the main question was ordered, which being on the engrossment of the bill, the same was put, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Armstrong Baxter Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Cumby Darnell Davis of B. Dennis Ellett Epperson Francis Harrison of C. Harrison of V. Z. Lewis of M. Lynch Mabry McClarty Middleton Mills Mundine Munson Norton Owens Pirkey Redwine Ross Shelton Speights Townes Warfield and Whitmore—38.

NAYS—Messrs. Barclay Benevides Billingsley Bryan Clark Dale Davis of H. Dougherty Duncan Flewellen Franklin Haynes Henry Houghton Hubert Lewis of R. Manly Maverick McCut-

chan Parker Robinson Short Smith Wælder Walworth Waterhouse Whitfield and Wrede—28.

Mr. Clark moved to suspend rule and place bill on third reading.

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

On motion, Messrs. Anderson and Shannon were excused for the night.

Absentees.—Messrs. Barnard, Caddell, Darnell, Dickson, Edwards, Hall, Kinney, Hartley, Martin, Navarro, Nelson, Perry, Redgate, Shannon, Stewart Taylor and Wortham.

Mr. Ross moved to suspend call. Lost.

On motion of Mr. Flewellen, the rule was suspended, and the bill to change the name of Lucy Ann Simmons, was taken up, read second time, and ordered to be engrossed.

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

On motion of Mr. Crawford, the rule was suspended, and the bill to incorporate the Sabine and Neches River and Insurance Company was taken up, read second time and passed to third reading.

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

YEAS—Messrs. Speaker Armstrong Barclay Benevides Billingsley Bogart Branch Bryan Buckley Camp Crawford Crooks Clark Cumby Dale Daniels Davis of B. Dennis Duncan Ellett Epperson Flewellen Francis Franklin Harrison of C. Haynes Henry Houghton Hubert Lewis of M. Lewis of R. Lynch Mabry Maverick McCutchan McKnight Mills Mundine Munson Norton Owens Parker Pirkey Redwine Robinson Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitfield and Wrede—54.

Bill to validate A. D Kennard's bounty warrant No. 242.

Bill to amend 8th section of act to authorize sale of public domain, approved Feb. 11th, 1853.

And the petition of E. Gregg.

On motion of Mr. Lewis of R., the rule was suspended, and the bill to provide for disposition of runaway slaves, was taken up and read second time and ordered to be engrossed.

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

Senate's bill for the relief of the heirs of John Grogan, dec'd, taken up, read second time and passed to third reading.

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

Mr. Ellett moved to take up the bill to permit the surveyor of Denton county, to transcribe certain records. Lost.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, recommending the passage of the Senate's bill for relief of T. B. Beck, *et al.*

The Senate's bill to provide for the preliminary survey from the Rio Grande to Corpus Christi, to make a canal, was taken up, read second time and passed to third reading.

Mr. Dougherty moved to suspend rule and place bill on final reading. Lost.

Senate's bill to incorporate Gulf Coast Fair Association at Victoria, with report from committee, recommending amendments, was taken up, and the amendments adopted, and bill passed to third reading.

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Bogart Branch Bryan Caddell Craig Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Francis Franklin Foscue Harrison of C. Haynes Henry Houghton Lewis of M. Lynch Manly Martin Maverick McClarty Middleton Mills Munson Norton Parker Pirkey Redgate Redwine Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—59.

Mr. Darnell voting in the negative.

Mr. Haynes offered the following resolution :

Resolved, That the committee on Finance be instructed to ascertain and lay before this House to-morrow morning, information as to the amount of money in the Treasury subject to appropriation, and what means will be necessary to meet the general appropriation bill, and other bills appropriating money out of the Treasury ; and, that they also report, whether it is proper for this Legislature to adjourn, before providing means to carry on the government. Adopted.

On motion the House adjourned till 3½ o'clock, P. M.

3½ O'CLOCK, P. M.

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

Mr. McKnight moved to adjourn till 7 o'clock. Lost.

