

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES,
EIGHTH LEGISLATURE
STATE OF TEXAS.

BY AUTHORITY.

AUSTIN:
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JOURNAL.

HOUSE OF REPRESENTATIVES, }
AUSTIN, November 7th, 1859. }

The House of Representatives of the 8th Legislature of the State of Texas, met in pursuance of law, and was called to order by T. S. Anderson, Secretary of State; H. H. Haynie former Chief Clerk officiating as Clerk, *pro tem*; W. D. Hardeman as Sergeant-at-arms, *pro tem*. The roll of districts being called, the following members of the Legislature appeared and took their seats, to-wit:

- District No. 1, Bowie.
- District No. 2, Red River, B. H. Epperson.
- District No. 3, Lamar, E. J. Shelton and M. L. Armstrong.
- District No. 4, Fannin.
- District No. 5, Grayson.
- District No. 6, Collin, Samuel Bogart.
- District No. 7, Denton, Collin, Cooke, Wise, Jack and Henry, W. A. Elliott.
- District No. 8, Dallas, N. H. Darnell.
- District No. 9, Hunt, C. A. Warfield.
- District No. 10, Hopkins, W. A. Wortham.
- District No. 11, Hopkins, Fannin and Red River, Thomas J. Crooks.
- District No. 12, Titus, Wm. M. S. Houghton.
- District No. 13, Cass, H. P. Mabry.
- District No. 14, Cass and Titus, M. D. K. Taylor.
- District No. 15, Harrison, G. W. Whitmore, Eli H. Baxter and E. T. Craig.
- District No. 16, Upsher, D. B. Culberson.
- District No. 17, Smith, R. B. Hubbard and Jonathan Luter.
- District No. 18, Wood, James M. Harrison.
- District No. 19, Kaufman and Henderson, A. B. Norton.

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- District No. 20, Anderson, Matt Dale and Ben Parker.
 District No. 21, Cherokee, J. C. Francis, S. T. Harrison and F. F. Foscue.
 District No. 22, Rusk, H. D. Redwine, John McClarty and R. H. Cumby.
 District No. 23, Panola, J. M. H. Martin.
 District No. 24, Shelby, D. M. Short.
 District No. 25, San Augustine, Panola and Shelby, A. D. McCutcheon.
 District No. 26, San Augustine.
 District No. 27, Nacogdoches, Wm. Clark, Jr.
 District No. 28, Houston, J. W. Caddell.
 District No. 29, Polk and Trinity, Walter S. Maxey.
 District No. 30, Sabine, Jasper and Newton, F. Crawford.
 District No. 31, Angelina and Cherokee, George McKnight.
 District No. 32, Jefferson, Orange and Hardin, Wm. Smith.
 District No. 33, Liberty and Chambers, Kindallis Bryan.
 District No. 34, Tyler, James Barclay.
 District No. 35, Galveston.
 District No. 36, Harris, Jno. H. Manley and J. W. Henderson.
 District No. 37, Montgomery, J. M. Lewis.
 District No. 38, Walker.
 District No. 39, Grimes, D. C. Dickson.
 District No. 40, Walker, Madison and Grimes, Jno. O. Whitfield.
 District No. 41, Leon, Wm. B. Middleton.
 District No. 42, Limestone, Freestone and Falls, Aaron Perry.
 District No. 43, Navarro and Hill, Roger Q. Mills.
 District No. 44, Ellis, Tarrant, Johnson and Parker, Wm. B. Shannon.
 District No. 45, Bell and McLennan, Allison Nelson.
 District No. 46, Robertson and Milam, Charles Lewis.
 District No. 47, Burleson and Brazos, Titus H. Mundine.
 District No. 48, Williamson and Burnet, W. M. Owen.
 District No. 49, Washington, Frank Hubert and R. T. Flewellen.
 District No. 50, Austin, J. N. Daniel.
 District No. 51, Fort Bend and Austin, C. W. Buckley.
 District No. 52, Brazoria, M. S. Munson.
 District No. 53, Matagorda and Wharton, J. N. Dennis.
 District No. 54, Colorado, S. J. Redgate.
 District No. 55, Fayette, Joel W. Robinson.
 District No. 56, Bastrop, B. H. Davis.
 District No. 57, Travis, Rob't J. Townes.

- District No. 58, Fayette, Bastrop and Travis, Jesse Billingsly.
 District No. 59, Jackson and Calhoun, James H. Duacan.
 District No. 60, Victoria, Goliad, Karnes and part of Bee,
 Joseph H. Barnard.
 District No. 61, Lavaca and DeWitt, Francis J. Lynch.
 District No. 62, Gonzales, Wm. H. Stewart.
 District No. 63, Guadalupe, M. D. Anderson.
 District No. 64, Caldwell and Hays, Jno. W. Davis.
 District No. 65, Nueces, San Patricio and Refugio.
 District No. 66, Webb, Bacilio Benevides.
 District No. 67, Starr, John L. Haynes.
 District No. 68, Cameron, James Halworth.
 District No. 69, Cameron and Hidalgo, Edward Dougherty.
 District No. 70, Bexar, Angel Navarro, S. A. Maverick.
 District No. 71, Bexar, Uvalde, Gillespie, Medina, Kinney
 and Comal, Jacob Wælder.
 District No. 72, Comal and Gillespie, F. Wrede.
 District No. 73, El Paso and Presidio, Jefferson W. Hall.
 The election of Speaker being the first business in order,
 Mr. Mills put in nomination Mr. Nelson.
 Mr. Dennis nominated Mr. Taylor of Cass.
 Mr. Maverick nominated Mr. Henderson.
 Mr. Shelton nominated Mr. Hubbard.
 Messrs. Shelton, Dennis, and Taylor of Fannin, were appointed
 tellers.

On telling the vote of the first ballot it appeared that Mr. Nelson had received three votes, Mr. Taylor of Cass, twenty-nine, Mr. Henderson thirty-two, and Mr. Hubbard twelve.

The names of Messrs. Hubbard, Henderson and Nelson, were withdrawn.

Mr. Henderson nominated Mr. Darnell, and the House proceeded to a second ballot.

On telling the vote it appeared that Mr. Taylor of Cass, had received forty-two votes, Darnell thirty-three votes, scattering four votes.

Mr. Taylor of Cass, having received a majority of all the votes cast was declared duly and constitutionally elected Speaker of the House of Representatives.

Messrs. Dickson, Foscue and Wælder, were appointed a committee to wait upon the Speaker elect, inform him of his election and conduct him to the chair.

[The remarks of the Speaker not handed in by the Clerk.]

The Speaker then announced the election of Chief Clerk as next in order.

Mr. Epperson offered the following resolution :

Resolved, That the officers of the House of Representatives, except Speaker, be subject to removal upon motion by a vote of a majority of the members present."

On motion of Mr. Foscue, the resolution was amended by adding after the word "removal," the words "or abrogation of the office." Resolution as amended adopted.

Messrs. Shelton, Dennis and Buckley, were appointed tellers.

Mr. Luter nominated W. L. Chalmers.

Mr. Flewellen nominated Thomas P. Ochiltree.

Mr. Harrison of Cass, nominated Preston Hay.

Upon telling the vote it appeared that Mr. Chalmers received thirty-six votes, Mr. Ochiltree thirty-one, and Mr. Hay thirteen votes.

No candidate having received a majority of all the votes cast, the House proceeded to a second ballot, when upon telling the vote it appeared that Mr. Chalmers had received forty-six votes, Mr. Ochiltree thirty-one votes, and Mr. Hay four votes.

Mr. Chalmers having received a majority of all the votes cast, was declared by the Speaker duly elected Chief Clerk of the House of Representatives.

Election of first Assistant Clerk being in order, Mr. Bogart nominated John C. Easton.

Mr. Craig nominated T. M. Bowers.

M. Haynes nominated P. W. Humphreys.

Upon telling the vote it appeared that Mr. Easton had received twenty votes, Mr. Bowers thirty-five votes, Mr. Humphreys nineteen votes, scattering two votes.

Mr. Haynes withdrew the name of P. W. Humphreys.

No candidate having received a majority the House proceeded to a second ballot.

Upon telling the vote it appeared that Mr. Easton had received thirty-two votes, and Mr. Bowers received forty-six votes ; and Mr. Bowers having received a majority of all the votes cast was declared duly elected first Assistant Clerk.

Upon motion of Mr. Dickson, the House adjourned to meet at 3 o'clock, P. M.

3 O'CLOCK, P. M

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

Mr. Foscue offered the following resolution :

Resolved, That editors and reporters be admitted to seats within the bar of the House." Adopted.

Mr. Hubbard offered the following resolution :

“*Resolved*, That the office of second Assistant Clerk is hereby created, and that the House proceed to the election of an officer to fill the same.” Adopted.

Whereupon the House proceeded to the election of second Assistant Clerk.

Mr. Dickson nominated — Irwin.

Mr. Davis nominated J. M. Davis.

Mr. Flewellen nominated Charles A. Crosby.

Upon telling the vote it appeared that Mr. Irwin had received seventeen votes, Mr. Claiborne ten, and Mr. Crosby forty-six votes.

Mr. Crosby having received a majority of all the votes cast was declared duly elected second Assistant Clerk.

The election of Engrossing Clerk being next in order, Mr. Barnard nominated Mr. Wiggington.

Mr. Hubbard nominated Mr. Charles Coney.

Upon telling the vote it appeared that Coney had received fifty-eight votes, and Mr. Wiggington eighteen.

Mr. Coney having received a majority of all the votes cast was declared duly elected Engrossing Clerk.

Nominations for Enrolling Clerk being in order, Mr. Dougherty nominated Hugh Haralson.

Mr. Perry nominated Mr. Thomas.

Mr. Billingsly nominated Mr. J. M. Long.

Mr. Bryan nominated B. E. Roper ; and

Mr. Townes nominated Mr. Masterson.

Upon telling the vote it appeared that Mr. Haralson had received sixty-one votes, Mr. Thomas four, Mr. Long six votes, Mr. Roper five votes, and Mr. Masterson four votes.

Mr. Haralson having received a majority of all the votes was declared duly elected Enrolling Clerk.

The House next proceeded to the election of Sergeant-at-arms.

Mr. Maverick nominated J. A. Manchaca.

Mr. Luter nominated T. P. Plasters.

Mr. McKnight nominated N. H. Darnell.

Mr. Wortham nominated — Norton.

Mr. Manley nominated T. V. Coupland.

Mr. Owens nominated — Chisum.

Mr. Stewart nominated Wm. Hardeman.

Mr. Taylor nominated J. M. W. Hall.

Upon telling the vote it appeared that Mr. Manchaca received eighteen votes, Mr. Plasters twenty votes, Mr. Darnell ten votes, Mr. Norton five votes, Mr. Coupland five votes, Mr. Chisum

seven votes, Mr. Hardeman twelve votes, and Mr. Hall three votes.

No one candidate having received a majority of all the votes cast, the House proceeded to a second ballot.

Upon telling the vote it appeared that Mr. Manchaca had received twenty-six votes, Plasters eighteen votes, Darnell six votes, Norton six votes, Coupland five votes, Chisum six votes, Hardeman twelve votes, Hall one vote.

No one candidate having received a majority of all the votes cast, and Mr. Taylor having withdrawn Mr. Hall's name, the House proceeded to the third ballot.

Upon telling the vote it appeared that Mr. Manchaca had received twenty-nine votes, Plasters twenty-five votes, Darnell four votes, Norton three votes, Coupland four votes, Chisum one vote, and Hardeman fifteen votes.

No one candidate having received a majority of all the votes cast, and the names of Messrs. Chisum, Norton and Darnell, having been withdrawn, the House proceeded to the fourth ballot.

Upon telling the vote it appeared that Manchaca had received thirty-six votes, Plasters twenty-nine votes, Coupland two votes, and Hardeman fourteen votes.

No one candidate having received a majority of all the votes cast, and Mr. Townes having withdrawn the name of Mr. Coupland, the House proceeded to the fifth ballot.

Upon telling the vote it appeared that Manchaca had received thirty-six votes, Plasters twenty-six votes, and Hardeman twenty votes.

No one candidate having received a majority of all the votes cast, the House proceeded to the sixth ballot.

Upon telling the vote it appeared that Manchaca had received thirty-seven votes, Plasters twenty-two votes, and Hardeman twenty-one votes.

No one candidate having received a majority of all the votes cast, and Mr. Dickson having withdrawn the name of Mr. Plasters, the House proceeded to the seventh ballot.

Upon telling the vote it appeared that Manchaca had received forty-one votes, and Hardeman forty votes.

Manchaca having received a majority was declared by the Speaker duly elected.

Mr. Henderson offered the following resolution :

"*Resolved*, That the Chief Clerk of the House of Representatives have the seats of the members numbered, and that they be selected by lot on to-morrow morning, 10 o'clock."
Adopted.

The House then proceeded to the election of Doorkeeper.

Mr. Whitfield nominated W. B. Rutledge.

Mr. Mills nominated T. S. Saunders.

Mr. Billingsly nominated Mr. Morris.

Mr. Mabry nominated Mr. Martin.

Mr. Stewart nominated Mr. Davis.

Mr. Francis nominated Mr. Hopkins.

Mr. Henderson nominated Mr. T. Rodgers ; and

Mr. Harrison of Van Zandt, nominated Mr. Rosson.

Upon telling the vote it appeared that Mr. Rutledge had received ten votes, Saunders one vote, Morris four votes, Martin twenty-four votes, Davis two votes, Hopkins seven votes, Rodgers twenty-four votes, Rosson seven votes.

No one candidate having received a majority of all the votes cast, and Mr. Saunders' name having been withdrawn, the House proceeded to the second ballot.

Upon telling the vote it appeared that Rutledge had received ten votes, Morris four votes, Martin twenty-four votes, Davis two votes, Hopkins one vote, Rodgers twenty-nine votes, Rosson seven votes.

On motion of Mr. Buckley, the House adjourned to meet at 9 o'clock to-morrow morning—pending the election of Doorkeeper.

HOUSE OF REPRESENTATIVES, }
AUSTIN, Nov. 8th, 1859. }

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

Messrs. Jno. E. Henry, H. H. Edwards and Wm. Ross, members elect from the counties of Grayson, Nacogdoches and Rusk, respectively came forward, presented their credentials, took the oath of office and their seats.

Mr. Billingsley having withdrawn Mr. Morris' name, the House then proceeded to the election of Doorkeeper.

Messrs. Shelton, Buckley and Baxter were appointed tellers.

Upon telling the vote, it appeared that Martin had received 17 votes, Rogers 22 votes, Hopkins 5 votes, Rutledge 11 votes, Rosson 7 votes, Plasters 9 and Davis 5 votes.

No one candidate having received the majority of all the votes cast, and the names of Messrs. Rosson and Hopkins having been withdrawn, the House proceeded to the 4th ballot.

Upon telling the vote, it appeared that Martin had received

18 votes, Rogers 19 votes, Rutledge 12 votes, Plasters 26 votes and Davis 5 votes.

No one candidate having received a majority of all the votes cast, and Mr. Davis' name having been withdrawn, the House proceeded to the 5th ballot.

Upon telling the vote, it appeared that Martin had received 14 votes, Rogers 13 votes, Rutledge 11 votes and Plasters 44 votes.

Mr. Plasters having received a majority of all the votes cast, was declared duly elected Doorkeeper.

The officers elect of the House of Representatives then came forward and were qualified.

Mr. Buckley offered the following resolution :

Resolved, That the House of Representatives proceed to the election of a Chaplain, who shall receive the same compensation as other officers of the House."

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

Mr. Dickson offered the following resolution :

Resolved, That the Hon. Bacilio Benevides, member from Webb, be allowed the privilege of selecting an interpreter for the present session of the Legislature.

Mr. Baxter moved to lay the resolution on the table, whereupon the yeas and nays were called and stood thus :

YEAS—Messrs. Armstrong, Baxter, Craig, Crooks, Dale, Houghton, Luter, Maxey, McClarty, Mills, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Whitfield, Whitmore and Wortham—24.

NAYS—Messrs. Speaker, Barnard, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Crawford, Clark, Culberson, Cumby, Darnell, Daniels, Davis of Barrop, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Harrison of Van Zandt, Haynes, Henderson, Henry, Hubbard, Hubert, Kinney, Lewis of Montgomery, Lynch, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Munson, Navarro, Norton, Owens, Redgate, Shannon, Stewart, Taylor, Townes, Wælder, Walworth, Warfield and Wrede—54.

Mr. Francis proposed to amend by adding, "provided such interpreter shall not become a tax on the Treasury."

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

YEAS—Messrs. Speaker, Barnard, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Crawford, Clark, Culberson, Darnell, Daniels, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Haynes, Henderson, Henry, Hubert,

Kinney, Lewis of Montgomery, Lynch, Mabry, Manley, Martin, Maverick, Maxey, Middleton, Mundine, Munson, Navarro, Norton, Owens, Redgate, Shannon, Smith, Stewart, Taylor, Townes, Wælder, Walworth and Wrede—48.

NAYS—Messrs. Anderson, Armstrong, Barclay, Baxter, Crooks, Cumby, Dale, Davis of Bastrop, Davis of Hays, Francis, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Luter, McClarty, McCutcheon, McKnight, Mills, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Short, Warfield, Whitfield, Whitmore and Wortham—32.

Mr. Hartley, member elect from Galveston, came forward, presented his credentials, took the oath of office and his seat.

Mr. Wælder proposed to amend by adding, "and that such interpreter be paid like other officers of the House."

Mr. Mills moved to lay the amendment on the table; lost by the following vote:

YEAS—Messrs. Anderson, Armstrong, Baxter, Bryan, Craig, Crawford, Cumby, Dale, Davis of Hays, Francis, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Henry, Hubbard, Luter, McClarty, McCutcheon, McKnight, Mills, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shelton, Short, Warfield, Whitfield, Whitmore and Wortham—32.

NAYS—Messrs. Speaker, Barnard, Billingsley, Bogart, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Darnell, Daniels, Davis of Bastrop, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewollen, Hall, Hartley, Haynes, Henderson, Hubert, Kinney, Lewis of Montgomery, Lewis of Robertson, Lynch, Mabry, Manley, Martin, Maverick, Maxey, Middleton, Mundine, Munson, Navarro, Norton, Redgate, Shannon, Smith, Stewart, Taylor, Townes, Wælder, Walworth and Wrede—47.

Resolution as amended adopted.

On motion, the House took a recess of ten minutes for the purpose of selecting their seats.

Recess expired—roll called—quorum present.

Mr. Harrison of Van Zandt offered the following resolution:

"*Resolved*, That the Secretary of State be requested to furnish each member of this House with a copy of the late revised statutes, (by Oldham & White,) together with the journals of the last session, each member leaving his receipt for the same." Adopted.

Mr. Benevides chose Jose Rodriques as his interpreter, who came forward and took the oath prescribed by the Constitution.

Mr. Harrison of Van Zandt offered the following resolution:

Resolved, That the office of Assistant Doorkeeper be and the same is hereby created, and that the House go into an election of the same."

Mr. Buckley moved to lay it on the table. Lost; and the resolution adopted.

The House then proceeded to the election of an Assistant Doorkeeper.

Messrs. Dickson, Maxey and Smith were appointed tellers.

Nominations being in order, Mr. Lynch nominated Mr. Clare.

Mr. McCutcheon nominated Mr. C. V. B. Martin.

Mr. Clark nominated Mr. J. M. Noble.

Mr. Mabry nominated Mr. R. Cotter.

Mr. Francis nominated Mr. Thomas.

Mr. Hubbard nominated Mr. Adrian.

Mr. Nelson nominated Mr. W. H. Martin.

Mr. Davis nominated Mr. Scallorn.

Mr. Short nominated Mr. Jack Robertson.

Mr. Norton nominated Mr. A. W. Roberts.

Mr. Armstrong nominated Mr. Chilton.

Mr. Billingsly nominated Mr. Giles.

Mr. Buckley nominated Mr. Thos. Rogers.

Mr. Ellett nominated Mr. James Burdett.

Mr. Maverick nominated Mr. J. F. Camp.

Mr. Crooks nominated Mr. J. C. Easton.

Mr. Shannon nominated Mr. Wm. George.

Mr. Baxter nominated Mr. W. R. Lambert.

Mr. Kinney nominated Mr. Cassidy.

Mr. Lewis nominated Mr. Hamilton.

Mr. Caddell nominated Mr. Cannon.

Upon telling the vote, it appeared that Mr. Clare had received 3 votes, Martin 4 votes, Nobles 6, Cotter 7, Adrian 4, Scallorn 2, Robertson 1, Roberts 4, Chilton 4, Giles 4, Rogers 9, Burdett 1, Camp 8, Easton 4, George 7, Lambert 4, Hamilton 1, Cannon 6, Scattering 2.

No one candidate having received a majority of the votes cast, the House proceeded to the 2d ballot, which resulted as follows:

Mr. Clare received 4 votes, Martin 5, Noble 8, Cotter 17, Adrian 6, Scallorn 7, Robertson 3, Chilton 3, Giles 3, Rogers 8, Camp 6, Easton 5, Lambert 3, Cannon 8, Scattering 3.

Mr. Buckley offered the following resolution:

Resolved, That the Doorkeeper be authorized to employ a competent assistant at an expense not exceeding the per diem of other officers of this House, and that he be responsible for the acts of his assistant."

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

The names of Messrs Thomas, George, Lambert, Hamilton, Martin, Easton, Noble, Giles, Scallorn, Adrian and Robertson, were withdrawn.

Mr. Davis of Hays nominated J. B. McMahon, and the House proceeded to the 3d ballot and resulted as follows :

Mr. Clare received 3 votes, Cotter 39, Roberts 3, Chilton 1, Rogers 5, Camp 5, Cannon 16, McMahon 8 and Martin 2.

No candidate having received a majority of all the votes cast, and Mr. Chilton's name having been withdrawn, the House proceeded to the 4th ballot, which resulted as follows :

Mr. Clare received 2 votes, Cotter 42, Roberts 2, Rogers 7, Cannon 17, Camp 4, McMahon 8, Robertson 1.

Mr. Cotter having received a majority of all the votes cast, was declared by the Speaker duly elected Assistant Doorkeeper; and came forward and took the oath of office.

A communication upon the Speaker's table, to a contested election between Messrs. Nelson and Evans from the 45th Representative District, was taken up and referred to the Committee on Privileges and Elections.

Mr. Hubbard offered the following resolution :

Resolved, That the Speaker appoint a committee of three to act with a like committee on the part of the Senate, to inform the Governor that the Legislature is organized and ready for the reception of any communication from him. Adopted.

Messrs. Hubbard, Dennis and Stewart were appointed said committee.

Messrs. Dickson, Wælder and Middleton were appointed a committee to inform the Senate of the organization of the House.

Mr. Henderson introduced a bill to repeal an act regulating Public Printing, approved March 8th, 1848. Read first time; rule suspended and read second time.

Mr. Epperson offered a substitute for the bill, which was adopted.

On motion of Mr. Buckley, the bill was referred to a select committee of five, consisting of Messrs. Henderson, Buckley, Epperson, Dennis and Taylor, with instructions to report to-morrow morning.

Senator Britton, Chairman of Committee from the Senate, was announced and informed the House that the Senate was organized and ready to proceed to business.

Mr. Wælder offered the following resolution :

Resolved, That the Speaker be authorized to appoint the usual and necessary Standing Committees of the House. Adopted.

Mr. Mills introduced a bill relating to confessions in criminal trials. Read first time.

Mr. Dennis presented the petition of Messrs. Marshall & Oldham, which was read and referred to a joint select committee consisting of Messrs. Dennis, McClarty, Dale, Wortham, Franklin, McCutcheon and Crooks.

On motion, the House adjourned to meet at 10 o'clock tomorrow morning.

HOUSE OF REPRESENTATIVES, }
AUSTIN, November 9th, 1859. }

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

Journal of yesterday read and adopted.

The Speaker announced the following Standing Committees:

COMMITTEE ON THE JUDICIARY.—Buckley, Chairman; Franklin, Culberson, Hubbard, Wælder, Dougherty, Munson, Branch, Mills, Baxter, Henderson, Taylor of Fannin, Epperson, Stewart, Townes, Short.

COMMITTEE ON PRIVATE LAND CLAIMS.—Shannon, Chairman; Barnard, Bryan, Craig, Daniels, Houghton, Harrison of Van Zandt, Lewter, Lewis of Montgomery, Walworth, Robinson, Middleton, Speights.

COMMITTEE ON EDUCATION.—Munson, Chairman; Craig, McClarty, Maxey, Navarro, Shelton, Branch, Anderson, Clark, Norton, McKnight.

COMMITTEE ON INTERNAL IMPROVEMENT.—Foscue, Chairman; Whitmore, Crawford, Dennis, Epperson, Flewellen, Smith, Mabry, Maverick, Manley, Mills, Culberson, Franklin, Hall, Hubbard, Kinney, Lewis of Montgomery.

COMMITTEE ON PENITENTIARY.—Caddell, Chairman; Branch, Mabry, Whitfield, Lewis of Montgomery, Redwine, Warfield.

COMMITTEE ON MILITARY AFFAIRS.—Short, Chairman; Kinney, Baxter, Bogart, Darnell, Davis of Bastrop, Doughty, Caddell, McClarty.

COMMITTEE ON PUBLIC BUILDINGS.—Townes, Chairman; Waterhouse, Wortham, Perry, Parker, Owens, Barclay, Daniels, Davis of Hays.

COMMITTEE ON CLAIMS AND ACCOUNTS.—Billingsley, chairman; Ross, Wælder, McKnight, Lewter, Norton, Speights, Lewis of Robertson, Robinson, Francis, Bryan, Shelton.

COMMITTEE ON FEDERAL RELATIONS.—Darnell, Chairman;

Culberson, Edwards, Manley, Flewellen, Lynch, Munson, Franklin, Hubbard, Maverick, Caddell.

COMMITTEE ON PUBLIC LANDS.—Henderson, Chairman; Franklin, Armstrong, Benavides, Cumby, Houghton, Harrison of Van Zandt, McCutcheon, Middleton, Shannon, Walworth, Wrede, Martin, Francis, Wortham and Redgate.

COMMITTEE ON PRINTING.—Dale, Chairman; McKnight, McClarty, McCutcheon, Crooks, Hartley, Wortham.

COMMITTEE ON PUBLIC DEBT.—Dickson, Chairman; Barclay, Camp, Edwards, Duncan, Ellett, Hubert, Lewter, Mills, Maxey, Mundine, Henry.

COMMITTEE ON LAND OFFICE.—Cumby, Chairman; Anderson, Barnard, Bryan, Billingsley, Clark, Davis of Hays, Ellett, Henry.

COMMITTEE ON INDIAN AFFAIRS.—Nelson, Chairman; Wrede, Shannon, Ellett, Mills, Hall, Owens, Dougherty, Daniels and Warfield.

COMMITTEE ON COUNTY AND COUNTY BOUNDARIES.—Ross, Chairman; Edwards, Barnard, Crooks, Parker, Duncan, Harrison of Cherokee, Haynes, Lewis of Robertson, Mills.

COMMITTEE ON PRIVILEGES AND ELECTIONS.—Hall, Chairman; Davis of Bastrop, Francis, Hartley, Haynes, Lynch, Short.

COMMITTEE ON STATE AFFAIRS.—Dennis, Chairman; Wælder, Buckley, Darnell, Foscoe, Baxter, Ross, Kinney, Hartley.

COMMITTEE ON ENGROSSED BILLS.—Crooks, Chairman; Crawford, Manley.

COMMITTEE ON ENROLLED BILLS.—Mabry, Chairman; Maxey, Branch.

COMMITTEE ON CONTINGENT EXPENSES.—Lynch, Chairman; Barclay, McCutcheon, Harrison of Van Zandt, Dickson.

COMMITTEE ON FINANCE.—Stewart, Chairman; Waterhouse, Warfield, Shelton, Redwine, Perry, Harrison of Cherokee, Clark.

COMMITTEE ON SLAVES AND SLAVERY.—Hubbard, Chairman; Cumby, Crawford, Dennis, Flewellen, Buckley, Houghton, Edwards.

COMMITTEE ON ROADS, BRIDGES AND FERRIES.—Craig, Chairman; Armstrong, Mundine, Martin, Redgate, Whitfield, Parker, Norton, Redwine and Barkley.

COMMITTEE TO EXAMINE TREASURER'S AND COMPTROLLER'S OFFICE.—Flewellen, Chairman; Whitmore.

COMMITTEE ON APPORTIONMENT.—Wælder, Chairman; Pirkey, Bogart, Middleton, Hubbard, McClarty, Short, Bryan,

Henderson, Hubert, Munson, Lynch, Dougherty, Hall, Maverick, Townes, Nelson, Owens.

COMMITTEE ON JOINT INDIAN AFFAIRS.—Taylor, Chairman; Nelson, Norton, Wrede, Shannon, Ellett, Hall, Owens, Dougherty, Camp, Benavides, Lewis of Robertson, Mills.

PETITIONS.

Mr. Mabry presented the petition of Joseph Thompson. Referred to committee on Private Land Claims.

Mr. Mabry presented the petition of J. W. Scott. Referred to committee on State Affairs.

Mr. Haynes presented the petition of Jose Ma. Gonzales and the petition of Theo. L. Reeurs. Referred to committee on Private Land Claims. Also the petition of Petra Canales Sanlers. Referred to committee on Claims and Accounts.

Mr. Darnell presented the petition of J. L. Leonards. Referred to Judiciary Committee.

Mr. Middleton presented the petition of Mary Elam. Referred to committee on Private Land Claims.

A message was received from the Senate announcing to the House that the Senate had organized by the election of the following officers: James T. Johnson, Secretary; N. C. Raymond, 1st Assistant Secretary; John R. Wooldridge, 2nd Assistant Clerk; Thos. J. Johnson, Engrossing Clerk; J. P. Henry, Enrolling Clerk; D. C. Burleson, Sergeant-at-Arms, and Joel Williams, Door-Keeper; and that the Senate had appointed Senators Duggan, Parsons, Lott, Wallace and Stockdale a committee to act in conjunction with a like committee on part of the House upon the memorial of Messrs. Marshall and Oldham.

Mr. Henderson, chairman of a select committee to which was referred a bill to repeal an act of 27th of Dec. 1851 regulating public printing, reported a substitute for the bill and recommended its passage.

Report received and bill read first time.

Mr. Hubbard, chairman of a select committee, reported as follows:

The Joint committee appointed to wait upon the Governor and inform him that the Legislature was organized and ready for the reception of any communication he may desire to make, ask leave to report that duty performed and that the Governor expects to be ready to transmit his message this day.

Report adopted.

Mr. Dickson offered the following resolution:

Resolved, The Senate concurring, the two Houses of the

Legislature will meet in the Hall of the House of Representatives to-morrow at 11 o'clock A. M., for the purpose of counting the votes cast in the late election for Governor and Lieut. Governor. Adopted.

Mr. Culberson introduced a bill to repeal an act to establish the University of Texas, approved 11th February, 1858.

Read first time—rule suspended; read second time and referred to committee on Education.

Mr. Armstrong:—

Resolved, That the House of Representatives with the concurrence of the Senate, proceed to the election of U. S. Senator to fill the vacancy occasioned by the death of the Hon. J. P. Henderson, on Tuesday 15th inst., at 10 o'clock A. M.

On motion of Mr. Mills the resolution was postponed until Monday next at 11 o'clock.

Mr. Caddell offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker to act with a like committee from the Senate on the Court of Claims. Adopted.

Mr. Craig introduced a bill to regulate and determine the pay of Grand and Petit Juries in the county of Harrison.

Read first time.

Mr. Caddell introduced a bill to legalize the marriage between C. B. Wood and Mary E. Wood, formerly Mary E. Terry.

Read first time.

Mr. Francis introduced a bill to require the clerks of the District Court of certain counties to apportion their Dockets.

Read first time.

Mr. Lewis, of Montgomery, offered the following resolution:

Resolved, That the Commissioner of the Land Office, have executed at as early a day as practicable, a full, complete and perfect map of the State, distinguishing on said map the land yet belonging to the State, from that which is the property of individuals or companies—the located from the unlocated land, with a statement of the number of acres yet remaining to the State, and that he present to the Legislature his views as to the most practicable plan for sectionizing the lands of the State and that he draft a bill for that purpose. Laid on the table one day for consideration.

A communication in writing was received from the Governor.

Mr. Dennis offered the following resolution:

Resolved, That the House invite the Senate to meet us in joint session at 11 o'clock to-morrow morning, for the purpose of receiving the Governor's message. Adopted.

Mr. Buckley offered the following resolution :

Resolved, That the Chief Clerk of the House be instructed to procure 100 copies of the rules of the House and furnish a copy thereof to each member of the House. Adopted.

Mr. Buckley introduced a bill to abolish the office of State Engineer and Superintendent. Read first time—rule suspended, read second time and referred to committee on Internal Improvements.

Mr. Buckley introduced a bill to amend the 1st, 2d, 3d and 5th sections of an act creating the office of Weigher of Cotton for certain ports in this State, passed Sept. 1st, 1856. Read first time, rule suspended and read second time and referred to committee on Agriculture.

Mr. Henderson introduced a bill to repeal an act passed the 1st of Sept., 1856, providing for the appointment of Cotton Weighers in certain towns. Read first time, rule suspended, read second time and referred to committee on Agriculture.

Mr. Lewis of Montgomery offered the following resolution :

Resolved, That the House establish a regular committee to be styled the committee on Agricultural Affairs. Adopted.

Mr. Norton introduced a bill to amend the 8th and 9th sections of the act authorizing the sale of the public domain.—Read first time.

Mr. Norton introduced a bill to amend the act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve. Read first time.

The Speaker announced the following standing committee on Agricultural Affairs : Messrs. Buckley, Henderson, Houghton, Harrison of Cherokee, Perry, Billingsley, Maxey and Anderson.

Mr. Dougherty introduced a bill to authorize the Governor to issue a Proclamation and offer a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo. Read first time. On motion of Mr. Dougherty, the rule was suspended and the bill read the second time and referred to a select committee, consisting of Messrs. Dougherty, Haynes, Lynch, Stewart and Whitmore.

Mr. Lewis of Montgomery offered the following resolution :

Resolved, That the Comptroller of Public Accounts make out and present to this House, at as early a day as practicable, a full and complete statement and exhibit in a plain and intelligible tabular form of all the monies or available funds, received by the State of Texas from whatever source and in whatever form since the annexation of this State to the United States, and how much and when and what purpose and in what manner

disbursed or disposed of, and the balance yet remaining in the Treasury to the credit of the State and to what particular fund. Laid over one day for consideration.

Mr. Flewellen introduced a bill to amend the 1st section of the act entitled an act to organize the Supreme Court of the State of Texas, approved May 12th, '46, approved November 30th, '50, approved August 28th, '56. Read first time.

Mr. Dougherty offered the following resolution :

Resolved, That a standing committee on Stock and Stock Raising be appointed, to which shall be referred all bills, resolutions, petitions, &c., relating to the disposition, improvement and protection of live stock. Adopted.

Mr. Dickson introduced a bill to grant 320 acres of land each to George Eberly, Mary Eliza and Julia Pierce Henry. Read first time.

Mr. Mills offered the following resolution :

Resolved, That the office of Reporter of the House of Representatives be established and that the House proceed to the election of Reporter. On motion of Mr. Francis the resolution was laid on the table.

Mr. Epperson introduced a joint resolution which was read the first time.

Mr. Barnard offered a substitute for the 32nd section of the rules of the House, and moved that the 56th section of said rules be amended by adding "Notwithstanding, that when a constitutional majority (two-thirds of the House) shall be present, the House shall proceed to the business then before it." Laid on the table one day for consideration.

Mr. Lewis of Montgomery introduced a bill for the abrogation of the charter of the Galveston, Houston and Henderson Railroad Company. Read first time.

Mr. Wælder introduced a bill regulating the sale of spirituous, vinous and other intoxicating liquors in quantities less than one quart. Read first time.

On motion of Mr. Henderson, the Speaker announced the following gentlemen a committee on Rules : Messrs. Henderson, Barnard, Bogart, Craig, Dennis and Dickson.

Mr. Lewis of Montgomery introduced a bill for the distribution of the Penal code of the State and the Acts and Journals of the Legislature to the several counties in the State. Read first time.

Mr. Lewis of Montgomery introduced a bill to make it the duty of the Superintendent of the Penitentiary to pay over to the Commissioners of the County Courts one-half the net pro-

ceeds of the labor of such convicts as whose families are in indigent circumstances, for the support and maintenance of their families. Read first time.

Mr. Mills offered the following resolution :

Resolved, That the committee on Public Printing be requested to confer with the publishers of the various newspapers of the city of Austin and ascertain at what price per 100 copies the weekly, tri-weekly and daily papers, which publish the proceedings of the House in either English, Spanish, German or Norwegian language, can be obtained for the use of this House and report accordingly. Mr. Flewellen moved to strike out the word "Norwegian." Lost. Mr. Francis moved to strike out the word "Spanish." Lost. Resolution adopted.

Mr. Smith introduced a bill to incorporate the Eastern Railroad Company. Read first time.

Mr. Cumby offered the following resolution:

Resolved, That 150 copies of the lists of the standing committees of the House of Representatives be printed and that the Chief Clerk be authorized to order the same. Lost.

Mr. Davis of Bastrop introduced a bill supplemental to and amendatory of an act passed February, 1850, providing for the payment of grand and petit jurors. Read first time.

Mr. Caddell moved an adjournment. Lost.

Mr. Buckley offered the following resolution :

Resolved, That the Committee on Printing be instructed to make arrangements with the Postmaster for the postage of the members and officers of the House and to procure stamps and stamped envelopes for their use. Mr. Stewart moved to add "At the expense of each member." Lost by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Buckley, Camp, Craig, Crooks, Clark, Cumby, Dale, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Edwards, Ellett, Epperson, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henry, Houghton, Hubbard, Kinney, Lewis of Montgomery, Mabry, Manly, Martin, Mayerick, Maxey, McClarty, Mundine, Munson, Navarro, Parker, Redgate, Redwine, Robinson, Shannon, Shelton, Short, Smith, Taylor, Wælder, Walworth and Warfield—Yeas 51.

NAYS—Messrs. Anderson, Barclay, Caddell, Crawford, Culbertson, Darnell, Dickson, Flewellen, Francis, Foscutt, Henderson, Lewis of Robertson, Luter, Lynch, McCutcheon, Middleton, Mills, Norton, Owens, Perry, Stewart, Townes, Whitfield, Whitmore and Wortham—Nays 24.

Mr. Lynch proposed to amend by adding "That the committee be confined to a limit of \$500 as the postage expense of this House." Laid on the table. Mr. Barnard proposed to amend by adding "That the committee shall be debarred from contracting for an amount above \$1000." Laid on table.

Mr. Dougherty proposed to amend by adding "Provided that a separate account be kept by the Postmaster with each member, and all sums over \$10 be paid by such member." Laid on table. Resolution adopted.

On motion the House adjourned till 3 o'clock P. M.

3 O'CLOCK P. M.

House met—roll called—quorum present.

The Speaker announced the following committee on the Court of Claims: Messrs. Craig, Shannon, Shelton, Davis of Bastrop, and Crawford.

Mr. Francis introduced a bill to regulate the drawing, empannelling and swearing jurors, and regulating their fees. Read first time.

On motion of Mr. Henderson the rule was suspended and a report of a select committee, recommending the adoption of a substitute for a bill regulating Public Printing, taken up and adopted and bill read second time.

Mr. Hubbard offered an additional section to the bill.—Adopted.

Mr. McKnight offered an additional section to the bill.—Rejected.

Mr. Crooks offered an additional section to the bill, which was adopted.

Mr. Hartly proposed to amend by striking out of 15th sec., 12th line, "5 days" and inserting "20 days." Adopted.

Mr. Hartley moved to strike out the proviso in the 5th sec. Lost.

Mr. McCutcheon proposed to amend 7th section as follows: "Provided that the contractor for every page "set up" of "rule and figure work" shall be allowed seventy-five per cent. over and above the charges for plain work." On motion of Mr. Nelson, laid on the table.

Mr. Dougherty offered the following amendments:—Sec. 1st, strike out the word "all" in the sentence "all the public printing." Adopted.

Sec. 6th, strike out "15 days" and insert "20 days." Adopted.

Sec. 15th, strike out "15" and insert "30" Lost.

The bill was then ordered to be engrossed.

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

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Nov. 10th 1859. }

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

The Speaker announced the committee on Retrenchment and Reform consisting of the following gentlemen :

Messrs. Franklin, (chairman,) Pirkey, Norton, Armstrong, Camp, Foscue Harrison of Van Zandt and Barclay, and the committee on Stock and Stock raising consisting of Messrs. Dougherty, (chairman,) Barnard, Maverick, Bryan, Kinney, Mundine, Parker, Taylor of Fannin and Duncan.

Messrs. Franklin, Branch and Speights, members elect from the counties of Galveston, Walker and Sabine, respectively came forward, presented their credentials took the oath of office and their seats.

The following message was received from the Governor.

EXECUTIVE OFFICE, }
AUSTIN, Nov. 10th 1859. }

Gentlemen of the Senate, and

House of Representatives :

I am induced to believe that the measures already adopted for the suppression of the riotous and insurrectionary movements on the Rio Grande, may be greatly facilitated by offering suitable rewards for the arrest and delivery of some of the prominent leaders to the authorities of the law.

I do not feel authorized to exercise the power in the absence of an appropriation, without referring the subject to the consideration of the Legislature, for such advice and counsel as may be deemed appropriate in the emergency.

The action already taken, with the evidence upon which it had been based will be reported at an early period of the session.

H. R. RUNNELLS.

Read and referred to a select committee.

Mr. Barnard presented a petition for the relief of Joseph E. Field. Referred to committee on claims and accounts.

Mr. Maverick presented a petition for the relief of Maria Antonio Montes de Cadena. Referred to committee on Public Debt.

Mr. Shannon presented a petition for the relief of the "Texas Masonic Institute." Referred to committee on State Affairs.

Mr. Lynch presented a petition for the relief of J. J. Benham. Referred to Judicial committee.

Mr. Middleton presented a petition for the relief of Martin Clark. Referred to committee on Private Land Claims.

Mr. Haynes presented a petition for the relief of H. Clay Davis. Referred to committee on Private Land Claims.

Mr. Duncan presented a petition for the relief of Frederick Miller. Referred to committee on Private Land Claims.

Mr. Bryan presented a petition for the relief of George Clark. Referred to committee on Private Land Claims.

Mr. Dale, as chairman of the committee on Public printing, submitted the following report :

To the Hon. M. D. K. Taylor,

Speaker of the House of Representatives :

Your committee on Public printing, who were authorized to ascertain the cost per copy of the Daily, Tri-weekly and Weekly papers of this City, publishing the proceedings of this body, would report, that they have waited on the publishers of the Gazette and Intelligencer, and are informed that they will furnish them at the following rates.

The Gazette daily, at 3 cents per copy.

" " weekly, at 6 cents " " "

The Intelligencer tri-weekly 4 cents per copy.

" " weekly 8 " " "

Provided as many as 20 copies of each, to each member is taken.

The above papers propose to furnish in foreign languages as follows :

Tri-weekly in Spanish at 12 cents per copy.

" " Norwegian 25 " " "

" " German 25 " " "

The Weekly at double the above rates.

All of which is respectfully submitted.

MATT DALE, Ch'm.

Report received.

Mr. Henderson, as chairman of the select committee appointed to revise the rules for the government of the House, submitted the following report.

That the House, adopt for its government the Rules of the 7th Legislature, with the exception of the 18th, 19th and 56th sections, for which we propose to substitute the following viz :

SEC. 18. The 1st reading of a Bill shall be for information, and

if opposition be made to it, the question shall be "shall the Bill be rejected." If no opposition be made, or if the question to reject be negatived,—the bill shall be open for commitment.

SEC. 19. Upon the 2nd reading of a Bill, the Speaker shall state it as ready for amendment or engrossment.

SEC. 56. Fifteen members shall be necessary to sustain a call of the House ; and upon a call of the House the names of the members shall be called alphabetically by the clerk and the absentees noted, after which the names of the absentees shall be called again ; if they do not answer, the Sergeant-at-arms, or a special messenger may be sent for them, and the question pending shall be without a motion, be laid on the table, until the absentees appear, or the call suspended.

Which is respectfully submitted.

J. W. HENDERSON, Ch'm.

Report received.

Mr. Wælder offered the following resolution :

Resolved, That the committee on stock and stock raising be instructed to inquire into the expediency of repealing the Estray law now in force, and that if expedient to repeal said laws, they report such changes as will abolish the present system of posting and straying. Adopted.

Mr. Ross offered the following resolution :

Resolved, That the Speaker appoint a committee of five to act with a like committee on the part of the Senate, whose duty it shall be to enquire into the expediency of revising our present revenue laws, and that they report by bill or otherwise, at as early a day as practicable. Adopted.

Mr. Wrede introduced a bill for the relief of Chester B. Starks. Read 1st time.

Mr. Shannon introduced a bill supplementary to and amendatory of an act, to provide for the relief of Pre-emption settlers and their assigns, under the acts of the 22nd January, 1845, the act 7th February, 1853, and the act of 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation approved 10th February, 1858. Read 1st time.

On motion of Mr. Wælder, the Rule was suspended and the report of the Select Committee on Rules recommending certain amendments was taken up. 1st and 2nd amendments adopted.

Mr. McKnight proposed to amend the 3rd amendment offered by the committee, by striking 15 and inserting 30. Laid on the table.

Mr. Ross proposed to amend by striking out the 3rd amendment offered by the committee. Lost. And Report adopted.

A message was received from the Senate, announcing to the House, that the Senate had concurred in the House's resolution inviting them to meet the House in joint session for the purpose of hearing the Governor's biennial message read, and also had concurred in the House's resolution, to meet the House in joint session for the purpose of counting the vote for Governor and Lt. Governor, with an amendment. The House took a recess of 10 minutes for the purpose of preparing for the reception of the Senate.

Recess expired—Roll called—quorum present. Senate appeared, headed by the Hon. F. R. Lubbock, President of the Senate, who was invited to a seat on the right of the Speaker and the Senators to seats prepared for them.

Rolls of both Houses were called and quorum present—the Message of the Governor was read in the hearing of both Houses.

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES:

In again communicating with the Representatives of the people, assembled for the performance of the important duties assigned by the Constitution, I am most happy to congratulate them upon the unusual causes of prosperity and happiness.—But while the hand of improvement is almost every where visible, and the labor of the husbandman generally rewarded in a degree commensurate with the skill and industry used, yet portions of the State have suffered from causes which I have been unable to remove, and to which I will hereafter more particularly allude.

At an early period after entering upon the discharge of my official duties, I submitted to the Legislature as full an exposition of the affairs of the State, as the limited time for preparation would then permit. In again performing this duty, I trust I will not be considered unmindful of its importance in declining to dwell at length upon some of the material topics then discussed. I find them less deserving of such consideration, from the fact, that my convictions have undergone but little change—having been generally confirmed by subsequent experience and reflection. I can say too, that several of my more important recommendations met with the prompt and favorable response of the last Legislature, in connexion with which I have only to report such proceedings as have been found necessary in their administration.

Under the provisions of the act approved February 15th, 1858 providing for a Digest of the laws of the State, the contract was

awarded to Messrs Oldham and White, for the five thousand copies, at the price of three dollars per copy; the contractors voluntarily stipulating the execution of the entire work within the State. It affords me pleasure to be able to report, that the contract has been executed in a most satisfactory manner, and (it is believed) fully in compliance with the law, under which it was obtained, and the requisite number of books distributed among the officers of the different counties to which they are entitled. For merit of compilation and convenience of arrangement the work is believed equal to any similar publication in the Union—while if in mechanical execution it is not superior to those received in exchange from other States, where there are every means of greater proficiency, yet in consideration of its very low price, and its being our own production, it is creditable to the State, and must be productive of the success of similar undertakings, if persevered in and properly encouraged.

Some time during the month of July 1858, I received information through the Commissioner of the General Land Office, of the completion and return of the maps field notes, &c., to that office, of the subdivision of the University lands under the provisions of the act approved August 30, 1856, requiring their sale. John Henry Brown, Esq., a gentleman fully qualified in every respect, was appointed and received his commission on the 30th, of July 1858, as the agent of the State for the performance of that duty. His report, marked "A," is herewith submitted, from which it will be seen that the sales amount to 58,523 acres, representing a value of \$195,653 22. I invite your especial attention to this report so that such Legislation may be had thereon as shall be deemed necessary. There being no appropriation available for the purpose, I am constrained to ask the Legislature to make provision at an early period of the session for payment of the salary of Commissioner, and incidental expenses attending the sale. Pursuant to the act of 30th August, 1856, the last Legislature passed an act approved 11th of February, 1858, establishing the University of Texas, and it now only remains for the Legislature to take such final action upon the subject as shall be thought proper. I do not deem it necessary to remark further—either upon the object or the advantages to be derived from the location of this Institution in our midst after having discussed the matter so fully, soon after my induction into office. If I did, I should seek in vain anything more appropriate than is to be found in the report and preamble to the act of the last session. Whether the present shall be deemed a fit occasion for the permanent location of the Institution, must

of course depend upon the discretion of the Representatives of the people, who are presumed to reflect most accurately their will. If, however, the time should be deemed premature, and a further postponement determined on, then it is to be hoped no rash means will be adopted blighting its prospects, and disappointing the hopes of those who have ever regarded the subject with so much anxiety and concern. With sincere and heartfelt regret, I have witnessed feelings of mutual and sectional hostility springing up in the minds of persons of different sections, however unjust in their causes, and pernicious in their effects. If they have been predicated upon views of economy, they are alike erroneous and unfounded, because the chief property of the Institution consists of land set apart, located and surveyed by the authorities of the late Republic of Texas, and which the State now holds in trust for this specific object; over which the authorities can rightfully exercise no other control than to provide for its faithful application to the object for which it was set apart. It is not the property of the State, except for the uses and benefits for which it was appropriated. Again, the establishment of either the one or of two such Institutions as was originally intended, does not necessarily depend upon the appropriation of a dollar from the Treasury. The original fifty leagues of land set apart for the purpose by the Texas Congress, might be considered ample, under wise and provident Legislation. Taking the sales of the past year as a fair estimate of their average value, they would now realise near eight hundred thousand dollars; and there is every reason for inferring that within the next five years those remaining unsold will receive an accession to their present value of not less than twenty-five (or perhaps fifty) per cent. But in addition to this when it is remembered that at the last session of the Legislature, there was superadded every tenth section of the lands reserved to the State surveyed by Railroad companies, there cannot remain a doubt of the future sufficiency of the land for any object falling within the scope and purview of the Institution. As any action which may be taken this session, will probably be final, I invite your most earnest attention to the question of establishing one or two of these Institutions, hoping that whatever may be determined upon will redound most to the public advantage, and at the same time secure the fullest measure of satisfaction.

In taking leave of this subject, I cannot forbear expressing the opinion that there is no cause of conflict between the respective advocates of this measure, and those of common schools. They were both provided for by the Congress of the Republic, and

neither of them have failed to receive a just and liberal consideration from the State Government. It cannot be believed, that all this has been done without some fair understanding, which was observed by the Convention which framed our present Constitution, in providing that each new county formed thereafter should be entitled to the same quantum of land as the old, and one-tenth of the annual revenue collected by taxation appropriated to the purposes of common school. If there has been any advantage given or partiality shown by the State Government, it is clear to which it has been without going into detail. It is sufficient that good policy be observed, and that justice be done. The State occupies the relation of trustee to the property of both; each alike present sufficient claim to her justice and consideration. Then let not her faith be tarnished by a diversion of the property which belongs to one, to the other; a measure which will be sanctioned by no principle, either of morals or law. The feelings engendered by a controversy between these interests if fomented by the Legislature, will result in disaster and odium to both, and possibly involve the consequences of that system of class Legislation which was guarded against with most assiduous care by its framers, and is more to be deprecated than any other arising under free government.

Our system of common schools, though not extending its advantages as thoroughly as could be desired, for want of adequate means, approximates as nearly to the attainment of the end desired as any that could be established in a country so sparsely populated and undeveloped as ours. From the report of the Treasurer and ex-officio Superintendent, it will be seen that the sum for annual distribution amounts to \$113,609,04 and the scholastic population of the State to 101,081 in number which if distributed per capita would be but \$1,12½ to each. By amendment to the general law, passed at the preceding session of the Legislature, the mode of distribution was changed and the monies directly applied to the poor and indigent; and if this class does not now receive the benefit of its disbursement, ignorance or wilfulness can be the only cause. I can see no reasonable objection to a continuance of this plan for the present, and at least until the sum for disbursement shall have been largely increased. The foundation of the system rests in the policy of providing the means of education for the dependent and indigent, and although strenuously objected to by those most urgent for the early inauguration of the system, this plan has been found, from the experience of two years, to be the only one from which practical and beneficial

results are to be expected. It is not for those who are able to provide for the education of their own children to object, since the means by which it is maintained have been set apart by the constitution and subsequent law, without the imposition of any new burthen upon the people for its support; and these it is hoped, will not be resorted to by this or any future Legislature. An increase of taxation for this purpose would be not only useless but oppressive and unjust; useless because in pursuit of an idle and impracticable theory which an increase of the present rate of taxation three-fold would not accomplish in our present local and geographical condition; oppressive and unjust because inequitable in the manner of its collection and distribution. It must be clear to every one that there are no means within the reach of the Legislature at present by which a thoroughly efficient fund can be provided for general distribution without such an abuse of the taxing power as the productive interests can not well withstand, and which, if resorted to, will be endured with the greatest impatience. I have never believed that there was any validity in an objection to the annual distribution of the ten per cent. of the revenue collected by taxation and set apart to this object. Under the present law, the interest only is appropriated, and the principal set apart for investment. It is worthy of consideration, whether this should not be changed, and the \$31,000 annually accumulating from the annual taxes of the people, given that direction so plainly intended by the Constitution.

Nearly one-half of the two millions appropriated, the interest on which is set apart for purposes of education, has now been loaned to Railroad companies and drawn from the Treasury under the Act of September, 1856, and although secured by bond and mortgage on the road beds, it is useless to deny the truth that a feeling of insecurity pervades a large portion of the public mind. This grows out of the apprehension that the companies will not meet the engagements promptly, and that the Legislature may at some subsequent period relieve their condition, and finally, under the pressure of combinations, relinquish both principal and interest to the corporations. This apprehension is, strengthened by the example of other States in a similar condition, as well as by the past action of our own Legislature, both of which afford sufficient premonition of the danger to be incurred. It is a fact not to be questioned by any discriminating and informed mind, that the influence of the corporations is greatly on the increase, and that perhaps it already exercises a more controlling effect on the legislation of the State than all

others combined. Viewing the subject in this light myself, I feel it to be my bounden duty to recommend, if possible, some measure which will prevent, by any possibility, the occurrence of such a calamity. No other presents itself to me than an amendment to the Constitution prohibiting the interposition of the Legislature for their relief. This is a question which appeals so directly to every feeling of self-preservation and duty, to every sentiment of philanthropy, patriotism, and justice, that I can see no good reason why it should not be submitted unhesitatingly to the people for their action. It is true the corporations may oppose it, but surely they cannot be sufficiently strong thus early to exert a controlling influence over the action of the Legislature on this subject, or to endanger its adoption, if submitted by that body to the people. In conclusion of this important matter, I have only to add, that if it be deemed worthy of consideration it should not be delayed beyond the termination of our present session.

The subject of internal improvements, and especially that branch of it which relates to the building of Railroads, continues to increase in importance, and will do so until the wants of our varied commerce and agriculture shall have been supplied with the facilities of ready transportation to market. Continuously and in regular progression for the past six or eight years private interests have from different motives become involved, until there is now good reason for the opinion that there are few counties in the State, some of whose citizens are not directly and personally interested in some one or other of the Railroad schemes projected in different portions of our State. These in connection with the fact that the State is representing in her behalf the whole people, and upon certain prescribed conditions, is become the greatest contributor, should afford sufficient incentive to induce your most calm and deliberate consideration of the whole subject.

While I can without compromising any former opinion, invoke every reasonable aid calculated to promote the advancement of the infant and struggling enterprises which are so soon, if well conducted, to constitute the great leading arteries through which our commerce is to flow, I should be wanting to every sense of duty, if I did not again warn the Legislature of the consequence of unwise and improvident legislation in relation to them. This has been the fruitful cause of unnumbered evils in the past, and its continued repetition will necessarily involve new and perplexing complications to those which already encumber the subject. I have most earnestly to advise the adoption of

all prudent and just measures for the protection not only of the public, but of private stockholders, against abuse of privilege and imposition by their managers. That this does exist in so ne instances, in a manner culpable in the highest degree, disreputable to the State and injurious to the honest paying and legitimate stockholder, carrying along with it, the never failing consequence of disappointment and distrust, is too patent to require the introduction of proof for confirmation. The adoption of measures for its correction and future prevention can by no possibility whatever, result in injury to such companies as have by legitimate effort and fair dealing, entitled themselves to support and confidence. This policy is calculated to forearm and strengthen and not to destroy those that are or may entitle themselves to any measure of public justice ; for without confidence, no corporation can long exist. Nor should they be permitted to do so. Obedience to law should be the indispensable condition, and if it is not the policy to demand "indemnity for the past" it should at least be to require "security for the future." The strictest and most binding restraints are the only means of reaching such as abuse the trusts confided to them, by perverting franchises with which they have been but temporarily and conditionally invested, to private instead of public purposes, for which they were alone entrusted. In the absence of these, where speculation is the moving cause, every motive of fulfilling the object of their creation will be rendered subservient to that alone. Promises will continue to be made, building up public expectation but to be broken, leaving them to languish in hopes deferred. The most approved commentators have taught that corporations under the best regulated systems, are great though sometimes necessary evils, and will it not be most unwise of those who knowing, will not profit by their teachings. Our own Supreme Court have decided that the authority having the right to create, has also that to control. It is with you to say whether this shall be done. The remedy is in your power : it rests in your hands. It is you who can make and unmake, who can grant and refuse at pleasure, but the people, our common constituents, the representatives of whose honor and interests you in part are, expect that the prerogatives with which you are invested will be exercised with wisdom, firmness and impartiality, regardless of every private and personal consideration, for the public weal and for that only.

My own duty on this subject, without favor and without regard to consequences, has been performed. I informed the Legislature when I assumed my official responsibilities, that I should endeavor to execute the law against such as were found disre-

garding it. Two suits have been instituted, one against the Southern Pacific Railroad Company (for disobeying the law requiring their annual report and other causes,) for forfeiture of their charter; and another against the Texas Central Railroad upon a question of forfeiture arising under the provisions of the Act to encourage the construction of Railroads by donations of land. The first mentioned was tried by the District Court of Harrison county, at the Spring term, A. D. 1859, and decided in favor of the Company. That decision has been reversed by the Supreme Court upon points of law clearly showing the right of the State to prescribe and enforce such measures of regulation and control as the public interests may at any time require. I have no official information of the result of the suit upon a rehearing of the case before the District Court. It is reported to have been again decided in favor of the Company. I am however satisfied, if the proof could have been made and public justice had been done, the result would have been different. The history of that Company with its multifarious abuses, has reflected discredit upon the other enterprises of the State and done injury which it will be impossible to repair. The decision of the Supreme Court debarred the issuance of further instructions from this office. In that of the Houston & Texas Central Road, it was intended, if judgment had been rendered in favor of the State, to have suspended its execution, until it had been ascertained whether the Company had complied with the provisions of the Act passed Feb. 4th, 1853, granting them an extension of time for the completion of the second and third sections of the road, and if complied with, then to exercise the power of remission with which the Executive is clothed. The provisions of the law have been complied with, and the suit directed to be discontinued upon payment of costs by the Company.

I fully concur in the opinion expressed by the State Engineer in his report, "that the State should have some controlling influence in the administration of the companies affairs," and invite attention to the suggestions made on that head. Whether these will be sufficient, may admit of some doubt. The State is a contributor to the extent of fully one-third of the legitimate cost and value per mile, of almost every one of these improvements, besides lending to the companies over one-third of the cost of construction. The whole people of the State are therefore much the more largely interested parties, and the question arises, if it may not be proper for their interests to be represented in the Board of Directors, by appointment of the Executive, of

a limited number, under such rules and regulations as may be provided by law. It is not assumed that this could be done without the consent of the companies, but as a condition to amendments asked by them (if deemed advisable,) the object could be effected. I must again repeat the assertion that the imposition of additional conditions and safeguards for the better protection of the honor and interest of the public, whenever they may be required, are by no means intended to act prejudicially to those deserving of public favor, and need be attended with no such consequences; and I respectfully urge the removal of any such conditions with which companies may be encumbered, not found to promote that object.

In consequence of the death of the late State Engineer, Mr. WM. FIELDS, on the 9th Sept., 1858, I appointed Capt. E. F. GRAY, to fill the duties of that office until a successor should be elected. I call attention to the suggestions of his very able printed report before you. In the death of Mr. FIELDS, the State has lost a good and useful citizen, who from his long public service, had won the esteem and confidence of many friends throughout the entire State.

Under the law approved 10th Feb., 1858, authorizing and requiring the appointment of a State Geologist, I succeeded after some unavoidable delay, in procuring the services of Dr. B. F. Shumard, then engaged in the geology of Missouri, who received his commission on the 30th day of Oct., 1858, and immediately entered upon the discharge of his duties. From the acknowledged importance of this survey to the State, I deemed the selection of this officer a question of paramount interest. I feel that there is not only cause of the highest satisfaction, but of congratulation, at the success of my efforts. The eminent reputation for attainments, Dr. Shumard brings to his aid in this survey, united with his assiduity and perseverance of character, offer the strongest assurance of its success. I can say scarcely less of his able and accomplished assistants, Dr. George G. Shumard and William P. Riddell, whose reputations are so well known to the history of science throughout the entire south west.

The time has been so short since the organization of the corps was completed, that a report containing very general and satisfactory results is not to be expected; but I am informed that one shewing the progress of the survey from the period of its organization to the close of field operations, the present season, will be submitted to the Legislature early in the session. The report

will comprise an outline of the work done, together with a summary of the most important results.

I respectfully refer to estimates of the Comptroller for appropriations which will be required for continuing the survey, and recommend that they be made.

Agreeably to the provisions of the act of February 13, 1858, authorizing the Governor to procure a set of standard Weights and Measures to be deposited with the Treasurer; such standard has been procured from the U. S. Government, and is now in charge of that officer as directed by law. Through the agency of James B. Shaw, Esq., Comptroller, a contract was made with Mr. Henry Troemner, of Philadelphia, for fifty sets of those intended for the use of the counties, fifteen of which were consigned to Wm. M. Freeman, of Jefferson, Cass county; twenty to E. B. Nichols & Co., of Galveston; ten to Messrs. Baughn & Walker, of Port Lavaca; and five to Stephen Powers, of Brownsville, for distribution.

The limited fund appropriated by the Legislature not admitting of a contract for a greater number at one time, I proposed to extend the contract for additional sets as the returns for these should come in, until each of the organized counties could be supplied. The orders not having been delivered as early the past year as was expected, and the returns having come in so tardily, the present season, the fund has not been reinvested as was originally intended, in order to carry out the intention of the law; but twenty-four counties having made the required returns to the Comptroller's Office, down to June of the present year. I recommend a continuation of the appropriation until all of the counties shall have been supplied on similar terms to those which have already received them. For further particulars, I refer to accompanying letter of instructions, marked "B" addressed to Chief Justices and consignees at the points where they were to be delivered.

It will be observed, from the report of the condition of the Penitentiary, that a debt has been contracted by the institution in the purchase of additional machinery for the manufacturing establishment. This became necessary from the increased number of operatives who were without profitable employment. Experience had shown that the operatives could not be so profitably employed at any thing else; and, therefore, at the urgent and united solicitation of the board, I sanctioned the measure, believing that the interest of the public service required it. It was expected at the time that the increased income of the institution would be very nearly sufficient to meet the obligations

thus incurred by the time they fell due. Unavoidable circumstances, however, having prevented it, there will be required an appropriation by the Legislature to meet them, which I recommend, may be made. I refer to report for the amount, as well as for such other items of appropriation as may be required.

It is to be further observed, that before the meeting of another Legislature, if the number of convicts continue to increase as they have done for the past few years, additional room will be required for them. The board suggest the branching of the institution, which it seems to me would be better policy in the end and more profitable to the State than to make further additions to the present buildings. There is certainly great room for doubt whether more than two hundred and forty of these unfortunate men can be profitably employed in the same establishment. If this recommendation of the board should be adopted, a site, should be selected for its location, desirable both for health and convenience. The present institution has been subjected to a heavy and unnecessary expense for transportation, which should be avoided, if possible, in making another selection. I refer with pleasure to the able and satisfactory manner in which the institution has been conducted for the past two years.

The difficult and arduous task will devolve on the present Legislature of making a new apportionment under the Constitution. The first eight years, which it was provided by that instrument should last from and after 1852, will have expired with the term of the present members. This subject is acknowledged to be one of the most difficult for legislation, and I respectfully suggest that a spirit of liberality, fairness and justice should alone animate your counsels in its consideration. It should be constantly kept in view that it is not intended for the use of individuals, parties or sections, as such; but for the whole people of the State, upon terms of equality and justice as nearly as may be practicable under the provisions of the Constitution. I feel that I am justified, from its importance, in inviting an early consideration of the subject.

I deem it my duty to call attention to the statutes relating to slaves. Since the passage of the act providing for the indemnification of the owners of those educated for crime, their value has increased more than fifty cent, and yet the act limits their appraisement to one thousand dollars. Nor is there any law by which the owner can be held to a limited pecuniary responsibility for the conduct of the slave. This leaves the slave without any legal restraint in all minor offences. The question will be a most delicate and difficult one for legislation without making it

oppressive upon the owners. I doubt not it will receive that patient and impartial consideration which it deserves. Again, the act prohibiting slaves from carrying firearms is insufficient, and will not be enforced unless the offence is made indictable by the Grand Juries.

I recommend an amendment to the Penal Code, making the act of embezzlement by executors or administrators of the funds, of estates, of making false returns to the Probate Court, and other acts of gross mal-administration, punishable by indictment, and according to the grade of the offence.

It is with great reluctance that I call attention to the account of contingent expenses for the 7th Legislature—an item of which, for newspapers and postage alone, amounts to \$14,625 26. It is true that the two Houses of the Legislature have the unquestionable right to provide their contingent fund, and for which the Executive is in no measure responsible; but I must be permitted to express my disapprobation of the practice, which involves so large an expenditure of the public money without effecting any perceivable good. The mails become flooded with matter, so that papers and documents, if they ever do reach their destination, are so long in doing so, that they are read with little or no interest by those who receive them.

I would respectfully call the attention of the Hon. Legislature to the fact of the omission of that body, at its last session, to make the usual appropriation for proclamations of the Executive, pay of rewards for the arrest of violators of the law, &c.

The Executive, in consequence of said omission, on the part of the last Legislature, declined offering any reward for some time; but crime and a disregard for the lives and property of our citizens, which seemed to be alarmingly on the increase, earnestly demanded action of the Executive. Accordingly rewards have been offered, and proclamations published in many papers in the State, which will require an appropriation of _____ dollars to meet. No rewards have been claimed, and the Executive is not aware of any arrests under said proclamations. Yet an appropriation is necessary to meet the demand in case of an arrest and delivery.

It will be seen by reference to the report of the Secretary of State, that the law of 1851, fixing the rate of charges for printing for the State is not so plain as to avoid misconstructions. Questions have arisen under this law, in reference to the amounts to be charged for different kinds of printing, which the Legislature might easily settle for the future, by such changes and modifications as would admit of no doubt as to its meaning. I

am informed that the Public Printer will ask of the Legislature a full investigation of the entire matters in controversy. This will be not only due that officer, but the Secretary of State, by whose approval the accounts of the last two years have been passed. While it is not my purpose to pass an opinion upon the construction of the law itself, I am fully justified in stating that the rate of compensation charged is what has been uniformly allowed under the law since its passage, and the same as under the statutes of other States for similar work. If the construction given it for the past two years is a wrong one, then it has been equally so for the past six or seven, and the fault does not lie with the Printer, but with the Legislature, and those who have preceded me in office, in not bringing it to their attention.

The amendment to the State Constitution proposed by the last Legislature, giving to the various counties embracing school lands within their limits the power to sell said lands, &c., was submitted to the people, and it will be seen by a report of the Secretary of State, herewith submitted, marked ["C,"] that the amendment was lost. The sparsity of the vote cast upon this amendment resulted, perhaps, from the want of general interest in the minds of the people, which might have induced an examination into the merits of the proposition, and thus a fuller vote both for and against it.

I submit herewith reports of the Blind, Lunatic and Deaf and Dumb Asylums, marked ["D"] to which I respectfully refer for information of their management and wants of the Legislature. The disinterested and tender care with which these institutions have been watched by their trustees and Superintendents, is entitled to the highest praise and commendation; while it at the same time, offers the strongest and best assurance that the interests of the State, and the institutions, have alike been the constant and only aim of those in whose charge and direction they have been placed. The charitable and beneficent purposes for which they are established, will no doubt insure for them the kindest consideration and liberality. For I am persuaded there can be no higher or holier purpose to animate the mind of legislators, than that of restoring by the States own bounty, the stricken and lost maniac to reason, to society and friends, of redeeming her unfortunate children from the abyss of perpetual darkness and ignorance, to light, knowledge, piety, and virtue, and of teaching, if not the blind to see, and the mute to speak—"the finger marks pointing the way to communion with God and intercourse with their more fortunate *fellow beings*."

Col. Edward Clark, Commissioner of Claims, resigned that

office on the 7th of July 1859, and the Hon. Joseph Lee was appointed to fill the vacancy until the limit prescribed for the continuance of the office should have expired. The papers were then turned over to the Comptroller as directed by law.

I commissioned H. G. Hendricks, E. P. Nicholson, and John C. Burks, Esqs., March 9th 1858, under the act to ascertain what land certificates have been illegally issued in Peter's Colony, approved February 4th 1858. The duties of the commission were performed and a report of their proceedings made to the Commissioner of the Land Office, as required by the statute.

I enclose herewith a copy of instructions forwarded from this office marked ["E"] to Jas. S. Robinson, District Attorney of the 16th District, who is required to represent the State in all suits growing out of the statute where the State is a party. There has been no provision made for compensating that officer for the additional duties imposed on him by the Act, I therefore respectfully submit the opinion that some should be made.

It is with feelings of disappointment and regret that I am unable to give a more favorable account of the condition of the frontier, and border sections of our State, which have been greatly annoyed by marauding bands of wild Indians, almost without intermission, since the adjournment of the last Legislature, notwithstanding my best efforts to repress them, and to protect our citizens. The appropriations made by the last Legislature for this purpose, have been exhausted, and an additional liability of about fifty-eight thousand dollars incurred by the Executive, for the same object, without, it is believed, effecting any permanent good. The line of frontier is so long, the settlements so sparse, and so badly prepared for defense, that if defended at one point, the Indians from their thorough knowledge of the country, have been enabled to direct their incursions in another quarter—such indeed is its geographical character, that if five or ten times the number of men had been stationed on the frontier, the same result would have ensued.

Foreseeing this difficulty, and believing the only mode by which the incursions could be finally precluded, would be to pursue the Indians to their own homes, Capt. Ford was instructed to make an expedition into the territory lying north of Red River during the spring of 1858, which was attended with as satisfactory results as could have been reasonably expected, from so small a force. Although it was not expected that a single victory over one of the numerous bands which had hitherto found in it a retreat from all danger, would give entire security to the border, yet it was hoped that so favorable a

beginning by the State, would be the means of inducing the General government to adopt similar measures and persevere in them, with an adequate force until the Indians could be effectually subdued. In both, however, disappointment only has followed. The Federal Government has failed in its measures to meet my reasonable expectations, in spite of every effort on my part to induce its authorities to give us protection.

Having received reliable intelligence, in the ensuing fall, of the renewal of depredations, I dispatched on the 4th of October, by express, a commission with instructions to Col. James Bourland of Cook county, authorizing him, if expedient, to muster into the service of the State, a Company of seventy-nine men for three months, a portion of whom, were, however, by a subsequent order, continued for six months. Depredations continuing to increase with the approach of winter, I again authorised Capt. Ford to raise a company of eighty-nine men for the same purpose. The order bears date November 2, 1858. The company was continued in service for six months, and although doubtless with the greatest possible exertion of both officers and men, it was found impossible to prevent the incursions of the Indian enemy, even from the district of country within which the company was stationed. The appropriation required for the payment of these two companies, as estimated by the Comptroller, is \$20,000 for that of Capt. Bourland, and \$25,000 for that of Capt. Ford, there having been drawn by Capt. Ford, out of the appropriation already made, in part payment of expenses of his company, \$13,232 08.

Again, serious difficulties arose between the Indians occupying the Brazos agency, and the citizens of the neighboring country, growing out of a conviction of the complicity of the former with the depredations then being committed. On the night of December 27, a party of the Indians were attacked and a number of them killed in their camp without the Reserve. Upon receiving information of Capt. Ross, sub. agent, of further hostile demonstrations, I issued an address to the people of the neighboring counties, warning them against any rash act on their part, and assuring them of steps having been taken for the removal of the Indians as soon as possible, from their midst. Again, very serious disturbances arose, which for a time threatened the most dangerous consequences. As a means for restoring quiet and quelling the existing excitement, I appointed a board of five peace Commissioners consisting of Dr. Joseph M. Steiner of Travis, Col. John Henry Brown of Bell, the Hon. G. B. Erath, Capt. J. M. Smith,

and Richard Coke, Esq., of McLennan, with instructions bearing date, June 6th, to proceed to the scene of disturbance, and to investigate its causes, with authority, if expedient, to place a guard of one hundred men around the Reserves, until such time as the Indians should be removed without the limits of the State, or further ordered. The muster roll, &c., of the Company, have all been received in proper form, and are on file in the Comptroller's office. Estimate of pay for said company, \$13,000. There will be required an appropriation of \$236 74 cents, for expenses of Commission, for all of which I respectfully ask that appropriations be made at as early period as practicable, after the subject shall been satisfactorily investigated. It is not expected that the citizen should give his time and labor to the public without reward, and it is therefore right and proper that a liberal compensation should be tendered the Commissioners for the highly valuable and difficult service rendered.

I submit herewith, marked "F," the report of the board of Peace Commissioners, sent to the Reserve. This report discloses facts which go very far to prove that our citizens were not without just cause for complaint, as much as the violent measures of redress, adopted by them may be regretted. It is to be observed, of the two appropriations made by the last Legislature, that in addition to the payment of the three months men—called out by my predecessor, and those of Capt. Ford—I authorised John Williams to raise twenty men for sixty days, on the 20th May, 1858, who have also been paid, and that Capt. Ford, by my authority, left twenty men in charge of Lieut. W. N. P. Marlin, near the Indian Reserve. On disbanding his Company, in the summer of the same year, Capt. Ford was appointed Paymaster, with instructions to pay off, and discharge this Company. Circumstances occurred preventing his giving it immediate personal attention. Maj. R. S. Neighbors was requested to muster them out; this was refused by the Company until they had received their pay. By my instructions, they have received none after the time the notice was given them.

The State government is in no manner responsible for the unfortunate and deplorable state of affairs which has existed on the frontier. The remedy has not been within the reach of its authorities. I found it a difficulty and perhaps the most serious with which I should have to contend on coming into office. It has proved to be so, and if it has been impossible, for most obvious reasons, to give satisfaction, it has been for no want of the most faithful endeavor to meet the difficulties which it has presented in view of the obligations and responsibilities of my position.

With these remarks and a respectful reference to my correspondence with the Federal authorities on the subject, on file in the State Department, I am content to leave the further solution and management of this question to the Legislature, and the able gentleman who has been chosen to succeed me.

Before the meeting of the last Congress I forwarded to the Secretary of War, as well as each of your delegation at Washington, an abstract prepared at the Comptroller's office, containing a distinct account of the several amounts appropriated by the State (and now due by the General Government) for Indian protection, and asking that they might be included in the estimates of the Department for the ensuing year. I have to report that this was not done by the honorable Secretary, in consequence of which, notwithstanding every effort of our delegation, an appropriation in part only was obtained. Evidences of the justice of the claims, in possession of the State authorities, were forwarded to sustain them, excepting only the muster rolls, which has not been usual, until demanded after an appropriation has been made. I am not aware, however, of the existence of any stronger testimony of their exigency and justice, than their recognition and payment by the State will afford.

For information of the condition of the Treasury I refer your honorable bodies to reports of the proper accounting officers, from which as per estimates, the balance in the Treasury exclusive of ordinary expenses of State Government on the 31st of Aug., 1860, will be \$79,164,71, and 31st Aug., 1861 \$315,175,10 inclusive of \$168,105,86 due by the federal government for Indian matters an appropriation for only about fifty thousand dollars of which has been made.

The subject of taxation and revenue is always one of the greatest moment to government, and should not be overlooked at this time. The suggestions of the Comptroller deserves your most serious consideration. There is no proposition more true than that all who participate in the blessings of government and claim the protection of its laws, should contribute their due proportion to its maintenance and support. Our Constitution especially provides that taxation shall be equal and uniform on all property in proportion to its value. That object is not attained by the present system of assessing and collecting the revenue, and operates most unequally on the producing classes.

It may be safely estimated that near three-fifths of the wealth of our citizens consists of real estate, and yet it will be found paying little more than one-third of the annual revenue collected by taxation, while the holders are deriving large profits from the

capital invested. This wide difference arises chiefly from the imperfect mode of assessment, the absence of a minimum rate below which lands should not be assessed, and lastly from the impossibility of rendering the tax available under sales of the Collector, from the imperfectness of the titles which they convey. The present law provides an umpire in case of disagreement as to the value of property in the assessment, and while its provisions reach the resident, they do not the non-resident landholder, who gives in his property when and where it suits his convenience, and upon his own terms. It is impossible that the assessors of Travis, Brazoria or Bowie should know the relative value of land, in each of those counties; and if they did, the law is remediless in their hands. The assessment of the lands of non-residents should be made either at the Comptroller's office or by the County Courts of the county in which they are situated, upon the return of the assessor thereto, or by the assessor and collector himself, of the county in which the land lies (as in ordinary cases,) where it is given in for assessment by the owner himself or his agent or if it lies in an unorganized territory, it could be assessed by the Comptroller at the average value of other land of similar quality. While I do not fully concur in abolishing all exemption of property from tax, I am clearly of opinion that all property of the tax payer should be held responsible for such as may be due from him to the State. I cannot see any well founded objection to a moderate increase of the poll tax as recommended. It is a contribution which every freeman should be willing to make, in consideration of the protection given him in the enjoyment of his rights and privileges by our laws.

I deem it my duty to call the attention of your Honorable bodies to the necessity of observing and enforcing the strictest rules of economy in the appropriation and disbursement of the public funds, as well as of a prudent husbandry of the public domain, which if not squandered by wasteful and prodigal legislation, will as it now does, constitute the greatest element of wealth and prosperity with which any State has ever been gifted.

Texas is yet in the infancy of her growth and prosperity. Every year will add to her resources of wealth under a system of wise and prudent legislation. Every year new accessions to her population are added, and yet so vast is the extent of her territory and so equally and generally are distributed her fertile lands, inviting the adventurous emigrant, that the annual increase is scarcely visible. Great lines of Railroad running in almost every direction are either in progress or contemplation, looking

to the State for aid. The institution of schools, colleges and universities are looked to by anxious parents for the education of the rising youth. Indeed, the various sources of expenditure which will task the power and the liberality of the State to its utmost can scarcely be enumerated.

They warn you in language more forcible than any at my command, of the dangers of extravagance and the absolute necessity for economy. The vast and fertile regions which have already been frittered away without any sufficient indemnity, would, if properly husbanded, have afforded a fund ample for all the purposes of the present. If the admonitions which the past should teach are disregarded, and systems of wild, selfish and speculative legislation are persevered in, then may we bid farewell to the splendid prospects which invite to the realization of a brilliant future. Then too, we may expect that those who succeed us will, if not with the finger of scorn, turn and look with regret upon the folly of those who failed to improve and economise the means placed in their hands by the gift of God for their own and the welfare of posterity. Without economy and prudence united with the most stubborn virtue, the brilliant hopes cherished cannot be realized. Without them, the promise of the present will vanish like the fleeting mirage of the desert never to re-appear.

It is my melancholy duty to announce to your honorable body the death of Senator J. Pinckney Henderson which occurred at Washington on the 4th day of June, 1858. He died in the discharge of the duties almost unanimously imposed on him by the voice of the people through their representatives. Able in council, eloquent in debate and gallant upon the field, he was chosen the first Executive of the State after annexation to the Union. Although he had held so many high stations of trust and honor, Gen. Henderson had but little passed the meridian of life when he was transferred to that theatre of more extended usefulness for which his eminent talents and more than Spartan virtue so well fitted him. The loss of one who united so much of public confidence at a time when the friends of the constitution are in danger of being overwhelmed by the seemingly resistless tide of sectional and religious fanaticism, is to be regarded by his State and his section as a public calamity.

I commissioned the Hon. Mathias Ward, on the 29th of September following, to fill the vacancy created by the death of Gen. Henderson. The duty of electing a successor will devolve on your honorable bodies.

I deem myself fully justifiable under existing circumstances,

in indulging in a few brief allusions to the political history and condition of the times. Soon after the adoption of the Federal Constitution, there arose in the minds of leading statesmen, differences of opinion as to its nature and powers. These differences have continued to exist to the present day, and are made the texts of faith upon which political parties divide. As originally organized they were called Federalists and Republicans. The Federalists were comprised chiefly of those who favored a strong government of the British model, and after the formation of the Constitution, endeavored by a loose construction of its provisions to give the Federal Government powers which were clearly unauthorized, and had been refused by the States; and hence, the adoption of that name which most fitly illustrated their principles. But their encroachments upon the reserved rights of the States increased to so alarming an extent, that the Republican or Democratic party, as it was then reproachfully called, was organized under the auspices of Mr. Jefferson and others to resist their aggressions. The first great struggle between these parties arose upon the alien and sedition laws; the Federalists sustaining, and the Republicans denying their constitutionality.

The Virginia and Kentucky resolutions, drawn respectively by Messrs. Madison and Jefferson, defining the rights of the States and the powers of the Federal Government under the Constitution, were denounced as subversive of the Government, as revolutionary, and as tending to anarchy. A number of the State Legislatures passed counter resolutions, and finally their advocates were called Democrats in derision and contempt; thus associating them with the revolutionary leaders of Republican France, where the propagation of false theories had destroyed society and deluged its soil with blood. But notwithstanding these calumnies, and notwithstanding every effort to proscribe the authors of those celebrated resolutions, the States had too recently emancipated themselves from the power of Britain not to have had their fears and jealousies aroused against confiding it without limitation to another central head. They had therefore wisely reserved to themselves respectively, the great mass of residuary powers which could not be safely or properly exercised by the Federal Government.

The election of Mr. Jefferson in 1800, was the first great triumph of the Republican or Democratic party, by which the efforts of the Federalists to consolidate the Government were checked. It has left its impress upon the political history of the country never to be forgotten. In every succeeding political

struggle the principles upon which that controversy turned, have been made the tests of orthodoxy upon which the qualifications for office and honors have been made in great measure to depend. The principles of the Democratic party of 1859, are the same as those of the Republican party of 1800. They have been transmitted from generation to generation, unaltered and unchanged; and as the connecting link of the past with the present, are clearly shewn to afford the only reliable interpretation of the Constitution which binds the union of these States together. They have been adhered to in every vicissitude as the only ark of safety, with a devotion not less sincere and true than that which united the early christians. If they have always had their defamers, yet they have never been without their defenders. If by an occasional departure from the faith, the vessel of State has been steered from the course of strict construction, it has been saved from the dangers which encompassed it by a return to the true principles of the Constitution. If by desertion, treachery, fraud, or *deception*, their enemies have temporarily triumphed, the sober second thought has seldom failed to correct the error of opinion liable to occur under any system of popular Government. For twenty-four years the Government was administered without a single intermission by those who were charged with harboring disunion sentiments, and an intent to subvert it. Truth falsified the charge, and along with it every prediction, for none of them have been verified—so far from it the country was triumphantly conducted through the dangers of a bloody war with the most formidable power of the earth, and in spite of the treasonable measures of the Hartford Convention Federalists, and the assistance of their coadjutors *North and South*, who not only afforded aid and comfort to the public enemy, but threatened open revolution as the means of forcing a dishonorable peace. Thus was the power of hostile armies from abroad, aided by fanaticism and treason at home, successfully resisted by the patriotic defences thrown around the Government by those oft denounced disorganizing principles. In the introduction of the American system, comprising the triplicate measures of Bank, Tariff and Internal Improvements, may be ascribed the first great departure of any considerable body of the party from the States Rights strict construction doctrines of these resolutions. Those issues governed the Presidential election of 1824, the results of which well nigh ended in a dissolution of the Union on account of the odious exactions imposed by the tariff which followed it. The intellectual and patriotic lights who had framed the Constitution and fixed the correct principle of its construction, had nearly all passed

away, and those whose reckless and ambitious spirits could no longer be content with a plain practible administration of a Government of well defined and limited powers, had taken the places of its wise and patriotic founders in the national councils.

The most prominent measures of the coalition, or as it was called, the National Republican party, were the Tariff, by which the industry of one section of the Union was to be taxed for the support and protection of the manufacturing interests of another; a Bank in which to deposit the revenue when collected, with the privilege of loaning three paper dollars for every one received in coin to the manufacturers, and a system of Internal Improvements through which it was to be expended, by digging canals and building roads to the doors of the manufacturers for their convenience. This was the first chapter in the lessons of experience taught by the history of this new party, and it might have been hoped would be the last. But not so, for though defeated in several of the succeeding Presidential elections, these measures have constituted the leading issues upon which parties have been divided down to a recent period. In 1836, under another new disguise, that of Whigs, the opposition appeared before the country with the simple addition to their former list of measures, of a distribution of the proceeds of the public lands among the States. Defeated again in that election, they however succeeded in the hard-cider campaign of 1840, by virtue of the abolition excitement which had sprung up in the free States, combined with the monetary and commercial crisis of 1837-'38 which proceeded from their own bloated and extravagant systems, which had been for a time fastened upon the policy of the country. No sooner had they come into power than the protective tariff was again revived, in violation of the compromises of 1833, by which it was to be gradually reduced to the revenue standard and a dissatisfied South reconciled. The entire batch of corrupt and dangerous measures, advocated by the old coalition, were brought forward and claimed to have been endorsed by the American people. But their authors were doomed to be in part disappointed; unluckily for their Bank—the *panacea* for almost every political evil, the exchanges were found to regulate themselves, and the prosperity of the country returned without its intervention. The success of the Democracy, in the following election of Mr. Polk, forever stamped the measure with the seal of popular condemnation. The tariff was reduced to the revenue standard, and the Bank bill, having been vetoed by Mr. Tyler, and their extravagant system of Internal Improvements defeated by the veto of Mr. Polk, the next

mask assumed was that of the "No-Party-Party"—sometimes calling themselves Democratic Whigs, advocating principles only as they suited particular latitudes, and having no other platform than opposition to the constitutional veto power of the President. Having rendered themselves odious by an unavailing opposition to the Mexican war, they adopted in this instance the artifice of running the general who had fought most of their battles, and by the advocacy of one set of opinions at the North and another in the South, upon the negro question, succeeded in the election. This dark piece of political prostitution forever established their want of fidelity as a party to all profession of principle. The brief, but momentous career of that administration, furnishes one of the most disastrous chapters in the political history of the country. There was, of course, no unity of sentiment among the friends of the administration in Congress, during the excitement which prevailed upon the territorial question. Its northern supporters, having been thoroughly abolitionized before the election, refused co-operation with the advocates of justice and the Constitution, and, but for the patriotic bearing and self sacrificing devotion of the northern and southern Democracy, the most deplorable results would have followed.

Yet another, and perhaps the last attempt to effect and maintain a national organization, is to be recorded. In this, however, they have been anticipated by the States Rights Democracy, who foreseeing the dangers to the Constitution and the rights of the States springing from the agitation of the sectional issues, had determined to return to first principles for future guidance and safety. The Virginia and Kentucky resolutions had been readopted in the platform of 1852, with the pledged declaration of the party to adhere to them in any contingency. The issues presented by this new opposition fusion were almost identical with the Federal measures which led to the adoption of the principles of faith contained in them in the first place. Simultaneously with the birth of the Know Nothing party in Boston, its contagion spread to the southern and western cities, and within half a year there was scarcely a town or hamlet in the Union to which its pestilential influences were not extended. Inquiry and investigation, however, soon succeeded the curiosity which it first excited, and the Virginia election, the following year, doomed it forever as a national organization. In the North those who filled its ranks have all gone to the Black Republicans. It cannot be disputed that their anarchial and revolutionary schemes are at open warfare with the rights of property and the constitutional laws by which it is protected. In the South, with

no other creed than empty professions of patriotism and love for the Union, the organization is maintained by feigning issues which never existed, and is sustained by malcontents who use it for the indulgence of those bad passions which always actuate deserters from a good to a bad cause. At both the extremes of the Union, the opponents of the organized Democracy have one common aim, (it is hoped for different ulterior purposes,) the final overthrow of the Democratic party.

In the North, it is the preliminary and necessary step to their sworn purpose of destroying Slavery, and whether designed or not, the effect of Southern co-operation for the destruction of the organization of the Democratic Party, plainly leads to the ultimate object of the stronger section, and is therefore accessory to the fanatical pretensions of the abolitionists. What better assurance—indeed what stronger guaranty, can the anti-slavery men of the North desire of their ultimate success, than the doctrines of extreme submission avowed by their Southern co-laborers. It can matter little whether the Constitution shall be broken by a loose construction of its provisions, or is disregarded for a higher Law, if in either event, a government of misrule, arbitrary and unconstitutional in its action, is to be the result.— This, however, is only a fair deduction from the principles and practice of that higher law patriotism and pretended love of the Union, which rise above the Constitution and the rights of their action.

By whatever names the opposition to the regular Democratic organization may have passed for half a century, whether as anti-Masons, National Republicans, Whigs, Know-Nothings, *Union Men* or *Higher Law Men*, the radical difference of opinion which has existed in regard to the nature and powers of the Government, has manifested itself in that Federal and latitudinous construction of the Constitution, so often and so long repudiated for its dangerous tendencies. It can scarcely be believed, that those who have followed the fortunes of modern Federalism to its fall as a National organization, can now be sincere in their professions of loyalty to the Union, and at the same time true to their section and the Constitution.

A Party which united with the advocates of the Wilmot-Proviso in 1848, in the support of Taylor, and afterwards voted for Fillmore with his Free-Soil and black tariff record, (without the remotest prospect of success) thereby evincing a willingness for the election of the Black Republican, Fremont, over Mr. Buchanan, whose Administration they now pretend to support, can surely have but little room to stand upon the platform of

a Democratic organization, which has been opposed by every word, deed, act and sentiment of their whole lives. The hypocrisy and ridiculousness of such a pretension, are too transparent for comment. It is to be presumed that all are for the Union under the Constitution (as no organized Party is known to exist in opposition to it)—but if the opinions of those claiming its advocacy as their own peculiar creed, imply obedience and unconditional submission to capricious sectional and unauthorised exaction, then fealty to it would be inconsistent with the rights of the freemen of this or any other country. It does not partake of the spirit of those who pledged their lives, fortunes and sacred honors in defense of the liberties of these States.

There can be few so blind to the lights which are gathering around us, as not to see that events are fast converging to a fearful catastrophe: Witness the recent invasion and attempted insurrection at Harper's Ferry, and which, though differing in the commission of the overt act, events have had counter parts in our own State within the last six months, not less ominous. From the open avowals of the opposition in Tennessee, Kentucky, Virginia and Maryland, of the intention to co-operate and join hands with the Black Republicans, it is not difficult to foresee what will be the conduct of those who are hastening the approach of danger by voluntarily pledging themselves to unconditional submission, and heaping upon those who will not bow to so base and slavish a heresy, the threadbare charges of secession and disunion. The attitude of affairs closely resembles that which existed prior to the American Revolution, when the patriots under the lead of Jefferson, Franklin and other sages and heroes, exhausted every resource of argument and entreaty in their petitions to the British Government, for an observance of the rights under its ancient constitution, as subjects of the crown. This I regard as analogous to the position of the States' Rights Democracy of the South and of the Union.

A dissolution of the Union has not been sought, and perhaps never will be, as long as its existence is consistent with the rights guaranteed by the Constitution. It is an alternative which would be preferred only to those intolerable and greater evils which caused the separation of the thirteen united Colonies from the mother country, of which Mr. Jefferson has well said there could be none greater "than submission to a government of unlimited powers."

The States' Rights Democracy rely upon the conviction that the government was founded in the interests and affections of the people, and that upon them it must rely for maintenance and

support; that it has derived its just powers from the consent of the governed in the form and to the extent prescribed by the Constitution as their only source, and when it shall have ceased to fulfil the object of its creation, and not till then, will arise a sufficient cause for its dissolution.

But the Opposition by a loose construction of the Constitution, have always claimed for the General Government more extensive powers than are warranted by that instrument.— From this view, results as a natural consequence, their doctrine of unconditional submission, which by a higher law construction, makes the agent superior to the principal, and binds the latter to obey without a murmur, the most outrageous usurpations of the former. No one will pretend that so broad a rule of construction could be maintained at common law, in cases arising between individuals; but strange as it may seem, no other inference from it can be drawn than that a Government whose powers are clearly limited and confined by a written Constitution, may use force to cause the sovereign States which adopted that instrument, to obey its most unjust and unconstitutional measures. From this same system of false construction, has sprung the issues of squatter or Territorial sovereignty, which ambitious and blinded partizans, have seized upon as a new element of agitation. The doctrine that the Territories are the common property of the Union, and that the citizens of each of the States, have the indefeasible right to protection of their property of every description therein, is too well settled to admit of any refutation. The Constitution of the United States, has recognized property in slaves to stand upon the same footing as other property, and therefore entitled to protection in the Territories. In the Dred Scott decision, it was held that neither Congress, nor the Territorial Government, could prohibit it in the Territories, and that it was the duty of Congress to protect it. The Territorial Governments occupy a subordinate position to that of the General Government, which has been well likened to that of a corporation, created by the State—a creature of its will, and authorized to exercise such powers only as have been conferred; and certainly not those which do not belong to the State itself. These issues do not legitimately flow from the nonintervention doctrines of the Kansas and Nebraska Act, nor of the Democratic Platform, which simply mean that Congress should neither establish nor prohibit Slavery in the Territories, but leave the question to the Constitution and the Courts. When the Courts have intervened and determined the question, the South is not allowed the benefit of that de-

vision, but an appeal is taken to the people with the revolutionary object of depriving us of that protection of the property of our citizens to which the Constitution entitles them. The Democratic party has always claimed to be the only true representative of the principles of that instrument. It has especially entitled itself to the support of the South, because of the security it has afforded against unconstitutional encroachments upon the rights of its citizens. There has now manifestly arisen a difference of opinion with many of its followers in the Free States, upon a most important principle concerning them. The question should be determined without equivocation. If there can be no longer unity and harmony of sentiment, if the Southern people are no longer to look to it as the chief reliance for the maintenance of their equal rights, their internal peace and security, the sooner it is known the better. They should neither cheat nor should they submit to be cheated. I therefore recommend a clear and unequivocal expression of opinion by the Legislature on the subject.

Let it not be said that the adoption of this suggestion will be agitation.—It is to resist that which has already been begun, and is but too fast demoralizing the hitherto true Democracy of the Free States. It is the existence of agitation which requires of us, action to counteract its baleful influences.—We have asked, time and again, that the agitation of all mischievous questions, calculated to endanger our domestic polity, or our peace and security, as equal members of the confederacy, should cease. Our prayers have not been granted, and now shall we submit without the utterance of a murmur or complaint—without even offering a reason to combat the false dogmas of anti-slavery propagandism, however insidious and covert its form, or hidden in its object? My own answer, first, last and forever—is unconditionally, No! Silence at this juncture, in view of the peculiar political position of Texas, may be misconceived and misconstrued. Equality and security in the Union or independence outside of it, should be the motto of every Southern State.

I entertain the most devout conviction, that if guided by wisdom, prudence, sagacity and patriotism, the Divine Being will smile on your councils, and that all may yet be well.

H. R. RUNNELS.

The Senate having retired to their Chamber, on motion of Mr. Britton, the Senate adjourned till 10 o'clock to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, November 11th, 1859. §

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

The Speaker announced the committee on Revenue Laws, consisting of Messrs. Ross, chairman; Whitfield, Clark, Lewis of Robertson and Dougherty.

The following message was received from the Governor:
Gentlemen of the Senate and House of Representatives:

I herewith transmit for your information census returns of the inhabitants of the State for the year 1858, with accompanying abstract of the same from the State Department.

H. R. RUNNELS.

The message was referred to the committee on Apportionment, and on motion of Mr. Haynes 200 copies of the accompanying documents were ordered to be printed.

Mr. Crooks, chairman of committee on Engrossed bills, reported that a bill authorizing the Governor to issue his proclamation and offer a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo had been correctly engrossed. On motion of Mr. Dougherty the rule was suspended, the bill taken up, read third time and passed.

The following message was received from the Senate:

Resolved, That with the concurrence of the House, the committee on Indian Affairs, of the Senate, act jointly with a like committee on the part of the House, whenever it may be deemed expedient by the members of either of said committee, and have appointed Messrs. Throckmorton, Guinn and Paschal, a committee to act with committee of House under their resolution on the Court of Claims.

Mr. Middleton presented the petition of Mary Elam. Referred to committee on Private Land Claims.

Mr. Townes presented petition of A. H. Cook. Referred to committee on Claims and Accounts.

Mr. Maxey presented the petition of the heirs of William Wills. Referred to committee on Private Land Claims.

Mr. Navarro presented the petition of W. P. Grady. Referred to committee on Private Land Claims.

Mr. Maxey presented the petition of Hardy A. Hornsby. Referred to committee on Private Land Claims.

Mr. Duncan presented the petition of Meenan Mills. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of Eli Kirk. Referred to committee on Claims and Accounts.

Mr. Dale, as chairman of the committee on Public Printing, submitted the following report:

Hon. M. D. K. TAYLOR,

Speaker of the House of Representatives:

Your committee, who were instructed to contract with the P. M., of this place, for the transmission of papers and documents through the mails, the expenses to be charged to the contingent fund of the House, have performed that duty; having contracted with the P. M. for that office to furnish the members of this House with stamps and stamped envelopes for all letters and papers, and, that for documents they will open an account and charge the same to this House when the said documents probably exceed a common newspaper in weight. All of which is respectfully submitted.

Read and adopted.

Mr. Lewis of Montgomery, chairman of committee on Agricultural Affairs, submitted the following report:

Hon. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The committee on Agriculture to which was referred two several bills, the first, "A bill to be entitled an act to amend the 1st, 2nd, 3rd, and 5th sec's of an act creating the office of Weigher of Cotton for certain ports in this State, passed September 1st, 1856." The second, A bill to be entitled an act for the repeal of an act passed the 1st day of Sept., 1856, providing for the appointment of Cotton Weighers in certain towns, have had the same under consideration, and have unanimously instructed me to report the last mentioned bill back to the House and recommend its passage.

The committee have in like manner instructed me to report the bill first designated and ask that it be laid on the table.

Report received.

Mr. Dickson offered the following resolution:

Resolved, That the committee on Retrenchment and Reform be instructed to examine into the condition and practical workings of the different departments of the Government, and report such changes, if any, that may be desirable for the public good. Adopted.

Mr. Hubbard introduced a bill for the payment of State witnesses in certain cases. Read first time and referred to Judiciary committee.

Mr. Mills offered the following resolution:

Resolved, That the committee on Public Printing be requested to contract with the publishers of the daily State

Gazette and tri-weekly Intelligencer for 20 copies of each of said papers for each member of this House, during the sitting of the Legislature, provided they can be obtained for 3cts. per copy for each of said copies.

Mr. Henderson moved to strike out daily and insert weekly.
Lost.

Mr. Crooks proposed to amend by striking out "20" and inserting "10" On motion of Mr. Culberson, laid on table.

Mr. Taylor offered the following as a substitute :

Resolved, That the committee on Printing be authorized to contract with the publishers of the State Gazette and Southern Intelligencer for 20 copies each of their weekly, one of which shall contain a synopsis of the proceedings of this House, and the other a synopsis of the debates thereof, provided the cost of said papers does not exceed that charged to their regular subscribers.

Mr. Stewart offered the following as a substitute :

Whereas, the principal item of contingent expenses of the previous session of the Legislature has arisen from the practice of taking the newspapers of this city and postage thereon, and whereas it is believed that a saving to the State of near \$20,000 may be had by not taking such papers, and whereas the mails would be clogged and scarcely one paper in a hundred would ever reach our constituents, but would be thrown in the first By-P. O. in piles, and if they ever reached their destination it would be, in many cases, long after the adjournment of the Legislature. Therefore,

Resolved, That we will observe economy and will not take any papers this session at the expense of the State, leaving each member to pay for his own papers.

The resolution with its proposed amendments and substitutes was referred, on motion of Mr. Mills, to the committee on Contingent Expenses.

Mr. Dale offered the following resolution :

Resolved, That such portions of the Governor's message as relates to subjects within the appropriate province of standing committees of the House, be referred to the same respectively, with instruction to report by bill or otherwise. Adopt-d.

On motion, the House took a recess of 10 minutes to prepare for the reception of the Senate.

Recess expired—roll called—quorum present.

The Senate appeared headed by the President, Hon. F. R. Lubbock, who was invited to a seat on the right of the Speaker and the Senators to seats prepared for them.

Rolls called—quorum present.

The two Houses, in a joint session, proceeded to count the vote cast in the last election for the Governor and Lt. Governor, Messrs. Caddell and Branch were appointed tellers on the part of the House and Mr. Duggan on the part of the Senate. Upon opening and telling the vote it stood as follows:

COUNTIES.	FOR GOVERNOR.			FOR LT. GOVERNOR.		
	SAM HOUSTON.	H. R. RUNNELS.	SCATTERING.	EDWARD CLARK.	F. R. LUBBOCK.	SCATTERING.
Anderson, -	672	423		457	572	
Angelina, -	315	107		310	70	
Atascosa, -	184	77		182	78	
Austin, -	405	507		334	565	
Bandera, -	17	28		16	29	
Bastrop, -	363	406		334	450	
Bee, -	46	46		46	44	
Bell, -	338	247		324	266	
Bexar, -	1,038	723		786	976	
Blanco, -	106	49		113	45	
Bosque, -	146	31		126	66	
Bowie, -	111	279		46	135	
Brazoria, -	120	307		107	326	
Brazos, -	201	78		196	85	
Brown, -	24	1		24	2	
Burleson, -	423	271		378	293	
Burnet, -	294	70		293	94	
Caldwell, -	283	289		269	303	
Calhoun, -	192	138				
Cameron, -	97	332		31	521	
Cass, -	578	626		479	683	
Chambers, -	88	59		58	90	
Cherokee, -	932	711		805	751	
Collin, -	665	454		628	480	
Colorado, -	345	275		359	283	
Comal, -	30	346		28	359	
Comanche, -	89	10		94	19	

Cooke, - -	315	107	280	127
Coryell, - -	216	52	207	102
Dallas, - -	545	429	402	558
Denton, - -	517	135	466	175
DeWitt, - -	218	259	192	277
Ellis, - -	357	259	330	287
El Paso, - -	65	465	37	468
Erath, - -	250	13	252	19
Falls, - -	237	109	219	124
Fannin, - -	719	464	567	529
Fayette, - -	604	526	585	550
Fort Bend, - -	188	176	139	214
Freestone, - -	295	277	258	308
Galveston, - -	321	433	276	491
Gillespie, - -	90	102	44	175
Goliad, - -	226	137	204	143
Gonzales, - -	493	409	462	433
Grayson, - -	251	429	567	440
Grimes, - -	43	254	410	288
Guadalupe, - -		287	231	309
Hamilton, - -	829	2	30	10
Hardin, - -	560			
Harris, - -	164	626	717	728
Harrison, - -		495	487	490
Hays, - -	3	74	159	78
Henderson, - -	250			
Hidalgo, - -	584	227	3	227
Hill, - -	450	161	215	192
Hopkins, - -	403	500	479	504
Houston, - -	100	354	302	463
Hunt, - -	143	440	244	536
Jack, - -	244	12	95	18
Jack, - -	66	60	138	59
Jackson, - -	303	162	197	174
Jasper, - -	165	82	48	97
Jefferson, - -	383	118	247	159
Johnson, - -	47	67	155	70
Karnes, - -	484	266	301	213
Kaufman, - -	221	11	38	24
Kerr, - -	336	549	438	563
Lamar, - -	421	65	210	78
Lampasas, - -	152	342	334	331
Lavaca, - -	272	361	408	364
Leon, - -		210	101	238
Liberty, - -	58			

Limestone, -	272	314		216	364
Live Oak, -	58	43		50	53
Llano, -	89	43		75	63
McLennan, -	408	190		372	228
Madison, -	190	90		174	92
Mason, -	21	10		23	15
Matagorda, -	79	149		64	168
Medina, -	54	197		51	200
Milam, -	330	218	2	303	217
Montague, -	75	8		58	9
Montgomery, -	299	153		279	167
Nacogdoches, -	715	308		706	262
Navarro, -	402	277		365	310
Newton, -	154	116		142	118
Nueces, -	233	135		186	172
Orange, -	122	46		88	67
Palo Pinto, -	170	15		150	36
Panola, -	429	433		365	448
Parker, -	538	119	1	527	196
Polk, -	298	312		252	345
Red River, -	474	405		440	415
Refugio, -	82	77		66	95
Robertson, -	259	160	1	236	190
Rusk, -	918	968		835	1,015
Sabine, -	201	27		197	18
San Augustine, -	273	109		259	117
San Patricio, -	21	33		15	30
San Saba, -	158	9		158	11
Shelby, -	454	275		390	316
Smith, -	801	466		582	571
Starr, -	69	191		113	147
Tarrant, -	596	118		448	214
Titus, -	555	489		529	545
Travis, -	590	403		594	439
Trinity, -	341	167		313	183
Tyler, -	233	352		190	361
Upshur, -	552	505		460	537
Uvalde, -	66	41		41	28
Van Zandt, -	210	165		122	224
Victoria, -	123	181		135	196
Walker, -	470	344		460	349
Washington, -	745	607		658	676
Webb, -	110	90		114	89
Wise, -	310	23		301	28

Wharton, -	93	114	63	132	
Williamson, -	488	187	475	199	
Wood, - -	403	250	390	259	
Young, - -	109	42	97	48	
Zapata, - -	42	130	42	130	
Total, - - -	36,227	27,500	6,31,458	30,325	24

Sam Houston, having received a majority of all the votes cast in the election of Governor, was declared by the Speaker duly and constitutionally elected Governor of the State of Texas, for two years, from and after the 21st of December next, and—

Edward Clark, having received a majority of all the votes cast in the late election of Lt. Governor, was declared by the Speaker duly and constitutionally elected Lt. Governor of the State of Texas, for two years from and after the 21st of December next.

The Senate retired to their chamber.

Mr. Buckley offered the following resolution :

Resolved, That Elder J. R. Graves, of Nashville, Tennessee, now in Austin, be permitted to hold divine service in the Representative Hall on next Sabbath morning and evening.

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

YEAS.—Messrs. Barnard, Baxter, Benevides, Bogart, Camp, Clark, Cumby, Davis of Bastrop, Dougherty, Epperson, Flewellen, Francis, Franklin, Foscue, Haynes, Henry, Lewis, Montgomery, Lewter, Mabry, Martin, Miverick, McCutcheon, Manson, Navarro, Norton, Owens, Parker, Ross, Wælder, Whitfield, Wortham and Wrede—Yeas 32.

NAYS.—Messrs. Speaker, Anderson, Billingsley, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Crooks, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Duncan, Edwards, Hall, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Lewis of Robertson, Lynch, Manly, McClarty, McKnight, Middleton, Mills, Mundine, Nelson, Perry, Redgate, Redwine, Shannon, Shelton, Short, Smith, Speights, Stewart, Townes, Warfield and Whitmore.—Nays 42.

Mr. Navarro proposed to amend by adding, “and that the preachers of every other denomination be allowed the same privilege”

Mr. McKnight proposed to amend the amendment by adding, “on all proper occasions.”

Mr. Buckley moved to table the amendments. Lost by the following vote :

YEAS.—Messrs. Speaker, Barclay, Billingsley, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Dale, Davis of Bastrop, Davis of Hays, Dennis, Franklin, Foscue, Middleton, Nelson, Speights, Townes, Wharton and Whitmore.—Yeas 21.

NAYS.—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Crooks, Clark, Cumby, Darnell, Daniels, Dickson, Dougherty, Duncan, Epperson, Flewellen, Francis, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henry, Houghton, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manly, Martin, McClarty, McCutcheon, McKnight, Mills, Mundine, Munson, Navarro, Norton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Stewart, Welder, Walworth, Warfield, Whitfield and Wrede.—Nays 56.

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

On motion of Mr. Duncan, the House adjourned until 10 o'clock to-morrow, pending the resolution.

HOUSE OF REPRESENTATIVES, }
SATURDAY, NOV. 12, 1859. }

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

Journal of yesterday read and adopted.

Mr. Branch presented the petition of C. P. Kennymore. Referred to the committee on Private Land Claims.

Mr. Barnard presented three several petitions of the citizens of Karnes, Atascosa and Bexar counties for a new county. Referred to the committee on Counties and County Boundaries.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to amend an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved Nov. 28, 1857. Report accepted.

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

Mr. Davis of Bastrop, offered an additional section to the bill.

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

Mr. Henderson moved to commit the bill to the committee on Public Lands.

Mr. Epperson moved the previous question which was seconded.

The Speaker ruled the previous question to be the passage of the bill. The question being shall the main question now be put; the same was submitted to the House, and the main question ordered, and bill passed by the following vote:

YEAS—Messrs. Speaker, Armstrong, Barclay, Barnard, Baxter, Branch, Benevides, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Culberson, Cumby, Dale, Darnell, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Francis, Franklin, Foscutt, Hall, Harrison of Cherokee, Harrison of Van Zandt, Haynes, Henderson, Houghton, Hubbard, Kinney, Lewis of Montgomery, Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McClarty, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Smith, Sprights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Whitfield, Whitmore, Wortham and Wrede—80.

NAYS—Messrs. Anderson, Billingsley and Clark—3.

On motion of Mr. Dennis, Messrs. Clark and Hubert were added to the committee on Internal Improvements.

On motion of Mr. Crooks Mr. Pirkey, member elect from Bowie county, came forward, presented his credentials, took the oath of office and his seat.

Mr. Harrison of Van Zandt, presented the petition of Geo. W. Goodwin. Referred to committee on Private Land Claims.

On motion of Mr. Epperson, Mr. Mabry was added to the Judiciary committee.

On motion of Mr. McKnight, Mr. Parker was added to the committee on Private Land Claims.

On motion of Mr. Lewter, Mr. Whitmore was added to the Judiciary committee.

On motion of Mr. Munson, Mr. Haynes was added to the committee on Apportionment.

Mr. Mabry moved to add Messrs. Haynes, Norton, Henderson and Dickson to the committee on Messrs. Marshall & Oldhan's memorial.

Messrs. Haynes, Henderson and Dickson asked to be excused from serving on said committee. Granted; and Mr. Norton added to said committee.

On motion of Mr. Wortham, Mr. Martin was added to said committee.

On motion of Mr. Maxey, Mr. Culberson was added to the committee on Enrolled Bills.

On motion of Mr. Hubbard, Mr. Munson was added to committee on Internal Improvements.

On motion of Mr. Dougherty, Mr. Walworth was added to the committee on Stock and Stock Raising.

Mr. Taylor moved to add Mr. Ellett on the committee on Apportionment. Lost.

A message was received from the Senate, announcing to the House that the Senate had passed a bill making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers of the 8th Legislature.

Mr. Henderson presented the petition of the heirs of Anson Jones. Referred to committee on Public Debt.

Mr. Manly presented the petition of Ellen Davis. Referred to committee on Private Land Claims.

Mr. Epperson presented the petition of the heirs of Charles Parks. Referred to committee on Private Land Claims.

Mr. Lynch, Chairman of the committee on Contingent Expenses, reported as follows :

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

Speaker of the House of Representatives :

A majority of the committee on Contingent Expenses, to whom was referred the resolutions with reference to this House's subscribing for a certain number of the daily, tri-weekly and weekly newspapers published in this city, have instructed me to report as follows : That while they appreciate the laudable zeal manifested by this body in curtailing the expenses of the Legislature, they still deem it indispensable to the rights of the citizens, that they should be kept informed as well of the character of the laws passed by this body as of the position which we, their immediate representatives, occupy on this floor in the passage of said laws ; and they recommend that this House subscribe for 50 copies of the weekly papers published in Austin, as follows : 25 of the Weekly Gazette and 25 of the Weekly Intelligencer for each member of this House, and to be paid for at 5 cents per copy and *no more*.

In adopting this course, the committee would state that the weekly paper, they consider, will contain all the week's proceedings of the Legislature, thereby obviating the necessity of subscribing for the daily and tri-weekly papers of this city, and saving to this House an immense item of expense in postage alone, and placing at a moderate expense within reach of our poorest citizens, information necessary for them, and at an expense of about one-third over previous Legislatures, all of which is respectfully submitted. Report received to come up in its regular order.

Mr. Henderson offered the following resolution :

Resolved, That the committee on Military Affairs be instructed to enquire into the propriety of thoroughly organizing the

militia of the State, and that they report by bill or otherwise.
Adopted.

Mr. Shannon introduced a bill to create and organize the 20th Judicial District. Read first time, and referred to Judiciary committee.

Mr. Lewis of Montgomery, offered a joint resolution for the amendment of the State constitution. Laid on the table for the present.

Mr. Lewis of Mon'gomery, offered the following resolution :

Resolved, That a Standing committee on Free Schools be raised.

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

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

Mr. Caup introduced a bill to grant to settlers on vacant public domain, pre-emption privileges. Read first time, and referred to committee on Public Lands.

Mr. Munson offered the following resolution :

Resolved, That the committee on Agriculture be required to enquire into the necessity of passing a bill to define and regulate more fully the duties and charges of commission merchants, and that they prepare a bill to this effect and report the same.
Adopted.

On motion of Mr. Dennis, the Senate's bill, making an appropriation for the mileage and per diem pay of the members and officers of the 8th Legislature, was taken up and read first time.

Mr. Dickson moved to suspend the rule and read bill second time. Lost.

On motion of Mr. Franklin, the bill was referred to committee on Finance.

Mr. Epperson introduced a bill approving the act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas Navigation Company, with the modifications made to the same by the Legislature of the State of Arkansas. Read first time, and referred to committee on State Affairs.

Mr. Davis of Hays, introduced a bill to amend the caption of an act entitled an act to create the county of Blanco, and to adjust the boundaries of counties affected thereby. Read first time, and referred to committee on Counties and County Boundaries.

Mr. Shannon introduced a bill to authorize the sale and

settlement of the Public Domain of the State of Texas. Read first time, and referred to committee on Public Lands.

Mr. Benevides introduced a bill to authorize the corporation of Laredo; to dispose of certain lands to aid in erecting a common school house in said town. Read first time, and referred to committee on Public Lands.

Mr. Mabry introduced a bill for the relief of Michael K. Hammond. Read first time, and referred to committee on Private Land Claims.

Mr. Duncan introduced a bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of Indianola, State of Texas. Read first time, and referred to Judiciary committee.

Mr. Taylor introduced a bill for the relief of the purchasers of University Lands. Read first time, and referred to committee on Education.

Mr. Hubbard introduced a bill to incorporate the Honston, Trinity and Eastern Texas Railroad Company. Read first time, and referred to Judiciary committee.

Mr. Nelson introduced a bill to legalize the marriage of W. H. and Margaret Slain. Read first time, and referred to Judiciary committee.

[Mr. Henderson in the chair.]

Mr. Clark offered the following resolution:

Resolved, That the office of Assistant Sergeant-at-Arms is hereby created, and that the House go into the election of an officer to fill the same, whose special duty shall be to stamp all papers and documents to be sent from this House, and to deliver the same together with other mail matters of the House to the Postmaster of the city of Austin, and bring from said Post Office all mail matter for members of this House.

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

Mr. Wælder offered the following substitute:

Resolved, That the Speaker be authorized to employ two boys at an expense not exceeding \$2 per day for each, to act as pages during the session of the House; when the House is not in session they shall be employed in packing and stamping papers and documents, and generally assist the Messenger in the performance of his duties. Adopted.

Mr. Navarro proposed to amend by striking out "boys" and inserting "persons." Adopted.

Mr. Harrison of Van Zandt, proposed to amend by striking out "Messenger" wherever it occurs and inserting "Assistant Doorkeeper."

On motion of Mr. Mills, the amendment was laid on the table. Mr. Davis of Hays, proposed to amend by hiring three boys at \$1 50 per day. Lost.

Mr. Baxter proposed to amend by empowering the Speaker to appoint a person to attend to the mail and document matter of the House. Lost.

On motion of Mr. Francis, the main question was ordered, which being the adoption or rejection of the substitute, the same was put, and the substitute as amended was adopted.

[Speaker resumed the chair.]

On motion of Mr. Wilson, the Senate's resolution, that the Senate's committee on Indian Affairs act jointly with a like committee on the part of the House, was taken from the Speaker's stand and adopted.

By request, Mr. Buckley was permitted to withdraw his resolution, tendering the use of this hall to Elder J. R. Graves.

Mr. Mills introduced a bill to amend article 360 of Oldham & White's Digest. Read first time, and referred to Judiciary committee.

Mr. Dickson offered the following resolution :

Resolved, That the committee on the Judiciary be requested to examine into the propriety of so amending the constitution as to add two Associate Justices to the Supreme Court bench, and that they report by bill or otherwise. Adopted.

Mr. Wrede offered the following resolution :

Resolved, That the Committee on Printing be instructed to contract for the translating and printing in the German language of 500 copies of the Governor's Message for the use of the House.

Mr. Martin proposed to amend by striking out "Governor's Message" and inserting "so much of the Governor's Message as relates to State policy."

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

Mr. Hall proposed to amend by adding "and the same number of copies in the Spanish language."

Mr. Franklin moved that the resolution and amendments be laid on the table. Lost by the following vote :

YEAS—Messrs. Armstrong, Barnard, Crawford, Clark, Epper-son, Francis, Franklin, Hartley, Henry, Houghton, Lewter, McCutcheon, Whitmore and Wortham—14.

NAYS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Branch, Bryan, Buckley, Caddell, Camp, Crooks, Culber-son, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Flewellen, Foscue,

Hall, Harrison of Cherokee, Harrison of Van Zandt, Haynes, Henderson, Hubbard, Kinney, Lewis of Montgomery, Lewis of Robertson, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McClarty, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Stewart, Taylor, Wælder, Walworth, Warfield and Wrede.—64.

Mr. Baxter proposed to amend by inserting 100 copies instead of 500.

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

HOUSE OF REPRESENTATIVES, }
MONDAY, NOV. 14, 1859. }

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

Mr. Walworth, by permission, introduced a joint resolution authorizing the Governor to raise 1,000 men for the suppression of the insurrection on the Rio Grande. Read first time.

On motion of Mr. Haynes, the rule was suspended and the resolution read second time, and referred to the committee on Military Affairs with instructions to report at 3 o'clock to-day.

A message was received from the Senate, announcing to the House that the Senate had concurred in the House resolution to appoint a joint committee to act on our revenue laws, and had appointed Messrs. Stockdale, Gentry and Wallace on said committee.

Mr. Henderson presented the petition of Peter Norton. Referred to committee on Private Land Claims.

On motion of Mr. Mills, Messrs. Hartley, Pirkey and Dennis were added to the Judiciary committee.

On motion of Mr. Caddell, Mr. Maxey was added to the committee on the Penitentiary.

On motion of Mr. Shannon, Mr. Norton was added to the committee on Public Lands.

On motion of Mr. Edwards, Mr. Ross was added to the committee on Internal Improvements.

Mr. Harrison of Cherokee, moved that Mr. Francis be added to the committee on Internal Improvements. Lost.

Mr. Martin presented the petition of the heirs of James Cook, deceased. Referred to the committee on Private Land Claims.

Mr. Edwards presented the petition of L. E. Griffiths. Referred to committee on Private Land Claims.

Mr. Crawford presented the petition for the relief of the heirs of J. W. Bass, deceased. Referred to the committee on Private Land Claims.

Mr. Townes presented the petition for relief of John Birth. Referred to committee on Public Debt.

Mr. Townes presented the petition of D. K. Ross. Referred to the committee on Public Debt.

Mr. Hall, chairman of committee on Privileges and Elections, submitted the following report :

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

Speaker of the House of Representatives :

The committee on Privileges and Elections, to which was referred the documents in relation to the contest for the seat in the House of Representatives of Allison Nelson vs. A. J. Evans, have the honor to report that we find from all the evidences which have been submitted, that the said Allison Nelson is duly and constitutionally elected a Representative to the State Legislature from the 45th Representative District, having received 1,217 votes and A. J. Evans 1,066 votes, all of which is respectfully submitted. Report received.

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

Mr. Billingsley, chairman of the committee on Claims and Accounts, reported, recommending the indefinite postponement of a bill for the relief of Charles A. Russel ; the act of March 20, 1848, providing that the counties in which such services are rendered shall pay such accounts.

Mr. Harrison of Van Zandt, one of the committee on Public Lands, reported as follows :

The committee on Public Lands, to whom was referred a bill to be entitled an act supplementary to and amendatory of an act entitled an act to provide for the relief of pre-emption settlers and their assignees, under the acts of the 22th January, 1840, the 7th February, 1853, and the act of February 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation, approved February 10, 1858, have had the same under consideration and find, that a bill having the same objects in view, passed the House on the 12th inst. Your committee, therefore, have instructed me to report the same back to the House and ask to be relieved from any further consideration of the same.

Mr. Shannon, chairman of the committee on Private Land

Claims, to whom was referred a bill for the relief of Joseph Thompson, reported, and recommended its passage.

The Speaker announced that he had, in compliance with a resolution adopted by the House, appointed Mr. Mangum of Grimes, and Mr. Adrian of Smith, pages to the House, who came forward and took the necessary oath.

Mr. Henderson introduced a bill to incorporate the Israelite congregation of the city of Houston.

Mr. Smith introduced a bill to amend the 1st section of an act entitled an act to encourage the building of steamboats and other vessels in the State of Texas.

Mr. Dennis offered the following resolution :

Resolved, That the committee on Printing be and are hereby authorized to have printed for the use of the members of the House, 500 copies of the report of John Henry Brown, in reference to the sale of the University Lands ; 500 copies of the report of the Peace Commissioners sent to the Reserve, and 500 copies of the report of the Board of Commissioners to examine what certificates had been improperly issued in Peter's colony, and now on file in the Land Office.

Mr. Nelson proposed to amend by inserting, "and the testimony taken by said Peace Commissioners now in the State Department." Accepted.

On motion of Mr. Townes, the resolution was referred to the committee on Printing.

Mr. Mabry offered the following resolution :

Resolved, That the Governor be and is hereby requested to furnish this House with all the information in his possession, relative to the survey of the Boundary line between Texas and the United States, as to the commissioners appointed for that purpose, the progress of the survey and the cost of the same. Adopted.

Mr. Hubbard introduced a bill to relieve Martin V. Clary and Jasper Clary from the disability of minority for certain purposes. Read first time, and referred to Judiciary committee.

Mr. Perry introduced a bill to be supplemental to the several acts now in force in this State on the subject of Estrays. Read first time, and referred to the committee on Stocks and Stock Raising.

Mr. Barnard introduced a bill to ratify and confirm a decree or judgment of the District Court of Bexar county. Read first time, and referred to Committee on the Court of Claims.

Mr. Mills introduced a bill to prevent keeping, playing and betting on ten-pia alleys. Read first time, and referred to Judiciary committee.

Mr. Short asked and obtained leave for the committee on Military Affairs, to be allowed to sit during the session of the House.

Mr. Buckley introduced a bill to be supplementary to an act supplementary and amendatory of an act to regulate Railroads, approved February 7, 1853, approved December 19, 1857. Read first time, and referred to Judiciary committee.

Mr. Shannon introduced a bill for the relief of the heirs of A. D. Duncan, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Redwine introduced the following resolution :

Resolved, That the Judiciary committee be instructed to inquire into the expediency of passing a law to exempt the State from any liability in case the Public Domain of the State should be insufficient to completely furnish to each Railroad the amount of land contemplated in the general law, granting 16 sections of land to each Railroad that may be built under the provisions of said act, and to report by bill or otherwise. Adopted.

Mr. Manley offered the following resolution :

Resolved, That his Excellency the Governor be requested to transmit at his earliest convenience, for the information of this House, all evidences in his possession with regard to the reported rebellion on the Rio Grande. Laid over one day for consideration.

