SENATE JOURNALS.

AUSTIN, NOVEMBER 2nd, 1857.

This being the day prescribed by law for the assembling
of the Legislature of the State of Texas, the Senate met at
the Capitol, in the City of Austin, at 10 o'clock, A. M., when
and where the following proceedings were had:

The Hon. Hardin R. Runnels, Lt. Governor and ex-officio
President of the Senate, took the Chair and called the Sen-
ate to order.

Mr. James F. Johnson acting as Secretary, pro tem.

Mr. A. M. Clare was appointed Sergeant-at-Arms, pro tem.

The roll of Senators elected since the last adjournment, be-
ing called by Districts, the following Senators appeared, pre-
sented their credentials, and being qualified took their seats:

From—

District No. 4, composed of the counties of Collin, Gray-
son, Denton, Kaufman and Cooke—James W. Throckmorton.
District No. 5—Dallas, Tarrant, Ellis, &c.—A. G. Walker.
District No. 9—Rusk—Malcolm D. Graham.
District No. 11—Cherokee—Robert H. Guinn.
District No. 13—Nacogdoches and Angelina—John N. Fall.
District No. 17—Galveston—Mark M. Potter.
District No. 23—McLennan, Falls, Bell, Williamson and
Milam—George B. Erath.
District No. 28—Cameron and Hidalgo—Edwin B. Scar-
borough.
District No. 29—Starr, Webb, Nueces, San Patricio and
Refugio—Forbes Britton.
District No. 30—Bexar—Isaiah A. Paschal.
District No. 32—Fayette, Colorado and Austin—Claiborne
C. Herbert.
District No. 33—El Paso—Archibald C. Hyde.

The roll of the Senate being called, the following Senators
answered to their names:
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Nominations for Secretary being in order, Mr. Taylor of Cass nominated Mr. James F. Johnson.

Mr. Russell nominated Mr. C. H. Randolph.

Messrs. Taylor of Houston, Russell and Maverick were appointed tellers.

The ballot being taken, Mr. Johnson received sixteen votes, Mr. Randolph nine votes.

Mr. Johnson having received a majority of all the votes, was declared duly elected.

The election of 1st Assistant Secretary being next in order—

Mr. Britton nominated Mr. R. T. Brownrigg. There being no other nomination, Mr. Brownrigg received twenty-two votes, Blank one vote. Mr. Brownrigg was declared duly elected.

The Senate then proceeded to the election of 2nd Assistant Secretary.

Mr. Paschal nominated Mr. J. B. J. Oliver.

" Lott " " C. L. Collins.

" Taylor of Cass, nominated Mr. Thomas P. Samford.

" Potter " " Henry D. Patrick.

Mr. Oliver received three votes; Mr. Collins three votes; Mr. Samford eleven votes, and Mr. Patrick seven votes.

No one candidate having received a majority of all the votes, the Senate proceeded to a 2nd balloting.

The names of Messrs. Oliver and Collins being withdrawn, Mr. Samford received nineteen votes, and Mr. Patrick six votes.

Mr. Samford having received a majority of all the votes, was declared duly elected.

The election of Engrossing Clerk being next in order—

Mr. Scarborough nominated Mr. Stephen Cummings.

Mr. McCulloch nominated Mr. E. H. Rogan.

Mr. Paschal nominated Mr. J. A. Quintero.

Mr. Lott nominated Mr. C. L. Collins.

Mr. Cummings received eight votes.

" Rogan " three "

" Quintero " eleven "

" Collins " four "

No one candidate having received a majority of all the votes,
the Senate proceeded to a 2nd balloting, when the name of Mr. Rogan having been withdrawn;
Mr. Cummings received nine votes, Mr. Rogan one, Mr. Quintero eleven, and Mr. Collins three.

Neither of the candidates having received a majority, the Senate proceeded to a 3rd balloting. The name of Mr. Collins being withdrawn.
Mr. Cummings received fifteen votes, Mr. Quintero ten votes.
Mr. Cummings having received a majority of all the votes, was declared duly elected.

The Senate then proceeded to the election of Enrolling Clerk, when Mr. Quinn nominated Mr. J. Pat. Henry; there being no other nomination, Mr. Henry received twenty-one votes, Mr. Quintero three votes.
Mr. Henry was declared duly elected.

The Senate then proceeded to the election of a Sergeant-at-Arms.
Mr. McCulloch nominated Mr. William A. Pitts.
Mr. Walker nominated Mr. R. B. Seigler.
Mr. Throckmorton nominated Mr. Latimer.
Mr. Quinn nominated Mr. C. W. Cheney.
Mr. Potter nominated Mr. James M. Alexander.

On counting the ballot, Mr. Pitts received twelve votes, Mr. Seigler three, Mr. Latimer four, Mr. Cheney three, Mr. Alexander three.

Neither of the candidates having received a majority, the Senate proceeded to a second balloting.
Mr. Quinn withdrew the name of Mr. Cheney.
Mr. Pitts received thirteen votes, Mr. Seigler three, Mr. Latimer six, and Mr. Alexander three votes.
Mr. Pitts was declared duly elected.
The Senate then proceeded to the election of a Door Keeper.
Mr. Grimes nominated Mr. Mangum.
Mr. Taylor of Cass nominated Mr. Truit.
Mr. Truit received twenty-three votes, Mr. Mangum received two votes.
Mr. Truit having received a majority, was declared duly elected.

On motion of Mr. McCulloch, the Senate proceeded to the election of Assistant Doorkeeper.
Mr. Taylor of Cass nominated Mr. A. M. Clare.
Mr. McCulloch nominated Mr. Wm. O. Burnam.
Mr. Caldwell nominated Mr. Ernst Raven.
Mr. Martin nominated Mr. Joseph Mangum.
Mr. Clare received thirteen votes, Mr. Burnam four, Mr. Raven two, and Mr. Mangum four votes.
Mr. Clare having received a majority of the votes, was declared duly elected.
On motion of Mr. Taylor of Cass, the rules of the last Senate were adopted.
Mr. Taylor of Cass offered the following resolution:
Resolved, That the President of the Senate appoint the usual Standing Committees; adopted.
On motion of Mr. Potter, the Senate adjourned until tomorrow morning at 9 o'clock.

TUESDAY, NOVEMBER 3, 1857.
The Senate met pursuant to adjournment—roll called—quorum present.
The journal of yesterday was read and adopted.
Mr. Taylor of Cass presented the petition of James N. Scott; referred to the committee on State Affairs.
Mr. Potter presented the petition of George B. and Ann B. McKinstry; referred to the committee on State Affairs.
Messrs. Kittrell, Bee and Rainey, a committee from the House, informed the Senate that the House had organized and was ready to proceed to business.
A message was received from the House, informing the Senate that the House had elected the following officers:
WM. S. TAYLOR, Speaker.
H. H. HAYNIE, Chief Clerk.
THOS. P. OCHILTREE, 1st Assistant Clerk.
W. L. CHALMERS, 2nd Assistant Clerk.
CHARLES CONEY, Engrossing Clerk.
ALF. DAVIS, Enrolling Clerk.
B. F. PARKS, Sergeant-at-Arms.
R. R. ROBERTSON, Assistant Sergeant-at-Arms.
THOS. RODGERS, Door Keeper.
T. P. PLASTER, Assistant Door Keeper.
ROBERT COTTON, Messenger.
Mr. Russell offered the following resolution:
Resolved, That the Secretary of the Senate be requested to
furnish the House of Representatives and the Governor, each, with a list of the officers of the Senate; adopted.

Mr. Guinn offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses, be instructed to make arrangements to pay out of the Contingent Fund, for the use of the Senate, the postage on any and all newspapers and public Documents, on which postage is required by law to be paid, which may be sent through the Post Office by the members of the Senate, during the present session; adopted.

Mr. Graham offered the following resolution:

Resolved, by the Senate, the House concurring, That the two Houses will go into the election of Public Printer, to-morrow (Wednesday) at half-past 11 o'clock, A. M., and also that the two Houses will, at the same time, open, count and declare the votes for Governor and Lieutenant-Governor; the result of which, by entries in tabular form, shall be entered in full on the journals of each House; adopted.

A message was received from the House informing the Senate that the House had appointed Messrs. Locke, Dennis and Gaston, a committee to act in conjunction with a like committee from the Senate, to inform the Governor of the organization of the two Houses, and their readiness to receive any communication he might desire to make.

Mr. Britton offered the following resolution:

Resolved, That the Senate elect a Chaplain to serve during the session; adopted.

On motion of Mr. Britton, the Senate proceeded to the election of a Chaplain.

Nominations being in order—

Mr. Scarborough nominated Rev. W. M. Baker.

" Britton " " Edward Fontaine.

" Martin " " Peter Eldridge.

" Lott " " J. W. Phillips.

Messrs. Guinn, Martin and Scarborough were appointed tellers.

On motion of Mr. Throckmorton, a call of the Senate was ordered: absent, Messrs. Paschal and Taylor of Fannin.

On motion of Mr. Throckmorton, the Sergeant-at-Arms was despatched for absent members.

On motion of Mr. Lott, a committee was appointed to wait upon the House and inform that body that the Senate had organized and was ready to proceed to business.
Messrs. Lott, Throckmorton and Truit were appointed the Committee.

On motion of Mr. Potter, the Senate proceeded to the election of a President, pro tem.

Messrs. Guinn, Martin and Scarborough were appointed tellers.

Mr. Potter nominated Mr. Taylor of Cass.

There being no other nomination, Mr. Taylor of Cass received twenty-three votes; Mr. Potter received one vote.

Mr. Taylor of Cass having received a majority of all the votes cast, was declared duly and Constitutionally elected President pro tem. of the Senate.

The Senate being full, proceeded to the election of a Chaplain.

Mr. Taylor of Fannin nominated Mr. Hiram Savage.

" Paschal " " Chas. Gillett."

On the first ballot

Mr. Fontaine received six votes,

" Eldridge " seven votes.

" Phillips " two "

" Baker " five "

" Gillett " two "

" Savage " three "

There being no election, the Senate proceeded to a second ballot, when

Mr. Fontaine received five votes.

" Eldridge " eight "

" Phillips " two "

" Baker " four "

" Gillett " one "

" Savage " five "

Mr. Lott then withdrew the name of Mr. Phillips.

On the 3d ballot

Mr. Fontaine received six votes.

" Eldridge " ten "

" Baker " three "

" Gillett " one "

" Savage " five "

There still being no election, Mr. Paschal withdrew the name of Mr. Gillett.

Mr. Scarborough withdrew the name of Mr. Baker.

On the fourth ballot

Mr. Fontaine received eight votes.
Mr. Eldridge " twelve votes.
" Savage " four "
Mr. Taylor of Fannin then withdrew the name of Mr.
Savage; and on the fifth ballot
Mr. Fontain received thirteen votes.
" Eldridge " eleven "
Mr. Edward Fontaine having received a majority of the
votes cast, was declared duly and Constitutionally elected
Chaplain of the Senate for the present session.
On motion of Mr. Potter, a committee was appointed to
act in conjunction with a like committee on the part of the
House to wait upon the Governor, and inform him of the or-
ganization of the Legislature, and its readiness to receive any
communication he might desire to make.
Messrs. Potter, Maverick and Britton were appointed the
committee.
On motion of Mr. McCulloch, one hundred copies of the
Rules of the Senate were ordered to be printed for the use of
the Senate.
Mr. Potter, from the joint committee appointed to wait
upon the Governor and inform him of the organization of the
Legislature, reported the performance of that duty by the
committee, and that the Governor would communicate with
the Legislature to-morrow morning at 10 o'clock.
On motion of Mr. Scarborough, the Senate adjourned until
to-morrow morning at 9 o'clock.

Austin, Wednesday, November 4, 1857.
The Senate met pursuant to adjournment—prayer by the
Chaplain—roll called, quorum present.
The Journal of yesterday was read and adopted.
The President announced the following

STANDING COMMITTEES.

Committee on the Judiciary—Messrs. Potter, Stockdale,
Shepard, Graham, Pashal, Wigfall, Quinan, Pirkey, Martin,
Guinn, and Taylor of Houston.
Committee on Finance—Messrs. Grimes, Lott, Hyde, Bur-
rroughs, McCulloch, Millican and Herbert.
Committee on Public Lands—Messrs. Pirkey, Taylor of
Houston, Walker, Taylor of Fannin, Caldwell, Quinan and Potter.

Committee on State Affairs—Messrs. Wigfall, Runnels, Shepard, Potter, Taylor of Fannin, Graham, Stockdale, and Paschal.

Committee on Indian Affairs—Messrs. Caldwell, Maverick, Britton, Erath, Fall, Herbert, Taylor of Fannin.

Committee on Education—Messrs. Quinan, Taylor of Fannin, Scarborough, McCulloch, Pedigo, Walker, and Britton.

Committee on the Penitentiary—Messrs. Lott, Taylor of Houston, Millican, Shepard and Grimes.


Committee on Counties and County Boundaries—Messrs. McCulloch, Erath, Walker, Paschal, Pedigo, Truit and Hyde.

Committee on Private Land Claims—Messrs. Martin, Burroughs, Britton, Maverick, Pirkey, Truit and Erath.

Committee on Roads, Bridges and Ferries—Messrs. Herbert, Truit, Walker, Grimes, Fall, Russell and Wren.


Committee on Printing and Contingent Expenses—Messrs. Scarborough, Taylor of Fannin, Taylor of Houston, Graham and Lott.

Committee on Engrossed Bills—Messrs. Russell, Lott and Fall.

Committee on Enrolled Bills—Messrs. Taylor of Houston, Stockdale and Burroughs.


Committee to act in conjunction with a like Commit-
tee from the House, in the examination of the Treasurer's Books and Accounts—Messrs. Burroughs and Throckmorton.

Committee on the Land Office—Messrs. Wren, Britton, Quinan, Throckmorton, Fall, Truit and Erah.

Mr. Pirkey presented the petition of Wm. P. Wyatt; referred to the committee on State Affairs.

Mr. Caldwell presented the petition of William O. Burnam; referred to the committee on Public Lands.

Mr. Walker presented the petition of certain settlers on the Pacific Railroad Reserve; referred to the committee on Public Lands.

Also the memorial of certain citizens of the county of Tarrant praying for a change of the county seat; referred to the committee on Counties and County Boundaries.

Mr. Taylor of Cass offered the following resolution:

Resolved, That the Secretary of the Senate be authorized to employ two porters for the Senate, whose pay shall not exceed one dollar per day, each; and also to contract for wood for the use of the Senate; adopted.

Mr. Walker introduced a bill supplemental to, and amendatory of an act entitled "an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve," passed August 26th, 1856; read 1st and 2nd times, and referred to the committee on Public Lands.

Mr. Walker introduced a bill to create the Judicial District; read 1st and 2nd times, and referred to the committee on the Judiciary.

Mr. Throckmorton introduced a bill to amend an Act entitled an "Act for the relief of Arthur G. Wavil," passed August 27th, 1856;" read 1st and 2nd times, and referred to the committee on the Judiciary.

Mr. Throckmorton offered the following resolution:

Resolved, That the committee on the Judiciary enquire into the expediency of amending or repealing an Act entitled "an Act to ascertain the legal claims for lands or money against the State," passed August 1st, 1856, and report by bill or otherwise; adopted.

Mr. Herbert presented the credentials of the Hon. Chauncey B. Shepard, Senator elect from the county of Washington, who came forward, took the oath of office and his seat.

Mr. Paschal introduced a bill to incorporate the Casino
Association of San Antonio; read 1st and 2nd times, and referred to the committee on the Judiciary.

Mr. Lott offered the following resolution:

Resolved, That the committee on Printing be instructed to contract with the Publishers of the State Gazette and the Southern Intelligencer for twenty numbers of each weekly issue for each member of the Senate; provided, that the cost shall not be more than five cents per copy, and that each weekly shall contain the proceedings of the Legislature.

Mr. McCulloch moved to amend by inserting after “number” the words “and officers;” lost.

The resolution was then adopted.

On motion of Mr. Taylor of Fannin, the Senate took a recess of ten minutes.

At the expiration of the time, the Senate was called to order—roll called—quorum present.

A message was received from the Governor transmitting his biennial message, which was, on motion of Mr. Potter read and is as follows: (See next page.)
MESSAGE.

Gentlemen of the Senate
and House of Representatives:

The pleasure experienced in meeting you on this occasion, is somewhat alloyed by the fact, that our usual prosperity has been interrupted, in some sections of the State, during the past two years, by a failure of crops caused by a drought unexampled in the annals of the country. We have, however, abundant cause for congratulation, in the bountiful supply with which other sections have been favored, the remarkable health that has distinguished the past season, the continued increase of our population and the rapid extension of our settlements. These blessings should fill our hearts with devout gratitude to that Omnificent Being whose power and goodness have been so remarkably manifested in our past history.

Many causes combine to render your present session one of unusual interest. You have assembled at a period when a large portion of the Union is laboring under financial embarrassments, that have suddenly depreciated the value of every description of property, and suspended, for a season, the operations of almost every branch of industry; the cause of these embarrassments may be traced to the rapid increase of banks, that has taken place during the last few years of unusual prosperity, whose improvident issues of paper currency have
led to reckless speculation and an extension of credit beyond the reasonable demands of business.

Our State is but slightly affected by these calamities, and that we have, in a great degree, escaped them, is owing to the fact, that under our prohibitory legislation, no paper currency has ever been able to obtain a general circulation among us.

It is to be hoped that the present financial crisis and the causes that have produced it, will not be disregarded by those who are seeking to change our policy in regard to Banking.

In giving you a statement of the condition of our finances, it is gratifying to be able to communicate, that there has been a very considerable increase in the value of our taxable property during the past two years, though not so great as at some former periods. The total valuation of the assessment for the year 1856, was $161,194,479 00, which produced an ad valorem tax of $242,996 88. The poll tax for that year produced $22,179 00, and the tax upon occupations and sales of merchandise $29,037 91, making the entire tax, for that year, amount to about $294,213 79, which was an increase of nearly eight per cent. over that for 1855.

The net revenue derived from this tax, after deducting the expenses for assessing and collecting, which amounted to about fourteen per cent., and the ten per cent. set apart by the Constitution, for schools, was $229,289 53.