Quorum being present, Mr. Dennis, one of the committee of Internal Improvements, reported, recommending the passage of the bill to incorporate the Matagorda Railroad Company.

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

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

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Benevides Billingsley Bogart Branch Bryan Camp Craig Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Duncan Epperson Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Haynes Houghton Lewis of R. Lynch Martin Maverick McClarty McCutchan McKnight Middleton Mills Munson Norton Owens Parker Redgate Redwine Ross Shelton Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—60.

[Mr. Dickson in the Chair.]

Mr. Norton moved to suspend rule, and take up bill to provide for publication of the laws of this State in the newspapers. Lost.

Mr. Anderson moved to suspend rule, and take up bill to change times of holding the courts in the 2nd judicial district. Lost.

Mr. Ross moved to suspend rule, and take up the bill appropriating lands to the Asylum.

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

Absentees.—Messrs. Speaker, Baxter, Cumby, Darnell, Dougherty, Edwards, Ellett, Hartley, Hubert, Kinney, Lewis of M., Mabry, Manly, Navarro, Neslon, Perry, Pirkey, Robinson, Short, Taylor and Wortham.

The Senate's bill to encourage the publication of a complete digest of the reports of the Supreme court.

On motion of Mr. Stewart the bill was laid on the table.

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, to-wit :

A bill to appropriate the sum of four thousand dollars, in addition to the sixty thousand dollars for the support of the ranging companies, commanded by Captains John S. Ford, John Henry Brown and James Bourland.

A bill to incorporate the Guadalupe Male and Female College. And find the same correctly enrolled, properly signed and

has this day been presented to the Governor for his signature and approval.

A. M. BRANCH.

The bill to punish sabbath breaking, with proposed amendments, was taken up.

Mr. Crawford moved to lay the amendments on the table.

Mr. Franklin moved to lay the bill on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Buckley :

YEAS—Messrs. Barclay Barnard Benevides Billingsley Bryan Crooks Dickson Flewellen Franklin Hall Haynes Maverick Parker Perry Smith Wælder Walworth Whitfield and Wrede—19.

NAYS—Messrs. Speaker Anderson Armstrong Bogart Branch Buckley Caddell Camp Craig Crawford Clark Dale Daniels Davis of B. Davis of H. Dennis Duncan Epperson Francis Foscue Harrison of C. Harrison of V. Z. Houghton Lewis of R. Lynch Mabry Martin McClarty McCutchan McKnight Middleton Munson Mundine Norton Owens Redgate Redwine Ross Shelton Speights Stewart Townes Warfield Waterhouse and Whitmore—45.

The amendments laid on the table.

Mr. Harrison of C., offered a substitute for the bill.

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

Mr. McClarty moved to lay the motion on the table.

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

YEAS.—Messrs. Anderson Armstrong Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Ellett Epperson Francis Foscue Harrison of C., Harrison of V. Z. Kinney Lewis of R. Lynch Manly McClarty Mills Mundine Munson Perry Redgate Redwine Ross Shelton Smith Stewart Townes Warfield Whitfield and Whitmore—41.

NAYS—Messrs. Barclay Barnard Benevides Billingsley Bryan Dickson Duncan Flewellen Franklin Hall Haynes Henry Houghton Mabry Martin Maverick McCutchan Middleton Norton Owens Parker Speights Wælder Walworth Waterhouse and Wrede—26.

NAYS—Messrs. Davis of H. Dougherty Harrison of V. Z. Middleton Ross Shelton and Whitmore—7.

Senate's bill to permit Mercers' colony certificates to be located on any of the public domain of the State, was taken up, read second time.

Mr. Franklin proposed to amend as follows :

To come in after public land of the State, "not reserved from location." Adopted.

On motion of Mr. Whitmore the bill was laid on the table.

Senate's bill for the relief of Jas. Herndon, was taken up, read second time and passed to third reading.

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

Senate's bill to incorporate Salado College in Bell county, was taken up, read second time and passed to third reading.