Mr. Lewter offered the following resolution :

Resolved, That the Judiciary committee be requested to inquire into the expediency of each and every county having a District Attorney, whose duties it shall be to attend to all cases in which the State may be a party, and report by bill or otherwise. Adopted.

Mr. Armstrong introduced a bill to amend an act entitled an act to authorize the cancellation of patents in certain cases, passed February 3, 1854. Read first time, and referred to Judiciary committee.

Mr. Mills introduced a bill to legalize locations and surveys made in the Pacific Railroad Reservation during the existence of the same. Read first time, and referred to Judiciary committee.

On motion of Mr. Lewis of Montgomery, the joint resolution, to amend the 10th section of the constitution, was taken from the Speaker's table. Read second time, and referred to the committee on Education.

Mr. Shannon introduced a bill for the relief of Charles Lockhart and John Welsh. Read first time, and referred to Committee on Private Land Claims.

Mr. Dale introduced a bill to remove the disability and legalize the acts of Benj'n A. Campbell, a minor. Read first time, and referred to Judiciary committee.

Mr. Ross introduced a bill to prevent vice, immorality or unnecessary labor on Sunday. Read first time, and referred to Judiciary committee.

Mr. Davis of Hays, offered the following resolution :

Resolved, (the Senate concurring) That a joint select committee, consisting of five on the part of the House and five on the part of the Senate, be appointed for the purpose of inquiring into the expediency of calling a convention to frame a new constitution, and report by bill or otherwise. Adopted.

Mr. Ellett introduced a bill to authorize the Commissioner of the General Land Office to issue a patent upon unconditional certificate No. 91, class 4, for 320 acres of land issued by the board of land commissioners of Fannin county, November 3, 1845. Read first time, and referred to committee on Private Land Claims.

Mr. Ellett introduced a bill to create the — Judicial District of the State of Texas.

Mr. Redwine introduced a bill for the regulation of patrols, and prescribing their duties. Read first time, and referred to committee on Slaves and Slavery.

On motion of Mr. Manly, the rule was suspended and his resolution, requesting the Governor to transmit all evidences in his possession relative to the Rio Grande rebellion, was taken up and adopted.

Mr. McCutcheon introduced a bill authorizing and requiring the advertisement of Sheriff's and Administrator's sales, and regulating the prices of the same. Read first time, and referred to committee on Printing.

Mr. Franklin introduced a bill to incorporate the Texas Telegraph company. Read first time, and referred to the committee on Internal Improvements.

Mr. Munson offered the following resolution :

Resolved, That the committee on State Affairs be ordered to bring in a bill authorizing the Governor of the State to appoint, with the advice and consent of the Senate, a board of three commissioners to investigate the causes of the rebellion or invasion of the State now existing near Brownsville, whether or not the same has been investigated by the authorities of Mexico or of any complicity of said authorities with the rebels, and to ascertain any and all causes calculated to incite this extraordinary state of affairs, which board shall accompany any troops that

may be sent to suppress the rebellion, and that the board be clothed with all necessary power to send for persons and papers, enforce the attendance of witnesses, &c. Adopted.

Mr. Duncan introduced a bill to empower the county court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of hogs in said county. Read first time, and referred to committee on State Affairs.

Mr. Ross offered the following resolution :

Resolved, That a special committee, consisting of one member from each Judicial District, be appointed to whom all matters pertaining to the creation of a new, and changes in Judicial Districts, and times of holding courts, shall be referred.

Mr. Davis of Hays, introduced a bill to amend article 255 of Oldham & White's Digest. Read first time, and referred to committee on Privileges and Elections.

The hour having arrived, the special order of the day, viz : The resolution to go into the election of Senator, was taken up.

Mr. Foscue proposed to amend by striking out "Tuesday 15th" and inserting "Wednesday the 16th."

On motion of Mr. Epperson, a division of the question was ordered. The motion to strike out Tuesday the 15th, was put and carried. The motion to insert Wednesday the 16th, was put and carried.

On motion of Mr. Wælder, a further consideration of the resolution was postponed until 10½ o'clock to-morrow.

ORDERS OF THE DAY.

A bill for the distribution of the penal code of the State, and the acts and journals of the Legislature, to the several counties in the State. Read second time, and referred to committee on State Affairs.

A joint resolution, authorizing the Chief Clerk of the House of Representatives and Secretary of the Senate, to contract for printing. Read, and referred to Printing committee.

A resolution to amend the rules of the House, on motion of Mr. Barnard, laid on the table.

A resolution, requiring the Commissioner of the Land Office to have made out a map showing the vacant public domain, &c. Read, and referred to committee on Land Office.

A resolution, requiring the Comptroller to make out a statement of the condition of his office. Read, and referred to committee on State Affairs.

A bill to abrogate the charter of the Galveston, Houston and Henderson Railroad company. Read second time, and referred to committee on Internal Improvements.

A bill to legalize the marriage of C. B. and M. E. Wood. Read second time, and referred to Judiciary committee.

A bill, requiring the clerks of the District Courts of certain counties, to apportion their dockets. Read second time, and referred to Judiciary committee.

A bill to amend the 8th and 9th sections of an act to authorize the sale of the Public Domain. Read second time, and referred to committee on Public Lands.

A bill to be supplemental to an act entitled an act to amend the 1st section of an act entitled an act to organize the Supreme Court of the State, approved May 12, 1846, approved November 30, 1850, approved August 28, 1856. Read second time, and referred to Judiciary committee.

A bill to regulate and determine the pay of grand and petit jurors in the county of Harrison. Read second time, and referred to Judiciary committee.

A bill, granting 320 acres of land each to George Eberly Henry, Mary Eliza Henry, and Julia Pierce Henry. Read second time, and referred to committee on Public Lands.

A bill, regulating the sale of spirituous liquors. Read second time, and referred to committee on State Affairs.

A message was received from the Senate, announcing to the House that the Senate had concurred in the resolution of the House to appoint a joint committee to revise the revenue laws, and had appointed Messrs. Stockdale, Duggan and Gentry, said committee.

[Mr. Hubbard in the chair.]

A bill to amend the 1st, 2d, 3d and 5th sections of an act creating the office of weigher of cotton for certain ports in this State, passed September 1, 1856, together with report from committee on Agriculture, recommending that the bill lie upon the table. Report adopted, and bill laid on the table.

On motion of Mr. Branch, Mr. Lewis of Montgomery was added to committee on Education.

On motion, the House adjourned till 3 o'clock, P. M., pending the cotton weighing bill.

3 O'CLOCK, P. M.

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

The Speaker announced the committee on Judicial Districts, consisting of Messrs. McClarty, Chairman; Shannon, Wortham, Short, Maxey, Branch, Redgate, Dougherty, Hall, Camp, Davis of Hays, Mundine, Wrede, Nelson, Francis, Stewart, Mills and Barnard.

Mr. Davis of Hays, offered a substitute for the bill pending when the House adjourned.

On motion of Mr. Billingsley, the bill and substitute were referred to the committee on Agriculture.

The following communication was received from the Governor:
[Not handed in by the Clerk.]

On motion of Mr. Henderson, the message with accompanying documents, was referred to the committee on Military Affairs.

On motion of Mr. ———, the report of the committee on Contingent Expenses, relative to the subscription for the newspapers of this city for the use of the members of this House, was taken up and read.

Mr. Crooks proposed to amend by striking out "25" and inserting "10"; on motion of Mr. Duncan, laid on the table.

Mr. McKnight proposed to amend by striking out "50 copies" and all that follows and inserting "one copy of the daily Gazette and one copy of the tri-weekly Intelligencer for each member of the House at the regular subscription price, and no more." Rejected

Mr. Buckley proposed to amend by striking out "25 copies each" and insert "10 copies each of the daily Gazette and tri-weekly Intelligencer" at the published rates of subscription, and no more.

Mr. McKnight moved to strike out "10" and insert "2." Lost, and the amendment laid on the table.

Mr. Taylor proposed to amend by adding, "provided one of said papers shall contain a synopsis of the journals of this House, and the other a synopsis of the debates thereof; provided that said papers shall be delivered at the same price as that charged to regular subscribers." Laid on the table.

Mr. Mabry moved that the report and amendment be laid on the table. Lost by the following vote:

YEAS—Messrs. Barnard, Bogart, Buckley, Camp, Crooks, Clark, Cumby, Daniels, Dickson, Edwards, Epperson, Fiewellen, Francis, Franklin, Foscue, Hall, Hartley, Henderson, Henry, Houghton, Hubbard, Hubert, Mabry, Manly, Maverick, McCutcheon, McKnight, Middleton, Munson, Navarro, Nelson, Norton, Owens, Perry, Redgate, Redwine, Speights, Stewart, Townes, Whitfield and Whitmore—41.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Billingsley, Bryan, Caddell, Craig, Crawford, Culberson, Dale, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Harrison of Cherokee, Harrison of Van Zandt, Lewis of Robertson, Lewter, Lynch, Martin,

Maxey, McClarty, Mills, Mundine, Parker, Robinson, Ross, Shannon, Shelton, Short, Smith, Taylor, Wælder, Walworth, Warfield, Wortham and Wrede—43.

On motion of Mr. Taylor, his amendment to the report was taken from the table and adopted.

Mr. McKnight proposed to amend by striking out "25" and inserting "5."

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

YEAS—Messrs. Anderson, Armstrong, Barclay, Baxter, Billingsley, Bogart, Bryan, Craig, Crawford, Clark, Cumby, Dale, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Hall, Harrison of Van Zandt, Hubert, Lewis of Robertson, Lynch, Manly, Martin, Maxey, McClarty, Mills, Mundine, Parker, Robinson, Ross, Shannon, Shelton, Short, Smith, Taylor, Walworth and Wrede—39.

NAYS—Messrs. Barnard, Benevides, Buckley, Caddell, Camp, Crooks, Culberson, Darnell, Daniels, Dickson, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Harrison of Cherokee, Hartley, Haynes, Henderson, Henry, Hubbard, Lewter, Mabry, Maverick, McCutcheon, McKnight, Middleton, Munson, Navarro, Nelson, Norton, Owens, Perry, Redgate, Redwine, Speights, Stewart, Townes, Wælder, Warfield, Whitfield, Whitmore and Wortham—44.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow, pending the report of committee on Contingent Expenses.

HOUSE OF REPRESENTATIVES, }
AUSTIN, Tuesday, November 15th, 1859. }

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

The Speaker announced the following gentlemen on a committee to change the Constitution: Messrs. Davis of Hays, chairman; Dale, Robertson, Pirkey and Dickson.

Mr. McKnight presented the memorial of the Brazos Synod, praying for a Sabbath Law. Referred to Judiciary committee.

Mr. Nelson presented two several petitions of the citizens of Comanche and Palo Pinto counties. Referred to the committee on Indian Affairs.

Mr. Billingsley presented the petition of the heirs of Thomas G. Dunn. Referred to committee on Private Land Claims.

Mr. Warfield presented the petition of Richard N. Williams. Referred to the committee on Private Land Claims.

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

Mr. Martin presented the petition of Sophia Odom. Referred to the committee on Private Land Claims.

On motion of Mr. Lewis of Montgomery, Messrs. Dickson and Munson were added to the committee on Agriculture.

Mr. Culberson offered the following resolution :

Resolved, That the committee of the House, on Public Printing, enquire into the expediency of publishing for the use of this House, the special report of the State Engineer upon the Southern Pacific Railroad made by order of the Governor of the State, and report by bill or otherwise. Adopted.

Mr. Armstrong offered the following resolution :

Resolved, That if the Senate concur, there be a joint committee of seven, four from the House and three from the Senate, appointed to fully investigate the present Probate Law, and take such course in altering, amending, revising or abridging the same as they may think best calculated to promote the interest of such persons as it was originally intended to benefit, and to report the same back to this House as soon as practicable.— Adopted.

Mr. Bogart offered the following resolution :

Resolved, That the committee on Education are hereby instructed to enquire into the propriety of changing the present school law so as to district the counties and allow each district to appoint its own committee to examine the qualifications of teachers, and that they report by bill or otherwise. Adopted.

Mr. Barnard offered the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the causes of the delay in furnishing this House with those reports provided for in the 3rd section of an act passed by the 7th Legislature, in regard to changing the termination of the Fiscal year. Adopted.

Mr. Anderson offered the following resolution :

Resolved, That the committee on Judicial Districts be instructed to draft and report a bill creating a new Judicial District, to be called the ——— District, to be composed of the counties of Karnes, Gonzales, Guadalupe and Caldwell.— Adopted!

Mr. Munson offered the following resolution :

Resolved, That the Judiciary committee be required (if after investigation they may deem it expedient,) to report a bill for

the purpose of encouraging the establishment of manufactories in this State. Adopted.

Mr. Shelton offered the following resolution :

Resolved, That the committee on the Judiciary be requested to examine into the propriety of passing an act to suppress the carrying of concealed weapons, and that they report by bill or otherwise. Adopted.

Mr. Manly introduced a bill to incorporate Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2. of the city of Houston. Read first time and referred to Judiciary committee.

Mr. Francis introduced a bill for the relief of settlers upon eleven league claims. Read first time and referred to committee on Public Lands.

Mr. Shannon introduced a bill for the relief of Lycurgus S. Roberts and James Lehed. Read first time and referred to committee on Private Land Claims.

Mr. Mills introduced a bill to create the Judicial District. Read first time and referred to committee on Judicial Districts.

Mr. Crawford introduced a bill to incorporate the town of Jasper. Read first time and referred to committee on State Affairs.

Mr. Branch introduced a bill to fix the times of holding the District Courts of the 7th Judicial District. Read first time and referred to committee on Judicial Districts.

Mr. Lewis of Robertson, introduced a bill for the relief of the heirs of John H. Connal, Jr., dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Martin introduced a bill for the relief of the heirs of Matt Finch, dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Baxter introduced a bill for the relief of the heirs of A. Spain Summerlin. Read first time and referred to committee on Private Land Claims.

Mr. Navarro introduced a bill to remove the disabilities of minority from Thomas A. Rodriguez. Read first time and referred to committee on Judiciary.

The hour having arrived, the special order of the day, viz: the resolution to go into the election of a Senator, was taken up.

Mr. Dennis moved to fill up the blank by 3 o'clock P. M.

Mr. Henderson proposed to amend the amendment by striking out "3 o'clock" and inserting "Monday the 21st inst." Mr. Lynch moved to lay on table. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Houghton, Hubbard, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield and Wortham.—Yeas 43.

NAYS—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Kinney, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield, Whitmore and Wrede.—Nays 44.

The question being the adoption or rejection of Mr. Henderson's amendment, the same was put and the House refused to adopt the amendment by the following vote :

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Houghton, Kinney, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield and Whitmore. Yeas 44.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Hubert, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede. Nays 44.

Mr. Henderson proposed a 2nd amendment by filling the blank with "Tuesday 22nd." Laid on table.

Mr. McKnight proposed to insert "next Saturday 11 o'clock." The House refused to adopt the amendment by the following vote :

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Houghton, Kinney, Lewis of Montgomery, Lewis of Robertson,

Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield and Whitmore.—Yeas 43.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Hubert, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—Nays 43.

On motion of Mr. Taylor a call of the House was ordered. Absentees, Mr. Franklin. Mr. Franklin being announced by the Door-keeper, and there then being no absentees the call was suspended.

Mr. McKnight proposed a 2nd amendment by filling the blank with "Friday next 11 o'clock." Adopted by the following vote :

YEAS—Messrs. Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Daniels, Davis of Hays, Dickson, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Houghton, Kinney, Lewis of Montgomery, Lewis of Robertson, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Whitfield and Whitmore.—Yeas 43.

NAYS—Messrs. Speaker, Anderson, Barclay, Billingsley, Bryan, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Hubbard, Hubert, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Pirkey, Parker, Perry, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—Nays 42.

And resolution as amended adopted.

Mr. Francis asked leave to record his vote on Mr. McKnight's amendment to insert "Friday 11 o'clock" in the resolution to go into the election of Senator.

The Speaker decided that as it would change the result he could not be allowed to vote.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported a bill for the relief of Geo. W. Goodman and recommended its passage. Report received to come up in its regular order.

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

asking that a bill "to create and organize the 20th Judicial District" be referred to committee on Judicial Districts. Report adopted.

On motion of Mr. Buckley, Mr. Lewis of Montgomery was added to committee on State Affairs.

On motion of Mr. Billingsley, Mr. Henderson was added to the committee on Claims and Accounts.

Mr. Townes offered the following resolution :

Resolved, That the committee on Finance be directed to ascertain whether an appropriation has been made to pay the Attorney General and other officers fees in certain cases, as provided for in Part 5, Title 2, article 952, of Penal Code. See amendments page 23. Adopted.

Mr. Middleton introduced a bill for the relief of J. J. McBride, assec. of John Jordan. Read first time and referred to committee on Private Land Claims.

Mr. Culberson introduced a bill to relieve the disability of minority from Thomas Lore. Read first time and referred to committee on State Affairs.

(Mr. Dickson in the Chair.)

Mr. Navarro offered the following resolution :

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of repealing or amending Arts. 409 and 411 of the Penal Code, and that they report by bill or otherwise. Adopted.

Mr. Darnell introduced a bill concerning sales made by virtue of executions. Read first time and referred to Judiciary committee.

Mr. Taylor of Cass, introduced a bill to repeal an act authorizing the sale of the public domain. Read first time and referred to committee on Public Lands.

Mr. Short, chairman on Military Affairs, made the following majority report :

The committee on Military Affairs have had under consideration the joint resolution authorizing the Governor to order into service 1000 men to suppress rebellion and resist invasion of the State, have performed that duty and report that there is a division of sentiment among the members of the committee. The majority of that committee have the honor to make this report. That in the short space of time allowed them they have diligently discharged the duty imposed upon them, and have examined all the evidences that have a tendency to throw any light on the state of affairs on the Rio Grande. We find that immediate action is necessary on the part of the Legisla-

ture to protect those citizens of our State who are now exposed to the depredations of the public enemy on the Rio Grande.

The committee have instructed me to say that the subject is one of such moment as to demand not only the serious consideration of the Legislature, but demands a prompt and speedy action to render adequate protection to the lives and property of our citizens. That whilst we feel it our duty to guard with vigilance the interests of the State at large, and to prevent any unnecessary expenditure of the public money, we at the same time feel it our imperative duty to protect the rights, lives and property of the citizens of our State, be the cost what it may. The majority of the committee have instructed me to report the joint resolution back to the House together with the amendment herewith presented and ask the adoption of the original resolution as amended by the committee.

AMENDMENT.

Amend by striking out "one thousand" in the original resolution and inserting "500," or as many of that number as the necessity of the case may require in addition to what the Governor now has in the field under the command of Capt. Tobin, and strike out "12 months" insert in lieu thereof "so long as is necessary to suppress the difficulties now existing on the Rio Grande."

Mr. Dougherty, one of the committee, made the following minority report :

The undersigned, a minority of the committee on Military Affairs, dissenting from the report of a majority of said committee, would respectfully report to this House that the facts proven before said committee and the documents laid before them by the Governor and from other sources, have forced them to the conclusion that Juan Nepomuceno Cortenas has, since the latter part of August last, resisted and evaded arrest by the civil authorities of Cameron county—that the local authorities of said county, using all the power conferred upon them by law as well ordinarily as well as extraordinarily, on the 24th day of October last, attempted his arrest with a force of about 150 men, well armed and accompanied by two pieces of artillery, which force was defeated with the loss of several men wounded and the two pieces of artillery—that several citizens were butchered and their bodies mutilated by him and his band when he made his foray on Brownsville on the 28th of September last. That these citizens with others whom he desired at that time to kill, made themselves obnoxious to him and others of his band by reason of their having testified against him or them and

showing a willingness on several occasions to aid the civil authorities in making his arrest—that the city of Brownsville which is the entrepot for all the trade carried on from the United States to northern Mexico amounting to millions per annum, has been beleaguered and surrounded by Cortenas and his band for seven weeks, and is (if not ere this time destroyed) in imminent danger of being taken and sacked, and the Americans therein in peril of their lives from hour to hour, that the only protection afforded said city of Brownsville which has as yet been available, has been from the civil and military authorities of Tamaulipas, who has furnished men to protect said city as well as shelter and protection to the wives and children of the American population of Brownsville—That said Cortenas from the latest reports, and from testimony taken before said committee, is believed to have 800 men under his command well armed and mostly mounted, and in undisputed possession of the valley of the Lower Rio Grande, and it is also testified to before the committee that he has funds wherewith he regularly pays his men—That several settlements, ranches, and stock farms in Cameron county have been plundered and destroyed, and the owners and residents forced to flee, in some instances, with their families to the Nueces river for safety and protection. That Cortenas has taken prisoner F. M. Campbell, one of the Deputy sheriffs of Cameron county, and has either put him to death or holds him as a hostage for the safety of one of his desperadoes heretofore apprehended and confined in Brownsville for the purpose of trial.

In view of all these circumstances the undersigned is constrained to differ from the majority, and recommend the adoption of the original resolution without amendment. Report read.

On motion of Mr. Dougherty the rule was suspended and the majority and minority reports taken up.

(Speaker resumed the Chair.)

Mr. Davis of Hays, moved to adjourn till 3 o'clock. Lost.

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

JOINT RESOLUTION.

Resolved, That the Governor be authorized and requested to call out such a number of volunteers to quell the insurrection or invasion of Cortenas and followers on the Rio Grande, as may be necessary. And that said volunteers elect their commissioned officers and be retained in service till the object for which they are called out shall be accomplished. And that said volunteers

receive like pay as the same troops in the U. S. service.

Mr. Martin moved that the substitute be laid on the table. Lost.

Mr. Barnard proposed to amend by inserting, "and, that those citizens who have already left their homes with this object, shall be adopted into the public service from the time they left their homes."

Mr. Dougherty proposed to amend the amendment by inserting "or so many of them as may choose to volunteer." The amendment to the amendment was accepted and the amendment adopted.

Mr. Mabry proposed to amend the substitute by striking out the words "and requested." Adopted.

Mr. McKnight proposed to amend by adding "and that the Governor send a special agent to Cameron county whose duty it shall be to receive into the service of the State such companies as he may find already actively engaged." Lost, and the resolution as amended ordered to be engrossed.

On motion of Mr. Dougherty the rule was further suspended, and the joint resolution taken up, read third time and passed.

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

HOUSE OF REPRESENTATIVES, }
WEDNESDAY, NOV. 16, 1859. }

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

Journal of yesterday read and adopted.

Mr. Waterhouse, member elect from San Augustine county, came forward, presented his credentials, took the necessary oath and his seat.

The Speaker announced the committee on Probate Laws, consisting of Messrs. Armstrong, Chairman ; Culberson, Speights and Anderson.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a joint resolution, authorizing the Governor to call out volunteers, &c.

Mr. Navarro presented the petition of Richard Meade and Dennis Meade. Referred to committee on Private Land Claims.

Mr. Crawford presented the petition of A. F. Smith. Referred to committee on Claims and Accounts.

Mr. Duncan presented two several petitions respectively, of Thomas Ayres, and the heirs of John F. Reynolds, deceased. Referred to committee on Private Land Claims.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of a bill to incorporate Houston Hook and Ladder company No. 1, and Liberty Fire company No. 2, of the city of Houston, with the amendments made by the committee.

AMENDMENTS.

In line 17, of section 1st, strike out "fifty" and insert "forty"; in line 19, of section 1st, strike out "sixty" and insert "fifty," and in line 4, section 2d, after the word "juries" insert, "except in capital cases." Report received.

Also reported a bill for the relief of J. L. Leonard, and recommended its passage. Report received, and the bill read first time.

Mr. Mills, one of the committee on Judiciary, reported, asking that the resolution, requiring the Judiciary committee to examine into the propriety of changing the constitution so as to add two Associate Justices to the Supreme Court bench, be referred to the committee appointed to enquire into the expediency of changing the constitution. Report received.

Mr. Wælder offered the following resolution :

Resolved, That, the Senate concurring, the Governor be authorized to appoint some suitable person to take charge of the State Library during the session of the Legislature, and that all members of either House shall at all times have access to said Library, and may send the Sergeant-at-Arms for any books to be used in debate, but for no other purpose. As soon as any book has been so used, it shall be immediately returned to the Library by the Sergeant-at-Arms. Adopted.

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

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

Mr. Short offered the following resolution :

Resolved, That the Judiciary committee be instructed to inquire into the expediency of taking up the criminal docket on the 1st day of the District Courts. Adopted.

Mr. Redwine introduced a bill to amend the 2d chapter, article 549, of the code of criminal procedure. Read first time, and referred to Judiciary committee.

Mr. Armstrong introduced a bill to establish two Universities of the State of Texas. Read first time, and referred to committee on State Affairs.

Mr. Bogart introduced a bill to legalize the marriage between Wm. Davis and Sarah James. Read first time, and referred to Judiciary committee.

Mr. Camp offered the following resolution :

Resolved, That the Speaker be instructed to have a large lamp suspended in the centre of the Hall of the basement story of the Capitol, and that the same be paid for out of the contingent fund of the House. Adopted.

Mr. Lewis of Robertson, introduced a bill for the relief of the heirs of Thomas Grubb, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Epperson introduced a bill supplementary to the general railroad law. Read first time, and referred to Judiciary committee.

Mr. Dickson offered the following resolution :

Resolved, That the committee on Printing be instructed to have published 500 copies of the report of the Superintendent of the Insane Asylum, for the use of the House. Adopted.

Mr. Munson offered the following resolution :

Resolved, That the committee on Printing be authorized to have printed 1,000 copies of the report of the Trustees of the Institute for the Deaf and Dumb, done up in neat pamphlet form, with covers, for the use of the Institution; and that said committee be instructed to have printed 1,000 copies of the report of the Superintendent of said Institute for the use of the members of this House.

Mr. McKnight proposed to amend by striking out "1,000" and inserting "500" of each. Adopted; and the resolution as amended adopted.

Mr. Perry introduced a bill for the relief of the heirs of Wm. L. Fleming.

Mr. Buckley introduced a bill to permit Abigail Bell to adopt Susan Alford, and to change her name to Susan Bell. Read first time, and referred to Judiciary committee.

Mr. Dale offered the following resolution :

Resolved, That the committee on the General Land Office are hereby instructed to enquire into the expediency of increasing the clerks in the said office, and report by bill or otherwise. Adopted.

Mr. Middleton introduced a bill for the relief of A. R. Guild. Read first time, and referred to committee on Private Land Claims.

Mr. Perry introduced a bill for the relief of Edward Smith. Read first time, and referred to committee on Private Land Claims.

TEXAS STATE LIBRARY

Austin, Texas

Mr. Dennis, chairman of committee on State Affairs, by permission, reported, recommending the passage of a bill approving an act of the general assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas Navigation Company, with the modifications made to the same by the Legislature of the State of Arkansas.

Mr. Davis of Hays, introduced a bill providing for the payment of costs in case of change of Venue. Read first time, and referred to Judiciary committee.

Mr. Daniels introduced a bill, authorizing the Governor to appoint one or more persons to translate and record, from the Spanish to the English language, all of the land papers now on file in the county of Austin, and other counties having land papers in the Spanish language. Read first time, and referred to committee on State Affairs.

Mr. Clark introduced a bill for the relief of the heirs of Jacob Hull, deceased. Read first time, and referred to committee on Private Land Claims.

Mr. Norton introduced a joint resolution for the relief of four clerks in the Comptroller's Office. Read first time, and referred to committee on the Court of Claims.

Mr. McKnight introduced the following resolution :

Resolved, That all the evidence acted upon by the committees for private claims shall be reduced to writing and shall accompany their report, and that the committee be allowed a clerk.

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

Mr. Taylor introduced a bill for the relief of the heirs of Willis Edson. Read first time, and referred to committee on Private Land Claims.

Mr. Maxey introduced a bill for the relief of A. H. Booth. Read first time, and referred to committee on Private Land Claims.

Mr. McKnight offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to take into careful consideration article 3d, 24th section of the constitution of the State of Texas, which reads as follows, to-wit : No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this state which shall have been created, or the emoluments of which may have been increased during such term ; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch

of the Legislature ; nor shall the members thereof be capable of voting for a member of their own body for any office whatever except it be in such cases as are herein provided. The President for the time being of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

And said committee is further instructed to report to the House on or before Friday next, 10 o'clock, A. M., how far said clause may operate as a restriction of the right of members of the Legislature, to vote for or elect one of their own body to the United States Senate ; whether the resignation of a member may obviate any or all the difficulties which may appear in said section, or whether said section presents any serious difficulties whatever. Adopted.

On motion of Mr. Ross, Mr. Short was added to the committee on State Affairs.

On motion of Mr. Duncan, Mr. Redgate was added to the committee on Stock and Stock Raising.

On motion of Mr. Lewis of Montgomery, Mr. Flewelling was added to committee on Agriculture.

ORDERS OF THE DAY.

The resolution, instructing the committee on Printing to have printed 500 copies of the Governor's message in the German language, for the use of the House, together with two proposed amendments, was taken up.

On motion of Mr. Mills, the first amendment was laid on the table.

Mr. Haynes offered the following as a substitute for the resolution and amendment :

Resolved, That the committee on Printing be instructed to have translated into the German and Spanish languages so much of the message of the Governor as relates to the affairs of this State, leaving out that portion devoted to the discussion of State's rights, strict construction, the history of national political parties, the Virginia and Kentucky resolutions of 1798-9, &c., &c., &c., and that 500 copies be printed in Spanish and 500 copies in German, for the use of the House.

On motion of Mr. Flewelling, the substitute was laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Billingsley, Branch, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Darnell, Dickson, Daniels, Davis of Bastróp, Dennis, Flewelling, Francis, Foscutt, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Houghton, Hubbard, Hubert, Lynch, Maxey, McClarty, Middleton, Mills, Munson,

Nelson, Parker, Perry, Redwine, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—49.

YAYS—Messrs. Barnard, Baxter, Benevides, Bogart, Camp, Culberson, Davis of Hays, Duncan, Edwards, Ellett, Epperson, Haynes, Henry, Lewis of Montgomery, Lewis of Robertson, Martin, Maverick, McCutcheon, McKnight, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Speights, Taylor, Waterhouse and Whitmore—32.

Mr. Norton proposed to amend by adding "200 copies in the Norwegian language."

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Thursday, Nov. 17th, 1859. }

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

Mr. Darnell presented the petition of Cyrus S. Millett. Referred to committee on Claims and Accounts.

Mr. Henderson, one of the committee on the Judiciary, reported, asking that a bill to create the 20th Judicial District be referred to the committee on Judicial Districts. Also reported a substitute for the bill for the relief of Hannah C. Buckner, and recommended its passage.

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the Senate's Bill making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the 8th Legislature; also reported two bills to-wit:

One, making an appropriation to pay the Attorney General and District Attorneys the costs due them under Article 952d. of the Code of Criminal Procedure. And another to amend Article 955 of the Code of Criminal Procedure, and recommended their passage. Bills read first time.

Ac'd, as one of the committee on the Judiciary reported, recommending the passage of a bill to amend Article 360 of Oldham & White's Digest.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of a bill "to incorporate the Texas Telegraph Company" with the amendments by the committee.

AMENDMENTS.

In section 3rd strike out "As well as any branch lines" they desire to build diverging from the main trunk lines above designated."

In section 11, amend by adding after the word "President" the words "Secretary or left at the principal office of the company, which office shall be within the limits of the State of Texas" and by adding four additional sections.

Mr. Mabry, one of the Judiciary committee, reported as follows :

We the committee on Judiciary, to whom was referred a resolution requiring said committee to enquire into the propriety of passing an act to suppress the carrying concealed weapons, beg leave to report that they deem the passage of such a law impolitic.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of the heirs of A. D. Duncan, dec'd.

Also reported a bill for the relief of Richard N. Williams, and recommended its passage. Bill read first time.

Also reported, recommending the passage of a bill for the relief of J. J. McBride, assignee of John Jordan.

A message was received from the Senate announcing to the House, that the Senate had passed the House's joint resolution to authorize the Governor to call out volunteers, &c., with amendments, and had passed a bill for the relief of James Jennings.

Mr. Buckley reported, recommending the passage of a bill supplementary to an act to amend the 1st section of an act entitled an act to organize the Supreme Court of the State of Texas, approved May 12, '46, approved Nov. 30, '50, approved August 28, '56, with the amendments by the committee.

Amend by adding to the 2nd section "Provided the cases so transferred shall not take precedence of those now on the Docket at that place."

Mr. Short, one of the committee on the Judiciary, reported as follows: The committee on the Judiciary, to which was referred the resolution to enquire into the expediency of each and every county in the State having a District Attorney, have the honor to report that we have had the same under consideration and have concluded that it is inexpedient to adopt the views embodied in the resolution.

Mr. Shannon, one of the committee on Public Lands, reported asking that a bill for the relief of settlers upon eleven

league claims, be referred to the committee on the Judiciary.

Mr. McCutcheon, one of the committee on Public Lands, reported, recommending the passage of a bill granting 320 acres of land each to George Eberly Henry, Mary Eliza Henry and Julia Pierce Henry.

Mr. Bryan, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of Chester E. Starks, and recommended its passage.

(Mr. Taylor of Fannin in Chair.)

Mr. Nelson, chairman on part of the House, of the joint committee on Indian Affairs, reported that said committee had had under consideration the protection of the frontier, and had reported a bill to the Senatorial branch of the Legislature and recommended its passage.

Mr. Parker, one of the committee on Private Land Claims, reported asking to be discharged from a further consideration of the petition of the heirs of Charles Parks.

Mr. Speights, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Joseph W. Bass, dec'd, and recommended its passage. Bill read first time.

Mr. Maxey introduced a bill for the relief of A. Wilson.— Read first time and referred to committee on Private Land Claims.

Mr. Ross offered the following resolution :

Resolved, That the committee on the Court of Claims be requested to enquire into the expediency of extending the time for the presentation of claims and report by bill or otherwise, at as early a day as practicable. Adopted.

Mr. Shelton offered the following resolution :

Resolved, That the committee on the Judiciary be required to examine into the expediency of so altering or amending the laws regulating the inauguration of Governor and Lt. Governor, and the meeting of the biennial session of the Legislature of the State of Texas, as to bring the inauguration within the first week of the session, and that they report as early as practicable by bill or otherwise. Adopted.

Mr. Shannon presented the petition of Wm. Burford. Referred to committee on Private Land Claims.

ORDERS OF THE DAY.

The joint resolution calling out troops for the suppression of the Rio Grande difficulties, was taken up, and the amendments of the Senate concurred in.

Mr. Martin offered the following resolution :

WHEREAS, The 24th sec. of the 3rd art. of the Constitution

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

WHEREAS, it is evident that the framers of the Constitution intended by this provision to prevent intrigue, collusion and corruption among the members for mutual promotion, therefore,

Resolved, 1st. That we re-affirm this provision of the Constitution and make it the rule of this House.

Resolved, 2nd. That the resignation of a member, during the session of the Legislature, for the purpose of being elected to an office for which he may have procured pledges of support from other members, is a mere evasion of the letter of the Constitution, while it violates in the most essential particular, its spirit, and will not be tolerated by this House.

Mr. Wælder moved the rejection of the resolution.

Mr. Francis moved that the House adjourn till 3 o'clock P. M. Lost.

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

YEAS—Messrs. Barclay, Barnard, Baxter, Benevides, Billingsley, Branch, Bryan, Buckley, Craig, Crawford, Culberson, Davis of Hays, Dickson, Flewellen, Franklin, Foscoe, Hall, Henry, Manly, Nelson, Owens, Robinson, Shannon, Shelton, Speights, Taylor, Townes, Walworth and Whitfield.—Yeas 28.

NAYS—Messrs. Anderson, Armstrong, Caddell, Clark, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Duncan, Edwards, Ellett, Francis, Harrison of Cherokee, Harrison of Van Zandt, Henderson, Houghton, Lewis of Montgomery, Lewis of Robertson, Lynch, Martin, Maverick, McClarty, McCutcheon, McKnight, Middleton, Mundine, Norton, Parker, Perry, Redgate, Redwine, Ross, Short, Stewart, Warfield, Waterhouse, Whitmore, Wortham and Wrede.—Nays 40.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, Friday, Nov. 18th, 1859. }

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

Mr. Duncan presented a petition for the relief of sundry persons. Referred to committee on Slaves and Slavery.

Mr. Speights presented the petition of Martha Bullock. Referred to committee on Private Land Claims.

Mr. Mills, one of the committee on the Judiciary, reported as follows :

The committee on the Judiciary, to whom was referred the bill (without caption,) proposing to authorize the Clerks of the District Courts in certain counties, to apportion the Docket, beg leave to report the measure impracticable and ask that the bill be laid on the table.

Mr. Ross, one of the committee on State Affairs, reported, recommending the passage of a bill to empower the County Court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of Hogs in said county, with the amendment by the committee.

Amend by striking out the provision in 6th section.

Mr. Mills introduced a bill to amend the Code of Criminal Procedure. Read first time and referred to Judiciary committee.

Mr. Armstrong introduced a bill to define the jurisdiction of Justices of the Peace and to regulate the fees of the same.— Read first time and referred to Judiciary committee.

Mr. Culberson introduced a bill to amend section 1683 of Oldham & White's Digest. Read first time and referred to committee on Internal Improvements.

A message was received from the Senate announcing to the House that the Senate had passed a bill appropriating \$10,000 or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice; and had passed the House's bill to regulate the public printing, with amendments.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled the joint resolution authorizing the Governor to call out troops, &c. Report adopted.

Mr. Davis of Bastrop, introduced a bill regulating public sales in the county of Bastrop. Read first time and referred to Judiciary committee.

Mr. McKnight introduced a bill to encourage the increase of population. Read first time and referred to committee on Stock and Stock raising.

Mr. Davis of Hays, introduced a bill to repeal the law entitled Bankruptcy. Read first time and referred to Judiciary committee.

Mr. Mills introduced a bill to repeal the 7th section of an act,

entitled "an act to provide the mode of trying titles to lands" approved Feb. 5, '40. Read first time and referred to Judiciary committee.

Mr. Baxter introduced a bill to require the Comptroller acting Commis'r of Claims, to register and approve the Unconditional Headright Certificate of Jas. D. White. Read first time and referred to committee on Private Land Claims.

Mr. Navarro offered the following resolution :

WHEREAS, The call of the yeas and nays upon any question before the House, is an expense to the State of \$93 therefore, be it—

Resolved, That the Chief Clerk of the House of Representatives be required to spread upon the journals the names of the three members who may call for the yeas and nays on any question.

On motion of Mr. Barnard, referred to committee on Retrenchment and Reform.

Mr. Dougherty introduced a bill to except the counties of Cameron and Hidalgo from the operation of certain words in the law relating to common schools. Read first time and referred to committee on Education.

Mr. Maverick introduced a bill to amend the act relating to Justices of the Peace. Read first time and referred to the committee on the Judiciary.

Mr. Hartley introduced a bill to incorporate the Galveston Water-Works Company. Read first time and referred to committee on State Affairs.

ORDERS OF THE DAY.

The resolution relative to the constitutionality of members of the Legislature voting for a member of their body for an office, pending when the House adjourned, was taken up.

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

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Brvan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumbly, Dale, Darnell, Daniels, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewollen, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Houghton, Hubbard, Hubert, Lewis of Robertson, Lewter, Lynch, Maverick, McClarty, McKnight, Mills Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Townes, Walworth, Warfield, Waterhouse, Wortham and Wrede.—Yeas 67.

NAYS—Messrs. Culberson, Dickson, Francis, Henderson, Henry, Lewis of Montgomery, Mabry, Manly, Martin, McCutcheon, Middleton, Mundine, Navarro, Norton, Redgate, Taylor, Wælder, Whitfield and Whitmore.—Nays 19.

A bill to regulate the public printing, with the amendments by the Senate, was taken up and the amendments concurred in.

The resolution instructing the committee on Printing to have 500 copies of the Governor's message printed in the German language for use of the House, together with two proposed amendments, was taken up.

Mr. Henderson moved to lay the resolution and amendments on the table.

On motion of Mr. Baxter a division of the question was ordered.

The question being the adoption or rejection of the amendment to print 200 copies in the Norwegian language—the amendment was adopted by the following vote :

YEAS—Messrs. Baxter, Billingsley, Bogart, Crawford, Clark, Darnell, Daniels, Edwards, Francis, Foscue, Hartley, Henry, Hubert, Lewis of Robertson, McCutcheon, McKnight, Middleton, Owens, Short, Speights, Whitfield, Whitmore and Wortham.—Yeas 23.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Cumby, Dale, Davis of Bastrop, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Flewellen, Hall, Harrison of Cherokee, Harrison of Van Zandt, Haynes, Hubbard, Lewis of Montgomery, Lewter, Lynch, Mabry, Manly, Martin, Maverick, McClarty, Mundine, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannun, Shelton, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Wrede.—Nays 61.

Mr. Henderson moved to lay the resolution and amendments on the table. Lost by the following vote :

YEAS—Messrs. Baxter, Billingsley, Crawford, Clark, Cumby, Davis of Hays, Ellett, Francis, Henderson, Henry, Houghton, Lewis of Robertson, Lewter, Manly, McCutcheon, Owens, Short, Whitfield, Whitmore and Wortham.—Yeas 20.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Dale, Darnell, Daniels, Davis of Bastrop, Dennis, Dickson, Dougherty, Duncan, Edwards, Epperson, Flewellen, Foscue, Hall, Harrison of Cherokee, Harrison of

Van Zandt, Hartley, Haynes, Hubbard, Hubert, Lewis of Montgomery, Lynch, Mabry, Martin, Maverick, McClarty, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Wrede.—Nays 66.

Mr. Dickson moved to refer the resolution and amendments to the committee on Contingent Expenses.

The question now being the adoption or rejection of the amendment to have 500 copies printed in the Spanish language, the amendment was adopted.

Mr. Epperson proposed an amendment which the Speaker ruled out of order, and upon an appeal from this decision being made by Mr. Epperson, the Chair was sustained by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barclay, Benevides, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Hubbard, Hubert, Lewter, Lynch, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Speights, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—Yeas 47.

NAYS—Messrs. Barnard, Baxter, Branch, Crawford, Clark, Darnell, Davis of Harrison, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of Montgomery, Lewis of Robertson, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Smith, Taylor, Townes, Waterhouse, Whitfield and Whitmore.—Nays 38.

Mr. Henderson moved that the resolution as amended be referred to committee on Public Printing.

Mr. Harrison of Van Zandt, moved the previous question. Seconded, and the main question was ordered, which being the adoption or rejection of the resolution, the same was put and the resolution as amended adopted.

Mr. Epperson offered the following resolution :

Resolved, That this House dissents from that statement contained in the Governor's message which is in the following language : The attitude of affairs closely resembles that which existed prior to the American Revolution, when the patriots under the lead of Jefferson, Franklin and other sages and heroes, exhausted every resource of argument and entreaty in their

petition to the British Government for an observance of the rights under its ancient Constitution, as subjects of the crown. This I regard as analogous to the position of the States right democracy of the South and of the Union.

Mr. Mills moved the resolution be laid on the table.

On motion of Mr. Haynes a call of the House was ordered. Absentees—Messrs. Culberson, Franklin, Kinney and Maxey. Mr. Mills withdrew his motion to lay the resolution on the table, and on motion the call was suspended.

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

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

YEAS—Messrs. Speaker, Anderson, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Daniels, Davis of Bastrop, Dennis, Dougherty, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Houghton, Hubbard, Hubert, Lynch, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Speights, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede —Yeas 45.

NAYS—Messrs. Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crawford, Clark, Darnell, Davis of Hays, Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Martin, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Taylor, Townes, Waterhouse, Whitfield and Whitmore.—Nays 41.

The report of the committee on Contingent Expenses relative to taking newspapers of this city for the use of members of this House, together with the proposed amendments was taken up.

Mr. Mills moved the previous question, that being the rejection or adoption of the Report.

The question being shall the main question be put, the House refused it by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Billingsley, Craig, Crooks, Clark, Cumby, Dale, Daniels, Davis of Bastrop, Davis of Hays, Dougherty, Duncan, Ellett, Harrison of Van Zandt, Hubbard, Lewis of Robertson, Lynch, Manly, Martin, McClarty, Mills, Munson, Nelson, Norton, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Taylor, Wælder, Walworth, Warfield and Wrede.—Yeas 41.

NAYS—Messrs. Barnard, Benevides, Bogart, Branch, Bryan,

Buckley, Caddell, Camp, Crawford, Culberson, Darnell, Dickson, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Haynes, Henderson, Henry, Houghton, Lewis of Montgomery, Lewter, Mabry, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Owens, Redgate, Robinson, Speights, Stewart, Townes, Waterhouse, Whitfield, Whitmore and Wortham.—Nays 43.

Mr. Baxter proposed to amend by inserting "40" papers instead of "50," "20 of each."

Mr. Mundine moved to lay the amendment on the table.—Lost, and the amendment adopted.

Mr. McKnight proposed to amend by striking out all in relation to Austin papers and inserting "any two weekly papers published in the State, and each member shall select for himself which papers he will patronize."

On motion of Mr. Hubbard, the report and amendments were indefinitely postponed by the following vote:

YEAS—Messrs. Barnard, Benevides, Branch, Buckley, Caddell, Camp, Crooks, Cumby, Dale, Daniels, Dickson, Edwards, Epperson, Flewellen, Franklin, Foscue, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lewter, Mabry, Manly, Maverick, McClarty, McCutcheon, McKnight, Middleton, Munson, Navarro, Nelson, Norton, Owens, Redgate, Redwine, Robinson, Ross, Speights, Stewart, Townes, Waterhouse, Whitfield and Whitmore.—Yeas 47.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Billingsley, Bogart, Bryan, Craig, Crawford, Clark, Culberson, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Hall, Harrison of Cherokee, Harrison of Van Zandt, Lynch, Martin, Maxey, Mills, Mundine, Parker, Pirkey, Shannon, Shelton, Short, Taylor, Wælder, Walworth, Warfield, Wortham and Wrede.—Nays 39.

On motion of Mr. Mills, the rule was suspended and the Senate's bill providing for the per diem pay of the members and officers of the Legislature, was taken up and read third time.

Mr. Norton moved that the bill be referred to committee on Retrenchment and Reform.

On motion of Mr. Haynes, Mr. Norton's motion was laid on the table and the bill passed.

Mr. Mabry by permission, introduced a bill to incorporate the Jefferson Insurance Company. Read first time and referred to committee on State Affairs.

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

HOUSE OF REPRESENTATIVES, }
 SATURDAY, Nov. 19th, 1859. }

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

Journal of yesterday read and adopted.

Mr. Francis, by request, was permitted to change his vote on the question of the indefinite postponement of the report of the Contingent Expense committee relative to subscription for newspapers, &c.

Mr. Short presented the petition of James^H Truit. Referred to committee on Private Land Claims.

Mr. Dickson, chairman of committee on Public Debt, reported as follows :

The committee on Public Debt have considered the application of the representative of the late Anson Jones for relief and report, that the demand made upon the State is for \$3,600, an amount alleged to be due for losses sustained in exchange during the existence of the Republic, and while minister to the United States. An examination of the Comptroller's books shows that the accounts of Dr. Jones with that department, have all been settled and closed. This being the case, and the amount now sought to be obtained from the State, being the difference in the depreciated paper of the Republic and par funds at the time it was paid out, your committee feel constrained, under a sense of public duty, to report against the application for relief. The adoption of a different policy by the State, and the payment of losses of this character sustained by the officials and employees of the old Republic, would involve the payment of a sum far beyond our resources and inevitably bankrupt the State.

Also reported the application of John Berth for \$504 back to the House, and recommend that it be laid on the table.

Mr. Billingsley, by permission, presented the petitions of Timothy McKean and Felix W. Goff. Referred to committee on Private Land Claims.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, recommending the passage of a bill to encourage the increase of population, with the amendments by the committee.

AMENDMENTS BY COMMITTEE.

In section 1, after the words "woman who," insert, "is lawfully married and living with her husband," and after "birth" insert "be," change the word "deliver" to "delivered," after "delivered" insert "of," after "domain" insert "of this State."

In section 2, after the number of the section, insert, "Be it

further enacted," strike out the word "also."

In section 3, after the number of section, insert, "Be it further enacted," strike out "1859" and insert "1850."

In section 4, after the number of section, insert, "Be it further enacted, That all laws and parts of laws conflicting with this act be and they are hereby repealed and."

Mr Duncan moved that 500 copies of the report of the chairman of the committee on Stock and Stock Raising, be printed for the use of the House. Lost.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of Michael K. Hammond, and recommended its passage.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of A. Spain Summerlin. Read first time.

Mr. Bryan, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of A. H. Booth.

Gov. Vidaurri was invited to a seat within the bar of the House.

Mr. Shannon, one of the committee on Public Lands, reported as follows :

The committee on Public Lands, to whom was referred a bill to be entitled an act to provide for the sale and settlement of the public domain, have had the same under consideration, and are of opinion that it is or ought to be the policy of the State Legislature to enact such laws as will encourage the settlement of the vast area of public lands of which the State is possessed ; that the present public domain law which fixes the minimum price of the public land at one dollar per acre, virtually locks it up from settlement, and under the provisions of which they do not believe the public lands of the State will in any reasonable time be settled or the area of civilization be extended. Th ecommittee, therefore, unanimously instruct me to report the accompanying bill as a substitute for the 1st, 2d, 3d and 4th sections of the bill referred, and recommend it to the favorable consideration of the House ; and the committee would ask further time to consider and report upon the subject embraced in the remaining sections.

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

Mr. Hubbard, one of the committee on Internal Improvements, reported a bill to abrogate the charter of the Galveston, Houston and Henderson Railroad Company, back to the House, and asked

to be relieved from a farther consideration of it.

Mr. Martin, one of the committee on Public Lands, reported a bill to appropriate 5,000,000 acres of the public and unappropriated lands to the support and maintenance of free schools, back to the House, and asked that it be referred to the committee on Education.

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

Mr. Epperson, one of the committee on the Judiciary, reported as follows :

A majority of the Judiciary committee, to which was referred a resolution of the House, instructing the committee to examine into the expediency of so altering or amending the laws, regulating the inauguration of Governor and Lieut. Governor, and the meeting of the biennial sessions of the Legislature of the State, have instructed me to make the following report : That the object can only be accomplished by changing the time of the biennial meeting of the Legislature, and deeming this expedient, have instructed me to report the accompanying bill and to ask for it a favorable consideration. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the bill to be entitled an act to amend the 1st section of an act entitled an act to encourage the building of steamboats and other vessels in the State of Texas, approved Feb. 3d, 1854, and recommend its passage.

And reported, recommending the indefinite postponement of the petition of J. W. Scott.

Also, reported a bill to authorize the Governor to appoint one or more persons to translate and record from the Spanish to the English language, all of the land papers now on file in the county of Austin, and other counties having land papers in the Spanish language, back to the House, and recommend its indefinite postponement.

Mr. Darnell introduced a joint resolution, to amend the 30th section of the 7th article of the constitution. Read first time, and referred to committee on State Affairs.

Mr. Mills introduced a bill to amend the 19th section of an act to regulate proceedings in the District Courts, passed May 13th, 1846. Read first time, and referred to Judiciary committee.

Mr. Crawford introduced a bill to amend articles 668 and 669 of the penal code. Read first time, and referred to committee on Slaves and Slavery.

Mr. Hubert introduced a bill to incorporate the Air Line

Railroad Company. Read first time, and referred to committee on Internal Improvements.

Mr. Armstrong introduced a bill to amend an act passed Jan. 10th, 1850. Read first time, and referred to Judiciary committee.

Mr. Darnell offered the following resolution :

Resolved, That the committee on Stock and Stock Raising be instructed to enquire into the expediency of authorizing the county courts of each county in the State, to prohibit the running at large of any stallion or jack in their respective counties, and that they report by bill or otherwise. Adopted.

Mr. Buckley introduced a bill to be entitled an act regulating the duties of common carriers and defining their liabilities. Read first time, and referred to Judiciary committee.

Mr. Flewollen introduced a bill to legitimate Donaceana Thomas, late Donaceana Hewland. Read first time, and referred to Judiciary committee.

Mr. Davis of Bastrop, introduced a bill to amend the 773 article of the penal code passed Feb. 12th, 1858. Read first time, and referred to Judiciary committee.

Mr. Davis of Hays, introduced a bill for the relief of H. B. King. Read first time, and referred to committee on Private Land Claims.

Mr. Dougherty introduced a bill for the relief of Mrs. William Gumble, late the widow of John Carroll. Read first time, and referred to committee on Claims and Accounts.

Mr. Ross introduced a bill to repeal the several acts therein enumerated. Read first time, and referred to Judiciary committee.

Mr. Dougherty introduced a bill to regulate the sale of spirituous liquors. Read first time, and referred to committee on State Affairs.

Mr. Franklin introduced a bill to incorporate the Galveston Casino. Read first time, and referred to committee on State Affairs.

Also, a bill to incorporate the Galveston Wharf and Cotton Press Company. Read first time, and referred to committee on State Affairs.

Mr. Daniels, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of the heirs of Matt Finch, dec'd, with the amendments by the committee.

AMENDMENTS.

"Provided the said Matt Finch has never received said donation."

Mr. Mills introduced a bill to amend an act to organize and

define the power and jurisdiction of the District Courts, approved May 11th, 1846. Read first time, and referred to Judiciary committee.

Mr. Dougherty offered the following resolution :

Be it resolved, That this House subscribe for one copy of each daily and one copy of each tri-weekly newspaper published in this city, for the use of each member of this House, and at the expense thereof, not to exceed the usual price to regular yearly subscribers, be paid out of the contingent fund.

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

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Buckley, Caddell, Camp, Craig, Crawford, Clark, Cuiberson, Cumby, Daniels, Davis of Bastrop, Davis of Hays, Edwards, Flewellen, Francis, Franklin, Hall, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lester, Maverick, Maxey, McClarty, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Perry, Redgate, Redwine, Robinson, Ross, Speights, Stewart, Taylor, Townes, Waterhouse, Whitfield, Whitmore and Wrede—53.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Branch, Bryan, Crooks, Dale, Darnell, Dougherty, Duncan, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Parker, Shannon, Shelton, Short, Smith, Walworth and Warfield—22.

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

Mr. Craig, by permission, presented the petition of the heirs of Harvey Martin. Referred to committee on Private Land Claims.

Mr. Dougherty offered the following resolution :

Resolved, That the committee on Retrenchment and Reform be instructed to institute an inquiry into the cost of fires in the capitol building, and report whether in their opinion it would not be a saving to the State Treasury to have the chimneys walled up, and to cause the members of the Legislature to keep the outer as well as the inner man warm at their own expense.

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

ORDERS OF THE DAY.

A bill for the relief of Geo. W. Goodwin, together with the report of the committee, was taken up, read second time, and ordered to be engrossed.

[Mr. Taylor of Fannin in the chair.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Not given in by Clerk.)

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE ROOM, 18th Nov., 1859.

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

Speaker of the House of Representatives :

The committee on the Judiciary, to which was referred the resolution instructing said committee to take into careful consideration the 24th section of the 3rd art. of the Constitution of the State of Texas, and to report to the House on or before Friday inst., at 10 o'clock, A. M., how far said clause may operate as a restriction of the right of members of the Legislature to vote for or elect one of their own body to the U. S. Senate. Whether the resignation of a member may obviate any or all the difficulties which may appear in said section ; or whether said section presents any serious difficulties whatever, have had the same under consideration and a majority of the committee have agreed upon the following report :

The section of the Constitution is in the following words, to-wit:

“ No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased during such term ; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the Legislature ; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided.

The President for the time being of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies."

The section under consideration contains three distinct and independent provisions in regard to officers. The first and second relate to the eligibility of members of the Legislature to offices created by the Legislation of the State of Texas, and over which it has the exclusive control; and your committee is not advised that any one, for a moment, contends that either of these provisions relates to, or embraces the office of U. S. Senator. The third provision of the section which reads thus, "Nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided," it is contended by some embraces the office of United States Senator, as well as all State offices, and others deny the proposition. To determine this question correctly, a brief review of the organization of the Federal and State governments and their respective powers, becomes necessary. The several States formed the Federal government and established the Constitution of the United States, in which is enumerated all the powers delegated by the respective States to the general government, and therein provided for the exercise of its powers by means of three co-ordinate departments, Executive, Legislative and Judicial. The Legislative department consists of a congress composed of two Houses, a Senate and House of Representatives, to be chosen, the former by the Legislatures of the respective States and the latter by the electors of the several States. The 3rd section of the 1st article of the Constitution of the United States provides that, "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years," and "no person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen." By the first of these provisions the fact is clearly established that a Senator to Congress is an officer of the United States Government, and not a State officer; and the second provision prescribes all the qualifications that a man is required to possess to make him eligible to that office.

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

The government and Constitution of the United States were

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

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

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

section of the 3rd article of the State constitution does not operate as a restriction of the right of members of the Legislature to vote for or elect one of their own body to the United States Senate, and that said section presents no serious difficulties whatever.

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

C. W. BUCKLEY, Chair'n.

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

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

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

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

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

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

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

Mr. Franklin offered the following resolution:

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

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

Mr. Mills offered the following resolution :

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

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

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

Mr. Crooks offered the following resolution :

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

Mr. Lewis of Montgomery, offered the following resolution :

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

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

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

Mr. Houghton offered the following resolution :

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

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

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

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

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

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

ORDERS OF THE DAY.

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

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

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

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

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

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

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

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

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

A bill to approve the act of the Gen'l Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas Navigation Company with the modifications made to the same by the Legislature of the State of Arkansas, together with report from committee on State Affairs, taken up and referred to committee on Internal Improvements.

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

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

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

A bill supplementary to an act entitled an act to amend the 1st section of an act entitled an act to organize the Supreme Court of the State of Texas, approved May 12th, '46, approved Nov. 30th, '50, approved Aug. 28th, '56, together with report from the Judiciary committee, was taken up, the amendments by committee adopted; bill read and ordered to be engrossed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Mr. Nelson in the Chair.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Branch offered the following resolution :

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

Mr. Lewis of Robertson, offered the following resolution :

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

Mr. Townes offered the following resolution :

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

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

[Speaker resumed the Chair.]

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

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

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

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

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

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

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

Mr. McCutcheon offered the following resolution :

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

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

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

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

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

ORDERS OF THE DAY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A bill for the relief of Albert G. Walker.

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

A bill to incorporate the Pecos Bridge Company.

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

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

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

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

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

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

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

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

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

Mr. Davis of Hays, offered the following resolution:

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

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

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

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

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

Mr. Caddell offered the following resolution :

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

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

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

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

Mr. McKnight offered the following resolution :

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

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

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

Mr. McClarty offered the following resolution :

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

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

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

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

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

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

ORDERS OF THE DAY.

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

[Mr. Bogart in the Chair.]

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

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

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

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

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

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

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

[Speaker resumed the Chair.]

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

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

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

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

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

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

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

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

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

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

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

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

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

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

The section in question is as follows :

“ Article 3rd, section 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which have been created, or the emoluments of which may have been increased during such term ; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible for any office, or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature : nor shall the members thereof be capable of voting for a member of their own body for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and the Speaker of the House of Representatives shall be elected from their respective bodies.”

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

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

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

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

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

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

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

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

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

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

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

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

It is declared in the section under consideration, that "no member of either House of the Legislature shall, *during the term for which he is elected, be eligible* to any office or place, the appointment to which may be made in whole or in part by either branch of the Legislature." The inhibition reaches to the entire term for which the party was elected to the Legislature. And were it otherwise, of course the very object of the provision might always be defeated by a resignation just before the election by the Legislature, but not until after a full use of all the advantages of legislative position and influences in making certain the result of the election by the Legislature had been resorted to.— Common sense, as well as the language of the clause, rejects such a construction. Nor is the Legislature without a precedent in coming to this conclusion upon this clause of the Constitution. For at an early day after the people of Texas had adopted our State Constitution and the first Legislature had met under its provisions, this question was brought before the State Senate in the appointment of Volney E. Howard as Attorney General by the first Governor of the State, J. Pinckney Henderson. Mr. Howard was at the time of his appointment a member elect to the Legislature from the county of Bexar for the term of two years but who had taken his seat or oath of office. It was contended by some at the time that the resignation of Mr. Howard would obviate any Constitutional objection to the confirmation of his appointment by the Senate. But the Senate taking the same view of the clause of the Constitution now under consideration, as that adopted by the undersigned, held that he was ineligible for the whole term for which he was elected, and refused to confirm the appointment. That the undersigned are correct and have come to the conclusion of the framers of the Constitution upon the clause under consideration, it is only necessary to turn to the Debates of the Convention, page 527.

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

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

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

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

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

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

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

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

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

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

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

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

All of which is respectfully submitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Mr. Foscue in the Chair.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDERS OF THE DAY.

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

[Speaker resumed the Chair.]

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

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

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

The bill to empower the County Court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of Hogs in said county, with report from committee on State Affairs was taken up, the amendments adopted and the bill ordered to be engrossed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following message was received from the Governor :

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

Gentlemen of the Senate

and House of Representatives :

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

H. R. RUNNELS.

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

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

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

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

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

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

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

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

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

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

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

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

Lost.

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

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

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

A bill to incorporate Texas Masonic Institute, with report of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Speaker resumed the Chair.]

The bill was ordered to be engrossed.

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

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

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

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

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

A Bill for the relief of Jno. Ricord. And

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

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

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

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

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

Strike out Section—.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Report not handed in by the Clerk.]

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Mabry introduced the following resolution :

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

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

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

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

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

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

Mr. Wrede offered the following resolution :

Resolved, That the committee on the Judiciary be instructed

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

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

ORDERS OF THE DAY.

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

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

Mr. Mills moved an indefinite postponement of the resolution.

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

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

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

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

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

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

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

AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

[Mr. Taylor of Fannin in the chair.]

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

A message was received from the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[The Speaker resumed the Chair.]

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

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

Mr. McKnight offered the following resolution :

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

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

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

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

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

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

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

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

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

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

Mr. Taylor introduced the following resolution :

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

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

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

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

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

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

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

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

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

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

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

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

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

On motion of Mr. Mills the call was suspended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A bill for the relief of Michael K. Hammond.

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

A bill for the relief of Alexander Furguson.

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

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

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

A bill to incorporate the Texas Masonic Institute.

A bill to empower the County Court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of hogs in said county.

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

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

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

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

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

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

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

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

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

Mr. Franklin offered the following resolution :

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On motion the call was suspended.

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

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

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

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

Gentlemen of the Senate

and House of Representatives :

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

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

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

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

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

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

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

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

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

H. R. RUNNELS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A bill for the relief of James Herndon.

A bill for the relief of Lewis David.

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

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

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

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

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

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

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

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

AMENDMENTS.

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

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

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

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

Strike out sections 6 and 7.

Add five additional sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Camp offered the following resolution :

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

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

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

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

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

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

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

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

Mr. Davis of Bastrop, introduced the following resolution :

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

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

ORDERS OF THE DAY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Mr. Mills in the Chair.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENTS.

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

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

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

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

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

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

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

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

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

Mr. Francis offered the following preamble and resolution :

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

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

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

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

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

Mr. Davis of Hays, offered the following resolution :

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

Mr. Camp offered the following resolution :

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

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

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

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

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

Mr. Martin offered the following substitute :

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

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

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

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

Mr. Craig offered the following substitute :

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

On motion of Mr. Henderson the substitute was rejected.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Franklin offered the following resolution :

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

Mr. Haynes offered the following resolution :

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

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

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

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

The Speaker ruled the motion out of order.

[The Speaker resumed the Chair.]

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

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

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

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

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

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

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

On motion of Mr. Henderson laid on the table.

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

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

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

House met pursuant to adjournment—roll called—quorum

present—journal of yesterday read and adopted.

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

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

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

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

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

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

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

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

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

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

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

[Mr. Dickson in Chair.]

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

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

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

Amend by striking out the 2nd section.

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

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

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

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

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

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

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

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

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

The journal of yesterday read and adopted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Duncan offered the following resolution :

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

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

YEAS—Messrs. Anderson, Armstrong, Barclay, Barnard, Bogart, Caddell, Camp, Craig, Crawford, Crooks, Dale, Davis of Hays, Dennis, Francis, Franklin, Foscue, Harrison of Cherokee, Harrison of Van Zandt, Lewter, Lynch, Maverick, McClarty, McKnight, Mills, Mundine, Munson, Norton, Owens, Parker, Redwine, Robinson, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Warfield, Whitmore and Wortham.—41.

NAYS—Messrs. Speaker, Baxter, Benevides, Branch, Buckley, Clark, Culberson, Cumby, Davis of Bastrop, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Hall, Hartley, Haynes, Henderson, Houghton, Hubert, Kinney, Lewis of Montgomery, Lewis of Robertson, Mabry, Maxey, McCutcheon, Middleton, Navarro, Nelson, Perry, Redgate, Taylor, Townes,

Wælder, Walworth, Waterhouse, Whitfield and Wrede.—40.

Mr. Buckley introduced a bill to amend 7th section of an act regulating weights and measure. Read first time and referred to committee on State Affairs.

A message was received from the Governor.

Mr. Ross moved that the rule be suspended and the bill to raise the revenue by direct taxation be taken up out of its regular order. Lost.

Mr. Wrede introduced a bill to authorize the county court of Gillespie county, to levy a special tax for the years 1860-'61. Read first time and referred to committee on State Affairs.

Mr. Mills introduced a bill to incorporate the Indianola and Goliad Bridge and Turnpike Company. Read first time and referred to committee on Roads, Bridges and Ferries.

[Mr. Dennis in the Chair.]

Mr. Crooks offered the following resolution :

Resolved, That after the 25th of Dec., 1859, this Hall shall be used for no other purpose than that for which it was intended, a legislative Hall.

On motion of Mr. Culberson, laid on the table.

On motion of Mr. Buckley the rule was suspended and the following Senate bills were taken up, read first time and disposed of as indicated :

A bill for the relief of James Herndon. Referred to committee on Claims and Accounts.

A bill for the relief of Wiley Burns ; the heirs of Robert M. McKinney ; the heirs of Carmele Ramon, and the heirs of David Barlow. Referred to committee on Claims and Accounts.

A bill to release Benj. A. Campbell, Jas. Ingram Nuner, and Francis J. Lewis from disabilities of minority. Referred to committee on Judiciary.

A bill for the relief of Lewis David. Referred to committee on Private Land Claims.

A bill to change the time of holding courts in the 6th judicial district. Referred to committee on Judicial Districts.

A bill to amend the 6th and 7th sections of an act regulating sequestration, approved March 15, '48. Referred to committee on Judiciary.

A bill to validate headright certificates issued by the supreme or district courts, and to authorize the issuance of patents thereon.

On motion of Mr. Taylor of Cass, the rule was suspended and the bill read second time.

On motion of Mr. Barnard the rule was further suspended and the bill read third time.

Mr. Ellett proposed to amend by adding "provided that locations made under such certificates shall not be valid if they conflict with locations made in good faith at the time such certificates were dead."

Mr. McKnight moved to refer bill and amendment to committee on Private Land Claims.

On motion of Mr. Buckley, laid on the table.

Mr. Franklin moved to adjourn till 10 o'clock, A. M., Monday. Lost.

[Speaker resumed the Chair.]

Mr. Mills moved to defer the bill till Tuesday, 11 o'clock.

Mr. Flewellen moved to lay motion on table. Lost, and the bill postponed till 11 o'clock, Tuesday.

Mr. Harrison of Van Zandt, moved to adjourn till 10 o'clock, A. M., Monday. Lost by the following vote :

YEAS—Messrs. Barclay, Culberson, Davis of Hays, Dickson, Franklin, Harrison of Van Zandt, Hartley, Haynes, Houghton, Mabry, Manly, McKnight, Middleton, Mills, Munson, Navarro, Redgate, Townes and Walworth.—19.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Cumby, Dale, Darnell, Daniel, Davis of Bastrop, Dennis, Dougherty, Duncan, Ellett, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Henderson, Henry, Hubert, Lewis of Montgomery, Lewis of Robertson, Lynch, Maverick, McClarty, McCutcheon, Mundine, Norton, Owens, Parker, Perry, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Wælder, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede.—57.

A bill for the relief of the heirs of John Grogan, dec'd, taken up, read first time and referred to committee on Private Land Claims.

A bill to amend the 6th section of an act entitled an act to incorporate the town of Henderson, in Rusk county, approved Feb. 12th, 1852, taken up, read first time and referred to committee on State Affairs.

ORDERS OF THE DAY.

A bill to relieve A. E. Benham, daughter of J. J. Benham, from the disabilities of minority, together with report from the committee on Judiciary, taken up, bill read second time and ordered to be engrossed.

On motion of Mr. Parker, Mr. Townes was added to committee on Stock and Stock-raising.

The report from the committee on Judiciary, recommending the passage of the bill to incorporate the Israelite congregation in the city of Houston, taken up. Bill read second time and ordered to be engrossed.

The following message from the Governor was taken from the Speaker's stand, read and referred to committee on State Affairs :

EXECUTIVE OFFICE, }
AUSTIN, Dec. 3rd, 1859. }

Gentlemen of the Senate

and House of Representatives :

I enclose herewith a letter of the State Geologist, communicating his report in conformity with the act under which he received his appointment.

H. R. RUNNELS.

Mr. Dale offered the following resolution :

Resolved, That the committee on Public Printing be instructed to have printed 500 copies of the report of the State Geologist for use of this House, and 500 copies of the same for use of the State Department.

On motion of Mr. Harrison of Van Zandt, referred to committee on State Affairs.

Mr. Duncan, by permission, introduced a bill to amend the 17th section of an act to incorporate the Indianola Railroad Company. Read first time and referred to committee on Internal Improvements.

On motion of Mr. Franklin the House adjourned till 10 o'clock, A. M., Monday, by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crawford, Clark, Culberson, Cumby, Davis of Hays, Dennis, Dougherty, Duncan, Epperson, Flewellen, Franklin, Foscue, Hall, Hartley, Haynes, Houghton, Lewis of Montgomery, Lynch, Mabry, Manly, Maverick, Maxey, McClarty, McKnight, Middleton, Mills, Munson, Owens, Parker, Redgate, Robinson, Ross, Smith, Speights, Taylor, Townes, Wælder, Walworth, Warfield and Wrede.—50.

NAYS—Messrs. Anderson, Baxter, Caddell, Dale, Darnell, Davis of Bastrop, Dickson, Edwards, Ellett, Francis, Harrison of Cherokee, Harrison of Van Zandt, Henderson, Henry, Hubert, Lewis of Robertson, McCutcheon, Mundine, Norton, Perry, Redwine, Shannon, Shelton, Short, Stewart, Waterhouse, Whitfield, Whitmore and Wortham.—29.

HOUSE OF REPRESENTATIVES, }
 Monday, Dec. 5th, 1859. }

House met pursuant to adjournment—roll called, quorum present. Journal of Saturday read and adopted.

On motion of Mr. Lynch the vote tabling the resolution to tender this Hall to the managers of the Inauguration Ball was reconsidered by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Branch, Bryan, Buckley, Camp, Craig, Crawford, Clark, Cumby, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Franklin, Haynes, Henderson, Hubbard, Hubert, Lewis of R., Lynch, Mabry, Manley, Maverick, Maxey, McCutcheon, Middleton, Munson, Navarro, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Smith, Speights, Taylor, Townes, Wælder, Walworth, Waterhouse and Whitfield—55.

NAYS—Messrs. Anderson, Bogart, Cadell, Crooks, Dale, Daniels, Francis, Foscue, Harrison of C., Harrison of V. Z., Houghton, Lewter, Martin, McClarty, McKnight, Mills, Mundine, Norton, Parker, Redwine, Ross, Shannon, Shelton, Short, Stewart, Warfield, Whitmore, Wortham and Wrede—29.

Mr. Norton proposed to amend by adding " Provided the carpets are not removed from the floor."

Mr. Franklin offered the following substitute :

Resolved, That the Speaker be authorized to grant permission to the managers of the Inauguration Ball to use the Representative Hall on that occasion, on condition that the carpet and furniture be replaced without delay, expense or injury.

Mr. Haynes moved the previous question which was seconded, and the House refused to order it.

Mr. Henderson moved to lay the substitute on the table. Lost by the following vote:

YEAS—Messrs. Barnard, Baxter, Benevides, Bryan, Buckley, Caddell, Crooks, Culberson, Cumby, Davis of H., Duncan, Epperson, Flewellen, Hartley, Haynes, Henderson, Henry, Hubbard, Hubert, Lewis of M., Lewis of R., Lynch, Mabry, Manley, Martin, Maverick, McCutcheon, Mills, Munson, Navarro, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Taylor, Townes, Wælder and Wrede—41.

NAYS—Speaker, Anderson, Armstrong, Barclay, Billingsley, Bogart, Branch, Craig, Crawford, Clark, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Dougherty, Edwards, Ellett, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Lewter, Maxey, McClarty, McKnight, Mundine,

Norton, Parker, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—47.

The substitute was adopted, and the resolution adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Cumby, Darnell, Davis of B., Dennis, Dickson, Dougherty, Edwards, Ellett, Epperson, Flewellen, Franklin, Hall, Hartley, Haynes, Hubbard, Hubert, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Maverick, Maxey, McCutchan, Middleton, Munson, Navarro, Nelson, Owens, Pirkey, Robinson, Smith, Speights, Taylor, Townes, Wælder, Walworth and Whitfield—51.

NAYS—Messrs. Armstrong, Barnard, Caddell, Camp, Crooks, Dale, Davis of H Francis, Fosue, Harrison of C, Harrison of V Z, Henderson, Henry, Houghton, Lewter, Martin, McClarty, McKnight, Mills, Mundine, Norton, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Stewart, Warfield, Waterhouse, Whitmore, Wortham and Wrede—35.

The appointed hour for the two Houses to meet in joint session to go into the election of United States Senator having arrived.

On motion the House took a recess of ten minutes to prepare for the reception of the Senate.

Recess expired—House called—quorum present.

On motion of Mr. Henderson a call of the House was ordered.

Absentees—Mr. Kinney.

Mr. McKnight moved to suspend call. Lost.

On motion of Mr. Wælder the regular morning business was suspended.

Mr. Barnard moved to adjourn till 10 o'clock to-morrow. Lost by the following vote :

YEAS—Messrs. Barnard, Epperson, McKnight and Townes—4.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Ellett, Flewellen, Francis, Franklin, Fosue, Hall, Harrison of C., Harrison of V. Z., Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey,

McClarty, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirky, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Speights, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham, Wrede, —78.

Mr. Kinney being announced the call was suspended.

The Hon. Senate appeared headed by the Hon. President, F. R. Lubbock, who was invited to a seat on the right of the Speaker, and the Senators to the seats prepared for them.

Rolls of both Houses called—quorum present.

Nominations on part of the Senate being in order, Senator Britton nominated Mr. Wigfall; Senator Grimes nominated Mr. Smyth; and Senator Throckmorton, Mr. Latimer.

On part of the House Mr. Craig nominated Mr. Wigfall; Mr. Taylor nominated Mr. Latimer; Mr. Lewis of M. nominated Mr. Smyth; Mr. Mabry nominated Mr. Ward; and Mr. Martin nominated Mr. Hill.

The joint session then proceeded to the 1st ballot, which was as follows:

FIRST BALLOT.

For Wigfall—Messrs. Speaker, Anderson, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Davis of B., Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of C., Hartley, Hubbard, Hubert, Kinney, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede—43.

For G. W. Smyth—Barnard, Benevides, Branch, Crawford Clark, Darnell, Duncan, Edwards, Houghton, Lewis of M., Maverick, Middleton, Mundine, Norton, Redgate, Robinson, Shannon, Smith, Speights and Whitfield—20.

For Ward—Camp, Francis, Lewter and Mabry—4.

For W. P. Hill—Baxter, Manly, McCutchan, Townes, Waterhouse and Whitmore—6.

For A. H. Latimer—Armstrong, Bogart, Davis of H., Ellett, Epperson, Henry, Manly, Navarro, Owens and Taylor—10.

For Robertson—Daniels, Dickson, Haynes, Henderson, Lewis of R., and McKnight—6.

Mr. Harrison of V. Z., voted for W. J. Sparks.

No one candidate having received a majority of all the votes cast, the joint session proceeded to a 2nd ballot as follows:

SECOND BALLOT.

For Wigfall—Mr. Speaker, Anderson, Barclay, Billingsley, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale,

Davis of B., Dennis, Dougherty, Flewellen, Franklin, Foscue Hall, Harrison of C., Hartley, Hubbard, Hubert, Kinney, Lynch, Maxey, McClarty, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Wortham and Wrede.—43.

For Smyth—Barnard, Branch, Crawford, Darnell, Duncan, Edwards, Lewis of Montgomery, Lewter, Manly, Middleton, Mundine, Redgate, Robinson, Smith, Speights, Townes and Whitfield.—17.

For Hill—Baxter, Clark, Martin, McCutchan, Waterhouse and Whitmore.—6.

For Roberts—Daniels, Dickson, Haynes, Henderson and McKnight.—5.

For Latimer—Armstrong, Benevides, Bogart, Camp, Davis of H., Ellet, Epperson, Henry, Lewis of R., Maverick, Navarro, Norton, Owens, Shannon and Taylor.—15.

For Ward—Francis, Houghton and Mabry.—3.

Mr. Harrison of Van Zandt voted for Mr. Jarvis.

Mr. Henderson moved that the joint session adjourn. Lost by the following vote:

YEAS—Messrs. Armstrong, Crawford, Clark, Darnell, Davis of H., Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Lewter, Mabry, Manly, Martin, McCutchan, McKnight, Middleton, Mundine, Owens, Redgate, Robinson, Shannon, Smith, Speights, Townes, Waterhouse, Whitfield—32.

NAYS—Messrs. Speaker, Anderson, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Culberson, Cumby, Dale, Daniels, Davis of B., Dennis, Dougherty, Flewellen, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Hubbard, Hubert, Kinney, Lynch, Maverick, Maxey, McClarty, Mills, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Taylor, Wælder, Walworth, Warfield, Whitmore, Wortham and Wrede—56.

On motion of Mr. Taylor a call of the House was ordered.

Upon calling the roll it appeared that a quorum was present and the call was suspended.

Mr. Henderson moved that the joint session adjourn till 10 o'clock to-morrow. Lost by the following vote:

YEAS—Messrs. Armstrong, Baxter, Benevides, Branch, Crawford, Camp, Clark, Darnell, Davis of H., Dickson, Duncan, Edwards, Ellett, Epperson, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Lewter, Mabry, Manly, Martin, Maverick, McCutchan

an, McKnight, Middleton, Mundine, Norton, Owens, Redgate, Robinson, Shannon, Smith, Speights, Taylor, Townes, Waterhouse, Whitfield and Whitmore—40.

NAYS—Messrs. Speaker, Anderson, Barclay, Barnard, Billingsley, Bogart, Bryan, Buckley, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Daniels, Davis of B., Dennis, Dougherty, Fleweller, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Houghton, Hubbard, Hubert, Kinney, Lynch, Maxey, McClarty, Mills, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, and Wrede—49.

Mr. Dickson moved a call of the House.

The Speaker declared the motion out of order.

Mr. Dickson appealed from the decision of the Chair and the Chair was sustained by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Barnard Billingsly Branch Bryan Buckley Caddell Craig Crawford Crooks Culberson Cumby Dale Daniels Davis of B Dennis Dougherty Fleweller Francis Franklin Foscue Hall Harrison of C Harrison of V Z Hubbard Hubert Lynch Mabry Maverick Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Ross Shelton Short Stewart Wælder Walworth Whitfield Wortham and Wrede—49.

NAYS—Messrs. Baxter Benevides Bogart Camp Clark Darnell Davis of H Dickson Duncan Edwards Henderson Lewis of M Lewis of R Lewter Manley Martin McCutcheon McKnight Middleton Mundine Navarro Norton Redgate Robertson Shannon Smith Speights Taylor Townes Warfield Waterhouse and Whitmore—32.

Mr. Mabry moved a reconsideration of the vote sustaining the decision of the Speaker.

On motion of Mr. Buckley the motion was laid on the table by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Billingsley Bogart Bryan Buckley Caddell Craig Crawford Crooks Culberson Cumby Dale Daniels Davis of B Dennis Dougherty Fleweller Francis Franklin Foscue Hall Harrison of C Harrison of V Z Hartley Hubbard Hubert Lynch Mabry Maxey McClarty Mills Munson Nelson Parker Pirkey Redwine Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wrede—50.

NAYS—Baxter Benevides Branch Camp Clark Darnell Davis of H Dickson Duncan Edwards Haynes Henderson Lewis of M Lewis of R Lewter Manley Martin Maverick McCutcheon Mc-

Knight Middleton Mundine Norton Redgate Robinson Shannon
Speights Taylor Townes Waterhouse Whitfield and Whitmore
—32.

Mr. Mabry moved to reconsider the vote tabling his motion to
reconsider the vote sustaining the Chair.

Speaker ruled motion out of order.

Mr. Mabry appealed from the decision.

The Chair was sustained by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Barnard Benevi-
des Billingsley Bogart Branch Bryan Buckley Caddell Craig
Crawford Crooks Culberson Cumby Dale Daniels Davis of B
Davis of H Dennis Dickson Dougherty Fleweller Francis Frank-
lin Foscué Hall Harrison of C Harrison of V Z Hartley Hender-
son Hubbard Hubert Lewis of M Lewter Lynch Mabry Maverick
Maxey McClarty Middleton Mills Munson Nelson Parker Perry
Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short
Smith Stewart Taylor Wælder Walworth Warfield Whitfield
and Wrede—53.

NAYS—Messrs. Baxter Clark Darnell Mabley Martin Mc-
Cutcheon McKnight Norton Speights Waterhouse and Whitmore
—11.

Mr. Martin moved to adjourn the joint session till 4 o'clock
A. M., to-morrow. Lost by the following vote:

YEAS—Messrs. Baxter Davis of H Epperson Henry Mabry
Manley Martin Norton and Owens—9.

NAYS—Messrs. Speaker Anderson Armstrong Barclay Barnard
Benevides Billingsley Bogart Branch Bryan Buckley Caddell
Camp Craig Crawford Crooks Culberson Cumby Dale Darnell
Daniels Davis of B Dennis Dickson Dougherty Fleweller Fran-
cis Franklin Foscué Hall Harrison of C Harrison of V Z Hartley
Hubbard Hubert Lewis of M Lewter Lynch Maverick Maxey
McClarty McCutcheon McKnight Mills Mundine Munson Nel-
son Parker Perry Pirkey Redgate Redwine Robinson Ross
Shannon Shelton Short Speights Stewart Taylor Wælder
Walworth Warfield Waterhouse Whitfield Whitmore and Wrede
—67.

Mr. Epperson moved to adjourn the joint session till 9 o'clock
A. M., to-morrow. Lost by the following vote:

YEAS—Messrs. Armstrong Baxter Camp Darnell Daniels
Davis of H Dickson Ellett Epperson Haynes Henry Kinney
Lewis of M Lewis of B Lewter Mabry Manley Martin McCut-
cheon Middleton Mundine Norton Owens Redgate Smith Speights
Waterhouse and Whitfield—28.

NAYS—Messrs. Speaker Anderson Barclay Benevides Bogart

Branch Bryan Buckley Caddell Craig Crawford Crooks Culber-
son Cumby Dale Davis of B. Dougherty Elwellen Francis
Franklin Foscue Hall Harrison of C. Hartley Hubbard Hubert
Lynch Maverick Maxey McClarty McKnight Mills Munson Nel-
son Parker Perry Pirkey Redwine Robinson Ross Shannon Shel-
ton Short Stewart Taylor Wælder Warfield Whitmore and
Wrede—49.

Mr. Haynes moved to adjourn the joint session *sine die*. Lost
by the following vote:

YEAS—Messrs. Dickson Epperson Haynes Lewter McCutcheon
Owens Pirkey and Waterhouse—8.

NAYS—Messrs. Anderson Armstrong Barclay Barnard Benevi-
des Billingsley Branch Bryan Buckley Caddell Camp Craig
Crawford Crooks Culberson Cumby Dale Darnell Daniels Davis
of B. Davis of H. Dennis Dougherty Francis Franklin Foscue
Hall Harrison of C. Hartley Houghton Hubbard Hubert Lewis of
M. Lewis of R. Lynch Martin Maverick Maxey McClarty
McKnight Middleton Mills Mundine Munson Nelson Norton
Parker Perry Redgate Redwine Robinson Ross Shannon Shelton
Short Smith Speights Stewart Taylor Wælder Walworth War-
field Whitfield Whitmore and Wrede—65.

Mr. Haynes moved that Joint Session adjourn till 11 o'clock
to-morrow. Lost by the following vote:

YEAS—Messrs. Armstrong Baxter Billingsley Branch
Camp Darnell Daniels Davis of H. Dickson Lewter Mabry
Manley Martin Maverick McCutcheon McKnight Middleton
Mundine Norton Redgate Shelton Waterhouse Whitfield
and Whitmore—24.

NAYS—Messrs. Anderson Barclay Barnard Benevides Bryan
Buckley Caddell Craig Crawford Crooks Culber on Cumby Dale
Davis of B. Dennis Dougherty Franklin Foscue Hall Harrison
of C. Hartley Houghton Hubbard Hubert Lewis of M. Lynch
Maxey McClarty Mills Munson Nelson Parker Perry Pirkey
Redwine Ross Shannon Short Stewart Taylor Wælder Walworth
Warfield and Wrede—44.

Mr. Mabry moved to adjourn till 12 o'clock, A.M., to-morrow.
Lost by the following vote:

YEAS—Messrs. Armstrong Baxter Camp Daniels Davis of H.
Dickson Lewis of M. Lewis of R. Maverick McKnight Middleton
Mundine Norton Redgate Speights Waterhouse Whitfield and
Whitmore—18.

NAYS—Messrs. Anderson Barclay Barnard Benevides Billings-
ley Branch Bryan Buckley Caddell Craig Crawford Culberson
Cumby Dale Davis of B. Dennis Dougherty Elwellen Francis

Franklin Foscue Hall Harrison of C. Hartley Houghton Hubbard Hubert Lewter Lynch Manley Martin Maxey Mills Munson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Stewart Taylor Wælder Walworth Warfield and Wrede—48.

[Speaker resumed the Chair.]

Mr. Martin moved to adjourn Joint Session till 9½ o'clock, A. M., to-morrow. Lost, by the following vote:

YEAS—Messrs. Baxter Benevides Camp Crawford Clark Darnell Daniels Davis of H. Dickson Duncan Ellett Epperson Haynes Henry Houghton Kinney Lewis of R. Manley Martin Maverick McCutcheon Middleton Mundine Norton Owens Redgate Robinson Speights Townes Waterhouse Whitfield and Whitmore—32.

NAYS—Messrs. Speaker Anderson Barclay Billingsley Bogart Branch Bryan Buckley Caddell Craig Crooks Culberson Cumby Dale Davis of B. Dennis Dougherty Edwards Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Hubbard Hubert Lewis of M. Lewter Lynch Maxey McClarty McKnight Mills Munson Nelson Parker Perry Pirkey Redwine Ross Shannon Shelton Short Stewart Wælder Walworth Warfield and Wortham—49.

Mr. Martin moved to adjourn Joint Session till 10 o'clock, A. M., Wednesday. Lost by the following vote:

YEAS—Messrs. Baxter Benevides Crawford Darnell Dickson Duncan Ellett Epperson Haynes Henry Lewis of R. Lewter Manly Maverick McCutcheon Middleton Mundine Navarro Norton Owens Redgate Smith Speights Waterhouse Whitfield and Whitmore—26.

NAYS—Messrs. Speaker Anderson Barclay Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Edwards Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Hubbard Lewis of M. Lynch Martin Maxey McClarty McKnight Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shannon Shelton Short Stewart Taylor Wælder Walworth Warfield Wortham and Wrede—57.

Mr. Martin moved to reconsider the vote refusing to adjourn till 10 o'clock Wednesday.

The Speaker ruled the motion out of order.

Mr. Henderson appealed from the decision.

The Chair was sustained by the following vote:

YEAS—Messrs. Anderson Armstrong Barclay Billingsley Bogart Bryan Buckley Caddell Craig Crooks Culberson Cumby

Dale Daniels Davis of B. Dennis Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Hubbard Hubert Kinney Lynch Maxey McClarty Mills Munson Parker Perry Pirkey Redwine Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wrede—46.

NAYS—Messrs. Baxter Benevides Branch Camp Crawford Darnell Davis of H. Dickson Duncan Ellett Epperson Haynes Henderson Henry Houghton Lewis of M. Lewis of R. Lewter Mabry Manly Martin Maverick McCutcheon McKnight Middleton Mundine Munson Norton Owens Redgate Robinson Shannon Smith Speights Taylor Townes Waterhouse Whitfield and Whitmore—39.

Mr. Martin moved to adjourn till 11 o'clock Wednesday morning.

The Speaker ruled the motion out of order.

Mr. Martin appealed from the decision.

The Chair was sustained by the following vote :

YEAS—Messrs. Anderson Barclay Billingsley Bogart Bryan Buckley Caddell Camp Craig Crooks Culberson Cumby Dale Davis of B. Dennis Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Hubbard Hubert Lynch Mabry Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wrede—48.

NAYS—Messrs. Baxter Benevides Branch Crawford Clark Davis of H. Dickson Edwards Henderson Lewis of R. Manly Martin McKnight Middleton Norton Shannon Taylor Waterhouse and Whitmore—20.

Mr. Mabry moved to reconsider the vote sustaining the Speaker.

On motion of Mr. Dougherty the motion was tabled by the following vote :

YEAS—Messrs. Speaker Anderson Barclay Billingsley Bogart Bryan Buckley Caddell Craig Crawford Crooks Culberson Cumby Dale Daniels Davis of B. Dennis Dougherty Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Houghton Hubbard Hubert Lewter Lynch Manly Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Smith Stewart Wælder Walworth Warfield Wortham and Wrede—52.

NAYS—Messrs. Davis of H. McKnight Middleton Norton Shannon Speights Waterhouse and Whitmore—9.

The Joint Session then proceeded to the 3d ballot. (Result below.)

For Wigfall—Messrs. Speaker Anderson Barclay Billingsley Bryan Buckley Caddell Craig Crooks Culberson Cumby Dale Davis of Bastrop Dennis Dougherty Flewellin Franklin Foscue Hall Harrison of Cherokee Hartley Hubbard Hubert Lynch Maxey McClarty Mills Munson Nelson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Stewart Wælder Walworth Warfield Wortham and Wiede—43.

For Roberts—Daniels Dickson Henderson Lewter McKnight Mundine Redgate and Townes—8.

For Latimer—Armstrong Benevides Bogart Camp Clark Darnell Davis of H. Edwards Gillett Lipperson Francis Haynes Henry Lewis of M. Lewis of R. Maverick Navarro Norton Owens Shannon and Taylor—21.

For Smyth.—Branch Crawford Duncan McCutcheon Middleton Smith Speights Waterhouse and Whitfield—9.

For Hill.—Baxter Manley Martin and Whitmore—4.

Mr. Mabry voted for Mr. Ward.

Mr. Harrison of Van Zandt voted for Mr. Graham.

Mr. Wigfall having received a majority of all the votes cast, was declared by the Speaker duly and constitutionally elected Senator from the State of Texas.

Senate retired.

On motion the House adjourned till 10 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Tuesday, Dec. 6th, 1859. }

House met pursuant to adjournment. Roll called—quorum present.

On motion of Mr. Foscue, the reading of the yeas and nays in the journal of yesterday was dispensed with, the remainder of the journal were read and the journal adopted.

Mr. Lynch by permission, changed his votes on an appeal from the decision of the Chair.

Mr. Whitmore gave notice that he with others, would make a protest against the election of Louis T. Wigfall, to the U. S. Senate.

A message was received from the Governor.

The hour having arrived the special order of the day, to-wit: a bill to validate headright certificates issued by the district and supreme courts, was taken up, read and referred to the committee on the Judiciary.

Mr. Lewter presented the petition of D. P. Fowler. Referred to committee on Slaves and Slavery.

Mr. Franklin presented the petition of Thomas Barrett and Thomas Norris. Referred to committee on Private Land Claims.

Mr. Barnard presented the petition of the heirs of Cleland K. Simmons. Referred to committee on Private Land Claims. Also presented the petition of the heirs of Gustavus Bunson. Referred to committee on Private Land Claims.

Mr. Davis of Hays, presented the petition of the grand jury of Hays county. Referred to committee on Slaves and Slavery.

Mr. Harrison of Van Zandt, presented the petition of Adam Sullivan. Referred to committee on Roads, Bridges and Ferries.

Mr. Franklin presented the petition of the heirs of Henry Hastie. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of James Christian. Referred to committee on Private Land Claims. Also presented petition of H. D. Bohamson. Referred to committee on Private Land Claims.

Mr. Taylor presented the petition of the heirs of Wm. Conklin. Referred to committee on Private Land Claims.

Mr. Perry presented the petition of the chief justice and city commissioners of Falls county. Referred to committee on Finance.

On motion of Mr. Buckley, the rule was suspended and the bill to regulate factors and warehousemen, taken up.

Mr. Buckley proposed the following amendments:

Section 1st, in 7th line between the words "forfeiture" and "of" insert "to the owner or owners."

Section 2nd, line 6, strike out "penalty" and insert "forfeiture to the owner or owners."

Section 3rd, in 4th line between "dollars and" insert "that" in line 6th strike out "or" between "them" and "weighed" and insert "to be," in same line strike out "by him or them."

Section 4th, line 4th, insert between "forfeit" and "one" the words "to the owner."

Section 7th, line 3rd, strike out "pay" and insert "be liable to."

Mr. Mills moved to refer the bill and amendments to committee on Judiciary. Lost.

Mr. Nelson moved to adjourn till 10 o'clock A. M., to-morrow. Lost by the following vote:

YEAS.—Messrs. Armstrong, Barnard, Baxter, Branch, Buckley, Craig, Clark, Davis of H., Dennis, Dickson, Dougherty,

Flewellen, Franklin, Hall, Houghton, Manly, McClarty, McCutcheon, Mills, Navarro, Nelson, Robinson, Taylor, Wælder, Walworth, Warfield, Waterhouse and Wortham.—28.

YAYS.—Messrs. Speaker, Anderson, Barclay, Caddell, Camp, Crawford, Crooks, Culberson, Cumby, Darnell, Daniels, Duncan, Edwards, Francis, Foscue, Harrison of Van Zandt, Hartley, Hubbard, Lewis of Robertson; Lewter, Lynch, Mabry, Martin, Maverick, McKnight, Middleton, Mundine, Munson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Stewart, Townes, Whitmore and Wrede.—43.

Mr. Mills moved that the bill and amendments be postponed till and made the special order of the day, Thursday, 11 o'clock.

Mr. Norton moved a call of the House. Lost.

Mr. Wælder moved to adjourn till 10 o'clock to-morrow. Carried by the following vote:

YAYS.—Messrs. Armstrong, Barclay, Barnard, Baxter, Branch, Buckley, Camp, Craig, Crooks, Clark, Culberson, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Flewellen, Franklin, Hall, Hartley, Henry, Houghton, Lynch, Manly, Martin, McCutcheon, Middleton, Mills, Munson, Navarro, Nelson, Parker, Redwine, Robinson, Shelton, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Wortham.—43.

NAYS.—Messrs. Speaker, Anderson, Caddell, Crawford, Dale, Darnell, Edwards, Francis, Foscue, Harrison of Van Zandt, Haynes, Hubbard, Lewis of Robertson, Lewter, Mabry, Maverick, McClarty, McKnight, Mundine, Norton, Owens, Perry, Redgate, Ross, Shannon, Smith, Speights, Whitmore and Wrede.—30.

Pending the bill.

HOUSE OF REPRESENTATIVES, }
WEDNESDAY, December 7th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Camp presented the remonstrance of sundry citizens of Atascosa county. Referred to committee on Counties and County Boundaries.

Mr. Warfield presented the petition of the citizens of Montague county. Referred to committee on State Affairs.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the following bills :

A bill to repeal the act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill for the relief of Mary Elam.

A bill to amend the act incorporating the city of San Antonio, approved July 17th, 1856.

A bill to regulate public sales in the county of Bastrop.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of James Holman, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of Daniel Hopkiss, and recommended its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of Harry Martin.

Mr. Stewart, chairman of committee on Finance, reported a bill to authorize the county court of Karnes county to levy and collect a special tax, and recommended its passage. Bill read first time.

Also, reported, recommending the passage of a bill making an appropriation of money to pay for proclamations of the Governor.

Also, reported, recommending the passage of the Senate bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bourland and John Henry Brown; also, for the pay of the Commissioners sent by the Governor to the Indians.

Also, reported, recommending the indefinite postponement of the bill supplementary to an act to regulate the public printing.

Also, reported, recommending the rejection of the petition of the citizens of Erath county.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported, asking to be relieved from further consideration of the petition of Latchlin T. Dews.

Also, reported, asking to be discharged from further consideration of the petition of Gilbert Winne.

Mr. Foscue, one of the committee on State Affairs, reported a joint resolution providing for the final interment of the remains of the late Hon. J. P. Henderson, and recommended its passage. Joint resolution read first time.

Mr. Walworth, one of the committee on Private Land Claims, reported a substitute for the Senate's bill for the relief of John Ricord, and recommended its passage.

Also, reported a bill for the relief of Dennis and Richard Mead, and recommended its passage. Bill read first time.

Mr. Ross, chairman, on part of the House, of the Joint select committee on the Revenue laws, reported, asking that the bill to authorize counties and towns to levy a tax for Railroad purposes be referred to committee on Internal Improvements.

Mr. Buckley, chairman of the committee on the Judiciary, reported, recommending the passage of the Senate's bill to validate headright certificates issued by the supreme and district courts, and to authorize the issuance of patents thereon.

Also, reported a substitute for the bill supplemental to the general act regulating proceedings in the district courts, and recommended its passage.

Also, reported back to the House, the House's bill to amend the 2nd section of the act to regulate the license and practice of Attorneys and Counsellors at law, approved May 12th, 1846, and the Senate's bill to amend the 4th section of the act of May 12th, 1846, to regulate the license and practice of Attorneys and Counsellors at law, and recommended the passage of the Senate's bill with the amendments by the committee.

AMENDMENTS.

Amend the title by adding at the end thereof "and to amend the 2nd section of the act of February 11th, 1854, entitled." Insert an additional section to be section No. 2. In section 2nd strike out "2" and insert "3."

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of Mary Elam, and recommended its passage. Bill read first time.

Also, reported, asking that the petition of Swenson & Swisher be referred to committee on Court of Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported a substitute for the bill for the relief of the heirs of E. Humphries, dec'd, and recommended its passage.

Mr. Bryan, one of the committee on Private Land Claims, reported, asking that the bill for the relief of J. B. & D. R. Wortham be referred to committee on the Judiciary.

Mr. Lewis of Montgomery, chairman of committee on Agriculture, reported a bill to authorize the formation of county and town agricultural societies, and recommended its passage. Bill read first time.

[Mr. Redwine in the Chair.]

On motion of Mr. Mills 200 copies of the report and bill were ordered to be printed.

[Speaker resumed the Chair.]

Mr. Lewis of Montgomery, also reported, asking to be relieved from further consideration of the petition of the citizens of

Fayette county as he had just reported a bill of a general character to the House.

Mr. Whitmore introduced a bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall. Bill read first time.

Mr. Whitmore moved to suspend the rule and place the bill on its second reading. Lost.

Mr. Barnard introduced a bill to amend the act incorporating Paine Female Institute, passed Aug. 6th, 1856. Read first time and referred to committee on Education.

Mr. Stewart introduced a joint resolution to authorize the Comptroller to contract for the printing of 500 copies of the new Abstract of titled lands. Joint resolution read first time.

Mr. Stewart moved to suspend the rule and place the resolution on second reading. Lost.

Mr. Dickson introduced a bill to authorize the issuance of patents on certain certificates therein named. Bill read first time.

Mr. Navarro introduced a bill to ascertain the legal claims for land against the State. Read first time and referred to committee on the Judiciary.

A message was received from the Senate informing the House that the Senate had passed a bill to provide payment for printing the proclamations of the Governor, and a bill to provide for patenting headright certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates.

Mr. Crooks introduced a bill to incorporate Colfax Lodge No. 36. I. O. O. F. at Clarksville. Read first time and referred to committee on State Affairs.

Mr. Harrison of Cherokee, introduced a bill for the relief of the heirs of James Boulter, dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Dale introduced a bill relative to nuisances. Read first time and on motion of Mr. Dougherty rejected.

Mr. Epperson introduced a bill supplemental to the act regulating public printing, approved Nov. 22nd, 1859. Read first time and referred to committee on Printing.

On motion of Mr. Shelton, Mr. Lewter was added to committee on Education.

On motion of Mr. Lewis of Montgomery, Mr. Townes was added to committee on Education.

On motion of Mr. Mabry, Mr. Hubert was added to committee on Public Buildings and Grounds.

On motion of Mr. Norton, Mr. Navarro was added to committee on Roads, Bridges and Ferries.

ORDERS OF THE DAY.

The bill to regulate factors and warehousemen together with the proposed amendments was taken up and read second time, and the amendments adopted.

Mr. Buckley proposed to amend as follows :

In section 6th, 2nd line, strike out "balance" and insert "beam." Adopted.

In section 7th, 4th line, after the word "strange" insert the word "to." Adopted.

Mr. Henderson proposed to amend by adding at the end of the 9th section "and give a receipt to the owner showing the exact condition of the cotton, sugar or other produce weighed by them." Adopted.

[Mr. Taylor of Fannin, in the Chair.]

Mr. Henderson also proposed to amend by adding to 7th section : "Provided no warehouseman shall be compelled to store cotton received by them until it is perfectly dry." Rejected by the following vote :

YEAS—Messrs. Armstrong, Branch, Bryan, Crawford, Culberson, Daniels, Dickson, Duncan, Franklin, Hartley, Haynes, Henderson, Lynch, Mabry, Manly, Maverick, Middleton, Norton, Perry, Shelton, Townes and Whitfield.—22.

NAYS—Messrs. Anderson, Barclay, Baxter, Benevides, Billingsley, Buckley, Caddell, Camp, Craig, Clark, Cumby, Dale, Darnell, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Edwards, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Houghton, Lewis of Montgomery, Lewis of Robertson, Lewter, Martin, Maxey, McCutcheon, McKnight, Mills, Mundine, Munson, Navarro, Nelson, Parker, Redgate, Redwine, Ross, Speights, Stewart, Taylor, Wælder, Warfield, Waterhouse, Whitmore and Wrede.—Nays 50.

Mr. Davis of Hays, proposed to amend by inserting an additional section.

Mr. Martin moved to re-commit the bill and amendments to the committee on Agriculture, which on motion of Mr. Nelson was laid on the table, and Mr. Davis' of Hays, amendment adopted.

Mr. Townes proposed to amend 4th line of section 7, by inserting after the word "storage" the word "double."

[Speaker resumed the Chair.]

Mr. Lewis of Robertson, moved the previous question.

Mr. Henderson moved a call of the House. Lost.

The motion for the previous question being seconded, it was ordered by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Baxter, Billingsley, Bogart, Bryan, Buckley, Caddell, Camp, Crawford, Crooks, Clark, Cumby, Dale, Davis of Bastrop, Davis of Hays, Dickson, Edwards, Flewellen, Francis, Harrison of Cherokee, Harrison of Van Zandt, Hubbard, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Maxey, McCutcheon, Mills, Mundine, Munson, Nelson, Parker, Redgate, Redwine, Robinson, Ross, Short, Speights, Wælder, Warfield, Whitfield and Wrede.
—Yeas 45.

NAYS—Messrs. Speaker, Barclay, Branch, Craig, Daniels, Dougherty, Franklin, Foscue, Hall, Hartley, Henderson, Houghton, Manly, Martin, Maverick, McKnight, Middleton, Norton, Perry, Shannon, Shelton, Stewart, Taylor, Townes, Walworth, Waterhouse, Whitmore and Wortham.

The main question being whether or not the bill shall be engrossed the same was put and the bill ordered to be engrossed.

The following communication from the Governor was taken from the Speaker's table, read and referred to the committee on Internal Improvements :

EXECUTIVE OFFICE, }
AUSTIN, Dec. 6th, 1859. }

Gentlemen of the Senate

and House of Representatives :

I feel constrained by a sense of duty, to bring to your attention the present unfortunate condition of the Houston and Brazoria Tap Railroad. During the Spring of A. D. 1858, some controversy arose as to the right of the Company to a loan from the State, under the provisions of the act authorizing the investment of the School fund. On the 10th of April, James Willie, Esq., Attorney General and ex-officio, one of the Board of School Commissioners, gave his written opinion to E. W. Taylor, Vice President of the company, declaring the right of the company to the loan under the law. That opinion was submitted to the Board and endorsed by Mr. James B. Shaw, the Comptroller, and myself, on the 18th of May following. A copy of both the opinion of the Attorney General and action of the Board is herewith submitted. Upon the faith of this action, large liabilities were contracted abroad in the procurement of iron and necessary material for the completion of the road, which could not have been obtained in any other manner, and which without receiving the anticipated aid from the State, the com-

pany has no possible means at its command to liquidate. Subsequently to the completion of the first section of 25 miles of road and after the inauguration of the new Board of Commissioners the company applied for a loan of \$150,000 to which its managers believed it entitled under the law and assurance of the former Board. Mr. Johns, the Comptroller, dissented from the opinion of the former Board, but the majority consisting of Mr. Attorney General Graham and myself addressed our warrant to the Treasurer for the amount claimed, which, for reasons no doubt satisfactory to himself, he refused to pay. Suit for a mandamus was brought which having been decided against the company was appealed to the supreme court and the judgment of the court below affirmed, but from the best information I have been able to obtain not upon points of law calculated to invalidate the right of the company in question. It is in this state of the case that I have felt it my duty to bring the subject to your attention and ask that relief which it is in the power of the Legislature only to grant. The failure to obtain the loan will terminate not only in disaster and ruin to the enterprise, but must prove highly injurious to those who have involved their private fortunes in its success, and it is much to be feared may compromise the reputation of the State, in faith of which the company were enabled to enter into engagements with creditors which it is now anxiously desired punctually to fulfil. From the satisfactory manner in which the affairs of the company have been managed, the superior character of the work as reported by the State Engineer, and the cheapness of its construction, having cost less by near one-half than any other similar improvement in the State, the highest considerations are presented to the liberality and justness of the Legislature for that assistance and relief to which they are earnestly believed to be entitled.

(Signed,)

H. R. RUNNELS.

Mr. Flewelen made a personal explanation.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }

Thursday, Dec. 8th, 1859. }

House met pursuant to adjournment. Roll called—quorum present—journal of yesterday read and adopted.

Mr. Maverick presented the five several petitions of the citi-

zens of Gonzales, Guadalupe, Bexar and Karnes counties, Referred to committee on County and County Boundaries.

Mr. Warfield presented the petition of the citizens of Montague county. Referred to committee on County and County Boundaries.

Mr. Buckley, chairman of committee on Judiciary, reported a bill to amend article 608, and repeal articles 574 and 610 of the Penal Code, and recommended its passage. Bill read first time. Also reported recommending the passage of the bill to amend the 7th section of the act regulating weights and measures, article 2114, Oldham & Whites Digest, with amendments by committee:

Amend by adding "Provided that this section shall apply to all millers and distillers and dealers in merchandise, groceries and provisions, and to all others except where the latter give notice to the buyers that his weights and measures have not been tested and sealed."

Mr. Foscue, one of the committee on State Affairs, reported a substitute for the joint resolution to amend the Constitution, and recommended its passage.

Mr. Townes, one of the committee on the Judiciary, reported recommending the indefinite postponement of the several bills hereinafter named, to-wit:

A bill to amend an act passed January 10th, 1850.

A bill to define the duties of grand juries and district attorneys, and a bill to amend an act entitled an act to authorize the cancellation of patents in certain cases, passed February 3d, 1854.

Mr. Lewter, one of the committee on Private Land Claims, reported asking to be relieved from further consideration of the bill for the relief of heirs of Jno. Bailey, deceased.

Mr. Ross, one of the committee on State Affairs, reported recommending the passage of the bill to amend the 6th section of an act to incorporate the town of Henderson, approved February 12th, 1852.

Mr. Mabry, chairman of committee on Enrolled Bills reported correctly enrolled and properly signed a bill supplementary to the act appropriating \$110,000 or so much thereof as may be necessary, for the mileage and per diem pay of the members and per diem pay of the officers of the 8th Legislature. And a bill for the relief of Geo. W. Goodwin. Report accepted.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to relieve Jackson L. Leonard from the disability of minority, and permit him to practice law.

Also a bill to repeal the 12th section of an act to regulate Railroad companies, approved February 7th, 1859. Bill accepted.

Mr. Daniels, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of Thomas J. Smith of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

Mr. Cumby, chairman of committee on the Land Office, reported recommending the passage of the bill to authorize the Secretary of State to purchase a certain number of Burlage & Hollingsworth's Abstract of valid land certificates.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of J. C. P. Kennymore, and recommended its passage. Bill read first time. Also reported a substitute for the bill for the relief of Thomas S. McFarland, and recommended its passage.

Mr. Robinson, one of the committee on Private Land Claims, reported, asking to be relieved from further consideration of the petition of Sarah Miles.

Mr. Stewart, one of the committee on the Judiciary, reported, recommending the passage of the bill to authorize the county court of Collin county to levy a special tax to erect a court house therein.

Mr. Dennis, chairman of committee on State Affairs, reported, asking to be relieved from further consideration of the bill to suppress ten pin alleys and pistol galleries in Titus county. Also, recommending the indefinite postponement of the bill, supplemental to the act incorporating the Beneficiary Association of San Antonio. Also reported, recommending the passage of the bill amendatory of and supplementary to the act to incorporate the city of New Braunfels, passed 11th May, 1846.

A message was received from the Senate informing the House that the Senate had passed a bill to incorporate the Air Line Railroad Company. Also a bill to provide for the special election of a Senator in the eighth Senatorial district, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of the Hon. L. T. Wigfall.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the passage of the bill to incorporate the Factors Cotton Press Company. Also reported a substitute for the bill to amend article 409, of Oldham & White's Digest, and recommended its passage.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of James P. Plummer.

Mr. Dougherty, chairman of committee on Stock and Stock Raising; reported a bill to regulate estrays, and recommended its passage. Bill read first time.

On motion of Mr. Parker, 200 copies of the bill were ordered to be printed.

Mr. Buckley introduced a bill for the relief of T. A. Whitaker. Read first time and referred to committee on Court of Claims.

Mr. Barnard introduced a bill to incorporate Karnes county College. Read first time and referred to committee on Education.

Mr. Ellett introduced a bill to sectionize and settle the lands in the Indian reservations on the Brazos, and Clear Fork of the Brazos River. Read first time and referred to committee on Public Lands.

Mr. Taylor introduced a bill to prevent white persons from playing at cards, or other games with slaves. Read first time and referred to committee on Slaves and Slavery.

Mr. Henderson offered the following resolution:

Resolved That it shall be the duty of the Engrossing clerk to receive from the Chief clerk each day, all bills ordered to be engrossed by the House, and to engross the same in the order in which they may have passed the House. Adopted.

Mr. Mills introduced a bill for the relief of the heirs of Jesse Simmons or their assigns. Read first time and referred to committee on Private Land Claims.

Mr. Caddell, chairman of committee on the Penitentiary; by permission, reported asking that the petition of A. G. Nolan be referred to committee on Claims and Accounts.

Mr. Bryan introduced a bill to validate bounty land certificates issued to Lefroy Gedrie for 320 acres of land. Read first time and referred to committee on Private Land Claims.

Mr. Navarro introduced a bill for the relief of J. Ignacio Cordova. Read first time and referred to committee on Private Land Claims.

Mr. Foscue introduced a bill to regulate railroads, approved January 30th, 1854. Read first time and referred to committee on Internal Improvements.

Mr. Anderson offered the following resolution

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of such change in our probate laws as to have elected one Probate Judge for every Judicial District in this State, to be Judge of Probate Court and to have an annual salary, and have jurisdiction of all matters appertaining

to the estates of deceased persons, minors &c., and to hold his courts once every four months in each county in his district, and in place of fees of office to the Judge, let such fees go into the Treasury, so that the system would not be a charge upon the Treasury. And that the present probate laws be so altered as to conform with the new system, with such changes as might suggest themselves to the committee. Adopted.

Mr. Dickson offered the following resolution :

Resolved That the committee on Education, be instructed to report to the House at an early day, the bill now before them providing for the repeal of the law establishing a State University. Adopted.

Mr. Henderson introduced a bill for the relief of William Phelps. Read first time and referred to committee on Private Land Claims.

Mr. Flewellen introduced a bill to amend an act entitled an act to appropriate the sum of \$300,000 for the improvement of the navigation of the navigable waters of Texas, passed August 1st, 1856. Read first time and referred to committee on Internal Improvements.

Mr. Anderson introduced a bill to prevent herders of stock from trespassing on the lands of other persons. Read first time and referred to committee on Stock and Stock Raising.

Mr. Davis of Hays introduced a bill supplementary to the act to regulate Estrays. Read first time and referred to committee on Stock and Stock Raising.

Mr. Hartly introduced a bill to declare valid the bounty warrant of A. S. Thurston. Read first time and referred to committee on Private Land Claims.

ORDERS OF THE DAY.

On motion of Mr. Stewart, the rule was suspended and the joint resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled land, taken up and read second time.

Mr. Taylor moved that the resolution be referred to committee on State Affairs. Lost, and the joint resolution ordered to be engrossed.

On motion of Mr. Flewellen, the rule was suspended, and the bill to legitimate Donaceana Thomas, late Donaceana Howland-together with substitute and report from committee on Judiciary, taken up, read second time, the substitute adopted and ordered to be engrossed.

On motion of Mr. Mills, the rule was suspended and the bill to raise the revenue by direct taxation, together with report from

Joint Select committee, taken up and on motion of Mr. Hubbard made the special order of the day for Monday 11 o'clock, next.

Mr. Hartley introduced a bill to declare valid the head-right certificate of P. Brewster—read first time and referred to committee on Private Land Claims.

Mr. Harrison, of Van Zandt, by request, was permitted to withdraw from the orders of the day the report of the committee on Private Land Claims and the evidence in the case of Gilbert Winne.

Mr. Billingsley, by request, was permitted to withdraw the report of the committee on Private Land Claims and papers in the case of Thomas G. Dunn.

The Senate's bill for patenting head-right certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, taken up.

On motion of Mr Hubbard, the rule was suspended and the bill read second time.

[Mr. McKnight in the Chair.]

Mr. Nelson proposed to amend by adding: "Provided no legal rights which may have heretofore arisen, adverse to said certificates and claims, shall by this act, be changed or invalidated."

On motion of Mr. Culberson, laid on the table by the following vote:

YEAS—Messrs. Speaker, Armstrong, Barclay, Baxter, Billingsley, Branch, Caddell, Craig, Crawford, Culberson, Cumby, Dale, Daniels, Davis of Bastrop, Dickson, Dougherty, Duncan, Epperson, Flewellen, Francis, Foscue, Hall, Harrison, of Cherokee, Harrison of Van Zandt, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Lynch, Maxey, Middleton, Mills, Parker, Perry, Redgate, Redwine, Ross, Shelton, Short, Speights, Townes, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—49.

NAYS—Messrs. Barnard, Bogart, Bryan, Buckley, Camp, Crooks, Darnell, Davis of Hays, Eliett, Hubert, Mabry, Maverick, McCutchan, McKnight, Mundine, Navarro, Norton, Owens, Stewart, Taylor and Wrede—21.

Mr. Henderson proposed to amend by adding, after the words, "genuine head-right certificates," the words, "or genuine Toby & Bryan scrip."

Mr Ellett moved to refer the bill and amendments to the committee on Court of Claims. Lost.

Mr. Barnard proposed to amend the amendment by adding, "and all genuine certificates of any District or Supreme Court of this State establishing head-rights, but should any fraudulent certificate for land, by accident, inadvertence or design be perfected into patent under this act, said patent shall be void and no title shall vest."

Mr. Davis, of Hays, moved the previous question. Lost.

On motion of Mr. Henderson—Mr. Barnard's amendment to the amendment was laid on the table, and the amendment adopted.

On motion of Mr. Henderson, Mr. Barnard's amendment was taken up and adopted.

Mr. Henderson proposed to amend by adding in 3rd Section after the word "claims," the words, "and the Commissioner of the General Land Office, shall in all cases be the judge of the genuineness of all claims under the provisions of this act.

Mr. Taylor moved to refer the bill to the committee on Judiciary. Lost, by the following vote :

YEAS—Messrs. Barnard, Baxter, Benevides, Bogart, Buckley, Camp, Crooks, Clark, Culberson, Davis of Bastrop, Davis of Hays, Dennis, Dougherty, Edwards, Eillett, Flewellen, Hall, Harrison, of Van Zandt, Haynes, Henry, Hubert, Lewis of Montgomery, Lewis of Robertson, Lynch, Manly, Maverick, McCutchan, McKnight, Mundine, Munson, Navarro, Nelson, Norton, Pirkey, Sheights, Stewart, Taylor, Wælder, Waterhouse, Whitmore, and Worthan—41.

NAYS—Messrs. Speaker, Anderson, Armstrong, Billingsley, Branch, Bryan, Caddell, Craig, Crawford, Cumby, Dale, Darnell, Daniels, Dickson, Duncan, Epperson, Francis, Franklin, Foscue, Harrison of Cherokee, Hartley, Henderson, Hubbard, Lewter, Mabry, Maxey, McClarty, Middleton, Mills, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Townes, Warfield, Whitfield and Wrede—42.

[Speaker resumed the Chair.]

On motion of Mr. Dickson the previous question was ordered. Which being, shall the bill pass to a third reading, the same was put and carried by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Billingsley, Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Epperson, Franklin, Francis, Foscue, Harrison of Cherokee, Harrison, of Van Zandt, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Robertson, Lewter, Mabry, Maverick, Maxey,

McClarty, Middleton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Speights, Stewart, Taylor, Townes, Walworth, Warfield, Whitfield and Wrede—60.

YAYS—Messrs. Baxter, Bogart, Buck'ey, Culberson, Davis of Bastrop, Edwards, Ellett, Flewellen, Lewis of Montgomery, Lynch, Manley, McCutchan, McKnight, Mundine, Munson, Nelson, Norton, Pirkey, Wælder, Waterhouse, Whitmore, and Wortham—22.

Mr. Nelson moved to adjourn till 10 o'clock A. M. to-morrow. Lost. Mr Taylor moved to reconsider the vote passing the bill to a third reading. Mr. Baxter moved a call of the House. Lost, and the motion to reconsider lost by the following vote :

YEAS—Messrs. Baxter, Bogart, Buckley, Camp, Davis, of Bastrop, Eilett, Flewellen, Maverick, McCutchan, McKnight, Mundine, Navarro, Nelson, Norton, Pirkey, Taylor, Wælder, Waterhouse, Whitmore and Wortham—20.

NAYS—Messrs. Speaker, Anderson, Arnström, Barclay, Barnard, Benevides, Billingsley, Branch, Bryan, Caddell, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Edwards, Epperson, Francis, Foscue, Harrison of Cherokee, Hartley, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Montgomery, Lewis of Robertson, Lewter, Lynch, Mabry, Manly, Maxey, McClarty, Middleton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Speights, Stewart, Townes, Walworth, Warfield, Whitmore and Wrede—61.

On motion, the House adjourned till 10 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
FRIDAY, Dec. 9th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Franklin presented the petition of Thos. Ellis. Referred to committee on Private Land Claims.

Mr. Nelson presented the petition of the citizens of Lampasas. Referred to committee on Finance.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to regulate factors and warehousemen. Report accepted.

Mr. McKnight, one of the committee on Education, reported, recommending the passage of the bill to amend the act incorporating Paine's Female Institute, passed Aug. 6th, 1856.

Mr. Dickson, chairman of committee on Public Debt, reported, asking to be relieved from further consideration of the petition of Ashley H. Dodd.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the Senate's bill for the relief of Lewis David.

Mr. Foscue, chairman of committee on Internal Improvements, reported the following resolution and recommended its adoption :

Resolved, That the committee on Printing have printed 300 copies of the special report of the State Engineer upon the Pacific Railroad, for the use of the House of Representatives, provided said printing is done under the law on the subject of printing passed at the present session of Legislature. Resolution adopted.

Also, reported, recommending the rejection of the resolution instructing the Internal Improvement committee to enquire into the expediency of loaning to railroad companies certain funds.

Also, reported, recommending the rejection of the bill to amend section 1683 of Oldham & White's Digest.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the rejection of the petitions of Manuel Farias, Juan Longoria, Zenobio Longoria, Marjil Garcia and Antonio Garcia Vela.

Mr. Caddell, chairman of committee on Penitentiary, reported a bill to make appropriations for the support of the State Penitentiary, and recommended its passage. Bill read first time.

Mr. Navarro, one of the committee on Education, reported, recommending the passage of the bill to revise the act to incorporate the La Grange Collegiate Institute, and to change the name of the same to Ewing College.

Mr. Buckley, chairman of committee on the Judiciary, reported, recommending the indefinite postponement of the joint resolution to change the Constitution as to banking.

Mr. Darnell gave notice that he with others would submit a minority report on the same subject.

Mr. Townes, one of the committee on the Judiciary, reported a bill to amend sections 3rd and 11th of the act to organize county courts, passed March 16th, 1848, and recommended its passage. Bill read first time.

Mr. Branch, one of the committee on Education, reported, recommending the passage of the bill to incorporate the "Lexington Male and Female Academy."

Mr. Manley, one of the committee on Engrossed Bills, reported correctly engrossed the bill to incorporate the Hebrew Congregation, in the city of Houston. Report accepted.

Mr. McClarty, one of the committee on Printing, reported, recommending the passage of the bill authorizing and requiring the advertisement of sheriffs and administrator's sales and regulating the prices of the same.

Also, as chairman of committee on Judicial Districts, reported, recommending the passage of the bill to change the time of holding the courts in the 6th judicial district.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to relinquish nine-tenths of State tax of the county of Navarro to said county, with the amendments by committee :

Amend by striking out the words "years 1859 and 1860" wherever it occurs and insert "year 1859."

Mr. Walworth, one of the committee on Private Land Claims, reported a bill for the relief of Jose Ma. Gonzales, and recommended its passage.

Mr. Dougherty, one of the committee on the Judiciary, reported a substitute for the bill to define the jurisdiction of Justices of the Peace and to regulate the fees of the same, and recommended its passage.

Also, as chairman of the committee on Stock and Stock-raising, reported, recommending the passage of the bill to amend article 702 of the Penal Code.

Mr. Crooks, chairman of the committee on Engrossed Bills, reported correctly engrossed the joint resolution authorizing the Comptroller to contract for 500 copies of the new Abstract of titled lands.

Mr. Mills offered the following resolution :

Resolved, That the committee on the Judiciary be requested to enquire whether or not Oldham & White's Digest is a compliance with the act of February 15th, 1858, entitled "an act to provide for a Digest of the laws of Texas," and whether it has been received by the proper officers of the State, and what copies have been distributed, and also enquire into the propriety of recalling the copies so distributed and sell the whole to the highest bidder, and, also the propriety of purchasing additional copies of Hartley's Digest for the use of the State. Adopted.

Mr. Dennis introduced a bill for the relief of George Sargent.

Read first time and referred to committee on Court of Claims.

Mr. Haynes introduced a joint resolution to investigate the causes of the condition of affairs in Cameron and Hidalgo counties.

On motion of Mr. Haynes, referred to special committee of 3. The Speaker announced Messrs. Haynes, Dougherty and Dale on said committee.

Mr. Davis of Bastrop offered the following resolution :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of passing a law allowing persons holding open accounts the right to charge legal interest upon the same, from the date they are due, and payable, until paid, and that they be instructed to report by bill or otherwise. Adopted.

Mr. Craig offered the following resolution :

Resolved, That the Committee on Education enquire into the propriety of granting aid and donation of land to the several colleges, established in the different counties in the State, by private enterprise, and that they report as early as practicable, by bill or otherwise, with such suggestions as they may think proper for the advancement of Education. Adopted.

Mr. Hubbard offered the following resolution :

Resolved, That the use of the Representative Hall be granted to the Superintendents and Officers of the Blind and Deaf and Dumb Asylums of this State for the purpose of public exhibitions by the members of said Institutions, at such times as they desire. Adopted.

Mr. Henry introduced a bill to amend the act regulating the pay of petit jurors. Read and referred to the Committee on the Judiciary.

Mr. Camp introduced a bill to regulate the time of holding courts in the 8th Judicial District. Read 1st time and referred to committee on Judicial Districts.

Mr. Culberson introduced a bill to regulate the sale of real estate belonging to minors. Read 1st time and referred to committee on Judiciary.

Mr. Davis of H. introduced a bill for the relief of Moses Guess. Read 1st time and referred to committee on State Affairs.

Mr. Pirkey introduced a bill to incorporate the Texas Mutual Insurance Co. at Boston. Read 1st time and referred to committee on Judiciary.