The total valuation for the year 1857, was $183,594,205, which produced an ad valorem tax of $276,901 54. The poll tax for the year produced $24,225 00, and the tax upon occupations and sales of merchandise, $26,536 34, making the entire tax, for the year, amount to about $327,662 88, showing an increase of about eleven per cent. over that for 1856.

The net revenue produced by this tax, after deducting the expenses for assessing and collecting and the ten per cent. appropriated by the Constitution for schools, was about $255,044 05.
of 1860 will be received into the Treasury until near the middle of the year 1861.

It has, therefore, become a matter of necessity that we shall now abandon that practice.

Should we hereafter retain the taxes for the use of the State, the *ad valorem* tax may safely be reduced, from the present rate of fifteen cents to ten cents on the $100, and the poll tax from fifty to forty cents. It is true, that with this reduction, they will not produce a revenue sufficient to meet the ordinary expenses of the years 1858 and 1859, but whatever deficiency there may be, can be supplied from the funds now in the Treasury, and long before these funds will be exhausted in paying such deficiencies, and the extraordinary appropriations that will be required, the increased value of our taxable property will produce, at the reduced rates, an ample revenue to meet all our wants.

*A thorough investigation of this subject has satisfied me that this reduction may be made and that we shall still have ample means to meet all appropriations here recommended, and all others that justice and sound discretion may dictate.*

I cannot omit, on this occasion, calling your attention to the fact that justice has not been done to a portion of the creditors of the late Republic of Texas. Under the act of the Congress of the United States, providing for the payment of those creditors whose debts were secured by a pledge of the impost duties of the late Republic, which was accepted by the last Legislature, all those debts have been paid at the rate of seventy-six cents and nine-tenths of a cent on each dollar of their ostensible value, although they were classified and acknowledged by the State at different rates, varying from twenty to one hundred cents on the dollar. Among the debts so classified and acknowledged, were $20,291 47 of ten per cent.
Some of these figures may be slightly changed by the official reports, which are not yet completed.

It will be seen that the net revenue from taxation, for the two years of 1856 and 1857, was about $484,333 58, which is about the same as the appropriations for the ordinary expenses of the government for those years, including the amounts appropriated for the support of the Insane Asylum, the Institutions for the education of the Blind, the Deaf and Dumb, and for the Penitentiary.

On the first day of the present month, the funds in the State Treasury, exclusive of the School Fund, amounted to $1,230,000 00; but of this sum about $470,000 00 are subject to be drawn, for the payment of appropriations heretofore made, so that the actual balance in the Treasury, applicable to future appropriations, is only about $760,000 00.

The ordinary expenses of the government, during the next two years, will be considerably more than they were for the two past years. Several new Judicial Districts will have to be created for the accommodation of the newly established frontier counties; and certain costs in criminal prosecutions, which under the provisions of the Code of Criminal Procedure, are to be paid by the State, to clerks and sheriffs, will have to be provided for.

The probable amount that will be required to meet the ordinary expenses of the government, during the next two years, is about $540,000 00. The funds now in the Treasury will be sufficient to pay these expenses, and all extraordinary appropriations that should be made at the present session; but if we rely on these funds alone, and release to the counties the taxes of the ensuing two years, as we have those of the last six, we shall find ourselves with an exhausted Treasury, during the succeeding two years of 1860 and 1861; for none of the taxes
bonds issued to Samuel Swartwout and others, for a loan obtained from them during the first year of our revolution, §65:209:33 in the first issue of promissory notes made by the Republic, which were paid out by the government at par, and §960,493 in ten per cent. bonds issued to the United States Bank, for a loan obtained in the year 1839; the first two of which were classified and acknowledged at their ostensible value, and the last at eighty-seven cents and forty-five-hundredths of a cent on each dollar of its ostensible value. The holders of these debts received under the act of Congress, before referred to, only seventy-six cents and nine-tenths of a cent on each dollar of their ostensible value, and there is still justly due them the difference between what they so received, and what the State acknowledged to be due them, which amounts to §123,217 56. These debts were among the most meritorious that were owing by the Republic, and they are the only ones that have not been paid at as high a rate as they were acknowledged. The holders of these debts were always willing to accede to the terms of payment proposed by Texas, but owing to the refusal of the other creditors to accede to these terms, they could not be paid. When our Legislature accepted the act of Congress, before referred to, the holders of these debts, acting on the principle that had previously governed them, of throwing no obstacles in the way to prevent us from settling the whole debt as we thought proper, readily acceded to it; they received their proportionate share, although much less than we had acknowledged to be due them, and signed releases.

When this matter was before Congress, it was objected to the bill, that these creditors would not receive as much under its provisions, as Texas had acknowledged to be due them, and to obviate this objection, that provision was inserted, by which the United States were to refund to us the amount we
had already paid on a portion of the debt, which it was supposed would be sufficient to enable us to make up to these creditors what they would lose by accepting the pro rata payment proposed.

We have received under that provision the sum of $298,065 35, which is more than double the amount due to these creditors.

This whole subject was fully canvassed by the last Legislature, when the act of Congress was accepted, and a bill for the payment of these debts passed the Senate and received a very considerable majority in the House of Representatives, but it failed to become a law, owing to a decision of the House, in opposition to the opinion of the Speaker, that it required a vote of two-thirds to pass such a law. This decision was based upon the mistaken ground that, as the holders of these debts had signed releases, when they received their pro rata payment under the act of Congress, their claims were extinguished, and any further payment to them was a gratuity which could only be made by a two-third vote.

Whatever may be said in regard to the releases signed by these parties, the facts are undeniable, that we, by our legislation have acknowledged their debts to be justly due, that they have never been paid, that the situation of these creditors compelled them to sign those releases in order to obtain from the United States any portion of their debts, and that every other creditor of the Republic, whose debt was secured by a pledge of the impost duties, has been paid the full amount that the State acknowledged to be due him.

I have been thus minute in detailing the circumstances in relation to these claims, in order that the subject may be properly understood, for I feel that the honor and the reputation of our State require that they should be paid.
The reports of the State Treasurer, as Ex-Officio Superintendent of Common Schools, for the years 1856 and 1857, show that the principal of our School Fund has been increased to about two millions and two hundred thousand dollars, under the provisions of two laws of the last session, by which the ten per cent. of our annual revenue set apart by the Constitution for schools, and the proceeds of the sales of all public lands within the limits of the Mississippi and Pacific railroad reserve, are annually added to this fund.

Should these judicious provisions remain undisturbed, and a similar law be enacted, for the sale of our public lands in other parts of the State, the proceeds to be added to this fund, it will hereafter be increased over a hundred thousand dollars each year.

The number of scholars reported for the year 1856, was 72,826, and the amount disbursed for schools, from the income of the fund, was $101,588 00, being about one dollar and thirty-eight cents for each scholar.

The number reported for 1857 was about 87,000, and the amount disbursed from the income of the fund was $106,000, being about one dollar and twenty-one cents for each scholar.

While the amended school law of the last session, has proved to be much more satisfactory to the people than the former law, many imperfections have been discovered in its details, that will require revision.

Your attention is particularly invited to the suggestions and recommendations contained in these reports. They are the results of the experience of the superintendent and others, in witnessing the practical operation of the present and former law, and are worthy of your serious consideration.
On former occasions, I have called the attention of the Legislature, to the importance of establishing a State University, where all the facilities can be furnished for obtaining a thorough education, that are to be found in other States; and I feel that I should be wanting in duty, did I fail to urge this measure upon your consideration. No country was ever better situated to commence such an undertaking. We have ample means in the Treasury, not needed for other objects, with which to erect the necessary buildings; and we have two hundred and twenty one thousand and four hundred acres of land already set, apart by your predecessors for a University, the proceeds of which, if properly managed, will be a liberal endowment, and will enable us to command the services of the ablest professors in every department of learning.

The necessity for such an institution is felt and acknowledged by every one; and I trust that you will not let this session pass, without adopting measures for its establishment at an early day.

The residue of the University Lands, to make up the fifty leagues, have been selected and surveyed in accordance with the provisions of an act of the last legislature.

But little progress has been made, under the act authorizing the University Lands, heretofore located, to be divided into quarter sections, and alternate tracts thereof, to be sold. Only two District Surveyors have made returns of their work to the General Land Office; and one of these was so imperfect that it had to be sent back for correction. I have not thought it advisable to commence the sale of any of these lands, until all that are situated in the same section of the State are ready for sale, under the law.

I transmit, herewith, the reports of the Trustees and Superintendents of the Institutions for the Education of the
Blind; and of the Deaf and Dumb. The small annual appropriations of five thousand dollars, made by the last legislature for each of these institutions have been sufficient to put them in operation, and to support them during the year. Many difficulties have been encountered by the Trustees in commencing and putting these institutions into successful operation, and great credit is due to them for having so disinterestedly given their time and labor without compensation, to the accomplishment of these benevolent enterprises.

The education of these unfortunate classes of our population is no longer an experiment in this State. The former institution had on the 1st of October last, seven pupils, and the latter eleven, all of whom, under the judicious management and instruction of the superintendents and teachers, have made rapid progress, in the acquisition of knowledge, that has opened to their minds the divine truths of religion, given them a capacity for the enjoyment of life, they could not otherwise have obtained, and will fit them hereafter to become useful members of society.

Few establishments of the kind have been as successful in the first year of their organization, and this is to be ascribed to the assiduous and well-directed labors of the Trustees, and their good fortune in having secured the services of superintendents, who are well qualified and admirably adapted, from their education, disposition and habits, to the duties they have undertaken.

Buildings have been leased in the vicinity of this city, for the temporary use of these institutions, and I recommend that provision be made for the purchase of sites, and the erection of permanent buildings. The suggestions and recommendations contained in these reports, are commended to your con-
consideration, with full confidence that you will not fail to foster and encourage what has been so well begun.

Some delay occurred in the selection of a site for a Lunatic Asylum, in accordance with the provisions of a law of the last Legislature, owing to the fact, that one of the Commissioners first appointed, was unable to serve.

The Commission, as finally organized, consisted of Samuel Bogart of Colim county, E. T. Branch of Liberty county, and C. R. Johns of Hays county. They selected a site in the vicinity of this city, containing fifty acres, which cost twenty-five hundred dollars, two hundred and fifty of which were paid by the State, and the residue by the citizens of this place. A doubt afterwards arose in regard to the title obtained by the Commissioners, owing to the existence of an adverse claim to the land. This has since been removed by a release from Thomas J. Chambers, voluntarily executed.

Immediately after the selection of the site, the Building Commissioners turned their attention to the preparation of a plan for such an institution. At the outset, they found themselves embarrassed for want of proper information on the subject. Their investigations soon satisfied them that without the assistance of someone familiar with the treatment of insanity and the interior arrangement of Insane Hospitals, they could not have a suitable plan prepared. It was therefore deemed best, that a competent superintendent of the institution, should be appointed at once, and that the necessary buildings should be planned and erected under his supervision and direction.

Dr. John C. Perry, a physician, whose previous education and experience in similar institutions, render him well qualified for the station, was accordingly appointed, and is now engaged in the preparation of a plan and specifications for a sui-
table building, which will shortly be completed, when the Commissioners will proceed to contract for its construction, in accordance with the provisions of the law under which they act.

The four hundred thousand acres of land appropriated by the last Legislature for the Lunatic Asylum, the institutions for the education of the Blind and the Deaf and Dumb, and for an Orphan Asylum, were all selected within the limits of the Mississippi and Pacific Railroad Reserve, and entries of them were made in the proper land districts, before the 1st day of March last. A part of them were also surveyed before that day, and the residue have since been surveyed. These lands are believed to be as valuable as any that were vacant at the time. They are in a section of the State, which is now settling up rapidly, and where, if it is thought desirable, they may be sold for good prices, at an early period.

Application will be made to you, for relief, to those who settled upon public land, within the Mississippi and Pacific Railroad Reservation, between the 21st of December 1853 and the 26th of August 1856. It will be recollected, that under the provisions of the "act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve," all those who were then settled within it, upon public land, were required to pay to the Commissioner of the General Land Office, on or before the 1st of January 1858, fifty cents per acre, for their settlements, not to exceed one hundred and sixty acres.

Efforts will doubtless be made, to obtain from the State, a release of these lands, without any payment by the settlers. To understand the merit of their claim to this gratuity, reference should be made to the circumstances under which they entered the reservation. In December 1853, all the public
lands, within certain specified limits, were reserved from settlement and location. Alternate sections thereof were set apart to encourage the construction of a railroad from the eastern line of the State to El Paso; and the residue was reserved to the use of the State until otherwise directed by law, with a general understanding that it should constitute a fund for purposes of education and internal improvements. While this district of country was thus reserved for objects of the greatest interest; and while thousands of our citizens holding headright, donation and bounty certificates, issued to the early colonists and soldiers of the Revolution, were deprived of the privilege of locating them within its limits, these settlers, many of whom had been but a short time in the State, entered this reservation and took possession of the choicest lands to be found, in direct opposition to our policy and in violation of our positive law. Being thus in possession, when the reservation was opened, they were permitted to retain their lands, at the paltry price of fifty cents an acre, to be paid without interest, at the expiration of sixteen months, although it is a matter of public notoriety, that they would then have brought from one to five dollars per acre, at public sale, exclusive of the improvements upon them.

The mere statement of these circumstances, would seem to be a sufficient answer to an application for such a gratuity.

Those of you, who were here at the last session, know how pertinaciously a donation of these lands was then insisted on, and how difficult it was to retain this provision; its retention was considered as the first step taken towards making our public lands available hereafter for objects of public utility. If we now refuse to retrace that step, our future course will be a plain one, and we may hope, in time, to realize from the sale of our public domain, the means for supporting a general
system of education, and aiding in the construction of railroads
without which, we shall make but slow progress in developing
the resources of the State.

Should these parties limit their application for relief, to an
extension of the time within which, to pay for their lands, it
should be granted, for it is well known that the disasters that
have attended the cultivation of the soil in that section of the
State, during the last two seasons, have prevented those en-
gaged in this occupation, among whom are most of these
settlers, from making anything beyond a subsistence.

A law permitting them to pay for their lands in two instal-
ments, at one and two years with interest, will be cheerfully
approved.

Some provision should be made for the sale of the alternate
sections of land reserved to the use of the State under the act
to encourage the construction of railroads by donations of
land, and the act granting land to the Galveston and Brazos
Navigation Company.

The State now has six hundred and fifty-seven sections
equal to 420,450 acres, of land thus surveyed and reserved, of
which are “not liable to locations, entries or pre-emption
privileges.” She will in a few months have four hundred and
ninety-four additional sections, equal to 315,160 acres; and
the quantity will be increasing as other sections of road are
completed.

Some of these lands are situated in parts of the State where
settlements are now being made and others where they
will be made before the meeting of another Legislature,
previous to which time, it is more than probable, that many of them will have been taken possession of
by individuals, with the hope that they will be able to obtain
them by donation, or be allowed to retain them for a mere
nominal price. It is therefore desirable, that we shall now, before any interest has been created to favor such a misapplication of them, establish a price at which parties may enter and purchase them. We shall thus take away all pretext for trespassing upon them, and indicate in the most positive manner, our intention that they shall be applied in good faith, to education and internal improvements as was originally intended.

Under that provision, of the "act to authorize the location sale and settlement of the Mississippi and Pacific railroad reserve," which allows the Commissioner of the General Land Office, to issue land scrip, at fifty cents, per acre to be located within that reserve, he has since the 1st day of March last issued 57,710 acres.

If similar scrip were authorized to be issued and located upon any part of our public domain, it is believed there would be much demand for it, as land certificates are becoming exceedingly scarce, and their value has appreciated nearly to the price of scrip. Many would prefer purchasing such scrip, even if they pay more for it, as they thereby avoid all danger from the impositions and frauds so often practiced in the sale of certificates.

Should such scrip be authorized, none should be sold for a less quantity than eight acres, and each piece of scrip ought to be located in a square form and in one place only, except in cases where previous surveys do not admit of it.

A law was passed by the fifth Legislature, by which the Governor was authorized to appoint a commissioner and Surveyor to run and mark the boundary line between our State and the Territories of the United States from the point at which it leaves Red River to where it intersects the Rio Grande, whenever the United States should appoint the necessary
officers on her part to join in the work: Immediately after this law was passed, a correspondence was opened with our Senators and Representatives in Congress who were requested to procure the passage of a law, for the appointment of the necessary officers on the part of the United States. They had the subject brought before Congress, but I am not aware that any final action has been taken upon it. Our citizens are now making Surveys of land along that line, and settlements will soon follow, it is therefore important that measures be taken to run the line, or at least to ascertain and mark on the ground, the point at which it leaves Red River, without the co-operation of the United States, should that be much longer delayed.

During the early part of the present year, information was received that many of the county courts, within the limits of what was known as Peters' Colony, were issuing land certificates upon illegal evidence, and to persons not entitled to them.

Commissioners were immediately appointed, under the authority vested in the Executive by the "act to ascertain the legal claims for money and lands against the State," who were instructed to examine the records of the county courts in all those counties, and to enquire into the manner in which they were kept, and make a full report, as early as convenient, in relation to all cases where these courts, or any of them, had violated the laws enacted for their government.

Some of the commissioners first appointed, having declined to serve, the organization of the Board was greatly delayed.

The commission as finally organized, consisted of H. G. Hendricks and James M. Head of Grayson county, and E. P. Nicholson of Dallas county. Their report has not yet been received, but may be expected at an early period of your
mission. When received it will be transmitted to you with such recommendations, as the nature and extent of the frauds disclosed, may seem to require.

The first annual report of the Board of School commissioners, organized under the “act to provide for the investment of the special school fund in the bonds of Railroad companies incorporated by the State,” is herewith submitted.

But two loans have yet been made by this board. One of one hundred and fifty thousand dollars to the Houston and Texas Central Railway company on the 13th day of April 1857, under which the bonds that constitute said fund were taken by the company at a premium of six per cent; that being the rate, at which they were then redeemed at the United States Treasury. The other was a loan of sixty thousand dollars to the same company, made on the 28th day of October 1857, under which, it is presumed that no premium will be obtained on the bonds, since it was understood unofficially, on that day, that the United States had ceased redeeming them; a premium of five per cent was however retained, until advice can be received in regard to what premium, if any, they bore in New York; when the whole or such portion thereof, as may be right, will be returned.