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

YEAS.—Messrs. Speaker Barclay Baxter Benevides Billingsley Bogart Branch Bryan Buckley Camp Craig Crooks Clark Cumby Dale Daniels Davis of B. Dennis Dougherty Duncan Epperson Francis Franklin Foscue Harrison of C. Harrison of V. Z. Haynes Henry Houghton Hubert Lewis of R. Lynch Mabry Manly Martin Maverick McCutchan McKnight Middleton Mills Mundine Munson Norton Owens Parker Pirkey Redwine Robinson Ross Shelton Short Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede
—61—

Mr. Davis of H. voting in the negative.

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

On motion of Mr. Bryan, the rule was suspended, and the bill to exempt the school lands from operation of laws of limitation, was taken up, read second time and ordered to be engrossed.

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

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

HOUSE OF REPRESENTATIVES, }
Saturday, February 4th, 1860. }

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

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

Bill for relief of widow and heirs of Lorenzo de Zavala.

Bill to incorporate Palestine Tap Railroad Company.

Bill to incorporate Literary Institute at Gilmer, Upshur county.

And had passed the following named bills originating in the Senate, to-wit :

Bill to incorporate Texas Medical College.

Bill to incorporate Brazos, St. Iago and Rio Grande River Canal Company.

Bill to permanently locate seat of justice of Tarrant county.

Bill to incorporate Masouic and Odd Fellows Male and Female Academy.

Bill for relief of B. B. B. & C. Railway Company.

Bill to amend the act to incorporate the Freestone School Association.

Bill to validate A. D. Kennard's bounty certificate, No. 242, for 320 acres.

Bill for appointment of public weighers, and prescribing their duties and liabilities.

Joint resolution to permit withdrawal of certificate No. 127, issued by Board of Land Commissioners of Houston county, to Piness Robertson.

Bill for relief of W. A. Bush.

Bill creating the county of Greer.

Also, had passed the following named House Bills, with amendments :

Bill to incorporate East Fork Bridge Company.

Bill to incorporate Texas Telegraph Company.

Bill to incorporate Sulphur and White Oak Bridge and Plank Road Company.

Bill to amend act to incorporate Sabine and Rio Grande Railroad Company ; and

Bill supplemental to the act supplementary and amendatory of the act to regulate railroad companies, approved Feb'y 7th, 1853, approved Dec. 19th, 1857.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the Senate's bill for relief of heirs of Jos. C. Gentry.

Mr. McKnight, one of the committee on Education, reported, recommending the passage of the Senate's bill to incorporate Clifton Academy, in Bosque county.

Mr. Townes, one of the Judiciary committee, reported, recommending the passage of the Senate's bill to change the name of Mary Welch to that of Mary Isabella Payne.

ORDERS OF THE DAY.

The Senate's bill to define the boundaries of Hopkins was taken up, and bill read first time.

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

Mr. Norton offered a substitute for the bill, which the House refused to adopt.

Mr. Wortham proposed to amend by adding: That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed. Adopted, and bill passed to third reading.

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

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

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 amend the first, third and sixteenth sections of an act entitled an act to incorporate the Texas Life Fire and Marine Insurance Company of the city of Galveston, State of Texas.

A bill supplementary to an act entitled an act to amend the first and sixteenth sections of an act to incorporate the Texas Western Railroad Company, approved Feb'y 16th, 1852, passed 16th August, 1856.

And bill to incorporate Richmond Insurance Company.

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

A. M. BRANCH,

One of the committee.

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

Bill to incorporate Cedar Grove Male and Female Institute.

Bill to incorporate Metropolitan Railroad Company.

Bill to change the name of Lucy Ann Simmons to Lucy Ann Wood.

The special order of the day, to-wit:

Bill making an appropriation for the erection of suitable buildings for Lunatic Asylum, and for support and maintenance of same for 1860 and 1861, was taken up, and on motion of Mr. Townes, was postponed till 11 o'clock, Tuesday next, and made the special order for that time.