Mr. Speights introduced a bill to authorize pre-emption settlers to float their claims. Read 1st time and referred to committee on Public Lands.

Mr. Culberson introduced a bill to repeal art. 1065, Oldham and White's Digest. Read 1st time and referred to committee on Judiciary.

Mr. Nelson introduced a bill to authorize the patenting of lands therein described. Read 1st time, and referred to committee on Public Lands.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read 1st time, and disposed of as indicated :

A bill for the relief of Joseph Turner was taken up, read 1st time, and referred to committee on Private Land Claims.

A bill to provide payment for printing the Proclamations of the Governor ; passed to 2d reading.

A bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall.

On motion of Mr. Redwine the rule was suspended, and the bill read a 2d time.

Mr. Craig proposed to amend the bill by striking out " 5 days' notice," and inserting " 8 days' notice."

Mr. McKnight moved to refer the bill and amendments to committee on Privileges and Elections. Lost, and the amendment adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Bernard, Benevides, Branch, Bryan, Caddell, Craig, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dougherty, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V, Z. Houghton, Hubbard, Lewis of M, Lewis of R., Lewter, Lynch, Mabry, Manley, Maxey, McKnight, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield and Wortham—54.

NAYS—Messrs. Baxter, Billingsley, Bogart, Buckley, Camp, Crawford, Cumby, Daniels, Dickson, Ellett, Flewellen, Haynes, Henderson, Henry, Martin, McCutchan, Mundine, Navarro, Norton, Owens, Redgate, Speights, Taylor, Whitmore and Wrede—25.

On motion of Mr. Shannon the rule was further suspended, the bill read 3d time and passed.

On motion of Mr. Lewis of M., Mr. Lewis of R. was added to the committee on Public Lands.

Mr. Mills, by permission, introduced a bill declaring the object and intention of an act passed Aug. 26, 1856, to adopt and establish a Penal Code for the State of Texas. Read 1st time and referred to Judiciary committee.

A bill to incorporate the Air Line Railroad company, referred to committee on Internal Improvements.

A bill to provide for patenting headright certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicates and unlocated balance. Read 3d time and passed.

HOUSE BILLS.

A bill to regulate public sales in the county of Bastrop taken up, read 3d time and passed.

Mr. Baxter moved to take up the resolution relative to the election of a State Engineer. Lost.

A bill to repeal the 7th section of an act to regulate railroad companies, approved February 7th, 1859, taken up, read 3d time and passed.

A bill to relieve Jackson L. Leonard from the disabilities of minority, and to permit him to practice law, taken up, read 3d time and passed.

A bill to repeal the act creating the system of bankruptcy, and regulating the collection of foreign debts, taken up, read 3d time and passed.

A bill to amend the act incorporating the city of San Antonio, taken up.

Mr. Martin moved to postpone the bill indefinitely. Lost, and the bill read 3d time and passed.

Mr. Henderson in the Chair.

A bill for the relief of Mary Elam taken up, read 3d time and passed.

A bill to regulate factors and warehousemen taken up.

Mr. Buckley proposed to amend by inserting after the word "agent" the words "or retain or have an interest direct or indirect in the purchase of such cotton or produce." Adopted.

Mr. Maxey offered an additional section. Adopted.

Mr. Mabry proposed to amend the caption, by adding "and repealing an act authorizing the appointment of public weighers in certain ports in this State, approved September 1st, 1856." Adopted.

Mr. Stewart proposed to amend, by adding to the 3d section the following: "and that he will not weigh any sugar, cotton or other produce, without first notifying the seller or factor, or commission merchant of the time and place of weighing."

On motion of Mr. Flewellen laid on the table.

Mr. Mills moved to adjourn until 3 o'clock, P. M., whereupon the yeas and nays were demanded and stood thus:

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Bax-

ter, Benevides, Caddell, Crawford, Clark, Dale, Darnell, Dickson, Edwards, Francis, Harrison of C., Harrison of V., Houghton, Hubbard, Lewter, Lynch, Maverick, Mills, Parker, Redgate, Redwine, Shelton, Short, Stewart, Townes, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—34.

NAYS—Messrs. Billingsley, Bogart, Branch, Bryan, Buckley, Craig, Cumby, Daniels, Davis of H., Dennis, Dougherty, Ellett, Epperson, Flewellen, Franklin, Foscue, Hall, Hartley, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Mabry, Manley, Maxey, McClarty, McCutchan, McKnight, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Perry, Robinson, Ross, Shannon, Speights, Taylor, Wælder, Walworth and Wrede—45.

So the House refused to adjourn.

On motion of Mr. Flewellen, the main question was ordered, which being the final passage of the bill, the same was put and bill passed.

On motion the House adjourned, until 10 o'clock, A.M., tomorrow.

HOUSE OF REPRESENTATIVES, }
SATURDAY, December 10, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

A message was received from the Senate informing the House that the Senate had concurred in the House's amendment to the bill to provide for the electing of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall.

Also had passed a bill to create the 20th Judicial District, and to define the times of holding Courts therein.

Mr. Mabry presented the petition of J. S. Nash & Co. Referred to committee on State Affairs.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to authorize Gillespie county to levy a special tax for 1859 and 1860.

Also reported, recommending the passage of the bill to incorporate Colfax Lodge No. 36 of I. O. F., at Clarksville, of Red River county, Texas.

Mr. Bogart introduced a bill to ascertain what land certificates have been illegally issued by the county courts of counties in Peters' Colony, and to provide for issuing patents on such of said

certificates as are legal, approved Feb. 3d, 1858. Read 1st time and referred to Judiciary committee.

Mr. Culberson, one of the committee on the Judiciary, reported, recommending the passage of the bill to repeal Articles 170, 171, 172, 173 and 174 of the Penal Code.

Mr. Crawford offered the following resolution:

Resolved, That a joint committee, consisting of three members of the House and two of the Senate, be appointed by the Speaker of the House and President of the Senate, respectively, whose duty it shall be to visit the Penitentiary to examine all the public works connected therewith, and report by the 10th of January next, to the two Houses of the Legislature, provided no extra pay be allowed said commissioners.

Mr. Shannon proposed to amend by adding "And that every gentlemen who wishes to go to see his family may be despatched on some special message."

On motion of Mr. Crawford the amendment was laid on the table.

Mr. Darnell proposed to amend by adding "Provided that no member appointed shall be compelled to go."

On motion of Mr. Billingsley the resolution and amendment laid on the table.

Mr. Lynch offered the following resolution:

Resolved, That from and after Monday next, the 12th instant, this House will have two sessions a day, commencing at $\frac{1}{2}$ past 9 o'clock in the forenoon, and sit until $\frac{1}{2}$ past one o'clock; afternoon session, commence at 3 o'clock and sit until 5 o'clock in the evening.

Laid on the table one day for consideration.

Mr. Hartley introduced a bill to amend the 11th section of the act of February 7, 1853, incorporating the Galveston, Houston and Henderson R. R. Co. Read 1st time.

Mr. Hartley moved to suspend the rule and read 2d time.

On motion of Mr. Henderson the bill referred to committee on Internal Improvements.

Mr. Navarro offered the following resolution:

Resolved, (The Senate concurring) That a committee of three on the part of the House and two on the part of the Senate, be appointed to make arrangements for the inauguration of the Governor and Lieut. Governor elect, on the 21st December inst., and that they be instructed to report on or before the 7th inst. Adopted.

[Mr Parker in the Chair.]

Mr. Epperson introduced a bill to relieve the disability of mi-

nority from John S. Jackson. Read 1st time and referred to committee on Judiciary.

Mr. Baxter introduced a bill supplemental to the act incorporating the city of Marshall in Harrison county; Read 1st time and referred to committee on State Affairs.

Mr. Henry introduced a bill to relieve C. C. Wells from the disability of minority; Read 1st time and referred to Judiciary committee.

Mr. Branch introduced a bill for the endowment of professorships in the colleges of Texas; Read 1st time and referred to committee on Education.

Mr. Redgate introduced a bill to amend the act of January 15th 1859, defining the time of holding the District courts of the 1st Judicial District; Read 1st time and referred to Judiciary committee.

[Speaker resumed the Chair.]

Mr. Hartley offered the following resolution:

Resolved, That the use of the Hall of the House of Representatives be given on Tuesday evening next to General Duff Green, for the purpose of explaining the bills now pending before the Judiciary committee of the Senate, providing for an agency to negotiate railroad and other securities, and to aid in the construction of railways, and for explanation of amendments which he desired to obtain to the charter of the Sabine and Rio Grande R. R. Co. Adopted.

Mr. Baxter, by permission, presented the petition of C. A. Stinson; Referred to the committee on Private Land Claims.

Mr. Edwards introduced a bill to legalize the official acts of Primary Judges of the Municipality of Nacogdoches; Read 1st time and referred to Judiciary committee.

Mr. Davis of Bastrop introduced a joint resolution approving the course of the President of the United States and the Governor of Virginia, relative to the Harper's Ferry Insurrection; Read 1st time and on motion of Mr. Whitmore the rule was suspended and the resolution read 2d time, and on motion of Mr. Mills referred to committee on Federal Relations.

A message was received from the Senate informing the House that the Senate had passed (with amendment by the Senate) the House bill to regulate public sales in Bastrop county.

Also, that the Senate had concurred in the House's amendments to the Senate's bill to provide for patenting headright certificates not presented to the Court of Claims for approval within the time prescribed by law and for issuing duplicates and unlocated balance certificates.

Also, had passed a bill to amend the 11th section of the act of February 7th, 1857, to incorporate the Galveston, Houston and Henderson R. R. Co.

ORDERS OF THE DAY.

Mr. Lewis of Montgomery moved to take up the report of the committee on State Affairs relative to the resolution calling on the Comptroller for a statement and exhibit of the condition of his department from Annexation to the present time. Lost.

On motion of Mr. Townes the bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, Jas. Bourland and John Henry Brown,

Also, for the Commissioner sent by the Governor to the Indians was taken up and read 2d time.

Mr. Shannon proposed to amend by adding the companies of Capts. V. J. Hutton of Tarrant county, John Scaudling of Montague county, C. C. Lacy of Denton, John Birdwell of Wise county, H. Cook of Coryelle county, H. A. Hamner of Jack county, — Counsell of Palo Pinto county, Peter Garland of Erath county, J. Hanna of Bosque county and J. R. Baylor of Buchanan county.

Mr. Haynes proposed to amend by adding "That the company of thirty-two mounted men under the command of Bacilio Benevides, who were in active service on the Rio Grande frontier against the invasion of the Comanche Indians in the month's of August and Sept. 1859, shall also be entitled to one months pay at the same rate of allowance paid similar troops on the northern frontier.

On motion of Mr. Wælder amendments laid on the table by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsley Bryan Caddell Craig Crooks Cumby Dale Davis of B. Dougherty Ellett Flewellen Francis Franklin Foscue Hall Haynes Houghton Lynch Maverick Maxey Middleton Mills Munson Parker Pirkey Redgate Redwine Ross Shelton Short Stewart Townes Wælder Walworth Warfield Wortham and Wrede—44.

NAYS—Messrs. Barnard Bogart Branch Buckley Camp Crawford Culberson Darnell Daniels Davis of H. Dickson Duncan Edwards Epperson Harrison of V. Z. Henderson Lewis of M. Lewis of R. Lewter Mabry Manly McCutcheon McKnight

Mundine Nelson Norton Owens Robinson Shannon Speights Taylor Waterhouse Whitfield and Whitmore—34.

Mr. Nelson proposed to amend by adding "Provided the Comptroller shall have full authority and is hereby required under this act to examine the accounts for subsistence and forage and allow only so much as are fully authenticated by proper vouchers and to reduce extravagant charges to a reasonable amount, and shall not allow more than 4 cents per lb. for beef, and 5 cents per pound for flour, and not more than \$1 50 per bushel for corn, and not over 5 cents per pound for pork.

Mr. Wælder proposed to amend the amendment by striking out that portion fixing the prices of the subsistence. Lost, and on motion of Mr. Redwine the bill and amendments re-referred to committee on Finance.

Mr. Crooks moved to adjourn till 10 o'clock A. M., Monday. Lost.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed, the Senate's bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of the Hon. L. T. Wigfall, and that the same had been presented to the Governor for his signature and approval.

On motion of Mr. Maverick the report from the committee on Private Land Claims reporting a substitute, for the Senate's bill for the relief of John Ricord was taken up, the substitute adopted and the bill read 2d time and passed its 3d reading.

On motion of Mr. Hubbard the rule was suspended, the bill read 3d time and passed.

The bill regulating public sales in the city of Bastrop, with amendments by the Senate, was taken up and the amendments concurred in.

On motion of Mr. Franklin the Senate's bill to amend the 11th section of the act of February 7th, 1853, incorporating the Galveston, Houston and Henderson Rail Road Company was taken up; Read 1st time and referred to committee on Internal Improvements.

Mr. Duncan moved to take up the bill to amend the act incorporating the Mexican Gulf and San Antonio Rail Road Co. Lost.

On motion of Mr. Wælder the bill last indicated was taken up and made the special order of the day for Wednesday at 11 o'clock.

A bill to incorporate the Israelite Congregation of the city of

Houston was taken up; Read 3d time and passed by a two-third vote.

On motion the House adjourned till 10 o'clock A. M., Monday morning.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 12th, 1859. }

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Dale presented the petition of Richard B. Worchap. Referred to committee on Judiciary.

Mr. Mabry presented the petition of A. E. Damas. Referred to committee on State Affairs.

Mr. Houghton presented the petition of Ambrose Ripley. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of Nancy Walker. Referred to committee on Private Land Claims.

Mr. Maxey presented petition of D. Thompson. Referred to committee on Private Land Claims.

Mr. Stewart presented the petition of the heirs of B. R. Milam. Referred to the committee on Private Land Claims.

Mr. Ellett presented the petition of citizens on the frontier. Referred to committee on Indian Affairs.

Mr. Waterhouse presented the petition of Ezekial Roebuck. Referred to committee on Private Land Claims.

Mr. Crooks, chairman of the committee on Enrolled Bills, reported correctly engrossed the following bills.

“A bill to legitimate Donaceana Thomas, late Donaceana Howland.

“A bill for the relief of Joseph Thompson, and the

“Bill to relieve A. E. Benham from the disability of minority.”

Mr. Foscue, chairman of the committee on Internal Improvements, reported, recommending the passage of the bill approving the act of the General Assembly of Louisiana incorporating the Louisiana, Arkansas and Texas Navigation Company, with the modifications made to the same by the Legislature of Arkansas.

Mr. Mabry gave notice that he with others would submit a minority report.

Mr. Foscue also reported the Senate's and House's bills to

amend the 11th section of the act of February 1853, incorporating the Galveston, Houston and Henderson Railroad company, back to the House and recommended the indefinite postponement of the House's bill and the passage of the Senate's bill.

On motion of Mr. Hartley the report was taken up and adopted and the bill read 2d time.

On motion of Mr. Franklin the rule was further suspended and the bill read 3d time.

[Mr. Dickson in the Chair.]

Mr. Culberson proposed to amend by adding "Provided nothing in this act shall be so construed as to keep in force and of effect the charter rights of said company if the same have been forfeited by a failure to comply with the requisitions of the charter or the general railroad Law of this State." Adopted, and the House refused to pass the bill by the following vote:

YEAS—Messrs. Speaker Armstrong Bryan Buckley Caddel Craig Cumby Dennis Dougherty Elewellen Franklin Foscoe Hall Hartley Hubbard Hubert Maxey Munson Redgate Robinson Ross Warfield and Whitmore—22.

NAYS—Messrs. Anderson Barnard Benevides Billingsley Boggart Branch Camp Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dickson Edwards Epperson Francis Harrison of C. Harrison of V. Z. Haynes Henderson Henry Houghton Lewis of M. Lewter Lynch Mabry Manly Maverick McCutcheon McKnight Middleton Mundine Navarro Nelson Norton Owens Perry Reagate Shelton Speights Stewart Townes Watworth Waterhouse Whitfield and Wrede—49.

A message was received from the Senate informing the House that the Senate had passed the following bills:

"A bill for the relief of Joseph Thompson.

"Bill for the relief of Stephen Kelly.

"Bill for relief of Jacob Laux.

"Bill for the relief of the heirs of Wm. J. Wills.

"Bill for the protection of the frontier; and

"Bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi Bay.

Also had "concurred in the House's resolution for making preparation for the Inauguration of the Governor, and had appointed Messrs. Schleicher and Whaley on the committee for said purpose."

Mr. Buckley, chairman of Judiciary committee, reported a substitute for a bill for the relief of J. B. and D. R. Wortham, and recommended its passage.

On motion the House adjourned till 7 o'clock P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment. Roll called—quorum present.

On motion of Mr. Nelson the rule was suspended and the Senate's bill for the protection of the frontier, was taken up, read 1st time and three hundred copies ordered to be printed.

Mr. Duncan moved to suspend the rule and take up bill to incorporate the Western Texas and Indianola Fire and Marine Insurance Company. Lost.

On motion of Mr. Mills the House resolved itself into a committee of the whole on the bill to raise the revenue by direct taxation.

[Mr. Mills called to the chair.]

On motion of Mr. Nelson the committee rose, reported progress and asked and obtained leave to sit again.

ORDERS OF THE DAY.

The Senate's bill to provide pay for printing the proclamations of the Governor was taken up and read 1st time.

Mr. Stewart proposed to amend by inserting after the word "Constitution" the words "and also for the publication of all other proclamations of the Governor hitherto made and unpaid for, and the same shall be paid on the certificate of the Secretary of State and Comptroller." Adopted.

Mr. Haynes proposed to amend by adding "Provided that no newspaper shall be paid unless such newspaper shall file in the office of the Secretary of State, proof that such publication was made in accordance with Art. 7th, Sec. 37th, of the Constitution of the State, in these words, to wit: 'which proposed amendment shall be duly published in the public prints of the State, at least three months before the next general election of Representatives for the consideration of the people.'"

Mr. Crooks proposed to amend by adding "provided further, that no papers shall receive pay for such publications unless they have been authorized to publish the same."

On motion of Mr. Dougherty the amendments were laid on the table.

Mr. Mabry proposed to amend by adding "Provided that not more than two newspapers in any one county shall receive pay for publishing said proposed amendments to the Constitution; and the accounts for publishing the same, shall, before they are audited and paid, be presented to the Comptroller, together with the orders directed to them from the Governor, requiring them to make such publications."

On motion of Mr. Mills the amendment was laid on the table and the bill passed to a 3d reading by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Dennis Dickson Dougherty Duncan Flew'ellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Hubbard Lewis of R. Lewter Lynch Mabry Manley Martin McKnight Mills Munson Nelson Parker Perry Redgate Redwine Ross Shelton Short Smith Speights Stewart Taylor Walworth Warfield Waterhouse and Whitfield—62.

NAYS—Messrs. Davis of H. Edwards Epperson Haynes Lewis of M. Maverick Munson Norton Owens Townes and Whitmore—11.

On motion the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 13th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

On motion of Mr. Navarro, the vote rejecting the bill to amend the 11th section of the act of February 7th, 1853, incorporating the Galveston, Houston and Henderson Railroad Company, was reconsidered, the bill taken up, and on motion of Mr. Hartley, re-referred to the committee on Internal Improvement.

Mr. Townes presented the petition of the heirs of John Boffier, deceased. Referred to the committee on Private Land Claims.

Mr. Robinson presented the petition of Sarah Miles. Referred to committee on Private Land Claims.

Mr. Norton, one of the committee on Education, reported a substitute for the bill to appropriate 5,000,000 acres of public and unappropriated land for the support and maintenance of Free Schools, and recommended its passage.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of heirs of John Grogan, deceased, with amendments by the committee:

Amend by adding at the end of 1st section: "Provided that

said Grogan, his heirs or assigns, have never heretofore received the same."

Also reported a substitute for the bill for the relief of James Boulter and recommended its passage.

Mr. Darnell, chairman of the committee on Federal Relations, reported, recommending the passage of the joint resolution to instruct our members in congress, to inquire into the cause of the invasion of our State by the troops from Mexico, &c., with the amendments by the committee :

Amend by striking out all after the word "invaders," in the 10th line of the 1st section.

Mr. Robinson, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of Lefroy Gedrie.

Mr. Armstrong, one of the committee on Public lands, reported, recommending the indefinite postponement of the following bills :

A bill to authorize the Commissioner of the General Land Office to issue patents in certain cases.

A bill authorizing of patents on certain certificates therein named.

And the bill to repeal the act to authorize the sale of the public domain, as a general bill covering them is before the House.

Mr. Dale, chairman of the committee on Printing, reported, recommending the passage of the bill supplemental to the act to regulate the public printing, approved Nov. 22, 1859.

Mr. Munson, one of the committee on Internal Improvements reported a bill to amend the act incorporating the Houston Tap and Brazoria Railway Company, passed September 1st 1856, and recommended its passage. Bill read first time.

On motion of Mr. Munson, the rule was suspended and the bill made the special order of the day for Thursday next, 11 o'clock.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported asking to be relieved from further consideration of the petition of A. G. Nolen.

On motion the rule was suspended, the report taken up and adopted.

Mr. Hubbard, one of the committee on Federal Relations, reported asking to be discharged from further consideration of the joint resolution relative to the late Harpers' Ferry Insurrection.

Also, as one of the committee on the Judiciary, reported recommending the passage of the bill to incorporate the Texas

Saving Institution, with amendments by the committee :

AMENDMENTS.

In 3rd and 4th lines, strike out "General Assembly," and insert "Legislature."

In 26th line of 5th section, strike out "delivery" and insert "assignment."

In section 5th, last line but one after "person" insert "anything except gold or silver or;" same line, strike out "any put," and proposed and additional section.

Mr. Stewart, chairman of committee on Finance, reported, recommending the rejection of the petition of the citizens of Lampasas.

Mr. Middleton, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of M. F. Alexander.

Mr. Foscue, one of the committee on State Affairs, reported the following resolution and recommended its adoption.

Resolved, That 1200 copies of the report of the State Geologist, together with accompanying documents be printed, 1000 copies for the use of this House and 200 for the use of the State Department.

Mr. Norton moved to strike out "1200" and insert "500."—Lost and the resolution adopted.

Mr. Buckley introduced a bill to extend to those now surviving who served in the navy, the benefits of the laws granting bounties of land. Read first time and referred to committee on Public Lands.

Mr. Taylor offered the following resolution :

Resolved, That (the Senate concurring) the two Houses of the Legislature will adjourn on the 23rd of January next *sine die*.

Mr. Norton moved to strike out 23rd and insert 1st.

Mr. Haynes moved to postpone till 10th January next.

On motion of Mr. Henderson, the resolution was laid on the table till 1st of January next by the following vote :

YEAS—Messrs. Armstrong, Barclay, Barnard, Baxter, Billingsly, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Crooks, Clark, Darnell, Davis of H., Duncan, Edwards, Flewellen, Franklin, Foscue, Hall, Harrison of V. Z., Hartley, Haynes, Henderson, Henry, Houghton, Hubert, Kinrey, Lewis of M., Lewis of R., Manley, Martin, McCutchan, McKnight, Middleton, Mills, Mundine, Navarro, Nelson, Owens, Parker, Perry, Redgate, Robinson, Shannon, Short, Speights, Townes, Waterhouse and Wrede—51.

NAYS—Messrs. Speaker, Anderson, Benevides, Craig, Craw-

ford, Cumby, Dale, Daniels, Davis of B., Dennis, Dickson, Dougherty, Ellett, Epperson, Francis, Harrison of C., Hubbard, Lewter, Lynch, Maverick, Norton, Redwine, Ross, Shelton, Stewart, Taylor, Walworth, Warfield, Whitfield, Whitmore and Wortham—31.

Mr. Davis of H., introduced a bill to amend Art. 1333 of Oldham & White's Digest. Read first time and referred to committee on State Affairs.

Mr. Nelson introduced a bill to constitute H. Garrett, J. W. Speight, H. Clark, W. A. Montgomery and A. G. Haynes, and their successors, trustees of the Baptist State Convention. Read first time and referred to the committee on State Affairs.

Also introduced a bill for the relief of M. L. Stewart. Read first time and referred to Judiciary committee.

Mr. Walworth introduced a bill to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande rivers. Read first time and referred to Judiciary committee.

Mr. Shannon introduced a bill to authorize the county court of Ellis county to create a court house fund. Read first time and referred to committee on State Affairs.

Mr. Robinson introduced a bill to incorporate the La Grange Casino. Read 1st time and referred to committee on Education.

Mr. Henry introduced a bill to authorize the county surveyor of Grayson county, to transcribe certain books in his office.—Read first time and referred to Judiciary committee.

Mr. Ellett offered the following resolution :

Resolved, That the House of Representatives, shall meet at 9 o'clock, A. M., and continue in session until 3 o'clock, P. M., during the present session Sundays and holidays excepted. Laid on table one day for consideration.

Mr. Navarro introduced a bill for the relief of H. L. Kinney. Read 1st time and referred to committee on Private Land Claims.

Mr. Townes introduced a bill to amend the act incorporating the city of Austin. Read first time and referred to Judiciary committee.

Mr. Dale introduced a bill for the relief of Richard B. Wardroup. Read first time and referred to committee on Judiciary.

Mr. Henry introduced a bill for the relief of Robert S. McFarland. Read first time and referred to committee on Private Land Claims.

Mr. Mills offered the following resolution :

Resolved, That the Judiciary committee be requested to report to this House as to the propriety of increasing the salary of district attorneys, and if proper report a bill for that purpose.—
Rejected.

Mr. Kinney introduced a bill to renew an act incorporating the Western Railroad Company, approved February 10, 1852.—
Read 1st time and referred to committee on Internal Improvements.

On motion of Mr. Buckley the use of this hall was tendered to General Duff Green to-morrow night if it suited his wishes.

Mr. Manly introduced a bill to incorporate the American Agency. Read 1st time and referred to committee on Judiciary. Also a bill to incorporate the American Improvement Company. Read 1st time and referred to Judiciary committee.

[Mr. Redwine in the chair.]

Mr. Whitmore introduced three several bills, to-wit :

A bill for the relief of David Ferguson.

A bill for the relief of O. T. Boleware.

A bill for the relief of Alston Ferguson. All referred to committee on Private Land Claims

Mr. McKnight offered the following resolution :

Resolved, That in all cases in which the House is requested to suspend the constitutional rule, requiring bills to be read on three several days, the emergency which calls for such suspension shall be stated to the House, and the same be spread upon the minutes for the information of the country. Laid over one day for consideration.

Mr. Mills introduced a bill to fix the salaries of district attorneys of this State. Read first time and referred to Judiciary committee.

On motion of Mr. Navarro, Mr. Kinney was added to committee on Claims and Accounts.

On motion of Mr. Hall, Mr. Edwards was added to committee on Private Land Claims.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read and disposed of as indicated :

A bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi. Read first time, referred to committee on Internal Improvements.

A bill to provide payment for printing the proclamation of the Governor. Read third time and passed.

A bill for the relief of Stephen Kelly. Read 1st time and referred to committee on Private Land Claims.

A bill for the relief of Jacob Laux. Read first time and referred to committee on Private Land Claims.

A bill for the relief of heirs of W. J. Wills. Read first time and referred to committee on Private Land Claims.

The resolution proposing to fix the times of the sessions of the House was taken up.

Mr. Ross moved to amend by striking out "3 o'clock, P. M." and inserting "7 o'clock, P. M." Carried.

On motion of Mr. Billingsly, the resolution was laid on the table.

House bills:

Joint resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled lands. Read third time and passed.

Bill to legitimate Donaccana Thomas, late Donaccana Howland. Read third time and passed.

Bill to relieve A. E. Benham, from disabilities of minority. Read third time and passed.

The report from the committee on Internal Improvements, recommending the indefinite postponement of the bill to abolish the office of State Engineer and Superintendent, taken up and adopted.

The report from committee on Public Lands, recommending the passage of the bill granting to settlers on vacant land pre-emption privileges, was taken up.

Mr. Ellett offered a substitute for the bill.

Mr. Henderson moved to refer the bill and substitute to the committee on State Affairs.

YEAS—Messrs. Epperson, Foscoe and Haynes—3.

NAYS—Messrs. Speaker, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Buckley, Caddell, Camp, Craig, Crawford, Crooks, Culberson, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellet, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Manly, Martin, Maverick, McCutcheon, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Reigate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Stewart, Taylor, Townes, Walworth, Warfield, Whitfield, Whitnore, Wortham and Wrede—70.

So the House refused to refer the bill.

Mr. Taylor proposed to amend by adding:

"Provid-d, that all heads of families and single men over the

age of 17, who shall settle and remain in the counties of Montague, Clay, Wichita, Wilbarger, Hardeman, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Edwards and Dawson, and comply in other respects with the provisions of the bill, shall be entitled to 320 acres.

On motion House adjourned until 3 o'clock, P. M., pending bill, substitute and amendment.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The bill pending when the House adjourned, taken up and discussed.

On motion the House adjourned till 10 o'clock, to-morrow, A. M.

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 14th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday was read and adopted.

Mr. Caddell presented the petition of Geo. Grounds. Referred to committee on Private Land Claims.

Mr. Franklin presented the petition of Gen'l Leslie Combs. Referred to committee on Public Debt.

Mr. Henry presented the petition of Abner Gregg. Referred to committee on Public Lands.

Mr. Wælder presented the petition of Comal county. Referred to committee on Stock and Stock Raising.

Mr. Branch presented the petition of A. G. McGown and Sam'l Knowles. Referred to committee on Private Land Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported recommending the passage of the Senate's bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmele Raymon and the heirs of David Barlow, with amendments by the committee.

Amend by striking out the initial letter "M" in the name of Robert M. McKinney.

Mr. Henderson, one of the committee on Claims and Accounts, reported a bill for the relief of W. Drake. Read first time.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed, the bill to provide for patenting headright certificates not presented to the Court of Claims, for approval within the time prescribed by law, and for issuing

duplicates and unlocated balance certificates and that the same had been presented to the Governor for his signature and approval.

Mr. Craig, chairman of committee on the Court of Claims, reported a bill to re-open and revive the Court of Claims, and recommended its passage. Bill read first time.

On motion of Davis of Bastrop, the rule was suspended, and the bill taken up, and 100 copies ordered to be printed.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed, the Senate's bill for the relief of John Ricard, and that the same had been presented to the Governor for his approval and signature.

Mr. Craig, chairman of the committee on Roads, Bridges and Ferries, reported recommending the indefinite postponement of the bill to amend Art. 1776 of Oldham & White's Digest.

Mr. Walworth, one of the committee on Private Land Claims, reported a bill for the relief of K. Bigham, and recommended its passage. Bill read first time.

Mr. Buckley, one of the committee on State Affairs, reported a bill to prescribe and punish incendiarism, and recommended its passage. Bill read first time.

Mr. Henderson introduced a bill for the relief of Alexandre Wheeler. Read first time and referred to the committee on Private Land Claims.

Mr. Smith introduced a bill to relinquish the State tax of Orange county, for the years 1859 and 1860, to said county. Bill read first time and referred to the committee on State Affairs.

Mr. Maudline introduced a bill to incorporate the Yegua Bridge and Turnpike Company. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. McClarty introduced a bill to incorporate the Vicksburg, Henderson and West Texas Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Nelson introduced a bill to incorporate the Waco Classical School, and create a board of trustees for the same. Read first time and referred to the committee on State Affairs.

A message was received from the Senate informing the House, that the Senate had refused to concur in the House's resolution to appoint a joint committee, to enquire into the present probate laws, and that the Senate had concurred in the House's amendment of the House to the bill to provide payment for printing the Governor's proclamations.

Also had passed a bill to incorporate the Starrville Union Academy.

And a bill to incorporate Salado College, in Bell county.

Mr. Flewellen introduced the following resolution :

Resolved, That the House with the concurrence of the Senate, will meet in joint session on Friday next, at 11 o'clock, to elect a State Engineer.

Mr. Norton moved to lay the resolution on the table. Lost.

The hour having arrived the "special order of the day," to-wit : The bill to revive and continue in force, and supplemental to and amendatory of the act incorporating the San Antonio and Mexican Gulf Railroad Company, approved September 5th, '50, and the several supplemental and amendatory acts concerning said railroad, approved November 14th, 1857, was taken up and read second time and passed to a third reading.

On motion of Mr. Wælder, the rule was suspended, bill read third time and passed by a 2-3 vote.

The resolution relative to the election of State Engineer, was taken up.

Mr. Billingsley moved to postpone till 3 o'clock, P. M.

On motion of Mr. Baxter, the motion was laid on the table.

Mr. Buckley moved to postpone further consideration of the resolution, till 11 o'clock to-morrow.

Mr. Flewellen moved to lay the motion on the table. Lost, and the resolution postponed till 11 o'clock to-morrow.

On motion of Mr. Billingsley, the vote of yesterday adopting the report of the committee on Internal Improvements, recommending the indefinite postponement of the bill to abolish the office of State Engineer, was reconsidered by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Billingsley, Bogart, Branch, Buckley, Camp, Crawford, Crooks, Clark, Dale, Daniels, Davis of Bastrop, Davis of Hays, Dickson, Edwards, Elett, Epperson, Henry, Lewis of Montgomery, Lewis of Robertson, Lewter, Martin, Maverick, McCutchan, McKnight, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Owens, Perry, Pirkey, Redgate, Redwine, Speights, Taylor, Whitfield, Whitmore, Wortham and Wrede—44.

NAYS—Messrs. Anderson, Barclay, Baxter, Bryan, Caddell, Craig, Culberson, Cumby, Dennis, Dougherty, Duucan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Henderson, Houghton, Hubbard, Lynch, Mabry, Manly, Munson, Parker, Robinson, Ross, Shannon, Shelton, Townes, Walworth, Warfield and Waterhouse—35.

[Mr. Hubbard in the chair]

Mr. Townes moved to refer the report to a special committee of five, with instructions to submit their report to-morrow.

On motion of Mr. Taylor, Mr. Cumby was granted leave of absence for ten days, after the 21st inst.

On motion, the House adjourned till 3 o'clock, P. M., this evening, pending the bill to abolish the office of State Engineer.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The bill pending when the House adjourned was referred to a select committee of five.

On motion of Mr. Davis of Bastrop, Mr. Townes was added to the committee on Internal Improvements.

On motion, Messrs. Lewis of Robertson, Stewart, Maxey, Crawford, Lynch and Anderson, were granted leave of absence for 10 days, after the 21st inst., by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Baxter, Billingsley Bogart, Branch, Bryan, Camp, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Duncan, Edwards, Epperson, Francis, Foscoe, Hall, Harrison of V. Z., Hartley, Hubbard, Lewis of M., Lewis of R., Lewter, Mabry, Martin, Maverick, Maxey, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Owens, Parker, Perry, Pickey, Redg'a'e, Redwine, Robinson, Ross, Shannon, Short, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—69.

NAYS—Messrs. Buckley, Caddell, Dougherty, Franklin, Houghton, Norton and Whitmore.

On motion of Mr. Buckley, the rule was suspended, and the bill supplementary to an act supplementary and amendatory of an act to regulate railroad companies, approved February 7th, '53 ; approved December 19th, '57, was taken up and made the special order of the day for 11 o'clock, Friday next.

Mr. Culberson, by permission, introduced a bill to regulate the superintendency of the State Penitentiary. Read first time and referred to Judiciary committee.

On motion of Mr. Branch, the rule was suspended, and the bill making appropriations to defray the expenses of the State Penitentiary was taken up. Read 2nd time and ordered to be engrossed, rule suspended, read third time and passed.

Mr. Crawford moved to suspend rule, and to take up bill to incorporate the Eastern Texas R. R. Co., and the bill to incorporate the Houston, Trinity and Tyler R. R. Co. Lost.

Mr. Barnard offered the following resolution :

Resolved, That after the expiration of this week, no petition nor bills shall be introduced, until all the unfinished business then upon the Speaker's table shall have been acted upon and disposed of. Laid over one day for consideration.

Mr. Mills introduced a bill to change the common school law. Read first time and referred to committee on Education.

On motion of Mr. Duncan, the bill to incorporate the Western Texas and Indianola Fire and Marine Insurance Company, was taken up, read 2nd time and ordered to be engrossed.

Mr. Dougherty proposed to amend by adding: "Provided that this charter shall hold and continue in force for the term of 20 years and no longer." Adopted.

On motion of Mr. Duncan, the rule was suspended, the bill read third time and passed by a 2-3 vote.

Mr. Armstrong offered the following resolution:

Resolved, That a select committee of nine be appointed by the Speaker to take into consideration the propriety of revising, amending and condensing the Probate laws of the State, and report by bill or otherwise.

Mr. Taylor moved to strike out "select committee of nine" and insert "Judiciary committee." Lost, and resolution adopted.

Speaker announced Messrs. Townes, Buckley, Flewelling, Foscue and Culberson, select committee, to whom was referred the bill to abrogate the office of Engineer and Superintendent.

Also Messrs. Armstrong, Caddell, Martin, Townes, Davis of H., Redwine, Norton, Whitmore and Edwards, select committee to examine the Probate laws.

Mr. Navarro offered the following resolution:

Resolved, That the evening sessions of the House, shall be devoted exclusively to the consideration of private relief bills, and that bills of this nature shall not be considered at any other time from this till the end of the session, and that the roll of the members called alternately from the top and bottom, and each member when his name is called shall have the right to call up a bill and the same shall be finally acted upon as the House may direct. Lays over one day for consideration.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 15th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Billingsley presented the petition of Jno. Ricord. Referred to the committee on State Affairs.

Mr. Townes, chairman of Select committee, reported that a majority of said committee deemed it impolitic to abrogate the office of State Engineer and Superintendent, and reported a bill to amend the bill to appropriate \$300,000 to encourage the improvement of the navigable waters of Texas.

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The special committee, to whom was referred the bill to be entitled an act to abolish the office of State Engineer and Superintendent, have had the same under consideration, and a majority are of opinion that it will be injudicious at this time to abolish said office. They recommend that the salary be reduced to \$2500, and that the same shall be in full of all compensation ; that the amount chargeable to railroad companies for examining sections of their work to entitle them to the benefit of the loan and to land, shall be deducted from the amount to be lent them ; and the committee are of opinion that the amounts will pay the salary.

They recommend that the law creating the office, shall not remain in force longer than the 1st Monday of August, 1861, as it is believed that the money now appropriated for railroads and for river improvements, will be expended by that time. They are induced to make this recommendation for the reason also, that there will be a called session of the legislature, to district the State for members of congress, when, if it should be considered expedient to continue the office of State Engineer, the legislature may provide for an election of the officer by the people.

The committee have prepared a bill providing for an election of Engineer, and fixing his salary, which they recommend to the favorable consideration of the House.

They ask further time to bring in a bill regulating and defining the duties of Engineer.

The committee report back the bill to abolish the office of State Engineer, and recommend its indefinite postponement. All of which is respectfully submitted.

R. J. TOWNES, Chairman.

Mr. Buckley introduced an adverse minority report.

HOUSE OF REPRESENTATIVES, }
December 15th, 1859. }

HON. M. D. K. TAYLOR,

Speaker House of Representatives :

The undersigned, a minority of the select committee to whom

was referred the bill to abolish the office of State Engineer, and the report of the Internal Improvement committee thereon, begs leave to submit the following minority report:

The acts of the Legislature regulating railroads and to invest the special school fund in railroad bonds, make ample provision for the protection of the State against loss or injury in donating lands and making loans to them, without such an officer as State Engineer by special appointments, to inspect and report upon completed sections of railroads, when they seek to obtain the land bonds, and obtain the school fund; which, in the opinion of the undersigned, will be less expensive to the country and the railroads, and result in as much benefit. The undersigned is of the opinion, that special appointees will act as impartially and with as much fidelity to the State, in making surveys of, and reports upon railroads seeking to obtain the bounty of the State, as any public officer, and as such surveys and reports are only made occasionally, no necessity exists for maintaining a public officer to perform such duties; none especially when it is borne in mind that the expense of keeping such office up, exceeds that of the Executive of your State, and the salary alone equals that of the judges of the supreme court independent of the aids and sub-engineers.

So far as the disbursement of the unexpended balance of the river appropriation, (which, in connexion with the railroads, embrace the whole duties of State Engineer,) is concerned, the undersigned believes, that on each of the rivers, undergoing improvements by virtue thereof, a good practicable man can be found, familiar with the stream, fully as competent to superintend the work to be done as any civil engineer, and at a less cost to the State. Boatmen and others who have been in the habit of navigating those streams, know the obstructions and will know when they are removed, and the river improved better than a stranger who merely passes along it. There remains only a little upwards of \$100,000 of the river appropriation remaining unexpended, all of which is subject to exciting contracts, and will be expended before another Legislature assembles, and no one supposes that other sums will be appropriated for similar improvements, as but little, if any, benefit has resulted from the appropriation, and further improvements cannot be made without a resort to direct taxation to raise the funds for such purpose. No one, I presume, supposes that a tax for such an object would be tolerated by the people, when past experience has established the fact that our rivers are unreliable for purposes of navigation.

For these reasons the undersigned is of opinion that the bill to abolish the office of State Engineer ought to be passed.

C. W. BUCKLEY,

One of the committee.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled, and properly signed, "a bill to regulate public sales in Bastrop county," and "a bill for the relief of Joseph Thompson," and that they had been presented to the Governor for approval and signature.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate the East Fork Bridge Company.

Mr. Crooks presented the petition of R. B. Francis. Referred to committee on Roads, Bridges and Ferries.

Mr. Wrede presented the petition of the citizens of Kerr county. Referred to committee on State Affairs.

Also presented the petition of the citizens of Blanco. Referred to committee on Counties and County Boundaries.

Also presented the petition of the county court of Comal county. Referred to committee on State Affairs.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, asking to be relieved from further consideration of the petition of citizens of Comal county.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate the Rock Ford Bridge Company.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported a bill to authorize the county courts of this State to prohibit certain stock from running at large on certain conditions.

On motion of Mr. Dougherty the rule was suspended and one hundred copies of the bill ordered to be printed.

A message was received from the Senate informing the House that Senate had passed the House's bill for the relief of Alexander Ferguson, and the House's bill to incorporate Houston the Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston, with amendments, and had passed a substitute for the House's bill for the relief of purchasers of university lands, and had passed a bill to incorporate the Gulf Coast Fair Association at Victoria.

Mr. Caddell introduced a bill to incorporate the Neches Navigation Company. Read first time and referred to committee on Internal Improvements.

Mr. Crooks introduced a bill to permit R. B. Francis to erect

a toll bridge on north Sulphur Fork. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Maverick introduced a joint resolution relative to the San Antonio and San Diego mail line. Read first time and referred to committee on State Affairs.

Mr. Walworth introduced a bill to appropriate money for payment of expenses of Captain Tobin's company. Read first time and referred to committee on Finance.

Mr. Robinson introduced a bill for the relief of James Clemons. Read first time and referred to committee on Private Land Claims.

Mr. Pirkey introduced a bill for the relief of John W. Johnson. Read first time and referred to committee on Private Land Claims.

Mr. Speights introduced a bill for the relief of B. H. Zachary. Read first time and referred to committee on Private Land Claims.

Mr. Barclay introduced a bill for the protection of the Alabama Indians. Read first time and referred to committee on Judiciary.

Mr. Ross introduced a joint resolution to grant Judge C. A. Frazier leave of absence from the State. Read first time.

On motion of Mr. Bogart, the rule was suspended and the bill to authorize the county court of Collin county to levy a special tax to build a court-house, was taken up. Read second time and ordered to be engrossed.

On motion of Mr. Bogart, the rule was further suspended, bill read third time and passed.

Mr. Dickson moved to suspend the rule and take up the bill to appropriate two thousand dollars to pay district attorneys in cases of conviction, &c. Lost.

The hour having arrived the special order of the day, to-wit:

A bill to amend the act to incorporate the Houston Tap and Brazoria Railway, passed September 1st, 1856, and for relief, was taken up and read second time.

Mr. Billingsley proposed to amend by striking out "six thousand" and inserting "three thousand."

On motion of Mr. Buckley, the amendment was laid on table and bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended and bill passed by two-third vote.

The special order, to-wit:

The resolution relative to the election of State Engineer, was

taken up, and on motion of Mr. Townes, the resolution was postponed till the first Monday in January.

ORDERS OF THE DAY.

A bill granting land to actual settlers on public domain, together with substitute and proposed amendment, was taken up, and on motion of Mr. Francis the amendment was laid on the table by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Baxter, Bogart, Bryan, Buckley, Caddell, Craig, Crawford, Clark, Dale, Darnell, Davis of B., Dickson, Dougherty, Ellett, Flewellen, Francis, Hall, Henry, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Martin, Maverick, McCutchan, McKnight, Mundine, Munson, Perry, Pirkey, Redgate, Robinson, Shannon, Shelton, Speights, Stewart, Townes, Wælder, Walworth, Warfield, Whittfield, Whitmore, Wortham and Wrede—48.

NAYS—Messrs. Anderson, Barnard, Benevides, Billingsley, Branch, Crooks, Cumby, Davis of H., Dennis, Duncan, Epperson, Franklin, Fosue, Harrison of C., Harrison of V. Z., Hartley, Haynes, Manly, Middleton, Mills, Nelson, Norton, Owens, Redwine, Ross, Short, Taylor and Waterhouse—29.

Mr. Norton proposed to amend the substitute by striking out "one hundred and sixty acres" and inserting "two hundred acres" wherever it occurs. Adopted.

[Mr. Bogart in the chair.]

Mr. Maverick proposed to amend by inserting after the word "cultivated" the words "at least five acres."

Mr. Mills moved to lay the amendment on the table. Lost. And the amendment adopted.

Mr. Dougherty proposed to amend by adding :

Provided, That no person who is a member of the present Legislature, nor any person who may now own two hundred acres of land in this State, nor any person who may have heretofore received land by virtue of any headright or donation shall be entitled to any land by virtue of the provisions of this act.

On motion of Mr. Mills the amendment was rejected.

Mr. Franklin proposed to amend by adding an additional section.

[Speaker resumed the chair.]

The amendment laid on the table by the following vote :

YEAS—Messrs. Speaker, Barclay, Baxter, Benevides, Bogart, Buckley, Caddell, Camp, Crawford, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dougherty, Duncan, Ellett, Epperson, Francis, Hall, Harrison of V. Z., Hartley, Haynes, Henry, Hubbard, Lewter, Maxey,

McCutchan, Middleton, Mills, Mundine, Navarro, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon, Short, Whitmore, Wortham and Wrede—53.

NAYS—Messrs. Anderson, Armstrong, Billingsley, Branch, Bryan, Craig, Dennis, Flewellen, Franklin, Foscue, Harrison of C., Houghton, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Martin, Maverick, McKnight, Munson, Pirkey, Redgate, Ross, Shelton, Stewart, Warfield and Whitfield—28.

On motion the House adjourned till 3½ o'clock, this evening, pending the substitute.

3½ O'Clock, P. M.

House met pursuant to adjournment—roll called, quorum present.

The bill pending when the House adjourned was taken up.

Mr. Crooks offered a substitute.

On motion the House adjourned till 9½ o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Friday, Dec. 15th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Norton presented the petition of 48 citizens of Henderson county. Referred to committee on Finance.

Mr. Barnard presented the petition of Catherline R. S. Jones. Referred to committee on Public Debt.

Mr. Perry presented the petition of sundry citizens of Free-stone county. Referred to committee on Education.

Mr. Stewart, chairman of the committee on Finance, reported a bill to authorize the County Court of Falls county, to levy a special tax and recommended its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims, reported a substitute for the bill for the relief of Artemacia Wilson and recommended its passage.

Mr. Dale, chairman of committee on Public Printing, reported the following resolution and recommended its adoption:

Resolved, That there is hereby appropriated \$67 50 to pay for binding 90 copies of the debates of the seventh Legislature, to be paid from the contingent fund of the eighth Legislature. Laid over one day for consideration.

Mr. Buckley, chairman of committee on Judiciary, reported,

recommending the passage of the Senate's bill, to amend the 6th and 7th sections of the act regulating sequestrations, approved March 15th, 1848, with the amendments by the committee. Amend by adding at the end of section 1st: "Provided, that nothing in this section shall be so construed as to require a defendant to account for the hire, fruits or revenue of slaves or movable property, or for the rents of real property when the object of the suit is only to enforce payment of a mortgage or lien, and not to try title thereto."

Mr. Nelson introduced a bill for the relief of T. H. Robertson. Read first time and referred to committee on Private Land Claims.

Mr. Bryan introduced a bill to exempt the school lands or lands set apart for purposes of education, from the operation of the law of limitations. Read first time and referred to committee on Judiciary. Also, introduced a bill to repeal section 10th, article 1703 of Oldham & White's Digest. Read first time and referred to Judiciary committee.

Mr. Francis introduced a bill to incorporate the Jacksonville and Neches Bridge Company. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Dougherty introduced a bill for the relief of Martha Brennan. Read first time and referred to committee on Private Land Claims.

Also, introduced a bill to facilitate the growth and prosperity of agriculture and stock raising in the counties of Cameron, Hidalgo and Nueces, by securing to masters and servants the fulfillment of their obligations.

On motion of Mr. Navarro, the bill was rejected by the following vote:

YEAS—Messrs. Anderson, Bogart, Caddell, Camp, Crooks, Clark, Cumby, Dale, Davis of Hays, Dickson, Edwards, Ellett, Francis, Harrison of Van Zandt, Haynes, Henry, Hubert, Lewis of R., Lewter, Maverick, McCutchan, McKnight, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Shannon, Shelton, Speights, Taylor, Townes, Wælder, Waterhouse, Whitmore, Wortham and Wrede—44.

NAYS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benavides, Branch, Bryan, Buckley, Craig, Crawford, Daniels, Davis of B., Dennis, Dougherty, Franklin, Foscue, Hall, Harrison of C., Hartley, Houghton, Hubbard, Lewis of M., Lynch, Mabry, Maxey, Mills, Robinson, Ross, Short, Smith, Stewart, Walworth, and Warfield—33.

Mr. Wrede introduced a bill to authorize the county court of

Llano county to transcribe certain records. Read first time and referred to committee on State Affairs.

Mr. Mills introduced a bill to repeal article 423e of Oldham & White's Digest. Read first time and referred to Judiciary committee.

Mr. Middleton introduced a bill for the relief of Jno. F. Wilson. Read first time and referred to committee on Private Land Claims.

Mr. Shannon introduced a bill to incorporate Ellis county Agriculture and Mechanical Association. Read first time and referred to Agriculture committee.

Mr. Lewis of M. offered the following resolution :

WHEREAS, we have listened with care to an explanation by Gen. Duff Green, made in this hall on the evening of the 14th inst., of the objects in view, and to be accomplished by two several bills introduced into this House, at the instance of himself and associates on the 13th inst. ; the first to be entitled an act to incorporate the American Agency, and the second, to be entitled an act to incorporate the American Improvement Company ; and,

WHEREAS, we believe the scheme or project presented in the aforesaid bills, and explanations of the distinguished gentleman alluded to, (complicated and *serpentine* as it is) if consummated, will not only, not be beneficial or advantageous to the State, and the real and permanent interest thereof, but eminently injurious and pernicious in its tendency.

Resolved, therefore, that the committee to which said bills were referred, be instructed to report them back to the House at an early day, and recommend their rejection.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, "The bill making appropriation to defray the expenses of the State Penitentiary," and the bill to amend the act incorporating the Houston Tap and Brazoria Railway, passed September 1st, 1856, and relief. Report accepted.

[Mr. Bryan in the Chair.]

A message was received from the Senate informing the House that the Senate had passed the House bill to incorporate the Texas Masonic Institute ; and the House's bill to amend the 4th section of the act allowing discounts and set-offs, passed 5th February, 1840, (Oldham and White's Digest, art. 360) with amendments ; and had passed a bill for the relief of James C. Dillingham.

A bill ordering the return of certificates in Fisher & Miller's colony.

And a bill amendatory of, and supplemental to the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company.

The hour having arrived the special order of the day, to-wit :

A bill supplementary to the act and supplementary and amendatory of an act to regulate railroad companies, approved February 7th, 1852, approved December 19th, 1847, together with proposed amendments by the Judiciary committee, was taken up and the amendments adopted.

Mr. Crawford proposed to amend the 7th line, 1st section, by striking out "stockholders" and inserting "stock." Adopted.

Mr. Buckley proposed to amend the 2nd line of 2nd section by inserting after "execution" the words "or attachment." Adopted.

Mr. Mabry offered an additional section. Adopted.

Mr. Buckley proposed to amend by adding at the end of 9th section : " Provided that railroad companies shall in no case be allowed to charge storage upon freights received by them for delivery, unless the owner or owners, consignee or consignees thereof, neglect to remove it from the depot of the company, within a reasonable time after notice of its reception, and they shall not charge for storage more than the usual rates charged by warehousemen in this State." Adopted.

Mr. Wælder proposed to amend by adding at end of 8th section : " Provided that nothing contained in this section shall be so construed as to affect any sale or sales made, or hereafter to be made, under to provisions of this act to which this is a supplement." Adopted.

Mr. Buckley proposed to amend by adding at the end of section 18th : " and each and every bale of cotton shall be considered as weighing 500 lbs."

Mr. Nelson moved to go into committee of whole. Lost.

[Mr. Wælder in the Chair.]

Mr. Mills offered the following as a substitute for Mr. Buckley's amendment : " Provided that any railroad company may weigh at their own expense all bales of cotton, and charge for the weight of said cotton so ascertained, and in case the cotton bales are not weighed, they shall charge for the same at 450 lbs."

On motion of M. Davis of H., the substitute was laid on the table, and Mr. Buckley's amendmett adopted.

Mr. Buckley proposed to amend by adding at the end of section 13th : " Provided that the owners or possessors of fields through which a railroad passes, shall be permitted to cultivate the land on both sides of the railway track or road-bed, if such

cultivation does not interfere with the use of said railroad track by the company, and such company, in no case, shall be permitted to let out any portion of the right of way, except at their regular depots or stations. Adopted.

Mr. Mills proposed to amend by adding an additional section. Adopted.

Mr. Buckley proposed to amend by inserting after the word, "become" in the 1st line, 15th section, the word, "secretly." Adopted, and ordered to be engrossed.

On motion of Mr. Buckley the rule was suspended and the bill read third time and passed.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed, the bill to authorize the county court of Collin county to levy a special tax for the erection of a courthouse therein.

And the bill to incorporate the Western Texas, Life, Fire and Marine Insurance Company of the city of Indianola, State of Texas. Report accepted.

Mr. Townes, by permission, introduced a bill to appropriate \$1,500 or so much thereof as may be necessary to furnish the Governor's mansion. Read first time.

On motion the rule was suspended and the bill read second time.

Mr. Mills moved to refer the bill to committee on Public Grounds and Buildings. Lost.

Mr. Buckley proposed to amend by striking out that part of the bill, saying, that the appropriation shall come out of the contingent fund of both Houses, and inserting any unappropriated money in the Treasury. Adopted.

Mr. Culberson proposed to amend by adding: "Provided that no part of this sum shall be expended for furniture manufactured north of Mason & Dixon's line."

On motion of Mr. Bogart the amendment was laid on the table by the following vote:

YEAS.—Messrs. Armsrong, Barnard, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crawford, Crooks, Clark, Dale, Daniels, Davis of H., Dickson, Duncan, Edwards, Epper-son, Flewellen, Francis, Franklin, Haynes, Hubbard, Lewis of M., Lewis of R., Lewter, Mabry, Manly, Martin, Maverick, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Water-house, Whitfield, Whitmore and Wrede—62.

NAYS—Messrs. Speaker, Anderson, Barclay, Baxter, Caddell, Culberson, Cumby, Davis of B., Dennis, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Lynch, Maxey, Short and Wortham—18.

Mr. Dennis proposed to amend by adding: "Provided no furniture shall be purchased that was made north of Mason & Dixon's line, unless the same cannot be purchased in the city of Austin, that was made south of that line."

Mr. Hubbard offered the following substitute: "Provided, that if said furniture cannot be procured in the south on reasonable terms, then in that event it may be purchased elsewhere."

Mr. Davis of B., moved the previous question, which was seconded and the main question was ordered by the following vote:

YEAS—Messrs. Barclay, Barnard, Baxter, Benevides, Bogart, Branch, Bryan, Camp, Clark, Daniels, Davis of B., Davis of H., Dickson, Dougherty, Duncan, Edwards, Epperson, Flewellen, Hall, Harrison of V. Z., Haynes, Houghton, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, Maverick, McKnight, Middleton, Mundine, Nelson, Norton, Owens, Parker, Pirkey, Redgate, Redwine, Shannon, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—52.

NAYS—Messrs. Speaker, Anderson, Buckley, Caddell, Craig, Culberson, Cumby, Dennis, Francis, Franklin, Foscue, Harrison of C., Hubbard, Mills, Perry, Ross, Shelton, Short and Warfield—19.

The main question being upon the engrossment of the bill, the same was put, and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Clark, Culberson, Cumby, Dale, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Edwards, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, Maverick, Maxey, McKnight, Middleton, Mundine, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Smith, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wortham—68.

NAYS—Messrs. Barnard, Caddell and Mills—3.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to provide pay-

ment for printing the proclamations of the Governor.

And the bill to revive and continue in force, and supplemental to and amendatory of the act incorporating the San Antonio and Mexican Gulf Railroad, approved November 14th, 1857, and that they had been presented to the Governor for approval and signature.

On motion of Mr. Davis of B., the rule was further suspended and the bill before the House read third time and passed.

On motion the House adjourned till 10 o'clock, A. M., to-morrow pending the resolution of Mr. Lewis of M.

HOUSE OF REPRESENTATIVES. }
Saturday, December 17th, 1859. }

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

Mr. Wrede presented the petition of the President of New Braunfels Academy. Referred to committee on State Affairs.

A message was received from the Senate informing the House that the Senate had passed the following House bills:

A bill for the relief of the heirs of Joseph W. Bass, dec'd.

A bill for the relief of A. H. Booth.

A bill for the relief of the heirs of Matt Finch, dec'd.

A bill to legitimate Donaccana Thomas, late Donaceana Howland, and the bill to amend the act to incorporate the Houston Tap and Brazoria Railway, passed September 1st, 1856, and for relief; and had passed a bill to change and adjust the Western boundary lines of the counties of Uvalde and Dawson, and the Eastern boundary line of the county of Kinney; and a bill to authorize the heirs, representatives and relations of dec'd persons to sue for and recover damages, where the death of such person or persons has been caused or occasioned by the negligent, culpable or wrongful act of another.

On motion of Mr. Camp the vote rejecting the bill to facilitate the growth and prosperity of agriculture and stock raising in the counties of Cameron, Hidalgo and Nueces, by securing to masters and servants the fulfillment of their obligation, was reconsidered by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Branch, Buckley, Caddell, Camp, Crawford, Craig, Crooks, Cumby, Daniels, Davis of B., Dennis, Dougherty, Epperson, Flewellen, Foscue, Hall, Harrison of C., Hartley, Hubbard, Lewis of M., Lynch, Maxey, Middleton, Perry, Pirkey,

Robinson, Ross, Shelton, Short, Smith, Stewart, Walworth and Warfield—41.

NAYS.—Messrs. Baxter, Bogart, Clark, Dale, Davis of H., Dickson, Duncan, Edwards, Ellett, Harrison of V. Z., Haynes, Henry, Houghton, Lewis of R., Mabry, Manly, Maverick, McCutchan, McKnight, Mundine, Munson, Navarro, Nelson, Norton, Parker, Redgate, Redwine, Shannon, Speights, Taylor, Townes, Wælder, Waterhouse, Whitmore, Whitfield, Wortham and Wrede—37.

And the bill was taken up, and, on motion of Mr. McKnight, again rejected by the following vote :

YEAS.—Messrs. Baxter, Benevides, Bogart, Crooks, Clark, Dale, Davis of B., Davis of H., Dickson, Duncan, Edwards, Ellett, Harrison of V. Z., Haynes, Henry, Hubert, Lewis of M., Lewis of R., Lewter, Manly, Maverick, McCutchan, McKnight, Middleton, Mundine, Navarro, Nelson, Norton, Owens, Parker, Redgate, Redwine, Shannon, Smith, Speights, Taylor, Wælder, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—42.

NAYS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Branch, Buckley, Caddell, Crawford, Cumby, Daniels, Dennis, Dougherty, Franklin, Foscue, Hall, Harrison of C., Hartley, Houghton, Hubbard, Lynch, Maxey, McClarty, Mills, Parker, Pirkey, Robinson, Shelton, Short, Stewart, Walworth and Warfield—33.

Mr. Davis of B. presented three several petitions, to-wit :

Petitions of Jno. Simonds, of the heirs of Sam'l Rositer and of George P. Kern. All referred to the committee on Court of Claims.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed a bill making an appropriation for furnishing the Governor's Mansion. Report accepted.

Mr. Foscue, one of the committee on State Affairs, reported recommending the passage of the bill to amend Art. 1333, of Oldham & White's Digest, with amendments by the committee : amend next to the last line by striking out "ten years" and inserting "six years."

Also, as chairman of committee on Internal Improvements, reported recommending the rejection of the bill to authorize counties to levy a tax for railroad purposes.

Mr. Dickson, chairman of committee on Public Debt, reported a bill for the relief of Leslie Coumb, and recommended its passage. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the passage of the bill to incorporate the Galves-

ton Water Works Company, with amendments by committee : amend by striking out "14 Sec."

Also reported recommending the passage of the bill amendatory of, and supplementary to the act incorporating the Galveston Wharf and Cotton Press Company, with amendments by the committee : amend by adding at end of 3d Section, "provided that nothing in this act shall be held or construed to effect any right or title vested in the Mayor, Aldermen and inhabitants of the city of Galveston by their charter and its amendments, or by any other law."

Also reported recommending the passage of the bill to incorporate the Trustees of the Baptist State Convention.

Also reported recommending the passage of the bill to incorporate the Waco Classical School.

[Mr. Taylor of Fannin in the Chair.]

Mr. Lewter, one of the committee on Private Land Claims, reported recommending the passage of the Senate's bill for the relief of Stephen Kelly.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported recommending the passage of the bill defining the boundary of Calhoun county.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to appropriate lands to the asylums, and provide for the location and sale of the same, and recommended its passage.— Bill read first time.

On motion of Mr. Davis of H., the rule was suspended and the report taken up.

Mr. Davis moved to refer the bill to committee on Printing, and instruct them to have 100 copies printed.

Mr. Shannon proposed to amend by saying 200 copies. Lost, and 100 copies ordered to be printed.

Mr. Ross, one of the committee on State Affairs, reported recommending the indefinite postponement of the bill to relinquish the State tax for 1859 and 1860 to Orange county.

Mr. Buckley, chairman of Judiciary committee, reported a bill to punish Sabbath breaking, and recommended its passage. Bill read first time.

Also reported recommending the passage of the bill to legalize acts of primary judges of the municipality of Nacogdoches with amendments by the committee. Amendments: strike out, all after the enacting clause in Sec. 1, and insert, "That the official acts of the primary judges of the several municipalities of Texas, authenticating deeds and other written instruments, be, and the same are hereby legalized and made as valid as if

done by any other legally authorized officer," and amend caption by striking out the words "of the municipality of Nacogdoches."

Also, reported recommending the passage of the bill for the protection of the Alabama Indians.

Also, reported recommending the passage of the Senate's bill to release B. A. Campbell, James Ingram Nunn and Francis J. Lewis from the disabilities of minority, with amendments by the committee. Amendments: amend the caption by inserting after "Campbell" "Crittenden C. Wells, William T. Colville," after the words "Victoria county," in the body of the bill, insert "Crittenden C. Wells of Grayson county, William T. Colville of Refugio county."

Also, reported recommending the passage of the bill to authorize the surveyor of Grayson county to transcribe certain books in his office, with amendments by the committee: amend by adding at end of Sec. 1 "and when so transcribed, the County Court shall compare the same with the originals, and attach, at the end thereof, a certificate that the originals have been correctly copied, after which such copied books shall have the same force and effect in law as if they were the original entries."

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Gustavus Bunson, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of Cleland K. Simmons, and recommended its passage. Bill read first time.

Mr. Shannon of the committee on Private Land Claims, reported and recommended the passage of the bill for the relief of the heirs of W. L. Fleming.

Also, reported recommending the rejection of the petition of Nancy Walker.

Mr. Stewart, one of the committee on Judiciary, reported recommending the indefinite postponement of the following bills and resolutions, to-wit:

A bill to fix the salaries of District Attorneys of this State.

A bill concerning sales made by virtue of executions.

And the bill to repeal the 7th section of the act to provide the mode of trying titles to land, approved 5th February, 1840.

The resolution relative to allowing interest on open accounts, &c., and the resolution as to the election of Probate Judges, &c.

Also, as chairman of committee on Finance, reported recommending the passage of the bill to appropriate \$10,000 to pay expenses of Capt. Tobin's company, with amendments by the

committee. Amendments: in the caption insert after "dollars" the words "or so much thereof as may be necessary," and by adding at the end of the section "and the Comptroller shall have full authority, and is hereby required, under this act, to examine the accounts and claims for said expenses, and allow only such as are fully authenticated by proper vouchers, and to reduce extravagant charges to a reasonable amount, and only allow for necessary expenses incurred."

Also, reported a bill to authorize the County Court of Henderson county to levy a special tax, after an election had been held for the purpose, and recommended its passage. Bill read first time.

Mr. Culberson, one of the committee on the Judiciary, made a majority report recommending the passage of the bill to regulate the Superintendency of the Penitentiary.

Mr. Townes gave notice that a minority report would be submitted.

Mr. Short, one of the committee on State Affairs, reported recommending the passage of the bill to authorize the County Court of Ellis county to create a court-house fund.

Mr. Speights, one of the committee on Private Land Claims, reported a bill for the relief of P. W. Fuller, and recommended its passage. Bill read first time.

r. Middleton, by permission, presented the petition of Isham J. Goode. Referred to committee on Private Land Claims.

Mr. Branch, one of the committee on Education, reported recommending the passage of the bill for endowment of professorships in the colleges of Texas, with amendments by the committee. Amendments: first, strike out "four leagues" in fourth line, and insert "five leagues;" second, after the word "College," wherever it appears in the bill, insert "Academy or Seminary."

Also, reported recommending the passage of the bill to incorporate Washington Collegiate Female Institute, in Washington county.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported recommending the passage of the Indianola and Goliad Bridge and Ferry Company.

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Henry Hastie, and recommended its passage. Bill read first time.

Mr. Dale, chairman of committee on Printing, reported as follows:

The committee, to which was referred the resolution directing

them to inquire into the cost of supplying this House with the daily journal of this body, have conferred with the Public Printer, and he proposes delivering ten copies of the journal to each member at one-fifth of one cent per page of forty-four lines. Any number of copies of the entire journal will be furnished at the same price.

Mr. Navarro, chairman on part of the House of joint committee on arrangement for inauguration of the Governor, reported as follows:

REPRESENTATIVE HALL, }
December 17th, 1859. }

HON. M. D. K. TAYLOR.

Speaker of the House of Representatives:

The joint committee, appointed to make arrangements for the inauguration of the Governor and Lieutenant-Governor elect, on the 21st inst., beg leave to report that the inauguration shall take place in the Hall of the House of Representatives, at 11 o'clock, A. M.; that the two branches of the Legislature shall meet in the House at a quarter before 11, the Speaker of the House in the Chair, and the President on his right; that the Chief Justice and Associate Justices of the Supreme Court, with the Attorney-General, shall occupy seats on the platform before the Speaker's Chair; that the heads of departments and officers of the late Republic of Texas shall occupy seats on the left of the platform; that the Senators shall occupy seats on either side of the aisle of the House, and the Representatives as near as practicable to the Speaker's Chair; that the ladies shall occupy seats within the bar of the House, and that the citizens shall occupy seats within the bar and in the galleries. The retiring Governor, the Governor and Lieutenant-Governor elect, with the committee, will enter the House at 11 o'clock, and be seated—the retiring Governor and Governor elect on the right of the Speaker's Chair, and the Lieutenant-Governor on the left.—Prayer by the Chaplain of the Senate, after which the retiring Governor and Lieutenant-Governor will deliver their valedictories, and immediately after the Governor and Lieut.-Governor elect will have the oath of office administered to them by the Chief Justice.

Respectfully submitted,

A. NAVARRO,

Chairman on the part of the House.

D. M. WHALEY,

Chairman on the part of the Senate.

Mr. Franklin, one of the committee on the Judiciary, reported a bill to amend the second section of the act prescribing the

mode of adoption, and recommended its passage. Bill read first time.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to amend an act to incorporate the Houston Tap and Brazoria Railway Company, passed September 1st, 1856, and for relief, and the bill to legitimate Donaccana Thomas, late Donaccana Howard; and that they had been presented to the Governor for approval and signature.

Mr. Martin, one of the committee on Roads, Bridges and Ferries, reported recommending the passage of the bill to incorporate the Jacksonville and Neches Bridge Company.

A message was received from the Senate informing the House that the Senate had passed the House bill for the relief of Michael K. Hammonds.

And a bill for the relief of Jas. C. Dillingham.

And a bill to grant a pension to Chas. Sheppard.

And a bill for the relief of Wm. P. Tindall.

[Speaker resumed Chair.]

Mr. Hartley introduced a bill to grant 320 acres of land to Geo. W. Moller, Sarah Ellen Moller, and Emily Johanna Moller. Read first time, and referred to committee on Public Lands.

Mr. Shannon introduced a bill for the relief of Wilson Woods. Read first time, and referred to committee on Private Land Claims.

Mr. Waelder introduced a bill to incorporate the German-English School of San Antonio. Read first time, and referred to committee on Education.

Also, a bill to amend the act incorporating the Fire Association of San Antonio. Read first time, and referred to committee on State Affairs.

On motion of Mr. Davis of H., Mr. Camp was allowed a leave of absence for ten days.

On motion of Mr. Manly, the rule was suspended, and the bill to incorporate the Eastern Texas Railroad Company was taken up, and made the special order of the day for Monday, 11 o'clock.

On motion of Mr. Hubbard, the rule was suspended, and a bill to incorporate the Houston, Trinity and Tyler Railroad Company taken up, and made the special order for Tuesday next, at 11 o'clock.

On motion of Mr. Nelson, the rule was suspended, and a bill for the relief of H. C. Lazenby, with a report from committee

recommending the reducing of the amount in the bill to \$200, was taken up, and report laid on the table.

Mr. Ross moved to recommit the bill to committee on Claims and Accounts. Lost, and the bill ordered to be engrossed by the following vote:

YEAS.—Messrs. Speaker, Baxter, Benevides, Bogart, Branch, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Dale, Daniels, Davis of H., Duncan, Edwards, Epperson, Franklin, Hall, Hartley, Haynes, Henry, Hubbard, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Martin, Maverick, McCutchan, Mills, Mundine, Munson, Nelson, Norton, Perry, Redgate, Shannon, Short, Smith, Taylor, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—49.

NAYS.—Messrs. Anderson, Armstrong, Bryan, Craig, Cumby, Dennis, Dickson, Dougherty, Flewellen, Francis, Foscue, Harrison of C., Harrison of V., Houghton, Lewter, McClarty, McKnight, Middleton, Owens, Parker, Pirkey, Redwine, Robinson, Ross, Shelton, Speights, Stewart, Waterhouse and Whitmore—29.

A resolution setting apart evening sessions for the consideration of bills for relief, &c., was taken up.

Mr. Taylor moved to lay the resolution on the table. Lost.

Mr. Buckley moved to adjourn until 3 o'clock, P. M. Lost by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Bogart, Buckley, Daniels, Dickson, Epperson, Harrison of C., Harrison of V. Z., Lewter, Mabry, Maverick, Parker, Pirkey, Redwine, Ross, Shelton, Warfield, Whitmore, Wortham and Wrede—22.

NAYS.—Messrs. Baxter, Benevides, Branch, Bryan, Caddell, Camp, Craig, Cumby, Dale, Davis of H., Dennis, Dougherty, Duncan, Edwards, Flewellen, Francis, Franklin, Foscue, Hall, Haynes, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lynch, Manly, Martin, Maxey, McClarty, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Navarro, Nelson, Owens, Redgate, Robinson, Shannon, Short, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Waterhouse and Whitfield—53.

The question recurring upon the adoption of the resolution, the same was put, and the House refused to adopt the resolution by the following vote:

YEAS.—Messrs. Speaker, Barnard, Benevides, Bogart, Buckley, Camp, Dale, Duncan, Epperson, Hall, Harrison, of V. Z., Haynes, Hubbard, Lynch, Mabry, McClarty, McKnight, Mundine, Munson, Navarro, Nelson, Parker, Perry, Redwine, Ross, Shel-

ton, Stewart, Townes, Wælder, Waterhouse, Wortham and Wrede—32.

NAYS.—Messrs. Anderson, Armstrong, Baxter, Branch, Bryan, Caddell, Craig, Culberson, Cuniby, Daniels, Davis of H., Dennis, Dougherty, Edwards, Flewellen, Francis, Franklin, Foscue, Harrison of C., Henry, Houghton, Lewis of M., Lewis of R., Lewter, Maverick, Maxey, Middleton, Mills, Norton, Owens, Pirkey, Redgate, Robinson, Shannon, Short, Smith, Speights, Walworth, Warfield, Whitfield and Whitmore—41.

On motion of Mr. Wortham, a Senate bill for the relief of James C. Dillingham was taken up, read first time, and referred to committee on Private Land Claims.

On motion, the House adjourned until 9 1-2 o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVES, }
Monday December 19th, 1859. }

House met pursuant to adjournment—roll called, quorum present—journal of Saturday read and adopted.

Mr. Shannon presented the petition of Leslie Combs. Referred to committee on Public Debt.

Mr. Mills presented the remonstrance of sundry citizens of Navarro. Referred to committee on Counties and County Boundaries.

Mr. Townes presented the petition of Philander Priestly. Referred to committee on Private Land Claims. Also, presented the petition of sundry citizens of Travis and Williamson counties. Referred to committee on Counties and County Boundaries.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Air Line Railroad Company.

Mr. Dennis gave notice that an adverse minority report would be submitted.

Mr. Foscue, as one of the committee on State Affairs, reported, recommending the passage of the bill to authorize the County Court of Llano county to transcribe certain records.

Mr. Lewter, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of heirs of Samuel Penrod, deceased.

Mr. Baxter, one of the committee on State Affairs, reported, recommending the passage of the bill supplemental to the act incorporating the town of Marshall, Harrison county.

Mr. Ross, one of the committee on State Affairs, reported, recommending the indefinite postponement of the petition of the citizens of Kerr county. Also, reported, asking that the petition of the citizens be referred to committee on Indian affairs. Report adopted.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported, recommending the passage of the bill to prevent playing games of chance with slaves.

Mr. Davis of Hays, as chairman of joint committee on propriety of calling convention to frame new Constitution, reported a bill to call a convention to make a new Constitution. Bill read first time.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee of the House and Senate, to whom was referred a joint resolution, &c., &c., beg leave to report, that in considering the premises, they have felt it to be their duty first to inquire into the power of the Legislature to call a convention, for if there be not power, then neither expediency or necessity can have any influence in arriving at a conclusion.

In this enlightened day, and after so many precedents by other States, they could not suppose that any one could deny so plain a principle, had not the objections already been inquired into by previous sessions of the Legislature.

That the people are the source of all power under our form of government is not denied by any one ; that they exercise their powers through representatives of their own creation is equally clear ; that they may limit the powers of their representatives is also sound theory, everywhere illustrated in practice. And while the people may delegate the exercise of certain powers to certain bodies of magistracy, and yet no such powers can be delegated irrevocably, the most that the strongest advocates of Legislative power could properly urge, would be that the resumption of the powers should be with the consent or acquiescence of their representatives and chief magistrate.

The powers of the government of Texas, not conferred upon other bodies of magistracy, or expressly withheld in our bill of rights and the constitution, are upon general principles, and by express grant vested in the Legislature. As a consequence, it follows that the Legislature may surrender back to the people the right to meet in mass or to send delegates to a convention, to change their organic laws, this is the weakest view in favor of the right which can be stated. In the Rhode Island case, the principle stated by the supreme court of the United States, was

that the people may always change their constitution with the consent of the existing government, and that such a change without that consent, would be valid if the government afterwards acquiesced or submits to such a revolution. All that was wanting in that case, was consent or acquiescence. Any other rule would lead to the absurdity that a constitution which is a mere organic law, the creature of the people, is superior to the creator.

But it is urged that as the constitution provides one mode of amending, therefore, all other modes of amendment are excluded. But this argument simply denies the joint power of the Legislature and the people over their government. It is saying to the grantors, that even with your own consent your grantees cannot return to you a delegated trust. It overlooks the fact, that the very object of a convention is to frame a new constitution, not to amend an old one. It assumes in fact, that the people can surrender their rights in such a manner that they never can again resume them. It leads to the absurdity that had the constitution said it should never be amended, or had it provided no mode of amendment, then it would have become more unchangeable than the laws of the Medes and Persians. The assumption is at war with the whole genius, theory and practice of our government. It is also contradicted by the universal history of the country.

In the early settlements of the colonies, they looked alone to their charters as the basis of their organic laws, constitutional conventions were a part of the fruits of our independence, few of the early constitutions provided any mode of amendment, and those which did, had the very notion of successive acts of the Legislature, and yet it is believed that all of the original States, and very many of the new States, have adopted new constitutions through the agency of conventions called by the Legislature, and no evil consequences have ever yet resulted from such conventions. It is seriously apprehended that the argument against the power really proceeds from the want of confidence in the people.

The committee having arrived at the conclusion that the argument against the power is utterly groundless, they pass to the question of the necessity of amending the constitution, that it is not considered infallible is apparent from the fact that it has already been amended in the great matter of committing the election of the judiciary to the people, and, also, in the proposed amendment of that amendment providing for the temporary appointments of judges to prevent a delay of justice. Other

important amendments have been attempted, the last proposing to make the school lands available by selling them, the use by lease, provided for in the constitution being impracticable; the failure of these amendments does not prove their inutility, or that they are not necessary, but the difficulty, if not the impossibility of amending in the mode which is due more to the printers of newspapers, or the inattention or wilfulness of election judges, may defeat to say nothing of the inattention of the people to a proposed isolated amendment. Indeed, it is believed that it would now be impossible to ascertain in the manner provided in the constitution, the voice of voters for representatives upon a proposed amendment of the constitution, upon a single election day certainly it cannot be hoped that even the election judges will be sufficiently careful to ensure an amendment, should the people favor it. The conclusion, therefore, is that if our constitution is to be changed, it must be through the agency of a convention, which would be cheaper than the repeated efforts by the Legislature. It also has the advantage of selecting delegates for the single purpose of improving our present constitution, no combination with Legislative measures and expedients. The sanction of the people, both in the choice of delegates pledged to certain means, and upon the ratification or rejection, and dispatch in securing the benefits of necessary changes.

But are changes necessary? The majority of the committee hold that they are. Indeed, it would be wonderful if the quadrupling and expanding of our population within fourteen years, and the experience of that time had not developed the necessity of changes. As already remarked, the want of power to fill vacancies in judgeships where they recur so often, in many instances to a denial of justice. It is now conceded by our supreme court, and every practitioner in it, that an increase of force upon the bench, and some limitation or improvement in the right of appeal, are absolutely necessary. The sale of the school lands are demanded. The provision in regard to apportionment is so meager and vague as to leave a door for very great abuse. The prohibition against banking is legislative in its character, and should not be in the constitution.

There is a necessity that some vast interest should be placed beyond legislative control, and that the rights of the homestead should be so clearly defined as to leave no room against its consummation, which would otherwise render it useless. It is also believed that the power of manumitting slaves in the State, should be taken away. These are subject matters upon which

there is very general agreement. There are various others which might properly be submitted to the people.

All arguments as to the danger of such a course have no weight with the majority of the committee. Believing that the people are eminently capable of wise self-government, they have no distrust of their wisdom in selecting their delegates, or in ratifying or rejecting their action.

The committee would respectfully offer the accompanying bill and recommend its passage.

J. W. DAVIS,

Chairman of House Committee.

Messrs. Dickson and Dale dissenting.

Mr. Dickson gave notice of a majority vote on constitution.

On motion of Mr. Davis the rule was suspended, the report taken up and made the special order of the day for 9th January next.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to authorize county court of Comal county to levy a special tax, and recommended its passage. Bill read first time.

Mr. Hubbard introduced a bill to regulate the fees of chief justice and county clerks of this State. Read first time and referred to Judiciary committee.

Mr. Mills introduced a bill to repeal articles 788, 789, 790, and 791 of the penal code. Read first time and referred to Judiciary committee.

Also, introduced a bill to prevent judgments from becoming dormant. Read first time and referred to Judiciary committee.

Also, introduced a bill to amend article 791a of penal code. Read first time and referred to Judiciary committee.

Mr. Flewellen introduced a bill to incorporate "Live Oak Female Seminary." Read first time and referred to committee on Education.

Mr. McKnight offered the following resolution :

Resolved, That the committee on arrangements of the inauguration be requested to examine into the condition of the gallery of the hall, and if they find that it is not safe, they are hereby authorized to have it put in a safe condition. Adopted.

M. Lewis of M., presented the circular of officers and members of sundry agricultural societies. Referred to committee on Agriculture.

Mr. Navarro offered the following resolution :

Resolved, That the committee on printing be requested to inquire into the cause of the delay in the delivery of the Spanish and German translation of the Governor's message ordered by this house. Adopted.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read and disposed of as indicated, to-wit :

The bill to incorporate the Gulf Fair Coast Association, located at Victoria. Read first time and referred to committee on Stock and Stock Raising.

The bill amendatory of, and supplemental to the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company. Read first time and referred to committee on Internal Improvements.

And the bill to incorporate Starrville Union Academy. Read first time and passed to second reading.

Houses bills : The bill to amend fourth section of the act allowing discounts and set-offs, taken up and the Senate's amendments concurred in.

The bill to incorporate the Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston, taken up and amendments by the Senate concurred in.

And the bill for the relief of purchasers of University Lands, together with substitute by the Senate, taken up and the substitute adopted, and read first time and passed to second reading.

The hour having arrived the special order, to-wit :

The bill to incorporate the Eastern Texas Railroad Company, together with report from committee on Internal Improvement, and substitute by said committee was taken up, the substitute adopted and read second time.

Mr. Norton proposed to amend section second by inserting between the words "Nacogdoches and Henderson," the words within "a one-half mile of." Adopted ; and by striking out "section fourteenth," and insert five additional sections. Adopted ; and the bill ordered to be engrossed.

On motion of Mr. Clark, the rule was suspended and the bill read third time and passed without a dissenting voice.

On motion of Mr. Perry, the bill for the relief of E. Humphreys, together with report from committee, was taken up and bill read second time and ordered to be engrossed.

Mr. Perry moved a further suspension of the rule that the bill might be passed. Lost ; and the bill passed to third reading.

On motion of Mr. Wælder the rule was suspended and the bill to pay expenses of Captain Tobin's company, with report from committee on Finance, proposing amendments, was taken up, bill read second time, and the amendments adopted.

Mr. Franklin proposed to amend by inserting after the words "fully and authenticated" the word "authorized." Adopted; and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Billingsly, Bogart, Branch, Bryan, Buckley, Caddell, Crooks, Clark, Dale, Darnell, Davis of B., Davis of H., Dennis, Dougherty, Duncan, Ellett, Epperson, Flewellen, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Hartley, Haynes, Houghton, Hubbard, Lewter, Lynch, Mabry, Manley, Martin, McClarty, McCutcheon, McKnight, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—66.

NAYS—Messrs. Fosene and Whitmore.

On motion of Mr. Hall, the rule was further suspended, the bill read third time and passed.

Mr. Crooks, chairman on Engrossed Bills, reported correctly engrossed the bill for the relief of H. C. Lazenby. Report adopted.

The House's bill to incorporate the Texas Masonic Institute, with amendments by the Senate was, taken up, and the amendments concurred in.

The Senate's bill for the relief of W. P. Tindall. Read first time, and referred to committee on Private Land Claims.

Senate's bill ordering return of Fisher & Miller's Colony certificates. Read first time and passed to second reading.

Mr. Ross moved that the House go into committee of whole on bill to raise revenue by direct taxation. Lost.

Senate Bills: Bill authorizing heirs, representatives or relatives of deceased persons to sue for and recover damages, where death of such persons has been caused by negligence, culpable or wrongful act of another. Read first time and referred to Judiciary committee.

Bill to change and adjust the western boundary lines of the counties of Uvalde and Dawson, and the eastern boundary line of Kinney county. Read first time and referred to committee on Counties and County Boundaries.

Bill to incorporate Salado College in Bell county. Read first time and referred to committee on Education.

Bill to grant pension to Charles Sheppard. Read first time and passed to second reading.

House Bills: Bill to amend article 955, of the Code of Criminal Procedure. Read third time and passed.

Bill making appropriation to pay the Attorney General and District Attorneys the cost due them under article 952d, of the Code of Criminal Procedure. Read third time and passed.

Bill granting pre-emption privileges to actual settlers, together with proposed substitute taken up.

Mr. Wælder moved that the bill be postponed till fourth of January next. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Barnard, Benevides, Billingsly, Bryan, Davis of B., Dennis, Flewellen, Franklin, Foscue, Hall, Hartley, Mundine, Munson, Norton, Pirkey, Redgate, Ross, Shelton, Townes, Wælder, Whitfield and Wrede—24.

NAYS—Messrs. Armstrong, Bogart, Branch, Caddell, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewis of M., Lynch, Mabry, Manley, Martin, Maverick, McCutchan, McKnight, Middleton, Mills, Nelson, Owens, Parker, Perry, Redwine, Shannon, Smith, Speights, Taylor, Walworth, Warfield, Waterhouse, Whitmore and Wortham—46.

On motion of Mr. Martin, Messrs. Culberson and Clark were added to committee on Probate Laws.

Mr. Epperson offered an additional section.

On motion of Mr. Dale, laid on the table by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dickson, Duncan, Ellett, Francis, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewter, Lynch, Martin, McCutchan, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Shannon, Smith, Speights, Stewart, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—50.

NAYS—Messrs. Anderson, Billingsley, Bryan, Caddell, Davis of B., Dennis, Dougherty, Edwards, Epperson, Flewellen, Franklin, Foscue, Hartley, Lewis of M., Manley, McClarty, Mills, Pirkey, Ross and Shelton—20.

Mr. Munson proposed to amend by inserting three hundred and twenty acres in lieu of two hundred, and an additional section.

Mr. Norton moved to lay the amendment on the table.

A division of the question being called, the question re-urged on the proposed amendment to strike out "two hundred acres"

and insert "three hundred and twenty acres," which was laid on the table.

The question then being on laying the additional section on the table. The same was tabled by the following vote :

YEAS—Messrs. Armstrong, Bogart, Branch, Crooks, Dale, Darnell, Davis of B., Dickson, Duncan, Ellett, Francis, Harrison of V. Z., Haynes, Henry, Houghton, Lewter, Martin, Mauley, McCutcheon, McKnight, Middleton, Mills, Mundine, Navarro, Norton, Owens, Parker, Perry, Redwine, Shannon, Speights, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wrede—38.

NAYS—Messrs. Speaker, Anderson, Baxter, Benevides, Billingsley, Bryan, Caddell, Clark, Daniels, Davis of H., Dennis, Dougherty, Edwards, Epperson, Flewellen, Franklin, Foscue, Hall, Harrison of C., Hartley, Hubbard, Lewis of M., Lynch, Mabry, McClarty, Munson, Nelson, Pirkey, Redgate, Robinson, Ross, Shelton, Smith, Stewart, Townes, Whitfield and Wortham—37.

Mr. Davis of B., offered a substitute.

Mr. Shannon moved to lay substitute on table.

Mr. Crooks moved to adjourn till 3 o'clock P. M. Lost by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Billingsley, Branch, Caddell, Crooks, Clark, Daniels, Davis of B., Davis of H., Dickson, Edwards, Epperson, Flewellen, Franklin, Harrison of C., Harrison of V. Z., Hartley, Houghton, Lewis of M.; Lynch, Mabry, McClarty, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Stewart, Townes, Warfield, Whitfield and Whitmore—35.

NAYS—Messrs. Armstrong, Benevides, Bogart, Bryan, Dale, Darnell, Dennis, Dougherty, Duncan, Ellett, Francis, Foscue, Hall, Haynes, Henry, Hubbard, Lewter, Manly, Martin, McCutcheon, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Redgate, Shannon, Smith, Speights, Taylor, Wælder, Walworth, Waterhouse, Wortham and Wrede—38.

The question recurring upon laying the substitute on the table. The same was put and the substitute laid on the table by the following vote :

YEAS—Messrs. Speaker, Armstrong, Benevides, Bogart, Branch, Caddell, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dickson, Dougherty, Duncan, Ellett, Francis, Hall, Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewter, Lynch, Manly, Martin, McCutchan, Middleton, Mills, Mundine, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon,

Smith, Speights, Taylor, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—48.

NAYS—Messrs. Armstrong, Baxter, Billingsly, Bryan, Davis of B., Dennis, Edwards, Epperson, Flewellen, Foscue, Harrison of C., Hartly, Lewis of M., Mabry, McClarty, McKnight, Munson, Pirkey, Redgate, Ross, Shelton, Stewart and Townes—24.

On motion, the House adjourned till 7 o'clock, P. M., pending the substitute.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present—the substitute pending when the House adjourned was adopted.

Mr. Foscue proposed to amend by adding an additional section, to-wit :

Section—No person shall be entitled to the provisions of this act who belongs to any religious sect or association, political party or organization, whose object is to abolish the institution of slavery as it now exists in the State.

Mr. Bogart moved to lay the amendment on the table. Lost by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Bogart, Culberson, Dale, Davis of H., Ellett, Epperson, Harrison of V. Z., Haynes, Henry, Houghton, Martin, McCutchan, McKnight, Mills, Mundine, Navarro, Norton, Owens, Wælder, Walworth, Wortham and Wrede—25.

NAYS—Messrs. Speaker, Anderson, Baxter, Billingsley, Branch, Bryan, Caddell, Crooks, Darnell, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Hartley, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Manly, McClarty, Middleton, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Stewart, Townes, Warfield, Waterhouse, Whitfield and Whitmore—47.

Mr. Martin moved the previous question, which was seconded.

[Mr. Baxter in the chair].

The House refused to order the main question by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Bogart, Culberson, Dale, Darnell, Davis of B., Davis of H., Ellett, Epperson, Harrison of V. Z., Haynes, Henry, Houghton, Lynch, Martin, McCutchan, McKnight, Middleton, Mills, Mundine, Navarro, Norton, Owens, Smith, Speights, Taylor, Wælder, Walworth, Waterhouse and Wrede—32.

NAYS—Messrs. Speaker, Anderson, Baxter, Billingsley, Branch, Bryan, Caddell, Crooks, Dennis, Dickson, Dougherty, Duncan, Edwards, Flewellen, Francis, Foscue, Hall, Harrison of C., Hubbard, Lewis of M., Lewter, Mabry, Manley, McClarty, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Townes, Warfield, Whitfield and Whitmore—39.

[The Speaker resumed the chair.]

Mr. Townes offered the following amendment :

“ And every person settling upon the public domain shall make affidavit before some officer authorized to administer oaths, that he does not belong to such sect or party, or organization, and that he is not opposed to slavery.”

Adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Benevides, Branch, Caddell, Crooks, Darnell, Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Hall, Harrison of C., Haynes, Hubbard, Lewis of M., Lewter, Lynch, Manley, Nelson, Parker, Perry, Pirkey, Shelton, Short, Stewart, Townes, Walworth, Waterhouse and Whitfield—34.

NAYS—Messrs. Armstrong, Bryan, Clark, Culberson, Dale, Davis of B., Davis of H., Edwards, Ellett, Epperson, Foscue, Harrison of V. Z., Henry, Houghton, Manley, Martin, McClarty, McKnight, Middleton, Munson, Navarro, Norton, Owens, Redwine, Ross, Shannon, Smith, Speights, Taylor, Waelder, Warfield, Wortham and Wrede—33.

On motion the House adjourned till 9½ o'clock, A. M., to-morrow, pending the amendment.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 20th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. McKnight presented the petition of Mrs. Elizabeth Stanley. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of German Free School Association of city of Austin. Referred to committee on Education.

Also, presented the petition of Elizabeth and James Robinson. Referred to the committee on the Judiciary.

Mr. Wrede presented the petition of the citizens of Mason county. Referred to committee on State Affairs.

Also, presented the petition of Llano county. Referred to committee on State Affairs.

Mr. Manly presented the petition of the heirs of Lorenzo de Zavala. Referred to committee on State Affairs.

Mr. Edwards presented the petition of Jno. Lowery. Referred to committee on Private Land Claims.

Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported, recommending the passage of the bill to incorporate the Gulf Coast Fair Association, located at Victoria, with amendments by committee :

Amend section 1st by striking out &c., after the words "fees" in the 12th line, and by amending section 12th so that it read as follows :

" Be it further enacted, that this act shall be in force for 20 years, and that it take effect and be in force from and after its passage."

Mr. Wrede, one of the committee on Judicial Districts, reported, recommended the passage of the Senate's bill to create the 20th Judicial District, and define time of holding courts therein.

Mr. Parker reported a bill for the relief of Lucretia Franklin, and recommending its passage. Bill read 1st time.

Mr. Ross, one of the committee on Claims and Accounts, reported, asking to be relieved from further consideration of the petition of Swenson & Swisher, as a general bill for such relief had been passed.

Mr. Clark, one of the committee on Engrossed bills, reported correctly engrossed, the bill to incorporate the Eastern Texas Railroad Company. Report accepted.

Mr. Francis, one of the committee on Claims and Accounts, reported, asking to be relieved from further consideration of the bill for the relief of Ezekial Ballard.

Mr. Shannon, chairman of committee on Private Land Claims reported, asking that the petition of Benj. R. Milam, be referred to committee on Judiciary. Report adopted.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of the heirs of Benjamin R. Milam, have had the same under consideration, and after giving the whole subject a thorough investigation, instruct me to report as follows, to-wit :

That the heirs of Milam predicate their claim against the State of Texas, upon the fact, that Benjamin R. Milam received from the Republic of Mexico, A. D. 1824, a grant for eleven

leagues of land, situated upon the right bank of Red river, opposite the mouth of Little river, and that in 1842, by the running of the boundary line between the United States and the Republic of Texas, it was ascertained that the land upon which the said grant of Milam's was situated, was in the territory of the United States.

There was no satisfactory evidence before the committee that the said Milam had ever complied with the provisions of the law which would have entitled him to an unconditional grant for eleven leagues of land, and there being no unconditional grant produced in evidence before the committee, the natural presumption was, that no such grant existed. The committee further instruct me to report, that they do not consider the State is under any equitable obligations to perfect any deficient land titles emanating from the government of Mexico, before the State of Texas had an existence.

But, in order that the petitioners may have the advantage of a thorough investigation of the legal claims against the State of Texas, your committee have instructed to report the same back to the House and ask its reference to the committee on the Judiciary.

W. R. SHANNON,
Chairman.

Mr. Munson, chairman of committee on Education, reported, as follows, recommending the indefinite postponement of the bill to repeal the act establishing the University of Texas.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Education to whom was referred a bill, entitled an act to repeal the University law, passed by the 7th Legislature, have with much care considered the same, and a majority of said committee, instruct me to report the bill back to the House, and to recommend its indefinite postponement.

As a reason to the House why the committee make this recommendation they respectfully submit the following :

That the appropriations of land and money for the University of Texas, were not withdrawn from the funds set apart for common schools, each being a separate, independent appropriation.

Hence, it is the more desirable, that they should not be interfered with, or diverted by improvident repeal from the object for which they were made.

It was the cherished desire, the wise design, of the late Republic of Texas, to provide the means for giving to their children, a finished education at home. Accordingly as early as

January 26th, 1839, they set apart fifty leagues of land for University purposes, (not common schools) to which grant the last Legislature added one-tenth part of the railroad reserve lands, and \$100,000, in United States five per cent. bonds. The 7th Legislature in passing a bill to establish a State University, seemed desirous of inaugurating a policy, indicated by the early settlers of Texas, and in this, a majority of your committee, commend their action, as both patriotic and wise.

Past Legislatures of the State have always evidenced much interest upon the subject of common schools, and the present Legislature in the same spirit, seems willing to make additional provision for the same, and liberally to aid private educational enterprises; but, while they aim to strengthen the foundation, they should also desire to preserve and protect the superstructure. Your committee see no good reason, why the youth of Texas should be compelled to go abroad to obtain a finished education, nor do they think that expending vast sums of money annually for tuition, and maintenance out of Texas, and thus imbibing the ideas, both social and political of other States, or countries, than that in which they live, can be productive of much good to this State.

Hence, the committee earnestly urge, that the initiative steps taken to prevent the continuance of such a necessity be not disregarded.

But while they look with pleasure upon the provisions made for common schools, and upon the efforts of private enterprise to afford facilities in the way of obtaining education, they are unwilling to believe, that the State of Texas, with all her ample resources, would be other than recreant to to herself, should she fail in carrying out the original plan, of herself furnishing the facilities of a thorough education, making common schools the commencement, and a University (alike free) the completion of the system.

Such is the plan provided by the laws now in force. When carried into effect it cannot fail to be of the greatest benefit to our State; then every boy in Texas will be able to obtain, first the rudiments of an education, at a common school, and afterwards without expending his money out of the State, and without being moulded by the sentiment of a community in which he is not to live, will have the opportunities afforded by an extensive library, by improved instruments; but paramount to all, by the perfect teacher, rarely found, and never secured but with a liberal salary.

The poor young men of our country, who have to maintain

themselves at home, at all events cannot justly be debarred of the benefits of this system, which a majority of your committee regard as eminently wise, and which they most sincerely desire to see put in successful operation.

They see no sufficient reason for mutilating the system established by law, and for making it so primary in its nature, as to compel such of our youth as are able to seek education, abroad, and to debar those who are poor, from the opportunity of ever obtaining a liberal, scientific education at home. Our laws regard common schools as the foundation to which the University is and should be to the superstructure.

A majority of your committee believe the State of Texas, should maintain and carry out a complete system of education, such as is designed by her present laws, satisfied that it is just and equal, that it is demanded by the age, and by the best interests of our people, and that it cannot be abandoned without discredit to herself.

M. S. MUNSON.

Mr. Norton gave notice that an adverse minority report would be submitted.

Mr. Foscoe, chairman of committee on Internal Improvements, reported, recommending the passage of the Senate's bill, providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi bay.

Also, recommended the passage of the bill amendatory and supplemental to the act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company.

Mr. Daniels, one of the committee on Private Land Claims, reported, asking that the petition of the heirs of Jas. M. Robinson, be referred to committee on Court of Claims. Report adopted.

Mr. Bryan, one of the committee on Private Land Claims, reported a bill for the relief of Thos. Norris and Thos. Barnett, and recommended its passage. Bill read first time.

Mr. Mabry, chairman of the committee on Enrolled Bills, reported correctly enrolled and properly signed, a bill for the relief of Mich'l K. Hammon and that the same had been presented to the Governor for approval and signature.

A message was received from the Governor.

A message was received from the Senate informing the House that the Senate had passed the following named House's bills:

A bill for the relief of the heirs of A. Spain Summerlin, deceased.

A bill for the relief of the heirs of C. Buckner.

A bill to authorize the Comptroller to contract for 500 copies of the new Abstract of land titles.

A bill making appropriation to furnish Governor's mansion.

A bill to repeal the act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill to incorporate the Hebrew Congregation at the city of Houston, with amendments by the Senate.

Senate's bills: A bill for the relief of Myram Mudgett and his assignee.

A bill for the relief of the heirs of Jno. Gates, deceased.

A bill to require the field notes of certain surveys in Young Land District to be recorded in the surveyor's office.

A bill to amend the act for the relief of Nath'l. Prescott, R. S. Wheat, L. G. McGaughey and Eliza Green, passed Sep. 1st., 1856.

A bill to permit Mercers' colony certificates to be located upon any public vacant domain in the State.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law.

A bill to amend the 2nd, 5th, 8th, and 9th sections of the act to authorize the sale of public domain, and a joint resolution requesting our Senators and Representatives in Congress to obtain the removal of the port of entry for the District of Brazos St. Iago from Point Isabel to Brownsville, and to obtain an appropriation for building a custom-house.

Mr. Davis of H., introduced a bill to change the time of holding courts in the 2nd judicial district, and to direct district clerks to apportion their dockets. Read first time and referred to committee on Judicial Districts.

Mr. Hall introduced a bill to encourage the citizens of El Paso county to irrigate the Rio Grande valley. Read first time and referred to committee on State Affairs.

Mr. Navarro introduced a bill to incorporate the Corpus Christi Bridge and Turnpike Company. Read first time and referred to committee on Roads, Bridges and Ferries.

On motion of Mr. Darnell the rule was suspended, and the bill to create the 20th judicial district, and define the time of holding courts therein, together with report from committee, was taken up and read.

Mr. Shannon offered a substitute for the bill.

Mr. Nelson proposed to amend the substitute by striking out "Palo Pinto county." Adopted, and the substitute rejected.

Mr. Shannon proposed to amend the bill by striking out "Collin county." Lost, and the bill passed to third reading.

On motion, the rule was further suspended. Bill read third time and passed.

The hour having arrived the special order of the day, to-wit :

The bill to incorporate the Houston, Trinity and Tyler Railroad Company, together with report from committee, recommending amendments, was taken up, and the amendments adopted.

[Mr. Dennis in the Chair.]

Mr. Culberson proposed to amend the 1st section by adding the names : " B. J. Terry, Jno. Speake, Dan, l Cole; J. C. Kuhn, E. B. Nichols, Julius A. Kaufinan, A. T. James, J. C. Smith, J. S. Collard, A. W. Wright and W. H. Hart." Adopted.

Also, proposed to amend 2nd section, by adding after the words, "Smith county," the words, "thence to Texacana in Bowie county, via, Gilmer in Upshur county, and Jefferson in Cass county." Adopted.

Mr. Mills offered the following additional section :

Section—That no person shall be a stockholder or director in said railroad, who belongs to any religious sect or association, political party or organization, whose object is to abolish the institution of slavery as it now exists in this State.

On motion of Mr. Crooks, laid on the table by the following vote :

YEAS.—Messrs. Speaker, Anderson, Banard, Billingsly, Bryan, Crooks, Clark, Culberson, Dale, Daniels, Davis of B., Davis of H., Dougherty, Edwards, Ellett, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C. Harrison of V. Z. Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Martin, McClarty, McKnight, Mills, Mundine, Munson, Navarro, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Smith, Taylor, Townes, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—51.

NAYS.—Messrs. Armstrong, Baxter, Bogart, Caddell, Darnell, Dennis, Dickson, Flewellen, Hartley, Haynes, Lynch, Mabry, McCatchan, Middleton, Nelson, Norton, Owens, Shannon, Short and Speights—20.

Mr. Hubbard proposed to amend by adding an additional section. Adopted.

Mr. Munson proposed to amend section 4th, line 2nd, by inserting after the words, "this act," the words, "or a majority of them." Adopted.

Also, proposed to amend by adding an additional section.

Adopted, and the bill passed to the third reading.

On motion, the rule was further suspended, the bill read third time and passed, with but one dissenting voice.

Mr. Redwine moved to re-consider the vote rejecting the amendment to the pre-emption bill, to confine the benefits of said bill to citizens of this State.

On motion, the consideration of the motion was postponed till Monday next.

The following communication with accompanying documents was received from the Governor :

EXECUTIVE OFFICE, }
Dec. 19th, 1859. }

Gentlemen of the Senate

and House of Representatives :

I herewith enclose by request a memorial of the Washington National Monument Society.

Signed,

H. R. RUNNELS.

Referred to committee on Federal Relations.

EXECUTIVE OFFICE, }
Dec. 20th, 1859. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

In compliance with a resolution of the House of Representatives of Nov. 15th, 1859, I enclose the report of the Hon. W. R. Scurry, Commissioner on the part of the State, to run the boundry line between the State of Texas and the United States Territories: also, that of W. A. Bush, Esq., Secretary of the Commission and acting Commissioner from 19th June last, who assumed its duties, in consequence of the resignation of the Commissioner, with the sanction of the Executive. It will be seen that the survey has not been completed, but doubtless every effort has been made to advance it, by those in charge of the Commission on the part of the State. I am informed that an additional appropriation will be required for this object, the amount of which I am unable to state from any data in my possession. For more particular information of the condition and progress of the survey I respectfully refer you to the reports herewith enclosed.

Signed,

H. R. RUNNELS.

Referred to committee on State Affairs.

The report from committee on Arrangements for inauguration of Governor, was taken up and adopted.

On motion, Mr. Flewellen was granted a leave of absence till 1st of January, 1860.

On motion of Mr. Munson the rule was suspended, and a bill to incorporate the Sabine and Galveston Railroad and Lumber Company, passed September 1st, 1856, together with report from committee on Internal Improvements, recommending its passage, taken up, read second time, and on motion of Mr. Hubbard, the rule was further suspended read third time and passed without a dissenting voice.

Mr. Davis of B., offered the following resolution :

Resolved, That if the weather be suitable, the inauguration shall take place in front of the Capitol, and the committee on Arrangements are instructed to make suitable preparations, and to arrange the order of the same. Adopted

On motion of Mr. Townes, Mr. Daniels was granted leave of absence till 4th January, 1850.

On motion of Mr. Manly, Mr. Bryan was granted leave of absence for five days.

On motion of Mr. Shannon, the rule was suspended, and the bill supplemental and amendatory of the "act to provide relief for pre-emption settlers and their assigns," under the act of January 22nd, 1845, the act of February 7th, 1853, and the act of February 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad reservation, together with report from committee on Public Lands, was taken up, read second time and passed to third reading.

On motion of Mr. Shannon, the rule was further suspended, bill read third time and passed.

Mr. Davis of B., moved to suspend the rule and take up bill for relief of Wiley Burns *et al.* Lost.

On motion of Mr. Taylor, the rule was suspended, and the Senate's bill to postpone sale of University lands that have been forfeited, &c. &c., was taken up, and read second time and passed to third reading.

On motion of Mr. Epperson, the rule was further suspended. Bill read third time and passed.

On motion of Mr. Dougherty, the rule was suspended and the joint resolution relative to removal of port of entry from Point Isabel to Brownsville, &c. &c., was taken up and read first time.

On motion of Mr. Dougherty, rule was again suspended and the joint resolution read second time and passed to third reading.

Again on motion of Mr. Dougherty, the rule was further suspended. Resolution read third time and passed.

On motion of Mr. Lewis of M., the rule was suspended, and the bill to amend the act regulating the practice of Attorneys and Counsellors-at-law, together with report from Judicial com-

mitter, recommending amendments, taken up read second time and amendments adopted.

On motion, the House adjourned till 9 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Wednesday, December 21st, 1859. }

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

On motion of Mr. Dickson, the House took a recess of five minutes to prepare to receive the session in joint session, to inaugurate the Governor and Lieutenant-Governor. Recess expired—roll called, quorum present.

The Senate, headed by Honorable Jesse Grimes, President *pro tem.*, appeared; the President was invited to a seat on the right of the Speaker, and the Senators to seats within the bar.

Senator Townes moved that the joint session adjourn to the front of the Capitol. Lost.

On motion of Senator Stockdale, a committee of three, consisting of Messrs. Stockdale, of the Senate, and Dickson and Smith, of the House, were appointed to wait on the Governor and Lieutenant-Governor elect, and inform them that the two Houses were ready to receive them.

The committee reported that the Governor desired the two Houses to meet him in front of the Capitol.

On motion the joint session took a recess of fifteen minutes. Recess expired—roll called, quorum present.

The Speaker instructed the chief clerk of the House to inform the Governor and Lieutenant-Governor that the joint session were awaiting them.

The Governor and Lieutenant-Governor elect, and the retiring Governor and Lieutenant-Governor, preceded by chief justice R. T. Wheeler and associate justice O. M. Roberts, appeared.

The retiring Governor and Lieutenant-Governor were invited to seats on the right, and the Governor and Lieutenant-Governor elect, to seats on the left of the Speaker, and the justices of the supreme court to seats prepared for them in front of the Speaker's stand.

The retiring Governor and Lieutenant-Governor then delivered respectively their valedictories as follows :

Gentlemen of the Legislature

and fellow-citizens :

This vast concourse has assembled to-day to witness one of

those interesting periodical events which mark the history, progress and development of a free constitutional government, to witness the transfer of honor and authority from those who have been entrusted with the difficult and perplexing cares of State, to the hands of others, who, by election of the people, have been chosen to assume them. It having been my fortune to hold the position which I am now about to surrender, for the past two years, custom as well as a proper regard for the occasion has seemed to require that I should add my presence and participate in the ceremonies that are to commemorate it. In performing this task, let no one be surprised at the difficulty I find in arriving at that which shall at the same time be appropriate and expressive of my own sentiments, nor let it be supposed that this difficulty and embarrassment arises from any feeling of reluctance at the surrender of a position environed with difficulties, which it has required so enlarged a sentiment of self-sacrifice and so much firmness and determination of purpose, faithfully to encounter. There are those within the sound of my voice who know that the act of to-day would have been voluntary on my part, could I have been permitted the free exercise of my own inclinations; but had they even been different, and the office again earnestly desired, I should regard my position in defeat far more fortunate and honorable than to have succeeded at a price of principle and a surrender of the independence of thought, or, by swerving one iota from that disinterestedness of action by which he who has imposed on him high moral and constitutional duties should alone be governed. It is not my intention to weary the public patience with a recital of my long connexion with our public affairs, nor shall I stoop to a vindication of its history from the misrepresentations with which it has been assailed. The time and occasion are not propitious. The purpose of the hour is to listen to the enunciation of principle and policy from those who are to take—not those who are about to yield position. My own is already part and parcel of the history of the country, and it is for these who may seek truth for their guidance to examine it and judge for themselves. As a Representative of the people, as the presiding officer of either branch of the Legislature, or as the Executive of the State, I have faltered in the performance of no duty, changed no opinion, abandoned no position, advanced no new theory, but consistently adhered to the same principles of State and federal policy from the beginning of my career to the present time; striving only for the present and future welfare and safety of my State and country.

It has been well and truly said that "censure is the tax a man pays the public for being eminent," and without presuming upon this myself, if I could close my eyes to the truth, that the recent change of popular sentiment, is more to be attributed to the name and fame of the aged and eminent chieftain who sits before you, than to the course of a few licentious presses and politicians who in the heat of partisan strife have forgotten or disregarded the proprieties and amenities of life, I should then regard that change as truly suggestive of serious reflection to those who may hereafter seem to tread the thorny path of political life in Texas.

Two years ago on taking the oath of office I recommended the organization of a militia in view of the impending sectional difficulties as a measure of public defense, as a necessary measure of public defense only. It was not then favorably acted on by the Legislature, but subsequent events have fully justified the recommendation. It is now clearly demonstrated by the history of the past five years that a deep unchangeable determination exists in the Northern States to assail our dearest political rights, and if possible destroy our domestic institutions. This determination has its foundation in a difference in the manners, feelings and opinions of the northern people upon the subject of negro slavery. They believe it to be a moral, social and political evil. This belief strengthened into a conviction has been incorporated with and now constitutes the soul of their religion and the mainspring of their morality. In the South, the great mass of the people entertain opinions entirely opposite in their character, which are equally irrevocable and equally amalgamated with our religion and morality. We therefore occupy the singular and anomalous position of two people differing in almost everything calculated to promote peace, happiness and fraternity, and yet in many respects living under the same government. One of these people is actuated by a spirit of aggression; the other standing upon the ramparts of the constitution, is acting upon the defensive; and asking only to be let alone. It is unnecessary to recapitulate facts to substantiate these truths, nor that a wide spread conviction exists that we are approaching a terrible crisis, and that we being forewarned we should be also forearmed. The history of the world affords no example of two people so divided long remaining under a common government, of their own voluntary accord. The framers of ours foreseeing a change of the opinions and sentiments of its different people, attempted by leaving this and other questions of domestic policy to the State government as much as possible, to avoid if practicable, future cause of disruption, and by restricting the federal

government to the powers delegated by the constitution, place it beyond the power of any one section to interfere with the peculiar interest and institutions of another. The binding efficacy of these restrictions from every indication is now soon to be tested, and a question to be determined is, whether Texas will remain indifferent to the consequences while those with whom she should be united by every tie of blood and interest, are animated with but one sentiment in regard to the common danger. Preparation will not hasten the coming of events, if come they must, while if it does not prevent, it may avert the consequences of the threatening storm. The time has surely arrived when the South should look to her defences.

I have now, perhaps, exceeded the limits prescribed for such an occasion ; yet I can not conclude without a word of farewell to those with whom I have been associated ; who are bound to me by the strongest ties of sympathy, and that friendship which results from common labors and common motives. I honor the magnanimity which rises above the mere considerations of party. The rancor of its hostilities is more than counterbalanced by the spirit of truth and justice evinced by it, and above all, the remembrance of that charity blended with so many evidences of kindness and appreciation from fair hands, which has been so generously bestowed during my sojourn at the Capital, will be carried with me to my distant home, and deeply treasured in the well of memory until life's last pulsation shall cease.

And the Hon. F. R. Lubbock delivered the following valedictory address :

Senators, Representatives, Ladies,

and you my fellow-citizens :

Two years ago I had the pleasure of appearing before you upon this stand, then taking upon myself an obligation to discharge the duties incumbent upon me as Lieutenant Governor of this our empire State. To-day I am here surrendering the trust then reposed in me to another, he being the choice of the voters of the State of Texas.

I have my fellow-citizens endeavored to perform every duty incumbent upon me with fidelity and impartiality.

I am conscious of having discharged them with an eye single to the public good.

I feel that it would not be in good taste for me to make a speech upon this interesting occasion, or to suggest such matters as I might deem of great importance to the welfare of the nation; others will follow more able and experienced than myself, nevertheless, I cannot permit this opportunity to pass without con-

gratulating my fellow-citizens upon the general prosperity of our country. We have been peculiarly favored by Divine Providence, and with the exception of our frontier troubles, I can but see that Texas is fast advancing to that prominent position which she is destined to occupy in this nation.

Prompt and efficient frontier protection is demanded by the wants of the people, and I trust the present Legislature will not adjourn without having fixed upon some efficient plan for the permanent protection of our exposed settlement.

Our system of Internal Improvements is rapidly developing the vast resources of our fertile and productive State, and by continuing our present liberal policy, much good must result in a very short space of time.

For the many evidences of kindness received at the hands of my fellow-citizens, I feel, and will ever feel grateful, and through you their Representatives, let me return to them my most cordial thanks.

Ladies, for your attention and the interest you manifest in the affairs of the State, I thank you. I am not sufficiently gifted to entertain you with compliments, tropes and figures, but believe me when I say, that no one is more ready to pay homage to the matrons and daughters of America than I, or more fully appreciates their beauty, intellect and influence.

I thank the audience for their kind attention, and I shall ever recall with pleasure my agreeable sojourn at the city of Austin.

The oath of office was then administered to the Governor and Lieutenant-Governor elect, by chief justice Wheeler.

The Governor and Lieutenant-Governor elect, then announced that they would address the audience from the portico in front of the Capitol.

On motion the Senate retired to their chamber.

On motion the House adjourned till 10 o'clock, A. M., on Saturday.

HOUSE OF REPRESENTATIVES, }
Saturday, December 24th, 1859. }

House met pursuant to adjournment—roll called, quorum present—journal of Wednesday read and adopted.

Mr. Middleton presented petition of John Barton. Referred to committee on Private Land Claims.

Mr. McClarty, chairman of committee on Judicial Districts, reported, recommending the passage of the bill to fix the time of holding courts in the nineteenth judicial district.

Also reported, recommending the indefinite postponement of the bill to create the twentieth district, as a bill of like tenor is now before the House

Also recommended the indefinite postponement of the bill to create the ——— judicial district, as the House had passed a Senate's bill conflicting in part with this.

Mr. Davis of H., one of the committee on Judicial Districts, reported, recommending the passage of the bill to change the time of holding courts in the second judicial district.

Mr. McCutchan presented the petition of citizens of Shelby county. Referred to committee on Counties and County Boundaries.

Mr. Mabry presented the petition of the citizens of Cass county. Referred to committee on Internal Improvements.

Mr. Manly presented the petition of Charlotte D. Ross. Referred to committee on Public Lands.

Mr. Wortham presented the petition of sundry citizens of Hopkins county. Referred to committee on counties and county boundaries.

Also presented the petition of A. Whetston. Referred to committee on Private Land Claims.

Mr. Short, one of the committee on State Affairs, reported, recommending the passage of the joint resolution relative to the San Antonio and San Diego mail service.

Mr. Smith introduced a bill for the relief of Hiram C. Ours. Read first time and referred to committee on Private Land Claims.

Mr. Dickson introduced a bill for the relief of heirs of James Holland. Read first time and referred to committee on Public Lands.

Mr. Foscue introduced a bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Armstrong introduced a joint resolution to sell outlying territory to the United States for Indian purposes. Read first time.

And on motion of Mr. Armstrong, one hundred copies ordered to be printed.

Mr. Henderson introduced a bill for the relief of Fred Martin and E. Benson. Read first time and referred to committee on Public Debt.

Mr. Ellett introduced a bill to authorize the district surveyor of Denton district to transcribe the records of said district. Read first time and referred to committee on State Affairs.

Mr. Townes introduced a bill for the relief of the heirs of William Jackson. Read first time and referred to committee on Private Land Claims.

Mr. Clark introduced a bill to make admissible in the courts of the State unrecorded deeds and conveyances on file in the General Land Office.

Mr. Epperson introduced a bill for the relief of Greenbury Gates. Read first time and referred to committee on Private Land Claims.

Mr. Hubbard introduced a bill to regulate final judgment of the district courts of this State in civil cases. Read first time and referred to Judiciary committee.

Mr. Norton introduced a bill to increase the common School Fund. Read first time and referred to committee on Education.

Mr. Speights introduced a bill to increase the pay of Sheriffs and Constable. Read first time and referred to committee on State Affairs.

Mr. Ellett introduced a bill to relinquish State Tax to Denton county. Read first time and referred to committee on State Affairs.

Mr. Dennis by request, was permitted to withdraw report of committee on State Affairs, on the petition of the citizens of Comal county to levy a special tax.

ORDERS OF THE DAY.

On motion of Mr. Branch, the bill to fix time of holding courts in the seventh Judicial District, together with the report from committee on Judicial Districts, was taken up. Bill read second time and ordered to be engrossed.

On motion of Mr. Dickson, the rule was further suspended. Bill read third time and passed.

On motion of Mr. Martin, the rule was suspended and the bill to change time of holding courts in sixth Judicial District, together with report from committee, taken up and read second time.

Mr. Martin offered a substitute.

Mr. Ross moved to refer bill and substitute to committee on Judicial Districts. Lost, and the substitute adopted. Read second time and ordered to be engrossed.

On motion of Mr. Redwine, the rule was further suspended, the bill read third time and passed.

On motion of Mr. Pirkey, the bill to regulate the time of holding courts in the eighth Judicial District, together with report from committee, was taken up, and bill read second time,

and on motion of Mr. Taylor, laid on table till Monday 11 o'clock.

On motion of Mr. Wælder, the rule was suspended, and the bill to amend the charter of New Braunsfels, was taken up, read second time and ordered to be engrossed.

Mr. Wælder moved a further suspension that the bill might pass. Lost.

Mr. Crooks, chairman of committee on Engrossed Bills, reported engrossed, the bill for the relief of the heirs of E. Humphries. Report accepted.

Mr. Craig, as chairman of committee on Roads, Bridges and Ferries, by permission reported, recommending the passage of the bill to authorize Adam Sullivan to construct a bridge across Sabine river.

Mr. Norton, by permission, offered the following resolution :

Resolved, That the Judiciary committee be instructed to report a bill so amending the Penal Code as to make it a penitentiary offence for a county treasurer and assessor and collector to speculate upon county scrip, or to buy the same either directly or indirectly. Adopted.

Mr. Hartley, by permission, introduced a bill for the relief of James Dougherty. Read first time and referred to committee on State Affairs.

Mr. Davis of H., moved to suspend rule and take up bill for relief of Wiley Burns *et al.* Lost.

On motion of Mr. Wælder, the rule was suspended and the bill to amend the charter of New Braunsfels, was taken up, read third time and passed.

On motion of Mr. Nelson the rule was suspended, and the bill for the protection of the frontier, was taken up, and made special order of the day for Tuesday next at 11 o'clock.

Mr. Ross moved to go into committee of whole on the bill to raise the revenue by direct taxation. Lost.

On motion of Mr. Baxter, the rule was suspended and the bill for the relief of Wiley Burns, with report from committee recommending amendments, was taken up, the bill read second time, the amendments concurred in, and the bill passed to third reading.

On motion of Mr. Davis of B., the rule was further suspended. Bill read third time and passed.

The House's bill to incorporate the Hebrew congregation at the city of Houston, with amendments by the Senate, was taken up, and the amendments concurred in.

The following named Senate bills were taken up, read and disposed of as indicated, to-wit :

Bill to permit Mercer's Colony certificates to be located upon any vacant public domain in the State. Read first time and referred to committee on Public Lands.

Bill to amend second, fifth, eighth and ninth sections of the act to authorize the sale of public domain. Read first time and referred to committee on Public Lands.

Bill to authorize the Commissioner of the General Land Office to issue patents on surveys made not in the form required by law. Read first time and referred to Judiciary committee.

(Mr. Mills, by permission, introduced a bill to regulate the courts in the ninth Judicial District, and a bill to regulate the courts in the sixteenth Judicial District. Both read first time and referred to Judiciary committee.)

Bill to require field notes of certain surveys in Young Land District to be recorded in the Surveyor's office. Read first time and referred to committee on Public Lands.

Bill for relief of Myram Mudget and his assignees. Read first time and referred to committee on Private Land Claims.

Bill to amend an act for relief of Nathaniel Prescott, R. S. Wheat, I. G. M. Gaughey and Eliza Green, passed September 1st, 1856. Read first time and passed to second reading.

Bill for the relief of heirs of Jno. Gates. Read first time and referred to committee on Private Land Claims.

House bills : Bill for the relief of heirs of E. Humphreys. Read third time and passed.

Bill for the relief of H. C. Lazenby. Read third time and passed by the following vote :

YEAS.—Messrs. Speaker, Barnard, Baxter, Benevides, Bogart, Branch, Caddell, Craig, Crooks, Clark, Culberson, Darnell, Davis of B., Davis of H., Dickson, Duncan, Edwards, Ellett, Epperson, Franklin, Hall, Hartley, Haynes, Henderson, Hubbard, Henry, Lewis of M., Mabry, Manly, Martin, McClarty, McCutchan, Mills, Navarro, Nelson, Pirkey, Redgate, Shannon, Short, Smith, Taylor, Townes, Welder, Walworth, Whitfield and Wortham—47.

NAYS.—Messrs. Armstrong, Dougherty, Francis, Foscue, Harrison of C., Harrison of V. Z., Houghton, Lewter, McKnight, Middleton, Nelson, Parker, Perry, Re.wire, Ross, Shelton, Speights, Warfield, Waterhouse and Whitmore—20.

Mr. McClarty moved to adjourn till 10 o'clock, A. M., Monday. Lost by the following vote :

YEAS.—Messrs. Speaker, Barnard, Benevides, Bogart, Caddell,

Clark, Dennis, Dickson, Edwards, Epperson, Francis, Harrison of V. Z., Hartley, Haynes, Henderson, McClarty, Middleton, McKnight, Nelson, Parker, Pirkey, Redwine, Ross, Shelton, Smith, Warfield, Waterhouse and Whitfield—29.

YAYS.—Messrs. Armstrong, Baxter, Branch, Craig, Crooks, Darnell, Davis of B., Davis of H., Dougherty, Duncan, Ellett, Franklin, Foscue, Hall, Harrison of C., Henry, Hubbard, Lewis of M., Lewter, Mabry, Manley, Martin, Mills, Norton, Perry, Redgate, Shannon, Short, Speights, Taylor, Townies, Wælder, Walworth, Whitfield and Wortham.

Mr. Baxter moved to adjourn till 10 o'clock, A. M., Tuesday. Lost by the following vote:

YEAS—Messrs. Armstrong, Baxter, Benevides, Branch, Crooks, Culberson, Dennis, Dougherty, Duncan, Epperson, Franklin, Hall, Hartley, Haynes, Henry, Henderson, Houghton, Manly, Nelson, Perry, Redgate, Townies, Walworth and Whitfield—25.

NAYS—Messrs. Speaker, Bogart, Caddell, Craig, Clark, Darnell, Davis of B., Davis of H., Dickson, Edwards, Ellett, Francis, Foscue, Harrison of C., Harrison of V. Z., Hubbard, Lewis of M., Lewter, Mabry, Martin, McClarty, McCutchan, McKnight, Middleton, Mills, Navarro, Norton, Parker, Redwine, Ross, Shannon, Shelton, Smith, Speights, Wælder, Warfield, Waterhouse, Whitmore and Wortham—39.