The Buffalo Bayou, Brazos and Colorado company, applied some time since, for a loan of one hundred and fifty thousand dollars, and an Engineer was appointed to examine and report whether the condition of the road was such as to entitle the company to the loan, but no report has yet been received.

The operation of the law, authorizing these loans, has not proved as advantageous to our railroad companies, as was anticipated by its advocates. The amount loaned under its provisions is not sufficient to afford them much relief, and they
cannot readily obtain a second loan after their road has been mortgaged to the State.

The means for grading, procuring the cross-ties and laying down the iron, can be raised, within the State, by most of our roads that are now making any progress, but the iron cannot be obtained without money, or such paper as can be readily converted into money; neither of these can be obtained from our own citizens for any great extent of road; few of them have any money or cash paper beyond what they require for their ordinary business, and those who have, find more certain and more profitable modes of employing it than investing it in railroad stock, or loaning it for a second mortgage on a railroad.

It is not believed that any aid, granted to our railroad companies, short of the means necessary to purchase their iron, will enable them to prosecute their roads with a rapidity that will meet public expectation.

Notwithstanding this belief, I am not disposed to recommend the substitution of any other system for giving aid by the State, in the construction of railroads, than that now pursued, while we retain in our Constitution its present restrictions upon the power of the Legislature, in regard to the subject of internal improvements.

The present system was adopted after mature deliberation, and seems to be satisfactory to the great majority of our citizens; it is perhaps as good as any we can adopt without a change of our Constitution; it enables a few companies to struggle along and accomplish something, though it is much to be feared that the present embarrassed situation of the money market will prevent, even these companies, from making any progress during the next two years beyond the completion of such contracts as have already been entered into.

Much complaint is made of that provision of this law which
requires a company to have twenty-five miles graded, in ad-
vasce of that which has been completed, before it is entitled
to a loan upon any section of completed road, though this
 provision is believed to be the best security the State has for
the re-payment of the loan, since no road can be completed
and equipped, twenty-five miles in length, with an additional
twenty-five miles graded, at a cost of much less than three
hundred and sixty thousand dollars in actual money; and such
an amount cannot be raised and invested in a railroad, at any
point in the State, where there is not a certain prospect of ob-
taining sufficient business to make the road undoubted secu-
ritv for a loan of one hundred and fifty thousand dollars.

While it is not thought advisable to change this provision,
there would seem to be no good reason why a company that
has received a loan upon twenty-five miles of completed, and
twenty-five miles of graded road, should not receive a further
loan upon each additional section of five or ten miles that it
may complete, without being required to make any additional
grade in advance.

Such of our railroad companies as have invested any con-
siderable amount in their roads, but have failed to comply
with all the requirements of their charter, or of our laws, for
the encouragement of their construction, in regard to time,
should be allowed a reasonable extension in all cases, where
they are not possessed of powers and privileges which are not
given to all other companies. But where they are possessed
of such powers and privileges, an extension should be granted
only on condition that the company consents to such restric-
tions of its powers and privileges as experience has shown to
be necessary for the protection of the rights and interests of
the State or any of its citizens.

It is much to be regretted that we did not at first, adopt
the principle of granting to all our railroad companies, similar
powers and privileges; if we had, there never would have been
any inducement for besetting the Legislative halls with ap-
lications for extraordinary favors.

If we would now remove this inducement we ought, as
early as possible, to bring all railroad charters to the same
standard; this we can easily do, as companies apply for relief;
for there are few, if any, that will not require it.

Before dismissing the subject of railroads, I wish to call
your attention specially, to the 12th section of the “act to
encourage the construction of railroads in Texas, by donations
of land” by which those roads whose terminus is on the Gulf
coast, the Bays thereof, or on Buffalo Bayou, are subjected to a
provision, that requires the construction of twenty-five miles
of their road, within two years after the passage of their char-
ter, and twenty-five miles each year thereafter. No good rea-
son can be assigned why these roads should be subject to such
a provision, when all other roads in the State are exempt from
it; it has hitherto caused them much inconvenience and em-
barrassment, and will continue greatly to retard their progress.

The reports of the Directors, Superintendent, Financial
Agent and Physician of the State Penitentiary are herewith
submitted for your consideration. Its affairs appear to have
been well managed. For something over a year, a large por-
tion of the convicts have been employed in the manufacture
of cotton and woollen goods, which have found a ready sale
and the results are highly encouraging. It is confidently ex-
pected, by the officers, that the Penitentiary will hereafter be
able, with the labor of the convicts, not only to support itself,
but to yield some profit to the State, instead of requiring
an annual appropriation of about twenty thousand dollars.

You will find in these reports much useful information in
regard to its management, and many suggestions and recommendations worthy of your attention.

The Penal Code adopted by the last Legislature, has now been in force nearly a year; and its practical operation has shown some omissions that should be supplied, and some imperfections that should be amended. The general principles upon which it was framed are such as should commend themselves to public favor. It contains within a small compass and in intelligible language, suited to the comprehension of the most ordinary capacity, the whole criminal law of the State. I am apprised that it has not escaped severe censure; but it will be found that those who have condemned it the most, are often those who have not thoroughly studied its provisions, and that many parts of it, which are a subject of complaint, are but the re-enactment of provisions of the common law, that were in force here when the Code was adopted.

The most salutary changes in the law often meet with opposition, until the community, for whom they are designed, become accustomed to their operation; and it is believed that if this Code had been tried for two years, instead of one, very few, if any, could be found to favor its repeal.

The report of the Attorney General, which is submitted herewith, contains many valuable suggestions in relation to the Penal Code and the Code of Criminal Procedure, which are commended to your favorable consideration.

The reports of the present and former Commissioner of Claims, will be presented to you in a few days, with a special message in regard to the operations of that office, and such changes as experience has shown to be necessary in the law governing its business.

It devolves upon you, at your present session, to make provision for an enumeration of the free inhabitants and
electors of the State, under the provisions of the 29th Section of the 3rd Article of the Constitution, preparatory to a new apportionment of Senators and Representatives, to be made at the succeeding session. If you were to require this enumeration to be made, by the Assessor and Collector of each County, at the same time, that he takes the census of our scholastic population, it would add but little to his labor and could be done for a small additional compensation.

In making each of our former apportionments, the inhabitants and electors of many counties, from which no enumeration had been returned, had to be estimated from the best data that could be obtained. To prevent a recurrence of this inconvenience, such a penalty for a failure to perform the duty, should be imposed upon those intrusted with it, as will insure a prompt return from every county in the State.

I would suggest the propriety of requiring the Assessors and Collectors, while making this enumeration, to obtain as accurate information as possible, in regard to the quantity of land in cultivation, and the value of our agricultural, mechanical and manufacturing productions, for the preceding year. In this way, without much expense, valuable information could be obtained, which would be highly useful, not only to our own citizens, but to those of other States and Countries who are desirous of selecting a home among us.

The attention of your predecessors has frequently been directed to the importance of having a Geological Survey of the State. Public opinion demands that this measure shall no longer be delayed.

The amendment to the Constitution, proposed by the last Legislature, by which the Governor was to be authorized to make temporary appointments to fill vacancies in the offices of Judge of the Supreme and District Courts, Attorney Gen-
eral, District Attorney, Comptroller of Public Accounts, Treasurer of the State, and Commissioner of the Land Office, until they could be filled by the people at a general election, was published and submitted to the electors at the last August election, in accordance with the requirements of the Constitution. But I regret to inform you that it was lost by the failure of a large number of electors to vote upon it.

You are aware that to adopt an amendment to the Constitution, it must receive a majority of the votes of those who vote for Representatives. The entire vote given for Representatives, at the late election, so far as it can be ascertained, from the returns made to the Secretary of State, was 48,700, several counties having failed to make any return of the votes for Representatives; only 29,858 of that number voted on the amendment, of whom 18,756 voted for, and 11,102 against it. So that, including those who voted against it with those who failed to vote, 29,944 must be counted as against the amendment, while but 18,756 voted for it.

The result of the vote upon this salutary amendment, against which no reasonable objection could be offered, and against which no strong opposition was manifested, shows that, owing to the indifference with which a great number of our electors treat such questions, it will be exceedingly difficult ever to adopt an amendment to the Constitution, strictly in accordance with its provisions, however desirable it may be, and has deterred me from recommending for your consideration any of those amendments heretofore urged, upon your predecessors.

This result also induces me to suggest the propriety of your causing the opinion of the electors of this State to be taken at the next August election, whether a convention should be called to amend the Constitution.
The situation of the State has changed so materially since our Constitution was framed, that in many important particulars, it requires radical amendments to adapt it to our present wants. Then we had but thirty-six counties, and only about one hundred and fifty thousand inhabitants—now we have one hundred and sixteen counties, with a population of more than half a million, scattered over nearly three times the extent of country they then occupied. Greater changes have occurred here, in a period of twelve years, than usually happen during several generations in older communities, where it is found necessary for each succeeding generation to revise their Constitution.

You will receive, herewith, a copy of the proceedings of the Governor, State Engineer and Comptroller, in discharge of the duty imposed on them, of making an apportionment of the appropriation for the improvement of the navigation of the rivers and other navigable waters of the State. This paper contains a statement of the amount of the fund that was assigned to each navigable stream or Bay, for which private subscriptions were made and returned within the time limited by the law.

A full and detailed report of the operations of the State Engineer is expected in a few days, which will be laid before you with a report of the acts and proceedings of the Executive in relation to the fund.

Your attention is invited to the propriety of making a change in the fiscal year, so as to have it end on the 31st day of August. It now ends on the 30th day of October, and it is impossible for the reports of the Comptroller, Treasurer and Commissioner of the General Land Office, to be made out and transmitted to the Legislature, until it has been sometime in session. The consequence is, they are not usually print-
ed in time for distribution, before the adjournment takes place.

The business of the Legislature might be greatly facilitated by the passage of a law, requiring all Public Officers, Boards and Institutions, whose duty it is to report to the Legislature or Governor, to include in such reports, all transactions for the year ending on the 31st day of August, and transmit them to the Secretary of State on or before the 1st day of October, whose duty it should be to have them printed and laid before the Legislature at the commencement of the session. A similar practice is found to work well in many of the States.

The State ought to be able, at all times, to supply its officers with all its statutory laws. This it has been unable to do for some years past, owing to the fact, that the first and second Legislatures and of several sessions of the Congress of the Republic are entirely out of print. Provision should be made for a reprint of all the general laws both of the Republic and State, and the edition should be sufficiently large to supply our future wants.

Measures have been taken for the commencement of a Library for the State; a law of the last Legislature having appropriated five thousand dollars for that object, to be expended under the direction of the Governor. In the selection of books, care has been taken to order all such as might be useful to the Legislature and those engaged in the other departments of the government. Some of the books have been received and others will probably arrive before the close of your session.

An appropriation will be required for fitting up the Library room, and provision should also be made for a Librarian.

Our frontier counties have not been entirely exempt from Indian depredations during the past two years, though such occurrences have not been as frequent as at former periods.
Brig. Maj. Gen. Twiggs, who is now in command of this Department, has done every thing in his power to give entire protection to our citizens; but the force under his command is altogether too limited. I am assured that he has already applied for such an increase of force as will be adequate to that object, and that if no troops from other Departments can be sent here, he is desirous that a regiment of mounted men from this State shall be called into service for one or two years, and will give his co-operation in obtaining the sanction of Congress to such a measure.

The recent outrages committed upon persons engaged in transporting Merchandise on the public highway, in some of our western counties, as well as the measures adopted by the Executive to prevent a recurrence of them, will be made the subject of a special Message, that will be sent in at an early day of the Session.

Our relations with the Federal Government, and with the different States composing it, are a subject of deep anxiety to every patriot. The rapid strides made in the last few years, by a party in the Northern States, organized with the avowed object of endeavoring to effect the abolition of slavery as it now exists in fifteen States and some of the territories, has very justly excited fears for the perpetuity of the Union. Such movements tend inevitably to destroy that harmony which should exist between different parts of the same nation, and cannot fail, if persevered in, to produce the most disastrous results. The people of Texas are attached to their domestic institutions; they ask nothing for them, from the Federal Government, but those rights guaranteed by the Constitution, and any infringement of these rights will never be submitted to.

The threatening aspect this subject assumed during the last year, has been changed for the present, by the result of the
late Presidential election. We have every reason to expect that during the continuance of the administration of our present Chief Magistrate, the rights of the South will receive that protection guaranteed by the Constitution, since his policy, thus far, as indicated by his official acts, conforms to the principles upon which he was elected.

We have been called, during the past year, to mourn the death of several citizens holding important official stations. I allude to Judge Webb of the 14th Judicial District, Judge Lipscomb of the Supreme Court, and Gen. Rusk, one of our Senators in the Congress of the United States.

The two former had occupied high judicial stations before their removal to this country. They participated largely in the public affairs of both the Republic and State of Texas, and enjoyed a high degree of public confidence. Both were taken from us in the midst of their usefulness while actively engaged in their judicial duties. Their virtues and their public services will ever keep them in grateful remembrance.

Gen. Rusk had been an important actor in all the prominent scenes of the eventful history of our Republic. Often called to places of high trust in the field and in her councils, he proved himself equal to every emergency. When called to a more extended field of usefulness, he established for himself a reputation in the councils of the nation that placed him in the first rank of statesmen, and reflected lustre upon the State to whose service his life had been devoted.

My connection with you, as a co-ordinate department of the government, must necessarily cease before much of the important business of your session will have been matured; but during the short period of our association, it will give me pleasure to co-operate with you in all measures of legislation that the welfare of our citizens may demand.
The present situation of our State is well calculated to excite the most flattering hopes in regard to its future destiny, and I scarce need add, that it imposes a high individual responsibility upon those who are intrusted with the direction of its public affairs. It is my ardent prayer that we may, under the favor of Providence, be able to acquit ourselves of that responsibility, in such a manner as will meet the approval of our mutual constituents.

I cannot close this communication, the last of the kind I shall have the honor to make, without tendering, through you, to the people of Texas, my sincere gratitude for the many evidences I have received of their confidence, and for the uniform indulgence they have extended to my official acts. In retiring from the responsible station with which they have twice honored me, the only regret I shall feel, will be, that I had not the power to serve them as well as my inclination prompted.

E. M. PEASE.

EXECUTIVE DEPARTMENT, Nov. 2, 1857.

A message was received from the House informing the Senate that the House had concurred in the Senate's resolution to go into the election of Public Printer, and to open and compare the votes for Governor and Lieut-Governor at half-past 11 o'clock on this day.

On motion of Mr. Potter, the Senate took a recess of ten minutes.

At the expiration of the time, the Senate was called to order, and proceeded to the Hall of the House of Representatives for the purpose of electing a Public printer, and counting the votes for Governor and Lieutenant-Governor.

IN JOINT SESSION.

The Speaker announced that the two Houses had convened for the purpose of electing a Public Printer, and counting the votes for Governor and Lt. Governor.

Nominations being in order:

Mr. Lott nominated Mr. John Marshall on the part of the Senate.
There being no other nominations—the following Senators voted for John Marshall:


Mr. Grimes voted for Baker & Root.
On the part of the House, Mr. Marshall received 64 votes; Baker & Root five votes; scattering two votes.

Mr. Marshall having received a majority of the votes cast, was declared by the Speaker, duly elected Public Printer.

The two Houses next proceeded to open and compare the votes for Governor and Lieutenant-Governor.

Mr. Graham was appointed teller on the part of the Senate, and Messrs. Kittrell and Rainey on the part of the House.

On counting and casting up the vote, the result was as is shown in the following table:
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<td><strong>Total</strong></td>
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From which it is seen that Harlin R. Runnels received thirty-two thousand five hundred and fifty-two votes, and Sam Houston twenty-three thousand six hundred and twenty-eight votes for Governor; and for Lieutenant-Governor, Francis R. Lubbock received thirty-three thousand three hundred and seventy-nine votes; Jesse Grimes twenty-two thousand three hundred and eighteen votes; French Smith eight hundred and seventy-eight votes, and scattering thirty-seven votes.

Mr. Runnels having received the largest number of votes for Governor, and Mr. Lubbock the largest number for Lieutenant Governor, were declared by the Speaker duly elected Governor and Lieutenant-Governor of the State of Texas.

The Senate then returned to their Chamber, and on motion of Mr. Potter, adjourned until 4 o'clock, P. M.

**Four O'Clock, P. M.**

Senate met—roll called—no quorum present.

On motion of Mr. Britton, the Senate adjourned until tomorrow morning at 9 o'clock.

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**Austin, Thursday, November 5, 1857.**

The Senate met pursuant to adjournment; prayer by the Chaplain; roll called; quorum present.

The Journal of yesterday was read and adopted.

The President of the Senate announced the following additional Standing Committees:

**Committee on the Militia—Messrs. Britton, Graham, Taylor of Fannin, Erath, and McCulloch.**

Mr. Paschal presented the petition of Mrs. Ann T. Hunt; referred to the committee on Claims and Accounts.

Mr. Scarborough presented the petition of sundry citizens of the county of Goliad, and others, asking the creation of a new county; referred to the committee on Counties and County Boundaries.

Mr. Potter introduced a bill for the relief of the Galveston, Houston and Henderson Railroad Company, and in amendment of the Act of incorporation thereof, and of the Acts amending the same and in addition thereto; read 1st and 2nd times, and referred to the committee on Internal Improvements.
Mr. Mc Cullock introduced a bill for the relief of Wm. B. Fowler; read 1st and 2nd times, and referred to the committee on State Affairs.

Mr. Erastus introduced a bill to create the 19th Judicial District; read 1st and 2nd times, and referred to the committee on the Judiciary.

On motion of Mr. Throckmorton, Mr. Hyde was added to the Committee on Indian Affairs.

Mr. Maverick introduced a bill 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 the same; read 1st and 2nd times, and referred to the committee on internal improvements.

Mr. Guinn offered the following resolution:

Resolved, That two thousand copies of the Governor's message be printed for the use of the Senate.

Mr. Gaines moved to amend by striking out "2000" and inserting "500" in lieu thereof; lost.

The resolution was then adopted.