Senate's bill to provide for the payment of supplies furnished Capt. Jno. Williams' Company of Rangers was taken up. Read first time and referred to committee on Finance.

Senate's bill to legalize the location of the county seat of Bee county. Read first time and referred to committee on Counties and County Boundaries.

House's bill to incorporate Rock Ford Bridge Company, with amendments by the Senate, taken up and amendments concurred in.

House's bill supplemental to the act supplementary and amendatory of the act to regulate railroad companies, approved Feb'y 7th, 1853, approved Dec. 19th, 1857, with amendments by the Senate, was taken up, and amendments concurred in.

House's bill to incorporate the Sabine and Rio Grande Railroad Company, with amendments by the Senate, was taken up, and amendments concurred in by two-thirds vote.

Bill to incorporate East Fork Bridge Company, with amendments by the Senate, taken up, and amendments concurred in.

House's bill to incorporate Sulphur and White Oak Bridge and Plank Road Company, with amendments by Senate, taken up, and amendments concurred in.

House's bill to incorporate Texas Telegraph Company, with amendments by Senate, taken up, and amendments concurred in.

Senate's bill to incorporate Texas Medical College taken up, read first time.

On motion of Mr. Dickson, rule suspended, bill read second and passed, to third reading.

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

YEAS—Messrs. Speaker Armstrong Baxter Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Ellett Epperson Flewellen Francis Franklin Foscue Hall Harrison of V. Z. Hartley Henry Houghton Lewis of R. Lynch Mabry Manly Maverick McCutchan McKnight Mills Mundine Munson Norton Owens Parker Pirkey Robinson Ross Shannon Short Smith Speights Townes Wælder Walworth Whitmore Wortham and Wrede—60.

Senate's bill to create the county of Greer, taken up, read first time.

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

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

Senate's bill for relief of W. A. Bush, taken up, read first time.

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

Mr. Whitmore moved to refer bill to committee on Finance. Lost.

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

Mr. Haynes proposed to amend by inserting after "paid," the words "in accordance with the law authorizing the appointment of a commissioner to survey our boundary with the United States." Adopted, and bill passed.

Senate's bill for the appointment of public weighers, and prescribing their duties and liabilities, taken up, and read first time.

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

Mr. Manly proposed to amend by striking out "Mayor and Aldermen," and insert "Governor," in first section.

On motion of Mr. Lewis of R., laid on the table.

Mr. Flewellen proposed to amend as follows :

Strike out in section 4th from the words "which it is," in 9th line, to "causes," inclusive in 11th line.

On motion of Mr. Buckley, the amendment was laid on the table, and bill passed to third reading.

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

A joint resolution authorizing the Governor, Comptroller and Treasurer, to apply money hereto appropriated to payment of the Public Debt, to claims of more immediate necessity.

Bill for the relief of heirs of Wm. Beeks.

Bill providing for the next election of Representatives to the Congress of the United States from the State of Texas.

Also, had passed the House's bill to regulate estrays, with amendments.

And bill to legalize locations made on Kemper's Island in Victoria county.

On motion of Mr. Buckley, the rule was suspended, and bill before the House read third time, and the bill passed by the following vote, the yeas and nays being ordered on motion of Mr. Manly :

YEAS—Messrs. Benevides Billingsley Branch Bryan Buckley Caddell Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Francis Foscue Hall Harrison of V. Z. Hartley Houghton Lewis of R. Lynch McClarty McCutchan Middleton Mills Munson Parker Pirkey Robinson Ross Shannon Smith Speights Townes Wælder Walworth Whitfield and Wrede—43.

NAYS—Messrs. Speaker Baxter Bogart Darnell Epperson Flewellen Haynes Henry Mabry Manly Martin Maverick Mc-

Knight Norton Redgate Water-house Whitmore and Wortham—18.

On motion of Mr. Wortham, the rule was suspended, and the bill to regulate times of holding courts in the 17th judicial district was taken up.