Mr. Davis of H., moved to adjourn till 3 o'clock, P. M. Lost by the following vote:

YEAS—Messrs. Armstrong, Bogart, Darnell, Davis of B., Davis of H., Dickson, Edwards, Epperson, Francis, Harrison of C., Harrison of V. Z., Henderson, Henry, Hubbard, Lewter, McClarty, McKnight, Navarro, Parker, Redwine, Ross, Shelton, Speights, Warfield and Whitmore—25.

NAYS—Messrs. Baxter, Benevides, Branch, Craig, Caddell, Crooks, Clark, Culberson, Dougherty, Duncan, Foscue, Hartley, Haynes, Houghton, Lewis of M., Mabry, Manley, Martin, McCutchan, Middleton, Mills, Nelson, Norton, Perry, Pirkey, Redgate, Shannon, Short, Smith, Taylor, Townies, Wælder, Walworth, Waterhouse, Whitfield and Wortham—35.

On motion the House adjourned till 9½ o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVE, }
Austin, Monday, December 26th, 1859. }

House met pursuant to adjournment—roll called, quorum present—journal of Saturday read and adopted.

Mr. Clark presented the petition of sundry citizens of Sabine county. Referred to committee on Counties and County Boundaries.

Mr. Harrison of V Z., one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Wm. Phelps.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Wilson Woods.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the Senate's bills for the relief of James C. Dillingham, and for the relief of the heirs of John Gates.

Mr. Lewter, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Alexander Wheeler.

Mr. Speights, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Bennett H. Zachary.

On motion of Mr. Henderson, the rule was suspended, and the bill for the relief of Wm. Phelps, with report from committee, was taken up, read second time, and ordered to be engrossed.

On motion of Mr. Henderson, the rule was further suspended, the bill read third time and passed.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported a bill to change the south boundary line of Smith county, and recommending its passage; Mr. Harrison of C., and Edwards dissenting from the report.

On motion of Mr. Fosene, the rule was suspended, and the bill taken up and read second time.

Mr. Francis proposed to amend by leaving it to a vote of the people of the county, at the next August election. Rejected, and bill ordered to be engrossed.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, recommending the indefinite postponement of the Senate's bill to change and adjust the western boundary lines of the counties of Uvalde and Dawson, and the eastern boundary line of Kinney county.

Also, recommended the indefinite postponement of the petition of citizens of Boerne and Sisterdale, in Blanco county.

Mr. Dougherty, chairman of committee on Stock and Stock-Raising, reported, recommending the indefinite postponement of the bill to prevent holders of stock from trespassing on lands of others.

Also, asked to be discharged from further consideration of the bill supplemental to the act regulating estrays, as a bill embracing the substance of the above described bill is now before the House.

On motion of Mr. Mills, the bill to legalize certain surveys in Mercer's Colony, was taken up, bill read second time, and on motion of Mr. Harrison of V Z., laid on the table.

On motion of Mr. Wælder, the Senate's bill to validate certain surveys in Fisher & Miller's and Peters' Colonies, with report from committee recommending the passage of a substitute proposed by the committee, was taken up and read second time.

Mr. Mills proposed to amend by striking out the first proviso.

Mr. Hartley moved to lay the bill and substitute on the table. Lost; and the proviso struck out by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Caddell, Camp, Craig, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Duncan, Ellett, Epperson, Francis, Harrison of V Z., Henry, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Middleton, Mills, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Shannon, Shelton, Smith, Taylor, Townes, Wælder, Warfield, Waterhouse, Whitfield and Wortham—48.

NAYS.—Messrs. Dickson, Franklin, Foscue, Harrison of C., Hartley, Henderson, McCutchan, McKnight, Redgate, Ross, Speights and Whitmore—12.

Mr. Pirkey proposed to amend by inserting after "colony certificates," "headright certificates, land warrants and scrip of actual settlers." Rejected; and the substitute adopted, and the bill ordered to be engrossed by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Barnard, Baxter, Benevides, Bogart, Branch, Camp, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Franklin, Harrison of V Z., Haynes, Henderson, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Martin, McClarty, McKnight, Mills, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Shannon, Shelton, Short, Smith, Speights, Taylor, Wælder, Warfield, Waterhouse, Whitfield Whitmore and Wortham—56.

NAYS.—Messrs. Caddell, Foscue, McCutchan and Ross—4.

Mr. Mills moved to suspend the rule, that the bill might be read third time and passed. Lost.

[Mr. Taylor of Fannin in the Chair].

On motion of Mr. Taylor of Cass, the bill to incorporate the

Jefferson Insurance Company, together with report from committee, recommending amendments, was taken up, and the proposed amendments concurred in, the bill read second time, and ordered to be engrossed.

On motion of Mr. Taylor of Cass, the rule was further suspended, the bill read third time, and passed by a two-third vote.

On motion of Mr. Benevides, the bill for the relief of Jose Maria Gonzales, together with report from committee, was taken up, bill read second time, and ordered to be engrossed.

On motion of Mr. Haynes, the rule was further suspended, the bill read third time and passed.

Mr. Franklin introduced a bill to amend the 24th section of the act of 27th August, 1855, to consolidate in one act and to amend the several acts incorporating the city of Galveston.— Read first time, and referred to committee on State Affairs.

Mr. McKnight introduced a bill to increase the Common School Fund. Read first time, and referred to committee on Education.

Mr. Davis, of B., introduced a bill supplemental to the act passed March 12th. 1846, regulating attorneys-at-law. Read first time, and referred to Judiciary committee.

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Wm. Conklin, dec'd, and recommended its passage. Bill read first time.

Mr. Henderson introduced a bill to incorporate the Texas Mining and Manufacturing Company. Read first time, and referred to committee on State Affairs.

Mr. Bogart introduced a bill for the relief of Daniel Kitchings. Read first time, and referred to committee on Private Land Claims.

Mr. Epperson introduced a bill to incorporate the Dialectic Society of McKenzie Institute. Read first time, and referred to committee on Education.

Also, a bill to regulate proceedings in justices' courts. Read first time, and referred to Judiciary committee.

On motion of Mr. Branch, the rule was suspended, and the bill for the relief of Jno. C. P. Kennymore, together with report from committee, was taken up. Bill read second time, and ordered to be engrossed.

On motion of Mr. Branch, the rule was further suspended, and the bill read third time and passed.

Mr. Kinney introduced a joint resolution to sell to the United States the north-western part of the public domain for Indian

purposes, and for other purposes. Read first time, and referred to committee on State Affairs.

On motion of Mr. Ross, the bill to re-organize the Court of Claims, &c., was taken up, and made the special order of the day for Friday next, 11 o'clock.

ORDERS OF THE DAY.

The bill to grant to settlers on vacant public domain pre-emption privileges, together with proposed amendments, was again taken up.

Mr. Henderson moved to recommit the bill to committee on Public Lands. Lost.

Mr. Harrison, of V Z., moved to postpone till 2d of January next, at 11 o'clock. Lost.

Mr. Davis, of H., moved to adjourn till 3 o'clock, P. M.—Lost.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow, pending the pre-emption bill.

HOUSE OF REPRESENTATIVES, }
Tuesday, Dec. 27th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Dickson presented the petition of W. C. Phillips. Referred to committee on Public Buildings.

Mr. Wortham presented the petition of sundry citizens of Hopkins county. Referred to committee on Counties and County Boundaries.

Mr. Townes presented the petition of Mary Ann Long. Referred to committee on Private Land Claims.

Mr. Darnell presented the petition of Hugh Kinney. Referred to committee on Private Land Claims.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the following named bills :

A bill to change the time of holding courts in the 6th judicial district.

A bill supplemental to the act supplementary and amendatory to the act to regulate railroad companies, approved February 7th, 1853, approved December 19th, 1857.

And the bill to incorporate the Houston, Trinity and Tyler Railroad Company.

Mr. Dennis, chairman of committee on State Affairs reported, recommending the passage of the following named bills, to-wit :

A bill to incorporate the Fire Association of San Antonio.

A bill for the relief of Joseph Dougherty.

A bill to authorize the surveyor of Denton District to transcribe the records of said District.

And a bill to amend the 24th section of the act passed 27th August, 1856, to consolidate in one act and to amend the several acts incorporating the city of Galveston.

Also, reported, recommending the indefinite postponement of the following named bills, to-wit :

A bill to increase the pay of Sheriffs and Constables, and

A bill to relinquish the State tax of Denton county, to said county for the purpose of building a jail, and,

The petition of the citizens of Mason county.

Mr. Harrison of V. Z., one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Wm. Jackson, deceased, and recommending its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims reported, recommending the rejection of the Philander Priestley's petition.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate the Yegua Bridge and Turnpike Company, and recommended the indefinite postponement of the bill to amend the 15th section of the road law.

Mr. Houghton, one of the committee on Public Lands reported, recommending the passage of the Senate's bill, to permit the location of Mercers' colony certificates on any of the vacant public domain of the State.

Mr. Wortham, one of the committee on Public Lands reported, recommending the passage of the Senate's bill to amend the 2nd, 5th, 8th and 9th sections of the act authorizing the sale of public domain, with amendments by the committee.

Amend section 9th by adding after the words, "General Land Office," the words, "and shall be required to pay taxes on the same from the date of his or her survey," and by striking out "two years" and inserting "three years."

Mr. Foscue, one of the committee on State Affairs reported, recommending the indefinite postponement of the bill to relieve Moses Guess from the disabilities of minority.

Mr. Ross, one of the committee on State Affairs reported, asking that the petition of the citizens Llano county be referred to committee on Counties and County Boundaries. Report adopted.

Mr. McClarty, chairman of committee on Judicial Districts reported, asking to be relieved from further consideration of the resolution requiring said committee to enquire into the expediency of creating a new district from the counties of Karnes, Gonzales, Guadalupe and Caldwell.

Mr. Dickson, chairman of committee on Public Debt reported, recommending the passage of the bill for the relief of Catherine R. S. Jones.

Mr. Walworth, one of the committee on Public Lands reported, recommending the passage of the bill to authorize the corporation of Laredo to dispose of certain lands, &c., with amendments by the committee.

Amendments: "provided, that more than eight leagues of said land be disposed of for erecting said school house."

Mr. Camp presented the petition of a portion of the citizens of Cass, Harrison, Upshur and Tins counties. Referred to committee on Counties and County Boundaries.

Mr. Norton introduced a bill to restrict the loan of the school fund to railroad companies. Read first time and referred to committee on Internal Improvements.

Mr. Ellett introduced a bill authorizing the Commissioner of the General Land Office to issue land scrip to certain companies. Read first time and referred to committee on Public Lands.

Mr. Darnell introduced a bill for the relief of Jas. Loring. Read first time and referred to committee on Private Land Claims.

Mr. Barnard introduced a bill to regulate elections. Read first time and referred to committee on Privileges and Elections.

Mr. Davis of B. introduced a bill for the relief of Wm. De Woody. Read first time.

M. Davis of B., moved that the rule be suspended and the bill read second time.

On motion of Mr. Parker the bill was referred to committee on Private Land Claims.

Mr. Henderson introduced a bill for the relief of Wm. Price. Read first time, and referred to committee on Private Land Claims.

Mr. Redwine introduced a bill to amend arts. 1775, 1783, 1786 and 1787 and to repeal arts. 1792 and 1793 of Oldham & White's Digest. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Harrison of V. Z., introduced a bill to authorize J. L. Brown to construct a bridge across the Sabine river. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Armstrong introduced a bill to prevent the carrying of deadly weapons. Read first time and referred to committee on Judiciary.

Mr. Culberson introduced a bill to incorporate a literary institute of Gilmer in Upshur county. Read first time and referred to committee on Education.

Mr. Hartley introduced a bill to provide for the relinquishment to the U. S., of titles to lands in certain cases: for lighthouse sites and for other purposes, &c. &c. Read first time and referred to committee on State Affairs.

The hour having arrived, the special order of the day, to-wit: The Senate's bill to provide for the protection of the frontier, was taken up and read second time and passed to a third reading.

[Mr. Ross in the Chair.]

On motion of Mr. Nelson, the rule was suspended by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Barnard, Baxter, Benavides, Bogart, Branch, Camp, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Hall, Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Kinney, Lewter, Manly, Martin, McCutchan, McKnight, Middleton, Mills, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Shannon, Short, Smith, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—54.

NAYS—Messrs. Caddell, Craig, Crooks, Franklin, Foscue, Harrison of Cherokee, McClarty, Ross, Shelton, Speights, and Whitmore—11.

[The Speaker resumed the Chair.]

The bill read 3rd time.

Mr. Foscue moved a call of the House. Lost, and the bill passed by the following vote.

YEAS—Messrs. Speaker, Armstrong, Barnard, Baxter, Benavides, Bogart, Branch, Camp, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Francis, Hall, Harrison of V. Z., Hartley, Henderson, Hubbard, Kinney, Lewter, Manly, Martin, McCutchan, McKnight, Middleton, Mills, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Shannon, Shelton, Short, Smith, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—56.

NAYS—Messrs. Caddell, Craig, Franklin, Foscue, Harrison of C., McClarty, Redwine and Ross—8.

On motion the House adjourned till 10 o'clock, A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 Wednesday, December 23th, 1859. }

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

Mr. Mills, one of the committee on Internal Improvements, reported, recommending the passage of the bill to amend the 17th section of the act to incorporate the Indianola Railroad Company.

Mr. Foscoe gave notice that he would submit an adverse minority report.

Also, as chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Vicksburg, Henderson and West Texas Railroad Company.

Also, reported, recommending the passage of the Senate's bill to amend the 11th section of the act of February 7th, 1853, of the act to incorporate the Galveston, Houston and Henderson Railroad Company.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to incorporate the Hebrew Congregation of the city of Houston, and that it had been presented to the Governor for approval and signature.

Mr. Harrison of V Z., one of the committee on Private Land Claims, reported a bill for the relief of the heirs of James T. White, dec'd, and recommended its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the indefinite postponement of the following named bills :

A bill for the relief of O. T. Boleware.

A bill for the relief of Alston Ferguson.

And the bill for the relief of David Ferguson.

Mr. Crooks, chairman of committee on Engrossed bills, reported correctly engrossed the following named bills, to wit :

Bill for the relief of Jose Maria Gonzales.

Bill for the relief of J. C. P. Kennymore.

Bill for the relief of Wm. Phelps.

Bill to change the South boundary line of Smith county.

Bill to fix the time of holding the courts in the 7th judicial district.

Bill confirming certain patents and validating certain surveys in the Mississippi and Pacific Railroad Reservation.

And the bill amendatory of, and supplemental to the act to incorporate the city of New Brauntels, passed May 11th, 1846.

Mr. Edwards, one of the committee on Private Land Claims, reported a bill for the relief of Matiana Vega Delgado, and recommended its passage. Bill read first time.

Mr. Navarro, one of the committee on Private Land Claims, reported a bill for the relief of Jose Ygnacio Cordova, and recommended its passage. Bill read first time.

Mr. Wælder, chairman of committee on Apportionment, reported a bill to apportion the State into Senatorial and Representative Districts, and recommended its passage.

Mr. Wælder moved to suspend the rule and take up the bill, and make it the special order of the day for 11 o'clock on the 4th of January next, and that 200 copies of the bill be printed in tabular form.

Mr. Norton moved to make it the order of the day for the 10th of January. Lost.

Mr. McKnight proposed to amend Mr. Wælder's motion by adding, "and said tabular statement shall give the Representative population of each Representative District, and the voting population of each Senatorial District, and the relation of each to their respective ratios."

On motion of Mr. Wælder the amendment was laid on the table, and Mr. Wælder's motion carried.

Mr. Hartley presented the petition of David Ayres. Referred to committee on State Affairs.

Mr. Shannon introduced a bill to authorize and require the County Courts of the several counties of Texas to furnish the surveyors of their respective counties with suitable offices and books of record. Read first time, and referred to committee on State Affairs.

Mr. Bogart introduced a joint resolution to amend the Constitution. Read first time and referred to committee on State Affairs.

Mr. Barnard introduced a bill supplemental to the modified charter of the Aransas Road Company. Read first time, and referred to committee on Internal Improvements.

Mr. Bryan introduced a bill to incorporate the Trinity Valley Railroad Company. Read first time, and referred to committee on Internal Improvements.

Mr. Franklin offered the following resolution :

Resolved, That the committee on Finance be instructed to enquire into the ways and means of raising a sum sufficient to defray the expenses to be incurred in carrying into effect an act passed by the House, entitled an act for the protection of the frontier, and that they report a bill for that purpose.

Mr. Nelson moved to lay it on the table. Lost, and the resolution adopted.

Mr. Davis, of H., introduced a joint resolution relative to abolitionism and fanaticism. Read first time, and referred to the committee on Federal Relations.

The hour having arrived, the special order of the day, to-wit: the bill to fix the time of holding courts in the eighth judicial district, was taken up. Bill read second time.

Mr. Pirkey offered a substitute, which was adopted, and ordered to be engrossed.

On motion of Mr. Pirkey the rule was suspended, the bill read third time and passed.

Mr. Mills moved to suspend the rule and take up the bill to amend the 11th Sec. of the act to incorporate the Galveston, Houston and Henderson Railroad Company. Lost.

Mr. Baxter moved to suspend the rule and take up the bill to take the depositions of witnesses residing in foreign countries. Lost.

On motion of Mr. McClarty, the bill to authorize the formation of County and Town Agricultural Societies was taken up, and made the special order of the day for Tuesday next.

ORDERS OF THE DAY.

The bill granting land to actual settlers, with amendments, was again taken up.

Mr. Mills moved the previous question.

On motion of Mr. Franklin, a call of the House was ordered.

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Hall, Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

The bill to regulate the practice of attorneys-at-law, with report from committee, was taken up and read second time.

On motion of Mr. Mills, a call of the House was ordered.

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Hall, Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

On motion of Mr. Nelson, the Sergeant-at-Arms was instructed to bring in the absentees—if not to be found in the city, to hunt them elsewhere.

On motion of Mr. Nelson, the vote dispatching the Sergeant-at-Arms for absentees was re-considered, and he then withdrew his motion to dispatch the Sergeant-at-Arms for absentees.

Mr. Hartley moved to adjourn till 10 o'clock, A. M., to-morrow. Lost, by the following vote:

YEAS.—Messrs. Craig, Crooks, Clark, Dickson, Edwards, Hartley and Redgate—7.

NAYS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Bryan, Camp, Culberson, Dale, Davis of H., Dennis, Dougherty, Duncan, Ellett, Epperson, Francis, Franklin, Foscoe, Harrison of C., Harrison of V Z., Haynes, Henry, Henderson, Houghton, Hubbard, Lewis of M., Lewter, Manly Martin, McClarty, McCutchan, McKnight, Mills, Navarro, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Speights, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—51.

The bill to change the South boundary line of Smith county was taken up and read.

On motion of Mr. Francis, a call of the House was ordered.

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Henry, Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

Mr. Ross moved to go into a committee of the whole on the bill to raise the revenue by direct taxation

On motion of Mr. Bogart, a call of the House was ordered.

Absentees—Messrs. Billingsley, Buckley, Caddell, Darnell, Davis of B., Hubert, Mabry, Maverick, Middleton, Mundine, Robinson, Smith and Wrede.

Mr. Mills moved to dispatch the Sergeant-at-Arms for the absentees. Lost.

On motion of Mr. Hall, Mr. Caddell was excused from attendance on the House on account of sickness.

The petition of M. A. Hornsby, together with report from committee, was taken up.

Mr. Ellett moved a call of the House.

Mr. Wortham moved to adjourn till 7 o'clock, P. M. Lost, by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Baxter, Branch, Craig, Clark, Davis of H., Dennis, Dickson, Edwards, Epperson, Harrison of C., Hartley, McKnight, Parker, Perry, Redgate, Redwine, Whitfield and Wortham—20.

NAYS.—Messrs. Barnard, Benevides, Bogart, Bryan, Camp, Crooks, Culberson, Dale, Dougherty, Duncan, Ellett, Francis, Franklin, Hall, Harrison of V Z., Haynes, Henderson, Henry,

Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, Martin, McClarty, McCutchan, Mills, Nelson, Owens, Pirkey, Ross, Shannon, Shelton, Short, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse and Whitmore—43.

And the call of the House was ordered.

Absentees—Messrs. Billingsley, Buckley, Darnell, Davis of B., Hubert, Kinney, Mabry, Maverick, Middleton, Munson, Robinson, Smith and Wrede.

Mr. Craig moved to adjourn till 10 o'clock, A. M., to-morrow. Lost, by the following vote :

YEAS.—Messrs. Armstrong, Baxter, Branch, Craig, Crooks, Clark, Davis of H., Dennis, Dickson, Dougherty, Edwards, Hartley, Haynes, Kinney, McKnight, Pirkey, Redgate, Walworth and Whitfield—19.

NAYS.—Messrs. Speaker, Barnard, Benevides, Bogart, Bryan, Camp, Culberson, Dale, Duncan, Ellett, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V Z., Henry, Houghton, Hubbard, Lewis of M., Lewter, Manly, Martin, McClarty, McCutchan, Mills, Nelson, Norton, Owens, Parker, Perry, Redwine, Ross, Shannon, Shelton, Short, Speights, Taylor, Townes, Wælder, Warfield, Waterhouse, Whitmore and Wortham—45.

The resolution requiring the committee on General Land Office to enquire into the propriety of having made out a map of the State showing the located and unlocated lands, &c., &c., together with report from committee, was taken up.

On motion of Mr. Nelson, a call of the House was ordered.

Absentees—Messrs. Billingsley, Darnell, Davis of B., Epperson, Hubert, Mabry, Maverick, Middleton, Munson, Robinson, Smith, Townes and Wrede.

A message was received from the Senate, informing the House that the Senate had passed the following named bills, to-wit :

A bill for the relief of Andres Menchaca.

A bill concerning vendor's lien on real estate

A bill making appropriation to pay assessors and collectors for taking the scholastic census for the year 1859.

A bill to amend the 8th Sec. of the act of February, 1840, concerning conveyances.

A bill supplemental to an act supplemental to the act to encourage the construction of railroads in Texas by donations of land, approved January 30th, 1854, approved February 16th, 1858, and a joint resolution relative to the Harper's Ferry Insurrection; and had passed the House's bill to change the time of holding courts in the 6th judicial district;

but had refused to concur in the House's amendments to the Senate's bills for the relief of Wiley Burns, the heirs of Robert McKinney, the heirs of Carmele Ramon, and the heirs of David Barlow. And had appointed Messrs. Throckmorton and Guinn a committee of Conference, and asked that a like committee on part of the House be appointed.

Mr. Taylor moved to suspend the call of the House on the motion for the previous question.

Mr. Mills withdrew his motion for the previous question, which suspended the call on that question.

On motion, the remaining pending calls were suspended.

On motion, the House adjourned till 7 o'clock, P. M., pending the pre-emption bill.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present—the bill pending when the House adjourned was taken up.

Mr. Bogart offered to amend the proposed amendment by adding, "he shall also swear that he is opposed to re-opening the African Slave Trade."

Mr. Mills moved that the House stand adjourned until 10 o'clock, A. M., to-morrow. Lost.

Mr. Harrison, of Cherokee, moved to adjourn till 9½ o'clock, A. M., to-morrow. Lost.

Mr. Davis, of Hays, offered the following as a substitute for the proposed amendments:

"Provided, that no religious test shall be necessary, to entitle any person to the benefits of this act."

On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 29th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. McKnight moved to reconsider the vote making the apportionment bill the special order of the day for 4th Jan. next. Lost.

Mr. Townes presented the petition of S. C. Blanton. Referred to committee on Claims and Accounts.

Messrs. Foscue, Ross and Pirkey as a minority of the Internal

Improvement committee submitted a minority report on the bill to amend the 17th section of the charter of the Indianola Railroad Company.

Mr. Houghton, one of the committee on Private Land Claims reported, asking that the petition of Ambrose Ripley be referred to committee on Public Lands. Report adopted.

Mr. Ross, one of the committee on State Affairs, reported, recommending that the bill to authorize and require the county courts of this State to furnish offices and books of record to the surveyors of their respective counties, be indefinitely postponed.

ORDERS OF THE DAY.

The following Senate's bills were taken up, read and disposed of as indicated, to-wit :

Bill for the relief of Wiley Burns, *et al*, was taken up.

The House adhered to its amendments, and asked that the Senate appoint a committee of Conference.

The joint resolution relative to Harper's Ferry insurrection. Read first time and referred to committee on State Affairs.

The bill supplemental to the act supplemental to the act to encourage the construction of Railroads in Texas, by donations of land, approved January 30th, 1854, approved February 16th, 1858. Read first time and passed to second reading.

Bill to amend the 8th section of the act concerning conveyances. Read first time and referred to committee on Judiciary.

Bill concerning vendors lien on real estate. Read first time and referred to committee on Judiciary.

Bill for the relief of Andres Menchaca. Read first time and referred to committee on Private Land Claims.

Bill making an appropriation to pay assessors and collectors for taking the scholastic census for year 1859. Read first time and referred to committee on Finance.

On motion of Mr. Ross, the House went into committee of the whole, on the bill to raise the revenue by direct taxation by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Bryan, Camp, Craig, Clark, Dennis, Dickson, Dougherty, Epperson, Foscue, Hall, Harrison of C., Harrison of V. Z. Hartley, Henderson, Houghton, Hubbard, Lewter, Mabry, McClarty, McCutchan, Mills, Navarro, Norton, Parker, Pirkey, Redwine, Ross, Shelton, Short, Taylor, Warfield and Whitmore—38.

NAYS.—Messrs. Barnard, Bogart, Branch, Culberson, Davis of H., Duncan, Edwards, Ellett, Franklin, Lewis of M., McKnight,

Nelson, Owens, Perry, Redgate, Shannon, Speights, Townes, Walworth, Waterhouse and Wortham—22.

[Mr. Henderson called to the Chair.]

The committee rose, reported progress, and asked leave to sit again. Report accepted.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed the bill to regulate and define times of holding district courts in the 8th judicial district. Report accepted.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES }

Friday, Dec. 30th, 1859. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Mills presented the petition of sundry citizens of Navarro county. Referred to committee on Stock and Stock Raising.

Also, a petition of sundry citizens of the same county, for the relief of Jno. Blanton. Referred to committee on Slaves and Slavery.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled, and properly signed, and had presented to the Governor for his signature and approval, the following named bills, to-wit :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, viz :

A bill to be entitled an act to change the time of holding the district court in the sixth judicial district.

A bill making an appropriation for furnishing the Governor's mansion.

A joint resolution authorizing the Comptroller to contract for five hundred copies of the new Abstract of titled land.

A bill to be entitled an act for the relief of Hannah C. Buckner.

A bill to be entitled an act to incorporate the Texas Masonic Institute.

An act to create the twentieth judicial district, and define the time of holding courts therein.

A bill to be entitled an act for the relief of A. Spain Summerlin, deceased.

A bill to be entitled an act for the relief of the heirs of Joseph W. Bass, deceased.

A joint resolution requesting our Senators and Representatives in Congress to obtain the removal of the port of entry from the district of Brazos St. Iago, from Point Isabel to Brownsville, and to obtain an appropriation for building a custom-house.

A bill to be entitled an act for the protection of the frontier.

A bill to be entitled an act to amend the fourth section of an act allowing discounts and set-offs, passed 5th February, 1840, (Oldham & White's digest art. 260.)

A bill to be entitled an act to incorporate the Houston Hook and Ladder Company, No. 1, and Liberty Fire Company, No. 2.

A bill to be entitled an act for the relief of Alexander Furgesson.

A bill to be entitled an act for the relief of A. H. Booth.

A bill to be entitled an act to repeal an act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill to be entitled an act for the relief of the heirs of Matt Finch, deceased, and find the same correctly enrolled and properly signed and have this day been presented to the Governor for his approval and signature.

A. M. BRANCH,

One of the Committee.

Mr. Billingsley, chairman of committee on Claims and Accounts reported, recommending the passage of the bill for the relief of James Herndon.

Also, requested to be discharged from further consideration of J. T. Walsh's petition.

Also, asked to be discharged from further consideration of A. S. Thurman's petition.

Mr. Lewter, one of the committee on Private Land Claims, reported a bill for the relief of H. D. Bohannan and recommended its passage. Bill read first time.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the indefinite postponement of Jno. Barton's petition.

Also, asked that the petition of Geo. Grounds, be referred to committee on Court of Claims. Report adopted.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported a substitute for the bill, to authorize R. B. Francis to build a bridge across North Sulphur in Lamar county and recommended its passage.

Mr. Foscue, chairman of committee on Internal Improve-

ments, reported, recommending the passage of the bill to amend the act to incorporate the Sabine and Rio Grande Railway Company with amendments by the committee.

Amend by adding at the end of 5th section: "and a majority of the shareholders may at any time after the passage of this act, proceed to a new election of directors, at which election any shareholder having the requisite number of shares shall be eligible as a director."

Mr. Mills, one of the committee on the Judiciary, reported, recommending the passage of the bill to fix the times of holding courts in the 13th judicial district.

Mr. Bryan, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Martha Brennan.

Mr. Dennis, chairman of committee on State Affairs, reported a bill for the relief of John Ricord and recommended its passage.

Mr. Foscue dissented from the report. Bill read first time.

Mr. Lewis of M., one of the committee on Penitentiary, reported a substitute for the bill to make it the duty of the superintendent of the penitentiary, to pay over to the Com'rs of the county courts one-half of the nett proceeds of the labor of convicts whose families are in indigent circumstances, &c. &c., and recommended its passage.

Mr. Middleton, one of the committee on Private Land Claims reported a bill for the relief of Isham J. Good, and recommended its passage. Bill read first time.

A message was received from the Senate, informing the House that the Senate had a substitute for the House's bill, supplemental to the act to amend the 1st section of the act to amend the 2nd and 7th sections of the act to organize the Supreme Court of the State of Texas, approved May 12th, 1846, approved Nov. 30th, 1850, approved August 28th, 1856, and had passed the following named House's bills, to-wit:

Bill to authorize the county court of Collin county to levy a special tax for the erection of a court-house therein.

Bill to relieve A. E. Benham from disabilities of minority.

Bill to fix the time of holding courts in the 7th judicial districts.

Bill making appropriation to pay the Attorney General and District Attorneys, the cost due them under art. 952d of code of criminal procedure.

And bill for relief of Mary Elam.

Also, had passed the following named bills, originating in the Senate, to-wit :

Bill to prevent the sale of vinous, spiritous and other intoxicating liquors within one mile of Starrville in Smith county.

Bill to incorporate the Fireman's Relief Fund Association.

Bill to restore land sold for taxes and purchased by the State, to former owners on certain conditions

Bill for the relief of the heirs of Wm. Hertz.

Bill for the relief of the heirs of Lieut. M. Hitchcock, and

Bill for the relief of the heirs of Benjamin Bacus.

Mr. Mills introduced a bill to authorize the town of Corsicana to levy a tax against ten-pin alleys. Read first time.

Mr. Mills moved to suspend the rule that the bill might be read second time. Lost.

Mr. Duncan introduced a bill to levy a road tax and to regulate roads, bridges and ferries. Read first time, and referred to committee on Roads, Bridges and Ferries.

Mr. Dale offered the following resolution :

Resolved, That the committee on Military Affairs be, and they are hereby instructed to enquire into the expediency of so amending our military laws as to render the same effective, and report a bill to that effect. Adopted.

Mr. Hubbard introduced a bill to prevent circulation of incendiary documents and to punish the public declaration of abolition sentiments in this State. Read first time and referred to committee on Judiciary.

Mr. Ross introduced a bill to prevent seditious speeches or writings and prevent their circulation. Read first time and referred to Judiciary committee.

Mr. Waelder introduced a bill to incorporate the Alamo Fire Association. Read first and referred to committee on State Affairs.

[Mr. Harrison of V. Z. in the Chair.]

Mr. Mills introduced a bill for the relief of Iredell Redding. Read first time and referred to committee on Private Land Claims.

Mr. Foscoe introduced a bill to authorize the Sabine and Rio Grande Railway Company to construct a telegraph line. Read first time and referred to committee on Internal Improvements.

Mr. Clark introduced a bill to amend the act pertaining to estates of deceased persons, passed March 20th, 1848. Read first time and referred to committee on Probate Laws.

Mr. Henry introduced a bill for the relief of Nath'l. Wheeler.

Read first time and referred to committee on Private Land Claims.

Mr. Hartley introduced a bill to amend the act to exempt certain property from execution, approved January 26th, 1859. Read first time and referred to Judiciary committee.

[Speaker resumed the Chair.]

Mr. Crooks introduced a bill to amend the act passed March 20th, 1848. Read first time and referred to committee on Probate Laws.

Mr. Nelson introduced a bill to fix the times of holding the courts in the 17th judicial district. Read first time and referred to committee on Judicial Districts.

Mr. Dale offered the following resolution:

Resolved, That hereafter no member shall speak on any question more than twenty minutes, except by unanimous consent of the House, and that this resolution be made a standing rule of this House. Laid over one day for consideration.

The hour having arrived the special order of the day, to-wit:

The bill to reorganize the court of claims and to extend the time for presentation of claims for land and money against the Republic or State of Texas, was taken up and read second time.

Mr. Norton moved to strike out the enacting clause. Lost by the following vote:

YEAS.—Messrs. Bogart, Clark, Ellett, Epperson, Henderson, Lewter, Manly, Maverick, Mills, Norton, Owens, Speights, Taylor, Townes, Whitfield, Whitmore and Wortham—17.

NAYS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Benevides, Billingsley, Branch, Bryan, Camp, Crooks, Quibersen, Dale, Davis of H., Dennis, Dickson, Dougherty, Duncan, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartly, Haynes, Henry, Hubbard, Houghton, Kinney, Lewis of M., Martin, McClarty, McCutchan, McKnight, Munson, Navarro, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Walworth, Warfield and Waterhouse—49.

Mr. Mills offered a substitute for the bill.

[Mr. Short in the Chair.]

Mr. Hartley moved to postpone the bill till Monday, 11 o'clock.

[Speaker resumed the Chair.]

On motion of Mr. Harrison of V. Z., the motion of postponement was laid on the table.

Mr. Dickson moved to lay the substitute on the table.

Mr. Taylor moved a call of the House. Lost.

Mr. Hartley moved to adjourn till 11 o'clock, A. M., Monday. Lost, by the following vote:

YEAS.—Messrs. Baxter, Billingsley, Branch, Camp, Clark, Dennis, Hartley, Mabry, Manly, McKnight and Walworth—11.

NAYS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Benevides, Bogart, Crooks, Craig, Culberson, Dale, Davis of H., Dickson, Duncan, Ellett, Epperson, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Lewis of M., Lewter, Martin, Maverick, McClarty, McCutchan, Middleton, Munson, Navarro, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Taylor, Townes, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—53.

And the substitute laid on the table.

Mr. Henderson proposed to amend by adding at the end of 3rd section: "or any grantee of a conditional headright certificate, or his heirs, executors or administrators, may apply by a motion in writing, to the district court of the county in which such conditional was issued, for a corresponding unconditional certificate, which shall be granted by such court, upon such proof as would have authorized its issuance by any officer, board or court of the Republic or State of Texas, under the laws in force at any time previous to the 1st day of November, A. D. 1853. And upon further proof, by the certificate of the Commissioner of the General Land Office, under his seal of office, that such conditional certificate was duly reported to his office by the proper officer, and that no corresponding unconditional certificate appears from the records or files of his office, to have been granted or issued, and upon a like certificate of the Commissioner of Claims, that such unconditional does not appear from the records or files of his office, to have been issued. The said unconditional certificates when granted by any district court, may be issued by the clerk thereof, under his seal of office, and attested and approved by the presiding judge, but shall require no other or further approval for location, survey or patent: provided, however that no certificate shall issue to an assignee under the provisions of this act.

The clerks of the district courts shall each, at the close of every term report to the Commissioner of the General Land Office, all certificate issued by him under the provisions of, this act.

The district attorneys of the district in which any such application may be made, shall represent the State therein, and the same may, on the motion of the applicant be taken up and

disposed of at any time when the court is not engaged in the trial of a cause. Adopted.

Mr. Dennis proposed the following amendment to come in after the word emigrated, in 25th, line, 3rd section.

"Provided that whenever a witness resides in a county other than the one in which the applicant resides, the testimony of such witness or witnesses, may be taken by interrogatories filed with the clerk of the county court of the county where application is made for the land or certificate, and upon the filing of such interrogatories, it shall be the duty of the clerk of such county court to issue a commission to be directed to the clerk of the district court, notary public, or chief justice of the county where such witness or witnesses may reside, which commission shall be executed and returned to the clerk issuing the same, in the same manner as commissions issued by the clerks of the district courts of the State are now executed and returned. Adopted.

Mr. Hartley proposed to amend by striking out of 11th line, of 3rd section: "and that they never ceased to be citizens of Texas, from that time to the present.

Mr. Franklin moved to postpone the bill and proposed amendments till Monday 10 o'clock.

Mr. Perry moved to re-consider the vote, adopting Mr. Dennis' amendment.

Mr. Franklin moved to postpone the motion to re-consider till Monday 10 o'clock, A. M.

Mr. Short moved to adjourn till 10 o'clock A. M., on Monday. Lost by the following vote:

YEAS—Messrs. Benevides, Billingsly, Bryan, Camp, Epperson, Harrison of V. Z., Hartley, Haynes, Houghton, McKnight, Maby, Mannly Pirkey, Redgate, Short, Wælder, Walworth—17.

NAYS—Messrs. Speaker, Anderson, Armstrong, Branch Craig, Crooks, Clark, Culberson, Dale, Duncan, Ellett, Francis, Fescue, Harrison of C., Henderson, Hubbard, Lewis of M., Lewter, Martin, Miverick, McClarty, Munson, Nelson, Norton, Owens, Parker, Redwine, Ross, Shelton, Speights, Townes, Warfield, Whitmore and Wortham—36.

Mr. Hartley moved to adjourn till 3 o'clock, P. M. Lost by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Benevides, Branch, Dale, Francis, Hartley, Henderson, Lewter, Miverick, McKnight, Navarro, Parker, Redwine, Ross, Shelton, Speights, Townes, Walworth, Warfield, Whitmore and Wortham—24.

NAYS.—Messrs. Billingsly, Bryan, Camp, Craig, Crooks,

Culberson, Dennis, Dougherty, Duncan, Ellett, Epperson, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Houghton, Hubbard, Mabry, Manly, Martin, McClarty, Mills, Munson, Nelson, Norton, Owens, Pirkey, Redgate, Short, Wælder and Waterhouse—33.

Mr. Branch moved to adjourn till 10 o'clock, A. M. to-morrow. Lost by the following vote :

YEAS.—Messrs. Speaker, Anderson, Benevides, Branch, Bryan, Clark, Francis, Harrison of V. Z., Maverick, Parker, Pirkey, Speights, Townes and Whitfield—15.

NAYS.—Messrs. Armstrong, Billingsly, Camp, Craig, Crooks, Culberson, Dale, Dennis, Dougherty, Duncan, Edwards, Ellett, Franklin, Foscue, Hall, Hartley, Haynes, Henderson, Hubbard, Lewter, Mabry, Manly, Martin, McClarty, McKnight, Mills, Navarro, Nelson, Norton, Owens, Redgate, Redwine, Ross, Shelton, Short, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wortham—41.

Mr. Francis moved to adjourn till 7 o'clock, P. M. Lost by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Benevides, Billingsly, Branch, Bryan, Dale, Dickson, Francis, Foscue, Harrison of C., Harrison of V. Z., Houghton, Navarro, Nelson, Parker, Perry, Redwine, Shelton, Short, Speights, Townes, Wælder, Warfield and Whitmore—26.

NAYS.—Messrs. Camp, Craig, Crooks, Clark, Culberson, Dennis, Dougherty, Duncan, Ellett, Franklin, Hall, Hartley, Haynes, Hubbard, Lewter, Mabry, Manly, Martin, Maverick, McClarty, McKnight, Mills, Munson, Norton, Owens, Redgate, Ross, Walworth, Whitfield and Wortham—30.

Mr. Nelson moved to adjourn till 10 o'clock, A. M., to-morrow. Lost by the following vote :

YEAS.—Messrs. Speaker, Branch, Craig, Dickson, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Munson, Parker, Redgate, Shannon, Shelton, Speights, Townes, Warfield, Whitfield and Whitmore—22.

NAYS.—Messrs. Baxter, Benevides, Billingsly, Bryan, Camp, Crooks, Culberson, Dale, Dennis, Dougherty, Duncan, Franklin, Hartly, Haynes, Lewter, Mabry, Manly, Martin, Maverick, McClarty, McKnight, Mills, Navarro, Nelson, Norton, Owens, Perry, Ross, Short, Wælder, Walworth and Wortham—32.

On motion the House adjourned till half past nine o'clock, A. M., on Monday.

HOUSE OF REPRESENTATIVES, }
 Monday, Jan. 2nd, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of Friday read and adopted.

Mr. Wælder presented the petition of the citizens of Blanco, Kerr and other counties. Referred to committee on Indian Affairs.

A message was received from the Senate informing the House that the Senate had passed the following named House's bills, to-wit:

Bill to incorporate Eastern Texas Railroad Company, with amendments.

Bill to incorporate Jefferson Insurance Company, with amendments.

Bill to incorporate Houston, Trinity and Tyler Railroad Company, and

Bill for the relief of Wm. Phillips.

Also, had passed a bill originating in the Senate, to incorporate the Columbus Tap Railway Company.

Mr. Branch presented the petition of Jonathan A. McGary. Referred to committee on Private Land Claims.

Mr. McClarty presented the petition of sundry citizens of Rusk county. Referred to Judiciary committee.

Mr. Dickson presented the petition of the heirs of Harrison Young. Referred to committee on Court of Claims.

Mr. Billingsley presented the petition of A. T. Berry. Referred to committee on Court of Claims.

Mr. Navarro presented the petition of the heirs of Juana Gomez. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of Jno. Grissett. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of the heirs of Wm. D. Carrington, deceased. Referred to committee on Claims and Accounts.

Mr. Maverick presented two several petitions of the citizens of Bexar county. Referred to committee on Counties and County Boundaries.

Mr. McKnight presented the petition of Jno. Maginnis. Referred to committee on Private Land Claims.

Mr. Branch, one of the committee on Education, reported recommending the passage of the bill to incorporate the German English school of San Antonio, with amendments by the committee.

Amend by striking out in 2nd section: "and such property shall be exempt from taxation."

Also, recommending the adoption of the joint resolution proposing an amendment to the constitution.

Also, recommending the passage of the bill to incorporate the Texas Medical College.

Mr. McKnight, one of the committee on Education, reported, recommending the indefinite postponement of the joint resolution to amend the constitution.

Also, recommending the passage of the bill to incorporate the Literary Institution of Gilmer in Upshur county, with amendments by the committee.

Amend by inserting an additional section.

Mr. Anderson, of the committee on Education, reported, recommending the indefinite postponement of the bill to amend art. 161, Oldham & White's Digest.

Mr. Munson, of the committee on Education, reported, recommending the indefinite postponement of the resolution requiring said committee to enquire into the expediency of changing the present school law, &c.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to encourage the manufacture of iron in Texas, and recommended its passage. Bill read first time.

Mr. Shelton, one of the committee on Education, reported, recommending the passage of the bill to incorporate the La Grange Casino, with amendments by committee.

Amend, by striking out at the end of 4th section the words, "and shall be free from taxation."

Also, recommending the passage of the bill to incorporate the Dialectic Society of McKenzie Institute, with amendments by the committee.

Amend by adding an additional section.

Mr. Craig, one of the committee on Education, reported, recommending the passage of the bill to incorporate the Salado College in Bell county.

Mr. Dale, chairman of committee on Printing, reported a substitute for the bill regulating advertisements which may be required emanating from the State Department, and recommended its passage.

Mr. Mills, one of the committee on Counties and County Boundaries, reported a substitute for the bill to adjust the boundary line of Guadalupe, Comal and Hays counties, and recommended its passage.

Mr. Duncan, one of the committee on Counties and County

Boundaries submitted a minority report, recommending the passage of the bill to change the caption of the act creating the county of Blanco, &c.

Mr. Hubbard introduced a bill to incorporate the Central Transit Company. Read first time and referred to committee on Internal Improvements.

Also, a bill for the relief of Fletcher Logan. Referred to Judiciary committee.

Mr. Billingsly introduced a bill to authorize the counties in this State to levy an internal improvement tax to encourage the construction of Railroads. Read first time and referred to committee on Internal Improvements.

Mr. Flewellen introduced a bill to change the name of Mary Ann Simmons, to Mary Ann Hood. Read first time and referred to committee on State Affairs.

Mr. Hubbard offered the following resolution :

Resolved, That the committee on Judiciary be instructed to enquire into the expediency of so altering the fees of district clerks in criminal cases, as to make them conform and equal to the fee bill of March 20th, 1848, and that they report by bill or otherwise. Adopted.

On motion of Mr. Epperson, the rule was suspended and the bill relative to the Red river raft was taken up and made the special order of the day, for 11 o'clock on Friday next.

On motion of Mr. McKnight the rule was suspended, and the bill to repeal the act to establish university of Texas, was taken up and made the special order of the day for Thursday next, 11 o'clock.

On motion of Mr. Branch, Mr. Whitfield was added to committee on Counties and County Boundaries.

Mr. Wælder moved to make bills for the incorporation of schools, academies, beneficiary associations, towns, bridge companies and private local corporations, the special order of the day for this evening 7 o'clock.

Mr. Norton moved to lay the motion on the table. Lost, and Mr. Wælder's motion carried.

Mr. Hubbard offered the following resolution :

Resolved, That this House meet hereafter, evening session at 7 o'clock, P. M., for the purpose of considering all local and private relief bills, and that they be considered at no other time. Laid over one day for consideration.

The hour having arrived the special order of the day, to-wit: the resolution on the 23rd inst., to adjourn *sine die*, was taken

up, and on motion of Mr. Norton laid on the table by the following vote :

YEAS—Messrs. Armstrong, Baxter, Benevides, Billingsly, Bogart, Branch, Bryan, Buckley, Camp, Crooks, Clark, Darnell, Davis of H., Duncan, Edwards, Flewellen, Hall, Harrison of V. Z., Hartley, Haynes, Henderson, Henry, Lewis of M., Lewis of R., Manly, McClarty, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Parker, Perry, Pirkey, Redgate Short, Speights, Townes, Wælder, Warfield, Waterhouse, Wortham and Wrede—44.

NAYS.—Messrs. Speaker, Anderson, Barnard, Craig, Culberson, Dale, Dennis, Dickson, Dougherty, Ellett, Epperson, Francis, Foscue, Harrison of C., Houghton, Hubbard, Lewter, Lynch, Mabry, Maverick, Mills, Munson, Nelson, Redwine, Ross, Shelton, Smith, Taylor, Walworth, Whitfield and Whitmore—31.

The resolution to go into election of State Engineer and Superintendent was taken up, and on motion of Mr. Townes laid on the table.

ORDERS OF THE DAY.

The bill to incorporate the Eastern Texas Railroad Company, taken up and amendments by the Senate concurred in.

Bill to incorporate Jefferson Insurance Company, taken up and Senate's amendments concurred in.

The following named Senate's bills were taken up, read and disposed of as indicated, to-wit :

Bill for relief of Benjamin Baccus. Read first time and referred to committee on Private Land Claims.

Bill for relief of the heirs of Wm. Hertz. Read first time and referred to committee on Private Land Claims.

Bill for the relief Lt. M. Hitchcock. Read first time and referred to committee on Public Debt.

Bill to restore lands for taxes and purchased by the State to former owners on certain conditions. Read first time and referred to committee on State Affairs.

Bill to prevent sale of vinous, spirituous and other intoxicating liquors within one mile of Starrville in Smith county. Read first time and referred to committee on State Affairs.

Bill to incorporate the Fireman's Relief Fund Association. Read first time and referred to committee on State Affairs.

Bill to incorporate the Columbus Tap Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Davis of B., one of the committee on Education, by per-

mission, reported, recommending the passage of the bill to incorporate Live Oak Female Seminary.

Also, recommending the passage of the bill to incorporate Karnes county College, with amendments by the committee.

Amend by striking out in the 14th line of 1st section, the words, "have a common school."

Also, asked to be discharged from further consideration of the bill to change the common school law.

Mr. Foscue, chairman of committee on Internal Improvements, reported a substitute for the bill to renew the act to incorporate the Western Railroad Company, approved February 16th 1852, and recommended its passage.

[Mr. Shelton in the Chair.]

Messrs. Norton, Lewter, Branch, McKnight, Maxey, Clark and Shelton, of the committee on Education, reported, recommending the passage of the bill to repeal the act to establish the University of Texas, approved February 11th, 1853.

Mr. Munson presented the petition of Mary Henman. Referred to committee on Private Land Claims.

[Speaker resumed the Chair.]

The pre-emption bill with proposed amendments was again taken up.

Mr. Foscue moved to lay the amendment to the amendment on the table.

Mr. Bogart moved to amend the motion by laying the amendment and the amendment to the amendment on the table.

A division of the question being called for, the amendment to the amendment was laid on the table by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Benevides, Baxter, Billingsly, Branch, Bryan, Buckley, Craig, Crooks, Dale, Darnell, Davis of B., Dennis, Dickson, Dougherty, Frewellen, Francis, Foscue, Harrison of C., Hartley, Henderson, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Manly, McClarty, McKnight, Mundine, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Speights, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—52.

NAYS.—Messrs. Bogart, Camp, Clark, Davis of H., Duncan, Edwards, Ellett, Harrison of V. Z., Henry, Mabry, Mills, Norton, Redgate, Waterhouse and Whitmore—16.

Mr. Nelson offered the following as a substitute for the pending amendment :

Section—That no person not a resident of this State at the time of the passage of this act shall be entitled to the provisions

of the same, and oath of such residence shall be made before the surveyor by the applicant, verified by two responsible witnesses, before said land shall be surveyed. And before patent shall issue, the applicant shall file in the General Land Office a receipt from the Comptroller or assessor and collector showing that he has paid three years' taxes on said land: provided, that none of the members or employees of what is known as the Overland Mail Company, shall be entitled to the benefits of this act. Adopted.

Mr. Henderson proposed to amend by adding: "and further provided, that no person who has obtained a pre-emption under the laws heretofore existing, shall be entitled to this.

On motion of Mr. Nelson the amendment was laid on the table by the following vote:

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Billingsly, Bogart, Branch, Buckley, Camp, Clark, Dale, Darnell, Davis of B., Davis of H., Dennis, Duncan, Ellett, Flewellen, Harrison of V. Z., Haynes, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Manly, Martin, McClarty, McCutchan, McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redwine, Shannon, Shelton, Short, Smith, Speights, Townes, Warfield, Waterhouse, Whitfield, Whitmore, and Wortham—51.

NAYS.—Messrs. Bryan, Craig, Crooks, Dickson, Dougherty, Edwards, Epperson, Francis, Foscue, Harrison of C., Hartley, Henderson, Kinney, Lewis of R., Maverick, Redgate, Ross and Walworth—18.

Mr. Pirkey moved to lay the bill and proposed amendments on the table and to take up the Senate's bill for the sale of the public domain at fifty cents per acre. Lost by the following vote:

YEAS.—Messrs. Anderson, Baxter, Billingsley, Buckley, Craig, Crooks, Clark, Davis, of H., Dickson, Dougherty, Edwards, Epperson, Flewellen, Foscue, Hall, Harrison, of C., Hartley, Lewis, of R., Manly, McClarty, Pirkey, Redgate, Redwine, Ross, Shelton, Townes, Walworth, Warfield, and Whitfield—31.

NAYS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Bryan, Camp, Culberson, Dale, Darnell, Davis of B., Dennis, Duncan, Ellett, Francis, Harrison, of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Martin, Maverick, McCutchan, McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens,

Parker, Perry, Shannon, Short, Smith, Speights, Waterhouse, Whitmore, Wortham and Wrede—45.

Mr. Culberson proposed to amend by striking out the words, "resident citizens of this State," and inserting "any resident citizen of a southern State."

A division of the question being called for, the question to strike out was put, and lost by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Barnard, Billingsly, Culberson, Dale, Davis of B., Duncan, Epperson, Francis, Harrison of V. Z., Houghton, Lewter, Maverick, Mills, Norton, Owens, Shannon, Walworth, and Waterhouse—20.

NAYS.—Messrs. Anderson, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig Crooks, Clark, Darnell, Davis of H., Dennis, Dickson, Dougherty, Ellett, Flewellen, Foscue, Hall, Harrison of C., Hartley, Haynes, Henderson, Henry, Hubbard, Kinney, Lewis of M., Lewis of R., Lynch, Manly, Martin, McClarty, McCutchan, McKnight, Middleton, Mundine, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shelton, Smith, Speights, Townes, Wælder, Warfield, Whitfield, Whitmore, Wortham, and Wrede—55.

Mr. Craig proposed to amend by adding :

"Provided that the benefits of this act shall extend to heads of families only, and to such as are worth no more than \$1,000 worth of property."

On motion of Mr. Nelson, laid on the table, and Mr. Nelson's amendment adopted.

Mr. Pirkey proposed to amend by adding :

"Provided, that the provisions, of this bill shall not apply to any one who has had his survey made, and field notes returned under the provisions of the law authorizing the sale of the public domain, approved February 11th, 1858.

Mr. Mills moved to lay the amendments on the table.

Mr. Nelson moved the previous question, which was seconded, and the main question ordered, which being on the engrossment of the bill, the same was put and the bill ordered to be engrossed by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Buckley, Camp, Crooks, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dickson, Dougherty, Duncan, Edwards, Ellett, Francis, Hall, Harrison of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Martin, Manly McCutchan, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon, Shelton, Short, Smith, Speights,

Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham, and Wrede—61.

NAYS.—Messrs. Anderson, Baxter, Billingsly, Bryan, Craig, Epperson, Flewellen, Foscue, Harrison of C., Hartley, Maverick, McClarty, Pirkey, Redgate, Ross, and Whitfield—16.

On motion of Mr Shannon the rule was suspended and the bill read third time.

Mr. Buckley proposed to amend by adding :

“ Provided the provisions of this act shall not apply to the same person or head of a family more than one time.” Adopted.

Mr. Dickson moved the previous question, which was seconded, and the main question ordered which being on the final passage of the bill, the same was put and the bill passed by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Barnard, Benevides, Bogart, Branch, Buckley, Camp, Crooks, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Francis, Hall, Harrison of V. Z., Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Martin, McKnight, Middleton, Mills, Mandine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redwine, Shannon, Shelton, Short, Smith, Speights, Taylor, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede—59.

NAYS.—Messrs. Anderson, Baxter, Billingsly, Bryan, Craig, Epperson, Flewellen, Foscue, Harrison of C., Hartley, Maverick, McClarty, Pirkey, Redgate, Ross and Whitfield—16.

Mr. Henderson moved to suspend rule and take up the Senate's bill to provide for sale and settlement of public domain, and make it the special order of the day for to-morrow, 12 o'clock. Lost.

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—no quorum. Mr. Francis moved to adjourn till 10 o'clock, A. M., to-morrow. Lost—quorum present.

Bill to incorporate the town of Jasper, together with report from committee recommending its passage of a substitute, was taken up and read second time.

Mr. Lewis of M. proposed to amend by adding after the word, “ Jasper,” the words, “ Danville in Montgomery county and Mount Enterprise in Rusk county.” Adopted, and the bill ordered to be engrossed.

On motion of Mr. Dickson, the rule was suspended and the bill read third time and passed.

Bill to incorporate the town of Shelbyville in Shelby county, together with report from committee, taken up, read second time and the bill ordered to be engrossed.

On motion of Mr. Short, the rule was suspended, the bill read third time and passed.

Bill to incorporate the Texas Telegraph Company, with report from committee, recommending amendments was taken up, the amendments adopted and the bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, the bill read third time and passed by two-third vote.

Bill to incorporate the Galveston Turner's Association with report from committee, taken up, read second time and ordered to be engrossed.

On motion of Mr. Franklin, the rule was suspended. Bill read third time and passed by a two-third vote.

The bill to amend the act granting certain real estate to the city of Austin, with report from committee, taken up.

On motion of Mr. Townes the bill was laid on the table.

The bill to incorporate the Galveston Casino, with report from committee taken up, read second time and the bill ordered to be engrossed.

On motion of Mr. Franklin, the rule was suspended, the bill read third time and passed by two-third vote.

The Senate's bill to incorporate the Horse Head crossing of the Pecos Bridge Company, with report from committee, taken up, read second time and passed to third reading.

[Mr. Manly in the Chair.]

On motion of Mr. Hall, the rule was suspended, the bill read third time and passed by two-third vote.

The Senate's bill to incorporate the Pecos Bridge Company, with report from committee, taken up, read second time and passed to third reading.

On motion of Mr. Hall, the rule was suspended, the bill read third time and passed by two-third vote.

Bill to incorporate Colfax Lodge, I. O. O. F., at Clarksville, Red river county, with report from committee, taken up, read second time and bill ordered to be engrossed.

On motion of Mr. Crooks, the rule was suspended.

[Speaker resumed Chair.]

Mr. Foscoe proposed to amend by adding:

“ Provided, that the passage of this act shall not be construed

into an endorsement of the political course of Schuyler Colfax."

Speaker ruled the amendment out of order.

Mr. Mills appealed from the decision, and the Chair was sustained by the following vote :

YEAS.—Messrs. Anderson, Armstrong, Barnard, Billingsly, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crooks, Dale, Davis of H., Dougherty, Duncan, Edwards, Francis, Franklin, Hall, Harrison of V. Z., Haynes, Henderson, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Manly, Martin, Maverick, McClarty, McCutchan, Mundine, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede—53.

NAYS.—Messrs. Ellett, Epperson, Flewellen, Foscue, Mabry, McKnight, Mills, Nelson and Norton—9.

Mr. Flewellen proposed to amend by striking out "Colfax" and inserting "Clarksville."

On motion of Mr. Crooks laid on the table.

Mr. Franklin proposed to amend by striking out "Colfax" in the caption and wherever it occurs,

Mr. Duncan moved to adjourn till 10 o'clock, A. M., to-morrow. Lost.

[Mr. Mills in the Chair.]

Mr. McKnight moved to adjourn till 10 o'clock, A. M. to-morrow. Lost.

Mr. Wortham moved the previous question. Lost.

Mr. Ellett moved the previous question. Lost.

And the amendment adopted by the following vote :

YEAS.—Messrs. Anderson, Armstrong, Baxter, Billingsly, Bogart, Branch, Bryan, Buckley, Craig, Dale, Dennis, Dickson, Duncan, Edwards, Flewellen, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Henderson, Hubbard, Lewter, Lynch, Mabry, Manly, Martin, Maverick, McClarty, Mills, Munson, Nelson, Norton, Parker, Perry, Pirkey, Redgate, Ross, Shannon, Shelton, Short, Speights, and Waterhouse—42.

NAYS.—Messrs. Speaker, Crooks, Clark, Culberson, Davis of H., Dougherty, Ellett, Epperson, Haynes, Houghton, Lewis of R., McCutchan, McKnight, Mundine, Whitfield, Whitmore, Wortham and Wrede—18.

[The Speaker resumed the Chair.]

Mr. Bogart moved to adjourn till 10 o'clock to-morrow. Lost.

Mr. Buckley moved the previous question. Lost.

And the bill passed by two-third vote.

Mr. Francis moved to adjourn till 10 o'clock, A. M., to-morrow. Lost.

Mr. Mills moved to adjourn till half past nine o'clock, A. M. to-morrow. Lost.

On motion the House adjourned till 10 minutes past 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Tuesday, January 3d, 1860. }

* House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

A message was received from the Senate announcing to the House that the Senate had passed the following Senate's bills, to-wit:

A bill supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

A bill amendatory of an act entitled an act to regulate proceedings in case of forcible entry and detainer, approved March 15th, 1848.

A bill to incorporate the Sabine and Neches River Insurance Company.

A bill to amend an act entitled an act to incorporate the Indianola Railroad Company, approved 21st January, 1858.

Also the following bill which originated in the House:

A bill for the relief of J. C. P. Kennymore.

PETITIONS.

Mr. Davis of B., presented the petition of Mrs. Ann White. Referred to committee on Private Land Claims.

Mr. Billingsley presented the petition of the heirs of W. D. Carrington. Referred to committee on Private Land Claims.

Mr. Speights presented the petition of the heirs of Wm. P. Wilson. Referred to committee on Private Land Claims.

Mr. Wrede presented the petition of sundry citizens of Comal county. Referred to committee on Counties and County Boundaries.

REPORTS.

Mr. Shannon, chairman of committee on Private Land Claims, to whom was referred a bill for the relief of Iredel Redding, reported a substitute, and recommended its passage.

Mr. Mills moved to suspend the rule and pass bill to a second reading. Carried—substitute adopted.

Mr. Mills moved a further suspension. Carried, bill read third time and passed.

Mr. Shannon, chairman of committee on Private Land Claims, reported a Senate's bill for the relief of the heirs of William J. Wills, and recommended that the bill should not pass.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled an act to incorporate the Washington and Burleson Bridge Company, reported a substitute, and recommended its passage.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported a bill to define the boundaries of Hopkins county, and recommended its passage.

Mr. Harrison of V. Z., one of the committee on Private Land Claims, reported asking that the petition of Elizabeth Stanley be referred to committee on Court of Claims. Report adopted.

Mr. Franklin, one of the committee on Judiciary, reported asking that the petition of Charles A. Russell be referred to committee on Finance, with instructions. Adopted.

Mr. Wælder, one of the committee on State Affairs, reported a bill to incorporate the Alamo Fire Association, and recommended its passage.

Mr. Parker, one of the committee on Roads, Bridges and Ferries, reported a bill to incorporate the Corpus Christi Bridge and Turnpike Company, and recommended its passage.

Also, reported a substitute for the bill for the relief of Jacob Mull, and recommended its passage.

Also, reported recommending the passage of the bill for the relief of Edward Smith.

Also, reported a substitute for the Senate's bill for the relief of Myram Mudget, and recommended its passage.

Mr. Edwards, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Shelby Corzine, and a bill for the relief of Wm. Means, and recommended their passage. Bills read first time.

Also, reported a bill to authorize the Commissioner of the General Land Office to issue headright certificates in certain cases, and recommended its passage. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the indefinite postponement of the joint resolution to amend the Constitution.

Also, reported recommending the passage of the bill to encourage the citizens of El Paso county to irrigate the Rio Grande Valley, with amendments by the committee: amend by adding at the end of Sec. 1, "Provided said ditch or aqueduct shall not be less than eight feet wide and four feet deep."

Mr. Dougherty, chairman of the committee on Stock and Stock Raising, reported asking that the petition of citizens of Navarro county be referred to committee on Judiciary. Report adopted.

Mr. Norton, one of the committee on Education, reported recommending the indefinite postponement of the bill to exempt the counties of Hidalgo and Cameron from operation of certain words in the common school law.

Mr. Dennis, one of the Joint Select Committee, reported asking to be relieved from further consideration of the petition of John Marshall and W. S. Oldham.

Mr. Buckley introduced a bill to amend the second section of the act to create the 20th judicial district, approved January 2d, 1860. Read first time.

On motion of Mr. Buckley the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Buckley, the rule was further suspended, bill read third time and passed.

Mr. Flewellen introduced a bill to amend the act to incorporate Soule's University, approved February 2d, 1856. Read first time and referred to committee on Education.

Mr. Kinney introduced a bill to provide for the erection of an office for the Governor and Secretary of State. Read first time and referred to committee on State Affairs.

Mr. Billingsley introduced a bill for the relief of William Nicholson. Read first time and referred to committee on Private Land Claims.

Mr. Davis, of B., introduced a bill to incorporate Bastrop Lodge No. 25, I. O. O. F. Read first time and referred to committee on State Affairs.

Mr. Barnard, by permission, reported a bill to authorize the Commissioner of the General Land Office to introduce into his office a system of photography. Read first time.

On motion of Mr. Franklin the rule was suspended, the bill read second time and ordered to be engrossed.

On motion of Mr. Franklin the rule was further suspended, the bill read third time and passed.

A message was received from the Senate informing the House that the Senate had appointed Messrs. Throckmorton and Guinn a Committee of Conference on the bill for the relief of Wiley Burns, *et al.*

The resolution making private relief and local bills the special order for evening sessions was taken up and adopted.

The hour having arrived, the special order of the day, to-wit:

the bill to authorize the formation of county and town agricultural societies, was taken up and read second time.

Mr. Lewis of M., proposed to amend as follows:

Fill the blank in line two, Sec. 3, with "one."

Fill the blank in line three, Sec. 3, with "two."

Fill the blank in line nine, Sec. 6, with "three."

Fill the blanks in line two, Sec. 8, with "1st" and "Feb'y."

Adopted

Mr. Dougherty proposed to amend by striking out Sec. 5.—
Rejected, and the bill ordered to be engrossed.

Mr. Lewis of M., moved to suspend the rule and pass bill.—
Lost.

A message was received from the Senate informing the House that the Senate had rejected the House bill to relieve Jackson L. Leonard from the disabilities of minority.

Also, had rejected the bill to restrain the running at large of hogs in Calhoun county.

And had passed the House's substitute for the Senate's bill, confirming certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad reservation.

ORDERS OF THE DAY.

The bill to amend Sec. 4 of the act of May 12th, 1846, to regulate the license and practice of attorneys and counselors at law, was taken up, read and passed to third reading.

On motion of Mr. Hubbard the rule was suspended, and the bill read third time and passed.

The Speaker announced Messrs. Wælder, Middleton and Davis of B., a committee of Conference on the bill for the relief of Wiley Burns, *et al.*

Mr. Wrede, by permission, offered a joint resolution to authorize the Governor to procure the restoration of William Horster to his parents. Read first time.

On motion of Mr. Wrede, the rule was suspended, the bill read second time and ordered to be engrossed.

On motion of Mr. Wrede, the rule was further suspended, the bill read third time and passed.

Mr. Branch, one of the committee on Enrolled Bills, made the following report:

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the following bills, viz:

A bill to be entitled an act supplementary to, and amendatory of an act entitled an act to provide relief for pre-emption set-

tlers and their assignees, under the act of the 22d of January, 1845, the act of the 7th of February, 1853, and the act of the 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation.

A bill to be entitled an act making an appropriation to pay the Attorney-General and District-Attorneys the cost due them under Article 952d., of the Code of Criminal Procedure.

A bill to be entitled an act to authorize the County Courts of Collin county to levy a special tax for the erection of a court-house therein.

A bill to authorize the Governor to postpone the sale of University lands that have been forfeited for non-payment of the annual installments required by law.

A bill to be entitled an act for the relief of Mary Elam.

A bill to be entitled an act to fix the time for holding the district courts of the seventh judicial district.

A bill to be entitled an act to relieve A. E. Benham from the disabilities of minority.

And find the same correctly enrolled, properly signed; and have this day been presented to the Governor, for his approval and signature.

A. M. BRANCH,

One of the committee.

Report accepted.

On motion of Mr. Buckley, the rule was suspended, and the bill to regulate the duties of common carriers, and to fix their liabilities, was taken up and read second time.

Mr. Buckley proposed to amend by adding at end of Sec. 3, "or by giving or posting notices that they will not be so liable." Adopted.

[Mr. Parker in the Chair.]

And the bill ordered to be engrossed.

On motion of Mr. Dickson, the rule was further suspended, the bill read third time and passed.

Mr. Lewis of R., by permission, introduced a bill for the relief of J. C. Spence. Read first time, and referred to committee on Claims and Accounts.

On motion of Mr. Shannon, the bill to provide for the sale of the public domain of the State of Texas was taken up and made the special order for Tuesday next.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill concerning certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation.

And the bill to authorize the Governor to procure the restoration, to his parents, of Wm. Horster. 20-H

[Speaker resumed the Chair.]

On motion of Mr. Mills, the bill to confirm certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation, was taken up, read third time and passed.

The following named Senate's bills were taken up, read first time, and disposed of as indicated :

Bill supplemental to the act to amend the act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858. Referred to committee on Public Lands.

Bill to authorize the County Court of Comal County to levy a special tax for purposes therein named. Referred to committee on State Affairs.

Bill to amend the act to incorporate the Indianola Railroad Company, approved January 21st, 1858. Referred to committee on Internal Improvements.

Bill amendatory of an act to regulate proceedings in case of forcible entry and detainer, approved 15th March, 1848. Referred to Judiciary committee.

And the bill to incorporate the Sabine and Neches River Insurance Company. Referred to committee on Internal Improvements.

A message was received from the Senate informing the House that the House had passed a bill supplemental to the act to ascertain what land certificates have been illegally issued by the County Courts of counties in Peter's Colony, and to provide for issuing patents on such of said certificates as are legal.

And a bill for the relief of the heirs of Charles Inboes, dec'd.

The bill to reorganize the Court of Claims, &c., with pending motion to reconsider the vote adopting Mr. Dennis' amendment, was taken up, and the vote reconsidered.

Mr. Dennis, by permission, withdrew his amendment.

Mr. Townes offered a substitute for the first section.

[Mr. Bogart in the Chair.]

On motion of Mr. Nelson, the bill and proposed amendments was laid on the table until, and made the special order of the day for Saturday next.

On motion of Mr. Norton, the vote passing a bill to incorporate Colfax Lodge No. 36, I. O. O. F., was reconsidered, and the consideration of the bill and amendment proposing to strike out Colfax from the bill, was postponed until January, 21st inst.

Mr. Buckley offered the following resolution :

Resolved by the House of Representatives of the State of Texas, That we have learned with the deepest regret of the

death of our late distinguished citizen, General Mirabeau B. Lamar, of Fort Bend county; that we hold his memory in the profoundest veneration, because of his chivalrous character, his devoted patriotism and his eminent public services.

That we sincerely sympathize with his family in their deep grief, and mingle our sorrows with theirs over their sad bereavement.

That in testimony of our respect for the memory of the deceased, the members of the House will wear the usual badge of mourning for thirty days.

That a copy of these resolutions be communicated to the family of the deceased, by the Speaker of the House.

Adopted.

Mr. Buckley then addressed the House as follows:

Mr. BUCKLEY said: I rise, Mr. Speaker, to present resolutions called for by the death of General Mirabeau B. Lamar, who died suddenly on the 19th of December last.

Gen. Lamar was born at Louisville, in Jefferson county, Georgia, on the 16th of August, 1798. His progress in study, in early life, seems to have given little promise of his future career; for, although he had advantages equal to those of any person in the State of Georgia for gaining an education, yet, from his indisposition to attend school, and from his indisposition to submit to the rules and restraints of those institutions, he went to school but little, and attained but a limited education. To his friends his intelligence and the extent of his learning were a matter of mystery, for he did not acquire the stores of his mind in the manner in which men usually do from instruction in school and college.

He commenced life as the editor of a paper in the State of Alabama. He soon, however, abandoned that occupation, and returned to Georgia, the State of his birth, where, in the year 1825, he was appointed by Governor Troup his private secretary; and it was in this political school, eminent in that day, that he imbibed his political principles, to which he adhered with great tenacity throughout life. In that year a collision took place between the State of Georgia and the General Government, in relation to the lands occupied by the Creek Indians. It was, I believe, the first instance in the history of the American Government in which there was a direct conflict between one of the States and the General Government. It led to a spirited controversy, carried on by correspondence, in which, I believe, it was conceded that Gov. Troup came off victor, and sustained the position he assumed at the outset, vindicating the rights of the State against

the attempted encroachment of the Federal Government. It was at this period that General Lamar formed his opinions upon the subject of States' Rights—opinions which he retained in after life. He remained as the private secretary of Gov. Troup during his term of office; after the expiration of that term, the next public enterprise or employment in which we find him concerned was in 1828, the establishment of the Columbus Enquirer, a newspaper published at the town of Columbus, in Georgia. That paper was conducted by him for years, in a manner which evinced much skill and great ability. In 1832, when both the States' Rights party and the Union party had a full ticket presented in that State for Congress, General Lamar, who entertained views in some respects different, and perhaps more ultra than the party to which he belonged, came out as an independent candidate for the Congress of the United States, and came very near being elected, although his party had a full ticket before the country. It was the confidence which the people of his native State had in his ability, his integrity, his honesty of purpose and the correctness of his political sentiments, that gave him so heavy a vote under such peculiar circumstances, that he was defeated only by a small majority.—At the next regular election for Congress, he was one of those regularly nominated to represent the State of Georgia at Washington, on the ticket of the States' Rights party, which was then in a minority of a small number, and he, together with his colleague, was defeated.

In the fall of 1835 he came to Texas—when the first difficulties arose between Texas and Mexico—and, as I am credibly informed, he had the honor, in the town of Washington, to make the first public speech within the limits of the country which advocated a declaration of independence. He was on a visit to Texas, at that time, for the purpose of examining the country and determining whether he would make it his home. He thus found himself at a public meeting, held at Washington, to take into consideration the state of the country, and was called upon, though a stranger, to give his views on the subject; and on that occasion, as I said before, he advocated the declaration of independence—and this was the first public effort made for that purpose in the province of Texas. He was opposed to a federation with the Mexican States almost as much as to the central government then recently established by Santa Anna. He believed that the only remedy for existing evils was for the Americans then in Texas to separate themselves from Mexico, and become an independent government, which they afterwards

did. Gen. Lamar returned soon after to his native State, having determined to make this country his home. Arriving a second time in the province of Texas, he reached the army while at Groce's, on the Brazos, with which he remained until after the battle of San Jacinto. On the 20th of April, 1836, the day preceding that battle, he bore himself in the skirmish between the cavalry of the Texans and a portion of the Mexican troops in such a manner as to give him great eclat and credit in the eyes of the whole army. In fact, such was the impression he made by the impetuous and daring bravery he displayed on that occasion, that he was invited, both by the men and the officers, to take command of the cavalry and lead them into action on the 21st. The request was first made by the soldiers serving as cavalry, and he declined to accede to it until the request of the men was accompanied by that of the officers in command, when he yielded. The manner in which he acquitted himself at their head, and the imperishable fame he won upon that field, are matters of history. The report of the commander-in-chief accords to him a degree of credit for chivalrous bearing and heroic conduct on that field, second, perhaps, to that of no man who was engaged in that unequal contest, the glorious results of which we now enjoy.

Soon after the battle of San Jacinto, General Lamar was appointed by the Executive of Texas a member of his cabinet. He was first appointed Attorney-General of the government *ad interim*, established by the convention in the spring of 1836, to continue until the Constitution of the Republic could be put in operation. He was soon after transferred from the office of Attorney-General to that of Secretary of War, and in this capacity, the written opinion given by himself, and concurred in by the late Hon. Wm. H. Jack, another member of the cabinet, upon the proper disposition to be made of Santa Anna, is in itself well calculated to place his name on one of the brightest pages of history, as a scholar, writer and jurist. The other members of the cabinet disagreed with Gen. Lamar and Mr. Jack, who advised that Santa Anna be not liberated, but put to death, for his violation of every principle of civilized warfare in the massacre of Ward and Fannin, and their men, and other acts of atrocity. They were overruled, and it is exceedingly questionable whether the course pursued was so wise as that they advised at the time. In the fall of 1836, when the government of the Republic was first organized under the Constitution, Gen. Lamar was elected to the second office in the gifts of the people—he was chosen the first Vice-President of the Republic

of Texas, while the Hero of San Jacinto was called to the Presidential Chair. He fulfilled the duties of that office in a manner that won for him the confidence of the people, and in 1838, at the next regular election, he was elected by an almost unanimous vote to preside over and control the destinies of Texas for the next succeeding three years. As to his administration of the affairs of the Republic, I believe there is no measure ascribed to him which met with the opposition of the people, save one; and perhaps the time has not arrived for the history of that administration to be spoken of or put before the country. It has been truly said that history does not speak the truth while the actors in its drama are yet upon the stage.— With the exception of the ill-fated Santa Fe expedition, which was organized under his administration, I believe that all his measures met the approbation of the people of Texas; and so far as that expedition is concerned, in my judgment, an act of great injustice has been done in blaming President Lamar for that measure. It was a matter of notoriety for some time before the fitting out of the expedition, that such a thing was on foot, and its propriety was unquestioned. The object was to divest the Santa Fe and Chihuahua trade from Missouri to Texas.— Another object was to take possession of territory which was claimed as a part of Texas. He had information supposed to be reliable, that the expedition would be received with open arms by the citizens of Santa Fe. All these things were generally known before the expedition was fitted out, and none were found to condemn it. It was unfortunate in its results; and as soon as misfortune overtook it, it became unpopular throughout the country. And that, I believe, was the only act of his which did not meet the approbation of the people.

After his retirement, in 1841, from the office of President, he remained in private life until the year 1846. At the first sound of the alarm of war upon our frontier, he was one of the first to hasten to the scene of action; and in 1846 he served as a private in the army in the Mexican war until after the taking of Monterey. Soon after that battle was fought, and that victory achieved, in which he did noble service, he was sent to the Rio Grande by General Taylor, and placed in command of the troops stationed there for the purpose of protecting the frontier. He had a company of one hundred men mustered into service for twelve months, with his head quarters at Laredo. When that term of service expired he was elected by the people to the Legislature of the State of Texas. He remained at Austin but a short time, when he returned to Laredo and commanded a

company of a like number, at the same station, for the period of another year—making two years that he performed active military service at that point. During the time he commanded at Laredo, he trusted not to others to pursue and chastise the Indians, who were making inroads into the settlements. It was his custom to head the expedition against them in person; and such was the efficiency of that small number of men under his command, that such a thing as a successful foray of the Indians was for a long time unheard of.

When his services in that position had terminated, he returned again—I was going to say—to civilized life; but he returned to his residence, and soon after settled in the county of Fort Bend, and there spent several years in the private walks of life. In 1857, he was sent by Mr. Buchanan as a Minister to Central America. What were the fruits of that mission have not yet been made as public as they will be. He effected, as I understand, everything desired by the administration. I understand that he effected one of the objects particularly desired, which was a treaty with that country which would give American citizens all the protection which the commerce with our Pacific possessions requires. This he accomplished to the entire satisfaction of the government. He did not remain there during the full term for which he was appointed, because the vocation was not suited to his temperament—it was not suited to his genius—it was not suited to his tastes. He returned from that mission voluntarily; and to his private and confidential friends he remarked on his return, that there was nothing in nature he detested more profoundly than the character of a professional diplomat. He said the career required nothing further than the ability to deceive and overreach, and it was contrary to his nature to be concerned in anything of the kind. He therefore left the position in disgust.

He had reached home but a short time, a very short time, before he was stricken down by the hand of death. In his usual health and flow of spirits, he was suddenly attacked with a fit of apoplexy, became almost instantly unconscious, and speedily died. He died, not as most men do, with premonitions or warnings of the near approach of death. With him the thread of life was snapped asunder suddenly. He died at his residence, in Fort Bend county, surrounded by his family, on the 19th day of December last, in the sixty-second year of his age.

In all the public positions filled by the distinguished deceased, there was none in which he failed or was wanting in fidelity, honor or chivalry. There was no act of his life, public or

private, where his honor, integrity and devotion to his country could be called in question. Notwithstanding that he filled all the public situations to which he was called with an eye single to the public interest and the public welfare, one would have to know Gen. Lamar in the private and social walks of life to appreciate the man. He possessed in an eminent degree, in a degree which none ever excelled and few have equalled him, all the social and domestic virtues. In his intercourse with society, and in the domestic circle his manner and his actions were characterized by all the simplicity of nature. There was no guile in his heart—there was no intrigue, no duplicity in his intercourse with his fellow-men. He was ever distinguished among all his acquaintances and friends as possessing every virtue which adorns the human heart in an eminent degree. In his death, Texas has sustained a loss of one of her most distinguished citizens—one of her purest patriots—one of her most chivalrous heroes.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present.

A report from committee on Private Land Claims, asking to be relieved from a further consideration of the petition of M. A. Hornsby, was taken up, read, and report adopted.

A bill to relieve M. V. Clarey, Jasper Clarey, Thomas Lowe, and Benjamin A. Campbell from the disabilities of minority, taken up and laid on table.

A Senate bill to relieve Benjamin A. Campbell, James Ingram Nuner and Francis J. Lewis from the disabilities of minority, taken up, and on motion of Mr. Hubbard, the amendment of committee adopted.

On motion of Mr. Taylor of C., the name of John W. Scott and John W. Corey, of Cass county, were added.

[Mr. Manly in the Chair.]

On motion of Mr. Hubbard, the names of Messrs. Martin V. Clarey and Jasper Clarey were added.

On motion of Mr. Mundine, the name of Mr. Thomas Eldridge, of Burleson county, was added.

On motion of Mr. McClarty, the name of R. K. Gibson, of Rusk county, was added.

Mr. Norton proposed to amend by adding: "and all boys of like age." Lost.

On motion of Mr. Wælder, the name of Thomas A. Rodriquez was added.

On motion of Mr. Buckley, the names of Elizabeth Jane Robinson and Junius K. Robinson, of Travis county, were added.

On motion of Mr. McKnight, the name of Henry C. Woolfinger, of Angelina county, was added.

On motion of Mr. Epperson, the name of John M. Jackson, of Hopkins county, was added.

On motion of Mr. Davis of H., the name of Moses Guess, formerly of Hays county, was added.

On motion of Mr. Dougherty, the name of David Garcia, of Hidalgo county, was added.

On motion of Mr. Lynch, the name of Wiley Pridgen, of DeWitt county, was added.

On motion of Mr. Wortham, the name of Judson Reeves, of Hopkins county, was inserted.

[Speaker resumed the Chair.]

Mr. Baxter proposed to amend by adding the name of Thos. P. Langley, of Harrison county.

Mr. Norton proposed to amend as follows :

“And all boys of Henderson and Kaufman counties.”

Mr. Parker moved the previous question, which was seconded. The question being: “shall the main question be now put?” the same was submitted, and stood yeas 34, nays 39.

House refused to adopt Mr. Norton's amendment.

Mr. Francis proposed to amend by adding the name of A. C. Walter, of Cherokee county. Adopted.

On motion of Mr. Whitmore, the name of Mr. John Pierce, of Harrison county, was added.

Mr. Martin proposed to amend by adding the name of Robert Williams, of Panola county.

Mr. Barnard offered the following amendment to the amendment :

“And all persons belonging to any part of Texas, under 21 years of age, who have volunteered to fight Mexicans or Indians in the present war on the Rio Grande and Northern frontier.”

[Mr. Dennis in the Chair.]

On motion of Mr. Francis, the bill and amendments were referred to committee on Stock and Stock Raising.

Mr. Hubbard moved to add Mr. Francis to committee on Stock and Stock Raising.

Mr. Francis refused to serve, stating that he belonged to three.

The report of committee on Private Land Claims, asking to be discharged from a further consideration of the petition of Thomas G. Dunn, was taken up, and report adopted.

A bill for the relief of C. S. Millette, with report from committee on Claims and Accounts, recommending passage of same, was taken up, and bill read second time.

Mr. Taylor of C., offered a substitute for the bill, which was adopted.

Mr. Ross moved to re-refer the bill to committee on Finance.

Mr. Nelson moved to reconsider the vote adopting substitute for the bill. Lost.

A majority not having voted on the motion to reconsider, a call of the House was ordered. The roll being called, and a quorum having answered to their names, the call was suspended. The motion to reconsider was withdrawn.

The question to refer was put and lost.

Mr. Whitmore proposed to amend by striking out \$500 and inserting \$300.

On motion of Mr. Nelson, laid on the table.

Mr. Taylor of C., moved to fill the blank with \$250. Adopted.

Mr. Buckley moved to reconsider vote filling the blank with \$250. Carried.

The question recurring upon filling the blank with \$250, the same was put, and the yeas and nays were demanded and stood as follows:

YEAS—Messrs. Speaker, Anderson, Barnard, Benevides, Branch, Bryan, Culberson, Davis of B., Davis of H., Hall, Houghton, Hubbard, Kinney, Lynch, Mabry, McCutchan, Mills, Nelson and Short—20.

NAYS—Messrs. Armstrong, Billingsley, Bogart, Buckley, Craig, Crawford, Crooks, Darnell, Dickson, Duncan, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Haynes, Lewis of M., Lewis of R., Manly, Martin, Maverick, McClarty, McKnight, Mundine, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shelton, Speights, Townes, Waelder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—45.

So the House refused to fill the blank with \$250.

Mr. Buckley moved to fill the blank with \$125. Carried.

The question then recurring upon the engrossment of the bill, the same was put and the bill engrossed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barnard, Benevides, Billingsley, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Crooks, Dale, Darnell, Davis of B., Dennis, Dougherty, Duncan, Flewellen, Franklin, Foscue, Harrison of C., Hartley, Houghton, Hubbard, Kinney, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Maverick, McCutchan, Mills, Mundine, Munson,

Nelson, Parker, Perry, Redgate, Robinson, Shannon, Shelton, Short, Speights, Townes, Wælder, Warfield, Waterhouse, Whitfield, Wortham and Wrede—55

NAYS—Messrs Armstrong, Davis of H., Epperson, Francis, Harrison of V. Z., McKnight, Norton, Owens, Ross and Whitmore—10.

Mr. Buckley moved a suspension of the rule in order that the bill be read third time. Carried, and bill read third time and passed.

Mr. Wælder, chairman of committee of Conference on bill for relief of Wiley Barn *et al*, reported as follows :

The Senate concur in the House amendment, and that the words "the heirs of Carmel Ramon" be stricken out in the caption and 1st section of bill and that the words "the widow and heirs of Manuel Ramon" be inserted therefor. Adopted.

A bill granting a pension to Joseph E. Fields taken up with report from committee on Claims and Accounts, recommending passage of bill.

Mr. Lewis of R., moved to strike out \$200 and insert \$100. Lost.

Mr. Buckley proposed to amend by striking out the word "next" and insert "1860." Adopted.

Mr. Ross proposed to amend by adding "all the balance of those spared at Fannin's massacre."

On motion of Mr. Davis of B., laid on the table.

Mr. Buckley moved to strike out 3d section. Adopted, and bill ordered to be engrossed.

On motion of Mr. Barnard, rule suspended, bill read third time and passed.

A bill for the relief of Mrs. Wm. Gamble, late widow of John Carroll, with report of committee on Claims and Accounts.

Mr. Dougherty moved to lay the report on the table. Lost.

On motion of Mr. Nelson, the report and bill were re-referred to Claims and Accounts committee.

A bill for the relief of the heirs of David M. Shropshire, with report of committee on Private Land Claims, recommending passage of same, taken up.

Mr. Ross proposed to amend by adding, provided he has not heretofore obtained one. Adopted, and bill ordered to be engrossed.

Rule suspended, bill read third time and passed.

An act for the protection of game on Galveston Island, together with report from the committee on Stock and Stock Raising, recommending passage of the same, with substitute for third section, taken up, and report adopted.

Mr. Dale proposed to amend by adding "wild turkey and prairie hens," after "quails," wherever it occurs in the bill. Laid on the table and bill ordered to be engrossed.

A bill for the relief of Felix W. Goff and Timothy McKean, taken up with report from committee on Private Land Claims, recommending passage of same. Bill read second time.

The question being upon the engrossment of the bill, on motion of Mr. Crooks a call of the House was ordered.

The House adjourned till 10 o'clock to-morrow by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barnard, Billingsley, Bogart, Branch, Craig, Crawford, Clark, Darnell, Davis of B., Davis of H., Dennis, Franklin, Foscoe, Hall, Harrison of C., Lewis of R., Lynch, Maverick, Mills, Munson, Owens, Parker, Pirkey, Ross, Short, Speights, Townes, Welder, Waterhouse, Whitfield and Wrede—33.

NAYS—Messrs. Baxter, Benevides, Bryan, Buckley, Crooks, Dale, Dougherty, Duncan, Flewollen, Francis, Harrison of V. Z., Hartley, Haynes, Hubbard, Mabry, Manly, Martin, McClarty, McKnight, Mandline, Nelson, Norton, Perry, Shelton, Whitmore and Wortham—26.

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 4th. 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Franklin moved to reconsider the vote referring the petition of Charles A. Russell, to committee on Finance with instructions to report in his favor. Lost.

Mr. Speights present the protest of citizens of Sabine county. Referred to committee on Counties and County Boundaries.

Mr. Billingsley presented the petition of J. W. Reed. Referred to committee on Claims and Accounts.

Also, presented the petition of W. O. Burnham. Referred to committee on Private Land Claims.

Mr. Clark presented the petition of the heirs of Daniel Killer, deceased. Referred to committee on Private Land Claims.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill granting land to actual settlers.

The hour having arrived, the special order of the day, to-wit:

The appropriation bill, was taken up.

Mr. Mills moved to postpone the bill until Wednesday next, at 11 o'clock. Lost by the following vote:

YEAS.—Messrs. Benevides, Billingsley, Branch, Bryan, Craig, Duncan, Epperson, Fleweller, Franklin, Henderson, Lewis of R., Mandy, Maverick, McKnight, Mills, Mundine, Munson, Norton, Redgate, Ross, Shannon, Robinson, Speights, Walworth, Whitmore and Wortham—26.

NAYS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Bogart, Buckley, Crawford, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Edwards, Ellett, Francis, Fosenc, Hall, Harrison of C., Harrison of V. Z., Houghton, Hubbard, Hubert, Kinney, Lewter, Lynch, Martin, McCutchan, Nelson, Owens, Parker, Perry, Redwine, Shelton, Short, Smith, Wælder, Warfield and Whitfield—43.

Mr. Mills proposed to amend as follows:

“Strike out the 68th district.”

Strike out between the 40th and 43rd, Representative districts, and insert 41, Navarro, Hill and Ellis, 2.

42, Johnson and Parker, 1.

43, Johnson, Parker, Palo Pinto, Young, Jack and Erath, 1.

Strike out Jack and Young from the 45th district and Erath from the 61st.

Strike out between the 55th and 62nd district, and insert Travis and Burnet, 1.

Williamson and Milan, 1.

Caldwell, Hays and Blanco, 1.

Llano, San Saba, Brown, Comanche, Hamilton, Lampasas, Buchanan, Eastland, Schackelford, Calahan, Coleman, Jones, Taylor, Runnels, McCulloch and Concho, 1.

McLennan, Bosque, Coryell and Bell, 2.

[Mr. Kinney in the chair.]

A message was received from the Senate, informing the House that the Senate had passed the following named House bills, to-wit:

The bill amendatory of and supplemental to the act to incorporate the city of New Braunfels, passed May 11th, 1846, and the joint resolution relative to the restoration of Wm. Horster, with amendments:

Also had passed a bill to amend the 34th Section of the act to regulate proceedings in the District Courts, passed May 13th, 1846.

Bill to validate the acknowledgments and registration of deeds and other instruments of writing heretofore recorded.

And a bill supplemental to the modified charter of the Aransas Road Company.

Mr. Munline proposed to amend the amendment as follows :

Amend the 57th District by adding Barleson, and strike out one and insert two Representatives. Withdrawn.

[Speaker resumed chair.]

Mr. Crooks, chairman of the committee on Engrossed Bills, reported correctly engrossed :

A bill for the relief of Iredell Redding.

A bill granting a pension to Joseph E. Fields.

A bill for the relief of the heirs of D. M. Shropshire, dec'd.

And a bill to pay certain persons for arresting John T. Shanks, and procuring testimony against him. Report accepted.

On motion of Mr. Dickson, Mr. Mills' amendment was laid on the table by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Baxter, Buckley, Craig, Crawford, Crooks, Clark, Davis of B., Davis of H., Dickson, Dougherty, Edwards, Francis, Foscoe, Hall, Harrison of C., Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Martin, Maverick, McClarty, Middleton, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Shelton, Short, Speights, Wælder, Walworth, Warfield, Whitfield, Whitmore and Wortham—47.

NAYS—Messrs. Benevides, Branch, Culberson, Dale, Darnell, Duncan, Ellett, Epperson, Fleweller, Franklin, Harrison of Van Zandt, Hariley, Haynes, Henderson, Hubert, Lewis of R., Mabry, Manly, McCutchan, McKnight, Mills, Mundine, Nelson, Robinson, Ross, Shannon and Smith—27.

Mr. Henderson proposed to amend the Senatorial apportionment by the following substitute for the same :

District No. 1. Counties of Liberty, Jefferson, Orange, Chambers, Hardin, Polk and Tyler.

No. 2. Counties of Jasper, Newton, Sabine, San Augustine and Shelby.

No. 3. Counties of Nacogdoches, Angelina and Trinity.

No. 4. Counties of Harrison and Panola.

No. 5. Counties of Upshur and Wood.

No. 7. Counties of Titus and Red River.

No. 7. Counties of Cass and Bowie.

No. 8. Counties of Lamar and Hopkins.

No. 9. County of Rusk.

No. 10. Counties of Cherokee and Henderson.

No. 11. Counties of Houston and Anderson.

- No. 12. Counties of Smith, Van Zandt and Kaufman.
 No. 13. Counties of Dallas and Tarrant.
 No. 14. Counties of Fannin and Hunt.
 No. 15. Counties of Grayson and Collin.
 No. 16. Counties of Galveston, Brazoria, and Fort Bend.
 No. 17. Counties of Harris and Grimes.
 No. 18. Counties of Montgomery, Walker, Madison and Leon.
 No. 19. Counties of Robertson, Milam, Brazos and Burleson.
 No. 20. Counties of Limestone, Freestone, Navarro and Hill.
 No. 21. Counties of Ellis, Johnson, Parker, Palo Pinto and Erath.
 No. 22. Counties of Cook, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Knox and Haskell.
 No. 23. Counties of Matagorda, Wharton, Colorado and Fayette.
 No. 24. Counties of Austin and Washington.
 No. 25. Counties of Calhoun, Jackson, Victoria, DeWitt and Davaca.
 No. 26. Counties of Gonzales, Guadalupe and Caldwell.
 No. 27. Counties of Bastrop, Travis and Hays.
 No. 28. Counties of Williamson, Burnet, Bell, San Saba, Llano and Lampasas.
 No. 29. Counties of Falls, Coryell, McClellan, Bosque, Comanche, Brown, Hamilton, Buchanan, Eastland, Shackelford, Callahan, Coleman, Jones, Taylor and Runnels.
 No. 30. Counties of Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, Atascosa, McMullen, Frio, La Salle, Zavalla and Dimmitt.
 No. 31. Counties of Bexar, Uvalde, and Madison.
 No. 32. Counties of Comal, El Paso, Bandera, Kerr, Gillespie, Blanco, McCulloch, Concho, Mason, Menard, Kimble, Edwards, Dawson, Kinney and Maverick.
 No. 33. Counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal and Duval.

A message was received from the Senate informing the House that the Senate had passed the following named bills :

A bill for the relief of George W. King.

A bill for the relief of Nancy Robinson.

A bill for the relief of Caleb C. Dibble.

A bill concerning property conveyed and held in trust by the

Bishop of the Catholic Church, in Texas, for charitable purposes.

And a joint resolution authorizing the Governor to appoint three persons to examine the State Penitentiary.

Mr. Short moved to lay Mr. Henderson's amendment on the table.

On motion of Mr. Henderson, a call of the House was ordered. Absentees, Messrs. Henry, Navarro, Taylor and Waterhouse.

The call was suspended and Mr. Henderson's amendment laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Billingsley, Bogart, Branch, Buckley, Craig, Crawford, Clark, Culberson, Davis of B., Dennis, Dickson, Dougherty, Edwards, Flewellen, Francis, Foscue, Hall, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Martin, Maverick, McClarty, McCutchan, Middleton, Mills, Munson, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Shelton, Short, Wælder, Walworth, Warfield, Whitfield and Wrede—47.

NAYS—Messrs. Benevides, Bryan, Darnell, Duncan, Ellett, Epperson, Harrison of C., Harrison of V. Z., Hatley, Haynes, Hubert, Kinney, Lewis of R., Mabry, McKnight, Mundine, Norton, Parker, Redwine, Ross, Shannon, Smith, Speights, Townes, Waterhouse, Whitmore and Wortham—29.

Mr. Flewellen proposed to amend District 32 by striking out Fayette, and inserting Burleson and Austin.

On motion of Mr. Buckley, the amendment was laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Bogart, Branch, Buckley, Craig, Clark, Culberson, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Edwards, Ellett, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Houghton, Lewis of M., Lewter, Lynch, Manly, Martin, Maverick, McCutchan, Middleton, Mundine, Nelson, Owens, Parker, Perry, Redgate, Redwine, Shannon, Shelton, Speights, Wælder, Walworth, Warfield, Whitmore, Wortham and Wrede—50.

NAYS—Messrs. Benevides, Duncan, Epperson, Flewellen, Franklin, Haynes, Hubert, McKnight, Mills, Norton, Robinson, Ross, Townes and Waterhouse—14.

Mr. Mundine proposed to amend the 57th District by adding Burleson and strike out one and insert two. Rejected.

Mr. McKnight proposed to amend as follows :

Strike out Nacogdoches, one member, and Nacogdoches and

Angelina one member, and insert, Nacogdoches and Angelina, two members.

On motion of Mr. Wælder, the apportionment bill was postponed till to-morrow at 11 o'clock, pending Mr. McKnight's amendment.

ORDERS OF THE DAY.

The joint resolution relative to the restoration of William Horster to his parents, was taken up and the amendments of the Senate concurred in.

The following named Senate's bills were taken up, read first time and disposed of as indicated, to-wit :

Bill for the relief of heirs of Charles Inloes, deceased. Referred to committee on Private Land Claims.

Bill for the relief of Caleb C. Dibble. Referred to committee on Private Land Claims.

Bill for the relief of Nancy Robertson. Referred to committee on Private Land Claims.

Bill for the relief of George W. King. Referred to committee on Public Debt.

Bill supplemental to the act to ascertain what land certificates have been illegally issued by the county courts of counties in Peter's Colony and to provide for issuing patents on such of said certificates as are legal. Referred to committee on Public Lands.

Bill concerning property conveyed to and held in trust by the Bishop of the Catholic Church in Texas for charitable uses — Referred to Judiciary committee.

Bill to validate the acknowledgment and registration of deeds and other instruments of writing heretofore recorded. Referred to Judiciary committee.

Bill to amend the 34th section of the act to regulate proceedings in the district courts, passed May 13, 1846. Referred to Judiciary committee.

Bill supplemental to the modified charter of the Aransas Road Company, passed to second reading.

And a joint resolution authorizing the Governor to appoint three persons to examine the State Penitentiary. Referred to committee on Penitentiary.

Mr. Bryan, by permission, introduced a bill for the relief of P. Bryan. Read first time and referred to committee on Private Land Claims.

On motion the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Thursday, January 5th, 1860. }

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

Mr. Davis of H., offered the following resolution :

Resolved, That the porters employed by the door-keepers be and they are hereby entitled to receive for their services \$1 50 per day, and the door-keeper is authorized to draw for that amount. Adopted.

Mr. Wrede presented the petition of the County Court of Co-mal county ; referred to the committee on State Affairs. Also presented the report and muster-roll of Capt. Beberlein's company. Referred to committee on Indian Affairs.

Mr. Dougherty, chairman of committee on Stock and Stock-Raising, reported, recommending that the amendments by the House to the Senate's Bill for the relief of B. A. Campbell *et al.*, be stricken out, and reported a bill to relieve C. C. Wells and others, from minority, and recommend its passage. Bill read first time.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, asking to be relieved from further consideration of the petition of citizens of Karnes and other counties ; also reported a bill to create the county of Warren, and recommend its passage. Bill read first time.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to confirm certain patents, and to validate certain surveys on the Mississippi and Pacific Railroad Reservation ; also had passed the following named bills, to-wit : bill to grant conditional privileges to the Company carrying the Overland Mail from St. Louis to Memphis through Texas to San Francisco, and the Company who have the contract for the Overland Mail to California from San Antonio to El Paso, and a bill for the relief of heirs of Thos. Blanton ; also had adopted the report of the committee of Conference on the bill for the relief of Wiley Burns *et al.*

Mr. Dennis, chairman of committee on State Affairs, reported a bill for the relief of the heirs of Lorenzo de Zavala, and recommend its passage, Mr. Foscue dissenting. Bill read first time. Also reported, recommending the passage of the Senate's bill to prevent sale of vinous, spiritous or intoxicating liquors within one mile of the town of Starrville, in Smith county, with amendments by committee : amend the caption by adding after the words "Smith county," the words "add the town of Knoxville, in Cherokee county."

2d. After the words "Smith county," in 3d line, 1st section, add the words "or Cherokee county."

3d. After the words "Smith county," in 6th line, 1st section, add "or the town of Knoxville, in Cherokee county," also reported recommending the passage of the bill to incorporate Bastrop Lodge No. 25, I. O. O. F.

Mr. Houghton, one of the committee on Public Lands, reported, recommending the passage of the bill for the relief of Gwyn Morrison, assignee of John Sharp.

Mr. Armstrong, one of the committee on Public Lrnds, reported a substitute for the bill to extend to those now surviving who served in the Navy, the benefits of the laws granting bounties of land, and recommend its passage.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the Senate's bill authorizing the heirs, representatives or relatives of deceased persons to sue for and recover damages where the death of such person or persons has been caused or occasioned by the negligent, culpable or wrongful act of another.

Mr. McClarty, chairman of committee on judicial districts, reported, recommending the passage of the bill to fix the time of holding courts in 17th judicial district.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill supplemental to the modified charter of the Aransas Road Company, with amendments by the committee. amend by adding two additional sections; also recommend the passage of the Senate's bill to amend the act to incorporate the Indianola Railroad Company, approved 21st January, 1858, with amendments by the committee: amend by adding at end of 3d section, "Provided, that unless there be an additional amount of stock taken of at least \$600,000 with 5 per cent. thereof paid up on or before the 1st of January, 1862, then said company shall forfeit all right to extend their road beyond the town of Gonzales."

On motion of Mr. Lynch the rule was suspended, the last mentioned bill taken up, the amendments by the committee adopted, the bill read third time and passed by two-third vote.

On motion of Mr. Barnard the rule was suspended, and the Senate bill supplemental to the modified charter of the Aransas Road Company was taken up and read second time and passed to third reading.

On motion of Mr. Barnard the rule was further suspended, bill read third time and passed by two-third vote.

Mr. Townes, one of the committee on the Judiciary, reported,

recommending the passage of the bill to amend the act incorporating the city of Austin.

Messrs. Dougherty and Dale, of the select committee, reported recommending the rejection of the joint resolution to authorize the Governor to appoint committee to investigate the Rio Grande difficulties.

Mr. Haynes submitted minority report.

Mr. Haynes moved that the resolution and reports be taken up and made special order for Wednesday next, 11 o'clock. Lost.

Mr. Harrison, of V. Z., reported a bill for the relief of Charlotte D. Ross, and recommended its passage. Bill read 1st time.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly, engrossed the bill to authorize the formation of county and town agricultural societies.

Mr. Foscue, chairman of committee on Internal Improvements, was permitted to withdraw the report of said committee, and the bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company.

Mr. McCutchan presented the petition of citizens of Rusk, Nacogdoches, Shelby and Panola counties. Referred to committee on Counties and County Boundaries.

Mr. Manly presented the petitions of John B. Williams and Margaret Kirkham. Referred to Private Land Claim Committee.

Mr. Foscue presented the petition of Jefferson Wallace. Referred to committee on Private Land Claims.

Mr. Maverick presented the petition of J. B. Davenport. Referred to the committee on Indian Affairs.

Mr. Munson introduced a bill to amend an act to incorporate the Brazoria County Insurance Company. Read first time and referred to committee on Judiciary.

Mr. Norton introduced a bill to provide for the publication of the General Laws of the State in newspapers of same. Read first time, and referred to committee on Printing.

Mr. Duncan introduced a bill to relinquish nine-tenths of State tax to Calhoun county for the years 1860 and 1861. Read first time and referred to Finance committee.

Mr. Mills introduced a bill to relinquish nine-tenths of State tax of Hill county to said county for the years 1859 and 1860. Read first time, and referred to Finance committee.

Mr. Lewter introduced a bill to exempt from forced sale under execution one hundred dollars worth of materials used by mechanics and artisans in prosecuting their respective trades. Read and referred to committee on State Affairs.

Mr. Crawford introduced a bill to amend Article 901, Oldham and White's Digest. Read and referred to Judiciary committee.

Mr. Robertson introduced a bill for the relief of the heirs of Howard McKleroy. Read and referred to committee on Private Land Claims.

Mr. Kinney introduced a bill to legalize certain citations and other writs issuing out of the District Court of Nueces county, from the organization thereof until the 3d day of July, 1853. Read and referred to Judiciary committee.

Mr. Wrede obtained leave to withdraw the report of committee on Counties and County Boundaries, adversely to the petition of sundry citizens of Blanco county, in order to lay the subject again before the committee.

The hour having arrived, the special order, viz: the bill to repeal an act to establish a State University, with majority and minority reports from committee on Education, was taken up.

Mr. Wælder moved to postpone the bill until, and make a special order, for Tuesday next, at 11 o'clock. Lost by the following vote:

YEAS—Messrs. Speaker, Anderson, Barnard, Billingsly, Bogart, Buckley, Camp, Craig, Davis of B., Dennis, Dickson, Dougherty, Ellett, Foscae, Hall, Henry, Hubbard, Kinney, Lewis of M, Lynch, Maverick, McClarty, Middleton, Munson, Nelson, Parker, Pirkey, Redgate, Redwine, Short, Smith, Stewart, Townes, Wælder, and Wrede—35.

NAYS—Messrs. Armstrong, Branch, Bryan, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Davis of H., Duncan, Epperson, Francis, Franklin, Harrison of C., Harrison of V., Hartley, Henderson, Lewis of R., Lewter, Mabry, Manley, McCutchan, McKnight, Mills, Mundine, Norton, Owens, Perry, Robinson, Rose, Shannon, Shelton, Speights, Warfield, Waterhouse, Whitfield, and Whitmore—38.

On motion of Mr. Mundine the majority report was laid on the table by the following vote:

YEAS—Messrs. Speaker, Armstrong, Barnard, Bogart, Branch, Camp, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Davis of H., Dickson, Duncan, Ellett, Epperson, Francis, Foscae, Harrison of C., Harrison of V., Henderson, Henry, Houghton, Hubbard, Lewis of R., Lewter, Manly, Maverick, McClarty, McCutchan, McKnight, Middleton, Mills, Mundine, Norton, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—51.

NAYS—Messrs. Anderson, Benevides, Billingsly, Bryan, Buckley, Craig, Davis of B., Dennis, Franklin, Hall, Hartley, Haynes, Herbert, Lewis of M., Mabry, Munson, Nelson, Robinson, Short, Smith, Stewart, Townes, Wælder and Walworth—24.

And the bill read second time and ordered to be engrossed.

The Apportionment Bill, with proposed amendments, was taken up.

[Mr. Dale in the chair]

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Ross moved to go into committee of Whole on the bill to raise revenue by direct taxation. Lost.

Bill for the relief of Caleb Wilson, with report from committee recommending its passage, was taken up, read second time, and ordered to be engrossed.

Bill for the relief of heirs of James Cook, deceased, with report from committee, recommending its passage, was taken up, read second time, and on motion of Mr. Martin laid on the table.

Bill for relief of Milton Cooke, with report, taken up and disposed of as the last mentioned bill.

Bill to legalize the marriage of C. B. and M. E. Wood, with report from committee recommending amendments, taken up, and the amendments adopted. Bill read second time and ordered to be engrossed.

On motion of Mr. Buckley the rule was suspended, bill read third time and passed.

Bill for the relief of G. B. Brownrigg, with report from committee recommending its passage, taken up, read second time.

Mr. Ross proposed to amend by adding "Provided he has not heretofore received a certificate for the same." Adopted, and bill ordered to be engrossed.

On motion of Mr. Townes the rule was suspended, bill read third time and passed.

Bill for relief of L. S. Roberts and James Lehed, with report from committee recommending its passage, taken up, bill read second time and ordered to be engrossed.

On motion of Mr. Shannon the rule was suspended, bill read third time and passed.

Bill for the relief of Chas. Lockhart and Jno. Welch, with report from committee recommending its passage, taken up, read second time and ordered to be engrossed.

Bill for the relief of Chas. A. Rodrigaez, with report from

committee recommending its passage, taken up and read second time, and ordered to be engrossed.

Bill to appropriate money to pay assistant clerk in State Department, with report from committee on State Affairs, was taken up and read second time.

Mr. Townes proposed to amend by striking out "\$450" and inserting "975 for thirteen months' services." Rejected.

Mr. Foscue moved to indefinitely postpone the bill. Lost by the following vote :

YEAS—Messrs. Anderson, Armstrong, Barnard, Billingsly, Bogart, Camp, Culberson, Dale, Davis of B., Davis of H., Epperson, Francis, Harrison of V., Houghton, Henry, Herbert, Lewter, Maverick, McCutcheon, McKnight, Norton, Owens, Redwine, Ross, Shannon, Shelton, Speights, Stewart, Warfield, Waterhouse and Whitmore—31.

NAYS—Messrs. Speaker, Branch, Bryan, Craig, Crawford, Darnell, Dennis, Duncan, Edwards, Flewellen, Franklin, Foscue, Harrison of Cherokee, Hartley, Hubbard, Kinney, Lewis of R., Lynch, Mabry, Manley, Martin, Middleton, Mills, Mundine, Parker, Perry, Pirkey, Redgate, Short, Smith, Townes, Wælder, Walworth, Whitfield, Wortham and Wrede—36.

On motion of Mr. Davis of B., the bill was recommitted to the committee on Judiciary.

Bill for the relief of Alex. Miller, with report from committee recommending its passage, taken up, read second time.

Mr. Ross proposed to amend by adding "Providing he has never received a certificate for the same." Adopted, and the bill ordered to be engrossed.

Bill for the relief of Wm. Burford, with report from committee recommending its passage, taken up, and read second time.

Mr. Shannon proposed to amend by striking out "640" and inserting "320, provided he had not heretofore received more than 320 acres."

On motion of Mr. Franklin the bill was recommitted to committee on Private Land Claims.

Bill for the relief of H. Clay Davis, with report from committee recommending its passage, was taken up, read second time, (Mr. Dickson in the chair.)

Bill ordered to be engrossed.

Mr. Wortham moved to suspend rule ; take up bill for relief of P. L. Smith. Lost.

Bill for the relief of Jas. D. White, with report from committee recommending its passage, taken up.

On motion of Mr. Parker laid on table.

Bill to incorporate the Sulphur and White Oak Bridge Company, with report from committee recommending its passage, was taken up, read second time, and ordered to be engrossed.

Mr. Armstrong moved to suspend rule and pass bill. Lost.

Bill to amend act incorporating Paine Institute, with report from committee recommending its passage, taken up, read second time and ordered to be engrossed.

Bill to incorporate Texss Saving Institution, with report from committee reconsidering amendments, taken up, read second time, and amendments adopted.

Mr. Norton proposed to amend by inserting "h" between "s" and "a," wherever it occurs in the caption.

[Speaker resumed the chair..]

Amendment adopted.

Mr. Davis of B., moved to lay bill on table. Lost.

On motion of Mr. Townes the bill was indefinitely postponed.

Bill to incorporate Rockford Brigde Company, with report from committee recommending its passage, taken up, read second time.

Mr. Bogart proposed to amend by striking out "one year," and inserting "two years for completion of said bridge," and by striking out "five cents for foot passengers." Adopted, and bill ordered to be engrossed.

Bill to incorporate East Fork Bridge Company, with report from committee recommending its passage, taken up, bill read second time, and ordered to be engrossed.

Bill for the relief of Z. K. Gibson, with report from committee recommending its passage, taken up, read second time, and ordered to be engrossed.

Bill for the relief of Blas Uribe and co-heirs, with report from committee recommending its passage, taken up, read second time.

Mr. Franklin proposed to amend by striking out "illegally," and inserting "erroneously" Adopted, and the bill ordered to be engrossed.

Mr. Hartley, by permission, introduced a bill for the relief of Jos. Dougherty. Read first time, and referred to committee on Finance.

On motion the House adjourn'd till 9½ o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Friday, January 6th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Wædler presented the memorial of Captain Hale's ranging company. Referred to committee on Indian Affairs.

Mr. Bogart presented the petition of James S. Robinson. Referred to committee on Claims and Accounts.

Mr. Edwards presented the petition of Mary Watkins. Referred to committee on Public Lands.

Mr. Camp presented the petition of sundry citizens of Uvalde county. Referred to committee on Indian Affairs.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to amend the second section of the act to create the twentieth Judicial District.

Mr. Francis, one of the committee on Public Lands, reported a bill for the relief of Sarah Moller, and recommended its passage. Bill read first time.

Mr. Culberson, one of the committee on Judiciary, reported a substitute for the bill to regulate the sale of real estate, belonging to minors, and recommended its passage.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Daniel Kitchings.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, recommending the passage of the bill for the relief of Mrs. Wm. Gamble, late widow of John Carroll.

Mr. Norton gave notice that a minority report would be submitted.

Mr. Walworth, one of the committee on Public Lands, reported, recommending the passage of the Senate's bill supplemental to the act to ascertain what certificates have been illegally issued by the county courts of counties in Peter's Colony, and to provide for issuing patents on such of said certificates as are legal; with amendments by the committee: Amendment to the first section: "Before the Chief Justice in the county in which the witness resides, and said officer administering the oath, shall certify that from his own knowledge, or from satisfactory proof produced to him, the witness who swears are respectable persons and entitled to credit."

Mr. Shelton, one of the committee on Court of Claims, reported a bill for the relief of E. T. and J. M. H. Martin, and recommended its passage. Bill read first time.

Mr. Munson, one of the committee on Internal Improvements, reported, recommending the passage of the Senate's bill to incorporate the Columbus Tap Railroad Company, with amendments: Amend 11th section by inserting in sixth line, after the words "be less than ten miles long," upon condition that "said com-

pany shall construct, or cause to be constructed, a good and permanent railroad bridge across the Colorado river, on the line of said road."

Also, as one of the Judiciary committee, reported a substitute for the bill to amend the act to incorporate the Brazoria county Insurance Company, and recommended its passage.

Mr. Townes, of the committee on Public Buildings and Grounds, reported that the money appropriated to furnish the Governor's mansion had been expended.

And also, reported a bill making further appropriation for the same object and recommended its passage. Bill read first time.

Mr. Mabry, one of the committee on Judiciary, reported, recommending the passage of the bill to regulate agencies of foreign Insurance Companies in this State, with amendments by the committee :

Amend by adding at the end of first section : " Provided, that no plaintiff in bringing suit against such insurance company, shall not be required to plead the act of incorporation, but it shall be sufficient if suit as aforesaid be brought against said company by the name in which their business is transacted."

Mr. Foscue, chairman of committee on Internal Improvement, reported, recommending the passage of the bill to incorporate the Neches Navigation Company.

Also, reported as follows :

The committee on Internal Improvements, to whom was referred the " bill to be entitled an act to incorporate the Trinity Valley Railroad Company," have had the same under consideration, and find that the charter is drawn up with as much care as usual in such cases, and that it conforms to the usual requirements and conditions that have been commonly enforced upon Railroad Companies, and the only question involved, is as to whether it is likely to be constructed, and is of sufficient general utility as to secure for it a passage through the Legislature.

Mr. Parker, one of the committee on Private Land Claims, reported, asking to be discharged from further consideration of the petition of Mary Ann Long.

Also, reported a bill for the relief of James Rowark's heirs, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of heirs of John Hoffer, deceased, and recommended its passage. Bill read first time.

Mr. Mills, one of the committee on Judiciary, reported, recommending the passage of the bill to amend article 791a, of Penal Code.

On motion of Mr. Mills, the rule was suspended and bill read second time.

Mr. Hartley proposed to amend by striking out "500" and inserting "1000." Adopted, and the bill ordered to be engrossed.

Mr. Mills, one of the committee on Judiciary, reported, recommending the passage of the bill to prevent judgments from becoming dormant, with amendments by the committee :

Amend by adding at the end of section first; "but said judgment shall cease to operate as a lien on real estate, unless executions are issued once after each term of the District Court."

Mr. Ross, chairman of committee on Counties and County Boundaries, reported a bill to define county boundaries, and recommended its passage. Bill read first time.

Also, reported asking to be discharged from further consideration of the bill to amend the act to create Blanco county, &c.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill to validate certain citations and other writs, issuing from district court of Nueces county, &c.

Also, reported, recommending the passage of the bill to exempt school lands from limitations.

Also, recommended the indefinite postponement of the bill relating to confessions in criminal trials.

Mr. Stewart, chairman of committee on Finance, reported, recommending the indefinite postponement of the bills to relinquish nine-tenths of the State tax to the counties of Hill and Calhoun.

Also, recommended the passage of the Senate's bill to make appropriation to pay Assessors and Collectors for taking the scholastic census for 1859.

Also, reported, recommending the passage of the Senate's bill to provide for the pay and subsistence of the troops called out by the Governor, under the command of J. S. Ford, James Bourland and John Henry Brown.

Also, for the pay of the Commissioners sent by the Governor to the Indians, as amended by the House with amendments by the committee.

Amendments by the committee :

Add, "Provided, the Comptroller shall have full authority and is hereby required under this act to examine the accounts for subsistence and forage, and allow only such as are fully authenticated by proper vouchers, and to redeem extravagant charges to a reasonable amount."

And strike out from the House's amendment as follows :

“And shall not allow more than four cents per pound for beef, and five cents per pound for flour, and not more than one dollar and fifty cents per bushel for corn, and not over five cents per pound for pork.”

On motion of Mr. Stewart, the rule was suspended, the bill taken up and the amendment by the committee adopted, and the House's amendment as amended adopted, and the bill passed third reading.

On motion of Mr. Nelson, the rule was further suspended, the bill read third time and passed.

Mr. Davis of B., obtained leave of absence until Monday morning next.

Mr. Lewis of R., presented the petition of sundry citizens of Robertson and Milam counties. Referred to committee on State Affairs.

Mr. Duncan presented the petition of John Parsons. Referred to committee on Public Debt.

A message was received from the Senate informing the House that the Senate had passed a bill making a further appropriation for furnishing the Governor's mansion.

Mr. Foscue introduced a joint resolution providing pay for the members of Congress from Texas. Read first time.

On motion of Mr. Foscue, one hundred copies were ordered to be printed.

The hour having arrived the special order of the day, viz :

The Raft bill, was taken up.

The question being the engrossment of the bill, the same was put and the House refused to engross the bill by the following vote :

YEAS—Messrs. Armstrong, Billingsley, Crawford, Crooks, Darnell, Davis of H., Ellett, Epperson, Flewellen, Haynes, Henry; Lewis of R., Manley, Maverick, Norton, Ross, Shelton and Warfield—18.

NAYS—Messrs. Speaker, Anderson, Burnard, Baxter, Bogart, Branch, Bryan, Buckley, Craig, Clark, Culberson, Dale, Dennis, Dickson, Dougherty, Francis, Franklin, Hall, Harrison of C., Harrison of V. Z., Hartley, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Mabry, Martin, McClarty, McCutchan, Middleton, Mills, Mundine, Munson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Shannon, Short, Speights, Townes, Wælder, Walworth, Waterhouse, Whitfield, Whitmore and Wrede—50.

Mr. Franklin introduced a bill to incorporate the Galveston

Cotton Press and Manufacturing Company Read first time and referred to committee on State Affairs.

Mr. Mabry presented the petition of Geo. M. McDonell, *et al.* Referred to committee on Private Land Claims.

Mr. Haynes presented the petition of John Smith. Referred to committee on Private Land Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill for the relief of Sarah Miles. Read first time.

Mr. Francis offered the following resolution :

Resolved, That the Judiciary committee be instructed to report upon a bill now before them entitled a bill to quiet land titles. Adopted.

Mr. Hartley offered the following resolution :

WHEREAS, Since the creation of Eve, fair woman has been as was ordained, the help-meet of man, the light of his darkness, and the light of his light, the refiner of his nature, and the heroine of his noble impulses and high resolves ; and

WHEREAS, The women of Texas are possessed of all the virtues that adorn their sex, to say nothing of their extraordinary beauty ; Therefore,

Be it resolved by the House of Representatives of the State of Texas, That they are worthy of admission to the floor of this Hall, and if they will favor us with their presence, the Sergeant-at-Arms is directed to furnish them seats.

Laid over one day for consideration.

Mr. Bryan moved to suspend the rule, and take up the bill to incorporate the Trinity Valley Railroad Company. Lost.

Mr. Martin submitted the following minority report upon the petition of Messrs. Marshall & Oldham, reporting a joint resolution requiring the Comptroller to examine the accounts of the State Printer. Resolution read first time.

Mr. Townes moved to have one hundred copies of the majority and minority be printed. Lost by the following vote :

YEAS—Messrs. Armstrong, Bagart, Branch, Clark, Darnell, Davis of H., Dickson, Dougherty, Ellett, Epperson, Haynes, Lewis of M., Lewis of R., Lynch, Manley, Martin, Maverick, McCutchan, Middleton, Mundine, Perry, Redgate, Robinson, Shannon, Townes, Whitfield and Whitmore—27.

NAYS—Messrs. Speaker, Anderson, Barnard, Billingsley, Buckley, Camp, Craig, Crawford Crooks, Dale, Dennis, Fiewellen, Franklin, Foscue, Hall, Harrison of C., Hartley, Houghton, Hubbard, Kinney, Lewter, Mabry, McClarty, Mills, Nelson, Norton, Parker, Redwine, Ross, Shelton, Short, Speights, Wælder, Walworth and Warfield—35.

Mr. Kinney introduced a bill to amend the act supplemental to the act to change the times of holding District Courts in the tenth and fourteenth Judicial Districts. Read first time, and referred to committee on Judicial Districts.

Mr. Crawford introduced a bill to amend article 1088 of Oldham & White's Digest. Read first time, and referred to committee on State Affairs.

Mr. Dale introduced a bill to incorporate the Palestine Tap Railroad Company. Read first time, and referred to committee on Internal Improvements.

ORDERS OF THE DAY.

The apportionment bill, with proposed amendments, was again taken up.

Mr. Barnard proposed to amend the amendment as follows:

Strike out first and second districts, and the names of their counties, and insert Liberty, Jefferson, Chambers, Orange and Polk, two Representatives. Strike out ninth, tenth and eleventh districts and the names of their counties, and insert Houston, Anderson and Trinity, three Representatives. Strike out fourteenth, fifteenth and sixteenth districts and the names of their counties, and insert Harrison and Panola, three Representatives. Strike out eighteenth, nineteenth and twentieth districts and the names of their counties, and insert Cass, Titus and Bowie, four Representatives. Strike out twenty-third, twenty-fourth and twenty-fifth districts and the names of their counties, and insert Hopkins and Lamar, three Representatives. Strike out twenty-eighth, twenty-ninth and thirtieth districts and their counties, and insert Fannin and Hunt, three Representatives. Strike out thirty-first, thirty-second and thirty-third and names of their counties, and insert Collin and Grayson, three Representatives.

Strike out thirty-fourth and thirty-fifth districts and their counties, and insert Galveston and Brazoria, two Representatives.

Strike out fifty, fifty-first and fifty-second districts and the names of counties, and insert Washington and Fayette, three Representatives.

Strike out fifty-fifth, fifty-sixth and fifty-seventh districts and names of counties and insert Williamson, Travis and Milam, three Representatives.

Strike out seventy-first and seventy-second districts and the names of their counties, and insert Bexar, Medina, Uvalde, Dawson, Kinney and Maverick, three Representatives.

Strike out seventy-third and seventy-fourth districts and the

names of their counties, and insert Cameron and Hidalgo, two Representatives.

Then correct the numbers of the districts to correspond with the foregoing amendments.

On motion the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Hartley, the bill to amend the 11th section of the act to incorporate the Galveston, Houston and Henderson Railroad Company, with report from committee, recommending that the House's amendment be stricken out, was taken up.—Read second time.

The question being upon the adoption or rejection of the amendment proposed by the committee, the same was put and the amendment rejected by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Bogart Craig Crooks Clark Culberson Darnell Davis of H. Dougherty Edwards Francis Flewellen Hartley Lewis of R. Martin McClarty Mills Munson Nelson Redwine Ross Speights Wælder Walworth and Warfield—24.

NAYS—Messrs. Barnard Billingsley Buckley Camp Crawford Dale Dickson Duncan Ellett Epperson Flewellen Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Lewis of M. Lewter Lynch Maverick McCutchan Middleton Norton. Parker Perry Shannon Short Stewart Townes Waterhouse Whitfield Whitmore Wortham and Wrede—37.

Mr. Henderson proposed to amend by adding: "And that the Texas creditors shall have prior lien on said road for all their debts."

Mr. Epperson offered the following as a substitute for the amendments: "Provided that this amendment shall first be submitted to a vote of the stockholders of said county, and shall be approved by a majority of the same, otherwise, it shall be of no effect."

[Mr. Redwine in the Chair.]

Mr. Henderson, by permission, withdrew his amendment, and Mr. Epperson then offered his substitute for the amendment as an amendment to the bill.