A message was received from the House, informing the Senate that the House had adopted the following resolution:

Resolved, That the House of Representatives, with the concurrence of the Senate, proceed to the election of a United States Senator to fill the vacancy occasioned by the death of Hon. Thos. J. Rusk, on Friday the 6th inst., at 10 o'clock, A. M.

On motion of Mr. Guinn the message was taken up.

Mr. Taylor of Fannin offered the following resolution as a substitute for the resolution of the House:

Resolved, by the Senate, the House concurring, That the two Houses will go into the election of two United States Senators, on Monday the 10th inst., at 10 o'clock, A. M.; one to fill the vacancy occasioned by the death of Hon. Thos. J. Rusk, and one to succeed the Hon. Sam Houston, whose term will expire March 4th, 1859; adopted.

The resolution was then adopted.

Mr. Taylor of Cass offered the following resolution:

Resolved, That the Secretary of State be requested to furnish each member of the Senate with a copy of the Special Laws of the adjourned session of the last Legislature; adopted.

Mr. Taylor of Fannin offered the following resolution:
Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of repealing an Act entitled an Act to adopt and establish a Penal Code for the State of Texas, and report by bill or otherwise; adopted.

Mr. Scarborough offered the following resolution:

Resolved, That 500 of the 2000 copies of the Governor's message, be printed in the Spanish language, for the use of the Senate; adopted.

Mr. Taylor of Cass presented the credentials of the Hon. L. T. Wigfall, Senator elect from the county of Harrison, who came forward, took the oath prescribed by the Constitution, and his seat.

Mr. McCulloch introduced a bill granting 320 acres of land to the Texas Volunteers or Rangers, that were regularly mustered into and discharged from the service of the Republic of Texas during the years 1837, 1838, and 1839; read 1st and 2nd times, and referred to the committee on Public Lands.

Also, a bill requiring all property hereafter sold under execution or forced sale, to bring two-thirds of its appraised value; read 1st and 2nd times, and referred to the committee on the Judiciary.

A message was received from the House, informing the Senate of the passage of the following bill, originating in the House:

A bill prescribing the manner of recording the votes for Governor and Lieutenant-Governor.

On motion of Mr. Guinn, the Senate adjourned until tomorrow morning at 9 o'clock.


Friday, Nov. 6th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called, quorum present. The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had passed "a bill to legalize transcripts of records of field notes in the surveyor's office of Fayette county," and "a bill making an appropriation of fifteen thousand dollars to defray the contingent expenses of the 7th Legislature."

Mr. Pirkey presented the petition of the Court and Bar of
the 8th Judicial District. Referred to the committee on the Judiciary.

Mr. Martin presented the petition of the members of the Bar at Athens. Referred to the committee on the Judiciary.

Mr. Paschal presented the petition of certain citizens of the county of Uvalde. Referred to the committee on the Judiciary.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

"The committee on the Judiciary have considered the petition of Elizabeth Giboney, praying the Legislature to pass an act authorizing her to adopt Martha Custes Turner as her child and heir, and direct me to report, that in the opinion of the committee the legislation asked for is unnecessary, as the petitioner can adopt the child and make her heir to her estate by complying with the provisions of the act of January 16, 1850, entitled an act to prescribe the mode of adoption.—[Hart. Dig., Art. 5 and 6.] If the petitioner wishes to change the name of the minor, this can be done under the provisions of the act approved February 5, 1856, and entitled an act providing a remedy for persons wishing to change their christian and sur-names, or either, and adopt another instead thereof, and the petitioner can, by will, make such disposition of her property, whether for the benefit of said minor or otherwise, as she may think proper, as will be seen by reference to the act passed July 24, 1856, entitled an act supplemental to the act of January 28th, 1840, concerning wills, and authorizing persons to dispose of their estates by will. The committee therefore recommend that the petition be rejected."

The committee on the Judiciary have considered a bill to amend an act entitled an act for the relief of Arthur G. Wavil, passed Aug. 27th, 1856, and direct me to report, that the last Legislature passed an act authorizing said Wavil to institute suit against the Governor of the State, in order to settle his claim as empresario under his alleged contract with the Government of Mexico, and that no provision is made in said act for granting certificates for such lands as might be recovered by said Wavil in such suit. The object of the bill under consideration is to provide for the issuance to Wavil of certificates for such lands, if any, as he may recover in said suit. The committee think this should be done, and accordingly return the bill to the Senate with the accompanying amendment, and recommend its adoption and the passage of the bill:
Amendment.—After the 1st section, strike out all after the word "introduced," in the 13th line, to the figures "1835" inclusive, and insert as follows, to-wit: "Under his contract as em- pressario."

Mr. Britton introduced a Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their endeavors in procuring a regiment of Texas mounted volunteers, to be raised for the protection of the Western frontier of Texas. Read first time.

On motion of Mr. Scarborough, the rule was suspended, Joint Resolution read second time and ordered to be engrossed.

On motion of Mr. Russell, the rule was further suspended, Joint Resolution read a third time and passed.

Mr. Paschal introduced a bill to incorporate the Western Texas Insurance Company. Read first and second times and referred to the committee on the Judiciary.

Mr. Russell introduced a bill for the relief of Eli H. Page. Read first and second times and referred to the committee on Private Land Claims.

Mr. McColloch introduced a bill to provide for the payment of three companies of Minute Men, commanded by Capts. Jan. W. Sansom, Jno. D. Davenport and Reading W. Black. Read first and second times and referred to the committee on the Militia.

Mr. Theocke introduced a bill to define the northern boundary line of the Mississippi and Pacific Railroad Reserve. Read first and second times and referred to the committee on Public Lands.

Mr. Taylor of Cass introduced a bill to repeal the 4th section of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, passed Aug. 26, 1855. Read first and second times and referred to the committee on Public Lands.

Mr. Taylor of Cass introduced a bill to authorize the sale of the public domain. Read first and second times and referred to the committee on Public Lands.

Mr. Guine offered the following resolution:

Resolved, That the Senate will not grant relief to any applicant for land or money against the State of Texas, except the same has been recommended by the Court of Claims, or referred to the Legislature on its merits by said Court.

On motion of Mr. Potter, the resolution was laid on the table.
Mr. Taylor, of Cass, offered the following resolution:

Resolved, That so much of the Governor’s message as relates to taxation be referred to the committee on Finance. So much as relates to the School Fund and common schools, to the committee on Education. So much as relates to the Lunatic Asylum, to the committee on State Affairs. So much as relates to Internal Improvements, to the committee on Internal Improvements. So much as relates to Federal Relations, to the committee on State Affairs. Read.

On motion of Mr. Potter, the resolution was amended by adding:

“And so much as relates to a State Geologist, to the committee on State Affairs.” The Resolution was then adopted.

Mr. Walker introduced a bill to create the county of Buchanan. Read first and second times and referred to the committee on Counties and County Boundaries.

Mr. McCulloch offered the following resolution:

Resolved, That three hundred copies of the Governor’s message be printed in the German language for the use of the Senate.

Mr. Martin moved to amend by adding—“And 200 copies in the Norwegian language.” Lost.

The resolution was then rejected.

Mr. Hyde introduced a bill to set aside four leagues of land for Indian purposes.

Read first and second times and referred to the committee on Indian Affairs.

On motion of Mr. Guinn, Mr. Burroughs was added to the committee on the Judiciary.

ORDERS OF THE DAY.

A House bill making an appropriation of $15,000 00 to defray the contingent expenses of the 7th Legislature.

Read first and second times and referred to the committee on Finance.

A House bill to legalize transcripts of records of Field notes in the surveyor’s office of Fayette county; read first and second times and referred to the committee on Public Lands.

A House bill prescribing the manner of recording votes for Governor and Lieut-Governor; read first and second times and referred to the committee on State Affairs.

Mr. Guinn moved that the Senate take a recess until eleven o’clock.
On motion of Mr. Scamborough, the Senate adjourned until tomorrow morning at 9 o'clock.

SATURDAY, Nov. 7, 1857.

The Senate met pursuant to adjournment. Prayer by the Chaplain—roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Potter presented the credentials of the Hon. Fletcher S. Stockdale, Senator-elect from the 26th Senatorial District, composed of the counties of Calhoun, Jackson, Victoria, Dewitt, Lavaca and Goliad—who came forward, took the oath prescribed by the constitution and his seat.

A message was received from the House, informing the Senate, that the House had passed a bill, legalizing surveys made in Karnes Land District.

Mr. Britton presented the petition of C. H. Nimmon, and also the petition of Robert Canham, which on motion of Mr. Britton were referred to a select committee of three.

Messrs. Britton, Throckmorton and Taylor of Fannin, were appointed the committee.

Mr. Russell, chairman of the committee on Engrossed Bills, reported a joint resolution, instructing our Senators and Representatives in the Congress of the United States to use their endeavors in procuring a regiment of mounted volunteers, to be raised for the protection of the Western frontier of Texas—correctly engrossed.

Mr. McCulloch, chairman of the committee on counties and county boundries, made the following report. “The committee on counties and county boundries to whom was referred a bill to locate permanently the Seat of Justice of Tarrant county, have had the same under consideration, and a majority of the committee present, have instructed me to report the bill back to the Senate, with the accompanying amendment, and recommend its passage.

Amend at 1st sec. by adding—“only subject to be removed from that place by a two-thirds vote of the citizens of said county in accordance with the general law in such cases.”

Mr. Taylor, of Cass, offered the following resolution:

Resolved, That the committee on printing be requested to have printed for the use of the Senate, 1000 copies of the adj-
dress, delivered on yesterday by the Hon. John Hemphill, on
the life and character of the late Thos. J. Rusk—adopted.

Mr. Russell introduced a joint resolution relative to the es-
establishment of a stage mail line from Marshall in Harrison
county to Dallas in Dallas county. Read 1st. time—on mo-
tion of Mr. Russell the rule was suspended, joint resolution
read a 2nd. time, and on motion of Mr. Lott, referred to the
committee on State Affairs.

Mr. Taylor of Fannin, offered the following resolution:

Resolved, That the committee on printing be instructed to
contract with the publishers of the Texas Sentinel for twenty
numbers of each weekly issue for each member of the Senate,
provided, that the cost shall not be more than five cents per
copy and that each issue contain a synopsis of the proceedings
of the Legislature—adopted.

Mr. Paschal offered the following resolution:

Resolved, That the committee on printing be instructed to
contract with the editors of the German papers at San An-
tonio, New Braunfels and Galveston, for the translation and
printing in their respective papers, the Governor’s message,
provided the cost shall not exceed fifty dollars to each—adop-
ted.

Mr. McCulloch introduced a bill to authorize the sale and
settlement of the alternate sections of land, reserved to the
State in Fisher & Millers’ colony—Read 1st. and 2d. times, and
referred to the committee on Public Lands.

Mr. Wigfall introduced a bill for the benefit of the creditors
of Railroad companies, and to protect the interest of the State
therein—read 1st. and 2d. times and referred to the committee
on Internal Improvements.

Mr. Paschal introduced a bill amendatory of an act entitled
an act, to incorporate the European and American Coloniza-
tion Society in Texas—read 1st. and 2d. times and referred to
the committee on the Judiciary.

Mr. Wigfall, by leave, presented the review of the Penal
Code, by C. A. Frazier, Judge of the 6th. Judicial District—
referred to the committee on the Judiciary.

A message was received from his excellency, the Governor,
through his private secretary, which on motion of Mr. Russell
was taken up, read and is as follows:
Executive Office,

Austin, 6th Nov. 1857.

Gentlemen of the Senate,

and House of Representatives:

I transmit the reports of Jas. C. Wilson, the former Commissioner of Claims, and James O. Illingsworth, the present incumbent of that office:

Mr. Illingsworth was appointed during the recess of the Legislature, to fill the vacancy occasioned by the resignation of Mr. Wilson, and under the law organizing the office, his appointment will expire at the end of ten days from the commencement of your present session, so that after Monday the 11th. inst., the business of the office will be suspended, unless the Legislature shall previously elect a Commissioner.

This office, if it is continued, will relieve the Legislature of a class of business that has heretofore occupied at least one-fourth of its time. It is known to those who have served in the Legislature at previous sessions, that much of its time has been occupied in the investigation of private land claims, and unaudited money claims against the Republic, which since the auditor’s office was abolished, have also devolved on the Legislature; the evidence in regard to such claims has been taken by committees, at such hours as could be spared, after attendance upon the daily sessions, and necessarily had to be done hastily; it has usually consisted of ex-parte affidavits, prepared by interested persons, which were often deceptive, and generally very unsatisfactory.

This office now receives all claims for land and money against the State, with the evidence offered in support of them, takes down in writing, the testimony of all witnesses; that appear in person, and issues commissions to take the evidence of such as do not appear in person in answer to interrogatories, so framed as to elicit every fact, within the knowledge of the witness, that it deemed necessary to determine the merits of the claim. The evidence thus taken, is then carefully examined in connection with the laws that have any bearing upon the claim, and an opinion formed, which is reported to the Legislature for its action. In this way every claim is more closely scrutinized than it could possibly be by a committee of the Legislature, in the limited time their other duties enable them to give to such matters.

This has been the practice of the office in regard to all land claims presented, though the provisions of the law give to the
Commissioner the power to issue original headright certificates in all cases where the applicant appears in person with his witnesses and makes the same proof as was formerly required before the county boards of land commissioners.

The first Commissioner declined to exercise this power, because, between five and six hundred applications for such certificates were presented from persons, a large portion of whom he felt morally certain were not entitled to receive them, though about one hundred made the proof the law required, and all would have done so, had he not announced his determination to refer the whole to the Legislature. The reasons for his action are fully set forth in his report, and they have influenced his successor to pursue a similar practice. The course pursued by both of these officers in regard to this description of claims, was resolved on, after a consultation with the Executive, and with his full approbation.

It will be seen from the report of the first Commissioner, that he recommended a change in the law, so as to take away the power to issue original headright certificates; in this recommendation I cordially concur.

For the most laborious duty that devolves on this office is the registration of county and donation warrants, and headright certificates of the second, third and fourth class, and their examination for approval or rejection.

The importance of continuing this system is apparent to every one at all conversant with the present situation of the classes of land claims—upwards of 17,000 county and donation warrants have been issued, of which, less than seven thousand have been surveyed and returned to the General Land Office. The destruction of the Adjutant General’s Office has left us without any record of the names of the persons to whom these warrants were issued, or the quantity of land they call for, and it is only by pursuing this system of registration, that we can ever supply the loss of that record. Without such record, we have no means of detecting repeated applications for warrants in cases where they have already been issued.

It is equally necessary to continue the practice of requiring an examination and approval of these warrants, and of headright certificates, of the second, third and fourth class, before they are patented, if we intend to do anything to prevent our public domain from being absorbed by forged and fictitious warrants, and certificates, of which an immense number are now in circulation, and others are being daily manufactured.
The large mass of honest claimants will be subjected to little if any inconvenience, by the system now pursued, while these claims which are forged or fictitious will most certainly be detected.

Some modifications in the law organizing this office, are suggested in these reports, whereby applicants will be greatly facilitated in making their proofs, without any detriment to the public interest, and it is believed that a conference with the Commissioner, and a personal examination in the mode in which the business of the office is conducted, will enable a committee to suggest such other modifications in the law governing the office as will remove all reasonable objections that have been made to the system.

You will find accompanying these reports, lists of such land claims as, in the opinion of these officers, ought to be granted. All the evidence in regard to them is on file in the office, subject to the inspection of the Legislature. You will also find lists of such claims for money as have been audited, and require appropriations for their payment, together with lists of all claims docketed, which they were unwilling to pass or recommend to the favorable consideration of the Legislature.

These reports contain a large amount of information in regard to the operations of the office, and are worthy of a careful examination.

E. M. PEASE.

On motion of Mr. Potter, referred to the committee on the Judiciary.

ORDERS OF THE DAY.

A House bill legalizing surveys made in Karnes Land District, was read 1st. time—on motion of Mr. Paschal, the rule was suspended, bill read 2d. time and passed to a 3d. reading. On motion of Mr Paschal, the rule was further suspended, bill read a 3d. time and passed.

The reports of the committee on the Judiciary, on a bill to amend an act entitled an act, for the relief of Arthur G. Wavil passed Aug 27th. 1866, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

The report of the committee on the Judiciary, on the petition of Elizabeth Gibbons, praying for the passage of an act, authorizing her to adopt Martha Custes Turner as her heir, &c., recommending that the same be rejected, was read and adopted.
On motion of Mr. Quinn, the Senate adjourned until Monday morning at 9 o'clock.

Monday, Nov., 9th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday read and adopted.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported a bill to amend An act entitled An act for the relief of Arthur G. Wavil, passed August 27th, 1856, correctly engrossed.

A message was received from the House informing the Senate that the House had passed a Bill, originating in that body, to locate the Seat of Justice of Angelina county, and that the House had concurred in the substitute of the Senate for the House resolution to go into the election of a United States Senator to-day at 10 o'clock, A. M.

On motion of Mr. Walker, Mr. Lott, was added to the committee on Public Lands.

Mr. Paschal, Chairman of the committee on Internal Improvements, made the following reports:

The committee on Internal Improvements to whom was referred, a bill 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 the same, have had the same under consideration, and instruct me to report as follows, to-wit:

First, amend the caption by inserting after the word "Act" and before "Supplementary" the words, "To revive and continue in force and."

Second, add the following section as one:

Be it enacted by the Legislature of the State of Texas, That, An act entitled 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, be and the same are hereby revived and continued in force in accordance with the provisions of said original act, and supplemental and amendatory thereto; and on the terms and conditions hereinafter mentioned:

Provided, That this act of revival shall not be so construed
as to render liable any person or persons for the payment of
any unpaid balance of the capital stock of said company, who
would not have been so liable without the passage of this
Act.

3rd. Number, Section 1, Section 2, and strike out, "Be it
enacted by the Legislature of the State of Texas."

4th. Change the numbers of the following sections, so as to
correspond with the additional section here offered, and amend
section 6 (to be numbered section 7,) by adding the following
proviso:

Provided, Said Railroad company in all things shall comply
with the terms and conditions of said law as it now exists, or
as it may hereafter be amended by the Legislature of the State
of Texas.

And the committee have further instructed me to recommend
the passage of the Bill as amended.