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

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

Mr. Wælder presented the petition of County Court of Bexar county. Referred to committee on State Affairs.

Mr. Perry moved to suspend rule and take up bill for the relief of J. B. & D. R. Wortham. Carried, and bill taken up, and read third time and ordered to be engrossed.

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

On motion of Mr. Henry, the rule was suspended, and the bill to allow the surveyor of Grayson county to transcribe certain records was taken up, read third time and ordered to be engrossed.

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

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

Bill to exempt school lands from operation of law of limitation.

And the bill to punish Sabbath breaking.

Mr. Ellett moved to set 8 o'clock to-night for special order for bills 264, 533, 441 and 267, provided not more than half an hour shall be consumed for each order. Carried.

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

Mr. Shelton, one of the committee on Education, reported, commending the passage of the Senate's bill to consolidate into one Institute, the Waco Female Seminary and the Waco Female Academy, &c.

The Senate's bill to incorporate the Brazos, St. Iago Harbor and Rio Grande River Canal Company taken up, and read first time.

Mr. Dougherty moved to refer to committee on State Affairs. Lost.

Mr. Cumby offered the following resolution :

Resolved, That the pages appointed by the Speaker, having discharged their duties faithfully, be, and they are allowed the

same per diem as other officers of this House. The same to be paid out of the contingent fund, or the fund appropriated for the pay of the officers and members of the present Legislature. Rejected.

Mr. Davis of B., one of the committee on Enrolled Bills, reported correctly enrolled, the bill to amend 3d section of the act to encourage constructions of railroads in Texas, by donations of land, approved January 30, 1854; and had presented the same to the Governor for his approval and signature.

Senate's bill to locate permanently the seat of justice of Tarrant county, taken up, and read first time.

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

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

On motion the House adjourned till 3½ o'clock, P. M.

3½ O'CLOCK, P. M.

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

On motion of Mr. Epperson, the rule was suspended, and the bill to amend the act regulating proceedings in District Courts, with report from committee recommending substitute, was taken up. Substitute adopted, and ordered to be engrossed.

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

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the bill making appropriation for the use and support of the State Government for years 1860 and 1861.

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

Mr. Townes moved to postpone the bill and make it the special order for Tuesday next. Lost.

Mr. Townes proposed to amend as follows:

"To James G. Swisher and S. G. Haynie, for balance of salary as Commissioners in building Capitol, \$750 each, \$1,500."

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

Mr. Buckley proposed to amend as follows:

"To pay J. S. Robinson, District Attorney of 16th Judicial District, for defending the State in suits for certificates in Peters' Colony, or so much thereof as may be necessary, at \$5 per case, \$250." Laid on the table.

Mr. Norton proposed to amend as follows:

Strike out E. B. Scarborough, \$127 60, for publishing laws in Spanish. Rejected by the following vote, the yeas and nays being ordered on motion of Mr. Norton :

YEAS—Messrs. Armstrong Barnard Bogart Camp Crawford Crooks Davis of H. Ellett Epperson Harrison of V. Z. Haynes Mabry McKnight Middleton Norton Owens Speights and Whitmore—18.

NAYS—Messrs. Speaker Benevides Billingsley Branch Bryan Buckley Caddell Craig Clark Dale Daniels Dennis Dickson Dougherty Duncan Flewellen Francis Foscue Hall Harrison of C. Houghton Kinney Manly McClarty McCutcha Mills Munson Nelson Parker Pirkey Redgate Redwine Robinson Ross Shannon Shelton Smith Stewart Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—45.

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

Provided that the Comptroller of the State shall not draw his warrant upon the Treasurer for any amount herein appropriated for contingent expenses, of any of the departments of the Government, except upon sufficient vouchers. Adopted.

Mr. Townes proposed to amend as follows :

For paying Baker and Root for publishing act in relation to Artesian Well, \$16 00.

For paying same for publishing proposals for boring wells, \$30 00. Adopted.