Amendment rejected by the following vote :

YEAS—Messrs. Armstrong Barnard Branch Camp Crawford Crooks Davis of H. Dickson Duncan Ellett Epperson Francis Harrison of V. Z. Henderson Houghton Lynch Maverick

McCutchan Norton Parker Shelton Stewart Waterhouse Whitfield Whitmore and Wortham—26.

NAYS—Messrs. Anderson Baxter Billingsley Bogart Bryan Buckley Craig Clark Culberson Cumby Dale Dennis Dougherty Flewellen Franklin Foscue Harrison of C. Hartley Haynes Hubbard Kinney Lewis of M. Lewis of R. Lewter McClarty Mills Munson Nelson Perry Redgate Redwine Robinson Ross Shannon Speights Townes Walworth and Warfield—38.

Mr. Henderson proposed to amend by adding, and that the directors of said road shall hold the earnings of said road and apply the same exclusively to the payment of Texas creditors. Amendment adopted, and the bill passed to a third reading.

On motion of Mr. Franklin, the rule was suspended, the bill read third time, and the House refused to pass the bill by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Bryan Buckley Craig Clark Culberson Cumby Dale Davis of H. Dennis Dougherty Duncan Flewellen Franklin Foscue Harrison of C. Hartley Haynes Henderson Hubbard Lewis of M. Lewis of R. Lewter McClarty Mills Munson Nelson Perry Redgate Redwine Robinson Ross Shannon Short Speights Wælder Walworth Warfield and Wrede—42.

NAYS—Messrs. Barnard Billingsley Bogart Branch Crawford Crooks Dickson Ellett Epperson Francis Harrison of V. Z. Houghton Lynch Maverick Middleton Mundine Parker Shelton Stewart Waterhouse Whitfield Whitmore and Wortham—23.

Mr. Shannon moved to suspend rule and take up bill supplemental to the act to ascertain what certificates have been illegally issued in the counties in Peter's Colony, &c. Lost.

The bill for the relief of Nat. M. Burford with substitute and minority and majority reports from Judiciary committee, was taken up.

Mr. Mills moved to lay the reports on the table. Lost.

[Mr. Townes in the Chair.]

Mr. Duncan moved to adjourn till 10 o'clock, A. M., to-morrow. Lost.

After further discussion on the bill, on motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Saturday, January 7th, 1860. }

House met pursuant to adjournment—roll called—quorum

present. Journal of yesterday read and adopted.

[Mr. Mills in the chair.]

Mr. Perkey moved to reconsider the vote refusing the engrossment of the Raft Bill.

A message was received from the Senate, informing the House that the Senate had passed a bill for the relief of Jose Leonardo de la Garza Trudo, and had concurred in the House's amendments to the Senate's bill to incorporate the Indianola Railroad Company, approved January 21st, 1858, and to the bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, Jas. Bourland, and John Henry Brown; also for the pay of commissioners sent by the Governor to the Indians.

The question on the reconsideration was put, and announced by the chair as lost.

Messrs. Crooks and Epperson called for a vote by yeas and nays on the question

[Mr. Dickson in the Chair.]

The Chair decided that the call for the yeas and nays came too late, as the result of the *viva voce* had been announced, and that the question was no longer before the House, whereupon Mr. Epperson appealed from the decision of the Chair. After discussion, the appeal was withdrawn.

Mr. Norton presented the petition of William C. Philips. Referred to committee on Private Land Claims.

Mr. Crawford presented the petition of Eli R. Dammond. Referred to committee on Private Land Claims.

Mr. Ellett presented the petition of the citizens of Wise county. Referred to committee on State Affairs.

On motion of Mr. Francis the vote refusing to pass the Senate's bill to amend the 11th section of the act to incorporate the Galveston, Houston and Henderson Railroad Company, was reconsidered by the following vote:

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Billingsly, Bryan, Buckley, Camp, Craig, Culberson, Cumby, Dale, Dennis, Dougherty, Duncan, Ellett, Flewellen, Francis, Franklin, Hall, Harrison of C., Hartley, Haynes, Henderson, Houghton, Hubbard, Kinney, Lewis of R., Lewter, Mabry, Manly, Martin, Maxey, McClarty, Mills, Mundine, Munson, Perry, Redgade, Redwine, Robinsen, Ross, Shannon, Townes, Wælder, Walworth, Warfield, Wortham and Wrede—49.

NAYS—Messrs. Barnard, Bogart, Branch, Crawford, Crooks, Clark, Davis of H., Dickson, Epperson, Foscoe, Henry, Lynch,

Maverick, McCutchan, Norton, Owens, Parker, Perry, Shelton, Short, Speights, Waterhouse, Whitfield and Whitmore—23.

And the bill passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Baxter, Bryan, Buckley, Craig, Clark, Culberson, Cumby, Dale, Davis of B., Davis of Hays, Dennis, Dougherty, Duncan, Ellett, Flewellen, Franklin, Foscue, Hall, Harrison of Cherokee, Hartley, Haynes, Henderson, Hubbard, Kinney, Lewis of M., Lewis of R., Mabry, Manly, Martin, Maxey, McClarty, Middleton, Mills, Mupdine, Munson, Nelson, Perry, Redgate, Redwine, Robinson, Ross, Robinson, Ross, Shannon, Townes, Wælder, Walworth, Warfield, Worham and Wrede—49.

NAYS—Messrs. Armstrong, Barnard, Bogart, Branch, Crawford, Crooks, Dickson, Epperson, Francis, Harrison of V. Z., Henry, Houghton, Lynch, Maverick, McCutchan, Norton, Owens, Parker, Shelton, Townes, Waterhouse, Whitfield and Whitmore—23.

Mr. Foscue, chairman of committee on Internal Improvements, reported a substitute for the bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company.

Mr. Harrison of V. Z., one of the committee on Private Land Claims, reported a substitute for the bill for the relief of W. De Woody, and recommend its passage.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the "Bill to change the name of Lucy Ann Simmons to Lucy Ann Hood," with amendments: amend by striking out all after the word "Wood" at the end of 4th line, section 1st. Also reported a substitute for the Senate's bill to authorize the county court of Comal county to levy a special tax, &c., and recommend its passage.

On motion of Mr. Wrede the rule was suspended, the report taken up, the substitute adopted, and read second time, and ordered to be engrossed.

On motion of Mr. Wrede the rule was further suspended, bill read third time and passed.

Mr. Dennis also reported, recommending the passage of the bill to restore land sold for taxes and purchased by the State to former owners, on certain conditions.

Mr. Craig, on part of the committee on Court of Claims, reported, asking to be discharged from further consideration of the petition of the heirs of Harrison Young.

Mr. Buckley, chairman of committee on the Judiciary, reported, recommending the indefinite postponement of the bill for the relief of W. A. S. Roudeau. Also reported a substitute for the

bill for the relief of Richard B. Wardroupe, and recommend its passage. Also reported recommending the passage of the Senate's bill to validate the acknowledgment and registration of Deeds and other instruments of writing heretofore recorded, with amendments by the committee.

AMENDMENT.

Section 1st, line 12th, after the word "justice," and before "clerk," insert "or associate justices." Section 1st, line 14th, after "Texas," insert "or judge of the department of Brazos, or any primary judge, or judge of the first instance, in 1835 and 1836. Also reported, recommending the passage of the bill to authorize the Commissioner of the General Land Office to issue patents upon surveys made not in the form required by law.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported a bill for the relief of Eli Kirk, and recommended its passage. Bill read first time.

Mr. Norton gave notice that two minority reports would be submitted.

Mr. Foscue, one of the committee on State Affairs, reported, recommending the rejection of the petition of the citizens of Comal county, asking for relinquishment of State taxes.

Mr. Darnell, one of the committee on State Affairs, reported, asking that the bill to provide for the erection of Governor and Secretary of State offices be referred to committee on Public Buildings. Report adopted.

Messrs. Norton, Lewter, Ross and Speights, of the committee on Claims and Accounts, submitted a minority report adverse to the claim of Mrs. Wm. Gamble.

Mr. Ross, one of the committee on State Affairs, reported, recommending the passage of the Senate's bill to incorporate the Firemen's Relief Fund Association. Also reported a bill to create the county of Wilson, and recommend its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, asking to be discharged from further consideration of the Senate's bill for the relief of Caleb C. Dibble.

On motion of Mr. Munson the rule was suspended, the bill taken up and referred to committee on the Judiciary.

Mr. Shannon also reported, recommending the passage of the Senate's bill for the relief of Jacob Laux.

Mr. Branch, one of the committee on Enrolled Bills, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The Joint Committee on Enrolled Bills have examined the following bills, viz :

"A bill authorizing the Governor to procure the restoration to his parents of a certain boy named William Horster, who was taken by the Indians."

"A bill to be entitled an act for the relief of Wm. Phelps."

"A bill to incorporate the Jefferson Insurance Company."

"A bill to be entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, passed 11th May, 1846," and find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his approval and signature.

Also, as one of the committee on the Penitentiary, reported, recommending the passage of the Joint Resolution authorizing the Governor to appoint three persons to examine the Penitentiary.

Mr. Parker, chairman of committee on Private Land Claims, reported, recommending passage of the Senate's bill for relief of Nancy Robinson.

Mr. Mills, one of the committee on Judiciary, reported, recommending the indefinite postponement of the bill for the relief of heirs of Benj. R. Milam. Also reported a bill for the relief of F. W. Johnson and heirs, and B. R. Milam, and recommended its passage. Bill read first time.

Also reported a bill to amend the Jury Law, and recommended its passage. Bill read second time.

On motion of Mr. Mills the rule was suspended, the bill read second time, and ordered to be engrossed.

On motion the rule was further suspended, bill read third time and passed.

Mr. Mabry, chairman of committee on Enrolled Bills, reported as follows :

The joint committee on Enrolled Bills have examined the following bills, viz :

A bill to be entitled an act incorporating the Horse-Head Crossing of Pecos Bridge Company.

A bill to be entitled an act for the relief of Wiley Burns, the heirs of Robert McKinney, the heirs of Manuel Ramon, and the heirs of David Barlow.

A bill to be entitled an act confirming certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation.

A bill to be entitled an act incorporating Pecos Bridge Company.

A bill to be entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company.

A bill to be entitled an act for the relief of J. P. C. Kenyore.

And a bill to be entitled an act supplemental to the modified charter of the Aransas Road Company, and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature

Mr. Middleton, one of the committee on Private Land Claims, reported substitute for the bill for the relief of Jno. T. Wilson, and recommended its passage.

Mr. Bryan, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of P. Bryan.

Mr. Nelson, chairman of committee on Indian Affairs, reported a joint resolution to authorize the auditing accounts and filing muster-rolls of the companies of Capt. Jno. Scandlin and others therein mentioned, and recommended its passage. Resolution read first time. Also reported a joint resolution instructing our members of Congress to urge the General Government to indemnify persons for property stolen by Indians. Resolution read first time.

On motion of Mr. Buckley the rule was suspended, and the bill to authorize the Commissioner of the General Land Office to patent certain surveys not made in such form as required by law, taken up and read second time.

Mr. Shannon proposed to amend by adding an additional section. Adopted, and the bill passed to third reading.

On motion of Mr. Buckley the rule was further suspended, the bill read third time and passed.

Mr. Flewellen moved to suspend the rule and take up the bill to abrogate the office of State Engineer, and make it the special order of the day for Wednesday next, the 11th inst.

Mr. Whitmore proposed to amend by saying Monday, the 16th inst.

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Bill for the relief of Nat. M. Burford, Judge of the 16th Judicial District, was again taken up.

[Mr. Branch in the chair.]

Mr. Lynch moved the previous question, which was seconded, and the main question ordered.

[Speaker resumed the chair.]

The main question being the adoption or rejection of the majority report, the same was put, and the majority report adopted by the following vote :

YEAS—Messrs. Speaker, Anderson, Branch, Buckley, Craig, Crawford, Clark, Culberson, Cumby, Dale, Davis of H., Dennis, Dickson, Dougherty, Edwards, Epperson, Flewellen, Francis, Franklin, Harrison of C., Harrison of V. Z., Haynes, Henderson, Houghton, Lewis of M., Lewter, Lynch, Mabry, Maverick, McClarty, McCutchan, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Walworth, Waterhouse, Whitfield, Whitmore and Wrede—50.

NAYS—Messrs. Bogart, Bryan, Darnell, Hubbard, Lewis of L., Manly, Mills, Mundine, Nelson, Shannon and Warfield—11.

Report from committee on Judiciary, asking to be discharged from further consideration of the memorial of A. B. Bacon, was taken up and adopted.

Mr. Ross moved to suspend rule and take up joint resolution for relief of judge Frazier. Lost.

Mr. Mabry asked permission to present a petition. House refused.

Mr. Cumby moved to adjourn till 10 o'clock, A. M., Monday. Lost.

Bill to legalize the marriage of Wm. H. and Margaret Slain, taken up, read second time, and ordered to be engrossed.

Mr. Nelson moved to suspend rule and pass bill. Lost.

Bill to legalize the marriage of Wm. Davis and Sarah James, with report from committee recommending its passage, taken up, read second time, and ordered to be engrossed.

On motion of Mr. Buckley the rule was suspended, the bill read third time.

Mr. Pirkey moved a call of the House.

The yeas and nays being called for on the final passage of the bill, stood thus :

YEAS—Messrs. Speaker, Anderson, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Cumby, Dale, Darnell, Davis of H., Dennis, Duncan, Edwards, Epperson, Flewellen, Francis, Harrison of Cherokee, Haynes, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Manly, Maverick, McClarty, Mills, Mundine, Nelson, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Townes, Wælder, Wal-

worth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede,
—51.

NAYS—Messrs. Dickson, Dougherty, Franklin, Harrison of V, Z., Hartley, Henderson, Mabry, Pirkey, Shelton and Stewart—9.
And the bill was passed.

Mr. Dougherty gave notice of a protest.

On motion of Mr. Nelson the bill to legalize the marriage between W. H. and Margaret Slain was taken up and read third time.

The ayes and nays being called for on the final passage of the bill, stood thus :

YEAS—Messrs. Speaker, Anderson, Baxter, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Cumby, Dale, Darnell, Davis of H., Dennis, Duncan, Edwards, Flewellen, Francis, Haynes, Henry, Houghton, Hubbard, Lewis of R., Lynch, Manly, Maverick, Middleton, Mills, Mundine, Nelson, Owens, Perry, Redgate, Redwine, Robinson, Shannon, Short, Smith, Townes, Wælder, Waterhouse, Whitmore and Wrede—41.

NAYS—Messrs. Dickson, Dougherty, Franklin, Harrison of C., Harrison of V. Z., Hartley, Henderson, Eewis of M., Lewter, Mabry, McClarty, Norton, Parker, Ross, Shelton, Stewart, Walworth, Warfield, and Whitfield—20.

No quorum voting, on motion of Mr. Mills a call of the House was ordered.

On motion Messrs. Benevides, Caddell, Davis of B., McKnight and Speights were excused.

Absentees—Messrs. Armstrong, Barnard, Baxter, Billingsley, Camp, Crooks, Clark, Culberson, Ellett, Foscue, Hall, Henry, Hubert, Kinney, Martin, Maxey, McCutchan, Munson, Navarro, Taylor and Wortham,

Mr. Mills moved to excuse Messrs. Navarro and Taylor. Lost.

Mr. Duncan moved to excuse Mr. Hubert. Lost.

Mr. Franklin moved to adjourn till 10 o'clock, A. M., Monday.
Lost.

Mr. Franklin moved to suspend call. Lost.

Messrs. Baxter, Henry and Middleton appeared and voted aye, and the bill was declared by the Speaker passed, and the call suspended.

Bill to permit Abigail Bell to adopt Susan Alford, with report from committee, taken up.

On motion of Mr. Haynes a call of the House was ordered.

On motion of Mr. Redwine Dr. Barnard was excused.

Absentees—Messrs. Armstrong, Billingsley, Camp, Crooks, Culberson, Cumby, Darnell, Ellett, Foscue, Hall, Hubert, Kin-

ney, Martin, Maxey, McClarty, McCutchan, Mundine, Munson, Navarro, Taylor, Waterhouse and Wortham.

Mr. Lewis R., moved to adjourn till 10 o'clock, A. M., on Monday. Lost.

Mr. Buckley moved to suspend call. Lost.

Mr. McCutchan and Cumby were announced at the door.

Report from committee on Private Land Claims, recommending the indefinite postponement of the petition of John F. Reynolds, was taken up and adopted.

Bill for the relief of C. Gage, with report from committee, recommending its passage, was taken up, read second time, and ordered to be engrossed.

Bill for the relief of P. B. Norton, with report from committee recommending its passage, was taken up and read second time.

Mr. Francis moved to lay the bill on table. Lost. And the bill ordered to be engrossed.

Mr. Flewellen moved to adjourn till 10 o'clock, A. M., Monday. Lost.

Bill for the relief of Jas. G. Dunn, with report from committee on Claims and Accounts, asking to be discharged from further consideration of the same, was taken up, and the report adopted.

Messrs. Crooks, Hubert, Maxey and Culherson were announced at the door.

Bill for the relief of A. F. Smith, with report from committee on Claims and Accounts, was taken up.

On motion the House adjourned till 10 o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVES, }
Monday, January 9th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of Saturday read and adopted.

[Mr. Dickson in the Chair.]

Messrs. Epperson, Taylor of Cass, Foscue, Dennis, Baxter, Duncan and Crooks rose to personal explanations.

On motion of Mr. Taylor of Cass, Mr. Barclay was excused from attendance on the House for the balance of the session on account of illness.

Mr. Darnell presented the petition of D. H. Lisk. Referred to committee on Private Land Claims.

Mr. Wælder presented the petition of Domingo Losolla.

Referred to committee on Private Land Claims.

Mr. Mabry presented the petition of Jas. S. Dunson. Referred to committee on Private Land Claims.

Mr. Dougherty introduced a bill to change and fix the time of holding courts in the 12th judicial district.

On motion of Mr. Dougherty, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Dougherty, the rule was further suspended, bill read third time and passed.

Mr. Smith presented the petition of the citizens of Sabine Pass. Referred to committee on State Affairs.

Mr. Nelson presented the petition of citizens of McLennan county. Referred to committee on Judiciary.

Mr. Lewis of M., presented the petition of citizens of Montgomery county. Referred to committee on Judiciary.

A message was received from the Senate informing the House that the Senate had passed a bill to incorporate the Southern Fire Insurance Company, and

• A joint resolution proposing to amend the constitution.

Also, had passed the House's bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of Indianola, with amendments.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed to bill to repeal the act establishing a State University.

Bill to amend the act to incorporate the Payne Female Institute, and the bill to amend art. 791a of the penal code.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed, the bill to incorporate the Eastern Texas Railroad Company, and the same had been presented to the Governor for approval and signature.

Mr. Hartley, one of the committee on State Affairs, reported, recommending the passage of the bill to incorporate the Lone Star Circle, &c.

Mr. Henderson offered the following resolution :

• *Resolved*, That we wish to assure the Representatives of this State in Congress, in the difficult circumstances in which they are placed, of the sympathy of this Legislature, in the struggle in which they are now engaged, and of our cordial support of every proper measure they may adopt to protect the just rights of this State and of the South, the integrity of the Union and the authority of the constitution.

• *Resolved*, That we recommend in view of the public danger, the union of all the elements of opposition to Black Republi-

cans and their candidate for Speaker, on any terms consistent with honor and fairness, whensoever by such union its defeat can be accomplished and the organization of the House be effected.

Mr. Mills moved to refer the resolution to the committee on Federal Relations. Lost by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barnard, Bogart, Branch, Craig, Crooks, Darnell, Dennis, Dickson, Dougherty, Edwards, Flewellen Franklin, Harrison of V. Z., Hartley, Lewis, of M., Lewis of R., Mabry Manly, Maverick, McCutchan, McKnight, Mills, Mundins, Parker, Perry, and Robinson—29.

NAYS.—Messrs. Baxter, Benevides, Bryan, Camp, Crawford, Culberson, Cumby, Dale, Daniels, Davis of B., Davis of H., Duncan, Ellett, Epperson, Francis, Foscue, Hall, Harrison of C., Haynes, Henderson, Henry, Hubbard, Lewter, Lynch, Martin, Maxey, McClarty, Middleton, Munson, Nelson, Norton, Owens, Pirkey, Redgate, Redwine, Ross, Shannon, Short, Smith, Speights, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore and Wortham—47.

Mr. Flewellen proposed to amend as follows :

Resolved, That the election of a Black Republican Speaker of the Helper school, would be a direct assault upon the honor and interest of the people of the South, and that our Representatives in Congress be, and they are hereby requested to use every honorable means to prevent any organization of the same by the election of a Speaker, entertaining political sentiments hostile to, and subversive of the constitutional rights of the slave States of this Union.

Mr. Davis of H., moved to lay the resolution on the table. Lost, by the following vote :

YEAS.—Messrs. Armstrong, Clark, Davis of H., Franklin, and Maverick—5.

NAYS.—Messrs. Speaker, Anderson, Barnard, Baxter, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Crooks, Crawford, Culberson, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Edwards, Ellett, Epperson, Flewellen, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Haynes, Henry, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Maxey, McClarty, McKnight, Middleton, Mills, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Speights, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—73.

Mr. Hartley moved to refer the resolution and amendment to the committee on Federal Relations.

The hour having arrived the special order of the day, to-wit :

The bill to call a convention to make a new constitution to the State, was taken up.

Mr. Henderson moved to strike out the enacting clause. Carried by the following vote :

YEAS.—Messrs. Speaker, Anderson, Armstrong, Bogart, Bryan, Buckley, Camp, Craig, Clark, Cumby, Dale, Darnell, Dennis, Dickson, Edwards, Flewellen, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Martin, Maverick, McClarty, McCutchan, Middleton, Mundine, Nelson, Parker, Perry, Redgate, Redwine, Ross, Shelton, Short, Speights, Stewart, Wælder, Warfield, Whitfield, Wortham and Wride—50.

NAYS.—Messrs. Barnard, Baxter, Branch, Crawford, Crooks, Daniels, Davis of H., Dougherty, Duncan, Ellett, Epperson, Franklin, Haynes, Lewis of M., Manly, McKnight, Munson, Norton, Owens, Pirkey, Robinson, Shannon, Smith, Waterhouse and Whitmore—25.

Mr. Henderson's resolution was again taken up.

A message was received from the Governor.

The question to refer to committee on Federal Relations was put and lost.

Mr. Mills offered the following amendment to the amendment :

“ And our Representatives are also requested not to vote for the plurality rule, whereby a Black Republican would be elected Speaker of the House of Representatives. Rejected.

Mr. Epperson offered the following as a substitute for the amendment :

Resolved, That it is the duty of our Representatives in Congress and good citizens north and south, to lay aside sectional dissensions, and to cultivate in their stead that ancient feeling of good-will and mutual forbearance towards each other which our fathers showed, and above all, to strive to allay rather than to excite the spirit of sectional hatred and strife, which is now rife throughout the land.

Mr. Nelson moved the previous question, which was seconded.

The House refused the main question by the following vote :

YEAS.—Messrs. Speaker, Armstrong, Benevides, Bogart, Dale, Davis of B., Dickson, Ellett, Francis, Foscue, Harrison of V. Z., Hartly, Haynes, Henderson, Houghton, Hubbard, Lewter, Lewis of R., Martin, Middleton, Mundine, Nelson, Norton, Parker, Perry, Redgate, Wælder, and Wortham—28.

NAYS—Messrs. Anderson, Baxter, Branch, Bryan, Buckley, Camp, Craig, Crawford, Crooks, Clark, Culberson, Cumby, Darnell, Daniels, Davis of H., Dennis, Dougherty, Duncan, Epperson, Flewellen, Franklin, Hall, Harrison of C., Kinney, Lewis of M., Manly, Maverick, Maxey, McClarty, McCutchan, McKnight, Mills, Owens, Pirkey, Redwine, Robinson, Ross, Shelton, Short, Smith, Speights, Stewart, Townes, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—49.

Mr. Dickson moved to refer the whole matter to committee on Federal Relations. Carried by the following vote:

YEAS.—Messrs. Speaker, Armstrong, Bogart, Branch, Buckley, Craig, Clark, Darnell, Davis of B., Dennis, Dickson, Dougherty, Ellett, Franklin, Foscue, Hall, Harrison of V. Z., Hartley, Kinney, Lewis of M., Lewis of R., Lewter, Manly, Martin, Maverick, McCutchan, McKnight, Middleton, Mundine, Nelson, Parker, Redwine, Ross, Shannon, Shelton, Smith, Wælder, Warfield, Whitfield and Wortham—41.

NAYS.—Messrs. Anderson, Baxter, Benevides, Bryan, Camp, Crawford, Crooks, Culberson, Cumby, Dale, Daniels, Davis of H., Duncan, Epperson, Flewellen, Francis, Harrison of C., Haynes, Henderson, Henry, Houghton, Hubbard, Lynch, Maxey, Mills, Munson, Norton, Owens, Perry, Pirkey, Redgate, Short, Speights, Stewart, Walworth, Waterhouse, Whitmore and Wrede—38.

Mr. Nelson introduced a bill to relieve Jas. W. Pope from minority. Read first time.

Mr. Nelson moved to suspend rule and engross bill. Lost, and the bill passed to second reading.

Mr. Hubbard introduced a bill to create 27th judicial district. Read first time and referred to committee on Judicial Districts.

Mr. Munson introduced a bill to change boundary line between Comal and Hays county. Read first time and referred to committee on Counties and County Boundaries.

Mr. Kinney introduced a bill to legalize the notarial acts of W. Merriman. Read first time and referred to Judiciary committee.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to fix the time of holding courts in the 12th judicial district.

Mr. Dougherty introduced a bill to regulate contracts for personal services in Cameron and Hidalgo counties. Read first time and referred to Judiciary committee.

Mr. Duncan introduced a bill to grant land to the Lavaca

Navigation Company. Read first time and referred to committee on State Affairs.

Mr. Shannon introduced the bill supplementary to the act of 26th August, 1856, to authorize the location and settlement of the Mississippi and Pacific Railroad Reserve. Read first time and referred to committee on Public Lands.

Mr. Townes introduced a bill for donating land to W. R. S. Rondeau. Read first time and referred to Judiciary committee.

Mr. Wortham introduced a bill to incorporate Bright Star Educational Company. Read first time and referred to committee on Education.

Mr. Stewart introduced a bill to amend the 8th section of the act passed Feb. 15th, 1858, entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company. Read first time and referred to committee on Internal Improvements.

The following message from the Governor, was taken from the Speaker's table and read :

Gentlemen of the Senate

and House of Representatives :

I herewith return to the House, in which it originated, "an act to authorize the Governor to postpone the sale of University lands that have been forfeited for non-payment of the annual installment required by law."

The Executive can see no reason for any grant of indulgence to the purchasers. No petition or papers accompany the act and he is left to infer from the conditions of the sale of the University lands, that they were purchased from the State upon speculation ; and this being the case, he would deem it impolitic, unwise and detrimental to the public interest, to extend the time for payment of the installment a single day. If the principle of indulgence be once inaugurated, it would only be an invitation to the purchasers at subsequent sessions of the Legislature, to petition for further indulgence. If this act embraced any general principle, the case would be different ; but, as it bears the aspect of class legislation, or special legislation, the Executive cannot sanction either. Had it a general application to purchasers of small tracts of the public domain for homesteads, who had been prevented from complying with their contracts on account of the State or General Government not having furnished adequate protection, the plea for indulgence might be urged with some claim to consideration. I can see no reason for the extension contemplated by the act. Hence the approval of the Executive is withheld.

The Executive would respectfully suggest, however, that if the parties desiring relief, choose to relinquish to the State, the lands purchased by them, they be permitted to do so and their obligations canceled.

SAM HOUSTON.

Mr. Haynes moved to lay the message on the table. Lost by the following vote :

YEAS.—Messrs. Speaker, Baxter, Benevides, Camp, Davis of B., Epperson, Hall, Hartley, Haynes, Henry, Manly, Martin, McCutchan, Mills, Munson, Nelson, Perry, Shelton, Stewart, Waulder and Warfield—21.

NAYS.—Messrs. Anderson, Armstrong, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Culberson, Cumby, Dale, Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Flewollen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, McKnight, Mundine, Norton, Parker, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Speights, Townes, Walworth, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—53.

Mr. Norton moved to postpone a consideration of the matter until the first of February. Lost.

The question recurring upon the final passage of the bill notwithstanding the veto of the Governor.

Mr. Norton moved a call of the House, which was lost, and the House refused to pass the bill by the following vote :

YEAS.—Messrs. Benevides, Bogart, Bryan, Buckley, Camp, Clark, Culberson, Dale, Duncan, Ellett, Epperson, Flewollen, Harrison of V. Z., Hartley, Haynes, Henry, Hubbard, Manly, Martin, Maxey, McCutchan, Middleton, Mills, Munson, Nelson, Norton, Owens, Parker, Perry, Shannon, Smith, Townes, Waulder, Walworth, Warfield, Wortham and Wrede—38.

NAY.—Messrs. Speaker, Anderson, Armstrong, Baxter, Branch, Craig, Crawford, Cumby, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Francis, Franklin, Foscue, Hall, Harrison of C., Henderson, Houghton, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, McClarty, McKnight, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Speights, Stewarts, Waterhouse, Whitfield and Whitmore—40.

On motion of Mr. Flewollen, Mr. Stewart was added to committee of Federal Relations.

On motion of Mr. Henderson, Mr. Crawford was added to committee on Federal Relations.

Mr. Dougherty, moved to reconsider the vote refusing to pass

the bill vetoed by the Governor, and to postpone it till February the first.

On motion of Mr. Henderson the motion was laid on the table.

Mr. Buckley introduced a bill to punish persons for cutting timber on public lands. Read first time and referred to committee on Public Lands.

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Bill for the relief of A. T. Smith, with report from committee recommending its passage, was taken up and read.

The yeas and nays were called for on the engrossment of the bill, and stood thus :

YEAS.—Messrs. Speaker Barnard Benevides Billingsley Bogart Bryan Buckley Camp Craig Crawford Dale Davis of H. Dennis Dickson Duncan Edwards Epperson Flewellen Harrison of C. Harrison of V. Z. Hubert Kinney Lewis of M. Lewter Lynch Maverick McCutchan Middleton Mundine, Munson Nelson Norton Owens Parker Perry Redgate Robinson Shannon Short Smith Speights Townes Waddler Walworth and Whitfield—45.

NAYS.—Messrs. Clark Darnell Davis of B. Dougherty Foscoe Henry Hubbard McClarty Mills Redwine Ross Shelton Stewart Warfield and Whitmore—15.

And the bill ordered to be engrossed.

Bill to permit Abigail Bell to adopt Susan Alford, with report from committee recommending its passage, was taken up, read, and ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, bill read third time and passed.

On motion of Mr. Dennis, the bill to amend the act to incorporate the Sabine and Rio Grande Railroad Company, with report from committee recommending a substitute, was taken up.

Mr. Munson proposed to amend as follows :

“ Provided, that this road shall be subject to all the requirements of the general railroad laws of this State.” Adopted.

And the substitute adopted, and the bill ordered to be engrossed.

On motion of Mr. Dennis, the rule was suspended and the bill read third time, and the bill passed by two-third vote.

Bill for the relief of the heirs of Charles D. Ferris, with

report from committee recommending its passage, was taken up, read second time.

Mr. Ross proposed to amend by adding :

“ Provide that if he has heretofore received a certificate for any part of said land, then his heirs shall have a certificate for the residue thereof.” Rejected, and the bill ordered to be engrossed.

On motion of Mr. Parker, the Senate's bill for the relief of Lewis David, with report from committee recommending its passage, was taken up, read second time and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended and bill read third time.

Mr. Henderson moved to strike out the proviso. Carried, and the bill passed.

Bill for the relief of Willis Edson, with report from committee recommending its passage, was taken up, and read second time.

Mr. Henderson proposed to amend by striking out the proviso. Rejected and the bill ordered to be engrossed.

Bill to validate bounty warrant No. 4059, taken up, read second time and ordered to be engrossed.

Bill for the relief of Loui Bouillet and Hetty O. Kohlman, taken up, read second time and ordered to be engrossed.

Bill for the relief of Andrew Mason, taken up, read second time and ordered to be engrossed.

On motion of Mr. Lewter, the rule was suspended, bill read third time and passed.

Bill for the relief of Buford Garrett, with report from committee, taken up, read second time and ordered to be engrossed.

Bill for the relief of Jas. Jennings, taken up, read second time and passed to third reading.

Mr. Bogart moved to suspend rule that the bill may be read third time. Carried by the following vote :

YEAS.—Messrs. Speaker Anderson Barnard Billingsly Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Culberson Darnell Daniels Davis of B. Duncan Epperson Harrison of V. Z. Hartley Haynes Henderson Henry Houghton Hubert Kinney Lewis of M. Lewter Lynch Maverick Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Shannon Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitmore and Wrede
—53.

NAYS.—Messrs. Davis of H. Foscue Francis Harrison of C. McClarty McKnight Ross and Shelton—8.

The bill read third time and passed.

The following Senate's bills taken up, read first time and disposed of as indicated :

Bill for the relief of Leonardo de la Garza Trudo. Referred to committee on Private Land Claims.

Joint resolution proposing to change the constitution. Referred to committee on Judiciary.

House's bill to amend art. 701a, penal code. Read third time and passed.

Senate's bill to grant certain privileges to the Overland and to the San Antonio and San Diego Mail Company. Read first time and referred to committee on State Affairs.

Senate's bill making further appropriation to furnish Governor's mansion. Read first time and passed to second reading.

On motion of Mr. Townes, the rule was further suspended, bill read second time and passed to third reading.

On motion of Mr. Townes, the rule was further suspended, by the following vote :

YEAS.—Messrs. Speaker Anderson Benevides Billingsly Borgia Branch Bryan Buckley Camp Craig Crooks Culberson Dale Darnell Daniels Davis of B. Dickson Dougherty Duncan Edwards Epperson Harrison of V. Z. Hartley Haynes Henderson Henry Houghton Hubbard Lewis of M. Lewis of R. Lynch Maverick Middleton Mundine Nelson Norton Parker Perry Redgate Robinson Shannon Smith Speights Stewart Townes Walworth Warfield Whitfield Whitmore and Wrede—50.

NAYS.—Messrs. Davis of H. Francis Foscue Harrison of C. McClarty McKnight Mills Munson Redwine Ross Shelton and Waterhouse—12.

And the bill passed.

Senate's bill for the relief of the heirs of Thomas Blanton, taken up, read first time, and referred to committee on Judiciary.

Bill for relief of A. H. Cooks, with report from committee on Claims and Accounts, taken up and read second time.

Mr. Townes moved to fill the blank with \$1,530.

On motion of Mr. Crooks a call of the House was ordered.

Mr. Mills moved to adjourn till 10 o'clock A. M., to-morrow. Lost.

On motion of Mr. Henderson, the call was suspended.

Mr. Davis of H., moved to adjourn till half past 9 o'clock A. M. to-morrow. Lost.

Yeas and nays were called upon filling the blank and stood thus :

YEAS.—Messrs. Benevides Billingsly Bogart Branch Bryan Buckley Crawford Darnell Daniels Davis of B. Davis of H. Dougherty Duncan Francis Haynes Henderson Lewis of M. Lewter Maverick Munson Nelson Perry Redgate Robinson Short Smith Speights Stewart Townes and Whitfield—31.

NAYS.—Messrs. Speaker Anderson Barnard Camp Craig Crooks Culberson Dale Epperson Foscue Harrison of C. Harrison of V. Z. Houghton Hubbard Hubert Mabry McClarty McKnight Mills Mundine Norton Parker Pirkey Redwine Ross Shannon Shelton Walworth Warfield Waterhouse Whitmore and Wrede—32.

House refused to fill the blank with \$1,530.

Mr. Mills moved to lay the bill on the table.

Yeas and nays were ordered and stood thus :

YEAS.—Messrs. Barnard Camp Crooks Craig Culberson Dale Epperson Foscue Harrison of C., Harrison of V. Z. Houghton Hubbard Hubert Mabry McClarty McKnight Mills Mundine Norton Parker Pirkey Redwine Ross Shannon Shelton Walworth Warfield Waterhouse and Whitmore—29.

NAYS.—Messrs. Speaker Anderson Benevides Billingsly Bogart Bryan Buckley Crawford Darnell Daniels Davis of B. Davis of H. Dougherty Duncan Francis Haynes Henderson Lewis of M. Lewis of R. Lewter Lynch Maverick Munson Nelson Perry Redgate Robinson Short Smith Speights Stewart Townes and Whitfield—34.

House refusing to table the bill.

Mr. Harrison of V Z., moved to indefinitely postpone the bill.

On motion, the House adjourned till 10 o'clock A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
TUESDAY, Jan. 10th, 1860. }

House met pursuant to adjournment. Roll called—quorum present, journal of yesterday read.

Mr. Mills gave notice of a protest against the ruling of the Speaker, where the yeas and nays were ordered.

A message was received from the Senate informing the House that the Senate had passed the following named House bills :

Bill to amend the 2nd section of the act to create the 20th

judicial district of the State of Texas, approved January 2nd, 1860.

Bill for the relief of H. C. Lazenby.

Bill to regulate and define the times of holding the district court in the several counties of the 8th judicial district, and had passed the following named Senate bills:

Bill supplemental to the act to provide for the registration of deeds and other instruments of writing.

Bill to incorporate the McKenzie Male and Female College.

Bill to incorporate the Mystic Club at Woodville, Tyler county.

Bill to amend the act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1859.

Bill amendatory of the act to incorporate the town of Waco, in McLennan county, approved August 26th, 1856.

Bill for the relief of heirs of Caldwell Carson, deceased.

And bill for the relief of E. G. Spencer and A. L. Cantwell.

The journals were amended and adopted.

Mr. Shannon presented the petition of R. A. Davis. Referred to committee on Judiciary.

Mr. Billingsley presented the petition of W. B. Green. Referred to committee on Private Land Claims.

Mr. Davis of H., presented the petition of the citizens Caldwell county. Referred to committee on Agriculture.

Mr. Bryan presented the petition of citizens of Hardin county. Referred to committee on Counties and County Boundaries.

Mr. Smith presented the remonstrance of citizens of Hardin county. Referred to committee on Counties and County Boundaries.

Mr. Camp presented the petition of James Williams. Referred to committee on Private Land Claims.

Mr. Buckley, chairman of Judiciary committee, reported a substitute for the bill to exempt certain property from execution and recommended its passage.

Also reported recommending the passage of the bill to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande Rivers.

Messrs. Dennis and Ross of the committee on State Affairs, submitted a minority report adverse to the incorporation of the Air-Line Railroad Company.

Mr. Foscue, one of the committee on State Affairs, reported a bill for the relief John Blanton, and recommended its passage.

Mr. Ross, dissenting from the report. Bill read first time.

Also as chairman of committee on Internal Improvement, reported recommending the passage of the bill to incorporate the Palestine Tap Railroad Company.

Also reported recommending the passage of the Senate bill to incorporate the Sabine and Neches Insurance Company.

Also reported recommending the rejection of the bill to restrict the loan of School Fund to Railroad Companies.

Also reported recommending the passage of the bill to authorize the Sabine and Rio Grande Railroad Company to construct a Magnetic Telegraph, with amendments by the committee.

Amend by adding at the end of the bill :

Provided that nothing in this act shall be construed as to prevent the Legislature from granting charters to other Telegraph Companies, in any part of this State.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to extend the provisions of the act to provide for the incorporations of towns and cities, to the towns of Jasper, in Jasper county, and Danvill, in Montgomery county, and Mount Enterprise, in Rusk county. Report accepted.

Mr. Mills, one of the committee on Judiciary, reported a bill to prescribe the pay of jurors and provide a jury fund and recommended its passage.

On motion of Mr. Mills, the rule was suspended and the bill read second time.

Mr. Davis of H., proposed to amend by inserting before criminal action, "conviction in a."

Mr. Mabry called for the yeas and nays on the adoption of the amendment.

The Speaker instructed the clerk, in future to record the name of the member calling for the yeas and nays.

Mr. Barnard appealed from the decision of the Speaker, whereupon the yeas and nays were demanded by Mr. Mabry and stood thus :

YEAS—Messrs. Anderson Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Buckley Craig Culberson Cumby Dale Darnell Dougherty Duncan Edwards Flewellen Francis Franklin Foscoe Hall Harrison of C. Harrison of V. Z. Houghton Henderson Hubert Kinney Lewis of M. Lewis of R. Lewter Lynch Manly McClarty McCutchan Middleton Mundiue Nelson Owens Parker Perry Pirkey Redwine Robinson Ress Shelton Short Smith Speights Stewart Walworth Warfield Waterhouse Whitfield Wortham and Wrede—57.

NAYS—Messrs. Barnard Clark Davis of H. Ellett Hartley Haynes Mabry McKnight Norton Townes and Whitmore—11.

So the House sustained the Chair.

Mr. Mabry withdrew his call for the yeas and nays, upon the adoption of the amendment, stating that the call was made only to test the sense of the House upon the decision of the chair.

The question upon the adoption of the amendment was then put and carried.

The hour having arrived the special order of the day, to-wit :

The bill to incorporate the Air Line Railroad Company, with majority and minority reports was taken up.

Mr. Hartly, by permission, introduced a bill to incorporate the Galveston Gymnaestic Association. Read first time and referred to committee on State Affairs.

Mr. Smith, by permission, presented the memorial of citizens of Jefferson county. Referred to committee on Judicial Districts.

Mr. Wortham, by permission, introduced a bill for the relief of J. B. Denton. Read first time and referred to committee on Public Lands.

Mr. Edwards, by permission, introduced a bill for the relief of Angel Cupp and others. Read first time and referred to Public Land committee.

Mr. Duncan, by permission, introduced a bill to authorize Calhoun to levy a special tax. Read first time and referred to committee on Finance.

Mr. McClarty, chairman of committee on Judicial Districts, by permission reported recommending the passage of the bill to regulate time of holding courts in the 18th Judicial district.

The bill to incorporate the Air Line Railroad Company, together with majority and minority reports was read.

Mr. Nelson proposed to amend by adding: That no person shall be a stock-holder or a Director in said road who belongs to any religious sect or political organization which has for its object the abolition of slavery as it now exists in this State.

Mr. Mabry, chairman committee on Enrolled Bills, reported correctly enrolled, properly signed and presented to the Governor for approval, a bill to provide for the pay and subsistence of the troops called out by the Governor, under John S. Ford, Jas. Bourland and John Henry Brown and for pay for commissioners sent to the Indians and the bill to amend an act to incorporate the Indianola Railroad Company. Approved January 21st, 1858. Report accepted.

Mr. Mills proposed to amend the amendment by adding : And they shall make oath that they do not belong to any such religious sect or association, political party or organization having for object its the abolition of the institution of Slavery as it exists in this State. Which was accepted by Mr. Nelson.

Mr. Culberson moved to lay the amendment on the table.

Mr. Mabry called for the yeas and nays which were ordered and stood as follows :

YEAS—Messrs. Speaker Anderson Armstrong Benevides Billingsley Branch Bryan Camp Craig Crawford Crooks Clark Culberson Cutby Dale Darnell Daniels Davis of B. Davis of H. Duncan Edwards Epperson Franklin Hall Harrison of C. Harrison of V. Z. Henderson Houghton Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Lynch Manly Maverick Mills Mundine Munson Owens Parker Perry Redgate Robinson Shelton Smith Speights Townes Warfield Waterhouse Whitfield Whitmore and Wortham—55.

NAYS—Messrs. Baxter Bogart Buckley Dennis Dickson Flewellen Francis Foscoe Mabry McCutchan Middleton Nelson Norton Pirkey Ross Shannon Short and Stewart—19.

So the House laid the amendment on the table.

[Mr. Mills in the chair.]

On motion the House ajourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present.

Mr. Townes moved to take up the bill to incorporate the Air Line Railroad Company. After some discussion the motion was withdrawn.

The bill for the relief of A. H. Cook, was again taken up.

Mr. Harrison of V. Z., moved to indefinitely postpone the bill.

Mr. Mabry moved the previous question which was seconded.

On motion of Mr. Mabry, the yeas and nays were ordered, and the House refused to order the main question by the following vote :

YEAS—Messrs. Speaker Barnard Bogart Camp Culberson Dale Edwards Foscoe Harrison of C. Harrison of V. Z. Houghton Lewter Mabry Manly McClarty McKnight Middleton Mills Norton Pirkey Redwine Ross Shelton Short Warfield Waterhouse Whitmore and Wrede—28.

NAYS—Messrs. Benevides Billingsley Branch Bryan Buckley Craig Crooks Crawford Clark Darnell Daniels Davis of B. Davis

of H. Dennis Dickson Dougherty Duncan Francis Hall Haynes Hubbard Hubert Kinney Lewis of M. Lewis of R. Lynch Martin Maverick McCutchan Mundine Munson Nelson Owens Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth Whitfield and Wortham—46.

The question recurring on the indefinite postponement of the bill.

On motion of Mr. Norton, the yeas and nays were ordered and stood thus :

YEAS—Messrs. Speaker Barnard Baxter Craig Culberson Cumby Dale Edwards Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Mabry McKnight Mills Norton Owens Pirkey Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—28.

NAYS—Messrs. Anderson Benevides Billingsley Bogart Branch Buckley Crawford Crooks Clark Darnell Daniels Davis of B. Davis of Dennis Dickson Dougherty Duncan Flewellen Francis Franklin Hall Haynes Henry Kinney Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Middleton Munson Nelson Parker Perry Redgate Robinson Smith Speights Stewart Townes Walworth and Whitfield—45.

So the House refused to indefinitely postpone the bill.

Mr. Townes moved to fill the blank with \$1530.

Mr. Norton moved to strike out the enacting clause.

On motion of Mr. Townes, the yeas and nays were ordered on the question to strike out and stood thus :

YEAS—Messrs. Speaker Barnard Baxter Camp Craig Culberson Cumby Dale Darnell Edwards Ellett Epperson Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Mabry McClarty McKnight Middleton Mills Norton Owens Pirkey Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—33.

NAYS—Messrs. Anderson Benevides Billingsley Bogart Branch Bryan Buckley Crawford Clark Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Flewellen Francis Franklin Hall Haynes Henry Kinney Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Mundine Munson Nelson Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth and Whitfield—45.

So the House refused to strike out the enacting clause.

The question recurring on the motion to fill the blank with \$1530, the same was put.

And on motion of Mr. Buckley the yeas and nays were ordered and stood thus :

YEAS—Messrs. Baxter Benevides Billingsley Bogart Branch Bryan Buckley Crawford Clark Daniels Davis of B. Davis of H. Dennis Dougherty Duncan Flewellen Francis Franklin Hall Haynes Henry Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Mundine Munson Nelson Owens Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth and Whitfield—43.

NAYS—Messrs. Speaker Anderson Barnard Camp Craig Crooks Culberson Cumby Dale Darnell Dickson Epperson Foscue Harrison of C. Harrison of V Z Houghton Hubert Kinney Mabry McClarty McKnight Middleton Mills Norton Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—32.

And the blank was filled.

The question being upon the engrossment of the bill.

On motion of Mr. Townes, the yeas and nays were ordered, and the bill ordered to be engrossed by the following vote :

NAYS—Messrs. Benevides Billingsley Bogart Branch Bryan Buckley Crawford Clark Daniels Davis of B. Davis of H. Dennis Dougherty Dickson Duncan Flewellen Francis Franklin Hall Haynes Lewis of M. Lewis of R. Lynch Manly Martin Maverick McCutchan Mundine Munson Nelson Parker Perry Redgate Robinson Short Smith Speights Stewart Townes Wælder Walworth and Whitfield—42.

NAYS—Messrs. Speaker Barnard Camp Craig Crooks Culberson Cumby Dale Darnell Ellett Epperson Foscue Harrison of C. Harrison of V. Z. Hubbard Hubert Kinney Mabry McClarty McKnight Middleton Mills Norton Pirkey Redwine Ross Shelton Warfield Waterhouse Whitmore Wortham and Wrede—33.

Bill to amend the act to incorporate the Payne Female Institute was taken up, read third time and passed by a two-thirds vote.

Senate bill to authorize and require the clerk of District Court of Cherokee to apportion his docket, with report from select committee recommending amendments, was taken up and the amendments adopted.

Mr. McKnight proposed to amend by inserting "Angelina" after "Anderson," wherever it occurs.

On motion of Mr. McKnight the yeas and nays were ordered, and the amendment adopted by the following vote :

YEAS—Messrs. Anderson Baxter Benevides Branch Buckley Craig Crawford Culberson Darnell Davis of B. Davis of H. Dougherty Duncan Epperson Flewellen Francis Hall Harrison of C. Harrison V. Z. Hartley Haynes Houghton Hubbard Kinney Lewis of M Lynch Manly Martin Maverick McKnight Mid-

dleton Mundine Munson Nort n Owens Redgate Redwine Robin-
son Shelton Stewart Townes Wælder Walworth Warfield
Waterhouse Whitfield Whitmore Wortham and Wrede—49.

NAYS—Messrs. Barnard Cumby Dickson Franklin Foscue
Lewter McCutchan Nelson Parker Ross Smith and Speights
—12.

Mr. Manly, one of committee on Engrossed Bills, reported cor-
rectly engrossed, the bill for the relief of H. C. Davis, and the
bill requiring the Treasurer of the State to refund to Blas Uribe
and other co-heirs, certain monies erroneously collected from
them.

On motion of Mr. Martin the county of Panola was added and
the bill passed to third reading.

On motion of Mr. Hubbard the rule was suspended, the bill
read third time and passed.

Mr. Barnard moved to suspend rule and take up bill to in-
corporate Corpus Christi Bridge and Turupike Company. Lost.

Bill for the relief of Addison Litton taken up, read second
time and ordered to be engrossed.

Bill for the relief of Thos. D. Rusk, of Nacogdoches county,
J. W. Hanna of Lavaca county, with report from committee re-
commending amendments, was taken up and the amendments
adopted. Bill read second time and ordered to be engrossed.

Bill for the relief of Richard N. Williams, taken up, read
second time and ordered to be engrossed.

Report from committee on Claims and Accounts, recommending
the rejection of the petition of A. Huston, taken up and adopted.

Bill to incorporate town of Meridian in Bosque county, with
report of committee recommending amendments, was taken up.

On motion of Mr. Mills the amendment proposed by the com-
mittee was laid on the table, and bill ordered to be engrossed.

On motion of Mr. Smith, bill to relinquish tax to Orange
county, was taken up and referred to committee on State Affairs.

Bill for the relief of David Kendall taken up and on motion
of Mr. Harrison of V. Z., referred to committee on Private Land
Claims.

Mr. Mundine moved to adjourn till 10 o'clock, A. M., to-mor-
row. Lost.

Bill for the relief of Jas. Brown with report from committee
recommending a substitute taken up, substitute adopted and bill
ordered to be engrossed.

Bill for the relief of H. C. Davis.

Mr. Haynes moved to strike out the provision in the bill.
Lost: and the bill passed.

Bill to require the Treasurer to refund to Blas Uribe *et al*, certain monies, taken up read third time and passed.

Bill for the relief of John Hearn with report from committee on State Affairs recommending its passage was taken up, read second time and bill ordered to be engrossed.

Bill for the relief of Philip Potter taken up, and on motion of Mr Waterhouse referred to committee on Private Land Claims.

Bill for the relief of Wm. Rice *et al*, assees of Jerome Robinson with report from committee, taken up and on motion of Mr. Parker laid on the table.

Mr. Harrison of V. Z., moved to adjourn till 10 o'clock A. M., to-morrow. Lost.

Mr. Buckley moved to take up bill proposing amendment to the constitution, and refer it to Judiciary committee.

On motion of Mr. Mills a call of the House was ordered.

On motion Messrs. Armstrong, Shaanon, McClarty, Henderson, Maxey and Barnard were excused from attendance on the House to-night.

Absentees—Messrs. Billingsley Camp Clark Dickson Edwards Flewellen Hartly Hubert Kinney Lewis of R. McCutchan Munson Navarro Taylor and Wrede.

Mr. Buckley moved to suspend call. Lost.

Mr. Mills moved to adjourn till 10 o'clock to-morrow. Lost.

On motion the Sergeant-at-arms was dispatched for the absentees.

Mr. Ellett moved to suspend call. Lost.

Mr. Davis of B., moved to adjourn till 10 o'clock A. M., to-morrow.

Mr. Hartley was announced at the door.

On motion of Nelson the yeas and nays were ordered and the House adjourned by the following vote :

YEAS—Messrs. Speaker Anderson Baxter Branch Craig Crawford Cumby Darnell Daniels Davis of B. Davis of H. Dennis Ellett Epperson Flewellen Franklin Hall Farrison of V. Z. Haynes Houghton Lewis of M. Lewter Lynch Mabry Maverick Mills Mundine Munson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wortham.—45.

NAYS—Messrs. Benevides Bogart Bryan Buckley Crooks Culberson Dale Dougherty Duncan Francis Foscue Harrison of C. Hartley Hubbard Manly Martin McKnight Middleton Nelson Norton Shelton Short Welder and Whitmore—24.

HOUSE OF REPRESENTATIVES, }
 Wednesday, January 11th, 1860. }

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

Mr. Davis of H., moved that hereafter the doors of this Hall shall be kept open during the session of this House.

Mr. Dickson offered the following resolution as a substitute for the motion :

Resolved, that spectators shall not be admitted within this hall during evening sessions.

Mr. Norton offered the following as a substitute for the motion and substitute :

No person shall be admitted within the bar of the House, except the members and officers of the Legislature, and that the Sergeant-at-arms and Door-keeper be required to enforce this rule.

A message was received from the Senate informing the House that the Senate had passed the following named bills, to-wit :

Bill to incorporate the Guadalupe Male and Female College.

Bill to authorize the Commissioner of the General Land Office to patent the surveys made by virtue of certain Peter's Colony augmentation certificates, and a bill to reorganize the 16th Judicial District of the State of Texas, and to define the time of holding the District Courts therein ; also had concurred in House's amendment to the Senate's bill for the relief of Lewis David.

The question recurring upon the substitute for the motion and substitute, the yeas and nays were ordered on motion of Mr. Henderson, and the substitute rejected by the following vote :

YEAS—Messrs. Armstrong, Barnard, Benevides, Billingsley, Bogart, Camp, Crooks, Clark, Davis of H., Dougherty, Edwards, Franklin, Harrison of V. Z., Houghton, Hubert, Mabry, McClarty, McKnight, Mills, Mundine, Munson, Nelson, Norton, Parker, Perry, Robinson, Ross, Speights, Walworth, Warfield, Waterhouse and Wrede—32.

NAYS—Messrs. Speaker, Anderson, Baxter, Branch, Bryan, Buckley, Craig, Crawford, Cumby, Dale, Darnell, Daniels, Davis of B., Dickson, Duncan, Ellett, Epperson, Flewollen, Francis, Foscue, Hall, Harrison of C., Henderson, Hubbard, Kinney, Lewis of M., Lewis of R., Lynch, Manly, Maverick, McCutchan, Middleton, Pirkey, Redgate, Redwine, Short, Townes, Wælder, Whitfield, Whitmore and Wortham—41.

Mr. Flewollen, proposed to amend by adding "and that mem-

bers, be permitted to invite their lady friends within the bar of the House.

On motion of Mr. Nelson laid on the table.

Mr. Craig moved the previous question which was seconded but the House refused to order the main question.

Mr. Cumby moved to amend by saying, "Provided this will not prevent a member from inviting a constituent or person to his seat on business." Lost.

Mr. Bogart moved to lay the whole matter on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Davis of Hays :

YEAS—Messrs. Speaker, Anderson, Armstrong, Bogart, Branch, Bryan, Buckley, Camp, Crawford, Cumby, Dale, Darnell, Edwards, Epperson, Francis, Fosene, Harrison of C., Haynes, Henry, Houghton, Hubbard, Hubert, Kinney, Lewis, Lynch, Mabry, Maverick, McClarty, McCutchan, McKnight, Middleton, Mundine, Munson, Nelson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Smith, Speights, Wælder, Warfield, Waterhouse, Whitfield, Whitmore and Wrede—55.

NAYS—Messrs. Barnard, Baxter, Benevides, Craig, Crooks, Clark, Davis of B., Davis of H., Duncan, Ellett, Flewellen, Franklin, Hall, Harrison of V. Z., Hartley, Henderson, Lewis of M., Manly, Mills, Robinson and Townes—21.

Mr. Ellett asked leave to offer a resolution. House refused.

A message was received from the Senate informing the House that the Senate had concurred in the House's amendment to the Senate's bill to authorize and require the Clerk of District Court of Cherokee county to apportion the causes on the docket of said court, but had refused to concur in the House's amendment to the Senate's bill to amend the 4th section of the act of May 12th, 1846, to regulate the license and practice of attorneys and counsellors at law, and had passed the House's bill appropriating \$10,000 or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's company.

On motion of Mr. Wælder, the House proceeded to the orders of day, and the apportionment bill with pending amendments was taken up.

Mr. Lewis of R., moved to refer it to a select committee of five to act with the chairman on apportionment.

On motion of Mr. Short, the motion was laid on the table.

Mr. Clark moved to lay the amendment and the amendment to the amendment on the table.

Mr. McKnight called for a division of the question; the

question then being upon laying the amendment to the amendment on the table, on motion of Mr. McKnight the yeas and nays were ordered and the amendment laid on the table by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Bogart, Branch, Buckley, Camp, Craig, Crawford, Crooks, Clark, Culberson, Dale, Darnell, Dennis, Dickson, Dougherty, Edwards, Flewellen, Francis, Hall, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Martin, Maverick, McClarty, McKnight, Middleton, Mills, Nelson, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shelton, Short, Stewart, Townes, Wælder, Walworth, Waterhouse, Whitfield and Wortham—51.

NAYS—Messrs. Barnard, Baxter, Benevides, Bryan, Daniels, Davis of B., Davis of H., Duncan, Ellett, Epperson, Franklin, Harrison of C., Harrison of V. Z., Hartley, Haynes, Henderson, Hubert, Manly, McCutchan, Mundine, Norton, Owens, Smith and Speights—24.

The question then recurring upon laying the amendment on the table, the same was put and the yeas and nays ordered on motion of Mr. McKnight, and stood thus :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Billingsley, Bogart, Buckley, Camp, Craig, Clark, Culberson, Dale, Darnell, Davis of B., Dickson, Dougherty, Edwards, Foscue, Hall, Harrison of C., Henry, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Maverick, McClarty, Middleton, Nelson, Parker, Perry, Pirkey, Redgate, Robinson, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Whitfield and Whitmore—44.

NAYS—Messrs. Benevides, Branch, Bryan, Crawford, Crooks, Davis of H., Deunis, Duncan, Flewellen, Francis, Franklin, Harrison of V. Z., Haynes, Henderson, Hubert, Lewis of R., Manly, Martin, McKnight, Mills, Mundine, Norton, Owens, Redwine, Shannon, Smith, Speights, Townes, Waterhouse and Wortham—30.

Mr. Norton proposed to amend Senatorial District 13 so as to read Henderson, Kaufman, Van Zandt and Wood, amend District 12 by striking out Wood, amend 10 by striking out Henderson.

The committee on Engrossed Bills, reported correctly engrossed the following named bills, to-wit :

Bill to relieve O. K. Gibson from disabilities of minority.

Bill to relieve Thos. A. Rodriguez from disabilities of minority.

Bill to incorporate Lodge No. 36 I. O. O. F. at Clarksville, Red River county.

Bill to incorporate Galveston Casino.

Bill to incorporate Galveston Turner's Association.

Bill to incorporate the Texas Telegraph Company.

Bill to incorporate the town of Shelbyville.

Bill to incorporate Rock Ford Bridge Company.

Bill to permit Caleb Wilson to practice law.

Bill to legalize the marriage of C. B. and M. E. Wood.

Bill for the relief of L. S. Roberts and Jas. Lehed.

Bill for the relief of Chas. Lockhart and Jno. Welch.

Bill for the relief of Alexander Miller.

Bill for the relief of G. B. Brownrigg.

Bill for the protection of game on Galveston Island.

Bill to amend the 4th section of the act passed February 13th, 1858, amendatory of the act regulating Juries, approved 4th May, 1845.

Bill to authorize the Commissioner of the General Land Office to introduce the De Rye method of printing, and multiplying maps and drawings, &c., or to establish a Photographic Bureau. And the Bill to incorporate the Sulphur and White Oak Bridge Plank Road Company.

A message was received from the Senate informing the House that the Senate had passed the bill supplementary to and amendatory of the act to provide relief for pre-emption settlers and their assignees under the act of 22d January, 1845, the act of 7th February, 1852, and the act of February 13th, 1854, and actual settlers in the Mississippi and Pacific Railroad Company Reservation, over the veto of the Governor.

[Mr. Davis of Hays, in the Chair.]

Mr. Hubbard moved to lay the amendment on the table.

On motion of Mr. Norton, the yeas and nays were ordered and stood thus :

YEAS.—Messrs. Anderson, Bogart, Buckley, Camp, Craig, Dickson, Edwards, Foscue, Hall, Houghton, Hubbard, Lewis of M., Lewter, Lynch, McCutchan, Middleton, Nelson, Parker, Perry, Pirkey, Redwine, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Whitmore and Wortham—33.

NAYS.—Messrs. Benevides, Billingsley, Branch, Crawford, Crooks, Darnell, Daniels, Davis of H., Duncan, Ellett, Epper-son, Flewellen, Franklin, Harrison of C., Harrison of V. Z., Haynes, Henderson, Lewis of R., Manly, McKnight, Mills, Mundine, Norton, Owens, Redgate, Robinson, Ross, Shannon, Smith, Speights and Waterhouse—31.

The House tabling the amendment, Mr. Ellett proposed to amend as follows :

Strike out the 16th District and add Panola and Harrison to 20th District ; from 46th District strike out all but Cook and Wise, and make—District comprising Montague, Jack, Young, Palo Pinto, Clay, Archer, Throckmorton, Buchanan, &c.

It will leave the District as follows :

20th, Cass, Titus, Bowie, Panola and Harrison, two floaters ; 46th, Cook, Wise, Montague, Jack, Young, Buchanan, &c., one representative ; 61st, Coryell, Hamilton, Comanche, Erath and Brown, one representative ; 46th and 61st Districts join and have a surplus of 3006, which by taking off enough to still give 61st one member, will give a new district for which one member is taken from the proposed 20th, making a population of 878 for the number.

Mr. Whitmore moved to lay the amendment on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Ellett :

YEAS.—Messrs. Speaker, Anderson, Buckley, Camp, Craig, Clark, Culberson, Dale, Dennis, Dickson, Dougherty, Edwards, Foscoe, Hall, Harrison of V. Z., Henry, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Maverick, McClarty, McCutchan, Middleton, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore and Wortham—46.

NAYS.—Messrs. Benevides, Billingsley, Bogart, Crooks, Daniel, Davis of B., Davis of H., Duncan, Ellett, Epperson, Francis, Franklin, Harrison of C., Hartley, Haynes, Henderson, Hubert, Kinney, Lewis of R., Manly, Martin, McKnight, Mundine, Norton, Shannon and Speights—26.

Mr. Duncan proposed to amend by adding Calhoun and Jack, shall constitute the 62nd District and that Victoria and DeWitt shall constitute the 63rd District.

Mr. Mills moved to adjourn till 7 o'clock, P. M.

On motion of Mr. Dickson, the yeas and nays were ordered, and the House refused to adjourn by the following vote :

YEAS.—Messrs. Armstrong, Benevides, Billingsley, Bryan, Crooks, Daniels, Davis of B., Davis of H., Duncan, Ellett, Harrison of C., Hartley, Haynes, Henderson, Houghton, Hubert, Lewter, Mabry, Manly, Martin, McCutchan, Mills, Mundine, Munson, Norton, Parker, Redwine, Robinson, Ross, Smith, Whitfield, Whitmore and Wortham—34.

NAYS.—Messrs. Speaker, Anderson, Barnard, Baxter, Bogart,

Branch, Buckley, Camp, Craig, Clark, Culberson, Cumby, Dale, Dennis, Dickson, Dougherty, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of V. Z., Hubbard, Lewis of M., Lewis of R., Lynch, Maverick, McKnight, Middleton, Nelson, Owens, Perry, Pirkey, Redgate, Shelton, Short, Speights, Stewart, Townes, Wælder, Walworth, Warfield and Waterhouse—43.

Mr. Lynch moved to lay the amendment on the table.

Mr. Mills moved to adjourn till 10 o'clock, A. M., to-morrow.
Lost.

Mr. Hartley moved to adjourn till 7 1-2 o'clock, P. M.

On motion, of Mr. Duncan, the yeas and nays were ordered and the House refused to adjourn by the following vote :

YEAS.—Messrs. Speaker, Bryan, Dale, Darnell, Daniels, Davis of B., Duncan, Ellett, Flewellen, Foscue, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of R., Lewter, Mabry, Martin, Maverick, McKnight, Mills, Mundine, Munson, Norton, Parker, Redwine, Ross, Smith, Waterhouse, Whitmore and Wortham—33.

NAYS.—Messrs. Anderson, Barnard, Baxter, Benevides, Billingsley, Bogart, Branch, Buckley, Camp, Craig, Culberson, Cumby, Davis of H., Dennis, Dickson, Dougherty, Epperson, Francis, Franklin, Hall, Haynes, Lewis of M., Lynch, Manly, McClarty, Middleton, Nelson, Owens, Perry, Pirkey, Redgate, Robinson, Shelton, Short, Speights, Stewart, Townes, Wælder, Walworth, Warfield and Whitfield—41.

On motion the House adjourned till 9 1-2 o'clock, A. M., to-morrow ; pending Mr. Lynch's motion to lay the amendment on the table.

HOUSE OF REPRESENTATIVES, }
Thursday, January 12th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read.

Mr. Norton moved to amend the journals of yesterday so as to add Mr. Davis of B., name as voting in the negative, upon the question of laying Mr. Norton's amendment to the apportionment bill on the table, and stated that Mr. Davis *did* vote in the negative—the journal showing that he did not vote at all.

Mr. Davis stated that he disremembered whether or not he did vote—the journal was adopted.

On motion of Mr. Buckley, the Senate's substitute for the House bill to further regulate the proceedings in the Supreme

Court, was taken up. Read first time and passed to second reading. |

On motion the rule was suspended, bill read second time and passed to third reading.

On motion the rule was further suspended, read third time and passed.

Mr. Crooks, by permission, offered the following resolution :

Resolved, That the Speaker be authorized to procure such assistance to the Enrolling and Engrossing Clerks of this House, as he may deem necessary ; and that such assistants shall receive pay as other clerks of this House.

On motion of Mr Foscue, laid on the table.

Mr. Billingsley presented the petition of Willis Avory. Referred to committee on Private Land Claims.

Mr. Mills moved to suspend rule and take up the bill to change jury law. Lost.

Mr. Darnell, chairman of committee on Federal Relations, reported a substitute for the joint resolution relative to existing affairs between the north and south, growing out of the inability of Congress to organize, and recommended its adoption.

Mr. Lynch, one of the committee on Federal Relations, reported adversely to the memorial of the Washington National Monument Society.

Mr. Hubbard, chairman of committee, reported asking to be discharged from further consideration of the petition of the grand jury of Hays county.

Also, as one of the Judiciary committee, reported, recommending the passage of the bill for the relief of settlers on 11 league claims.

Also, recommended the passage of the Senate's bill to amend 8th section of the act of February 5th, 1840, concerning conveyances.

Also, reported, recommending the passage of the bill for the relief of Fletcher Logan.

Also, recommended the passage of the bill to determine what lands have been forfeited ; with amendments by the committee :

Amend by adding after 5th section, "Provided that the statutes of limitations may be plead by any one holding title under such grantees, and that the general limitation acts of this State, shall apply in such cases."

Mr. Barnard, one of the committee on Land Office, reported a bill to regulate the necessary re-surveys of land granted by the Commissioner of Power and Hewitson's Colony.

Mr. Stewart presented the petition of Benj. P. Watkins. Referred to Judiciary committee

Also, as one of the committee on Judicial Districts, reported a substitute for the bill supplemental to the act to change the time of holding the courts in the 10th and 14th judicial districts, and recommended its passage.

Mr. McClarty, chairman of the committee on Judicial Districts, reported, recommending the passage of the bill to create the 21st judicial district.

Mr. Whitmore, one of the committee on Judiciary, reported, recommending the indefinite postponement of the Senate's bill concerning vendor's lien on real estate.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Hiram C. Ours.

Also, reported a bill for the relief of James Williams, and recommended its passage.

Mr. Mills, one of the committee on the Judiciary, reported, recommending the passage of the Senate's bill to amend the 34th section of the act to regulate proceedings in District Court, passed May 13th 1846.

Mr. Ross, one of the committee on Claims and Accounts, reported, recommending the indefinite postponement of J. W. Reed's petition.

Mr. Buckley, chairman of committee on Judiciary, reported a substitute for the bill to limit suits on judgments recovered in courts, other than those of this State, and recommended its passage

Messrs. Whitmore, Davis of B., Stewart, Hubbard and Branch, dissenting from report.

Mr. Buckley also reported, recommending the passage of the Senate's bill for the relief of the heirs of Thomas Blanton.

Mr. Branch, one of the committee on Enrolled Bills, reported as follows :

HON. M. D. K. TAYLOR,

Speaker House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, viz :

An act to authorize the Commissioner of the General Land Office to issue patents upon surveys made not in the form required by law.

An act to be entitled an act for the relief of James Jennings.

A bill making a further appropriation for furnishing the Governor's Mansion ; and find the same correctly enrolled, properly

signed, and have this day been presented to the Governor for his approval and signature.

Mr. Edwards, one of the committee on Private Land Claims, reported a bill for the relief Antonio D. Kellar, and recommended its passage. Bill read first time.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to extend the provisions of the act to provide for the incorporation of towns and cities, to the towns of Jasper, in Jasper county; Danville, in Montgomery county; and Mt. Enterprise, in Rusk county.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to relinquish nine-tenths of State tax to Navarro county, &c.

Mr. Pirkey, one of the committee on Judiciary, reported, recommending the passage of the bill to incorporate the Texas Mutual Insurance Company; with amendments by the committee.

Amend by substituting several sections.

Also, reported, recommending the passage of the Senate's joint resolution proposing amendments to the Constitution.

On motion of Mr. Owens, the bill defining the boundary lines between Williamson and Travis counties, was taken up and referred to committee on Counties and County Boundaries.

Mr. Wortham, one of the committee on Printing, reported a substitute for the bill providing for publication of the general laws of the State in the newspapers thereof.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows:

The committee on Engrossed Bills, have examined the following bills and find them correctly engrossed:

A bill for the relief of legal representatives of Calvin Gage, deceased.

Also, a bill for the relief of Peter B. Norton.

Also, a bill to validate bounty land certificate No. 4059.

Also, a bill to be entitled an act for the relief of James H. Brown.

Also, a bill to incorporate the town of Meridian, in Bosque county, in this State.

Also, a bill to legalize the marriage between Wm. Davis and Sarah James.

Also, a bill to legalize the marriage of William H. Slain and Margaret Slain, residents of Bosque county.

Also, a bill for the relief of Louis Bouillet and Hetty O. Kehlman.

Also, a bill for the relief of the heirs of Willis Edson, dec'd.
 Also, a bill for the relief of A. H. Smith.

THOS. J. CROOKS.

Mr. Lewis of R., introduced a bill to provide for the disposition of runaway slaves. Read first time and referred to committee on State Affairs.

Mr. Daniels introduced a bill to amend the 2d section of an act entitled an act to indemnify the owners for the loss of slaves executed for capital offences, approved January 24th, 1852.— Read first time and referred to committee on State Affairs.

Mr. Darnell introduced a bill providing for the redemption of lands and town lots sold at forced sale under execution. Read first time, and on motion of Mr. Darnell, made the special order of the day for to-morrow week, 20th inst.

Mr. Stewart introduced a bill to amend the 24th section of an act to organize the District Courts, and to define their powers and jurisdictions, approved May 11th, 1846. Read first time and referred to Judiciary committee.

Also, a bill to authorize the county surveyor of Gonzales county to transcribe the records of his office. Read first time and referred to Judiciary committee.

Mr. Warfield introduced a bill supplemental to, and amendatory of the act pertaining to deceased persons. Read first time and referred to committee on Probate Laws.

Mr. Townes introduced a bill to amend act to license attorneys. Read first time and referred to Judiciary committee.

Mr. Epperson introduced a bill to ascertain whether the people desired to call a convention to frame a new Constitution.— Read first time.

Mr. Norton offered the following resolution:

Resolved, That the committee on Printing be instructed to inquire and report, *why* it is that we have not received the corrected copy of the census tables that were ordered to be printed several weeks ago, and which are needed in consideration of the apportionment bill.

Adopted.

ORDERS OF THE DAY.

Bill to make appropriation to pay expenses incurred by Capt. Tobin's Company, taken up and amendments by committee concurred in.

Senate's bill to amend the 4th section of the act to regulate the practice of attorneys and counsellors at law, with amendments by the House, which the Senate refused to concur in, was taken up. Read, and on motion of Mr. Buckley, the amend-

ments adhered to, and Messrs. Buckley, Henderson, Mills, Dougherty and Lewis of M., appointed a committee of Conference.

The following named Senate's bills were taken up, read first time and disposed of as indicated :

Bill to re-organize the 16th judicial district, and to define time of holding courts therein. Referred to committee on Judicial Districts.

Bill to incorporate the Guadalupe Male and Female College. Referred to committee on Education.

Bill to authorize and require the Commissioner of the General Land Office to patent surveys made by virtue of certain Peter's Colony augmentation certificates. Referred to committee on Public Lands.

Bill supplementary to the act to provide for the registry of deeds and other instruments of writing. Referred to committee on Judiciary.

Bill for the relief of heirs of Caldwell Carson. Referred to committee on Private Land Claims.

Bill amendatory of the act to incorporate the town of Waco, in McLennan county, approved August 29th, 1856. Referred to committee on State Affairs.

Bill to amend the act to incorporate the Columbus, San Antonio and Rio Grande Rail Road Company, passed February 16th, 1858. Referred to committee on Internal Improvements.

Bill to incorporate the McKenzie Male and Female College. Referred to committee on Education.

Bill for the relief of E. G. Spencer and A. L. Cantwell. Referred to committee on Private Land Claims.

Bill to incorporate the Mystic Club, at Woodville, Tyler county. Referred to committee on State Affairs.

Mr. Kinney moved to suspend rule and take up the bill to incorporate Western Texas Rail Road Company. Lost.

The following named House bills were taken up :

Bill to change south boundary line of Smith county. Read third time and passed.

Bill to authorize the formation of county and town agricultural associations. Read third time and passed.

The bill supplemental to an act for the relief of pre-emption settlers and their assigns, under the act of 22d Jan., '45, 7th Feb'y, '53, and 13th Feb'y, '54, and actual settlers in the Mississippi and Pacific Rail Road Reservation, with the message of his Excellency, the Governor, as follows, vetoing the same, was taken up :

EXECUTIVE DEPARTMENT, }
 AUSTIN, TEXAS, January 9th, 1860. }

Gentlemen of the Senate :

I herewith return to your honorable body, a bill which originated therein, entitled "an act supplementary to and amendatory of an act, entitled an act to provide relief for pre-emption settlers and their assees, under the act of 22d Jan. 1845, the act of 7th Feb'y, 1853, and the act of the 13th Feb'y, 1854, and actual settlers in the Mississippi and Pacific Rail Road Reservation."

The Executive in declining his assent to this bill, would state that his objections are solely confined to the 2d section of the act, which reads as follows :

Section 2d. That the Commissioner of the General Land Office is hereby required to issue patents to all assignees who are entitled to pre-emptions under the act of 13th Feb'y, '54, entitled an act donating 160 acres of land to settlers on the public domain ; Provided, said assees shall return to the General Land Office their pre-emption certificates, proving that he or she, and those under whom they claim, have resided on said pre-emption for three years continuously, from the date of taking said pre-emption, and have otherwise complied with the act granting said donation.

Considering the misfortunes which have attended a large portion of our pre-emption settlers, arising from failure on part of the government to afford them protection from the Indians, and those acts of Providence which have deprived them of the benefits of good crops, I think they are justly entitled to relief ; but that relief should be confined to those who have acquired pre-emption rights under the laws cited in the caption of the act. The second section extends these rights to individuals who have, up to January 1st, 1860, lived but two years on the public domain, and allows them now to come in and perfect a pre-emption. Had the bill so confined the relief granted, that only those who have now completed their term of occupancy would be benefited, it would have met my approval. To allow persons who will, on the 1st day of January, 1861, have resided on said pre-emption for three years continuously, from the date of taking said pre-emption, will not, in my opinion, be in accordance with the pre-emption laws or sound policy. It will furnish room for fraud and misconstruction. The proof should be required that the residence of three years was prior to the expiration of the time provided by the act under which the pre-emption was taken, and not prior to the 1st day of January, 1861.

SAM HOUSTON.

On motion of Mr. Short, the bill and message was referred to committee on Judiciary by the following vote, the yeas and nays being ordered on motion of Mr. Culberson :

YEAS—Messrs. Anderson, Baxter, Benevides, Bogart, Branch, Bryan, Camp, Craig, Crooks, Clark, Dale, Darnell, Daniels, Davis of H., Dennis, Duncan, Epperson, Flewellen, Foscue, Hall, Haynes, Henderson, Henry, Hubbard, Lewis of M., Lewis of R., Mabry, Manly, Martin, Maverick, McClarty, McCutchan, McKnight, Middleton, Munson, Nelson, Pirkey, Redgate, Ross, Short, Smith, Stewart, Wælder, Whitfield, Whitmore and Wrede—46.

NAYS—Messrs. Speaker, Armstrong, Billingsley, Buckley, Crawford, Culberson, Davis of B, Dickson, Dougherty, Francis, Harrison of C., Harrison of V Z., Hartley, Houghton, Hubert, Lawter, Lynch, Maxey, Mills, Mundine, Norton, Parker, Perry, Redwine, Robinson, Shannon, Shelton, Speights, Townes, Walworth, Warfield, Waterhouse and Wortham—33.

The apportionment bill, with Mr. Duncan's proposed amendment, was taken up.

Mr. Lynch moved to lay the amendment on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Duncan :

YEAS—Messrs. Speaker, Anderson, Bogart, Buckley, Craig, Clark, Davis of B., Dougherty, Franklin, Foscue, Hall, Henry, Houghton, Lewis of M., Lynch, Maverick, McClarty, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Whitmore and Wrede—32.

NAYS—Messrs. Armstrong, Baxter, Benevides, Billingsley, Branch, Camp, Crawford, Crooks, Culberson, Daniels, Davis of H., Duncan, Epperson, Flewellen, Francis, Hartley, Haynes, Henderson, Hubert, Lewis of R., Manly, Martin, McCutchan, McKnight, Middleton, Mills, Mundine, Munson, Norton, Owens, Speights, Townes, Waterhouse, Whitfield and Wortham—35.

The question recurring on the adoption of the amendment, the House refused to adopt it by the following vote—Mr. Duncan ordering the yeas and nays :

YEAS—Messrs. Armstrong, Baxter, Benevides, Branch, Crawford, Daniels, Davis of H., Duncan, Epperson, Flewellen, Francis, Harrison of C., Henderson, Kinney, Lewis of R, Manly, Martin, McCutchan, McKnight, Mills, Mundine, Norton, Redgate, Speights, Townes, Waterhouse, Whitfield and Wortham—28.

NAYS—Messrs. Speaker, Anderson, Bogart, Bryan, Buckley,

Camp, Craig, Clark, Cumby, Dale, Darnell, Davis of B., Dennis, Dougherty, Franklin, Foscue, Hall, Harrison of V. Z., Houghton, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Maverick, McClarty, Middleton, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Wælder, Walworth, Warfield, Whitmore and Wrede—41.

Mr. Lewis of R., proposed to amend as follows :

53. Strike out Robertson, and insert Milam. Read Burleson and Milam—1.

55. Strike out Travis, and insert Robertson and Brazos—1.

56. Strike out one, and insert two. Read Travis and Williamson—2.

57. Strike out the whole.

37. Strike out Brazos.

Mr. Perry moved to reconsider the vote rejecting Mr. McKnight's amendment yesterday.

On motion of Mr. McKnight, a call of the House was ordered. Absentees—Messrs. Barnard, Crawford, Crooks, Edwards, Ellett, Mabry, Mills, Navarro, Taylor and Wrede.

The call of the House having been made to get a full vote on the motion to reconsider, the House proceeded to act on the amendment of Mr. Lewis of R., which was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Lewis of R :

YEAS—Messrs. Speaker, Armstrong, Baxter, Bogart, Branch, Buckley, Camp, Craig, Clark, Cumby, Dale, Darnell, Davis of B., Davis of H., Dennis, Dougherty, Flewellen, Hall, Harrison of V. Z., Henry, Hubbard, Hubert, Lewter, Lynch, Maverick, McClarty, McCutchan, Middleton, Nelson, Parker, Pirkey, Redgate, Redwine, Ross, Shelton, Stewart, Townes, Wælder, Walworth, Warfield, Whitmore and Wortham—42.

NAYS—Messrs. Anderson, Benevides, Billingsley, Bryan, Culberson, Daniels, Dickson, Duncan, Epperson, Francis, Foscue, Harrison of C., Haynes, Henderson, Houghton, Kinney, Lewis of M., Lewis of R., Mabry, Manly, Martin, Maxey, McKnight, Mills, Mundine, Norton, Robinson, Shannon, Smith, Speights, Waterhouse and Whitfield—32.

Mr. Norton proposed to amend as follows :

Amend the Senatorial Districts No's. 33, 21, 20, 13, 12 and 10, to read as follows :

District 10, Cherokee ; 12, Smith ; 13, Henderson, Kaufman, Van Zandt and Wood ; 20, Dallas and Tarrant ; 21, Ellis, Johnson, Parker, Palo Pinto and Jack ; 33, Cook, Denton, Montague, Clay, Wichita, Archer, Wise, Wilbarger, Throckmorton, Baylor, Hardeman, Knox, Haskell, El Paso and Presidio.

Mr. Mabry, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for Executive approval, a bill appropriating ten thousand dollars, or so much thereof as may be necessary, to pay the expenses of Capt. Tobin's command. Report accepted.

Mr. McCutchan moved to adjourn till 10 o'clock, to-morrow. Lost by the following vote, (it requiring a two-third vote to adjourn,) the yeas and nays being ordered on motion of Mr. Duncan:

YEAS—Messrs. Armstrong, Baxter, Benevides, Billingsley, Bogart, Branch, Camp, Craig, Crooks, Cumby, Daniels, Dennis, Dougherty, Duncan, Epperson, Harrison of V. Z., Haynes, Henry, Houghton, Hubert, Kinney, Lewis of M., Lewis of R., Mabry, Manly, Maxey, McClarty, McCutchan, Mundine, Munson, Owens, Perry, Pirkey, Redgate, Robinson, Shelton, Smith, Speights, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—44.

NAYS—Messrs. Speaker, Anderson, Barnard, Bryan, Buckley, Crawford, Culberson, Dale, Darnell, Davis of B., Davis of H., Dickson, Flewellen, Francis, Franklin, Fescue, Hall, Harrison of C., Hartley, Henderson, Hubbard, Lewter, Lynch, Martin, Maverick, McKnight, Middleton, Mills, Nelson, Norton, Parker, Redwine, Ross, Shannon, Short, Stewart, Townes, Wælder and Whitmore—39.

And, on motion, the House adjourned till 7 o'clock, P. M., this evening.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Townes, chairman on part of the House, of joint committee on Public Grounds and Buildings, reported a bill to create the Board of Commissioners of Public Grounds and Buildings, and recommended its passage. Bill read first time.

Also, reported a bill to amend an act to define the duties of the Secretary of State, passed May 5th, 1846.

Mr. Townes moved to suspend rule and take up bill. Lost.

Also, reported a bill making an appropriation for repairing the Capitol and other public buildings. Read first time.

Mr. Townes moved to suspend rule and take up bill. Lost.

Mr. Nelson moved to suspend rule and take up the appropriation bill. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Duncan:

YEAS—Messrs. Speaker, Bogart, Branch, Buckley, Camp, Craig, Crooks, Clark, Culberson, Cumby, Dale, Darnell, Dennis,

Dickson, Dougherty, Fleweller, Foscue, Harrison of V. Z., Henry, Houghton, Hubbard, Kiuney, Lewis of M., Lynch, Mabry, Maverick, McClarty, McCutchan, Middleton, Nelson, Owens, Parker, Pirkey, Redwine, Robinson, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Warfield, Whitfield, Wortham and Wrede—46.

NAYS—Messrs. Benevides, Bryan, Crawford, Daniels, Davis of B., Davis of H., Duncan, Edwards, Francis, Hartley, Haynes, Henderson, Hubert, Lewis of R., Lewter, McKnight, Mundine, Norton, Perry, Redgate, Smith, Speights, Walworth and Whitmore—24.

Bill for the relief of A. F. Smith taken up, read third time and passed.

On motion of Mr. Davis of H., the rule was suspended and the bill for the relief of Wm. Drake was taken up, read second time and ordered to be engrossed.

On motion of Mr. Davis of B., the rule was suspended, bill read third time and passed.

On motion of Mr. Benevides, the rule was suspended and the bill to authorize the corporation of Laredo to dispose of certain lands, with report from committee recommending amendments, was taken up, the amendments adopted, bill read second time and ordered to be engrossed.

On motion of Mr. Haynes, rule was suspended, bill read third time and passed.

On motion of Mr. Parker, the rule was suspended and the bill for the relief of Wm. Rice, *et. al.*, was taken up.

Mr. Shannon moved to strike out so much of the bill as proposes to legalize the headright certificates of Rice & Hailey.—Adopted, bill read second time and ordered to be engrossed.

On motion, the rule was suspended, bill read third time and passed.

On motion of Mr. Wælder, the rule was suspended and the bill to incorporate the German-English School of San Antonio taken up.

Mr. Parker proposed to amend by striking out that portion donating land. Rejected, and the bill ordered to be engrossed.

Mr. Buckley moved to reconsider the vote rejecting Mr. Parker's amendment. Lost, and on motion of Mr. Henderson, the vote engrossing the bill was reconsidered.

Mr. Lewis of R., proposed to amend by adding: "and that Port Sullivan Institute, in Milam county, Wheelock Academy, in Robertson county, be entitled to the same privileges." Rejected.

Mr. Mabry proposed to amend by adding: "provided that said certificate for land shall not issue till said corporation shall have constructed a building for the use of said institution, worth at least \$3,000.

Mr. Henderson offered the following as a substitute :

Strike out the donation of one league of land. Adopted, and the bill ordered to be engrossed.

On motion of Mr. Wælder, the rule was suspended, bill read third time and passed by a two-third vote.

Mr. Francis moved to suspend rule and take up bill No. 216. Lost.

Bill to incorporate Rock Ford Bridge Company taken up, read third time and passed by two-third vote.

Bill to incorporate East Fork Bridge Company taken up.

Mr. Bogart moved to strike out that portion charging foot passengers. Adopted, and bill read third time and passed by two-third vote.

Bill to authorize Caleb Wilson to practice law in this State taken up.

Mr. Nelson proposed to amend by adding the names of James W. Pope and Fletcher Logan. Adopted, bill read third time and passed.

Bill to incorporate Sulphur and White Oak Bridge Plank Road Company taken up, read third time and passed by two-third vote.

Bill to validate bounty land certificate No. 4059 taken up, read third time and passed.

Bill to relieve Q. K. Gibson from disability of minority taken up, read third time and passed.

Bill for the relief of James H. Brown taken up, read third time and passed.

Bill to incorporate Meridian, in Bosque county, taken up, read third time and passed.

Bill for the relief of Louis Bouillet and Hetty O. Kohlman taken up, read third time and passed.

Bill for the relief of the heirs of Willis Edson, dec'd, taken up, read third time and passed.

Bill for the relief of Alexander Miller taken up, read third time and passed.

Bill for the protection of game on Galveston Island.

Mr. Foscue proposed to amend by inserting "or partridges" after "quail" wherever it occurs. Adopted, bill read third time and passed.

Bill to relieve disability of minority from Thomas A. Rodriguez taken up, read third time and passed.

Bill for the relief of legal representative of Calvin Gage, dec'd, taken up, read third time and passed.

Bill for the relief of Peter B. Norton taken up, read third time.

Mr. Edwards proposed to amend by striking out the proviso. Lost, and the bill passed.

Bill for the relief of Charles Lockhart and John Welch taken up, and read third time.

Mr. Foscue proposed to amend by inserting 'Thomas Rieves' certificate for one-third league. Rejected, and the bill passed.

On motion, the House adjourned till 9½ o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Friday, January 13th, 1860 }

House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read and adopted.

On motion of Mr. Norton, the rule was suspended, and the bill to amend an act to define the duties of the Secretary of State, passed May 9th, 1846, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Townes, the rule was further suspended, and the bill read third time.

Mr. Short proposed to amend by striking out "Secretary of State" and inserting "Librarian of the Supreme Court."

Mr. Buckley moved to recommit the bill to committee on Public Grounds and Buildings. Lost.

On motion of Mr. Henderson, the amendment laid on table.

Mr. Norton proposed to amend by adding, "that the Librarian shall remain in the Library and keep it open during the session of the Legislature from the hours of 8 A. M. till 4 P. M."

A message was received from the Senate, informing the House that the Senate had passed "a bill to incorporate Franklin College," "a bill to incorporate Prairie Lea Female Institute located at Prairie Lea," and "a bill to authorize and require the county courts of the several counties of the State of Texas to furnish the surveyors of their respective counties with books of record."

Mr. Nelson moved to commit the bill to a select committee of five.

Mr. Henderson moved to recommit it to committee on Public Grounds and Buildings. Lost.

Mr. Henderson moved to recommit it to committee on State Affairs. Carried by the following vote, the yeas and nays being ordered on motion of Mr Henderson :

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Bogart, Bryan, Buckley, Craig, Culberson, Cunby, Dickson, Edwards, Flewellen, Francis, Franklin, Fosene, Harrison of C., Hartley, Houghton, Hubbard, Kinney, Lewter, Lynch, Manly, McCutchan, McKnight, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Shelton, Short, Warfield, Whitfield and Wrede—40.

NAYS—Barnard, Benevides, Billingsley, Branch, Camp, Crawford, Crooks, Darnell, Daniels, Davis of B., Davis of H., Dennis, Duncan, Ellett, Epperson, Haynes, Henderson, Lewis of M., Lewis of R., Mabry, Martin, Maverick, Maxey, McClarty, Middleton, Mundine, Norton, Owens, Redgate, Robinson, Smith, Speights, Stewart, Townes, Waterhouse, Whitmore and Wortham—37.

Mr. Billingsley presented the petition of the heirs of James Bowie. Referred to committee on Private Land Claims.

Mr. Owens presented the petition of Seaborn Robinson. Referred to committee on Private Land Claims.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the Senate bill to incorporate the Mystic Club at Woodville, Tyler county.

Also recommended the passage of the Senate's bill amendatory of the act to incorporate the town of Waco, in McLennan county, approved August 29, 1856.

Also recommended the indefinite postponement of the Senate's bill to grant conditional privileges to the company carrying the overland mail from St. Louis and Memphis through Texas to San Francisco, and the company who have the contract for the overland mail to California from San Antonio to El Paso.

Mr. Edwards, one of the committee on Public Debt, reported a bill for the relief of Jas W Parker *et al*, and recommended its passage. Bill read first time.

Mr. Hartley, one of the committee on State Affairs, reported, recommending the passage of the bill to incorporate the Galveston Gymnastic Association.

Also reported, recommending the passage of the bill to incorporate the Southern Cotton Press and Manufacturing Company.

Mr. Ross, chairman of committee on Counties and County Boundaries reported, asking to be discharged from further consideration from the petition and protests of citizens of Sabine county.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed the bill to extend the provisions of an act to provide for the incorporations of towns and cities to the town of Jasper, in Jasper county, Danville, in Montgomery county, and Mt. Enterprise, in Rusk county, and had presented the same to the Governor for approval and signature.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, asking that the petition of Jas. S. Robinson be referred to committee on the Judiciary. Report adopted.

Mr. Buckley, chairman, on part of the House, of the committee on Free Conference, reported as follows :

COMMITTEE ROOM, }
January 13, 1860. }

HON. EDWARD CLARK,

President of the Senate :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee of Conference upon the bill "to be entitled an act to amend the fourth section of the act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law," originating in the Senate and the amendment thereof by the House, have had the same under consideration, and instruct us to report the following amendment to the title or caption, and recommend the adoption of the amendment, and that the Senate concur in the amendment of the House as so amended.

C. M. BUCKLEY,

Chairman on part of the House.

F. S. STOCKDALE,

Chairman on part of the Senate.

Amend the amendment of the House by adding to the caption the words, "an act to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law." Adopted.

Mr. Branch introduced a bill to authorize the Board of Aldermen of Huntsville to levy a special tax. Read first time, and referred to Judiciary committee.

Mr. Bogart introduced a bill to regulate challenges in criminal trials. Read first time, and referred to Judiciary committee.

Mr. Wælder introduced a bill to incorporate the San Antonio Gas Company. Read first time, and referred to committee on State Affairs.

Mr. Lewter offered the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the expediency of selling the State Library at

public auction or otherwise, and report back at an early day. Adopted.

Mr. Norton offered the following resolution :

Resolved, That the committee on State Affairs be required to take charge of the State Library, and to dry the books, mop up the water, and preserve the Library from destruction till a bill is passed making it the duty of some person to attend to the State Library.

On motion of Mr. Duncan, laid on the table.

Mr. Culberson offered the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the expediency of boxing up the books of the State Library until the State can get a dry room to keep them in.

On motion of Mr. Billingsley laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Mills :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Benevides, Billingsley, Bogart, Branch, Bryan, Camp, Craig, Clark, Cumby, Daniels, Davis of B., Dennis, Dickson, Edwards, Flevelen, Francis, Harrison of C, Haynes, Houghton, Hubbard, Lewis of R., Martin, McCutchan, Middleton, Nelson, Parker, Perry, Redgate, Redwine, Ross, Short, Smith, Stewart, Townes, Warfield, Waterhouse, Whitfield and Wrede—42.

NAYS—Messrs Culberson, Cumby, Darnell, Davis of H., Epperson, Foscue, Hall, Harrison of V. Z., Hubert, Lewter, Mabry, Maxey, McClarty, McKnight, Mills, Mundine, Norton, Robinson, Speights, Walworth, Whitmore and Wortham—22.

Mr. Townes introduced a joint resolution to instruct the Attorney General to sue Boyce & Sawyer. Read first time, and referred to committee on State Affairs.

Mr. Billingsley was permitted to withdraw the petition and papers in the case of J. W. Reed.

ORDERS OF THE DAY.

The apportionment bill with Mr. Norton's pending amendment, was taken up.

[Mr. Redwine in the Chair.]

A message was received from the Governor.

[Speaker resumed the Chair.]

Mr. McKnight moved to adjourn till 7 o'clock, P. M. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Barnard :

YEAS—Messrs. Speaker, Baxter, Billingsley, Branch, Bryan, Camp, Daniels, Davis of H., Duncan, Ellett, Epperson, Francis,

Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Martin, Maxey, McKnight, Mundine, Munson, Norton, Speights, Walworth and Whitfield—25.

NAYS—Messrs. Anderson, Barnard, Benevides, Bogart, Buckley, Craig, Clark, Culberson, Cumby, Dale, Darnell, Davis of B., Dennis, Dickson, Edwards, Flewellen, Franklin, Foscue, Hall, Haynes, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Manly, Maverick, McClarty, Middleton, Mills, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Smith, Stewart, Townes, Wælder, Warfield, Waterhouse, Whitmore, Wortham and Wrede—51.

Mr. Wælder moved to lay the amendment on the table.

Mr. McKnight moved a call of the House. Lost and the amendment tabled by the following vote. The yeas and nays being ordered on motion of Mr. Short :

YEAS—Messrs. Speaker, Anderson, Barnard, Baxter, Bogart, Branch, Buckley, Camp, Craig, Clark, Culberson, Cumby, Dale, Darnell, Davis of B., Davis of H., Dennis, Dickson, Edwards, Ellett, Franklin, Foscue, Hall, Hubbard, Lewis of M., Lynch, Maverick, McClarty, Middleton, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—48.

NAYS—Messrs. Benevides, Billingsley, Daniels, Duncan, Epperson, Flewellen, Francis, Harrison of C., Harrison of V. Z., Haynes, Henderson, Houghton, Hubert, Lewis of R., Lewter, Mabry, Manly, McKnight, Mundine, Norton, Smith, Speights, Waterhouse and Whitmore—24.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

Mr. Henderson moved to reconsider the vote passing the bill to change the south boundary line of Smith county.

Mr. Hubbard moved to postpone the consideration of the motion till to-morrow. Carried.

Mr. Wælder moved to suspend the rule and take up the apportionment bill. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Duncan :

YEAS—Messrs. Speaker, Anderson, Barnard, Bogart, Branch, Buckley, Camp, Craig, Crawford, Clark, Cumby, Dale, Darnell, Davis of B., Dickson, Dougherty, Edwards, Ellett, Foscue, Harrison of V. Z., Haynes, Hubbard, Lewis of M., Lewter, Lynch, Mabry, Maverick, McClarty, Middleton, Mills, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Warfield, Whitfield and Wortham—46.

NAYS—Messrs. Armstrong, Billingsley, Bryan, Davis of H., Duncan, Epperson, Francis, Franklin, Harrison of C., Henderson, Houghton, Lewis of R., Maxey, McKnight, Mundine, Norton, Owens, Smith, Speights, Waterhouse and Whitmore—21.

Mr. Owens proposed to amend as follows :

In the representative district strike out the 55th, 56th and 57th districts, (Travis 1, Travis and Williamson 1 and Milam and Williamson 1,) and insert as follows : 55th district, Travis 1, 56th, Williamson and Milam 1, 57th, Travis, Williamson and Milam 1.

On motion of Mr. Townes, laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Owens :

YEAS—Messrs. Speaker, Anderson, Barnard, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Davis of B., Dennis, Dickson, Dougherty, Edwards, Franklin, Hall, Hubbard, Hubert, Kinney, Lewis of M., Lewter, Lynch, Martin, McClarty, Middleton, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Stewart, Townes, Wælder, Walworth, Warfield, Whitfield, Wortham and Wrede—52.

NAYS—Messrs. Armstrong, Billingsley, Camp, Daniels, Davis of H., Duncan, Ellett, Epperson, Francis, Harrison of C., Haynes, Henderson, Lewis of R., Mabry, Manly, Maverick, Maxey, McKnight, Mundine, Norton, Owens, Speights, Waterhouse and Whitmore—24.

Mr. Harrison of C., proposed to amend by “striking out Henderson county from the 10th district and add it to the 11th. Strike out Trinity in the 11th district and add it to the 2d district. Ruled out of order.

Mr. Daniels proposed to amend Senatorial District No. 22, so as to read Matagorda, Wharton, Colorado and Austin, and district No. 23, Fayette and Washington.

Mr. Dennis moved to lay the amendment on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Daniels :

YEAS—Messrs. Speaker Anderson Armstrong Bogart Branch Crawford Crooks Clark Cumby Dale Darnell Davis of B Davis of H. Dennis Dickson Dougherty Edwards Flewellen Franklin Fosoue Hall Harrison of C. Houghton Hubbard Hubert Lewter Lynch Mabry Martin Maverick McClarty Middleton Mills Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Smith Stewart Townes Wælder Walworth Warfield Whitfield Whitmore Wortham and Wrede—57.

NAYS—Messrs. Billingsley Buckley Camp Daniels Duncan Ellett Epperson Francis Harrison of C. Haynes Henderson Lewis of M. Lewis of R. Manly McKnight Mundine Norton Speights and Waterhouse—19.

Mr. Billingsley proposed to amend, in the 26th Senatorial District, strike out Hays, and in the 31st insert Hays county.

On motion of Mr. Davis of B., laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Billingsley :

YEAS—Messrs. Speaker Armstrong Barnard Bogart Branch Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Edwards Hall Harrison of V. Z. Henderson Henry Houghton Hubbard Hubert Lewis of M. Lewter Lynch Maverick McClarty Middleton Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Short Walder Walworth Warfield Whitfield Whitmore Wortham and Wrede—51.

NAYS—Messrs. Anderson Billingsley Bryan Buckley Camp Duncan Ellett Epperson Flewellen Francis Franklin Foscue Harrison of C. Lewis of R. Mabry Manly Maxey Mills Mundine Norton and Smith—21.

Mr. Henderson proposed to amend by adding, "Sec. —. That this act take effect and be in force from and after its passage."

On motion of Mr. Walder, laid on the table.

Mr. Lewis of R., proposed to amend by saying, "56 Milan." Ruled out of order.

Mr. Walder moved the previous question.

Mr. McKnight moved a call of the House. Lost, and the motion for the previous question seconded.

The question being shall the main question be now put.

On motion of Mr. Duncan, the yeas and nays were ordered and the main question, by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Billingsley Bogart Branch Buckley Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dickson Dougherty Edwards Flewellen Foscue Hall Harrison of C. Haynes Henry Houghton Hubbard Hubert Lewter Lynch Mabry Maverick McClarty Middleton Mills Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Short Stewart Townes Walder Walworth Warfield Wortham and Wrede—56.

NAYS—Messrs. Bryan Camp Dennis Duncan Ellett Epperson Francis Franklin Harrison of V. Z. Henderson Lewis of M. Lewis of R. Manly Maxey McKnight Mundine Norton Shannon Smith Waterhouse and Whitmore—21.

The main question being on the engrossment of the bill.

On motion of Mr. Duncan, the yeas and nays were ordered, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Bogart Billingsley Branch Buckley Craig Crooks Clark Cumby Dale Darnell Daniels Davis of B. Davis of H. Dennis Dougherty Edwards Flewellen Foscue Hall Harrison of V. Z. Haynes Houghton Hubbard Hubert Lewter Lynch Mabry Maverick Maxey McClarty Middleton Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Short Stewart Townes Welder Walworth Warfield Whitfield Wortham and Wrede—54.

NAYS—Messrs. Bryan Camp Crawford Dickson Duncan Ellett Epperson Francis Franklin Harrison of C. Henderson Lewis of M. Lewis of R. Manly McKnight Mills Mundine Munson Norton Shannon Smith Waterhouse and Whitmore—23.

Mr. Mills moved to suspend rule and place bill on 3d reading.

Mr. Norton moved a call of the House. Lost.

The question recurring on the motion for suspension of the rule, the same was put.

The yeas and nays being ordered on motion of Mr. McKnight, and the House refused to suspend by the following vote, not 4-5 voting for it :

YEAS—Messrs. Speaker Anderson Barnard Billingsley Bogart Buckley Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Dennis Dickson Dougherty Edwards Flewellen Hall Harrison of V. Z. Haynes Henry Houghton Hubbard Hubert Lewter Lynch Martin Maverick McClarty Middleton Mills Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Shannon Shelton Short Stewart Townes Welder Walworth Warfield Whitfield Wortham and Wrede—53.

NAYS—Messrs. Armstrong Branch Bryan Camp Davis of H. Duncan Ellett Epperson Francis Franklin Foscue Harrison of C. Henderson Lewis of M. Lewis of R. Mabry Manly Maxey McKnight Mundine Munson Norton Ross Smith Waterhouse and Whitmore—26.

Mr. Mills moved to take up the apportionment bill, and make it the special order of the day for to-morrow 11 o'clock. Carried by the following vote, 4-5 not voting for suspension :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Billingsley Bogart Branch Buckley Craig Crawford Crooks Clark Cumby Dale Darnell Daniels Davis of B. Dennis Dickson Dougherty Edwards Flewellen Foscue Hall Harrison of V. Z. Haynes Henry Houghton Hubbard Hubert Lewis of M. Lewter Lynch Mabry Manly Martin Maverick McClarty Middleton Mills

Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson
 Ross Shannon Shelton Short Smith Stewart Townes Wælder
 Walworth Warfield Whitfield Wortham and Wrede—61.

NAYS—MESSRS. Bryan Camp Davis of H. Duncan Ellett Ep-
 person Francis Franklin Harrison of C. Henderson Lewis of R.
 Maxey McKnight Mundine Norton Waterhouse and Whit-
 more—17.

The following communication from the Governor was taken
 from the Speaker's table and read :

GENTLEMEN OF THE SENATE,

AND HOUSE OF REPRESENTATIVES :

A press of public business, which has not allowed time for the
 preparation of this communication, has prevented me from pre-
 senting at an earlier period, to the Representatives of the people,
 that information respecting the condition of our State affairs, and
 the policy which will actuate my administration, expected at my
 hands.

In the short period which has elapsed since my inauguration,
 it is not to be supposed that I have been able to obtain a critical
 knowledge of the workings of the different departments of govern-
 ment, so as to recommend such modifications and improvements
 as may be necessary to effect the purposes of economy and reform,
 and I can therefore but commend the application of those prin-
 ciples which should extend to and influence all the avenues of
 government, affecting the discharge of official duty, of whatever
 grade, and controlling the operations of government, legislative
 and administrative.

The office of Executive falls into my hands at a peculiar period
 in our history as a State. Contemplating alone the vastness of
 its extent, the diversified interests of its people, and the character
 of its resources, yet undeveloped, there is enough to demand con-
 tinued labor and attention, in order to apply the benefits of
 government with sound discretion, and a proper regard to the
 relative demands of each interest ; but apart from these, a consi-
 derable portion of our State bordering on the Rio Grande river,
 is in a state of tumult and war, our frontier is unprotected and
 harassed by Indians, and our Treasury, which we have hitherto
 regarded as of exhaustless capacity, considering the probable
 expenses of government, is without a dollar subject to appropria-
 tion beyond the amount necessary to defray the current expenses
 of government for the present year.

Difficulties like these impelled immediate action ; and the
 peace and security of the State being a paramount object, my
 attention has first been directed toward quieting the disorders

upon the Rio Grande, and providing for the defence of our settlements against Indian depredations. With a due regard for the dignity of the State, should be united a desire to maintain peace within our limits. The bloodshed, the ravages, and the desolation of an intestine war is to be considered, nor should we lose sight of the immense cost of prosecuting it. If, by the use of those means known to humanity and the laws of nation, such disturbances can be quelled, all the considerations mentioned demand their exercise.

Possessed of no information going to show the causes of the disorders existing upon the Rio Grande, the Executive could but act upon the fact of their existence, and accordingly on the 28th of December, I issued a proclamation which was printed in the English and Spanish languages, for circulation in that region; and a copy of the same is herewith submitted. This course is not only justified by precedent, but it is founded upon the principles of justice and humanity. Without assuming to know the origin of the disorders, it warns the offenders against the law of the consequences of further rebellion and exhorts a return to duty. If productive of the desired end, the saving of blood and treasure which would accrue, would be considerations which should far outweigh the promptings of revenge, or the appeals of hostility against a race already degenerate from oppression. If such means fail, the law must be vindicated, and the offenders taught subordination by force.

The first official information received by the Executive from the seat of these disorders, was the communication of Capt. W. G. Tobin, herewith submitted, bearing date at Ramireno, near Brownsville, December 16, 1859, and received by hands of Capt. A. C. Hill. I was gratified to learn from that dispatch that the Federal Government had interposed to restore order in that region, and that Major Hientzleman, an officer of discretion and valor, had assumed the control of military operations. Whatever complaints may be made against the Federal Government on account of the removal of the troops from that portion of our border, its promptitude in affording relief at this time is deserving of consideration. Satisfied, from the report of Capt. Tobin, that a sufficient force was on the spot to quell the disturbance, and that the Federal arm would be still further extended at the call of its officer commanding the troops there, I dispatched Captain Hill, with an escort of twenty men, with instructions to Major John S Ford, acting as commander of the Texas forces, by virtue of an order from my predecessor. In that communication I stated that, "is the management of military operations

has been assigned by the Federal Government to its officers, if troops are desired from Texas, it is proper that a requisition should be made by an officer of the Federal Government, in command of the U. S. forces at that station." Should such a requisition be made, I am satisfied that the citizen soldiery of the country will respond with alacrity to the call.

On the 10th of January, the report of Major John S. Ford was received, dated at Ringgold barracks, December 29, 1859, giving an account of the engagement at Rio Grande city, in which the followers of Cortinas were completely routed and dispersed. The entire forces on this occasion were under the command of Major Hientzleman, to whom great credit is given for the disposition made of the troops. Our rangers behaved on this as on the former occasion, with that bravery which is a part of the Texian character, and the Federal troops likewise acted with great gallantry. So signal was the rout of the opposing forces, that I think their uniting again is improbable. The report of Major Ford is herewith submitted.

On the 11th inst., I received dispatches from Major Wm. G. Tobin, dated Ringgold barracks, Jan. 3d, 1860, showing the organization of the Texas forces, and the result of the elections held accordingly, also a letter from Major Hientzleman in reply to Major Tobin, in which it is shown that in the opinion of that officer the forces of Cortinas are "entirely dispersed," and that a force of U. S. troops were on the march, all of these documents are respectfully submitted.

I have every reason to hope that ere this time the disorders have been quelled, and that the emergency which has called our citizens from their homes no longer exists.

Unable to form any correct conclusion as to the origin of these disorders, it has been impossible for me to lay before your honorable body the information which would otherwise be expected at my hands. Not only the Legislature, but the people of our entire State, on whom may fall the burthen of taxation to meet the cost of sustaining troops in the field, have a right to know the entire facts connected with this disturbance. If the causes are local in their nature, as I have supposed, or if a premeditated invasion was contemplated, it is equally important for our peace and safety that the truth should be placed before the country. Actuated by this motive, I determined to send Commissioners without delay to Brownsville, and accordingly on the 2d of January, Messrs. Angel Navarro of Bexar, and Robt. H. Taylor of Fannin county, were commissioned for that purpose, and proceeded at once on their mission. These gentlemen both possess

a knowledge of the Spanish language, and represent different sections of the State. From the tenor of their instructions herewith submitted, it will be seen that all necessary discretion is given to them with reference to the State troops in that vicinity. If, after a conference with the Federal officer commanding, their services are deemed necessary, as soon as their report reaches the Executive, it will be submitted to the Legislature for its consideration.

In whatever light we may view these disorders upon the Rio Grande, they may readily be traced to the insecure condition of our border, arising from the withdrawal of the Federal troops. Mexico is in a continual state of anarchy, her population feel none of the influences of a stable government. Lawless chieftains plunder them with impunity, and light the torch of civil war at pleasure. Riot, murder and revolution reign above law and order. Separated from Mexico as we are by a narrow river alone, and a continual intercourse going on between its people and ours, it is but natural that the unhappy influences of her condition should extend to our border. To prevent these influences operating upon the turbulent portion of our own population, as well as to check any effort on the part of the citizens of Mexico to aid them in setting the laws at defiance, the presence of the Federal troops is absolutely necessary; and in my opinion the disturbances may be attributed to the insecurity arising from their removal, which left no check against the influences of civil war in Mexico. I have full confidence that the Federal Government will not only guard against such exigencies in the future, but will, as it should, recognize as valid, the acts of its military officer on the Rio Grande in assuming the control of our State troops, and reimburse Texas for the cost of their pay and subsistence.

Notwithstanding the fact that no appropriation had been made by the Legislature to provide for the defence of our frontier, and the condition of the Treasury warranted but little hope of relief from that quarter, I could not disregard the claims of our frontier citizens to protection from the marauding bands of Indians which infest our border, and accordingly at once took steps to call into the field a sufficient force to meet the present emergency. By virtue of the constitutional power vested in the Executive, to resist invasion, I felt fully authorized to pursue this course, believing that the Legislature would provide the means of pay and subsistence for the troops. Instructions have been issued to Captains W. C. Dalrymple, Ed. Burleson and John H. Connor, to raise each sixty men for immediate service. Since the initia-

tive steps to effect this purpose were taken, the bill entitled "an act for the protection of the frontier," came into my hands. Inasmuch as the Legislature has thrown upon the Executive the entire responsibility of defending the frontier, it is but just to him and to the people of the State, that the Legislature should provide him with the means of meeting that responsibility, as the exigency before him requires. The bill in question but affirms a constitutional power already existing in the Executive. It provides the manner in which the troops shall be organized, and the rates at which they shall be paid; but the money with which they are to be paid and sustained in the field is unprovided for. Without a dollar at his command, it is impossible for the Executive to sustain rangers on the frontier, or to accomplish much for the defence of the State; and although numbers of our citizens are ready to go to the scene of danger, relying upon the justice of the State to pay them for their services, yet they cannot be expected to enter upon the dangerous service before them without necessary subsistence. The Executive is determined to use all the constitutional means in his power to give security to our border. He will endeavor to send to the frontier efficient and reliable protection, and will call into the field no more men than appears absolutely necessary; but beyond this he has no power. The Legislature can alone provide and appropriate the money.

Our frontier people have long been harassed by Indians. They have been compelled from time to time to leave their homes in pursuit of them, to punish their aggressions, and recover property stolen. A feeling of insecurity exists which nothing but an active force, continually on the alert, can dispel. Scattered along the border, they are unable to get together in sufficient numbers to punish the enemy, without endangering their firesides. I have therefore determined to send them protection from the interior. If an emergency arises, or the Indians appear in force, they may then be called into service as minute men, without leaving their families long unprotected.

The defence of our settlements properly belongs to the Federal Government, and it is only in cases where protection is not extended by it, that we may resort to our own means of defence. It has been my belief for years, that mounted rangers are the only species of troops calculated to afford efficient protection against roving bands of Indians. Thus far, the Federal Government has not acted upon such a policy as respects our frontier. I shall at an early period urge upon the President of the United States, and the War Department, the necessity for such a force,

as well as the propriety of mustering into the service of the United States the troops now being raised for the protection of our frontier.

I shall also urge upon the proper department, the importance of authorizing a treaty with all of the Indian tribes on our border, and the payment of annuities to them directly through a Texas agency, instead of by way of Arkansas, as at present. The fact that these tribes respect the laws of Arkansas, and the civilized nations of Indians, and that no depredations are committed upon that frontier, but altogether upon that of Texas, is a sufficient reason for believing that a change of policy in this respect would be beneficial.

In view of the continued depredations upon our frontier, and the insecurity arising from the anarchical condition of Mexico, I shall take immediate steps for the organization of the militia, in accordance with the act of April 21, 1846. As our settlements widen, and the people of the interior become strangers to the incidents of border life, the use of arms, and the knowledge of all that pertains to military duties, will not be kept up to that degree which will ensure efficiency in the hour of danger. Military discipline is an important item in the education of a free people. Familiar with the use of arms, they can be made available at any moment to repel invasion or crush rebellion. I would commend to your honorable body the propriety of making such appropriations as will be necessary to put our militia system into operation.

The Report of the State Comptroller, already laid before the Legislature, shows that we have but very little to congratulate ourselves upon, on account of the condition of the Treasury. There remained in the Treasury at the expiration of the last fiscal year, ending on the 31st of August, 1859, the sum of \$411,402 69, in U. S. bonds and specie.

The \$2,000,000 00 set apart for the School Fund yet remains, but the balance of the \$5,000,000 00 received from the sale of our Santa Fe territory to the United States, is exhausted, except the amount set apart for the University fund, amounting to \$106,972 26, and the balance mentioned of \$411,402 69, belonging to the general fund. Notwithstanding a continual revenue arising from taxation, and the interest upon our United States bonds, has flowed in a continual stream into the Treasury, the money has gone out in a ceaseless stream, until, instead of seeking, as has formerly been the case, for modes of emptying the public Treasury, we have to seek for modes of replenishing it. Added to the revenue of the fiscal year, the balance in the Treasury on the first of August, 1859, will but little more than

meet the ordinary expenses of government, and to make it do this economy is necessary. We have a force in the field upon the Rio Grande, and the frontier is to be protected from the Indians. We cannot expect our citizens to wait the delay to be experienced in our endeavors to obtain the recognition of our State forces by the United States. They must be provisioned and paid. Common justice demands that the State shall recompense them, and not force them to wait until the general government shall make the necessary appropriations. To meet these extraordinary expenditures by the most prudent mode, is an object which I especially enjoin to your attention. Every avenue of extravagance should be closed, every proper means of retrenchment should be adopted. The keys of the Treasury should be held with an honest grasp, and no appropriation be made which is not necessary and strictly in accordance with law. Every disbursing officer of the government should be held to strict accountability, and no stretch of authority be permitted in the exercise of the trust confided to him. What economy will not accomplish can in my opinion be best supplied by taxation. Texas has learned some experience from going into debt, which she will do well to remember, and I trust she will guard against its consequences in future.

The various departments of government should, in my opinion, be made, as far as possible, self-sustaining, and where it is impossible, from their nature, to make them so, a rigid exaction of duty at the hands of all those who are in the employ of the government should be required. No free government can afford to establish sinecures or to support idleness. The money which comes from the pockets of the people, should be economized for their good, and all who are the recipients of it, should render a fair recompense of time and labor. These subjects are within the province of the Legislature. The Executive is powerless, and if reform is needed in any of these respects, it falls upon the Legislature to enquire into abuses, if there be any, and provide an immediate remedy.

The deficit in the revenue of the Land Office, added to the fact that the business of that department does not keep pace with the demands upon it, furnish subjects for your consideration.

The interests of the State demand that it should be self-supporting, and the interests of the people demand that its business should be brought up at the earliest possible period. A large force is already employed in that department, but the issuance of patents has been delayed, and it remains for the Legislature to discover whether this is to be attributed to the amount of

labor performed by the employees of the government, or the fact that the force is inadequate to the demands of business. If the latter, it is false economy to allow a farther accumulation of business, and thus cause a still greater delay. The holders of our land certificates are entitled to their patents, and if an additional force is necessary, it should at once be provided. The deficit in the operations of that department, estimated for the present fiscal year, ending August 31, 1860, at \$24,000, shows the necessity of prompt legislation to bring its affairs up to a proper standard. If the fees paid by those having business with that department, do not meet its expenses, they should be increased; if on the other hand, the deficit arises from the fact that a part of the time of that department is occupied by business for which no fees are provided by law, those who consume the time of the employees in the transaction of their business, should be compelled to pay for the same. In my opinion the affairs of that office can best be brought to a self-supporting standard, by providing an entire system of fees, covering the entire ground of its operations, and providing at the same time for the payment of its employees, wherever the same is practicable, in proportion to the labor they perform.

I cannot press too earnestly upon the Legislature the subject of common school education. The success of the system already in operation, is established beyond a doubt. Its application is general, and its defects as few as any system which could be applied to a population as scattered as ours. The nucleus of a complete system is already provided, and we have, in our public domain, the means of strengthening it, until its capacity will equal the demands made upon it, as our population increases. No better use can be made of the proceeds of the sale of the alternate sections of land reserved to the State from any cause, than to apply the same to this fund.

I would also commend to your consideration the importance of extending a reasonable aid to institutions of learning, now in operation in our State, supported by private enterprise, and to encourage by a general law the establishment of others. Our citizens have already displayed much zeal and enterprise in rearing up in our midst institutions which are accomplishing great good, to sustain these is difficult, and as the benefits arising from these are to be felt in the general prosperity of the State, and the intelligence of its entire people, a proper encouragement at the hands of the Legislature should be extended. Surrounded by proper guards a measure of this character would be productive of great good.

The establishment of a University, is, in my opinion, a matter alone for the future. At this time it is neither expedient, nor is it good policy to provide for the sale of those lands set apart for the University fund. If, at some future period it should be deemed expedient, or in keeping with a more enlarged policy, to devote our entire energies to a more general diffusion of knowledge than a University would afford, or even if the voice of the State should demand the establishment of one, these lands will then provide the means of advancing the cause of education. When that period arrives, their value will be greatly increased. If sold now, but little will be realized from them, and before the expiration of twenty years—the time upon which over fifty thousand acres have already been sold—the lands will be worth more than three-fold the amount they would bring now, with accumulated interest.

So far as the one hundred thousand dollars of bonds, and their interest, taken from the general and applied to the University fund, by the last Legislature, are concerned, I believe the condition of the treasury and our immediate necessities demand that the act be repealed, and the money again placed subject to appropriation. We need money for the protection of our frontier, and to save us from taxation, more than for a fund which promises no immediate benefit. Our common school fund already provides for the education contemplated by the Constitution, and if this amount, thus unnecessarily withdrawn from the general fund, will reduce the burthens of taxation, the people will be better able, in the future, to bear taxation to support a University, if one should be necessary.

I have long regarded our present land system as defective, and believe with the framers of the Constitution of the Republic, that our public domain should be sectionized. The Federal Government has adopted this system with reference to its public land, and all of the difficulties which surround our titles are obviated. We cannot redeem the past, but we can provide for the future. If all of our public domain were surveyed by competent persons, who would be willing to take a portion of our lands as compensation for their labor, it would greatly facilitate the settlement of the country, and give security to our whole land operators. It would also furnish some data upon which to base conclusions as to the value of our lands, and if accompanied by the researches of a geological and agricultural bureau, would vastly tend to the development of the resources of our State.—Our lands, if divided into sections—half and quarter sections—would meet a ready sale, whereas, at present the difficulty

attending our land titles make many persons loth to file their certificates, lest they may conflict with private locations; but if their meets and bounds were declared by the State, none of this apprehension would exist.

I believe that the policy of extending our frontier too rapidly has already resulted in great loss of life, owing to the sparse settlements being an easy prey to savages. If a base line were ran at the extreme edge of our present settlements, and the territory beyond withdrawn from location and settlement, we could then, by a liberal policy which would give an alternate quarter section of land to every actual settler who would reside upon and cultivate the same for two years, draw to our frontier a host of hardy pioneers, who would not only be able to resist the encroachments of the Indians, but soon acquire sufficient strength to intimidate them. If this plan were adopted, and a force of Texas Rangers, authorized by the United States, kept actively scouting in our territory beyond the settlements, we would cease to hear of those calamities which now continually shock our ears. Thus our frontier could be gradually extended, the lives of our citizens spared, and a vast amount of money, necessary to protect the present scattered settlements, saved to the treasury. The alternate quarter sections reserved, would be increased in value from the occupancy of the settler, while he would be benefited by receiving the land at the bare cost of the fee of patenting and surveying. I believe that the policy of giving land to actual settlers is a good one, but we should at the same time endeavor to make our settlements compact, and should also confine our donation policy alone to the settler and his immediate heirs, and not extend it to his assignees.

As one means of replenishing our exhausted treasury, I would commend the immediate sale of all lands which shall be found to be forfeited to the State for the non-payment of taxes; and such legislation should be adopted as will induce the purchase of these lands, and give security to the titles made to the same.— A rigid system for the collection of taxes is necessary, so that all branches of business, and all classes of property holders may pay their due proportion towards bearing the expenses of government. Some means should also be adopted by which the various assessors and collectors of the State would be able to secure the payment of proper taxes upon lands owned out of their respective counties. It is a notorious fact, that but few of the lands upon which taxes are paid in counties distant from their location, afford the State an equitable revenue. While it is not fair that parties should be compelled to pay their taxes on

lands in the counties in which the lands lie, it is no more than just that the State should provide some standard for their valuation, where they are not so paid.

I cannot too earnestly press upon the Legislature the necessity for economy in reference to the public lands. They are now all that we may draw upon for the education of the people and the development of our resources. Every citizen of Texas has an interest in the public domain, and the representatives of the people should regard it their duty to refuse to squander them in profligate schemes or to meet the ends of special legislation.

The Executive would also suggest some change in the mode of collecting the revenue. The amount of labor required at the hands of assessors and collectors, when compared with the compensation they receive, is so great, that but few men of competent business talents can be induced to accept the office. The Legislature should, in my opinion, so amend the revenue laws, as to secure the services of responsible men, who cannot be imposed upon. The task of visiting the domicile of every citizen, in order to obtain the valuation of his property, is arduous, and it is in but few counties that the officer is even reasonably paid for his labor.

The several railroad charters passed since my induction into office, have met my approval. Their terms are explicit, and in accordance with the general railroad law of the State. No charter will receive my assent which does not contain those proper guards against fraud, imposition and reckless speculation, which are necessary at once to guard the interests of the State and the pockets of the people. Corporations have so often trampled upon the rights of the private citizen, that we should be careful when we grant them privileges that we part with no right belonging to the people. The State has already been generous, and her generosity has in several cases been abused. We can yet afford to be generous in our railroad policy, but we should make such terms as will secure every interest to be affected. It will be my endeavor to exact, at the hands of every railroad company in the State, a strict compliance with the terms of its charter. The benefits conferred are so great, and the terms made by the State so easy, that there is but little room for excuse, in case of a failure to comply with the law.

The improvement of our rivers under the act of August 1st, 1856, will receive that attention at my hands which the importance of the subject demands. To many sections of the country these natural channels of transportation are of great utility. It will be my endeavor to employ practical men, acquainted with

the nature of our rivers, to superintend their improvement, and report upon the manner in which contractors have performed their duty.