The committee on Internal Improvements to whom was re-
ferred a Bill for the Relief of the Galveston, Houston and
Henderson Railroad Company, and in amendment of the act
of incorporation thereof and of the acts amending the same;
and in addition thereto, have had the same under considera-
tion, and have instructed me to report the following substitute
for section 2nd, and to recommend its adoption and the pas-
sage of the Bill.

Substitute for section 2. That if said Galveston, Houston
and Henderson Railroad Company, shall from and after said
1st day of November 1858, build, construct and finish, so that
the same is in good running order, so much of their road every
year, as is now or may hereafter be required, under and by the
provisions of the act of the Legislature of the State of Texas,
passed January 30th, 1854, and entitled "An act to encourage
the construction of Railroads in Texas by donations of land," or
as hereafter may be required under the provisions of any
amendment that may hereafter be made to said act, then said
company shall be entitled to receive from the State sixteen
sections of land a mile, therefore, under the provisions of
said act of January 30th, 1854, until said act be repealed or expire by limitation.

Mr. Pirkey, Chairman of the committee on Public Lands,
to whom was referred a Bill to Legalize transcripts of Records
of Field Notes in the Surveyors Office of Fayette County:
Reported the same back and recommended its passage.
Mr. Wigfall, Chairman of the committee on State Affairs, made the following report:

The committee on State Affairs have considered a Bill for the relief of William B. Fowler; also the petition of William T. Scott and others praying that James N. Scott, a minor, be permitted to act and contract for himself; also the petition of William P. Wyatt, a minor, may be allowed to act and contract for himself; and also the petition of George B. McKinstry, and his Mother, Mrs. Ann C. Harrison, praying that the said George B. McKinstry, a minor be allowed to act and contract for himself, and find that the object of the Bill, and the prayer of the petitions is to remove the disability of minority, from said Wm. B. Fowler, James N. Scott, Wm. P. Wyatt, and George B. McKinstry, and to authorize them severally to act and contract for themselves. The committee also find that the Legislation sought by the bill and petitions, has been recommended by either the Guardians or relatives and friends of each of said minors, and from the evidence produced the committee believe that there will be no impropriety in granting the relief sought. A majority of the committee therefore direct me to report the accompanying bill as a substitute for the bill referred, and to cover the cases presented by said petitions, and recommend the adoption of the substitute and the passage of the bill.

A Bill to remove the disabilities of minority from Jas. N. Scott, Wm. P. Wyatt, Wm. B. Fowler and George B. McKinstry, and declare them severally of lawful age; read 1st time.

Mr. Paschal, offered the following resolution:

Resolved, That so much of the Governor’s Message as relates to a Convention for the purpose of amending our State Constitution be referred to the committee on State Affairs; and so much of it as relates to a State University, to the same committee; adopted.

Mr. Guinn, offered the following resolution:

Resolved, By the Senate, the House concurring, that the two Houses will go into the election of a Commissioner of Claims, on Wednesday next, at 11 o’clock, A. M.

On motion of Mr. Potter, the resolution was laid on the table until to-morrow.

Mr. Burroughs introduced a Bill to amend the 33d section of an Act entitled an Act, to regulate proceedings in the County Court, pertaining to Estates of deceased persons, passed
March 20th, 1848. Read first and second times, and referred to the committee on the Judiciary.

Mr. Erath introduced a bill supplemental to and amendatory of an Act to incorporate the town of Waco; read first and second times and referred to the committee on the Judiciary.

Mr. McCulloch offered the following resolution:

Resolved, The House concurring, that a joint committee be appointed consisting of two members of the Senate and three members of the House, whose duty it shall be to report a Bill for the protection of stock raisers; adopted.

Mr. Russell offered the following resolution:

Resolved, That the Judiciary committee be requested to inquire into the necessity and expediency of amending the 3d section of an Act prescribing the manner of entering land certificates or scrip, and to prohibit the lifting and floating the same; adopted.

Mr. McCulloch introduced a Joint Resolution requesting our Representatives and instructing our Senators in the United States Congress to call upon the United States Government to refund the money heretofore paid out by the State of Texas for the defense of her frontier, since annexation; read first and second times, and referred to the committee on Public Debt.

On motion of Mr. Taylor, of Fannin, the Senate took a recess of five minutes preparatory to going into the Hall of Representatives, for the purpose of electing United States Senators.

At the expiration of the time the Senate was called to order, and on motion of Mr. Potter proceeded to the Representative Hall.

IN JOINT SESSION.

Roll called—quorum present. The Speaker having announced that the two Houses had convened in joint session for the purpose of electing two United States Senators, and that nominations were in order for a Senator to fill the unexpired term of the seat vacated by the death of the late Thos. J. Rusk, Mr. Thitt, on the part of the Senate, nominated J. Pickney Henderson.

There being no other nomination, Mr. Henderson received the votes of the following Senators:

Messrs. Britton, Burroughs; Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey, Potter, Russell, Scarborough,

On the part of the House, Mr. Henderson received 79 votes, and Geo. W. Smythe received 3 votes.

Mr. Henderson having received a majority of all the votes cast was declared by the Speaker of the House, duly and constitutionally elected Senator in the United States Congress to fill the vacancy occasioned by the death of Gen. Thomas J. Rusk.

The two Houses next proceeded to the election of a Senator in the United States Congress, for the term of six years from and after the 4th of March A. D. 1859.

Nominations being in order, Mr. Potter, on the part of the Senate, nominated John Hemphill. There being no other nomination, the following Senators voted for Mr. Hemphill Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin Maverick, Paschal, Pirkey, Potter, Russell, Scarborough Stockdale, Throckmorton, Truit, Walker and Wigfall—28—unanimous.

On the part of the House, Mr. Hemphill received 32 votes—unanimous.

Mr. Hemphill having received the unanimous vote of both Houses, was declared by the Speaker, duly and constitutionally elected a Senator in the Congress of the United States for the term of six years, from and after March 4th 1859.

The Senate then returned to its chamber.

ORDERS OF THE DAY.

A bill to amend an Act for the relief of Arthur G. Wavil was read a 3rd time, and on motion of Mr. Burroughs, laid on the table.

The report of the committee on Counties and County Boundaries, on a bill to locate permanently the seat of Justice in Tarrant county, offering an amendment thereto, was read, and on motion of Mr. Taylor of Fannin, made the special order for the 20th inst., by the following vote:


On motion of Mr. Herbert, the report of the committee on Public Lands, on a bill to legalize transcripts of records of field notes, in the Surveyor's office of Fayette county, recommending the passage of the same, was taken up, bill read 2nd time, and passed to a 3rd reading.

On motion of Mr. Herbert, the rule was suspended, bill read a 3rd time and passed.

Mr. Potter presented the petition or memorial of A. B. Smith and others, relative to the affairs of Galveston, Houston and Henderson Railroad company, which was read and laid on the table.

On motion of Mr. Potter, the rule was suspended and the report of the committee on Internal Improvements, on a bill for the relief of the Galveston, Houston, and Henderson Railroad company, and in amendment of the act of incorporation of the same, and of the acts amending the same, and in addition thereto, offering an amendment thereto, was taken up, read and the amendment adopted.

On motion of Mr. Potter, the bill was amended by adding to section 3, "and that said company shall hereafter be liable and bound in all respects for all debts incurred and contracts heretofore made by it, in the same manner, and with the same effect as it was previous to the 1st day of November 1857." The bill was then ordered to be engrossed.

Mr. Grimes presented the papers in the contested election of the Senator from Harris county; referred to the committee on Privileges and Elections.

On motion of Mr. Guinn, the Senate adjourned until tomorrow morning at 9 o'clock.

Tuesday, Nov. 10th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor of Houston, presented the petition of John Wortham; referred to the committee on public lands.

Mr. Graham, presented the memorial of C. H. Kennedy, and 197 others, relative to the abolition of the practice of employing chaplains by the Legislature; referred to the committee on State Affairs.

Mr. Britton, Chairman of the committee on the Militia, reported a bill to provide for the payment of three companies
of minute men commanded by Captains Jno. W. Sansom, Jno.
D. Davenport, and Reason W. Black, back to the Senate and
recommended its passage.

Mr. Taylor of Cass, Chairman of the committee on Public
Debt, made the following report:

The committee on Public Debt have considered a joint resolu-
tion instructing our Senators and requesting our Representatives
in the United States Congress to call upon the United States
Government to refund the money heretofore paid out by the
State of Texas for the defence of her frontier; and have in-
structed me to report the accompanying amendments and
recommend the adoption of the amendments and passage of
the joint resolution.

First amendment; amend the caption by striking out
the word "annexation" and inserting the 28th day of
February, 1855.

2nd amendment; amend by inserting after the word "front-
tier" since 28th day of February, 1855.

Mr. Fall, from the committee on Engrossed Bills, reported
a bill for the relief of the Galveston, Houston and Henderson
Railroad company, and in amendment of the act of incorpora-
tion thereof, and of the acts amending the same and in addition
thereto, correctly engrossed.

Mr. Pirkey, from the committee on the Judiciary made the
following report.

The committee on the Judiciary have had under considera-
tion the petition of the court and bar of the 8th Judicial Dis-
trict to change the time of holding courts therein, and have
instructed me to report the accompanying bill and recommend
its passage.

A bill to amend the second section of an act to re-organize
the 8th Judicial District, and define the time of holding courts
therein; read first time.

Mr. Caldwell Chairman of the committee on Indian Affairs
made the following report:

The committee on Indian Affairs to which was referred a
Bill to set aside four leagues of land of the public domain, for In-
dian purposes, have had the same under consideration, and
find that provision has already been made by a Bill, approved
February 4th, 1856, wherein five leagues of land has been set
aside for the same uses and purposes sought for in this Act.
They therefore recommend that the act referred to be indefi-
nitely laid on the table.
Mr. Potter, Chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered a resolution instructing the committee to enquire into the expediency of repealing or amending an act to ascertain legal claims for lands or money against the State, and to report by Bill or otherwise; and have also considered the special message of the Governor of the 6th instant, in relation to the act referred to in said resolution; and a majority of the committee instruct me to report: That the committee have not yet had sufficient time to report fully upon the questions referred, but have come to the conclusion that it would be advisable to go into the election of a Commissioner of Claims to fill the vacancy which will occur in said office, on and after to-morrow. The committee are of the opinion that under the provisions of the said act creating the Court of Claims, the officer thus elected will hold the office until 1st day of January, 1858, only, as the election will be to fill the vacancy in said office, occasioned by the resignation of Jas. C. Wilson, Esq., whose term of office, under the provisions of the law, would have expired on the 1st day of January, 1858. Having reported thus far, the committee ask time to report further upon the subject referred.

A message was received from the House, informing the Senate that the House had passed a Joint Resolution, originating in the Senate, instructing our Senators and requesting our Representatives in the Congress of the United States, to use their endeavors in procuring a regiment of Texas mounted volunteers, to be raised for the protection of the Western frontier of Texas.

Mr. Taylor, of Cass, introduced a Bill to change the time of the biennial meeting of the Legislature of the State of Texas; read first and second times and referred to the committee on State Affairs.

Mr. Throckmorton introduced a Bill to create the county of Montague; read first and second times and referred to the committee on Counties and County Boundaries.

Mr. Paschal introduced a Bill supplemental to an Act, entitled an Act to perfect land titles in Castro’s Colony, approved February 22d, 1850; read first and second times and referred to the committee on Public Lands.

Mr. Britton was excused from attendance on the Senate on account of sickness.
ORDERS OF THE DAY.

The resolution of Mr. Guinn, to go into the election of a Commissioner of Claims on Wednesday the 11th inst., at 10 o'clock, with the concurrence of the House, being the, special order for to-day, was taken up and read.

Mr. McCulloch offered the following amendment, to come in at the end of the resolution:

And that the present incumbent be authorized to discharge the duties of the office until his successor be qualified. Rejected.

On motion of Mr. Guinn, the resolution was amended, by striking out "Wednesday the 11th inst., at 10 o'clock, A. M."
and inserting to-day at 12 o'clock, M., in lieu thereof.

On motion of Mr. Potter, the resolution was amended by adding—"to wit: up to Jan'y 1st, 1858."

On motion of Mr. Stockdale, the resolution was further amended by inserting after 12 o'clock M. "to fill the vacancy occasioned by the resignation of Jas. C. Wilson, Esq." The resolution was then adopted.

The report of the committee on Internal Improvements, on a bill supplemental to, and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved Sept. 5th, 1850, and the several supplemental and amendatory acts concerning said Railroad, offering amendments thereto, was taken up, read and the amendments adopted.

Mr. Paschal offered the following amendment, to come in after Sec. 8, as an additional section, and to be numbered accordingly.

That the capital stock of said company for the present, shall not exceed one million of dollars, which may be increased from time to time, by consent of two-thirds of the stockholders in amount so as not to exceed $2,500,000—adopted. The bill was then ordered to be engrossed.

On motion of Mr. Paschal, the rule was suspended, bill read a 3d. time and passed by the following vote:


Nay—Mr. McCulloch—1.

A bill to remove the disabilities of minority from Jas. N. Scott, Wm. B. Wyatt, Wm. B. Fowler, and George B. McKinstry, and to declare them severally of lawful age, reported
by the committee on State Affairs, was read a 2nd. time and
ordered to be engrossed.

On motion of Mr. Pirkey, the rule was suspended—bill read
a 3rd. time and passed.

A House bill to locate permanently the seat of justice of
Angelina county, was read 1st. and 2nd. times, and referred to
the committee on Counties and County Boundaries.

A bill for the relief of the Galveston, Houston and Henderson
R. R. Company, and in amendment of the act of incorpora-
tion thereof, and of the acts amending the same, and in addi-
tion thereto, was read a 3rd time and passed by the following
vote:

YEA—Messrs. Caldwell, Falls, Graham, Grimes, Guinn,
Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey,
Potter, Russell, Scarborough, Shepard, Stockdale, Taylor of
Cass, Taylor of Fannin, Taylor of Houston, Thruckmorton,
Truit, Walker—23.

NAY—Mr. Herbert—1.

A message was received from the House, informing the Sen-
ate, that the House had concurred in the Senate's resolution
to go into the election of a Commissioner of Claims to-day at
12 o'clock, M., and that the House had passed a bill, originat-
ing in that body, authorizing the Clerk of the county court
of Dallas county to transcribe certain records therein named.

Mr. Taylor, of Houston, Chairman of the committee on En-
rolled Bills, reported a bill to legalize surveys made in Karnes
land district, correctly enrolled, properly signed, and this day
presented to the Governor.

On motion of Mr. Guinn, the Senate took a recess of half an
hour.

At the expiration of the time, the Senate was called to or-
der, and proceeded to the Hall of the House of Representa-
tives.

IN JOINT SESSION.

Roll called, quorum present.

The Speaker of the House, having announced that the two
Houses had met in joint session for the purpose of electing a
Commissioner of Claims, and nominations being in order,

Mr. Erath, on the part of the Senate, nominated Mr. Jas. O.
Illingsworth.

There being no other nomination, the following Senators vo-
ted for Mr. Illingsworth:

Messrs. Caldwell, Erath, Fall, Graham, Grimes, Guinn,

On the part of the House, Mr. Illingsworth received 76 votes and blank received 4 votes.

Mr. Illingsworth having received a majority of all the votes cast, was declared duly and constitutionally elected Commissioner of Claims until January 1st, 1858.

The Senate then returned to its own chamber, and on motion of Mr. Paschal, adjourned until to-morrow morning at 11 o'clock.

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Austin, Nov., 11th, 1857.

The Senate met pursuant to adjournment—prayer by the chaplain—roll called quorum present.

The journal of yesterday was read and adopted.

Mr. Lott, presented the petition of Jacob Long; referred to the Committee on Claims and Accounts.

Mr. Russell, Chairman of Committee on Engrossed Bills, reported a 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; and a bill to remove the disabilities of minority from James N. Scott, Wm. P. Wyatt, Wm. B. Fowler and Geo. B. McKinstry, and to declare them severally of lawful age, correctly engrossed.

Mr. Pirkey, Chairman of the Committee on Public Lands, made the following reports:

The Committee on Public Lands have had under consideration a bill to define the Northern Boundary line of the Mississippi and Pacific Railroad Reservation, and have instructed me to return the same to the Senate and recommend its passage.

The Committee on Public Lands to which was referred the memorial of many citizens of the Mississippi and Pacific Railroad Reserve, have considered the same together with a bill for their relief. Your committee have been satisfied that in consequence of a failure of crops for two successive years in a large portion of the district of country occupied by meme-
rialists, it has become impracticable for a large number of them to comply with the provisions of the above mentioned act; their means having been exhausted in purchasing supplies for their families.

Your committee, however, are of the opinion that the lands should not be given to them, but as the State does not need the purchase money for said lands, your committee think there can be no impropriety in extending the time for payment, and have therefore instructed me to report the accompanying bill as a substitute, and recommend the adoption of the substitute and the passage of the bill.

Mr. Taylor of Houston, Chairman of Committee on Enrolled Bills, reported, a joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use their endeavors in procuring a regiment of Texas Mounted Volunteers, to be raised for the protection of the Western frontier of Texas, correctly enrolled, properly signed and this day presented to the Governor.

A message was received from the House informing the Senate that the House had appointed Messrs. Buckley, Evans, Shannon, Hall and Bee, a committee on the part of the House, on the memorial of certain citizens from San Saba, and other counties, complaining of Indian depredations, and asking the appointment of a committee on the part of the Senate to act in conjunction with said committee.

Mr. Potter, Chairman of the Judiciary Committee, made the following reports:

The Committee on the Judiciary have considered a bill to be entitled an act amending the 33rd section of an act entitled an act to regulate proceedings in the County Courts pertaining to the estates of deceased persons, and direct me to return the bill to the Senate with an amendment, and recommend the adoption of the amendment and the passage of the bill.

Amendment, strike out all after the word, administrator in the 17th line, of the 1st section, and insert, it shall, in addition to other requirements, be conditioned that the executor or administrator, as the case may be, has, from the time of his appointment, well and truly performed all the duties required of him, under said appointment, and shall thereafter continue so to do, and upon the approval of such bond by the Chief Justice, the liability of the principal and sureties upon the same shall relate back to the time of the granting of the
letters of administration or executorship, and shall be as effectual in every respect to bind said principal and sureties as if the same had been given at the time of the grant of the letters of administration or executorships.