Mr. Stewart proposed to amend as follows :

For pay for Abstract ordered to be made by the Comptroller, \$4,009.

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

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

Amend by paying the compilers of the Abstract, \$2,000; and the printer be paid according to the laws regulating public printing.

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

Mr. Davis of H., proposed to strike out \$4,000 and insert \$3,000.

A division of the question was called for and the question recurring on the motion to strike out, the House refused to strike out, and the amendment was adopted.

Mr. Townes proposed to amend by inserting pension to Charles Sheppard, at \$125 per annum, \$250. Adopted.

Also proposed to amend as follows :

For keeping public buildings &c., in repairs, to be expended under the supervision of the Board of Commissioners of Public Grounds and Buildings annually, \$1000 for two years, \$2000.—Adopted.

Mr. Stewart proposed to amend as follows:

Paying William H. Anderson pension \$100 annually, total for two years, \$200.

Mr. Whitmore moved the previous question, which was seconded, but House refused to order the main question, and adopted Mr. Stewart's amendment.

Mr. Foscue proposed to amend by inserting after \$3000 per annum for boring Artesian Well or so much thereof as may be necessary. 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. Buckley the rule was suspended and the bill to restore lands sold for taxes to former owners on certain conditions, was taken up and made special order for to-night 7 1-2 o'clock.

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 being present.

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

Absentees—Anderson, Barnard, Benevides, Darnell, Davis of B., Flewellen, Franklin, Hall, Hartley Haynes, Kinney, Lewis of M., Manly, Martin, McClarty, Munson, Navarro, Nelson Norton and Taylor.

The bill to amend articles 1775, 1783, 1786 and 1787, and to repeal articles 1792 and 1793 of Oldham and White's Digest, with report from committee recommended the passage of a substitute, was taken up.

Mr. Davis of H., moved to lay substitute and bill on table.—Lost and the House refused to adopt the substitute.

On motion of Mr. McCutchan, the vote refusing to adopt substitute was reconsidered.

Mr. Foscue proposed to amend by striking out two-thirds of free white hands liable to work on roads and inserting, overseer. Adopted, and the substitute adopted.

Mr. Harrison of V. Z., proposed to amend by exempting Post Masters from road duty. Rejected.

Mr. Mills proposed to amend as follows:

And no person shall be exempt from working the road except Ministers of the Gospel. Rejected.

Mr. Duncan proposed to amend that whenever any person with a wagon or vehicle meet in the road, they shall always turn to the right hand of each. Any person failing to turn to the right hand shall be liable to any damage that may occur.

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

A division of the question was called for, and the amendment laid on the table and the House refused to table the bill.

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

On motion of Mr. Francis the main question was ordered, and bill ordered to be engrossed by the following vote :

YEAS.—Messrs. Speaker Armstrong Baxter Billingsley Bogart Branch Bryan Caddell Camp Craig Crawford Clark Cumby Dale Daniels Dickson Dougherty Ellett Epperson Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Haynes Houghton Kinney Lewis of R. Lynch Manly McClarty McKnight Parker Perry Redgate Redwine Ross Shannon Short Smith Speights Townes Wælder Walworth and Whitfield—47.

NAYS.—Messrs. Buckley Davis of H. Mabry Maverick Mills Munson Norton Robinson Shelton Waterhouse Whitmore Wortham and Wrede—13.

Mr. Redwine moved to suspend rule and place bill on final reading. Lost.

Mr. Stewart, by permission, introduced a bill to authorize the Governor to raise the means to support the government by the sale of land certificates. Read first time and referred to committee on Public Lands.

Mr. Foscue, chairman of committee on Internal Improvement, reported, recommending the passage of the Senate's Joint Resolution concerning improvement of Harbors in Texas.

The Senate's bill to provide for the record of certain field notes was taken up, read second time and House refused to pass bill to third reading.

The House's bill to incorporate the West Fork Bridge Company taken up, read second time, and ordered to be engrossed.