I can see but little utility in the office of State Engineer, under our present system of railroad and river improvements. It is impossible for one individual to supervise all of the works in progress in the State. In the immediate locality of our rivers men can be found fully competent to decide upon the proper method of their improvement. The railroad law already provides that the company for whose benefit the examination is made, shall pay the expenses of the same. The law should plainly designate what the nature of the expenses shall be, and the manner in which the examination shall be made, in order to prevent corruption: and also establish the fees and duties of the examining board, which can be appointed for the time being, and thus save the State the cost of a salaried officer.

I would commend the continuance of the geological survey, and would suggest as an auxiliary the establishment of an agricultural bureau, with the view of collecting agricultural statistics and developing our general agricultural interests.

It will be necessary that the Legislature provide for the further prosecution of the boundary survey for establishing the line between the United States and Texas, in accordance with the act approved January 23, 1858. How far that survey has been prosecuted, the Executive has not been able to learn. It remains for the Legislature to inquire into the manner in which the appropriation of \$20,000, made by the last Legislature, has been expended, what amount will still be necessary to complete the survey, and make an appropriation for the same.

I would recommend to your consideration the propriety of changing the time for the meeting of the Legislature until the 15th of December, or some early period before the time allotted for the inauguration of the Governor. Our experience under the present arrangement has shown that but little legislation of importance is effected before the incoming of the new administration, and I believe the change would result in a great saving of money to the State.

So much trouble has heretofore arisen in reference to our public printing, that it behooves the present Legislature to provide all necessary regulations and guards against frauds and misconstruction of the laws regulating the same. The duties of the Public Printer, like those of all other officers, should be plainly defined. The law should provide against the latitudinous construction, by which thousands of dollars may be swept from the Treasury upon

a plea of custom, and explicitly declare that the work shall not be leaded, but shall be close or "solid," and that no unnecessary blanks be allowed. The various reports of public officers printed for the use of the Legislature, should also be declared not to be part of the journals, and that they shall not be printed as appendices to them. The present law is defective in these respects and I commend to the Legislature the propriety of amending it, so as to meet not only these, but all other objections.

Upon the action of the Legislature depends to a considerable extent the construction to be given to the present contract for the Public Printing. It is for the Legislature to say, after the matter has been fully investigated, whether the charges made by the Public Printer for the past four years was correct, and in accordance with law. If they are not, and money has been illegally drawn from the Treasury, it is not only in accordance with justice, but precedent, that restitution should be made.

In providing a means for disseminating the laws, it seems to the Executive, that a regard should be had to the means most likely to bring them within the reach of the great mass of the people. I do not believe that the present mode of distributing them is calculated to accomplish this end. But few individuals get possession of them, and then frequently long after they have gone into effect. The people have a right to know the law, and the Legislature should seek the channel of communication which is most accessible. I believe that if a portion of the money now expended in printing, was devoted to the publication of the laws in one newspaper in each county in the State, or at least one in each Judicial District, the benefit to the community would be far greater than that received by printing them in pamphlet form alone. A much smaller number in pamphlet form would then suffice, and the expense to the State would be but little, if any greater. The cost of publishing the General Laws in the manner mentioned, would be but slight, and if at the same time, by the distribution of the public funds, the entire press of the State is benefited to any extent, it is an object for favorable consideration. Nothing has more contributed to the prosperity of Texas, than the energy and fervorance of the press. It is a powerful auxiliary to freedom everywhere, and when actuated by that feeling of responsibility which points towards impressing the public mind, by means of correct information, which a true sense of right, and proper moral tone, rising above the bickerings of party or personal abuse, it may be relied on as one of the bulwarks of liberty, to be sustained and defended by every free people.

I would suggest to the legislature the propriety of adopting such measures as will urge upon Congress the justice of paying to Texas the balance now in the Treasury of the United States, on account of our public debt. In the present condition of our Treasury, this amount becomes important. Texas is entitled to it, and should receive it without delay.

The time has again arrived, when an examination of the affairs of the State Penitentiary is called for. An investigation of its financial and sanitary condition is necessary, that the Legislature may be able to judge as to the legislation necessary to sustain it properly.

The law passed by the last legislature, which grants a pre-emption privilege for every three negroes an individual may own, is, in my opinion based upon erroneous ideas of the institution of slavery, calculated to create distinctions between rich and poor, and to confer exclusive benefits upon one class of our citizens at the expense of the other, and recognizes the idea that government is bound to make the rich richer, and the poor poorer. In the eye of the law, all men should stand equal. To draw a distinction between those of our population who have not been able to acquire slaves, and those who have, is, in my opinion, impolitic, and I respectfully commend to the Legislature the immediate repeal of the law.

I cannot refrain from congratulating the legislature upon the triumph of conservatism, as seen in the many evidences of the determination of the masses of the people of the North, to abide by the Constitution and the Union, and to put down the fanatical efforts of misguided abolitionists, who would endanger the safety of the Union to advance their vapid schemes. That their efforts will so operate upon the impending struggle, as to stay the hand of slavery agitators, is to be hoped. This outspokening of the people should be received in our midst as the evidence, that notwithstanding the ravings of deluded zealots, or the impious threats of fanatical disunionists, the love of our common country still burns with the fire of the olden time in the hearts of the American people. No where does that fire burn with more fervor, than in the hearts of the Conservative people of Texas. Satisfied that the men whom they elected at the ballot box, to represent them in Congress, will bear their rights safely through the present crisis, they feel no alarm as to the result. Texas will maintain the Constitution and stand by the Union. It is all that can save us as a nation. Destroy it, and anarchy law its us.

We have in our own Constitution the adaptation of those principles of republicanism which are the basis of the Constitution of the Union. The representatives of the people are called upon by the responsibilities of the trust reposed in them, to hold that instrument sacred and to construe it strictly. The Executive will guarantee on his part, that no watchfulness shall be spared in guarding over the public weal, or in maintaining the Constitution in its full intent and meaning.

SAM HOUSTON.

AUSTIN, January 13, 1860.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Saturday, Jan. 14, 1860. }

House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read and adopted.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows:

The committee on Engrossed Bills have examined the following bills, and report them correctly engrossed:

A bill to be entitled An act for the relief Richard N. Williams.

Also, a bill to be entitled an act for the relief of John Kearu.

Also, a bill for the relief of Bluford Garrett.

Also, a bill for the relief of Andrew Mason, assignee of Robt. H. Andrews.

Also, a bill to change the name of Susan Allford to Susan Bell, and permit Abigail Bell to adopt her.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company.

Also, a bill for the relief of the heirs of C. D. Ferris.

A bill to be entitled an act to relieve Thos. D. Rusk, of Nacogdoches county, and John W. Hanna, of Lavaca county, from the disabilities of minority.

A bill to be entitled an act for the relief of the heirs of Addison Litton.

A bill to be entitled an act for the relief of A. H. Cook.

A bill to be entitled an act to apportion the State into Senatorial and Representative Districts.

On motion of Mr. Wrede, the bill ordering the return of Fisher and Miller's Colony certificates were taken up and referred to committee on Public Lands.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill supplemental to the act to provide for the registration of Deeds and other instruments of writing, with amendments by the committee: amend by adding to section 1st, "Provided, that an attachment shall in no case issue without the same compensation is made or tendered to such witness as is allowed to witnesses in other cases; and further, provided, that no witness shall be required to go beyond the limits of the county of his residence, under the provisions of this act, unless he shall for the time being be found in the county where the execution of such instrument is sought to be proved for registration."

On motion of Mr. Buckley, the rule was suspended, the bill taken up, the amendments of the committee adopted, the bill read second time, and ordered to be engrossed.

Mr. Foscue, one of the committee on State Affairs, reported a bill to incorporate the town of Mariana, in Jefferson. Bill read first time.

Mr. Lewis of R., one of the committee on Claims and Accounts, reported a bill for the relief of J. C. Spence, and recommended its passage. Bill read first time.

Mr. Harrison, of V. Z., one of the committee on Public Lands, reported, recommending the passage of the bill to require field-notes of certain surveys in Young Land District to be recorded in the Surveyor's Office.

Also reported a substitute for the bill for the relief of Ansell Cupp *et al.*, and recommended its passage.

Also reported recommending the passage of the bill supplemental to the act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve.

Mr. Edwards, one of the committee on Public Debt, reported, recommending the passage of the bill for the relief of George W. King.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to incorporate the San Antonio Gas Company.

A message was received from the Senate informing the House that the Senate had passed

A bill for the relief of Ewing Clayton.

A bill for the relief of Washington County Railroad Company to incorporate the Planter's Danologian Society of Gonzales county.

A bill to validate unconditional certificate for 320 acres of land, No. 576, issued on the 4th February, 1856, to S. Pang-

burn, assignee of C. L. Wood, and that the Senate had adopted the report of the committee on Conference on the bill to amend the 11th section of the act of May 12th, 1846, to regulate the license and practice of attorneys and counsellors at law.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the Senate's bill for the relief of Charles Inloes. Also, asked to be discharged from further consideration of Jonathan A. McGary.

Mr. Dougherty, chairman of committee on Stock and Stock-raising, reported a bill offering a reward for wolf, tiger and panther scalps, and recommend its passage. Bill read first time.

Mr. Mills moved to suspend rule and take bill up. Lost.

Mr. Short, one of the committee on State Affairs, reported, recommending the passage of the bill to relinquish State tax for 1859 and 1860 to county of Orange.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of Jas. H. Denson, and recommend its passage. Bill read first time.

On motion of Mr. Lewis of R., the rule was suspended, and the bill to regulate Estrays taken up and made special order of the day for Saturday next.

Mr. Branch, one of the committee on Enrolled Bills, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills, viz :

A bill to be entitled an act for the relief of Lewis David.

A bill to be entitled an act to authorize and require the clerks of the District Courts of the counties of Cherokee, Smith, Anderson, Panola and Angelina to apportion the causes on the dockets of said courts, and find the same correctly enrolled, properly signed, and were presented to the Governor for his approval and signature on the 13th inst.

Mr. Wortham, one of the committee on Public Lands, reported, asking that the bill to punish persons for cutting timber on public land, be referred to Judiciary Committee. Report adopted. Also reported recommending the passage the Senate's bill supplemental to the act to amend the act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

Mr. Lewter introduced a bill to amend the 8th section of the act authorizing the sale of the public domain, approved February 11th 1858. Read first time, and referred to Public Land Claims.

Mr. Duncan offered the following resolution:

Resolved, That the committee on Printing be authorized to have printed 1000 copies of the Governor's Message for this House. Adopted.

Mr. Wrede offered the following resolution:

Resolved. That 500 copies of the Governor's Message be printed in the German language.

Mr. Camp moved to amend by adding 500 copies in Spanish. Adopted.

Mr. Norton moved to amend by adding 200 copies in Norwegian. Adopted.

Mr. Haynes moved to amend by adding, "That the accompanying documents be also printed with the message."

Mr. Buckley moved that the same number of accompanying documents of Gov. Kimmel's message be printed.

The hour having arrived, the special order, to-wit, the Apportionment Bill, was taken up.

Mr. Shannon proposed to amend as follows: "Take the county of Cooke from the 21st Senatorial District and attach it to the 15th district."

Mr. Bogart proposed a substitute for the amendment: "strike out Parker from 21st District, and add it to 20th District." Accepted by Mr. Shannon, and rejected by the House.

Mr. Ellett proposed to amend by striking out Panola and Harrison from 16th District, and add them to the 20th District, and create 16th District, Wise and Cook. Strike out Palo Pinto from the 61st District.

On motion of Mr. Whitmore the amendment laid on the table.

Mr. Hartley proposed to amend as follows: strike out Hardin, Orange and Jefferson from the 1st Senatorial District, and add Polk thereto from the 2d District.

On motion of Mr. Short, laid on the table.

Mr. Benavides proposed to amend as follows:

74th District, strike out Hidalgo and insert Nueces.

75th District, strike out Zapata and insert Hidalgo.

76th District, strike out Nueces and insert Zapata.

On motion of Mr. Daugherty, laid on the table.

Mr. Camp proposed to amend by striking out Nueces from 29th Senatorial District and add it to the 32d Senatorial District. Rejected.

[Mr. Buckley in the chair.]

Mr. Haynes proposed to amend the Senatorial Apportionment District No. 32, strike out Cameron as the returning county, and insert Starr.

On motion of Mr. Dougherty, laid on table.

Mr. Epperson proposed to amend in the 7th Senatorial District, composed of the counties of Red River and Titus. Strike out Titus as the returning county, and insert Red River.

[Speaker resumed the chair.]

Mr. Manly moved the previous question.

Mr. Franklin arose and addressed the chair, when the motion for the previous question was second. The Speaker declared that no motion or proposition could be sustained after a motion for the previous question, except a motion for a call of the House.

Mr. Franklin appealed from the decision of the chair.

House sustained the chair.

The question then being, shall the main question be put, the same was submitted to the House, and the main question ordered.

The question recurring on the final passage of the bill, the yeas and nays were ordered on motion of Mr. McKnight, and the bill passed by the following vote :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Baxter, Bogart, Branch, Buckley, Camp, Craig, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dougherty, Edwards, Foscue, Hall, Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Lewter, Lynch, Mabry, Maverick, McClarty, McCutchan, Middleton, Nelson, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Ross, Shelton, Short, Stewart, Townes, Wælder, Warfield, Whitfield, Wortham, and Wrede—52.

NAYS—Messrs. Benevides, Billingsly, Bryan, Crawford, Davis of H., Dickson, Duncan, Ellett, Epperson, Flewëllen, Francis, Franklin, Harrison of C., Hartly, Henderson, Hubert, Lewis of M., Lewis of B., Manly, Maxcy, McKnight, Mills, Mundine, Munson, Norton, Shannon, Smith, Speights, Waterhouse and Whitmore—30.

Mr. Crooks moved to adjourn till 10 o'clock, A. M., Monday.
Lost.

Mr. Wrede's resolution relative to printing the Governor's message, with proposed amendments, was taken up.

Mr. Haynes withdrew his amendment, and the resolution, as amended, was adopted by the following vote ; the yeas and nays having been ordered on motion of Mr. Ellett :

YEAS—Messrs. Speaker, Anderson, Armstrong, Barnard, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Craig, Cumby, Dale, Daniels, Davis of B., Dennis, Dougherty, Duncan, Flewëllen, Foscue, Hall, Harrison of C., Hartly, Haynes, Henderson,

Hubbard, Kinney, Lewis of R., Lynch, Mabry, Manly, Maverick, McClarty, McCutchan, McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens, Paiker, Perry, Redgate, Robinson, Shannon, Shelton, Stewart, Townes, Wælder, Walworth, Warfield and Wrede—53.

YAYS—Messrs. Baxter, Billingsly, Crawford, Clark, Davis of H., Ellett, Francis, Harrison of V. Z., Houghton, Lewter, Redwine, Ross, Short, Speights, Waterhouse, Whitfield, Whitmore and Wortham—18.

Mr. Speights introduced a bill for the relief of S. H. Smith. Read first time, and referred to Private Land Claim committee.

Mr. Short, one of the committee on State Affairs, reported adversely to a petition of sundry citizens of Montgomery county.

Mr. Mills moved to suspend rule and take up bill to prevent judgments from becoming dormant. Lost

Mr. Davis of H., offered the following resolution :

Resolved, That the committee on Printing enquire into the cause of delay of Gov. Runnel's message in German, Spanish, Norwegian, and report to this House. Adopted.

Mr. Hall moved to adjourn till 9½ o'clock, A. M., Monday. Lost.

Mr. Manly presented the petition of David Harris. Referred to committee on Claims and Accounts.

Mr. Manly introduced the following resolution :

Resolved, By the House of Representatives, the Senate concurring, that the Attorney-General of the State be, and is hereby required, to commence suit on the bond of William S. Oldham and George W. White for failing to comply with their contract for digesting, printing and binding the laws of the State, in accordance with an act approved February 15th, 1858, under which law said contract was by them taken.

On motion of Mr. Dennis the resolution was referred to the Judiciary committee.

Mr. Norton offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to present a bill to this House to prohibit the adulteration of liquors, and providing for the appointment of an inspector of liquors in each county in the State.

On motion the House adjourned till 10 o'clock, A. M., Monday, by the following vote, the yeas and nays being ordered on motion of Mr. Townes :

YEAS—Messrs. Anderson, Armstrong, Baxter, Benevides, Billingsley, Branch, Buckley, Cumby, Daniels, Daxis of B., Dennis, Dickson, Dougherty, Duncan, Epperson, Fleweller, Frank-

In, Foscue, Harrison of Cherokee, Harrison of V. Z., Haynes, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lynch, Mabry, Manly, Maxey, McCutchan, Middleton, Mundine, Nelson, Owens, Perry, Pirkev, Redgate, Robiusion, Shannon, Shelton, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—51.

NAYS—Messrs. Speaker, Bogart, Crawford, Clark, Dale, Davis of H., Edwards, Francis, Hall, Hartly, Henry, Lewter, Maverick, McClarty, McKnight, Mills Parker, Redwine, Ross, Short, Sprights, Stewart and Whitmore—23.

Pending Mr. Norton's resolution.

HOUSE OF REPRESENTATIVES, }
Monday, Jan. 16th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

On motion of Mr. Shelton, the report of the committee on Court of Claims on the bill for relief of E. L. and J. M. H. Martin was taken up, and on motion of Mr. Foscue, was referred to select committee of five. Speaker appointed Messrs. Shelton, Branch, Dickson, Nelson and Foscue on said committee.

Mr. Redwine presented the petition of sundry citizens of New Salem. Referred to committee on State Affairs.

On motion of Mr. Daniels, Mr. Dickson was added to the committee on Counties and County Boundaries.

Mr. Whitmore submitted the following protest against the election of Louis T. Wigfall to the United States Senate :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The undersigned members of the House of Representatives of the eighth Legislature, present this their protest against the action of said Legislature on the 5th day of December A. D. 1859, in declaring that Louis T. Wigfall was on that day elected a Senator in the Congress of the United States and ask that the same may be spread upon the Journals of this House

We protest against said action because the same was and is in violation of the 24th section of the 3d article, of our State Constitution, which is in these words, viz : "No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which

may have been increased during such term, and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and the Speaker of the House of Representatives, shall be elected from their respective bodies."

It is known that Mr. Wigfall was, on the first Monday in August, 1857, elected a Senator in our Legislature from Harrison county, for a term, commencing on the first Monday in August, A. D. 1857, and ending on the first Monday in August, A. D. 1861. This fact when considered in connection with the section of the Constitution above quoted, would seem to be sufficient to satisfy every reasonable mind that Wigfall could not constitutionally, be elected a Senator in Congress by this Legislature.

The language of this section is as plain and comprehensible as it can well be, and extends to every office to be filled by the Legislature or either branch thereof, except that of presiding officers over their own bodies.

The object of the second and third clauses of the section evidently was to prevent any member from using the influence of his position to secure the votes of his fellow members for an office to be filled by the Legislature. The wisdom of such a provision must be apparent to every one who is conversant with the manner in which elections are made by legislative bodies.— It has been sanctioned not only by a convention of the people of Texas, but by a direct vote of the people themselves after the Constitution was framed, and every member of the Legislature has taken a solemn oath to be governed by it. Those who contend that this entire section is limited to officers that have been or may be created under our Constitution, must assume that those who formed it were ignorant that one of the most important duties that would devolve upon the Legislature, was the election of United States Senator, or they must disregard the plain language of the section. The first clause of which by its very words are limited to officers of this State, while the second clause contains no such limitation, and the third extends to any office whatever, except that of presiding officers of both Houses.

An effort has been made to prove that members of the Legislature may disregard this provision of our Constitution on the

grounds that it conflicts with a part of the third section of the first article of the Constitution of the United States, which declares that "no person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States; and who shall not when elected, be an inhabitant of the State for which he shall be chosen."

The language of this provision of the Federal Constitution does not assume to prescribe all the qualifications for a United States Senator, it only establishes certain disqualifications without assuming to control the entire subject; had this provision been that any person may be a Senator who shall have attained the age of thirty years and been nine years a citizen of the United States, and who shall when elected be an inhabitant of that state for which he shall be chosen it might with propriety be said that it established all the qualifications requisite for a Senator in Congress, and that no other could be added.

If the Federal Constitution had contained no provision in regard to qualifications for Senator, it would have been competent for each State to prescribe what qualifications it pleased, because the 10th Article of the amendment to that Constitution declares that the powers not delegated to the United States by the Constitution, nor prohibited it to the States, are reserved to the States respectively, or to the people," why then shall the States be denied the right to prescribe such rules for the government of their Legislators in electing Senators as experience has shown to be necessary to secure the honest exercise of that power, provided they do not dispense with any of the requirements of the Federal Constitution; since neither the terms of the language used in that Constitution nor any fair construction of them, assume to regulate the entire subject of the qualifications for Senators, and the 9th article of the amendment declares that the enumerations in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"

If it be true that this provision of the Federal Constitution does control the entire subject, then it is no more in the power of Congress than of the States to add any further qualifications, yet we find that the very first Congress that assembled after the adoption of that Constitution, composed of many of those who had a large share in its formation, Mr. Madison among them, did assume the right to add other qualifications; that Congress passed "an act for the punishment of certain crimes against the United States," which provided that any person who should be convicted of bribing any Judge of the United States; and the Judge who should be convicted of accepting such bribe should be

fined and imprisoned at the discretion of the Court, and should forever be disqualified to hold any office of honor, trust or profit under the United States."

This act is still in force, and stands as a cotemporaneous construction of that provision showing that many of those who contributed most largely to its formation, did not consider that the Constitution had assumed the exclusive regulation of the subject. We therefore conclude that there is really no conflict between our Constitution and that of the United States on this subject, but that full effect may be given to this provision of the former without a violation of the latter.

The fact that persons elected in other States under similar circumstances, have been permitted to take their seats as Senators should have no weight in the consideration of this subject; because the members of the United States Senate are under no obligation to regard any State constitution in deciding upon the qualifications of Senators. They are only sworn to support the Federal constitution, and they have no authority to refuse a seat to one who possesses the qualifications which that instrument prescribes. The members of our Legislature occupy a different position, they are *sworn* to support the constitution of the United States and also of *this State*, and are therefore bound to regard both in their action. They must give full effect to our own constitution, if it can be done without violating that of the United States in all cases that are not within the exclusive control of the latter; and we think we have shown that this cannot be tolerated by the terms of the instrument and by the only cotemporaneous consideration of it upon record.

Again, an effort is made to excuse members of our Legislature for disregarding this plain provision of our constitution on the ground, that as the power to elect a Senator is denied from the Federal constitution, they are not bound to be governed in any manner by our own constitution in the exercise of that power, but that they can act entirely independent of its requirements.

It should be borne in mind that this power is conferred upon the Legislature of the States, organized and acting under the provisions of their respective constitutions, and not upon the members who compose such Legislatures either individually or collectively. In exercising this power, they are to act as a Legislature which they can only do in obedience to the organic law to which they owe their existence, and to the oath of office which they are required to take; when they excuse this power they act under no separate oath of office, but under that which they have previously taken as legislators of this State and which requires them to support our constitution.

It is not pretended that we cannot exercise this power strictly in subordination to the provisions of both the constitution of this State and that of the United States; how then can we justify ourselves to the people of Texas for acting in entire disregard of this cherished provision of their constitution?

In these times of distrust and conflict of opinion between the General Government and the States, and between the States themselves when such persistent efforts are being made to enlarge the powers of the Federal Government to the detriment of the most vital interests of the States, when so many are seeking pretexts to disregard the obligation of written constitutions and laws, and appealing to a higher law as an excuse for violating the most solemn duties, it ill becomes the Legislature of a State which, like our own, has everything to lose and nothing to gain by the encouragement of such heresies, to set an example of acting in disregard of the constitution from which it derives its existence in a case where no one denies that full effect may be given to all its powers without violating any duties, oaths or obligations whatever. Signed—

A. E. Norton,
Samuel J. Redgate,
M. M. Owens,
J. W. Davis,
A. D. McCutchan,
J. M. H. Martin,
M. B. Middleton,
John L. Haynes,
T. H. Mandine,
Wm. R. Shannon,
Joseph H. Barnard,
Chas. Lewis,
William Smith,
B. Benavides.

G. W. Whitmore,
Wm. M. S. Houghton,
David C. Dickson,
James H. Duncan,
Jonathan Lewter,
M. L. Armstrong,
J. H. Speights,
J. E. Henry,
Angel Navarro,
John O. Whitfield,
Jas. W. Henderson,
Jasper N. Daniel,
John H. Manly,
J. M. Lewis,

Richard Waterhouse.

I have not had an opportunity of examining the within protest prepared by members of the Legislature against the action of this body in the election of Hon. L. T. Wigfall, U. S. Senator, but with regret I must say that said election was in my opinion, contrary to the plainest provisions of an existing State constitution.

H. P. MABRY.

A message was received from the Senate informing the House that the Senate had passed the House bill for the "relief of heirs of David M. Shropshire, deceased.

Also had passed a bill supplemental to the act to provide for

distributing the reports of the supreme courts, the laws of the State and the journals of the Legislature, and had passed a substitute for the House's bill for the relief of Chester B. Starks.

Mr. Dougherty, one of the committee on the Judiciary, reported recommending the passage of the bill to amend the 24th section of the act to organize the District Court and to define their power and jurisdiction, approved May 11th, 1846. Also recommended the indefinite postponement of the bill to regulate challenges and criminal trials. Also recommended the passage of the bill to make admissible in evidence unrecorded deeds and conveyances on file in the General Land Office.

Mr. Buckley, chairman of committee on Judiciary, reported as follows on the bill vetoed by the Governor, supplementary to and amendatory of an act entitled, to provide relief for pre-emption settlers and their assignees, under the act of 22nd January, 1845, the act of February 7th, 1853, and the act of the 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reserve.

On motion of Mr. Buckley, the bill and report was taken up and passed by the following vote :

YEAS.—Messrs. Speaker Armstrong Barnard Benèvides Borgia Branch Bryan Buckley Camp Craig Crawford Crooks Culbertson Cumby Dale Daniels Dennis Dickson Dougherty Fowell Foscue Hall Harrison of C., Harrison of V. Z., Eartley Henderson Henry Houghton Hubbard Hubert Lewis of M., Lowter Lynch Maxey McCutchan Middleton Mills Munson Nelson Norton Owens Parker Perry Pirkey Redwine Robinson Shannon Shelton Short Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—59.

NAYS.—Messrs. Anderson Baxter Billingsley Clark Davis of B., Davis of H., Duncan Edwards Ellett Epperson Francis Franklin Haynes Lewis of B., Mabry Manly Martin Maverick McClarty McKnight Redgate Ross Stewart and Wortham—24.

Mr. Foscue, chairman of committee on Internal Improvements, reported recommending the rejection of bill to amend the act appropriating \$300,000 for the improvement of the navigable waters of Texas, passed August 1st, 1855.

Mr. Crooks chairman on Engrossed Bills, reported as follows :

The committee on Engrossed Bills have examined the following bills and report them correctly engrossed :

A bill for the relief of Wm J. Kyle, assignee of Jerome B. Robertson.

Bill to incorporate the German English School of San Antonio.

A bill to authorize the corporation of Laredo to dispose of certain lands &c.

A bill for the relief of Wm Drake.

Mr. Anderson, one of the committee on Education, reported recommending the passage of the bill to incorporate the Guadalupe Male and Female College.

Mr. Walworth, one of the committee on Private Land Claims, reported a bill for the relief of John Maginnis and recommended its passage. Bill read first time.

Mr. Maxey, one of the committee on Education, reported recommending the passage of the bill to incorporate Bright Star Educational Company.

Mr. Ross, chairman of committee on County and County Boundaries, reported a bill to change the boundary line between Hardin and Liberty counties, and recommended its passage. Bill read first time.

Mr. McClarty, one of the committee on Education, reported recommending the passage of the bill to incorporate McKenzie Male and Female College.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the bill to define the duties of the Secretary of State, passed May 9th, 1846, and recommended its passage. Also a bill to prevent the sale of vinous, spirituous and other intoxicating liquors within one mile of the town of New London in Bask county. Bill read first time.

Mr. Shelton, one of the committee on Education, reported recommending the passage of the bill to amend the act incorporating Soule University, approved February 2nd, 1856.

Mr. Branch, one of the committee on Enrolled Bills, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined a bill to be entitled an act to amend the 4th section of act of May 12th, 1846, entitled an act to regulate the license and practice of Attorneys at Law. Also a bill to be entitled an act further regulating proceedings in the Supreme Court, and find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his approval and signature. Also as one of the committee on the Judiciary, reported recommending the indefinite postponement of the Senate's bill amendatory of an act entitled an act to regulate proceedings in case of forcible entry and detainer, approved 16th March, 1848.

Mr. Stewart, chairman of the committee on Finance, reported recommending the indefinite postponement of the bill for the relief of Thos. Smith.

Mr. Henderson introduced a bill to incorporate the Lynchburg and Eastern Texas Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Barnard introduced a bill for the relief of Geo. Miller. Read first time and referred to committee on Private Land Claims.

Mr. Norton offered the following resolution :

Resolved, That the Governor be requested to transmit to the House the report of the agent acting under joint resolution in relation to the Indians residing in the counties of Polk and Tyler, approved February 16th, 1858, and appropriating \$5,000 for that purpose ; showing what amount of money has been expended ; in what manner it has been paid out and what disposition if any has been made of the Indians aforesaid. Adopted.

Mr. Shannon introduced a bill for the relief of A. S. Morgan. Read first time and referred to committee on Private Land Claims.

Mr. McKnight offered the following resolution :

Resolved, the Senate concurring, that in all cases where both Houses of the Legislature shall have ordered the translation of the same documents, the committee on Printing shall act jointly.

Mr. Welder moved to lay the motion on the table. Lost, and the resolution adopted.

Mr. Townes introduced a bill to amend the 7th and 8th sections of the act supplemental to the act regulating elections, passed February 11th, 1850. Read first time and referred to Judiciary committee.

Mr. Buckley introduced a bill to punish emissaries from the Northern States against the institution of Slavery. Bill read first time.

ORDERS OF THE DAY.

On motion of Mr. Ross, the House went into committee of the whole on the bill to raise the revenue by direct taxation by the following vote, the yeas and nays being ordered on motion of Mr. Ross :

YEAS.—Messrs Speaker Anderson Armstrong Barnard Baxter Bryan Buckley Crooks Cumby Dale Dennis Dougherty Duncan Edwards Epperson Harrison of C., Harrison of V. Z., Houghton Hubbard Lynch Mabry Maverick McClarty Nelson Norton Owens Parker Perry Pirkey Redwine Robinson Ross Shannon

Shelton Speights Stewart Wælder Warfield Whitfield Wortham and Wrede—41.

NAYS.—Messrs. Bogart Branch Culberson Daniels Davis of B. Davis of H. Dickson Ellett Flewellen Francis Hall Henderson Habert Lewis of R., Martin Maxey McCutchan Middleton Mills Mundine Short Smith Townes Waterhouse and Whitmore—25.

[Mr. Wælder in the Chair.]

The committee rose, reported progress and asked leave to sit again to-morrow at 11 o'clock. Report adopted.

On motion the House adjourned till 7 o'clock P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Dickson offered the following resolution :

Resolved, That hereafter during the evening sessions of the House, it shall be the duty of the Speaker to order a call of the roll of members, commencing in the middle of the same and calling each way, when the member so called shall have the privilege of taking up any bill for action upon which the House may or can act under the existing rules. Laid over one day for consideration.

Mr. Nelson moved to suspend rule and take up bill No. 279. Lost.

The following named Senate's bills were taken up, read first time and disposed of as indicated:

Bill to incorporate the Planters Danalogian Society of Gonzales county. Referred to Agricultural committee.

Bill for the relief of Washington county Railroad company. Referred to committee on Internal Improvements.

Bill to validate unconditional certificate for 320 acres of land, No. 576, issued on 4th February, 1856, to Sa Pangburn, assignee of C. L. Wood. Referred to committee on Private Land Claims.

Bill for the relief of Ewing Clayton. Referred to committee on Private Land Claims.

Bill to incorporate Prairie Lea Female Institute, located at Prairie Lea. Mr. Davis of H., moved to suspend rule and place bill on second reading. Lost, and bill referred to committee on Education.

Bill to incorporate Franklin College. Referred to committee on Education.

House Bills: Bill for the relief of A. H. Cook, taken up and read third time.

Mr. [] proposed to amend by adding that so soon as he shall have made the roof water-tight, he shall be entitled to draw on the Treasurer for the amount.

Mr. Buckley moved the previous question, which was seconded and the main question ordered.

The main question being upon the final passage of the bill, on motion of Mr. Townes the yeas and nays were ordered and the House refused to pay the bill by the following vote:

YEAS.—Messrs. Anderson Benevides Billingsley Barnard Branch Bryan Buckley Daniels Davis of H. Dennis Dickson Dougherty Duncan. Flewellen Francis Franklin Hall Hartley Henderson Lewis of M. Lynch Manly Maverick Munson. Nelson Parker Perry Redgate Robinson Smith Stewart Townes Wælder Walworth Warfield and Worthan—35.

NAYS.—Messrs. Speaker Armstrong Baxter Bogart Camp Craig Crooks Culberson Cumby Dale Davis of B. Ellett Epperson Foscoe Harrison of C. Harrison of V. Z. Houghton Hubbard Kinney Lewter Mabry McClarty McKnight Middleton Mills Mundine Norton Owens Pirkey Redwine Ross Shannon Shelton Short Speights Warfield Waterhouse Whitmore and Wrede—39.

The Senate's bill to incorporate the Southern Fire Insurance Company. Read first time and referred to committee on State Affairs.

Bill for the relief of Richard A. Williams. Read third time and passed.

Bill for the relief of Charles D. Ferris. Read third time and passed.

Bill for the relief of Bluford Garret, deceased. Read third time and passed.

Bill to relieve Thos. D. Rusk of Nacogdoches county, and Jno. W. Hanna of Lavaca county. Read third time and passed.

Bill for the relief of Addison Lytton. Read third time and passed.

Bill for the relief of Jno. Hearn. Read third time and passed.

Bill to authorize County Courts to regulate pay of Sheriffs, with report from committee recommending a substitute. Taken up and substitute adopted and bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, bill read third time and passed.

On motion of Mr. Perry, the rule was suspended, the Senate's bill for the relief of George W. King, with report recommending its passage was taken up and read second time.

Mr. Whitmore proposed to amend by striking out the interest.

The question recurring on the passage of the bill to a third reading, on motion of Mr. Henderson, the yeas and nays were ordered and the bill passed to third reading by the following vote:

YEAS—Messrs. Speaker Anderson Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Flewellen Francis Hall Harrison of C. Hartley Haynes Henderson Houghton Hubbard Kinney Lewis of M. Lewis of R. Lynch Manly Mabry Martin Maverick McClarty McKnight Middleton Mundine Munson Nelson Norton Perry Pirkey Redgate Robinson Ross Shelton Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wortham—63.

NAYS—Messrs. Culberson Epperson Foscue Harrison of V. Z. Owens Parker Redwine and Whitmore—8.

Mr. Davis of B. moved to take the bill for the relief of Chas. Sheppard. Lost.

Bill to amend the 20th section of the act to incorporate the Memphis, El Paso and Pacific Railroad Company.

Mr. Bogart proposed to amend by striking out \$500,000, and inserting 1,000,000.

Mr. Pirkey moved to lay the amendment on the table. On motion of Mr. Bogart the yeas and nays were ordered, and the amendment laid on the table by the following vote:

YEAS.—Messrs. Armstrong Baxter Benevides Branch Bryan Crooks Culberson Cumby Dale Davis of B. Davis of H. Dougherty Duncan Ellett Epperson Flewellen Hall Harrison of C. Harrison of V. Z. Hubbard Kinney Lewis of M., Lewis of R. Lynch Mabry Manly Martin Mills Munson Norton Owens Parker Pirkey Redgate Robinson Shelton Smith Stewart Walworth Warfield Whitfield and Whitmore—42.

NAYS.—Messrs. Speaker Bogart Craig Daniels Dickson Francis Franklin Foscue Haynes Henderson Houghton McClarty Mundine Nelson Redwine Ross Shannon and Speights—18.

Mr. Munson proposed to amend by adding: Provided said road shall release to the State its reservation of land. On motion of Mr. Pirkey laid on the table and bill ordered to be engrossed.

Bill for the relief of Mary Elam, with report from committee recommending its passage. Read second time.

Mr. Henderson proposed to amend by striking out "Mary Elam only heir," and inserting "the heirs of." Adopted and bill ordered to be engrossed.

Bill for the relief of Dennis Mead and Richard Mead, with report from committee recommending its passage. Read second time.

Mr. Middleton proposed to amend by adding one league of land to—Eastland, who furnished the Mier prisoners at New Orleans with supplies and paid their passage from New Orleans to Galveston, when on their way from the dungeons of Mexico to their homes in Texas, in 1844. Adopted.

Mr. Parker proposed to amend by striking out two leagues wherever it occurs in the caption or bill, and inserting one league each. Adopted and bill ordered to be engrossed.

Mr. Dougherty proposed to suspend rule and take up bill for third and final reading.

On motion of Mr. Foscue the yeas and nays were ordered and the rule suspended by the following vote :

YEAS.—Messrs. Anderson Armstrong Baxter Benevides Bogart Branch Bryan Buckley Craig Crooks Clark Culberson Dale Cumby Daniels Davis of B. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Flewellen Franklin Hall Harrison of V. Z. Hartley Haynes Houghton Hubbard Lewis of R. Lynch Manly Martin Maverick McClarty Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—61.

NAYS—Messrs. Davis of H. Francis Foscue Harrison of C. Lewter McKnight Ross Shelton and Whitmore—7.

The yeas and nays having been ordered on motion of Mr. Manly, the bill was passed by the following vote :

YEAS.—Messrs. Speaker Anderson Baxter Benevides Bogart Branch Bryan Buckley Craig Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Flewellen Francis Franklin Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard, Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McKnight Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Wortham and Wrede—70.

NAYS—Messrs. Foscue and Wrede—2.

On motion the House adjourned till 10 o'clock, A. M. to-morrow.

HOUSE OF REPRESENTATIVES, {
 Tuesday, Jan. 17th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read.

Mr. Perry presented the petition of sundry citizens of Free-stone and Limestone counties. Referred to committee on Agriculture.

Mr. Cumby presented the petition of sundry citizens of Rusk county. Referred to committee on Judiciary.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the Senate's bill to amend the act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1853, with amendment: amend by adding E. B. Nichols, Benj. B. Peck and D. S. H. Durst.

Mr. Robinson, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Howard McElroy.

Mr. Townes, one of the committee on Education, reported a bill to amend the title, and the first and fifth sections of the act to incorporate the German Free School Association of the city of Austin, passed January 19th, 1853, and recommended its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Andrew J. Morgan, with amendments: amend by inserting after "Houston," "and bounty land certificate No. 4449, for 1280 acres, issued by Chas. Mason, Secretary of War, to A. S. Thrus-ton, on the 22d day of November, A. D. 1838.

Also, reported, recommending the rejection of the petition of the heirs of Wm. P. Wilson.

Also, reported, recommending the passage of the Senate's bill for the relief of Andres Menchaca, with amendments: amend by striking out "3148 acres," and inserting "3325 acres."

Mr. Short, one of the committee on State Affairs, reported, recommending the passage of the bill to levy and collect a special tax in the counties of Wise and Denton.

Mr. Buckley, chairman of committee on Judiciary, reported a substitute for the bill to incorporate Hermann Seminary, and recommended its passage.

Mr. Redgate, one of the committee on Public Lands, reported, recommending the passage of the Senate's bill ordering the return of certificates in Fisher & Miller's Colony.

Mr. Redgate introduced a bill to amend the act to amend the

act to incorporate the town of Columbus, approved February 5, 1856. Read first time, and referred to committee on State Affairs.

Mr. McClarty offered the following resolution :

Resolved. That hereafter the night session shall not be exclusively devoted to the disposition of bills of a private nature, but that bills of that character shall come up only in their regular order, as numbered upon the Speaker's table.

Laid over one day for consideration.

Mr. Branch introduced a bill for the relief of C. G. Keenan. Read first time, and referred to committee on Claims and Accounts.

Mr. Norton introduced a bill supplementary to, and amendatory of the act passed March 30th, 1848, concerning lunatics and idiots. Read first time, and referred to Probate Laws committee.

Mr. Epperson introduced a bill to relieve T. F. Guest from minority. Read first time, and referred to the Judiciary committee.

Mr. Buckley introduced a bill to incorporate the Richmond Insurance Company. Read first time.

Mr. Duncan introduced a bill requiring all persons shipping beeves from any port in this State, to have the marks and brands recorded. Read first time, and referred to committee on Stock and Stock Raising.

Mr. Stewart introduced a bill granting a pension to Wm. H. Anderson. Read first time, and referred to committee on State Affairs.

Mr. Warfield offered the following resolution :

Resolved, That the committee on Education be requested to enquire whether the fifty leagues of land set apart for the establishment and endowment of a State University have all been located and surveyed, and report by bill or otherwise.

Adopted.

[Mr. Mundine in the Chair.]

Mr. Mabry, chairman of committee on Enrolled Bills, reported as follows :

COMMITTEE ROOM, }
JAN. 17, 1860. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills, viz :

A bill to be entitled an act to regulate and define the times of

holding courts in the district court in the several counties of the eighth judicial district.

A bill entitled an act for the relief of H. C. Lazenby.

A bill to amend the 2d section of an act entitled an act to create the 20th judicial district of the State of Texas, approved January 2d, 1860.

And find the same correctly enrolled and properly signed, and have this day presented the same to the Governor for his approval and signature.

The hour having arrived, the House went into committee of the whole on the bill to raise the revenue by direct taxation.

[Mr. Henderson in the Chair.]

Committee rose, reported progress, and reported the bill back to the House, asking to be discharged from further consideration of the same. Report adopted.

Mr. Middleton presented the petition of Harriet M. Durst, *et al.* Referred to committee on Public Debt.

On motion of Mr. Ross, the bill to raise the revenue by direct taxation, was taken up and made the special order for to-morrow, at 11 o'clock.

A message was received from the Senate informing the House that the Senate had passed a bill for the relief of Jno. Frederick.

Also, that the Senate had concurred in the House's amendments to the Senate's bill to amend the 11th section of the act of February 7th, 1853, to incorporate the Galveston, Houston and Henderson Railroad Company.

On motion of Mr. Henderson, the Senate's bill to amend the 2d, 5th, 8th and 9th sections of the act to authorize the sale of the public domain, with report from committee on Public Lands, recommending amendments, was taken up, and the amendments adopted.

Mr. Flewollen proposed to amend by striking out 50 cents, and inserting \$1.

On motion of Mr. Middleton, the amendment was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Flewollen:

YEAS—Messrs. Speaker Armstrong Barnard Baxter Benevides Bogart Branch Buckley Camp Crawford Crooks Culberson Cumby Dale Davis of H. Edwards Ellett Epperson Francis Hall Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Lewter Lynch Manly Martin Maverick Maxey McCutchan McKnight Middleton Mills Mundine Nelson Norton Parker Perry Redwine Shelton Speights Stewart Townes Walder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—53.

NAYS—Messrs. Anderson Billingsley Craig Clark Daniels Davis of B. Dennis Dickson Dougherty Flewellen Franklin Foscue Hartley Lewis of M. Mabry McClarty Munson Pirkey Redgate Robinson and Ross—21.

Mr. Ellett proposed to amend by adding :

“That the provisions herein contained shall in no wise be construed so as to conflict with an act passed at this session, entitled an act donating land to actual settlers.”

On motion of Mr. Flewellen, laid on the table.

Mr. Ellett moved to lay the bill on the table. Lost.

Mr. Munson proposed to amend by striking out 50 cents wherever it occurs, and insert \$1 25.

On motion of Mr. Harrison of V. Z., laid on the table.

[Mr. Baxter in the Chair.]

Mr. Wortham proposed to amend by striking out eight months wherever it occurs, and inserting twelve months. Adopted.

Mr. Davis of H., proposed to amend by adding :

“Provided that this act shall be a perpetual pre-emption until repealed by law, and that persons shall not be compelled to act within six months to avail themselves of the benefits of this act.”

On motion of Mr. Henderson, laid on the table.

Mr. Epperson proposed to amend as follows :

In first section strike out the words “and sale or either,” in second section strike out “or assigns.”

On motion of Mr. Buckley, one hundred copies of the bill were ordered to be printed, and the bill was made the special order of the day for Thursday week.

[Speaker resumed Chair.]

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill for the relief of the heirs of Mark Copeland, dec'd.

And the bill donating one league of land, each, to Dennis Mead, Richard Mead and ——— Eastland. Report accepted.

ORDERS OF THE DAY.

The resolution relative to changing the manner of disposing of the business of night sessions was taken up.

Mr. Norton moved to lay the resolution on the table. Lost.

Mr. Nelson proposed to amend by striking out the names of members, and inserting names of counties. Lost.

Mr. Ellett proposed to amend by striking out the names of members, and inserting names of districts.

Mr. Mills moved the previous, which was seconded, and the main question ordered.

The main question being on the adoption of the resolution, the same was put, and the resolution adopted.

The bill to incorporate the Air Line Railroad Company was again taken up.

[Mr. Mills in the Chair.]

On motion, the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Hubbard called up a bill to incorporate the Starrville Union Academy. Read second time, and passed to a third reading. Rule suspended, bill read third time, and passed by a two-third vote.

Mr. Hubert called up the Air Line Railroad Bill.

On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 18th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Dougherty moved to amend the journal of yesterday by inserting a motion made by Mr. Armstrong, to reconsider the vote refusing to pass a bill for the relief of A. M. Cook.

Mr. Norton moved to lay the motion to amend the journal on the table.

The yeas and nays being ordered by Mr. Dougherty, the House refused to lay the motion on the table by the following vote:

YEAS.—Messrs. Speaker Barnard Culberson Cumby Dale Davis of B. Ellett Franklin Flewellen Foscue Harrison of C. Harrison of V. Z. Houghton Hubert Lewter Mabry McKnight Mills Mundine Norton Pirkey Redwine Ross Shelton Short Speights Warfield Whitmore and Wrede—29.

NAYS.—Messrs. Anderson Armstrong Benevides Billingsly Bogart Branch Bryan Buckley Craig Crawford Clark Daniels Davis of H. Dennis Dickson Dougherty Francis Hall Hartley Haynes Henderson Lewis of M. Lewis of R. Lynch Manly Maverick McCutchan Munson Parker Redgate Robinson Townes Wælder Walworth Waterhouse Whitfield and Wortham—38.

A message was received from the Senate informing the House that the Senate had adopted the resolution of the House, relative to the joint action of the committee on privileges with an amendment by the Senate.

Had passed a Senate's bill for relief of John Smith.

And a bill to amend the 4th, 8th, and 9th sections of an act defining the duties of the Attorney General of Texas, passed May 11th, 1846.

And a House's bill for the relief of G. B. Brownrigg.

On motion of Mr. Cumby, a call of the House was ordered.

On motion of Mr. Lewis M., Mr. Darnell was excused from attendance on the House on account of sickness.

Mr. Davis of H., moved to suspend the call. Lost.

The hour having arrived the special order of the day, to-wit :

The bill to raise the revenue by direct taxation, together with amendments by the committee of the whole, was taken up.

Mr. Shannon asked leave to make a report. House refused.

On motion of Mr. Parker, Mr. Anderson was excused from attendance on the House till Monday next.

Amendments by committee of Whole :

Section 5th, line 5th. After the word, "family," amend by adding, "and all wearing apparel and the family groceries and provisions of each family."

Amend 7th section by inserting, "that the county court shall have power to appoint an assessor who shall hold his office until the August election next ensuing after each appointment and until his successor is qualified, and it shall be the duty of the chief Justice to order an election to be held to fill the unexpired term of said assessor, who may have died or resigned, or have been removed by the county court."

Section 10 : Add "which fines shall be paid into the county treasury."

Section 10th, 3rd line : Strike out fifty and insert one hundred.

Section 11th, 5th : After the word "place," insert, "places."

Mr. Ross proposed a substitute for the committee's amendments to section 5th, by striking out said section. Adopted, and amendments of committee adopted.

Mr. Shannon offered a substitute for the 14th section.

Mr. Ross offered the following as a substitute for the substitute :

Section 14th, 4th line : After the word, "grantee," add "and all railroad and canal companies and colonization companies and all persons residing beyond the limits of the State,

owning or claiming titled lands situated in this State, may in like manner render the same for assessment to the assessor and collector of any county in the State: provided, that the party thus rendering the property shall value such land at the average value of the lands in the county, where the same is situated, for the years next preceding such assessment, to be determined by the Comptroller of public accounts.

[Mr. Billingsley in the Chair.]

Substitute adopted.

Mr. Haynes moved to strike out the enacting clause.

Mr. Haynes withdrew his motion to strike out the enacting clause.

Mr. Buckley moved to commit the bill to Finance committee.

Mr. Nelson moved to lay the motion to recommit, on the table.

The yeas and nays being ordered on motion of Mr. Harrison of V. Z., stood thus:

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Billingsley Bogart Craig Cumby Daniels Davis of B. Dennis Dickson Dougherty Ellett Harrison of C. Harrison of V. Z. Henry Houghton Hubbard Lewis of R. Lewter Lynch Maxey Nelson Norton Owens Parker Perry Redwine Ross Shelton Stewart Townes Warfield Whitfield and Whitmore—36.

NAYS.—Messrs. Benevides Branch Bryan Buckley Camp Crawford Clark Culberson Davis of H. Duncan Edwards Epperson Flewellen Francis Franklin Foscue Hall Hartley Haynes Lewis of M. Mabry Maverick McCutchan McKnight Middleton Munding Munson Pirkey Redgate Stewart Wælder Walworth Waterhouse Wortham and Wrede—35.

So the House laid the motion on the table.

Messrs. Nelson, Shelton, Dickson, Foscue and Branch of a Select committee, reported as follows:

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The Special committee to whom was referred the bill for the relief of E. L. and J. H. Martin, and accompanying papers, have had the same under consideration, and ask leave to report, that justice to the party applying for relief, and the State imperatively demands the testimony of W. H. Landrum of Hopkins county in this State, and the committee with the assent of J. M. H. Martin, ask to be empowered to send for said Landrum.

Report adopted.

On motion of Mr. Davis of H., Rob't Cotter, Assistant

Sergeant-at-arms was granted leave of absence for one and a half days.

Mr. Ross proposed to amend as follows :

Section 1st, after the word, "personal," strike out the balance and insert "except such property as may be exempt by law from taxation."

Mr. Hartley moved to strike out the enacting clause.

Mr. Billingsly moved to recommit the bill to select committee of five.

Mr. Ellett moved to lay Mr. Billingsly's motion on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Mabry :

YEAS.—Messrs. Anderson Armstrong Benevides Cumby Dennis Dougherty Ellett Harrison of V. Z. Henderson Houghton Lewter Lynch Manly Mills Nelson Norton Parker Perry Pirkey Redwine Ross Shelton Stewart Townes Warfield and Whitfield—26.

NAYS.—Messrs. Speaker Billingsley Bogart Branch Bryan Buckley Camp Craig Clark Culberson Dale Daniels Davis of B. Davis of H. Dickson Duncan Edwards Epperson Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Henry Hubbard Lewis of R. Mabry Martin Maverick Maxey McKnight Middleton Munson Mundine Redgate Wælder Walworth Waterhouse Whitmore Wortham and Wrede—44.

And the bill recommitteed.

Mr. Henderson introduced a bill to sell the city lots in Austin, and to appropriate the proceeds thereof. Read first time and referred to committee on Public Buildings.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported a substitute for the bill to amend arts. 1775, 1783, 1786 and 1787, and to repeal arts. 1792 and 1793, Oldham & White's Digest, and recommended its passage.

Mr. Cumby introduced a bill to be entitled an act to amend the 3rd section of the act, authorizing the courts of this State, to grant license for the retail of spirituous, vinous and other intoxicating liquors in quantities less than a quart, or imposing a license tax for such privileges. Read first time and referred to committee on State Affairs.

Mr. Wælder introduced a joint resolution to grant leave of absence from the State to Judge Buckner. Read first time.

Mr. Wælder moved to suspend rule and read second time. Lost.

Mr. Davis of H., offered the following resolution :

Resolved, That the House of Representatives, shall hereafter

meet at 9 o'clock, A. M., every day during the session, except Sundays

Mr. Davis of H. moved to suspend rule and take resolution up for action. Lost, and resolution laid over one day for consideration.

Mr. Mills offered the following resolution :

Resolved, That the committee on Agriculture be requested to enquire into the expediency of passing a law, compelling officers of steamboats to deliver their freights at the place of destination, unless prevented by low water, and in case of failure to forfeit the freights and pay damage in case any is done, and to punish them for false measurement. Adopted.

Mr. Lynch presented a petition and a remonstrance of citizens of Lavaca county, relative to the county site of said county. Referred to committee on Counties and County Boundaries.

Mr. Stewart, chairman of committee on Finance, reported a bill for the relief of Joseph Dougherty, and recommended the indefinite postponement of the same.

Also, reported a substitute to the bill, authorizing Calhoun county to levy and have collected a special tax, and recommended its passage.

On motion of Mr. Franklin, the call of the House was suspended.

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

The Speaker announced Messrs. Redwing, Stewart, Barnard, Craig and Speights, a Select committee of five, to whom was referred the bill to raise the revenue by direct taxation.

The bill to incorporate the Air Line Railroad was again taken up.

Mr. Dennis offered the following as a substitute for the 11th section :

Section 11th. That if said railway is not commenced within six months, and at least 25 miles are not completed and in running order within two years after the passage of this act, then this charter shall be null and void. Adopted.

The question recurring on the passage of bill to third reading.

On motion of Mr. Townes the yeas and nays were ordered, and the bill passed to third reading by the following vote :

YEAS.—Messrs. Speaker Benevides Branch Bryan Crawford

Crooks Clark Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Francis Hall Haynes Henderson Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Martin Maverick McClarty McKnight Middleton Mills Mundine Munson Norton Owens Parker Perry Pirkey Redwine Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—51.

NAYS.—Messrs. Anderson Armstrong Bogart Buckley Camp Craig Culberson Dennis Ellett Franklin Harrison of V. Z. Houghton Lynch Maxey Redgate Robinson Ross Shelton and Wortham—19.

Mr. Hubert moved to suspend rule and read bill third time.

On motion of Mr. Foscue, the yeas and nays were ordered, and the House refused to suspend the rule by the following vote, two-thirds not voting for suspension:

YEAS.—Messrs. Anderson Armstrong Bogart Branch Bryan Camp Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Franklin Hall Harrison of V. Z. Haynes Henderson Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Mabry Martin Maverick Middleton Mills Mundine Munson Owens Parker Perry Pirkey Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wrede—51.

NAYS.—Messrs. Speaker Benevides Buckley Craig Dennis Ellett Francis Foscue Harrison of C. Houghton Lynch Manly McClarty McKnight Norton Redgate Redwine Robinson Ross Shelton Whitmore and Wortham—21.

Mr. Houghton called up bill to relieve Crittenden C. Wells *et al* from minority, which was read second time and ordered to be engrossed.

On motion of Mr. Culberson, rule suspended, bill read third time and passed.

Mr. Kinney called up the bill to incorporate the Western Texas Railroad Company, with report from committee recommending its passage.

Mr. Foscue offered a substitute for the bill, which was adopted, and the bill ordered to be engrossed.

On motion of Mr. Kinney, the rule was suspended, bill read third time and passed by two-third vote.

Mr. Henry called up a bill supplemental to the act to ascertain what land certificates have been illegally issued by county courts of counties in Peters' colony, and to provide for issuing patents on said certificates as are legal, with report from com-

mittee, recommending amendments, which were adopted and the bill passed to third reading.

On motion of Mr. Bogart, the rule was suspended, bill read third time and passed.

Mr. Lewis of M., called up the bill making it the duty of the Superintendent of the Penitentiary to pay over to the Commissioners of the county courts, one-half the net proceeds of the labor of such convicts, as whose families are in indigent circumstances for the support and maintenance of their families, with report from committee recommending a substitute.

Mr. Davis of H., proposed to amend as follows:

"Provided, that the proof of the indigency shall be established by two witnesses of the county in which the family live, before the chief justice; and, provided, that the family are endeavoring to make an honest and virtuous living." Amendments adopted and the substitute adopted.

The question recurring upon the engrossment of the bill.

On motion of Mr. Henderson the yeas and nays were ordered, and the House refused to engross the bill by the following vote:

YEAS.—Messrs. Speaker Anderson Armstrong Branch Bryan Clark Culberson Dale Dennis Duncan Epperson Franklin Foscue Harrison of C. Harrison of V. Z. Haynes Houghton Hubbard Lewis of M. Lewis of R. Lynch Manly Martin Maverick Middleton Mills and Munson—27.

NAYS.—Messrs. Bogart Crawford Crooks Daniels Davis of B. Davis of H. Dougherty Ellett Flewellen Francis Hall Henderson Lewter Maxey McKnight Nelson Norton Parker Perry Pirkey Redgate Redwine Ross Shelton Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—35.

On motion the House adjourned till 9 1-2 o'clock A. M. tomorrow.

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 19, 1860. }

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of bill for the relief of J. H. Robinson.

Mr. Townes, for the committee on Public Grounds and Buildings, reported a bill making an appropriation for the erection of

suitable buildings for the Lunatic Asylum, and for the support and maintenance of the same for 1860 and 1861—read 1st time, and on motion of Mr. Townes, 100 copies of the bill and accompanying letter were ordered to be printed.

Also, reported a bill appropriating money for the Artesian Wells, &c., and recommended its passage.

Mr. Shannon, Chairman of committee on Private Land Claims reported, recommending the passage of a bill for the relief of Caldwell Carson, dec'd, with amendments. Amend by striking out "640," and inserting "320."

Also, reported, recommending the passage of the Senate's bill for the relief of Benjamin Baccus.

Also reported, asking that the bill for the relief of heirs of Jesse Simmons, or their assignees, be referred to committee on Judiciary. Report adopted.

Also, reported recommending the passage of the Senate's bill for the relief of Joseph Turner.

Also, reported, recommending the passage of the Senate's bill for the relief of Jose Leonardo de la Garza Trudo, with amendments.

Amend, by adding to 1st section "Provided, he has not heretofore received a headright certificate by virtue of his residence in Texas, at the time of the declaration of Independence.

Mr. Daniels, one of the Committee on Private Land Claims reported, asking to be discharged from further consideration of the petition of Mary Henman.

Mr. Crooks, Chairman of committee on Engrossed Bills, reported correctly engrossed,

The bill to amend the 20th section of the act to incorporate the Memphis, El Paso and Pacific Railroad Company.

And the bill to authorize the county courts of Shelby county, to regulate the pay of Sheriffs therein, in certain cases.

Mr. Edwards reported a bill for the relief of Wm McDowell, and recommended its passage.

Mr. Maxey, one of the committee on Enrolled Bills, reported correctly enrolled, and properly signed,

A Bill for the relief of the heirs of D. M. Shropshire, deceased, and that the same has been presented to the Governor, for his approval and signature.

On motion of Mr. Haynes, 500 copies of the accompanying documents of Governor Houston's message were ordered to be printed.

Mr. Epperson offered the following resolution :

Resolved, That the Governor be requested to transmit to the

House a copy of the contract made for printing under the law regulating Public Printing, and copies of the bids for the same, and that he be requested to state whether the contract which has been entered into, is in conformity to said law, and if not, to specify in what particulars the same varies from the provisions of said law.

Laid over one day for consideration.

Mr. Clark introduced a bill relating to descents and distributions. Read first time and referred to Judiciary Committee.

A message was received from the Senate informing the House that the Senate had passed

A bill for the relief of Michael Herbert.

A bill to create the Board of Commissioners of Public Grounds and Buildings.

A bill making an appropriation to repair Capitol and other Public Buildings

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University.

A bill to encourage the publication of a complete digest of the Reports of the Supreme Court.

Also, had passed the House's bill granting a pension to James E. Field.

Mr. Lewis of M., introduced a bill to repeal the act providing pay to masters whose slaves have been hung, &c. Read first time and referred to committee on slaves and slavery.

Mr. Townes introduced a bill to amend act 410 of the Penal Code. Read first time, and referred to Judiciary committee.

On motion of Mr. Baxter, the rule was suspended, and the bill for taking depositions of witnesses in foreign countries with report from committee, recommending a substitute, was taken up, and the substitute adopted.

Mr. Mabry proposed to amend by adding an additional section.

On motion of Mr. Buckley, the amendment was laid on the table, and the bill ordered to be engrossed.

On motion of Mr. Hubbard the rule was suspended, and the bill to prescribe police regulations in respect to slaves with report from committee recommending a substitute was taken up, and substitute adopted.

Mr. Redwine proposed to amend Sec. 11, 6th line, by inserting after the word "purpose" "That five or more slaves assembling together may be considered assembling for an improper purpose." Rejected, and bill ordered to be engrossed.

Mr. Hubbard moved a further suspension of rule—lost.

Mr. Buckley offered the following resolution :

Resolved, That the committee on slaves and slavery be instructed to enquire into the expediency of assessing a tax of two cents per head upon the slaves of this State, to create a fund to compensate owners of slaves executed for crime, and report by bill or otherwise.

The hour having arrived, the special order of the day, to wit : "The bill to re-organize the Court of Claims," with pending amendments, was taken up.

Mr. Franklin moved to re-commit the bill to the committee on Public Lands.

On motion of Mr. Davis of B., the motion was laid on the table.

On motion of Mr. Davis of B, the substitute for first section was laid on the table, and Mr. Hartley's pending amendment rejected.

Mr. Foscue proposed to strike out of section 1st from the word "he" in 8th line, to "dollars" in twelfth line. Adopted.

Mr. Shannon proposed the following additional section :

"Sec. — Provided, that nothing in this act shall be so construed as to permit parties to prove up original headright certificates, predicated upon the fact of their living in that part of the State of Texas which is situated between the Nueces and Rio Grande, at the time of the Declaration of Texan Independence."

Mr. Crooks, Chairman of Committee on Engrossed Bills, reported correctly engrossed the bill for the relief of Crittenden C. Wells, *et al.*

Mr. Edwards offered a substitute for the proposed amendment — by striking out section 3d.

On motion the House adjourned till 7 o'clock, P M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—no quorum present.

Mr. McKnight moved to adjourn till 8½ o'clock, A. M., tomorrow. Lost.

Quorum present. The following named Senate bills were taken up, read first time and disposed of as indicated :

A bill for the relief of John Smith, referred to the committee on Private Land Claims.

A bill for the relief of Michael Herbert, referred to committee on Private Land Claims.

A bill for the relief of John Frederick, referred to committee on Court of Claims.

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University. Referred to committee on Education.

A message was received from the Senate, informing the House that the Senate had passed,

A bill supplementary to and amendatory of the act to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, by making appropriation for the same, approved August 23rd, 1856.

And a bill to authorize the corporation of the town of Corsicana, to levy a tax on ten-pin alleys, within the limits of said corporation.

And had concurred in the House's amendment to the Senate's bill, supplemental to the act, to ascertain what land certificates have been illegally issued in counties of Peters' colony, &c.,

Mr. Henderson called up bill for the relief of Alex. Wheeler, which was read second time and ordered to be engrossed.

On motion of Mr. Henderson, the rule was suspended, bill read third time and passed.

Mr. Lewis of R., called up bill to incorporate Lexington Male and Female Institute, which was read second time and ordered to be engrossed.

On motion of Mr. Mundine, the rule was suspended, bill read third time and passed by two-third vote.

Mr. Haynes called up the bill to ascertain and adjudicate certain legal claims for land against the State, between the Nueces and Rio Grande.

On motion of Mr. Billingsley the bill was made the special order of the day for Thursday next, 11 o'clock, and 100 copies ordered to be printed.

Mr. Lewter called up the Senate's bill for the relief of Stephen Kelley, which was read second time and passed to the third reading.

On motion of Mr. Lewter, the rule was suspended, bill read third time and passed.

Mr. Hartley called up the Senate's bill to incorporate the Factors Cotton Press Company, which was read second time and passed to third reading.

On motion of Mr. Hartley, the rule was suspended, bill read third time and passed by two-thirds vote.

Mr. Lynch called up bill for relief of K. Bingham White, which was read second time and ordered to be engrossed.

On motion of Mr. Lynch, the rule was suspended bill read third time and passed.

Mr. Harrison of V. Z., called up the bill to permit Adam Sullivan, to build a bridge across the Sabine river, which was read second time.

Mr. Francis proposed to amend by striking out all in relation to foot passengers. Adopted.

Mr. Ross proposed to amend by striking out the prohibition in the 4th section.

On motion of Mr. Harrison of V. Z., the amendment was laid on the table and the bill ordered to be engrossed.

On motion of Mr. Norton, the rule was suspended, bill read third time and passed by two-third vote.

Mr. Mabry called up the bill for the relief of William McDowell, which was read second time and ordered to be engrossed.

On motion of Mr. Mabry, the rule was suspended, bill read third time and passed.

Mr. Harrison of C., called up the bill to incorporate the Air Line Railroad Company, which was read third time and passed by the following vote ;

YEAS.—Messrs. Speaker Baxter Branch Bryan Caddell Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Francis Hall Henderson Henry Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Martin Maverick McClarty McKnight Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Short Speights Stewart Townes Wælder Warfield Waterhouse Whitfield and Wrede—50.

NAYS.—Messrs. Bogart Buckley Culberson Dennis Franklin Foscue Harrison of V. Z., Houghton Mabry Manly Redgate Robinson Ross and Shelton—15.

Mr. Manly called up the bill for the relief of Lorenzo de Zavala, which was read second time.

The question being on the engrossment of the bill. The yeas and nays were ordered on motion of Mr. Davis of H., and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Armstrong Bogart Branch Bryan Buckley Crawford Crooks Culberson Cumby Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Franklin Hall Harrison of C. Hartley Haynes Henderson Henry Houghton Hubbard Hubert Lewis of M. Lewis of R. Lynch Mabry Manly Maverick Maxey McClarty McKnight Middleton Mills Mundine Munson Nelson Norton Owens Paker

Perry Pirkey Redgate Robinson Ross Shannon Short Townes
Wælder Walworth Warfield Whitfield and Wrede—59.

NAYS—Messrs. Caddell Francis and Foscue—3.

On motion of Mr. Manly, the rule was suspended, bill read third time and passed.

Mr. Short moved to reconsider the vote incorporating the Air Line Railroad Company. Lost.

Mr. Hall called up the bill to encourage the city of El Paso to irrigate the valley of the Rio Grande, with report from committee, recommending amendments, which were adopted.

[Mr. Maverick in the Chair.]

Mr. Crooks proposed to amend by striking out El Paso, and inserting "the State of Texas." Ruled out of order.

Mr. Nelson proposed to amend as follows :

"The citizens on the Brazos river, in the counties of Palo Pinto and Parker, and down to Falls county, and the North Bosque river, from head to mouth, have the same privileges."

Mr. Francis moved to lay the amendment and bill on the table.

On motion of Mr. Buckley, a division of the question was ordered.

The question recurring on laying the amendment on the table, on motion of Mr. Nelson, the yeas and nays were ordered, and the amendment laid on the table by the following vote :

YEAS—Messrs. Baxter Branch Buckley Caddell Culberson Cumby Dennis Dickson Dougherty Flewellen Francis Franklin Hall Haynes Houghton Hubert Lewis of M. Lynch Manly Maverick Maxey Mundine Munson Perry Redgate Robinson Short Wælder Walworth Warfield and Waterhouse—31.

NAYS—Messrs. Benevides Bogart Crawford Crooks Clark Dale Davis of B. Davis of H. Duncan Epperson Foscue Harrison of C. Harrison of V. Z. Hartley Henderson Henry Lewter Mabry Martin McClarty, McKnight Middleton, Nelson Norton Owens Parker Pirkey Shelton Townes and Wrede—29.

The question being on laying the bill on the table, the same was put, and the House refused to lay the bill on the table.

Mr. Davis of H., proposed to amend as follows :

"Give the citizens of Hays and Caldwell counties the same privileges the original bill gives to El Paso county."

Mr. Francis moved the previous question, which was seconded, and the main question ordered, which was on the engrossment.

On motion of Mr. Crooks, the yeas and nays were ordered, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Baxter Benevides Bryan Buckley

Caddell Cumby Davis of B. Dennis Dougherty Duncan Edwards Epperson Flewellen Franklin Foscue Hall Harrison of C. Hartley Haynes Henderson Henry Lewis of M. Lynch Manly Martin Maverick Maxey McClarty Middleton Mundine Munson Nelson Norton Owens Redgate Robinson Short Wælder Walworth and Wrede—41.

NAYS—Messrs. Bogart Branch Crawford Crooks Clark Davis of H. Dickson Francis Harrison of V. Z. Lewis of R. Lewter Mabry Mills Parker Perry Shelton Townes Warfield Whitmore and Waterhouse—19.

On motion of Mr. Dickson, the vote tabling Mr. Nelson's amendment was reconsidered.

Mr. Hall moved to suspend the rule, that bill be read third time.

Mr. Davis of H., moved a call of the House.

Mr. Crooks moved to adjourn till 10 o'clock to-morrow.—Lost.

The question recurring on the suspension of the rule, on motion of Mr. Crooks, the yeas and nays were ordered, and stood thus:

YEAS—Messrs. Benevides Bogart Bryan Buckley Caddell Crawford Culherson Cumby Dale Davis of B. Dennis Dougherty Duncan Epperson Flewellen Franklin Hall Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Hubbard, Lewis of M. Lynch Mabry Manly Martin Maverick Maxey McClarty Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Short Wælder Walworth and Wrede—45.

NAYS—Messrs. Crooks Clark Davis of H. Dickson Francis Foscue Lewter McKnight Shelton Townes Warfield and Waterhouse—12.

No quorum voting.

On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Friday, January 20, 1860. }

House met pursuant to adjournment—roll called—quo un present. Journal of yesterday read and adopted.

Mr. Stewart presented the petition of John H. Blackwell. Referred to committee on Judiciary.

Mr. Wrede presented the petition of sundry citizens of Mason county. Referred to committee on Judicial Districts.

Mr. Franklin presented the memorial of sundry citizens of Galveston county. Referred to committee on State Affairs.

Mr. Ross presented the petition of Wm. C. Davis. Referred to committee on Court of Claims.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of heirs of Jas. Bowie, and recommended its passage. Bill read first time.

Mr. Townes, one of the committee on Education, reported, recommending the passage of the Senate's bill to incorporate Franklin College, with amendments by committee:

Amend the caption by striking out "Franklin" and insert "Wharton," and add "in the city of Austin," and amend the 1st section by striking out "Franklin" and inserting "Wharton."

Mr. Munson, one of the committee on Education, reported, recommending the passage of the Senate's bill to prohibit sale of intoxicating liquors in the neighborhood of Soule University.

Mr. Epperson, one of the committee on Judiciary, reported, recommending the passage of the bill regulating the proceedings in Justices' courts.

Also, reported a substitute for the bill to remove the disability of minority from Tolbert F. Guest, and recommended its passage.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill granting land to the Lavaca Navigation Company.

Also, reported adversely to the joint resolution instructing the Attorney General to institute suit against Messrs. Boyce & Sawyer and their securities.

Also reported, recommending the passage of the Senate's bill to incorporate the Southern Fire Insurance Company.

Also reported, recommending the indefinite postponement of the bill to incorporate the town of Columbus.

Also reported, recommending the passage of the bill to amend the 2d section of the act to indemnify owners of slaves that have been executed, &c., with amendment by the committee.

Amendment: after the word "State," in 11th line, section 2, insert "one-half."

Mr. Koss, one of the committee on State Affairs, reported a bill to permit the town of New Salem to incorporate under the general law. Bill read first time.

Mr. Redwine, as chairman of Select committee, reported a bill to amend the 4th, 8th, 15th and 18th sections of the act to provide for the assessment and collection of taxes, approved Feb. 11th, 1850, and recommended its passage. Bill read first time.

On motion of Mr. Redwine, the rule was suspended and bill taken up.

On motion of Mr. Manly, the bill was made special order of the day for 11 o'clock, Monday next, and 100 copies ordered to be printed.

On motion of Mr. Fosene, 5 copies of all the surplus documents ordered to be printed by this House, were ordered to be deposited in the State Library and the balance in State Department.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed, bill for the relief of heirs of Wm McDowell and bill for the relief of Alexander Wheeler.

On motion of Mr. Buckley, the rule was suspended and the bill to amend the 15th section of the general road law, with report from committee on Roads, Bridges and Ferries, recommending the indefinite postponement of the bill.

A message was received from the Senate informing the House that the Senate had passed :

"A bill to amend the 9th section of act of May 12th, 1846, defining the duties of District Attorneys, and supplemental to said act."

"Bill to incorporate the Dallas Bridge Company."

"Bill granting pension to Jno. A. Strump," and a

"Bill to amend the 1st, 5th, 7th, 13th and 17th sections of the act to incorporate the Houston, Trinity and Tyler Railroad Company.

Also, had passed the House's bill to pay certain persons for arresting John T Shanks and procuring testimony against him, with amendments :

Amend 5th line, section 1, strike out "500" and insert "200," amend 10th and 11th line, section 1, strike out "125" and insert "50."

[Mr. Henderson in the Chair.]

Mr. Buckley moved to lay the report of committee on Roads, Bridges and Ferries on the table.

Mr. Lewis of R., proposed to amend by saying and bill.

Mr. Buckley called for a division of the question.

The question recurring on laying the report on the table, the House refused to do so.

The question on the adoption of the report was put, with the following result, the yeas and nays being demanded on motion of Mr. Buckley :

YEAS—Messrs. Speaker Armstrong Barnard Baxter Billingsley Branch Bryan Cunby Daniels Davis of H Dennis Dougherty

Duncan Francis Harrison of V. Z. Hartley Haynes Henderson Hubbard Lewis of R. Lewter Lynch Martin McClarty Middleton Mills Mundine Munson Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—46.

NAYS—Messrs. Bogart Buckley Caddell Crawford Clark Dale Davis of B. Edwards Epperson Foscue Hall Harrison of C. Houghton Lewis of M. Mabry Manly Maverick Maxey McKnight Norton Short and Smith—22.

So the House adopted the report.

On motion of Mr. Taylor of C., the rule was suspended and a bill to encourage the manufacture of iron in Texas, with a report from the committee on State Affairs, recommending the passage of the same, were taken up.

Mr. Munson offered a substitute for the bill.

Mr. Hartley proposed to amend the substitute as follows :

In Sec. 1st, after "Cotton," insert "Hempen," and "or other fabric" after cloths. Adopted.

Mr. Buckley proposed to amend by inserting "goods" between "other and fabrics." Adopted.

Mr. Epperson proposed to amend by inserting in 1st section, "or the purpose of manufacturing flour."

The question being upon the adoption of the amendment, the yeas and nays were ordered on motion of Mr. Mills, and stood :

YEAS—Messrs. Bogart Branch Camp Crawford Clark Culber-son Daniels Davis of H. Dougherty Duncan Epperson Francis Franklin Hall Henderson Hubbard Lewis of M. Lewis of R. Lewter Lynch Martin McKnight Mills Norton Parker Perry Shannon Shelton Stewart Townes and Wortham—31.

NAYS—Messrs. Speaker Barnard Baxter Benevides Billingsley Bryan Buckley Caddell Cunby Dale Davis of B. Dennis Dickson Edwards Foscue Harrison of C. Harrison of V. Z. Hartley Mabry Manly Maverick Maxey McClarty Mundine Munson Pirkey Red- gate Redwine Robinson Ross Short Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—38.

So the House refused to adopt the amendment.

Mr. Manly proposed to amend by inserting the words "and for the refining of sugar." Lost.

Mr. Mundine proposed to amend by inserting "lead" after "iron." Adopted.

Mr. Redwine proposed to amend as follows :

Provided, That in no case shall the State be liable for any

deficit of land by the exhaustion of the public domain under the provisions of this act. Adopted.

Mr. Buckley proposed to amend by striking out "10" before sections and inserting "5." Rejected.

Mr. Pirkey proposed to amend by adding after lead "oil and gas." Lost.

Mr. Haynes proposed to amend by adding "or for the manufacture of salt." Adopted.

Mr. Pirkey proposed to amend as follows: "After salt add beef packing establishments."

On motion of Mr. Norton, laid on the table, and substitute adopted.

Mr. Stewart proposed to amend the caption by adding "Education," and the bill by adding the following section:

Sec. —. That 10 sections, of 640 acres of land each, shall in like manner be donated to each institution of learning which has or may hereafter erect buildings of the like value of \$10,000, to be granted in like manner and after the same proof as required by this act for the donation of lands to manufacturing companies.

Speaker ruled that the amendment was in order.

Mr. Hartley appealed from the decision, and the House sustained the appeal.

Mr. Stewart proposed to amend the caption by adding, "and other branches of industry," and to amend the bill by the following additional section:

"Sec. —. That a pro rata amount of land shall be granted to each and every citizen of this State who may be engaged in any branch of industry in proportion to the capital he may have in his business whether mechanical or agricultural or stock growing."

Mr. Mills moved to adjourn till 7 o'clock, P. M. Lost.

Mr. Norton moved to lay the amendment on the table.

On motion of Mr. Mills, the yeas and nays were ordered, and the amendment laid on the table by the following vote:

YEAS—Messrs. Speaker Barnard Baxter Benevides Billingsley Buckley Caddell Camp Crooks Clark Cumby Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Flewellen Francis Foscae Hall Harrison of C. Hartley Haynes Houghton Hubbard Lewter Mabry Maverick McClarty Maxey Middleton Mundiae Munson Norton Parker Redgate Redwine Robinson Ross Short Speights Townes Wælder Watworth and Wrede—46.

NAYS—Messrs. Armstrong Bogart Crawford Henderson Lewis of M. Lewis of R. Lynch McKnight Mills Perry Shannon Shelton Stewart Warfield Waterhouse Whitfield Whitmore and Wortham—18.

The question recurring on the engrossment of the bill, the yeas and nays were ordered on motion of Mr. Lewis of R., and the bill was ordered to be engrossed by the following vote :

YEAS.—Messrs. Speaker Barnard Baxter Benevides Billingsley Bryan Camp Culberson Cumber Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Francis Fosoue Hall Harrison of C. Harrison of V. Z. Hartley Harnes Houghton Hubbard Lewter, Mabry Martin Maxey McClarty Munding Munson Norton Parker Pirkey Redgate Redwine Robinson Ross Short Smith Townes Wælder Walworth and Wrede—44.

NAYS.—Messrs. Armstrong Bogart Caddell Crawford Clark Dickson Flewellen Lewis of M. Lewis of R. Lynch Maverick McKnight Middleton Mills Perry Shannon Shelton Stewart Warfield Waterhouse Whitfield Whitmore and Wortham—23.

On motion of Mr. Franklin, bill No. 266 was referred to committee on State Affairs.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending that the parties interested be permitted to withdraw the petition of Wm Phillips.

On motion of Mr. Townes, a bill to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, taken up, and referred to committee on Internal Improvements.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The following named Senate's bills were taken up, read first time, and disposed of as indicated, viz :

Bill to authorize the corporation of the town of Corsicana, to levy a tax on ten pin alleys within the limits of said corporation. Referred to committee on State Affairs.

Bill to amend 1st, 5th, 7th, 12th and 17th sections of the act to incorporate the Houston, Trinity and Tyler Railroad Company. Passed to second reading.

Bill to incorporate the Dallas Bridge Company. Referred to committee on Roads, Bridges and Ferries.

Bill granting a pension to John S. Stump.

On motion of Mr. Nelson, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Nelson, the rule was further suspended, bill read third time, and passed by the following vote :

YEAS.—Messrs. Speaker Armstrong Benevides Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks

Clark Culberson Davis of B. Davis of H. Duncan Edwards Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Hubert Lewis of R. Lewter Lynch Mabry Manly Martin Maxey McClarty McKnight Mundine Nelson Norton Parker Perry Pirkey Redgate Redwine Ross Shannon Shelton Smith Speights Stewart Townes Warfield Waterhouse Whitfield Whitmore and Wrede—60.

YAYS—Mr. Caddell—1.

A bill to pay certain persons for the arrest of John T. Shanks, with an amendment by the Senate.

The question being upon agreeing to the Senate amendment, the same was put, and stood as follows, Mr. Nelson calling for the yeas and nays :

YEAS—Messrs. Dougherty Ellett Epperson Francis Foscue Harrison of V. Z. Haynes Henderson Lynch McKnight Norton Owens Pirkey Redwine Robinson Ross Shelton Smith Speights Stewart Walworth Warfield Whitmore and Wrede—24.

NAYS—Messrs. Speaker Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Crawford Crooks Culberson Cumby Dale Davis of B. Davis of H. Dennis Dickson Duncan Edwards Franklin Hall Harrison of C. Hartley Houghton Hubbard Lewis of R. Lewter Mabry Manly Maverick Maxey Mills Mundine Nelson Parker Perry Redgate Shannon Short Walder Waterhouse and Whitfield—46.

So the House refused to agree to the Senate amendment.

A bill for the relief of Chester B. Starks, with a substitute from the Senate, taken up. Read first time ; rule suspended, read second time, and passed to a third reading ; rule further suspended, read third time and passed.

Mr. Martin called up a bill for the relief of Ansel Cupp, M. D. Erwin and others, with a report from committee on Public Lands, recommending the passage of a substitute for the bill. Substitute adopted.

The question being on the engrossment of the bill, the yeas and nays were ordered on motion of Mr. Foscue, and stood thus :

YEAS—Messrs. Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Camp Crawford Clark Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Ellett Epperson Francis Hall Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Lewis of R. Lynch Manly Martin Maverick McKnight Mills Mundine Owens Parker Perry Redgate Robinson Shannon Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Wrede—48.

NAYS—Messrs. Speaker Buckley Caddell Crooks Franklin Foscue Kinney Lewter Mabry Munson Nelson Norton Redwine Ross Shelton Smith and Whitmore—17.

So the bill was ordered to be engrossed.

Mr. Edwards moved to suspend the rule in order to put the bill on its third and final reading. Carried; bill read third time and passed.

Mr. Foscue called up a bill to amend the 1st, 5th, 7th, 13th and 17th sections of an act to incorporate the Houston, Trinity and Tyler Railroad Company.

On motion of Mr. Henderson, the rule was suspended and bill read second time.

Mr. Henderson proposed to amend by striking out all after "may be due" in 4th section. Lost, and bill passed to a third reading.

On motion of Mr. Hubbard, rule suspended, read third time, and passed by the following vote:

YEAS—Messrs. Speaker Armstrong Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Clark Culberson Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Flewellen Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McClarty McKnight Middleron Mills Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Whitmore—69

NAYS—Messrs. Ellett and Henderson—2.

Mr. Maverick called up a bill to incorporate the San Antonio Gas Company. Bill read second time and ordered to be engrossed. On motion of Mr. Maverick, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Crawford Crooks Clark Culberson Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Franklin Hall Harrison of C. Harrison of V. Z. Haynes Houghton Hubbard Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick Maxey McClarty McKnight Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Smith Stewart Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—68.

Mr. Maxey called up a bill for the relief of Artomesy Wilson with report from committee recommending a substitute, which was adopted. Bill read second time and ordered to be engrossed. On motion of Mr. Maxey, the rule was suspended, bill read third time and passed.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to authorize Adam Sullivan to construct a bridge across the Sabine River.

Mr. Francis called up a bill to incorporate the Jacksonville and Neches Bridge Company. Bill read second time. Mr. Francis moved to amend by striking out all that relates to footmen. Carried, and bill ordered to be engrossed.

On motion of Mr. Francis, rule was suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Armstrong Benevides Bogart Branch Bryan Buckley Camp Crawford Crooks Clark Culberson Dale Davis of B. Davis of H. Dennis Duncan Edwards Ellett Epperson Francis Franklin Foscoe Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McClarty McKnight Mills Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Townes Wælder Warfield Waterhouse Whitfield Whitmore and Wrede—64.

NAYS—Mr. Dougherty—1.

Mr. McClarty called up a bill for the relief of the heirs of Shelby Corzine. Bill read second time and ordered to be engrossed.

On motion of Mr. McClarty, the rule was suspended, read third time and passed.

Mr. Flewellen called up a bill to prevent the sale of spirituous liquors within one mile of the town of Starrville in Smith county, with report from committee recommending amendments which were adopted. Bill read second time and passed to third reading.

On motion of Mr. Harrison of C., rule was suspended, bill was read third time and passed.

Mr. Epperson called up a bill to incorporate the McKenzie Male and Female Institute, which was read second time and passed to third reading.

On motion of Mr. Epperson, rule was suspended, bill read third time, and passed by the following vote :

YEAS.—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Crooks Clark Culberson Dale

Davis of B. Davis of H. Edwards Epperson Franklin Harrison
of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard
Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly
Martin Maverick McClarty McKnight Mills Mundine Munson
Nelson Norton Owens Parker Perry Pirkey Redgate Redwine
Robinson Ross Shannon Shelton Short Smith Speights Stewart
Wælder Warfield Waterhouse Whitfield Whitmore and Wrede
—61.

On motion of Mr. Mills, the rule was suspended, and a bill to authorize the corporation of the town of Corsicana to levy a tax on ten pin alleys within the limits of said corporation was taken up, read second time and passed to a third reading.

On motion of Mr. Mills, the rule was further suspended, and bill read third time and passed.

Mr. Edwards called up a bill for the relief of J. T. White.— Bill read second time, and ordered to be engrossed.

On motion of Mr. Edwards, the rule was suspended, bill read third time and passed.

Mr. Lewis of R., called up a bill for the relief of J. C. Spence, which was read second time, and ordered to be engrossed.

On motion of Mr. Lewis of R., the rule was suspended, bill read third time and passed.

Mr. Duncan called up a bill granting land to the Lavaca Navigation Company, which was read second time, and ordered to be engrossed.

On motion of Mr. Duncan, the rule was suspended, bill read third time and passed.

Mr. Norton called up a bill to authorize the County Court of Henderson county to levy a special tax to build a court-house, which was read second time.

Mr. Ellett proposed to amend by inserting the words of Wise and Denton after Henderson, which was lost, and the bill was ordered to be engrossed.

On motion of Mr. Norton, the rule was suspended, and bill read third time and passed.

Mr. Lewis of R. introduced a bill supplemental to an act passed the 5th February, 1858, regulating common schools, which was read first time, and referred to committee on Education.

Mr. Dougherty called up a bill for the relief of Mrs. Wm. Gamble, with a majority and minority report. Bill read second time, and ordered to be engrossed.

On motion of Mr. Dougherty, the rule was suspended.

The question recurring upon the final passage of the bill, the yeas and nays were ordered by Mr. Norton, and the vote stood thus :

YEAS—Messrs. Speaker Armstrong Baxter Benevides Bogart Branch Bryan Buckley Camp Culberson Dale Davis of B. Davis of H. Dennis Dougherty Duncan Edwards Ellett Franklin Haynes Henderson Hubbard Lewis of R. Lynch Mabry Manly Maverick McClarty Middleton Mills Munson Nelson Owens Perry Pirkey Redgate Robinson Short Smith Stewart Townes Wælder Warfield Waterhouse and Whitfield—45.

NAYS.—Messrs. Clark Epperson Francis Foscoe Harrison of C. Harrison of V. Z. Lewter Mundine Norton Parker Redwine Shelton Speights and Whitmore—14.

No quorum voting, on motion of Mr. Nelson a call of the House was ordered.

[Mr. Duncan in the Chair.]

On motion Messrs. Craig and McCutchan were excused.

Mr. Mills moved to excuse Mr. Maxey. Lost.

Absentees : Messrs. Billingsly Crawford Crooks Cumby Daniels Dickson Flewellen Hall Hartley Henry Houghton Hubert Kinney Lewis of M. Martin Maxey McKnight Navarro Ross Shannon Taylor Walworth and Wrede.

Mr. Henderson moved to adjourn till 9 1-2 o'clock, A. M., to-morrow. Lost.

Mr. Norton moved to adjourn till 4 o'clock, A. M., to-morrow. Lost.

Mr. Norton moved to adjourn till 6 o'clock, A. M., to-morrow. Lost.

Mr. Davis of B., moved to adjourn till 9 o'clock, A. M., to-morrow. Lost.

Mr. Davis of B., moved to suspend call of House. Lost.

Mr. Haynes moved to adjourn till 9. 35m. o'clock to-morrow. Lost.

Mr. McClarty moved to adjourn till 10 o'clock to-morrow. Lost.

Mr. Munson moved to adjourn till 10 o'clock to-morrow. Lost.

Mr. Franklin moved to adjourn till 10 o'clock to-morrow.—

Carried.

HOUSE OF REPRESENTATIVES, }
Saturday, January 21st, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

On motion of Mr. Hubbard, the vote passing the bill for the relief of Ansel Cupp, *et al.*, was reconsidered.

On motion of Harrison of V. Z., a reconsideration of the bill was postponed till 8 o'clock, P. M.

Mr. Speights presented the petition of Lewis Letney. Referred to committee on State Affairs.

Mr. Robinson presented the petition of Charlotte L. Sommers. Referred to committee on Private Land Claims.

Mr. Duncan presented the petition of Elijah Burnett. Referred to committee on Public Debt.

Mr. Townes, chairman of committee on Public Buildings and Grounds, reported, recommending the passage of the bill authorizing the sale of Austin city lots, &c., with amendments by the committee. In section 2d, after the words "Secretary of State," insert "and for building a smoke house and other out-houses on the Public Grounds at the Governor's mansion."

Mr. Branch, chairman on Enrolled Bills, reported as follows :
To THE HON M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined a bill for the relief of G. B. Brownrig.

A bill granting a pension to Joseph E. Fields.

A bill to amend the 11th section of the act of February 7th, 1853, entitled an act to incorporate the Galveston, Houston and Henderson Railroad Company, and find the same correctly enrolled, properly signed, and were presented to the Governor for his approval and signature on the 20th inst.

Mr. McKnight, one of the committee on Education, reported, recommending the passage of the Senate's bill to incorporate Prairie Lea Female Institute.

Mr. Henderson moved to recommit the bill to committee on Education. Lost.

Mr. Foscue, chairman of committee on Internal Improvement, reported, recommending the passage of the Senate's bill for the relief of the Washington County Railroad Company.

Mr. Davis of B., one of the committee on Education, reported, recommending the passage of the bill to relieve John H. Blackwell, from minority.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported, asking to be relieved from farther consideration of the resolution instructing said committee to examine into the expediency of taxing each slave 2 cents, to create a fund to indemnify owners whose slaves have been executed. Also asked to be discharged from consideration of the act to repeal the act passed

24th January, 1852, providing for the compensation of masters for slaves executed in this State.

Messrs. Norton, Ross, Lewter, Speights and Francis, from the committee on Claims and Accounts, submitted a minority report on the claim of Eli Kirk.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the bill donating land to W. A. S. Rondeau.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the passage of the bill to amend the act incorporating the city of Galveston.

On motion of Mr. Branch, the bill to endow Professorships in colleges, was taken up and made special order of the day at 11 o'clock, Tuesday next.

Mr. Hubert introduced a bill for the relief of Parrott W. McNeese. Read first time, and referred to committee on Private Land Claims.

Mr. Lewis of M., introduced a bill to make certain acts penal, and to provide the punishment of the same. Read first time, and passed to second reading.

Mr. Dickson introduced a bill to authorize the issuance of a duplicate certificate for Leiper Willoughby's donation warrant. Read first time, and referred to committee on Private Land Claims.

Mr. Hubert offered the following resolution :

Resolved, That the Sergeant-at-arms shall not be sent after absentees unless he is well armed with a lance and a musket and bayonet ; and that he is authorized to call on the Captain of the Quitman Rifles for assistance, if necessary. Laid over one day for consideration.

A message was received from the Governor.

A message was received from the Senate informing the House that the Senate had passed a bill to authorize the use of the U. States Bonds set apart to the University of Texas, to meet appropriations made for frontier protection. And had concurred in the House's amendment to the Senate's bill to prevent the sale of spirituous liquor near Starrville, in Smith county.

On motion of Mr. Henderson the rule was suspended ; and the bill to prevent Judgments from becoming dormant was taken up, with report from committee recommending amendments.

Mr. Wælder offered the following as a substitute for the committee's amendments : "or unless the judgment be recorded in the office of the County Clerk of the county wherein the land is

situated." Rejected by the following vote, the yeas and nays being ordered on motion of Mr. Davis of H. :

YEAS—Messrs. Barnard, Baxter, Billingsley, Craig, Crawford, Davis of H., Edwards, Ellett, Epperson, Hartly, Mundine, Norton, Owens, Pirkey, Ross, Shelton, Smith, Stewart, Wælder, Waterhouse, Whitmore and Wrede—22.

NAYS—Messrs. Armstrong, Benevides, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Crooks, Clark, Culberson, Cumby, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Hall, Harrison of V. Z., Henderson, Hubbard, Kinney, Lewis of M., Lewter, Lynch, Mabry, Manly, Martin, Maverick, McKnight, Nelson, Parker, Perry, Redwine, Robinson, Shannon, Short, Speights, Townes, Walworth, Warfield, Whitfield and Wortham—47.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly, engrossed the bill to incorporate the Texas and Mexican Railway Company.

Mr. Franklin proposed to amend the committee's amendment as follows : " Except from the date of issuing an execution when the original or subsequent lien was lost from the want of due diligence."

Mr. Mills moved to lay the amendment and amendment to the amendment on the table.

A division of the question was ordered, and the amendment to the amendment laid on the table.

The question recurring on laying the committee's amendment on the table.

Mr. Buckley ordered the yeas and nays, and the House refused to lay amendment on the table by the following vote :

YEAS—Messrs. Speaker, Barnard, Baxter, Billingsly, Caddell, Craig, Crooks, Clark, Culberson, Dale, Davis of H., Duncan, Edwards, Epperson, Hartly, Lewter, Lynch, Mills, Mundine, Nelson, Redwine, Robinsor, Shannon, Shelton, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede.

NAYS—Messrs. Armstrong, Barclay, Benevides, Bogart, Branch, Bryan, Buckley, Camp, Crawford, Cumby, Daniels, Davis of B., Dennis, Dickson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Henderson, Hubbard, Kinney, Lewis of M., Mabry, Martin, Maverick, Maxey, Middleton, Norton, Park r. Perry, Pirkey, Redgate, Ross, Short, Smith Speights and Wh tfild.

And the amendment adopted.

Mr. Mabry proposed to amend by adding " Provided that this act shall not be construed to effect judgments already obtained."

Mr. Mills moved the previous question, which was seconded, and the main question ordered, which being the engrossment of the bill, the same was put, and the bill ordered to be engrossed.

On motion of Mr. Dickson, the following message was taken from the Speaker's table and read :

Gentlemen of the Senate

and House of Representatives:

The following resolutions and autograph letter I have received from the Governor of South Carolina, with a request therein, that I transmit the same to your honorable body :

RESOLUTIONS IN RELATION TO FEDERAL RELATIONS.

WHEREAS, The State of South Carolina, by the Ordinance of A. D. 1352, affirmed her right to secede from the confederacy whenever the occasion should arise, justifying her, in her judgment, in taking that step ; and, in the resolution adopted by her convention, declared that she forbore the immediate exercise of that right, from considerations of expediency only :

AND, WHEREAS, more than seven years have elapsed since that convention adjourned, and in the intervening time the assaults upon the institution of slavery, and upon the rights and equality of the Southern States, have unceasingly continued, with increasing violence, and in new and more alarming forms. Be it therefore

1st. *Resolved, unanimously,* That the State of South Carolina, still deferring to her Southern sisters, nevertheless announces to them that it is the deliberate judgment of this General Assembly that the slaveholding States should immediately meet together to concert measures for united action.

2d. *Resolved, unanimously,* That the foregoing preamble and resolutions be communicated by the Governor to all the slaveholding States, with the earnest request of this State that they will appoint deputies and adopt such measures as in their judgment will promote the said meeting.

3d. *Resolved, unanimously,* That a special Commissioner be appointed by his Excellency the Governor, to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State the cordial sympathies of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defence.

4th. *Resolved, unanimously,* That the State of South Carolina owes it to her own citizens to protect them and their prop-

erty from every enemy, and, that for the purpose of military preparation for an emergency, the sum of one hundred thousand (100,000) be appropriated for military contingencies.

EXECUTIVE DEPARTMENT, }
Columbia, S. C., Dec. 30th, 1859. }

His Excellency, Samuel Houston :

DEAR SIR :—I have the honor to enclose certain resolutions which passed unanimously both branches of the Legislature of South Carolina ; in one of which is an earnest request that your State will appoint deputies and adopt such other measures as will promote a meeting of slaveholding States in convention. You will see by the preamble to the resolutions that South Carolina, as a sovereign, claims the right to secede whenever she may think it expedient to do so ; but she much prefers concerted action, and is willing to follow any lead. Be pleased to submit the resolutions to your Legislature at the earliest moment.

With great respect and consideration,

I am, truly yours,

WM. H. GIST.

This is done in accordance with the spirit of courtesy which should actuate the Executive of one State in his intercourse with that of another. At the same time, I deem it due to myself, as well as to your honorable body, to enter my unqualified protest against, and dissent from, the principles enunciated in the resolutions.

The reasons assigned seem to me insufficient to justify the measures recommended, unsupported as they are by facts to establish their soundness. They appear to be the affirmation of the Ordinance adopted by South Carolina in 1852, well known to be based upon the adoption by Congress of the compromise measures of 1850. These measures were endorsed by the people of Texas through their popular vote at the ballot-box ; and as no recent incentive to action on the part of South Carolina appears, other than that, "the assaults upon the institution of slavery and upon the rights and equality of the Southern States, have unceasingly continued." The Executive is led to believe that these measures, so emphatically endorsed by the people of Texas, were one, if not the chief of the "assaults" enumerated.

Were there no constitutional objections to the course suggested by the resolutions, I cannot perceive any advantage that could result to the slaveholding States, or any one of them in seceding from the Union. The same evils, the same assaults complained of now, would still exist, while no constitution would guarantee our rights, uniting the strength of a Federal Government, able and willing to maintain them; but an insuperable objection arises in my mind. The course suggested has no constitutional sanction, and is at war with every principle affecting the happiness and prosperity of the people of each individual State, as well as the people in their national capacity.

For years past, the doctrines of nullification, secession and disunion, have found advocates in Southern States as well as Northern. These ultra theories have, at different periods, raged with more or less violence, and there have not been wanting persons to fan the flame of discord and to magnify imaginary evils into startling realities. Confounding the language of individuals with the acts of government itself, they who desire disunion at the South, are not satisfied with the Constitution fairly and honestly interpreted by the highest court in the country, and the law faithfully and impartially administered by the Federal Government, (even to the exercise of all its powers) to protect the rights of property and guarantee the same, are ready to seek relief from abolitionism in disunion.

It is not to be supposed that the people of the South regard the institution of slavery as possessing so little moral strength, as to be injured by the "assaults" made upon it by a fanatical element of northern population, who so long as they stay at home do us no harm, and but excite a pity for their ignorance and contempt for their ravings. So long as a government exists ready and willing to maintain the constitution and to guard every citizen in the enjoyment of his individual rights, the States and the citizens of the States may rest secure. Ungenerous and uncharitable as are the "assaults" made by a class at the North upon the peculiar institutions of the South, they would exist from like passions and like feelings under any government, and it is to the constitution alone, and the Union possessing strength under it, that we are indebted for the preservation of those separate rights which we see fit to exercise; no matter to what extent these passions may go, the Federal arm is to be stretched forth as a barrier against all attempts to impair them.

It is to be presumed that the raid upon Harper's Ferry, by Brown and his miserable associates, has been one of the causes which have induced these resolutions by the Legislature of South

Carolina. In my opinion, the circumstances attending that act, have furnished abundant proofs of the utility of our present system of government, in the fact that the Federal powers have given an evidence of their regard for the constitutional rights of the States, and stood ready to defend them. It has besides, called forth the utterance of the mighty masses of the people, too long held in check by sectional appeals from selfish demagogues, and the South has the assurance of their fraternal feelings. The fanatical outrage was rebuked and the offenders punished. Is it for this that the southern States are called upon to dissolve the fraternal ties of the Union, and to abandon all the benefits they enjoy under its ægis, and enter upon expedients in violation of the constitution and all the safeguards of liberty, under which we have existed as a nation for nearly a century. In the history of nations, no people ever enjoyed so much national character and glory or individual happiness as do to-day the people of the United States. All this is owing to our free constitution. It is alone by the Union of all States, acting harmoniously together, in their spheres under the constitution, that our present enviable position has been achieved. Without a Union these results never would have been consummated, and the States would have been subject to continued distractions and petty wars. Whenever we cease to venerate the constitution as the only means of securing free government, no hope remains for the advocates of regulated liberty.

Were the southern States to yield to the suggestions of South Carolina, and passing over the intermediate stages of trouble, a southern confederacy should be established, could South Carolina offer any guarantee for its duration? If she were to secede from the present Union, could one be formed with a constitution of more obligatory force than the one which has been formed by our fathers, in which the patriots and sages of South Carolina bore a conspicuous part? Sever the present Union—tear into fragments the constitution—stop the progress of the free institutions which both have sustained, and what atonement is to be offered to liberty for the act? From whence is to come the elements of “a more perfect Union” than the one formed by the men of the revolution? Where is the patriotism, the equality, the republicanism to frame a better constitution? That which South Carolina became a party to in 1788, has to this period proved equal to all the demands made upon it by the wants of a great people and the expansive energies of a progressive age.—Neither in peace nor in war has it ever been found inadequate to any emergency. It has in turn extended the protection which

union alone can give. The States have received the benefits of this Union. Is it left to them to abandon it at their pleasure—to desert the Union which has cherished them, and without which they would have been exposed to all the misfortunes incident to their weak condition?

The Union was intended to be a perpetuity. In accepting the conditions imposed prior to becoming a part of the confederacy, the States became part of a nation. What they conceded comprises the powers of the Federal Government, but over that which they did not concede their sovereignty is as perfect as is that of the Union in its appropriate sphere. They gave all that was necessary to secure strength and permanence to the Union—they retained all that was necessary to secure the welfare of the State.

Texas cannot be in doubt as to this question. In entering the Union, it is not difficult to determine what was surrendered by an Independent Republic. We surrendered the very power, the want of which originated the Federal Union—the right to regulate commerce with foreign nations. As an evidence of it we transferred our custom houses, as we did our forts and arsenals, along with the power to declare war. We surrendered our national flag. In becoming a State of the Union, Texas agreed “not to enter into any treaty, alliance or confederation, and not, without the consent of Congress, to keep troops or ships of war, enter into any agreement or compact with any other State or foreign power.” All these rights belonged to Texas as a nation. She ceased to possess them as a State; nor did Texas, in terms or by implication, reserve the power or stipulate for the exercise of the right to secede from those obligations, without the consent of the other parties to the agreement acting through their common agent, the Federal Government. The Constitution of the United States does not thus provide for its own destruction. An inherent revolutionary right, to be exercised when the great purposes of the Union have failed, remains; but nothing else.

Might not South Carolina, if a new confederacy were formed, at any time allege that an infraction of the new Constitution, or some deviation from its principles had taken place? In such an event, according to the principles now laid down by her, she would then exercise the same power which she now assumes. Grant her assumption of the right of secession, and it must be adopted as a general principle. Massachusetts may then nullify the fugitive slave law by virtue of her right as a sovereign State, and when asked to obey the Constitution, which she would thus violate, quietly go out of the Union.

It has been remarked by a statesman of South Carolina, when commenting upon the alleged aggressions of the North upon the South, that "many of the evils of which we complain were of our own making."

If we have suffered from our own bad policy in the Union—from giving the control of our affairs to men who have not calculated well as to results, (the Union has enabled us to retrieve many of the false steps,) and at no time, since the history of our government, have so many of the safeguards of law been thrown around our peculiar institution. It is for us to sustain it and every other right we possess in the Union. Sustained by the Federal arm and the Judiciary, we may rely upon the maintenance of these rights, which we know we possess. Whenever these are taken from us, the Constitution has lost its power. There will be no Union to secede from, for in the death of the Constitution, the Union likewise perishes; and then comes civil war, and the struggle for the uppermost.

If the present Union, from which we are asked to secede, does not possess in itself all the conservative elements for its maintenance, it does seem to me that all political wisdom and binding force must be set at naught by the measures proposed.

So long as a single State reserves to herself the right of judging for the entire South as to the wrongs inflicted, and the mode of redress, it is difficult to determine to what extent the theory would be carried.

Texas is a border State. Indians ravage a portion of her frontier. Mexico renders insecure her entire Western boundary. Her slaves are liable to escape, and no fugitive slave law is pledged for their recovery. Virginia, Missouri and Kentucky are border States, and exposed to abolition emissaries. Have they asked for disunion as a remedy against the assaults of abolitionism? Let dissolution come, and the terrible consequences will fall upon those first, and with a double force. South Carolina, from her central position, the sea upon one side, and a cordon of slave States between her and danger, has had but little reason for apprehension. Those who suffer most at the hands of the North seem still disposed to bear on for the sake of the Union. When they can bear no longer they can judge for themselves, and should their remonstrances fail to call the enemies of the Constitution back to duty, and the Federal Government cease to protect them, the pathway of revolution is open to them.

To guide us in our present difficulties, it is a safe rule to borrow experience from the sages and patriots of the past. Be-

ginning with the father of our country, and great apostle of human liberty, George Washington, I am happy to find that my opinions on this subject have the sanction of all those illustrious names which we and future generations will cherish so long as liberty is a thing possessed or hoped for. In his farewell address he says :

“The unity of government which constitutes you one people, is also now dear to you. It is justly so for it is a main pillar in the edifice of your real independence—the support of your tranquility at home and your peace abroad, of your safety, of your posterity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken—many artifices employed to weaken in your minds the conviction of this truth ; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness ; that you should cherish a cordial, habitual and immovable attachment to it, accustoming yourself to think and speak of it as the palladium of your political safety and prosperity—watching for its preservation with jealous anxiety—discountenancing whatever may suggest even a suspicion that it can in any event be abandoned ; and indignantly frowning upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

It must be recollected that these sage admonitions were given to a people, and to the sacred cause of liberty, to which a long life of arduous toil and unselfish devotion had been given. Temporary excitement, fanaticism, ambition and the passions which actuate demagogues, afforded no promptings to his fatherly teachings. They were those of a mind which felt that it was leaving a rich heritage of freedom to posterity, to whom was confided the worthy task of promoting and preserving human freedom and happiness.

Next among the patriot statesmen who devoted their lives to the achievement of our independence as a nation, is to be mentioned the venerated name of Thos. Jefferson. In relation to the subject of secession and disunion, we find the following expression of his patriotic feelings. In June, 1793, at a time when conflicting elements seemed, in the estimation of many, to portend disunion, he wrote :

"In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent disseussions and discords, and one of these, for the most part, must prevail over the other for a longer or a shorter time. Perhaps this party division is necessary to induce each to watch and debate to the people the proceedings of the other. But if, on a temporary superiority of the one party, the other is to resort to a secession of the Union, no federal government can ever exist. If, to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States, alone, cut off, will our nature be changed? Are we not men still, to the South of that, and with all the passions of men? Immediately we shall see a Pennsylvania and a Virginia party in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game, too, will the one party have in their hands, by eternally threatening the other, that unless they do so and so, they will join their Northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple limits."

And again, after a lapse of nearly twenty years, when the Hartford Convention announced the doctrine of nullification and secession as an ultimate remedy, which we are to-day called upon to endorse, he wrote to the honored Lafayette, who, from his home in France, began to look with doubt upon the success and perpetuity of the Union which his blood had been spilt to establish :

"The cement of this Union is in the heart-blood of every American. I do not believe there is on earth a government established on so firm a basis. Let them in any State, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in mass and do justice themselves on their own incendiaries."

The particular attitude of Massachusetts, at that period, called forth these determined expressions from this great champion of American freedom. They are equally applicable to our present condition. The Legislature of South Carolina may have as much mistaken the character of the masses of South Carolina, as did the Hartford Convention the character of the masses of Massachusetts. The Hartford Convention became a by-word and a reproach. The sons of the men of Lexington and Bunker Hill stamped it with infamy. The people of South Carolina are descendants of those who felt all the throes incident to

the revolution. Her gallant heroes are among the historic names to be revered and cherished. Their generations will not forget the cost of liberty, or the blessings of the Union which it created.

At the time these expressions were used by Jefferson, he had retired, and his fame had elevated him far above party politics and partisan feelings. He thought and spoke as one friend would to another, who had passed through the severe ordeal for the attainment of human freedom. He had, in truth, filled the measure of his country's glory. Such feelings well deserve a place in every true American heart. His teachings surely can not be lost upon the present enlightened generation; nor do we find that other sages and patriots are silent upon these topics. In the writings of Mr. Madison, we find that after all of the arduous toils of a statesman and patriot, when treating upon the subject of the Union and the relative rights and powers of the States, he lends his great light to guide posterity in the pathway of regulated government. Being one of the authors of the Constitution, his exposition comes to us with double force. In a letter to Joseph C. Cabell, written September 16th, 1831, he says :

"I know not whence the idea could proceed that I concurred in the doctrine that although a State could not nullify a law of the Union it had a right to secede from the Union. Both spring from the same poisonous root."

In his letter to Mr. N. P. Trist, written December 23, 1832, he says :

"If one State can, at will, withdraw from the others, the others can, at will, withdraw from her, and turn her *volentem*, *volentem* out of the Union."

And in writing to Andrew Stevenson, February 4, 1833, he says :

"I have received your communication of the 29th ultimo, and have read it with much pleasure. It represents the doctrines of nullification and secession in lights that must confound, if failing to convince their patrons. We have done well in rescuing the proceedings of Virginia in 1798-'99, from the many misconstructions and misapplications of them. Of late, attempts are observed to shelter the heresy of secession under the case of expatriation, from which it essentially differs. The expatriation party moves only his person and his movable property, and does not incommode those whom he leaves. A seceding State mutilates the domain, and disturbs the whole system from which it separates itself. Pushed to the extent in which the right is

sometimes asserted, it might break into fragments every single community."

These views clearly show that this great expounder of the Constitution did not recognize the right of a single State to break the harmony of the nation, and destroy its unity by seceding at its pleasure. Nor was he less earnest in his desire to perpetuate the Union and guard against the heresy, by which it might be endangered. In one of his celebrated State papers, written in September, 1829, he thus pictures in language at once solemn and truthful, the consequences of Disunion:

"In all the views that may be taken in questions between the State governments and general government, the awful consequences of a final rupture and dissolution of the Union should never be lost sight of. Such a prospect must be deprecated—must be shuddered at by every friend of his country, to liberty, to the happiness of man. For in the event of a dissolution of the Union, an impossibility of ever renewing, is brought home to every mind by the difficulties encountered in establishing it. The propensity of all communities to divide when not pressed into a unity by external dangers is a truth well understood.—There is no instance of a people inhabiting even a small island, if remote from foreign danger, and sometimes in spite of that pressure, who are not divided into alien, rival, hostile tribes. The happy union of these States is a wonder, the constitution a miracle, their example the hope of liberty throughout the world. Wo to the ambition that would meditate the destruction of either."

Who that has a heart that throbs for freedom can disregard the wisdom and admonition of patriots, whose lives have been devoted to the service of their country, and who, turning away from the appeals of wealth, have felt rich in the enjoyment of the boon of free government and the possession of an humble competency.

After leaving the sages who participated in the formation of our Union, we find that the distinguished patriots of latter days, likewise offer their testimony to the value of the Union, and against the doctrine of secession. Andrew Jackson, the President of the masses, the man to whose bravery in battle and whose firmness in council, the country owes much for its present prosperous condition, was called upon to meet this question under circumstances the most embarrassing. His giant will encompassed it all, and a grateful people now revere him for the act. The position assumed by South Carolina in her ordinance of November 24th, 1832, called forth his proclamation of the 10th of December following. The following extract will suffice:

“The constitution of the United States then forms a government, not a league, and whether it be formed by compact between the States or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly upon the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute, jointly with the other States a single nation, cannot from that period possess any right to secede, because secession does not break a league but destroys the unity of a nation; and an injury to that unity is not only a breach which would result in the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation; because, it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without morally committing any offensive secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right but would pause before they make a revolution, or incur the penalties consequent on a failure.”

Again, in his message of Jan., 1832, after fully discussing the issues forced upon the country, he adds:

“The right of a people of a single State to absolve themselves at will, and without the consent of other States, from their most solemn obligations and to hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant to the principles upon which the general government is constituted, and to the object which it is expressly formed to attain.”

This great man of the people has been gathered to his fathers. Over his grave at the Hermitage, let the American nation declare in his own emphatic language: “THE UNION—IT MUST AND SHALL BE PRESERVED.”

These are not all the mighty names which can be arrayed in behalf of the Union, and against the doctrines of secession. When did the ardent and enlightened mind of Henry Clay, when his attention was drawn to the subject of the Union, fail to offer his tribute to its worth, or decline to render the most scathing rebuke to those who dared for one moment to depreciate its value. Nor am I disposed to close this message, without

citing another illustrious name, who without regard to party, boldly planted his feet on the platform of the constitution and the Union—a man who faced all the fury of the fanatical passions of his own section in behalf of the compromise measures of 1850, which guaranteed the equality of the South under the constitution. I allude to Daniel Webster. He was a man whose heart was great enough to embrace the whole Union, and whose intellect could span the globe.

The sentiment which he leaves on record, I repeat :

“LIBERTY AND UNION, NOW AND FOR EVER, ONE AND INSEPARABLE.”

With such teachings and such lights from those of the past and of modern times, can Texas forget her duty to herself? These were the men who formed the first structure of perfect liberty and self-government in the world. We have the exposition of the principles upon which this sublime structure of self-government was based. Are we to cast them all away? Are we to quit our haven of safety, in which we are secure, happy and prosperous, and risk our all upon the uncertainty of an untried experiment, which seems only to open the door to revolution and anarchy? Could we for a moment entertain such a maddened thought, we need only extend our imaginations across the Rio Grande, and there exemplified to a small extent, behold the effects of secession and disunion. A disregard for a constitutional government has involved Mexico in all the horrors of civil war, with robbery, murder, rapine, unrestrained. There, it is simply civil war, brother armed against brother, partisan against partisan, but to us, it would be all these, added to the combined efforts of the powers of tyranny to crush out liberty.

A responsibility rests upon us, because our advantages, arising from self-government, and a more perfect freedom than they ever enjoyed, render us the more accountable.

I need not call the attention of the Legislature to a period so recent as the annexation of Texas to the American Union. The feeling that prevailed in the community in anticipation of that event, the ardent desire for its consummation in almost every heart in Texas, can testify to the sincerity of our people, when they took upon themselves the duties of citizens of the United States. A generation has not half passed, since the great object was accomplished; and are we to be seduced already into any measures, fraught with principles, that would involve us in the inconsistency of impairing the integrity of our formation, and that, too, when it would involve us, in my humble opinion, in the crime of raising our hand against the Constitution and the

Union, which have sheltered and defended us, and which we are solemnly bound to support and maintain ?

The good sense of the nation cannot overlook the fact, that we are one people and one kindred ; that our productions, occupations and interests are not more diversified in one section of the Union than another. If the vain hope of a Southern confederacy would be realized upon the basis of all the Slave States there would soon be found enough diversity of northern and southern interests, in both sections to accomplish another division all the more eagerly sought, because of a recent precedent.

Indeed, if peaceable separation were possible, no confederacy could be formed upon any other principle, than that of leaving domestic institutions, where the constitution of the United States now leaves them—to the States individually, and not to a central government.

I have been no indifferent spectator of the agitations which have distracted our councils and caused many patriots to despair of the Republic. But I am yet hopeful and have an abiding confidence in the masses of the people. I cannot believe that they will suffer scheming, designing and misguided politicians, to endanger the palladium of our liberties. The world is interested in the experiment of this government. There is no new continent on the earth whercon to rear such another fabric. It is impossible that ours can be broken, without becoming fragmentary, chaotic and anarchical. I know of no confederacy with other States, which could hold out greater inducements or stronger bonds of fraternity than were extended to us in 1844. The people of Texas are satisfied with the Constitution and the Union as they are. They are even willing to enlarge it by further wise, peaceful and honorable acquisitions. If there is a morbid and dangerous sentiment abroad in the land, let us endeavor to allay it, by teaching and cultivating a more fraternal feeling.

I would therefore recommend the adoption of resolutions dissenting from the assertion of the abstract right of secession, and refusing to send deputies, for any present existing cause, and urging upon the people of all the States, north and south, the necessity of cultivating brotherly feeling, observing justice and attending to their own affairs.

SAM HOUSTON.

Mr. Norton moved that the message be made the special order of the day for Saturday next, and that 1000 copies be printed for use of the House.

Mr. Culberson offered the following as a substitute for the motion :

Resolved, That 1500 copies of the special message of the Governor be printed for the use of this House.

Mr. Mills moved to adjourn till 7 o'clock, P. M.

On motion of Mr. Mabry the yeas and nays were ordered, and the House adjourned by the following vote :

YEAS—Messrs. Speaker, Armstrong, Barclay, Barnard, Benevides, Bogart, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Daniels, Davis of B., Dennis, Duncan, Fleweller, Francis, Foscue, Harrison of C., Harrison of V. Z., Hartly, Henderson, Houghton, Hubbard, Lewis of M., Lewter, Lynch, Maxey, McClarty, Middleton, Mills, Munson, Nelson, Parker, Redwine, Robinson, Ross, Short, Stewart, Wælder, Warfield and Wrede—44.

NAYS—Messrs. Baxter, Billingsly, Branch, Camp, Crawford, Clark, Davis of H., Dickson, Edwards, Epperson, Franklin, Hall, Haynes, Lewis of R., Mabry, Manly, Martin, Maverick, McKnight, Mundine, Norton, Owens, Perry, Redgate, Shelton, Speights, Townes, Waterhouse, Whitfield, Whitmore and Wortham—31.
7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Hartley, by permission, offered the following resolution :

Resolved by the House of Representatives, That no member hereafter be permitted to speak more than five minutes at one time, unless by leave of four-fifths of the House.

On motion of Mr. Duncan, the rule was suspended, for immediate action to be taken on the resolution.

Mr. Buckley proposed to amend by striking out "five," and inserting "ten."

On motion of Mr. Franklin a call of the House was ordered.

Absentees—Messrs. Barnard, Hall, Henry, Kinney, Lewis of M., Manly, Martin, Maverick, McClarty, Navarro, Short, Smith, Taylor, Wælder, Wortham and Wrede.

Mr. Mills moved to suspend call. Lost.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the Senate's bill to amend the act amendatory of and supplemental to the act to encourage the improvement of navigation of the rivers, &c., &c., with amendments by committee.

Amend by adding "and shall not be so construed as to authorize the appropriation of the subscription of private individuals to any other work than that to which they had appropriated."

The bill for the relief of Mrs. Wm. Gamble, late widow of Jno. Carroll, pending when the House adjourned last night, was taken up, read third time, and passed.

Mr. Franklin called up the bill to amend the act incorporating the city of Galveston, which was read second time.

Mr. Townes moved to indefinitely postpone the bill.

The yeas and nays were ordered, on motion of Mr. Townes; and the House refused to postpone the bill by the following vote :

YEAS—Messrs. Armstrong, Baxter, Bogart, Buckley, Crooks, Davis of H., Dickson, Epperson, Francis, Haynes, Lewis of M., Lewis of R., Lewter, Mundine, Nelson, Owens, Townes and Waterhouse—18.

NAYS—Messrs. Speaker, Barclay, Benevides, Billingsley, Branch, Bryan, Caddell, Camp, Craig, Crawford, Clark, Culberson, Dale, Daniels, Davis of B., Dennis, Dougherty, Duncan, Ellett, Flewellen, Franklin, Foscue, Harrison of U., Harrison of V. Z., Hartly, Henderson, Houghton, Hubbard, Kinney, Lynch, Mabry, Manly, Maverick, Maxey, McClarty, McKnight, Middleton, Mills, Munson, Norton, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Short, Speights, Stewart, Walworth, Warfield, Whitfield, Whitmore and Wortham—56.

And the bill ordered to be engrossed.

On motion of Mr. Franklin, the rule was suspended, read 3d time, and passed.

The hour having arrived, the special order, to-wit: the motion to reconsider the vote, passing the bill for the relief of Ansell Cupp, *et al.*, was stated to the House.

Mr. Harrison of V. Z., moved to suspend the call. Lost.

On motion of Mr. Nelson, the bill was indefinitely postponed.

Mr. McOutchan called up the bill for the relief of G. W. King, which was read third time.

Mr. Short proposed to amend by striking out \$1230 and inserting \$100.

On motion of Mr. Short the yeas and nays were ordered on the adoption of the amendment, and the House rejected the amendment by the following vote :

YEAS—Messrs. Speaker, Barclay, Baxter, Billingsley, Bogart, Buckley, Craig, Crooks, Dale, Dennis, Dougherty, Francis, Foscue, Harrison of V. Z., Mabry, Maxey, Mills, Nelson, Owens, Parker, Pirkey, Redwine, Ross, Shelton, Short, Stewart, Welder, Warfield, Whitmore and Wrede—30.

NAYS—Messrs. Benevides, Branch, Bryan, Camp, Crawford, Clark, Culberson, Cumby, Daniels, Davis of B., Davis of H.,

Dickson, Duncan, Edwards, Ellett, Epperson, Flewellen, Franklin, Harrison of O., Hartly, Haynes, Henderson, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Maverick, McClarty, McKnight, Middleton, Mundine, Munson, Norton, Perry, Redgate, Robinson, Shannon, Speights, Townes, Walworth, Waterhouse, Whitfield and Wortham—45.

Mr. Hartly moved to suspend call of the House. Lost.

And the bill passed.

On motion the House adjourned till 10 o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVES, }
Monday, January 23d, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of Saturday read and adopted.

Mr. Norton, one of the committee on Roads, Bridges and Ferries, reported, recommend the passage of the bill to permit J. L. Brown to construct a bridge across the Sabine river.

Mr. Walworth, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of John Smith.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of Wm. P. Tindall.

Also, reported a bill granting land to W. O. Burnham and recommended its passage. Bill read first time.

Also, recommended the passage of the bill for the relief of Leiper Willoughby.

Also, reported, recommending the passage of the bill validating unconditional certificate No. 576, issued to S. Pangburn, assee of C. L. Wood.

The committee on Enrolled Bills reported as follows :

To THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined the following bills, to-wit :

An act for the relief of Stephen Kelly ; and

An act to incorporate the Factor's Cotton Press Company.

A bill to amend the first, fifth, seventh, thirteenth and seventeenth sections of an act entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company.

A bill to be entitled an act to incorporate the Starville Union Academy.

A bill supplementary to an act entitled an act to ascertain what land certificates have been illegally issued by the County Courts of counties in Peter's Colony, and to provide for issuing patents on such of said certificates as are legal; and find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his approval and signature.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows :

The committee on Engrossed Bills have examined the following bills, and report them correctly engrossed :

A bill for the relief of the widow and heirs of Lorenzo de Zavala.

Also, a bill for the relief of K. Bigham White.

Also, a bill to incorporate Lexington Male and Female Academy.

Also, a bill to be entitled an act to encourage the citizens of El Paso county to irrigate the Rio Grande valley.

Also, a bill to be entitled an act, supplementary to an act, entitled an act to authorize the appointment of commissioners to take the acknowledgment of deeds, depositions, and other instruments of writing executed out of this State, approved May 8th, 1846.

Mr. Flewellen introduced a bill for the relief of Claudius Baxter. Read first time and referred to committee on Private Land Claims.

Mr. Nelson introduced a joint resolution appropriating money for H. C. Lazenby. Read first time.

Mr. Dickson offered the following resolution :

Resolved, The Senate concurring, the two Houses of the Legislature will adjourn *sine die* on Monday the 6th day of February, at 10 o'clock, A. M.

Adopted.

On motion of Mr. Henderson, the bill making appropriation to pay Assessors and Collectors for taking the scholastic census, was taken up read, second time and passed to third reading.

On motion of Mr. Henderson, the rule was further suspended, bill read third time and passed.

Mr. Foscue, chairman of committee on Internal Improvements, reported, recommending the passage of the bill to incorporate the Central Transit; with amendments.

Amend second section : Provided that this road is not to cross the San Antonio river above Goliad, nor the Rio Grande above Laredo, nor the Colorado above Wharton, and that the extension eastwardly is not to go further than the nearest railroad east of said river.

Amend sixth section by inserting after "sixty-six" in second line: "and twenty-five miles of it must be completed by the first of the year 1864."

Amend the last section as follows: And at the same time this charter shall expire, unless the work shall have been commenced by making five miles of the railroad, or the company shall have deposited — thousand dollars in cash or stock, issued by the Government of the U. S. of A., with the Comptroller of this State, subject to withdrawal on the making of twenty-five miles of the railroad within the prescribed time, and to forfeiture in case of failure of such performance; which performance and deposit shall be under supervision of the Governor of this State.

A message was received from the Senate, informing the House that the Senate had passed the House's bill to repeal the 17th section of the act to regulate railroad companies, approved Feb'y 7th, 1859; and had passed a bill for the relief of heirs of Andrew J. Ford, dec'd.