The Committee on the Judiciary have considered a bill to incorporate the Casino Association of San Antonio, and a majority of the committee instruct me to report the bill back to the Senate, finding no objection to its provisions, and recommend its passage.

Mr. Britton, Chairman of the Select Committee, to which was referred the petition of C. H. Nimmon, made the following report:

The Select Committee to which was referred the petition of C. H. Nimmon, have examined the same and herewith report a bill and recommend its passage:

A bill to allow C. H. Nimmon to adopt two illegitimate children; read first time.

Mr. Pirkey, introduced a bill to prescribe the mode of advertising public sales of land and slaves; read first and second times; and referred to the Committee on the Judiciary.

Mr. Caldwell, introduced a bill to amend an act entitled an act to prescribe the mode of trying titles to land, approved February 5th, 1840; read first and second times and referred to the Committee on the Judiciary.

By leave, Mr. Paschal, presented the petition of some of the Officers and Privates of the 1st Regiment of Infantry, in the Regular army of the Republic of Texas; referred to the Committee on Claims and Accounts.

On motion of Mr. Scarborough, the message from the House relative to the appointment of a committee on the part of the Senate to act in conjunction with Messrs. Buckley, Evans, Shannon, Hall and Bee the committee appointed by the House, on the memorial regarding Indian depredations, was taken up

Mr. Scarborough, moved the appointment of a committee of three on the part of the Senate, to act in conjunction with said committee; carried.

Messrs. Scarborough, Hyde and Erath were appointed the committee.

On motion of Mr. Walker, Mr. Guinn, was added to the Committee on Counties and County Boundaries.

Mr. Wigfall, Chairman of the Committee on State Affairs, made the following report:
The Committee on State Affairs, to whom was referred the memorial of C. H. Kennard and others, asking the Legislature, of the State of Texas, to abolish the practice of employing Chaplains by the Legislature, and enclosing a memorial, which they desire to be presented by the said Legislature to the Senate and House of Representatives of the United States, instruct me to make the report which follows:

The memorialists assert that the employment of Chaplains by the Legislature, is a serious violation of their rights of conscience and of the principles of civil equality and freedom, and a violation of the 3rd and 4th, sections of the 1st Article of the State Constitution. We do not consider the article quoted, as having any reference whatever to the office under consideration; and even if it had no religious test, in the meaning of the State Constitution, is required as a qualification for the office. The language of the Constitution is borrowed from that of our Federal Government. All the proceedings of the convention of our forefathers, who formed that Constitution, were commenced with daily prayer by a Chaplain; and every Congress of the United States, which has met since the adoption of that instrument, has elected Chaplains for both of its Houses. In observing this decent and time-honored usage of the founders of our free and prosperous Government, we do not consider that this Legislature is following an unconstititional example, or one violative of the rights of freemen. No law compels us to elect a Chaplain, or to listen to his prayers; but in electing one to aid us in the invocation of the blessings of the great Ruler of Nations upon our Legislation, we exercise voluntarily a natural and indefeasible right to worship God, according to the dictates of our own consciences, which we are unwilling to alienate, and which, we hope our constituents cheerfully accord to us. In the memorial which this honorable body are requested to present to the Congress of the United States, it is asserted that the practice of employing Chaplains in the Senate and House of Representatives, and in the Army and Navy of our Republic, is an usurpation of the reserved rights of the States respectively, or of the people; a violation of the 1st amendment of the Constitution, which forbids Legislation for establishing religion, a practice tending to the Union of Church and State, and an unnecessary expense to the Government of nearly $250,000 annually.

We think that the memorialists in all these particulars have placed a construction upon all the clauses of the Consti-
tution quoted, entirely novel, and such as was never thought of by its framers, or the most rigid or latitudinous interpreters of its meaning. Chaplains were employed in the Congress of the Colonies, before the Revolution, by the Convention which adopted the Constitution of the Confederacy, and that of the United States, and no Congress since our Government was formed has every deliberated without first listening to their prayers. They were employed in the army which achieved our Independence, as they ever have been by that which is now in the field and in fort; and by our Navy on every sea, ready to maintain that Independence, in the name of the God whose divine aid they invoke. While Chaplains are selected from no particular Church, we cannot see that any particular Church is attempted to be established or even favored by their selection; they are chosen, not to teach religion to the Legislature, or Congress, but to pray that God may aid our public servants with his own wisdom.

Whether this is useless or necessary, is only a matter of difference of opinion between your memorialists, and your honorable body, our National Congress and our Forefathers.

As it regards the unnecessary expense of $250,000 incurred by the Government by the employment of Chaplains for the army and navy, of which the memorialists complain, we think that they have not made themselves thoroughly acquainted with the duty of these officers as it is prescribed by law. At all of our posts there are usually a number of children belonging to the officers and soldiers who have to be instructed.

Hundreds of these children born and reared in the army of our Country, are situated on our frontiers, and in the midst of our wildernesses, where they could not be educated if our Government did not humanely provide them with the means of instruction. An important part of the duty of our army Chaplains is to teach these children; and it is difficult to conjecture how the Government could have it done more cheaply. Most men like to be decently buried with some religious ceremonies, rather than to go to the dust like dogs. The Government has thought it best to appoint ministers to gratify this natural wish of those who fight our battles. The duties they are required to perform on the sea are similar to those they have to discharge on the land.

In their appointment the wishes of the army and navy are usually consulted. We do not believe that any soldier or seaman should be forced to perform religious duty; although
it is right to punish, by law, any one who disturbs the worship of others maliciously. We are unacquainted with the circumstances under which private Duggan, was punished; but as the punishment he received was inflicted by a Court Martial, whose proceedings were approved by the Government, we suspect that all the particulars of that case have not been fully made known to the memorialists.

After respectfully and carefully examining all the reasons assigned by the memorialists, we cannot conscientiously recommend to your honorable body, the action they request.

Our Government has long existed and prospered gloriously, under the protection of the God of our fathers, and we are unwilling to do any act which would argue that we no longer feel the need of his enlightening wisdom and omnipotent support to aid us in our councils, and in our perils on the land and sea; and so far from thinking that the practice of employing Chaplains is unconstitutional, unjust, and oppressive, we believe it to be a pious, national usage observed by the Revolutionary heroes and Statesmen, who were the servants of the God who made us free; a practice older than our Constitution and laws; and a humane and devout observance which ought to be perpetrated through all the ages of our national existence.

ORDERS OF THE DAY.

A House bill authorizing the Clerk of the County Court of Dallas County to transcribe certain records therein named; read 1st and 2nd times and referred to the Committee on Counties and County Boundaries.

The report of the Committee on Indian Affairs on a bill to set aside four leagues of land for Indian purposes, recommending that the same be laid upon the table indefinitely, was taken up read, and adopted.

A bill to amend the 2nd, section, of an act to reorganize the 8th Judicial District and define the time of holding courts therein; reported by the Committee on the Judiciary; was read 2nd time and ordered to be engrossed.

The report of the Committee on Public Debt on a Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to call upon the Government of the United States, to refund the money heretofore paid out by the State of Texas for the defence of her frontier since annexation, offering amendments thereto, was taken up, read and the amendments adopted.
On motion of Mr. McCulloch, the Joint Resolution was further amended by striking out before one hundred thousand, and after the word appropriated, the word "over" and inserting in lieu thereof the word "nearly."
The Joint Resolution was then ordered to be engrossed.
On motion of Mr. McCulloch, the rule was suspended, Joint Resolution read a 3rd time and passed.
The report of the Committee on the Militia, on a bill to provide for the payment of three companies of minute men commanded by Captains John W. Sansom, Jno. D. Davenport and Reading W. Black, recommending the passage of the same, was taken up, read and ordered to be engrossed.
On motion of Mr. Scarborough, the Senate adjourned until to-morrow morning at 10 o'clock.

Austin, Nov., 12th, 1857.
The Senate met pursuant to adjournment—prayer by the Chaplain—roll called, quorum present.
The Journal of yesterday was read and adopted.
Mr. Stockdale presented the petition of the Jackson County Agricultural Club, asking a Geological survey of the State; referred to the Committee on State Affairs.
Mr. Paschal presented the petition of Samuel McCulloch; referred to the Committee on Counties and County Boundaries.
Mr. Russell, Chairman of the Committee on Engrossed Bills, reported a bill to amend the 2nd section of an act to reorganize the 8th, Judicial District, and define the time of holding Courts therein; a bill to provide for the payment of three companies of minute men, commanded by Captains Jno. W. Sansom, Jno. D. Davenport, and Reason W. Black, and a joint resolution instructing our Senators and requesting our Representatives in Congress, to call upon the Government of the United States to refund the money heretofore paid out by the State of Texas, for the protection of her frontier, since the 28th day of February, 1855, correctly engrossed.
Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports:
The Judiciary Committee have considered a bill amendatory of an act to incorporate the European and American Coloniza-
tion Society in Texas, and a majority of the committee direct me to return the same to the Senate and recommend its passage.

The Judiciary Committee have considered a bill to be entitled an act requiring all property hereafter sold under execution, or forced sale, to bring two-thirds of its appraised value. The object of the bill is to re-enact the provisions of the 1st and 2nd sections of the act of December 22nd, 1840, entitled an act to repeal and amend certain parts or portions of an act entitled an act concerning executions, (Hart. Dig. Arts. 1312, and 1313,) and of the 17th section, of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27th, 1842, (Hart. Dig. Art. 1340,) which provisions were repealed by the act of January, 3rd, 1842, (Hart. Dig. Art. 1348.) The caption of the proposed act clearly expresses its object, and is intended to operate upon contracts heretofore made, as well as upon such as may hereafter be made; and a majority of the committee are of the opinion that in so far as it is attempted to be made to operate upon contracts heretofore made, it is clearly within the prohibition of that clause of the 10th section, of the 1st article of the Constitution of the United States, which provides, 'That, no State shall pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts.' We think argument unnecessary to show that the proposed act would, in its effects, impair the obligation of contracts heretofore made, and therefore be unconstitutional, as the question has been adjudicated by the highest Judicial tribunals in the Union; see Brownson, vs. Kenzie, 1st Howards U. S. Reps.; 311, also, Blair vs. Williams, 4th Sittell Rep. 35; Lapsley vs. Brashear 4th do. 47th; McKinney vs. Carroll, 5th Munroe Rep. 98; Stephens, adm'rs. vs. Burnett, 7th, do. 50. That the act would be constitutional in its operation upon contracts hereafter to be made we do not question, as the contracts would be made with a view to the law and would be governed by it, but we understand the friends of the bill do not wish it to pass unless it will effect existing contracts, and in addition to this we much doubt if such legislation is dictated by sound policy, at any time a majority of the committee therefore instruct me to return the bill to the Senate and recommend its rejection.

Mr. McCulloch, Chairman of the Committee on Counties and County Boundaries, to which was referred a bill to authorize the Clerk of the County Court of Dallas County, to
transcribe certain records therein named, reported the same back to the Senate and recommended its passage.

Mr. Pirkey Chairman of the Committee on Public Lands, made the following reports:

The Committee on Public Lands, to which was referred a bill to repeal the 4th section of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, have considered the same, and a majority of the Committee instruct me to report the bill back to the Senate and recommend its passage.

The Committee on Public Lands have had under consideration, a bill to authorize the sale of the Public Domain, and a majority of the Committee have instructed me to report the bill back to the Senate, with the following amendments and recommend the adoption of the amendments and the passage of the bill.

Amendments, strike out "320" where it occurs in the 1st and 2nd sections, and insert "160" and add to the 1st section, "not being set apart, nor held in reservation," also add to the 2nd section, "and it shall be the duty of the party having a certificate so applied, to file with the District Surveyor of the District in which the land is located, within six months of the date of the survey, a certificate of the Commissioner of the General Land Office, that the application of a certificate (which shall be described by number and date) has been made, and upon his failure to do so, said land shall become vacant and subject to re-location.

Mr. Scarborough, from the Joint Committee to take into consideration the late Indian depredations on the San Saba and elsewhere, reported a Joint Resolution authorizing the Governor to call into the service of the State 100 mounted Volunteers, which was read 1st time.

On motion of Mr. Scarborough, the rule was suspended, and the Joint Resolution read a second time.

On motion of Mr. Grimes, it was referred to the Committee on Indian Affairs,

Mr. Paschal, Chairman of the Committee on Internal Improvements to which was referred a bill for the benefit of the creditors of Railroad Companies and to protect the interest of the State therein, reported:

That, the Committee had had the same under consideration, and instructed him to report the accompanying substitute for so much of said original bill as is therein contained; the
committee believe the objects of the bill will be better attained by having them incorporated in two or three distinct acts, than to have them all embraced in one. They moreover, think the subject matter of the substitute, now offered is germain to the general law regulating Railroad Companies; hence they believe that the same should be added to and amendatory of that law. They therefore recommend the passage of the substitute now offered, and beg leave to report further in reference to the other matters embraced in the bill referred to.

Mr. Taylor of Houston, Chairman of the Committee on Enrolled bills, reported a bill to legalize transcripts of records of field notes in the surveyor's office of Fayette County, correctly enrolled, properly signed, and this day presented to the Governor.

A message was received from the House informing the Senate, that the House had appointed Messrs. McKinney of Travis, Kinney and Hart, a committee on the part of the House to act in conjunction with the committee appointed by the Senate to take into consideration the propriety of reporting a bill for the protection of stock raisers.

Mr. Maverick, by leave, presented the petition of Luciano Navarro; referred to the Committee on Claims and Accounts.

Mr. Guinn, offered the following resolution:
Resolved, That the Committee on State Affairs be requested to take into consideration the propriety of establishing a medical board of censors in this State and report by bill or otherwise; adopted.

Mr. Martin offered the following resolution:
Resolved, That the Committee on the Judiciary be requested to take into consideration the passage of a law re-organizing the Judicial Districts, and providing for the alternation of Judges throughout the State; adopted.

Mr. Lott, offered the following resolution:
Resolved, That the Committee on the Judiciary be respectfully requested to take into consideration the propriety of providing by law, compensation to witnesses, clerks and other officers, for their fees of office in certain criminal prosecutions wherein the State is a party; adopted.

On motion of Mr. Britton, a Committee was appointed to act in conjunction with the Committee appointed by the House to take into consideration the propriety of passing a law for the protection of stock raisers.
Messrs. McCulloch and Britton were appointed the committee.

A message was received from the House informing the Senate that the House had passed a bill originating in that body, to change the time of holding the County Courts of Upshur County, sitting as a Commissioner's Court.

Mr. Taylor of Cass introduced a bill for the relief of John Barton; read 1st time.

On motion of Mr. Taylor, of Cass, the rule was suspended bill read a 2nd time, and ordered to be engrossed.

On motion of Mr. Taylor of Cass, the rule was further suspended; bill read a 3rd time and passed.

Mr. Russell, Chairman of the Committee on Engrossed bills reported a bill for the relief of John Barton, correctly Engrossed.

Mr. Maverick, introduced a bill for the relief of F. L. Paschal; read 1st and 2nd times and referred to the Committee on Private Land Claims.

Mr. Potter, introduced a bill making an appropriation to pay for the State copies of the 16th and 17th volumes of Texas Reports; read 1st and 2nd times and referred to the Committee on Finance.

Mr. Hyde introduced a bill to change the time of holding courts in the 11th Judicial District; read 1st and 2nd times, and referred to the Committee on the Judiciary.

Mr. Pirkey introduced a bill for the relief of the three companies mustered into the service of the Republic of Texas from the Counties of Bowie, Red River and Lamar, and the Judicial County of Paschal, under the provisions of an act for the protection of the Western and South-western frontier, and for other purposes, passed January 16th, 1843; read 1st and 2nd times, and referred to the committee on Public Debt.

Mr. Guinn introduced a bill for the relief of certain settlers in the Mississippi and Pacific Railroad Reservation, who settled prior to the 21st day of December, 1853, and failed to have their land surveyed in eight months; read 1st and 2nd times, and referred to the Committee on Public Lands.

Mr. Herbert, introduced a bill to incorporate the Columbus and Rio Grande Railroad Company; read 1st and 2nd times, and referred to the Committee on Internal Improvements.

Mr. Fall introduced a bill to amend the 4th section of an act entitled an act, providing for the support of Schools;
read 1st and 2nd times, and referred to the Committee on Education.

ORDERS OF THE DAY.

A joint resolution instructing our Senators, and requesting our Representatives, in the Congress of the United States, to call upon the United States Government to refund the money heretofore paid out by the State of Texas, for the defence of her frontier, since the 28th day of February, 1855; read 3rd time and passed.

A House bill to change the time of holding the County Court of Upshur County, sitting as a Commissioner's Court; read 1st time.

On motion of Mr. Russell the rule was suspended; bill read a 2nd time, and passed to a 3rd reading.

On motion of Mr. Russell the rule was further suspended; bill read a 3rd time and passed.

A bill to amend the 2nd section of an act, entitled an act to reorganize the 8th Judicial District, and define the time of holding courts therein; read, and on motion of Mr. Wigfall, referred to the Committee on the Judiciary.

A bill to define more positively the Northern boundary line of the Mississippi and Pacific Railroad Reservation; read and ordered to be engrossed.

By leave, Mr. Lott introduced a bill for the relief of Benj. F. Ellis; read 1st time.

On motion of Mr. Lott, the rule was suspended, bill read a 2nd time and ordered to be engrossed.

On motion of Mr. Lott the rule was further suspended; bill read a 3rd time and passed.

A bill to allow C. H. Nimmon, to adopt two illegitimate children; read a 2nd time and ordered to be engrossed.

Mr. Paschal was excused from the Committee on Counties and County Boundaries.

On motion of Mr. Paschal, Mr. Maverick was added to the Committee on Counties and County Boundaries.

On motion of Mr. Grimes, Mr. McCulloch was added to the Committee on Indian Affairs.

On motion of Mr. Paschal, Mr. Throckmorton was added to the Committee on the Judiciary.

The report of the Committee on the Judiciary on a bill amending the 33rd section of an act entitled an act to regulate the proceedings in the County Courts, pertaining to the estates
of deceased persons, passed March 20th, 1848, offering an
amendment thereto, was read, amendment adopted and bill
ordered to be engrossed.