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

YEAS.—Messrs. Speaker Armstrong Baxter Billingsley Bogart Branch Bryan Buckley Craig Crawford Cumby Dale Daniels Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Haynes Hubert Kinney Lewis of R. Lynch Manly Martin Maverick McClarty McCutchan McKnight Middleton Mundine Munson Norton Owens Parker Perry Pirkey Redgate Robinson Ross Shannon Shelton Smith Speights Wælder Walworth Warfield Whitfield Wortham and Wrede—58.

NAYS.—Messrs. Camp Mabry and Whitmore—3.

Bill to authorize the county surveyor of Denton county to transcribe certain records, taken up, read second time and ordered to be engrossed.

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

Bill to relinquish State tax of Denton county, to said county, with report from committee recommending a substitute, which the House refused to adopt.

On motion of Mr. Dickson bill indefinitely postponed.

The Senate's bill to restore lands sold for taxes to former owners was taken up, read second time and passed to third reading.

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

On motion of Mr. Mundine, the bill to incorporate Yegu a Bridge and Turnpike Company was taken, read second time and ordered to be engrossed.

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

YEAS.—Messrs. Speaker Armstrong Baxter Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Daniels Davis of H. Dennis Dickson Dougherty Duncan Ellett Flewellen Francis Franklin Hall Harrison of V. Z. Haynes Houghton Hubert Kinney Lewis of R. Lynch Manly Maverick McClarty McCutchan McKnight Middleton Mills Mundine Munson Norton Owens Parker Perry Redwine Ross Shannon Shart Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Wortham and Wrede—58.

NAYS—Messrs. Foscue and Whitmore—2.

On motion of Mr. Clark, the rule was suspended and the bill to make admissable in the courts of this State unrecorded deeds and conveyances on file in General Land Office, was taken up and read second time.

Mr. Buckley proposed to amend by striking out under oath.—Adopted.

Mr. Stewart proposed to amend as follows :

Provided said deeds be legal archives of his office. Adopted.

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

Mr. Ross proposed to amend as follows :

Sec. — And the parties making applications for such certified copies pay to the Commissioner of the General Land Office, the fees usual to clerks for such copies. Adopted.

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

HOUSE OF REPRESENTATIVES,
 Monday, Feb'y 6th, 1860. }

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

On motion of Mr. Daniels, the rule was suspended, and the bill to prevent sale of liquors within three miles of Soule University, was taken up, and made the special order for to-morrow.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill for the relief of J. B. and D. R. Wortham.

On motion of Mr. Foscue, the rule was suspended, and the joint resolution making appropriation to pay our members of Congress in certain cases, was taken up.

Mr. Haynes moved to indefinitely postpone the joint resolution.

Lost by the following vote, the yeas and nays being ordered on motion of Mr. Foscue:

YEAS—Messrs. Benevides Bogart Camp Epperson Haynes Henry Lewis of M. Mabry McCutchan Middleton Norton Owens Smith and Whitmore—14.

NAYS—Messrs. Speaker Anderson Barnard Baxter Billingsley Bryan Branch Caddell Craig Crooks Clark Cumby Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Francis Franklin Foscue Hall Harrison of V. Z. Hartley Houghton Hubert Lewis of R. Lynch Manly McClarty McKnight Mills Munson Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—54.

And the joint resolution ordered to be engrossed.

On motion of Mr. Harrison of V. Z., the rule was suspended, resolution read third time, and passed by the following vote:

•YEAS.—Messrs. Speaker Anderson Armstrong Barnard Baxter Billingsley Bogart Branch Bryan Caddell Craig Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Francis Foscue Hall Harrison of V. Z. Hartley Houghton Hubert Lewis of M. Lewis of R. Lynch Manly Maverick McClarty Mills Munson Parker Perry Pirkey Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Whitfield Wortham and Wrede—55.

NAYS.—Messrs. Camp Epperson Haynes Henry Mabry Middleton McCutchan Norton Owens Redgate Whitmore and Waterhouse—11.