Mr. McKnight offered the following resolution:

Resolved, That the bills "to raise the revenue by direct taxation," "to repeal the act to establish the University of Texas," "to donate lands to institutions of learning," "to regulate estrays," "to re-organize the Court of Claims," "the General Railroad Bill," and the "Apportionment Bill," shall have precedence of all other bills, until they are finally disposed of for the session; and this resolution from its adoption, shall be a standing rule of this House.

Laid over one day for consideration.

On motion of Mr. Lewis of M., the bill granting land to counties for Free School was taken up, read second time and ordered to be engrossed.

On motion of Mr. Lewis of M., the rule was further suspended, bill read third time and passed.

On motion of Mr. Ellett, the bill to authorize the use of the U. S. Bonds set apart to the University of Texas, to meet appropriations made for frontier protection was taken up, read first time and passed to second reading.

On motion of Mr. Nelson, the rule was further suspended, bill read second time and passed to third reading.

On motion of Mr. Ellett, the rule was further suspended, bill read third time and passed.

On motion of Mr. Buckley, the joint resolution from the Senate relative to increasing the number of Supreme Judges, was taken up and read second time.

Mr. Buckley proposed to amend by adding the joint resolution

of the House, depriving the Legislature of the power to relieve any corporation from the payment of any money loaned to such corporation. Adopted.

Mr. Buckley proposed to amend further by inserting :

"Sec. 2. That the above amendments be numbered and submitted to a vote of the Electors of the State, so they may vote upon each one separately." Adopted, and the bill passed to third reading.

On motion of Mr. Culberson, the rule was suspended, and the Senate's bill to provide for the publication of a complete Digest of the reports of the Supreme Court was taken up, read first time and referred to Judiciary committee.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the following named bills :

Bill to prevent judgments from becoming dormant.

Bill for relief of the heirs of James T. White, dec'd.

Bill for relief of the heirs of Geo. W. Wilson, dec'd.

Bill granting land to Lavaca Navigation Company.

Bill to incorporate the San Antonio Gas Company.

Bill to incorporate the Jacksonville and Neches Bridge Company.

Bill to amend the 24th section of the act to consolidate in one act, and to amend the several acts incorporating the city of Galveston.

Mr. Lewter introduced a bill to amend the 6th section of the act amendatory of the laws to raise revenue by taxation. Read first time and referred to committee on State Affairs.

Mr. Barclay introduced a bill for the relief of Wm. L. Foster. Read first time and referred to committee on Private Land Claims.

Mr. Whitfield introduced a bill for the benefit of Colleges in Texas. Read first time and referred to committee on Education.

The hour having arrived, the special order, to-wit :

The bill to regulate estrays was taken up, read second time.

Mr. Parker proposed to amend section 4th, line 4th: strike out "horse stealing," and insert "theft of such animal."—Adopted.

Mr. Davis of H., proposed to amend by striking out 5th and 6th line, section 9. Adopted.

Mr. Ellett proposed to amend by inserting in section 7, line 2nd after "moderation," "in which case he shall receive nothing for keeping the same." Adopted.

Mr. Waelder proposed to amend by adding an additional section, to-wit :

"Sec. — There shall be established by county brand for each

county, in the following manner, to-wit: the existing counties shall be numbered in alphabetical order by the County Courts from No. one upwards, and the owners of stock shall brand their animals with such county brands, in addition to the private brands used by them."

On motion of Mr. Parker, laid on the table.

Mr. Townes proposed to amend section 12th, line 2nd after "insertion," insert: "in substance a description of the animal, and by whom taken up, and the county where taken up—and abbreviating the words describing the animal." Adopted.

Mr. Culberson moved to reconsider the vote passing the bill for the relief of Geo. W. King.

And on motion of Mr. Culberson, the yeas and nays were ordered, and the vote was reconsidered by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Billingsley Bogart Branch Buckley Caddell Craig Crooks Culberson Cumby Dale Davis of B. Dennis Flewellen Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Houghton Kinney Lewis of B. Lynch Mabry Maxey McClarty Mills Nelson Owens Parker Pirkey Redwine Robinson Ross Shelton Short Stewart Townes Walworth Warfield Whitfield Whitmore and Wortham—49.

NAYS—Messrs. Barnard Benevides Camp Crawford Clark Daniels Davis of H. Dickson Duncan Edwards Ellett Epperson Haynes Henderson Hubbard Lewter Manly Maverick McCutchan McKnight Middleton Mundine Norton Perry Redgate Shaanon Speights Waterhouse and Wrede—29.

On motion of Mr. Hubbard, the vote rejecting Mr. Short's amendment was reconsidered, and the amendment adopted, and the bill passed.

On motion of Mr. Henderson, the vote passing the bill as amended was reconsidered.

Mr. Henderson proposed to amend by adding: "and that the same be paid out of any money in the Treasury not otherwise appropriated."

Mr. Nelson proposed to amend the amendment as follows: "and that the name of H. C. Lazenby be inserted in the caption and body of the bill, and that the Treasurer be authorized to pay said Lazenby \$1,000 on the warrant of the Comptroller, authorized by a previous act of this Legislature, and that the sum of \$2,000, is hereby appropriated to pay said demands." Adopted, and the amendment as amended adopted, and the bill passed.

The bill to regulate estrays was again taken up.

Mr. Armstrong proposed to amend 7th line, 15th section, by striking out "two years" and inserting "one year."

Mr. Nelson moved the previous question, which was seconded, and the main question ordered, which being the engrossment of the bill, the yeas and nays were ordered on motion of Mr. Ross, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benefides Bogart Branch Bryan Caddell Craig Crawford Clark Culherson Daniels Davis of B. Davis of H. Dennis Ellett Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Houghton Lewis of R. Lynch Martin Maverick McClarty Nelson Owens Parker Perry Redgate Robinson Ross Shannon Shelton Short Stewart Townes Warfield Waterhouse Whitfield and Wrede—49.

NAYS—Messrs. Barnard Billingsley Camp Crooks Cumby Dale Dickson Edwards Epperson Harrison of V. Z. Haynes Henry Hubbard Lewis of M. Lewter McCutchan McKnight Middleton Norton Redwine Speights Walworth Whitmore and Wortham—24.

Mr. Harrison of V. Z., moved to adjourn till 3 o'clock, P. M. Lost.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill for the relief of Mrs. Wm. Gamble, late widow of John Carroll.

On motion of Mr. Nelson, the rule was suspended, and the bill to regulate estrays was taken up.

Mr. Stewart proposed to amend section 14th, line 7, after the word "month," insert "between the hours of 10 o'clock, A. M., and 4 o'clock, P. M." Adopted.

Also, proposed to amend 12th line, same section, by inserting after "Court," "within ten days."

Also, proposed to amend section 16th, line 5, between "office" and "such," insert "and if any sale of any animal in accordance with the 14th section of this act, the person making such sale shall not pay into the county treasury three-fourths of the amount of such sale." Adopted.

Also, proposed to amend section 15th, lines 16 and 17 : strike out "horses and mules," and insert "except such as are mentioned in the 1st section."

Also, proposed to amend section 15, line 9, before "cow," insert "stray." Adopted.

Mr. Billingsley proposed to amend section 14th, line 10th : strike out "three-fourths," and insert "one-half." Rejected.

Mr. Crooks offered a substitute for sections 11 and 12.

On motion of Mr. Caddell, the main question was ordered,

which being on the final passage of the bill, the yeas and nays were ordered on motion of Mr. Crooks, and the bill passed by the following vote :

YEAS—Messrs. Anderson Armstrong Barclay Baxter Ben-vides Branch Bryan Caddell Camp Clark Crawford Daniels Duncan Davis of B. Davis of H. Dennis Ellett Flewellen Frank-
lin Foscue Hall Harrison of C. Hartley Lewis of R. Lynch Mav-erick McClarty Mundine Munson Nelson Owens Parker Pirkey Redgate Robinson Ross Shannon Shelton Stewart Townes Wæl-der Warfield Waterhouse Whitfield and Wrede—43.

NAYS—Messrs. Speaker Barnard Bogart Craig Crooks Dale Dickson Edwards Epperson Francis Harrison of V. Z. Haynes Henry Houghton Hubbard Kinney Lewis of M. Lewter Mabry Manly McCutchan McKnight Middleton Norton Perry Red-
wine Speights Walworth Whitmore and Wortham—31.

Mr. Mabry, chairman of committee on Enrolled Bills, reported as follows :

COMMITTEE ROOM, January 23, 1860.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, to-wit :

A bill granting a pension to John S. Stump.

A bill to authorize the town of Corsicana to levy a tax on ten pin alleys within the limits of said corporation ; and

A bill to prevent the sale of vinous, spirituous, or other in-
toxicating liquors, within one mile of the town of Starrville, in
Smith county, and the town of Knoxville, in Cherokee county.

And find the same correctly enrolled, properly signed, and
have this day presented the same to the Governor for his approval and signature.

H. P. MABBY,

Chairman House committee.

On motion, the House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The special order, to-wit : the bill to incorporate the Trinity Railroad Company, was taken up.

Mr. Bryan offered a substitute for said bill, which was adopted.

Mr. Hubbard proposed to amend by striking out all after 10th line in 3rd section, and insert : " Provided that this road shall terminate at its point of junction with the Houston, Trinity and Tyler Railroad, in the county of Houston, upon the following

conditions, to-wit: Provided, that in the event this road shall be constructed to said point of junction in said county, before the Houston, Trinity and Tyler road is constructed to the junction, then, but in no other event, this road may be constructed to the said town of Palestine." Adopted

Mr Foscutt proposed to amend by adding at the end of section 15: this charter shall in all cases be subject to and subordinate to the General Railroad laws of this State. Adopted, and bill ordered to be engrossed.

On motion of Mr. Bryan, the rule was suspended, the bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Benevides Bogart Branch Bryan Buckley Caddell Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Harrison of C. Harrison of V. Z. Haynes Henderson Henry Houghton Hubbard Lewis of M. Lewis of R. Lewter Lynch Manly Martin Maxey McClarty McCutchan McKnight Middleton Mundine Nelson Norton Parker Perry Redgate Redwine Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitmore Wortham and Wrede—63.

The bill to amend the 4th, 8th, 14th and 18th sections of the act to provide for the assessment and collection of taxes, approved 11th January, 1850, was taken up and adopted as a substitute for the bill to raise the revenue by direct taxation.

A message was received from the Senate, informing the House that the Senate had passed the following House bills:

Bill to incorporate the San Antonio Gas Company.

Bill to incorporate the Jacksonville and Neches Bridge Company; and the following named Senate Bills:

Bill to incorporate the Alamo College.

Bill to incorporate San Antonio Female College.

Bill for relief of heirs of Mrs. Ellen Gibbs.

Bill for relief of Edwin B. Settle.

Bill to define the homestead in a town or city; and

Bill to authorize and require the clerks of the District Courts of Titus, Travis and San Augustine counties, to apportion the causes on the dockets of said courts.

Also, had concurred in the House's amendment to the bill for the relief of Geo. W. King.

Mr. Davis of H., proposed to amend the Tax bill by striking out "citizen," in 5th line, 15th section, and inserting "inhabitant."

Mr. Nelson proposed to substitute the amendment by saying "resident," instead of "inhabitant." Substitute adopted, and the amendment adopted.

Mr. Mundine proposed to amend section 8, line 11, by inserting "unimproved" before land.

Mr. Buckley offered the following as a substitute :

"Sec. 8. And further provided, that any person desiring to give in his lands for taxation, situated in counties other than those of his residence, may make out a list or lists thereof under oath, containing an accurate description of the same, and the name of the original grantee, and transmit it to the assessor and collector of the county where the land lies ; and upon the receipt of all such lists, it shall be the duty of the assessor and collector to assess the value of such land at its actual value, which may be paid to the Comptroller or assessor of the county where the owner resides." Substitute adopted.

Mr. Ross offered the following as an amendment :

Provided that nothing herein contained shall be so construed as to prevent non-resident persons who own lands situated in other counties than those in which they reside, from giving them in for assessment in the county in which they are situated, as other citizens of said county. Which was accepted, and the amendment adopted.

Mr. Buckley proposed to amend by adding at end of 9th line, section 8 : " in counties other than those of its locality." Rejected.

Mr. Henderson proposed to amend by adding at end of 18th section : Provided that minors shall have two years to redeem any land sold under this act, after their disability has been removed. Provided further, that the purchaser at tax sale shall forfeit all right to the redemption money, if he enters into possession or commits any waste on the land purchased within two years after the purchase at tax sale. Rejected by the following vote, the yeas and nays being ordered on motion of Mr. Franklin :

YEAS.—Messrs. Speaker Armstrong Branch Bryan Craig Crooks Culberson Cumby Dale Daniels Davis of B. Duncan Edwards Flewellen Franklin Henderson Henry Houghton Hubbard Kinney Lewis of M. Maverick Maxey McCutchan Mills Mundine Munson Robinson Shelton Stewart Walworth Waterhouse and Whitfield—33.

NAYS—Messrs. Anderson Barclay Barnard Benevides Bogart Buckley Caddell Camp Crawford Clark Davis of H. Dickson Epperson Francis Foscue Harrison of C. Harrison of V. Z. Haynes Lewis of R. Lewter Lynch Manly McClarty McKnight Middleton Nelson Norton Owens Parker Perry Redgate Redwine Ross Shannon Speights Townes Wælder Warfield and Whitmore—39.

Mr. Henderson proposed to amend by adding at end of 18th section: Provided minors, married women, and persons *non compos mentis*, shall have two years to redeem any land sold under this act after their disability has been removed.

On motion of Mr. Harrison of V. Z., the main question was ordered, which being the engrossment of the bill.

On motion of Mr. Henderson, the yeas and nays were ordered, and the bill ordered to be engrossed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benvides Baxter Barnard Bogart Caddell Camp Craig Crawford Clark Cumby Dale Danie's Davis of B. Flewellen Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Kinney Lewis of B. Lewter Lynch Mabry Martin Maverick Maxey McClarty Mills Nelson Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Townes Waelder Walworth Warfield and Wortham—51.

NAYS—Messrs. Branch Bryan Buckley Crooks Culberson Davis of H. Dennis Dickson Dougherty Duncan Edwards Epperson Franklin Francis Foscoe Henderson Henry Lewis of M. Manly McCutchan McKnight Middleton Mundine Norton Waterhouse Whitfield and Whitmore—27.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'Clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

The following named Senate bills were taken up, read first time and disposed of as indicated:

Bill to require district clerks of Titus, San Augustine and Travis counties to apportion their dockets.

On motion of Mr. Francis, the rule was suspended, bill read second time and passed to third reading.

On motion of Mr. McCutchan, rule further suspended, bill read third time and passed.

Bill for relief heirs of Mrs. Ellen M. Gibbs. Referred to committee on Private Land Claims.

Bill for relief of E. B. Settle. Referred to committee on Private Land Claims.

Bill to incorporate San Antonio Female College.

On motion of Mr. Camp, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Camp, the rule was further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Billingsley Bo-

gart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Francis Hall Harrison of V. Z. Hartley Haynes Henry Houghton Hubbard Lewis of R. Lewter Lynch Mabry Manly McCutchan Mills Mundine Munson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—64.

Bill to incorporate Alamo College.

Mr. Maverick moved to suspend rule and read second time. Lost.

Mr. McKnight called up the Senate bill to incorporate the Prairie Lea Female Institute at Prairie Lea, which was read second time and passed to third reading.

On motion of Mr. Davis of H., the rule was suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Benevides Billingsley Bogart Branch Bryan Camp Craig Crawford Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henry Houghton Hubbard Lewis of R. Lewter Lynch Mabry Manly Maverick McCutchan McKnight Middleton Mills Mundine Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Waterhouse Whitfield Whitmore Wortham and Wrede—68.

Mr. Ellett called up the bill to authorize the County Courts of Wise and Denton to levy a special tax

Mr. Nelson proposed to amend by inserting the counties of Bosque, Coryell, Comanche, Hamilton, Lampasas, Palo Pinto, Hill, Falls, Fort Bend, Jackson, Calhoun, Cameron, Hidalgo and Orange, after Denton, wherever it occurs. Adopted, and bill ordered to be engrossed.

On motion of Mr. Ellett, the rule was suspended.

Mr. Wrede proposed to add the county of Gillespie. Adopted, bill read third time and passed.

Mr. Middleton called up the bill for the relief of John T. Wilson, which was read second time.

Mr. Middleton offered a substitute for the bill, which was adopted, and the bill ordered to be engrossed.

On motion of Mr. Middleton, the rule was suspended, bill read third time and passed.

Mr. Dickson called up the bill for the relief of Gwynn Morrison, assee of John Sharp, which was read second time and ordered to be engrossed.

On motion of Mr. Dickson, rule was suspended, bill read third time and passed.

Mr. Dennis called up bill to incorporate LaGrange College, which was read second time and ordered to be engrossed.

On motion of Mr. Robinson, the rule was suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Ben-vides Billingsley Bogart Branch Bryan Buckley Caddell Crawford Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Ellett Epperson Francis Foscue Hall Harrison of C. Harrison of V. Z. Haynes Henry Houghton Lewis of M. Lewis of R. Lewter Lynch Mabry Manly McCutchan McKnight Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shelton Speights Stewart Townes Wælder Whitfield Whitmore Wortham and Wrede—60.

Mr. Navarro's name having been called, on motion of Mr. Wælder, the rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Wælder, the rule was further suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Ben-vides Bogart Branch Bryan Buckley Caddell Camp Crawford Crooks Clark Culberson Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Ellett Epperson Francis Hall Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Lewis of M. Lewis of R. Lynch Mabry Manly Maverick McCutchan Middleton Mills Mundine Munson Nelson Norton Owens Parker Perry Redgate Redwine Robinson Ross Shaanon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—66.

NAYS—Mr. Foscue—1.

Mr. Davis of H., called up the bill for the relief of the heirs of James Bowie, which was read second time and ordered to be engrossed.

On motion of Mr. Davis of H., the rule was suspended, bill read third time and passed.

Mr. Nelson called up the bill to incorporate the Waco Classical School, which was read second time and ordered to be engrossed.

On motion of Mr. Nelson, the rule was suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Ben-
vides Billingsley Bogart Branch Bryan Buckley Caddell Craig
Crawford Crooks Clark Culberson Daniels Davis of B. Davis of
E. Dennis Dickson Dougherty Ellett Epperson Francis Foscue
Hall Harrison of C. Harrison of V. Z. Hartley Henderson Hub-
bard Lewis of M. Lewter Lynch Mabry Manly Maverick Mc-
Clarty McCutchan Middleton Mills Mundine Munson Nelson
Norton Owens Parker Perry Redgate Redwine Robinson Ross
Shannon Shelton Short Speights Stewart Townes Walworth
Warfield Waterhouse Whitfield Whitmore Wortham and Wrede
—66.

Mr. Norton called up the Senate bill to amend the act amend-
atory and supplementary to the act to encourage the improve-
ment of the navigation of rivers, and other navigable waters of
Texas, by making appropriation for the same ; with report from
committee recommending amendment, was taken up.

Mr. Buckley offered a substitute for the committee amend-
ment, which was adopted, and the amendment adopted, and bill
passed to third reading.

On motion of Mr. Munson, the rule was suspended, bill read
third time and passed.

Mr. Davis of B., called up the bill for the relief of Wm. De-
Woody, with report from committee recommending a substitute ;
which was adopted, bill read second time and ordered to be en-
grossed.

On motion of Mr. Davis of B., the rule was suspended, bill
read third time and passed.

Mr. Owens called up the bill to purchase Abstract of Valid
Land Certificates, compiled by Burlage & Hollingsworth.

Mr. Maverick offered the following amendment :

Amend by giving to the heads of departments one copy each,
and one copy to each county in the care of the county clerk.

Mr. Billingsley offered a substitute for the bill and the proposed
amendment.

Mr. Henderson moved to indefinitely postpone the bill.

Mr. Mabry moved to lay the motion on the table.

On motion of Mr. Henderson, the yeas and nays were ordered,
and the House refused to indefinitely postpone the bill by the
following vote :

YEAS—Messrs. Anderson Baxter Billingsley Bryan Buckley
Davis of B. Davis of H. Dougherty Epperson Foscue Hall Har-
rison of V. Z. Houghton Lewis of M. Lynch Mabry Martin Mc-
Clarty McKnight Middleton Mundine Munson Nelson Owens
Parker Perry Redgate Redwine Ross Shannon Townes Wælder
Walworth and Wrede—34.

NAYS—Messrs. Speaker Armstrong Benevides Bogart Branch Caddell Craig Crawford Crooks Clark Culberson Dale Daniels Dickson Duncan Ellett Francis Hartley Haynes Henry Henderson Hubbard Kinney Lewis of R. Lewter Manly Maverick McCutchan Mills Norton Pirkey Robinson Shelton Short Speights Stewart Warfield Waterhouse Whitfield Whitmore and Wortham—41.

The question recurring on the indefinite postponement of the bill, the yeas and nays were ordered on motion of Mr. Billingsley, and the bill indefinitely postponed by the following vote:

YEAS—Messrs. Speaker Armstrong Barclay Baxter Benevides Bogart Caddell Camp Crooks Clark Culberson Dale Daniels Duncan Ellett Francis Hartley Haynes Henderson Henry Hubbard Lewis of R. Lewter Manly Maverick McCutchan Mills Munson Norton Pirkey Robinson Shelton Short Speights Stewart Warfield Waterhouse Whitfield and Whitmore—39.

NAYS.—Messrs. Anderson Billingsley Branch Bryan Buckley Craig Crawford Davis of B. Davis of H. Dougherty Epperson Foscue Hall Harrison of V. Z. Houghton Kinney Lewis of M. Lynch Mabry Martin McClarty McKnight Middleton Mundine Nelson Owens Parker Perry Redgate Redwine Robinson Ross Townics Wælder Walworth and Wrede—37.

Mr. Daniels called up the bill to incorporate the Herman University, with report from committee recommending substitute; which was adopted.

Mr. Daniels proposed to amend by striking out the names of L. C. Evenberg, H. Schmidt, J. J. Seiper, C. Stoeche, and F. W. Huesman, wherever they occur, and insert the names of D. Draub, Herman Ernst, Jacob Rien, E. Miller, Ensil Jordt, E. Becker, Wm. Frels, Chas. Jordt, Herman Frels, and Edward Rhumann. Adopted.

Mr. Redgate proposed to amend by adding to the 12th section: *Be it further enacted*, That the location of said Seminary shall be at some place designated by the president and trustees, near the line between Austin and Colorado counties, and between Mill Creek in Austin county, and Cummings Creek in Colorado county. Adopted, and bill ordered to be engrossed.

On motion of Mr. Daniels, the rule was suspended, the bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Anderson Barclay Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crooks Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Francis Foscue Harrison of C. Haynes Henderson Houghton Kinney Lewis of R. Lewter

Lynch Mabry Manly Martin Maverick McClarty McCutchan
 McKnight Mundine Nelson Norton Owens Parker Perry Pinkey
 Redgate Redwine Robinson Ross Shelton Speights Stewart
 Townes Wælder Walworth Warfield Waterhouse Whitfield
 Whitmore Wortham and Wrede—64.

On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Tuesday, January 24th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of Saturday read and adopted.

On motion of Mr. Parker, the rule was suspended and the tax bill taken up, and made the special order of the day for 3 o'clock P. M.

Mr. Franklin moved to take up bill to reorganize the court of claims, refer it to special committee and make it special order for Friday next 11 o'clock. Lost.

Mr. Billingsley presented the petition of David L. Cross. Referred to committee on State Affairs.

Mr. Redgate presented the petition of B. F. McMillan. Referred to Public Land committee.

Also, presented the petition of Neil McCoy. Referred to committee on Judiciary.

Mr. Robinson presented the petition of Joseph Lawrence. Referred to committee on Private Land Claims.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the Senate's bill to encourage a complete digest of the reports of the Supreme court.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of Dunning Thompson, and recommended its passage. Bill read first time.

Mr. Dennis, chairman of committee on State Affairs, reported a bill for the relief of David Ayres, and recommended its passage. Bill read first time.

Also, reported, recommending the passage of the bill providing for the disposition of runaway slaves.

Mr. Branch, one of the Judiciary committee, reported, recommending the passage of the bill to authorize the board of Aldermen of Huntsville, to levy a special tax in certain cases.

Mr. Mills moved to suspend rule, and take up the bill to determine what lands have been forfeited, and called for the yeas and nays.

House refused to take up the bill by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Bogart Bryan Culberson Dale Daniels Davis of B. Flewellen Harrison of C. Harrison of V. Z. Hubbard Lewis of M. Lewis of R. Lewter Lynch Maverick McKnight Middleton Mills Munson Nelson Norton Owens Parker Perry Redwine Robinson Ross Shannon Shelton Short Walworth Warfield and Whitmore—37.

NAYS.—Messrs. Baxter Benevides Billingsley Buckley Cad-dell Crawford Clark Davis of H. Dennis Dickson Edwards Ellett Epperson Francis Houghton Mabry Mauly McClarty McCutchan Mundine Speights Stewart Townes Wælder Waterhouse Whitfield Wortham and Wrede—28.

A message was received from the Senate, informing the House that the Senate had passed the following named Senate's bills :

Bill for the relief of the heirs of Jos. C. Gentry, deceased.

Bill for making appropriation to defray the expense of selling University lands.

Bill making appropriation for the protection of the frontier.

Bill to amend act to incorporate Bastrop Academy, approved February 7th, 1853, and an act to amend the same approved January, 1858.

And a bill to empower the Mayor and Aldermen of Galveston to issue bonds for the construction of a bridge from island to main land.

Bill to permit county of Brazoria to levy special tax, &c.

Also, had passed a substitute for the House's bill for the relief of Iredell Redding.

Had concurred in the House's amendment to a bill to amend the river improvement bill.

Mr. Mabry introduced a bill amendatory of the act to incorporate the Jefferson Railroad Company, approved Feb. 2d, 1854. Read first time and referred to committee on Internal Improvements.

Also, introduced a bill appropriating \$400 to pay pension of Jos. E. Fields. Read first time.

On motion of Mr Mabry, rule suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Mabry, rule further suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Benevides Billingsley Bogart Branch Bryan Buckley Crooks Clark Culberson Cumby Dale Daniels Davis of H. Dennis Duncan Flewellen Francis Foscue Harrison of C. Hartley Houghton Hubbard Lewis of M. Lewis of R. Lewter Lynch

Mabry Manly Maverick Maxey McClarty McCutchan McKnight
 Middleton Mills Mundine Munson Nelson Norton Owens Parker
 Perry Redgate Redwine Robinson Shannon Shelton Short
 Stewart Townes Wælder Walworth Warfield Waterhouse
 Whitfield Wortham and Wæde—64.

NAYS—Messrs. Caddell Ross and Whitmore—3.

Mr. Armstrong introduced a joint resolution, in answer to the Governor's message relative to the South Carolina resolutions.

Mr. Armstrong moved to have printed 100 copies of resolutions.

Mr. Pirkey moved to reject them.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed, a bill for the relief of J. E. Spence.

A bill for the relief of the heirs of Shelby Corzin.

A bill to authorize certain counties to levy and collect an additional tax for the purpose of erecting county buildings.

A bill to authorize Henderson county court to levy a special tax, and

A bill appropriating four hundred dollars to pay the pension of Joseph E. Fields.

Mr. Cumby moved to adjourn until 7 o'clock, P. M. Lest.

On motion of Mr. Davis of B., the House adjourned till 3 o'clock, P. M., by the following vote:

The yeas and nays being demanded on motion of Mr. Whitmore:—

YEAS.—Messrs. Speaker Anderson Barclay Baxter Billingsley Bryan Buckley Camp Crawford Craig Crooks Clark Culberson Cumby Dale Davis of B., Dennis Dickson Duncan Fleweller Francis Foscue Hall Harrison of C. Harrison of V. Z., Hartley Houghton Hubbard McClarty Munson Nelson Perry Redwine Ross Shannon Shelton Short Stewart Townes Wælder and Warfield—43.

NAYS.—Messrs. Armstrong Barnard Benevides Bogart Branch Caddell Daniels Davis of H. Dougherty Edwards Ellett Epperson Franklin Haynes Henry Henderson Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick Maxey McCutchan McKnight Middleton Mundine Norton Owens Redgate Robinson Speights Walworth Waterhouse Whitfield Whitmore and Wortham—39.

3 O'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Davis of B. moved to take up the resolution, pending when the House adjourned. Lest.

The bill to endow professorships in colleges in Texas, with

report from committee recommending amendments, was taken up, and the amendments adopted.

Mr. Hubbard proposed to amend by adding at end of section 1st: "and that such certificate shall be duly verified by the oath of said President or a majority of the Board of Trustees taken before the chief Justice of the county in which such college, academy or seminary is located.

Mr. Clark proposed the following as an amendment to the amendment :

" Provided, further, that for every additional \$10,000 worth of property, which may be owned by such University, college, academy or seminary, shall be entitled to a certificate of two leagues of land."

On motion of Mr. Crawford the amendment to the amendment was laid on the table.

Mr. Dennis offered a substitute to the bill and amendment.

Mr. Stewart moved to lay the substitute on the table.

The yeas and nays were ordered on motion of Mr. Dennis, and the substitute laid on the table by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Branch Bryan Craig Clark Daniels Davis of B. Flewellen Foscue Hubbard Hubert Lewis of M. Lewis of R. Lewter Manly Martin McKnight Mundine Munson Pirkey Redgate Redwine Robinson Ross Shelton Stewart Townes Wælder Whitfield and Whitmore—32.

NAYS.—Messrs. Barclay Billingsley Bogart Buckley Caddell Crawford Culberson Dale Davis of H. Dennis Dickson Duncan Harrison of V. Z. Haynes Henderson Houghton Lynch McCutchan Middleton Mills Nelson Norton Parker Shannon Short Speights Walworth Warfield Waterhouse and Wortham—30.

And the amendment adopted.

Mr. Flewellen proposed to amend, by adding, " literary or medical," before college in 1st section.

Mr. Wælder proposed to amend the amendment as follows :

Insert after " academy," " or any other institution of learning."

Mr. Flewellen withdrew his amendment, and Mr. Wælder's amendment adopted.

Mr. Mabry proposed to amend as follows :

" Provided that the benefits of this act shall not extend to institutions that have heretofore received lands, except only so far to make, in addition to what they have already received, the said amount of five leagues."

Mr. Mills offered the following as a substitute :

" That the benefits of this act shall not be conferred upon any

college, academy or seminary that is not commenced and completed after the passage of this act."

Mr. McCutchan moved to lay the amendment and substitute on the table.

A division of the question was called for.

The question then being on laying the substitute on the table, the same was put and the substitute tabled.

The question being then on laying the amendment on the table.

The House refused to table the amendment which was then adopted.

Mr. Lewis of R., proposed to amend as follows :

"That any college, academy or seminary that have property to the amount of \$5,000, be entitled to two and a half leagues of land." Adopted.

Mr. Stewart proposed to amend as follows :

"Provided, further, that if such institutions shall have more than \$10,000 invested, they shall be entitled to an additional pro rata quantity of land, although they may have heretofore received land." Rejected.

Mr. Perry proposed to amend as follows :

"And all institutions of learning having \$2,500 worth of improvement and property, shall be entitled to one and a half league of land"

Mr. Billingsley offered the following as a substitute :

"That all other institutions of learning in this State shall be entitled to receive land at the same ratio."

Mr. Flewellen moved the previous question which was seconded.

The question was, shall the main question be now put.

On motion of Mr. Mills the yeas and nays were ordered, and the House ordered the main question by the following vote :

YEAS.—Messrs. Speaker Anderson Benevides Billingsley Bogart Branch Bryan Camp Craig Crawford Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Edwards Flewellen Francis Foscue Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Maverick McCutchan Middleton Mundine Munson Nelson Norton Parker Pirkey Redgate Redwine Robinson Ross Shelton Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—53.

NAYS.—Messrs. Barclay Caddell Harrison of V. Z. Haynes Henderson Houghton McKnight Mills Perry Shannon Short Speights and Stewart—13.

And the bill ordered to be engrossed.

Mr. Hubbard moved to suspend the rule and place bill on final reading.

On motion of Mr. Mills the yeas and nays were ordered, and the rule was suspended by the following vote :

YEAS.—Messrs. Speaker Anderson Benevides Billingsley Bogart Branch Bryan Caddell Camp Craig Crawford Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Flewellen Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McCutchan Middleton Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Ross Shelton Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wortham—55.

NAYS.—Messrs. Barclay Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton McKnight Mills Shannon Short and Whitmore—12.

The question being on the final passage of the bill.

On motion of Mr. Crawford the yeas and nays were ordered, and the bill passed by the following vote :

YEAS.—Messrs. Speaker Anderson Baxter Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Clark Culberson Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Francis Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick McCutchan Mundine Munson Nelson Parker Redgate Redwine Ross Shelton Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—51.

NAYS.—Messrs. Barclay Billingsley Crawford Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Middleton Mills Norton Perry Robinson Shannon Short and Speights—17.

On motion of Mr. Wælder the rule was suspended, and the bill changing time of holding courts in the 18th judicial district was taken up.

On motion the House adjourned till 7 o'clock pending the bill.

7 O'Clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Ross presented the petition of H. H. Edwards. Referred to committee on Private Land Claims.

Mr. Wælder moved to take up bill on which the House suspended rule before adjourning. Lost.

The House's resolution relative to public printing, with amend-

ment by Senate, was taken up and amendment concurred in.

The following named Senate's bills were taken up, read first time and referred to committee on Private Land Claims, to-wit:

Bill for the relief of the heirs of Andrew J. Ford, deceased.

Mr. Parker called up the bill for the relief of Richard B. Wardroup, with report from committee, recommending substitute, which was adopted. Bill read second time and ordered to be engrossed.

On motion of Mr. Parker the rule was suspended, bill read third time and passed.

Mr. Lewis of R. called up for Mr. Darnell, the Senate's bill granting a pension to Chas. Sheppard, which was read second time and passed to third reading.

On motion of Mr. Townes, rule was suspended, bill read third time and passed by the following vote:

YEAS.—Messrs. Speaker Anderson Baxter Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Culber-son Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Francis Foscue Harrison of C. Harrison of V. Z. Hartley Henderson Houghton Hubbard Kin-ney Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McClarty McCutchan McKnight Middleton Mills Mundine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—68.

Mr. Perry called up the bill for the relief of the heirs of W. D. Flemming, deceased, which was read second time and ordered to be engrossed.

On motion of Mr. Perry the rule was suspended, bill read third time and passed.

Mr. Dale called up the bill for the relief of Thos. F. McFarland with report of committee, recommending a substitute which was adopted, and bill ordered to be engrossed.

On motion of Mr. Crawford, the rule was suspended, bill read third time and passed.

Mr. Pirkey called up the bill to amend the 20th section of the act, incorporating the Memphis, El Paso and Pacific Railroad Company, which was read third time and passed by the follow-
ing vote:

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Bogart Branch Bryan Buckley Caddell Crawford Crooks Clark Culber-son Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Epperson Francis Hall Harrison of

C. Harrison of V. Z. Hartley Henderson Houghton Hubbard Hubert Kinney Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McClarty McKnight Mills Mundine Nelson Norton Perry Parker Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Walworth Waterhouse Whitfield Whitmore Wortham and Wrede—65.

NAY.—Mr. Middleton.

Mr. Redgate called up the bill to incorporate the Columbus Tap Railroad Company, with report from committee recommending amendments, which were adopted.

Mr. Bogart proposed to amend by striking out so much of the 11th section, as gives land to the road.

Mr. Townes moved to lay the amendment on the table.

The yeas and nays were ordered on motion of Mr. Ross, and the amendment laid on the table by the following vote :

YEAS.—Messrs. Anderson Barclay Baxter Benevides Billingsly Bryan Buckley Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of H. Davis of B. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Franklin Hall Harrison of C. Hartley Haynes Henderson Hubert Kinney Lewis of R. Lynch Mabry Manly Maverick McClarty McCutchan McKnight Mills Munson Parker Perry Pirkey Redgate Robinson Speights Stewart Townes Wælder Walworth Waterhouse Whitfield Whitmore and Wrede—57.

NAYS.—Messrs. Speaker Armstrong Bogart Culberson Harrison of V. Z. Houghton Lewis of M. Nelson Martin Redwine Ross Shannon Shelton and Warfield—14.

On motion of Mr. Buckley, "one-third," was struck out in the 12th section, and "two-third" inserted, and the bill passed to third reading.

On motion of Mr. Redgate the rule was suspended, the bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsley Branch Bryan Buckley Camp Craig Crawford Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Franklin Foscue Hall Harrison of C. Hartley Haynes Henderson Hubbard Hubert Kinney Lewis of M. Lewter Lynch Manly Martin Maverick McClarty McCutchan McKnight Mills Munson Norton Parker Perry Pirkey Redgate Robinson Ross Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—68.

NAYS.—Messrs. Bogart Caddell Harrison of V. Z. Houghton Nelson Redwine Shannon and Shelton—8.

Mr. Cumby called up the bill to prevent the sale of vinous, spirituous or other intoxicating liquors within one mile of the town of New London in Rusk county, which was read second time.

Mr. Shannon proposed to amend by inserting Veal's Station in Parker county, in the provisions of the bill. Adopted.

Mr. Ross proposed to amend by inserting the town of Mount Enterprise in Rusk county, in the bill. Adopted, and the bill ordered to be engrossed.

On motion of Mr. Cumby the rule was suspended, bill read third time and passed.

Mr. Culberson called up the bill to incorporate a Literary Institute at Gilmer in Upshur county, with report from committee recommending an additional section, which was adopted and the bill ordered to be engrossed.

On motion of Culberson the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsly Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Culberson Cumby Dale Daniels Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Francis Hall Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Hubert Kinney Lewis of M. Lewis of B. Lewter Lynch Manly Martin Maxey McClarty McCutchan Mills Mundine Munson Nelson Norton Parker Perry Redgate Redwine Robinson Ross Shannon Shelton Speights Stewart Townes Wælder. Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—71.

[Mr. Mills in the Chair.]

Mr Redwine called up the bill to incorporate the Vicksburg, Henderson and Western Texas Railroad Company.

Mr Perry offered a substitute for the bill.

On motion of Mr. Henderson the bill and substitute was referred to committee on Internal Improvements.

Mr. Clark called up the bill for the relief of Thos. J. Smith, which was read second time and ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended bill read third time and passed.

Mr. Robinson called up the bill for the relief of Sarah Mills, which was read second time and ordered to be engrossed.

On motion of Mr. Robinson the rule was suspended, bill read third time and passed.

Mr. Davis moved to adjourn till 10 o'clock, A. M. to-morrow. Lost.

Mr. Crooks called up the bill to permit R. B. Francis to construct a bridge across North Sulphur in Lamar county.

Mr. Davis of H., proposed to amend by adding, "Schuler Colfax, as one of the Commissioners."

Mr. Crooks moved to adjourn till 10 o'clock, A. M., to-morrow. Lost.

On motion of Mr. Davis of H., the amendment was laid on the table.

Mr. Nelson proposed to amend by striking out "three cents for sheep," and inserting, "one cent." Adopted, and the bill ordered to be engrossed.

Mr. McKnight moved to amend by inserting between "horse" and "riders," the word "mule." Ruled out of order.

On motion of Mr. Davis of B., the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Culberson Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Edwards Ellett Epper-son Francis Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Henry Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Maverick McClarty McCut-chaun McKnight Middleton Mills Maudine Munson Nelson Norton Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—72.

Mr. Anderson moved to adjourn till 10 o'clock A. M. to-mor-row. Lost.

Mr. Ross called up the bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, with report from committee, recommending amendments, which was adopted and the bill passed to third reading.

On motion of Mr. Stewart, the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Bogart Branch Bryan Buckley Camp Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Edwards Ellett Francis Hall Hartley Haynes Henry Hubbard Lewis of R. Lewter Lynch Mabry Manly Maverick Maxey McKnight Middleton Mills Munson Nelson Norton Par-ker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—61.

Mr. Clark moved to reconsider the vote, refusing to pass the bill to purchase Burlage & Hollingsworth's abstract.

Mr. Henderson moved to lay the motion on the table.

On motion the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Wednesday, January 25th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Crooks, chairman on Engrossed Bills, reported as follows :
 HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined the following bills, and report them correctly engrossed :

A bill to incorporate a Literary Institution of Gilmer, in Upshur county.

Also, a bill entitled an act to amend the 4th, 8th, 15th, and 18th sections of an act to provide for the assessment and collection of Taxes.

On motion of Mr. Crooks, the rule was suspended on the bill to incorporate the Lodge of I. O. O. F., at Clarksville.

On motion of Mr. Crooks, the words "Bois D'Arc, was inserted before "Lodge" wherever it occurs.

The bill passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barclay Baxter Benevides Billingsley Bogart Branch Buckley Caddell Camp Craig Crawford Crooks Cumbby Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Edwards Ellett Epperson Flewellen Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henderson Henry Houghton Hubbard Hubert Lewis of M. Lewis of R. Lewter Lynch Mabry Manly Martin Maverick Maxey McCutchan McKnight Middleton Mills Munson Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—77.

NAYS—none.

Mr. Epperson presented the petition of David Andrews. Referred to committee on Private Land Claims.

Mr. Wrede presented the petition of sundry citizens of New Braunfels. Referred to committee on State Affairs.

Mr. Lewter, one of the committee on Claims and Accounts, reported asking to be discharged from the further consideration of the petition of S. C. Blanton.

Mr. Lewis of M., chairman of committee on Agriculture, reported recommending the passage of the Senate's bill to incorporate the Planters Danologian Society of the county of Gonzales.

Mr. Armstrong, one of the committee on Probate Laws, reported a substitute for the bill to amend the act pertaining to estates of deceased persons, and recommended its passage.

Mr. Branch, chairman of committee, reported as follows :

To HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined the following bills, viz :

A bill for the relief George W. King and H. C. Lazenby.

A bill legalizing the colony certificate of George Gochman.

A bill to incorporate the San Antonio College.

A bill to incorporate the Alamo College, and find the same correctly enrolled, properly signed, and this day been presented to the Governor for his approval and signature.

Mr. Hubbard introduced a bill for the relief of W. D. Langham. Read 1st time and referred to committee on Private Land Claims.

Mr. Bexter introduced a bill to incorporate the Hebrew Cemetery of the city of Marshall Texas. Read 1st time and referred to committee on State Affairs.

Mr. Ellett introduced a bill to incorporate the West Fork Bridge Company. Read 1st time and referred to committee on Roads Bridges and Ferries.

Mr. Warfield introduced a bill to incorporate the Greenville Institute. Read 1st time and referred to committee on Education.

Mr. Munson introduced a bill to provide for the investment of the Railroad Sinking Fund. Read 1st time and referred to committee on State Affairs.

Mr. Perry introduced a bill for the relief of the heirs of G. W. McGren, deceased, assignee of John Robinett. Read 1st time and referred to committee on Private Land Claims.

Mr. Walworth introduced a bill to incorporate the Brazos St. Iago Harbor and Rio Grande Canal Company. Read 1st time and referred to committee on Internal Improvements.

Mr. Mills introduced a bill to encourage Agriculture, Stock-

Raising, Mechanics, &c. Read 1st time and referred to committee on Stock and Stock-Raising.

Mr. Manly offered the following resolution :

Resolved, That the Speaker is hereby authorized to employ such assistance to the Enrolling and Engrossing clerks as may be necessary.

Mr. Henderson moved to amend by saying, and that the Enrolling and Engrossing clerk be dismissed.

On motion of Mr. Buckley, the motion was laid on the table.

Mr. Henderson moved to amend by saying, the assistance of one clerk.

On motion of Mr. Billingsley laid on the table.

Mr. Henderson moved to amend by saying, such clerk shall not receive more than \$5 00 per day. Lost.

Mr. Henderson moved to amend by saying, he shall not receive more than \$10 00 per day. Lost.

On motion of Mr. Buckley, the main question was ordered by the following vote, the yeas and nays being ordered on motion of Mr. Foscue :

YEAS—Messrs. Anderson Barclay Barnard Baxter Benevides Billingsley Bogart Branch Bryan Buckley Camp Craig Crawford Crooks Clark Davis of H. Dickson Dougherty Duncan Ellett Epperson Flewellen Hall Hartley Henderson Henry Houghton Lewis of M. Lewis of R. Mabry Manly Martin Maverick Maxey McClarty Middleton Mills Mundine Munson Nelson Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Speights Stewart Townes Wælder Waterhouse Whitfield Wortham and Wrede—55.

NAYS—Messrs. Caddell Cumby Dale Daniels Davis of B. Francis Foscue Harrison of C. Harrison of V. Z. Lewter Lynch Norton Shelton Warfield and Whitmore—15.

Mr. Henderson moved to reconsider the vote just taken.

On motion of Mr. Wælder, the motion of Mr. Henderson was laid on the table by the following vote, the yeas and nays being ordered on motion of Mr. Henderson :

YEAS—Messrs. Anderson Barclay Barnard Benevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Clark Davis of B. Dickson Dougherty Duncan Ellett Epperson Flewellen Franklin Hall Hartley Henry Houghton Hubert Lewis of R. Mabry Manly Martin Maverick McClarty Middleton Mills Mundine Munson Nelson Parker Perry Redgate Redwine Robinson Speights Stewart Townes Wælder Walworth Waterhouse Whitfield Wortham and Wrede—54.

NAYS—Messrs. Armstrong Cumby Dale Daniels Davis of H.

Francis Foscue Harrison of C. Lewis of M. Lewter Lynch Maxey McKnight Pirkey Shelton Warfield and Whitmore—18.

And the resolution adopted.

On motion of Mr. Baxter, the rule was suspended and the bill supplementary to the act to authorize the appointment of Commissioners to take the acknowledgement of deeds, depositions and other instruments of writing executed out of this State, approved May 8th, 1846, was taken up.

Mr. Buckley proposed to amend by striking out in the 1st section "during the pleasure of the Governor, and insert for a term of 4 years," and by striking out "common" in the 4th section and insert "stamped." Adopted, and the bill passed.

Mr. Mills moved to suspend the rule and take up the bill making appropriation for the protection of the frontier. Lost.

ORDERS OF THE DAY.

The resolution to change the order of the night sessions, was taken up, and on motion of Mr. Buckley laid on the table.

The resolution for the House to meet at 9 o'clock, A. M., taken up, and on motion of Mr. Henderson, laid on the table.

The resolution calling on the Governor to transmit certain documents relative to printing to the House, was taken up and adopted.

The resolution to restrict members to 5 minutes speaking at one time, was taken up.

Mr. Wælder moved to amend that the resolution shall only apply to evening sessions. Lost.

Mr. Buckley moved to amend by striking out "5 minutes," and inserting "2 minutes."

On motion of Mr. Dickson, the main question was ordered and the resolution adopted.

The resolution to make it obligatory to consider certain bills, till they were finally disposed of, was taken up.

On motion of Mr. Buckley, laid on the table.

The journals of January 17th, 1860, were taken up, and the House refused to adopt the pending motion to amend them, and the journals adopted.

Mr. Perry moved to take up bill 289. Lost.

The bill to amend the 4th, 8th, 15th and 18th sections of the Tax bill, was taken up.

Mr. Armstrong proposed to amend section 1st, 9th line, strike out "10" and insert "20." Rejected, and the bill passed.

Mr. Shannon, one of the committee on Judicial Districts, reported recommending the passage of the bill to reorganize the

16th Judicial District and define the times of holding courts therein.

Mr. Dickson, chairman of committee on Public Debt, reported adversely to the petition of Leslie Combs.

Bill to reorganize the Court of Claims, with pending amendments, was taken up.

A message was received from the Senate informing the House that the Senate had passed :

A bill to incorporate the Houston Gas Company.

Bill to incorporate Washington County Cotton and Woolen Manufacturing Company.

And a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to procure the incorporation of Capt. John G. Todd of the late Navy of Texas, into the Navy of the United States.

Mr. Hall moved to lay the pending amendment to the Court of Claims bill on the table, and called for the yeas and nays, which stood as follows :

YEAS—Messrs. Anderson Baxter Benevides Branch Buckley Caddell Camp Clark Culberson Cumby Davis of E. Davis of H. Dennis Duncan Flewellen Hall Hartley Haynes Henderson Hubbard Hubert Lewis of M. Manly Maverick Maxey McClarty Middleton Munson Owens Perry Redgate Redwine Ross Shelton Speights Stewart Warfield and Wortham—38.

NAYS—Messrs. Armstrong Barclay Barnard Billingsley Bogart Craig Crawford Crooks Dale Daniels Edwards Ellett Epperson Francis Franklin Foscue Harrison of V. Z. Houghton Lewis of R. Lynch Martin McCutchan Mills Parker Robinson Shannon Short Townes Waterhouse Whitfield and Whitmore—31.

So the House laid the amendment on the table.

Mr. Buckley proposed to amend in line 16th, section 5, after "counter signed," insert "or a genuine Pöe certificate." Adopted.

Mr. Shannon proposed to amend as follows :

Sec 3. Lines 1 and 2 strike out the words, "the colonization laws of Coahuila and Texas or the Constitution and," and insert "the Statute" after the word "under."

Mr. Franklin offered a substitute for the amendment and 3rd section.

On motion of Mr. Shelton, the bill and proposed amendments was recommitted to the committee on Court of Claims, and made special order of the day for Saturday next, at 11 o'clock.

A message was received from the Senate informing the House that the Senate had passed a bill originating in the House, to

apportion the State into Senatorial and Representative districts, with amendments.

On motion the House adjourned till 7 o'clock, P. M.,

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The following named Senate bills, were taken up, read 1st time and disposed of as indicated :

Bill relinquishing certain lands therein named, to William M.

A substitute by the Senate for the House's bill for the relief of Iredell Redding, passed to 2nd reading.

Bill for the relief of heirs of James C. Gentry, deceased.

On motion of Mr. Henderson, the rule was suspended, bill read second time and passed to third reading.

Bill to amend act to incorporate Bustrop College.

On motion of Mr. Davis of B., the rule was suspended, bill read second time and passed to third reading.

Bill to empower the Mayor and Aldermen of Galveston to issue bonds to build a bridge from the Island to the main land, &c., &c.

On motion of Mr. Hartley, the rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Hartley, the rule was further suspended, bill read third time and passed.

Bill to incorporate the Washington County Cotton and Woolen Manufacturing Company.

On motion of Mr. Hubert, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Hubert, the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Ben-
vides Billingsley Bogart Branch Bryan Buckley Caddell Camp
Craig Crawford Crooks Dale Daniels Davis of B. Davis of H.
Dougherty Epperson Flewellen Francis Harrison of V. Z. Har-
tley Haynes Houghton Hubbard Hubert Kinney Lewis of M.
Lewis of R. Lewter Lynch Mabry Martin Maverick Maxey
McClarty McCutchan McKnight Mills Mundine Nelson Norton
Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon
Short Smith Speights Townes Wælder Walworth Warfield
Waterhouse Whitfield and Whitmore—63.

NAYS—none.

Bill to incorporate the Houston Gas Company. Referred to committee on State Affairs.

Mr. Crawford called up a bill to incorporate the Palestine Tap Railroad Company, which was read second time.

Mr. Dale proposed to amend by adding an additional section. Adopted, and bill ordered to be engrossed.

On motion of Mr. Dale the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Ellett Epperson Foscue Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubbard Lewis of M. Lewter Lynch Mabry Martin Maverick McClarty McCutchan Mills Munson Nelson Norton Owens Parker Perry Redgate Redwine Ross Shannon Shelton Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—62.

NAYS—none.

Mr. Shannon called up the bill for the relief of Wilson Woods, which was read second time, and ordered to be engrossed.

On motion of Mr. Shannon, the rule was suspended, bill read third time and passed.

Mr. Shelton called up the bill to incorporate the Texas Mutual Insurance, with report from the committee recommending amendments, which were adopted and the bill ordered to be engrossed.

On motion of Mr. Pirkey, the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Benevides Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Edwards Ellett Flewellen Francis Franklin Hall Harrison of C. Haynes Henderson Hubert Lynch Martin McClarty McCutchan Nelson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Shannon Shelton Short Smith Speights Townes Walworth Warfield Waterhouse Whitmore and Wrede—55.

NAYS.—Messrs. Foscue, Houghton Lewis of M. Mundine and Munson—5.

Mr. Craig called up the bill to incorporate the Baptist State Convention, which was read second time and ordered to be engrossed.

On motion of Mr. Nelson, the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barclay Benevides Billingsley Bogart Bryan Buckley Caddell Camp Craig

Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Haynes Henderson Houghton Hubbard Kinney Lewis of M. Lewis of R. Lewter Lynch Martin Maverick McClarty McCutchan Munson Nelson Norton Owens Parker Perry Pirkey Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—61.

Mr. Camp called up the bill for the relief of heirs of M. Vega Delgado, which was read second time and ordered to be engrossed.

On motion of Mr. Camp; the rule was suspended, bill read third time and passed.

Mr. Lewis of R., moved to reconsider the vote passing the bill to provide for taking depositions.

On motion of Mr. Franklin a consideration of the motion to reconsider was postponed till 10 o'clock, to-morrow.

Mr. Short called up the bill for the relief of Daniel Hopkins, which was read second time and ordered to be engrossed.

On motion of Mr. Short, the rule was suspended, bill read third time and passed.

Mr. Caddell called up the bill for the relief of James W. Parker *et al*, which was read second time, and the bill ordered to be engrossed.

[Mr. Redwine in the chair.]

Mr. Caddell moved to suspend rule and place bill on final reading. Lost.

Mr. Smith called up the bill to relinquish the State Tax for 1859 and 1860 to Orange county, to said county for the purpose of building a court house therein, which was read second time.

Mr. Wrede proposed to amend by adding "Gillespie County."

On motion of Mr. Haynes, the amendment was laid on the table.

Mr. Mills proposed to amend by adding, Navarro.

Mr. Crooks moved the previous question. Lost, and the amendment adopted.

Mr. Nelson proposed to amend by adding the counties of Bosque, Corryell, Comanche, Erath, Palo Pinto and Lampasas.

Mr. Crooks proposed to amend by adding Red River county.

Mr. Billingsley moved to lay the bill and amendment on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Mills :

YEAS—Messrs. Speaker Anderson Billingsley Caddell Craig Crooks Daniels Dickson Epperson Franklin Foscue Harrison of

C. Harrison of V. Z. Haynes Lewis of R. Maverick McCutchan Middleton Parker Perry Redwine Shelton Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—30.

YAYS—Messrs. Armstrong Barclay Benevides Bogart Branch Bryan Buckley Crawford Clark Cumby Dale Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Flewellen Francis Hall Hartley Henderson Hubbard Kinney Lynch Mabry Martin McCutchan McKnight Mills Munson Nelson Norton Pirkey Ross Short Smith Speights and Wrede—40.

On motion of Mr. Short, the main question was ordered, which being on the engrossment of the bill, the yeas and nays were demanded on motion of Mr. Dickson, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker Armstrong Barclay Benevides Branch Bryan Buckley Clark Crawford Cumby Dale Daniels Davis of B. Dennis Dougherty Duncan Edwards Ellett Flewellen Francis Hall Haynes Hubbard Kinney Lynch Mabry Martin Maxey McCutchan Mills Munson Nelson Norton Perry Ross Short Smith Speights Walworth and Whitmore—40.

NAYS—Messrs. Anderson Billingsley Bogart Caddell Craig Crooks Davis of H. Dickson Epperson Foscué Harrison of C. Harrison of V. Z. Houghton Maverick McClarty Middleton Parker Pirkey Redgate Redwine Shelton Stewart Townes Wælder Warfield Waterhouse Whitfield and Wrede—28.

A message was received from the Senate informing the House, that the Senate had passed, a bill to validate the county seal of Young county, and had refused to recede from their amendment to the House's bill to pay certain persons for arresting John T. Shanks. And had appointed Messrs. Lott, Hart and Guinn on a committee of conference and asked a like committee on part of the House.

Mr. Buckley called up the bill for the relief of Wm. Meaus, which was read second time and ordered to be engrossed.

Mr. Buckley moved to suspend the rule and place bill on final reading.

Mr. Franklin moved to adjourn till 10 o'clock, A. M., to-morrow. Lost, and the rule suspended, the bill read third time.

Messrs. Franklin and Crooks, rose and addressed the chair. The Speaker decided that Mr. Franklin was entitled to the floor.

Mr. Crooks appealed from the decision and the Chair was sustained.

On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
 Thursday, January 26th, 1860. }

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

Mr. Barnard presented the petition of Wm. M. Cook. Referred to committee on Public Lands.

Mr. Robinson presented the petition of the heirs of James A. Clayton, dec'd. Referred to the committee on Private Land Claims.

Mr. Short, one of the committee on State Affairs, reported, recommending the indefinite postponement of the bill to provide for the investment of the Railroad Sinking Fund.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, asking to be relieved from further consideration of the petition of thirty citizens of Montague county.

Also, reported a substitute for the bill to change the boundary lines between Comal and Hays counties, and recommended its passage.

Also, reported, asking to be discharged from further consideration of the petition of sundry citizens of Lavaca county.

Mr. Henderson, chairman of committee on Public Lands, reported, recommending the passage of the Senate's bill for the relief of Ewing Clayton.

Mr. Francis, one of the committee on Claims and Accounts, reported, asking to be discharged from further consideration of the petition of David Harris.

Mr. Baxter, one of the committee on State Affairs, reported, recommending the passage of the bill to incorporate the Hebrew Cemetery of Marshall.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the bill to incorporate West Fork Bridge Company.

Mr. Dennis, chairman of committee on State Affairs, reported a bill to provide for the completion of the survey of the boundary between Texas and the territories of the United States, and recommended its passage. Bill read first time.

Also, reported, asking that the bill to amend the sixth section of the act amendatory of the law to raise the revenue by taxation, be referred to committee on Finance. Report adopted.

Mr. Foscue, chairman of committee on Internal Improvements, to which was referred the bill to incorporate the Vicksburg and Western Texas Railroad Company, with a substitute, reported, recommending that the original bill be passed, with amendments: amend by adopting the name suggested in the substitute,

and by changing the Eastern terminus from the point named on the Louisiana line, to Jefferson, in Cass county.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill to validate bounty warrant No. 1738, for 240 acres of land.

[Mr. Nelson in the Chair.]

Mr. Shannon also reported, recommending the passage of the Senate's bill for the relief of E. B. Settle.

Also, reported, asking to be discharged from further consideration of the petition of Charlotte L. Simmons.

Mr. Lewis of M., chairman of committee on Agriculture, reported a bill defining the duties of officers and owners of steamboats; to declare certain acts penal, and prescribe the punishment thereof.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to amend the act to incorporate the Herman University, approved January 27th, 1844. And the bill for the relief of Thomas S. McFarland.

Mr. Bryan, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of L. T. Watkins, and recommended its passage. Read first time.

Mr. Daniels, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of W. L. Foster.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the passage of the bill for the relief of W. D. Langham.

Also, reported, recommending the passage of the Senate's bill for the relief of the heirs of Mrs. Ellen M. Gibbs.

Mr. Mabry, one of the committee on Internal Improvements, reported, recommending the passage of the bill to revive and continue in force the act to incorporate the Jefferson Railroad Company.

On motion of Mr. Mabry, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Mabry, the rule was further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barclay Barnard Baxter Bonevides Billingsley Bogart Branch Bryan Buckley Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Edwards Flewellen Francis Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henderson Houghton Hubbard Hubert Kinney Lewis of M. Lewis of R. Lewter Lynch Mabry

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-

bard, Hubert, Lynch, Manly, Maverick, Maxey, McClarty, Mills, Munson, Nelson, Owens, Parker, Perry, Pirkey, Redwine, Ross, Shannon, Speights, Stewart, Townes, 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, Caddeil, Camp, Craig, Crawford, Crooks, Culberson, Curaby,

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 Manly 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 Robiſon 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 Fleweller Hall Hartley Haynes Henderson
Henry Lewis of M. Lewis of R. Mabry Manly Maverick Maxey
McCutchan Middleton Munſon Owens Redgate Robiſon 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 Waelder 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 specific 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 Dubcan 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 en 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 Flewelling 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 strike 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 Billingsley 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 Flewelling 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 Foscoe 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 Flewellen 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. Lest, 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 Benevides 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 Benevides 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 Ross 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 Foscue Hall Harrison of C. Havnes Henry Houghton Hubert Lewis of R. Lynch Mabry Manly Martin McClarty Mills Musson 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 Ellett Epperson Francis Foscoe 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 Mundine 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 Fleweller 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 Bogaert 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 McKnighty 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.

Mr. Wælder offered the following resolution:

Resolved, That the committee on Finance be instructed to provide for the payment of the men called out by the Governor under the instructions of this Legislature, for the protection of Brownsville and the Rio Grande frontier, and that they report by bill or otherwise. Adopted.

Mr. Robinson introduced a bill to authorize the county of Fayette to levy a special tax. Read first time.

On motion of Mr. Robinson, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Robinson, the rule was further suspended, bill read time and passed.

A message was received from the Senate informing the House that the Senate had passed the following named Senate bills:

A bill for the relief of John Burris.

A bill for the relief of Harmon Fracy.

A bill for the relief of Jacob S. Horn, John P. Grisham and James Y. Pistole.

A bill to grant land to N. G. Shelley, W. H. D. Carrington and Wm. Alexander.

A bill to legalize election of officers of Montague county.

A bill to fix salary of Accountant in Comptroller's Office.

A bill to amend an act to incorporate the city of Brownsville.

Also, had passed the following named House-bills:

A bill to authorize the County Court of Henderson county to levy a special tax.

A bill for the relief of Wm. Drake.

A bill for the relief of Bigham White.

A bill to relinquish State tax of Orange and Navarro counties, for 1859 and 1860, to said counties.

Also, had amended and passed House's bill authorizing certain counties to levy and collect additional tax for erecting county buildings.

A bill to incorporate Cedar Grove Male and Female Intitute.

And a bill to amend the 24th section of an act of 27th August, 1856, to consolidate in one act and amend the several acts incorporating the city of Galveston.

And had indefinitely postponed House's bill to change south boundary line of Smith county.

And had concurred in the amendments, by the House, to Senate's bill for the relief of W. A. Bush.

A bill to define the boundaries of Hopkins county.

And had refused to concur in first, second and fourth amend-

ments of House, and concurred in third amendment of Senate's bill amendatory of Penal Code.

Also, had refused to concur in first and ninth amendments, and concurred in second, third, fourth, fifth, sixth, seventh, eighth, tenth and eleventh amendments to bill amendatory of an act to establish a Code of Criminal Procedure.

Mr. Craig, chairman of committee on Court of Claims, reported as follows :

COMMITTEE ROOM, }
Feb. —, 1860. }

The joint select committee on the Court of Claims have had under consideration the cases referred to them by the Commissioner, and beg leave to submit the following report :

They deem it proper to state that the labor has been very great, and that they have faithfully and assiduously investigated these claims ; believing that they have done under the circumstances, and the limited time allowed them from other Legislative duties, full and ample justice to parties interested—both to the State and to the individual.

The examination of each particular claim was necessarily tedious, and in passing upon them where the proof was sufficient, and the credibility of the witness properly testified to and authenticated, and no evidence that the party had heretofore received the same, we have recommended them favorably, and where the proof failed to establish the claim fully, we have rejected it—in most cases, too, without giving any particular reasons in this report, as it was regarded as entirely useless, as well as unnecessary consumption of the time of this body, to hear all of the objections to this character of claims.

The committee have acted upon all the recommended claims, and upon most of the referred claims for land, which have been submitted to the Legislature by the Commissioner of Claims, and would have acted upon all of the latter, had the Legislature continued long enough to have permitted it.

Besides the claims which had been acted upon by the Commissioner of Claims, the committee have also acted upon a large number of bills, memorials, &c., which were referred to them by the two Houses of the Legislature.

The following claims are recommended by the committee :

A C C Bailey, 320 acres, bounty.

Moses Little, 1476 acres headright, and 1920 acres bounty.

Wm P Newman, 640 acres, donation, to be issued to the heirs.

J B Fox, 320 acres, bounty.

Robert C Cappy, 640 acres, bounty headright.

Moses Townsend, 640 acres, donation.

Philip Howard, 640 acres, headright.

M B Lamar, a duplicate donation issue for 640 acres.

Houston McKey, a duplicate of unconditional certificate issued by the Board of Land Commissioners of Upshur county, for 640 acres, which issued upon conditional certificate No. 93, in Bowie county, be issued.

George Dedrick, $\frac{2}{3}$ of a league and one labor, augmentation headright.

Chester S Gorbett, duplicates for 320 acres bounty, and 640 acres donation issue.

Reynold Reynolds, unconditional headright certificate issue upon conditional No. 83, issued by the Board of Land Commissioners of Nacogdoches county, on the 5th July, 1838.

Robert Wilkins, 1476 acres, headright.

William Gray, 1280 acres, headright.

B F Childress, 1280 acres, bounty.

Charles B Clough, 1476 acres headright, and 1920 acres bounty.

Mathew Dunn, 320 acres, bounty.

Heirs John Childress, 1 league and 1 labor.

Hudson Westbrook. That unconditional certificate issue for 640 acres, upon conditional No. 78, issued by the Board of Land Commissioners of Liberty county, on the 8th November, 1839.

Samuel Arbuckle, that unconditional certificate issue for 320 acres, upon conditional, issued by the Board of Land Commissioners of Galveston county, on the 30th December, 1839; No. 767.

Francis A Whitaker, that unconditional certificate issue for 640 acres, upon conditional No. 118, issued by the Board of Land Commissioners of Matagorda county.

John W. Anderson, 640 acres, donation, San Jacinto service.

George Sargent, 1 league and 1 labor, headright.

George Reynolds, 640 acres, donation.

Spzar Singleton, 640 acres, bounty.

William Earp, 640 acres, headright.

F W Johnson, 1 league and 1 labor, headright.

Samuel C King, 1280 acres, bounty.

Charles S Fields, 320 acres, headright.

John W. Hale, 320 acres, headright.

John H Pierson, 320 acres, bounty.

John Moss, 640 acres, donation.

James M Thomas, 1280 acres, bounty.

- Robert Barr, 1476 acres headright, and 640 acres donation.
- Jonathan B Frost, 1476 acres, headright.
- Heirs Daniel Fox, 640 acres, headright.
- Hannah Donahoe, alias Alexander, 1 league and 1 labor.
- Daniel H Vail, 1 league and 1 labor.
- Robert Foote, 320 acres, bounty.
- Joseph Morrison, 1280 acres, bounty.
- G S Park, 640 acres, donation.
- William Davis, 640 acres, headright.
- Isaac P Wallace, 1476 acres, headright.
- Anthony Foster, 320 acres bounty, and 640 acres donation.
- Charles Jackson, 1280 acres, headright.
- Wm D Hayden, 320 acres, headright.
- James Smith, 640 acres, headright.
- Rudolph Dufour, 640 acres, headright.
- George W McCurley, $\frac{3}{4}$ of a league and 1 labor augmentation headright. (Reconsidered and rejected; no service proved.)
- J D Jennings, 640 acres, donation.
- Peter Kendall, 640 acres, bounty.
- Isaac Robertson, 320 acres, bounty.
- Thomas Robbins, 640 acres, bounty.
- Richard Treat, 640 acres, headright.
- John Birth, 960 acres, bounty.
- Thomas J Thompson, that unconditional certificate issue upon conditional No. 101, issued by the Board of Land Commissioners of Washington county, on the 2d August, 1838, for 640 acres
- Wm A Wood, 640 acres, headright.
- Heirs Jacob Black, 1476 acres, headright.
- James M Robinson, recommended that a donation certificate for 640 acres, issued by the Commissioner of Claims, No. 4-15, issued on the 5th January, 1859, to the heirs of James M Robinson, be validated.
- William E Glenn—captain in the navy, served three years—320 acres, headright.
- John M Smith, that unconditional certificate issue upon conditional, issued by the Board of Land Commissioners of Bastrop county, for 640 acres, in July, 1838.
- Alexander E Patton, that a duplicate for $\frac{1}{4}$ of a league issue, in lieu of one issued to him by the Adjutant-General, and failed to be countersigned by the Commissioner of the General Land Office.
- John H Adie, 1280 acres bounty, and 640 acres donation.
- John H Cullum, that unconditional certificate No. 41, issued

by the Board of Land Commissioners of Hopkins county, for 320 acres, on the 19th February, 1855, be validated.

Greenberry Gates, 1476 acres, headright.

Heirs Wistar Evans, 640 acres headright, and 320 acres bounty.

Thomas Gray, $\frac{1}{4}$ of a league, headright.

Heirs Charles Spaulding, 640 acres, headright.

Heirs Andrew P Cunningham, $\frac{1}{3}$ of a league, headright.

J D Morris, 320 acres bounty, and 640 acres donation, for waiting on the sick.

Ransom G. Blanton, 320 acres, additional headright.

W W Warring, 320 acres, headright.

Heirs Douglas Brown, 320 acres, bounty.

Simon P Ford, 640 acres, donation.

Levi P. Scott, 369 acres, augmentation headright.

F C Catonet, that $\frac{1}{3}$ of a league be issued in lieu of No. 224, issued by the Board of Land Commissioners of Brazoria county, and the original be cancelled.

Randolph D Spain, 960 acres, additional bounty.

Antonio Hernandez, that donation warrant No. 724, issued by Adjutant-General Gillett, for 640 acres, be validated.

Jose Alameda, that donation warrant, issued by Adjutant-General Gillett, No. 732, for 640 acres, be validated.

James McDaniel, that bounty warrant No. 1542, issued by Adjutant-General Gillett, for 320 acres, be validated to original grantee.

Heirs John Jacobs, that $\frac{1}{3}$ of a league issue in lieu of $\frac{1}{4}$ of a league issued by George Antonio Nixon, 26th October, 1835, and that the original be cancelled.

John F Lund, 1476 acres, headright.

Gustavus Bunson, $\frac{1}{3}$ of a league headright, and 960 acres bounty, (additional.)

Robert M. Burton, 1476 acres headright, and that it issue to Josiah Bishop, as assignee.

Anthony Bates, 1280 acres, bounty, (one having issued for that amount heretofore, but failed to be signed.)

Louas Lapodun, $\frac{1}{3}$ of a league, headright.

Jacob Rogers, 240 acres, bounty.

Thomas G Masterson, 1280 acres, headright.

John James, 1600 acres bounty, and 640 acres donation.

Heirs Ulrich Wutrich, 960 acres, additional bounty.

Heirs Benjamin F Blake, 1280 acres, bounty.

Heirs M P Kelly, 320 acres bounty, and 640 acres donation.

Heirs Willis Edson, 1280 acres, bounty.

Stephen Stanley, 1 labor, additional headright.

Heirs Thos J Robinson, $\frac{1}{3}$ of a league headright, 320 acres bounty, and 640 acres donation.

Syvanus Dunham, 24 acres, bounty.

James Calk, $\frac{1}{3}$ of a league headright, 1920 acres bounty, and 640 acres donation.

Joseph Smith Johnson, $\frac{1}{3}$ of a league headright, and 1280 acres additional bounty.

James D Sharum, 640 acres, bounty.

Evin Corner, 640 acres, donation.

Heirs McK Moses, 640 acres, bounty.

Heirs Thomas Robenett, 320 acres, headright.

Horace Hall, 1476 acres headright, and 1280 acres bounty.

Thomas D Brooks, 320 acres, bounty.

Jacob Allbrachet, 960 acres, bounty, and to be issued to Henry Teal.

Heirs Leroy Wilkinson, 960 acres bounty, and 640 acres donation, for being in the battle of San Jacinto.

Thomas Stokely, 320 acres, bounty.

Charles B Banister, 640 acres, donation.

Lewis Wells, 320 acres, bounty.

Benjamin Howard, 1280 acres, bounty.

John B. Rhodes, 640 acres, bounty.

Henry Halbrook, 640 acres, bounty.

Jacob Eyler, 640 acres, San Jacinto donation.

John L Boatright, 640 acres, bounty.

M M Parkerson, 640 acres bounty, in lieu of Poe certificate.

Stephen H Burton, 640 acres, bounty, (reconsidered and recommended.)

Heirs Placedo Venabides, 320 acres bounty and 640 acres donation, for being at the siege of Bexar.

W B Burditt, 1 labor, augmentation.

A Greenlaw, 640 acres, donation, for being at San Jacinto.

Henry Gardner, 320 acres, headright.

Heirs John Henry Maynard, 320 acres, headright.

Miguel del Taro, 1 league and 1 labor, less 1280 acres.

Justo Travieso, 3325 acres, additional headright.

Lucus Munoz, 3325 acres, additional headright.

Heirs Jose Delgado, 1 league and 1 labor, in lieu of an amparo title issued by Gov. Letona, on the 20th April, 1831.

Octavius A Cook, that a duplicate donation warrant issue upon certificate No. 7, issued by the Board of Land Commissioner of Matagorda county, for 1 league.

J C Earp, 320 acres, headright.

Mary Ann Brush, 640 acres, headright.

Elizabeth Stanley, 1 league, additional headright.

J R Miller, 320 acres, headright.

John Frederick, that unconditional certificate issue upon conditional, issued by the Board of Land Commissioners of Harris county, on the 6th June, 1858, for 640 acres.

Heirs Isaac D Steel, 640 acres headright, and 640 acres bounty.

John F Gilbert, 1476 acres, headright.

Edward S Jones, 1476 acres, headright.

James Cole, 1476 acres, headright, less 640 acres.

John Anderson, that bounty warrant No. 1715, issued by Adjutant-General Gillett, F Brichta assignee, for 320 acres, be validated.

James A Umphries, 320 acres, bounty, in lieu of lost Poe certificate.

George M Deadrick, 640 acres bounty, and 640 acres donation.

Fielding Deadrick, 640 acres bounty, and 640 acres donation.

Daniel Martindale, 1476 acres headright, 640 acres bounty, and 640 acres donation.

Thomas P Hotchkiss, 640 acres, bounty.

Heirs James Bowie, 1 labor augmentation headright, and 1920 acres bounty.

William Crittenden, 640 acres, bounty.

Samuel Shupe, $\frac{2}{3}$ of a league and 1 labor augmentation.— (The district court decreed to him this amount in 1838, but the clerk failed to issue it, and it cannot now be issued by the clerk, because the power to do so elapsed with the expiration of the time within which such power could have been exercised under the law.)

Santiago Hernandez, 1 league and 1 labor, less 640 acres, headright.

Heirs David Cowan, 320 acres bounty, and 640 acres, donation.

A E C Johnson, 320 acres, bounty.

Heirs Ephriam Tally, 320 acres, bounty.

H Anderson, 320 acres, bounty.

Juan Ximenes, 960 acres, bounty.

Lewis Mathews, 1476 acres, headright.

Oliver T Brown, 1280 acres bounty, and 640 acres donation.

Washington P Kelly, 640 acres, bounty.

J D Rains, 320 acres, special bounty, for being at Bexar.

John Cooper, 320 acres, bounty.

E C Miller, 320 acres, bounty.

William Watts, 320 acres, bounty.

Heirs J Rutherford, 320 acres, special bounty, for being at Bexar.

E G Rector, 1 league, donation, for being permanently disabled in the battle of San Jacinto.

Thomas Dresser, 320 acres, bounty.

Wm A Thorn, 640 acres, bounty.

Heirs Wm C Crenshaw, 640 acres, headright.

W B Rhew, H L Kinney assignee, that unconditional certificate No. 6, class 4, issued by the Board of Land Commissioners of Nueces county, the 11th January, 1854, be validated to the original grantee.

Clemente Garcia, 960 acres, additional bounty.

Mates Cassillas, 960 acres, additional bounty.

Ciriaco Confi, 960 acres, additional bounty.

Carlos Chacan, 960 acres, additional bounty.

Luis Castanon, 960 acres, additional bounty.

Domingo Losoza, 1280 acres bounty, and 640 acres donation.

Marcelena de la Garzia, 960 acres, additional bounty.

Ped o Gaona, 960 acres, additional bounty.

Jesus Gomez, 1280 acres bounty, and 640 acres donation.

Marjil Salinas, 960 acres, bounty.

Agapeto Cervantes, 960 acres, additional bounty.

Guadalupe Garcia, 960 acres, additional bounty.

Francisco Dias, 960 acres, additional bounty.

John C Baker, $\frac{1}{3}$ of a league, headright.

Justo Travieso, 1280 acres bounty, and 640 acres donation.

Antonio Balle, 1280 acres bounty, and 640 acres donation.

Juan Casillas, 1280 acres bounty, and 640 acres donation.

Juan Jose Arocha, 1280 acres bounty, and 640 acres donation.

John H Hyde, Sen'r, 1 league and 1 labor, less 1280 acres.

John H Hyde, Jr., $\frac{1}{3}$ of a league, less 640 acres.

George S Hyde, $\frac{1}{3}$ of a league, less 640 acres.

The following are the claims rejected by the committee :

George N Robinson, application for $\frac{1}{3}$ of a league, headright ; rejected. The applicant is at present a citizen of another State.

Samuel C King, application for headright and bounty. This claim was recommended for bounty, under the head of recommended claims, and rejected as to headright.

Ed F Williams, application for headright. No evidence of his being a free white man. Rejected.

George W McCurley, application for $\frac{2}{3}$ of a league and labor. No evidence of service. Rejected.

Eli and John Roberts, application for headright and bounty.

Martin Gordon, application for a colony certificate of 640 acres. Proof insufficient. Rejected.

Heirs Christiana Gurling, application for 1 league and 1 labor. Her daughter was married when they came to Texas; all lived together, and the son-in-law received a league and labor of land as a headright.

John H Simons, application for headright, bounty and donation. Rejected.

George P Kearns, application for headright and donation.— Rejected.

Heirs J G W Pierson, application for 1 labor, augmentation. John G W Pierson has already obtained two leagues of land.— Rejected.

John H Adie, application for headright, bounty and donation. This claim was recommended for bounty and donation, under the head of recommended claims, but was rejected as to headright.

Thomas P Hotchkiss, application for headright and bounty. Recommended for the bounty, and rejected as to headright.

Heirs Wistar Evans, application for headright, bounty and donation. Recommended for bounty and donation, and rejected as to headright.

George Grounds, application for 1 league and 1 labor. Rejected.

Noah Smithwick's bounty warrant for 1280 acres, No. 3295, issued by Barnard E Bee, Secretary of War, 10th May, 1838. Recommended by the committee that this warrant be condemned by the Comptroller. This is one of six, all for the same amount, that has been issued in this name: three by special acts, and three by the Secretary of War.

Heirs James Brown, application for $\frac{2}{3}$ of a league and 1 labor. No proof of service, or that he contributed in any manner to the war of Independence.

George D Shaw, application for headright. Rejected.

John James, application for headright, bounty and donation. Recommended under the head of recommended claims, for bounty and donation, and rejected as to headright.

H H Hawley, application for headright. Rejected.

James J White, application for headright. Rejected.

Wm Hale, application for headright. Rejected.

Battice Palverdora, application for headright. Rejected.

Samuel Raimond, application for 1 league and 1 labor, headright. Rejected.

Heirs Willis Maguire, application for headright.

Wm Lewis, application for $\frac{2}{3}$ of a league and 1 labor, augmentation. Rejected.

John Jones and Lewis Jones; application for bounty. No proof of actual participation in the reduction of Bexar.

Heirs Jane Brown, application for headright. Rejected.

Jose Ignacio Travieso, application for headright. Rejected.

Mercrado Martinez, application for headright. Rejected.

Windslow Turner, application for bounty and donation. Rejected. There is no evidence of his participation in the reduction of Bexar, nor any evidence of the witnesses having obtained a donation for having entered Bexar, as alleged.

Fernando Seguin, application for headright. Rejected.

Alexander Blair, application for $\frac{2}{3}$ of a league and 1 labor, augmentation. Rejected.

Heirs McK Moses, application for headright, bounty and donation. Bounty heretofore recommended. Rejected as to headright and donation.

Heirs Thomas Robenett, application for $\frac{1}{3}$ of a league. 320 acres is all that he is entitled to; that has been heretofore recommended. Rejected as to the balance.

George P Diggs, application for a duplicate of 1 league and 1 labor. The committee have no jurisdiction over this claim, it should properly belong to the Land Office.

George Howell, application for $\frac{1}{3}$ of a league, headright. Rejected.

Heirs Ezra Cobb, application for headright. Rejected.

Benjamin Howard, application for headright and bounty.—Recommended for bounty heretofore, and rejected as to headright.

George W Scott, application for bounty. Rejected. He has received a bounty warrant for this service, No. 2137, issued by Bernard E Bee, Secretary of War.

Heirs John Creed, application for 1 league and 1 labor. Rejected.

A Greenlaw, application for headright, bounty and donation. This claim has been recommended for 640 acres donation, for being at San Jacinto. He was a teamster, a mere employee of the government, and not entitled to bounty; he is also alive, and the captain of a steamer running the Mississippi, consequently not entitled to a headright.

Heirs Jeffry Mumfred, application for 1 league and 1 labor, headright. Rejected.

Heirs Hiram Bebee, application for 1 league and 1 labor, headright. Rejected.

Heirs George W Cash, application for 1 league and 1 labor, headright. The party applying are representing the heirs of Cash; his widow survived him, and her heirs are not represented, although they are the only legal ones. Rejected.

— Thompson, application for headright, bounty and donation. Proof of identity insufficient. Rejected.

Heirs Samuel Rositer, application for 1 league and 1 labor, headright. Rejected.

Heirs Robert Johns, application for 1 league and 1 labor, headright. Rejected.

Oliver T Brown, recommended heretofore for bounty and donation. Rejected as to headright.

James Canfield, colony certificate. Rejected.

Heirs Thomas Utley, application for 1 league, donation, for being wounded at San Jacinto. Those donations being regarded as merely a pension, and for the benefit of the individual during his lifetime, consequently his heirs are not entitled to it.

Heirs James Odle, application for headright. The heirs are not entitled to it.

Heirs William H Steel, application for headright. Proof insufficient.

Heirs Joseph B Jewell, application for 1 league and 1 labor, headright. Proof insufficient.

John D Rains, application for $\frac{1}{3}$ of a league, headright. He has already received $\frac{1}{3}$ of a league by special enactment, issued to Richard B Jarmon, assignee.

John Cassady, application for headright. Proof insufficient.

Nathan Davis, to validate certificate No. —, issued by the Board of Land Commissioners of Harrison county, 10th Sept., 1842. Two men by this name have each received 1 league and labor. No evidence that this is not one of them. Dismissed.

The foregoing report is respectfully submitted, and the bill this day introduced in the Senate, and recommend its passage.

J. W. THROCKMORTON,

Chairman on part of the Senate.

E. T. CRAIG,

Chairman on part of the House.

On motion of Mr. Davis of H., the rule was suspended, and the bill to fix times of holding courts in second judicial district was taken up.

Mr. Anderson offered a substitute for the bill, which was adopted, and ordered to be engrossed.

On motion of Mr. Anderson, the rule was further suspended, bill read third time and passed.

On motion of Mr. McClarty, the rule was suspended, and a bill for the relief of H. H. Edwards was taken up, read second time, and ordered to be engrossed.

On motion of Mr. McClarty, the rule was further suspended, bill read third time and passed.

On motion of Mr. Clark, the rule was suspended, and the bill to incorporate the Dialectic Association of McKenzie Institute was taken up, read second time, and ordered to be engrossed.

On motion of Mr. Clark, the rule was further suspended, bill read third time and passed by a two-third vote.

On motion of Mr. Hartley, the rule was suspended, and bill No. 205 taken up, and made the special order for to-night.

ORDERS OF THE DAY.

Joint resolution authorizing the Governor, Comptroller and Treasurer to apply monies heretofore appropriated for payment of public debts, to claims of more immediate necessity, was taken up and read first time.

On motion of Mr. Dickson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Dickson, rule further suspended, bill read third time and passed.

House bill to regulate estrays, with amendments by the Senate, was taken up, and amendments concurred in.

Senate's bill to incorporate Clarksville and Red River Insurance Company, taken up, read first time.

On motion of Mr. Epperson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Epperson, rule further suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barnard Baxter Billingsley Bogart Branch Bryan Caddell Camp Craig Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Duncan Epperson Francis Franklin Foscoe Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubert Lewis of B. Manly Martin Maverick McClarty McCutchan McKnight Middleton Mills Munson Owens Parker Perry Pirkey Redgate Robinson Ross Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—62.

Mr. Redwine voting in the negative.

The joint resolution to permit withdrawal of certificate No. 127, issued by Board Land Commissioners of Houston county, to Finess Robertson, read first time.

On motion of Mr. Shannon, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Shannon, rule further suspended, bill read third time and passed.

House's bill to authorize certain counties to levy and collect additional taxes, with amendments, taken up, and amendments concurred in.

House bill to incorporate Cedar Grove Male and Female Institute, in Kaufman county, with amendments by Senate, taken up, and amendments concurred in.

House's bill to amend acts incorporating city of Galveston, with amendments by Senate, taken up, and amendments concurred in.

Senate's bill to legalize locations on Kemper's Island, taken up, and read first time.

On motion of Mr. Barnard, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Barnard, rule further suspended, bill read third time and passed.

Senate's bill to amend act to incorporate Freestone School Association, taken up, read first time.

On motion of Mr. Perry, rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Perry, rule further suspended, bill read third time and passed.

Senate's bill for the relief of heirs of Wm. Becks, taken up, read first time.

On motion of Mr. Dennis, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Dennis, rule further suspended, bill read third time and passed.

A message was received from the Senate informing the House that the Senate had amended and passed House's bill to authorize the formation of county and town agricultural societies.

Senate's bill for relief of B. B. B. & C. R. W. Co., taken up, read first time.

On motion of Mr. Redgate, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Redgate, rule further suspended, bill read third time and passed.

Senate's bill to provide for next election of Representative to

U. S. Congress from Texas, read first time, and referred to Judiciary committee.

Senate's bill to incorporate the Masonic and Odd Fellows Male and Female Academy, read first time.

On motion of Mr. Shannon, rule suspended, bill read second time, and passed to third reading.

On motion the rule was suspended, bill read third time, and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Caddell Craig Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epperson Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Henry Hubert Lewis of M. Lynch Mabry Martin Maverick McCutchan McKnight Middleton Mills Mundine Munson Norton Owens Parker Perry Pirkey Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—65.

Bill to validate A. D. Kennards bounty certificate No. 242, for 320 acres. Read first time.

Mr. Shannon moved to suspend rule, and place bill on second reading. Lost.

Senate's bill for relief of Harmon Tracy, taken up, and read first time.

On motion of Mr. Smith, the rule was suspended and bill to incorporate town of Sabine Pass, taken up, read second time, and ordered to be engrossed.

On motion of Mr. Smith, bill read third time and passed.

House's bill to authorize formation of town and agricultural societies, with amendments by the Senate, taken up, and amendments concurred in.

Senate's bill to amend act to incorporate city of Brownville, read first time.

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 for the relief of A. H. Edwards.

A bill to amend an act, authorizing and requiring the county courts to regulate roads, appoint overseers, &c.

A bill to be entitled an act amending the several acts regulating proceedings in the District Court.

A bill to be entitled an act to authorize the county surveyor of Denton county to transcribe the land records of said county, from the records of the late Denton Land District, and to legalize the same.

A bill to be entitled an act to make admissible in courts of the State, unrecorded deeds and conveyances on file in the General Land Office.

Mr Ellett offered the following resolution :

Resolved, That the committee on Public Lands be and they are hereby requested to report a bill which was referred to them early in the session, to sectionize and sell the Indian Reservation. Adopted.

TO HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, viz :

A bill to be entitled an act for the relief of Jose Maria Gonzales.

A bill to incorporate the town of Shelbyville.

A bill to authorize the County Courts of Shelby county to regulate the pay of Sheriffs therein, in certain cases.

A bill to regulate the time of holding the District Courts in the eighteenth Judicial District.

A bill to be entitled an act for the relief of Myram Mudget, Daniel Kitchings, A. L. Spencer and E. G. Cantwell.

A bill for the relief of W. A. Bush.

An act entitled an act to define the boundary of Hopkins county.

A bill to be entitled an act for the relief of James Herndon.

A bill to incorporate the Texas Insurance and Saving Fund Company.

A bill to be entitled an act authorizing the Comptroller of public accounts to dispose of United States bonds.

An act creating the county of Greer.

A bill granting land to the Lavaca Navigation Company.

A bill for the relief of Alexander Miller.

A bill concerning Common Schools, and find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his signature.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills, to-wit :

“An act to incorporate the town of Kaufman in Rusk county,

approved February 12, 1852, and 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," and find the same correctly enrolled, properly signed, and this day presented the same to the Governor for his signature and approval.

On motion of Mr. Dale, the rule was suspended, and the bill to amend the first section of the act to encourage construction of steamboats, &c., was taken up, together with report from committee recommending a substitute, which was adopted and ordered to be engrossed.

On motion of Mr. Dale, rule further suspended, bill read third time and passed.

On motion of Mr. Armstrong, the rule was suspended, and the joint resolution for relief of Catharine R. S. Jones, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Armstrong, rule suspended, joint resolution read third time and passed by two-thirds vote.

On motion of Mr. Maverick, the rule was suspended, and the bill for the relief of the assignees of the B. B. & C. R. Way Company, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Maverick, the rule was suspended, bill read third time and passed.

On motion of Mr. Mills, the rule was suspended, and bill for relief of Jose Ygnacio Cordova, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Mills, rule further suspended, bill read third time and passed.

On motion of Mr. Francis, the joint resolution to distribute Oldham & White's Digest, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Francis, rule suspended, bill read third time and passed.

On motion of Mr. Warfield, the rule was suspended, and the bill to incorporate the Greenville Institute, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Warfield, the rule was further suspended, and the bill passed by the following vote :

YEAS—Messrs. Speaker Anderson Barnard Benevides Billingsley Bogart Branch Bryan Caddell Camp Craig Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Epperson Francis Franklin Foscue Harrison of C., Harrison of V. Z., Hartley Haynes Houghton Hubert Lewis of M. Mabry Manly Martin Maverick McClarty McCutchan McKnight Mid-

dleton Mills Munson Norton Owens Parker Redgate Redwine Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—63.

On motion of Mr. Wrede, the rule was suspended, and the bill to adjust the boundaries of Kerr and Blanco counties, taken up, read second time and ordered to be engrossed.

On motion of Mr. Wrede, the rule was suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Barnrd Baxter Benevides Billingsley Bogart Branch Bryan Camp Craig Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epperson Hall Harrison of V. Z. Haynes Houghton Hubert Lewis of M. Lynch Mabry Manly Martin Maverick McClarty McCutchan McKnight Middleton Mills Munson Norton Owens Parker Perry Redgate Robinson Shannon Shelton Short Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitmore Whitfield Wortham and Wrede—56.

NAYS.—Messrs. Anderson Crawford Dickson Redwine and Ross—5.

The House's amendments (which Senate refused to concur in) to the Senate's bill supplementary of and amendatory to the act to establish a Code of Criminal Procedure for the State of Texas, were taken up, and the House receded from them.

The House's amendments to the Senate's bill supplementary to and amendatory of the act to establish and adopt a Penal Code, which the Senate refused to concur in, were taken up, and the House receded from them.

Senate's bill for relief of J. S. Horn, John T. Gresham and J. Y. Pistole, taken up, read first time.

On motion of Mr. Middleton, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Middleton, rule was further suspended, bill read third time and passed.

On motion of Mr. Wrede, the rule was suspended, and the bill to adjust the boundaries of Kerr and Blanco counties, taken up, read second time, and ordered to be engrossed.

On motion of Mr. Wrede, the rule was suspended, bill read third time, and passed by the following vote :

YEAS.—Messrs. Speaker Barnard Baxter Benevides Billingsley Bogart Branch Bryan Camp Craig Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epperson Hall Harrison of V. Z. Haynes Houghton Hubert Lewis of M. Lynch Mabry Manly Martin Maverick McClarty McCutchan McKnight

Middleton Mills Munson Norton Owens Parker Perry Redgate Robinson Shannon Shelton Short Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitmore Whitfield Wortham and Wrede—56.

NAYS—Messrs. Anderson Crawford Dickson Redwine and Ross—5.

The House's amendments which Senate refused to concur in, to the Senate's bill supplementary of and amendatory to the act to establish a code of criminal procedure for the State of Texas, were taken up, and the House receded from them.

The House's amendments to Senate's bill supplementary to and amendatory of the act to establish and adopt a penal code, which the Senate refused to concur in, were taken up, and the House receded from them.

Senate's bill for relief of J. S. Horn, John T. Grisham and J. Y. Pistole, taken up, read first time.

On motion of Mr. Middleton, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Middleton, rule was further suspended, bill read third time and passed.

Mr. Mabry, chairman of the House committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Feb. 6, 1860. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the subjoined list of bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature.

“An act for the relief of the heirs of Wm. McDowell.”

“An act in relation to the pay of grand and petit jurors in Harrison county.”

“An act for the relief of the assignees of John Hennecke.”

“An act to continue the pension heretofore granted to Henry Tierwester, to his widow.”

“An act supplementary to an act supplementary and amendatory of an act to give to each corporate county of this State its own county surveyor, maps and records, and defining the duties of surveyors.”

“An act to amend the 6th and 7th sections of an act entitled an act regulating sequestrations,” approved March 15, 1848.

“An act to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company.”

“An act supplementary to an act and amendatory of an act to regulate railroad companies.” And

“An act to locate site of Justice of Tarrant county.”

On motion of Mr. Dougherty, the rule was suspended, and the bill to amend an act to incorporate city of Brownsville, was taken up, read second time, and passed to third reading.

On motion of Mr. Dougherty, rule was suspended, bill read third time and passed.

The Senate bill to grant land to N. G. Shelley, W. H. D. Carrington and Wm Alexander, was taken up and read first time.

On motion of Mr. Townes, the rule was suspended, bill read second time, and passed to third reading.

Mr. Townes moved a further suspension to place bill on final reading. Lost.

On motion of Mr. Mills, a call of the House was ordered.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Dickson offered the following resolution :

Resolved, That the committee on Printing have printed 2000 copies of the captions of the acts passed at the present session of the Legislature for use of the House. Adopted.

A message was received from the Senate informing the House that the Senate had passed the following named Senate bills :

Bill to incorporate the Hydraulic Company of San Antonio.

Bill to incorporate the Southern Cotton Press and Manufacturing Company.

Bill to incorporate Ingleside College on Corpus Christi bay.

Bill to provide for organization of militia of Texas.

Joint resolution relative to mail route from Austin to El Paso.

And the House's bill to reorganize the 13th District and fix times of holding courts therein.

The House's bill amendatory of and supplementary to the act to incorporate the Galveston Wharf and Cotton Press Company, with report from committee, recommending amendments, was taken up.

Mr. Hartley offered the following as a substitute for committee amendments: strike out in 3d section all after expedient. Adopted, and bill ordered to be engrossed.

On motion of Mr. Hartley, rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Armstrong Benevides Billingsley Bogart Branch Caddell Camp Craig Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Hartley Henry Houghton Hubert Lewis of M. Lewis of R. Lynch Mabry Manly Martin Maverick McClarty McCutchan McKnight Middleton Munson Norton Owens Parker Perry Redgate Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—61.

Mr. Redwine voting in the negative.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed bill to incorporate Yegua Bridge and Turnpike Company.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed joint resolution relative to distribution of Oldham & White's Digest.

On motion of Mr. Craig, the rule was suspended and the bill to incorporate Indianola and Goliad Bridge and Ferry Company, was taken up, read second time, and ordered to be engrossed.

On motion of Mr. Craig, rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Benevides Billingsley Bogart Branch Caddell Camp Craig Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Epperson Flewellen Francis Harrison of C. Harrison of V. Z. Hartley Houghton Hubert Lewis of R. Lynch Mabry Manly Maverick McClarty McCutchan Middleton Mundine Munson Norton Owens Parker Perry Redgate Shannon Shelton Short Smith Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—56.

NAYS—Messrs. Foscue Lewis of M. Redwine Ross and Whitmore—5.

On motion of Mr. Hubert, the rule was suspended, and the bill for the relief of M. F. Alexander was taken up, read second time, and ordered to be engrossed.

On motion of Mr. Hubert, the rule was suspended, bill read third time and passed.

On motion of Mr. Speights, the rule was suspended, and the bill to regulate elections of county commissioners, with report from committee, recommending a substitute, was taken up, the substitute adopted.

Mr. Dougherty proposed to amend as follows :

Provided, That the counties of Cameron, Hidalgo and Galveston be exempted from the operations of this law.

Mr. Wortham moved to lay the bill on the table, carried by the following vote, the yeas and nays ordered on motion of Mr. Davis of B. :

YEAS—Messrs. Speaker Armstrong Branch Bryan Caddell Camp Craig Crooks Clark Dale Dennis Dickson Dougherty Flewellen Franklin Foscue Hall Harrison of C. Hartley Haynes Houghton Kinney Lewis of R. Mabry Manly Maverick Munson Owens Parker Redgate Robinson Ross Short Smith Townes Warfield Whitmore Wortham and Wrede—39.

NAYS—Messrs. Anderson Benevides Billingsley Bogart Crawford Daniels Davis of B. Davis of H. Duncan Epperson Francis Lynch Martin McCutchan McKnight Middleton Mundine Norton Perry Pirkey Redwine Shelton Speights Stewart Wælder Waterhouse and Whitfield—27.

Mr. Anderson moved to suspend rule and take up bill for relief of heirs of Ben. B. Milam. Lost.

Mr. Dougherty moved to suspend rule and take up bill 73. Lost.

Mr. Owens moved to take up bill for relief of Philip Hogan. Lost.

The Senate's bill for the relief of Jas. C. Dillingham was taken up, read second time, and passed to third reading.

On motion of Mr. Mabry, rule suspended, bill read third time and passed.

Senate's bill for relief of heirs of Wm J. Wills with report from committee, recommending that the bill be not passed, was taken up, and report adopted.

Senate's bill for relief of Benjamin A. Campbell *et al*, was taken up and read second time.

Mr. Wælder proposed to amend by inserting the name of Thos. A. Rodriguez, ruled out of order, and bill passed to third reading.

On motion of Mr. Parker, the rule was suspended, bill read third time and passed.

Mr. Crawford, one of the committee on Engrossed Bills, reported as follows :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Engrossed Bills to which were referred the bills to be entitled an act for the relief of Jose Ygnacio Cordova.

An act for the relief of the Buffalo, Brazos and Colorado Company, or their assignees. And

Joint resolutions relinquishing to Catherine R. S. Jones all the right, title and interest that the State has to the orphaned.

property of David Williams, deceased, have examined the said bills and resolutions, and report them correctly engrossed.

The Senate's bill to incorporate Galveston Firemen's Relief Fund Association, was taken up, read second time, and passed to third reading.

On motion of Mr. Franklin, rule suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Billingsley Bogart Branch Bryan Caddell Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epper-son Flewellen Francis Franklin Foscue Hall Harrison of C. Hartley Houghton Hubert Kinney Lewis of R. Lynch Mabry Manly Martin Maverick McClarty McCutchan Mundine Mun-son Norton Parker Redgate Robinson Ross Shannon Shelton Speights Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—57.

NAYS—Messrs. McKnight Mills Owens and Redwine—4.

Bill for the relief of Nancy Robertson taken up, read second time, and passed to third reading.

On motion of Mr. Parker, rule was suspended, and bill read third time and passed.

Mr. Mills moved to reconsider the vote refusing to pass bill relative to surveys in Young land district. Lost.

A message was received from the Senate informing the House that the Senate had passed the following named House bills :

Bill for relief of heirs of Shelby Corzine.

Bill for relief of Wm. DeWoody.

Bill for relief of heirs of Addison Litton.

Bill for relief of Sarah Miles.

Bill for relief of W. D. Langham.

Bill for relief of J. T. Wilson, T. H. Roberts, and heirs of Mark Copeland, dec'd

Bill for relief of Thos. J. Smith of Ft. Bend county, one of the survivors of Col. Fannin's command.

Bill for relief of Richard B. Wardroup.

Bill for relief of Richard N. Williams.

Bill for relief of heirs of William L. Flemmings, a settler in Mercer's colony.

Bill to prevent sale of vinous, spirituous or other intoxicating liquors within one mile of New London, in Rusk county, Veal's Station, in Parker county, and Mt. Enterprise in Rusk county.

Mr. Cumby moved to reconsider the vote passing the bill to define the boundary line of Hopkins county. Carried by the

following vote, the yeas and nays being ordered on motion of Mr. Norton :

YEAS—Messrs. Speaker Anderson Baxter Benevides Billingsley Bogart Caddell Camp Craig Crawford Clark Cumby Dickson Epperson Flewellen Francis Foscue Henry Hubert Lewis of R. Lynch Mabry Manly Martin McClarty McCutchan McKnight Mills Norton Perry Redgate Robinson Speights Stewart Townes Wælder Whitmore Wortham and Wrede—39.

NAYS—Messrs. Armstrong Crooks Davis of B. Davis of H. Dickson Epperson Flewellen Francis Foscue Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Maverick Middleton Mundine Parker Redwine Ross Shelton Short Smith Walworth Warfield Waterhouse and Whitfield—24.

On motion of Mr. Wortham, a further consideration of the bill was postponed till 11 o'clock, A. M. to-morrow.

Mr. McClarty, chairman of Special committee, by permission, reported as follows :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The Special committee appointed to draft suitable resolutions expressive of the respect entertained by this House for the memory of the Hon. J. Pinckney Henderson, dec'd, beg leave to submit the following resolutions :

WHEREAS, It having been the will of the Divine ruler of the destinies of men and nations, to remove by death, from a high sphere of usefulness, our late distinguished fellow-citizen, J. Pinckney Henderson.

Resolved, 1st. That in his death our State has sustained a great and almost irreparable loss ; that so long as patriotic services in the camp, the Cabinet and the Senate, are respected by the citizens of Texas, so long will the memory of the deceased be cherished and revered.

Resolved, 2nd. That in the circumstances which preceded his death—in his self-devoted fidelity to the duties of his position—we recognize evidences of that exalted heroism of character which had so justly concentrated in him the general admiration and confidence of the people of his State ; and that the family of the deceased have our heartfelt sympathy in their bereavement, with the assurance that the claims of the husband and father upon the State, which his services while living, so much contributed to establish and sustain, will not be forgotten.

Resolved, 3rd. That these resolutions be spread upon the journals of this House, and a copy of the same be forwarded to

the family of the deceased ; and as an evidence of respect to the memory of the deceased, this House do now adjourn.

Unanimously adopted.

JOHN McCLARTY,
ISAAC N. DENNIS,
E. H. BAXTER.

MR. SPEAKER :

At an early period of this session I offered a resolution requesting you to appoint a committee, whose duty it should be to report to this House resolutions expressive of its respect for the memory of J. PINCKNEY HENDERSON, late United States Senator from Texas, and who died whilst in the discharge of his duties at Washington city, in the month of June, 1858, and since the adjournment of our last Legislature. I am aware, sir, that this duty has been long delayed ; I will remark that this delay has arisen from no want of respect on the part of the committee toward either this House or to the memory of the distinguished deceased. The resolutions just read, have been long since prepared, and as its chairman, and as the personal friend of him whose loss we deplore, the committee have requested me to accompany the presentation of the resolutions with at least an outline of the public and private life of J. PINCKNEY HENDERSON.

I speak in all candor, when I say that I am ever reluctant to gain the floor of this House, or to occupy its valuable time with any remarks of mine. There were other reasons which have influenced this delay. The deceased was for a period of over twelve years, my warm personal friend. Although, sir, his manly form and generous eye may now lie mingled with the dust ; although that mellow voice that once fell in sweet music upon my ear, is now hushed to be heard no more, yet my heart is not nor will not be treacherous to his memory. His memory is inseparably linked with that of the earlier years of my life, and with that of other near and dearly beloved friends, who like himself, have lain down in that sleep from which naught but the archangel's trump shall awake them. When I reflect that upon this earth I shall mingle with them no more, that mutual assurances of affectionate regard are indeed ended, it is not my nature to be otherwise than affected with emotions which are sacred to my own heart, and which I never desire to obtrude upon others.

I desired further, sir, that all of our political differences and rivalries should be ended before I submitted the report. It was not within the scope of my purpose in the remarks I should submit, to excite partisan feelings. I disclaim any such purpose, and any allusions which I may make on this occasion to his

peculiar political views and my full endorsement of those sentiments I trust may not so be so construed. Surely, on an occasion like this, all feelings other than sorrow for the noble, the gifted dead, should be banished from our minds. However widely we may have differed with him politically whilst he lived, now that he is dead may we not gather around his tomb and remember him only as the patriot,—

“As those who meet upon some foreign shore,

Wrecked by the same tempestuous surge, recall past feuds no more:
Thus let friends and foes combine

To pour the homage of their hearts upon one common shrine.”

JAMES PINCKNEY HENDERSON was born in Lincoln county, North Carolina, on the 31st day of March, 1808.

His parentage was of the highest respectability. He was one of a family of several sons, all of whom like himself, were remarkable for their fine intellects. After having well improved favorable educational opportunities, at an early period in his youth, he devoted himself to the study of the law. At the age of nineteen years he was admitted to the practice of his chosen profession.

I regret that it is not within my power to give any particular account of the years of his life, from his admission to the bar up to the age of twenty-seven. I can, however, state confidently, that during that period he was a close and an ambitious student, and that he laid then that deep foundation which so well supported him in his after efforts in his profession. JAMES PINCKNEY HENDERSON, at all times, was modest in the extreme, and never willingly made himself the topic of conversation. In the year 1835, he removed to the State of Mississippi, and entered upon the practice of the law. His progress in attaining an enviable reputation was rapid, a brilliant career seemed to be opening upon him. But at that juncture the thrilling appeals of Texans struggling for freedom, reached him, and in 1836, almost without a second thought, he abandoned the tempting prospect which was unfolding itself around him, and repaired to Texas. So high were the credentials which he presented and so forcibly did his demeanor endorse them, that the Provisional Government of the infant Republic at once conferred upon him the rank of General of Brigade in its armies. It was not his fortune to share the glorious victory of San Jacinto with Houston and his Spartan band, his appointment having been made subsequent to that engagement.

At the conclusion of hostilities he was successively a member of the State Department and Attorney General of the Republic.

In 1837, he was appointed Minister Plenipotentiary and Envoy Extraordinary to the Courts of England and France, where, by his exalted discretion he succeeded in obtaining a recognition of the independence of Texas as a sovereign State. In 1844, he was elected as an adjunct to Mr. Vanzandt, our United States Minister at Washington city.

When the annexation of Texas to the United States of America was consummated, Gen. HENDERSON was chosen without opposition, as the first Executive of the new State.

It will be remembered that the first Legislature of our State was in session when hostilities began in 1846, between our country and Mexico. Soon after the battles of Palo Alto and Resaca de la Palma, fought on the 8th and 9th of May in that year, Gen. Taylor, who was in command of the army of occupation, which had against desperate odds achieved those brilliant victories, made a requisition upon the government of Texas for five regiments of troops. Four of those were soon enrolled, and Gen. HENDERSON, by the joint request of both Houses of the Legislature of the State, repaired to the field and assumed the command of these forces. His rank as Major General was recognized by the United States Government, and in this position he rendered valuable assistance in the reduction of Monterey. At the termination of that engagement he was selected by the commanding General—Taylor—as one of the three Commissioners chosen to conclude the terms of capitulation of the city with the Mexican Commander-in-Chief—Gen. Ampudia. As a testimonial to his bravery and able generalship in this action, the Congress of the United States afterwards presented him with a magnificent sword—a fitting tribute to his merit. For many years after the conclusion of the Mexican war, Gen. HENDERSON devoted himself to the practice of his profession and the cultivation of the more private but not less satisfactory enjoyments of life. Although often and pressingly solicited, he declined to enter upon political life in official position. It is true that he was keenly alive to the progress of political events as they transpired, and ever ready and fearless when occasion required in the expression of his opinions. He was, I believe, elector for the State at large on the Democratic ticket in the contest between Cass and Taylor in 1848. When the noble but ill-fated Rusk vacated his seat in the United States Senate in 1857, the State, by one almost unanimous voice, solicited HENDERSON to fill his unexpired term. I know that he accepted this position with reluctance, for office-seeking—a hungering and thirsting after place and position—was a spirit which he always contemned. It was his misfortune

to be in very feeble health when the intelligence of his election as United States Senator reached him. He felt gratified in the fact that he was the unanimous choice, or almost so, of the representatives of a free people who had known him so long and well, and by whom his political opinions were so well understood; but he felt that the finger of death was then feeling about his vitals, and that the time of his sojourn upon this earth was drawing to a close.

Yielding to the earnest entreaties of his friends, who were ever at his bedside, for a brief period he delayed his departure for the Federal Capitol, but he found that his physical energies were failing; and impelled by an ardent desire to reach the field of his last labors, he began his journey, and dragged by the power of an indomitable will, his disease-smitten frame onward to his post of duty, like a stricken soldier upon the field of battle. For a time he tarried amidst the orange groves of the Island of Cuba, with a faint hope that the balmy breath of the tropics would yet quicken the flagging life-stream within his veins. He found that this was not to be so, for each day and each hour the solemn warning—"Dust thou art and to the dust thou shall soon return"—became more audible.

With a final exertion he reached the Federal Capitol. He assumed for a few days his seat in the Senate, then a reaction took place—the flame of life flickered feebly for a time, then passed away gently as the breath of morning, when it floats among the trees. JAMES PINCKNEY HENDERSON, in the meridian of his manhood—clothed with well-earned honors—was dead. His mortal career was ended, but he still lived on the page of history and in the hearts of friends, where his virtues will remain embalmed while life endures.

It was in his character as a lawyer that I first became acquainted with General HENDERSON. At the time he stood proudly eminent as a profound jurist and eloquent advocate. When I remark that his associates at the bar were such men as Rusk, Anderson, Vanzandt, Clark, Jennings, Hill, Wheeler, Roberts and Ochiltree, who have contributed so much to establish and maintain the dignity and reputation of the profession of the law in Texas, it will be seen that I pay to the memory of the deceased no empty compliment.

For the study of the sublime principles and skillful application of the details of the common law, General HENDERSON had an intellect peculiarly fitted. His mind grasped the subject with masterly force, and the beauty and harmony of the system were ever objects of his special admiration. The common law to his

mind was not as an exhalation that had arisen in a single night, nor as the deceitful mirage of the desert that invites but to betray into confusion he who seeks an intimate acquaintance with its principles—but like some massive structure, which had its foundations in the first aspirations of our favored Anglo-Saxon race for self-government, and which had laid under contribution the master minds of every age which marked the history of its existence in the work of its enlargement and improvement.

A system at once the foundation of our civil liberties, and as the most nearly perfect work of human reason. With such exalted conceptions of the object of the common law, coupled with a clear and elevated intellect as an ardent ambition for success, he could not be otherwise than successful. To this combination he had another quality inseparable from a thorough knowledge of the law—he had an honest, truth-loving nature.

As a soldier, Gen. HENDERSON was a very Bayard for bravery, skill, and high-toned chivalric spirit. As an officer, he placed the highest estimate upon the duty of obedience of inferiors to those superior in command. At the close of the third day of the battle of Monterey, at the head of the Eastern Texas Rangers, under command of Col. Wood, and the glorious Mississippi rifles under the distinguished Davis, Gen. HENDERSON made a desperate assault upon the eastern end of the city.

The Mexicans knew that this charge, if successful, would close the engagement, and fought with the desperation of despair. But despite the fearful odds of superior numbers and the more favorable position of the enemy, HENDERSON'S gallant band forced its way onward, cutting through the solid walls, whilst from house top to house top, protected by parapets and sand bag defences, the enemy kept up a steady fire, and every street was swept as with an iron sleet from the cannon in the barricades. I remember that evening well, as I sat upon my horse whilst upon picket guard, high upon the side of a towering mountain that overlooked the city. Dense clouds of smoke were ascending over the scene of combat, but the shouts of my friends and the shrill reports of their rifles, as the tide of battle rolled onward like a resistless wave, were plainly audible, save when drowned by the sullen roar of artillery. At this juncture, when maddened by success and the loss of friends and comrades; when the glorious fruition of victory seemed to be just within their grasp, an order from Gen. Taylor reached HENDERSON, commanding him to withdraw his command from the field, and thus abandon a position he had so gallantly conquered—Davis states that he asked HENDERSON what he should do. "Do!" replied the hero,

“ why, sir, obey superior orders ;” and without a murmur he gave the signal for retreat, which was sullenly obeyed by his command.

As a politician, Gen. HENDERSON entertained clearly defined views. His estimate of the powers of the Federal and State Governments, was founded upon a true basis, for he read the Constitution of our country aright. To obtain a correct knowledge of the Federal Constitution, he had devoted much labor and research. In the prosecution of this labor he had to contend with erroneous views, imprinted in his mind by early impressions received from his father, but he entered upon the study with a clear and vigorous intellect, well trained to habits of patient thought, and an honest, truth-loving heart. The mists of pre-conceived opinion were gradually dissipated, and the Constitution, symmetrical in all its parts, rose in its true outlines before his understanding. It will be seen that in thus truly conceiving the spirit and meaning of that wonderful instrument, he was led to the same conclusions which those mighty minds—Jefferson, Madison and Calhoun, had adopted before him. He held that the dangers, which, above all others, menaced the perpetuity of the confederated form of our Government, was in a tendency toward consolidation, arising from latitudinous constructions of the Constitution ; and against these he held that the people should combat as against the incipient developments of a deadly disease. The fearful storms which had swept over our political horizon in the last ten years preceding his death, he believed had their origin in the mistaken views of some, and the selfish desires of others for a strong central Government, and such as was never contemplated by the framers of the Constitution, undesired and unsanctioned by the genius of the American people. No man has lived in Texas who has exerted such an influence upon the public mind. Upon great political questions, there have been others, who, by the superior advantages of a military popularity, always captivating to a border people who have had cause to bless its influences; who for a time outranked him in public esteem; but when the period arrived, when our constitutional rights were menaced, he at a stride passed to the front of the political line, and became the leader-in-chief of what is known as the State Rights Democratic party, and the only one which has had an existence for several years in this State. For some time before the question of the relative powers of the Federal and State Governments was canvassed freely in Texas, Gen. HENDERSON stood with a slender minority, who were unjustly branded as fire-eaters and extremists, contending for the true doctrines of the Constitution, against what was regarded then as a hopeless oppo-

sition. But he faltered not, nor shrunk from the issue. His heroic soul rose more grandly, if possible, in the midst of desperate contest and defeat, than in the delirious intoxication of victory. He lived to see the views, which for years he had proclaimed as correct, adopted by a vast majority of the people of Texas. And though now he is dead—though “those lips which were once tremulous with the divine afflatus of a swelling heart,” are crumbled to the dust—though no more he shall be seen in his place in the Senate, or hear, with the joy of a warrior, the shrill trump or rolling drum, he is not altogether dead, for his labors do live after him. Though at present, through unfortunate circumstances, the party to which he belonged, and of which he was the chief ornament and leader in his State, be under a cloud, that cloud will soon be swept away, nor leave a trace of its ephemeral existence behind. The people of Texas will be found, when the emergency arrives, which the tokens of the times evince to be rapidly approaching, loyal to their best interests.

For the minor details of party management Gen. HENDERSON had little fitness. He was ever for open, manly contests upon clearly defined issues. He could not riot in the filthy sinks of partisan rancor, nor gloat like a vulture or hyena in the work of personal defamation. Nor had he ever a thought for personal advancement linked with his political action: no! his heroic soul scorned the fetid atmosphere of such a region, and soared aloft into the purer altitudes of principle.

It has been urged against him that he was at heart an enemy to our Federal form of Government, and desirous for its overthrow. This accusation I know to be most unjust. The wonderful wisdom which effected the Union of the thirteen original States, was always a theme of his admiration. It was the abuse of the delegated powers of the Constitution to which he was a foe. I have heard him declare that could the true intent of our Constitution be carried out and its provisions sacredly maintained, the advancement of our system of Government would outstrip every prophecy which had been made in its favor. Like that river which the prophet of God in holy vision saw—which was at its source but a shallow stream, but rolled on widening and deepening until it passed beyond the scope of mortal vision, so would the current of our American institutions flow onward like an advancing tide, that should know no retiring ebb until it filled every bay and inlet, and the music of its billows was heard on every shore.

However elevated a man's position may be in the control of

human affairs, upon close inspection he is some times found to dwindle down into littleness in his private character. In the history of many men who have figured proudly before the public eye, arrayed in the gaudy trappings of official position, we find traits even of a revolting character. When the curtain, which has concealed their private life, has been removed, the revolting evidences of a moral leprosy has been discovered ; treachery has been found to lurk behind a captivating address ; self-interest, as remorseless as the spirit which impels some of the brute creation to feed upon their own offspring, has been found concealed, a misanthropy as hideous as a den of hissing serpents has been found to lurk in their hearts. My deceased friend was marked in his character by no such hideous deformities of soul. To say that he had not his faults would be to say that he was not mortal. His friends who knew him best, knew that he was strongly, it may be for his own good, perilously human. His character was none of that smooth description that was seemingly faultless, for his nature was a positive one. He had his errors, but they arose from the redundancy of a generous, impulsive and noble soul, and moderation and self-restraint were his acquired virtues. In forming him, nature seemed to have been in one of her most prodigal moods. In person, he was tall, well-proportioned, erect and dignified in his carriage. His head was large, finely formed, with a broad and full forehead, whilst his features were moulded in a form of uncommon manly beauty.

In the social circle he was ever the centre and focal point of attraction, for his bright and generous smile and mellow voice were singularly attractive. Wherever he went he won the hearts of those with whom he met, whilst his intimate friends knew no bounds to their love and devotion to him.

It was characteristic of his life, that he should have met with his death whilst devoting himself to what he considered to be the discharge of his duty. Had he have yielded to the persuasions of friends, it may be that by careful attention his life might have been prolonged ; but he was as immovable as adamant when once his course was determined upon. I have heard of a distinguished French soldier, Pierre Latour I believe was his name, who, though gifted with a highly improved intellect and noble by birth, devoted his whole life to the elevation of the rank of the common soldier in the armies of his country.—The great Napoleon knew him personally, and appreciated his exalted merits, and often sought by urgent solicitation to induce him to accept official promotion ; but the hero refused, and replied that his sole ambition was to be the first grenadier of

France. Death came to him as he desired, upon the field of battle with his harness on and his weapons in his hands. When the star of Napoleon's empire was setting in the gloom of the evening of Waterloo; when Grouchy did not come up and Blucher did come to the aid of the English; when the Imperial leader of the French was hurried a heart broken fugitive from the field, one heroic band, amidst the fearful and dismaying scenes of defeat, still, with unavailing valor, strove to rally up the desperate fight. It was the Old Guard. As the shot shattered their stubborn ranks, with his back to the earth and his feet to the foe, Pierre Latour fell with the dying cry upon his lips—the "Old guard dies but never surrenders."

That an example so glorious should never be forgotten to this day—Pierre Latour's name is still called as though he were yet living in the French army and an officer always responds "Pierre Latour lies dead on the field of honor." If I had an epitaph to inscribe upon the tomb of our deceased Senator, it would be "JAMES PINCKNEY HENDERSON *lies dead upon the field of honor.*"

In accordance with the above resolutions, the House adjourned till 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Tuesday, February 7th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Shannon, chairman of committee on Private Land Claims, reported as follows:

The committee on Private Land Claims beg leave to report back to the House the accompanying bills and petitions without prejudice, and ask to be discharged from their further consideration.

Mr. Craig, chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of the Senate's bill to incorporate the Dallas Bridge Company.

On motion of Mr. Craig the rule was suspended and the bill taken up and read second time.

On motion of Mr. Craig the rule was suspended, bill read 3d time, and passed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Benevides Billingsley Bogart Branch Caddell Camp Craig Crawford Crooks Clark Cumby Daniels Davis of B. Davis of H. Den-

nis Dougherty Duncan Ellett Epperson Hall Harrison of C. Hartley Haynes Houghton Lewis of R. Mabry Manly McCutchan McKnight Mundine Munson Norton Owens Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Smith Spights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—59.

NAYS—Messrs. Francis and Foscue—2.

Mr. Wortham, one of the committee on Public Lands, reported, recommending the passage of a substitute for the bill to authorize the Governor to raise means for expenses of the Government by sale of land certificates.

A message was received from the Senate informing the House that the Senate had passed the following named House bills :

Bill to incorporate Texas Mutual Insurance Company at Boston.

Bill for relief of Daniel Hopkins.

Bill to fix time of holding courts in 19th Judicial District ; and bill supplemental to the act to change the time of holding courts in 10th and 14th Judicial Districts ; and to amend the second section of the act to fix times of holding courts in 10th and 14th Judicial Districts : and had passed the following named Senate's bills :

Bill for relief of Samuel Everett.

Bill for the relief of heirs of W. H. Settle.

Bill to amend 1st section of act to amend caption of the 1st and 16th sections of act to incorporate the Texas Western Railroad Company.

Bill requiring the Paymaster for the State troops on the Rio Grande to receive pay for arms and other necessary articles furnished by individuals to said troops. And

Bill supplementary to and amendatory of the act to incorporate the city of Corpus Christi, and had amended and passed the House's bill to incorporate the city of San Antonio, approved July 17th, 1856 : also had passed House's bill to reorganize the 16th Judicial District of State of Texas, and to define the times of holding courts therein.

On motion of Mr. Dougherty the rule was suspended, and the bill to regulate times of holding Justices' Courts in 12th Judicial District, was taken up, read second time, and ordered to be engrossed.

On motion of Mr. Dougherty the rule was suspended, bill read third time and passed.

On motion of Mr. Harrison of C., the bill for relief of the heirs of James Boulter, deceased, was taken up, read second time and ordered to be engrossed.

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 :

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills, viz :

A bill to authorize the corporation of Laredo to dispose of certain lands.

A joint resolution authorizing the Governor, Comptroller and Treasurer of the State to apply the monies heretofore appropriated for the payment of the public debt to the payment of other claims of greater emergency.

A bill to be entitled an act to incorporate Solado College in Bell county.

A bill for the appointment of Public Weighers, and prescribing their duties and liabilities.

A bill to be entitled an act to incorporate the Gulf Coast Association, located at Victoria.

An act supplementary to an act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853, approved December 19th, 1857, 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. Davis of B., offered the following resolution :

Resolved, That a committee of five be appointed to arrange all the bills of a private nature that are on the Speaker's table, and such as are reported on favorably and sustained by proof, to be reported in one general bill, and said committee be instructed to report by Friday next. Adopted.

Speaker announced Messrs. Parker, Dale, Ross, Whitfield and Shannon on said committee.

Mr. Munson, one of the committee on Federal Relations, reported as follows :

REPORT.

TO THE HON. M. D. K. TAYLOR.

Speaker of the House of Representatives :

The "preamble and resolutions" passed by the Legislature of the State of South Carolina, and submitted for our consideration, have been deliberated upon by the committee on Federal Relations, and your committee respectfully submit to the House for its action the following resolutions :

1st. *Resolved*, That the State of Texas declares, that "when-ever one section of the Union presumes upon its strength for the oppression of the other, then will our Constitution be a mockery, and it would matter not how soon the Union was severed into a thousand atoms, and scattered to the four winds."

2d. *Resolved*, "If the principles" of confederation upon which the American Union "was consummated, are disregarded," there will be for Texas neither honor nor interest in the Union; if the mighty, in the face of written law, can place with impunity an iron yoke upon the neck of the weak, Texas will be at no loss how to act or where to go before the blow aimed at her vitals is inflicted. "In a spirit of good faith" Texas "entered the Federal fold. By that spirit she will continue to be influenced until it is attempted to make her the victim of Federal wrong. As she will violate no Federal right, so will she submit to no violation of her rights by Federal authority."

3d. *Resolved*, That the Legislature of Texas assure South Carolina and all her sister States, that "she will not submit to the degradation threatened by the Black Republican party, for sooner than subject herself to "ignomy ensuing from sectional dictation, she would prefer restoration to that independence which she once enjoyed. Sorrowing for the mistake which she committed in sacrificing her independence upon the altar of her patriotism, she would," if there were none others to act with her, "unfurl again the banner of the lone star, and re-enter upon a national career, where if no glory awaited her, she would at least be free from a subjection by might, to wrong and to shame."

4th. *Resolved*, That we pledge ourselves to any one or more of the States to co-operate with them, should it become necessary, to resist Federal wrong, and claim that it is not only our right, but imperative duty, at all times to aid any member of this confederacy, in protection of property, in preserving the lives of women and children, and in resisting fanaticism and treason.

Sec.— And that the Governor is hereby requested to transmit a copy of the above preamble and resolutions to the Governor of South Carolina, and to the Executive of the various States of the Union, and to our Representatives and Senators in Congress.

M. S. MUNSON,

One of the committee.

On motion of Mr. Short the rule was suspended, and the report and resolutions were taken up.

Mr. Townes moved to make them the special order of the day for Friday next.

On motion of Mr. Short the motion was laid on the table.

Mr. Manly offered the following as a substitute for the resolution :

MINORITY REPORT OF COMMITTEE ON FEDERAL
RELATIONS.

“JOINT RESOLUTIONS.”