The report of the Committee on State Affairs, on the memo-
rial of C. H. Kennard and others, relative to the abolition of
the practice of employing Chaplains by the Government, re-
commending that the same be rejected, was read and adopted.

A bill to provide for the payment of three companies of
minute men commanded by Captains Jno. W. Sansom, Jno.
D. Davenport and Reason W. Black; read a 3rd time and
passed.

A bill to incorporate the Casino Association of San Antonio;
read and ordered to be engrossed.

On motion of Mr. Taylor of Houston, the Senate adjourned
until to-morrow morning at 10 o'clock.

FRIDAY, Nov. 13, 1857.

The Senate met pursuant to adjournment—Prayer by the
Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Caldwell presented the petition of Geo. W. Glasscock;
referred to the committee on Public Lands.

Mr. Pitney presented the petition of Geo. Brindled's execu-
tor; referred to the committee on Private Land Claims.

Mr. Wigfall presented the petition of the Board of Trust-
ees of the Marshall University; referred to the committee on
Education.

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

A bill to definitely define the Northern boundary line of the
Mississippi and Pacific Railroad Reserve;

A bill for the relief of Benj. F. Ellis;

A bill to amend the thirty-third section of an act regulat-
ing the proceedings in the County Courts pertaining to the
estates of deceased persons, passed March 20th, 1848;

A bill to allow C. H. Nimmon to adopt two illegitimate
children; and

A bill to incorporate the Casino Association of San An-
tonio.
Mr. Grimes chairman of the committee on Finance, made
the following reports:

The committee on Finance, to which was referred so much
of the Governor's Message as relates to taxation, in accordance
with the suggestions of the Governor, report a bill to change
and provide for a uniform time for terminating the fiscal year
of the several offices of the State Government; which was
read a first time.

The committee on Finance, to which was referred a bill
making an appropriation of fifteen thousand dollars to defray
the contingent expenses of the seventh Legislature, have ex-
amined the same, and report the bill back to the Senate with
an amendment, and recommend the adoption of the amend-
ment and passage of the bill.

AMENDMENT.

In first section, sixth line, after "Legislature," add:

"Provided, that no monies shall be drawn from the Trea-
sury under the provisions of this act, unless the claim shall
first have been examined and approved by the committee on
Printing and Contingent Expenses of the house for whose use
the claim was contracted"

The Finance committee have examined a bill making an
appropriation to pay for the State copies of the 16th and 17th
volumes of the Texas Reports, and recommend its passage.

Mr. Wigfall, chairman of the committee on State Affairs,
made the following report:

The committee on State Affairs, to which was referred that
part of the Governor's Message in relation to the establish-
ment of a State University, have had the same under consid-
eration, and instruct me to report the accompanying bill and
recommend its passage.

Your committee deem it unnecessary to comment upon the
necessity or advantages of such an institution. The universal
experience of all civilized nations has demonstrated the
necessity of institutions where the higher branches of scholas-
tic education may be taught, and the advantages of having
such an institution within the limits of our State, where our
youth may be taught at home, are too obvious to require com-
ment. The measure has frequently been recommended to the
Legislature, and it is believed no definitive action has been
heretofore had because of the embarrassment of our Public
Debt. That being now happily adjusted, and the condition of
the public treasury fully warranting the measure, this is deemed
an auspicious period to provide for the endowment of a State University.

Your committee have forborne the expression of an opinion as to the place at which such an institution should be located. They have no doubt the wisdom of the Legislature will be directed to a suitable site. It is not a matter of so much importance as to where the University should be situated, as that we should receive the advantages of such an institution.

A bill to set apart and appropriate a fund for the establishment and endowment of a State University; read first time.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports:

The committee on the Judiciary have considered a bill to change the time of holding the spring terms of the District Courts in the 11th Judicial District, and direct me to return the same to the Senate, with amendments, and recommend the adoption of the amendments, and the passage of the bill:

AMENDMENTS.

1st. In the caption strike out the word "Spring."

2d. In first section strike out all after the enacting clause, and insert as follows:

"That the District Courts of the 11th Judicial District shall commence in the county of El Paso, on the first Mondays in March and September, in each year, and may continue in session until the business is disposed of."

3d. Insert the following as section 2d:

"Sec. 2d. That all process which has been, or may hereafter be issued, and made returnable to the District Court of said county of El Paso, shall be, and is hereby made returnable to said Court, at the periods of its sessions as specified in this act, and that all recognizances and bonds entered into by any person, or persons, in said Court, with reference to the periods of its sessions, under the laws heretofore in force, shall be, and the same are hereby made obligatory upon the parties with reference to the terms of said Court as fixed by this act."

4th. Make section 2 of the bill section 3, and section 3 section 4.

The committee on the Judiciary have considered a resolution, requesting the committee to inquire into the expediency of amending the third section of an act prescribing the manner of entering land certificates and scrip, and to prohibit the
lifting and floating the same, and find the section in question to be as follows, to-wit:

"That whenever an entry is made by virtue of a genuine certificate, upon any land which appears to be appropriated, deeded, or patented, by the books of the proper surveyor's office, or records of the County Court, or General Land Office, the party making such an entry shall abide by the same; and in the event that judgment final shall be rendered against the right of the party making such entry to hold such land, he shall not have the right to lift or re-enter said certificate; but the same shall be forfeited, and so declared to be by the judgment of the Court. Provided, that nothing in this act shall be so construed as to affect entries on locations heretofore made."

A majority of the committee are of the opinion that the provisions of this section are salutary, and should be continued in force, and therefore direct me to return the resolution to the Senate, and ask to be discharged from the further consideration of the same.

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

A 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, originating in the Senate; and

A bill originating in the House, authorizing the Governor to raise and muster into the service of the State one hundred mounted men.

On motion of Mr. McCulloch, a House bill, authorizing the Governor to raise and muster into the service of the State one hundred mounted men, was taken up and read first time.

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

Mr. McCulloch offered "a bill authorizing the Governor to raise and muster into the service of the State mounted men for the protection of our western frontier," as a substitute; adopted.

The bill was then ordered to be engrossed.

On motion of Mr. McCulloch, the rule was further suspended, bill read a third time and passed.
Mr. Guinn offered the following resolution:

Resolved, by the Senate, the House concurring, that a committee of three be appointed on the part of the Senate, to act in conjunction with a committee on the part of the House, whose duty it shall be to investigate all land or money claims, recommended or referred on their merits, to the Legislature, by the Court of Claims, and report by bill or otherwise. Adopted.

Messrs. Guinn, Stockdale and Throckmorton were appointed the committee on the part of the Senate.

Mr. Caldwell offered the following resolution:

Resolved, That the committee on State Affairs be instructed to inquire into the propriety of changing the time of the meeting of the Legislature from November to June, and the General election day from August to April, and report the result of their deliberations to the Senate. Adopted.

Mr. Herbert offered the following resolution:

Resolved, That a committee of three be raised on the part of the Senate, to act in conjunction with a like committee on the part of the House, to enquire into the necessity of furnishing means to the counties that have failed to make crops for the last two seasons, and report by bill or otherwise.— Adopted.

Messrs. Herbert, Taylor of Cass, and McCulloch, were appointed said committee on the part of the Senate.

Mr. Britton introduced a bill to incorporate the Western Artesian Well Company; read first and second times and referred to the committee on Internal Improvements.

Mr. Lott introduced a bill for the relief of Andrew Mayson; read first and second times and referred to the committee on Private Land Claims.

Mr. McCulloch introduced a bill for the relief of L. S. Hargous, H. R. W. Hill, G. B. Lamar, and Samuel Swartwout; read first and second times and referred to the committee on Public Debt.

Mr. Throckmorton introduced a bill to create the county of Clay; Read first and second times and referred to the committee on Counties and County Boundaries.

Mr. Pirkey introduced a bill for the relief of Mathias Ward; read first and second times and referred to the committee on Private Land Claims.
A message was received from the Governor transmitting the following communication:

EXECUTIVE OFFICE,  
30th Nov., 1857.

Gentlemen of the Senate, and  
House of Representatives:

Information has been received at this office, that a train of carts, from San Antonio to the coast, driven by Mexicans, and under the charge of Mr. Wm. Pyron, an American, encamped on the night of the 20th inst., on Yates creek. The next morning, while the Mexicans were getting up their oxen, they were assaulted and fired upon by a party of armed men, and two of them were killed.

No blame whatever attaches to Captain Nelson, or the company under his command, as Mr. Pyron did not apply to them for an escort. It is understood that he preferred to go without an escort, in consequence of assurances of safety that had been given him by parties in Karnes and Goliad counties; he having previously made a trip without molestation.

After this misfortune, Mr. Pyron returned to the Cibolo, where Captain Nelson's Company were encamped, and applied for and received an escort for his train.

It is painful to record such acts of violence, and a subject of deep mortification that the law places no means in my power to prevent them. Such outrages cannot occur and pass unpunished in a country where the officers and the mass of the people entertain a proper respect for the laws; and it becomes a matter for your consideration, whether the citizens of a county that permit such acts to be done with impunity, should not be compelled to pay a heavy pecuniary penalty—this would, without doubt, arouse them to the necessity of preserving the public peace.

It is now very evident that there is no security for the lives of citizens of Mexican origin engaged in the business of transportation, along the road from San Antonio to the Gulf, unless they are escorted by a military force.

The term of service of the militia now employed, will expire on the 8th of December, and unless some direction is received from the Legislature, to continue their services, I shall feel it my duty to discharge them on that day.

It will require an appropriation of about fourteen thou-
sand and five hundred dollars, to pay the services of the company and for their subsistence and forage.

E. M. PEASE.

On motion of Mr. Paschal the message was referred to the committee on State Affairs, and the committee to which it should be referred in the House, were requested to act in conjunction with said committee, in the consideration of the subject matter of the message.

On motion of Mr. Paschal one thousand copies of the message were ordered to be printed.

ORDERS OF THE DAY.

The Report of the committee on Public Lands, on a bill supplemental to and amendatory of an act entitled an act to provide for the location, sale and settlement of the Mississippi and Pacific Railroad Reservation, passed August 26th 1856, offering a substitute therefor, was taken up and the substitute adopted.

Mr. Walker offered the following amendment:

In 7th line strike out fifty and insert forty, and strike out five in the 21st line, and also in the 25th line.

Mr. Taylor of Fannin offered a bill to be entitled an act supplemental to an act to authorize the location sale and settlement of the Mississippi and Pacific Railroad reserve, as a substitute for the bill and amendment.

Mr. Wigfall moved the re-commitment of the bill, amendment and proposed substitute to the committee on Public Lands—lost.

On motion of Mr. Potter, the substitute offered by Mr. Taylor of Fannin, and the amendment offered by Mr. Walker, were laid on the table.

Mr. Potter offered the following amendment, "strike out January in the 19th line, and insert October," strike out all after the word "sum" in the 21st line of the 1st section, and insert "of fifty cents per acre for the amount of their surveys, with interest thereon from the first day of January, 1858, and should any person fail to pay for his or her lands by said first day of October, 1859, the same shall be subject to relocation as other public domain belonging to the State."

Mr. Guinn moved to amend by striking out all relating to interest in the amendment, carried by the following vote:


On motion of Mr. Taylor of Cass, the amendment offered by Mr. Potter was laid on the table.

On motion of Mr. Taylor of Cass, the substitute offered by Mr. Taylor of Fannin was taken from the table.

Mr. Burroughs moved the indefinite postponement of the substitute—lost by the following vote:


Mr. Burroughs offered the following amendment, "Provided that the settlers in that part of the reserve lying east of the Colorado river, shall not be required to pay anything for 160 acres of land."

On motion of Mr. Taylor of Fannin laid on the table by the following vote:


Mr. Throckmorton offered the following amendment:
Provided, that should any settler not be able to pay for his land by the time herein specified, and should any other party locate upon his selection, in such event the settler shall have pay for his improvements, to be determined by two disinterested freeholders of the county in which he may reside, one arbitrator to be selected by each party, and when so selected if they cannot agree upon the value of such improvements then the said arbitrators may call in the third individual to decide the difference; and when the valuation of the improvements is so determined, the party locating the land shall pay to the settler such valuation, otherwise his location shall be void.
On motion of Mr. Guinn, laid on the table by the following vote:—

On motion of Mr. Walker, the bill was amended by striking out section 24, and inserting in lieu thereof:
Sec. 2, that said settlers shall not be compelled to return their field notes to the General Land Office until the 1st day of April 1858, and that this act shall take effect from and after its passage.

The bill was then ordered to be engrossed.

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

On motion of Mr. Taylor of Cass, the Senate adjourned until to-morrow morning at 10 o'clock.

Saturday, November 14, 1857.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Walker presented the memorial of the citizens of Palo Pinto county; read and referred to the committee on Public Lands.

Mr. Britton presented the memorial of the citizens of Live Oak county; read and referred to the committee on Judiciary.

Mr. Taylor, of Houston, Chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed and presented to the Governor:

"A bill to change the time of holding the County Courts of Upshur county, sitting as a Commissioners' Court."

"A 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 15th, 1850, and the several supplemental and amendatory acts concerning said Railroad."
Mr. Russell Chairman of the committee on Engrossed Bills reported:

"A bill supplemental to An Act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve," and

A Joint Resolution authorizing the Governor to raise and muster into the service of the State mounted men for the protection of our frontier; correctly engrossed.

Mr. Caldwell, Chairman of the committee on Indian Affairs, made the following report:

The committee on Indian Affairs to which was referred a Joint Resolution authorizing the Governor to raise and muster into the service of the State 100 mounted men, have had the same under consideration, and report that the Senate have already passed a bill, which, in the opinion of the committee, will more effectually extend the protection sought in the Joint Resolution; they therefore recommend that the Joint Resolution be laid on the table and that the committee be discharged from the further consideration thereof.

Mr. Maverick presented the petition of James and Michael Magee, referred to the committee on Claims and Accounts.

Mr. Taylor, of Cass, introduced a Joint Resolution, requesting Hon. Sam Houston to resign his seat in the Senate of the United States; read 1st and 2d times and referred to the committee on State Affairs.

Mr. Throckmorton introduced a bill making an appropriation for the payment of a portion of the Public Debt of the late Republic of Texas; read 1st and 2d times and referred to the committee on Public Debt.

ORDERS OF THE DAY.

The report of the committee on Public Lands on a bill to provide for the sale of the public domain, offering amendments thereto, was read, and on motion of Mr. Taylor, of Cass, made the special order for Wednesday next, the 18th inst., and 100 copies ordered to be printed.

A bill amendatory of An Act entitled An Act to incorporate the European and American Colonization Society in Texas; read 2d time and ordered to be engrossed.

The report of the committee on the Judiciary, on a bill requiring all property hereafter sold to bring two thirds of its appraised value recommending that the same be rejected, was read and adopted.
A bill to repeal the 4th Section of An Act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve was read, and on motion of Mr. Taylor, of Cass, laid on the table.

A House bill authorizing the Clerk of the County Court of Dallas county, to transcribe certain records therein named, was read 2d time and passed to a 3d reading.

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

A bill to incorporate the Casino Association, of San Antonio, read a 3d time and passed by the following vote:


Nays—None.

A bill to definitely define the Northern boundary line of the Mississippi and Pacific Railroad Reserve, read 3d time.

Mr. Throckmorton offered the following amendment to come in at the end of Section 2:

"Provided, That nothing in this Act shall be so construed as to prevent the patenting of scrip heretofore issued by authority of the Act entitled an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, which may have been, or may hereafter be located North of the boundary line, as herein proposed, and South of the line as recognized by the General Land Office; adopted."

The bill was then passed.

A bill amending the 33d Section of an act entitled an act to regulate the proceedings in the County Courts pertaining to the estates of deceased persons, passed March 29th, 1848; read a third time and passed.

A bill to allow C. H. Nimmon to adopt two illegitimate children; read a 3d time and passed.

A House bill making an appropriation of $15,000, to defray the contingent expenses of the 7th Legislature, with the report of the committee on Finance offering an amendment thereto, was read, amendment adopted, and passed to a 3d reading.

On motion of Mr. Guinn the rule was suspended; bill read a third time and passed.
The report of the committee on the Judiciary, on "a Resolution instructing the committee to inquire into the expediency of repealing the 3d Section of an act prescribing the manner of entering Land Certificates or Scrip, and to prohibit the lifting or floating of the same," asking to be discharged from the further consideration of the same, was read and adopted.

The report of the committee on the Judiciary on a bill to change the time of holding courts in the 11th Judicial District, offering amendments thereto, was read, amendments adopted and bill ordered to be engrossed.

On motion of Mr. McCulloch the rule was suspended; bill read a third time and passed.

A bill to set apart and appropriate a fund for the establishment and endowment of a State University; read a 2d time, and on motion of Mr. Throckmorton, made the special order for the 1st Monday in December, and one hundred copies ordered to be printed for the use of the Senate.

A bill making an appropriation to pay for the State Copies of the 16th and 17th vols. of Texas Reports; read 2nd time and ordered to be engrossed.

A bill to provide for a uniform time for terminating the fiscal year of the several officers of the State Government; read 2d time and ordered to be engrossed.

A bill supplemental to and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853; read 2d time.

On motion of Mr. Lott, the bill was made the special order for Thursday next the 19th inst., and one hundred copies ordered to be printed.

On motion of Mr. Truitt, the Senate adjourned until Monday morning at 10 o'clock.

Monday, Nov. 16, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

A message was received from the House informing the Senate that the House had passed the Senate's substitute for the Joint Resolution of the House authorizing the Governor to
raise and muster into the service of the State 100 mounted men for the protection of our frontier.

Mr. Paschal presented the petition of J. T. Russell; referred to the committee on Private Land Claims.

Mr. Erath presented the petition of Eli Hart; referred to the committee on Claims and Accounts.

Mr. Stockdale presented the memorial of certain citizens of Lavaca county, relating to the payment of costs in criminal cases; referred to the committee on the Judiciary.

Mr. Russell, Chairman of the committee on Engrossed bills reported:

A bill to definitely define the northern boundary line of the Mississippi and Pacific Railroad Reserve.

A bill amendatory of an act entitled an act to incorporate the European and American Colonization Society in Texas, correctly engrossed.

Mr. Martin, Chairman of the committee on Private Land Claims, made the following reports:

The committee on Private Land Claims have considered a bill for the relief of Mathias Ward, and instruct me to report the same to the Senate with an amendment and recommend the adoption of the amendment and the passage of the bill.