1st. That the Constitution of the United States is the fundamental basis of our Federal Union ; that the laws and treaties made in pursuance thereof are with the Constitution itself, in the supreme law of the land, by which the Judges in every State are bound ; any thing in the Constitution or laws of our State to the contrary notwithstanding ; that the decisions of the Supreme Court of the United States are conclusive and binding upon every citizen. And obedience to the Constitution, laws and authorities of the federal government is the only condition upon which the Union can be maintained.

2d. That none of the alleged evils of which have ever or are now disturbing the harmony of the confederacy are ascribable to the legitimate operations of the federal government, but are justly chargeable to the disloyalty of those who, in obstructing the laws and authorities are themselves designedly or undesignedly enemies of the Union, and so far from considering these troubles a pretext for unfriendly demonstrations against it, we regard them as a fit occasion for summoning every patriot to its defence against all assaults, from whatever quarter, or on whatever pretence.

3d. That a dissolution of the Union would cure no evil, repel no aggression, right no wrong, diminish no alarm, indemnify no damage ; but on the contrary would be the fruit of unnumbered evils. If wrongs are inflicted, they can better be righted in the Union than out of it. And it behoves those who have been faithful to the Constitution to maintain the government, and not surrender it to the enemies of the Constitution.

4th. That we dissent from the doctrine that a State has a right to secede from the Union at pleasure.

5th. That we in like manner dissent from the doctrine of nullification.

6th. That we deem it inexpedient to send deputies to a convention of the slaveholding States, as invited to do by South Carolina.

7th. That in our opinion there is no sufficient cause to justify us in taking the incipient steps for a dissolution of the Union.

8th. That the Governor be requested to cause a copy of these

resolutions, under the seal of the State, to be transmitted to the Governor of South Carolina, and to each of the Governors of the other States.

JOHN H. MANLY,

One of the committee.

Mr. Haynes moved to have 200 copies of the substitute printed, and that they be postponed till, and made the special order for, to-morrow night, at 7 o'clock.

A division of the question being called for, 200 copies were ordered to be printed.

The question recurring on making the resolution the order for to-morrow night, Mr. McCutchan moved to postpone the resolution till the 13th inst.

On motion of Mr. Short the motion was laid on the table, and the resolution made order for to-morrow night.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill providing for the disposition of runaway slaves, and bill to authorize county court of Fayette county to levy special tax.

Mr. Haynes moved to suspend rule, and take up bill requiring the paymaster for the State troops on the Rio Grande to receive pay for arms and other necessary articles furnished by individuals to said troops. Lost.

[Mr. Flewellen in the chair.]

The hour having arrived, the special order, to-wit: the bill making appropriation for the erection of suitable buildings for the Lunatic Asylum, and for support and maintenance of same, was taken up.

Mr. Townes offered a substitute for the bill, which was adopted, and the bill ordered to be engrossed.

Mr. Parker moved to suspend rule, and place bill on final reading.

On motion of Mr. Foscoe the yeas and nays were ordered, and rule suspended, by the following vote:

YEAS—Messrs Speaker Anderson Barnard Baxter Billingsly Bogart Branch Bryan Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Dougherty Duncan Epperson Flewellen Francis Franklin Hall Harby Houghton Lewis of M. Lynch Mabry Manly Martin Maverick McClarty McCutchan Mundine Munson Norton Parker Perry Pirkey Redgate Robinson Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—54.

NAYS—Messrs. Armstrong Caddell Foscoe McKnight Redwine Ross and Whitmore—7.

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. Anderson Barnard Billingsley Bogart Branch Bryan Craig Crawford Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Hall Houghton Lewis of M. Lewis of R. Lynch Mabry Manly Martin Maverick McClarty McOutchan Middleton Mundine Munson Norton Parker Perry Redgate Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—50.

NAYS—Messrs. Speaker Armstrong Caddell Francis Foscue Hartly Redwine Robinson Boss Shelton Speights and Whitmore—12.

On motion of Mr. Taylor of Cass, the rule was suspended, and the bill to organize the county of Marion, and to fix the times of holding courts therein, was taken up, read second time, and passed to third reading.

On motion of Mr. Taylor of Cass, the rule was suspended, the bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benevides Billingsley Bogart Branch Bryan Caddell Clark Cumby Dale Davis of B. Davis of H. Dennis Dougherty Duncan Epperson Flewellen Hall Harrison of C. Haynes Houghton Lewis of M. Lewis of R. Lynch Mabry Martin Maverick McClarty McCutchan Middleton Munson Norton Parker Perry Redgate Redwine Robinson Boss Short Smith Speights Stewart Wælder Walworth Warfield Waterhouse Wortham and Wrede—51.

NAYS—Messrs. Barnard Dickson Franklin Foscue McKnight Mundine Pirkey Shelton Townes and Whitmore—10.

Mr. Lynch offered the following resolution :

Resolved, That the Hon. John McClarty be requested to furnish a copy of his speech and accompanying resolutions on the death of the Hon. J. Pinckney Henderson, late U. S. Senator, and that 500 copies be printed for use of this House.

Mr. McKnight proposed to amend by including the remarks of the other gentlemen who addressed the House on that occasion.

Mr. Crawford moved to lay the amendment on the table. Carried by the following vote :

YEAS—Messrs. Anderson Barnard Baxter Bogart Caddell Crawford Clark Dale Dickson Dougherty Francis Franklin Foscue Harrison of C. Hartly Houghton Lewis of R. Lynch McCutchan Norton Parker Perry Pirkey Redgate Robinson Boss Shelton Speights Stewart Walworth Warfield Waterhouse Whitfield Whitmore and Wortham—36.

NAYS---Messrs. Speaker Armstrong Billingsley Branch Craig Cumby Daniels Davis of H. Dennis Flewellen Hall Haynes Mabry Manly Martin Maverick McKnight Middleton Munson Redwine Short Smith Townes and Wælder---24.

Mr. Short moved to amend as follows :

And that the Hon. C. W. Buckley be requested to furnish his remarks on the life and death of ex-President M. B. Lamar, and that an equal number of the same be printed. Adopted.

Mr. Davis of Bastrop moved to amend by adding the remarks of Messrs. Benevides and Billingsley on the death of General Lamar. Lost.

The question recurring on the adoption of the original resolution as amended, the yeas and nays were ordered on motion of Mr. Mabry. The same was adopted by the following vote :

YEAS---Messrs. Speaker Anderson Baxter Billingsley Bogart Branch Bryan Caddell Craig Crawford Clark Cumby Dale Dennis Dickson Flewellen Francis Foscoe Hall Harrison of C. Lynch Manly Martin Maverick Munson Parker Perry Pirkey Redwine Robinson Ross Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whiteore and Wrede---44.

NAYS---Messrs. Armstrong Barnard Benevides Daniels Davis of B. Davis of H. Hartly Haynes Houghton Mabry McCutchan McKnight Norton Redgate Whitfield and Wortham---16.

Mr. Hall moved to suspend rule and take up joint resolution relative to Mail Service from Austin to El Paso. Lost.

Mr. Stewart, chairman of committee on Finance, reported, recommending the passage of the Senate's bill to provide payment of the supplies furnished to Capt. John William's Company of Rangers, with an amendment by committee: insert "or consent," after authority, in the proviso to 2d section.

The House's bill to prevent sale of spirituous or other intoxicating liquors in one mile of towns of New London, Veal's Station, and Mt. Enterprise, with amendments by the Senate, was taken up, and the amendments concurred in.

Mr. Perry, one of the committee on Education, reported adversely to the petition of sundry citizens of Freestone and Limestone counties.

Mr. Clark, one of the committee on Engrassed Bills, reported as follows :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Engrassment have examined the following bills, and found them correctly engrassed, to-wit :

An act to authorize the county surveyor of Grayson county to transcribe certain books of record in his office.

An act to fix the times of holding courts in the seventeenth Judicial District.

An act making appropriations for the use and support of the State Government for the years 1860 and 1861.

And an act to incorporate the West Fork Bridge Company.

Mr. Davis of Bastrop, 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 :

An act legalizing locations made on Kemper's Island, in the Guadalupe river, in Victoria county.

An act for the relief of the heir of Wm. Beeks.

And an act to incorporate the Texas Medical College.

And the act to amend an act to incorporate the city of Brownsville, approved February 7th, 1853.

And an act to amend the act to incorporate the Freestone School Association, approved February 13th, 1858.

An act for the relief of the heirs of Shelby Corzine.

And find the same correctly enrolled, properly signed, and this day presented the same to the Governor for his signature and approval.

Mr. Branch, one of the committee on Judiciary, reported, recommending the indefinite postponement of Senate's bill providing for the next election of Representatives to the Congress of the U. States from State of Texas.

Messrs. Wælder, Pirkey and Munson submitted a minority report, recommending the passage of the bill

On motion of Mr. Foscue the bill appropriating lands to the Asylums, was made special order for 3½ o'clock, P. M.

Mr. Davis of H., moved to adjourn till 3½ o'clock, P. M. Lost.

Senate's joint resolution relative to a mail route from Austin to El Paso was taken up, read first time ; and on motion of Mr. Hall the rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Hall rule further suspended, bill read third time and passed.

Senate's bill requiring the paymaster for State troops on the Rio Grande to receive pay for arms and other necessary articles furnished by individuals to said troops, was taken up, read first time.

On motion of Mr. Haynes the rule was suspended, bill read second time.

Mr. Harrison of V. Z., proposed to amend as follows: Provided, the account of such creditors are filed with paymaster and acknowledged by the party by whom the articles were purchased.

Mr. Shelton moved to adjourn till 3½ o'clock, P. M. Lost.

Mr. Cumby moved to adjourn till 7 o'clock, P. M. Lost.

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 present.

Mr. McKnight moved to adjourn till 7 o'clock, P. M. Lost,

Mr. Owens moved to adjourn till 10 o'clock, A. M., to-morrow. Lost.

Quorum being present, the special order of the day, to-wit: the bill appropriating lands to the Asylums was taken up, read second time.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows:

The committee on Engrossed Bills have examined the following bills, and report them correctly engrossed:

A bill for the relief of M. H. Alexander.

A joint resolution respecting the Public Property purchased for the use of the Boundary Survey.

A bill to incorporate the Greenville Institute.

A bill to be entitled an act to abolish the office of State Engineer and Superintendent.

A bill to be entitled an act to incorporate the Indianola and Goliad Ferry and Bridge Company

A bill amendatory to an act to incorporate the Galveston Wharf and Cotton-Press Company.

Mr. Bogart proposed to amend by striking out \$1 25 and insert 75c. Lost.

Mr. Ross moved to strike out "160 acres" and insert "one-fourth section."

Mr. Hartly moved to amend the amendment by striking out "one-fourth section" and inserting "one-half section." Lost. And the amendment adopted.

Mr. Stewart proposed to amend as follows: "Strike out fifty leagues wherever it occurs, and insert 100 leagues; and strike out 25 leagues whenever it occurs, and insert 50 leagues. Adopted, and bill ordered to be engrossed.

On motion of Mr. Dennis the rule was suspended, bill read third time and passed.

The bill with proposed amendment, and amendment to amendment, pending when the House adjourned, was again taken up, and the amendment and the amendment to the amendment rejected.

Mr. McKnight proposed to amend as follows: And the treasurer of the State is also hereby directed to withhold the pay of members of the Legislature for payment of their board, washing, and grocery bill: and the bill ruled out of order.

Mr. Knight proposed to amend as follows: Provided the remedy provided in this act shall not be construed to apply to contracts heretofore made.

On motion of Mr. Hartly, laid on the table, and the bill passed to third reading.

A message was received from the Senate, informing the House that the Senate had passed a bill in relation to the location, survey and patenting of the lands granted by the State to the Galveston and Brazos Navigation Company. Also had concurred in the House's amendments to the Senate's bill supplemental to the act to provide for the registry of deeds and other instruments of writing.

Also had passed a resolution (the House concurring), to meet in joint session, at 8 o'clock to-night, to go into election of Commissioner of Court of Claims.

Mr. Clark, one of the committee on Engrossed Bills, reported correctly engrossed the bill making appropriation for completion of the present buildings, for erecting out-houses, enclosing grounds, and for organization, support and maintenance of the Lunatic Asylum for 1860 and 1861. Also, as one of committee on Enrolled Bills, reported correctly enrolled, properly signed, &c., bill to incorporate Matagorda Railroad Company, and the bill to incorporate Sabine and Neches River Insurance Company.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed bills to change time of holding courts in 2d Judicial District, and require clerks therein to apportion their dockets.

The Senate's resolution relative to going into election of Commissioner of Court of Claims, was taken up and adopted.

Senate's bill to provide for organization of militia of Texas, was taken up, read first time and referred to committee on Military Affairs.

Mr. Smith moved to suspend rule and take up bill to incorporate American Agency. Lost.

Senate's bill to fix salary of accountant in Comptroller's office was taken up, and read first time.

On motion of Mr. Townes the rule was suspended, bill reapead second time, and passed to third reading.

On motion of Mr. Davis of H., rule suspended, bill read third time and passed,

Senate's bill to incorporate the Southern Cotton-Press and Manufacturing Company. Read first time.

On motion of Mr. Hartly, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Hartly the rule was further suspended, bill read third time, no quorum voting on the final passage of the bill.

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met—roll called—quorum present.

The bill under consideration when the House adjourned was taken up and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benefides Bogart Branch Caddell Camp Craig Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Flewellen Francis Franklin Foscue Harrison of V. Z. Hartly Houghton Lewis of M. Lynch Mabry Martin Maverick McClarty McCutchan Mundine Munson Norton Parker Perry Pirkey Redgate Redwine Ross Shelton Short Smith Speights Stewart Townes Wælder Warfield Waterhouse Whitfield and Wortham—56.

NAYS—Messrs. McKnight Owens Whitmore and Wrede—4.

The special order of the House, to-wit: the Senate's bill to prohibit the sale of spirituous liquors within one mile of Soule University, taken up, read first time.

On motion of Mr. Flewellen, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Flewellen, rule further suspended, bill read third time and passed.

Mr. Anderson offered the following resolution :

Resolved, by the House of Representatives of the State of Texas, That our fellow-citizen, C. G. Baylor, formerly U. S. Consul at Amsterdam, Holland, and late U. S. Consul at Manchester, in England, be requested to report to this body the result of his labors in regard to direct trade between the Southern States of

America and Europe, as well as such information as he may possess touching the cotton interest abroad. Adopted.

Senate bill for relief of John Burrese, taken up, and read first time.

Mr. Foscoe moved to refer the bill to committee on Private Land Claims. Lost. And the bill read second time.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the following named bills:

Bill to encourage the building of steam-boats, steam-vessels, &c., in State of Texas.

Bill to change boundary lines of Kerr and Blanco counties.

And bill to provide for the incorporation of town of Sabine Pass.

Mr. Mabry, chairman of the House committee on Enrolled Bills, submitted the following report:

He.

COMMITTEE ROOM, }
February 7, 1860. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the subjoined list of bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature, viz:

A bill to be entitled an act to relinquish the State tax for the years 1859 and 1860 to the counties of Orange and Navarro, for the purposes therein mentioned.

An act to incorporate a Literary Institution at Gilmer, in Upshur county.

A bill for the relief of K. Bigham White.

An act for the relief of the widow and heirs of Lorenzo de Zavala.

An act to authorize the formation of county and town Agricultural Societies.

An act for the relief of Jacob S. Horn, John F. Grisbam and James J. Pistole.

An act to release Benj. A. Campbell, James Ingram Nuner and Francis J. Lewis from the disability of minority.

An act creating the county of Marion, and providing the holding of the District Court therein.

The hour appointed for the election of Commissioner of Claims, by joint ballot of the two Houses, having arrived, the Senate appeared, headed by the President, who was invited to a seat on the right of the Speaker, and the Senators to seats prepared for them.

Roll called—quorum present.

Nominations on part of the Senate being in order, Senator Hyde nominated W.S. Hotchkiss, and Senator Blanche nominated H. H. Bristow.

On part of the House Mr. Smith nominated W.S. Hotchkiss.

Mr. Munson nominated Jos. Lee.

Mr. McClarty nominated M. R. Reagan.

Mr. Flewellen nominated J. W. Lawrence ; and Mr. Franklin nominated F. W. Moore.

The joint session proceeded to the 1st vote, which resulted as follows :

Mr. Hotchkiss received 54 votes.

Mr. Lee received 8 votes.

Mr. Reagan received 16 votes.

Mr. Bristow received 3 votes.

Mr. Neil received 11 votes.

Mr. Lawrence received 1 vote.

Mr. Moore received 6 votes.

Mr. Gildart received 3 votes.

Mr. St. Clair received 1 vote.

Those voting in the House for Mr. Hotchkiss, were Messrs. Anderson Armstrong Benevides Bogart Branch Bryan Camp Craig Crawford Clark Davis of B. Davis of H. Dickson Duncan Epperson Haynes Henry Kinney Lewis of M. Lewis of R. Lynch Mabry Manly Martin Maverick Middleton Redgate Shelton Smith Speights Townes Walworth Warfield Whitfield Whitmore and Wortham.

Those voting for Mr. Lee, were Messrs. Munson Ross Cumby Redwine Pirkey Norton Short and Waterhouse.

Those voting for Mr. Reagan, were Messrs. Caddell Crooks Dale Foscue Harrison of C. Harrison of V. Z. Houghton McClarty McCutchan McKnight Parker Stewart and Francis.

Those voting for Mr. Moore, were Messrs. Franklin Hall Hartly Wælder and Wrede.

Those voting for Mr. Bristow, were Messrs. Speaker and Baxter.

Those voting for Mr. Gildart, were Messrs. Daniels Mundine and Owens.

Those voting for Mr. Neil, were Messrs. Dougherty Hubert Robinson and Shannon.

Mr. Dennis voted for Mr. St. Clair, and Mr. Flewellen voted for Mr. Lawrence.

Mr. Hotchkiss having received a majority of all the votes cast,

was declared by the Speaker duly and constitutionally elected Commissioner of the Court of Claims.

On motion of Senator Britton, the Senate retired.

Mr. Daniels moved to take up bill to incorporate Franklin College. Lost.

House's bill to amend act to incorporate city of San Antonio, with amendment by Senate, taken up, and amendments concurred in.

Senate's bill to legalize first election of officers of Montague county. Read first time.

On motion of Mr. Bogart, rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Bogart, rule further suspended, bill read 3d time, and passed.

Senate's bill to incorporate Hydraulic Company of San Antonio. Read first time.

[Mr. Foscue in the chair.]

On motion of Mr. Wælder the rule was suspended, and bill read third time.

Mr. Munson proposed to strike out so much as permits the sale of bills of exchange. Rejected.

On motion of Mr. Wælder the vote rejecting amendment was reconsidered, and the amendment adopted, and bill passed to third reading.

On motion of Mr. Wælder the rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Baxter Benevides Bogart Bryan Caddell Camp Craig Crawford Crooks Cumby Dale Daniels Davis of B. Dickson Dougherty Epperson Flewellen Franklin Foscue Hall Harrison of V. Z. Hartley Haynes Houghton Hubert Kinney Mabry Manly Martin Maverick McClarty McCutchan McKnight Mundine Munson Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Short Stewart Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—55.

NAYS—Messrs. Harrison of C. Middleton Norton Speights Townes and Whitmore—6.

Senate's bill to incorporate Ingleside College, on Corpus Christi Bay, read first time.

Senate bill to amend first section of the act to amend the caption of the first and sixteenth sections of the act to incorporate Texas Western Railroad Company, approved Feb. 16th, 1856, read first time.

On motion of Mr. Baxter, rule was suspended bill read second

time, and passed to third reading.

On motion of Mr Baxter, rule suspended, bill read third time, and passed by the following vote :

YEES—Messrs. Speaker Anderson Armstrong Baxter Benevides Bogart Branch Bryan Camp Craig Crawford Crooks Cumby Dale Daniels Davis of B. Dennis Dougherty Duncan Eppersou Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Houghton Hubert Kinney Mabry Manly Martin Maverick McClarty McCutchan McKnight Munson Norton Parker Perry Pirkey Redgate Redwine Robinson Ross Shannon Shelton Smith Speights Stewart Townes Waelder Walworth Warfield Waterhouse Whitfield and Whitmore—57.

NAYS—Messrs. Dickson Francis Franklin Middleton and Wortham—5.

On motion the House adjourned till 9 1-2 o'clock, A. M. tomorrow.

HOUSE OF REPRESENTATIVES, }
Wednesday, February 8th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Lewis of M., chairman of committee on Agriculture, reported, asking to be discharged from further consideration of the petition of the Caldwell Agricultural Society, and the bill to incorporate the Ellis county Agricultural and Mechanical Association.

Messrs. Dale, Wortham, Crooks and Hartley, submitted the following report in relation to Governor's Message on public printing :

To HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Printing, to which was referred the bids and contract lately entered into by the Commissioners of the State with John Marshall, to do the State printing.

Also the bid of the Intelligencer, and the Message of the Governor, calling attention to the public printing, have had the same under consideration, and after a patient and careful examination would report :

1st. The first point to which the Governor directs our attention, is the following :

“That portion of the proposal which specifies the rates at which he (John Marshall) will print reports and documents ordered by the Legislature, is as follows :

"I will print 100 copies of the reports and documents ordered by the Legislature, at one and a half cent per page ; one cent per page for second and third hundred ; half cent per page for fourth hundred, and $\frac{1}{3}$ cent per page for fifth hundred, and for all over that number $\frac{1}{4}$ cent per page."

In the opinion of your committee, the 17th section of the law relating to public printing, to which the Governor refers, as fixing the maximum of $\frac{1}{3}$ cent per page for messages, &c., does not contemplate the publication of a less number than 500 copies, and would only afford a limit, where a less number than 500 under the bid would exceed in amount the cost of 500 at the maximum.

Your committee do not believe that the Legislature ever intended that the sum of \$5 33 cents should be paid for one hundred copies of the message, for instance of 16 pages, when it would actually cost the Public Printer fully \$12 to have the work done. This is made evident by reference to the 3d section of the law, where it will be found that the bidder is required to state at what price per page he will print *one hundred* copies of all such other reports and documents, and what price per page the party will furnish *each additional hundred copies* of such reports that may be ordered. This 3d section invites bids for less than 500 copies of such reports and documents as may be ordered, and says nothing whatever as to a maximum, but on the contrary, the bidder is required to state at what price per page he will print *one hundred* copies, and at what the party will furnish each additional hundred, thus clearly indicating that the party was to fix the price. In the 17th section the *maximum is fixed for 500 copies*, but no where mentioned a less number, and as we find the third section invites proposals for a less number than 500 and *does not fix the maximum*.

In alluding to abuses which might grow up under the contract entered into with John Marshall, by the Secretary of State, Comptroller and Treasurer, the Governor states that *according to the contract* Marshall would be entitled to receive \$277,33 for 500 copies of the report of the Superintendent of the State Penitentiary, containing 64 pages, when he should only receive \$106,66, by reference to the account on file in the Comptroller's Office, it was found that the Public Printer only claimed \$106,66 and according to the ruling of the Comptroller, that was the full amount to which he was entitled, and could not receive any more under the old or the new contract. The Comptroller stated to your committee that when 500 copies of any document of the kind alluded to, were ordered, he would only allow the

maximum of $\frac{1}{3}$ of a cent per page for the whole number, and that when a less number were ordered he should confine it within the maximum, and in no case would allow an account for a less number than five hundred copies, when the amount charged would exceed that allowed in the 17th section for the whole number of 500 copies. In this construction of the law and the contract, the Public Printer entirely agreed in the presence of your committee. In the bond of the Public Printer is to be found the following clause :

“And whereas, it is distinctly understood that should more than 500 copies of any report or document of any kind be required (except the laws, journals, bills and Resolutions) that the first 500 copies are to be charged for at the rate of $\frac{1}{3}$ of one per cent. per page.”

This clause in the bond places the matter beyond cavil, and your committee deem it wholly unnecessary to enter into an argument to enforce so plain and self-evident a proposition.

2d. The second proposition to which the Governor calls attention, is in reference to the bills and resolutions, and your committee would state that there exists an apparent inconsistency in this bid from the fact that the 3d section of the law invites proposals for one hundred copies of bills and resolutions, and the 17th section fixes a maximum for two hundred copies, leaving it an open question as to how much shall be charged for one hundred copies when only that number are ordered. The attention of the Comptroller was called to these alleged inconsistencies by the Governor, who requested the Comptroller to cancel the contract, which he declined to do, or attempt to do, on the ground that such objections were fully removed by a proper construction of the contract *which construction had precisely been made and fully concurred in by the contracting parties.*

The only other bid made was by the proprietors of the Intelligencer, which in the opinion of your committee was very objectionable. The 4th section of the law required that such proposals shall be accompanied by an offer in writing of two more responsible persons to become the security of the party proposing [to do the public printing] for the faithful performance of his duty, in case the contract should be awarded to him. The bid of the Intelligencer was accompanied by no such offer as was required by the above recited section. It was merely stated that Geo. W. Paschal and E. M. Pease would become security for the parties ; Consequently their bid under the law, could not be considered. But supposing this palpable informality to have been waved by the Commissioners, your committee find the following facts to exist :

John Marshall's bid was as follows :

For 5000 copies of the General laws at 1-10 per cent. per page, supposing there was 300 pages,	\$1,500,00
For 800 copies special laws, 183 pages at 1-6 cent per page,	244,00
For 500 copies of the House journals, 945 pages, at 1-5 cent per page,	787,50
For 500 copies Senate journals, at 1-5 cent per page, 734 pages,	734,00

Making a total, \$3,265,80

The bid of the Intelligencer was as follows :

For 5,000 copies General laws, 300 pages, at 1-4 cent per page,	\$2,500,00
For 800 copies Special laws, 183 pages, at 1-6 cent per page,	244,00
For 500 copies House journals, 945 pages, at 1-4 cent per page,	1,181,25
For 500 copies Senate journals 734 pages, at 1-4 cent per page,	917,50

Making a total of, \$4,842,75

Deduct Marshall's bid for same work, 3,265,50

makes a difference against the bid of the Intel-
ligencer of, 1,577,25

The bid of John Marshall was considered much better than
that of the Intelligencer in every state of the case.

All of which is respectfully submitted.

MATT DALE,
W. A. WORTHAM,
THOS. J. CROOKS,
R. K. HARTLEY,

Mr. McKnight gave notice that a minority report would be
submitted.

A message was received from the Senate informing the House
that the Senate had passed,

House bill to incorporate the Trustees of Baptist State Con-
vention.

House bill granting R. B. Francis, the right to build a bridge.

And had amended and passed House bill to authorize the
County Court of Fayette county, to levy a special tax.

Also had passed Senate bill supplemental to an act to incor-
porate Houston Trinity and Tyler Railroad Company, and the
act amendatory thereof, passed at present session of the Legis-
lature.

Mr. Perry offered the following resolution :

Resolved, That in consequence of a most faithful discharge of duty by Jos. Mangum, during the present session of the Legislature, the House donate to him an additional sum of \$1 per day for the time he has been in service, the same to be paid out of the contingent fund.

Mr. Baxter proposed to amend by adding Adrian after Mangum. Adopted, and resolution adopted by the following vote :

YEAS.—Messrs. Speaker Anderson Baxter Branch Bryan Camp Craig Crooks Clark Cumby Dale Daniels Davis of B. Dickson Dougherty Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Houghton Lewis of M. Lewis of R. Lynch Manly Martin McClarty Mundine Owens Parker Perry Redgate Robinson Shelton Short Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wrede—48.

NAYS.—Messrs. Barnard Caddell Davis of H. Ellett Epper-son Mabry McCutchan Munson Norton Ross Smith and Whitmore—12.

Mr. Dale offered the following resolution :

Resolved, That the Public Printer be allowed five days to complete the House journals, after the clerk shall have read the last proof. Adopted.

Mr. Short, chairman of committee on Military Affairs, reported, recommending the passage of Senate's bill to provide for the organization of militia of State of Texas.

Senate's bill in relation to the Galveston and Brazos Navigation Company. Read first time.

On motion of Mr. Hartley, rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Hartley, rule further suspended, bill read third time and passed.

Senate's bill for the relief of heirs of W. H. Settle, taken up, read first time.

On motion of Mr. Parker, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Parker, rule further suspended, bill read third time and passed.

Senate's bill for the relief of heirs of Sam'l Everett, read first time, and on motion of Mr. Wælder, rule suspended, read second time and passed to third reading.

On motion of Mr. Wælder, rule further suspended, bill read third time and passed.

Message from Senate informing the House that the Senate had passed,

Bill to create county of Wilson.

And a bill to incorporate Marcelona Manufacturing Company.

Senate's bill to amend an act to incorporate the city of Corpus Christi. Read first time.

On motion of Mr. Dougherty, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Dougherty, rule further suspended, bill read third time and passed.

Senate's bill to adjust western boundary line of Uvalde and Dawson, and eastern boundary of Karnes counties, with report from committee recommending the indefinite postponement of the bill was taken up

Mr. Wælder moved to lay the report on the table. Lost, and report adopted.

Senate's bill supplemental to the act to incorporate the Houston, Trinity and Tyler Railroad Company, and the act amendatory thereof, passed at present session of the Legislature, taken up, read first time and,

On motion of Mr. Lewis of M. rule suspended bill read second time and passed to third reading.

On motion of Mr. Lewis of M., rule further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Anderson Branch Crooks Clark Dale Daniels Dennis Dougherty Epperson Francis Franklin Foscue Harrison of C. Harrison of V. Z. Hartley Houghton Hubert Lewis of M. Lewis of R. Lynch Martin Maverick McClarty McCutchan McKnight Nelson Owens Parker Perry Pinkey Redgate Robinson Stewart Townes Wælder Walworth Whitfield and Wrede—40.

NAYS—Messrs. Barnard Baxter Bryan Cumby Davis of B. Davis of H. Ellett Manly Mundine Manson Norton Ross Shannon Shelton Smith Speights Warfield Whitmore and Wortham—20.

Senate's bill for the relief of Jacob Laux, read second time and passed to third reading.

Mr. Shannon moved to suspend rule and place bill on third reading. Lost

Senate's bill to authorize the Governor to appoint three persons to examine the State Penitentiary, read second time and passed to third reading.

On motion of Mr. Branch, the rule was suspended, bill read third time.

A message was received from the Senate informing the House that the Senate had passed,

House bill to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers.

Also had passed a substitute for the House's bill to regulate Factors and Warehousemen.

Mr. Manly, one of the committee on Engrossed Bills, reported, correctly engrossed,

· Bill for relief of heirs of James Boutler, deceased.

Bill to incorporate the Dialectic Society of McKenzie Institute.

Mr. Nelson moved the previous question.

On motion of Mr. Harrison of V. Z., a call of the House was ordered.

Absentees, Messrs. Baxter, Benevides, Billingsley, Camp, Crooks, Darnell, Foscue, Henry, Kinney, Martin, Navarro and Taylor.

Mr. Davis of B., 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 restore lands sold for taxes and purchased by the State, to former owners on certain conditions.

A bill to authorize the County Court of Comal county to levy a special tax.

A bill to incorporate the Sulphur and White Oak Bridge and Plank Road Company.

A bill for the relief of the Buffalo Bayou Brazos and Colorado Railway Company.

A bill to incorporate the Palestine Tap Railway Company.

A bill to incorporate the Texas Telegraph Company.

A bill to incorporate the Masonic and Odd Fellows Male and Female Academy.

And a joint resolution to permit the withdrawal of certificate No. 127, issued by Board of Land Commissioners of Houston county, to Finness Robertson.

And a bill to incorporate the Clarksville and Red River Insurance Company ; and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval.

On motion of Mr. Haynes, the call was suspended.

The motion for the previous question was seconded and the main question ordered, which being on the final passage of the

bill, the yeas and nays were ordered on motion of Mr. Dickson, and the bill passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Branch Bryan Craig Crawford Clark Daniels Davis of B. Davis of H. Dickson Duncan Ellett Epperson Flewellen Francis Franklin Haynes Houghton Lewis of M. Lewis of R. Lynch Mabry Manly Maverick McCutchan McKnight Middleton Mundine Norton Owens Parker Perry Redgate Robinson Shannon Smith Speights Stewart Townes Walworth Waterhouse Whitfield Whitmore and Wrede—46.

NAYS—Messrs. Caddell Dale Dennis Dougherty Hall Harrison of C. Harrison of V. Z. Hartley Hubert McClarty Munson Nelson Pirkey Ross Shelton Warfield and Wortham—16.

Mr. Franklin moved to reconsider the vote.

Mr. Whitmore moved to lay the motion on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Dickson :

YEAS—Messrs. Anderson Armstrong Barnard Benevides Branch Craig Crawford Clark Daniels Davis of H. Dickson Duncan Ellett Epperson Flewellen Haynes Houghton Lewis of M. Lewis of R. Lynch Mabry Manly Martin Maverick McCutchan Mundine Norton Owens Parker Perry Redgate Robinson Shannon Smith Speights Stewart Townes Waterhouse Whitfield and Whitmore—42.

NAYS—Messrs. Speaker Bryan Caddell Cunby Dale Dennis Dougherty Franklin Hall Harrison of C. Harrison of V. Z. Hartley Hubert McClarty Munson Nelson Pirkey Ross Shelton Short Walworth Warfield and Wortham—23.

Mr. Lewis of M. moved to suspend rule and take up bill relative to Warehousemen. Lost.

Senate's bill for relief of heirs of Thos. Blanton deceased, was read second time and passed to third reading.

On motion of Mr. Shannon rule suspended, bill read third time and passed.

Senate's bill to amend 34th section of act to regulate proceeding in District Court, with report from committee recommending its indefinite postponement, was taken up and report adopted.

Senate's bill for the relief of heirs of Charles Inloes deceased, read second time and passed to third reading.

Senate's bill to incorporate the Mystic Club Society in Tyler county, taken up read second time.

Bill passed to third reading.

On motion of Mr. Crawford, rule was suspended bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Barnard Benevides Branch Bryan Craig Crawford Clark Cumby Dale Daniels Dennis Dickson Dougherty Duncan Ellett Epperson Flewellen Hall Harrison of V. Z. Haynes Houghton Hubert Lewis of M. Lewis of R. Martin Manly McCutchan Mundine Norton Owens Parker Perry Pirkey Redgate Short Stewart Walworth Warfield Waterhouse Whitfield and Wrede—43.

NAYS.—Messrs. Caddell Davis of B. Francis Foscue Harrison of C. Lynch Mabry Maverick McClarty Middleton Munson Nelson Ross Shelton Speights Townes Whitmore and Wortham—18.

Senate's bill to incorporate Franklin College, with report from committee, recommending amendments, was taken up, read second time, amendments adopted, and bill passed to a third reading.

On motion of Mr. Townes, the rule was suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Anderson Armstrong Barnard Benevides Branch Bryan Caddell Craig Crawford Clark Dale Daniels Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Epperson Flewellen Francis Franklin Harrison of C. Hartley Haynes Houghton Hubert Lewis of M. Lewis of R. Lynch Mabry Manly Martin Maverick McClarty McCutchan McKnight Middleton Mundine Munson Norton Owens Parker Perry Pirkey Redgate Robinson Ross Shelton Speights Stewart Townes Walder Warfield Waterhouse Whitmore Wortham and Wrede—58.

NAYS—Messrs. Foscue and Harrison of V. Z.—2.

On motion, the House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—no quorum.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met—roll called—quorum present.

The special order of the hour, to-wit: the majority and minority report on the South Carolina Resolutions, were taken up.

On motion of Mr. Dickson, the resolutions were postponed, and made the special order for Friday night next.

Mr. Dickson, chairman of committee on Public Debt, reported a substitute for Senate's bill for the relief of James W. Parker, *et al*, and recommended its passage.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the indefinite postponement of the Senate's bill

supplemental to the act to permit the county of Brazoria to levy a special tax for the purposes of internal improvements.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of Senate's bill for the relief of Edward Hall.

House's bill to authorize the County Court of Fayette county to levy a special tax, with amendments by the Senate, was taken up, and amendments concurred in.

Senate's bill to grant certain privileges to the Company carrying the Overland Mail from St. Louis through Texas, to San Francisco, and to the Company carrying the Overland Mail from San Antonio to El Paso, with report from committee, recommending the indefinite postponement of the bill, was taken up, and report adopted.

Mr. Foscue, by permission, introduced a bill supplemental to the act, and to consolidate into one act the several acts incorporating the city of Galveston. Read first time.

Mr. Hartley moved to suspend the rule, and place bill on second reading.

Mr. Haynes moved to commit the bill to committee on Internal Improvements. Lost.

And Mr. Hartley withdrew his motion.

Mr. Armstrong moved to take up bill to organize an American Agency. Lost.

Mr. Stewart moved to suspend the rule, and take up bill to authorize the Governor to raise means for the support of the government, and make it the special order for to-morrow.—Carried.

Senate's bill supplemental to an act concerning vendor's lien, with report from committee, recommending its indefinite postponement, was taken up, and report adopted.

Senate's bill supplemental to the act to incorporate the town of Waco, was taken up, read second time, and passed to a third reading.

On motion of Mr. Ross, the rule was suspended, bill read third time and passed.

Senate's bill amendatory of the act to regulate proceedings in case of forcible entry and detainer, with report from committee, recommending indefinite postponement, was taken up, and report adopted.

Senate's bill for the relief of Benj. Baccus was taken up, read second time, and passed to a third reading.

Senate's bill for the relief of the heirs of Caldwell Carson, dec'd, with report from committee, recommending amendments,

was taken up, and amendments adopted, bill read second time, and passed to a third reading.

On motion of Mr. Anderson, the rule was suspended, bill read third time and passed.

Senate's bill concerning return of certificate's in Fisher & Miller's Colony, was taken up, read second time, and passed to a third reading.

On motion of Mr. Wælder, the rule was suspended, bill read third time and passed.

Senate's bill for the relief of Andres Manchaca, with report from committee, recommending amendments, was taken up, and amendments adopted, bill read second time, and passed to a third reading.

On motion of Mr. Wælder, the rule was suspended, bill read third time and passed.

Senate's bill for relief of Jose Leonardo de la Garza Trudo, with report from committee, recommending amendment, taken up, and amendment adopted. Bill read second time, and passed to third reading.

On motion of Mr. Wælder, rule suspended, bill read third time, and passed by the following vote, the yeas and nays being ordered on motion of Mr. Whitmore :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Billingsley Branch Bryan Camp Craig Crawford Crooks Clark Cumbly Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Epperson Franklin Hall Harrison of V. Z. Hartley Haynes Houghton Hubert Lewis of M. Lynch Mabry Manly Martin Maverick McCutchan Middleton Mundine Munson Norton Owens Parker Perry Redgate Robinson Shannon Smith Townes Wælder Walworth Waterhouse Wortham and Wrede—52.

NAYS—Messrs. Caddell Francis Foscue McKnight Pirkey Ross Shelton Speights Warfield and Whitmore—10.

Senate's bill for relief of Washington county Railroad Company, taken up, read second time, and passed to third reading.

On motion of Mr. Dennis, the rule suspended, bill read third time and passed.

Senate's bill to incorporate Planter's Danologian Society of Gonzales county, taken up, read second time, and passed to third reading.

On motion of Mr. Stewart, rule suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benavides Billingsley Branch Bryan Caddell Camp Craig Crawford Crooks Clark Daniels Davis of B. Davis of H. Dennis Dickson

Dougherty Ellett Francis Franklin Hall Harrison of V. Z. Hartley Haynes Houghton Kinney Lewis of M. Lewis of R. Lynch Mabry Manly McClarty McCutchan Mundine Munson Norton Owens Parker Perry Redgate Robinson Ross Shelton Short Stewart Townes Wælder Warfield Waterhouse Whitfield Wortham and Wrede—57.

NAYS—Messrs. Maverick Middleton Speights and Whitmore—4.

Senate's bill for relief of S. Pangburn, ass'ee of C. L. Wood, taken up, read second time, and Mr. Pirkey moved to strike out "ass'ee." Lost.

Mr. Crooks moved to indefinitely postpone the bill. Lost, and bill passed to third reading.

Senate's bill for relief of heirs of Ellen M. Gibbs, taken up, read second time, and passed to third reading.

Mr. Townes moved to suspend rule; and place the bill on its final reading. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Pirkey :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benevides Branch Bryan Camp Craig Crawford Clark Cumby Dale Daniels Dennis Dougherty Ellett Epperson Franklin Hall Harrison of V. Z. Hartley Haynes Houghton Lewis of M. Lewis of R. Lynch Mabry Manly Maverick McClarty Middleton Mundine Munson Norton Parker Perry Redgate Robinson Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield and Wrede—50.

NAYS—Messrs. Caddell Crooks Davis of B. Davis of H. Francis Foscue McKnight Pirkey Ross Shelton Whitmore and Wortham—12.

And the bill passed.

Senate's bill to incorporate Houston Gas Company, taken up, read second time, and passed to third reading.

On motion of Mr. Manly, rule suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Baxter Benevides Billingsley Branch Bryan Caddell Camp Craig Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epperson Francis Franklin Foscue Hartley Haynes Houghton Kinney Lewis of M. Mabry Manly Maverick McClarty McKnight Middleton Mundine Munson Norton Owens Parker Perry Pirkey Redgate Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wrede—59.

NAYS—Mr. Harrison of V. Z.—1.

Senate's bill for relief of W. P. Tendall, 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 for the relief of John Smith, read second time, and passed to third reading.

On motion of Mr. Haynes, rule suspended, and the bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had passed House's

Bill for relief of Wilson Woods, and

Bill for relief of Leslie Combs, and had amended and passed House's

Bill to incorporate the Metropolitan Railroad Company.

Also, had concurred in House's amendments to Senate's bill to incorporate Franklin College.

Also, had passed Senate bill for relief of T. F. White.

And a bill to incorporate the Texas Cotton Seed Oil and Manufacturing Company.

Mr. McClarty moved to suspend rule and take up House's bill to incorporate Metropolitan Railroad Company, with amendments by Senate. Lost.

Senate's bill to incorporate Corpus Christi Brazos St. Iago Canal Company, taken up, read second time.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Thursday, February 9th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

On motion of Mr. Walder, the vote refusing to pass the Senate's bill to change the boundary lines of Uvalde, Dawson, and Kinney counties, was reconsidered.

House's bill to incorporate the Metropolitan Railroad Company, with amendments by the Senate, was taken up, and amendments concurred in.

A message was received from the Senate, informing the House that the Senate had passed the following named House bills, to-wit:

Bill to incorporate West Fork Bridge Company.

Bill for relief of heirs of John E. Ross.

Bill for relief of Lucretia Franklin.

Bill to revive and continue in force the act to incorporate Jefferson Railroad Company.

Bill regulating times of holding Justice's Courts in 12th judicial district.

Also, had amended and passed House's bill for protection of game on Galveston Island.

Bill to incorporate Alamo Fire Association.

Bill to incorporate Lexington Male and Female Academy.

Also, had passed substitute for House's bill, to reorganize the 17th judicial district, and fix the times of holding courts therein.

And had concurred in House's amendments to Senate's bill to incorporate Hydraulic Company of San Antonio.

And had adopted the report of the Committee of Conference, on bill to pay certain persons for arresting one John T. Shanks.

On motion of Mr. Dennis, the rule was suspended, and the bill to incorporate the Brazos and St. Iago Canal Company, taken up, read third time and passed by the following vote :

YEAS—Messrs. Speaker Armstrong Baxter Benevides Billingsley Branch Bryan Camp Craig Crawford Crooks Clark Cumby Dale Daniels Dennis Duncan Ellett Epperson Francis Franklin Foscue Hall Harrison of C. Farrison of V. Z. Haynes Henry Houghton Hubert Kinney Lewis of M. Lynch Manly Martin Maverick McCutchan Mundine Norton Owens Parker Perry Redgate Robinson Ross Shannon Smith Stewart Townes Wælder Waterhouse Whitfield and Wrede—52.

NAYS—Messrs. Davis of B. Dickson Hartley Pinkey Speights Warfield Whitmore and Woriham—3.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the Senate's bill for relief of Voltaire Roundtree.

Senate's bill for relief of A. J. Ford, taken up, read first time.

On motion of Mr. Parker, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

House's bill for protection of Alabama Indians, with amendments by Senate, taken up, and amendments concurred in.

House's bill to incorporate Alamo Fire Association, with amendments by Senate, taken up, and amendments concurred in.

House's bill to incorporate Lexington Male and Female Academy, with amendments by Senate, taken up, and amendments concurred in.

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 incorporate the Fireman's Relief Fund Association.

A bill to amend the first section of an act entitled an act to amend the caption and the first and sixteenth sections of an act to incorporate the Texas Western Railroad Company, approved February 16th, 1852.

A joint resolution in relation to a mail route from Austin to El Paso.

A bill to be entitled an act to incorporate the East Fork Bridge Company.

An act to regulate estrays.

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. Davis of B., submitted the following report :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following named bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval, to-wit :

An act supplementary to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas.

An act to fix the salary of accountant in the Comptroller's office.

An act for the relief of Nancy Robinson.

An act to be entitled an act for the relief of James C. Dillingham.

An act for the relief of Richard N. Williams.

An act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers.

An act for the relief of Thomas J. Smith, of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

An act to incorporate Cedar Grove Male and Female Institute in Kaufman county.

An act to authorize the County Court of the counties of Wise, Denton, Bosque, Coryell, Hill, Falls, Fort Bend, Jackson, Calhoun, Cameron, Hidalgo, Orange, Comanche, Hamilton, Lam-

pasas, Gillespie, Van Zandt, Bexar and Karnes, to levy and collect additional taxes.

An act for the relief of William Drake.

An act to amend the 24th section of an act passed the 27th day of August, 1856, entitled an act and to amend the several acts incorporating the city of Galveston.

An act for the relief of Sarah Mills.

An act to prevent the sale of vinous, spirituous, or other intoxicating liquors, within one mile of the town of New London in Rusk county, Veal's Station in Parker county, Mount Enterprise in Rusk county, and Vicksburge in Upshur county.

An act for the relief of Daniel Hopkins.

An act supplementary to an act entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company, and of the act amendatory thereof, passed at the present session of the Legislature.

An act for the relief of the heirs of W. H. Settle.

An act to provide for the registry of deeds and other instruments of writing.

An act to prohibit the sale of intoxicating liquor near Soule University.

An act to legalize the election of county officers of Montague county.

B. H. DAVIS,

One of the committee.

Senate's bill to authorize the Commissioner of the General Land Office to patent surveys made by virtue of certain Peters' Colony augmentation certificates, taken up, and read second time.

On motion of Mr. Shannon, rule suspended, bill read third time and passed.

Senate's bill for relief of heirs of Jos. C. Gentry, taken up, read second time.

On motion of Mr. Smith, rule suspended, bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had passed House bill supplemental to the act to authorize the appointment of commissioner's to take acknowledgement of deeds, depositions and other instruments of writing executed out of this State, with amendments.

Also, had passed a bill to change time of holding District Courts in the 9th Judicial District.

Senate's bill to incorporate Clifton Academy, taken up, read second time and passed to third reading.

On motion of Mr. Nelson, rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Ben-vides Billingsley Branch Bryan Caddell Camp Craig Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Duncan Epperson Franklin Foscue Hall Harrison of C. Hartley Haynes Henry Houghton Hubert Kinney Lewis of M. Lynch Martin Maverick McClarty McCutchan McKnight Middleton Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Robinson Ross Shannon Shelton Stewart Townes Wælder Walworth Waterhouse Whitfield Whitmore Wortham and Wrede—63.

NAYS—Mr. Harrison of V. Z.—1.

Senate's bill for relief of Benjamin Baccus, taken up, read third time and passed.

Senate's bill to validate certificate No. 567, issued to S. Pangburn, assee of C. L. Wood, taken up, read third time and passed.

Senate's bill to consolidate Waco Female Seminary, and Waco Female Academy, and to incorporate them, taken up, read second time and passed to third reading.

On motion of Mr. Nelson, rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Billingsley Branch Bryan Caddell Camp Craig Crawford Clark Cumby Dale Daniels Davis of H. Dennis Dickson Dougherty Duncan Ellett Francis Franklin Foscue Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henry Houghton Hubert Kinney Lewis of M. Lynch Manly Martin Maverick McClarty McCutchan McKnight Middleton Mundine Munson Nelson Norton Owens Perry Pirkey Redgate Robinson Ross Shannon Smith Stewart Townes Wælder Walworth Waterhouse Whitfield Whitmore Wortham and Wrede—63.

Bill supplemental to the act to appoint commissioners to take acknowledgements of deeds, depositions, &c., of writing executed out of this State, with amendments by Senate.

Mr. Foscue moved to disagree to Senate's amendments.

The special order of the day, to-wit :

Bill to authorize the Governor to sell land certificates for support of the Government, with report from committee recommending a substitute, was taken up.

Mr. Shannon proposed to substitute the House bill to provide for the sale of the public domain, for the original bill and substitute.

A message was received from the Senate, informing the House that the Senate had passed a bill to authorize the County Court of Nueces county to levy a special tax.

And a bill to restore Geo. W. Bates to his civil rights.

The question recurring on the adoption of the substitute offered by Mr. Shannon, the yeas and nays were ordered on motion of Mr. Nelson, and the substitute adopted by the following vote :

YEAS—Messrs. Speaker Barnard Baxter Billingsley Caddell Clark Cumby Dale Daniels Davis of B. Dennis Dougherty Duncan Flewellen Francis Foscue Hall Harrison of C. Harrison of V. Z. Haynes Houghton Hubert Lewis of M. McKnight Mundine Nelson Norton Owens Parker Perry Redgate Ross Shannon Short Speights Townes Wælder Walworth Warfield Whitfield Whitmore and Wrede—41.

NAYS—Messrs. Anderson Armstrong Bryan Craig Crawford Crooks Davis of H. Dickson Ellett Epperson Hartley Lynch Mabry Manly Maverick McClarty McCutchan Munson Pirkey Robinson Shelton Smith Stewart Waterhouse and Wortham—24.

Mr. Ellett offered a substitute for the bill.

On motion of Mr. Ross, laid on the table.

Mr. Wælder proposed to amend as follows :

Strike out fifty cents, and insert forty cents, in first section.

Mr. Flewellen moved to lay the amendment on the table.—

Carried by the following vote, the yeas and nays being ordered on motion of Mr. Wælder :

YEAS—Messrs. Speaker Armstrong Barnard Baxter Billingsley Branch Bryan Craig Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Epperson Flewellen Francis Franklin Foscue Harrison of C. Harrison of V. Z. Hartley Houghton Lewis of M. Mabry Manly Martin Maverick McClarty McKnight Mundine Owens Perry Pirkey Redgate Robinson Ross Shannon Shelton Short Smith Speights Townes Walworth Warfield Whitfield Whitmore and Wortham—50.

NAYS—Messrs. Anderson Benevides Caddell Crawford Dickson Duncan Hall Hubert Lynch McCutchan Nelson Norton Parker Stewart Wælder Waterhouse and Wrede—17.

Mr. Townes proposed to amend by striking out "80," and inserting "160."

Mr. Nelson 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. Nelson, and the main question refused by the following vote :

YEAS—Messrs. Speaker Baxter Caddell Craig Crawford Cumby Dickson Dougherty Duncan Francis Hall Haynes Houghton Lewis of M. Lynch McClarty McCutchan McKnight Nelson Norton Owens Perry Ross Shannon Short Speights Wælder Walworth Waterhouse Whitmore and Wrede—31.

NAYS—Messrs. Anderson Benevides Billingsley Branch Bryan Clark Dale Daniels Davis of H. Dennis Ellett Epperson Flewellen Franklin Foscue Harrison of C. Hartley Mabry Manly Martin Maverick Mundine Parker Pirkey Redgate Robinson Shelton Smith Stewart Townes Warfield Whitfield and Wortham—33.

Mr. Hartley moved to amend the amendment by striking out 160 and inserting 320.

On motion of Mr. Nelson, laid on the table, and the amendment adopted.

Mr. Stewart moved to amend as follows :

After "company" in first section, in exceptions, insert "and except all other lands reserved by law from location." Adopted.

Mr. Foscue proposed to strike out \$1 50 wherever it occurs, and inserting \$1 25. Adopted.

Mr. Epperson proposed to amend by adding as follows :

That this act is only intended to meet the present emergency for raising revenue, and the Governor is authorized, whenever he may deem it expedient, to suspend the operations of the same.

Mr. Franklin proposed to amend the amendment as follows :

And that no more land scrip or certificates shall be sold under this act, than shall be sufficient to raise the sum of \$500,000. Accepted by Mr. Epperson, and the amendment adopted, and bill ordered to be engrossed.

Mr. Taylor of Cass, moved to suspend rule, and place bill on final reading.

Mr. Franklin moved to adjourn till 3 o'clock, P. M. Lost, and the rule suspended, bill read third time and passed by the following vote, the yeas and nays being ordered on motion of Mr. Manly :

YEAS.—Messrs. Speaker Anderson Barnard Baxter Benevides Caddell Crawford Cumby Dale Daniels Davis of B. Dennis Dickson Dougherty Duncan Flewellen Francis Hall Harrison of C. Harrison of V. Z. Hartley Haynes Kinney Lewis of M. Lynch Martin McCutchan McKnight Middleton Mundine Nelson Norton Parker Perry Redgate Shannon Short Smith Speights Stewart Townes Wælder Walworth Waterhouse Whitfield Whitmore and Wrede—47.

NAYS.—Messrs. Armstrong Billingsley Bryan Craig Crooks Clark Davis of H. Ellett Epperson Franklin Foscue Mabry Manly Maverick McClarty Owens Pirkey Robinson Ross Shelton Warfield and Wortham—22.

On motion of Mr. Manly, the rule was suspended and the bill

to organize the American Agency was taken up, and made special order for 8 o'clock, to-night.

Mr. Nelson introduced a bill for the relief of M. L. Stewart. Read first time.

On motion of Mr. Nelson, the rule suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Nelson, rule further 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.

A message was received from the Senate informing the House that the Senate had passed the following named House bills:

Bill to revive the act to incorporate LaGrange Collegiate Institute, and to change the name to that of Ewing College.

Bill for the relief of Peter B. Norton.

Bill to encourage citizens of El Paso county, to irrigate Rio Grande valley.

Bill to authorize Commissioner General Land Office, to introduce the DeRyee method of printing and multiplying maps.—

Also had amended and passed bill to change times of holding courts in second Judicial District and require clerks therein to apportion their dockets.

Bill to amend act to incorporate Herman University.

And bill to amend 4th, 8th, 15th and 18th sections of act to provide for assessment and collection of taxes

Also had passed bill to encourage the construction of Canals by donations of land.

And a bill to incorporate Texas, New Orleans and Northern Express Company.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills, have examined the following bills, viz:

An act for the relief of Wilson Woods.

An act for the relief of Leslie Combs.

An act to incorporate the Dallas Bridge Company.

An act for the relief of Samuel Everett.

An act for the relief of John Smith.

A bill to be entitled an act for the relief of the heirs of William L. Fleming, deceased.

An act for the relief of W. D. Langham.

An act to be entitled an act for the relief of Richard B. Wardrup.

A bill for the relief of John T. Wilson, T. H. Robertson, and the heirs of Mark Copeland, deceased.

A bill authorizing the county court of Henderson county to levy a special tax.

A bill to be entitled an act for the relief of the heirs of Addison Litton.

A bill to be entitled an act to reorganize the thirteenth Judicial District, and to fix the time of holding court therein.

A bill to pay certain persons for arresting John T. Shanks, and procuring testimony against him.

A bill for the relief of William DeWoody.

A bill to reorganize the sixteenth Judicial district of the State of Texas, and to define the time of holding courts therein.

A bill to revive and continue in force an act to incorporate the Jefferson Railroad Company, approved February 2nd 1854.

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.

On motion of Mr. Norton, the rule was suspended and the bill to incorporate Kaufman University was taken up, read second time and ordered to be engrossed.

On motion of Mr. Norton, rule further suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Anderson Armstrong Baxter Billingsley Branch Caddell Camp Crawford Crooks Clark Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Flewellen Francis Franklin Foscue Harrison of C. Harrison of V. Z. Haynes Henry Houghton Hubert Lewis of M. Lynch Mabry Maverick McClarty McCutchan McKnight Middleton Mundine Munson Norton Owens Parker Perry Redgate Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Whitmore and Wertham—60.

On motion of Mr. Duncan, the rule was suspended and the bill to define boundary of Calhoun county, with report from committee recommending a substitute was taken up, substitute adopted and ordered to be engrossed.

On motion of Mr. Duncan, rule further suspended, bill read third time and passed.

On motion of Mr. Wertham, the rule was suspended and the

bill to incorporate Bright Star Association taken up, read second time and ordered to be engrossed.

On motion of Mr. Wortham, rule further suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Billingsley Camp Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Flewellen Francis Franklin Harrison of C. Haynes Henry, Houghton Hubert Lewis of M. Lynch Mabry Martin Maverick McClarty McCutchan McKnight Middleton Mundine Munson Norton Owens Parker Perry Redgate Robinson Ross Shannon Shelton Short Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—60.

Mr. Clark, one of the committee on Engrossed Bills, made the following report :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Engrossed Bills, find correctly engrossed:

A bill to be entitled an act for the relief of Malcom D. Stewart.

And an act to authorize and provide for the sale of the public domain of the State of Texas.

The following House bills with amendments from the Senate, were taken up, and the amendments concurred in:

A bill entitled an act to amend the 4th, 8th, 15th and 18th sections of an act to provide for the assessment and collection of taxes.

A bill to amend an act to incorporate Herman University, approved January 27th, 1844.

House's bill to change times of holding the courts in the 2nd Judicial District and to require the clerks therein to apportion their dockets with amendment, was taken up, and House refused to concur in the amendments.

House's bill to regulate Factors and Warehousemen, with substitute by the Senate read first time.

On motion of Mr. Lewis of M., rule suspended, bill read second time.

Mr. Franklin proposed to amend by striking out all after the 1st section. Lost, and bill passed to third reading.

On motion of Mr. Dickson, rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Anderson Armstrong Baxter Benevides Branch Caddell Camp Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dickson Duncan Flewellen Francis Foscue Harrison

of C. Harrison of V. Henry Houghton Hubert Lewis of M. Martin McCutchan McKnight Middleton Munson Norton Owens Parker Perry Redgate Robinson Shannon Shelton Smith Speights Stewart Townes Walworth Warfield Waterhouse Whitfield Whitmore Wortham and Wrede—50.

NAYS—Messrs. Speaker Crawford Dougherty Franklin Hartly Haynes Lynch Manly Mabry Maverick McClarty Ross and Wælder—12.

The special order of the House, to-wit :

The bill to incorporate the American Agency, with report from committee recommending a substitute was taken up, substitute adopted, and ordered to be engrossed.

On motion of Mr. Crawford, the rule was suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Benevides Billingsley Branch Crawford Crooks Clark Dale Daniels Davis of H. Dennis Duncan Ellett Epperson Franklin Foscue Harrison of C. Hartly Henry Hubert Lynch Mabry Manly Martin Maverick McCutchan McKnight Norton Owens Parker Pirkey Redgate Ross Shannon Short Smith Speights Stewart Townes Wælder Walworth Waterhouse Whitfield and Wrede—46.

NAYS—Messrs. Bryan Caddell Cumby Davis of B. Dickson Fleweller Francis Harrison of V. Z. Haynes Houghton Lewis of M. McClarty Middleton Mundine Munson Perry Robinson Shelton Warfield Whitmore and Wortham—21.

A message was received from the Senate informing the House that the Senate had passed the following named House bills :

Bill to incorporate Casino Association at La Grange.

Bill to incorporate Yegua Bridge and Turupike Company.

Bill amendatory of act to incorporate Galveston Wharf and Cotton Press Company.

Bill to attach Blanco county to 4th Judicial District, and fix time of holding courts therein.

And had substituted House's bill making appropriation for the support of the State Government for years 1860 and 1861, by two bills.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed :

The bill to incorporate Bright Star Educational Company.

On motion of Mr. Dale, the rule was suspended and bill to change times of holding courts in 9th Judicial District taken up. Read first time.

On motion of Mr. Dale, rule suspended bill read second time and passed to third reading.

On motion of Mr. Parker, rule suspended bill read third time and passed.

Mr. Shannon, one of the Select committee, reported a bill for relief of sundry person therein named, and recommended its passage. Bill read first time.

Mr. Shannon moved to suspend rule and take up bill. Lost.

Senate's substitute for House's bill making appropriation for maintenance of Government for 1860 and 1861, taken up. Read first time.

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 legal representatives of Calvin Gage, dec'd.

Bill to authorize the county Surveyor of Grayson county to transcribe certain books of record in his office.

Also had amended and passed following House bill donating one league of land each to Dennis Mead, Richard Mead and — Eastland.

And bill for relief of Buffalo Bayou and Colorado Railroad Company or their assignees.

On motion of Mr. Dickson, 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.

Senate's second substitute taken up. Read first time.

On motion of Mr. Davis of B., rule suspended, bill read second time.

Mr. Mabry proposed to amend by striking out \$250 00, to pay James S. Robinson, District Attorney of 16th Judicial District. Adopted.

Mr. Foscue moved to strike out \$150 00, for James Swindells for making a map of Young Land District. Adopted.

Mr. Dale moved to strike out \$750 00 each to J. G. Swisher and S. G. Haynie, as Commissioners for building State Capitol.

On motion, the House adjourned till 1-2 past 9 o'clock, A. M., to-morrow. Pending the motion to strike out.

HOUSE OF REPRESENTATIVES, }
Friday, February 10th, 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

correctly engrossed, bill to define the boundaries of Calhoun county.

On motion of Mr. Nelson, rule suspended and the bill to incorporate the Texas Cotton Seed Oil and Manufacturing Company, taken up, read first time.

On motion of Mr. Nelson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Nelson, rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Billingsley Branch Bryan Camp Craig Crawford Clark Cumby Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Elliott Epperson Flewelen Franklin Foscoe Hall Harrison of C. Harrison of V. Z. Haynes Houghton Hubert Lynch Mabry Manly Maverick McClarty McCutchan McKnight Middleton Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Ross Shannon Shelton Short Speights Stewart Townes Walder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—61.

NAYS—Messrs. Caddell and Whitmore—2.

A message was received from the Senate informing the House that the Senate had passed the following named House bills :

Bill for relief of Matiana Vega Delgado.

Bill to authorize County Surveyor of Denton county to transcribe certain records.

Bill making appropriations for completing and supporting Lunatic Asylum.

Also, had amended and passed House bill to prevent judgments from becoming dormant.

Also, had passed a bill to regulate the fees of the General Land Office.

Mr. Craig introduced a bill for relief of certain persons therein named. Bill read first time.

A message was received from Senate informing the House that the Senate had passed bill to regulate surveys of land.

Bill to incorporate the San Antonio Literary Association.

Bill to provide for sale of reservations of land ceded to the United States for Indian purposes.

And bill to repeal 2nd section of act to authorize the Commissioner of General Land Office to issue patents on surveys, heretofore made not in regular form according to law.

Mr. Epperson introduced a bill to provide for raising a revenue by taxation, to meet the present deficit in the Treasury, the current expenses of the government for 1860 and 1861, for fron-

tier protection, and for paying interest on Treasury Warrants. Bill read first time.

On motion of Mr. Epperson, rule suspended, and bill taken up.

Mr. Flewellen moved to postpone the bill and make it special order for half past 3 o'clock P. M. Lost, and bill read second time.

Mr. Flewellen moved to postpone bill and make it special order for 4 o'clock P. M. Lost.

Mr. Ross proposed to amend as follows :

Section—There shall be levied and collected of every physician and lawyer practicing their several professions for pay or emolument, a special occupation tax of twenty-five dollars, and in case of refusal to pay said tax, they, or either of them, shall forfeit all rights to collect their or his fees for services during the term of such refusal.

On motion of Mr. Dickson, bill and amendments laid on table by the following vote, Mr. Perry calling for yeas and nays :

YEAS—Messrs. Anderson Armstrong Barnard Bryan Caddell Crawford Cumby Dale Davis of B. Dickson Duncan Francis Foscue Hall Harrison of C. Harrison of V. Z. Henry Houghton Hubert Lewis of M. Lynch McCutchan McKnight Mundine Munson Parker Perry Pirkey Ross Shannon. Shelton Short Speights Stewart Warfield Waterhouse Whitfield and Wortham—38.

NAYS—Messrs. Speaker Baxter Billingsley Branch Camp Craig Crooks Clark Daniels Davis of H. Dennis Duncan Ellett Epperson Franklin Hartley Haynes Mabry Manly Martin Maverick McClarty Middleton Nelson Norton Redgate Smith Townes Wælder Walworth Whitmore and Wrede—33.

On motion of Mr. Wælder, the rule was suspended, and the bill to provide for payment of the supplies furnished to Captain John Williams' company of rangers, with report from committee recommending amendments, was taken up, amendments adopted. Bill read second time and passed to third reading.

A message was received from Senate informing the House that the Senate had passed House's bill for relief of M. F. Alexander.

Also had amended and passed House's bill for relief of Chas. D. Ferris.

And that Senate adheres to their amendment to House's bill to fix times of holding courts in second Judicial District, and had appointed Messrs. Townes and Duggan committee of conference, and asked that a like committee be appointed on part of House.

On motion of Mr. Nelson, rule suspended, bill read third time and passed.

Mr. Clark, one of committee on Engrossed bills, reported correctly engrossed, bill to incorporate American Agency.

Mr. McKnight submitted the following minority report :

House's bill supplemental to act to authorize the appointment of commissioners to take acknowledgements of deeds depositions and other instruments of writing, executed out of the State, approved May 8th, 1846, with amendments by the Senate, was taken up.

On motion of Mr. Harrison of V. Z., a call of the House was ordered.

Absentees—Messrs. Benevides Branch Buckley Clark Darnell Flewellen Hartley Haynes Henry Kinney Lewis of R. Mills Navarro and Taylor—14.

Mr. Baxter moved to suspend call. Lost.

Speaker announced Messrs. Anderson, Davis of B., Davis of H., Townes and Stewart committee of conference on bill to change times of holding courts in second Judicial District and to require clerks therein to apportion their Dockets.

Mr. Davis of B., made the following report from the committee on enrolled bill, viz :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following named bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval :

An act supplementary of and amendatory to an act to establish a Code of Criminal Procedure for the State of Texas.

An act for the relief of the heirs of Thomas Blanton.

An act to incorporate the Mystic Club at Woodville, Tyler county.

An act to incorporate the Corpus Christi Bay and Brazos St. Iago Canal Company.

A joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary.

An act to incorporate the Southern Cotton Press and Manufacturing company.

An act authorizing the County Court of Fayette county to levy a special tax.

An act to incorporate the Texas Mutual Insurance Company, at Boston.

An act to amend the act to incorporate the city of San Antonio, approved July 17th, 1856.

An act to incorporate the North Sulphur Bridge Company, in Lamar county.

An act for the relief of Lucretia Franklin.

An act to fix the time of holding courts in the nineteenth Judicial District, and to define said District.

An act for the relief of W. P. Tindall.

An act supplementary and amendatory of an act entitled an act to incorporate the city of Corpus Christi, approved February 16th, 1852.

An act to change the times of holding the District Court in the 10th and 14th Judicial Districts.

An act for the protection of the Alabama Indians.

An act regulating the time of holding Justices Courts in the counties comprising the 12th Judicial District.

An act to incorporate the Alamo Fire Association.

An act to incorporate the Trustees of the Baptist State Convention.

An act to incorporate the West Fork Bridge Company.

An act for the relief of the heirs of John E. Ross.

An act for the relief of Mrs. Ellen M. Gibbs.

An act to incorporate the Houston Gas Company.

An act ordering the return of certificates in Fisher & Miller's Colony.

And an act to incorporate Wharton College in the city of Austin

All of which is respectfully submitted,

B. H. DAVIS,
one of committee.

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The joint committee on Enrolled bills have examined the following bills, viz :

An act in relation to the location, survey and patenting of the land granted by the State to the Galveston and Brazos Navigation Company

A bill for the relief of the heirs of Caldwell Carson, deceased.

A bill to incorporate the Planters Danalogian Society, of the county of Gonzales.

An act for the relief of the Washington county Railroad 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. BRACH.

one of the committee.

Senate's bill to organize State Militia, taken up, read second time.

Mr. McKnight moved to stike out all after "oath" in 15th section, and insert the official oath prescribed by the constitution in article 7, section 1. Rejected.

Mr. Lynch proposed to amend as follows :

"Strike out \$1800 and insert \$500 as salary for Adjutant-General."

Mr. Duncan offered the following substitute for Mr. Lynch's amendment :

Amend by adding \$900 as salary for Adjutant-General.

Mr Davis of H., moved to lay the amendment and amendment to amendment on table, a division was called, and Mr. Duncan's amendment tabled.

The question recurring on laying Mr. Lynch's amendment on the table, the same was put, and the House refused to table the amendment by the following vote, yeas and nays being ordered on motion of Mr. Davis of B :

YEAS—Messrs. Crooks Davis of B. Davis of H. Dennis Duncan Ellett Epperson Hall Hubert Kinney Martin McClarty Mundine Nelson Norton Short Speights Wælder and Whitmore—19.

NAYS.—Messrs. Speaker Anderson Barnard Baxter Billingsley Branch Bryan Caddell Camp Craig Clark Cumby Daniels Dickson Dougherty Foscue Harrison of C. Harrison of V. Z. Houghton Lynch Lewis of M. Mabry Manly Maverick McCutchan Middleton Munson Parker Perry Pirkey Redgate Ross Shannon Shelton Smith Stewart Townes Walworth Warfield Waterhouse Whitfield and Wrede—42.

Mr. Davis of H., moved to adjourn till 3½ o'clock, P. M. Lost.

Mr. Davis of H. proposed to substitute the amendment by striking out \$1800 and inserting \$1500.

Mr. Dickson proposed to lay the substitute on the table. Carried by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Billingsley Branch Bryan Caddell Camp Craig Clark Cumby Dale Daniels Dennis Dickson Dougherty Francis Foscue Harrison of C. Harrison of V. Z. Houghton Kinney Lewis of M. Lynch Manly Maverick McCutchan Munson Nelson Owens Parker

Perry Redgate Ross Shannon Shelton Stewart Townes Walworth Warfield Waterhouse Whitfield Wortham and Wrede—44.

NAYS—Messrs. Baxter Davis of B. Davis of H. Epperson Hall Hubert Mabry Martin McClarty Mundine Norton Short Smith Speights Wælder and Whitmore—16.

Mr. Short proposed to amend by striking out \$1800 and inserting \$1200 for first two years after act taking effect, and \$750 thereafter.

On motion of Mr. Camp, laid on the table.

Mr. Maverick proposed to amend by striking out \$1800 and insert \$800.

On motion of Mr. Dickson, laid on table.

Mr. Davis of H., moved the previous question. Lost, and amendment adopted.

Mr. McKnight proposed to amend as follows :

“Strike out good behavior wherever it occurs in the bill, and insert for six years.” Adopted, and bill passed to third reading.

On motion of Mr. Short, rule suspended, bill read third time and passed.

House bill for relief of C. D. Ferris, with amendments by Senate, taken up, amendments concurred in.

House bill donating league of land each to Dennis Mead, Richard Mead and Eastland, with amendments by Senate, taken up, and amendments concurred in.

House bill for relief of B. B. B. & C. R. R. Co., or their assee, with amendment by Senate, taken up, and House refused to concur in amendments.

Mr. Craig moved to suspend rule and take up bill for relief of certain persons therein named. Lost.

On motion, the House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

A message was received from the Senate informing the House that the Senate had passed a joint resolution instructing our delegation in Congress in relation to frontier protection.

And a bill in relation to mineral lands and salt licks, and salt springs, held in reservation by the State.

Also, had amended and passed House bill amending the several acts regulating proceedings in District Courts.

And passed House's bill to define Boundary lines of Calhoun county.

House bill to prevent judgments from becoming dormant, with amendments by the Senate, taken up and amendments concurred in.

House's bill amending the several acts regulating proceedings in the District Courts, with amendments by Senate, taken up, and amendments concurred in.

Senate's bill regulating fees of General Land Office, taken up, read first time.

On motion of Mr. Ross, rule suspended, bill read second time.

Mr. Shannon proposed to amend as follows :

Provided that the provisions shall not be so construed as to apply to applications which have been made before the passage of this law.

Mr. Short proposed to amend the amendment as follows :

Strike out all after the word "addition," in the third line from bottom in first section. Rejected.

Mr. Lewis of M., proposed to amend as follows :

Provided that citizens shall not be required to pay for statements made or information given by the Commissioner of Land Office, in respect to their own lands. Rejected, and the amendments rejected.

A message was received from Governor.

Mr. Wælder proposed to strike out "75 cents," in first section and insert "50 cents."

Mr. Bryan proposed to amend as follows :

Strike out \$10 and insert \$6 for all over two-thirds of a league and up to a league

Strike out \$5 and insert \$3 for all over one-third of a league and up to two thirds of a league. Rejected.

On motion of Mr. Lewis of M., the main question was ordered, which being on the passage of the bill to third reading.

The yeas and nays were ordered on motion of Mr. Haynes, and bill passed to third reading by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Billingsley Branch Camp Crawford Crooks Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Duncan Epper-son Fleweller Foscue Harrison of C. Hartley Houghton Hubert Lewis of M. Martin Maverick McKnight Middleton Perry Pirkey Redgate Ross Shelton Smith Speights Stewart Townes Wælder Whitfield Whitmore and Wrede—44.

NAYS—Messrs. Bryan Caddell Dougherty Francis Harrison of V. Z. Haynes Mabry Manly McCutchan Nelson Norton Parker Shannon Short Walworth Warfield Waterhouse and Wortham—17.

Mr. Ross moved to suspend rule, and place bill on third reading. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Shannon :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Billingsley Branch Camp Crawford Crooks Clark Cunby Dale Daniels Davis of B. Davis of H. Dennis Dickson Duncan Epperson Flewellen Harrison of C. Hartley Houghton Hubert Lewis of M. Martin Middleton Owens Pirkey Redgate Shelton Smith Stewart Speights Townes Wælder and Whitfield—38.

NAYS—Messrs. Bryan Caddell Dougherty Francis Foscue Harrison of V. Z. Haynes Mabry Manly Maverick McCutchan McKnight Nelson Norton Parker Perry Shannon, Short Walworth Warfield Waterhouse and Wortham—22.

On motion of Mr. Shelton, the rule was suspended, and the Senate's bill supplementary to the act to amend the act to incorporate the Memphis and Pacific Railroad Company, approved Feb. 10, 1858, was taken up.

Mr. Shelton offered a substitute for the bill which was adopted and passed to third reading.

On motion of Mr. Shelton, rule suspended, bill read third time and passed.

On motion of Mr. Dougherty, the rule was suspended, and the Senate's bill to authorize the county court of Nueces county to levy special tax, and read first time.

On motion of Mr. Dougherty, rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Dougherty, rule suspended, bill read third time and passed.

The following message from the Governor was taken up and read :

EXECUTIVE DEPARTMENT, }
February 8th, 1860. }

Gentlemen of the Senate

and House of Representatives :

Believing that a sense of duty would impel me, prior to the adjournment of your honorable body, to call your attention to the condition of the treasury, I addressed a note, on the 30th ult., to Maj. C. R. Johns, Comptroller of the Treasury, whose reply is herewith submitted :

COMPTROLLER'S OFFICE, }
AUSTIN, February 2d, 1860. }

TO GEN. SAM HOUSTON, GOVERNOR, &c.—

Sir : In reply to your note of the 30th ult., I have to state that there will be required to meet the expenses of the government, including the balance due on the River Appropriations, for the two years ending August 31st, 1861, the sum of - \$ 837,725 56

And for the payment of the outstanding debt of the late Republic - - - -	127,542 87
	<u>\$965,268 43</u>
The expense of keeping in the field one regiment of mounted troops, under the provisions of the act approved January 2d, 1860, during the same time would be - - - -	1,206,000 00
To which should be added the appropriations made, and hereafter to be made by the present Legis- lature, for military and other extraordinary purposes not embraced in the above estimates, but which, so far as known to this office, amount for military purposes - - - -	74,000 00
	<u>\$2,245,268 43</u>
To meet which there was in the Treasury on the 31st August last, the sum of - - - -	411,402 69
Amount transferred from University Fund - - - -	106,972 26
Amount of two years revenue, 1859 and 1860 - - - -	696,517 22
Amount advanced by the State for frontier protec- tion, which should be refunded by the Federal Government, - - - -	167,798 62
	<u>\$1,382,690 79</u>
Thus showing a deficit in the revenue, 31st Aug., 1861, of - - - -	862,577 64
	<u>\$2,245,268 43</u>
From the following statement it will be apparent that there is not, at this time, any funds in the Treasury subject to appropri- ation.	
Amount of State funds on hand for quarter ending November 30th, 1859 - - - -	\$368,122 34
Amount received from that date to February 1st, 1860 - - - -	14,695 80
	<u>\$382,818 14</u>
Total fund on hand February 1st, 1860 - - - -	\$382,818 14
Amount of Treasury Warrants paid during De- cember and January last - - - -	117,127 16
Amount paid Members and Officers of the Legisla- ture on Clerks Certificates - - - -	46,690 98
Balance due them, say - - - -	40,000 00

Current expense of Government for the month of		
January, unpaid, say	- - -	30,000 00
Amount of public debt still outstanding		122,682 59
Amount undrawn on river appropriations	- - -	73,120 67
Amount of appropriations for frontier defence made this Legislature	- - - 74,000 00	
Less amount paid, included above	27,529 54	46,470 46
Amount due on appropriations heretofore made		50,000 00
		<hr/>
		\$526,091 86

To which should be added all other appropriations made at this session of the Legislature, but which are not, at present, known to this office.

(Signed,)

CLEMENT R. JOHNS, Compt.

COMPTROLLER'S OFFICE, }
Austin, Feb. 3, '60. }

It will thus be seen that there was, on the first day of February last, in the Treasury \$143,273 72 less than the amount already appropriated. To this is to be added the additional appropriations made by the present Legislature, not reported by the Comptroller, say \$83,000 00. Of the \$382,818 14 in the Treasury, \$122,682 59 is set apart for the payment of our public debt, and \$73,120 67 for river appropriations, and \$50,000 due on appropriations heretofore made. These appropriations being pledged for a specific purpose, amounting to \$245,803 26, they should remain in the Treasury. Deducting these from the balance on hand February 1st, 1860, there was really subject to appropriation \$137,014 88. There had already been paid out on the 1st of February \$163,818 14, or \$27,293 26 more than was really subject to appropriation, which latter amount was taken from the appropriated funds. There remained in the Treasury at that date \$219,000 00, against which stands balance of appropriation for contingent expenses and per diem of Legislature - - - - - \$ 63,309 02

Expenses of Government for month of January		30,000 00
Amount set apart for public debt	- - -	122,682 59
Amount undrawn on river appropriation	- - -	73,120 67
Amount undrawn of \$74,000 appropriated to frontier defence	- - - - -	46,470 46
Amount due on appropriations heretofore made		50,000 00
Additional appropriations made by present Legislature up to 1st of February, say	- - -	83,000 00
		<hr/>
		\$468,582 74

Probable additional cost of Rio Grande War	-	40,000 00
		<hr/>
		\$508,582 74
Amount in the Treasury February 1st	-	219,000 00
		<hr/>
Deficit February 1st	-	\$289,582 74

As the act appropriating \$300,000 00 for the protection of the frontier provides that no money shall be drawn under the act, so as to leave "a deficit in the amount required of the current revenue from time to time to pay the ordinary current expenses of the Government," the Legislature need but turn to the condition of the Treasury, herewith presented, to see that there will be no money in the Treasury for frontier defence, and that therefore, unless provision is made by the Legislature, our rangers will have to go without pay and subsistence after the University Fund is exhausted. As this fund, amounting to \$106,992 26 is only to be used as a loan on account of the defence of the frontier, it cannot relieve the present embarrassed condition of the Treasury. Had the act creating a State University been repealed, and the money placed in the general fund, the Treasury operations would have not so soon have been impeded.

The Executive has, in view of the condition of the Treasury, not felt justified in calling more troops into the field than is at present absolutely necessary. We may expect, however, that when grass rises in the Spring, the Indians will come down in greater numbers, and that more rangers will be needed. The entire amount of the University Fund will barely be sufficient to sustain the companies now in the field for six months. If the regiment provided for in the "Act for the protection of the frontier" is called out, the estimates made by the Comptroller show that the sum of \$1,206,000 00 will be necessary to sustain them in the field two years. This estimate is an exceedingly low one, and does not include mules, wagons, &c., which must necessarily be purchased. The embarrassing position of the Executive will at once be seen. The Legislature have passed an act providing for calling out a regiment of men. The frontier people, supposing that the Legislature has provided for their pay and subsistence, expect their appearance in the field; but the Legislature has not done so, and hence they cannot be called out.

There was in specie and bonds in the Treasury on the 1st of February, \$219,000 00. The amounts enumerated by the Comptroller to meet the expenses of the Legislature, the current expenses for the month, the balance of \$74,000 on account of fron-

tier defence, and the amount due on appropriations heretofore made, say \$50,000, in all amount to \$166,470 46. Nearly the whole of this amount will at once be pressing upon the Treasury. To meet it alone we would have to exhaust every dollar set apart for the payment of the public debt, and \$43,787 87 of that belonging to the river appropriation fund. Of additional appropriations made by the present Legislature prior to 1st February, at least \$50,000 will be needed in a few months, which would exhaust the balance of the river fund, and still leave a deficit; so that if the Legislature authorize the disbursing of every dollar in the Treasury, the amount will still fall short of the present demand upon it, and of the entire indebtedness of the State, on the first of February last, \$289,582 74.

The ordinary expenses of government, estimated by the Comptroller are \$418,862 78 per annum, which, deducting the river fund already enumerated, will be \$31,858 53 per month, are to be met. The cost of the Rio Grande war is to be paid. The expense of government alone, from the 1st of February until the 1st of June, will be \$127,434 12. No revenue will come in until that period. The entire amount then received from that source, according to the exhibit made by the Comptroller, will be \$348,268 61. The deficit in the operations of the government will then amount to \$417,016 86, independent of the extraordinary expenses on account of frontier defence. The entire revenue may be paid out, and there will still be a deficit of \$68,755 25. The current expenses of government for the coming year will then be unprovided for, as no funds will come in until the 1st of June following—also such extra appropriations as have been made since 1st February.

The Legislature will see at once the necessity of providing for a revenue on the 1st of June, 1861, sufficient not only to meet the deficit, but also to sustain the government for the next fiscal year. To do this, taxation is absolutely necessary. It is better that the people should at once suffer taxation to relieve the present embarrassment, than that we should drift onward toward a heavy debt and utter bankruptcy.

It is by taxation alone that we can meet outstanding Treasury warrants; and a just policy towards those who may hold them, requires that the deficit shall be met and the reputation of the State remain unsullied.

The vast patrimony which it was hoped would relieve our *people* from the burthen of taxation has been wasted. We must look to the pockets of the people hereafter for revenue. Our lands are yearly legislated away, and it is perhaps idle to hope

that a change in legislation will take place at this late day. The Executive still hopes that the measures of economy and reform which he has presented to the Legislature, will be adopted. His energies have been devoted towards overturning corruption and arresting abuses, but at every step he has been met by difficulties almost insurmountable.

The Executive had hoped that in case the Legislature saw proper to authorize the use of the money set apart for the public debt, he would be able to use that money economically, and thus sustain the government until the revenue from taxation comes in ; but he has been disappointed to find that the greater part, if not all, of this money, has already been paid out upon the warrants of the Comptroller, thus making it essentially necessary that means shall be provided by the Legislature.

Events may transpire to control the action of the Executive in reference to calling troops into the field for frontier defence. If the means are placed at his command he will be justly responsible if the country is not defended. If not, the mere fact that he has been authorized to call out a regiment of men, does not justify complaint. The Executive is looking anxiously towards a settlement of our difficulties upon the Rio Grande, but he may yet be compelled by the force of circumstances to call into the field the entire force at his command. If by earnestly pressing our condition upon the attention of the General Government, a resort to our own resources can be avoided, it shall be done, but the Legislature should at least provide for the expenditures which it has authorized, leaving the Executive free and untrammelled in his action. If left in this destitute situation, and required to sustain the government, he should not meet with cooperation of the co-ordinate departments of it, he will at least enjoy the satisfaction of knowing that a failure has not arisen from any delinquency of his own. SAM HOUSTON.

On motion of Mr. Epperson, message referred to committee on Finance.

Senate's bill to create county of Wilson, taken up, and read first time.

On motion of Mr. Wælder, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Wælder, the rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Billingsley Bryan Caddell Crawford Crooks Davis of B. Davis of H. Dennis Dougherty Duncan Epperson Hall Harrison of V. Z. Houghton Hubert Mabry Manly Martin McCutchan Middleton

Munson Nelson Owens Parker Perry Redgate Ross Shannon Shelton Short Smith Speights Stewart Wælder Walworth Warfield Waterhouse and Wrede—42.

NAYS—Messrs. Barnard Branch Camp Cumby Daniels Dickson Francis Foscue Hartley Haynes Lewis of M. Maverick McKnight Norton Towues Whitfield Whitmore and Wortham—18.

Mr. Clark, one of the committee on Engrossed Bills, reported correctly engrossed the bill to incorporate Kaufman University.

On motion of Mr. Billingsley, the rule was suspended, and the bill for relief of Truman B. Beck *et al*, was taken up, read second time, and passed to third reading.

Mr. Davis of H., one of the committee of Conference, reported a substitute for the bill to change the times of holding the courts in the 2d Judicial district, and to require the clerks in counties therein to apportion their dockets.

On motion of Mr. Davis of H., rule suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Davis of H., rule further suspended, bill read third time and passed.

Mr. Hall moved to suspend rule, and take up Senate's bill for relief of T. F. White. Lost.

Mr. Short offered the following resolution :

Resolved, That the Comptroller of public accounts be and he is hereby requested to furnish this House with a full statement of the manner in which the \$10,000 appropriated under an act amendatory of an act concerning crimes and punishments, approved Feb. 2, 1856, was expended, giving the names of the persons to whom paid, the character of the services rendered, and the claims which form each separate account, and the evidence upon which said claim or claims was supported, and the names of the officers who approved and recommended the claim.

Laid over one day for consideration.

Senate's bill to encourage construction of canals in Texas by donations of land, taken up, read first time.

Mr. Hurlley moved to suspend rule and place bill on second reading. Lost.

Mr. Camp moved to suspend rule and take up bill to adjust boundary lines of Uvalde, Dawson and Kinney counties. Lost.

Senate's bill to provide for sale of reservations ceded to the United States for Indian purposes, taken up, read first time.

On motion of Mr. Ross, the rule was suspended, and bill read second time.

Mr. Hall proposed to amend as follows :

Provided, The land named in this bill shall not sell for less than \$3 per acre.

Mr. Harrison of V. Z. moved to adjourn till 7 o'clock, P. M.
Lost.

Mr. Hall withdrew his amendment, and bill passed to third reading.

On motion of Mr. Ross, rule suspended, bill read third time and passed.

On motion, the House adjourned till 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

House met—roll called—quorum present.

On motion of Mr. Ellett, ladies were invited into the hall for the night.

The majority and minority reports on Federal Relations were taken up.

On motion of Mr. Epperson, the five minute's rule was suspended for the night.

A message from the Senate informed the House that the Senate had passed :

Bill attaching certain unorganized counties to organized counties therein named for Judicial and other purposes, until organized.

Bill to define more certain the boundaries between Erath and Comanche counties

And had passed House's substitute for Senate's bill supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved Feb. 10, 1858.

And had amended and passed House bill to amend the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company.

And had passed a bill supplemental to the act to reorganize the court of claims, and extend the time for presentation of claims for land against the Republic or State of Texas, approved Feb. 7, 1860.

Mr. Ellett moved to reconsider the vote striking out of the deficiency bill the sum of \$150 to pay Jas. H. Swindells for making a map.

On motion, the House adjourned till 10 o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Saturday Feb. 11th, 1860. }

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Flewellen offered the following report :

On motion of Mr. Clark, the rule was suspended, and bill to incorporate Nacogdoches Histrionic Society, taken up, read second time and passed to third reading.

On motion of Mr. Clark, rule further suspended, bill read third time and passed by two-third vote.

Mr. Wælder introduced a bill to amend the 14th section of an act to organize the Supreme court of the State. Read first time.

Mr. Wælder moved to suspend rule, and place bill on second reading. Lost.

Mr. Short reported as follows in behalf of Judiciary committee :

COMMITTEE ROOM, 11th Feb., 1860.

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee on Judiciary to which was referred sundry bills, resolutions and petitions, have the honor to report, that many of the same have been considered by the committee, who deem it unwise and impolitic for them to be adopted, and the residue, the committee, for want of time and a pressure of more important business, have been prevented from giving them that degree of attention to which they may have been entitled, and therefore beg leave to return the same to the House, and ask for their indefinite postponement. All of which is respectfully submitted.

D. M. SHORT,

One of the Committee.

Mr. Stewart, chairman of committee on Finance, reported a bill to authorize the Governor to raise means to repel invasion and suppress insurrection. Read first time.

On motion of Mr. Stewart, rule suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Nelson, rule further suspended, bill read third time and passed.

Mr. Ross, chairman of committee on Counties and County Boundaries, reported, recommending the passage of the Senate's bill to legalize the location of the county seat of Bee county.

Mr. Craig, chairman of committee on Court of Claims, reported, asking to be discharged from further consideration of bill to ratify and confirm a decree or judgment of district court of Bexar county.

Mr. Norton introduced a joint resolution to require certain duties of Comptroller. Read first time.

On motion of Mr. Norton, rule suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Townes, rule further suspended, bill read third time and passed.

On motion of Mr. Craig, the rule was suspended, and a bill reported by committee on Court of Claims, for relief of sundry persons therein named, was taken up read second time and ordered to be engrossed.

On motion of Mr. Craig, rule further suspended, bill read third time, and the question being on the passage of the bill, the yeas and nays were ordered on motion of Mr. Whitmore, and stood as follows :

YEAS.—Messrs. Anderson Barnard Baxter Billingsley Bryan Camp Craig Crooks Clark Cumby Daniels Davis of B. Davis of H. Dennis Dougherty Duncan Flewellen Franklin Hall Harrison of V. Z. Hartley Henry Lynch Mabry Manly Martin McClarty McCutchan Middleton Munson Nelson Owens Parker Pirkey Redgate Ross Shannon Shelton Short Smith Stewart Townes Wælder Walworth and Warfield—44.

NAYS.—Messrs. Speaker Branch Caddell Crawford Crooks Dickson Ellett Epperson Francis Foscue Lewis of M. McKnight Mundine Norton Speights Waterhouse Whitfield Whitmore and Wortham—19.

House's bill to amend 20th section of act to incorporate Memphis, El Paso and Pacific Railroad Company, with amendments by the Senate, taken up, and House refused to agree to amendments.

Senate's bill regulating fees in General Land Office. Read third time.

Mr. Haynes offered a substitute for the bill.

Mr. Dickson moved to lay the substitute on the table. Carried by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Billingsley Branch Bryan Caddell Camp Craig Crawford Crooks Clark Cumby Dale Daniels Dickson Epperson Flewellen Francis Franklin Foscue Hartley Lewis of M. Lynch McClarty McKnight Middleton Owens Parker Perry Pirkey Redgate Ross Shelton Speights Stewart Townes Walworth Warfield Waterhouse Whitfield and Whitmore—44.

NAYS.—Messrs. Barnard Dougherty Ellett Hall Haynes Henry Mabry Manly Martin McCutchan Mundine Nelson Norton Shannon Short Smith and Wælder—17.

And the bill passed.

On motion of Mr. Stewart, the rule was suspended, and bill

supplemental to an act to reorganize the Court of Claims, taken up, read first time, rule suspended, read second time and passed to third reading. Rule further suspended, bill read third time and passed.

Mr. Crocks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to authorize the Governor to raise means to repel invasion or suppress insurrection.

A message from the Senate informed the House, that the Senate had passed House's bill, to require clerks of 2nd judicial district, to apportion the causes on their dockets.

Bill supplementary to an act to incorporate the city of Marshall, Harrison county.

Bill to incorporate Washington Collegiate Female Institute in Washington county, and had passed Senate's bill making an appropriation for contingent expenses of 8th Legislature.

Also, had concurred in first amendment, and refused to concur in second amendment by House to Senate's bill to organize the State militia.

Also, concur in House's amendment to bill to provide for payment of supplies furnished to Capt. John William's company of rangers.

Senate adhere to their amendment to House's bill for relief of B. B. B. & C. Railroad Company and their assignees, and appoint Messrs. Throckmorton and Herbert committee of conference.

Also, adhere to their amendments to the bill to amend the 20th section of act to incorporate Memphis, El Paso and Pacific Railroad Company, and appointed Messrs Throckmorton Harman and Blanche committee on conference.

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 be entitled an act to authorize the county court of the county of Nueces to levy a special tax.

A bill to validate unconditional certificate for three hundred and twenty acres No. 567, issued on the 4th February, 1856, to S. Pangburn, assignee of C. L. Wood.

A bill to authorize and require the Commissioner of the General Land Office to patent the surveys made by virtue of certain Peter's colony augmentation certificates.

A bill for the relief of the heirs of Andrew J. Ford, deceased.

A bill for the relief of the heirs of Joseph C. Gentry, deceased.

A bill to amend an act to incorporate the Herman University, approved 27th January, 1844.

A bill making appropriations for the support of the State government for the years 1860 and 1861.

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.

Also, a bill to be entitled an act to define the boundaries of Calhoun county.

A. M. BRANCH,
One of the Committee.

Also, an act to incorporate the Hydraulic Company of San Antonio.

An act for the relief of Andres Menchaca.

An act for the relief of Jose Leonardo de la Garza Trudo.

An act supplementary to an act entitled an act to reorganize the Court of Claims, and to extend the time for presentation of claims for land against the Republic or State of Texas.

An act to encourage the building of steamboats, steamships and other vessels built in the State of Texas.

Mr. Branch, one of committee on Enrolled Bills, reported as follows.

TO THE HON M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, viz :

A bill to be entitled an act to incorporate the Yegua Bridge and Turnpike Company.

A bill to be entitled an act for the relief of the legal representatives of Calvin Gage, deceased.

An act donating one league of land each, to Dennis Mead, Richard Mead and Thomas B. Eastland.

An act for the relief of the heirs of Charles D. Ferris.

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.

A message was received from the Senate informing the House that the Senate had passed the following named House's bills :

Bill to provide for incorporation of town of Sabine Pass in Jefferson county.

Bill to incorporate Kaufman University.

Joint resolution respecting public property purchased for use of boundary survey.

And joint resolution requiring the Comptroller to furnish certain data to Secretary of Senate and Chief Clerk of House of Representatives.

[Mr. Wælder in the Chair.]

On motion of Mr. Hall, rule suspended, and Senate's bill for relief of T. F. White taken up, read second time and passed to third reading.

On motion of Mr. Hall, rule further suspended, bill read third time and passed.

Mr. Armstrong offered the following resolution:

Resolved, That the thanks of this House are cordially tendered to the Hon. M. D. K. Taylor, for the able and impartial manner in which he has presided over the deliberations of this body since his election as Speaker. Adopted unanimously.

Mr. Crooks, chairman of committee on Engrossed Bills, reported, correctly engrossed, joint resolution requiring the Comptroller to furnish chief clerk of House of Representatives and Secretary of Senate to furnish certain data.

Mr. Branch, one of committee on Enrolled Bills, reported correctly enrolled:

Bill for relief of Matiana Vega Delgado, and that the same was properly signed and had been presented to Governor for approval.

[Speaker resumed the Chair.]

Mr. Shelton moved to reconsider the vote passing House's substitute to Senates bill, supplemental to act to incorporate Memphis, El Paso and Pacific Railroad Company, approved Feb. 10th, 1858. Carried.

House's amendment to Senate's bill to reorganize militia, taken up, and House

Bill for relief of B. B. B. & C. Railroad Company, with an amendment from Senate, to which House refused to agree, taken up, and Messrs. Mabry, Bryan and Short, appointed committee of conference on said amendments.

A bill supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved Feb. 10th, 1858. Laid on the table.

The deficiency bill was taken up and read second time.

Motion to reconsider the vote striking out \$15 to S. Swindell, for making map of Wise county, was put and lost.

On motion of Mr. Haynes, the pending motion to strike out \$750 each to S. G. Haynie and Jas. G. Swisher, was laid on the table.

Mr. Stewart proposed to amend as follows :

"For pay of John Marshall for printing biennial reports for 1859, or so much thereof as may be necessary, \$3,859 75.

Balance due Supreme court library fund for 1859, or so much thereof as may be necessary, \$975." Adopted.

Mr. Townes proposed to amend as follows :

"For paying W. F. Wells, for keeping and feeding mules belonging to boundary survey, \$90." Adopted.

Mr. Norton proposed to amend by striking out, "E. B. Scarborough, balance due for printing laws in Spanish, \$127 60.

Mr. Dougherty moved to lay the amendment on the table. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Dougherty :

YEAS.—Messrs. Speaker Billingsley Dale Davis of B. Dennis Dougherty Francis Franklin Houghton Lynch McClarty Munson Pirkey Shannon Shelton Stewart Welder Walworth and Warfield—19.

NAYS.—Messrs. Anderson Armstrong Barnard Branch Bryan Caddell Camp Crawford Clark Cumby Davis of H. Dickson Duncan Epperson Foscoe Hall Harrison of C. Harrison of V. Z. Hartley Haynes Henry Hubert Lewis of M. Mabry Manly Maverick McCutchan McKnight Middleton Mundine Nelson Norton Owens Redgate Ross Smith Townes Waterhouse Whitfield Whitmore and Wrede—41.

And the amendment adopted.

Mr. Billingsley proposed to amend by adding \$4,353 to pay Eli Kirk.

A message was received from the Senate informing the House that the Senate had passed the following named House's bills, to-wit :

A bill for the relief of L. M. Stewart.

A bill to incorporate the Bright Star Educational Company.

And a bill to encourage the building of steamboats, steamships and other vessels in the State of Texas.

And had adopted the report of committee of conference on bill for relief of E. B. B. & C. Railroad Company and their assignees.

The question recurring on the adoption of the amendment, the yeas and nays were ordered on motion of Mr. Billingsley :

YEAS.—Messrs. Anderson Baxter Billingsley Branch Cumby Dennis Dougherty Duncan Epperson Franklin Hall Harrison of C. Hartley Henry Lewis of M. Lynch Mabry Maverick McCutchan Munson Nelson Owens Perry Pirkey Redgate Shaanon Short Smith Stewart Townes Wælder Walworth Whitfield and Wrede—34.

NAYS.—Messrs. Speaker Armstrong Barnard Bryan Caddell Camp Crawford Clark Dale Davis of B. Davis of H. Dickson Foscue Harrison of V. Z. Haynes Mabry McClarty McKnight Middleton Mundine Norton Parker Ross Shelton Warfield Waterhouse Whitmore and Wortham—28.

No quorum voting.

On motion of Mr. Davis of H., a call of the House was ordered.

Absentees.—Speaker Craig, Crooks, Cumby, Daniels, Duncan, Flewellen, Francis, Harrison of V. Z., Haynes, Hubert, Kinney, McClarty, McCutchan, Parker, and Speights.

Mr. Townes proposed to amend as follows :

After "capital grounds," insert, "and for laying off and improving Capitol square." Adopted.

Also, to amend as follows :

Appropriation for library strike out, "Governor," and insert, "Board of Commissioners of public grounds and buildings." Adopted.

Mr. Dougherty proposed to amend as follows :

"And for reimbursing the corporation of the city of Brownsville and the committee of safety of Cameron county, their expenses in defense of the city of Brownsville."

On motion of Mr. Dickson, laid on the table and bill passed to third reading.

Mr. Wælder moved to suspend rule and place bill on third reading.

On motion of Mr. Norton, the yeas and nays were ordered and stood thus :

YEAS.—Messrs. Speaker Anderson Baxter Billingsley Branch Bryan Camp Davis of B. Dennis Dougherty Duncan Epperson Franklin Hall Harrison of C. Hartley Haynes Henry Houghton Lewis of M. Lynch Manly Maverick McKnight Munson Nelson Owens Parker Redgate Shaanon Short Smith Stewart Townes Wælder Walworth Whitfield Wortham and Wrede—39.

NAYS.—Messrs. Armstrong Barnard Caddell Crawford Clark Dale Davis of H. Dickson Foscue Mabry Martin McKnight Mundine Norton Perry Shelton Warfield Waterhouse and Whitmore—19.

No quorum voting.

On motion the House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Roll called—quorum present.

Mr. Davis of B. made the following report from the committee on Enrolled Bills :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following named bills, and find them correctly enrolled, properly signed and have this day presented the same to the Governor for his signature and approval, to-wit :

An act to incorporate the Casino Association of La Grange

An act amendatory of, and supplementary to an act to incorporate the Galveston Wharf and Cotton Press Company.

An act to incorporate the Rock Ford Bridge Company.

An act to revise an act entitled an act to incorporate the La Grange Collegiate Institute. approved Feb. 14th, 1852, and to change the name of said Institute to that of Ewing College.

An act for the relief of Benjamin Baccus.

An act for the relief of Peter B. Norton.

An act to authorize the county surveyor of Grayson county, to transcribe certain books of record in his office.

An act to incorporate Clifton Academy in the county of Bosque.

An act to consolidate into one institution the Waco Female Seminary and the Waco Female Academy, to be called the Waco Female College, and incorporate the same.

An act concerning Factors and Commission Merchants.

An act to authorize the Commissioner the General Land Office to introduce the De Rye method of printing and multiplying maps or drawings, &c., or to establish a photographic bureau.

An act to attach Blanco county to the 4th judicial district and to amend an act to fix the time of holding courts therein.

An act to change the time of holding the district courts of the 9th judicial district.

All of which is respectfully submitted.

B. H. DAVIS.

One of the Committee.

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 provide for the payment of supplies furnished to Capt. John Williams' company of rangers.

A bill entitled an act to amend the 4th, 8th, 15th, 18th and 34th sections of an act to provide for the assessment and collection of taxes.

A bill for the relief of T. F. White.

A bill to be entitled an act to incorporate the Texas Cotton Seed Oil and Manufacturing Company.

A bill to be entitled an act to incorporate the Metropolitan Railroad 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.

COMMITTEE ROOM, 10th Feb., 1860.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, and find them correctly enrolled, properly signed and have this day presented the same to the Governor for his approval and signature

A bill to encourage the citizens of El Paso county to irrigate the Rio Grande valley.

A bill to incorporate the Lexington Male and Female Academy.

A bill making appropriations for completing the present buildings for erecting out-houses, for clearing a portion of the grounds, and for organization, support and maintenance of the Lunatic Asylum for the years 1860 and 1861.

Mr. Maby, one of the committee of Conference, reported as follows :

COMMITTEE ROOM, February 11, 1860.

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee of Conference, appointed by both House's of the Legislature, on amendments by the Senate to the House's bill for the relief of the Buffalo Bayou, Brazos and Colorado Railroad Company and their assignees, have had the same under consideration, and have agreed to the following amendment to the Senates amendment :

Insert between the words, "not located" in the first line, the words, "or may not be," and beg to ask the House to agree thereto.

THROCKMORTON,
On part of the Senate.

MABRY,
BRYAN,
SHORT,

Committee on part of the House.

Adopted.

A message from Senate informed the House, that Senate had passed

Bill to incorporate Greenville Institute.

Bill to incorporate Dialectic Society of McKenzie Institute.

Bill to pay for printing and compiling abstract of titled lands.

Bill for relief of certain persons.

Senate's joint resolution, relative to instructing our delegation relative to protection of frontier, taken up, read first time.

Rule suspended, read second time and passed to third reading.

Rule further suspended, bill read third time and passed.

On motion of Mr. Wælder, the deficiency bill was taken up.

On motion of Mr. Camp, the vote passing deficiency bill to third reading was reconsidered.

On motion of Mr. Wælder, the Kirk amendment was reconsidered.

And on motion of Mr. Dickson, laid on the table.

Mr. McKnight proposed to amend follows :

"Provided that this act shall not be construed to apply to any claim, where the same shall not have been provided for by pre-existing laws. Adopted, and bill passed to third reading.

Rule suspended, bill read third time and passed.

Mr. Dennis moved to suspend rule, and take up bill for relief of certain persons. Lost.

Mr. Shannon moved to take up bill to attach certain unorganized counties to organized counties, for judicial and other purposes Carried. Bill read first time.

On motion of Mr. Nelson, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

Mr. Wælder moved to suspend rule, and to take up bill to incorporate Literary Institute of San Antonio. Lost.

On motion of Mr. Davis of H., rule suspended, and bill granting land to W. H. D. Carrington, N. G. Shelley and Wm. Alexander taken up, read third time and passed.

Mr. Norton moved to take up bill defining boundary between Erath and Comanche. Carried, and bill read third time.

A message from the Senate informed the House, that Senate had passed House's bills :

Bill for relief of heirs of E. Humphries.

Bill for relief of P. W. Fuller.

Bill for relief of A. F. Smith.

Bill for relief of Thos. McFarland.

On motion of Mr. Nelson, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Nelson, rule further suspended, bill read third time and passed.

Senate's bill to make further appropriation for contingent expenses of Legislature, taken up, read first time.

On motion of Mr. Franklin, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Haynes, rule further suspended, bill read third time and passed.

On motion of Mr. Middleton rule suspended, and bill for relief of Geo. W. Bates, taken up, read first time.

Rule suspended, bill read second time and passed to third reading.

Rule further suspended, bill read third time and passed.

On motion of Mr. Dougherty, rule suspended, and bill to require the paymaster on the Rio Grande, to receive pay for arms, &c., furnished by individuals to said troops, taken up read third time and passed.

On motion of Mr. Wælder, rule suspended, and bill to incorporate Literary Association of San Antonio, taken up, read first time.

On motion of Mr. Wælder, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Wælder, rule further suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Barnard Baxter Branch Bryan Camp Crawford Crooks Cumby Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Epper-son Flewellen Franklin Foscue Hall Harrison of V. Z. Hartley Haynes Henry Houghton Hubert Lewis of M. Lynch Mabry Manly Martin Maverick McClarty McKnight Middleton Mun-
dine Munson Nelson Norton Parker Perry Pirkey Redgate Shan-

non Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitnore Wortham and Wrede—60.

NAYS.—Messrs. Caddell and Owens.

M. Perry moved to suspend rule, and take up bill for relief of certain persons therein named. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Foscue :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Billingsley Bryan Caddell Camp Crawford Crooks Clark Dale Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Epperson Hall Hartley Haynes Henry Houghton Hubert Mabry Manly Martin Maverick McClarty McKnight Middleton Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Shannon Smith Stewart Townes Wælder Walworth Warfield Waterhouse Whitfield Wortham and Wrede—53.

NAYS—Messrs. Branch Cumby Flewellen Franklin Foscue Lewis of M. and Whitmore—7.

Bill read second time and ordered to be engrossed.

Mr. Camp moved to suspend rule, and place bill on final reading. Lost by the following vote, four-fifths not voting therefor :

YEAS—Messrs. Speaker Anderson Armstrong Barnard Baxter Bryan Caddell Camp Crawford Crooks Davis of B. Davis of H. Dennis Dougherty Duncan Ellett Epperson Hall Hartly Haynes Henry Houghton Hubert Lynch Mabry Maverick Middleton Mundine Munson Nelson Norton Parker Perry Redgate Shannon Shelton Smith Stewart Townes Wælder Walworth Warfield Whitfield and Wrede—44.

NAYS—Messrs. Branch Clark Cumby Dale Dickson Flewellen Franklin Foscue Lewis of M. Manly McClarty McKnight Pirkey Short Waterhouse Whitmore and Wortham—17.

Mr. Davis of B. made the following report from the committee on Enrolled Bills :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined the following bills, and find them correctly enrolled, properly signed and have this day presented the same to the Governor for his signature and approval :

An act for the relief of Malcom L. Stewart.

An act to require the district clerks in the second judicial district to apportion the causes on their dockets.

An act amending the several acts regulating proceedings in the district court.

An act to be entitled an act supplementary to an act incorporating the city of Marshall, Harrison county.

An act incorporating the Nacogdoches Historic Society.

An act to authorize the county to transcribe the land records of said county, from the records of the late Denton land district, and to legalize the same.

B. H. DAVIS.

One of the Committee.

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 be entitled an act to provide for the incorporation of the town of Sabine Pass in Jefferson county.

A bill to prevent judgments from becoming dormant, and to create and preserve judgment liens.

A bill for the relief of M. F. Alexander.

A bill to be entitled an act to incorporate Washington Collegiate Female Institute in Washington county.

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.

Message from the Senate informed the House that the Senate had passed House's bill for relief of Jose Ygnacio Cordova.

Also, had amended and passed House's bill providing for the investment of the sinking fund.

Also, had passed House's bill for the relief of B. H. Zachary.

And had refused to concur in House's amendment to Senate's bill making appropriation to supply the deficiency in former appropriations and for other purposes.

And had passed House's bill to consolidate into one act the several acts incorporating the city of Galveston.

On motion of Mr. Hartley, rule suspended, and bill to consolidate into one act, the several acts incorporating Galveston, taken up, read second time and passed to third reading.

Rule further suspended, bill read third time and passed.

Senate's general deficiency bill, with amendments by House which Senate refused to concur in, and amendments adhered in, and Messrs. Foscoe, Davis of H., and Warfield, appointed a committee on Conference thereon.

On motion of Mr. Townes, rule suspended and bill giving certain real estate to the city of Austin, taken up, read second time and ordered to be engrossed.

Rule suspended, bill read third time.

Message from Senate informed the House, that Senate had appointed Messrs. Throckmorton, Potter and Townes, a committee of Conference on general deficiency bill.

The question recurring on the final passage of the bill, no quorum voting, and

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met—roll called—no quorum present.

On motion of Mr. Foscue, a call of the House was ordered.

Absentees.—Messrs. Barnard, Baxter, Billingsley, Bryan, Craig, Cumby, Daniels, Dennis, Flewollen, Hall, Harrison of C. Hartley, Kinney, Lewis of R., Manly, Navarro, and Taylor.

Quorum being present, House's bill, to provide for the investment of the sinking fund, with amendments by the Senate, taken up, and amendments concurred in.

Mr. Foscue, on part of committee of Conference, reported as follows :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The committee of Conference, appointed upon a bill to be entitled an act making appropriations to supply the deficiency in former appropriations and for other purposes, have had the same under consideration, and recommend that the House of Representatives secede from the first second and fifth amendment made by the House, and that the Senate agree to the third, fourth, sixth, seventh and eighth amendments made in the House of Representatives.

F. F. FOSCUE.

Chairman on part of House.

J. W. THROCKMORTON.

Chairman on part of Senate.

Adopted.

The bill pending when the House adjourned, to-wit :

Bill to amend first section of the act granting real estate to city of Austin, read third time and rejected by the following vote :

YEAS—Messrs. Branch Davis of H. Dennis Dickson Dougherty Duncan Flewollen Hartley Haynes Houghton Lewis of M. Manly Middleton Mundine Norton Owens Parker Perry Redgate Shannon Shelton Smith Townes Walworth Warfield and Wrede—26.

NAYS—Messrs. Speaker Anderson Armstrong Baxter Bryan

Caddell Crooks Crawford Clark Cumby Dale Davis of B. Ellett Franklin Foscue Hall Hartley Harrison of V. Z. Hubert Lynch Mabry Maverick McKnight Munson Nelson Pirkey Short Stewart Wælder Waterhouse Whitfield Whitmore and Wortham—34.

On motion of Mr. Baxter, the rule was suspended, and the act to authorize the appointment of Commissioner to take the acknowledgements of deeds, depositions, &c., executed out of the State, taken up.

On motion of Mr. Harrison of V. Z., a call of the House was ordered.

☞ Absentees.—Messrs. Speaker, Barnard, Billingsly, Davis of B. Epperson, Francis, Kinney, Navarro and Taylor.

Mr. Baxter moved to suspend call. Lost.

On motion of Mr. Townes, the bill to amend the act to incorporate city of Austin, was taken up.

Mr. Cumby moved to lay bill on the table. Lost and bill read second time.

On motion of Mr. Mabry, a call of the House was ordered.

On motion of Mr. Nelson, rule suspended, and bill to repeal the 2nd section of act to authorize the Commissioner of General Land Office, to patent surveys not in square form, taken up, read first time.

On motion, rule suspended, bill read second time and passed to third reading.

Rule further suspended, bill read third time and passed.

On motion of Mr. Manly, the rule suspended, and bill to incorporate Texas, New Orleans and Northern Express Company, taken up read first time.

Rule suspended, bill read second time and passed to third reading.

On motion of Mr. Manly, rule suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Speaker Anderson Armstrong Baxter Branch Bryan Caddell Camp Crawford Crooks Clark Cumby Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Ellett Flewellen Franklin Hall Harrison of V. Z. Hartley Haynes Houghton Henry Hubert Kinney Lewis of M. Lynch Mabry Manly Martin Maverick McClarty McKnight Mundine Munson Nelson Norton Owens Parker Pirkey Redgate Shannon Shelton Short Smith Stewart Townes Wælder Walworth Warfield Waterhouse Wortham and Wrede—59.

NAYS—Messrs. Foscue Middleton and Whitmore—3.

Message from the Senate informed the House that Senate had concurred in House amendment to Senate's bill for relief of

Andres Manchaca, and bill for relief of Jose Leonardo de la Garza Trudo.

Also had adopted report of committee of Conference, on bill making appropriation to supply deficiencies in former appropriations, and for other purposes.

On motion of Mr. Armstrong, a bill to provide for the purpose of providing for the publication of the general laws of the State in newspapers, was taken up with report from committee recommending substitute, which was adopted.

Mr. Davis of H. proposed to amend by printing in some one of the papers in each judicial district, and each of the papers in the city of Austin.

Mr. Anderson moved to lay the bill on the table. Carried by the following vote, yeas and nays being ordered on motion of Mr. Norton:

YEAS—Messrs. Speaker Anderson Bryan Caddell Camp Clark Cunby Dennis Flewellen Franklin Foscue Hartley Houghton Hubert Kinney Lynch Maverick McKnight Middleton Parker Perry Pirkey Shelton Short Smith Stewart Walworth Warfield Whitfield and Whitmore—30.

NAYS—Messrs. Armstrong Baxter Branch Crawford Crooks Davis of B. Davis of H. Dickson Dougherty Duncan Ellett Hall Harrison of V. Z. Haynes Lewis of M. Mabry Manly Martin McClarty Munson Nelson Norton Owens Redgate Shannon Townes Waelder Waterhouse and Wrede—30.

On motion of Mr. Lynch, the call of the House on the bill to amend the act to incorporate the city of Austin, was suspended, bill taken up, read second time and ordered to be engrossed.

On motion the rule was suspended, bill read third time and passed.

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the following bills, viz:

A bill to be entitled an act for the relief of Bennet H. Zachary.

A bill for the relief of A. F. Smith.

Joint resolutions respecting the public property purchased for the use of the boundary survey.

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.

Also an act regulating the fees of the General Land Office.

A. M. BRANCH.

Mr. Baxter moved to suspend a call on bill to amend the act to provide for taking deposition of witnesses in foreign countries. Lost.

Mr. Harrison of V. Z., moved to suspend rule and take up bill defining the boundary line of Hopkins county. Lost.

Mr. Taylor of Cass (Mr. Dickson in the Chair) offered a bill to authorize unpaid warrants to draw interest. Read first time and rule suspended, read second time.

Mr. Stewart offered the following amendment :

Add to section 1st, "but said warrants shall not circulate as money."

Mr. Wælder proposed to amend the amendment as follows :

Add to end of the amendment "but parties holding the same may assign them. Amendment accepted.

Mr. Hartley proposed to amend as follows :

Provided, That the Comptroller shall not issue warrants on the Treasurer under this bill, amounting in the aggregate to more than one hundred thousand dollars.

On motion of Mr. Wælder, laid on the table.

Mr. Owens moved to lay the motion on the table. Lost, and amendment adopted, bill ordered to be engrossed.

On motion rule was suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Speaker Anderson Armstrong Baxter Branch Camp Crawford Crooks Clark Cumby Dale Davis of B. Davis of H. Dennis Dickson Dougherty Duncan Epperson Flewellen Foscue Hall Haynes Henry Houghton Hubert Kinney Lewis of M. Lynch Mabry Manly Martin McClarty McKnight Middleton Mundine Munson Nelson Norton Owens Parker Perry Pirkey Redgate Shannon Shelton Smith Stewart Townes Wælder Warfield Wortham and Wrede—53.

NAYS—Messrs. Bryan Caddell Ellett Franklin Hartley Maverick Short and Whitmore—8.

Mr. Baxter moved to suspend call of House on the bill to provide for taking depositions in foreign countries. Lost.

Mr. Maverick moved to suspend rule and take up bill for relief of Edward Hall.

Mr. Baxter moved a call of the House. Carried, and Mr. Maverick's motion lost.

Mr. Bryan offered the following resolution :

Be it resolved by the House that the sum of twenty-six dollars be paid to the publishers of the Intelligencer, and sixty-

three dollars be paid to the publishers of the Gazette, for newspapers furnished the members of this House, and that said sums be paid out of the contingent fund of the House of Representatives. Adopted.

Mr. Davis of Bastrop, of the House committee on Enrolled Bills, submitted the following report :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the sub-joined bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval, to wit :

An act to incorporate the Kaufman University.

An act regulating the paymaster for the State troops on the Rio Grande to receive pay for arms and other necessary articles furnished by individuals to said troops.

An act to grant land to N. G. Shelly, W. H. Carrington and William Alexander.

An act to create the county of Wilson.

An act making an appropriation for contingent expenses of the 8th Legislature.

An act for the relief of Jose Ygnacio Cordova.

An act to repeal the second section of an act approved January 17th, 1860, to authorise the Commissioner of the General Land Office to issue patents on surveys heretofore made not in regular form according to law.

An act to consolidate in one act and to amend the several acts incorporating the town of Galveston.

An act to define more certain the boundaries between Erath and Comanche counties.

An act amendatory of an act entitled an act to incorporate the town of Waco, in McClellan county, approved August 29th, 1856.

An act for the relief of P. W. Tuller.

An act for the relief of Thos. S. McFarland.

An act for the relief of Buffalo Bayou, Brazos and Colorado Railroad Company and their assignees.

Respectfully submitted.

B. H. DAVIS.

Mr. Franklin introduced a joint resolution on Federal Relations, in response to South Carolina resolutions. Read first time.

Mr. Baxter moved to suspend call of the House. Lost.

Mr. Harrison of V. Z., moved to suspend bill and place joint

resolution on second reading. Lost, four-fifths not voting for suspension.

Mr. Owens offered the following resolution :

Resolved, That there is among human inventions no "higher law" than the Constitution of the United States, and no bigger State than Texas.

Ruled out of order.

On motion of Mr. Foscoe the rule was suspended, and the bill to provide for safe keeping of State Library was taken up, read first time.

Senate's bill to provide for payment of the compiling and printing of land titles, taken up, read first time.

Mr. Norton offered the following resolution :

Resolved, That the chief clerk be required to forward immediate upon publication, to each member by mail, a copy of the Laws and Journals of the 8th Legislature, the postage to be paid out of the contingent fund.

Mr. Davis of Bastrop made the following report from the committee on Enrolled Bills, to-wit :

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval, to-wit :

An act to authorize unpaid warrants to draw interest.

An act to incorporate the Dialectic Society of McKenzie Institute.

An act to incorporate the Bright Star Educational Company.

An act to provide for the sale of the reservations of land ceded to the U. States for Indian purposes, by an act of the Legislature, approved February 6th, 1854.

An act to incorporate the Greenville Institute.

An act providing for the investment of the Sinking Fund.

An act for the relief of J. B. and D. K. Wortham, assignees of F. W. Woodard.

An act to incorporate the San Antonio Literary Association.

An act to amend an act incorporating the city of Austin.

An act to provide for the organization of the militia of the State of Texas.

An act to restore George Baits to his civil rights.

An act to attach certain unorganized counties to organized counties for Judicial and other purposes.

An act to incorporate the Texas, New Orleans and Northern Express Company.

An act for the relief of J. H. Brown.

An act for the relief of the heirs of E. Humphreys.

Joint resolution and act for the relief of Buford Garrett.

Joint resolution instructing our delegates in Congress in relation to frontier protection.

TO THE HON. M. D. K. TAYLOR,

Speaker of the House of Representatives :

The joint committee have examined an act for the relief of certain persons therein named, and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval.

A bill for the relief of John Ricord. B. H. DAVIS.

On motion the House adjourned till 8 o'clock, A. M., Monday.

HOUSE OF REPRESENTATIVES, }
Monday, Feb. 13th, 1860. }

House met pursuant to adjournment—roll called and the following members answered to their names :

Messrs. Speaker, Baxter, Barnard, Billingsley, Branch, Bryan, Crooks, Clark, Cumby, Dale, Davis of B., Dickson, Dougherty, Duncan, Ellett, Franklin, Hall, Hartley, Haynes, Henry, Lynch, McClarty, McKnight, Mundine, Norton, Owens, Perry, Pirkey, Redgate, Shannon, Short, Smith, Stewart, Townes, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Whitmore, Wortham and Wrede.

The Secretary of the Senate announced the passage of a bill for relief of John Ricord, and the Omnibus bill, by the Senate.

The Journal of Saturday was read.

Messrs. Duncan, Barnard, Lynch and Franklin, rose to personal explanations.

The hour having arrived for the adjournment *sine die*, the Speaker rose and said :

Gentlemen of the House of Representatives :

The time for our dissolution, in accordance with the resolution we have adopted for adjournment, has arrived. If left to my feelings, I should silently adjourn this body. But the very flattering resolutions you have lately passed in relation to my conduct as your presiding officer, demand it of me, I think, as a duty that I should unhesitatingly respond to them. For the last eighteen years I have been attending Legislatures, and I have

never yet, on these occasions, failed to experience a feeling of regret, on parting with those with whom I have acted in efforts for the common good of a common constituency, during the session. To have to part with them, perhaps never again to meet, ever awakens, in my bosom, emotions akin to pain.

In the performance of my duties, fellow members, if I know myself, I have not known one of you in preference to another, but have dealt out to you the rules we have adopted for our government, equally and alike to all. And, but for a call which draws me to a home that I love, I would be loth to leave these halls and their associations. I leave you, each of you, with the kindest feelings. And I was glad, this morning, to hear certain explanations by members of this House. For, as we have been here together for a hundred days, acting, with but one or two rare exceptions, as a band of brothers, I hoped, and I believe now, we part as brothers and as friends. My reflections and reminiscences, in connection with the past session, are such as I shall cherish and treasure up in my heart during the whole series of my declining years. I shall ever look back upon each one of you as a member with whom I have acted for the common good of a common constituency. And I cannot close these remarks without admonishing you of the importance of action on the part of every person now in political power in this government of ours. When a man is elected, under our form of government, to a position even as low and humble as ours, it gives to that individual a certain influence with those who elect him. There is—and it cannot be denied that there is—a crisis in the history of the American Union. Therefore it behooves every man, be he an officer or a private citizen of this Union, to weigh well the affairs of State at this juncture. Our federal government has been trying, for over three fourths of a century, to work out the great problem of self government. The American people contend that they are competent for self government; while no other nation, perhaps, under the sun, has ever yet claimed that the people are capable of self government. Then when a dark cloud is hovering over this happy Union—this Union of States, held together and cemented by the Constitution—the greatest and best government ever framed by man; I say, when clouds are rising that threaten to crush to atoms that Constitution, in behooves every man, and especially those who are placed on the watch-tower, at this particular juncture, to look well to the interests of our common country. I would not have you tamely submit to misrule or wrong, far be it from me. I would have every American citizen contend for his rights under the Constitution. But what

I would say here to you, to-day, and what I would say to the country, to the States, to the Union, had I a voice to extend to them, is that you should have discretion; that you should ponder well the effects to which one wrong step, either in this Legislature, or in your capacity as a private citizen, at home, might lead you. I would have you ponder well these things. I hold that the great thing to be done now, is to strive to perpetuate the greatest instrument ever penned by man—the bond which binds together the Union—the Constitution of the United States. Let us protect, unharmed and untorn, this sacred instrument; for by this, and nothing else, can we perpetuate this Union.

When we return to our constituents and friends, let us reason calmly with them; let us not be impracticable. Let us contend for our rights, for every inch of our rights, under the Constitution. And let us not, in a moment of excitement, perform an act which might tend to overwhelm with ruin, the greatest government a people ever knew.

I wish you, fellow members, a safe return to your homes, your families and your constituents. And as I remarked before, although I may never see any of you again, you will live in my remembrance all the days of my life. And to the officers of this Legislature, who have so ably discharged their duties, and aided me so efficiently in the discharge of mine, I return you, fellow officers, my sincere thanks.

I now pronounce the House of Representatives of the Eighth Legislature of the State of Texas, adjourned without day.

Read and approved February 13th, 1860.

M. D. K. TAYLOR,
Speaker House of Representatives.

Attest,
W. L. CHALMERS,
Chief Clerk House of Representatives.