Amend by adding, “and provided further that said patent issue to Matthias Ward as assignee upon his filing an authenticated chain of transfer from said Wilson, otherwise a patent to issue in the name of the grantee of the certificate.”

The committee on Private Land Claims have considered a bill for the relief of Eli H. Page, and instruct me, unanimously to return the same to the Senate, and recommend its passage.

And have also considered the petition of the executor of Geo. Brinlee, deceased, and in accordance with the prayer of said petition, report the accompanying bill and recommend its passage.

A bill for the relief of the heirs of George Brinlee, read 1st time.

Mr. Potter introduced a bill to repeal a portion of the tenth section of the act of February 10, 1852, entitled an act relating to lands in Peters’ colony, read first and second times and referred to the committee on the Judiciary.

Mr. Quinan introduced a bill to exempt certain property from execution or forced sale; read first and second times and referred to the committee on State Affairs.

Mr. Taylor of Cass introduced a bill to prevent hunting by
fire light; read first and second times and referred to the committee on State Affairs.

And a bill to release the right of the State to mines and minerals; read first and second times and referred to the committee on State Affairs.

ORDERS OF THE DAY.

The report of the committee on Indian Affairs, on a bill to authorize the Governor to raise and muster into the service of the State one hundred mounted men, recommending that the same be laid on the table, was read and adopted.

A bill to amend an act entitled an act to incorporate the European and American Colonization Society in Texas, was read a third time and passed by the following vote:


On motion of Mr. Taylor of Cass, the Senate adjourned until 10 o'clock, to-morrow.

TUESDAY, NOV. 17th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Pirkey, Chairman of the committee on Public Lands, made the following reports:

The committee on Public Lands have considered a bill supplemental to an act to perfect land titles in Castro's colony, approved January 22d, 1850, and a majority of the committee think the memorialist Castro, entitled to relief, and have instructed me to report a substitute for the original bill, and recommend the adoption of the substitute and the passage of the bill.

The committee on Public Lands, to whom was referred the petition of George W. Glasscock, have examined the same, and believing that Mandyred Wood, under whom memorialist claims was entitled to one third of a league instead of one-fourth of a league, a majority of the committee have instructed me to report the accompanying bill and recommend its passage.
A bill for the relief of Mandred Wood or his assignees; read first time.

Mr. Taylor of Houston, Chairman of the committee on enrolled bills reported:

A Joint Resolution, authorizing the Governor to raise and muster into the service of the State mounted men for the protection of our frontier, and

A bill to authorize the Clerk of the County Court of Dallas county, to transcribe certain records herein named, and find the same correctly enrolled, properly signed, and presented to the Governor.

Mr. Martin, Chairman of the committee on Private Land Claims; to which was referred the petition of Samuel McCulloch, reported that the committee had examined the evidence and found ample proof that he emigrated to Texas prior to the Declaration of Independence, and actually participated in our struggle, and married within one year after his emigration, and therefore the committee think him entitled to one league and labor of land, and had therefore instructed him to report the accompanying bill and recommend its passage.

A bill for the relief of Samuel McCulloch; read first time.

Mr. McCulloch, chairman of the Committee on Counties and County Boundaries, made the following reports:

The committee on Counties and County Boundaries, have considered a bill to create the county of Clay, and instruct me to report the same back to the Senate and recommend its passage.

The committee on Counties and County Boundaries, to which was referred a bill to create the county of Montague, have considered the same and instruct me to report, that the territory sought to be set apart for the county of Montague is immediately south of Red River and north of the county of Wise, is a fertile region upon which many persons are now settled, and others moving to, almost every day. That the wants of that section demand the creation of this county, and that it contains the constitutional area of nine hundred square miles. The committee therefore recommend the passage of the bill with the following amendments:

1st. Amend 1st, by striking out the 6th section.

2nd. by inserting the following as a substitute for section 1st.

Section 1. Be it enacted by the Legislature of the State of Texas, that the territory included within the following limits
to wit: beginning six miles west of the north west corner of Denton county, thence west with the north line of Wise and Jack counties, to a point four miles west of the north east corner of Jack county, thence due north to Red River, thence down Red River with its meanders to a point due north of the place of beginning, thence south to the beginning, be, and the same is hereby constituted into a new county to be known by the name of the county of Montague.

Mr. Russell, Chairman of the committee on Engrossed bills reported:

A bill making an appropriation to pay for the State copies of the 16th and 17th vols. of Texas Reports.

A bill to change the time of holding courts in the 11th Judicial District, and

A bill to change and provide for a uniform time for terminating the fiscal year, of the several offices of the State Government, correctly engrossed.

Mr. Potter chairman of the committee on the Judiciary, made the following report:

The Judiciary Committee have considered a bill to repeal a portion of the 10th section of the act of February 10th, 1852 entitled an act relating to lands in Peter's colony, and find the object of the bill to be, to repeal so much of the tenth section of said act, as authorizes the county courts of the various counties in Peters' Colony to issue headright certificates to persons as colonists of said Peters' Colony. It will be seen by reference to the Governor's Message, that some time in the early part of the present year, information was received at the Executive office, that many of the county courts within said colony were issuing land certificates upon illegal evidence, and to persons not entitled to them, and that under the authority of the provisions of the 14th section of the act of August 1st 1856, entitled an act to ascertain the legal claims for lands or money against the State, the Governor immediately appointed Commissioners to examine the records of said Courts, with directions to report the result of their examinations to the Governor. These Commissioners have made the examinations required in the counties of Grayson, Cooke and Collin, and report that certificates to the amount of 127,680 acres have been issued by the Courts in the three counties named. The most of which the Commissioners think were illegally issued to persons not entitled to them, from facts brought to the notice of the committee, it is quite evident that the courts have taken an improper view of
the law under which they were acting, and the committee think that the liability to make such errors in future should be removed, by withdrawing from the county courts all power to act in the premises. The committee therefore instruct me to report the bill back to the Senate and recommend its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to which was referred the petition of the administrator of Eli Hart have considered the same, and instruct me to report the accompanying bill for relief and recommend its passage. The facts appear to be, that at the time of the death of the said Eli Hart, he was possessed of a certificate of public debt for the amount of $642 77. That in one of the great fires of the city of New York this certificate was destroyed. That the amount still appears to his credit on the books of the Comptroller of the State. The petitioner wants a duplicate certificate for the above named sum of $642 77, so that he can present the same to the Treasury Department of the United States, as the time of presenting such claims will be barred after January 1st 1858, all of which is respectfully considered.

A bill for the relief of Eli Hart's heirs; read first time.

Mr. Maverick from the committee on Claims and Accounts made the following report:

The committee on Claims and Accounts to which was referred the petition of Luciano Navarro, have carefully examined the account and vouchers accompanying the same, and find that much the larger portion of said claim consists of that class of injuries denominated spoliation, or the inevitable waste and ruin of war, in which so many of our pioneer citizens have been made to suffer, and in a manner broken up. These losses of houses, lands, stocks and moveable property, by fire and sword, and the indiscriminate act of the enemy and of the army of the State, were in general so very extensive, and yet so difficult to be classified, and equitably arranged, that the republic long since determined to reject all idea of allowing any remuneration to the parties making such claims, though the losses were necessarily unequal, yet it was enough to know that almost every citizen who had anything to be wasted was more or less injured by a war, the object and effect of which was the ultimate good of all.

In the case of petitioner your committee were pleased to discover a few items, which, without violating the fixed and
unalterable policy of the State, in regard to the spoliation of war, could be recommended to your favorable consideration, as being clearly not spoliation, but food, supplies, and necessary subsistence for the army, taken on an interesting occasion in the hurry of the storming of Bexar, at the head quarters of the detachment under Col. Frank Johnson, and in the Verinenda House in San Antonio, where the leader, Col. Milam was killed on December 7th, 1835.

These items in the account are well sustained by the testimony of living witnesses, as well as that of several worthy men now deceased, and your committee are clearly of the opinion that the State is in honor bound to pay them. Wherefore the undersigned is instructed to report the accompanying bill and recommend its passage. But the committee have charged me also to couple with the grant the requirement that the petitioner shall sign a full acquittance and release to the State, for and on account of said claim.

A bill for the relief of Luciano Navarro read first time.

Mr. Throckmorton introduced a bill to increase the special school fund; read first and second times and referred to the committee on education.

Mr. Stockdale introduced a bill for the relief of Helena Eglinger; read first and second times and referred to the committee on Private Land Claims.

Mr. Guinn introduced a bill to amend an act granting land to emigrants, approved 4th January, 1841; read first and second times and referred to the committee on Public Lands.

Mr. Russell introduced a bill to repeal the eight section of an act entitled an act to provide for the assessment and collection of taxes, approved February 11th, 1850; read first and second times, and referred to the committee on Finance.

Mr. Taylor of Houston introduced a bill to amend the 1st section of an act to change the 6th and 9th Judicial Districts of the State of Texas, and to define the time of holding courts therein; read first and second times and referred to the committee on the Judiciary.

Mr. Truitt introduced a bill to secure the right of redemption in lands sold under execution; read first and second times and referred the Judiciary committee.

Mr. Hyde introduced a bill to continue in force an act making provision for running and marking the boundary line between Texas and the territory of the United States; read first
and second times, and referred to the committee on State Affairs.

Mr. Herbert introduced a bill to permit free persons of African descent to select their own masters and become slaves; read first and second times, and

On motion of Mr. Herbert referred to a select committee of five.

Messrs. Herbert, Caldwell, Quinan, Taylor of Fannin, and Lott were appointed the committee.

Mr. Grimes offered the following resolution:

Resolved, That the committee on State Affairs be requested to take into consideration the utility of requiring assessors and collectors of taxes to take the statistics of the principal products and manufactories of their respective counties; and if deemed necessary that the committee provide in the bill providing for taking the census in accordance with the requirements of the Constitution, in order to an apportionment of representation in the State Legislature; adopted.

ORDERS OF THE DAY.

The report of the committee on Private Land Claims, on a bill for the relief of Mathias Ward, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

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

A bill for the relief of the heirs of George Brinlee, read.

On motion of Mr. Grimes, the bill was amended by striking out "Commissioner of Claims," and inserting "Commissioner of the General Office."

The bill was then ordered to be engrossed.

A bill for the relief of Eli H. Page; read and ordered to be engrossed.

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

A bill making an appropriation to pay for the State copies of the 16th and 17 vols. of Texas Reports; read a third time and passed.

A bill to change and provide a uniform time for terminating the fiscal year of the several offices of the State Government; read third time.

On motion of Mr. Potter the bill was amended by striking out "ten copies" of the Comptroller's Report, and inserting "fifty copies" in lieu thereof; the bill was then passed.
On motion of Mr. Throckmorton, a bill to amend an act for the relief of Arthur G. Wavil, was taken from the table and read a third time.

On motion of Mr. Caldwell the 1st section of the bill was amended by inserting after the word "contract." Provided the number does not exceed one hundred and twenty.

The bill was then passed by the following vote:


A message was received from the House informing the Senate that the House had appointed Messrs. Lee, Shannon, Wood and Everett, a committee on the part of the House to act in conjunction with the Senate's committee in the investigation of the report of the Commissioner of Claims.

On motion of Mr. Lott the Senate adjourned until to-morrow morning at ten o'clock.

Wednesday, November 18, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

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

A Senate bill for the relief of John Barton, with an amendment.

Also the following bills originating in the House:

A bill to release Wm. Wallace Gordon from minority; and

A bill to authorize and require all forced sales of real estate or Negroes, and sales of real estate or Negroes made by Executors and Administrators in the county of Travis; to be made on Congress Avenue at the South-East corner of Block No. seventy.

And also that the House had appointed Messrs. Waelder, Barnard, Clow, Hall and Crawford a Special committee to act in conjunction with the committee on the part of the Senate, to take into consideration the Message of the Governor, relating to the depredations of certain lawless persons
upon citizens of Mexican origin, engaged in transporting merchandize from Lavaca to San Antonio.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported
A bill for the relief of Eli H. Page.
A bill for the relief of Matthias Ward.
A bill for the relief of the heirs of George Brinlee, and
A bill to amend an act for the relief of Arthur G. Wavil; correctly engrossed.

Mr. Paschal, Chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements to which was referred a bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, have considered the same and instruct me to report the same back to the Senate, and recommend its passage with the following amendments:

Amend the 1st Section by striking out all after the name of “C. Ballard” and before the name of Geo. W. Smith” 4th line, and inserting “R. M. Tevis, Wm. Herbert, A. M. Campbell, James Vance, Thomas J. Pilgrim, E. B. Nichols,” and

Amend 2nd Section by adding after “Rio Grande” in the last line, “at a point not more than five miles below Eagle Pass, nor more than forty miles above the same.”

Amend 5th Section by adding after “from” in 18th line in lieu of “non election, resignation, death.”

Amend, by adopting the following as a substitute for Section 12:

That if said Railway is not commenced within two years from the granting of this Charter, and at least twenty-five miles are not in running order within four years from the date of this Charter, and twenty-five miles additional road constructed each and every year thereafter, till the same reaches San Antonio, then this Charter shall be null and void; Provided however, that if said Railway shall form a connection with the San Antonio and Mexican Gulf Railroad East of San Antonio, said company shall only be required to construct the road thence to San Antonio, at such time as they may deem proper, and said Company shall construct twelve miles of said Railway each and every year after reaching San Antonio, or in default thereof, forfeit the right of constructing the road beyond and West of San Antonio under this Charter.
Amend Section 15, by striking out all after "general laws" in 2d line, and before regulating in the 4th line, and insert in lieu thereof, "heretofore or which may hereafter be passed by the Legislature of this State," and after "company," in the 5th line add, "provided said Railway shall not be entitled to the benefits of the act to provide for the investment of the Special School fund, appproved August 1856."

Amend Section 14, by inserting after the 1st word "that" the following:

"The capital stock of said Company for the present, shall not exceed one million of dollars; but which may be increased from time to time as the road advances, by consent of two thirds of the stock holders, in amount, so as not to exceed thirty thousand dollars per mile; Provided said Company shall not commence operations until two hundred thousand dollars of said stock shall have been subscribed, and of which, at least five per cent shall have been paid into the hands of the Commissioners," and

Amend Section 14 by adding after the last word "aforesaid" and the said Company shall be authorized to exact and receive for the transportation of freights or passengers over said road or any part thereof, the same rates and tolls as by law are allowed to be exacted and received by the Buffalo Bayou and Colorado Railroad Company, and under the same conditions and restrictions.

Mr. McCulloch, Chairman of the committee on Counties and County Boundaries, made the following report.

The committee on Counties and County Boundaries to which was referred a bill to create the county of Buchanan, have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its passage with the following amendment:

Amend, in 1st Section, strike out all after the words, "thence East," and insert, "to the West boundary of Palo Pinto county; thence with the West boundary line of said county to the beginning."

The committee on Counties and County Boundaries, to which was referred the petition of a portion of the citizens of the counties of Goliad, San Patricio and others, asking the creation of a new county, out of a portion of territory constituting those counties, have considered the same, and instruct me to report the accompanying bill, and recommend its passage.
A bill to create the county of Aransas, and attaching said county to the 14th Judicial District; read 1st time.

Mr. Herbert, Chairman of the Select committee, to which was referred a bill to permit free persons of African descent, to select their own masters and become slaves; reported the same back to the Senate and recommend its passage.

Mr. Paschal introduced a bill to secure a speedy trial to parties accused of criminal offences in certain cases; read 1st and 2d times and referred to the Judiciary committee.

Also a bill to declare which of the Judges elected, shall act as chief Justice of the Supreme Court; read 1st and 2d times and referred to the same committee.

Mr. Pirkey introduced a bill for the relief of Wilson W. Wooten, read 1st and 2d times and referred to the committee on the Judiciary.

Mr. Taylor, of Houston, introduced a bill to amend the 21st Section of an act to organize County Courts, approved March 16th, 1848; read 1st and 2d times and referred to the committee on the Judiciary.

ORDERS OF THE DAY.

On motion of Mr. Taylor, of Cass, a Senate’s bill for the relief of John Burton, which was passed by the House, with an amendment, was taken up, and the amendment concurred in by the Senate.

A bill to authorize the sale of the Public Domain, being the special order of the day was read.

On motion of Mr. Throckmorton, the Senate went into a committee of the Whole on the bill; Mr. Grimes in the Chair.

After a partial consideration of the bill, the committee rose and through the Chairman, reported progress, and asked leave to sit again.

On motion of Mr. Guinn, a bill for the relief of the legal representatives of Eli Hart, reported by the committee on Claims and Accounts; was read a 2d time and ordered to be engrossed.

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

A bill to create the county of Clay; read and ordered to be engrossed.

Mr. Taylor, of Houston, Chairman of the committee on Enrolled Bills, reported
A bill for the relief of John Barton, correctly enrolled, properly signed and presented to the Governor.

A bill to repeal a portion of the 10th Section of the act of February 10th, 1852, entitled an act, relating to lands in Peters' Colony; read 2d time.

On motion of Mr. Potter, the caption of the bill was amended by adding,

"And to prohibit patenting upon Certificates issued under the provisions of said Section of said act," and the bill amended by striking out all after the word "repealed," in the 9th line of the 1st Section, and inserting as follows, "and also so much of said Section of said act as authorizes locations and surveys to be made upon land Certificates issued by the County Court in said Peters' Colony, and the patenting of the same by the Commissioner of the General Land Office is hereby repealed, and the Commissioner of the General Land Office is hereby prohibited from patenting upon any surveys made upon land Certificates, issued under the provisions of said Sections of said act, since February 1st, 1855."

The bill was then ordered to be engrossed.

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

On motion of Mr. Taylor, of Fannin, the Senate adjourned, until to-morrow morning at 10 o'clock.

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THURSDAY, November 19, 1857.

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Truitt presented the petition of Geo. R. Rains; referred to the committee on Private Land Claims.

Mr. Fall, from the committee on Engrossed Bills, reported, a bill to create the county of Clay, and a bill for the relief of the legal Representatives of Eli Hart, deceased, correctly engrossed.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements to which was referred the bill to incorporate the Western Artesian Well Company, have had the same under consideration, and a ma-